

**As Reported by the House Criminal Justice Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 394**

**Representative Rezabek**

**Cosponsors: Representatives Manning, Celebrezze, Rogers**

---

**A BILL**

To amend sections 109.42, 121.37, 2151.23, 1  
2151.353, 2151.415, 2151.42, 2152.02, 2152.10, 2  
2152.11, 2152.12, 2152.121, 2152.13, 2152.14, 3  
2152.18, 2152.20, 2152.21, 2152.26, 2505.02, 4  
2929.02, 2929.14, 2967.13, 2971.03, and 5149.101 5  
and to enact sections 2152.011, 2152.203, 6  
2929.07, and 2967.132 of the Revised Code to 7  
revise the law concerning serious youthful 8  
offender dispositions and bindovers of an 9  
alleged juvenile offender from a juvenile court 10  
to a criminal court; to revise the procedures 11  
for determining the delinquent child confinement 12  
credit; to revise certain delinquent child 13  
financial sanction dispositions and procedures 14  
and establish a separate restitution 15  
disposition; to permit a juvenile court or a 16  
child's guardian ad litem to file a motion to 17  
place a child in a planned permanent living 18  
arrangement; to eliminate a requirement that 19  
each county family and children first council 20  
include a representative of the regional office 21  
of the Department of Youth Services; and to 22  
provide special parole eligibility dates for 23

persons with an indefinite or life sentence 24  
imposed for an offense committed when the person 25  
was under age 18 and special Parole Board 26  
procedures in those cases. 27

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

**Section 1.** That sections 109.42, 121.37, 2151.23, 28  
2151.353, 2151.415, 2151.42, 2152.02, 2152.10, 2152.11, 2152.12, 29  
2152.121, 2152.13, 2152.14, 2152.18, 2152.20, 2152.21, 2152.26, 30  
2505.02, 2929.02, 2929.14, 2967.13, 2971.03, and 5149.101 be 31  
amended and sections 2152.011, 2152.203, 2929.07, and 2967.132 32  
of the Revised Code be enacted to read as follows: 33

**Sec. 109.42.** (A) The attorney general shall prepare and 34  
have printed a pamphlet that contains a compilation of all 35  
statutes relative to victim's rights in which the attorney 36  
general lists and explains the statutes in the form of a 37  
victim's bill of rights. The attorney general shall distribute 38  
the pamphlet to all sheriffs, marshals, municipal corporation 39  
and township police departments, constables, and other law 40  
enforcement agencies, to all prosecuting attorneys, city 41  
directors of law, village solicitors, and other similar chief 42  
legal officers of municipal corporations, and to organizations 43  
that represent or provide services for victims of crime. The 44  
victim's bill of rights set forth in the pamphlet shall contain 45  
a description of all of the rights of victims that are provided 46  
for in Chapter 2930. or in any other section of the Revised Code 47  
and shall include, but not be limited to, all of the following: 48

(1) The right of a victim or a victim's representative to 49

attend a proceeding before a grand jury, in a juvenile case, or 50  
in a criminal case pursuant to a subpoena without being 51  
discharged from the victim's or representative's employment, 52  
having the victim's or representative's employment terminated, 53  
having the victim's or representative's pay decreased or 54  
withheld, or otherwise being punished, penalized, or threatened 55  
as a result of time lost from regular employment because of the 56  
victim's or representative's attendance at the proceeding 57  
pursuant to the subpoena, as set forth in section 2151.211, 58  
2930.18, 2939.121, or 2945.451 of the Revised Code; 59

(2) The potential availability pursuant to section 60  
2151.359 or 2152.61 of the Revised Code of a forfeited 61  
recognizance to pay damages caused by a child when the 62  
delinquency of the child or child's violation of probation or 63  
community control is found to be proximately caused by the 64  
failure of the child's parent or guardian to subject the child 65  
to reasonable parental authority or to faithfully discharge the 66  
conditions of probation or community control; 67

(3) The availability of awards of reparations pursuant to 68  
sections 2743.51 to 2743.72 of the Revised Code for injuries 69  
caused by criminal offenses; 70

(4) The right of the victim in certain criminal or 71  
juvenile cases or a victim's representative to receive, pursuant 72  
to section 2930.06 of the Revised Code, notice of the date, 73  
time, and place of the trial or delinquency proceeding in the 74  
case or, if there will not be a trial or delinquency proceeding, 75  
information from the prosecutor, as defined in section 2930.01 76  
of the Revised Code, regarding the disposition of the case; 77

(5) The right of the victim in certain criminal or 78  
juvenile cases or a victim's representative to receive, pursuant 79

to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 80  
notice of the name of the person charged with the violation, the 81  
case or docket number assigned to the charge, and a telephone 82  
number or numbers that can be called to obtain information about 83  
the disposition of the case; 84

(6) The right of the victim in certain criminal or 85  
juvenile cases or of the victim's representative pursuant to 86  
section 2930.13 or 2930.14 of the Revised Code, subject to any 87  
reasonable terms set by the court as authorized under section 88  
2930.14 of the Revised Code, to make a statement about the 89  
victimization and, if applicable, a statement relative to the 90  
sentencing or disposition of the offender; 91

(7) The opportunity to obtain a court order, pursuant to 92  
section 2945.04 of the Revised Code, to prevent or stop the 93  
commission of the offense of intimidation of a crime victim or 94  
witness or an offense against the person or property of the 95  
complainant, or of the complainant's ward or child; 96

(8) The right of the victim in certain criminal or 97  
juvenile cases or a victim's representative pursuant to sections 98  
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 99  
Code to receive notice of a pending motion for judicial release, 100  
release pursuant to section 2967.19 of the Revised Code, or 101  
other early release of the person who committed the offense 102  
against the victim, to make an oral or written statement at the 103  
court hearing on the motion, and to be notified of the court's 104  
decision on the motion; 105

(9) The right of the victim in certain criminal or 106  
juvenile cases or a victim's representative pursuant to section 107  
2930.16, 2967.12, 2967.26, or 5139.56 of the Revised Code to 108  
receive notice of any pending commutation, pardon, parole, 109

transitional control, discharge, other form of authorized 110  
release, post-release control, or supervised release for the 111  
person who committed the offense against the victim or any 112  
application for release of that person and to send a written 113  
statement relative to the victimization and the pending action 114  
to the adult parole authority or the release authority of the 115  
department of youth services; 116

(10) The right of the victim to bring a civil action 117  
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 118  
obtain money from the offender's profit fund; 119

(11) The right, pursuant to section 3109.09 of the Revised 120  
Code, to maintain a civil action to recover compensatory damages 121  
not exceeding ten thousand dollars and costs from the parent of 122  
a minor who willfully damages property through the commission of 123  
an act that would be a theft offense, as defined in section 124  
2913.01 of the Revised Code, if committed by an adult; 125

(12) The right, pursuant to section 3109.10 of the Revised 126  
Code, to maintain a civil action to recover compensatory damages 127  
not exceeding ten thousand dollars and costs from the parent of 128  
a minor who willfully and maliciously assaults a person; 129

(13) The possibility of receiving restitution from an 130  
offender or a delinquent child pursuant to ~~section~~ sections 131  
2152.20, 2152.203, 2929.18, or 2929.28 of the Revised Code; 132

(14) The right of the victim in certain criminal or 133  
juvenile cases or a victim's representative, pursuant to section 134  
2930.16 of the Revised Code, to receive notice of the escape 135  
from confinement or custody of the person who committed the 136  
offense, to receive that notice from the custodial agency of the 137  
person at the victim's last address or telephone number provided 138

to the custodial agency, and to receive notice that, if either 139  
the victim's address or telephone number changes, it is in the 140  
victim's interest to provide the new address or telephone number 141  
to the custodial agency; 142

(15) The right of a victim of domestic violence to seek 143  
the issuance of a civil protection order pursuant to section 144  
3113.31 of the Revised Code, the right of a victim of a 145  
violation of section 2903.14, 2909.06, 2909.07, 2911.12, 146  
2911.211, or 2919.22 of the Revised Code, a violation of a 147  
substantially similar municipal ordinance, or an offense of 148  
violence who is a family or household member of the offender at 149  
the time of the offense to seek the issuance of a temporary 150  
protection order pursuant to section 2919.26 of the Revised 151  
Code, and the right of both types of victims to be accompanied 152  
by a victim advocate during court proceedings; 153

(16) The right of a victim of a sexually oriented offense 154  
or of a child-victim oriented offense that is committed by a 155  
person who is convicted of, pleads guilty to, or is adjudicated 156  
a delinquent child for committing the offense and who is in a 157  
category specified in division (B) of section 2950.10 of the 158  
Revised Code to receive, pursuant to that section, notice that 159  
the person has registered with a sheriff under section 2950.04, 160  
2950.041, or 2950.05 of the Revised Code and notice of the 161  
person's name, the person's residence that is registered, and 162  
the offender's school, institution of higher education, or place 163  
of employment address or addresses that are registered, the 164  
person's photograph, and a summary of the manner in which the 165  
victim must make a request to receive the notice. As used in 166  
this division, "sexually oriented offense" and "child-victim 167  
oriented offense" have the same meanings as in section 2950.01 168  
of the Revised Code. 169

(17) The right of a victim of certain sexually violent offenses committed by an offender who also is convicted of or pleads guilty to a sexually violent predator specification and who is sentenced to a prison term pursuant to division (A) (3) of section 2971.03 of the Revised Code, of a victim of a violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, by an offender who is sentenced for the violation pursuant to division (B) (1) (a), (b), or (c) of section 2971.03 of the Revised Code, of a victim of an attempted rape committed on or after January 2, 2007, by an offender who also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code and is sentenced for the violation pursuant to division (B) (2) (a), (b), or (c) of section 2971.03 of the Revised Code, and of a victim of an offense that is described in division (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code and is committed by an offender who is sentenced pursuant to one of those divisions to receive, pursuant to section 2930.16 of the Revised Code, notice of a hearing to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term. As used in this division, "sexually violent offense" and "sexually violent predator specification" have the same meanings as in section 2971.01 of the Revised Code.

(B) (1) (a) Subject to division (B) (1) (c) of this section, a prosecuting attorney, assistant prosecuting attorney, city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal

officer of a municipal corporation or an assistant of any of 201  
those officers who prosecutes an offense committed in this 202  
state, upon first contact with the victim of the offense, the 203  
victim's family, or the victim's dependents, shall give the 204  
victim, the victim's family, or the victim's dependents a copy 205  
of the pamphlet prepared pursuant to division (A) of this 206  
section and explain, upon request, the information in the 207  
pamphlet to the victim, the victim's family, or the victim's 208  
dependents. 209

(b) Subject to division (B) (1) (c) of this section, a law 210  
enforcement agency that investigates an offense or delinquent 211  
act committed in this state shall give the victim of the offense 212  
or delinquent act, the victim's family, or the victim's 213  
dependents a copy of the pamphlet prepared pursuant to division 214  
(A) of this section at one of the following times: 215

(i) Upon first contact with the victim, the victim's 216  
family, or the victim's dependents; 217

(ii) If the offense or delinquent act is an offense of 218  
violence, if the circumstances of the offense or delinquent act 219  
and the condition of the victim, the victim's family, or the 220  
victim's dependents indicate that the victim, the victim's 221  
family, or the victim's dependents will not be able to 222  
understand the significance of the pamphlet upon first contact 223  
with the agency, and if the agency anticipates that it will have 224  
an additional contact with the victim, the victim's family, or 225  
the victim's dependents, upon the agency's second contact with 226  
the victim, the victim's family, or the victim's dependents. 227

If the agency does not give the victim, the victim's 228  
family, or the victim's dependents a copy of the pamphlet upon 229  
first contact with them and does not have a second contact with 230



the victim, the victim's family, or the victim's dependents, the 231  
agency shall mail a copy of the pamphlet to the victim, the 232  
victim's family, or the victim's dependents at their last known 233  
address. 234

(c) In complying on and after December 9, 1994, with the 235  
duties imposed by division (B) (1) (a) or (b) of this section, an 236  
official or a law enforcement agency shall use copies of the 237  
pamphlet that are in the official's or agency's possession on 238  
December 9, 1994, until the official or agency has distributed 239  
all of those copies. After the official or agency has 240  
distributed all of those copies, the official or agency shall 241  
use only copies of the pamphlet that contain at least the 242  
information described in divisions (A) (1) to (17) of this 243  
section. 244

(2) The failure of a law enforcement agency or of a 245  
prosecuting attorney, assistant prosecuting attorney, city 246  
director of law, assistant city director of law, village 247  
solicitor, assistant village solicitor, or similar chief legal 248  
officer of a municipal corporation or an assistant to any of 249  
those officers to give, as required by division (B) (1) of this 250  
section, the victim of an offense or delinquent act, the 251  
victim's family, or the victim's dependents a copy of the 252  
pamphlet prepared pursuant to division (A) of this section does 253  
not give the victim, the victim's family, the victim's 254  
dependents, or a victim's representative any rights under 255  
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 256  
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 257  
other provision of the Revised Code and does not affect any 258  
right under those sections. 259

(3) A law enforcement agency, a prosecuting attorney or 260

assistant prosecuting attorney, or a city director of law, 261  
assistant city director of law, village solicitor, assistant 262  
village solicitor, or similar chief legal officer of a municipal 263  
corporation that distributes a copy of the pamphlet prepared 264  
pursuant to division (A) of this section shall not be required 265  
to distribute a copy of an information card or other printed 266  
material provided by the clerk of the court of claims pursuant 267  
to section 2743.71 of the Revised Code. 268

(C) The cost of printing and distributing the pamphlet 269  
prepared pursuant to division (A) of this section shall be paid 270  
out of the reparations fund, created pursuant to section 271  
2743.191 of the Revised Code, in accordance with division (D) of 272  
that section. 273

(D) As used in this section: 274

(1) "Victim's representative" has the same meaning as in 275  
section 2930.01 of the Revised Code; 276

(2) "Victim advocate" has the same meaning as in section 277  
2919.26 of the Revised Code. 278

**Sec. 121.37.** (A) (1) There is hereby created the Ohio 279  
family and children first cabinet council. The council shall be 280  
composed of the superintendent of public instruction, the 281  
executive director of the opportunities for Ohioans with 282  
disabilities agency, the medicaid director, and the directors of 283  
youth services, job and family services, mental health and 284  
addiction services, health, developmental disabilities, aging, 285  
rehabilitation and correction, and budget and management. The 286  
chairperson of the council shall be the governor or the 287  
governor's designee and shall establish procedures for the 288  
council's internal control and management. 289

The purpose of the cabinet council is to help families 290  
seeking government services. This section shall not be 291  
interpreted or applied to usurp the role of parents, but solely 292  
to streamline and coordinate existing government services for 293  
families seeking assistance for their children. 294

(2) In seeking to fulfill its purpose, the council may do 295  
any of the following: 296

(a) Advise and make recommendations to the governor and 297  
general assembly regarding the provision of services to 298  
children; 299

(b) Advise and assess local governments on the 300  
coordination of service delivery to children; 301

(c) Hold meetings at such times and places as may be 302  
prescribed by the council's procedures and maintain records of 303  
the meetings, except that records identifying individual 304  
children are confidential and shall be disclosed only as 305  
provided by law; 306

(d) Develop programs and projects, including pilot 307  
projects, to encourage coordinated efforts at the state and 308  
local level to improve the state's social service delivery 309  
system; 310

(e) Enter into contracts with and administer grants to 311  
county family and children first councils, as well as other 312  
county or multicounty organizations to plan and coordinate 313  
service delivery between state agencies and local service 314  
providers for families and children; 315

(f) Enter into contracts with and apply for grants from 316  
federal agencies or private organizations; 317

(g) Enter into interagency agreements to encourage 318  
coordinated efforts at the state and local level to improve the 319  
state's social service delivery system. The agreements may 320  
include provisions regarding the receipt, transfer, and 321  
expenditure of funds; 322

(h) Identify public and private funding sources for 323  
services provided to alleged or adjudicated unruly children and 324  
children who are at risk of being alleged or adjudicated unruly 325  
children, including regulations governing access to and use of 326  
the services; 327

(i) Collect information provided by local communities 328  
regarding successful programs for prevention, intervention, and 329  
treatment of unruly behavior, including evaluations of the 330  
programs; 331

(j) Identify and disseminate publications regarding 332  
alleged or adjudicated unruly children and children who are at 333  
risk of being alleged or adjudicated unruly children and 334  
regarding programs serving those types of children; 335

(k) Maintain an inventory of strategic planning 336  
facilitators for use by government or nonprofit entities that 337  
serve alleged or adjudicated unruly children or children who are 338  
at risk of being alleged or adjudicated unruly children. 339

(3) The cabinet council shall provide for the following: 340

(a) Reviews of service and treatment plans for children 341  
for which such reviews are requested; 342

(b) Assistance as the council determines to be necessary 343  
to meet the needs of children referred by county family and 344  
children first councils; 345

(c) Monitoring and supervision of a statewide, 346  
comprehensive, coordinated, multi-disciplinary, interagency 347  
system for infants and toddlers with developmental disabilities 348  
or delays and their families, as established pursuant to federal 349  
grants received and administered by the department of health for 350  
early intervention services under the "Individuals with 351  
Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 352  
1400, as amended. 353

(4) The cabinet council shall develop and implement the 354  
following: 355

(a) An interagency process to select the indicators that 356  
will be used to measure progress toward increasing child well- 357  
being in the state and to update the indicators on an annual 358  
basis. The indicators shall focus on expectant parents and 359  
newborns thriving; infants and toddlers thriving; children being 360  
ready for school; children and youth succeeding in school; youth 361  
choosing healthy behaviors; and youth successfully transitioning 362  
into adulthood. 363

(b) An interagency system to offer guidance and monitor 364  
progress toward increasing child well-being in the state and in 365  
each county; 366

(c) An annual plan that identifies state-level agency 367  
efforts taken to ensure progress towards increasing child well- 368  
being in the state. 369

On an annual basis, the cabinet council shall submit to 370  
the governor and the general assembly a report on the status of 371  
efforts to increase child well-being in the state. This report 372  
shall be made available to any other person on request. 373

(B) (1) Each board of county commissioners shall establish 374

a county family and children first council. The board may invite 375  
any local public or private agency or group that funds, 376  
advocates, or provides services to children and families to have 377  
a representative become a permanent or temporary member of its 378  
county council. Each county council must include the following 379  
individuals: 380

(a) At least three individuals who are not employed by an 381  
agency represented on the council and whose families are or have 382  
received services from an agency represented on the council or 383  
another county's council. Where possible, the number of members 384  
representing families shall be equal to twenty per cent of the 385  
council's membership. 386

(b) The director of the board of alcohol, drug addiction, 387  
and mental health services that serves the county, or, in the 388  
case of a county that has a board of alcohol and drug addiction 389  
services and a community mental health board, the directors of 390  
both boards. If a board of alcohol, drug addiction, and mental 391  
health services covers more than one county, the director may 392  
designate a person to participate on the county's council. 393

(c) The health commissioner, or the commissioner's 394  
designee, of the board of health of each city and general health 395  
district in the county. If the county has two or more health 396  
districts, the health commissioner membership may be limited to 397  
the commissioners of the two districts with the largest 398  
populations. 399

(d) The director of the county department of job and 400  
family services; 401

(e) The executive director of the public children services 402  
agency; 403

(f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee;

(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its determination at least biennially;

(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;

(i) A representative of the municipal corporation with the largest population in the county;

(j) The president of the board of county commissioners or an individual designated by the board;

~~(k) A representative of the regional office of the department of youth services;~~

~~(l)~~ A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;

~~(m)~~ (l) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";

~~(n)~~ (m) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.

Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on

the council and making decisions regarding the duties of the 432  
council, including those involving the funding of joint projects 433  
and those outlined in the county's service coordination 434  
mechanism implemented pursuant to division (C) of this section. 435

The cabinet council shall establish a state appeals 436  
process to resolve disputes among the members of a county 437  
council concerning whether reasonable responsibilities as 438  
members are being shared. The appeals process may be accessed 439  
only by a majority vote of the council members who are required 440  
to serve on the council. Upon appeal, the cabinet council may 441  
order that state funds for services to children and families be 442  
redirected to a county's board of county commissioners. 443

The county's juvenile court judge senior in service or 444  
another judge of the juvenile court designated by the 445  
administrative judge or, where there is no administrative judge, 446  
by the judge senior in service shall serve as the judicial 447  
advisor to the county family and children first council. The 448  
judge may advise the county council on the court's utilization 449  
of resources, services, or programs provided by the entities 450  
represented by the members of the county council and how those 451  
resources, services, or programs assist the court in its 452  
administration of justice. Service of a judge as a judicial 453  
advisor pursuant to this section is a judicial function. 454

(2) The purpose of the county council is to streamline and 455  
coordinate existing government services for families seeking 456  
services for their children. In seeking to fulfill its purpose, 457  
a county council shall provide for the following: 458

(a) Referrals to the cabinet council of those children for 459  
whom the county council cannot provide adequate services; 460



(b) Development and implementation of a process that 461  
annually evaluates and prioritizes services, fills service gaps 462  
where possible, and invents new approaches to achieve better 463  
results for families and children; 464

(c) Participation in the development of a countywide, 465  
comprehensive, coordinated, multi-disciplinary, interagency 466  
system for infants and toddlers with developmental disabilities 467  
or delays and their families, as established pursuant to federal 468  
grants received and administered by the department of health for 469  
early intervention services under the "Individuals with 470  
Disabilities Education Act of 2004"; 471

(d) Maintenance of an accountability system to monitor the 472  
county council's progress in achieving results for families and 473  
children; 474

(e) Establishment of a mechanism to ensure ongoing input 475  
from a broad representation of families who are receiving 476  
services within the county system. 477

(3) A county council shall develop and implement the 478  
following: 479

(a) An interagency process to establish local indicators 480  
and monitor the county's progress toward increasing child well- 481  
being in the county; 482

(b) An interagency process to identify local priorities to 483  
increase child well-being. The local priorities shall focus on 484  
expectant parents and newborns thriving; infants and toddlers 485  
thriving; children being ready for school; children and youth 486  
succeeding in school; youth choosing healthy behaviors; and 487  
youth successfully transitioning into adulthood and take into 488  
account the indicators established by the cabinet council under 489

division (A) (4) (a) of this section. 490

(c) An annual plan that identifies the county's 491  
interagency efforts to increase child well-being in the county. 492

On an annual basis, the county council shall submit a 493  
report on the status of efforts by the county to increase child 494  
well-being in the county to the county's board of county 495  
commissioners and the cabinet council. This report shall be made 496  
available to any other person on request. 497

(4) (a) Except as provided in division (B) (4) (b) of this 498  
section, a county council shall comply with the policies, 499  
procedures, and activities prescribed by the rules or 500  
interagency agreements of a state department participating on 501  
the cabinet council whenever the county council performs a 502  
function subject to those rules or agreements. 503

(b) On application of a county council, the cabinet 504  
council may grant an exemption from any rules or interagency 505  
agreements of a state department participating on the council if 506  
an exemption is necessary for the council to implement an 507  
alternative program or approach for service delivery to families 508  
and children. The application shall describe the proposed 509  
program or approach and specify the rules or interagency 510  
agreements from which an exemption is necessary. The cabinet 511  
council shall approve or disapprove the application in 512  
accordance with standards and procedures it shall adopt. If an 513  
application is approved, the exemption is effective only while 514  
the program or approach is being implemented, including a 515  
reasonable period during which the program or approach is being 516  
evaluated for effectiveness. 517

(5) (a) Each county council shall designate an 518

administrative agent for the council from among the following 519  
public entities: the board of alcohol, drug addiction, and 520  
mental health services, including a board of alcohol and drug 521  
addiction or a community mental health board if the county is 522  
served by separate boards; the board of county commissioners; 523  
any board of health of the county's city and general health 524  
districts; the county department of job and family services; the 525  
county agency responsible for the administration of children 526  
services pursuant to section 5153.15 of the Revised Code; the 527  
county board of developmental disabilities; any of the county's 528  
boards of education or governing boards of educational service 529  
centers; or the county's juvenile court. Any of the foregoing 530  
public entities, other than the board of county commissioners, 531  
may decline to serve as the council's administrative agent. 532

A county council's administrative agent shall serve as the 533  
council's appointing authority for any employees of the council. 534  
The council shall file an annual budget with its administrative 535  
agent, with copies filed with the county auditor and with the 536  
board of county commissioners, unless the board is serving as 537  
the council's administrative agent. The council's administrative 538  
agent shall ensure that all expenditures are handled in 539  
accordance with policies, procedures, and activities prescribed 540  
by state departments in rules or interagency agreements that are 541  
applicable to the council's functions. 542

The administrative agent of a county council shall send 543  
notice of a member's absence if a member listed in division (B) 544  
(1) of this section has been absent from either three 545  
consecutive meetings of the county council or a county council 546  
subcommittee, or from one-quarter of such meetings in a calendar 547  
year, whichever is less. The notice shall be sent to the board 548  
of county commissioners that establishes the county council and, 549

for the members listed in divisions (B) (1) (b), (c), (e), and ~~(l)~~ 550  
(k) of this section, to the governing board overseeing the 551  
respective entity; for the member listed in division (B) (1) (f) 552  
of this section, to the county board of developmental 553  
disabilities that employs the superintendent; for a member 554  
listed in division (B) (1) (g) or (h) of this section, to the 555  
school board that employs the superintendent; for the member 556  
listed in division (B) (1) (i) of this section, to the mayor of 557  
the municipal corporation; ~~for the member listed in division (B)~~ 558  
~~(l) (k) of this section, to the director of youth services; and~~ 559  
for the member listed in division (B) (1) ~~(n)~~ (m) of this section, 560  
to that member's board of trustees. 561

The administrative agent for a county council may do any 562  
of the following on behalf of the council: 563

(i) Enter into agreements or administer contracts with 564  
public or private entities to fulfill specific council business. 565  
Such agreements and contracts are exempt from the competitive 566  
bidding requirements of section 307.86 of the Revised Code if 567  
they have been approved by the county council and they are for 568  
the purchase of family and child welfare or child protection 569  
services or other social or job and family services for families 570  
and children. The approval of the county council is not required 571  
to exempt agreements or contracts entered into under section 572  
5139.34, 5139.41, or 5139.43 of the Revised Code from the 573  
competitive bidding requirements of section 307.86 of the 574  
Revised Code. 575

(ii) As determined by the council, provide financial 576  
stipends, reimbursements, or both, to family representatives for 577  
expenses related to council activity; 578

(iii) Receive by gift, grant, devise, or bequest any 579

moneys, lands, or other property for the purposes for which the 580  
council is established. The agent shall hold, apply, and dispose 581  
of the moneys, lands, or other property according to the terms 582  
of the gift, grant, devise, or bequest. Any interest or earnings 583  
shall be treated in the same manner and are subject to the same 584  
terms as the gift, grant, devise, or bequest from which it 585  
accrues. 586

(b) (i) If the county council designates the board of 587  
county commissioners as its administrative agent, the board may, 588  
by resolution, delegate any of its powers and duties as 589  
administrative agent to an executive committee the board 590  
establishes from the membership of the county council. The board 591  
shall name to the executive committee at least the individuals 592  
described in divisions (B) (1) (b) to (h) of this section and may 593  
appoint the president of the board or another individual as the 594  
chair of the executive committee. The executive committee must 595  
include at least one family county council representative who 596  
does not have a family member employed by an agency represented 597  
on the council. 598

(ii) The executive committee may, with the approval of the 599  
board, hire an executive director to assist the county council 600  
in administering its powers and duties. The executive director 601  
shall serve in the unclassified civil service at the pleasure of 602  
the executive committee. The executive director may, with the 603  
approval of the executive committee, hire other employees as 604  
necessary to properly conduct the county council's business. 605

(iii) The board may require the executive committee to 606  
submit an annual budget to the board for approval and may amend 607  
or repeal the resolution that delegated to the executive 608  
committee its authority as the county council's administrative 609

agent. 610

(6) Two or more county councils may enter into an 611  
agreement to administer their county councils jointly by 612  
creating a regional family and children first council. A 613  
regional council possesses the same duties and authority 614  
possessed by a county council, except that the duties and 615  
authority apply regionally rather than to individual counties. 616  
Prior to entering into an agreement to create a regional 617  
council, the members of each county council to be part of the 618  
regional council shall meet to determine whether all or part of 619  
the members of each county council will serve as members of the 620  
regional council. 621

(7) A board of county commissioners may approve a 622  
resolution by a majority vote of the board's members that 623  
requires the county council to submit a statement to the board 624  
each time the council proposes to enter into an agreement, adopt 625  
a plan, or make a decision, other than a decision pursuant to 626  
section 121.38 of the Revised Code, that requires the 627  
expenditure of funds for two or more families. The statement 628  
shall describe the proposed agreement, plan, or decision. 629

Not later than fifteen days after the board receives the 630  
statement, it shall, by resolution approved by a majority of its 631  
members, approve or disapprove the agreement, plan, or decision. 632  
Failure of the board to pass a resolution during that time 633  
period shall be considered approval of the agreement, plan, or 634  
decision. 635

