

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 500

Representatives Stewart, Lampton

**Cosponsors: Representatives Seitz, Carfagna, Leland, Galonski, Ferguson,
Hillyer, Ray, Ginter, Miller, A., Humphrey**

A BILL

To amend sections 109.57, 2151.23, 2152.02, 1
2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2
2152.26, and 2505.02 and to repeal section 3
2152.121 of the Revised Code to eliminate 4
mandatory bindovers and reverse bindovers, and 5
modify the law governing a discretionary 6
bindover, of an alleged juvenile offender from a 7
juvenile court to a criminal court. 8

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

Section 1. That sections 109.57, 2151.23, 2152.02, 9
2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2152.26, and 10
2505.02 of the Revised Code be amended to read as follows: 11

Sec. 109.57. (A) (1) The superintendent of the bureau of 12
criminal identification and investigation shall procure from 13
wherever procurable and file for record photographs, pictures, 14
descriptions, fingerprints, measurements, and other information 15
that may be pertinent of all persons who have been convicted of 16
committing within this state a felony, any crime constituting a 17
misdemeanor on the first offense and a felony on subsequent 18

offenses, or any misdemeanor described in division (A) (1) (a), 19
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 20
of all children under eighteen years of age who have been 21
adjudicated delinquent children for committing within this state 22
an act that would be a felony or an offense of violence if 23
committed by an adult or who have been convicted of or pleaded 24
guilty to committing within this state a felony or an offense of 25
violence, and of all well-known and habitual criminals. The 26
person in charge of any county, multicounty, municipal, 27
municipal-county, or multicounty-municipal jail or workhouse, 28
community-based correctional facility, halfway house, 29
alternative residential facility, or state correctional 30
institution and the person in charge of any state institution 31
having custody of a person suspected of having committed a 32
felony, any crime constituting a misdemeanor on the first 33
offense and a felony on subsequent offenses, or any misdemeanor 34
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 35
section 109.572 of the Revised Code or having custody of a child 36
under eighteen years of age with respect to whom there is 37
probable cause to believe that the child may have committed an 38
act that would be a felony or an offense of violence if 39
committed by an adult shall furnish such material to the 40
superintendent of the bureau. Fingerprints, photographs, or 41
other descriptive information of a child who is under eighteen 42
years of age, has not been arrested or otherwise taken into 43
custody for committing an act that would be a felony or an 44
offense of violence who is not in any other category of child 45
specified in this division, if committed by an adult, has not 46
been adjudicated a delinquent child for committing an act that 47
would be a felony or an offense of violence if committed by an 48
adult, has not been convicted of or pleaded guilty to committing 49
a felony or an offense of violence, and is not a child with 50

respect to whom there is probable cause to believe that the 51
child may have committed an act that would be a felony or an 52
offense of violence if committed by an adult shall not be 53
procured by the superintendent or furnished by any person in 54
charge of any county, multicounty, municipal, municipal-county, 55
or multicounty-municipal jail or workhouse, community-based 56
correctional facility, halfway house, alternative residential 57
facility, or state correctional institution, except as 58
authorized in section 2151.313 of the Revised Code. 59

(2) Every clerk of a court of record in this state, other 60
than the supreme court or a court of appeals, shall send to the 61
superintendent of the bureau a weekly report containing a 62
summary of each case involving a felony, involving any crime 63
constituting a misdemeanor on the first offense and a felony on 64
subsequent offenses, involving a misdemeanor described in 65
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 66
of the Revised Code, or involving an adjudication in a case in 67
which a child under eighteen years of age was alleged to be a 68
delinquent child for committing an act that would be a felony or 69
an offense of violence if committed by an adult. The clerk of 70
the court of common pleas shall include in the report and 71
summary the clerk sends under this division all information 72
described in divisions (A) (2) (a) to (f) of this section 73
regarding a case before the court of appeals that is served by 74
that clerk. The summary shall be written on the standard forms 75
furnished by the superintendent pursuant to division (B) of this 76
section and shall include the following information: 77

(a) The incident tracking number contained on the standard 78
forms furnished by the superintendent pursuant to division (B) 79
of this section; 80

(b) The style and number of the case;	81
(c) The date of arrest, offense, summons, or arraignment;	82
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	83 84 85 86 87 88 89 90 91 92 93 94
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	95 96
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	97 98 99 100
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	101 102 103 104 105
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of	106 107 108 109

identification of all persons arrested on a charge of a felony, 110
any crime constituting a misdemeanor on the first offense and a 111
felony on subsequent offenses, or a misdemeanor described in 112
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 113
of the Revised Code and of all children under eighteen years of 114
age arrested or otherwise taken into custody for committing an 115
act that would be a felony or an offense of violence if 116
committed by an adult. The superintendent also shall file for 117
record the fingerprint impressions of all persons confined in a 118
county, multicounty, municipal, municipal-county, or 119
multicounty-municipal jail or workhouse, community-based 120
correctional facility, halfway house, alternative residential 121
facility, or state correctional institution for the violation of 122
state laws and of all children under eighteen years of age who 123
are confined in a county, multicounty, municipal, municipal- 124
county, or multicounty-municipal jail or workhouse, community- 125
based correctional facility, halfway house, alternative 126
residential facility, or state correctional institution or in 127
any facility for delinquent children for committing an act that 128
would be a felony or an offense of violence if committed by an 129
adult, and any other information that the superintendent may 130
receive from law enforcement officials of the state and its 131
political subdivisions. 132

(4) The superintendent shall carry out Chapter 2950. of 133
the Revised Code with respect to the registration of persons who 134
are convicted of or plead guilty to a sexually oriented offense 135
or a child-victim oriented offense and with respect to all other 136
duties imposed on the bureau under that chapter. 137

(5) The bureau shall perform centralized recordkeeping 138
functions for criminal history records and services in this 139
state for purposes of the national crime prevention and privacy 140

compact set forth in section 109.571 of the Revised Code and is 141
the criminal history record repository as defined in that 142
section for purposes of that compact. The superintendent or the 143
superintendent's designee is the compact officer for purposes of 144
that compact and shall carry out the responsibilities of the 145
compact officer specified in that compact. 146

(6) The superintendent shall, upon request, assist a 147
county coroner in the identification of a deceased person 148
through the use of fingerprint impressions obtained pursuant to 149
division (A) (1) of this section or collected pursuant to section 150
109.572 or 311.41 of the Revised Code. 151

(B) The superintendent shall prepare and furnish to every 152
county, multicounty, municipal, municipal-county, or 153
multicounty-municipal jail or workhouse, community-based 154
correctional facility, halfway house, alternative residential 155
facility, or state correctional institution and to every clerk 156
of a court in this state specified in division (A) (2) of this 157
section standard forms for reporting the information required 158
under division (A) of this section. The standard forms that the 159
superintendent prepares pursuant to this division may be in a 160
tangible format, in an electronic format, or in both tangible 161
formats and electronic formats. 162

(C) (1) The superintendent may operate a center for 163
electronic, automated, or other data processing for the storage 164
and retrieval of information, data, and statistics pertaining to 165
criminals and to children under eighteen years of age who are 166
adjudicated delinquent children for committing an act that would 167
be a felony or an offense of violence if committed by an adult, 168
criminal activity, crime prevention, law enforcement, and 169
criminal justice, and may establish and operate a statewide 170

communications network to be known as the Ohio law enforcement 171
gateway to gather and disseminate information, data, and 172
statistics for the use of law enforcement agencies and for other 173
uses specified in this division. The superintendent may gather, 174
store, retrieve, and disseminate information, data, and 175
statistics that pertain to children who are under eighteen years 176
of age and that are gathered pursuant to sections 109.57 to 177
109.61 of the Revised Code together with information, data, and 178
statistics that pertain to adults and that are gathered pursuant 179
to those sections. 180

(2) The superintendent or the superintendent's designee 181
shall gather information of the nature described in division (C) 182
(1) of this section that pertains to the offense and delinquency 183
history of a person who has been convicted of, pleaded guilty 184
to, or been adjudicated a delinquent child for committing a 185
sexually oriented offense or a child-victim oriented offense for 186
inclusion in the state registry of sex offenders and child- 187
victim offenders maintained pursuant to division (A) (1) of 188
section 2950.13 of the Revised Code and in the internet database 189
operated pursuant to division (A) (13) of that section and for 190
possible inclusion in the internet database operated pursuant to 191
division (A) (11) of that section. 192

(3) In addition to any other authorized use of 193
information, data, and statistics of the nature described in 194
division (C) (1) of this section, the superintendent or the 195
superintendent's designee may provide and exchange the 196
information, data, and statistics pursuant to the national crime 197
prevention and privacy compact as described in division (A) (5) 198
of this section. 199

(4) The Ohio law enforcement gateway shall contain the 200

name, confidential address, and telephone number of program 201
participants in the address confidentiality program established 202
under sections 111.41 to 111.47 of the Revised Code. 203

(5) The attorney general may adopt rules under Chapter 204
119. of the Revised Code establishing guidelines for the 205
operation of and participation in the Ohio law enforcement 206
gateway. The rules may include criteria for granting and 207
restricting access to information gathered and disseminated 208
through the Ohio law enforcement gateway. The attorney general 209
shall adopt rules under Chapter 119. of the Revised Code that 210
grant access to information in the gateway regarding an address 211
confidentiality program participant under sections 111.41 to 212
111.47 of the Revised Code to only chiefs of police, village 213
marshals, county sheriffs, county prosecuting attorneys, and a 214
designee of each of these individuals. The attorney general 215
shall permit the state medical board and board of nursing to 216
access and view, but not alter, information gathered and 217
disseminated through the Ohio law enforcement gateway. 218

The attorney general may appoint a steering committee to 219
advise the attorney general in the operation of the Ohio law 220
enforcement gateway that is comprised of persons who are 221
representatives of the criminal justice agencies in this state 222
that use the Ohio law enforcement gateway and is chaired by the 223
superintendent or the superintendent's designee. 224

(D) (1) The following are not public records under section 225
149.43 of the Revised Code: 226

(a) Information and materials furnished to the 227
superintendent pursuant to division (A) of this section; 228

(b) Information, data, and statistics gathered or 229

disseminated through the Ohio law enforcement gateway pursuant	230
to division (C) (1) of this section;	231
(c) Information and materials furnished to any board or	232
person under division (F) or (G) of this section.	233
(2) The superintendent or the superintendent's designee	234
shall gather and retain information so furnished under division	235
(A) of this section that pertains to the offense and delinquency	236
history of a person who has been convicted of, pleaded guilty	237
to, or been adjudicated a delinquent child for committing a	238
sexually oriented offense or a child-victim oriented offense for	239
the purposes described in division (C) (2) of this section.	240
(E) (1) The attorney general shall adopt rules, in	241
accordance with Chapter 119. of the Revised Code and subject to	242
division (E) (2) of this section, setting forth the procedure by	243
which a person may receive or release information gathered by	244
the superintendent pursuant to division (A) of this section. A	245
reasonable fee may be charged for this service. If a temporary	246
employment service submits a request for a determination of	247
whether a person the service plans to refer to an employment	248
position has been convicted of or pleaded guilty to an offense	249
listed or described in division (A) (1), (2), or (3) of section	250
109.572 of the Revised Code, the request shall be treated as a	251
single request and only one fee shall be charged.	252
(2) Except as otherwise provided in this division or	253
division (E) (3) or (4) of this section, a rule adopted under	254
division (E) (1) of this section may provide only for the release	255
of information gathered pursuant to division (A) of this section	256
that relates to the conviction of a person, or a person's plea	257
of guilty to, a criminal offense or to the arrest of a person as	258
provided in division (E) (3) of this section. The superintendent	259

shall not release, and the attorney general shall not adopt any 260
rule under division (E) (1) of this section that permits the 261
release of, any information gathered pursuant to division (A) of 262
this section that relates to an adjudication of a child as a 263
delinquent child, or that relates to a criminal conviction of a 264
person under eighteen years of age if the person's case was 265
transferred back to a juvenile court under division (B) (2) or 266
(3) of former section 2152.121 of the Revised Code as it existed 267
prior to the effective date of this amendment and the juvenile 268
court imposed a disposition or serious youthful offender 269
disposition upon the person under either division, unless either 270
of the following applies with respect to the adjudication or 271
conviction: 272

