

As Introduced

136th General Assembly

Regular Session

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S. B. No. 270

Senators Manning, Hicks-Hudson

To amend sections 2152.16, 2152.17, 2152.19,
2152.22, 2152.26, 5139.01, 5139.05, 5139.06,
5139.20, 5139.35, and 5139.51 of the Revised
Code to modify provisions relating to commitment
of delinquent children to the department of
youth services.

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

Section 1. That sections 2152.16, 2152.17, 2152.19,
2152.22, 2152.26, 5139.01, 5139.05, 5139.06, 5139.20, 5139.35,
and 5139.51 of the Revised Code be amended to read as follows:

Sec. 2152.16. (A) (1) If a child is adjudicated a
delinquent child for committing an act that would be a felony if
committed by an adult and if the act was committed by the
delinquent child when the child was fourteen years of age or
older, the juvenile court may commit the child to the legal
custody of the department of youth services for secure
confinement as follows:

(a) For an act that would be aggravated murder or murder
if committed by an adult, until the offender attains twenty-one
years of age;

(b) For a violation of section 2923.02 of the Revised Code

that involves an attempt to commit an act that would be 21
aggravated murder or murder if committed by an adult, a minimum 22
period of six to seven years as prescribed by the court and a 23
maximum period not to exceed the child's attainment of twenty- 24
one years of age; 25

(c) For a violation of section 2903.03, 2905.01, 2909.02, 26
or 2911.01 or division (A) of section 2903.04 of the Revised 27
Code or for a violation of any provision of section 2907.02 of 28
the Revised Code other than division (A) (1) (b) of that section 29
when the sexual conduct or insertion involved was consensual and 30
when the victim of the violation of division (A) (1) (b) of that 31
section was older than the delinquent child, was the same age as 32
the delinquent child, or was less than three years younger than 33
the delinquent child, for an indefinite term consisting of a 34
minimum period of one to three years, as prescribed by the 35
court, and a maximum period not to exceed the child's attainment 36
of twenty-one years of age; 37

(d) If the child is adjudicated a delinquent child for 38
committing an act that is not described in division (A) (1) (b) or 39
(c) of this section and that would be a felony of the first or 40
second degree if committed by an adult, for an indefinite term 41
consisting of a minimum period of one year and a maximum period 42
not to exceed the child's attainment of twenty-one years of 43
age; 44

(e) For committing an act that would be a felony of the 45
third, ~~fourth, or fifth~~ degree if committed by an adult ~~or for a~~ 46
~~violation of division (A) of section 2923.211 of the Revised~~ 47
~~Code,~~ for an indefinite term consisting of a minimum period of 48
six months and a maximum period not to exceed the child's 49
attainment of twenty-one years of age; 50

(f) Except as provided in division (A) (2) of this section, 51
for committing an act that would be a felony of the fourth or 52
fifth degree if committed by an adult or for a violation of 53
division (A) of section 2923.211 of the Revised Code, for an 54
indefinite term consisting of a minimum period of six months and 55
a maximum period not to exceed the child's attainment of twenty- 56
one years of age. 57

(2) A delinquent child shall not be admitted to a 58
department of youth services facility or committed to the legal 59
custody of the department of youth services if the child is 60
adjudicated a delinquent child for committing an act that would 61
be a felony of the fourth or fifth degree if committed by an 62
adult, unless the child is adjudicated a delinquent child for an 63
offense that would be a felony offense of violence if committed 64
by an adult, the child has previously been adjudicated a 65
delinquent child for committing an act that would be a felony if 66
committed by an adult, or the child is also adjudicated a 67
delinquent child for committing an act that would be a felony of 68
the first, second, or third degree. 69

(3) In each case in which a court makes a disposition 70
under this section, the court retains control over the 71
commitment for the minimum period specified by the court in 72
divisions (A) (1) (a) to ~~(e)~~ (f) of this section. During the 73
minimum period, the department of youth services shall not move 74
the child to a nonsecure setting without the permission of the 75
court that imposed the disposition. 76

(B) (1) Subject to division (B) (2) of this section, if a 77
delinquent child is committed to the department of youth 78
services under this section, the department may release the 79
child at any time after the minimum period specified by the 80

court in division (A) (1) of this section ends. 81

(2) A commitment under this section is subject to a 82
supervised release or to a discharge of the child from the 83
custody of the department for medical reasons pursuant to 84
section 5139.54 of the Revised Code, but, during the minimum 85
period specified by the court in division (A) (1) of this 86
section, the department shall obtain court approval of a 87
supervised release or discharge under that section. 88

(C) If a child is adjudicated a delinquent child, at the 89
dispositional hearing and prior to making any disposition 90
pursuant to this section, the court shall determine whether the 91
delinquent child previously has been adjudicated a delinquent 92
child for a violation of a law or ordinance. If the delinquent 93
child previously has been adjudicated a delinquent child for a 94
violation of a law or ordinance, the court, for purposes of 95
entering an order of disposition of the delinquent child under 96
this section, shall consider the previous delinquent child 97
adjudication as a conviction of a violation of the law or 98
ordinance in determining the degree of the offense the current 99
act would be had it been committed by an adult. This division 100
also shall apply in relation to the imposition of any financial 101
sanction under section 2152.19 of the Revised Code. 102

Sec. 2152.17. (A) ~~Subject to division (D) of this section,~~ 103
~~if~~ If a child is adjudicated a delinquent child for committing 104
an act, other than a violation of section 2923.12 of the Revised 105
Code, that would be a felony if committed by an adult, if the 106
act was committed by the delinquent child when the child was 107
fourteen years of age or older, and if the court determines 108
that, if the child was an adult, the child would be guilty of a 109
specification of the type set forth in section 2941.141, 110

2941.144, 2941.145, 2941.146, 2941.1412, 2941.1414, or 2941.1415 111
of the Revised Code, in addition to any commitment or other 112
disposition the court imposes for the underlying delinquent act, 113
all of the following apply: 114

(1) If the court determines that the child would be guilty 115
of a specification of the type set forth in section 2941.141, 116
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 117
the court may commit the child to the department of youth 118
services for ~~the specification for a definite period of up to~~ 119
~~one year.~~ 120

~~(2) If the court determines that the child would be guilty~~ 121
~~of a specification of the type set forth in section 2941.145 of~~ 122
~~the Revised Code or if the~~ delinquent act is a violation of 123
division (A) (1) or (2) of section 2903.06 of the Revised Code 124
and the court determines that the child would be guilty of a 125
specification of the type set forth in section 2941.1415 of the 126
Revised Code, the court shall commit the child to the department 127
of youth services for the specification for a definite period of 128
not less than one and not more than three years, and the court 129
also shall commit the child to the department for the underlying 130
delinquent act under sections 2152.11 to 2152.16 of the Revised 131
Code. 132

~~(3) If the court determines that the child would be guilty~~ 133
~~of a specification of the type set forth in section 2941.144,~~ 134
~~2941.146, or 2941.1412 of the Revised Code or if the~~ delinquent 135
act is a violation of division (A) (1) or (2) of section 2903.06 136
of the Revised Code and the court determines that the child 137
would be guilty of a specification of the type set forth in 138
section 2941.1414 of the Revised Code, the court shall commit 139
the child to the department of youth services for the 140

specification for a definite period of not less than one and not 141
more than five years, and the court also shall commit the child 142
to the department for the underlying delinquent act under 143
sections 2152.11 to 2152.16 of the Revised Code. 144

(B) (1) If a child is adjudicated a delinquent child for 145
committing an act, other than a violation of section 2923.12 of 146
the Revised Code, that would be a felony if committed by an 147
adult, if the act was committed by the delinquent child when the 148
child was fourteen years of age or older, if the court 149
determines that the child is complicit in another person's 150
conduct that is of such a nature that the other person would be 151
guilty of a specification of the type set forth in section 152
2941.141, 2941.144, 2941.145, or 2941.146 of the Revised Code if 153
the other person was an adult, if the other person's conduct 154
relates to the child's underlying delinquent act, and if the 155
child did not furnish, use, or dispose of any firearm that was 156
involved with the underlying delinquent act or with the other 157
person's specification-related conduct, in addition to any other 158
disposition the court imposes for the underlying delinquent act, 159
the court may commit the child to the department of youth 160
services for the specification for a definite period ~~of not more~~ 161
~~than one year, subject to division (D) (2) of this section.~~ 162

(2) Except as provided in division (B) (1) of this section, 163
division (A) of this section also applies to a child who is an 164
accomplice regarding a specification of the type set forth in 165
section 2941.1412, 2941.1414, or 2941.1415 of the Revised Code 166
to the same extent the specifications would apply to an adult 167
accomplice in a criminal proceeding. 168

(C) If a child is adjudicated a delinquent child for 169
committing an act that would be aggravated murder, murder, or a 170

first, second, or third degree felony offense of violence if 171
committed by an adult and if the court determines that, if the 172
child was an adult, the child would be guilty of a specification 173
of the type set forth in section 2941.142 of the Revised Code in 174
relation to the act for which the child was adjudicated a 175
delinquent child, the court shall commit the child for the 176
specification to the legal custody of the department of youth 177
services for institutionalization in a secure facility for a 178
definite period of not less than one and not more than three 179
years, subject to division (D) (2) of this section, and the court 180
also shall commit the child to the department for the underlying 181
delinquent act. 182

(D) (1) If the child is adjudicated a delinquent child for 183
committing an act that would be an offense of violence that is a 184
felony if committed by an adult and is committed to the legal 185
custody of the department of youth services pursuant to division 186
(A) (1) of section 2152.16 of the Revised Code and if the court 187
determines that the child, if the child was an adult, would be 188
guilty of a specification of the type set forth in section 189
2941.1411 of the Revised Code in relation to the act for which 190
the child was adjudicated a delinquent child, the court may 191
commit the child to the custody of the department of youth 192
services for institutionalization in a secure facility for up to 193
two years, subject to division (D) (2) of this section. 194

(2) A court that imposes a period of commitment under 195
division (A) of this section is not precluded from imposing an 196
additional period of commitment under division (C) or (D) (1) of 197
this section, a court that imposes a period of commitment under 198
division (C) of this section is not precluded from imposing an 199
additional period of commitment under division (A) or (D) (1) of 200
this section, and a court that imposes a period of commitment 201

under division (D) (1) of this section is not precluded from 202
imposing an additional period of commitment under division (A) 203
or (C) of this section. 204

~~(E)~~ (E) (1) The court shall not commit a child to the legal 205
custody of the department of youth services for a specification 206
pursuant to this section for a period that exceeds five years 207
for any one delinquent act. Any commitment imposed pursuant to 208
division (A) (2) or (3), (B), (C), or (D) (1) of this section 209
shall be in addition to, and shall be served consecutively with 210
and prior to, a period of commitment ordered under this chapter 211
for the underlying delinquent act, and each commitment imposed 212
pursuant to division (A) (2) or (3), (B), (C), or (D) (1) of this 213
section shall be in addition to, and shall be served 214
consecutively with, any other period of commitment imposed under 215
those divisions. If a commitment is imposed under division (A) 216
(2) or (3) or division (B) of this section and a commitment also 217
is imposed under division (C) of this section, the period 218
imposed under division (A) (2) or (3) or (B) of this section 219
shall be served prior to the period imposed under division (C) 220
of this section. 221

(2) In each case in which a court makes a disposition 222
under this section, the court retains control over the 223
commitment for the entire period of the commitment. 224

(3) The total of all the periods of commitment imposed for 225
any specification under this section and for the underlying 226
offense shall not exceed the child's attainment of twenty-one 227
years of age. 228

(F) If a child is adjudicated a delinquent child for 229
committing two or more acts that would be felonies if committed 230
by an adult and if the court entering the delinquent child 231

adjudication orders the commitment of the child for two or more 232
of those acts to the legal custody of the department of youth 233
services for institutionalization in a secure facility pursuant 234
to section 2152.13 or 2152.16 of the Revised Code, the court may 235
order that all of the periods of commitment imposed under those 236
sections for those acts be served consecutively in the legal 237
custody of the department of youth services, provided that those 238
periods of commitment shall be in addition to and commence 239
immediately following the expiration of a period of commitment 240
that the court imposes pursuant to division (A) (2) or (3), (B), 241
(C), or (D) (1) of this section. A court shall not commit a 242
delinquent child to the legal custody of the department of youth 243
services under this division for a period that exceeds the 244
child's attainment of twenty-one years of age. 245

Sec. 2152.19. (A) ~~If~~ Except as provided in section 2152.16 246
of the Revised Code, if a child is adjudicated a delinquent 247
child, the court may make any of the following orders of 248
disposition, in addition to any other disposition authorized or 249
required by this chapter: 250