An agreement, plan, or decision for which a statement is 636  
required to be submitted to the board shall be implemented only 637  
if it is approved by the board. 638

(C) Each county shall develop a county service 639  
coordination mechanism. The county service coordination 640  
mechanism shall serve as the guiding document for coordination 641  
of services in the county. For children who also receive 642  
services under the help me grow program, the service 643  
coordination mechanism shall be consistent with rules adopted by 644  
the department of health under section 3701.61 of the Revised 645  
Code. All family service coordination plans shall be developed 646  
in accordance with the county service coordination mechanism. 647  
The mechanism shall be developed and approved with the 648  
participation of the county entities representing child welfare; 649  
developmental disabilities; alcohol, drug addiction, and mental 650  
health services; health; juvenile judges; education; the county 651  
family and children first council; and the county early 652  
intervention collaborative established pursuant to the federal 653  
early intervention program operated under the "Individuals with 654  
Disabilities Education Act of 2004." The county shall establish 655  
an implementation schedule for the mechanism. The cabinet 656  
council may monitor the implementation and administration of 657  
each county's service coordination mechanism. 658

Each mechanism shall include all of the following: 659

(1) A procedure for an agency, including a juvenile court, 660  
or a family voluntarily seeking service coordination, to refer 661  
the child and family to the county council for service 662  
coordination in accordance with the mechanism; 663

(2) A procedure ensuring that a family and all appropriate 664  
staff from involved agencies, including a representative from 665  
the appropriate school district, are notified of and invited to 666  
participate in all family service coordination plan meetings; 667

(3) A procedure that permits a family to initiate a 668

meeting to develop or review the family's service coordination 669  
plan and allows the family to invite a family advocate, mentor, 670  
or support person of the family's choice to participate in any 671  
such meeting; 672

(4) A procedure for ensuring that a family service 673  
coordination plan meeting is conducted for each child who 674  
receives service coordination under the mechanism and for whom 675  
an emergency out-of-home placement has been made or for whom a 676  
nonemergency out-of-home placement is being considered. The 677  
meeting shall be conducted within ten days of an emergency out- 678  
of-home placement. The meeting shall be conducted before a 679  
nonemergency out-of-home placement. The family service 680  
coordination plan shall outline how the county council members 681  
will jointly pay for services, where applicable, and provide 682  
services in the least restrictive environment. 683

(5) A procedure for monitoring the progress and tracking 684  
the outcomes of each service coordination plan requested in the 685  
county including monitoring and tracking children in out-of-home 686  
placements to assure continued progress, appropriateness of 687  
placement, and continuity of care after discharge from placement 688  
with appropriate arrangements for housing, treatment, and 689  
education; 690

(6) A procedure for protecting the confidentiality of all 691  
personal family information disclosed during service 692  
coordination meetings or contained in the comprehensive family 693  
service coordination plan; 694

(7) A procedure for assessing the needs and strengths of 695  
any child or family that has been referred to the council for 696  
service coordination, including a child whose parent or 697  
custodian is voluntarily seeking services, and for ensuring that 698



parents and custodians are afforded the opportunity to 699  
participate; 700

(8) A procedure for development of a family service 701  
coordination plan described in division (D) of this section; 702

(9) A local dispute resolution process to serve as the 703  
process that must be used first to resolve disputes among the 704  
agencies represented on the county council concerning the 705  
provision of services to children, including children who are 706  
abused, neglected, dependent, unruly, alleged unruly, or 707  
delinquent children and under the jurisdiction of the juvenile 708  
court and children whose parents or custodians are voluntarily 709  
seeking services. The local dispute resolution process shall 710  
comply with sections 121.38, 121.381, and 121.382 of the Revised 711  
Code. The local dispute resolution process shall be used to 712  
resolve disputes between a child's parents or custodians and the 713  
county council regarding service coordination. The county 714  
council shall inform the parents or custodians of their right to 715  
use the dispute resolution process. Parents or custodians shall 716  
use existing local agency grievance procedures to address 717  
disputes not involving service coordination. The dispute 718  
resolution process is in addition to and does not replace other 719  
rights or procedures that parents or custodians may have under 720  
other sections of the Revised Code. 721

The cabinet council shall adopt rules in accordance with 722  
Chapter 119. of the Revised Code establishing an administrative 723  
review process to address problems that arise concerning the 724  
operation of a local dispute resolution process. 725

Nothing in division (C) (4) of this section shall be 726  
interpreted as overriding or affecting decisions of a juvenile 727  
court regarding an out-of-home placement, long-term placement, 728

or emergency out-of-home placement.	729
(D) Each county shall develop a family service	730
coordination plan that does all of the following:	731
(1) Designates service responsibilities among the various	732
state and local agencies that provide services to children and	733
their families, including children who are abused, neglected,	734
dependent, unruly, or delinquent children and under the	735
jurisdiction of the juvenile court and children whose parents or	736
custodians are voluntarily seeking services;	737
(2) Designates an individual, approved by the family, to	738
track the progress of the family service coordination plan,	739
schedule reviews as necessary, and facilitate the family service	740
coordination plan meeting process;	741
(3) Ensures that assistance and services to be provided	742
are responsive to the strengths and needs of the family, as well	743
as the family's culture, race, and ethnic group, by allowing the	744
family to offer information and suggestions and participate in	745
decisions. Identified assistance and services shall be provided	746
in the least restrictive environment possible.	747
(4) Includes a process for dealing with a child who is	748
alleged to be an unruly child. The process shall include methods	749
to divert the child from the juvenile court system;	750
(5) Includes timelines for completion of goals specified	751
in the plan with regular reviews scheduled to monitor progress	752
toward those goals;	753
(6) Includes a plan for dealing with short-term crisis	754
situations and safety concerns.	755
(E) (1) The process provided for under division (D) (4) of	756

this section may include, but is not limited to, the following:	757
(a) Designation of the person or agency to conduct the	758
assessment of the child and the child's family as described in	759
division (C) (7) of this section and designation of the	760
instrument or instruments to be used to conduct the assessment;	761
(b) An emphasis on the personal responsibilities of the	762
child and the parental responsibilities of the parents,	763
guardian, or custodian of the child;	764
(c) Involvement of local law enforcement agencies and	765
officials.	766
(2) The method to divert a child from the juvenile court	767
system that must be included in the service coordination process	768
may include, but is not limited to, the following:	769
(a) The preparation of a complaint under section 2151.27	770
of the Revised Code alleging that the child is an unruly child	771
and notifying the child and the parents, guardian, or custodian	772
that the complaint has been prepared to encourage the child and	773
the parents, guardian, or custodian to comply with other methods	774
to divert the child from the juvenile court system;	775
(b) Conducting a meeting with the child, the parents,	776
guardian, or custodian, and other interested parties to	777
determine the appropriate methods to divert the child from the	778
juvenile court system;	779
(c) A method to provide to the child and the child's	780
family a short-term respite from a short-term crisis situation	781
involving a confrontation between the child and the parents,	782
guardian, or custodian;	783
(d) A program to provide a mentor to the child or the	784

parents, guardian, or custodian;	785
(e) A program to provide parenting education to the	786
parents, guardian, or custodian;	787
(f) An alternative school program for children who are	788
truant from school, repeatedly disruptive in school, or	789
suspended or expelled from school;	790
(g) Other appropriate measures, including, but not limited	791
to, any alternative methods to divert a child from the juvenile	792
court system that are identified by the Ohio family and children	793
first cabinet council.	794
(F) Each county may review and revise the service	795
coordination process described in division (D) of this section	796
based on the availability of funds under Title IV-A of the	797
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601,	798
as amended, or to the extent resources are available from any	799
other federal, state, or local funds.	800
<b>Sec. 2151.23.</b> (A) The juvenile court has exclusive	801
original jurisdiction under the Revised Code as follows:	802
(1) Concerning any child who on or about the date	803
specified in the complaint, indictment, or information is	804
alleged to have violated section 2151.87 of the Revised Code or	805
an order issued under that section or to be a juvenile traffic	806
offender or a delinquent, unruly, abused, neglected, or	807
dependent child and, based on and in relation to the allegation	808
pertaining to the child, concerning the parent, guardian, or	809
other person having care of a child who is alleged to be an	810
unruly child for being an habitual truant or who is alleged to	811
be a delinquent child for violating a court order regarding the	812
child's prior adjudication as an unruly child for being an	813

habitual truant;	814
(2) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to determine the custody of any child not a ward of another court of this state;	815 816 817
(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;	818 819
(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;	820 821 822 823 824 825
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	826 827
(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;	828 829 830 831 832 833 834 835 836 837 838
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	839 840
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being	841 842

notified of the intent to take the child into custody and the	843
reasons for taking the child into custody;	844
(9) To hear and determine requests for the extension of	845
temporary custody agreements, and requests for court approval of	846
permanent custody agreements, that are filed pursuant to section	847
5103.15 of the Revised Code;	848
(10) To hear and determine applications for consent to	849
marry pursuant to section 3101.04 of the Revised Code;	850
(11) Subject to divisions (G), (K), and (V) of section	851
2301.03 of the Revised Code, to hear and determine a request for	852
an order for the support of any child if the request is not	853
ancillary to an action for divorce, dissolution of marriage,	854
annulment, or legal separation, a criminal or civil action	855
involving an allegation of domestic violence, or an action for	856
support brought under Chapter 3115. of the Revised Code;	857
(12) Concerning an action commenced under section 121.38	858
of the Revised Code;	859
(13) To hear and determine violations of section 3321.38	860
of the Revised Code;	861
(14) To exercise jurisdiction and authority over the	862
parent, guardian, or other person having care of a child alleged	863
to be a delinquent child, unruly child, or juvenile traffic	864
offender, based on and in relation to the allegation pertaining	865
to the child;	866
(15) To conduct the hearings, and to make the	867
determinations, adjudications, and orders authorized or required	868
under sections 2152.82 to 2152.86 and Chapter 2950. of the	869
Revised Code regarding a child who has been adjudicated a	870
delinquent child and to refer the duties conferred upon the	871

juvenile court judge under sections 2152.82 to 2152.86 and 872  
Chapter 2950. of the Revised Code to magistrates appointed by 873  
the juvenile court judge in accordance with Juvenile Rule 40; 874

(16) To hear and determine a petition for a protection 875  
order against a child under section 2151.34 or 3113.31 of the 876  
Revised Code and to enforce a protection order issued or a 877  
consent agreement approved under either section against a child 878  
until a date certain but not later than the date the child 879  
attains nineteen years of age. 880

(B) Except as provided in divisions (G) and (I) of section 881  
2301.03 of the Revised Code, the juvenile court has original 882  
jurisdiction under the Revised Code: 883

(1) To hear and determine all cases of misdemeanors 884  
charging adults with any act or omission with respect to any 885  
child, which act or omission is a violation of any state law or 886  
any municipal ordinance; 887

(2) To determine the paternity of any child alleged to 888  
have been born out of wedlock pursuant to sections 3111.01 to 889  
3111.18 of the Revised Code; 890

(3) Under the uniform interstate family support act in 891  
Chapter 3115. of the Revised Code; 892

(4) To hear and determine an application for an order for 893  
the support of any child, if the child is not a ward of another 894  
court of this state; 895

(5) To hear and determine an action commenced under 896  
section 3111.28 of the Revised Code; 897

(6) To hear and determine a motion filed under section 898  
3119.961 of the Revised Code; 899

(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 divisions (G) and (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, 930  
including jurisdiction to modify the judgment and decree of the 931  
court of common pleas as the same relate to the custody and 932  
support of children. 933

(E) The juvenile court, except as provided in divisions 934  
(G) and (I) of section 2301.03 of the Revised Code, has 935  
jurisdiction to hear and determine the case of any child 936  
certified to the court by any court of competent jurisdiction if 937  
the child comes within the jurisdiction of the juvenile court as 938  
defined by this section. 939

(F) (1) The juvenile court shall exercise its jurisdiction 940  
in child custody matters in accordance with sections 3109.04 and 941  
3127.01 to 3127.53 of the Revised Code and, as applicable, 942  
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 943  
Revised Code. 944

(2) The juvenile court shall exercise its jurisdiction in 945  
child support matters in accordance with section 3109.05 of the 946  
Revised Code. 947

(G) Any juvenile court that makes or modifies an order for 948  
child support shall comply with Chapters 3119., 3121., 3123., 949  
and 3125. of the Revised Code. If any person required to pay 950  
child support under an order made by a juvenile court on or 951  
after April 15, 1985, or modified on or after December 1, 1986, 952  
is found in contempt of court for failure to make support 953  
payments under the order, the court that makes the finding, in 954  
addition to any other penalty or remedy imposed, shall assess 955  
all court costs arising out of the contempt proceeding against 956  
the person and require the person to pay any reasonable 957  
attorney's fees of any adverse party, as determined by the 958  
court, that arose in relation to the act of contempt. 959

(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. However, notwithstanding any other provision of the Revised Code to the contrary, the court shall not impose on the child a sentence of life imprisonment without parole for any offense committed by the child on or after the effective date of this amendment.

(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 991  
determine any portion of the case charging the person with 992  
committing that act. In those circumstances, divisions (A) and 993  
(B) of section 2152.12 of the Revised Code do not apply 994  
regarding the act, and the case charging the person with 995  
committing the act shall be a criminal prosecution commenced and 996  
heard in the appropriate court having jurisdiction of the 997  
offense as if the person had been eighteen years of age or older 998  
when the person committed the act, except that the court shall 999  
not impose a sentence of life imprisonment without parole for 1000  
any offense committed on or after the effective date of this 1001  
amendment when the person was under eighteen years of age. All 1002  
proceedings pertaining to the act shall be within the 1003  
jurisdiction of the court having jurisdiction of the offense, 1004  
and that court has all the authority and duties in the case that 1005  
it has in other criminal cases in that court. 1006

(J) In exercising its exclusive original jurisdiction 1007  
under division (A) (16) of this section with respect to any 1008  
proceedings brought under section 2151.34 or 3113.31 of the 1009  
Revised Code in which the respondent is a child, the juvenile 1010  
court retains all dispositional powers consistent with existing 1011  
rules of juvenile procedure and may also exercise its discretion 1012  
to adjudicate proceedings as provided in sections 2151.34 and 1013  
3113.31 of the Revised Code, including the issuance of 1014  
protection orders or the approval of consent agreements under 1015  
those sections. 1016

**Sec. 2151.353.** (A) If a child is adjudicated an abused, 1017  
neglected, or dependent child, the court may make any of the 1018  
following orders of disposition: 1019

(1) Place the child in protective supervision; 1020

(2) Commit the child to the temporary custody of any of	1021
the following:	1022
(a) A public children services agency;	1023
(b) A private child placing agency;	1024
(c) Either parent;	1025
(d) A relative residing within or outside the state;	1026
(e) A probation officer for placement in a certified	1027
foster home;	1028
(f) Any other person approved by the court.	1029
(3) Award legal custody of the child to either parent or	1030
to any other person who, prior to the dispositional hearing,	1031
files a motion requesting legal custody of the child or is	1032
identified as a proposed legal custodian in a complaint or	1033
motion filed prior to the dispositional hearing by any party to	1034
the proceedings. A person identified in a complaint or motion	1035
filed by a party to the proceedings as a proposed legal	1036
custodian shall be awarded legal custody of the child only if	1037
the person identified signs a statement of understanding for	1038
legal custody that contains at least the following provisions:	1039
(a) That it is the intent of the person to become the	1040
legal custodian of the child and the person is able to assume	1041
legal responsibility for the care and supervision of the child;	1042
(b) That the person understands that legal custody of the	1043
child in question is intended to be permanent in nature and that	1044
the person will be responsible as the custodian for the child	1045
until the child reaches the age of majority. Responsibility as	1046
custodian for the child shall continue beyond the age of	1047
majority if, at the time the child reaches the age of majority,	1048

the child is pursuing a diploma granted by the board of 1049  
education or other governing authority, successful completion of 1050  
the curriculum of any high school, successful completion of an 1051  
individualized education program developed for the student by 1052  
any high school, or an age and schooling certificate. 1053  
Responsibility beyond the age of majority shall terminate when 1054  
the child ceases to continuously pursue such an education, 1055  
completes such an education, or is excused from such an 1056  
education under standards adopted by the state board of 1057  
education, whichever occurs first. 1058

(c) That the parents of the child have residual parental 1059  
rights, privileges, and responsibilities, including, but not 1060  
limited to, the privilege of reasonable visitation, consent to 1061  
adoption, the privilege to determine the child's religious 1062  
affiliation, and the responsibility for support; 1063

(d) That the person understands that the person must be 1064  
present in court for the dispositional hearing in order to 1065  
affirm the person's intention to become legal custodian, to 1066  
affirm that the person understands the effect of the 1067  
custodianship before the court, and to answer any questions that 1068  
the court or any parties to the case may have. 1069

(4) Commit the child to the permanent custody of a public 1070  
children services agency or private child placing agency, if the 1071  
court determines in accordance with division (E) of section 1072  
2151.414 of the Revised Code that the child cannot be placed 1073  
with one of the child's parents within a reasonable time or 1074  
should not be placed with either parent and determines in 1075  
accordance with division (D) (1) of section 2151.414 of the 1076  
Revised Code that the permanent commitment is in the best 1077  
interest of the child. If the court grants permanent custody 1078

under this division, the court, upon the request of any party, 1079  
shall file a written opinion setting forth its findings of fact 1080  
and conclusions of law in relation to the proceeding. 1081

(5) Place the child in a planned permanent living 1082  
arrangement with a public children services agency or private 1083  
child placing agency, if a public children services agency ~~or,~~ 1084  
private child placing agency, or the child's guardian ad litem 1085  
requests the court, or the court, on its own motion, seeks to 1086  
place the child in a planned permanent living arrangement and if 1087  
the court finds, by clear and convincing evidence, that a 1088  
planned permanent living arrangement is in the best interest of 1089  
the child, that the child is sixteen years of age or older, and 1090  
that one of the following exists: 1091

(a) The child, because of physical, mental, or 1092  
psychological problems or needs, is unable to function in a 1093  
family-like setting and must remain in residential or 1094  
institutional care now and for the foreseeable future beyond the 1095  
date of the dispositional hearing held pursuant to section 1096  
2151.35 of the Revised Code. 1097

(b) The parents of the child have significant physical, 1098  
mental, or psychological problems and are unable to care for the 1099  
child because of those problems, adoption is not in the best 1100  
interest of the child, as determined in accordance with division 1101  
(D) (1) of section 2151.414 of the Revised Code, and the child 1102  
retains a significant and positive relationship with a parent or 1103  
relative. 1104

(c) The child has been counseled on the permanent 1105  
placement options available to the child, and is unwilling to 1106  
accept or unable to adapt to a permanent placement. 1107

(6) Order the removal from the child's home until further  
order of the court of the person who committed abuse as  
described in section 2151.031 of the Revised Code against the  
child, who caused or allowed the child to suffer neglect as  
described in section 2151.03 of the Revised Code, or who is the  
parent, guardian, or custodian of a child who is adjudicated a  
dependent child and order any person not to have contact with  
the child or the child's siblings.

(B) (1) When making a determination on whether to place a  
child in a planned permanent living arrangement pursuant to  
division (A) (5) (b) or (c) of this section, the court shall  
consider all relevant information that has been presented to the  
court, including information gathered from the child, the  
child's guardian ad litem, and the public children services  
agency or private child placing agency.

(2) A child who is placed in a planned permanent living  
arrangement pursuant to division (A) (5) (b) or (c) of this  
section shall be placed in an independent living setting or in a  
family setting in which the caregiver has been provided by the  
agency that has custody of the child with a notice that  
addresses the following:

(a) The caregiver understands that the planned permanent  
living arrangement is intended to be permanent in nature and  
that the caregiver will provide a stable placement for the child  
through the child's emancipation or until the court releases the  
child from the custody of the agency, whichever occurs first.

(b) The caregiver is expected to actively participate in  
the youth's independent living case plan, attend agency team  
meetings and court hearings as appropriate, complete training,  
as provided in division (B) of section 5103.035 of the Revised

Code, related to providing the child independent living 1138  
services, and assist in the child's transition into adulthood. 1139

(3) The department of job and family services shall 1140  
develop a model notice to be provided by an agency that has 1141  
custody of a child to a caregiver under division (B)(2) of this 1142  
section. The agency may modify the model notice to apply to the 1143  
needs of the agency. 1144

(C) No order for permanent custody or temporary custody of 1145  
a child or the placement of a child in a planned permanent 1146  
living arrangement shall be made pursuant to this section unless 1147  
the complaint alleging the abuse, neglect, or dependency 1148  
contains a prayer requesting permanent custody, temporary 1149  
custody, or the placement of the child in a planned permanent 1150  
living arrangement as desired, the summons served on the parents 1151  
of the child contains as is appropriate a full explanation that 1152  
the granting of an order for permanent custody permanently 1153  
divests them of their parental rights, a full explanation that 1154  
an adjudication that the child is an abused, neglected, or 1155  
dependent child may result in an order of temporary custody that 1156  
will cause the removal of the child from their legal custody 1157  
until the court terminates the order of temporary custody or 1158  
permanently divests the parents of their parental rights, or a 1159  
full explanation that the granting of an order for a planned 1160  
permanent living arrangement will result in the removal of the 1161  
child from their legal custody if any of the conditions listed 1162  
in divisions (A)(5)(a) to (c) of this section are found to 1163  
exist, and the summons served on the parents contains a full 1164  
explanation of their right to be represented by counsel and to 1165  
have counsel appointed pursuant to Chapter 120. of the Revised 1166  
Code if they are indigent. 1167



If after making disposition as authorized by division (A) 1168  
(2) of this section, a motion is filed that requests permanent 1169  
custody of the child, the court may grant permanent custody of 1170  
the child to the movant in accordance with section 2151.414 of 1171  
the Revised Code. 1172

(D) If the court issues an order for protective 1173  
supervision pursuant to division (A)(1) of this section, the 1174  
court may place any reasonable restrictions upon the child, the 1175  
child's parents, guardian, or custodian, or any other person, 1176  
including, but not limited to, any of the following: 1177

(1) Order a party, within forty-eight hours after the 1178  
issuance of the order, to vacate the child's home indefinitely 1179  
or for a specified period of time; 1180

(2) Order a party, a parent of the child, or a physical 1181  
custodian of the child to prevent any particular person from 1182  
having contact with the child; 1183

(3) Issue an order restraining or otherwise controlling 1184  
the conduct of any person which conduct would not be in the best 1185  
interest of the child. 1186

(E) As part of its dispositional order, the court shall 1187  
journalize a case plan for the child. The journalized case plan 1188  
shall not be changed except as provided in section 2151.412 of 1189  
the Revised Code. 1190

(F)(1) The court shall retain jurisdiction over any child 1191  
for whom the court issues an order of disposition pursuant to 1192  
division (A) of this section or pursuant to section 2151.414 or 1193  
2151.415 of the Revised Code until the child attains the age of 1194  
eighteen years if the child is not mentally retarded, 1195  
developmentally disabled, or physically impaired, the child 1196

attains the age of twenty-one years if the child is mentally 1197  
retarded, developmentally disabled, or physically impaired, or 1198  
the child is adopted and a final decree of adoption is issued, 1199  
except that the court may retain jurisdiction over the child and 1200  
continue any order of disposition under division (A) of this 1201  
section or under section 2151.414 or 2151.415 of the Revised 1202  
Code for a specified period of time to enable the child to 1203  
graduate from high school or vocational school. The court shall 1204  
retain jurisdiction over a person who meets the requirements 1205  
described in division (A) (1) of section 5101.1411 of the Revised 1206  
Code and who is subject to a voluntary participation agreement 1207  
that is in effect. The court shall make an entry continuing its 1208  
jurisdiction under this division in the journal. 1209

(2) Any public children services agency, any private child 1210  
placing agency, the department of job and family services, or 1211  
any party, other than any parent whose parental rights with 1212  
respect to the child have been terminated pursuant to an order 1213  
issued under division (A) (4) of this section, by filing a motion 1214  
with the court, may at any time request the court to modify or 1215  
terminate any order of disposition issued pursuant to division 1216  
(A) of this section or section 2151.414 or 2151.415 of the 1217  
Revised Code. The court shall hold a hearing upon the motion as 1218  
if the hearing were the original dispositional hearing and shall 1219  
give all parties to the action and the guardian ad litem notice 1220  
of the hearing pursuant to the Juvenile Rules. If applicable, 1221  
the court shall comply with section 2151.42 of the Revised Code. 1222

(G) Any temporary custody order issued pursuant to 1223  
division (A) of this section shall terminate one year after the 1224  
earlier of the date on which the complaint in the case was filed 1225  
or the child was first placed into shelter care, except that, 1226  
upon ~~the filing of a motion pursuant to~~ under section 2151.415 1227

of the Revised Code, the temporary custody order shall continue 1228  
and not terminate until the court issues a dispositional order 1229  
under that section. In resolving the motion, the court shall not 1230  
order an existing temporary custody order to continue beyond two 1231  
years after the date on which the complaint was filed or the 1232  
child was first placed into shelter care, whichever date is 1233  
earlier, regardless of whether any extensions have been 1234  
previously ordered pursuant to division (D) of section 2151.415 1235  
of the Revised Code. 1236

(H) (1) No later than one year after the earlier of the 1237  
date the complaint in the case was filed or the child was first 1238  
placed in shelter care, a party may ask the court to extend an 1239  
order for protective supervision for six months or to terminate 1240  
the order. A party requesting extension or termination of the 1241  
order shall file a written request for the extension or 1242  
termination with the court and give notice of the proposed 1243  
extension or termination in writing before the end of the day 1244  
after the day of filing it to all parties and the child's 1245  
guardian ad litem. If a public children services agency or 1246  
private child placing agency requests termination of the order, 1247  
the agency shall file a written status report setting out the 1248  
facts supporting termination of the order at the time it files 1249  
the request with the court. If no party requests extension or 1250  
termination of the order, the court shall notify the parties 1251  
that the court will extend the order for six months or terminate 1252  
it and that it may do so without a hearing unless one of the 1253  
parties requests a hearing. All parties and the guardian ad 1254  
litem shall have seven days from the date a notice is sent 1255  
pursuant to this division to object to and request a hearing on 1256  
the proposed extension or termination. 1257

(a) If it receives a timely request for a hearing, the 1258

court shall schedule a hearing to be held no later than thirty 1259  
days after the request is received by the court. The court shall 1260  
give notice of the date, time, and location of the hearing to 1261  
all parties and the guardian ad litem. At the hearing, the court 1262  
shall determine whether extension or termination of the order is 1263  
in the child's best interest. If termination is in the child's 1264  
best interest, the court shall terminate the order. If extension 1265  
is in the child's best interest, the court shall extend the 1266  
order for six months. 1267

(b) If it does not receive a timely request for a hearing, 1268  
the court may extend the order for six months or terminate it 1269  
without a hearing and shall journalize the order of extension or 1270  
termination not later than fourteen days after receiving the 1271  
request for extension or termination or after the date the court 1272  
notifies the parties that it will extend or terminate the order. 1273  
If the court does not extend or terminate the order, it shall 1274  
schedule a hearing to be held no later than thirty days after 1275  
the expiration of the applicable fourteen-day time period and 1276  
give notice of the date, time, and location of the hearing to 1277  
all parties and the child's guardian ad litem. At the hearing, 1278  
the court shall determine whether extension or termination of 1279  
the order is in the child's best interest. If termination is in 1280  
the child's best interest, the court shall terminate the order. 1281  
If extension is in the child's best interest, the court shall 1282  
issue an order extending the order for protective supervision 1283  
six months. 1284

(2) If the court grants an extension of the order for 1285  
protective supervision pursuant to division (H)(1) of this 1286  
section, a party may, prior to termination of the extension, 1287  
file with the court a request for an additional extension of six 1288  
months or for termination of the order. The court and the 1289

parties shall comply with division (H) (1) of this section with 1290  
respect to extending or terminating the order. 1291

(3) If a court grants an extension pursuant to division 1292  
(H) (2) of this section, the court shall terminate the order for 1293  
protective supervision at the end of the extension. 1294

(I) The court shall not issue a dispositional order 1295  
pursuant to division (A) of this section that removes a child 1296  
from the child's home unless the court complies with section 1297  
2151.419 of the Revised Code and includes in the dispositional 1298  
order the findings of fact required by that section. 1299

(J) If a motion or application for an order described in 1300  
division (A) (6) of this section is made, the court shall not 1301  
issue the order unless, prior to the issuance of the order, it 1302  
provides to the person all of the following: 1303

(1) Notice and a copy of the motion or application; 1304

(2) The grounds for the motion or application; 1305

(3) An opportunity to present evidence and witnesses at a 1306  
hearing regarding the motion or application; 1307

(4) An opportunity to be represented by counsel at the 1308  
hearing. 1309

(K) The jurisdiction of the court shall terminate one year 1310  
after the date of the award or, if the court takes any further 1311  
action in the matter subsequent to the award, the date of the 1312  
latest further action subsequent to the award, if the court 1313  
awards legal custody of a child to either of the following: 1314