(a) The adjudication or conviction was for a violation of 273
section 2903.01 or 2903.02 of the Revised Code. 274

(b) The adjudication or conviction was for a sexually 275
oriented offense, the juvenile court was required to classify 276
the child a juvenile offender registrant for that offense under 277
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 278
classification has not been removed, and the records of the 279
adjudication or conviction have not been sealed or expunged 280
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 281
section 2952.32 of the Revised Code. 282

(3) A rule adopted under division (E) (1) of this section 283
may provide for the release of information gathered pursuant to 284
division (A) of this section that relates to the arrest of a 285
person who is eighteen years of age or older when the person has 286
not been convicted as a result of that arrest if any of the 287
following applies: 288

(a) The arrest was made outside of this state. 289

(b) A criminal action resulting from the arrest is 290
pending, and the superintendent confirms that the criminal 291
action has not been resolved at the time the criminal records 292
check is performed. 293

(c) The bureau cannot reasonably determine whether a 294
criminal action resulting from the arrest is pending, and not 295
more than one year has elapsed since the date of the arrest. 296

(4) A rule adopted under division (E) (1) of this section 297
may provide for the release of information gathered pursuant to 298
division (A) of this section that relates to an adjudication of 299
a child as a delinquent child if not more than five years have 300
elapsed since the date of the adjudication, the adjudication was 301
for an act that would have been a felony if committed by an 302
adult, the records of the adjudication have not been sealed or 303
expunged pursuant to sections 2151.355 to 2151.358 of the 304
Revised Code, and the request for information is made under 305
division (F) of this section or under section 109.572 of the 306
Revised Code. In the case of an adjudication for a violation of 307
the terms of community control or supervised release, the five- 308
year period shall be calculated from the date of the 309
adjudication to which the community control or supervised 310
release pertains. 311

(F) (1) As used in division (F) (2) of this section, "head 312
start agency" means an entity in this state that has been 313
approved to be an agency for purposes of subchapter II of the 314
"Community Economic Development Act," 95 Stat. 489 (1981), 42 315
U.S.C.A. 9831, as amended. 316

(2) (a) In addition to or in conjunction with any request 317
that is required to be made under section 109.572, 2151.86, 318
3301.32, 3301.541, division (C) of section 3310.58, or section 319

3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 320
5153.111 of the Revised Code or that is made under section 321
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 322
board of education of any school district; the director of 323
developmental disabilities; any county board of developmental 324
disabilities; any provider or subcontractor as defined in 325
section 5123.081 of the Revised Code; the chief administrator of 326
any chartered nonpublic school; the chief administrator of a 327
registered private provider that is not also a chartered 328
nonpublic school; the chief administrator of any home health 329
agency; the chief administrator of or person operating any child 330
day-care center, type A family day-care home, or type B family 331
day-care home licensed under Chapter 5104. of the Revised Code; 332
the chief administrator of any head start agency; the executive 333
director of a public children services agency; a private company 334
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 335
the Revised Code; or an employer described in division (J)(2) of 336
section 3327.10 of the Revised Code may request that the 337
superintendent of the bureau investigate and determine, with 338
respect to any individual who has applied for employment in any 339
position after October 2, 1989, or any individual wishing to 340
apply for employment with a board of education may request, with 341
regard to the individual, whether the bureau has any information 342
gathered under division (A) of this section that pertains to 343
that individual. On receipt of the request, subject to division 344
(E)(2) of this section, the superintendent shall determine 345
whether that information exists and, upon request of the person, 346
board, or entity requesting information, also shall request from 347
the federal bureau of investigation any criminal records it has 348
pertaining to that individual. The superintendent or the 349
superintendent's designee also may request criminal history 350
records from other states or the federal government pursuant to 351

the national crime prevention and privacy compact set forth in 352
section 109.571 of the Revised Code. Within thirty days of the 353
date that the superintendent receives a request, subject to 354
division (E) (2) of this section, the superintendent shall send 355
to the board, entity, or person a report of any information that 356
the superintendent determines exists, including information 357
contained in records that have been sealed under section 2953.32 358
of the Revised Code, and, within thirty days of its receipt, 359
subject to division (E) (2) of this section, shall send the 360
board, entity, or person a report of any information received 361
from the federal bureau of investigation, other than information 362
the dissemination of which is prohibited by federal law. 363

(b) When a board of education or a registered private 364
provider is required to receive information under this section 365
as a prerequisite to employment of an individual pursuant to 366
division (C) of section 3310.58 or section 3319.39 of the 367
Revised Code, it may accept a certified copy of records that 368
were issued by the bureau of criminal identification and 369
investigation and that are presented by an individual applying 370
for employment with the district in lieu of requesting that 371
information itself. In such a case, the board shall accept the 372
certified copy issued by the bureau in order to make a photocopy 373
of it for that individual's employment application documents and 374
shall return the certified copy to the individual. In a case of 375
that nature, a district or provider only shall accept a 376
certified copy of records of that nature within one year after 377
the date of their issuance by the bureau. 378

(c) Notwithstanding division (F) (2) (a) of this section, in 379
the case of a request under section 3319.39, 3319.391, or 380
3327.10 of the Revised Code only for criminal records maintained 381
by the federal bureau of investigation, the superintendent shall 382

not determine whether any information gathered under division 383
(A) of this section exists on the person for whom the request is 384
made. 385

(3) The state board of education may request, with respect 386
to any individual who has applied for employment after October 387
2, 1989, in any position with the state board or the department 388
of education, any information that a school district board of 389
education is authorized to request under division (F) (2) of this 390
section, and the superintendent of the bureau shall proceed as 391
if the request has been received from a school district board of 392
education under division (F) (2) of this section. 393

(4) When the superintendent of the bureau receives a 394
request for information under section 3319.291 of the Revised 395
Code, the superintendent shall proceed as if the request has 396
been received from a school district board of education and 397
shall comply with divisions (F) (2) (a) and (c) of this section. 398

(G) In addition to or in conjunction with any request that 399
is required to be made under section 3701.881, 3712.09, or 400
3721.121 of the Revised Code with respect to an individual who 401
has applied for employment in a position that involves providing 402
direct care to an older adult or adult resident, the chief 403
administrator of a home health agency, hospice care program, 404
home licensed under Chapter 3721. of the Revised Code, or adult 405
day-care program operated pursuant to rules adopted under 406
section 3721.04 of the Revised Code may request that the 407
superintendent of the bureau investigate and determine, with 408
respect to any individual who has applied after January 27, 409
1997, for employment in a position that does not involve 410
providing direct care to an older adult or adult resident, 411
whether the bureau has any information gathered under division 412

(A) of this section that pertains to that individual. 413

In addition to or in conjunction with any request that is 414
required to be made under section 173.27 of the Revised Code 415
with respect to an individual who has applied for employment in 416
a position that involves providing ombudsman services to 417
residents of long-term care facilities or recipients of 418
community-based long-term care services, the state long-term 419
care ombudsman, the director of aging, a regional long-term care 420
ombudsman program, or the designee of the ombudsman, director, 421
or program may request that the superintendent investigate and 422
determine, with respect to any individual who has applied for 423
employment in a position that does not involve providing such 424
ombudsman services, whether the bureau has any information 425
gathered under division (A) of this section that pertains to 426
that applicant. 427

In addition to or in conjunction with any request that is 428
required to be made under section 173.38 of the Revised Code 429
with respect to an individual who has applied for employment in 430
a direct-care position, the chief administrator of a provider, 431
as defined in section 173.39 of the Revised Code, may request 432
that the superintendent investigate and determine, with respect 433
to any individual who has applied for employment in a position 434
that is not a direct-care position, whether the bureau has any 435
information gathered under division (A) of this section that 436
pertains to that applicant. 437

In addition to or in conjunction with any request that is 438
required to be made under section 3712.09 of the Revised Code 439
with respect to an individual who has applied for employment in 440
a position that involves providing direct care to a pediatric 441
respite care patient, the chief administrator of a pediatric 442

respice care program may request that the superintendent of the 443
bureau investigate and determine, with respect to any individual 444
who has applied for employment in a position that does not 445
involve providing direct care to a pediatric respice care 446
patient, whether the bureau has any information gathered under 447
division (A) of this section that pertains to that individual. 448

On receipt of a request under this division, the 449
superintendent shall determine whether that information exists 450
and, on request of the individual requesting information, shall 451
also request from the federal bureau of investigation any 452
criminal records it has pertaining to the applicant. The 453
superintendent or the superintendent's designee also may request 454
criminal history records from other states or the federal 455
government pursuant to the national crime prevention and privacy 456
compact set forth in section 109.571 of the Revised Code. Within 457
thirty days of the date a request is received, subject to 458
division (E) (2) of this section, the superintendent shall send 459
to the requester a report of any information determined to 460
exist, including information contained in records that have been 461
sealed under section 2953.32 of the Revised Code, and, within 462
thirty days of its receipt, shall send the requester a report of 463
any information received from the federal bureau of 464
investigation, other than information the dissemination of which 465
is prohibited by federal law. 466

(H) Information obtained by a government entity or person 467
under this section is confidential and shall not be released or 468
disseminated. 469

(I) The superintendent may charge a reasonable fee for 470
providing information or criminal records under division (F) (2) 471
or (G) of this section. 472

(J) As used in this section:	473
(1) "Pediatric respite care program" and "pediatric care patient" have the same meanings as in section 3712.01 of the Revised Code.	474 475 476
(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.	477 478 479
(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	480 481 482 483 484 485
Sec. 2151.23. (A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows:	486 487
(1) Concerning any child who on or about the date specified in the complaint, indictment, or information is alleged to have violated section 2151.87 of the Revised Code or an order issued under that section or to be a juvenile traffic offender or a delinquent, unruly, abused, neglected, or dependent child and, based on and in relation to the allegation pertaining to the child, concerning the parent, guardian, or other person having care of a child who is alleged to be an unruly child for being an habitual truant or who is alleged to be a delinquent child for violating a court order regarding the child's prior adjudication as an unruly child for being an habitual truant;	488 489 490 491 492 493 494 495 496 497 498 499
(2) Subject to divisions (G), (I), (K), and (V) of section 2301.03 of the Revised Code, to determine the custody of any	500 501

child not a ward of another court of this state;	502
(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;	503 504
(4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code;	505 506 507 508 509 510
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	511 512
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B) (1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B) (1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	513 514 515 516 517 518 519 520 521 522 523
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	524 525
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	526 527 528 529
(9) To hear and determine requests for the extension of	530

temporary custody agreements, and requests for court approval of	531
permanent custody agreements, that are filed pursuant to section	532
5103.15 of the Revised Code;	533
(10) To hear and determine applications for consent to	534
marry pursuant to section 3101.04 of the Revised Code;	535
(11) Subject to divisions (G), (I), (K), and (V) of	536
section 2301.03 of the Revised Code, to hear and determine a	537
request for an order for the support of any child if the request	538
is not ancillary to an action for divorce, dissolution of	539
marriage, annulment, or legal separation, a criminal or civil	540
action involving an allegation of domestic violence, or an	541
action for support brought under Chapter 3115. of the Revised	542
Code;	543
(12) Concerning an action commenced under section 121.38	544
of the Revised Code;	545
(13) To hear and determine violations of section 3321.38	546
of the Revised Code;	547
(14) To exercise jurisdiction and authority over the	548
parent, guardian, or other person having care of a child alleged	549
to be a delinquent child, unruly child, or juvenile traffic	550
offender, based on and in relation to the allegation pertaining	551
to the child;	552
(15) To conduct the hearings, and to make the	553
determinations, adjudications, and orders authorized or required	554
under sections 2152.82 to 2152.86 and Chapter 2950. of the	555
Revised Code regarding a child who has been adjudicated a	556
delinquent child and to refer the duties conferred upon the	557
juvenile court judge under sections 2152.82 to 2152.86 and	558
Chapter 2950. of the Revised Code to magistrates appointed by	559