(1) Any order that is authorized by section 2151.353 of 251
the Revised Code for the care and protection of an abused, 252
neglected, or dependent child; 253

(2) Commit the child to the temporary custody of any 254
school, camp, institution, or other facility operated for the 255
care of delinquent children by the county, by a district 256
organized under section 2152.41 or 2151.65 of the Revised Code, 257
or by a private agency or organization, within or without the 258
state, that is authorized and qualified to provide the care, 259
treatment, or placement required, including, but not limited to, 260
a school, camp, or facility operated under section 2151.65 of 261

the Revised Code; 262

(3) Place the child in a detention facility or district 263
detention facility operated under section 2152.41 of the Revised 264
Code, for up to ninety days; 265

(4) Place the child on community control under any 266
sanctions, services, and conditions that the court prescribes. 267
As a condition of community control in every case and in 268
addition to any other condition that it imposes upon the child, 269
the court shall require the child to abide by the law during the 270
period of community control. As referred to in this division, 271
community control includes, but is not limited to, the following 272
sanctions and conditions: 273

(a) A period of basic probation supervision in which the 274
child is required to maintain contact with a person appointed to 275
supervise the child in accordance with sanctions imposed by the 276
court; 277

(b) A period of intensive probation supervision in which 278
the child is required to maintain frequent contact with a person 279
appointed by the court to supervise the child while the child is 280
seeking or maintaining employment and participating in training, 281
education, and treatment programs as the order of disposition; 282

(c) A period of day reporting in which the child is 283
required each day to report to and leave a center or another 284
approved reporting location at specified times in order to 285
participate in work, education or training, treatment, and other 286
approved programs at the center or outside the center; 287

(d) A period of community service of up to five hundred 288
hours for an act that would be a felony or a misdemeanor of the 289
first degree if committed by an adult, up to two hundred hours 290

for an act that would be a misdemeanor of the second, third, or 291
fourth degree if committed by an adult, or up to thirty hours 292
for an act that would be a minor misdemeanor if committed by an 293
adult; 294

(e) A requirement that the child obtain a high school 295
diploma, a certificate of high school equivalence, vocational 296
training, or employment; 297

(f) A period of drug and alcohol use monitoring; 298

(g) A requirement of alcohol or drug assessment or 299
counseling, or a period in an alcohol or drug treatment program 300
with a level of security for the child as determined necessary 301
by the court; 302

(h) A period in which the court orders the child to 303
observe a curfew that may involve daytime or evening hours; 304

(i) A requirement that the child serve monitored time; 305

(j) A period of house arrest without electronic monitoring 306
or continuous alcohol monitoring; 307

(k) A period of electronic monitoring or continuous 308
alcohol monitoring without house arrest, or house arrest with 309
electronic monitoring or continuous alcohol monitoring or both 310
electronic monitoring and continuous alcohol monitoring, that 311
does not exceed the maximum sentence of imprisonment that could 312
be imposed upon an adult who commits the same act. 313

A period of house arrest with electronic monitoring or 314
continuous alcohol monitoring or both electronic monitoring and 315
continuous alcohol monitoring, imposed under this division shall 316
not extend beyond the child's twenty-first birthday. If a court 317
imposes a period of house arrest with electronic monitoring or 318

continuous alcohol monitoring or both electronic monitoring and 319
continuous alcohol monitoring, upon a child under this division, 320
it shall require the child: to remain in the child's home or 321
other specified premises for the entire period of house arrest 322
with electronic monitoring or continuous alcohol monitoring or 323
both except when the court permits the child to leave those 324
premises to go to school or to other specified premises. 325
Regarding electronic monitoring, the court also shall require 326
the child to be monitored by a central system that can determine 327
the child's location at designated times; to report periodically 328
to a person designated by the court; and to enter into a written 329
contract with the court agreeing to comply with all requirements 330
imposed by the court, agreeing to pay any fee imposed by the 331
court for the costs of the house arrest with electronic 332
monitoring, and agreeing to waive the right to receive credit 333
for any time served on house arrest with electronic monitoring 334
toward the period of any other dispositional order imposed upon 335
the child if the child violates any of the requirements of the 336
dispositional order of house arrest with electronic monitoring. 337
The court also may impose other reasonable requirements upon the 338
child. 339

Unless ordered by the court, a child shall not receive 340
credit for any time served on house arrest with electronic 341
monitoring or continuous alcohol monitoring or both toward any 342
other dispositional order imposed upon the child for the act for 343
which was imposed the dispositional order of house arrest with 344
electronic monitoring or continuous alcohol monitoring. As used 345
in this division and division (A) (4) (1) of this section, 346
"continuous alcohol monitoring" has the same meaning as in 347
section 2929.01 of the Revised Code. 348

(1) A suspension of the driver's license, probationary 349

driver's license, or temporary instruction permit issued to the 350
child for a period of time prescribed by the court, or a 351
suspension of the registration of all motor vehicles registered 352
in the name of the child for a period of time prescribed by the 353
court. A child whose license or permit is so suspended is 354
ineligible for issuance of a license or permit during the period 355
of suspension. At the end of the period of suspension, the child 356
shall not be reissued a license or permit until the child has 357
paid any applicable reinstatement fee and complied with all 358
requirements governing license reinstatement. 359

(5) Commit the child to the custody of the court; 360

(6) Require the child to not be absent without legitimate 361
excuse from the public school the child is supposed to attend 362
for thirty or more consecutive hours, forty-two or more hours in 363
one school month, or seventy-two or more hours in a school year; 364

(7) (a) If a child is adjudicated a delinquent child for 365
violating a court order regarding the child's prior adjudication 366
as an unruly child for being a habitual truant, do either or 367
both of the following: 368

(i) Require the child to participate in a truancy 369
prevention mediation program; 370

(ii) Make any order of disposition as authorized by this 371
section, except that the court shall not commit the child to a 372
facility described in division (A) (2) or (3) of this section 373
unless the court determines that the child violated a lawful 374
court order made pursuant to division (C) (1) (e) of section 375
2151.354 of the Revised Code or division (A) (6) of this section. 376

(b) If a child is adjudicated a delinquent child for 377
violating a court order regarding the child's prior adjudication 378

as an unruly child for being a habitual truant and the court 379
determines that the parent, guardian, or other person having 380
care of the child has failed to cause the child's attendance at 381
school in violation of section 3321.38 of the Revised Code, do 382
either or both of the following: 383

(i) Require the parent, guardian, or other person having 384
care of the child to participate in a truancy prevention 385
mediation program; 386

(ii) Require the parent, guardian, or other person having 387
care of the child to participate in any community service 388
program, preferably a community service program that requires 389
the involvement of the parent, guardian, or other person having 390
care of the child in the school attended by the child. 391

(8) Make any further disposition that the court finds 392
proper, except that the child shall not be placed in a state 393
correctional institution, a county, multicounty, or municipal 394
jail or workhouse, or another place in which an adult convicted 395
of a crime, under arrest, or charged with a crime is held. 396

(B) If a child is adjudicated a delinquent child, in 397
addition to any order of disposition made under division (A) of 398
this section, the court, in the following situations and for the 399
specified periods of time, shall suspend the child's temporary 400
instruction permit, restricted license, probationary driver's 401
license, or nonresident operating privilege, or suspend the 402
child's ability to obtain such a permit: 403

(1) If the child is adjudicated a delinquent child for 404
violating section 2923.122 of the Revised Code, impose a class 405
four suspension of the child's license, permit, or privilege 406
from the range specified in division (A)(4) of section 4510.02 407

of the Revised Code or deny the child the issuance of a license 408
or permit in accordance with division (F) (1) of section 2923.122 409
of the Revised Code. 410

(2) If the child is adjudicated a delinquent child for 411
committing an act that if committed by an adult would be a drug 412
abuse offense or for violating division (B) of section 2917.11 413
of the Revised Code, suspend the child's license, permit, or 414
privilege for a period of time prescribed by the court. The 415
court, in its discretion, may terminate the suspension if the 416
child attends and satisfactorily completes a drug abuse or 417
alcohol abuse education, intervention, or treatment program 418
specified by the court. During the time the child is attending a 419
program described in this division, the court shall retain the 420
child's temporary instruction permit, probationary driver's 421
license, or driver's license, and the court shall return the 422
permit or license if it terminates the suspension as described 423
in this division. 424

(C) The court may establish a victim-offender mediation 425
program in which victims and their offenders meet to discuss the 426
offense and suggest possible restitution. If the court obtains 427
the assent of the victim of the delinquent act committed by the 428
child, the court may require the child to participate in the 429
program. 430

(D) (1) If a child is adjudicated a delinquent child for 431
committing an act that would be a felony if committed by an 432
adult and if the child caused, attempted to cause, threatened to 433
cause, or created a risk of physical harm to the victim of the 434
act, the court, prior to issuing an order of disposition under 435
this section, shall order the preparation of a victim impact 436
statement by the probation department of the county in which the 437

victim of the act resides, by the court's own probation 438
department, or by a victim assistance program that is operated 439
by the state, a county, a municipal corporation, or another 440
governmental entity. The court shall consider the victim impact 441
statement in determining the order of disposition to issue for 442
the child. 443

(2) Each victim impact statement shall identify the victim 444
of the act for which the child was adjudicated a delinquent 445
child, itemize any economic loss suffered by the victim as a 446
result of the act, identify any physical injury suffered by the 447
victim as a result of the act and the seriousness and permanence 448
of the injury, identify any change in the victim's personal 449
welfare or familial relationships as a result of the act and any 450
psychological impact experienced by the victim or the victim's 451
family as a result of the act, and contain any other information 452
related to the impact of the act upon the victim that the court 453
requires. 454

(3) A victim impact statement shall be kept confidential 455
and is not a public record. However, the court may furnish 456
copies of the statement to the department of youth services if 457
the delinquent child is committed to the department or to both 458
the adjudicated delinquent child or the adjudicated delinquent 459
child's counsel and the prosecuting attorney. The copy of a 460
victim impact statement furnished by the court to the department 461
pursuant to this section shall be kept confidential and is not a 462
public record. If an officer is preparing pursuant to section 463
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 a 464
presentence investigation report pertaining to a person, the 465
court shall make available to the officer, for use in preparing 466
the report, a copy of any victim impact statement regarding that 467
person. The copies of a victim impact statement that are made 468

available to the adjudicated delinquent child or the adjudicated 469
delinquent child's counsel and the prosecuting attorney pursuant 470
to this division shall be returned to the court by the person to 471
whom they were made available immediately following the 472
imposition of an order of disposition for the child under this 473
chapter. 474

The copy of a victim impact statement that is made 475
available pursuant to this division to an officer preparing a 476
criminal presentence investigation report shall be returned to 477
the court by the officer immediately following its use in 478
preparing the report. 479

(4) The department of youth services shall work with local 480
probation departments and victim assistance programs to develop 481
a standard victim impact statement. 482

(E) (1) If a child is adjudicated a delinquent child for 483
violating a court order regarding the child's prior adjudication 484
as an unruly child for being a habitual truant and the court 485
determines that the parent, guardian, or other person having 486
care of the child has failed to cause the child's attendance at 487
school in violation of section 3321.38 of the Revised Code, in 488
addition to any order of disposition it makes under this 489
section, the court shall warn the parent, guardian, or other 490
person having care of the child that any subsequent adjudication 491
with regard to truancy may result in a criminal charge against 492
the parent, guardian, or other person having care of the child 493
for a violation of division (C) of section 2919.21 or section 494
2919.24 of the Revised Code. 495

(2) Not later than ten days after a child is adjudicated a 496
delinquent child for violating a court order regarding the 497
child's prior adjudication as an unruly child for being an 498

habitual truant, the court shall provide notice of that fact to 499
the school district in which the child is entitled to attend 500
school and to the school in which the child was enrolled at the 501
time of the filing of the complaint. 502

(F) (1) During the period of a delinquent child's community 503
control granted under this section, authorized probation 504
officers who are engaged within the scope of their supervisory 505
duties or responsibilities may search, with or without a 506
warrant, the person of the delinquent child, the place of 507
residence of the delinquent child, and a motor vehicle, another 508
item of tangible or intangible personal property, or other real 509
property in which the delinquent child has a right, title, or 510
interest or for which the delinquent child has the express or 511
implied permission of a person with a right, title, or interest 512
to use, occupy, or possess if the probation officers have 513
reasonable grounds to believe that the delinquent child is not 514
abiding by the law or otherwise is not complying with the 515
conditions of the delinquent child's community control. The 516
court that places a delinquent child on community control under 517
this section shall provide the delinquent child with a written 518
notice that informs the delinquent child that authorized 519
probation officers who are engaged within the scope of their 520
supervisory duties or responsibilities may conduct those types 521
of searches during the period of community control if they have 522
reasonable grounds to believe that the delinquent child is not 523
abiding by the law or otherwise is not complying with the 524
conditions of the delinquent child's community control. The 525
court also shall provide the written notice described in 526
division (E) (2) of this section to each parent, guardian, or 527
custodian of the delinquent child who is described in that 528
division. 529