(1) A legal custodian who, at the time of the award of 1315  
legal custody, resides in a county of this state other than the 1316  
county in which the court is located; 1317

(2) A legal custodian who resides in the county in which 1318  
the court is located at the time of the award of legal custody, 1319  
but moves to a different county of this state prior to one year 1320  
after the date of the award or, if the court takes any further 1321  
action in the matter subsequent to the award, one year after the 1322  
date of the latest further action subsequent to the award. 1323

The court in the county in which the legal custodian 1324  
resides then shall have jurisdiction in the matter. 1325

**Sec. 2151.415.** (A) Except for cases in which a motion for 1326  
permanent custody described in division (D)(1) of section 1327  
2151.413 of the Revised Code is required to be made, ~~a public~~ 1328  
~~children services agency or private child placing agency that~~ 1329  
~~has been given temporary custody of a child pursuant to section~~ 1330  
~~2151.353 of the Revised Code, and not later than thirty days~~ 1331  
prior to the earlier of the date for the termination of ~~the a~~ 1332  
temporary custody order pursuant to division (H) of section 1333  
2151.353 of the Revised Code or the date set at the 1334  
dispositional hearing for the hearing to be held pursuant to 1335  
this section: 1336

(1) A public children services agency or private child 1337  
placing agency that has temporary custody shall file a motion 1338  
with the court that issued the temporary custody order ~~of~~ 1339  
~~disposition~~ requesting that any of the following orders of 1340  
disposition of the child be issued by the court: 1341

~~(1)~~ (a) An order that the child be returned home and the 1342  
custody of the child's parents, guardian, or custodian without 1343  
any restrictions; 1344

~~(2)~~ (b) An order for protective supervision; 1345

~~(3)~~ (c) An order that the child be placed in the legal 1346

custody of a relative or other interested individual; 1347

~~(4)~~ (d) An order permanently terminating the parental 1348  
rights of the child's parents; 1349

~~(5)~~ (e) An order that the child be placed in a planned 1350  
permanent living arrangement; 1351

~~(6)~~ (f) In accordance with division (D) of this section, 1352  
an order for the extension of temporary custody; and 1353

(2) A child's guardian ad litem may file a motion with the 1354  
court that issued the temporary custody order requesting the 1355  
court to place the child, or the court, on its own motion, may 1356  
seek to place the child, in a planned permanent living 1357  
arrangement. 1358

(B) ~~Upon the filing of a motion pursuant to~~ under division 1359  
(A) of this section, the court shall hold a dispositional 1360  
hearing on the date set at the dispositional hearing held 1361  
pursuant to section 2151.35 of the Revised Code, with notice to 1362  
all parties to the action in accordance with the Juvenile Rules. 1363  
After the dispositional hearing or at a date after the 1364  
dispositional hearing that is not later than one year after the 1365  
earlier of the date on which the complaint in the case was filed 1366  
or the child was first placed into shelter care, the court, in 1367  
accordance with the best interest of the child as supported by 1368  
the evidence presented at the dispositional hearing, shall issue 1369  
an order of disposition as set forth in division (A) of this 1370  
section, except that all orders for permanent custody shall be 1371  
made in accordance with sections 2151.413 and 2151.414 of the 1372  
Revised Code. In issuing an order of disposition under this 1373  
section, the court shall comply with section 2151.42 of the 1374  
Revised Code. 1375

(C) (1) If an agency or guardian ad litem, or a court on 1376  
its own motion, pursuant to division (A) of this section,  1377  
requests ~~the court to place~~ a child to be placed into a planned 1378  
permanent living arrangement, the agency, guardian ad litem, or 1379  
court shall present evidence to indicate why a planned permanent 1380  
living arrangement is appropriate for the child, ~~including, but~~ 1381  
~~not limited to, evidence that the~~. The agency also shall 1382  
present evidence that it has tried or considered all other 1383  
possible dispositions for the child. A court shall not place a 1384  
child in a planned permanent living arrangement, unless it 1385  
finds, by clear and convincing evidence, that a planned 1386  
permanent living arrangement is in the best interest of the 1387  
child, that the child is sixteen years of age or older, and that 1388  
one of the following exists: 1389

(a) The child, because of physical, mental, or 1390  
psychological problems or needs, is unable to function in a 1391  
family-like setting and must remain in residential or 1392  
institutional care. 1393

(b) The parents of the child have significant physical, 1394  
mental, or psychological problems and are unable to care for the 1395  
child because of those problems, adoption is not in the best 1396  
interest of the child, as determined in accordance with division 1397  
(D) (1) of section 2151.414 of the Revised Code, and the child 1398  
retains a significant and positive relationship with a parent or 1399  
relative; 1400

(c) The child has been counseled on the permanent 1401  
placement options available, is unwilling to accept or unable to 1402  
adapt to a permanent placement, and is in an agency program 1403  
preparing for independent living. 1404

(2) If the court issues an order placing a child in a 1405



planned permanent living arrangement, both of the following 1406  
apply: 1407

(a) The court shall issue a finding of fact setting forth 1408  
the reasons for its finding; 1409

(b) The agency may make any appropriate placement for the 1410  
child and shall develop a case plan for the child that is 1411  
designed to assist the child in finding a permanent home outside 1412  
of the home of the parents. 1413

(D) (1) If an agency pursuant to division (A) of this 1414  
section requests the court to grant an extension of temporary 1415  
custody for a period of up to six months, the agency shall 1416  
include in the motion an explanation of the progress on the case 1417  
plan of the child and of its expectations of reunifying the 1418  
child with the child's family, or placing the child in a 1419  
permanent placement, within the extension period. The court 1420  
shall schedule a hearing on the motion, give notice of its date, 1421  
time, and location to all parties and the guardian ad litem of 1422  
the child, and at the hearing consider the evidence presented by 1423  
the parties and the guardian ad litem. The court may extend the 1424  
temporary custody order of the child for a period of up to six 1425  
months, if it determines at the hearing, by clear and convincing 1426  
evidence, that the extension is in the best interest of the 1427  
child, there has been significant progress on the case plan of 1428  
the child, and there is reasonable cause to believe that the 1429  
child will be reunified with one of the parents or otherwise 1430  
permanently placed within the period of extension. In 1431  
determining whether to extend the temporary custody of the child 1432  
pursuant to this division, the court shall comply with section 1433  
2151.42 of the Revised Code. If the court extends the temporary 1434  
custody of the child pursuant to this division, upon request it 1435

shall issue findings of fact. 1436

(2) Prior to the end of the extension granted pursuant to 1437  
division (D)(1) of this section, the agency that received the 1438  
extension shall file a motion with the court requesting the 1439  
issuance of one of the orders of disposition set forth in 1440  
divisions (A)(1) to (5) of this section or requesting the court 1441  
to extend the temporary custody order of the child for an 1442  
additional period of up to six months. If the agency requests 1443  
the issuance of an order of disposition under divisions (A)(1) 1444  
to (5) of this section or does not file any motion prior to the 1445  
expiration of the extension period, the court shall conduct a 1446  
hearing in accordance with division (B) of this section and 1447  
issue an appropriate order of disposition. In issuing an order 1448  
of disposition, the court shall comply with section 2151.42 of 1449  
the Revised Code. 1450

If the agency requests an additional extension of up to 1451  
six months of the temporary custody order of the child, the 1452  
court shall schedule and conduct a hearing in the manner set 1453  
forth in division (D)(1) of this section. The court may extend 1454  
the temporary custody order of the child for an additional 1455  
period of up to six months if it determines at the hearing, by 1456  
clear and convincing evidence, that the additional extension is 1457  
in the best interest of the child, there has been substantial 1458  
additional progress since the original extension of temporary 1459  
custody in the case plan of the child, there has been 1460  
substantial additional progress since the original extension of 1461  
temporary custody toward reunifying the child with one of the 1462  
parents or otherwise permanently placing the child, and there is 1463  
reasonable cause to believe that the child will be reunified 1464  
with one of the parents or otherwise placed in a permanent 1465  
setting before the expiration of the additional extension 1466

period. In determining whether to grant an additional extension, 1467  
the court shall comply with section 2151.42 of the Revised Code. 1468  
If the court extends the temporary custody of the child for an 1469  
additional period pursuant to this division, upon request it 1470  
shall issue findings of fact. 1471

(3) Prior to the end of the extension of a temporary 1472  
custody order granted pursuant to division (D)(2) of this 1473  
section, the agency that received the extension shall file a 1474  
motion with the court requesting the issuance of one of the 1475  
orders of disposition set forth in divisions (A)(1) to (5) of 1476  
this section. Upon the filing of the motion by the agency or, if 1477  
the agency does not file the motion prior to the expiration of 1478  
the extension period, upon its own motion, the court, prior to 1479  
the expiration of the extension period, shall conduct a hearing 1480  
in accordance with division (B) of this section and issue an 1481  
appropriate order of disposition. In issuing an order of 1482  
disposition, the court shall comply with section 2151.42 of the 1483  
Revised Code. 1484

(4) No court shall grant an agency more than two 1485  
extensions of temporary custody pursuant to division (D) of this 1486  
section and the court shall not order an existing temporary 1487  
custody order to continue beyond two years after the date on 1488  
which the complaint was filed or the child was first placed into 1489  
shelter care, whichever date is earlier, regardless of whether 1490  
any extensions have been previously ordered pursuant to division 1491  
(D) of this section. 1492

(E) After the issuance of an order pursuant to division 1493  
(B) of this section, the court shall retain jurisdiction over 1494  
the child until the child attains the age of eighteen if the 1495  
child does not have a developmental disability or physical 1496

impairment, the child attains the age of twenty-one if the child 1497  
has a developmental disability or physical impairment, or the 1498  
child is adopted and a final decree of adoption is issued, 1499  
unless the court's jurisdiction over the child is extended 1500  
pursuant to division (F) of section 2151.353 of the Revised 1501  
Code. 1502

(F) The court, on its own motion or the motion of the 1503  
agency or person with legal custody of the child, the child's 1504  
guardian ad litem, or any other party to the action, may conduct 1505  
a hearing with notice to all parties to determine whether any 1506  
order issued pursuant to this section should be modified or 1507  
terminated or whether any other dispositional order set forth in 1508  
divisions (A) (1) to (5) of this section should be issued. After 1509  
the hearing and consideration of all the evidence presented, the 1510  
court, in accordance with the best interest of the child, may 1511  
modify or terminate any order issued pursuant to this section or 1512  
issue any dispositional order set forth in divisions (A) (1) to 1513  
(5) of this section. In rendering a decision under this 1514  
division, the court shall comply with section 2151.42 of the 1515  
Revised Code. 1516

(G) If the court places a child in a planned permanent 1517  
living arrangement with a public children services agency or a 1518  
private child placing agency pursuant to this section, the 1519  
agency with which the child is placed in a planned permanent 1520  
living arrangement shall not remove the child from the 1521  
residential placement in which the child is originally placed 1522  
pursuant to the case plan for the child or in which the child is 1523  
placed with court approval pursuant to this division, unless the 1524  
court and the guardian ad litem are given notice of the intended 1525  
removal and the court issues an order approving the removal or 1526  
unless the removal is necessary to protect the child from 1527

physical or emotional harm and the agency gives the court notice 1528  
of the removal and of the reasons why the removal is necessary 1529  
to protect the child from physical or emotional harm immediately 1530  
after the removal of the child from the prior setting. 1531

(H) If the hearing held under this section takes the place 1532  
of an administrative review that otherwise would have been held 1533  
under section 2151.416 of the Revised Code, the court at the 1534  
hearing held under this section shall do all of the following in 1535  
addition to any other requirements of this section: 1536

(1) Determine the continued necessity for and the 1537  
appropriateness of the child's placement; 1538

(2) Determine the extent of compliance with the child's 1539  
case plan; 1540

(3) Determine the extent of progress that has been made 1541  
toward alleviating or mitigating the causes necessitating the 1542  
child's placement in foster care; 1543

(4) Project a likely date by which the child may be 1544  
returned to the child's home or placed for adoption or legal 1545  
guardianship; 1546

(5) Approve the permanency plan for the child consistent 1547  
with section 2151.417 of the Revised Code. 1548

**Sec. 2151.42.** (A) At any hearing in which a court is asked 1549  
to modify or terminate an order of disposition issued under 1550  
section 2151.353, 2151.415, or 2151.417 of the Revised Code, the 1551  
court, in determining whether to return the child to the child's 1552  
parents, shall consider whether it is in the best interest of 1553  
the child. 1554

(B) An order of disposition issued under division (A) (3) 1555

of section 2151.353, division (A) ~~(3)~~ (1)(c) of section 2151.415, 1556  
or section 2151.417 of the Revised Code granting legal custody 1557  
of a child to a person is intended to be permanent in nature. A 1558  
court shall not modify or terminate an order granting legal 1559  
custody of a child unless it finds, based on facts that have 1560  
arisen since the order was issued or that were unknown to the 1561  
court at that time, that a change has occurred in the 1562  
circumstances of the child or the person who was granted legal 1563  
custody, and that modification or termination of the order is 1564  
necessary to serve the best interest of the child. 1565

Sec. 2152.011. The amendments to divisions (H) and (I) of 1566  
section 2151.23, to divisions (F), (H), and (P) to (Z) of 1567  
section 2152.02, and to sections 2152.10, 2152.11, 2152.12, 1568  
2152.13, and 2505.02 of the Revised Code made in this act apply 1569  
with respect to all alleged violations of law committed on or 1570  
after the effective date of this section. Divisions (H) and (I) 1571  
of section 2151.23, divisions (F), (H), and (P) to (Z) of 1572  
section 2152.02, and sections 2152.10, 2152.11, 2152.12, 1573  
2152.13, and 2505.02 of the Revised Code as they existed 1574  
immediately prior to the effective date of this section apply 1575  
with respect to any alleged violation of law committed prior to 1576  
the effective date of this section. 1577

**Sec. 2152.02.** As used in this chapter: 1578

(A) "Act charged" means the act that is identified in a 1579  
complaint, indictment, or information alleging that a child is a 1580  
delinquent child. 1581

(B) "Admitted to a department of youth services facility" 1582  
includes admission to a facility operated, or contracted for, by 1583  
the department and admission to a comparable facility outside 1584  
this state by another state or the United States. 1585

(C) (1) "Child" means a person who is under eighteen years 1586  
of age, except as otherwise provided in divisions (C) (2) to (8) 1587  
of this section. 1588

(2) Subject to division (C) (3) of this section, any person 1589  
who violates a federal or state law or a municipal ordinance 1590  
prior to attaining eighteen years of age shall be deemed a 1591  
"child" irrespective of that person's age at the time the 1592  
complaint with respect to that violation is filed or the hearing 1593  
on the complaint is held. 1594

(3) Any person who, while under eighteen years of age, 1595  
commits an act that would be a felony if committed by an adult 1596  
and who is not taken into custody or apprehended for that act 1597  
until after the person attains twenty-one years of age is not a 1598  
child in relation to that act. 1599

(4) Except as otherwise provided in divisions (C) (5) and 1600  
(7) of this section, any person whose case is transferred for 1601  
criminal prosecution pursuant to section 2152.12 of the Revised 1602  
Code shall be deemed after the transfer not to be a child in the 1603  
transferred case. 1604

(5) Any person whose case is transferred for criminal 1605  
prosecution pursuant to section 2152.12 of the Revised Code and 1606  
who subsequently is convicted of or pleads guilty to a felony in 1607  
that case, unless a serious youthful offender dispositional 1608  
sentence is imposed on the child for that offense under division 1609  
(B) (2) or (3) of section 2152.121 of the Revised Code and the 1610  
adult portion of that sentence is not invoked pursuant to 1611  
section 2152.14 of the Revised Code, and any person who is 1612  
adjudicated a delinquent child for the commission of an act, who 1613  
has a serious youthful offender dispositional sentence imposed 1614  
for the act pursuant to section 2152.13 of the Revised Code, and 1615

whose adult portion of the dispositional sentence is invoked 1616  
pursuant to section 2152.14 of the Revised Code, shall be deemed 1617  
after the conviction, plea, or invocation not to be a child in 1618  
any case in which a complaint is filed against the person. 1619

(6) The juvenile court has jurisdiction over a person who 1620  
is adjudicated a delinquent child or juvenile traffic offender 1621  
prior to attaining eighteen years of age until the person 1622  
attains twenty-one years of age, and, for purposes of that 1623  
jurisdiction related to that adjudication, except as otherwise 1624  
provided in this division, a person who is so adjudicated a 1625  
delinquent child or juvenile traffic offender shall be deemed a 1626  
"child" until the person attains twenty-one years of age. If a 1627  
person is so adjudicated a delinquent child or juvenile traffic 1628  
offender and the court makes a disposition of the person under 1629  
this chapter, at any time after the person attains twenty-one 1630  
years of age, the places at which the person may be held under 1631  
that disposition are not limited to places authorized under this 1632  
chapter solely for confinement of children, and the person may 1633  
be confined under that disposition, in accordance with division 1634  
(F) (2) of section 2152.26 of the Revised Code, in places other 1635  
than those authorized under this chapter solely for confinement 1636  
of children. 1637

(7) The juvenile court has jurisdiction over any person 1638  
whose case is transferred for criminal prosecution solely for 1639  
the purpose of detaining the person as authorized in division 1640  
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 1641  
person is convicted of or pleads guilty to a felony in the adult 1642  
court. 1643

(8) Any person who, while eighteen years of age, violates 1644  
division (A) (1) or (2) of section 2919.27 of the Revised Code by 1645



violating a protection order issued or consent agreement 1646  
approved under section 2151.34 or 3113.31 of the Revised Code 1647  
shall be considered a child for the purposes of that violation 1648  
of section 2919.27 of the Revised Code. 1649

(D) "Community corrections facility," "public safety 1650  
beds," "release authority," and "supervised release" have the 1651  
same meanings as in section 5139.01 of the Revised Code. 1652

(E) "Delinquent child" includes any of the following: 1653

(1) Any child, except a juvenile traffic offender, who 1654  
violates any law of this state or the United States, or any 1655  
ordinance of a political subdivision of the state, that would be 1656  
an offense if committed by an adult; 1657

(2) Any child who violates any lawful order of the court 1658  
made under this chapter, including a child who violates a court 1659  
order regarding the child's prior adjudication as an unruly 1660  
child for being an habitual truant; 1661

(3) Any child who violates any lawful order of the court 1662  
made under Chapter 2151. of the Revised Code other than an order 1663  
issued under section 2151.87 of the Revised Code; 1664

(4) Any child who violates division (C) of section 1665  
2907.39, division (A) of section 2923.211, or division (C) (1) or 1666  
(D) of section 2925.55 of the Revised Code. 1667

(F) "Discretionary serious youthful offender" means a 1668  
person who is eligible for a discretionary SYO and who is not 1669  
transferred to adult court under a mandatory or discretionary 1670  
transfer. 1671

(G) "Discretionary SYO" means a case in which the juvenile 1672  
court, in the juvenile court's discretion, may impose a serious 1673

youthful offender disposition under section 2152.13 of the Revised Code. 1674  
1675

(H) "Discretionary transfer" means that the juvenile court has discretion to transfer a case for criminal prosecution under division (B) of section 2152.12 of the Revised Code. 1676  
1677  
1678

(I) "Drug abuse offense," "felony drug abuse offense," and "minor drug possession offense" have the same meanings as in section 2925.01 of the Revised Code. 1679  
1680  
1681

(J) "Electronic monitoring" and "electronic monitoring device" have the same meanings as in section 2929.01 of the Revised Code. 1682  
1683  
1684

(K) "Economic loss" means any economic detriment suffered by a victim of a delinquent act or juvenile traffic offense as a direct and proximate result of the delinquent act or juvenile traffic offense and includes any loss of income due to lost time at work because of any injury caused to the victim and any property loss, medical cost, or funeral expense incurred as a result of the delinquent act or juvenile traffic offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages. 1685  
1686  
1687  
1688  
1689  
1690  
1691  
1692  
1693

(L) "Firearm" has the same meaning as in section 2923.11 of the Revised Code. 1694  
1695

(M) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code. 1696  
1697

(N) "Juvenile traffic offender" means any child who violates any traffic law, traffic ordinance, or traffic regulation of this state, the United States, or any political subdivision of this state, other than a resolution, ordinance, or regulation of a political subdivision of this state the 1698  
1699  
1700  
1701  
1702

violation of which is required to be handled by a parking 1703  
violations bureau or a joint parking violations bureau pursuant 1704  
to Chapter 4521. of the Revised Code. 1705

(O) A "legitimate excuse for absence from the public 1706  
school the child is supposed to attend" has the same meaning as 1707  
in section 2151.011 of the Revised Code. 1708

(P) "Mandatory serious youthful offender" means ~~a person~~ 1709  
~~who is eligible for a mandatory SYO and who is not transferred~~ 1710  
~~to adult court under a mandatory or discretionary transfer and~~ 1711  
~~also includes, for purposes of imposition of a mandatory serious~~ 1712  
~~youthful dispositional sentence under section 2152.13 of the~~ 1713  
~~Revised Code,~~ a person upon whom a juvenile court is required to 1714  
impose such a sentence mandatory serious youthful offender 1715  
disposition under division (B) (3) of section 2152.121 of the 1716  
Revised Code. 1717

(Q) ~~"Mandatory SYO" means a case in which the juvenile~~ 1718  
~~court is required to impose a mandatory serious youthful~~ 1719  
~~offender disposition under section 2152.13 of the Revised Code.~~ 1720

~~(R)~~ "Mandatory transfer" means that a case is required to 1721  
be transferred for criminal prosecution under division (A) of 1722  
section 2152.12 of the Revised Code. 1723

~~(S)~~ (R) "Mental illness" has the same meaning as in 1724  
section 5122.01 of the Revised Code. 1725

~~(T)~~ (S) "Monitored time" and "repeat violent offender" 1726  
have the same meanings as in section 2929.01 of the Revised 1727  
Code. 1728

~~(U)~~ (T) "Of compulsory school age" has the same meaning as 1729  
in section 3321.01 of the Revised Code. 1730

~~(V)~~ (U) "Public record" has the same meaning as in section 1731  
149.43 of the Revised Code. 1732

~~(W)~~ (V) "Serious youthful offender" means a person who is 1733  
eligible for a ~~mandatory SYO or discretionary SYO~~ but who is not 1734  
transferred to adult court under a ~~mandatory or discretionary~~ 1735  
transfer and also includes, ~~for purposes of imposition of a~~ 1736  
~~mandatory serious youthful dispositional sentence under section~~ 1737  
~~2152.13 of the Revised Code,~~ a person upon whom a juvenile court 1738  
is required to impose ~~such a sentence~~ mandatory serious youthful 1739  
offender disposition under division (B) (3) of section 2152.121 1740  
of the Revised Code. 1741

~~(X)~~ (W) "Sexually oriented offense," "juvenile offender 1742  
registrant," "child-victim oriented offense," "tier I sex 1743  
offender/child-victim offender," "tier II sex offender/child- 1744  
victim offender," "tier III sex offender/child-victim offender," 1745  
and "public registry-qualified juvenile offender registrant" 1746  
have the same meanings as in section 2950.01 of the Revised 1747  
Code. 1748

~~(Y)~~ (X) "Traditional juvenile" means a case that is not 1749  
transferred to adult court under a mandatory or discretionary 1750  
transfer, that is eligible for a disposition under sections 1751  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 1752  
that is not eligible for a disposition under section 2152.13 of 1753  
the Revised Code. 1754

~~(Z)~~ (Y) "Transfer" means the transfer for criminal 1755  
prosecution of a case involving the alleged commission by a 1756  
child of an act that would be an offense if committed by an 1757  
adult from the juvenile court to the appropriate court that has 1758  
jurisdiction of the offense. 1759

~~(AA)~~ (Z) "Category one offense" means any of the 1760  
following: 1761

(1) A violation of section 2903.01 or 2903.02 of the 1762  
Revised Code; 1763

(2) A violation of section 2923.02 of the Revised Code 1764  
involving an attempt to commit aggravated murder or murder. 1765

~~(BB)~~ (AA) "Category two offense" means any of the 1766  
following: 1767

(1) A violation of section 2903.03, 2905.01, 2907.02, 1768  
2909.02, 2911.01, or 2911.11 of the Revised Code; 1769

(2) A violation of section 2903.04 of the Revised Code 1770  
that is a felony of the first degree; 1771

(3) A violation of section 2907.12 of the Revised Code as 1772  
it existed prior to September 3, 1996. 1773

~~(CC)~~ (BB) "Non-economic loss" means nonpecuniary harm 1774  
suffered by a victim of a delinquent act or juvenile traffic 1775  
offense as a result of or related to the delinquent act or 1776  
juvenile traffic offense, including, but not limited to, pain 1777  
and suffering; loss of society, consortium, companionship, care, 1778  
assistance, attention, protection, advice, guidance, counsel, 1779  
instruction, training, or education; mental anguish; and any 1780  
other intangible loss. 1781

**Sec. 2152.10.** (A) A child who is alleged to be a 1782  
delinquent child is eligible for mandatory transfer and shall be 1783  
transferred as provided in section 2152.12 of the Revised Code 1784  
~~in any of if the following circumstances:~~ 1785

~~(1) The child is charged with a category one offense~~ 1786  
aggravated murder in violation of section 2903.01 of the Revised 1787

~~Code and either of the following apply:~~ 1788

~~(a) The the child was sixteen years of age or older at the  
time of the act charged.~~ 1789  
1790

~~(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.~~ 1791  
1792  
1793  
1794  
1795  
1796

~~(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:~~ 1797  
1798  
1799  
1800  
1801

~~(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.~~ 1802  
1803  
1804  
1805

~~(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.~~ 1806  
1807  
1808  
1809  
1810

~~(3) Division (A) (2) of section 2152.12 of the Revised Code  
applies.~~ 1811  
1812

(B) Unless the child is subject to mandatory transfer, if 1813  
a child is fourteen years of age or older at the time of the act 1814  
charged and if the child is charged with an act that would be a 1815  
felony if committed by an adult, the child is eligible for 1816

discretionary transfer to the appropriate court for criminal 1817  
prosecution. In determining whether to transfer the child for 1818  
criminal prosecution, the juvenile court shall follow the 1819  
procedures in ~~section 2152.12 of the Revised Code~~ this chapter. 1820  
If the court does not transfer the child and if the court 1821  
adjudicates the child to be a delinquent child for the act 1822  
charged, the court shall issue an order of disposition in 1823  
accordance with ~~section 2152.11 of the Revised Code~~ this 1824  
chapter. 1825

**Sec. 2152.11.** (A) A child who is adjudicated a delinquent 1826  
child for committing an act that would be a felony if committed 1827  
by an adult is eligible for a particular type of disposition 1828  
under this section if the child was not transferred under 1829  
section 2152.12 of the Revised Code. If the complaint, 1830  
indictment, or information charging the act includes one or more 1831  
of the following factors, the act is considered to be enhanced, 1832  
and the child is eligible for a more restrictive disposition 1833  
under this section: 1834

(1) The act charged against the child would be an offense 1835  
of violence if committed by an adult. 1836

(2) During the commission of the act charged, the child 1837  
used a firearm, displayed a firearm, brandished a firearm, or 1838  
indicated that the child possessed a firearm and actually 1839  
possessed a firearm. 1840

(3) The child previously was admitted to a department of 1841  
youth services facility for the commission of an act that would 1842  
have been aggravated murder, murder, a felony of the first or 1843  
second degree if committed by an adult, or an act that would 1844  
have been a felony of the third degree and an offense of 1845  
violence if committed by an adult. 1846

(B) If a child is adjudicated a delinquent child for 1847  
committing an act that would be aggravated murder ~~or, murder,~~ 1848  
attempted aggravated murder, or attempted murder if committed by 1849  
an adult, the child is eligible for ~~whichever~~ either of the 1850  
following ~~is~~ appropriate: 1851

(1) ~~Mandatory-Discretionary~~ SYO, if the act allegedly was 1852  
committed when the child was ~~fourteen or fifteen~~ ten years of 1853  
age or older; 1854

(2) ~~Discretionary~~ SYO, if the act was committed when the 1855  
child was ~~ten, eleven, twelve, or thirteen~~ years of age; 1856

~~(3)~~ Traditional juvenile, if ~~divisions~~ division (B) (1) and 1857  
~~(2)~~ of this section ~~do~~ does not apply. 1858

(C) ~~If a child is adjudicated a delinquent child for~~ 1859  
~~committing an act that would be attempted aggravated murder or~~ 1860  
~~attempted murder if committed by an adult, the child is eligible~~ 1861  
~~for whichever of the following is appropriate:~~ 1862

~~(1) Mandatory SYO, if the act allegedly was committed when~~ 1863  
~~the child was fourteen or fifteen years of age;~~ 1864

~~(2) Discretionary SYO, if the act was committed when the~~ 1865  
~~child was ten, eleven, twelve, or thirteen years of age;~~ 1866

~~(3) Traditional juvenile, if divisions (C) (1) and (2) of~~ 1867  
~~this section do not apply.~~ 1868