the juvenile court judge in accordance with Juvenile Rule 40;	560
(16) To hear and determine a petition for a protection	561
order against a child under section 2151.34 or 3113.31 of the	562
Revised Code and to enforce a protection order issued or a	563
consent agreement approved under either section against a child	564
until a date certain but not later than the date the child	565
attains nineteen years of age;	566
(17) Concerning emancipated young adults under sections	567
2151.45 to 2151.455 of the Revised Code.	568
(B) Except as provided in divisions (G) and (I) of section	569
2301.03 of the Revised Code, the juvenile court has original	570
jurisdiction under the Revised Code:	571
(1) To hear and determine all cases of misdemeanors	572
charging adults with any act or omission with respect to any	573
child, which act or omission is a violation of any state law or	574
any municipal ordinance;	575
(2) To determine the paternity of any child alleged to	576
have been born out of wedlock pursuant to sections 3111.01 to	577
3111.18 of the Revised Code;	578
(3) Under the uniform interstate family support act in	579
Chapter 3115. of the Revised Code;	580
(4) To hear and determine an application for an order for	581
the support of any child, if the child is not a ward of another	582
court of this state;	583
(5) To hear and determine an action commenced under	584
section 3111.28 of the Revised Code;	585
(6) To hear and determine a motion filed under section	586
3119.961 of the Revised Code;	587

(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.

(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;

(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.

(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile court for trial, provided that no certification of that nature shall be made to any juvenile court unless the consent of the juvenile judge first is obtained. After a certification of that nature is made and consent is obtained, the juvenile court shall proceed as if the action originally had been begun in that court, except as to awards for spousal support or support due and unpaid at the time of certification, over which the juvenile court has no jurisdiction.

(D) The juvenile court, except as provided in division (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and determine all matters as to custody and support of children duly certified by the court of common pleas to the juvenile

court after a divorce decree has been granted, including 618
jurisdiction to modify the judgment and decree of the court of 619
common pleas as the same relate to the custody and support of 620
children. 621

(E) The juvenile court, except as provided in division (I) 622
of section 2301.03 of the Revised Code, has jurisdiction to hear 623
and determine the case of any child certified to the court by 624
any court of competent jurisdiction if the child comes within 625
the jurisdiction of the juvenile court as defined by this 626
section. 627

(F) (1) The juvenile court shall exercise its jurisdiction 628
in child custody matters in accordance with sections 3109.04 and 629
3127.01 to 3127.53 of the Revised Code and, as applicable, 630
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 631
Revised Code. 632

(2) The juvenile court shall exercise its jurisdiction in 633
child support matters in accordance with section 3109.05 of the 634
Revised Code. 635

(G) Any juvenile court that makes or modifies an order for 636
child support shall comply with Chapters 3119., 3121., 3123., 637
and 3125. of the Revised Code. If any person required to pay 638
child support under an order made by a juvenile court on or 639
after April 15, 1985, or modified on or after December 1, 1986, 640
is found in contempt of court for failure to make support 641
payments under the order, the court that makes the finding, in 642
addition to any other penalty or remedy imposed, shall assess 643
all court costs arising out of the contempt proceeding against 644
the person and require the person to pay any reasonable 645
attorney's fees of any adverse party, as determined by the 646
court, that arose in relation to the act of contempt. 647

(H) If a child who is charged with an act that would be an offense if committed by an adult was fourteen years of age or older and under eighteen years of age at the time of the alleged act and if the case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code, ~~except as provided in section 2152.121 of the Revised Code,~~ the juvenile court does not have jurisdiction to hear or determine the case subsequent to the transfer. The court to which the case is transferred for criminal prosecution pursuant to that section has jurisdiction subsequent to the transfer to hear and determine the case in the same manner as if the case originally had been commenced in that court, ~~subject to section 2152.121 of the Revised Code,~~ including, but not limited to, jurisdiction to accept a plea of guilty or another plea authorized by Criminal Rule 11 or another section of the Revised Code and jurisdiction to accept a verdict and to enter a judgment of conviction pursuant to the Rules of Criminal Procedure against the child for the commission of the offense that was the basis of the transfer of the case for criminal prosecution, whether the conviction is for the same degree or a lesser degree of the offense charged, for the commission of a lesser-included offense, or for the commission of another offense that is different from the offense charged.

(I) If a person under eighteen years of age allegedly commits an act that would be a felony if committed by an adult and if the person is not taken into custody or apprehended for that act until after the person attains twenty-one years of age, the juvenile court does not have jurisdiction to hear or determine any portion of the case charging the person with committing that act. In those circumstances, ~~divisions~~ division (A) ~~and (B)~~ of section 2152.12 of the Revised Code ~~do~~ does not

apply regarding the act, and the case charging the person with 679
committing the act shall be a criminal prosecution commenced and 680
heard in the appropriate court having jurisdiction of the 681
offense as if the person had been eighteen years of age or older 682
when the person committed the act. All proceedings pertaining to 683
the act shall be within the jurisdiction of the court having 684
jurisdiction of the offense, and that court has all the 685
authority and duties in the case that it has in other criminal 686
cases in that court. 687

(J) In exercising its exclusive original jurisdiction 688
under division (A) (16) of this section with respect to any 689
proceedings brought under section 2151.34 or 3113.31 of the 690
Revised Code in which the respondent is a child, the juvenile 691
court retains all dispositional powers consistent with existing 692
rules of juvenile procedure and may also exercise its discretion 693
to adjudicate proceedings as provided in sections 2151.34 and 694
3113.31 of the Revised Code, including the issuance of 695
protection orders or the approval of consent agreements under 696
those sections. 697

Sec. 2152.02. As used in this chapter: 698

(A) "Act charged" means the act that is identified in a 699
complaint, indictment, or information alleging that a child is a 700
delinquent child. 701

(B) "Admitted to a department of youth services facility" 702
includes admission to a facility operated, or contracted for, by 703
the department and admission to a comparable facility outside 704
this state by another state or the United States. 705

(C) (1) "Child" means a person who is under eighteen years 706
of age, except as otherwise provided in divisions (C) (2) to (8) 707

of this section. 708

(2) Subject to division (C) (3) of this section, any person 709
who violates a federal or state law or a municipal ordinance 710
prior to attaining eighteen years of age shall be deemed a 711
"child" irrespective of that person's age at the time the 712
complaint with respect to that violation is filed or the hearing 713
on the complaint is held. 714

(3) Any person who, while under eighteen years of age, 715
commits an act that would be a felony if committed by an adult 716
and who is not taken into custody or apprehended for that act 717
until after the person attains twenty-one years of age is not a 718
child in relation to that act. 719

(4) Except as otherwise provided in divisions (C) (5) and 720
(7) of this section, any person whose case is transferred for 721
criminal prosecution pursuant to section 2152.12 of the Revised 722
Code shall be deemed after the transfer not to be a child in the 723
transferred case. 724

(5) Any person whose case is transferred for criminal 725
prosecution pursuant to section 2152.12 of the Revised Code and 726
who subsequently is convicted of or pleads guilty to a felony in 727
that case, unless a serious youthful offender dispositional 728
sentence ~~is~~ was imposed on the child for that offense under 729
division (B) (2) or (3) of former section 2152.121 of the Revised 730
Code as it existed prior to the effective date of this amendment 731
and the adult portion of that sentence is not invoked pursuant 732
to section 2152.14 of the Revised Code, and any person who is 733
adjudicated a delinquent child for the commission of an act, who 734
has a serious youthful offender dispositional sentence imposed 735
for the act pursuant to section 2152.13 of the Revised Code, and 736
whose adult portion of the dispositional sentence is invoked 737

pursuant to section 2152.14 of the Revised Code, shall be deemed 738
after the conviction, plea, or invocation not to be a child in 739
any case in which a complaint is filed against the person. 740

(6) The juvenile court has jurisdiction over a person who 741
is adjudicated a delinquent child or juvenile traffic offender 742
prior to attaining eighteen years of age until the person 743
attains twenty-one years of age, and, for purposes of that 744
jurisdiction related to that adjudication, except as otherwise 745
provided in this division, a person who is so adjudicated a 746
delinquent child or juvenile traffic offender shall be deemed a 747
"child" until the person attains twenty-one years of age. If a 748
person is so adjudicated a delinquent child or juvenile traffic 749
offender and the court makes a disposition of the person under 750
this chapter, at any time after the person attains twenty-one 751
years of age, the places at which the person may be held under 752
that disposition are not limited to places authorized under this 753
chapter solely for confinement of children, and the person may 754
be confined under that disposition, in accordance with division 755
(F) (2) of section 2152.26 of the Revised Code, in places other 756
than those authorized under this chapter solely for confinement 757
of children. 758

(7) The juvenile court has jurisdiction over any person 759
whose case is transferred for criminal prosecution solely for 760
the purpose of detaining the person as authorized in division 761
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 762
person is convicted of or pleads guilty to a felony in the adult 763
court. 764

(8) Any person who, while eighteen years of age, violates 765
division (A) (1) or (2) of section 2919.27 of the Revised Code by 766
violating a protection order issued or consent agreement 767

approved under section 2151.34 or 3113.31 of the Revised Code 768
shall be considered a child for the purposes of that violation 769
of section 2919.27 of the Revised Code. 770

(D) "Community corrections facility," "public safety 771
beds," "release authority," and "supervised release" have the 772
same meanings as in section 5139.01 of the Revised Code. 773

(E) "Delinquent child" includes any of the following: 774

(1) Any child, except a juvenile traffic offender, who 775
violates any law of this state or the United States, or any 776
ordinance of a political subdivision of the state, that would be 777
an offense if committed by an adult; 778

(2) Any child who violates any lawful order of the court 779
made under this chapter, including a child who violates a court 780
order regarding the child's prior adjudication as an unruly 781
child for being an habitual truant; 782

(3) Any child who violates any lawful order of the court 783
made under Chapter 2151. of the Revised Code other than an order 784
issued under section 2151.87 of the Revised Code; 785

(4) Any child who violates division (C) of section 786
2907.39, division (A) of section 2923.211, or division (C)(1) or 787
(D) of section 2925.55 of the Revised Code. 788

(F) "Discretionary serious youthful offender" means a 789
person who is eligible for a discretionary SYO and who is not 790
transferred to adult court under a ~~mandatory or~~ discretionary 791
transfer. 792

(G) "Discretionary SYO" means a case in which the juvenile 793
court, in the juvenile court's discretion, may impose a serious 794
youthful offender disposition under section 2152.13 of the 795

Revised Code. 796

(H) "Discretionary transfer" means that the juvenile court 797
has discretion to transfer a case for criminal prosecution under 798
division ~~(B)~~ (A) of section 2152.12 of the Revised Code. 799

(I) "Drug abuse offense," "felony drug abuse offense," and 800
"minor drug possession offense" have the same meanings as in 801
section 2925.01 of the Revised Code. 802

(J) "Electronic monitoring" and "electronic monitoring 803
device" have the same meanings as in section 2929.01 of the 804
Revised Code. 805

(K) "Economic loss" means any economic detriment suffered 806
by a victim of a delinquent act or juvenile traffic offense as a 807
direct and proximate result of the delinquent act or juvenile 808
traffic offense and includes any loss of income due to lost time 809
at work because of any injury caused to the victim and any 810
property loss, medical cost, or funeral expense incurred as a 811
result of the delinquent act or juvenile traffic offense. 812
"Economic loss" does not include non-economic loss or any 813
punitive or exemplary damages. 814