(2) The court that places a child on community control 530
under this section shall provide the child's parent, guardian, 531
or other custodian with a written notice that informs them that 532
authorized probation officers may conduct searches pursuant to 533
division (E)(1) of this section. The notice shall specifically 534
state that a permissible search might extend to a motor vehicle, 535
another item of tangible or intangible personal property, or a 536
place of residence or other real property in which a notified 537
parent, guardian, or custodian has a right, title, or interest 538
and that the parent, guardian, or custodian expressly or 539
impliedly permits the child to use, occupy, or possess. 540

(G) If a juvenile court commits a delinquent child to the 541
custody of any person, organization, or entity pursuant to this 542
section and if the delinquent act for which the child is so 543
committed is a sexually oriented offense or is a child-victim 544
oriented offense, the court in the order of disposition shall do 545
one of the following: 546

(1) Require that the child be provided treatment as 547
described in division (A)(2) of section 5139.13 of the Revised 548
Code; 549

(2) Inform the person, organization, or entity that it is 550
the preferred course of action in this state that the child be 551
provided treatment as described in division (A)(2) of section 552
5139.13 of the Revised Code and encourage the person, 553
organization, or entity to provide that treatment. 554

Sec. 2152.22. (A) When a child is committed to the legal 555
custody of the department of youth services under this chapter, 556
the juvenile court relinquishes control with respect to the 557
child so committed, except as provided in divisions (B), (C), 558
(D), and (H) of this section or in sections 2152.82 to 2152.86 559

of the Revised Code. Subject to divisions (B), (C), and (D) of 560
this section, sections 2151.353 and 2151.412 to 2151.421 of the 561
Revised Code, sections 2152.82 to 2152.86 of the Revised Code, 562
and any other provision of law that specifies a different 563
duration for a dispositional order, all other dispositional 564
orders made by the court under this chapter shall be temporary 565
and shall continue for a period that is designated by the court 566
in its order, until terminated or modified by the court or until 567
the child attains twenty-one years of age. 568

The department shall not release the child from a 569
department facility and as a result shall not discharge the 570
child or order the child's release on supervised release prior 571
to the expiration of the minimum period specified by the court 572
in division (A)(1) of section 2152.16 of the Revised Code and 573
any term of commitment imposed under division (A)(2) or (3), 574
(B), (C), or (D)(1) of section 2152.17 of the Revised Code or 575
prior to the child's attainment of twenty-one years of age, 576
except upon the order of a court pursuant to division (B), (C), 577
or (D) of this section or in accordance with section 5139.54 of 578
the Revised Code. 579

(B)(1) Unless the court grants judicial release under 580
division (D)(1)(b) of this section, the court that commits a 581
delinquent child to the department of youth services may grant 582
judicial release of the child to court supervision under this 583
division during the first half of the prescribed minimum term 584
for which the child was committed to the department or, if the 585
child was committed to the department until the child attains 586
twenty-one years of age, during the first half of the prescribed 587
period of commitment that begins on the first day of commitment 588
and ends on the child's twenty-first birthday, provided any 589
commitment imposed under division (A) (2) or (3), (B), (C), or 590

(D) (1) of section 2152.17 of the Revised Code has ended. 591

(2) If the department desires to release a child during a 592
period specified in division (B) (1) of this section, it shall 593
request the court that committed the child to grant a judicial 594
release of the child to court supervision under this division. 595
During whichever of those periods is applicable, the child or 596
the parents of the child also may request that court to grant a 597
judicial release of the child to court supervision. Upon receipt 598
of a request for a judicial release to court supervision under 599
this division from the department, the child, or the child's 600
parent, or upon its own motion, the court that committed the 601
child shall do one of the following: approve the release by 602
journal entry; schedule within thirty days after the request is 603
received a time for a hearing on whether the child is to be 604
released; or reject the request by journal entry without 605
conducting a hearing. 606

If the court rejects an initial request for a release 607
under this division by the child or the child's parent, the 608
child or the child's parent may make one additional request for 609
a judicial release to court supervision within the applicable 610
period. The additional request may be made no earlier than 611
thirty days after the filing of the prior request for a judicial 612
release to court supervision. Upon the filing of a second 613
request for a judicial release to court supervision, the court 614
shall either approve or disapprove the release by journal entry 615
or schedule within thirty days after the request is received a 616
time for a hearing on whether the child is to be released. 617

(3) If a court schedules a hearing under division (B) (2) 618
of this section, it may order the department to deliver the 619
child to the court on the date set for the hearing and may order 620

the department to present to the court a report on the child's 621
progress in the institution to which the child was committed and 622
recommendations for conditions of supervision of the child by 623
the court after release. The court may conduct the hearing 624
without the child being present. The court shall determine at 625
the hearing whether the child should be granted a judicial 626
release to court supervision. 627

If the court approves the release under this division, it 628
shall order its staff to prepare a written treatment and 629
rehabilitation plan for the child that may include any 630
conditions of the child's release that were recommended by the 631
department and approved by the court. The committing court shall 632
send the juvenile court of the county in which the child is 633
placed a copy of the recommended plan. The court of the county 634
in which the child is placed may adopt the recommended 635
conditions set by the committing court as an order of the court 636
and may add any additional consistent conditions it considers 637
appropriate. If a child is granted a judicial release to court 638
supervision, the release discharges the child from the custody 639
of the department of youth services. 640

(C) (1) Unless the court grants judicial release under 641
division (D) (1) (b) of this section, the court that commits a 642
delinquent child to the department of youth services may grant 643
judicial release of the child to department of youth services 644
supervision under this division during the second half of the 645
prescribed minimum term for which the child was committed to the 646
department or, if the child was committed to the department 647
until the child attains twenty-one years of age, during the 648
second half of the prescribed period of commitment that begins 649
on the first day of commitment and ends on the child's twenty- 650
first birthday, provided any commitment imposed under division 651

(A) (2) or (3), (B), (C), or (D) (1) of section 2152.17 of the Revised Code has ended.

(2) If the department desires to release a child during a period specified in division (C) (1) of this section, it shall request the court that committed the child to grant a judicial release to department of youth services supervision. During whichever of those periods is applicable, the child or the child's parent also may request the court that committed the child to grant a judicial release to department of youth services supervision. Upon receipt of a request for judicial release to department of youth services supervision, the child, or the child's parent, or upon its own motion at any time during that period, the court shall do one of the following: approve the release by journal entry; schedule a time within thirty days after receipt of the request for a hearing on whether the child is to be released; or reject the request by journal entry without conducting a hearing.

If the court rejects an initial request for release under this division by the child or the child's parent, the child or the child's parent may make one or more subsequent requests for a release within the applicable period, but may make no more than one request during each period of ninety days that the child is in a secure department facility after the filing of a prior request for early release. Upon the filing of a request for release under this division subsequent to an initial request, the court shall either approve or disapprove the release by journal entry or schedule a time within thirty days after receipt of the request for a hearing on whether the child is to be released.

(3) If a court schedules a hearing under division (C) (2)

of this section, it may order the department to deliver the 682
child to the court on the date set for the hearing and shall 683
order the department to present to the court at that time a 684
treatment plan for the child's post-institutional care. The 685
court may conduct the hearing without the child being present. 686
The court shall determine at the hearing whether the child 687
should be granted a judicial release to department of youth 688
services supervision. 689

If the court approves the judicial release to department 690
of youth services supervision, the department shall prepare a 691
written treatment and rehabilitation plan for the child pursuant 692
to division (F) of this section that shall include the 693
conditions of the child's release. It shall send the committing 694
court and the juvenile court of the county in which the child is 695
placed a copy of the plan. The court of the county in which the 696
child is placed may adopt the conditions set by the department 697
as an order of the court and may add any additional consistent 698
conditions it considers appropriate, provided that the court may 699
not add any condition that decreases the level or degree of 700
supervision specified by the department in its plan, that 701
substantially increases the financial burden of supervision that 702
will be experienced by the department, or that alters the 703
placement specified by the department in its plan. If the court 704
of the county in which the child is placed adds to the 705
department's plan any additional conditions, it shall enter 706
those additional conditions in its journal and shall send to the 707
department a copy of the journal entry of the additional 708
conditions. 709

If the court approves the judicial release to department 710
of youth services supervision, the actual date on which the 711
department shall release the child is contingent upon the 712

department finding a suitable placement for the child. If the 713
child is to be returned to the child's home, the department 714
shall return the child on the date that the court schedules for 715
the child's release or shall bear the expense of any additional 716
time that the child remains in a department facility. If the 717
child is unable to return to the child's home, the department 718
shall exercise reasonable diligence in finding a suitable 719
placement for the child, and the child shall remain in a 720
department facility while the department finds the suitable 721
placement. 722

(D) (1) Subject to division (D) (3) of this section, the 723
court that commits a delinquent child to the department of youth 724
services may grant judicial release of the child under this 725
division at any time after the expiration of one of the 726
following periods of time: 727

(a) Except as otherwise provided in division (D) (1) (b) of 728
this section, if the child was committed to the department for a 729
prescribed minimum period and a maximum period not to exceed the 730
child's attainment of twenty-one years, the court may grant 731
judicial release of the child at any time after the expiration 732
of the prescribed minimum term for which the child was committed 733
to the department. 734

(b) If the child was committed to the department for both 735
one or more definite periods under division (A) (2) or (3), (B), 736
(C), or (D) (1) of section 2152.17 of the Revised Code and a 737
period of the type described in division (D) (1) (a) of this 738
section, all of the prescribed minimum periods of commitment 739
imposed under division (A) (2) or (3), (B), (C), or (D) (1) of 740
section 2152.17 of the Revised Code and the prescribed period of 741
commitment of the type described in division (D) (1) (a) of this 742

section shall be aggregated for purposes of this division, and 743
the court may grant judicial release of the child at any time 744
after the expiration of one year after the child begins serving 745
the aggregate period of commitment. 746

(2) If a court grants a judicial release of a child under 747
division (D)(1) of this section, the release shall be a judicial 748
release to department of youth services supervision, if the 749
release is granted during a period described in division (C)(1) 750
of this section, and the second and third paragraphs of division 751
(C)(3) of this section apply regarding the release. In all other 752
cases, the release shall be a judicial release to court 753
supervision, and the second paragraph of division (B)(3) of this 754
section applies regarding the release. 755

(3) A court at the time of making the disposition of a 756
child shall provide notice in the order of disposition that the 757
judge is retaining jurisdiction over the child for the purpose 758
of a possible grant of judicial release of the child under 759
division (D)(1) of this section. The failure of a court to 760
provide this notice does not affect the authority of the court 761
to grant a judicial release under that division and does not 762
constitute grounds for setting aside the child's delinquent 763
child adjudication or disposition or for granting any post- 764
adjudication relief to the child. 765

(4) The department of youth services, a child committed to 766
the department, or the parents of the child, during a period 767
specified in division (D)(1) of this section, may request the 768
court that committed the child to grant a judicial release of 769
the child under that division. Upon receipt of a request for 770
judicial release of a child under this division from the 771
department, the child, or the child's parent, or upon its own 772

motion, the court that committed the child shall do one of the 773
following: 774

(a) Approve the request by journal entry; 775

(b) Schedule within thirty days after the request is 776
received a time for a hearing on whether the child is to be 777
released; 778

(c) Reject the request by journal entry without conducting 779
a hearing. 780

If the court rejects an initial request for a release 781
under this division by the child or the child's parent, division 782
(C) (2) of this section applies regarding the making of 783
additional requests. 784

If the court schedules a hearing under this division to 785
consider the judicial release, the first paragraph of division 786
(B) (3) of this section applies regarding the hearing. 787

(E) If a child is released under division (B), (C), or (D) 788
of this section and the court of the county in which the child 789
is placed has reason to believe that the child's deportment is 790
not in accordance with the conditions of the child's judicial 791
release, the court of the county in which the child is placed 792
shall schedule a time for a hearing to determine whether the 793
child violated any of the post-release conditions, and, if the 794
child was released under division (C) of this section or under 795
division (D) of this section under department supervision, 796
divisions (A) to (E) of section 5139.52 of the Revised Code 797
apply regarding the child. 798