~~(D)~~ If a child is adjudicated a delinquent child for 1869  
committing an act that would be a felony of the first degree if 1870  
committed by an adult, the child is eligible for ~~whichever~~ 1871  
either of the following ~~is~~ appropriate: 1872

(1) ~~Mandatory SYO, if the act allegedly was committed when~~ 1873  
~~the child was sixteen or seventeen years of age, and the act is~~ 1874



~~enhanced by the factors described in division (A) (1) and either  
division (A) (2) or (3) of this section;~~ 1875  
1876

~~(2) Discretionary SYO, if any of the following applies:~~ 1877

~~(a) The act allegedly was committed when the child was  
sixteen or seventeen ten years of age or older, and ~~division (D)~~  
~~(1) of this section does not apply the act is enhanced by the~~  
factors described in division (A) (1) of this section and either  
division (A) (2) or (3) of this section. 1878  
1879  
1880  
1881  
1882~~

~~(b) The act was committed when the child was fourteen or  
fifteen years of age.~~ 1883  
1884

~~(c) The act was committed when the child was twelve or  
thirteen years of age, and the act is enhanced by any factor  
described in division (A) (1), (2), or (3) of this section.~~ 1885  
1886  
1887

~~(d) The act was committed when the child was ten or eleven  
years of age, and the act is enhanced by the factors described  
in division (A) (1) and either division (A) (2) or (3) of this  
section.~~ 1888  
1889  
1890  
1891

~~(3) (2) Traditional juvenile, if ~~divisions (D)~~ division  
(C) (1) and (2) of this section ~~do~~ does not apply.~~ 1892  
1893

~~(E) (D) If a child is adjudicated a delinquent child for  
committing an act that would be a felony of the second degree if  
committed by an adult, the child is eligible for whichever of  
the following is appropriate:~~ 1894  
1895  
1896  
1897

(1) Discretionary SYO, if the act was committed when the  
child was fourteen, fifteen, sixteen, or seventeen years of age; 1898  
1899

(2) Discretionary SYO, if the act was committed when the  
child was twelve or thirteen years of age, and the act is 1900  
1901  
enhanced by any factor described in division (A) (1), (2), or (3) 1902

of this section;	1903
(3) Traditional juvenile, if divisions <del>(E)</del> <u>(D)</u> (1) and (2)	1904
of this section do not apply.	1905
<del>(F)</del> <u>(E)</u> If a child is adjudicated a delinquent child for	1906
committing an act that would be a felony of the third degree if	1907
committed by an adult, the child is eligible for whichever of	1908
the following is appropriate:	1909
(1) Discretionary SYO, if the act was committed when the	1910
child was sixteen or seventeen years of age;	1911
(2) Discretionary SYO, if the act was committed when the	1912
child was fourteen or fifteen years of age, and the act is	1913
enhanced by any factor described in division (A)(1), (2), or (3)	1914
of this section;	1915
(3) Traditional juvenile, if divisions <del>(F)</del> <u>(E)</u> (1) and (2)	1916
of this section do not apply.	1917
<del>(G)</del> <u>(F)</u> If a child is adjudicated a delinquent child for	1918
committing an act that would be a felony of the fourth or fifth	1919
degree if committed by an adult, the child is eligible for	1920
whichever of the following dispositions is appropriate:	1921
(1) Discretionary SYO, if the act was committed when the	1922
child was sixteen or seventeen years of age, and the act is	1923
enhanced by any factor described in division (A)(1), (2), or (3)	1924
of this section;	1925
(2) Traditional juvenile, if division <del>(G)</del> <u>(F)</u> (1) of this	1926
section does not apply.	1927
<del>(H) The following table describes the dispositions that a</del>	1928
<del>juvenile court may impose on a delinquent child:</del>	1929

<del>OFFENSE CATEGORY</del>	<del>AGE</del>	<del>AGE</del>	<del>AGE</del>	<del>AGE</del>	
<del>(Enhancement factors)- 16 &amp; 17</del>	<del>14 &amp; 15</del>	<del>12 &amp; 13</del>	<del>10 &amp; 11</del>		1930
<del>Murder/aggravated murder</del>	<del>N/A</del>	<del>MSYO,</del>	<del>DSYO,</del>	<del>DSYO,</del>	1931
		<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	1932
<del>Attempted murder/attempted aggravated murder</del>	<del>N/A</del>	<del>MSYO,</del>	<del>DSYO,</del>	<del>DSYO,</del>	1933
		<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	1934
<del>F1 (Enhanced by offense of violence factor and either disposition</del>	<del>MSYO,</del>	<del>DSYO,</del>	<del>DSYO,</del>	<del>DSYO,</del>	1935
<del>firearm factor or previous</del>	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	1936
<del>DYS admission factor)</del>					1937
<del>F1 (Enhanced by any single or other combination of enhancement factors)</del>	<del>DSYO,</del>	<del>DSYO,</del>	<del>DSYO,</del>	<del>TJ</del>	1938
	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>		1939
<del>F1 (Not enhanced)</del>	<del>DSYO,</del>	<del>DSYO,</del>	<del>TJ</del>	<del>TJ</del>	1940
	<del>TJ</del>	<del>TJ</del>			1941
<del>F2 (Enhanced by any enhancement factor)</del>	<del>DSYO,</del>	<del>DSYO,</del>	<del>DSYO,</del>	<del>TJ</del>	1942
	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>		1943
<del>F2 (Not enhanced)</del>	<del>DSYO,</del>	<del>DSYO,</del>	<del>TJ</del>	<del>TJ</del>	1944
	<del>TJ</del>	<del>TJ</del>			1945
<del>F3 (Enhanced by any enhancement factor)</del>	<del>DSYO,</del>	<del>DSYO,</del>	<del>TJ</del>	<del>TJ</del>	1946
	<del>TJ</del>	<del>TJ</del>			1947
<del>F3 (Not enhanced)</del>	<del>DSYO,</del>	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	1948
	<del>TJ</del>	<del>TJ</del>			1949
<del>F4 (Enhanced by any enhancement factor)</del>	<del>DSYO,</del>	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	1950
	<del>TJ</del>	<del>TJ</del>			1951
<del>F4 (Not enhanced)</del>	<del>DSYO,</del>	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	1952
	<del>TJ</del>	<del>TJ</del>			1953
<del>F4 (Not enhanced)</del>	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	1954
					1955
<del>F4 (Not enhanced)</del>	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	1956
					1956

<del>F5 (Enhanced by any _____ DSYO, _____ TJ _____ TJ _____ TJ</del>	1957
<del>enhancement factor) _____ TJ</del>	1958
<del>F5 (Not enhanced) _____ TJ _____ TJ _____ TJ _____ TJ</del>	1959
<del>(I) The table in division (H) of this section is for</del>	1960
<del>illustrative purposes only. If the table conflicts with any</del>	1961
<del>provision of divisions (A) to (G) of this section, divisions (A)</del>	1962
<del>to (G) of this section shall control.</del>	1963
<del>(J) Key for table in division (H) of this section:</del>	1964
<del>(1) "Any enhancement factor" applies when the criteria</del>	1965
<del>described in division (A) (1), (2), or (3) of this section apply.</del>	1966
<del>(2) The "disposition firearm factor" applies when the</del>	1967
<del>criteria described in division (A) (2) of this section apply.</del>	1968
<del>(3) "DSYO" refers to discretionary serious youthful</del>	1969
<del>offender disposition.</del>	1970
<del>(4) "F1" refers to an act that would be a felony of the</del>	1971
<del>first degree if committed by an adult.</del>	1972
<del>(5) "F2" refers to an act that would be a felony of the</del>	1973
<del>second degree if committed by an adult.</del>	1974
<del>(6) "F3" refers to an act that would be a felony of the</del>	1975
<del>third degree if committed by an adult.</del>	1976
<del>(7) "F4" refers to an act that would be a felony of the</del>	1977
<del>fourth degree if committed by an adult.</del>	1978
<del>(8) "F5" refers to an act that would be a felony of the</del>	1979
<del>fifth degree if committed by an adult.</del>	1980
<del>(9) "MSYO" refers to mandatory serious youthful offender</del>	1981
<del>disposition.</del>	1982

<del>(10) The "offense of violence factor" applies when the</del>	1983
<del>criteria described in division (A) (1) of this section apply.</del>	1984
<del>(11) The "previous DYS admission factor" applies when the</del>	1985
<del>criteria described in division (A) (3) of this section apply.</del>	1986
<del>(12) "TJ" refers to traditional juvenile.</del>	1987
<b>Sec. 2152.12.</b> (A) (1) <del>(a)</del> After a complaint has been filed	1988
alleging that a child is a delinquent child for committing an	1989
act that would be aggravated murder, <del>murder, attempted</del>	1990
<del>aggravated murder, or attempted murder</del> if committed by an adult,	1991
the juvenile court at a hearing shall transfer the case if	1992
<del>either of the following applies:</del>	1993
<del>(i) The child was sixteen or seventeen years of age at the</del>	1994
<del>time of the act charged and there is probable cause to believe</del>	1995
<del>that the child committed the act charged.</del>	1996
<del>(ii) The child was fourteen or fifteen years of age at the</del>	1997
<del>time of the act charged, section 2152.10 of the Revised Code</del>	1998
<del>provides that the child is eligible for mandatory transfer, and</del>	1999
<del>there is probable cause to believe that the child committed the</del>	2000
<del>act charged.</del>	2001
<del>(b) After a complaint has been filed alleging that a child</del>	2002
<del>is a delinquent child by reason of committing a category two</del>	2003
<del>offense, the juvenile court at a hearing shall transfer the case</del>	2004
<del>if the child was sixteen or seventeen years of age at the time</del>	2005
<del>of the act charged and either of the following applies:</del>	2006
<del>(i) Division (A) (2) (a) of section 2152.10 of the Revised</del>	2007
<del>Code requires the mandatory transfer of the case, and there is</del>	2008
<del>probable cause to believe that the child committed the act</del>	2009
<del>charged.</del>	2010

~~(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.~~ 2011  
2012  
2013  
2014

~~(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:~~ 2015  
2016  
2017

~~(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.~~ 2018  
2019  
2020  
2021  
2022

~~(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.~~ 2023  
2024  
2025  
2026  
2027  
2028  
2029  
2030

~~(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.~~ 2031  
2032  
2033  
2034  
2035  
2036  
2037

~~(B) Except as provided in division (A) of this section, after a complaint has been filed alleging that a child is a~~ 2038  
2039

delinquent child for committing an act that would be a felony if 2040  
committed by an adult, the juvenile court at a hearing may 2041  
transfer the case if the court finds all of the following: 2042

(1) The child was fourteen years of age or older at the 2043  
time of the act charged. 2044

(2) There is probable cause to believe that the child 2045  
committed the act charged. 2046

(3) The child is not amenable to care or rehabilitation 2047  
within the juvenile system, and the safety of the community may 2048  
require that the child be subject to adult sanctions. In making 2049  
its decision under this division, the court shall consider 2050  
~~whether the applicable factors under division (D) of this~~ 2051  
~~section indicating that the case should be transferred outweigh~~ 2052  
~~the applicable factors under division (E) of this section~~ 2053  
~~indicating that the case should not be transferred. The record~~ 2054  
~~shall indicate the specific factors that were applicable and~~ 2055  
~~that the court weighed.~~ 2056

(C) Before considering a transfer under division (B) of 2057  
this section, the juvenile court shall order an investigation 2058  
into the child's social history, education, family situation, 2059  
and any other factor bearing on whether the child is amenable to 2060  
juvenile rehabilitation, including a mental examination of the 2061  
child by a public or private agency or a person qualified to 2062  
make the examination. The investigation shall be completed and a 2063  
report on the investigation shall be submitted to the court as 2064  
soon as possible but not more than forty-five calendar days 2065  
after the court orders the investigation. The court may grant 2066  
one or more extensions for a reasonable length of time. The 2067  
child may waive the examination required by this division if the 2068  
court finds that the waiver is competently and intelligently 2069

made. Refusal to submit to a mental examination by the child 2070  
constitutes a waiver of the examination. 2071

No report on an investigation conducted pursuant to this 2072  
division shall include details of the alleged offense as 2073  
reported by the child. 2074

(D) In considering whether to transfer a child under 2075  
division (B) of this section, the juvenile court shall consider 2076  
the following relevant factors, and any other relevant factors, ~~7~~ 2077  
~~in favor of a transfer under that division: 2078~~

~~(1) The victim of the act charged suffered physical or 2079~~  
~~psychological harm, or serious economic harm, as a result of the 2080~~  
~~alleged act. 2081~~

~~(2) The physical or psychological harm suffered by the 2082~~  
~~victim due to the alleged act of the child was exacerbated 2083~~  
~~because of the physical or psychological vulnerability or the 2084~~  
~~age of the victim. 2085~~

~~(3) The child's relationship with the victim facilitated 2086~~  
~~the act charged. 2087~~

~~(4) The child allegedly committed the act charged for hire 2088~~  
~~or as a part of a gang or other organized criminal activity. 2089~~

~~(5) The child had a firearm on or about the child's person 2090~~  
~~or under the child's control at the time of the act charged, the 2091~~  
~~act charged is not a violation of section 2923.12 of the Revised 2092~~  
~~Code, and the child, during the commission of the act charged, 2093~~  
~~allegedly used or displayed the firearm, brandished the firearm, 2094~~  
~~or indicated that the child possessed a firearm. 2095~~

~~(6) At the time of the act charged, the child was awaiting 2096~~  
~~adjudication or disposition as a delinquent child, was under a 2097~~



~~community control sanction, or was on parole for a prior~~ 2098  
~~delinquent child adjudication or conviction.~~ 2099

~~(7) The results of any previous juvenile sanctions and~~ 2100  
~~programs indicate that rehabilitation of the child will not~~ 2101  
~~occur in the juvenile system.~~ 2102

~~(8) The child is emotionally, physically, or~~ 2103  
~~psychologically mature enough for the transfer.~~ 2104

~~(9) There is not sufficient time to rehabilitate the child~~ 2105  
~~within the juvenile system.~~ 2106

~~(E) In considering whether to transfer a child under~~ 2107  
~~division (B) of this section, the juvenile court shall consider~~ 2108  
~~the following relevant factors, and any other relevant factors,~~ 2109  
~~against a transfer under that division:~~ 2110

~~(1) The victim induced or facilitated the act charged.~~ 2111

~~(2) The child acted under provocation in allegedly~~ 2112  
~~committing the act charged.~~ 2113

~~(3) The child was not the principal actor in the act~~ 2114  
~~charged, or, at the time of the act charged, the child was under~~ 2115  
~~the negative influence or coercion of another person.~~ 2116

~~(4) The child did not cause physical harm to any person or~~ 2117  
~~property, or have reasonable cause to believe that harm of that~~ 2118  
~~nature would occur, in allegedly committing the act charged.~~ 2119

~~(5) The child previously has not been adjudicated a~~ 2120  
~~delinquent child.~~ 2121

~~(6) The child is not emotionally, physically, or~~ 2122  
~~psychologically mature enough for the transfer.~~ 2123

~~(7) The child has a mental illness or intellectual~~ 2124

disability. 2125

~~(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.~~ 2126  
2127  
2128  
2129

~~(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:~~ 2130  
2131  
2132  
2133  
2134  
2135  
2136  
2137  
2138  
2139

~~(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.~~ 2140  
2141  
2142  
2143

~~(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) of this section, the court is not required to consider any~~ 2144  
2145  
2146  
2147  
2148  
2149  
2150  
2151  
2152  
2153  
2154

~~factor specified in division (D) or (E) of this section or to~~ 2155  
~~conduct an investigation under division (C) of this section.~~ 2156

~~(3) If the court determines that division (A) of this~~ 2157  
~~section does not require that the case or cases involving one or~~ 2158  
~~more of the acts charged be transferred, the court shall decide~~ 2159  
~~in accordance with division (B) of this section whether to grant~~ 2160  
~~the motion requesting that the case or cases involving one or~~ 2161  
~~more of the acts charged be transferred pursuant to that~~ 2162  
~~division.~~ 2163

~~(4) No report on an investigation conducted pursuant to~~ 2164  
~~division (C) of this section shall include details of the~~ 2165  
~~alleged offense as reported by the child.~~ 2166

~~(C)~~ (1) The risk level of the child as determined by an 2167  
evidence-based risk assessment tool, which may be such a tool 2168  
developed by the court, such a tool endorsed by the department 2169  
of youth services under division (J) of this section, or any 2170  
other such tool the court determines to be appropriate, that is 2171  
administered by a trained court professional; 2172

(2) The level of harm to the victim in the alleged act of 2173  
the child, including the following: 2174

(a) The level of physical, psychological, or serious 2175  
economic harm suffered by the victim or whether the child did 2176  
not cause physical harm to any person or property, or have 2177  
reasonable cause to believe that harm of that nature would 2178  
occur; 2179

(b) Whether the physical or psychological harm suffered by 2180  
the victim was exacerbated because of the physical or 2181  
psychological vulnerability or age of the victim. 2182

(3) The role of the victim, including the following: 2183

<u>(a) Whether the child's relationship with the victim</u>	2184
<u>facilitated the act charged;</u>	2185
<u>(b) Whether the victim induced or facilitated the act</u>	2186
<u>charged or the child acted under provocation in allegedly</u>	2187
<u>committing the act charged.</u>	2188
<u>(4) The circumstances of the offense, including the</u>	2189
<u>following:</u>	2190
<u>(a) Whether the child was not the principle actor in the</u>	2191
<u>act charged, or, at the time of the act charged, the child was</u>	2192
<u>under the negative influence or coercion of another person;</u>	2193
<u>(b) Whether the child allegedly committed the act charged</u>	2194
<u>for hire or as part of a gang;</u>	2195
<u>(c) Whether the child did or did not have a firearm on or</u>	2196
<u>about the child's person or under the child's control at the</u>	2197
<u>time of the act charged, the act charged is not a violation of</u>	2198
<u>section 2923.12 of the Revised Code, and the child, during the</u>	2199
<u>commission of the act charged, allegedly used or displayed the</u>	2200
<u>firearm, brandished the firearm, or indicated that the child</u>	2201
<u>possesses a firearm.</u>	2202
<u>(5) The child's prior experience in the juvenile court,</u>	2203
<u>including the presence or lack of any prior or current cases and</u>	2204
<u>rehabilitative efforts by the juvenile court and the</u>	2205
<u>availability of a reasonable and appropriate juvenile sanction</u>	2206
<u>or program that has not yet been utilized;</u>	2207
<u>(6) The child's individual developmental characteristics,</u>	2208
<u>including the following:</u>	2209
<u>(a) Whether the child is emotionally, physically, or</u>	2210
<u>psychologically mature enough for the transfer;</u>	2211

(b) Whether the child has a behavioral health issue, 2212  
including a mental illness, substance abuse disorder, or 2213  
developmental disability. 2214

(7) The child's background, including family and 2215  
environment, and trauma history; 2216

(8) Whether there is sufficient time to rehabilitate the 2217  
child within the juvenile system. 2218

(E) The court shall give notice in writing of the time, 2219  
place, and purpose of any hearing held pursuant to division (A) 2220  
or (B) of this section to the child's parents, guardian, or 2221  
other custodian and to the child's counsel at least three days 2222  
prior to the hearing. 2223

~~(H)~~ (F) A child who has been found not amenable to care or 2224  
rehabilitation within the juvenile system under division (C) of 2225  
this section has a right to appeal the transfer under division 2226  
(B) (8) of section 2505.02 of the Revised Code. Upon issuing the 2227  
order for transfer, the juvenile court shall immediately stay 2228  
the transfer for a period of fourteen days, unless waived by the 2229  
child. Failure to appeal the transfer within that period does 2230  
not waive the child's right to appeal the transfer at the 2231  
conclusion of the proceedings in adult court. 2232

(G) No person, either before or after reaching eighteen 2233  
years of age, shall be prosecuted as an adult for an offense 2234  
committed prior to becoming eighteen years of age, unless the 2235  
person has been transferred as provided in division (A) or (B) 2236  
of this section or unless division ~~(J)~~ (I) of this section 2237  
applies. Any prosecution that is had in a criminal court on the 2238  
mistaken belief that the person who is the subject of the case 2239  
was eighteen years of age or older at the time of the commission 2240

of the offense shall be deemed a nullity, and the person shall 2241  
not be considered to have been in jeopardy on the offense. 2242

~~(I)~~ (H) Upon the transfer of a case under division (A) or 2243  
(B) of this section, the juvenile court shall state the reasons 2244  
for the transfer on the record, and shall order the child to 2245  
enter into a recognizance with good and sufficient surety for 2246  
the child's appearance before the appropriate court for any 2247  
disposition that the court is authorized to make for a similar 2248  
act committed by an adult. The transfer abates the jurisdiction 2249  
of the juvenile court with respect to the delinquent acts 2250  
alleged in the complaint, and, upon the transfer, all further 2251  
proceedings pertaining to the act charged shall be discontinued 2252  
in the juvenile court, and the case then shall be within the 2253  
jurisdiction of the court to which it is transferred as 2254  
described in division (H) of section 2151.23 of the Revised 2255  
Code. 2256

~~(J)~~ (I) If a person under eighteen years of age allegedly 2257  
commits an act that would be a felony if committed by an adult 2258  
and if the person is not taken into custody or apprehended for 2259  
that act until after the person attains twenty-one years of age, 2260  
the juvenile court does not have jurisdiction to hear or 2261  
determine any portion of the case charging the person with 2262  
committing that act. In those circumstances, divisions (A) and 2263  
(B) of this section do not apply regarding the act, and the case 2264  
charging the person with committing the act shall be a criminal 2265  
prosecution commenced and heard in the appropriate court having 2266  
jurisdiction of the offense as if the person had been eighteen 2267  
years of age or older when the person committed the act, except 2268  
that the court shall not impose a sentence of life imprisonment 2269  
without parole for any offense committed on or after the 2270  
effective date of this amendment when the person was under 2271

eighteen years of age. All proceedings pertaining to the act 2272  
shall be within the jurisdiction of the court having 2273  
jurisdiction of the offense, and that court has all the 2274  
authority and duties in the case as it has in other criminal 2275  
cases in that court. 2276

(J) The department of youth services shall develop and 2277  
provide to each juvenile court a list of standardized, evidence- 2278  
based risk assessment tools that the department endorses for use 2279  
by courts under division (D) of this section. A court may use, 2280  
but is not required to use, a tool from the endorsed list in 2281  
performing the functions described in that division. 2282

**Sec. 2152.121.** (A) If a complaint is filed against a child 2283  
alleging that the child is a delinquent child and the case is 2284  
transferred pursuant to division (A) (1) ~~(a) (i) or (A) (1) (b) (ii)~~ 2285  
of section 2152.12 of the Revised Code, the juvenile court that 2286  
transferred the case shall retain jurisdiction for purposes of 2287  
making disposition of the child when required under division (B) 2288  
of this section. 2289

(B) If a complaint is filed against a child alleging that 2290  
the child is a delinquent child, if the case is transferred 2291  
pursuant to division (A) (1) ~~(a) (i) or (A) (1) (b) (ii)~~ of section 2292  
2152.12 of the Revised Code, and if the child subsequently is 2293  
convicted of or pleads guilty to an offense in that case, the 2294  
sentence to be imposed or disposition to be made of the child 2295  
shall be determined as follows: 2296

(1) The court in which the child is convicted of or pleads 2297  
guilty to the offense shall determine whether, had a complaint 2298  
been filed in juvenile court alleging that the child was a 2299  
delinquent child for committing an act that would be that 2300  
offense if committed by an adult, division (A) of section 2301

2152.12 of the Revised Code would have required mandatory 2302  
transfer of the case or division (B) of that section would have 2303  
allowed discretionary transfer of the case. The court shall not 2304  
consider the factor specified in division (B) (3) of section 2305  
2152.12 of the Revised Code in making its determination under 2306  
this division. 2307

(2) If the court in which the child is convicted of or 2308  
pleads guilty to the offense determines under division (B) (1) of 2309  
this section that, had a complaint been filed in juvenile court 2310  
alleging that the child was a delinquent child for committing an 2311  
act that would be that offense if committed by an adult, 2312  
division (A) of section 2152.12 of the Revised Code would not 2313  
have required mandatory transfer of the case, and division (B) 2314  
of that section would not have allowed discretionary transfer of 2315  
the case, the court shall transfer jurisdiction of the case back 2316  
to the juvenile court that initially transferred the case, the 2317  
court and all other agencies that have any record of the 2318  
conviction of the child or the child's guilty plea shall expunge 2319  
the conviction or guilty plea and all records of it, the 2320  
conviction or guilty plea shall be considered and treated for 2321  
all purposes other than as provided in this section to have 2322  
never occurred, the conviction or guilty plea shall be 2323  
considered and treated for all purposes other than as provided 2324  
in this section to have been a delinquent child adjudication of 2325  
the child, and the juvenile court shall impose one or more 2326  
traditional juvenile dispositions upon the child under sections 2327  
2152.19 and 2152.20 of the Revised Code. 2328

(3) If the court in which the child is convicted of or 2329  
pleads guilty to the offense determines under division (B) (1) of 2330  
this section that, had a complaint been filed in juvenile court 2331  
alleging that the child was a delinquent child for committing an 2332



act that would be that offense if committed by an adult, 2333  
division (A) of section 2152.12 of the Revised Code would not 2334  
have required mandatory transfer of the case but division (B) of 2335  
that section would have allowed discretionary transfer of the 2336  
case, the court shall determine the sentence it believes should 2337  
be imposed upon the child under Chapter 2929. of the Revised 2338  
Code, shall impose that sentence upon the child, and shall stay 2339  
that sentence pending completion of the procedures specified in 2340  
this division. Upon imposition and staying of the sentence, the 2341  
court shall transfer jurisdiction of the case back to the 2342  
juvenile court that initially transferred the case and the 2343  
juvenile court shall proceed in accordance with this division. 2344  
In no case may the child waive a right to a hearing of the type 2345  
described in division (B) (3) (b) of this section, regarding a 2346  
motion filed as described in that division by the prosecuting 2347  
attorney in the case. Upon transfer of jurisdiction of the case 2348  
back to the juvenile court, both of the following apply: 2349

(a) Except as otherwise provided in division (B) (3) (b) of 2350  
this section, the juvenile court shall impose a serious youthful 2351  
offender dispositional sentence upon the child under division 2352  
(D) (1) of section 2152.13 of the Revised Code. In imposing the 2353  
adult portion of that sentence, the juvenile court shall 2354  
consider and give preference to the sentence imposed upon the 2355  
child by the court in which the child was convicted of or 2356  
pleaded guilty to the offense. Upon imposing a serious youthful 2357  
offender dispositional sentence upon the child as described in 2358  
this division, the juvenile court shall notify the court in 2359  
which the child was convicted of or pleaded guilty to the 2360  
offense, the sentence imposed upon the child by that court shall 2361  
terminate, the court and all other agencies that have any record 2362  
of the conviction of the child or the child's guilty plea shall 2363

expunge the conviction or guilty plea and all records of it, the 2364  
conviction or guilty plea shall be considered and treated for 2365  
all purposes other than as provided in this section to have 2366  
never occurred, and the conviction or guilty plea shall be 2367  
considered and treated for all purposes other than as provided 2368  
in this section to have been a delinquent child adjudication of 2369  
the child. 2370

(b) Within fourteen days after the filing of the journal 2371  
entry regarding the transfer, the prosecuting attorney in the 2372  
case may file a motion in the juvenile court that objects to the 2373  
imposition of a serious youthful offender dispositional sentence 2374  
upon the child and requests that the sentence imposed upon the 2375  
child by the court in which the child was convicted of or 2376  
pleaded guilty to the offense be invoked. Upon the filing of a 2377  
motion under this division, the juvenile court shall hold a 2378  
hearing to determine whether the child is not amenable to care 2379  
or rehabilitation within the juvenile system and whether the 2380  
safety of the community may require that the child be subject 2381  
solely to adult sanctions. If the juvenile court at the hearing 2382  
finds that the child is not amenable to care or rehabilitation 2383  
within the juvenile system or that the safety of the community 2384  
may require that the child be subject solely to adult sanctions, 2385  
the court shall grant the motion. Absent such a finding, the 2386  
juvenile court shall deny the motion. In making its decision 2387  
under this division, the juvenile court shall consider the 2388  
factors listed in division (D) of section 2152.12 of the Revised 2389  
Code as factors indicating that the motion should be granted, 2390  
shall consider the factors listed in division (E) of that 2391  
section as factors indicating that the motion should not be 2392  
granted, and shall consider whether the applicable factors 2393  
listed in division (D) of that section outweigh the applicable 2394

factors listed in division (E) of that section. 2395

If the juvenile court grants the motion of the prosecuting attorney under this division, the juvenile court shall transfer jurisdiction of the case back to the court in which the child was convicted of or pleaded guilty to the offense, and the sentence imposed by that court shall be invoked. If the juvenile court denies the motion of the prosecuting attorney under this section, the juvenile court shall impose a serious youthful offender dispositional sentence upon the child in accordance with division (B) (3) (a) of this section. 2396  
2397  
2398  
2399  
2400  
2401  
2402  
2403  
2404