(L) "Firearm" has the same meaning as in section 2923.11 815
of the Revised Code. 816

(M) "Intellectual disability" has the same meaning as in 817
section 5123.01 of the Revised Code. 818

(N) "Juvenile traffic offender" means any child who 819
violates any traffic law, traffic ordinance, or traffic 820
regulation of this state, the United States, or any political 821
subdivision of this state, other than a resolution, ordinance, 822
or regulation of a political subdivision of this state the 823
violation of which is required to be handled by a parking 824

violations bureau or a joint parking violations bureau pursuant 825
to Chapter 4521. of the Revised Code. 826

(O) A "legitimate excuse for absence from the public 827
school the child is supposed to attend" has the same meaning as 828
in section 2151.011 of the Revised Code. 829

(P) "Mandatory serious youthful offender" means a person 830
who is eligible for a mandatory SYO and who is not transferred 831
to adult court under a ~~mandatory or~~ discretionary transfer ~~and~~ 832
~~also includes, for purposes of imposition of a mandatory serious~~ 833
~~youthful dispositional sentence under section 2152.13 of the~~ 834
~~Revised Code, a person upon whom a juvenile court is required to~~ 835
~~impose such a sentence under division (B) (3) of section 2152.121~~ 836
~~of the Revised Code.~~ 837

(Q) "Mandatory SYO" means a case in which the juvenile 838
court is required to impose a mandatory serious youthful 839
offender disposition under section 2152.13 of the Revised Code. 840

~~(R) "Mandatory transfer" means that a case is required to~~ 841
~~be transferred for criminal prosecution under division (A) of~~ 842
~~section 2152.12 of the Revised Code.~~ 843

~~(S)~~ "Mental illness" has the same meaning as in section 844
5122.01 of the Revised Code. 845

~~(T)~~ (S) "Monitored time" and "repeat violent offender" have 846
the same meanings as in section 2929.01 of the Revised Code. 847

~~(U)~~ (T) "Of compulsory school age" has the same meaning as 848
in section 3321.01 of the Revised Code. 849

~~(V)~~ (U) "Public record" has the same meaning as in section 850
149.43 of the Revised Code. 851

~~(W)~~ (V) "Serious youthful offender" means a person who is 852

eligible for a mandatory SYO or discretionary SYO but who is not 853
transferred to adult court under a ~~mandatory or~~ discretionary 854
transfer and also includes, for purposes of imposition of a 855
~~mandatory serious youthful dispositional sentence under section-~~ 856
~~2152.13 of the Revised Code, a person upon whom a juvenile court-~~ 857
~~is required to impose such a sentence under division (B) (3) of-~~ 858
~~section 2152.121 of the Revised Code.~~ 859

~~(X)~~(W) "Sexually oriented offense," "juvenile offender 860
registrant," "child-victim oriented offense," "tier I sex 861
offender/child-victim offender," "tier II sex offender/child- 862
victim offender," "tier III sex offender/child-victim offender," 863
and "public registry-qualified juvenile offender registrant" 864
have the same meanings as in section 2950.01 of the Revised 865
Code. 866

~~(Y)~~(X) "Traditional juvenile" means a case that is not 867
transferred to adult court under a ~~mandatory or~~ discretionary 868
transfer, that is eligible for a disposition under sections 869
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 870
that is not eligible for a disposition under section 2152.13 of 871
the Revised Code. 872

~~(Z)~~(Y) "Transfer" means the transfer for criminal 873
prosecution of a case involving the alleged commission by a 874
child of an act that would be an offense if committed by an 875
adult from the juvenile court to the appropriate court that has 876
jurisdiction of the offense. 877

~~(AA)~~(Z) "Category one offense" means any of the following: 878

(1) A violation of section 2903.01 or 2903.02 of the 879
Revised Code; 880

(2) A violation of section 2923.02 of the Revised Code 881

involving an attempt to commit aggravated murder or murder. 882

~~(BB)~~ (AA) "Category two offense" means any of the 883
following: 884

(1) A violation of section 2903.03, 2905.01, 2907.02, 885
2909.02, 2911.01, or 2911.11 of the Revised Code; 886

(2) A violation of section 2903.04 of the Revised Code 887
that is a felony of the first degree; 888

(3) A violation of section 2907.12 of the Revised Code as 889
it existed prior to September 3, 1996. 890

~~(CC)~~ (BB) "Non-economic loss" means nonpecuniary harm 891
suffered by a victim of a delinquent act or juvenile traffic 892
offense as a result of or related to the delinquent act or 893
juvenile traffic offense, including, but not limited to, pain 894
and suffering; loss of society, consortium, companionship, care, 895
assistance, attention, protection, advice, guidance, counsel, 896
instruction, training, or education; mental anguish; and any 897
other intangible loss. 898

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this 899
section, any person having knowledge of a child who appears to 900
be a juvenile traffic offender or to be a delinquent child may 901
file a sworn complaint with respect to that child in the 902
juvenile court of the county in which the child has a residence 903
or legal settlement or in which the traffic offense or 904
delinquent act allegedly occurred. The sworn complaint may be 905
upon information and belief, and, in addition to the allegation 906
that the child is a delinquent child or a juvenile traffic 907
offender, the complaint shall allege the particular facts upon 908
which the allegation that the child is a delinquent child or a 909
juvenile traffic offender is based. 910

If a child appears to be a delinquent child who is 911
eligible for a serious youthful offender dispositional sentence 912
under section 2152.11 of the Revised Code and if the prosecuting 913
attorney desires to seek a serious youthful offender 914
dispositional sentence under section 2152.13 of the Revised Code 915
in regard to the child, the prosecuting attorney of the county 916
in which the alleged delinquency occurs may initiate a case in 917
the juvenile court of the county by presenting the case to a 918
grand jury for indictment, by charging the child in a bill of 919
information as a serious youthful offender pursuant to section 920
2152.13 of the Revised Code, by requesting a serious youthful 921
offender dispositional sentence in the original complaint 922
alleging that the child is a delinquent child, or by filing with 923
the juvenile court a written notice of intent to seek a serious 924
youthful offender dispositional sentence. ~~This paragraph does~~ 925
~~not apply regarding the imposition of a serious youthful~~ 926
~~offender dispositional sentence pursuant to section 2152.121 of~~ 927
~~the Revised Code.~~ 928

(2) Any person having knowledge of a child who appears to 929
be a delinquent child for violating a court order regarding the 930
child's adjudication as an unruly child for being an habitual 931
truant, may file a sworn complaint with respect to that child, 932
or with respect to that child and the parent, guardian, or other 933
person having care of the child, in the juvenile court of the 934
county in which the child has a residence or legal settlement or 935
in which the child is supposed to attend public school. The 936
sworn complaint may be upon information and belief and shall 937
allege that the child is a delinquent child for violating a 938
court order regarding the child's prior adjudication as an 939
unruly child for being a habitual truant and, in addition, the 940
particular facts upon which that allegation is based. If the 941

complaint contains allegations regarding the child's parent, 942
guardian, or other person having care of the child, the 943
complaint additionally shall allege that the parent, guardian, 944
or other person having care of the child has failed to cause the 945
child's attendance at school in violation of section 3321.38 of 946
the Revised Code and, in addition, the particular facts upon 947
which that allegation is based. 948

(B) Any person with standing under applicable law may file 949
a complaint for the determination of any other matter over which 950
the juvenile court is given jurisdiction by section 2151.23 of 951
the Revised Code. The complaint shall be filed in the county in 952
which the child who is the subject of the complaint is found or 953
was last known to be found. 954

(C) Within ten days after the filing of a complaint or the 955
issuance of an indictment, the court shall give written notice 956
of the filing of the complaint or the issuance of an indictment 957
and of the substance of the complaint or indictment to the 958
superintendent of a city, local, exempted village, or joint 959
vocational school district if the complaint or indictment 960
alleges that a child committed an act that would be a criminal 961
offense if committed by an adult, that the child was sixteen 962
years of age or older at the time of the commission of the 963
alleged act, and that the alleged act is any of the following: 964

(1) A violation of section 2923.122 of the Revised Code 965
that relates to property owned or controlled by, or to an 966
activity held under the auspices of, the board of education of 967
that school district; 968

(2) A violation of section 2923.12 of the Revised Code, of 969
a substantially similar municipal ordinance, or of section 970
2925.03 of the Revised Code that was committed on property owned 971

or controlled by, or at an activity held under the auspices of, 972
the board of education of that school district; 973

(3) A violation of section 2925.11 of the Revised Code 974
that was committed on property owned or controlled by, or at an 975
activity held under the auspices of, the board of education of 976
that school district, other than a violation of that section 977
that would be a minor drug possession offense if committed by an 978
adult; 979

(4) A violation of section 2903.01, 2903.02, 2903.03, 980
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 981
Code, or a violation of former section 2907.12 of the Revised 982
Code, that was committed on property owned or controlled by, or 983
at an activity held under the auspices of, the board of 984
education of that school district, if the victim at the time of 985
the commission of the alleged act was an employee of the board 986
of education of that school district; 987

(5) Complicity in any violation described in division (C) 988
(1), (2), (3), or (4) of this section that was alleged to have 989
been committed in the manner described in division (C)(1), (2), 990
(3), or (4) of this section, regardless of whether the act of 991
complicity was committed on property owned or controlled by, or 992
at an activity held under the auspices of, the board of 993
education of that school district. 994

(D) A public children services agency, acting pursuant to 995
a complaint or an action on a complaint filed under this 996
section, is not subject to the requirements of section 3127.23 997
of the Revised Code. 998

(E) For purposes of the record to be maintained by the 999
clerk under division (B) of section 2152.71 of the Revised Code, 1000

when a complaint is filed that alleges that a child is a delinquent child, the court shall determine if the victim of the alleged delinquent act was sixty-five years of age or older or permanently and totally disabled at the time of the alleged commission of the act.

(F) (1) At any time after the filing of a complaint alleging that a child is a delinquent child and before adjudication, the court shall promptly appoint for the child a guardian ad litem who is not the child's attorney if the court has reason to believe that either of the following might apply:

(a) The act charged would be a violation of section 2907.24, 2907.241, or 2907.25 of the Revised Code if the child were an adult.

(b) The child is a victim of a violation of section 2905.32 of the Revised Code, regardless of whether any person has been convicted of a violation of that section or of any other section for victimizing the child.

(2) The child, the child's attorney, the child's guardian ad litem, or the prosecuting attorney may petition the court to hold the complaint in abeyance if either of the following applies:

(a) Division (F) (1) (a) of this section applies.

(b) Division (F) (1) (b) of this section applies and the act charged in the complaint is related to the child's victimization.

(3) (a) Upon the filing of a petition made under division (F) (2) (a) of this section, the court may grant the petition without a hearing. If the court decides to hold a hearing on the petition, the court shall notify the prosecuting attorney of the

date, time, and location of the hearing, and the prosecuting attorney has the right to participate in the hearing and may object to holding the complaint in abeyance. No statement made by a child at a hearing held under this division is admissible in any subsequent proceeding against the child.

(b) Upon the filing of a petition made under division (F) (2) (b) of this section, both of the following apply:

(i) The court may grant the petition without a hearing, provided the prosecuting attorney, after receiving notice of the petition, consents.

(ii) If the prosecuting attorney does not consent to holding the complaint in abeyance, the court shall hold a hearing to determine whether to hold the complaint in abeyance. The prosecuting attorney shall be notified of the date, time, and location of the hearing, and has the right to participate in the hearing. No statement made by a child at a hearing held under this division is admissible in any subsequent proceeding against the child.