If that court determines at the hearing that the child 799
violated any of the post-release conditions, the court, if it 800
determines that the violation was a serious violation, may order 801

the child to be returned to the department for 802
institutionalization, consistent with the original order of 803
commitment of the child, or in any case may make any other 804
disposition of the child authorized by law that the court 805
considers proper. If the court of the county in which the child 806
is placed orders the child to be returned to a department of 807
youth services institution, the time during which the child was 808
held in a secure department facility prior to the child's 809
judicial release shall be considered as time served in 810
fulfilling the prescribed period of institutionalization that is 811
applicable to the child under the child's original order of 812
commitment. If the court orders the child returned to a 813
department institution, the child shall remain in institutional 814
care for a minimum of three months or until the child 815
successfully completes a revocation program of a duration of not 816
less than thirty days operated either by the department or by an 817
entity with which the department has contracted to provide a 818
revocation program. 819

(F) The department of youth services, prior to the release 820
of a child pursuant to division (C) of this section or pursuant 821
to division (D) of this section on department supervision, shall 822
do all of the following: 823

(1) After reviewing the child's rehabilitative progress 824
history and medical and educational records, prepare a written 825
treatment and rehabilitation plan for the child that includes 826
conditions of the release; 827

(2) Completely discuss the conditions of the plan prepared 828
pursuant to division (F)(1) of this section and the possible 829
penalties for violation of the plan with the child and the 830
child's parents, guardian, or legal custodian; 831

(3) Have the plan prepared pursuant to division (F) (1) of 832
this section signed by the child, the child's parents, legal 833
guardian, or custodian, and any authority or person that is to 834
supervise, control, and provide supportive assistance to the 835
child at the time of the child's release pursuant to division 836
(C) or (D) of this section; 837

(4) Prior to the child's release, file a copy of the 838
treatment plan prepared pursuant to division (F) (1) of this 839
section with the committing court and the juvenile court of the 840
county in which the child is to be placed. 841

(G) The department of youth services shall file a written 842
progress report with the committing court regarding each child 843
released pursuant to division (C) of this section or released 844
pursuant to division (D) of this section on judicial release to 845
department supervision at least once every thirty days unless 846
specifically directed otherwise by the court. The report shall 847
indicate the treatment and rehabilitative progress of the child 848
and the child's family, if applicable, and shall include any 849
suggestions for altering the program, custody, living 850
arrangements, or treatment. The department shall retain legal 851
custody of a child so released until it discharges the child or 852
until the custody is terminated as otherwise provided by law. 853

(H) When a child is committed to the legal custody of the 854
department of youth services, the court retains jurisdiction to 855
perform the functions specified in section 5139.51 of the 856
Revised Code with respect to the granting of supervised release 857
by the release authority and to perform the functions specified 858
in section 5139.52 of the Revised Code with respect to 859
violations of the conditions of supervised release granted by 860
the release authority and to the revocation of supervised 861

release granted by the release authority. 862

Sec. 2152.26. (A) Except as provided in divisions (B) and 863
(F) of this section and subject to section 2152.16 of the 864
Revised Code, a child alleged to be or adjudicated a delinquent 865
child or a juvenile traffic offender may be held only in the 866
following places: 867

(1) A certified foster home or a home approved by the 868
court; 869

(2) A facility operated by a certified child welfare 870
agency; 871

(3) Any other suitable place designated by the court. 872

(B) In addition to the places listed in division (A) of 873
this section, a child alleged to be or adjudicated a delinquent 874
child or a person described in division (C) (7) of section 875
2152.02 of the Revised Code may be held in a detention facility 876
for delinquent children that is under the direction or 877
supervision of the court or other public authority or of a 878
private agency and approved by the court, and a child 879
adjudicated a delinquent child may be held in accordance with 880
division (F) (2) of this section in a facility of a type 881
specified in that division. 882

(C) (1) Except as provided under division (C) (1) of section 883
2151.311 of the Revised Code or division (A) (5) of section 884
2152.21 of the Revised Code, a child alleged to be or 885
adjudicated a juvenile traffic offender may not be held in any 886
of the following facilities: 887

(a) A state correctional institution, county, multicounty, 888
or municipal jail or workhouse, or other place in which an adult 889
convicted of crime, under arrest, or charged with a crime is 890

held. 891

(b) A secure correctional facility. 892

(2) Except as provided under this section, sections 893
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 894
2152.21 of the Revised Code, a child alleged to be or 895
adjudicated a juvenile traffic offender may not be held for more 896
than twenty-four hours in a detention facility. 897

(D) Except as provided in division (F) of this section or 898
in division (C) of section 2151.311, in division (C) (2) of 899
section 5139.06 and section 5120.162, or in division (B) of 900
section 5120.16 of the Revised Code, a child who is alleged to 901
be or is adjudicated a delinquent child or a person described in 902
division (C) (7) of section 2152.02 of the Revised Code may not 903
be held in a state correctional institution, county, 904
multicounty, or municipal jail or workhouse, or other place 905
where an adult convicted of crime, under arrest, or charged with 906
crime is held. 907

(E) Unless the detention is pursuant to division (F) of 908
this section or division (C) of section 2151.311, division (C) 909
(2) of section 5139.06 and section 5120.162, or division (B) of 910
section 5120.16 of the Revised Code, the official in charge of 911
the institution, jail, workhouse, or other facility shall inform 912
the court immediately when a person who is or appears to be 913
under the age of eighteen years, or a person who is charged with 914
a violation of an order of a juvenile court or a violation of 915
probation or parole conditions imposed by a juvenile court and 916
who is or appears to be between the ages of eighteen and twenty- 917
one years, is received at the facility and shall deliver the 918
person to the court upon request or transfer the person to a 919
detention facility designated by the court. 920

(F) (1) If a case is transferred to another court for 921
criminal prosecution pursuant to section 2152.12 of the Revised 922
Code and the alleged offender is a person described in division 923
(C) (7) of section 2152.02 of the Revised Code, the person may 924
not be transferred for detention pending the criminal 925
prosecution in a jail or other facility except under the 926
circumstances described in division (F) (4) of this section. Any 927
child held in accordance with division (F) (3) of this section 928
shall be confined in a manner that keeps the child beyond the 929
sight and sound of all adult detainees. The child shall be 930
supervised at all times during the detention. 931

(2) If a person is adjudicated a delinquent child or 932
juvenile traffic offender or is a person described in division 933
(C) (7) of section 2152.02 of the Revised Code and the court 934
makes a disposition of the person under this chapter, at any 935
time after the person attains twenty-one years of age, the 936
person may be held under that disposition or under the 937
circumstances described in division (F) (4) of this section in 938
places other than those specified in division (A) of this 939
section, including, but not limited to, a county, multicounty, 940
or municipal jail or workhouse, or other place where an adult 941
convicted of crime, under arrest, or charged with crime is held. 942

(3) (a) A person alleged to be a delinquent child may be 943
held in places other than those specified in division (A) of 944
this section, including, but not limited to, a county, 945
multicounty, or municipal jail, if the delinquent act that the 946
child allegedly committed would be a felony if committed by an 947
adult, and if either of the following applies: 948

(i) The person attains twenty-one years of age before the 949
person is arrested or apprehended for that act. 950

(ii) The person is arrested or apprehended for that act 951
before the person attains twenty-one years of age, but the 952
person attains twenty-one years of age before the court orders a 953
disposition in the case. 954

(b) If, pursuant to division (F) (3) (a) of this section, a 955
person is held in a place other than a place specified in 956
division (A) of this section, the person has the same rights to 957
bail as an adult charged with the same offense who is confined 958
in a jail pending trial. 959

(4) (a) Any person whose case is transferred for criminal 960
prosecution pursuant to section 2152.10 or 2152.12 of the 961
Revised Code or any person who has attained the age of eighteen 962
years but has not attained the age of twenty-one years and who 963
is being held in a place specified in division (B) of this 964
section may be held under that disposition or charge in places 965
other than those specified in division (B) of this section, 966
including a county, multicounty, or municipal jail or workhouse, 967
or other place where an adult under arrest or charged with crime 968
is held if the juvenile court, upon its own motion or upon 969
motion by the prosecutor and after notice and hearing, 970
establishes by a preponderance of the evidence and makes written 971
findings of either of the following: 972

(i) With respect to a person whose case is transferred for 973
criminal prosecution pursuant to either specified section or who 974
has attained the age of eighteen years but who has not attained 975
the age of twenty-one years and is being so held, that the youth 976
is a threat to the safety and security of the facility; 977

(ii) With respect to a person who has attained the age of 978
eighteen years but who has not attained the age of twenty-one 979
years and is being so held, that the best interests of the youth 980

require that the youth be held in a place other than a place 981
specified in division (B) of this section, including a county, 982
multicounty, or municipal jail or workhouse, or other place 983
where an adult under arrest or charged with crime is held. 984

(b) In determining for purposes of division (F) (4) (a) (i) 985
of this section whether a youth is a threat to the safety and 986
security of the facility, evidence that the youth is a threat to 987
the safety and security of the facility may include, but is not 988
limited to, whether the youth has done any of the following: 989

(i) Injured or created an imminent danger to the life or 990
health of another youth or staff member in the facility or 991
program by violent behavior; 992

(ii) Escaped from the facility or program in which the 993
youth is being held on more than one occasion; 994

(iii) Established a pattern of disruptive behavior as 995
verified by a written record that the youth's behavior is not 996
conducive to the established policies and procedures of the 997
facility or program in which the youth is being held. 998

(c) If a prosecutor submits a motion requesting that a 999
person be held in a place other than those specified in division 1000
(B) of this section or if the court submits its own motion, the 1001
juvenile court shall hold a hearing within five days of the 1002
filing of the motion, and, in determining whether a place other 1003
than those specified in division (B) of this section is the 1004
appropriate place of confinement for the person, the court shall 1005
consider the following factors: 1006

(i) The age of the person; 1007

(ii) Whether the person would be deprived of contact with 1008
other people for a significant portion of the day or would not 1009

have access to recreational facilities or age-appropriate 1010
educational opportunities in order to provide physical 1011
separation from adults; 1012

(iii) The person's current emotional state, intelligence, 1013
and developmental maturity, including any emotional and 1014
psychological trauma, and the risk to the person in an adult 1015
facility, which may be evidenced by mental health or 1016
psychological assessments or screenings made available to the 1017
prosecuting attorney and the defense counsel; 1018

(iv) Whether detention in a juvenile facility would 1019
adequately serve the need for community protection pending the 1020
outcome of the criminal proceeding; 1021

(v) The relative ability of the available adult and 1022
juvenile detention facilities to meet the needs of the person, 1023
including the person's need for age-appropriate mental health 1024
and educational services delivered by individuals specifically 1025
trained to deal with youth; 1026

(vi) Whether the person presents an imminent risk of self- 1027
inflicted harm or an imminent risk of harm to others within a 1028
juvenile facility; 1029

(vii) Any other factors the juvenile court considers to be 1030
relevant. 1031

(d) If the juvenile court determines that a place other 1032
than those specified in division (B) of this section is the 1033
appropriate place for confinement of a person pursuant to 1034
division (F)(4)(a) of this section, the person may petition the 1035
juvenile court for a review hearing thirty days after the 1036
initial confinement decision, thirty days after any subsequent 1037
review hearing, or at any time after the initial confinement 1038

decision upon an emergency petition by the youth due to the 1039
youth facing an imminent danger from others or the youth's self. 1040
Upon receipt of the petition, the juvenile court has discretion 1041
over whether to conduct the review hearing and may set the 1042
matter for a review hearing if the youth has alleged facts or 1043
circumstances that, if true, would warrant reconsideration of 1044
the youth's placement in a place other than those specified in 1045
division (B) of this section based on the factors listed in 1046
division (F) (4) (c) of this section. 1047

(e) Upon the admission of a person described in division 1048
(F) (4) (a) of this section to a place other than those specified 1049
in division (B) of this section, the facility shall advise the 1050
person of the person's right to request a review hearing as 1051
described in division (F) (4) (d) of this section. 1052

(f) Any person transferred under division (F) (4) (a) of 1053
this section to a place other than those specified in division 1054
(B) of this section shall be confined in a manner that keeps 1055
those under eighteen years of age beyond sight and sound of all 1056
adult detainees. Those under eighteen years of age shall be 1057
supervised at all times during the detention. 1058

(G) (1) If a person who is alleged to be or has been 1059
adjudicated a delinquent child or who is in any other category 1060
of persons identified in this section or section 2151.311 of the 1061
Revised Code is confined under authority of any Revised Code 1062
section in a place other than a place specified in division (B) 1063
of this section, including a county, multicounty, or municipal 1064
jail or workhouse, or other place where an adult under arrest or 1065
charged with crime is held, subject to division (G) (2) of this 1066
section, all identifying information, other than the person's 1067
county of residence, age, gender, and race and the charges 1068

against the person, that relates to the person's admission to 1069
and confinement in that place is not a public record open for 1070
inspection or copying under section 149.43 of the Revised Code 1071
and is confidential and shall not be released to any person 1072
other than to a court, to a law enforcement agency for law 1073
enforcement purposes, or to a person specified by court order. 1074

(2) Division (G)(1) of this section does not apply with 1075
respect to a person whose case is transferred for criminal 1076
prosecution pursuant to section 2152.10 or 2152.12 of the 1077
Revised Code, who is convicted of or pleads guilty to an offense 1078
in that case, who is confined after that conviction or guilty 1079
plea in a place other than a place specified in division (B) of 1080
this section, and to whom one of the following applies: 1081

(a) The case was transferred other than pursuant to 1082
division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the 1083
Revised Code. 1084

(b) The case was transferred pursuant to division (A)(1) 1085
(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code, 1086
and the person is sentenced for the offense pursuant to division 1087
(B)(4) of section 2152.121 of the Revised Code. 1088

(c) The case was transferred pursuant to division (A)(1) 1089
(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code, 1090
the person is sentenced for the offense pursuant to division (B) 1091
(3) of section 2152.121 of the Revised Code by the court in 1092
which the person was convicted of or pleaded guilty to the 1093
offense, and the sentence imposed by that court is invoked 1094
pursuant to division (B)(3)(b) of section 2152.121 of the 1095
Revised Code. 1096

Sec. 5139.01. (A) As used in this chapter: 1097

(1) "Commitment" means the transfer of the physical custody of a child or youth from the court to the department of youth services.