(4) If the court in which the child is convicted of or pleads guilty to the offense determines under division (B) (1) of this section that, had a complaint been filed in juvenile court alleging that the child was a delinquent child for committing an act that would be that offense if committed by an adult, division (A) of section 2152.12 of the Revised Code would have required mandatory transfer of the case, the court shall impose sentence upon the child under Chapter 2929. of the Revised Code. 2405  
2406  
2407  
2408  
2409  
2410  
2411  
2412

**Sec. 2152.13.** (A) A juvenile court shall impose a serious youthful dispositional sentence on a child when required under 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. 2413  
2414  
2415  
2416  
2417  
2418  
2419

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 2420  
2421  
2422  
2423  
2424

delinquent child who is eligible for the dispositional sentence. 2425  
The prosecuting attorney may initiate the process in any of the 2426  
following ways: 2427

(1) Obtaining an indictment of the child as a serious 2428  
youthful offender; 2429

(2) The child waives the right to indictment, charging the 2430  
child in a bill of information as a serious youthful offender; 2431

(3) Until an indictment or information is obtained, 2432  
requesting a serious youthful offender dispositional sentence in 2433  
the original complaint alleging that the child is a delinquent 2434  
child; 2435

(4) Until an indictment or information is obtained, if the 2436  
original complaint does not request a serious youthful offender 2437  
dispositional sentence, filing with the juvenile court a written 2438  
notice of intent to seek a serious youthful offender 2439  
dispositional sentence within twenty days after the later of the 2440  
following, unless the time is extended by the juvenile court for 2441  
good cause shown: 2442

(a) The date of the child's first juvenile court hearing 2443  
regarding the complaint; 2444

(b) The date the juvenile court determines not to transfer 2445  
the case under section 2152.12 of the Revised Code. 2446

After a written notice is filed under division (A) (4) of 2447  
this section, the juvenile court shall serve a copy of the 2448  
notice on the child and advise the child of the prosecuting 2449  
attorney's intent to seek a serious youthful offender 2450  
dispositional sentence in the case. 2451

(B) If an alleged delinquent child is not indicted or 2452

charged by information as described in division (A) (1) or (2) of 2453  
this section and if a notice or complaint as described in 2454  
division (A) (3) or (4) of this section indicates that the 2455  
prosecuting attorney intends to pursue a serious youthful 2456  
offender dispositional sentence in the case, the juvenile court 2457  
shall hold a preliminary hearing to determine if there is 2458  
probable cause that the child committed the act charged and is 2459  
by age eligible for, ~~or required to receive,~~ a serious youthful 2460  
offender dispositional sentence. 2461

(C) (1) A child for whom a serious youthful offender 2462  
dispositional sentence is sought by a prosecuting attorney has 2463  
the right to a grand jury determination of probable cause that 2464  
the child committed the act charged and that the child is 2465  
eligible by age for a serious youthful offender dispositional 2466  
sentence. The grand jury may be impaneled by the court of common 2467  
pleas or the juvenile court. 2468

Once a child is indicted, or charged by information or the 2469  
juvenile court determines that the child is eligible for a 2470  
serious youthful offender dispositional sentence, the child is 2471  
entitled to an open and speedy trial by jury in juvenile court 2472  
and to be provided with a transcript of the proceedings. The 2473  
time within which the trial is to be held under Title XXIX of 2474  
the Revised Code commences on whichever of the following dates 2475  
is applicable: 2476

(a) If the child is indicted or charged by information, on 2477  
the date of the filing of the indictment or information. 2478

(b) If the child is charged by an original complaint that 2479  
requests a serious youthful offender dispositional sentence, on 2480  
the date of the filing of the complaint. 2481

(c) If the child is not charged by an original complaint 2482  
that requests a serious youthful offender dispositional 2483  
sentence, on the date that the prosecuting attorney files the 2484  
written notice of intent to seek a serious youthful offender 2485  
dispositional sentence. 2486

(2) If the child is detained awaiting adjudication, upon 2487  
indictment or being charged by information, the child has the 2488  
same right to bail as an adult charged with the offense the 2489  
alleged delinquent act would be if committed by an adult. Except 2490  
as provided in division (D) of section 2152.14 of the Revised 2491  
Code, all provisions of Title XXIX of the Revised Code and the 2492  
Criminal Rules shall apply in the case and to the child. The 2493  
juvenile court shall afford the child all rights afforded a 2494  
person who is prosecuted for committing a crime including the 2495  
right to counsel and the right to raise the issue of competency. 2496  
The child may not waive the right to counsel. 2497

(D)(1) If a child is adjudicated a delinquent child for 2498  
committing an act under circumstances that require the juvenile 2499  
court to impose upon the child a serious youthful offender 2500  
dispositional sentence under division (B)(3) of section 2152.11- 2501  
2152.121 of the Revised Code, all of the following apply: 2502

(a) The juvenile court shall impose upon the child a 2503  
sentence available for the violation, as if the child were an 2504  
adult, under Chapter 2929. of the Revised Code, except that the 2505  
juvenile court shall not impose on the child a sentence of death 2506  
or life imprisonment without parole. 2507

(b) The juvenile court also shall impose upon the child 2508  
one or more traditional juvenile dispositions under sections 2509  
2152.16, 2152.19, and 2152.20, and, if applicable, section 2510  
2152.17 of the Revised Code. 2511

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

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

~~(i)~~ (a) If the juvenile court on the record makes a finding that, given the nature and circumstances of the violation and the history of the child, the length of time, level of security, and types of programming and resources available in the juvenile system alone are not adequate to provide the juvenile court with a reasonable expectation that the purposes set forth in section 2152.01 of the Revised Code will be met, the juvenile court may impose upon the child a sentence available for the violation, as if the child were an adult, under Chapter 2929. of the Revised Code, except that the juvenile court shall not impose on the child a sentence of death or life imprisonment without parole.

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

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

~~(b)~~ (2) If the juvenile court does not find that a 2542  
sentence should be imposed under division (D) (2) (a) ~~(i)~~ of this 2543  
section, the juvenile court may impose one or more traditional 2544  
juvenile dispositions under sections 2152.16, 2152.19, 2152.20, 2545  
and, if applicable, section 2152.17 of the Revised Code. 2546

~~(3)~~ (E) A child upon whom a serious youthful offender 2547  
dispositional sentence is imposed under division (D) (1) or (2) 2548  
of this section has a right to appeal under division (A) (1), 2549  
(3), (4), or (5) of section 2953.08 of the Revised Code the 2550  
adult portion of the serious youthful offender dispositional 2551  
sentence when any of those divisions apply. The child may appeal 2552  
the adult portion, and the court shall consider the appeal as if 2553  
the adult portion were not stayed. 2554

**Sec. 2152.14.** (A) (1) The director of youth services may 2555  
request the prosecuting attorney of the county in which is 2556  
located the juvenile court that imposed a serious youthful 2557  
offender dispositional sentence upon a person under section 2558  
2152.121 or 2152.13 of the Revised Code to file a motion with 2559  
that juvenile court to invoke the adult portion of the 2560  
dispositional sentence if all of the following apply to the 2561  
person: 2562

(a) The person is at least fourteen years of age. 2563

(b) The person is in the institutional custody, or an 2564  
escapee from the custody, of the department of youth services. 2565

(c) The person is serving the juvenile portion of the 2566  
serious youthful offender dispositional sentence. 2567

(2) The motion shall state that there is reasonable cause 2568  
to believe that either of the following misconduct has occurred 2569  
and shall state that at least one incident of misconduct of that 2570



nature occurred after the person reached fourteen years of age: 2571

(a) The person committed an act that is a violation of the 2572  
rules of the institution and that could be charged as any felony 2573  
or as a first degree misdemeanor offense of violence if 2574  
committed by an adult. 2575

(b) The person has engaged in conduct that creates a 2576  
substantial risk to the safety or security of the institution, 2577  
the community, or the victim. 2578

(B) If a person is at least fourteen years of age, is 2579  
serving the juvenile portion of a serious youthful offender 2580  
dispositional sentence imposed under section 2152.121 or 2152.13 2581  
of the Revised Code, and is on parole or aftercare from a 2582  
department of youth services facility, or on community control, 2583  
the director of youth services, the juvenile court that imposed 2584  
the serious youthful offender dispositional sentence on the 2585  
person, or the probation department supervising the person may 2586  
request the prosecuting attorney of the county in which is 2587  
located the juvenile court to file a motion with the juvenile 2588  
court to invoke the adult portion of the dispositional sentence. 2589  
The prosecuting attorney may file a motion to invoke the adult 2590  
portion of the dispositional sentence even if no request is 2591  
made. The motion shall state that there is reasonable cause to 2592  
believe that either of the following occurred and shall state 2593  
that at least one incident of misconduct of that nature occurred 2594  
after the person reached fourteen years of age: 2595

(1) The person committed an act that is a violation of the 2596  
conditions of supervision and that could be charged as any 2597  
felony or as a first degree misdemeanor offense of violence if 2598  
committed by an adult. 2599

(2) The person has engaged in conduct that creates a 2600  
substantial risk to the safety or security of the community or 2601  
of the victim. 2602

(C) If the prosecuting attorney declines a request to file 2603  
a motion that was made by the department of youth services or 2604  
the supervising probation department under division (A) or (B) 2605  
of this section or fails to act on a request made under either 2606  
division by the department within a reasonable time, the 2607  
department of youth services or the supervising probation 2608  
department may file a motion of the type described in division 2609  
(A) or (B) of this section with the juvenile court to invoke the 2610  
adult portion of the serious youthful offender dispositional 2611  
sentence. If the prosecuting attorney declines a request to file 2612  
a motion that was made by the juvenile court under division (B) 2613  
of this section or fails to act on a request from the court 2614  
under that division within a reasonable time, the juvenile court 2615  
may hold the hearing described in division (D) of this section 2616  
on its own motion. 2617

(D) Upon the filing of a motion described in division (A), 2618  
(B), or (C) of this section, the Ohio public defender shall be 2619  
served a copy of the motion. The juvenile court may hold a 2620  
hearing to determine whether to invoke the adult portion of a 2621  
person's serious juvenile offender dispositional sentence. The 2622  
juvenile court shall not invoke the adult portion of the 2623  
dispositional sentence without a hearing. At the hearing the 2624  
person who is the subject of the serious youthful offender 2625  
disposition has the right to be present, to receive notice of 2626  
the grounds upon which the adult sentence portion is sought to 2627  
be invoked, to be represented by counsel including counsel 2628  
appointed under Juvenile Rule 4(A), to be advised on the 2629  
procedures and protections set forth in the Juvenile Rules, and 2630

to present evidence on the person's own behalf, including 2631  
evidence that the person has a mental illness or intellectual 2632  
disability. The person may not waive the right to counsel. The 2633  
hearing shall be open to the public. If the person presents 2634  
evidence that the person has a mental illness or intellectual 2635  
disability, the juvenile court shall consider that evidence in 2636  
determining whether to invoke the adult portion of the serious 2637  
youthful offender dispositional sentence. 2638

(E) (1) The juvenile court may invoke the adult portion of 2639  
a person's serious youthful offender dispositional sentence if 2640  
the juvenile court finds all of the following on the record by 2641  
clear and convincing evidence: 2642

(a) The person is serving the juvenile portion of a 2643  
serious youthful offender dispositional sentence. 2644

(b) The person is at least fourteen years of age and has 2645  
been admitted to a department of youth services facility, or 2646  
criminal charges are pending against the person. 2647

(c) The person engaged in the conduct or acts charged 2648  
under division (A), (B), or (C) of this section, and the 2649  
person's conduct demonstrates that the person is unlikely to be 2650  
rehabilitated during the remaining period of juvenile 2651  
jurisdiction. 2652

(2) The court may modify the adult sentence the court 2653  
invokes to consist of any lesser prison term that could be 2654  
imposed for the offense and, in addition to the prison term or 2655  
in lieu of the prison term if the prison term was not mandatory, 2656  
any community control sanction that the offender was eligible to 2657  
receive at sentencing. 2658

(F) If a juvenile court issues an order invoking the adult 2659

portion of a serious youthful offender dispositional sentence 2660  
under division (E) of this section, the juvenile portion of the 2661  
dispositional sentence shall terminate, and the department of 2662  
youth services shall transfer the person to the department of 2663  
rehabilitation and correction or place the person under another 2664  
sanction imposed as part of the sentence. The juvenile court 2665  
shall state in its order the total number of days that the 2666  
person has been held in detention or in a facility operated by, 2667  
or under contract with, the department of youth services under 2668  
the juvenile portion of the dispositional sentence. The time the 2669  
person must serve on a prison term imposed under the adult 2670  
portion of the dispositional sentence shall be reduced by the 2671  
total number of days specified in the order plus any additional 2672  
days the person is held in a juvenile facility or in detention 2673  
after the order is issued and before the person is transferred 2674  
to the custody of the department of rehabilitation and 2675  
correction. In no case shall the total prison term as calculated 2676  
under this division exceed the maximum prison term available for 2677  
an adult who is convicted of violating the same sections of the 2678  
Revised Code. 2679

Any community control imposed as part of the adult 2680  
sentence or as a condition of a judicial release from prison 2681  
shall be under the supervision of the entity that provides adult 2682  
probation services in the county. Any post-release control 2683  
imposed after the offender otherwise is released from prison 2684  
shall be supervised by the adult parole authority. 2685

**Sec. 2152.18.** (A) When a juvenile court commits a 2686  
delinquent child to the custody of the department of youth 2687  
services pursuant to this chapter, the court shall not designate 2688  
the specific institution in which the department is to place the 2689  
child but instead shall specify that the child is to be 2690

institutionalized in a secure facility. 2691

(B) When a juvenile court commits a delinquent child to 2692  
the custody of the department of youth services pursuant to this 2693  
chapter, the court shall state in the order of commitment the 2694  
total number of days that the child has been confined in 2695  
connection with the delinquent child complaint upon which the 2696  
order of commitment is based. The court shall ~~not only~~ include 2697  
days that the child has been ~~under electronic monitoring or~~ 2698  
~~house arrest or days that the child has been confined in a~~ 2699  
~~halfway house~~. The department shall reduce the minimum period of 2700  
institutionalization that was ordered by both the total number 2701  
of days that the child has been so confined as stated by the 2702  
court in the order of commitment and the total number of any 2703  
additional days that the child has been confined subsequent to 2704  
the order of commitment but prior to the transfer of physical 2705  
custody of the child to the department. 2706

The juvenile court retains continuing jurisdiction to 2707  
correct any error not previously raised at disposition in making 2708  
a determination under this division. The delinquent child may, 2709  
at any time after disposition, file a motion in the juvenile 2710  
court to correct any error made in making a determination under 2711  
this division and the court in its discretion may grant or deny 2712  
that motion. If the court changes the number of days in its 2713  
determination or redetermination, the court shall cause the 2714  
entry granting that change to be delivered to the department of 2715  
youth services without delay. 2716

An inaccurate determination under this division is not 2717  
grounds for setting aside the delinquent child's adjudication or 2718  
disposition and does not otherwise render the disposition void 2719  
or voidable. 2720

(C) (1) When a juvenile court commits a delinquent child to the custody of the department of youth services pursuant to this chapter, the court shall provide the department with the child's medical records, a copy of the report of any mental examination of the child ordered by the court, the Revised Code section or sections the child violated and the degree of each violation, the warrant to convey the child to the department, a copy of the court's journal entry ordering the commitment of the child to the legal custody of the department, a copy of the arrest record pertaining to the act for which the child was adjudicated a delinquent child, a copy of any victim impact statement pertaining to the act, and any other information concerning the child that the department reasonably requests. The court also shall complete the form for the standard predisposition investigation report that the department furnishes pursuant to section 5139.04 of the Revised Code and provide the department with the completed form.

The department may refuse to accept physical custody of a delinquent child who is committed to the legal custody of the department until the court provides to the department the documents specified in this division. No officer or employee of the department who refuses to accept physical custody of a delinquent child who is committed to the legal custody of the department shall be subject to prosecution or contempt of court for the refusal if the court fails to provide the documents specified in this division at the time the court transfers the physical custody of the child to the department.

(2) Within twenty working days after the department of youth services receives physical custody of a delinquent child from a juvenile court, the court shall provide the department with a certified copy of the child's birth certificate and the

child's social security number or, if the court made all 2752  
reasonable efforts to obtain the information but was 2753  
unsuccessful, with documentation of the efforts it made to 2754  
obtain the information. 2755

(3) If an officer is preparing pursuant to section 2947.06 2756  
or 2951.03 of the Revised Code or Criminal Rule 32.2 a 2757  
presentence investigation report pertaining to a person, the 2758  
department shall make available to the officer, for use in 2759  
preparing the report, any records or reports it possesses 2760  
regarding that person that it received from a juvenile court 2761  
pursuant to division (C)(1) of this section or that pertain to 2762  
the treatment of that person after the person was committed to 2763  
the custody of the department as a delinquent child. 2764

(D)(1) Within ten days after an adjudication that a child 2765  
is a delinquent child, the court shall give written notice of 2766  
the adjudication to the superintendent of a city, local, 2767  
exempted village, or joint vocational school district, and to 2768  
the principal of the school the child attends, if the basis of 2769  
the adjudication was the commission of an act that would be a 2770  
criminal offense if committed by an adult, if the act was 2771  
committed by the delinquent child when the child was fourteen 2772  
years of age or older, and if the act is any of the following: 2773

(a) An act that would be a felony or an offense of 2774  
violence if committed by an adult, an act in the commission of 2775  
which the child used or brandished a firearm, or an act that is 2776  
a violation of section 2907.06, 2907.07, 2907.08, 2907.09, 2777  
2907.24, or 2907.241 of the Revised Code and that would be a 2778  
misdemeanor if committed by an adult; 2779

(b) A violation of section 2923.12 of the Revised Code or 2780  
of a substantially similar municipal ordinance that would be a 2781

misdemeanor if committed by an adult and that was committed on 2782  
property owned or controlled by, or at an activity held under 2783  
the auspices of, the board of education of that school district; 2784

(c) A violation of division (A) of section 2925.03 or 2785  
2925.11 of the Revised Code that would be a misdemeanor if 2786  
committed by an adult, that was committed on property owned or 2787  
controlled by, or at an activity held under the auspices of, the 2788  
board of education of that school district, and that is not a 2789  
minor drug possession offense; 2790

(d) An act that would be a criminal offense if committed 2791  
by an adult and that results in serious physical harm to persons 2792  
or serious physical harm to property while the child is at 2793  
school, on any other property owned or controlled by the board, 2794  
or at an interscholastic competition, an extracurricular event, 2795  
or any other school program or activity; 2796

(e) Complicity in any violation described in division (D) 2797  
(1) (a), (b), (c), or (d) of this section that was alleged to 2798  
have been committed in the manner described in division (D) (1) 2799  
(a), (b), (c), or (d) of this section, regardless of whether the 2800  
act of complicity was committed on property owned or controlled 2801  
by, or at an activity held under the auspices of, the board of 2802  
education of that school district. 2803

(2) The notice given pursuant to division (D) (1) of this 2804  
section shall include the name of the child who was adjudicated 2805  
to be a delinquent child, the child's age at the time the child 2806  
committed the act that was the basis of the adjudication, and 2807  
identification of the violation of the law or ordinance that was 2808  
the basis of the adjudication. 2809

(3) Within fourteen days after committing a delinquent 2810



child to the custody of the department of youth services, the 2811  
court shall give notice to the school attended by the child of 2812  
the child's commitment by sending to that school a copy of the 2813  
court's journal entry ordering the commitment. As soon as 2814  
possible after receipt of the notice described in this division, 2815  
the school shall provide the department with the child's school 2816  
transcript. However, the department shall not refuse to accept a 2817  
child committed to it, and a child committed to it shall not be 2818  
held in a county or district detention facility, because of a 2819  
school's failure to provide the school transcript that it is 2820  
required to provide under this division. 2821

(4) Within fourteen days after discharging or releasing a 2822  
child from an institution under its control, the department of 2823  
youth services shall provide the court and the superintendent of 2824  
the school district in which the child is entitled to attend 2825  
school under section 3313.64 or 3313.65 of the Revised Code with 2826  
the following: 2827

(a) An updated copy of the child's school transcript; 2828

(b) A report outlining the child's behavior in school 2829  
while in the custody of the department; 2830

(c) The child's current individualized education program, 2831  
as defined in section 3323.01 of the Revised Code, if such a 2832  
program has been developed for the child; 2833

(d) A summary of the institutional record of the child's 2834  
behavior. 2835

The department also shall provide the court with a copy of 2836  
any portion of the child's institutional record that the court 2837  
specifically requests, within five working days of the request. 2838

(E) At any hearing at which a child is adjudicated a 2839

delinquent child or as soon as possible after the hearing, the 2840  
court shall notify all victims of the delinquent act who may be 2841  
entitled to a recovery under any of the following sections of 2842  
the right of the victims to recover, pursuant to section 3109.09 2843  
of the Revised Code, compensatory damages from the child's 2844  
parents; of the right of the victims to recover, pursuant to 2845  
section 3109.10 of the Revised Code, compensatory damages from 2846  
the child's parents for willful and malicious assaults committed 2847  
by the child; and of the right of the victims to recover an 2848  
award of reparations pursuant to sections 2743.51 to 2743.72 of 2849  
the Revised Code. 2850

(F) As used in this section: 2851

(1) "Community corrections facility" and "secure facility" 2852  
have the same meanings as in section 5139.01 of the Revised 2853  
Code. 2854

(2) "Confined" means the placement of a child in any 2855  
locked and secure facility, either adult or juvenile, in a 2856  
locked and secure section of any facility, either adult or 2857  
juvenile, or in any community corrections facility. 2858

**Sec. 2152.20.** (A) If a child is adjudicated a delinquent 2859  
child or a juvenile trafficoffender, the court may order any of 2860  
the following dispositions, in addition to any other disposition 2861  
authorized or required by this chapter: 2862

(1) Impose a fine in accordance with the following 2863  
schedule: 2864

(a) For an act that would be a minor misdemeanor or an 2865  
unclassified misdemeanor if committed by an adult, a fine not to 2866  
exceed fifty dollars; 2867

(b) For an act that would be a misdemeanor of the fourth 2868

degree if committed by an adult, a fine not to exceed one	2869
hundred dollars;	2870
(c) For an act that would be a misdemeanor of the third	2871
degree if committed by an adult, a fine not to exceed one	2872
hundred fifty dollars;	2873
(d) For an act that would be a misdemeanor of the second	2874
degree if committed by an adult, a fine not to exceed two	2875
hundred dollars;	2876
(e) For an act that would be a misdemeanor of the first	2877
degree if committed by an adult, a fine not to exceed two	2878
hundred fifty dollars;	2879
(f) For an act that would be a felony of the fifth degree	2880
or an unclassified felony if committed by an adult, a fine not	2881
to exceed three hundred dollars;	2882
(g) For an act that would be a felony of the fourth degree	2883
if committed by an adult, a fine not to exceed four hundred	2884
dollars;	2885
(h) For an act that would be a felony of the third degree	2886
if committed by an adult, a fine not to exceed seven hundred	2887
fifty dollars;	2888
(i) For an act that would be a felony of the second degree	2889
if committed by an adult, a fine not to exceed one thousand	2890
dollars;	2891
(j) For an act that would be a felony of the first degree	2892
if committed by an adult, a fine not to exceed one thousand five	2893
hundred dollars;	2894
(k) For an act that would be aggravated murder or murder	2895
if committed by an adult, a fine not to exceed two thousand	2896

dollars. 2897

(2) Require the child to pay costs, including, but not 2898  
limited to, costs described in section 2746.05 of the Revised 2899  
Code; 2900

(3) Unless the child's delinquent act or juvenile traffic 2901  
offense would be a minor misdemeanor if committed by an adult or 2902  
could be disposed of by the juvenile traffic violations bureau 2903  
serving the court under Traffic Rule 13.1 if the court has 2904  
established a juvenile traffic violations bureau, require the 2905  
child to make restitution ~~to the victim of the child's~~ 2906  
~~delinquent act or juvenile traffic offense or, if the victim is~~ 2907  
~~deceased, to a survivor of the victim in an amount based upon~~ 2908  
~~the victim's economic loss caused by or related to the~~ 2909  
~~delinquent act or juvenile traffic offense. The court may not~~ 2910  
~~require a child to make restitution pursuant to this division if~~ 2911  
~~the child's delinquent act or juvenile traffic offense would be~~ 2912  
~~a minor misdemeanor if committed by an adult or could be~~ 2913  
~~disposed of by the juvenile traffic violations bureau serving~~ 2914  
~~the court under Traffic Rule 13.1 if the court has established a~~ 2915  
~~juvenile traffic violations bureau. If the court requires~~ 2916  
~~restitution under this division, the restitution shall be made~~ 2917  
~~directly to the victim in open court or to the probation~~ 2918  
~~department that serves the jurisdiction or the clerk of courts~~ 2919  
~~on behalf of the victim.~~ 2920

~~If the court requires restitution under this division, the~~ 2921  
~~restitution may be in the form of a cash reimbursement paid in a~~ 2922  
~~lump sum or in installments, the performance of repair work to~~ 2923  
~~restore any damaged property to its original condition, the~~ 2924  
~~performance of a reasonable amount of labor for the victim or~~ 2925  
~~survivor of the victim, the performance of community service~~ 2926

~~work, any other form of restitution devised by the court, or any combination of the previously described forms of restitution.~~ 2927  
2928

~~If the court requires restitution under this division, the court may base the restitution order on an amount recommended by the victim or survivor of the victim, the delinquent child, the juvenile traffic offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and any other information, provided that the amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the delinquent act or juvenile traffic offense. If the court decides to order restitution under this division and the amount of the restitution is disputed by the victim or survivor or by the delinquent child or juvenile traffic offender, the court shall hold a hearing on the restitution. If the court requires restitution under this division, the court shall determine, or order the determination of, the amount of restitution to be paid by the delinquent child or juvenile traffic offender. All restitution payments shall be credited against any recovery of economic loss in a civil action brought by or on behalf of the victim against the delinquent child or juvenile traffic offender or the delinquent child's or juvenile traffic offender's parent, guardian, or other custodian.~~ 2929  
2930  
2931  
2932  
2933  
2934  
2935  
2936  
2937  
2938  
2939  
2940  
2941  
2942  
2943  
2944  
2945  
2946  
2947  
2948  
2949  
2950

~~If the court requires restitution under this division, the court may order that the delinquent child or juvenile traffic offender pay a surcharge, in an amount not exceeding five percent of the amount of restitution otherwise ordered under this division, to the entity responsible for collecting and processing the restitution payments.~~ 2951  
2952  
2953  
2954  
2955  
2956

~~The victim or the survivor of the victim may request that  
the prosecuting authority file a motion, or the delinquent child  
or juvenile traffic offender may file a motion, for modification  
of the payment terms of any restitution ordered under this  
division. If the court grants the motion, it may modify the  
payment terms as it determines appropriate as provided under  
section 2152.203 of the Revised Code.~~

(4) Require the child to reimburse any or all of the costs  
incurred for services or sanctions provided or imposed,  
including, but not limited to, the following:

(a) All or part of the costs of implementing any community  
control imposed as a disposition under section 2152.19 of the  
Revised Code, including a supervision fee;

(b) All or part of the costs of confinement in a  
residential facility described in section 2152.19 of the Revised  
Code ~~or in a department of youth services institution,~~  
including, but not limited to, a per diem fee for room and  
board, the costs of medical and dental treatment provided, and  
the costs of repairing property the delinquent child damaged  
while so confined. ~~The amount of reimbursement ordered for a  
child under this division shall not exceed the total amount of  
reimbursement the child is able to pay as determined at a  
hearing and shall not exceed the actual cost of the confinement.  
The court may collect any reimbursement ordered under this  
division. If the court does not order reimbursement under this  
division, confinement costs may be assessed pursuant to a  
repayment policy adopted under section 2929.37 of the Revised  
Code and division (D) of section 307.93, division (A) of section  
341.19, division (C) of section 341.23 or 753.16, division (C)  
of section 2301.56, or division (B) of section 341.14, 753.02,~~

~~753.04, or 2947.19 of the Revised Code.~~ 2987

(B) Chapter 2981. of the Revised Code applies to a child 2988  
who is adjudicated a delinquent child for violating section 2989  
2923.32 or 2923.42 of the Revised Code or for committing an act 2990  
that, if committed by an adult, would be a felony drug abuse 2991  
offense. 2992

(C) The court ~~may, at disposition, shall~~ hold a hearing ~~if-~~ 2993  
~~necessary~~ to determine whether a child is able to pay a sanction 2994  
under this section. 2995

The amount of any sanction ordered under this section 2996  
shall not exceed the total amount of such sanctions that the 2997  
child is able to pay. The court may collect any sanction ordered 2998  
under this section. 2999

A person required to pay a financial sanction imposed 3000  
under this section is the obligor under the sanction. 3001