(4) If the court decides to hold a hearing under division (F) (3) (a) of this section and the court after the hearing finds by a preponderance of the evidence that division (F) (1) (a) of this section applies, if after a hearing held under division (F) (3) (b) (ii) of this section the court finds by a preponderance of the evidence that division (F) (1) (b) of this section applies and the act charged in the complaint is related to the child's victimization, or if the court grants the petition without a hearing under division (F) (3) (a) or (b) (i) of this section, the court shall hold the complaint in abeyance, provided the child consents. The guardian ad litem shall make recommendations that are in the best interest of the child. A psychiatrist,

psychologist, licensed professional clinical counselor, or other 1060
clinician selected by the court, who has assessed the child, may 1061
make recommendations that are in the best interest of the child. 1062
The prosecuting attorney or the child's attorney may make 1063
recommendations related to diversion actions. The court may make 1064
any orders regarding placement, services, supervision, diversion 1065
actions, and conditions of abeyance, including, but not limited 1066
to, engagement in trauma-based behavioral health services or 1067
education activities, that the court considers appropriate and 1068
in the best interest of the child. The court may hold the 1069
complaint in abeyance for up to ninety days while the child 1070
engages in diversion actions. If the child violates the 1071
conditions of abeyance or is not actively engaging in the 1072
diversion actions to the court's satisfaction within ninety 1073
days, the court may extend the period of abeyance for not more 1074
than three additional ninety-day periods. 1075

(5) If the court holds the complaint in abeyance and the 1076
child complies with the conditions of abeyance and actively 1077
engages in the diversion actions to the court's satisfaction, 1078
the court shall dismiss the complaint and order that the records 1079
pertaining to the case be expunged immediately. If the child 1080
fails to actively engage in the diversion actions to the court's 1081
satisfaction, the court shall proceed upon the complaint. 1082

Sec. 2152.10. ~~(A) A child who is alleged to be a~~ 1083
~~delinquent child is eligible for mandatory transfer and shall be~~ 1084
~~transferred as provided in section 2152.12 of the Revised Code~~ 1085
~~in any of the following circumstances:~~ 1086

~~(1) The child is charged with a category one offense and~~ 1087
~~either of the following apply:~~ 1088

~~(a) The child was sixteen years of age or older at the~~ 1089

~~time of the act charged.~~ 1090

~~(b) The child was fourteen or fifteen years of age at the
time of the act charged and previously was adjudicated a
delinquent child for committing an act that is a category one or
category two offense and was committed to the legal custody of
the department of youth services upon the basis of that
adjudication.~~ 1091
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~~(2) The child is charged with a category two offense,
other than a violation of section 2905.01 of the Revised Code,
the child was sixteen years of age or older at the time of the
commission of the act charged, and either or both of the
following apply:~~ 1097
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~~(a) The child previously was adjudicated a delinquent
child for committing an act that is a category one or a category
two offense and was committed to the legal custody of the
department of youth services on the basis of that adjudication.~~ 1102
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~~(b) The child is alleged to have had a firearm on or about
the child's person or under the child's control while committing
the act charged and to have displayed the firearm, brandished
the firearm, indicated possession of the firearm, or used the
firearm to facilitate the commission of the act charged.~~ 1106
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~~(3) Division (A) (2) of section 2152.12 of the Revised Code
applies.~~ 1111
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~~(B) Unless the child is subject to mandatory transfer, if~~ 1113
If a child is fourteen years of age or older at the time of the 1114
act charged and if the child is charged with an act that would 1115
be a felony if committed by an adult, the child is eligible for 1116
discretionary transfer to the appropriate court for criminal 1117
prosecution. In determining whether to transfer the child for 1118

criminal prosecution, the juvenile court shall follow the 1119
procedures in ~~section 2152.12 of the Revised Code~~ this chapter. 1120
If the court does not transfer the child and if the court 1121
adjudicates the child to be a delinquent child for the act 1122
charged, the court shall issue an order of disposition in 1123
accordance with ~~section 2152.11 of the Revised Code~~ this 1124
chapter. 1125

Sec. 2152.12. ~~(A) (1) (a) After a complaint has been filed~~ 1126
~~alleging that a child is a delinquent child for committing an~~ 1127
~~act that would be aggravated murder, murder, attempted~~ 1128
~~aggravated murder, or attempted murder if committed by an adult,~~ 1129
~~the juvenile court at a hearing shall transfer the case if~~ 1130
~~either of the following applies:~~ 1131

~~(i) The child was sixteen or seventeen years of age at the~~ 1132
~~time of the act charged and there is probable cause to believe~~ 1133
~~that the child committed the act charged.~~ 1134

~~(ii) The child was fourteen or fifteen years of age at the~~ 1135
~~time of the act charged, section 2152.10 of the Revised Code~~ 1136
~~provides that the child is eligible for mandatory transfer, and~~ 1137
~~there is probable cause to believe that the child committed the~~ 1138
~~act charged.~~ 1139

~~(b) After a complaint has been filed alleging that a child~~ 1140
~~is a delinquent child by reason of committing a category two~~ 1141
~~offense, the juvenile court at a hearing shall transfer the case~~ 1142
~~if the child was sixteen or seventeen years of age at the time~~ 1143
~~of the act charged and either of the following applies:~~ 1144

~~(i) Division (A) (2) (a) of section 2152.10 of the Revised~~ 1145
~~Code requires the mandatory transfer of the case, and there is~~ 1146
~~probable cause to believe that the child committed the act~~ 1147

charged. 1148

~~(ii) Division (A) (2) (b) of section 2152.10 of the Revised Code requires the mandatory transfer of the case, and there is probable cause to believe that the child committed the act charged.~~ 1149
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~~(2) The juvenile court also shall transfer a case in the circumstances described in division (C) (5) of section 2152.02 of the Revised Code or if either of the following applies:~~ 1153
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~~(a) A complaint is filed against a child who is eligible for a discretionary transfer under section 2152.10 of the Revised Code and who previously was convicted of or pleaded guilty to a felony in a case that was transferred to a criminal court.~~ 1156
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~~(b) A complaint is filed against a child who is domiciled in another state alleging that the child is a delinquent child for committing an act that would be a felony if committed by an adult, and, if the act charged had been committed in that other state, the child would be subject to criminal prosecution as an adult under the law of that other state without the need for a transfer of jurisdiction from a juvenile, family, or similar noncriminal court to a criminal court.~~ 1161
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~~(3) If a complaint is filed against a child alleging that the child is a delinquent child and the case is transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of this section and if the child subsequently is convicted of or pleads guilty to an offense in that case, the sentence to be imposed or disposition to be made of the child shall be determined in accordance with section 2152.121 of the Revised Code.~~ 1169
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~~(B) Except as provided in division (A) of this section,~~ 1176

~~after~~ (A) After a complaint has been filed alleging that a child 1177
is a delinquent child for committing an act that would be a 1178
felony if committed by an adult, the juvenile court at a hearing 1179
may transfer the case if the court finds all of the following: 1180

(1) The child was fourteen years of age or older at the 1181
time of the act charged. 1182

(2) There is probable cause to believe that the child 1183
committed the act charged. 1184

(3) The child is not amenable to care or rehabilitation 1185
within the juvenile system, and the safety of the community may 1186
require that the child be subject to adult sanctions. In making 1187
its decision under this division, the court shall consider 1188
~~whether~~ the applicable factors under division ~~(D)~~ (C) of this 1189
section ~~indicating that the case should be transferred outweigh~~ 1190
~~the applicable factors under division (E) of this section~~ 1191
~~indicating that the case should not be transferred. The record~~ 1192
~~shall indicate the specific factors that were applicable and~~ 1193
~~that the court weighed.~~ 1194

~~(C)~~ (B) Before considering a transfer under division ~~(B)~~ (A) 1195
of this section, the juvenile court shall order an investigation 1196
into the child's social history, education, family situation, 1197
and any other factor bearing on whether the child is amenable to 1198
juvenile rehabilitation, including a mental examination of the 1199
child by a public or private agency or a person qualified to 1200
make the examination. The investigation shall be completed and a 1201
report on the investigation shall be submitted to the court as 1202
soon as possible but not more than forty-five calendar days 1203
after the court orders the investigation. The court may grant 1204
one or more extensions for a reasonable length of time. The 1205
child may waive the examination required by this division if the 1206

court finds that the waiver is competently and intelligently 1207
made. Refusal to submit to a mental examination by the child 1208
constitutes a waiver of the examination. 1209

~~(D) No report on an investigation conducted pursuant to 1210
this division shall include details of the alleged offense as 1211
reported by the child. 1212~~

(C) In considering whether to transfer a child under 1213
division ~~(B)~~ (A) of this section, the juvenile court shall 1214
consider the following relevant factors, ~~and any other relevant~~ 1215
~~factors, in favor of a transfer under that division:~~ 1216

~~(1) The victim of the act charged suffered physical or 1217
psychological harm, or serious economic harm, as a result of the 1218
alleged act. 1219~~

~~(2) The physical or psychological harm suffered by the 1220
victim due to the alleged act of the child was exacerbated 1221
because of the physical or psychological vulnerability or the 1222
age of the victim. 1223~~

~~(3) The child's relationship with the victim facilitated 1224
the act charged. 1225~~

~~(4) The child allegedly committed the act charged for hire 1226
or as a part of a gang or other organized criminal activity. 1227~~

~~(5) The child had a firearm on or about the child's person 1228
or under the child's control at the time of the act charged, the 1229
act charged is not a violation of section 2923.12 of the Revised 1230
Code, and the child, during the commission of the act charged, 1231
allegedly used or displayed the firearm, brandished the firearm, 1232
or indicated that the child possessed a firearm. 1233~~

~~(6) At the time of the act charged, the child was awaiting 1234~~

~~adjudication or disposition as a delinquent child, was under a
community control sanction, or was on parole for a prior
delinquent child adjudication or conviction.~~ 1235
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~~(7) The results of any previous juvenile sanctions and
programs indicate that rehabilitation of the child will not
occur in the juvenile system.~~ 1238
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~~(8) The child is emotionally, physically, or
psychologically mature enough for the transfer.~~ 1241
1242

~~(9) There is not sufficient time to rehabilitate the child
within the juvenile system.~~ 1243
1244

~~(E) In considering whether to transfer a child under
division (B) of this section, the juvenile court shall consider
the following relevant factors, and any other relevant factors,
against a transfer under that division:~~ 1245
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~~(1) The victim induced or facilitated the act charged.~~ 1249

~~(2) The child acted under provocation in allegedly
committing the act charged.~~ 1250
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~~(3) The child was not the principal actor in the act
charged, or, at the time of the act charged, the child was under
the negative influence or coercion of another person.~~ 1252
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1254

~~(4) The child did not cause physical harm to any person or
property, or have reasonable cause to believe that harm of that
nature would occur, in allegedly committing the act charged.~~ 1255
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~~(5) The child previously has not been adjudicated a
delinquent child.~~ 1258
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~~(6) The child is not emotionally, physically, or
psychologically mature enough for the transfer.~~ 1260
1261

~~(7) The child has a mental illness or intellectual disability.~~ 1262
1263

~~(8) There is sufficient time to rehabilitate the child within the juvenile system and the level of security available in the juvenile system provides a reasonable assurance of public safety.~~ 1264
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~~(F) If one or more complaints are filed alleging that a child is a delinquent child for committing two or more acts that would be offenses if committed by an adult, if a motion is made alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred, and if a motion also is made requesting that the case or cases involving one or more of the acts charged be transferred pursuant to division (B) of this section, the juvenile court, in deciding the motions, shall proceed in the following manner:~~ 1268
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~~(1) Initially, the court shall decide the motion alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred.~~ 1278
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~~(2) If the court determines that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred, the court shall transfer the case or cases in accordance with that division. After the transfer pursuant to division (A) of this section, the court shall decide, in accordance with division (B) of this section, whether to grant the motion requesting that the case or cases involving one or more of the acts charged be transferred pursuant to that division. Notwithstanding division (B) of this section, prior to transferring a case pursuant to division (A)~~ 1282
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~~of this section, the court is not required to consider any~~ 1292
~~factor specified in division (D) or (E) of this section or to~~ 1293
~~conduct an investigation under division (C) of this section.~~ 1294