(2) "Permanent commitment" means a commitment that vests legal custody of a child in the department of youth services.

(3) "Legal custody," insofar as it pertains to the status that is created when a child is permanently committed to the department of youth services, means a legal status in which the department has the following rights and responsibilities: the right to have physical possession of the child; the right and duty to train, protect, and control the child; the responsibility to provide the child with food, clothing, shelter, education, and medical care; and the right to determine where and with whom the child shall live, subject to the minimum periods of, or periods of, institutional care prescribed in sections 2152.13 to 2152.18 of the Revised Code; provided, that these rights and responsibilities are exercised subject to the powers, rights, duties, and responsibilities of the guardian of the person of the child, and subject to any residual parental rights and responsibilities.

(4) Unless the context requires a different meaning, "institution" means a state facility that is created by the general assembly and that is under the management and control of the department of youth services or a private entity with which the department has contracted for the institutional care and custody of felony delinquents.

(5) "Full-time care" means care for twenty-four hours a day for over a period of at least two consecutive weeks.

(6) "Placement" means the conditional release of a child

under the terms and conditions that are specified by the 1127
department of youth services. The department shall retain legal 1128
custody of a child released pursuant to division (C) of section 1129
2152.22 of the Revised Code or division (C) of section 5139.06 1130
of the Revised Code until the time that it discharges the child 1131
or until the legal custody is terminated as otherwise provided 1132
by law. 1133

(7) "Home placement" means the placement of a child in the 1134
home of the child's parent or parents or in the home of the 1135
guardian of the child's person. 1136

(8) "Discharge" means that the department of youth 1137
services' legal custody of a child is terminated. 1138

(9) "Release" means the termination of a child's stay in 1139
an institution and the subsequent period during which the child 1140
returns to the community under the terms and conditions of 1141
supervised release. 1142

(10) "Delinquent child" has the same meaning as in section 1143
2152.02 of the Revised Code. 1144

(11) "Felony delinquent" means any child who is at least 1145
~~ten~~fourteen years of age but less than eighteen years of age 1146
and who is adjudicated a delinquent child for having committed 1147
an act that if committed by an adult would be a felony. "Felony 1148
delinquent" includes any adult who is between the ages of 1149
eighteen and twenty-one and who is in the legal custody of the 1150
department of youth services for having committed an act that if 1151
committed by an adult would be a felony. 1152

(12) "Juvenile traffic offender" has the same meaning as 1153
in section 2152.02 of the Revised Code. 1154

(13) "Public safety beds" means all of the following: 1155

(a) Felony delinquents who have been committed to the 1156
department of youth services for the commission of an act, other 1157
than a violation of section 2911.01 or 2911.11 of the Revised 1158
Code, that is a category one offense or a category two offense 1159
and who are in the care and custody of an institution or have 1160
been diverted from care and custody in an institution and placed 1161
in a community corrections facility; 1162

(b) Felony delinquents who, while committed to the 1163
department of youth services and in the care and custody of an 1164
institution or a community corrections facility, are adjudicated 1165
delinquent children for having committed in that institution or 1166
community corrections facility an act that if committed by an 1167
adult would be a misdemeanor or a felony; 1168

(c) Children who satisfy all of the following: 1169

(i) They are at least ~~ten~~ fourteen years of age but less 1170
than eighteen years of age. 1171

(ii) They are adjudicated delinquent children for having 1172
committed acts that if committed by an adult would be a felony. 1173

(iii) They are committed to the department of youth 1174
services by the juvenile court of a county that has had one- 1175
tenth of one per cent or less of the statewide adjudications for 1176
felony delinquents as averaged for the past four fiscal years. 1177

(iv) They are in the care and custody of an institution or 1178
a community corrections facility. 1179

(d) Felony delinquents who, while committed to the 1180
department of youth services and in the care and custody of an 1181
institution are serving disciplinary time for having committed 1182
an act described in division (A)(18)(a), (b), or (c) of this 1183
section, and who have been institutionalized or 1184

institutionalized in a secure facility for the minimum period of 1185
time specified in divisions (A) (1) (b) to ~~(e)~~ (f) of section 1186
2152.16 of the Revised Code. 1187

(e) Felony delinquents who are subject to and serving a 1188
three-year period of commitment order imposed by a juvenile 1189
court pursuant to divisions (A) and (B) of section 2152.17 of 1190
the Revised Code for an act, other than a violation of section 1191
2911.11 of the Revised Code, that would be a category one 1192
offense or category two offense if committed by an adult. 1193

(f) Felony delinquents who are described in divisions (A) 1194
(13) (a) to (e) of this section, who have been granted a judicial 1195
release to court supervision under division (B) or (D) of 1196
section 2152.22 of the Revised Code or a judicial release to the 1197
department of youth services supervision under division (C) or 1198
(D) of that section from the commitment to the department of 1199
youth services for the act described in divisions (A) (13) (a) to 1200
(e) of this section, who have violated the terms and conditions 1201
of that release, and who, pursuant to an order of the court of 1202
the county in which the particular felony delinquent was placed 1203
on release that is issued pursuant to division (E) of section 1204
2152.22 of the Revised Code, have been returned to the 1205
department for institutionalization or institutionalization in a 1206
secure facility. 1207

(g) Felony delinquents who have been committed to the 1208
custody of the department of youth services, who have been 1209
granted supervised release from the commitment pursuant to 1210
section 5139.51 of the Revised Code, who have violated the terms 1211
and conditions of that supervised release, and who, pursuant to 1212
an order of the court of the county in which the particular 1213
child was placed on supervised release issued pursuant to 1214

division (F) of section 5139.52 of the Revised Code, have had 1215
the supervised release revoked and have been returned to the 1216
department for institutionalization. A felony delinquent 1217
described in this division shall be a public safety bed only for 1218
the time during which the felony delinquent is institutionalized 1219
as a result of the revocation subsequent to the initial ninety- 1220
day period of institutionalization required by division (F) of 1221
section 5139.52 of the Revised Code. 1222

(14) Unless the context requires a different meaning, 1223
"community corrections facility" means a county or multicounty 1224
rehabilitation center for felony delinquents who have been 1225
committed to the department of youth services and diverted from 1226
care and custody in an institution and placed in the 1227
rehabilitation center pursuant to division (E) of section 1228
5139.36 of the Revised Code. 1229

(15) "Secure facility" means any facility that is designed 1230
and operated to ensure that all of its entrances and exits are 1231
under the exclusive control of its staff and to ensure that, 1232
because of that exclusive control, no child who has been 1233
institutionalized in the facility may leave the facility without 1234
permission or supervision. 1235

(16) "Community residential program" means a program that 1236
satisfies both of the following: 1237

(a) It is housed in a building or other structure that has 1238
no associated major restraining construction, including, but not 1239
limited to, a security fence. 1240

(b) It provides twenty-four-hour care, supervision, and 1241
programs for felony delinquents who are in residence. 1242

(17) "Category one offense" and "category two offense" 1243

have the same meanings as in section 2152.02 of the Revised 1244
Code. 1245

(18) "Disciplinary time" means additional time that the 1246
department of youth services requires a felony delinquent to 1247
serve in an institution, that delays the felony delinquent's 1248
planned release, and that the department imposes upon the felony 1249
delinquent following the conduct of an internal due process 1250
hearing for having committed any of the following acts while 1251
committed to the department and in the care and custody of an 1252
institution: 1253

(a) An act that if committed by an adult would be a 1254
felony; 1255

(b) An act that if committed by an adult would be a 1256
misdemeanor; 1257

(c) An act that is not described in division (A) (18) (a) or 1258
(b) of this section and that violates an institutional rule of 1259
conduct of the department. 1260

(19) "Unruly child" has the same meaning as in section 1261
2151.022 of the Revised Code. 1262

(20) "Revocation" means the act of revoking a child's 1263
supervised release for a violation of a term or condition of the 1264
child's supervised release in accordance with section 5139.52 of 1265
the Revised Code. 1266

(21) "Release authority" means the release authority of 1267
the department of youth services that is established by section 1268
5139.50 of the Revised Code. 1269

(22) "Supervised release" means the event of the release 1270
of a child under this chapter from an institution and the period 1271

after that release during which the child is supervised and 1272
assisted by an employee of the department of youth services 1273
under specific terms and conditions for reintegration of the 1274
child into the community. 1275

(23) "Victim" means the person identified in a police 1276
report, complaint, or information as the victim of an act that 1277
would have been a criminal offense if committed by an adult and 1278
that provided the basis for adjudication proceedings resulting 1279
in a child's commitment to the legal custody of the department 1280
of youth services. 1281

(24) "Victim's representative" means a member of the 1282
victim's family or another person whom the victim or another 1283
authorized person designates in writing, pursuant to section 1284
5139.56 of the Revised Code, to represent the victim with 1285
respect to proceedings of the release authority of the 1286
department of youth services and with respect to other matters 1287
specified in that section. 1288

(25) "Member of the victim's family" means a spouse, 1289
child, stepchild, sibling, parent, stepparent, grandparent, 1290
other relative, or legal guardian of a child but does not 1291
include a person charged with, convicted of, or adjudicated a 1292
delinquent child for committing a criminal or delinquent act 1293
against the victim or another criminal or delinquent act arising 1294
out of the same conduct, criminal or delinquent episode, or plan 1295
as the criminal or delinquent act committed against the victim. 1296

(26) "Judicial release to court supervision" means a 1297
release of a child from institutional care or institutional care 1298
in a secure facility that is granted by a court pursuant to 1299
division (B) of section 2152.22 of the Revised Code during the 1300
period specified in that division or that is granted by a court 1301

to court supervision pursuant to division (D) of that section 1302
during the period specified in that division. 1303

(27) "Judicial release to department of youth services 1304
supervision" means a release of a child from institutional care 1305
or institutional care in a secure facility that is granted by a 1306
court pursuant to division (C) of section 2152.22 of the Revised 1307
Code during the period specified in that division or that is 1308
granted to department supervision by a court pursuant to 1309
division (D) of that section during the period specified in that 1310
division. 1311

(28) "Juvenile justice system" includes all of the 1312
functions of the juvenile courts, the department of youth 1313
services, any public or private agency whose purposes include 1314
the prevention of delinquency or the diversion, adjudication, 1315
detention, or rehabilitation of delinquent children, and any of 1316
the functions of the criminal justice system that are applicable 1317
to children. 1318

(29) "Metropolitan county criminal justice services 1319
agency" means an agency that is established pursuant to division 1320
(A) of section 5502.64 of the Revised Code. 1321

(30) "Administrative planning district" means a district 1322
that is established pursuant to division (A) or (B) of section 1323
5502.66 of the Revised Code. 1324

(31) "Criminal justice coordinating council" means a 1325
criminal justice services agency that is established pursuant to 1326
division (D) of section 5502.66 of the Revised Code. 1327

(32) "Comprehensive plan" means a document that 1328
coordinates, evaluates, and otherwise assists, on an annual or 1329
multi-year basis, all of the functions of the juvenile justice 1330

systems of the state or a specified area of the state, that 1331
conforms to the priorities of the state with respect to juvenile 1332
justice systems, and that conforms with the requirements of all 1333
federal criminal justice acts. These functions include, but are 1334
not limited to, all of the following: 1335

(a) Delinquency; 1336

(b) Identification, detection, apprehension, and detention 1337
of persons charged with delinquent acts; 1338