(D) If a child who is adjudicated a delinquent child is 3002  
indigent, the court shall consider imposing a term of community 3003  
service under division (A) of section 2152.19 of the Revised 3004  
Code in lieu of imposing a financial sanction under this 3005  
section. If a child who is adjudicated a delinquent child is not 3006  
indigent, the court may impose a term of community service under 3007  
that division in lieu of, or in addition to, imposing a 3008  
financial sanction under this section. The court may order 3009  
community service for an act that if committed by an adult would 3010  
be a minor misdemeanor. 3011

If a child fails to pay a financial sanction imposed under 3012  
this section, the court may impose a term of community service 3013  
in lieu of the sanction. 3014

(E) The clerk of the court, or another person authorized 3015

by law or by the court to collect a financial sanction imposed 3016  
under this section, may do any of the following: 3017

(1) Enter into contracts with one or more public agencies 3018  
~~or private vendors~~ for the collection of the amounts due under 3019  
the financial sanction, which amounts may include interest from 3020  
the date of imposition of the financial sanction; 3021

(2) Permit payment of all, or any portion of, the 3022  
financial sanction in installments, by credit or debit card, by 3023  
another type of electronic transfer, or by any other reasonable 3024  
method, within any period of time, and on any terms that the 3025  
court considers just, except that the maximum time permitted for 3026  
payment shall not exceed five years or extend beyond the child's 3027  
twenty-first birthday, whichever occurs first. The clerk may pay 3028  
any fee associated with processing an electronic transfer out of 3029  
public money and may charge the fee to the delinquent child. 3030

(3) To defray administrative costs, charge a reasonable 3031  
fee to ~~a child who~~ the obligor, if the obligor elects a payment 3032  
plan rather than a lump sum payment of a financial sanction. 3033

Sec. 2152.203. (A) If a child is adjudicated a delinquent 3034  
child or a juvenile traffic offender, unless the child's 3035  
delinquent act or juvenile traffic offense would be a minor 3036  
misdemeanor if committed by an adult or could be disposed of by 3037  
the juvenile traffic violations bureau serving the court under 3038  
Traffic Rule 13.1 if the court has established a juvenile 3039  
traffic violations bureau, the court, as an order of disposition 3040  
imposed under division (A) (3) of section 2152.20 of the Revised 3041  
Code, may order the child to make restitution to the victim of 3042  
the child's delinquent act or juvenile traffic offense or, if 3043  
the victim is deceased, to a survivor of the victim in an amount 3044  
based upon the victim's economic loss caused by or related to 3045



the delinquent act or juvenile traffic offense. If the court 3046  
requires restitution under this division, the restitution shall 3047  
be made directly to the victim in open court or to the probation 3048  
department that serves the jurisdiction or the clerk of courts 3049  
on behalf of the victim. 3050

(B) If the court requires restitution under division (A) 3051  
of this section, the court may order that the restitution be in 3052  
the form of a cash reimbursement paid in a lump sum or in 3053  
installments, the performance of repair work to restore any 3054  
damaged property to its original condition, the performance of a 3055  
reasonable amount of labor for the victim or survivor of the 3056  
victim, the performance of community service work, any other 3057  
form of restitution devised by the court, including, but not 3058  
limited to, alternative restorative justice or alternative means 3059  
to restitution, or any combination of the previously described 3060  
forms of restitution. An order of alternative restorative 3061  
justice or alternative means to restitution may include a 3062  
requirement to return personal property. 3063

(C) If the court requires restitution under division (A) 3064  
of this section, the court may base the restitution order on an 3065  
amount recommended by the victim or survivor of the victim, the 3066  
delinquent child, the juvenile traffic offender, a presentence 3067  
investigation report, estimates or receipts indicating the cost 3068  
of repairing or replacing property, and any other information, 3069  
provided that the amount the court orders as restitution shall 3070  
not exceed the amount of the economic loss suffered by the 3071  
victim as a direct and proximate result of the delinquent act or 3072  
juvenile traffic offense. If the court decides to order 3073  
restitution under division (A) of this section and the amount of 3074  
the restitution is disputed by the victim or survivor or by the 3075  
delinquent child or juvenile traffic offender, the court shall 3076

hold a hearing on the restitution. If the court requires 3077  
restitution under division (A) of this section, the court shall 3078  
determine, or order the determination of, the amount of 3079  
restitution to be paid by the delinquent child or juvenile 3080  
traffic offender. All restitution payments shall be credited 3081  
against any recovery of economic loss in a civil action brought 3082  
by or on behalf of the victim against the delinquent child or 3083  
juvenile traffic offender or the delinquent child's or juvenile 3084  
traffic offender's parent, guardian, or other custodian. 3085

(D) If the court requires restitution under division (A) 3086  
of this section, the court may order the payment of a surcharge, 3087  
in an amount not exceeding five per cent of the amount of 3088  
restitution otherwise ordered under that division to the entity 3089  
responsible for collecting and processing the restitution 3090  
payments. The amount so ordered shall be ordered as costs under 3091  
section 2152.20 of the Revised Code. 3092

(E) Any court order for restitution under this section 3093  
expires upon the earlier of the following events: 3094

(1) The satisfaction of the restitution, either through 3095  
payment, community service, or at the advice of the victim; 3096

(2) The completion of the entire disposition ordered by 3097  
the court for the delinquent child or juvenile traffic offender 3098  
against whom the order is made; 3099

(3) The attainment of twenty-one years of age by the 3100  
delinquent child or juvenile traffic offender against whom the 3101  
order is made. 3102

(F) If a court requires restitution under division (A) of 3103  
this section, in establishing a payment plan, the court shall 3104  
consider the child's present and future ability to pay in 3105

addition to any other factors the court finds relevant in 3106  
determining the number and amount of restitution payments. 3107

(G) Except as otherwise provided in this division, a court 3108  
order for restitution imposed under this section may be reduced 3109  
to a civil judgment in favor of the victim at the time specified 3110  
in this division. If the order is reduced to such a judgment, 3111  
the person required to pay the restitution under the order is 3112  
the judgment debtor. The order may be reduced to such a judgment 3113  
on or after the termination of the court's jurisdiction upon the 3114  
delinquent child's or juvenile traffic offender's attainment of 3115  
twenty-one years of age or, if the order for restitution has not 3116  
been satisfied after the exhaustion of the options specified in 3117  
division (B) of this section, by order of the court, whichever 3118  
occurs first. When an order for restitution has been reduced to 3119  
a civil judgment in favor of the victim under this division, the 3120  
victim may do any of the following: 3121

(1) Obtain from the clerk of the court in which the 3122  
judgment was entered a certificate of judgment that shall be in 3123  
the same manner and form as a certificate of judgment issued in 3124  
a civil action; 3125

(2) Obtain execution of the judgment or order through any 3126  
available procedure, including: 3127

(a) An execution against the property of the judgment 3128  
debtor under Chapter 2329. of the Revised Code; 3129

(b) An execution against the person of the judgment debtor 3130  
under Chapter 2331. of the Revised Code; 3131

(c) A proceeding in aid of execution under Chapter 2333. 3132  
of the Revised Code, including: 3133

(i) A proceeding for the examination of the judgment 3134

<u>debtor under sections 2333.09 to 2333.12 and sections 2333.15 to</u>	3135
<u>2333.27 of the Revised Code;</u>	3136
<u>(ii) A proceeding for attachment of the person of the</u>	3137
<u>judgment debtor under section 2333.28 of the Revised Code;</u>	3138
<u>(iii) A creditor's suit under section 2333.01 of the</u>	3139
<u>Revised Code.</u>	3140
<u>(d) The attachment of the property of the judgment debtor</u>	3141
<u>under Chapter 2715. of the Revised Code;</u>	3142
<u>(e) The garnishment of the property of the judgment debtor</u>	3143
<u>under Chapter 2716. of the Revised Code.</u>	3144
<u>(3) Obtain an order for the assignment of wages of the</u>	3145
<u>judgment debtor under section 1321.33 of the Revised Code.</u>	3146
<b>Sec. 2152.21.</b> (A) Unless division (C) of this section	3147
applies, if a child is adjudicated a juvenile traffic offender,	3148
the court may make any of the following orders of disposition:	3149
(1) Impose costs and one or more financial sanctions in	3150
accordance with section 2152.20 of the Revised Code;	3151
(2) Suspend the child's driver's license, probationary	3152
driver's license, or temporary instruction permit for a definite	3153
period not exceeding two years or suspend the registration of	3154
all motor vehicles registered in the name of the child for a	3155
definite period not exceeding two years. A child whose license	3156
or permit is so suspended is ineligible for issuance of a	3157
license or permit during the period of suspension. At the end of	3158
the period of suspension, the child shall not be reissued a	3159
license or permit until the child has paid any applicable	3160
reinstatement fee and complied with all requirements governing	3161
license reinstatement.	3162

- (3) Place the child on community control; 3163
- (4) If the child is adjudicated a juvenile traffic 3164  
offender for an act other than an act that would be a minor 3165  
misdemeanor if committed by an adult and other than an act that 3166  
could be disposed of by the juvenile traffic violations bureau 3167  
serving the court under Traffic Rule 13.1 if the court has 3168  
established a juvenile traffic violations bureau, require the 3169  
child to make restitution pursuant to division (A) (3) of section 3170  
2152.20 and section 2152.203 of the Revised Code; 3171
- (5) (a) If the child is adjudicated a juvenile traffic 3172  
offender for committing a violation of division (A) of section 3173  
4511.19 of the Revised Code or of a municipal ordinance that is 3174  
substantially equivalent to that division, commit the child, for 3175  
not longer than five days, to either of the following: 3176
- (i) The temporary custody of a detention facility or 3177  
district detention facility established under section 2152.41 of 3178  
the Revised Code; 3179
- (ii) The temporary custody of any school, camp, 3180  
institution, or other facility for children operated in whole or 3181  
in part for the care of juvenile traffic offenders of that 3182  
nature by the county, by a district organized under section 3183  
2151.65 or 2152.41 of the Revised Code, or by a private agency 3184  
or organization within the state that is authorized and 3185  
qualified to provide the care, treatment, or placement required. 3186
- (b) If an order of disposition committing a child to the 3187  
temporary custody of a home, school, camp, institution, or other 3188  
facility of that nature is made under division (A) (5) (a) of this 3189  
section, the length of the commitment shall not be reduced or 3190  
diminished as a credit for any time that the child was held in a 3191

place of detention or shelter care, or otherwise was detained, 3192  
prior to entry of the order of disposition. 3193

(6) If, after making a disposition under divisions (A) (1) 3194  
to (5) of this section, the court finds upon further hearing 3195  
that the child has failed to comply with the orders of the court 3196  
and the child's operation of a motor vehicle constitutes the 3197  
child a danger to the child and to others, the court may make 3198  
any disposition authorized by divisions (A) (1), (4), (5), and 3199  
(8) of section 2152.19 of the Revised Code, except that the 3200  
child may not be committed to or placed in a secure correctional 3201  
facility unless authorized by division (A) (5) of this section, 3202  
and commitment to or placement in a detention facility may not 3203  
exceed twenty-four hours. 3204

(B) If a child is adjudicated a juvenile traffic offender 3205  
for violating division (A) or (B) of section 4511.19 of the 3206  
Revised Code, in addition to any order of disposition made under 3207  
division (A) of this section, the court shall impose a class six 3208  
suspension of the temporary instruction permit, probationary 3209  
driver's license, or driver's license issued to the child from 3210  
the range specified in division (A) (6) of section 4510.02 of the 3211  
Revised Code. The court, in its discretion, may terminate the 3212  
suspension if the child attends and satisfactorily completes a 3213  
drug abuse or alcohol abuse education, intervention, or 3214  
treatment program specified by the court. During the time the 3215  
child is attending a program as described in this division, the 3216  
court shall retain the child's temporary instruction permit, 3217  
probationary driver's license, or driver's license issued, and 3218  
the court shall return the permit or license if it terminates 3219  
the suspension as described in this division. 3220

(C) If a child is adjudicated a juvenile traffic offender 3221

for violating division (B) (1) of section 4513.263 of the Revised Code, the court shall impose the appropriate fine set forth in division (G) of that section. If a child is adjudicated a juvenile traffic offender for violating division (B) (3) of section 4513.263 of the Revised Code and if the child is sixteen years of age or older, the court shall impose the fine set forth in division (G) (2) of that section. If a child is adjudicated a juvenile traffic offender for violating division (B) (3) of section 4513.263 of the Revised Code and if the child is under sixteen years of age, the court shall not impose a fine but may place the child on probation or community control.

(D) A juvenile traffic offender is subject to sections 4509.01 to 4509.78 of the Revised Code.

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

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

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

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

(B) In addition to the places listed in division (A) of this section, a child alleged to be or adjudicated a delinquent child or a person described in division (C) (7) of section 2152.02 of the Revised Code may be held in a detention facility for delinquent children that is under the direction or supervision of the court or other public authority or of a private agency and approved by the court, and a child

adjudicated a delinquent child may be held in accordance with 3251  
division (F) (2) of this section in a facility of a type 3252  
specified in that division. 3253

(C) (1) Except as provided under division (C) (1) of section 3254  
2151.311 of the Revised Code or division (A) (5) of section 3255  
2152.21 of the Revised Code, a child alleged to be or 3256  
adjudicated a juvenile traffic offender may not be held in any 3257  
of the following facilities: 3258

(a) A state correctional institution, county, multicounty, 3259  
or municipal jail or workhouse, or other place in which an adult 3260  
convicted of crime, under arrest, or charged with a crime is 3261  
held. 3262

(b) A secure correctional facility. 3263

(2) Except as provided under this section, sections 3264  
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 3265  
2152.21 of the Revised Code, a child alleged to be or 3266  
adjudicated a juvenile traffic offender may not be held for more 3267  
than twenty-four hours in a detention facility. 3268

(D) Except as provided in division (F) of this section or 3269  
in division (C) of section 2151.311, in division (C) (2) of 3270  
section 5139.06 and section 5120.162, or in division (B) of 3271  
section 5120.16 of the Revised Code, a child who is alleged to 3272  
be or is adjudicated a delinquent child or a person described in 3273  
division (C) (7) of section 2152.02 of the Revised Code may not 3274  
be held in a state correctional institution, county, 3275  
multicounty, or municipal jail or workhouse, or other place 3276  
where an adult convicted of crime, under arrest, or charged with 3277  
crime is held. 3278

(E) Unless the detention is pursuant to division (F) of 3279



this section or division (C) of section 2151.311, division (C) 3280  
(2) of section 5139.06 and section 5120.162, or division (B) of 3281  
section 5120.16 of the Revised Code, the official in charge of 3282  
the institution, jail, workhouse, or other facility shall inform 3283  
the court immediately when a person who is or appears to be 3284  
under the age of eighteen years, or a person who is charged with 3285  
a violation of an order of a juvenile court or a violation of 3286  
probation or parole conditions imposed by a juvenile court and 3287  
who is or appears to be between the ages of eighteen and twenty- 3288  
one years, is received at the facility and shall deliver the 3289  
person to the court upon request or transfer the person to a 3290  
detention facility designated by the court. 3291

(F) (1) If a case is transferred to another court for 3292  
criminal prosecution pursuant to section 2152.12 of the Revised 3293  
Code and the alleged offender is a person described in division 3294  
(C) (7) of section 2152.02 of the Revised Code, the person may 3295  
not be transferred for detention pending the criminal 3296  
prosecution in a jail or other facility except under the 3297  
circumstances described in division (F) (4) of this section. Any 3298  
child held in accordance with division (F) (3) of this section 3299  
shall be confined in a manner that keeps the child beyond the 3300  
sight and sound of all adult detainees. The child shall be 3301  
supervised at all times during the detention. 3302

(2) If a person is adjudicated a delinquent child or 3303  
juvenile traffic offender or is a person described in division 3304  
(C) (7) of section 2152.02 of the Revised Code and the court 3305  
makes a disposition of the person under this chapter, at any 3306  
time after the person attains twenty-one years of age, the 3307  
person may be held under that disposition or under the 3308  
circumstances described in division (F) (4) of this section in 3309  
places other than those specified in division (A) of this 3310

section, including, but not limited to, a county, multicounty, 3311  
or municipal jail or workhouse, or other place where an adult 3312  
convicted of crime, under arrest, or charged with crime is held. 3313

(3) (a) A person alleged to be a delinquent child may be 3314  
held in places other than those specified in division (A) of 3315  
this section, including, but not limited to, a county, 3316  
multicounty, or municipal jail, if the delinquent act that the 3317  
child allegedly committed would be a felony if committed by an 3318  
adult, and if either of the following applies: 3319

(i) The person attains twenty-one years of age before the 3320  
person is arrested or apprehended for that act. 3321

(ii) The person is arrested or apprehended for that act 3322  
before the person attains twenty-one years of age, but the 3323  
person attains twenty-one years of age before the court orders a 3324  
disposition in the case. 3325

(b) If, pursuant to division (F) (3) (a) of this section, a 3326  
person is held in a place other than a place specified in 3327  
division (A) of this section, the person has the same rights to 3328  
bail as an adult charged with the same offense who is confined 3329  
in a jail pending trial. 3330

(4) (a) Any person whose case is transferred for criminal 3331  
prosecution pursuant to section 2152.10 or 2152.12 of the 3332  
Revised Code or any person who has attained the age of eighteen 3333  
years but has not attained the age of twenty-one years and who 3334  
is being held in a place specified in division (B) of this 3335  
section may be held under that disposition or charge in places 3336  
other than those specified in division (B) of this section, 3337  
including a county, multicounty, or municipal jail or workhouse, 3338  
or other place where an adult under arrest or charged with crime 3339

is held if the juvenile court, upon its own motion or upon 3340  
motion by the prosecutor and after notice and hearing, 3341  
establishes by a preponderance of the evidence and makes written 3342  
findings of either of the following: 3343

(i) With respect to a person whose case is transferred for 3344  
criminal prosecution pursuant to either specified section or who 3345  
has attained the age of eighteen years but who has not attained 3346  
the age of twenty-one years and is being so held, that the youth 3347  
is a threat to the safety and security of the facility; 3348

(ii) With respect to a person who has attained the age of 3349  
eighteen years but who has not attained the age of twenty-one 3350  
years and is being so held, that the best interests of the youth 3351  
require that the youth be held in a place other than a place 3352  
specified in division (B) of this section, including a county, 3353  
multicounty, or municipal jail or workhouse, or other place 3354  
where an adult under arrest or charged with crime is held. 3355

(b) In determining for purposes of division (F) (4) (a) (i) 3356  
of this section whether a youth is a threat to the safety and 3357  
security of the facility, evidence that the youth is a threat to 3358  
the safety and security of the facility may include, but is not 3359  
limited to, whether the youth has done any of the following: 3360

(i) Injured or created an imminent danger to the life or 3361  
health of another youth or staff member in the facility or 3362  
program by violent behavior; 3363

(ii) Escaped from the facility or program in which the 3364  
youth is being held on more than one occasion; 3365

(iii) Established a pattern of disruptive behavior as 3366  
verified by a written record that the youth's behavior is not 3367  
conducive to the established policies and procedures of the 3368

facility or program in which the youth is being held. 3369

(c) If a prosecutor submits a motion requesting that a 3370  
person be held in a place other than those specified in division 3371  
(B) of this section or if the court submits its own motion, the 3372  
juvenile court shall hold a hearing within five days of the 3373  
filing of the motion, and, in determining whether a place other 3374  
than those specified in division (B) of this section is the 3375  
appropriate place of confinement for the person, the court shall 3376  
consider the following factors: 3377

(i) The age of the person; 3378

(ii) Whether the person would be deprived of contact with 3379  
other people for a significant portion of the day or would not 3380  
have access to recreational facilities or age-appropriate 3381  
educational opportunities in order to provide physical 3382  
separation from adults; 3383

(iii) The person's current emotional state, intelligence, 3384  
and developmental maturity, including any emotional and 3385  
psychological trauma, and the risk to the person in an adult 3386  
facility, which may be evidenced by mental health or 3387  
psychological assessments or screenings made available to the 3388  
prosecuting attorney and the defense counsel; 3389

(iv) Whether detention in a juvenile facility would 3390  
adequately serve the need for community protection pending the 3391  
outcome of the criminal proceeding; 3392

(v) The relative ability of the available adult and 3393  
juvenile detention facilities to meet the needs of the person, 3394  
including the person's need for age-appropriate mental health 3395  
and educational services delivered by individuals specifically 3396  
trained to deal with youth; 3397

(vi) Whether the person presents an imminent risk of self- 3398  
inflicted harm or an imminent risk of harm to others within a 3399  
juvenile facility; 3400

(vii) Any other factors the juvenile court considers to be 3401  
relevant. 3402

(d) If the juvenile court determines that a place other 3403  
than those specified in division (B) of this section is the 3404  
appropriate place for confinement of a person pursuant to 3405  
division (F) (4) (a) of this section, the person may petition the 3406  
juvenile court for a review hearing thirty days after the 3407  
initial confinement decision, thirty days after any subsequent 3408  
review hearing, or at any time after the initial confinement 3409  
decision upon an emergency petition by the youth due to the 3410  
youth facing an imminent danger from others or the youth's self. 3411  
Upon receipt of the petition, the juvenile court has discretion 3412  
over whether to conduct the review hearing and may set the 3413  
matter for a review hearing if the youth has alleged facts or 3414  
circumstances that, if true, would warrant reconsideration of 3415  
the youth's placement in a place other than those specified in 3416  
division (B) of this section based on the factors listed in 3417  
division (F) (4) (c) of this section. 3418

(e) Upon the admission of a person described in division 3419  
(F) (4) (a) of this section to a place other than those specified 3420  
in division (B) of this section, the facility shall advise the 3421  
person of the person's right to request a review hearing as 3422  
described in division (F) (4) (d) of this section. 3423

(f) Any person transferred under division (F) (4) (a) of 3424  
this section to a place other than those specified in division 3425  
(B) of this section shall be confined in a manner that keeps 3426  
those under eighteen years of age beyond sight and sound of all 3427

adult detainees. Those under eighteen years of age shall be 3428  
supervised at all times during the detention. 3429

(G) (1) If a person who is alleged to be or has been 3430  
adjudicated a delinquent child or who is in any other category 3431  
of persons identified in this section or section 2151.311 of the 3432  
Revised Code is confined under authority of any Revised Code 3433  
section in a place other than a place specified in division (B) 3434  
of this section, including a county, multicounty, or municipal 3435  
jail or workhouse, or other place where an adult under arrest or 3436  
charged with crime is held, subject to division (G) (2) of this 3437  
section, all identifying information, other than the person's 3438  
county of residence, age, gender, and race and the charges 3439  
against the person, that relates to the person's admission to 3440  
and confinement in that place is not a public record open for 3441  
inspection or copying under section 149.43 of the Revised Code 3442  
and is confidential and shall not be released to any person 3443  
other than to a court, to a law enforcement agency for law 3444  
enforcement purposes, or to a person specified by court order. 3445

(2) Division (G) (1) of this section does not apply with 3446  
respect to a person whose case is transferred for criminal 3447  
prosecution pursuant to section 2152.10 or 2152.12 of the 3448  
Revised Code, who is convicted of or pleads guilty to an offense 3449  
in that case, who is confined after that conviction or guilty 3450  
plea in a place other than a place specified in division (B) of 3451  
this section, and to whom one of the following applies: 3452

(a) The case was transferred other than pursuant to former 3453  
division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the 3454  
Revised Code as it existed prior to the effective date of this 3455  
amendment, or was transferred pursuant to division (A) or (B) of 3456  
section 2152.12 of the Revised Code as it exists on and after 3457

the effective date of this amendment. 3458

(b) The case was transferred pursuant to former division 3459  
(A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised 3460  
Code as it existed prior to the effective date of this 3461  
amendment, and the person ~~is~~ was sentenced for the offense 3462  
pursuant to division (B) (4) of section 2152.121 of the Revised 3463  
Code. 3464

(c) The case was transferred pursuant to former division 3465  
(A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised 3466  
Code as it existed prior to the effective date of this 3467  
amendment, the person ~~is~~ was sentenced for the offense pursuant 3468  
to division (B) (3) of section 2152.121 of the Revised Code by 3469  
the court in which the person was convicted of or pleaded guilty 3470  
to the offense, and the sentence imposed by that court ~~is~~ was 3471  
invoked pursuant to division (B) (3) (b) of section 2152.121 of 3472  
the Revised Code. 3473

**Sec. 2505.02.** (A) As used in this section: 3474

(1) "Substantial right" means a right that the United 3475  
States Constitution, the Ohio Constitution, a statute, the 3476  
common law, or a rule of procedure entitles a person to enforce 3477  
or protect. 3478

(2) "Special proceeding" means an action or proceeding 3479  
that is specially created by statute and that prior to 1853 was 3480  
not denoted as an action at law or a suit in equity. 3481

(3) "Provisional remedy" means a proceeding ancillary to 3482  
an action, including, but not limited to, a proceeding for a 3483  
preliminary injunction, attachment, discovery of privileged 3484  
matter, suppression of evidence, a prima-facie showing pursuant 3485  
to section 2307.85 or 2307.86 of the Revised Code, a prima-facie 3486

showing pursuant to section 2307.92 of the Revised Code, or a 3487  
finding made pursuant to division (A) (3) of section 2307.93 of 3488  
the Revised Code. 3489

(B) An order is a final order that may be reviewed, 3490  
affirmed, modified, or reversed, with or without retrial, when 3491  
it is one of the following: 3492

(1) An order that affects a substantial right in an action 3493  
that in effect determines the action and prevents a judgment; 3494

(2) An order that affects a substantial right made in a 3495  
special proceeding or upon a summary application in an action 3496  
after judgment; 3497

(3) An order that vacates or sets aside a judgment or 3498  
grants a new trial; 3499

(4) An order that grants or denies a provisional remedy 3500  
and to which both of the following apply: 3501

(a) The order in effect determines the action with respect 3502  
to the provisional remedy and prevents a judgment in the action 3503  
in favor of the appealing party with respect to the provisional 3504  
remedy. 3505

(b) The appealing party would not be afforded a meaningful 3506  
or effective remedy by an appeal following final judgment as to 3507  
all proceedings, issues, claims, and parties in the action. 3508

(5) An order that determines that an action may or may not 3509  
be maintained as a class action; 3510

(6) An order determining the constitutionality of any 3511  
changes to the Revised Code made by Am. Sub. S.B. 281 of the 3512  
124th general assembly, including the amendment of sections 3513  
1751.67, 2117.06, 2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 3514



2323.56, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 3515  
2919.16, 3923.63, 3923.64, 4705.15, and 5111.018 (renumbered as 3516  
5164.07 by H.B. 59 of the 130th general assembly), and the 3517  
enactment of sections 2305.113, 2323.41, 2323.43, and 2323.55 of 3518  
the Revised Code or any changes made by Sub. S.B. 80 of the 3519  
125th general assembly, including the amendment of sections 3520  
2125.02, 2305.10, 2305.131, 2315.18, 2315.19, and 2315.21 of the 3521  
Revised Code; 3522

(7) An order in an appropriation proceeding that may be 3523  
appealed pursuant to division (B) (3) of section 163.09 of the 3524  
Revised Code; 3525

(8) An order for transfer pursuant to section 2152.10 or 3526  
2152.12 of the Revised Code. 3527

(C) When a court issues an order that vacates or sets 3528  
aside a judgment or grants a new trial, the court, upon the 3529  
request of either party, shall state in the order the grounds 3530  
upon which the new trial is granted or the judgment vacated or 3531  
set aside. 3532

(D) This section applies to and governs any action, 3533  
including an appeal, that is pending in any court on July 22, 3534  
1998, and all claims filed or actions commenced on or after July 3535  
22, 1998, notwithstanding any provision of any prior statute or 3536  
rule of law of this state. 3537

**Sec. 2929.02.** (A) Whoever is convicted of or pleads guilty 3538  
to aggravated murder in violation of section 2903.01 of the 3539  
Revised Code shall suffer death or be imprisoned for life, as 3540  
determined pursuant to sections 2929.022, 2929.03, and 2929.04 3541  
of the Revised Code, except that no person who raises the matter 3542  
of age pursuant to section 2929.023 of the Revised Code and who 3543

is not found to have been eighteen years of age or older at the 3544  
time of the commission of the offense shall suffer death. No 3545  
person who is convicted of or pleads guilty to aggravated murder 3546  
committed on or after the effective date of this amendment who 3547  
was less than eighteen years of age at the time of the offense 3548  
shall be imprisoned for life without parole. In addition, the An 3549  
offender who is convicted of or pleads guilty to aggravated 3550  
murder may be fined an amount fixed by the court, but not more 3551  
than twenty-five thousand dollars. 3552

(B) (1) Except as otherwise provided in division (B) (2) or 3553  
(3) of this section, whoever is convicted of or pleads guilty to 3554  
murder in violation of section 2903.02 of the Revised Code shall 3555  
be imprisoned for an indefinite term of fifteen years to life. 3556