~~(3) If the court determines that division (A) of this~~ 1295
~~section does not require that the case or cases involving one or~~ 1296
~~more of the acts charged be transferred, the court shall decide~~ 1297
~~in accordance with division (B) of this section whether to grant~~ 1298
~~the motion requesting that the case or cases involving one or~~ 1299
~~more of the acts charged be transferred pursuant to that~~ 1300
~~division.~~ 1301

~~(4) No report on an investigation conducted pursuant to~~ 1302
~~division (C) of this section shall include details of the~~ 1303
~~alleged offense as reported by the child.~~ 1304

(1) The level of harm to the victim in the alleged act of 1305
the child, including the following: 1306

(a) The level of physical, psychological, or serious 1307
economic harm suffered by the victim or whether the child did 1308
not cause physical harm to any person or property, or have 1309
reasonable cause to believe that harm of that nature would 1310
occur; 1311

(b) Whether the physical or psychological harm suffered by 1312
the victim was exacerbated because of the physical or 1313
psychological vulnerability or age of the victim. 1314

(2) The role of the victim, including the following: 1315

(a) Whether the child's relationship with the victim 1316
facilitated the act charged; 1317

(b) Whether the victim induced or facilitated the act 1318
charged or the child acted under provocation in allegedly 1319

committing the act charged. 1320

(3) The circumstances of the offense, including the 1321
following: 1322

(a) Whether the child was not the principle actor in the 1323
act charged, or, at the time of the act charged, the child was 1324
under the negative influence or coercion of another person; 1325

(b) Whether the child allegedly committed the act charged 1326
for hire or as part of a gang; 1327

(c) Whether the child had a firearm on or about the 1328
child's person or under the child's control at the time of the 1329
act charged, the act charged is not a violation of section 1330
2923.12 of the Revised Code, and the child, during the 1331
commission of the act charged, allegedly used or displayed the 1332
firearm, brandished the firearm, or indicated that the child 1333
possesses a firearm. 1334

(4) The child's prior experience in the juvenile court, 1335
including the presence or lack of any prior or current cases and 1336
rehabilitative efforts by the juvenile court and the 1337
availability of a reasonable and appropriate juvenile sanction 1338
or program that has not yet been utilized; 1339

(5) The child's individual developmental characteristics, 1340
including the following: 1341

(a) Whether the child is emotionally, physically, or 1342
psychologically mature enough for the transfer; 1343

(b) Whether the child has a behavioral health issue, 1344
including a mental illness, substance abuse disorder, or 1345
developmental disability. 1346

(6) The child's background, including family and 1347

environment, and trauma history; 1348

(7) Whether there is sufficient time to rehabilitate the 1349
child within the juvenile system. 1350

~~(G)~~(D) The court shall give notice in writing of the time, 1351
place, and purpose of any hearing held pursuant to division (A) 1352
~~or (B)~~ of this section to the child's parents, guardian, or 1353
other custodian and to the child's counsel at least three days 1354
prior to the hearing. 1355

(E) A child who has been found not amenable to care or 1356
rehabilitation within the juvenile system under division (B) of 1357
this section has a right to appeal the transfer, as specified in 1358
division (B) (8) of section 2505.02 of the Revised Code. An 1359
appeal under this provision shall be made pursuant to the Rules 1360
of Appellate Procedure and, to the extent not in conflict with 1361
those rules, Chapter 2505. of the Revised Code. Upon issuing the 1362
order for transfer, the juvenile court shall immediately stay 1363
the transfer for a period of fourteen days, unless waived by the 1364
child. 1365

~~(H)~~(F) No person, either before or after reaching eighteen 1366
years of age, shall be prosecuted as an adult for an offense 1367
committed prior to becoming eighteen years of age, unless the 1368
person has been transferred as provided in division (A) ~~or (B)~~ 1369
of this section or unless division ~~(J)~~(H) of this section 1370
applies. Any prosecution that is had in a criminal court on the 1371
mistaken belief that the person who is the subject of the case 1372
was eighteen years of age or older at the time of the commission 1373
of the offense shall be deemed a nullity, and the person shall 1374
not be considered to have been in jeopardy on the offense. 1375

~~(I)~~(G) Upon the transfer of a case under division (A) ~~or~~ 1376

~~(B)~~ of this section, the juvenile court shall state the reasons 1377
for the transfer on the record, and shall order the child to 1378
enter into a recognizance with good and sufficient surety for 1379
the child's appearance before the appropriate court for any 1380
disposition that the court is authorized to make for a similar 1381
act committed by an adult. The transfer abates the jurisdiction 1382
of the juvenile court with respect to the delinquent acts 1383
alleged in the complaint, and, upon the transfer, all further 1384
proceedings pertaining to the act charged shall be discontinued 1385
in the juvenile court, and the case then shall be within the 1386
jurisdiction of the court to which it is transferred as 1387
described in division (H) of section 2151.23 of the Revised 1388
Code. 1389

~~(J)~~ (H) If a person under eighteen years of age allegedly 1390
commits an act that would be a felony if committed by an adult 1391
and if the person is not taken into custody or apprehended for 1392
that act until after the person attains twenty-one years of age, 1393
the juvenile court does not have jurisdiction to hear or 1394
determine any portion of the case charging the person with 1395
committing that act. In those circumstances, ~~divisions~~ division 1396
(A) ~~and (B)~~ of this section ~~do~~ does not apply regarding the act, 1397
and the case charging the person with committing the act shall 1398
be a criminal prosecution commenced and heard in the appropriate 1399
court having jurisdiction of the offense as if the person had 1400
been eighteen years of age or older when the person committed 1401
the act. All proceedings pertaining to the act shall be within 1402
the jurisdiction of the court having jurisdiction of the 1403
offense, and that court has all the authority and duties in the 1404
case as it has in other criminal cases in that court. 1405

Sec. 2152.13. (A) A juvenile court ~~shall impose a serious~~ 1406
~~youthful dispositional sentence on a child when required under~~ 1407

~~division (B) (3) of section 2152.121 of the Revised Code. In such a case, the remaining provisions of this division and divisions (B) and (C) do not apply to the child, and the court shall impose the mandatory serious youthful dispositional sentence under division (D) (1) of this section.~~

~~In all other cases, a juvenile court may impose a serious youthful offender dispositional sentence on a child only if the prosecuting attorney of the county in which the delinquent act allegedly occurred initiates the process against the child in accordance with this division, and the child is an alleged delinquent child who is eligible for the dispositional sentence. The prosecuting attorney may initiate the process in any of the following ways:~~

~~(1) Obtaining an indictment of the child as a serious youthful offender;~~

~~(2) The child waives the right to indictment, charging the child in a bill of information as a serious youthful offender;~~

~~(3) Until an indictment or information is obtained, requesting a serious youthful offender dispositional sentence in the original complaint alleging that the child is a delinquent child;~~

~~(4) Until an indictment or information is obtained, if the original complaint does not request a serious youthful offender dispositional sentence, filing with the juvenile court a written notice of intent to seek a serious youthful offender dispositional sentence within twenty days after the later of the following, unless the time is extended by the juvenile court for good cause shown:~~

~~(a) The date of the child's first juvenile court hearing~~

regarding the complaint; 1437

(b) The date the juvenile court determines not to transfer 1438
the case under section 2152.12 of the Revised Code. 1439

After a written notice is filed under division (A) (4) of 1440
this section, the juvenile court shall serve a copy of the 1441
notice on the child and advise the child of the prosecuting 1442
attorney's intent to seek a serious youthful offender 1443
dispositional sentence in the case. 1444

(B) If an alleged delinquent child is not indicted or 1445
charged by information as described in division (A) (1) or (2) of 1446
this section and if a notice or complaint as described in 1447
division (A) (3) or (4) of this section indicates that the 1448
prosecuting attorney intends to pursue a serious youthful 1449
offender dispositional sentence in the case, the juvenile court 1450
shall hold a preliminary hearing to determine if there is 1451
probable cause that the child committed the act charged and is 1452
by age eligible for, or required to receive, a serious youthful 1453
offender dispositional sentence. 1454

(C) (1) A child for whom a serious youthful offender 1455
dispositional sentence is sought by a prosecuting attorney has 1456
the right to a grand jury determination of probable cause that 1457
the child committed the act charged and that the child is 1458
eligible by age for a serious youthful offender dispositional 1459
sentence. The grand jury may be impaneled by the court of common 1460
pleas or the juvenile court. 1461

Once a child is indicted, or charged by information or the 1462
juvenile court determines that the child is eligible for a 1463
serious youthful offender dispositional sentence, the child is 1464
entitled to an open and speedy trial by jury in juvenile court 1465

and to be provided with a transcript of the proceedings. The 1466
time within which the trial is to be held under Title XXIX of 1467
the Revised Code commences on whichever of the following dates 1468
is applicable: 1469

(a) If the child is indicted or charged by information, on 1470
the date of the filing of the indictment or information. 1471

(b) If the child is charged by an original complaint that 1472
requests a serious youthful offender dispositional sentence, on 1473
the date of the filing of the complaint. 1474

(c) If the child is not charged by an original complaint 1475
that requests a serious youthful offender dispositional 1476
sentence, on the date that the prosecuting attorney files the 1477
written notice of intent to seek a serious youthful offender 1478
dispositional sentence. 1479

(2) If the child is detained awaiting adjudication, upon 1480
indictment or being charged by information, the child has the 1481
same right to bail as an adult charged with the offense the 1482
alleged delinquent act would be if committed by an adult. Except 1483
as provided in division (D) of section 2152.14 of the Revised 1484
Code, all provisions of Title XXIX of the Revised Code and the 1485
Criminal Rules shall apply in the case and to the child. The 1486
juvenile court shall afford the child all rights afforded a 1487
person who is prosecuted for committing a crime including the 1488
right to counsel and the right to raise the issue of competency. 1489
The child may not waive the right to counsel. 1490

(D) (1) If a child is adjudicated a delinquent child for 1491
committing an act under circumstances that require the juvenile 1492
court to impose upon the child a serious youthful offender 1493
dispositional sentence under section 2152.11 of the Revised 1494

Code, all of the following apply: 1495

(a) The juvenile court shall impose upon the child a 1496
sentence available for the violation, as if the child were an 1497
adult, under Chapter 2929. of the Revised Code, except that the 1498
juvenile court shall not impose on the child a sentence of death 1499
or life imprisonment without parole. 1500

(b) The juvenile court also shall impose upon the child 1501
one or more traditional juvenile dispositions under sections 1502
2152.16, 2152.19, and 2152.20, and, if applicable, section 1503
2152.17 of the Revised Code. 1504

(c) The juvenile court shall stay the adult portion of the 1505
serious youthful offender dispositional sentence pending the 1506
successful completion of the traditional juvenile dispositions 1507
imposed. 1508

(2) (a) If a child is adjudicated a delinquent child for 1509
committing an act under circumstances that allow, ~~but do not~~ 1510
~~require,~~ the juvenile court to impose on the child a serious 1511
youthful offender dispositional sentence under section 2152.11 1512
of the Revised Code, all of the following apply: 1513