(c) Assistance to crime victims or witnesses, except that 1339
the comprehensive plan does not include the functions of the 1340
attorney general pursuant to sections 109.91 and 109.92 of the 1341
Revised Code; 1342

(d) Adjudication or diversion of persons charged with 1343
delinquent acts; 1344

(e) Custodial treatment of delinquent children; 1345

(f) Institutional and noninstitutional rehabilitation of 1346
delinquent children. 1347

(B) There is hereby created the department of youth 1348
services. The governor shall appoint the director of the 1349
department with the advice and consent of the senate. The 1350
director shall hold office during the term of the appointing 1351
governor but subject to removal at the pleasure of the governor. 1352
Except as otherwise authorized in section 108.05 of the Revised 1353
Code, the director shall devote the director's entire time to 1354
the duties of the director's office and shall hold no other 1355
office or position of trust or profit during the director's term 1356
of office. 1357

The director is the chief executive and administrative 1358

officer of the department and has all the powers of a department 1359
head set forth in Chapter 121. of the Revised Code. The director 1360
may adopt rules for the government of the department, the 1361
conduct of its officers and employees, the performance of its 1362
business, and the custody, use, and preservation of the 1363
department's records, papers, books, documents, and property. 1364
The director shall be an appointing authority within the meaning 1365
of Chapter 124. of the Revised Code. Whenever this or any other 1366
chapter or section of the Revised Code imposes a duty on or 1367
requires an action of the department, the duty or action shall 1368
be performed by the director or, upon the director's order, in 1369
the name of the department. 1370

Sec. 5139.05. (A) The Except as provided in section 1371
2152.16 of the Revised Code, the juvenile court may commit any a 1372
child to the department of youth services as authorized in 1373
Chapter 2152. of the Revised Code, provided that any child so 1374
committed shall be at least ten-fourteen years of age at the 1375
time of the child's delinquent act, ~~and, if the child is ten or~~ 1376
~~eleven years of age, the delinquent act is a violation of~~ 1377
~~section 2909.03 of the Revised Code or would be aggravated~~ 1378
~~murder, murder, or a first or second degree felony offense of~~ 1379
~~violence if committed by an adult.~~ Any order to commit a child 1380
to an institution under the control and management of the 1381
department shall have the effect of ordering that the child be 1382
committed to the department and assigned to an institution or 1383
placed in a community corrections facility in accordance with 1384
division (E) of section 5139.36 of the Revised Code as follows: 1385

(1) For an indefinite term consisting of the prescribed 1386
minimum period specified by the court under division (A)(1) of 1387
section 2152.16 of the Revised Code and a maximum period not to 1388
exceed the child's attainment of twenty-one years of age, if the 1389

child was committed pursuant to section 2152.16 of the Revised 1390
Code; 1391

(2) Until the child's attainment of twenty-one years of 1392
age, if the child was committed for aggravated murder or murder 1393
pursuant to section 2152.16 of the Revised Code; 1394

(3) For a period of commitment that shall be in addition 1395
to, and shall be served consecutively with and prior to, a 1396
period of commitment described in division (A) (1) or (2) of this 1397
section, if the child was committed pursuant to section 2152.17 1398
of the Revised Code; 1399

~~(4) If the child is ten or eleven years of age, to an 1400
institution, a residential care facility, a residential 1401
facility, or a facility licensed by the department of job and 1402
family services that the department of youth services considers 1403
best designated for the training and rehabilitation of the child 1404
and protection of the public. The child shall be housed 1405
separately from children who are twelve years of age or older 1406
until the child is released or discharged or until the child 1407
attains twelve years of age, whichever occurs first. Upon the 1408
child's attainment of twelve years of age, if the child has not 1409
been released or discharged, the department is not required to 1410
house the child separately. 1411~~

(B) (1) Except as otherwise provided in section 5139.54 of 1412
the Revised Code, the release authority of the department of 1413
youth services, in accordance with section 5139.51 of the 1414
Revised Code and at any time after the end of the minimum period 1415
specified under division (A) (1) of section 2152.16 of the 1416
Revised Code, may grant the release from custody of any child 1417
committed to the department. 1418

The order committing a child to the department of youth 1419
services shall state that the child has been adjudicated a 1420
delinquent child and state the minimum period. The jurisdiction 1421
of the court terminates at the end of the minimum period except 1422
as follows: 1423

(a) In relation to judicial release procedures, 1424
supervision, and violations; 1425

(b) With respect to functions of the court related to the 1426
revocation of supervised release that are specified in sections 1427
5139.51 and 5139.52 of the Revised Code; 1428

(c) In relation to its duties relating to serious youthful 1429
offender dispositional sentences under sections 2152.13 and 1430
2152.14 of the Revised Code. 1431

(2) When a child has been committed to the department 1432
under section 2152.16 of the Revised Code, the department shall 1433
retain legal custody of the child until one of the following: 1434

(a) The department discharges the child to the exclusive 1435
management, control, and custody of the child's parent or the 1436
guardian of the child's person or, if the child is eighteen 1437
years of age or older, discharges the child. 1438

(b) The committing court, upon its own motion, upon 1439
petition of the parent, guardian of the person, or next friend 1440
of a child, or upon petition of the department, terminates the 1441
department's legal custody of the child. 1442

(c) The committing court grants the child a judicial 1443
release to court supervision under section 2152.22 of the 1444
Revised Code. 1445

(d) The department's legal custody of the child is 1446

terminated automatically by the child attaining twenty-one years 1447
of age. 1448

(e) If the child is subject to a serious youthful offender 1449
dispositional sentence, the adult portion of that dispositional 1450
sentence is imposed under section 2152.14 of the Revised Code. 1451

(C) When a child is committed to the department of youth 1452
services, the department may assign the child to a hospital for 1453
mental, physical, and other examination, inquiry, or treatment 1454
for the period of time that is necessary. The department may 1455
remove any child in its custody to a hospital for observation, 1456
and a complete report of every observation at the hospital shall 1457
be made in writing and shall include a record of observation, 1458
treatment, and medical history and a recommendation for future 1459
treatment, custody, and maintenance. The department shall 1460
thereupon order the placement and treatment that it determines 1461
to be most conducive to the purposes of Chapters 2151. and 5139. 1462
of the Revised Code. The committing court and all public 1463
authorities shall make available to the department all pertinent 1464
data in their possession with respect to the case. 1465

(D) Records maintained by the department of youth services 1466
pertaining to the children in its custody shall be accessible 1467
only to department employees, except by consent of the 1468
department, upon the order of the judge of a court of record, or 1469
as provided in divisions (D) (1) and (2) of this section. These 1470
records shall not be considered "public records," as defined in 1471
section 149.43 of the Revised Code. 1472

(1) Except as otherwise provided by a law of this state or 1473
the United States, the department of youth services may release 1474
records that are maintained by the department of youth services 1475
and that pertain to children in its custody to the department of 1476

rehabilitation and correction regarding persons who are under 1477
the jurisdiction of the department of rehabilitation and 1478
correction and who have previously been committed to the 1479
department of youth services. The department of rehabilitation 1480
and correction may use those records for the limited purpose of 1481
carrying out the duties of the department of rehabilitation and 1482
correction. Records released by the department of youth services 1483
to the department of rehabilitation and correction shall remain 1484
confidential and shall not be considered public records as 1485
defined in section 149.43 of the Revised Code. 1486

(2) The department of youth services shall provide to the 1487
superintendent of the school district in which a child 1488
discharged or released from the custody of the department is 1489
entitled to attend school under section 3313.64 or 3313.65 of 1490
the Revised Code the records described in divisions (D) (4) (a) to 1491
(d) of section 2152.18 of the Revised Code. Subject to the 1492
provisions of section 3319.321 of the Revised Code and the 1493
Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as 1494
amended, the records released to the superintendent shall remain 1495
confidential and shall not be considered public records as 1496
defined in section 149.43 of the Revised Code. 1497

(E) (1) When a child is committed to the department of 1498
youth services, the department, orally or in writing, shall 1499
notify the parent, guardian, or custodian of a child that the 1500
parent, guardian, or custodian may request at any time from the 1501
superintendent of the institution in which the child is located 1502
any of the information described in divisions (E) (1) (a), (b), 1503
(c), and (d) of this section. The parent, guardian, or custodian 1504
may provide the department with the name, address, and telephone 1505
number of the parent, guardian, or custodian, and, until the 1506
department is notified of a change of name, address, or 1507

telephone number, the department shall use the name, address, 1508
and telephone number provided by the parent, guardian, or 1509
custodian to provide notices or answer inquiries concerning the 1510
following information: 1511

(a) When the department of youth services makes a 1512
permanent assignment of the child to a facility, the department, 1513
orally or in writing and on or before the third business day 1514
after the day the permanent assignment is made, shall notify the 1515
parent, guardian, or custodian of the child of the name of the 1516
facility to which the child has been permanently assigned. 1517

If a parent, guardian, or custodian of a child who is 1518
committed to the department of youth services requests, orally 1519
or in writing, the department to provide the parent, guardian, 1520
or custodian with the name of the facility in which the child is 1521
currently located, the department, orally or in writing and on 1522
or before the next business day after the day on which the 1523
request is made, shall provide the name of that facility to the 1524
parent, guardian, or custodian. 1525

(b) If a parent, guardian, or custodian of a child who is 1526
committed to the department of youth services, orally or in 1527
writing, asks the superintendent of the institution in which the 1528
child is located whether the child is being disciplined by the 1529
personnel of the institution, what disciplinary measure the 1530
personnel of the institution are using for the child, or why the 1531
child is being disciplined, the superintendent or the 1532
superintendent's designee, on or before the next business day 1533
after the day on which the request is made, shall provide the 1534
parent, guardian, or custodian with written or oral responses to 1535
the questions. 1536

(c) If a parent, guardian, or custodian of a child who is 1537

committed to the department of youth services, orally or in 1538
writing, asks the superintendent of the institution in which the 1539
child is held whether the child is receiving any medication from 1540
personnel of the institution, what type of medication the child 1541
is receiving, or what condition of the child the medication is 1542
intended to treat, the superintendent or the superintendent's 1543
designee, on or before the next business day after the day on 1544
which the request is made, shall provide the parent, guardian, 1545
or custodian with oral or written responses to the questions. 1546

(d) When a major incident occurs with respect to a child 1547
who is committed to the department of youth services, the 1548
department, as soon as reasonably possible after the major 1549
incident occurs, shall notify the parent, guardian, or custodian 1550
of the child that a major incident has occurred with respect to 1551
the child and of all the details of that incident that the 1552
department has ascertained. 1553

(2) The failure of the department of youth services to 1554
provide any notification required by or answer any requests made 1555
pursuant to division (E) of this section does not create a cause 1556
of action against the state. 1557

(F) The department of youth services, as a means of 1558
punishment while the child is in its custody, shall not prohibit 1559
a child who is committed to the department from seeing that 1560
child's parent, guardian, or custodian during standard 1561
visitation periods allowed by the department of youth services 1562
unless the superintendent of the institution in which the child 1563
is held determines that permitting that child to visit with the 1564
child's parent, guardian, or custodian would create a safety 1565
risk to that child, that child's parents, guardian, or 1566
custodian, the personnel of the institution, or other children 1567

held in that institution. 1568

(G) As used in this section: 1569

(1) "Permanent assignment" means the assignment or 1570
transfer for an extended period of time of a child who is 1571
committed to the department of youth services to a facility in 1572
which the child will receive training or participate in 1573
activities that are directed toward the child's successful 1574
rehabilitation. "Permanent assignment" does not include the 1575
transfer of a child to a facility for judicial release hearings 1576
pursuant to section 2152.22 of the Revised Code or for any other 1577
temporary assignment or transfer to a facility. 1578

(2) "Major incident" means the escape or attempted escape 1579
of a child who has been committed to the department of youth 1580
services from the facility to which the child is assigned; the 1581
return to the custody of the department of a child who has 1582
escaped or otherwise fled the custody and control of the 1583
department without authorization; the allegation of any sexual 1584
activity with a child committed to the department; physical 1585
injury to a child committed to the department as a result of 1586
alleged abuse by department staff; an accident resulting in 1587
injury to a child committed to the department that requires 1588
medical care or treatment outside the institution in which the 1589
child is located; the discovery of a controlled substance upon 1590
the person or in the property of a child committed to the 1591
department; a suicide attempt by a child committed to the 1592
department; a suicide attempt by a child committed to the 1593
department that results in injury to the child requiring 1594
emergency medical services outside the institution in which the 1595
child is located; the death of a child committed to the 1596
department; an injury to a visitor at an institution under the 1597

control of the department that is caused by a child committed to 1598
the department; and the commission or suspected commission of an 1599
act by a child committed to the department that would be an 1600
offense if committed by an adult. 1601