(2) Except as otherwise provided in division (B) (3) of 3557  
this section, if a person is convicted of or pleads guilty to 3558  
murder in violation of section 2903.02 of the Revised Code, the 3559  
victim of the offense was less than thirteen years of age, and 3560  
the offender also is convicted of or pleads guilty to a sexual 3561  
motivation specification that was included in the indictment, 3562  
count in the indictment, or information charging the offense, 3563  
the court shall impose an indefinite prison term of thirty years 3564  
to life pursuant to division (B) (3) of section 2971.03 of the 3565  
Revised Code. 3566

(3) If a person is convicted of or pleads guilty to murder 3567  
in violation of section 2903.02 of the Revised Code and also is 3568  
convicted of or pleads guilty to a sexual motivation 3569  
specification and a sexually violent predator specification that 3570  
were included in the indictment, count in the indictment, or 3571  
information that charged the murder, the court shall impose upon 3572  
the offender a term of life imprisonment without parole that 3573

shall be served pursuant to section 2971.03 of the Revised Code. 3574

(4) In addition, the offender may be fined an amount fixed 3575  
by the court, but not more than fifteen thousand dollars. 3576

(C) If an offender receives or received a sentence of life 3577  
imprisonment without parole, a sentence of life imprisonment, a 3578  
sentence to a definite prison term of more than eighteen years, 3579  
or a sentence to an indefinite prison term under this chapter 3580  
for an offense committed when the offender was less than 3581  
eighteen years of age, the offender's parole eligibility shall 3582  
be determined under section 2967.132 of the Revised Code. 3583

(D) The court shall not impose a fine or fines for 3584  
aggravated murder or murder which, in the aggregate and to the 3585  
extent not suspended by the court, exceeds the amount which the 3586  
offender is or will be able to pay by the method and within the 3587  
time allowed without undue hardship to the offender or to the 3588  
dependents of the offender, or will prevent the offender from 3589  
making reparation for the victim's wrongful death. 3590

~~(D)~~ (E) (1) In addition to any other sanctions imposed for a 3591  
violation of section 2903.01 or 2903.02 of the Revised Code, if 3592  
the offender used a motor vehicle as the means to commit the 3593  
violation, the court shall impose upon the offender a class two 3594  
suspension of the offender's driver's license, commercial 3595  
driver's license, temporary instruction permit, probationary 3596  
license, or nonresident operating privilege as specified in 3597  
division (A) (2) of section 4510.02 of the Revised Code. 3598

(2) As used in division ~~(D)~~ (E) of this section, "motor 3599  
vehicle" has the same meaning as in section 4501.01 of the 3600  
Revised Code. 3601

Sec. 2929.07. Notwithstanding any provision of the Revised 3602

Code to the contrary, a court shall not impose a sentence of 3603  
life imprisonment without parole upon any person for an offense 3604  
that was committed on or after the effective date of this 3605  
section when the person was less than eighteen years of age. 3606

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 3607  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 3608  
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 3609  
of section 2919.25 of the Revised Code and except in relation to 3610  
an offense for which a sentence of death or life imprisonment is 3611  
to be imposed, if the court imposing a sentence upon an offender 3612  
for a felony elects or is required to impose a prison term on 3613  
the offender pursuant to this chapter, the court shall impose a 3614  
definite prison term that shall be one of the following: 3615

(1) For a felony of the first degree, the prison term 3616  
shall be three, four, five, six, seven, eight, nine, ten, or 3617  
eleven years. 3618

(2) For a felony of the second degree, the prison term 3619  
shall be two, three, four, five, six, seven, or eight years. 3620

(3) (a) For a felony of the third degree that is a 3621  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 3622  
2907.05, or 3795.04 of the Revised Code or that is a violation 3623  
of section 2911.02 or 2911.12 of the Revised Code if the 3624  
offender previously has been convicted of or pleaded guilty in 3625  
two or more separate proceedings to two or more violations of 3626  
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 3627  
Code, the prison term shall be twelve, eighteen, twenty-four, 3628  
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 3629  
months. 3630

(b) For a felony of the third degree that is not an 3631

offense for which division (A) (3) (a) of this section applies, 3632  
the prison term shall be nine, twelve, eighteen, twenty-four, 3633  
thirty, or thirty-six months. 3634

(4) For a felony of the fourth degree, the prison term 3635  
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 3636  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 3637

(5) For a felony of the fifth degree, the prison term 3638  
shall be six, seven, eight, nine, ten, eleven, or twelve months. 3639

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3640  
section, if an offender who is convicted of or pleads guilty to 3641  
a felony also is convicted of or pleads guilty to a 3642  
specification of the type described in section 2941.141, 3643  
2941.144, or 2941.145 of the Revised Code, the court shall 3644  
impose on the offender one of the following prison terms: 3645

(i) A prison term of six years if the specification is of 3646  
the type described in division (A) of section 2941.144 of the 3647  
Revised Code that charges the offender with having a firearm 3648  
that is an automatic firearm or that was equipped with a firearm 3649  
muffler or suppressor on or about the offender's person or under 3650  
the offender's control while committing the offense; 3651

(ii) A prison term of three years if the specification is 3652  
of the type described in division (A) of section 2941.145 of the 3653  
Revised Code that charges the offender with having a firearm on 3654  
or about the offender's person or under the offender's control 3655  
while committing the offense and displaying the firearm, 3656  
brandishing the firearm, indicating that the offender possessed 3657  
the firearm, or using it to facilitate the offense; 3658

(iii) A prison term of one year if the specification is of 3659  
the type described in division (A) of section 2941.141 of the 3660

Revised Code that charges the offender with having a firearm on 3661  
or about the offender's person or under the offender's control 3662  
while committing the offense; 3663

(iv) A prison term of nine years if the specification is 3664  
of the type described in division (D) of section 2941.144 of the 3665  
Revised Code that charges the offender with having a firearm 3666  
that is an automatic firearm or that was equipped with a firearm 3667  
muffler or suppressor on or about the offender's person or under 3668  
the offender's control while committing the offense and 3669  
specifies that the offender previously has been convicted of or 3670  
pleaded guilty to a specification of the type described in 3671  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3672  
the Revised Code; 3673

(v) A prison term of fifty-four months if the 3674  
specification is of the type described in division (D) of 3675  
section 2941.145 of the Revised Code that charges the offender 3676  
with having a firearm on or about the offender's person or under 3677  
the offender's control while committing the offense and 3678  
displaying the firearm, brandishing the firearm, indicating that 3679  
the offender possessed the firearm, or using the firearm to 3680  
facilitate the offense and that the offender previously has been 3681  
convicted of or pleaded guilty to a specification of the type 3682  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 3683  
2941.1412 of the Revised Code; 3684

(vi) A prison term of eighteen months if the specification 3685  
is of the type described in division (D) of section 2941.141 of 3686  
the Revised Code that charges the offender with having a firearm 3687  
on or about the offender's person or under the offender's 3688  
control while committing the offense and that the offender 3689  
previously has been convicted of or pleaded guilty to a 3690

specification of the type described in section 2941.141, 3691  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 3692

(b) If a court imposes a prison term on an offender under 3693  
division (B)(1)(a) of this section, the prison term shall not be 3694  
reduced pursuant to section 2967.19, section 2929.20, section 3695  
2967.193, or any other provision of Chapter 2967. or Chapter 3696  
5120. of the Revised Code. Except as provided in division (B)(1) 3697  
(g) of this section, a court shall not impose more than one 3698  
prison term on an offender under division (B)(1)(a) of this 3699  
section for felonies committed as part of the same act or 3700  
transaction. 3701

(c)(i) Except as provided in division (B)(1)(e) of this 3702  
section, if an offender who is convicted of or pleads guilty to 3703  
a violation of section 2923.161 of the Revised Code or to a 3704  
felony that includes, as an essential element, purposely or 3705  
knowingly causing or attempting to cause the death of or 3706  
physical harm to another, also is convicted of or pleads guilty 3707  
to a specification of the type described in division (A) of 3708  
section 2941.146 of the Revised Code that charges the offender 3709  
with committing the offense by discharging a firearm from a 3710  
motor vehicle other than a manufactured home, the court, after 3711  
imposing a prison term on the offender for the violation of 3712  
section 2923.161 of the Revised Code or for the other felony 3713  
offense under division (A), (B)(2), or (B)(3) of this section, 3714  
shall impose an additional prison term of five years upon the 3715  
offender that shall not be reduced pursuant to section 2929.20, 3716  
section 2967.19, section 2967.193, or any other provision of 3717  
Chapter 2967. or Chapter 5120. of the Revised Code. 3718

(ii) Except as provided in division (B)(1)(e) of this 3719  
section, if an offender who is convicted of or pleads guilty to 3720

a violation of section 2923.161 of the Revised Code or to a 3721  
felony that includes, as an essential element, purposely or 3722  
knowingly causing or attempting to cause the death of or 3723  
physical harm to another, also is convicted of or pleads guilty 3724  
to a specification of the type described in division (C) of 3725  
section 2941.146 of the Revised Code that charges the offender 3726  
with committing the offense by discharging a firearm from a 3727  
motor vehicle other than a manufactured home and that the 3728  
offender previously has been convicted of or pleaded guilty to a 3729  
specification of the type described in section 2941.141, 3730  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 3731  
the court, after imposing a prison term on the offender for the 3732  
violation of section 2923.161 of the Revised Code or for the 3733  
other felony offense under division (A), (B) (2), or (3) of this 3734  
section, shall impose an additional prison term of ninety months 3735  
upon the offender that shall not be reduced pursuant to section 3736  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 3737  
2967. or Chapter 5120. of the Revised Code. 3738

(iii) A court shall not impose more than one additional 3739  
prison term on an offender under division (B) (1) (c) of this 3740  
section for felonies committed as part of the same act or 3741  
transaction. If a court imposes an additional prison term on an 3742  
offender under division (B) (1) (c) of this section relative to an 3743  
offense, the court also shall impose a prison term under 3744  
division (B) (1) (a) of this section relative to the same offense, 3745  
provided the criteria specified in that division for imposing an 3746  
additional prison term are satisfied relative to the offender 3747  
and the offense. 3748

(d) If an offender who is convicted of or pleads guilty to 3749  
an offense of violence that is a felony also is convicted of or 3750  
pleads guilty to a specification of the type described in 3751



section 2941.1411 of the Revised Code that charges the offender 3752  
with wearing or carrying body armor while committing the felony 3753  
offense of violence, the court shall impose on the offender a 3754  
prison term of two years. The prison term so imposed, subject to 3755  
divisions (C) to (I) of section 2967.19 of the Revised Code, 3756  
shall not be reduced pursuant to section 2929.20, section 3757  
2967.19, section 2967.193, or any other provision of Chapter 3758  
2967. or Chapter 5120. of the Revised Code. A court shall not 3759  
impose more than one prison term on an offender under division 3760  
(B) (1) (d) of this section for felonies committed as part of the 3761  
same act or transaction. If a court imposes an additional prison 3762  
term under division (B) (1) (a) or (c) of this section, the court 3763  
is not precluded from imposing an additional prison term under 3764  
division (B) (1) (d) of this section. 3765

(e) The court shall not impose any of the prison terms 3766  
described in division (B) (1) (a) of this section or any of the 3767  
additional prison terms described in division (B) (1) (c) of this 3768  
section upon an offender for a violation of section 2923.12 or 3769  
2923.123 of the Revised Code. The court shall not impose any of 3770  
the prison terms described in division (B) (1) (a) or (b) of this 3771  
section upon an offender for a violation of section 2923.122 3772  
that involves a deadly weapon that is a firearm other than a 3773  
dangerous ordnance, section 2923.16, or section 2923.121 of the 3774  
Revised Code. The court shall not impose any of the prison terms 3775  
described in division (B) (1) (a) of this section or any of the 3776  
additional prison terms described in division (B) (1) (c) of this 3777  
section upon an offender for a violation of section 2923.13 of 3778  
the Revised Code unless all of the following apply: 3779

(i) The offender previously has been convicted of 3780  
aggravated murder, murder, or any felony of the first or second 3781  
degree. 3782

(ii) Less than five years have passed since the offender 3783  
was released from prison or post-release control, whichever is 3784  
later, for the prior offense. 3785

(f) (i) If an offender is convicted of or pleads guilty to 3786  
a felony that includes, as an essential element, causing or 3787  
attempting to cause the death of or physical harm to another and 3788  
also is convicted of or pleads guilty to a specification of the 3789  
type described in division (A) of section 2941.1412 of the 3790  
Revised Code that charges the offender with committing the 3791  
offense by discharging a firearm at a peace officer as defined 3792  
in section 2935.01 of the Revised Code or a corrections officer, 3793  
as defined in section 2941.1412 of the Revised Code, the court, 3794  
after imposing a prison term on the offender for the felony 3795  
offense under division (A), (B) (2), or (B) (3) of this section, 3796  
shall impose an additional prison term of seven years upon the 3797  
offender that shall not be reduced pursuant to section 2929.20, 3798  
section 2967.19, section 2967.193, or any other provision of 3799  
Chapter 2967. or Chapter 5120. of the Revised Code. 3800

(ii) If an offender is convicted of or pleads guilty to a 3801  
felony that includes, as an essential element, causing or 3802  
attempting to cause the death of or physical harm to another and 3803  
also is convicted of or pleads guilty to a specification of the 3804  
type described in division (B) of section 2941.1412 of the 3805  
Revised Code that charges the offender with committing the 3806  
offense by discharging a firearm at a peace officer, as defined 3807  
in section 2935.01 of the Revised Code, or a corrections 3808  
officer, as defined in section 2941.1412 of the Revised Code, 3809  
and that the offender previously has been convicted of or 3810  
pleaded guilty to a specification of the type described in 3811  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3812  
the Revised Code, the court, after imposing a prison term on the 3813

offender for the felony offense under division (A), (B)(2), or 3814  
(3) of this section, shall impose an additional prison term of 3815  
one hundred twenty-six months upon the offender that shall not 3816  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 3817  
any other provision of Chapter 2967. or 5120. of the Revised 3818  
Code. 3819

(iii) If an offender is convicted of or pleads guilty to 3820  
two or more felonies that include, as an essential element, 3821  
causing or attempting to cause the death or physical harm to 3822  
another and also is convicted of or pleads guilty to a 3823  
specification of the type described under division (B)(1)(f) of 3824  
this section in connection with two or more of the felonies of 3825  
which the offender is convicted or to which the offender pleads 3826  
guilty, the sentencing court shall impose on the offender the 3827  
prison term specified under division (B)(1)(f) of this section 3828  
for each of two of the specifications of which the offender is 3829  
convicted or to which the offender pleads guilty and, in its 3830  
discretion, also may impose on the offender the prison term 3831  
specified under that division for any or all of the remaining 3832  
specifications. If a court imposes an additional prison term on 3833  
an offender under division (B)(1)(f) of this section relative to 3834  
an offense, the court shall not impose a prison term under 3835  
division (B)(1)(a) or (c) of this section relative to the same 3836  
offense. 3837

(g) If an offender is convicted of or pleads guilty to two 3838  
or more felonies, if one or more of those felonies are 3839  
aggravated murder, murder, attempted aggravated murder, 3840  
attempted murder, aggravated robbery, felonious assault, or 3841  
rape, and if the offender is convicted of or pleads guilty to a 3842  
specification of the type described under division (B)(1)(a) of 3843  
this section in connection with two or more of the felonies, the 3844

sentencing court shall impose on the offender the prison term 3845  
specified under division (B) (1) (a) of this section for each of 3846  
the two most serious specifications of which the offender is 3847  
convicted or to which the offender pleads guilty and, in its 3848  
discretion, also may impose on the offender the prison term 3849  
specified under that division for any or all of the remaining 3850  
specifications. 3851

(2) (a) If division (B) (2) (b) of this section does not 3852  
apply, the court may impose on an offender, in addition to the 3853  
longest prison term authorized or required for the offense, an 3854  
additional definite prison term of one, two, three, four, five, 3855  
six, seven, eight, nine, or ten years if all of the following 3856  
criteria are met: 3857

(i) The offender is convicted of or pleads guilty to a 3858  
specification of the type described in section 2941.149 of the 3859  
Revised Code that the offender is a repeat violent offender. 3860

(ii) The offense of which the offender currently is 3861  
convicted or to which the offender currently pleads guilty is 3862  
aggravated murder and the court does not impose a sentence of 3863  
death or life imprisonment without parole, murder, terrorism and 3864  
the court does not impose a sentence of life imprisonment 3865  
without parole, any felony of the first degree that is an 3866  
offense of violence and the court does not impose a sentence of 3867  
life imprisonment without parole, or any felony of the second 3868  
degree that is an offense of violence and the trier of fact 3869  
finds that the offense involved an attempt to cause or a threat 3870  
to cause serious physical harm to a person or resulted in 3871  
serious physical harm to a person. 3872

(iii) The court imposes the longest prison term for the 3873  
offense that is not life imprisonment without parole. 3874

(iv) The court finds that the prison terms imposed 3875  
pursuant to division (B) (2) (a) (iii) of this section and, if 3876  
applicable, division (B) (1) or (3) of this section are 3877  
inadequate to punish the offender and protect the public from 3878  
future crime, because the applicable factors under section 3879  
2929.12 of the Revised Code indicating a greater likelihood of 3880  
recidivism outweigh the applicable factors under that section 3881  
indicating a lesser likelihood of recidivism. 3882

(v) The court finds that the prison terms imposed pursuant 3883  
to division (B) (2) (a) (iii) of this section and, if applicable, 3884  
division (B) (1) or (3) of this section are demeaning to the 3885  
seriousness of the offense, because one or more of the factors 3886  
under section 2929.12 of the Revised Code indicating that the 3887  
offender's conduct is more serious than conduct normally 3888  
constituting the offense are present, and they outweigh the 3889  
applicable factors under that section indicating that the 3890  
offender's conduct is less serious than conduct normally 3891  
constituting the offense. 3892

(b) The court shall impose on an offender the longest 3893  
prison term authorized or required for the offense and shall 3894  
impose on the offender an additional definite prison term of 3895  
one, two, three, four, five, six, seven, eight, nine, or ten 3896  
years if all of the following criteria are met: 3897

(i) The offender is convicted of or pleads guilty to a 3898  
specification of the type described in section 2941.149 of the 3899  
Revised Code that the offender is a repeat violent offender. 3900

(ii) The offender within the preceding twenty years has 3901  
been convicted of or pleaded guilty to three or more offenses 3902  
described in division (CC) (1) of section 2929.01 of the Revised 3903  
Code, including all offenses described in that division of which 3904

the offender is convicted or to which the offender pleads guilty 3905  
in the current prosecution and all offenses described in that 3906  
division of which the offender previously has been convicted or 3907  
to which the offender previously pleaded guilty, whether 3908  
prosecuted together or separately. 3909

(iii) The offense or offenses of which the offender 3910  
currently is convicted or to which the offender currently pleads 3911  
guilty is aggravated murder and the court does not impose a 3912  
sentence of death or life imprisonment without parole, murder, 3913  
terrorism and the court does not impose a sentence of life 3914  
imprisonment without parole, any felony of the first degree that 3915  
is an offense of violence and the court does not impose a 3916  
sentence of life imprisonment without parole, or any felony of 3917  
the second degree that is an offense of violence and the trier 3918  
of fact finds that the offense involved an attempt to cause or a 3919  
threat to cause serious physical harm to a person or resulted in 3920  
serious physical harm to a person. 3921

(c) For purposes of division (B) (2) (b) of this section, 3922  
two or more offenses committed at the same time or as part of 3923  
the same act or event shall be considered one offense, and that 3924  
one offense shall be the offense with the greatest penalty. 3925

(d) A sentence imposed under division (B) (2) (a) or (b) of 3926  
this section shall not be reduced pursuant to section 2929.20, 3927  
section 2967.19, or section 2967.193, or any other provision of 3928  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 3929  
shall serve an additional prison term imposed under this section 3930  
consecutively to and prior to the prison term imposed for the 3931  
underlying offense. 3932

(e) When imposing a sentence pursuant to division (B) (2) 3933  
(a) or (b) of this section, the court shall state its findings 3934

explaining the imposed sentence. 3935

(3) Except when an offender commits a violation of section 3936  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 3937  
for the violation is life imprisonment or commits a violation of 3938  
section 2903.02 of the Revised Code, if the offender commits a 3939  
violation of section 2925.03 or 2925.11 of the Revised Code and 3940  
that section classifies the offender as a major drug offender, 3941  
if the offender commits a felony violation of section 2925.02, 3942  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 3943  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 3944  
division (E) of section 4729.51, or division (J) of section 3945  
4729.54 of the Revised Code that includes the sale, offer to 3946  
sell, or possession of a schedule I or II controlled substance, 3947  
with the exception of marihuana, and the court imposing sentence 3948  
upon the offender finds that the offender is guilty of a 3949  
specification of the type described in section 2941.1410 of the 3950  
Revised Code charging that the offender is a major drug 3951  
offender, if the court imposing sentence upon an offender for a 3952  
felony finds that the offender is guilty of corrupt activity 3953  
with the most serious offense in the pattern of corrupt activity 3954  
being a felony of the first degree, or if the offender is guilty 3955  
of an attempted violation of section 2907.02 of the Revised Code 3956  
and, had the offender completed the violation of section 2907.02 3957  
of the Revised Code that was attempted, the offender would have 3958  
been subject to a sentence of life imprisonment or life 3959  
imprisonment without parole for the violation of section 2907.02 3960  
of the Revised Code, the court shall impose upon the offender 3961  
for the felony violation a mandatory prison term of the maximum 3962  
prison term prescribed for a felony of the first degree that, 3963  
subject to divisions (C) to (I) of section 2967.19 of the 3964  
Revised Code, cannot be reduced pursuant to section 2929.20, 3965

section 2967.19, or any other provision of Chapter 2967. or 3966  
5120. of the Revised Code. 3967

(4) If the offender is being sentenced for a third or 3968  
fourth degree felony OVI offense under division (G) (2) of 3969  
section 2929.13 of the Revised Code, the sentencing court shall 3970  
impose upon the offender a mandatory prison term in accordance 3971  
with that division. In addition to the mandatory prison term, if 3972  
the offender is being sentenced for a fourth degree felony OVI 3973  
offense, the court, notwithstanding division (A) (4) of this 3974  
section, may sentence the offender to a definite prison term of 3975  
not less than six months and not more than thirty months, and if 3976  
the offender is being sentenced for a third degree felony OVI 3977  
offense, the sentencing court may sentence the offender to an 3978  
additional prison term of any duration specified in division (A) 3979  
(3) of this section. In either case, the additional prison term 3980  
imposed shall be reduced by the sixty or one hundred twenty days 3981  
imposed upon the offender as the mandatory prison term. The 3982  
total of the additional prison term imposed under division (B) 3983  
(4) of this section plus the sixty or one hundred twenty days 3984  
imposed as the mandatory prison term shall equal a definite term 3985  
in the range of six months to thirty months for a fourth degree 3986  
felony OVI offense and shall equal one of the authorized prison 3987  
terms specified in division (A) (3) of this section for a third 3988  
degree felony OVI offense. If the court imposes an additional 3989  
prison term under division (B) (4) of this section, the offender 3990  
shall serve the additional prison term after the offender has 3991  
served the mandatory prison term required for the offense. In 3992  
addition to the mandatory prison term or mandatory and 3993  
additional prison term imposed as described in division (B) (4) 3994  
of this section, the court also may sentence the offender to a 3995  
community control sanction under section 2929.16 or 2929.17 of 3996



the Revised Code, but the offender shall serve all of the prison 3997  
terms so imposed prior to serving the community control 3998  
sanction. 3999

If the offender is being sentenced for a fourth degree 4000  
felony OVI offense under division (G) (1) of section 2929.13 of 4001  
the Revised Code and the court imposes a mandatory term of local 4002  
incarceration, the court may impose a prison term as described 4003  
in division (A) (1) of that section. 4004

(5) If an offender is convicted of or pleads guilty to a 4005  
violation of division (A) (1) or (2) of section 2903.06 of the 4006  
Revised Code and also is convicted of or pleads guilty to a 4007  
specification of the type described in section 2941.1414 of the 4008  
Revised Code that charges that the victim of the offense is a 4009  
peace officer, as defined in section 2935.01 of the Revised 4010  
Code, or an investigator of the bureau of criminal 4011  
identification and investigation, as defined in section 2903.11 4012  
of the Revised Code, the court shall impose on the offender a 4013  
prison term of five years. If a court imposes a prison term on 4014  
an offender under division (B) (5) of this section, the prison 4015  
term, subject to divisions (C) to (I) of section 2967.19 of the 4016  
Revised Code, shall not be reduced pursuant to section 2929.20, 4017  
section 2967.19, section 2967.193, or any other provision of 4018  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 4019  
shall not impose more than one prison term on an offender under 4020  
division (B) (5) of this section for felonies committed as part 4021  
of the same act. 4022

(6) If an offender is convicted of or pleads guilty to a 4023  
violation of division (A) (1) or (2) of section 2903.06 of the 4024  
Revised Code and also is convicted of or pleads guilty to a 4025  
specification of the type described in section 2941.1415 of the 4026

Revised Code that charges that the offender previously has been 4027  
convicted of or pleaded guilty to three or more violations of 4028  
division (A) or (B) of section 4511.19 of the Revised Code or an 4029  
equivalent offense, as defined in section 2941.1415 of the 4030  
Revised Code, or three or more violations of any combination of 4031  
those divisions and offenses, the court shall impose on the 4032  
offender a prison term of three years. If a court imposes a 4033  
prison term on an offender under division (B) (6) of this 4034  
section, the prison term, subject to divisions (C) to (I) of 4035  
section 2967.19 of the Revised Code, shall not be reduced 4036  
pursuant to section 2929.20, section 2967.19, section 2967.193, 4037  
or any other provision of Chapter 2967. or Chapter 5120. of the 4038  
Revised Code. A court shall not impose more than one prison term 4039  
on an offender under division (B) (6) of this section for 4040  
felonies committed as part of the same act. 4041

(7) (a) If an offender is convicted of or pleads guilty to 4042  
a felony violation of section 2905.01, 2905.02, 2907.21, 4043  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 4044  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 4045  
the Revised Code and also is convicted of or pleads guilty to a 4046  
specification of the type described in section 2941.1422 of the 4047  
Revised Code that charges that the offender knowingly committed 4048  
the offense in furtherance of human trafficking, the court shall 4049  
impose on the offender a mandatory prison term that is one of 4050  
the following: 4051

(i) If the offense is a felony of the first degree, a 4052  
definite prison term of not less than five years and not greater 4053  
than ten years; 4054

(ii) If the offense is a felony of the second or third 4055  
degree, a definite prison term of not less than three years and 4056

not greater than the maximum prison term allowed for the offense 4057  
by division (A) of section 2929.14 of the Revised Code; 4058

(iii) If the offense is a felony of the fourth or fifth 4059  
degree, a definite prison term that is the maximum prison term 4060  
allowed for the offense by division (A) of section 2929.14 of 4061  
the Revised Code. 4062

(b) Subject to divisions (C) to (I) of section 2967.19 of 4063  
the Revised Code, the prison term imposed under division (B) (7) 4064  
(a) of this section shall not be reduced pursuant to section 4065  
2929.20, section 2967.19, section 2967.193, or any other 4066  
provision of Chapter 2967. of the Revised Code. A court shall 4067  
not impose more than one prison term on an offender under 4068  
division (B) (7) (a) of this section for felonies committed as 4069  
part of the same act, scheme, or plan. 4070

(8) If an offender is convicted of or pleads guilty to a 4071  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 4072  
Revised Code and also is convicted of or pleads guilty to a 4073  
specification of the type described in section 2941.1423 of the 4074  
Revised Code that charges that the victim of the violation was a 4075  
woman whom the offender knew was pregnant at the time of the 4076  
violation, notwithstanding the range of prison terms prescribed 4077  
in division (A) of this section for felonies of the same degree 4078  
as the violation, the court shall impose on the offender a 4079  
mandatory prison term that is either a definite prison term of 4080  
six months or one of the prison terms prescribed in section 4081  
2929.14 of the Revised Code for felonies of the same degree as 4082  
the violation. 4083

(9) (a) If an offender is convicted of or pleads guilty to 4084  
a violation of division (A) (1) or (2) of section 2903.11 of the 4085  
Revised Code and also is convicted of or pleads guilty to a 4086

specification of the type described in section 2941.1425 of the Revised Code, the court shall impose on the offender a mandatory prison term of six years if either of the following applies:

(i) The violation is a violation of division (A)(1) of section 2903.11 of the Revised Code and the specification charges that the offender used an accelerant in committing the violation and the serious physical harm to another or to another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity;

(ii) The violation is a violation of division (A)(2) of section 2903.11 of the Revised Code and the specification charges that the offender used an accelerant in committing the violation, that the violation caused physical harm to another or to another's unborn, and that the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity.

(b) If a court imposes a prison term on an offender under division (B)(9)(a) of this section, the prison term shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(9) of this section for felonies committed as part of the same act.