(i) If the juvenile court on the record makes a finding 1514
that, given the nature and circumstances of the violation and 1515
the history of the child, the length of time, level of security, 1516
and types of programming and resources available in the juvenile 1517
system alone are not adequate to provide the juvenile court with 1518
a reasonable expectation that the purposes set forth in section 1519
2152.01 of the Revised Code will be met, the juvenile court may 1520
impose upon the child a sentence available for the violation, as 1521
if the child were an adult, under Chapter 2929. of the Revised 1522
Code, except that the juvenile court shall not impose on the 1523

child a sentence of death or life imprisonment without parole. 1524

(ii) If a sentence is imposed under division (D) (2) (a) (i) 1525
of this section, the juvenile court also shall impose upon the 1526
child one or more traditional juvenile dispositions under 1527
sections 2152.16, 2152.19, and 2152.20 and, if applicable, 1528
section 2152.17 of the Revised Code. 1529

(iii) The juvenile court shall stay the adult portion of 1530
the serious youthful offender dispositional sentence pending the 1531
successful completion of the traditional juvenile dispositions 1532
imposed. 1533

(b) If the juvenile court does not find that a sentence 1534
should be imposed under division (D) (2) (a) (i) of this section, 1535
the juvenile court may impose one or more traditional juvenile 1536
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 1537
applicable, section 2152.17 of the Revised Code. 1538

(3) A child upon whom a serious youthful offender 1539
dispositional sentence is imposed under division (D) (1) or (2) 1540
of this section has a right to appeal under division (A) (1), 1541
(3), (4), or (5) of section 2953.08 of the Revised Code the 1542
adult portion of the serious youthful offender dispositional 1543
sentence when any of those divisions apply. The child may appeal 1544
the adult portion, and the court shall consider the appeal as if 1545
the adult portion were not stayed. 1546

Sec. 2152.14. (A) (1) The director of youth services may 1547
request the prosecuting attorney of the county in which is 1548
located the juvenile court that imposed a serious youthful 1549
offender dispositional sentence upon a person under section 1550
~~2152.121 or 2152.13 of the Revised Code, or under former section~~ 1551
2152.121 of the Revised Code as it existed prior to the 1552

effective date of this amendment, to file a motion with that 1553
juvenile court to invoke the adult portion of the dispositional 1554
sentence if all of the following apply to the person: 1555

(a) The person is at least fourteen years of age. 1556

(b) The person is in the institutional custody, or an 1557
escapee from the custody, of the department of youth services. 1558

(c) The person is serving the juvenile portion of the 1559
serious youthful offender dispositional sentence. 1560

(2) The motion shall state that there is reasonable cause 1561
to believe that either of the following misconduct has occurred 1562
and shall state that at least one incident of misconduct of that 1563
nature occurred after the person reached fourteen years of age: 1564

(a) The person committed an act that is a violation of the 1565
rules of the institution and that could be charged as any felony 1566
or as a first degree misdemeanor offense of violence if 1567
committed by an adult. 1568

(b) The person has engaged in conduct that creates a 1569
substantial risk to the safety or security of the institution, 1570
the community, or the victim. 1571

(B) If a person is at least fourteen years of age, is 1572
serving the juvenile portion of a serious youthful offender 1573
dispositional sentence imposed under section ~~2152.121~~ or 2152.13 1574
of the Revised Code, or under former section 2152.121 of the 1575
Revised Code as it existed prior to the effective date of this 1576
amendment, and is on parole or aftercare from a department of 1577
youth services facility, or on community control, the director 1578
of youth services, the juvenile court that imposed the serious 1579
youthful offender dispositional sentence on the person, or the 1580
probation department supervising the person may request the 1581

prosecuting attorney of the county in which is located the 1582
juvenile court to file a motion with the juvenile court to 1583
invoke the adult portion of the dispositional sentence. The 1584
prosecuting attorney may file a motion to invoke the adult 1585
portion of the dispositional sentence even if no request is 1586
made. The motion shall state that there is reasonable cause to 1587
believe that either of the following occurred and shall state 1588
that at least one incident of misconduct of that nature occurred 1589
after the person reached fourteen years of age: 1590

(1) The person committed an act that is a violation of the 1591
conditions of supervision and that could be charged as any 1592
felony or as a first degree misdemeanor offense of violence if 1593
committed by an adult. 1594

(2) The person has engaged in conduct that creates a 1595
substantial risk to the safety or security of the community or 1596
of the victim. 1597

(C) If the prosecuting attorney declines a request to file 1598
a motion that was made by the department of youth services or 1599
the supervising probation department under division (A) or (B) 1600
of this section or fails to act on a request made under either 1601
division by the department within a reasonable time, the 1602
department of youth services or the supervising probation 1603
department may file a motion of the type described in division 1604
(A) or (B) of this section with the juvenile court to invoke the 1605
adult portion of the serious youthful offender dispositional 1606
sentence. If the prosecuting attorney declines a request to file 1607
a motion that was made by the juvenile court under division (B) 1608
of this section or fails to act on a request from the court 1609
under that division within a reasonable time, the juvenile court 1610
may hold the hearing described in division (D) of this section 1611

on its own motion. 1612

(D) Upon the filing of a motion described in division (A), 1613
(B), or (C) of this section, the juvenile court may hold a 1614
hearing to determine whether to invoke the adult portion of a 1615
person's serious juvenile offender dispositional sentence. The 1616
juvenile court shall not invoke the adult portion of the 1617
dispositional sentence without a hearing. At the hearing the 1618
person who is the subject of the serious youthful offender 1619
disposition has the right to be present, to receive notice of 1620
the grounds upon which the adult sentence portion is sought to 1621
be invoked, to be represented by counsel including counsel 1622
appointed under Juvenile Rule 4(A), to be advised on the 1623
procedures and protections set forth in the Juvenile Rules, and 1624
to present evidence on the person's own behalf, including 1625
evidence that the person has a mental illness or intellectual 1626
disability. The person may not waive the right to counsel. The 1627
hearing shall be open to the public. If the person presents 1628
evidence that the person has a mental illness or intellectual 1629
disability, the juvenile court shall consider that evidence in 1630
determining whether to invoke the adult portion of the serious 1631
youthful offender dispositional sentence. 1632

(E) (1) The juvenile court may invoke the adult portion of 1633
a person's serious youthful offender dispositional sentence if 1634
the juvenile court finds all of the following on the record by 1635
clear and convincing evidence: 1636

(a) The person is serving the juvenile portion of a 1637
serious youthful offender dispositional sentence. 1638

(b) The person is at least fourteen years of age and has 1639
been admitted to a department of youth services facility, or 1640
criminal charges are pending against the person. 1641

(c) The person engaged in the conduct or acts charged 1642
under division (A), (B), or (C) of this section, and the 1643
person's conduct demonstrates that the person is unlikely to be 1644
rehabilitated during the remaining period of juvenile 1645
jurisdiction. 1646

(2) The court may modify the adult sentence the court 1647
invokes to consist of any lesser prison term that could be 1648
imposed for the offense and, in addition to the prison term or 1649
in lieu of the prison term if the prison term was not mandatory, 1650
any community control sanction that the offender was eligible to 1651
receive at sentencing. 1652

(F) If a juvenile court issues an order invoking the adult 1653
portion of a serious youthful offender dispositional sentence 1654
under division (E) of this section, the juvenile portion of the 1655
dispositional sentence shall terminate, and the department of 1656
youth services shall transfer the person to the department of 1657
rehabilitation and correction or place the person under another 1658
sanction imposed as part of the sentence. The juvenile court 1659
shall state in its order the total number of days that the 1660
person has been held in detention or in a facility operated by, 1661
or under contract with, the department of youth services under 1662
the juvenile portion of the dispositional sentence. The time the 1663
person must serve on a prison term imposed under the adult 1664
portion of the dispositional sentence shall be reduced by the 1665
total number of days specified in the order plus any additional 1666
days the person is held in a juvenile facility or in detention 1667
after the order is issued and before the person is transferred 1668
to the custody of the department of rehabilitation and 1669
correction. In no case shall the total prison term as calculated 1670
under this division exceed the maximum prison term available for 1671
an adult who is convicted of violating the same sections of the 1672

Revised Code. 1673

Any community control imposed as part of the adult 1674
sentence or as a condition of a judicial release from prison 1675
shall be under the supervision of the entity that provides adult 1676
probation services in the county. Any post-release control 1677
imposed after the offender otherwise is released from prison 1678
shall be supervised by the adult parole authority. 1679

Sec. 2152.26. (A) Except as provided in divisions (B) and 1680
(F) of this section, a child alleged to be or adjudicated a 1681
delinquent child or a juvenile traffic offender may be held only 1682
in the following places: 1683

(1) A certified foster home or a home approved by the 1684
court; 1685

(2) A facility operated by a certified child welfare 1686
agency; 1687

(3) Any other suitable place designated by the court. 1688

(B) In addition to the places listed in division (A) of 1689
this section, a child alleged to be or adjudicated a delinquent 1690
child or a person described in division (C) (7) of section 1691
2152.02 of the Revised Code may be held in a detention facility 1692
for delinquent children that is under the direction or 1693
supervision of the court or other public authority or of a 1694
private agency and approved by the court, and a child 1695
adjudicated a delinquent child may be held in accordance with 1696
division (F) (2) of this section in a facility of a type 1697
specified in that division. 1698

(C) (1) Except as provided under division (C) (1) of section 1699
2151.311 of the Revised Code or division (A) (5) of section 1700
2152.21 of the Revised Code, a child alleged to be or 1701

adjudicated a juvenile traffic offender may not be held in any 1702
of the following facilities: 1703

(a) A state correctional institution, county, multicounty, 1704
or municipal jail or workhouse, or other place in which an adult 1705
convicted of crime, under arrest, or charged with a crime is 1706
held. 1707

(b) A secure correctional facility. 1708

(2) Except as provided under this section, sections 1709
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 1710
2152.21 of the Revised Code, a child alleged to be or 1711
adjudicated a juvenile traffic offender may not be held for more 1712
than twenty-four hours in a detention facility. 1713

(D) Except as provided in division (F) of this section or 1714
in division (C) of section 2151.311, in division (C) (2) of 1715
section 5139.06 and section 5120.162, or in division (B) of 1716
section 5120.16 of the Revised Code, a child who is alleged to 1717
be or is adjudicated a delinquent child or a person described in 1718
division (C) (7) of section 2152.02 of the Revised Code may not 1719
be held in a state correctional institution, county, 1720
multicounty, or municipal jail or workhouse, or other place 1721
where an adult convicted of crime, under arrest, or charged with 1722
crime is held. 1723

(E) Unless the detention is pursuant to division (F) of 1724
this section or division (C) of section 2151.311, division (C) 1725
(2) of section 5139.06 and section 5120.162, or division (B) of 1726
section 5120.16 of the Revised Code, the official in charge of 1727
the institution, jail, workhouse, or other facility shall inform 1728
the court immediately when a person who is or appears to be 1729
under the age of eighteen years, or a person who is charged with 1730

a violation of an order of a juvenile court or a violation of 1731
probation or parole conditions imposed by a juvenile court and 1732
who is or appears to be between the ages of eighteen and twenty- 1733
one years, is received at the facility and shall deliver the 1734
person to the court upon request or transfer the person to a 1735
detention facility designated by the court. 1736

(F) (1) If a case is transferred to another court for 1737
criminal prosecution pursuant to section 2152.12 of the Revised 1738
Code and the alleged offender is a person described in division 1739
(C) (7) of section 2152.02 of the Revised Code, the person may 1740
not be transferred for detention pending the criminal 1741
prosecution in a jail or other facility except under the 1742
circumstances described in division (F) (4) of this section. Any 1743
child held in accordance with division (F) (3) of this section 1744
shall be confined in a manner that keeps the child beyond the 1745
sight and sound of all adult detainees. The child shall be 1746
supervised at all times during the detention. 1747

(2) If a person is adjudicated a delinquent child or 1748
juvenile traffic offender or is a person described in division 1749
(C) (7) of section 2152.02 of the Revised Code and the court 1750
makes a disposition of the person under this chapter, at any 1751
time after the person attains twenty-one years of age, the 1752
person may be held under that disposition or under the 1753
circumstances described in division (F) (4) of this section in 1754
places other than those specified in division (A) of this 1755
section, including, but not limited to, a county, multicounty, 1756
or municipal jail or workhouse, or other place where an adult 1757
convicted of crime, under arrest, or charged with crime is held. 1758