(3) "Sexual activity" has the same meaning as in section 1602
2907.01 of the Revised Code. 1603

(4) "Controlled substance" has the same meaning as in 1604
section 3719.01 of the Revised Code. 1605

(5) "Residential care facility" and "residential facility" 1606
have the same meanings as in section 2151.011 of the Revised 1607
Code. 1608

Sec. 5139.06. (A) When a child has been committed to the 1609
department of youth services, the department shall do both of 1610
the following: 1611

(1) Place the child in an appropriate institution under 1612
the condition that it considers best designed for the training 1613
and rehabilitation of the child and the protection of the 1614
public, provided that the institutional placement shall be 1615
consistent with the order committing the child to its custody; 1616

(2) Maintain the child in institutional care or 1617
institutional care in a secure facility for the required period 1618
of institutionalization in a manner consistent with division (A) 1619
(1) of section 2152.16 and divisions (A) to (F) of section 1620
2152.17 of the Revised Code, whichever are applicable, and with 1621
section 5139.38 or division (B), (C), or (D) of section 2152.22 1622
of the Revised Code. 1623

(B) When a child has been committed to the department of 1624
youth services and has not been institutionalized or 1625
institutionalized in a secure facility for the prescribed 1626

minimum period of time, including, but not limited to, a 1627
prescribed period of time under division (A) (1) (a) of section 1628
2152.16 of the Revised Code, the department, the child, or the 1629
child's parent may request the court that committed the child to 1630
order a judicial release to court supervision or a judicial 1631
release to department of youth services supervision in 1632
accordance with division (B), (C), or (D) of section 2152.22 of 1633
the Revised Code, and the child may be released from 1634
institutionalization or institutionalization in a secure 1635
facility in accordance with the applicable division. A child in 1636
those circumstances shall not be released from 1637
institutionalization or institutionalization in a secure 1638
facility except in accordance with section 2152.22 or 5139.38 of 1639
the Revised Code. When a child is released pursuant to a 1640
judicial release to court supervision under division (B) or (D) 1641
of section 2152.22 of the Revised Code, the department shall 1642
comply with division (B) (3) of that section and, if the court 1643
requests, shall send the committing court a report on the 1644
child's progress in the institution and recommendations for 1645
conditions of supervision by the court after release. When a 1646
child is released pursuant to a judicial release to department 1647
of youth services supervision under division (C) or (D) of 1648
section 2152.22 of the Revised Code, the department shall comply 1649
with division (C) (3) of that section relative to the child and 1650
shall send the committing court and the juvenile court of the 1651
county in which the child is placed a copy of the treatment and 1652
rehabilitation plan described in that division and the 1653
conditions that it fixed. The court of the county in which the 1654
child is placed may adopt the conditions as an order of the 1655
court and may add any additional consistent conditions it 1656
considers appropriate, provided that the court may not add any 1657
condition that decreases the level or degree of supervision 1658

specified by the department in its plan, that substantially 1659
increases the financial burden of supervision that will be 1660
experienced by the department, or that alters the placement 1661
specified by the department in its plan. Any violations of the 1662
conditions of the child's judicial release or early release 1663
shall be handled pursuant to division (E) of section 2152.22 of 1664
the Revised Code. 1665

(C) When a child has been committed to the department of 1666
youth services, the department may do any of the following: 1667

(1) Notwithstanding the provisions of this chapter, 1668
Chapter 2151., or Chapter 2152. of the Revised Code that 1669
prescribe required periods of institutionalization, transfer the 1670
child to any other state institution, whenever it appears that 1671
the child by reason of mental illness or developmental 1672
disability ought to be in another state institution. Before 1673
transferring a child to any other state institution, the 1674
department shall include in the minutes a record of the order of 1675
transfer and the reason for the transfer and, at least seven 1676
days prior to the transfer, shall send a certified copy of the 1677
order to the person shown by its record to have had the care or 1678
custody of the child immediately prior to the child's 1679
commitment. Except as provided in division (C) (2) of this 1680
section, no person shall be transferred from a benevolent 1681
institution to a correctional institution or to a facility or 1682
institution operated by the department of youth services. 1683

(2) Notwithstanding the provisions of this chapter, 1684
Chapter 2151., or Chapter 2152. of the Revised Code that 1685
prescribe required periods of institutionalization, transfer the 1686
child under section 5120.162 of the Revised Code to a 1687
correctional medical center established by the department of 1688

rehabilitation and correction, whenever the child has an 1689
illness, physical condition, or other medical problem and it 1690
appears that the child would benefit from diagnosis or treatment 1691
at the center for that illness, condition, or problem. Before 1692
transferring a child to a center, the department of youth 1693
services shall include in the minutes a record of the order of 1694
transfer and the reason for the transfer and, except in 1695
emergency situations, at least seven days prior to the transfer, 1696
shall send a certified copy of the order to the person shown by 1697
its records to have had the care or custody of the child 1698
immediately prior to the child's commitment. If the transfer of 1699
the child occurs in an emergency situation, as soon as possible 1700
after the decision is made to make the transfer, the department 1701
of youth services shall send a certified copy of the order to 1702
the person shown by its records to have had the care or custody 1703
of the child immediately prior to the child's commitment. A 1704
transfer under this division shall be in accordance with the 1705
terms of the agreement the department of youth services enters 1706
into with the department of rehabilitation and correction under 1707
section 5120.162 of the Revised Code and shall continue only as 1708
long as the child reasonably appears to receive benefit from 1709
diagnosis or treatment at the center for an illness, physical 1710
condition, or other medical problem. 1711

(3) Revoke or modify any order of the department except an 1712
order of discharge as often as conditions indicate it to be 1713
desirable; 1714

(4) If the child was committed pursuant to division (A) (1) 1715
(b), (c), (d), ~~or (e)~~, or (f) of section 2152.16 of the Revised 1716
Code and has been institutionalized or institutionalized in a 1717
secure facility for the prescribed minimum periods of time under 1718
the division pursuant to which the commitment was made, assign 1719

the child to a family home, a group care facility, or other 1720
place maintained under public or private auspices, within or 1721
without this state, for necessary treatment and rehabilitation, 1722
the costs of which may be paid by the department, provided that 1723
the department shall notify the committing court, in writing, of 1724
the place and terms of the assignment at least fifteen days 1725
prior to the scheduled date of the assignment; 1726

(5) Release the child from an institution in accordance 1727
with sections 5139.51 to 5139.54 of the Revised Code in the 1728
circumstances described in those sections. 1729

(D) The department of youth services shall notify the 1730
committing court of any order transferring the physical location 1731
of any child committed to it in accordance with section 5139.35 1732
of the Revised Code. Upon the discharge from its custody and 1733
control, the department may petition the court for an order 1734
terminating its custody and control. 1735

Sec. 5139.20. (A) Notwithstanding any other provision of 1736
the Revised Code that sets forth the minimum periods or period 1737
for which a child committed to the department of youth services 1738
is to be institutionalized or institutionalized in a secure 1739
facility or the procedures for the judicial release to court 1740
supervision or judicial release to department of youth services 1741
supervision, the department may grant emergency releases to 1742
children confined in state juvenile institutions if the 1743
governor, upon request of the director of the department 1744
authorizes the director, in writing, to issue a declaration that 1745
an emergency overcrowding condition exists in all of the 1746
institutions in which males are confined, or in all of the 1747
institutions in which females are confined, that are under the 1748
control of the department. If the governor authorizes the 1749

issuance of a declaration, the director may issue the 1750
declaration. If the director issues the declaration, the 1751
director shall file a copy of it with the secretary of state, 1752
which copy shall be a public record. Upon the filing of the 1753
copy, the department is authorized to grant emergency releases 1754
to children within its custody subject to division (B) of this 1755
section. The authority to grant the emergency releases shall 1756
continue until the expiration of thirty days from the day on 1757
which the declaration was filed. The director shall not issue a 1758
declaration that an emergency overcrowding condition exists 1759
unless the director determines that no other method of 1760
alleviating the overcrowding condition is available. 1761

(B) (1) If the department is authorized under division (A) 1762
of this section to grant emergency releases to children within 1763
its custody, the department shall determine which, if any, 1764
children to release under that authority only in accordance with 1765
this division and divisions (C), (D), and (E) of this section. 1766
The department, in determining which, if any, children to 1767
release, initially shall classify each child within its custody 1768
according to the degree of offense that the act for which the 1769
child is serving the period of institutionalization would have 1770
been if committed by an adult. The department then shall 1771
scrutinize individual children for emergency release, based upon 1772
their degree of offense, in accordance with the categories and 1773
the order of consideration set forth in division (B) (2) of this 1774
section. After scrutiny of all children within the particular 1775
category under consideration, the department shall designate 1776
individual children within that category to whom it wishes to 1777
grant an emergency release. 1778

(2) The categories of children in the custody of the 1779
department that may be considered for emergency release under 1780

this section, and the order in which the categories shall be 1781
considered, are as follows: 1782

(a) Initially, only children who are not serving a period 1783
of institutionalization for an act that would have been 1784
aggravated murder, murder, or a felony of the first, second, 1785
third, or fourth degree if committed by an adult or for an act 1786
that was committed before July 1, 1996, and that would have been 1787
an aggravated felony of the first, second, or third degree if 1788
committed by an adult may be considered. 1789

(b) When all children in the category described in 1790
division (B) (2) (a) of this section have been scrutinized and all 1791
children in that category who have been designated for emergency 1792
release under division (B) (1) of this section have been so 1793
released, then all children who are not serving a period of 1794
institutionalization for an act that would have been aggravated 1795
murder, murder, or a felony of the first or second degree if 1796
committed by an adult or for an act that was committed before 1797
July 1, 1996, and that would have been an aggravated felony of 1798
the first or second degree if committed by an adult may be 1799
considered. 1800

(c) When all children in the categories described in 1801
divisions (B) (2) (a) and (b) of this section have been 1802
scrutinized and all children in those categories who have been 1803
designated for emergency release under division (B) (1) of this 1804
section have been released, then all children who are not 1805
serving a term of institutionalization for an act that would 1806
have been aggravated murder, murder, or a felony of the first 1807
degree if committed by an adult or for an act that was committed 1808
before July 1, 1996, and that would have been an aggravated 1809
felony of the first or second degree if committed by an adult 1810

may be considered. 1811

(d) In no case shall the department consider for emergency 1812
release any child who is serving a term of institutionalization 1813
for an act that would have been aggravated murder, murder, or a 1814
felony of the first degree if committed by an adult or for an 1815
act that was committed before July 1, 1996, and that would have 1816
been an aggravated felony of the first degree if committed by an 1817
adult, and in no case shall the department grant an emergency 1818
release to any such child pursuant to this section. 1819

(C) An emergency release granted pursuant to this section 1820
shall consist of one of the following: 1821

(1) A supervised release under terms and conditions that 1822
the department believes conducive to law-abiding conduct; 1823

(2) A discharge of the child from the custody and control 1824
of the department if the department is satisfied that the 1825
discharge is consistent with the welfare of the individual and 1826
protection of the public; 1827

(3) An assignment to a family home, a group care facility, 1828
or other place maintained under public or private auspices, 1829
within or without this state, for necessary treatment or 1830
rehabilitation, the costs of which may be paid by the 1831
department. 1832

(D) If a child is granted an emergency release pursuant to 1833
this section, the child thereafter shall be considered to have 1834
been institutionalized or institutionalized in a secure facility 1835
for the prescribed minimum period of time under division (A) (1) 1836
(b), (c), (d), ~~or (e)~~, or (f) of section 2152.16 of the Revised 1837
Code, or all definite periods of commitment imposed under 1838
division (A), (B), (C), or (D) of section 2152.17 of the Revised 1839

Code plus the prescribed minimum period of time imposed under 1840
division (A) (1) (b), (c), (d), ~~or~~ (e), or (f) of section 2152.16 1841
of the Revised Code, whichever is applicable. The department 1842
shall retain legal custody of a child so released until it 1843
discharges the child or until its custody is terminated as 1844
otherwise provided by law. 1845

(E) (1) If a child is granted an emergency release so that 1846
the child is released on supervised release or assigned to a 1847
family home, group care facility, or other place for treatment 1848
or rehabilitation, the department shall prepare a written 1849
treatment and rehabilitation plan for the child in accordance 1850
with division (F) of section 2152.22 of the Revised Code, which 1851
shall include the conditions of the child's release or 1852
assignment, and shall send the committing court and the juvenile 1853
court of the county in which the child is placed a copy of the 1854
plan and the conditions that it fixed. The court of the county 1855
in which the child is placed may adopt the conditions as an 1856
order of the court and may add any additional consistent 1857
conditions it considers appropriate. If a child is released on 1858
supervised release or is assigned subject to specified 1859
conditions and the court of the county in which the child is 1860
placed has reason to believe that the child's deportment is not 1861
in accordance with any post-release conditions established by 1862
the court in its journal entry, the court of the county in which 1863
the child is placed, in its discretion, may schedule a time for 1864
a hearing on whether the child violated any of the post-release 1865
conditions. If that court conducts a hearing and determines at 1866
the hearing that the child violated any of the post-release 1867
conditions established in its journal entry, the court, if it 1868
determines that the violation of the conditions was a serious 1869
violation, may order the child to be returned to the department 1870

of youth services for institutionalization or, in any case, may
make any other disposition of the child authorized by law that
the court considers proper. If the court of the county in which
the child is placed orders the child to be returned to a
department of youth services institution, the child shall remain
institutionalized for a minimum period of three months.

(2) The department also shall file a written progress
report with the committing court regarding each child granted an
emergency release pursuant to this section at least once every
thirty days unless specifically directed otherwise by the court.
The report shall include the information required of reports
described in division (G) of section 2152.22 of the Revised
Code.

Sec. 5139.35. (A) Except as provided in division (C) of
this section and division (C) (2) of section 5139.06 of the
Revised Code, the department of youth services shall not place a
child committed to it pursuant to section 2152.16 or divisions
(A) and (B) of section 2152.17 of the Revised Code who has not
been institutionalized or institutionalized in a secure facility
for the prescribed minimum period of institutionalization in an
institution with a less restrictive setting than that in which
the child was originally placed, other than an institution under
the management and control of the department, without first
obtaining the prior consent of the committing court.

(B) Except as provided in division (C) of this section,
the department of youth services shall notify the committing
court, in writing, of any placement of a child committed to it
pursuant to division (A) (1) (b), (c), (d), ~~or (e)~~, or (f) of
section 2152.16 or divisions (A) and (B) of section 2152.17 of
the Revised Code who has been institutionalized or

institutionalized in a secure facility for the prescribed 1901
minimum period of institutionalization under those divisions in 1902
an institution with a less restrictive setting than that in 1903
which the child was originally placed, other than an institution 1904
under the management and control of the department, at least 1905
fifteen days before the scheduled date of placement. 1906

(C) If, pursuant to division (C)(2) of section 5139.06 of 1907
the Revised Code, the department of youth services transfers a 1908
child committed to it pursuant to division (A)(1)(b), (c), (d), 1909
~~or~~ (e), or (f) of section 2152.16 or divisions (A) and (B) of 1910
section 2152.17 of the Revised Code to a correctional medical 1911
center established by the department of rehabilitation and 1912
correction, the department of youth services shall send the 1913
committing court a certified copy of the transfer order. 1914

Sec. 5139.51. (A) The release authority of the department 1915
of youth services shall not release a child who is in the 1916
custody of the department of youth services from institutional 1917
care or institutional care in a secure facility and shall not 1918
discharge the child or order the child's release on supervised 1919
release prior to the expiration of the prescribed minimum period 1920
of institutionalization or institutionalization in a secure 1921
facility or prior to the child's attainment of twenty-one years 1922
of age, whichever is applicable under the order of commitment, 1923
other than as is provided in section 2152.22 of the Revised 1924
Code. The release authority may conduct periodic reviews of the 1925
case of each child who is in the custody of the department and 1926
who is eligible for supervised release or discharge after 1927
completing the minimum period of time or period of time in an 1928
institution prescribed by the committing court. At least thirty 1929
days prior to conducting a periodic review of the case of a 1930
child who was committed to the department regarding the 1931

possibility of supervised release or discharge and at least 1932
thirty days prior to conducting a release review, a release 1933
hearing, or a discharge review under division (E) of this 1934
section, the release authority shall give notice of the review 1935
or hearing to the court that committed the child, to the 1936
prosecuting attorney in the case, and to the victim of the 1937
delinquent act for which the child was committed or the victim's 1938
representative. If a child is on supervised release and has had 1939
the child's parole revoked, and if, upon release, there is 1940
insufficient time to provide the notices otherwise required by 1941
this division, the release authority, at least ten days prior to 1942
the child's release, shall provide reasonable notice of the 1943
child's release to the court that committed the child, to the 1944
prosecuting attorney in the case, and to the victim of the 1945
delinquent act for which the child was committed or the victim's 1946
representative. The court or prosecuting attorney may submit to 1947
the release authority written comments regarding, or written 1948
objections to, the supervised release or discharge of that 1949
child. Additionally, if the child was committed for an act that 1950
is a category one or category two offense, the court or 1951
prosecuting attorney orally may communicate to a representative 1952
of the release authority comments regarding, or objections to, 1953
the supervised release or discharge of the child or, if a 1954
hearing is held regarding the possible release or discharge of 1955
the child, may communicate those comments at the hearing. In 1956
conducting the review of the child's case regarding the 1957
possibility of supervised release or discharge, the release 1958
authority shall consider any comments and objections so 1959
submitted or communicated by the court or prosecutor and any 1960
statements or comments submitted or communicated under section 1961
5139.56 of the Revised Code by a victim of an act for which the 1962
child was committed to the legal custody of the department or by 1963

the victim's representative of a victim of an act of that type. 1964

The release authority shall determine the date on which a 1965
child may be placed on supervised release or discharged. If the 1966
release authority believes that a child should be placed on 1967
supervised release, it shall comply with division (B) of this 1968
section. If the release authority believes that a child should 1969
be discharged, it shall comply with division (C) or (E) of this 1970
section. If the release authority denies the supervised release 1971
or discharge of a child, it shall provide the child with a 1972
written record of the reasons for the decision. 1973

(B) (1) When the release authority decides to place a child 1974
on supervised release, consistent with division (D) of this 1975
section, the department shall prepare a written supervised 1976
release plan that specifies the terms and conditions upon which 1977
the child is to be released from an institution on supervised 1978
release and, at least thirty days prior to the release of the 1979
child on the supervised release, shall send to the committing 1980
court and the juvenile court of the county in which the child 1981
will be placed a copy of the supervised release plan and the 1982
terms and conditions of release. The juvenile court of the 1983
county in which the child will be placed, within fifteen days 1984
after its receipt of the copy of the supervised release plan, 1985
may add to the supervised release plan any additional consistent 1986
terms and conditions it considers appropriate, provided that the 1987
court may not add any term or condition that decreases the level 1988
or degree of supervision specified by the release authority in 1989
the plan, that substantially increases the financial burden of 1990
supervision that will be experienced by the department of youth 1991
services, or that alters the placement specified by the plan. 1992

If, within fifteen days after its receipt of the copy of 1993

the supervised release plan, the juvenile court of the county in 1994
which the child will be placed does not add to the supervised 1995
release plan any additional terms and conditions, the court 1996
shall enter the supervised release plan in its journal within 1997
that fifteen-day period and, within that fifteen-day period, 1998
shall send to the release authority a copy of the journal entry 1999
of the supervised release plan. The journalized plan shall apply 2000
regarding the child's supervised release. 2001

If, within fifteen days after its receipt of the copy of 2002
the supervised release plan, the juvenile court of the county in 2003
which the child will be placed adds to the supervised release 2004
plan any additional terms and conditions, the court shall enter 2005
the supervised release plan and the additional terms and 2006
conditions in its journal and, within that fifteen-day period, 2007
shall send to the release authority a copy of the journal entry 2008
of the supervised release plan and additional terms and 2009
conditions. The journalized supervised release plan and 2010
additional terms and conditions added by the court that satisfy 2011
the criteria described in this division shall apply regarding 2012
the child's supervised release. 2013

If, within fifteen days after its receipt of the copy of 2014
the supervised release plan, the juvenile court of the county in 2015
which the child will be placed neither enters in its journal the 2016
supervised release plan nor enters in its journal the supervised 2017
release plan plus additional terms and conditions added by the 2018
court, the court and the department of youth services may 2019
attempt to resolve any differences regarding the plan within 2020
three days. If a resolution is not reached within that three-day 2021
period, thereafter, the supervised release plan shall be 2022
enforceable to the same extent as if the court actually had 2023
entered the supervised release plan in its journal. 2024

(2) When the release authority receives from the court a
copy of the journalized supervised release plan and, if
applicable, a copy of the journalized additional terms and
conditions added by the court, the release authority shall keep
the original copy or copies in the child's file and shall
provide a copy of each document to the child, the employee of
the department who is assigned to supervise and assist the child
while on release, and the committing court.

(C) If a child who is in the custody of the department of
youth services was committed pursuant to division (A) (1) (b),
(c), (d), ~~or (e)~~, or (f) of section 2152.16 of the Revised Code
and has been institutionalized or institutionalized in a secure
facility for the prescribed minimum periods of time under those
divisions and if the release authority is satisfied that the
discharge of the child without the child being placed on
supervised release would be consistent with the welfare of the
child and protection of the public, the release authority,
without approval of the court that committed the child, may
discharge the child from the department's custody and control
without placing the child on supervised release. Additionally,
the release authority may discharge a child in the department's
custody without the child being placed on supervised release if
the child is removed from the jurisdiction of this state by a
court order of a court of this state, another state, or the
United States, or by any agency of this state, another state, or
the United States, if the child is convicted of or pleads guilty
to any criminal offense, or as otherwise provided by law. At
least fifteen days before the scheduled date of discharge of the
child without the child being placed on supervised release, the
department shall notify the committing court, in writing, that
it is going to discharge the child and of the reason for the

discharge. Upon discharge of the child without the child being 2056
placed on supervised release, the department immediately shall 2057
certify the discharge in writing and shall transmit the 2058
certificate of discharge to the committing court. 2059

(D) In addition to requirements that are reasonably 2060
related to the child's prior pattern of criminal or delinquent 2061
behavior and the prevention of further criminal or delinquent 2062
behavior, the release authority shall specify the following 2063
requirements for each child whom it releases: 2064

(1) The child shall observe the law. 2065

(2) The child shall maintain appropriate contact, as 2066
specified in the written supervised release plan for that child. 2067

(3) The child shall not change residence unless the child 2068
seeks prior approval for the change from the employee of the 2069
department assigned to supervise and assist the child, provides 2070
that employee, at the time the child seeks the prior approval 2071
for the change, with appropriate information regarding the new 2072
residence address at which the child wishes to reside, and 2073
obtains the prior approval of that employee for the change. 2074

(E) The period of a child's supervised release may extend 2075
from the date of release from an institution until the child 2076
attains twenty-one years of age. If the period of supervised 2077
release extends beyond one year after the date of release, the 2078
child may request in writing that the release authority conduct 2079
a discharge review after the expiration of the one-year period 2080
or the minimum period or period. If the child so requests, the 2081
release authority shall conduct a discharge review and give the 2082
child its decision in writing. The release authority shall not 2083
grant a discharge prior to the discharge date if it finds good 2084

cause for retaining the child in the custody of the department 2085
until the discharge date. A child may request an additional 2086
discharge review six months after the date of a previous 2087
discharge review decision, but not more than once during any 2088
six-month period after the date of a previous discharge review 2089
decision. 2090

(F) At least two weeks before the release authority places 2091
on supervised release or discharge a child who was committed to 2092
the legal custody of the department, the release authority shall 2093
provide notice of the release or discharge as follows: 2094

(1) In relation to the placement on supervised release or 2095
discharge of a child who was committed to the department for 2096
committing an act that is a category one or category two 2097
offense, the release authority shall notify, by the specified 2098
deadline, all of the following of the release or discharge: 2099

(a) The prosecuting attorney of the county in which the 2100
child was adjudicated a delinquent child and committed to the 2101
custody of the department; 2102

(b) Whichever of the following is applicable: 2103

(i) If upon the supervised release or discharge the child 2104
will reside in a municipal corporation, the chief of police or 2105
other chief law enforcement officer of that municipal 2106
corporation; 2107

(ii) If upon the supervised release or discharge the child 2108
will reside in an unincorporated area of a county, the sheriff 2109
of that county. 2110

(2) In relation to the placement on supervised release or 2111
discharge of a child who was committed to the department for 2112
committing any act, the release authority shall notify, by the 2113

specified deadline, each victim of the act for which the child 2114
was committed to the legal custody of the department who, 2115
pursuant to section 5139.56 of the Revised Code, has requested 2116
to be notified of the placement of the child on supervised 2117
release or the discharge of the child, provided that, if any 2118
victim has designated a person pursuant to that section to act 2119
on the victim's behalf as a victim's representative, the 2120
notification required by this division shall be provided to that 2121
victim's representative. 2122

Section 2. That existing sections 2152.16, 2152.17, 2123
2152.19, 2152.22, 2152.26, 5139.01, 5139.05, 5139.06, 5139.20, 2124
5139.35, and 5139.51 of the Revised Code are hereby repealed. 2125