(3) (a) A person alleged to be a delinquent child may be 1759
held in places other than those specified in division (A) of 1760

this section, including, but not limited to, a county, 1761
multicounty, or municipal jail, if the delinquent act that the 1762
child allegedly committed would be a felony if committed by an 1763
adult, and if either of the following applies: 1764

(i) The person attains twenty-one years of age before the 1765
person is arrested or apprehended for that act. 1766

(ii) The person is arrested or apprehended for that act 1767
before the person attains twenty-one years of age, but the 1768
person attains twenty-one years of age before the court orders a 1769
disposition in the case. 1770

(b) If, pursuant to division (F) (3) (a) of this section, a 1771
person is held in a place other than a place specified in 1772
division (A) of this section, the person has the same rights to 1773
bail as an adult charged with the same offense who is confined 1774
in a jail pending trial. 1775

(4) (a) Any person whose case is transferred for criminal 1776
prosecution pursuant to section 2152.10 or 2152.12 of the 1777
Revised Code or any person who has attained the age of eighteen 1778
years but has not attained the age of twenty-one years and who 1779
is being held in a place specified in division (B) of this 1780
section may be held under that disposition or charge in places 1781
other than those specified in division (B) of this section, 1782
including a county, multicounty, or municipal jail or workhouse, 1783
or other place where an adult under arrest or charged with crime 1784
is held if the juvenile court, upon its own motion or upon 1785
motion by the prosecutor and after notice and hearing, 1786
establishes by a preponderance of the evidence and makes written 1787
findings of either of the following: 1788

(i) With respect to a person whose case is transferred for 1789

criminal prosecution pursuant to either specified section or who 1790
has attained the age of eighteen years but who has not attained 1791
the age of twenty-one years and is being so held, that the youth 1792
is a threat to the safety and security of the facility; 1793

(ii) With respect to a person who has attained the age of 1794
eighteen years but who has not attained the age of twenty-one 1795
years and is being so held, that the best interests of the youth 1796
require that the youth be held in a place other than a place 1797
specified in division (B) of this section, including a county, 1798
multicounty, or municipal jail or workhouse, or other place 1799
where an adult under arrest or charged with crime is held. 1800

(b) In determining for purposes of division (F) (4) (a) (i) 1801
of this section whether a youth is a threat to the safety and 1802
security of the facility, evidence that the youth is a threat to 1803
the safety and security of the facility may include, but is not 1804
limited to, whether the youth has done any of the following: 1805

(i) Injured or created an imminent danger to the life or 1806
health of another youth or staff member in the facility or 1807
program by violent behavior; 1808

(ii) Escaped from the facility or program in which the 1809
youth is being held on more than one occasion; 1810

(iii) Established a pattern of disruptive behavior as 1811
verified by a written record that the youth's behavior is not 1812
conducive to the established policies and procedures of the 1813
facility or program in which the youth is being held. 1814

(c) If a prosecutor submits a motion requesting that a 1815
person be held in a place other than those specified in division 1816
(B) of this section or if the court submits its own motion, the 1817
juvenile court shall hold a hearing within five days of the 1818

filing of the motion, and, in determining whether a place other 1819
than those specified in division (B) of this section is the 1820
appropriate place of confinement for the person, the court shall 1821
consider the following factors: 1822

(i) The age of the person; 1823

(ii) Whether the person would be deprived of contact with 1824
other people for a significant portion of the day or would not 1825
have access to recreational facilities or age-appropriate 1826
educational opportunities in order to provide physical 1827
separation from adults; 1828

(iii) The person's current emotional state, intelligence, 1829
and developmental maturity, including any emotional and 1830
psychological trauma, and the risk to the person in an adult 1831
facility, which may be evidenced by mental health or 1832
psychological assessments or screenings made available to the 1833
prosecuting attorney and the defense counsel; 1834

(iv) Whether detention in a juvenile facility would 1835
adequately serve the need for community protection pending the 1836
outcome of the criminal proceeding; 1837

(v) The relative ability of the available adult and 1838
juvenile detention facilities to meet the needs of the person, 1839
including the person's need for age-appropriate mental health 1840
and educational services delivered by individuals specifically 1841
trained to deal with youth; 1842

(vi) Whether the person presents an imminent risk of self- 1843
inflicted harm or an imminent risk of harm to others within a 1844
juvenile facility; 1845

(vii) Any other factors the juvenile court considers to be 1846
relevant. 1847

(d) If the juvenile court determines that a place other 1848
than those specified in division (B) of this section is the 1849
appropriate place for confinement of a person pursuant to 1850
division (F) (4) (a) of this section, the person may petition the 1851
juvenile court for a review hearing thirty days after the 1852
initial confinement decision, thirty days after any subsequent 1853
review hearing, or at any time after the initial confinement 1854
decision upon an emergency petition by the youth due to the 1855
youth facing an imminent danger from others or the youth's self. 1856
Upon receipt of the petition, the juvenile court has discretion 1857
over whether to conduct the review hearing and may set the 1858
matter for a review hearing if the youth has alleged facts or 1859
circumstances that, if true, would warrant reconsideration of 1860
the youth's placement in a place other than those specified in 1861
division (B) of this section based on the factors listed in 1862
division (F) (4) (c) of this section. 1863

(e) Upon the admission of a person described in division 1864
(F) (4) (a) of this section to a place other than those specified 1865
in division (B) of this section, the facility shall advise the 1866
person of the person's right to request a review hearing as 1867
described in division (F) (4) (d) of this section. 1868

(f) Any person transferred under division (F) (4) (a) of 1869
this section to a place other than those specified in division 1870
(B) of this section shall be confined in a manner that keeps 1871
those under eighteen years of age beyond sight and sound of all 1872
adult detainees. Those under eighteen years of age shall be 1873
supervised at all times during the detention. 1874

(G) (1) If a person who is alleged to be or has been 1875
adjudicated a delinquent child or who is in any other category 1876
of persons identified in this section or section 2151.311 of the 1877

Revised Code is confined under authority of any Revised Code 1878
section in a place other than a place specified in division (B) 1879
of this section, including a county, multicounty, or municipal 1880
jail or workhouse, or other place where an adult under arrest or 1881
charged with crime is held, subject to division (G) (2) of this 1882
section, all identifying information, other than the person's 1883
county of residence, age, gender, and race and the charges 1884
against the person, that relates to the person's admission to 1885
and confinement in that place is not a public record open for 1886
inspection or copying under section 149.43 of the Revised Code 1887
and is confidential and shall not be released to any person 1888
other than to a court, to a law enforcement agency for law 1889
enforcement purposes, or to a person specified by court order. 1890

(2) Division (G) (1) of this section does not apply with 1891
respect to a person whose case is transferred for criminal 1892
prosecution pursuant to section 2152.10 or 2152.12 of the 1893
Revised Code, who is convicted of or pleads guilty to an offense 1894
in that case, who is confined after that conviction or guilty 1895
plea in a place other than a place specified in division (B) of 1896
this section, and to whom one of the following applies: 1897

(a) The case was transferred other than pursuant to former 1898
division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the 1899
Revised Code as it existed prior to the effective date of this 1900
amendment, or was transferred pursuant to division (A) of 1901
section 2152.12 of the Revised Code as it exists on and after 1902
the effective date of this amendment. 1903

(b) The case was transferred pursuant to former division 1904
(A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised 1905
Code as it existed prior to the effective date of this 1906
amendment, and the person ~~is~~ was sentenced for the offense 1907

pursuant to division (B) (4) of former section 2152.121 of the Revised Code as it existed prior to the effective date of this amendment. 1908
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(c) The case was transferred pursuant to former division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code as it existed prior to the effective date of this amendment, the person ~~is~~ was sentenced for the offense pursuant to division (B) (3) of former section 2152.121 of the Revised Code as it existed prior to the effective date of this amendment by the court in which the person was convicted of or pleaded guilty to the offense, and the sentence imposed by that court ~~is~~ was invoked pursuant to division (B) (3) (b) of former section 2152.121 of the Revised Code as it existed prior to the effective date of this amendment. 1911
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Sec. 2505.02. (A) As used in this section: 1922

(1) "Substantial right" means a right that the United States Constitution, the Ohio Constitution, a statute, the common law, or a rule of procedure entitles a person to enforce or protect. 1923
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(2) "Special proceeding" means an action or proceeding that is specially created by statute and that prior to 1853 was not denoted as an action at law or a suit in equity. 1927
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(3) "Provisional remedy" means a proceeding ancillary to an action, including, but not limited to, a proceeding for a preliminary injunction, attachment, discovery of privileged matter, suppression of evidence, a prima-facie showing pursuant to section 2307.85 or 2307.86 of the Revised Code, a prima-facie showing pursuant to section 2307.92 of the Revised Code, or a finding made pursuant to division (A) (3) of section 2307.93 of 1930
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the Revised Code.	1937
(B) An order is a final order that may be reviewed,	1938
affirmed, modified, or reversed, with or without retrial, when	1939
it is one of the following:	1940
(1) An order that affects a substantial right in an action	1941
that in effect determines the action and prevents a judgment;	1942
(2) An order that affects a substantial right made in a	1943
special proceeding or upon a summary application in an action	1944
after judgment;	1945
(3) An order that vacates or sets aside a judgment or	1946
grants a new trial;	1947
(4) An order that grants or denies a provisional remedy	1948
and to which both of the following apply:	1949
(a) The order in effect determines the action with respect	1950
to the provisional remedy and prevents a judgment in the action	1951
in favor of the appealing party with respect to the provisional	1952
remedy.	1953
(b) The appealing party would not be afforded a meaningful	1954
or effective remedy by an appeal following final judgment as to	1955
all proceedings, issues, claims, and parties in the action.	1956
(5) An order that determines that an action may or may not	1957
be maintained as a class action;	1958
(6) An order determining the constitutionality of any	1959
changes to the Revised Code made by Am. Sub. S.B. 281 of the	1960
124th general assembly, including the amendment of sections	1961
1751.67, 2117.06, 2305.11, 2305.15, 2305.234, 2317.02, 2317.54,	1962
2323.56, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43,	1963
2919.16, 3923.63, 3923.64, 4705.15, and 5111.018 (renumbered as	1964

5164.07 by H.B. 59 of the 130th general assembly), and the 1965
enactment of sections 2305.113, 2323.41, 2323.43, and 2323.55 of 1966
the Revised Code or any changes made by Sub. S.B. 80 of the 1967
125th general assembly, including the amendment of sections 1968
2125.02, 2305.10, 2305.131, 2315.18, 2315.19, and 2315.21 of the 1969
Revised Code; 1970

(7) An order in an appropriation proceeding that may be 1971
appealed pursuant to division (B) (3) of section 163.09 of the 1972
Revised Code; 1973

(8) An order for transfer pursuant to section 2152.10 or 1974
2152.12 of the Revised Code. 1975

(C) When a court issues an order that vacates or sets 1976
aside a judgment or grants a new trial, the court, upon the 1977
request of either party, shall state in the order the grounds 1978
upon which the new trial is granted or the judgment vacated or 1979
set aside. 1980

(D) This section applies to and governs any action, 1981
including an appeal, that is pending in any court on July 22, 1982
1998, and all claims filed or actions commenced on or after July 1983
22, 1998, notwithstanding any provision of any prior statute or 1984
rule of law of this state. 1985

Section 2. That existing sections 109.57, 2151.23, 1986
2152.02, 2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2152.26, 1987
and 2505.02 of the Revised Code are hereby repealed. 1988

Section 3. That section 2152.121 of the Revised Code is 1989
hereby repealed. 1990