(c) The provisions of divisions (B)(9) and (C)(6) of this section and of division (D)(2) of section 2903.11, division (F)(20) of section 2929.13, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(C)(1)(a) Subject to division (C)(1)(b) of this section,

if a mandatory prison term is imposed upon an offender pursuant 4116  
to division (B) (1) (a) of this section for having a firearm on or 4117  
about the offender's person or under the offender's control 4118  
while committing a felony, if a mandatory prison term is imposed 4119  
upon an offender pursuant to division (B) (1) (c) of this section 4120  
for committing a felony specified in that division by 4121  
discharging a firearm from a motor vehicle, or if both types of 4122  
mandatory prison terms are imposed, the offender shall serve any 4123  
mandatory prison term imposed under either division 4124  
consecutively to any other mandatory prison term imposed under 4125  
either division or under division (B) (1) (d) of this section, 4126  
consecutively to and prior to any prison term imposed for the 4127  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 4128  
this section or any other section of the Revised Code, and 4129  
consecutively to any other prison term or mandatory prison term 4130  
previously or subsequently imposed upon the offender. 4131

(b) If a mandatory prison term is imposed upon an offender 4132  
pursuant to division (B) (1) (d) of this section for wearing or 4133  
carrying body armor while committing an offense of violence that 4134  
is a felony, the offender shall serve the mandatory term so 4135  
imposed consecutively to any other mandatory prison term imposed 4136  
under that division or under division (B) (1) (a) or (c) of this 4137  
section, consecutively to and prior to any prison term imposed 4138  
for the underlying felony under division (A), (B) (2), or (B) (3) 4139  
of this section or any other section of the Revised Code, and 4140  
consecutively to any other prison term or mandatory prison term 4141  
previously or subsequently imposed upon the offender. 4142

(c) If a mandatory prison term is imposed upon an offender 4143  
pursuant to division (B) (1) (f) of this section, the offender 4144  
shall serve the mandatory prison term so imposed consecutively 4145  
to and prior to any prison term imposed for the underlying 4146

felony under division (A), (B) (2), or (B) (3) of this section or 4147  
any other section of the Revised Code, and consecutively to any 4148  
other prison term or mandatory prison term previously or 4149  
subsequently imposed upon the offender. 4150

(d) If a mandatory prison term is imposed upon an offender 4151  
pursuant to division (B) (7) or (8) of this section, the offender 4152  
shall serve the mandatory prison term so imposed consecutively 4153  
to any other mandatory prison term imposed under that division 4154  
or under any other provision of law and consecutively to any 4155  
other prison term or mandatory prison term previously or 4156  
subsequently imposed upon the offender. 4157

(2) If an offender who is an inmate in a jail, prison, or 4158  
other residential detention facility violates section 2917.02, 4159  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 4160  
(2) of section 2921.34 of the Revised Code, if an offender who 4161  
is under detention at a detention facility commits a felony 4162  
violation of section 2923.131 of the Revised Code, or if an 4163  
offender who is an inmate in a jail, prison, or other 4164  
residential detention facility or is under detention at a 4165  
detention facility commits another felony while the offender is 4166  
an escapee in violation of division (A) (1) or (2) of section 4167  
2921.34 of the Revised Code, any prison term imposed upon the 4168  
offender for one of those violations shall be served by the 4169  
offender consecutively to the prison term or term of 4170  
imprisonment the offender was serving when the offender 4171  
committed that offense and to any other prison term previously 4172  
or subsequently imposed upon the offender. 4173

(3) If a prison term is imposed for a violation of 4174  
division (B) of section 2911.01 of the Revised Code, a violation 4175  
of division (A) of section 2913.02 of the Revised Code in which 4176

the stolen property is a firearm or dangerous ordnance, or a 4177  
felony violation of division (B) of section 2921.331 of the 4178  
Revised Code, the offender shall serve that prison term 4179  
consecutively to any other prison term or mandatory prison term 4180  
previously or subsequently imposed upon the offender. 4181

(4) If multiple prison terms are imposed on an offender 4182  
for convictions of multiple offenses, the court may require the 4183  
offender to serve the prison terms consecutively if the court 4184  
finds that the consecutive service is necessary to protect the 4185  
public from future crime or to punish the offender and that 4186  
consecutive sentences are not disproportionate to the 4187  
seriousness of the offender's conduct and to the danger the 4188  
offender poses to the public, and if the court also finds any of 4189  
the following: 4190

(a) The offender committed one or more of the multiple 4191  
offenses while the offender was awaiting trial or sentencing, 4192  
was under a sanction imposed pursuant to section 2929.16, 4193  
2929.17, or 2929.18 of the Revised Code, or was under post- 4194  
release control for a prior offense. 4195

(b) At least two of the multiple offenses were committed 4196  
as part of one or more courses of conduct, and the harm caused 4197  
by two or more of the multiple offenses so committed was so 4198  
great or unusual that no single prison term for any of the 4199  
offenses committed as part of any of the courses of conduct 4200  
adequately reflects the seriousness of the offender's conduct. 4201

(c) The offender's history of criminal conduct 4202  
demonstrates that consecutive sentences are necessary to protect 4203  
the public from future crime by the offender. 4204

(5) If a mandatory prison term is imposed upon an offender 4205

pursuant to division (B) (5) or (6) of this section, the offender 4206  
shall serve the mandatory prison term consecutively to and prior 4207  
to any prison term imposed for the underlying violation of 4208  
division (A) (1) or (2) of section 2903.06 of the Revised Code 4209  
pursuant to division (A) of this section or section 2929.142 of 4210  
the Revised Code. If a mandatory prison term is imposed upon an 4211  
offender pursuant to division (B) (5) of this section, and if a 4212  
mandatory prison term also is imposed upon the offender pursuant 4213  
to division (B) (6) of this section in relation to the same 4214  
violation, the offender shall serve the mandatory prison term 4215  
imposed pursuant to division (B) (5) of this section 4216  
consecutively to and prior to the mandatory prison term imposed 4217  
pursuant to division (B) (6) of this section and consecutively to 4218  
and prior to any prison term imposed for the underlying 4219  
violation of division (A) (1) or (2) of section 2903.06 of the 4220  
Revised Code pursuant to division (A) of this section or section 4221  
2929.142 of the Revised Code. 4222

(6) If a mandatory prison term is imposed on an offender 4223  
pursuant to division (B) (9) of this section, the offender shall 4224  
serve the mandatory prison term consecutively to and prior to 4225  
any prison term imposed for the underlying violation of division 4226  
(A) (1) or (2) of section 2903.11 of the Revised Code and 4227  
consecutively to and prior to any other prison term or mandatory 4228  
prison term previously or subsequently imposed on the offender. 4229

(7) When consecutive prison terms are imposed pursuant to 4230  
division (C) (1), (2), (3), (4), (5), or (6) or division (H) (1) 4231  
or (2) of this section, the term to be served is the aggregate 4232  
of all of the terms so imposed. 4233

(D) (1) If a court imposes a prison term for a felony of 4234  
the first degree, for a felony of the second degree, for a 4235



felony sex offense, or for a felony of the third degree that is 4236  
not a felony sex offense and in the commission of which the 4237  
offender caused or threatened to cause physical harm to a 4238  
person, it shall include in the sentence a requirement that the 4239  
offender be subject to a period of post-release control after 4240  
the offender's release from imprisonment, in accordance with 4241  
that division. If a court imposes a sentence including a prison 4242  
term of a type described in this division on or after July 11, 4243  
2006, the failure of a court to include a post-release control 4244  
requirement in the sentence pursuant to this division does not 4245  
negate, limit, or otherwise affect the mandatory period of post- 4246  
release control that is required for the offender under division 4247  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 4248  
the Revised Code applies if, prior to July 11, 2006, a court 4249  
imposed a sentence including a prison term of a type described 4250  
in this division and failed to include in the sentence pursuant 4251  
to this division a statement regarding post-release control. 4252

(2) If a court imposes a prison term for a felony of the 4253  
third, fourth, or fifth degree that is not subject to division 4254  
(D)(1) of this section, it shall include in the sentence a 4255  
requirement that the offender be subject to a period of post- 4256  
release control after the offender's release from imprisonment, 4257  
in accordance with that division, if the parole board determines 4258  
that a period of post-release control is necessary. Section 4259  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 4260  
a court imposed a sentence including a prison term of a type 4261  
described in this division and failed to include in the sentence 4262  
pursuant to this division a statement regarding post-release 4263  
control. 4264

(E) The court shall impose sentence upon the offender in 4265  
accordance with section 2971.03 of the Revised Code, and Chapter 4266

2971. of the Revised Code applies regarding the prison term or 4267  
term of life imprisonment without parole imposed upon the 4268  
offender and the service of that term of imprisonment if any of 4269  
the following apply: 4270

(1) A person is convicted of or pleads guilty to a violent 4271  
sex offense or a designated homicide, assault, or kidnapping 4272  
offense, and, in relation to that offense, the offender is 4273  
adjudicated a sexually violent predator. 4274

(2) A person is convicted of or pleads guilty to a 4275  
violation of division (A) (1) (b) of section 2907.02 of the 4276  
Revised Code committed on or after January 2, 2007, and either 4277  
the court does not impose a sentence of life without parole when 4278  
authorized pursuant to division (B) of section 2907.02 of the 4279  
Revised Code, or division (B) of section 2907.02 of the Revised 4280  
Code provides that the court shall not sentence the offender 4281  
pursuant to section 2971.03 of the Revised Code. 4282

(3) A person is convicted of or pleads guilty to attempted 4283  
rape committed on or after January 2, 2007, and a specification 4284  
of the type described in section 2941.1418, 2941.1419, or 4285  
2941.1420 of the Revised Code. 4286

(4) A person is convicted of or pleads guilty to a 4287  
violation of section 2905.01 of the Revised Code committed on or 4288  
after January 1, 2008, and that section requires the court to 4289  
sentence the offender pursuant to section 2971.03 of the Revised 4290  
Code. 4291

(5) A person is convicted of or pleads guilty to 4292  
aggravated murder committed on or after January 1, 2008, and 4293  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 4294  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 4295

(d) of section 2929.03, or division (A) or (B) of section 4296  
2929.06 of the Revised Code requires the court to sentence the 4297  
offender pursuant to division (B) (3) of section 2971.03 of the 4298  
Revised Code. 4299

(6) A person is convicted of or pleads guilty to murder 4300  
committed on or after January 1, 2008, and division (B) (2) of 4301  
section 2929.02 of the Revised Code requires the court to 4302  
sentence the offender pursuant to section 2971.03 of the Revised 4303  
Code. 4304

(F) If a person who has been convicted of or pleaded 4305  
guilty to a felony is sentenced to a prison term or term of 4306  
imprisonment under this section, sections 2929.02 to 2929.06 of 4307  
the Revised Code, section 2929.142 of the Revised Code, section 4308  
2971.03 of the Revised Code, or any other provision of law, 4309  
section 5120.163 of the Revised Code applies regarding the 4310  
person while the person is confined in a state correctional 4311  
institution. 4312

(G) If an offender who is convicted of or pleads guilty to 4313  
a felony that is an offense of violence also is convicted of or 4314  
pleads guilty to a specification of the type described in 4315  
section 2941.142 of the Revised Code that charges the offender 4316  
with having committed the felony while participating in a 4317  
criminal gang, the court shall impose upon the offender an 4318  
additional prison term of one, two, or three years. 4319

(H) (1) If an offender who is convicted of or pleads guilty 4320  
to aggravated murder, murder, or a felony of the first, second, 4321  
or third degree that is an offense of violence also is convicted 4322  
of or pleads guilty to a specification of the type described in 4323  
section 2941.143 of the Revised Code that charges the offender 4324  
with having committed the offense in a school safety zone or 4325

towards a person in a school safety zone, the court shall impose 4326  
upon the offender an additional prison term of two years. The 4327  
offender shall serve the additional two years consecutively to 4328  
and prior to the prison term imposed for the underlying offense. 4329

(2) (a) If an offender is convicted of or pleads guilty to 4330  
a felony violation of section 2907.22, 2907.24, 2907.241, or 4331  
2907.25 of the Revised Code and to a specification of the type 4332  
described in section 2941.1421 of the Revised Code and if the 4333  
court imposes a prison term on the offender for the felony 4334  
violation, the court may impose upon the offender an additional 4335  
prison term as follows: 4336

(i) Subject to division (H) (2) (a) (ii) of this section, an 4337  
additional prison term of one, two, three, four, five, or six 4338  
months; 4339

(ii) If the offender previously has been convicted of or 4340  
pleaded guilty to one or more felony or misdemeanor violations 4341  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 4342  
the Revised Code and also was convicted of or pleaded guilty to 4343  
a specification of the type described in section 2941.1421 of 4344  
the Revised Code regarding one or more of those violations, an 4345  
additional prison term of one, two, three, four, five, six, 4346  
seven, eight, nine, ten, eleven, or twelve months. 4347

(b) In lieu of imposing an additional prison term under 4348  
division (H) (2) (a) of this section, the court may directly 4349  
impose on the offender a sanction that requires the offender to 4350  
wear a real-time processing, continual tracking electronic 4351  
monitoring device during the period of time specified by the 4352  
court. The period of time specified by the court shall equal the 4353  
duration of an additional prison term that the court could have 4354  
imposed upon the offender under division (H) (2) (a) of this 4355

section. A sanction imposed under this division shall commence 4356  
on the date specified by the court, provided that the sanction 4357  
shall not commence until after the offender has served the 4358  
prison term imposed for the felony violation of section 2907.22, 4359  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 4360  
residential sanction imposed for the violation under section 4361  
2929.16 of the Revised Code. A sanction imposed under this 4362  
division shall be considered to be a community control sanction 4363  
for purposes of section 2929.15 of the Revised Code, and all 4364  
provisions of the Revised Code that pertain to community control 4365  
sanctions shall apply to a sanction imposed under this division, 4366  
except to the extent that they would by their nature be clearly 4367  
inapplicable. The offender shall pay all costs associated with a 4368  
sanction imposed under this division, including the cost of the 4369  
use of the monitoring device. 4370

(I) At the time of sentencing, the court may recommend the 4371  
offender for placement in a program of shock incarceration under 4372  
section 5120.031 of the Revised Code or for placement in an 4373  
intensive program prison under section 5120.032 of the Revised 4374  
Code, disapprove placement of the offender in a program of shock 4375  
incarceration or an intensive program prison of that nature, or 4376  
make no recommendation on placement of the offender. In no case 4377  
shall the department of rehabilitation and correction place the 4378  
offender in a program or prison of that nature unless the 4379  
department determines as specified in section 5120.031 or 4380  
5120.032 of the Revised Code, whichever is applicable, that the 4381  
offender is eligible for the placement. 4382

If the court disapproves placement of the offender in a 4383  
program or prison of that nature, the department of 4384  
rehabilitation and correction shall not place the offender in 4385  
any program of shock incarceration or intensive program prison. 4386

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of

that section applies, the person shall be sentenced pursuant to 4417  
section 2929.142 of the Revised Code. 4418

(K) (1) The court shall impose an additional mandatory 4419  
prison term of two, three, four, five, six, seven, eight, nine, 4420  
ten, or eleven years on an offender who is convicted of or 4421  
pleads guilty to a violent felony offense if the offender also 4422  
is convicted of or pleads guilty to a specification of the type 4423  
described in section 2941.1424 of the Revised Code that charges 4424  
that the offender is a violent career criminal and had a firearm 4425  
on or about the offender's person or under the offender's 4426  
control while committing the presently charged violent felony 4427  
offense and displayed or brandished the firearm, indicated that 4428  
the offender possessed a firearm, or used the firearm to 4429  
facilitate the offense. The offender shall serve the prison term 4430  
imposed under this division consecutively to and prior to the 4431  
prison term imposed for the underlying offense. The prison term 4432  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 4433  
any other provision of Chapter 2967. or 5120. of the Revised 4434  
Code. A court may not impose more than one sentence under 4435  
division (B) (2) (a) of this section and this division for acts 4436  
committed as part of the same act or transaction. 4437

(2) As used in division (K) (1) of this section, "violent 4438  
career criminal" and "violent felony offense" have the same 4439  
meanings as in section 2923.132 of the Revised Code. 4440

(L) If an offender receives or received a sentence of life 4441  
imprisonment without parole, a sentence of life imprisonment, a 4442  
sentence to a definite prison term of more than eighteen years, 4443  
or a sentence to an indefinite prison term under this chapter 4444  
for an offense committed when the offender was less than 4445  
eighteen years of age, the offender's parole eligibility shall 4446

be determined under section 2967.132 of the Revised Code. 4447

**Sec. 2967.13.** (A) Except as provided in division (G) of 4448  
this section and section 2967.132 of the Revised Code, a 4449  
prisoner serving a sentence of imprisonment for life for an 4450  
offense committed on or after July 1, 1996, is not entitled to 4451  
any earned credit under section 2967.193 of the Revised Code and 4452  
becomes eligible for parole as follows: 4453

(1) If a sentence of imprisonment for life was imposed for 4454  
the offense of murder, at the expiration of the prisoner's 4455  
minimum term; 4456

(2) If a sentence of imprisonment for life with parole 4457  
eligibility after serving twenty years of imprisonment was 4458  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 4459  
Code, after serving a term of twenty years; 4460

(3) If a sentence of imprisonment for life with parole 4461  
eligibility after serving twenty-five full years of imprisonment 4462  
was imposed pursuant to section 2929.022 or 2929.03 of the 4463  
Revised Code, after serving a term of twenty-five full years; 4464

(4) If a sentence of imprisonment for life with parole 4465  
eligibility after serving thirty full years of imprisonment was 4466  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 4467  
Code, after serving a term of thirty full years; 4468

(5) If a sentence of imprisonment for life was imposed for 4469  
rape, after serving a term of ten full years' imprisonment; 4470

(6) If a sentence of imprisonment for life with parole 4471  
eligibility after serving fifteen years of imprisonment was 4472  
imposed for a violation of section 2927.24 of the Revised Code, 4473  
after serving a term of fifteen years. 4474



(B) Except as provided in division (G) of this section and 4475  
section 2967.132 of the Revised Code, a prisoner serving a 4476  
sentence of imprisonment for life with parole eligibility after 4477  
serving twenty years of imprisonment or a sentence of 4478  
imprisonment for life with parole eligibility after serving 4479  
twenty-five full years or thirty full years of imprisonment 4480  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 4481  
Code for an offense committed on or after July 1, 1996, 4482  
consecutively to any other term of imprisonment, becomes 4483  
eligible for parole after serving twenty years, twenty full 4484  
years, or thirty full years, as applicable, as to each such 4485  
sentence of life imprisonment, which shall not be reduced for 4486  
earned credits under section 2967.193 of the Revised Code, plus 4487  
the term or terms of the other sentences consecutively imposed 4488  
or, if one of the other sentences is another type of life 4489  
sentence with parole eligibility, the number of years before 4490  
parole eligibility for that sentence. 4491

(C) Except as provided in division (G) of this section and 4492  
section 2967.132 of the Revised Code, a prisoner serving 4493  
consecutively two or more sentences in which an indefinite term 4494  
of imprisonment is imposed becomes eligible for parole upon the 4495  
expiration of the aggregate of the minimum terms of the 4496  
sentences. 4497

(D) Except as provided in division (G) of this section and 4498  
section 2967.132 of the Revised Code, a prisoner serving a term 4499  
of imprisonment who is described in division (A) of section 4500  
2967.021 of the Revised Code becomes eligible for parole as 4501  
described in that division or, if the prisoner is serving a 4502  
definite term of imprisonment, shall be released as described in 4503  
that division. 4504

(E) ~~A-Except as provided in section 2967.132 of the~~ 4505  
~~Revised Code, a prisoner~~ serving a sentence of life imprisonment 4506  
without parole imposed pursuant to section 2907.02 or section 4507  
2929.03 or 2929.06 of the Revised Code is not eligible for 4508  
parole and shall be imprisoned until death. 4509

(F) A prisoner serving a stated prison term shall be 4510  
released in accordance with section 2967.28 of the Revised Code. 4511

(G) ~~A-Except as provided in section 2967.132 of the~~ 4512  
~~Revised Code, a prisoner~~ serving a prison term or term of life 4513  
imprisonment without parole imposed pursuant to section 2971.03 4514  
of the Revised Code never becomes eligible for parole during 4515  
that term of imprisonment. 4516

**Sec. 2967.132.** (A) This section applies to any prisoner 4517  
serving a prison sentence for an offense or offenses that was or 4518  
were committed when the prisoner was less than eighteen years of 4519  
age. Regardless of whether the prisoner's stated prison term 4520  
includes mandatory time, this section shall apply automatically 4521  
and cannot be limited by the sentencing court. 4522

(B) Except as provided in division (C) of this section, 4523  
regardless of when the offense or offenses were committed and 4524  
when the sentence was imposed, a prisoner who is serving a 4525  
prison sentence for one or more offenses and who was under 4526  
eighteen years of age at the time of the offense or offenses is 4527  
eligible for parole as follows: 4528

(1) Except as provided in division (B) (2) or (3) of this 4529  
section, the prisoner is eligible for parole after serving 4530  
eighteen years in prison. 4531

(2) If the prisoner is serving one or more sentences of 4532  
life imprisonment with parole eligibility after serving more 4533

than twenty-five years in prison for an offense or offenses that 4534  
include a violation of section 2903.01 of the Revised Code, the 4535  
prisoner is eligible for parole after serving twenty-five years 4536  
in prison. 4537

(3) If the prisoner is serving a sentence that permits 4538  
parole earlier than the parole eligibility date specified in 4539  
division (B) (1) of this section, the prisoner is eligible for 4540  
parole after serving the period of time in prison specified in 4541  
the sentence. 4542

(C) If a prisoner is serving a sentence of life 4543  
imprisonment without parole for a violation of section 2903.01 4544  
of the Revised Code that was committed prior to the effective 4545  
date of this section, the prisoner shall remain ineligible for 4546  
parole. 4547

(D) Once a prisoner is eligible for parole pursuant to 4548  
division (B) of this section, the parole board, within a 4549  
reasonable time after the prisoner becomes eligible, shall 4550  
conduct a hearing to consider the prisoner's release onto parole 4551  
supervision. The board shall conduct the hearing in accordance 4552  
with Chapters 2930., 2967., and 5149. of the Revised Code and in 4553  
accordance with the board's policies and procedures. Those 4554  
policies and procedures must permit the prisoner's privately 4555  
retained counsel or the Ohio public defender to appear at the 4556  
prisoner's hearing to make a statement in support of the 4557  
prisoner's release. 4558

The parole board shall ensure that the review process 4559  
provides the prisoner a meaningful opportunity to obtain 4560  
release. In addition to any other factors the board is required 4561  
or authorized to consider by rule or statute, the board shall 4562  
consider the following factors as mitigation: 4563

- (1) The age of the offender at the time of the offense; 4564
- (2) The diminished culpability of youth; 4565
- (3) Common characteristics of youth, including immaturity 4566  
and failure to appreciate risks and consequences; 4567
- (4) The family and home environment of the offender at the 4568  
time of the offense; 4569
- (5) Any subsequent growth or increase in the prisoner's 4570  
maturity during imprisonment. 4571
- (E) In accordance with section 2967.131 of the Revised 4572  
Code, the parole board shall impose appropriate terms and 4573  
conditions of release upon each prisoner granted a parole under 4574  
this section. 4575
- (F) If the parole board denies release pursuant to this 4576  
section, the board shall conduct a subsequent release review not 4577  
later than ten years after release was denied. 4578
- (G) In addition to any notice required by rule or statute, 4579  
the parole board shall notify the Ohio public defender and the 4580  
appropriate prosecuting attorney of a prisoner's eligibility for 4581  
review under this section at least sixty days before the board 4582  
begins any review or proceedings involving that prisoner under 4583  
this section. 4584
- (H) This section shall apply to determine the parole 4585  
eligibility of all prisoners described in this section who 4586  
committed an offense prior to, on, or after the effective date 4587  
of this section, regardless of when the prisoner was sentenced 4588  
for the offense, except prisoners who were sentenced to life 4589  
imprisonment without parole for a violation of section 2903.01 4590  
of the Revised Code that occurred prior to the effective date of 4591

this amendment.

4592

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or another section of the Revised Code, other than divisions (B) and (C) of section 2929.14 of the Revised Code, that authorizes or requires a specified prison term or a mandatory prison term for a person who is convicted of or pleads guilty to a felony or that specifies the manner and place of service of a prison term or term of imprisonment, the court shall impose a sentence upon a person who is convicted of or pleads guilty to a violent sex offense and who also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, and upon a person who is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information charging that offense, as follows:

(1) If the offense for which the sentence is being imposed is aggravated murder and if the court does not impose upon the offender a sentence of death, it shall impose upon the offender a term of life imprisonment without parole. If the court sentences the offender to death and the sentence of death is vacated, overturned, or otherwise set aside, the court shall impose upon the offender a term of life imprisonment without parole.

(2) If the offense for which the sentence is being imposed is murder; or if the offense is rape committed in violation of division (A) (1) (b) of section 2907.02 of the Revised Code when

the offender purposely compelled the victim to submit by force 4622  
or threat of force, when the victim was less than ten years of 4623  
age, when the offender previously has been convicted of or 4624  
pleaded guilty to either rape committed in violation of that 4625  
division or a violation of an existing or former law of this 4626  
state, another state, or the United States that is substantially 4627  
similar to division (A) (1) (b) of section 2907.02 of the Revised 4628  
Code, or when the offender during or immediately after the 4629  
commission of the rape caused serious physical harm to the 4630  
victim; or if the offense is an offense other than aggravated 4631  
murder or murder for which a term of life imprisonment may be 4632  
imposed, it shall impose upon the offender a term of life 4633  
imprisonment without parole. 4634

(3) (a) Except as otherwise provided in division (A) (3) (b), 4635  
(c), (d), or (e) or (A) (4) of this section, if the offense for 4636  
which the sentence is being imposed is an offense other than 4637  
aggravated murder, murder, or rape and other than an offense for 4638  
which a term of life imprisonment may be imposed, it shall 4639  
impose an indefinite prison term consisting of a minimum term 4640  
fixed by the court from among the range of terms available as a 4641  
definite term for the offense, but not less than two years, and 4642  
a maximum term of life imprisonment. 4643

(b) Except as otherwise provided in division (A) (4) of 4644  
this section, if the offense for which the sentence is being 4645  
imposed is kidnapping that is a felony of the first degree, it 4646  
shall impose an indefinite prison term as follows: 4647

(i) If the kidnapping is committed on or after January 1, 4648  
2008, and the victim of the offense is less than thirteen years 4649  
of age, except as otherwise provided in this division, it shall 4650  
impose an indefinite prison term consisting of a minimum term of 4651

fifteen years and a maximum term of life imprisonment. If the kidnapping is committed on or after January 1, 2008, the victim of the offense is less than thirteen years of age, and the offender released the victim in a safe place unharmed, it shall impose an indefinite prison term consisting of a minimum term of ten years and a maximum term of life imprisonment.

(ii) If the kidnapping is committed prior to January 1, 2008, or division (A) (3) (b) (i) of this section does not apply, it shall impose an indefinite term consisting of a minimum term fixed by the court that is not less than ten years and a maximum term of life imprisonment.

(c) Except as otherwise provided in division (A) (4) of this section, if the offense for which the sentence is being imposed is kidnapping that is a felony of the second degree, it shall impose an indefinite prison term consisting of a minimum term fixed by the court that is not less than eight years, and a maximum term of life imprisonment.

(d) Except as otherwise provided in division (A) (4) of this section, if the offense for which the sentence is being imposed is rape for which a term of life imprisonment is not imposed under division (A) (2) of this section or division (B) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term as follows:

(i) If the rape is committed on or after January 2, 2007, in violation of division (A) (1) (b) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of twenty-five years and a maximum term of life imprisonment.

(ii) If the rape is committed prior to January 2, 2007, or

the rape is committed on or after January 2, 2007, other than in 4681  
violation of division (A) (1) (b) of section 2907.02 of the 4682  
Revised Code, it shall impose an indefinite prison term 4683  
consisting of a minimum term fixed by the court that is not less 4684  
than ten years, and a maximum term of life imprisonment. 4685

(e) Except as otherwise provided in division (A) (4) of 4686  
this section, if the offense for which sentence is being imposed 4687  
is attempted rape, it shall impose an indefinite prison term as 4688  
follows: 4689

(i) Except as otherwise provided in division (A) (3) (e) 4690  
(ii), (iii), or (iv) of this section, it shall impose an 4691  
indefinite prison term pursuant to division (A) (3) (a) of this 4692  
section. 4693

(ii) If the attempted rape for which sentence is being 4694  
imposed was committed on or after January 2, 2007, and if the 4695  
offender also is convicted of or pleads guilty to a 4696  
specification of the type described in section 2941.1418 of the 4697  
Revised Code, it shall impose an indefinite prison term 4698  
consisting of a minimum term of five years and a maximum term of 4699  
twenty-five years. 4700

(iii) If the attempted rape for which sentence is being 4701  
imposed was committed on or after January 2, 2007, and if the 4702  
offender also is convicted of or pleads guilty to a 4703  
specification of the type described in section 2941.1419 of the 4704  
Revised Code, it shall impose an indefinite prison term 4705  
consisting of a minimum term of ten years and a maximum of life 4706  
imprisonment. 4707

(iv) If the attempted rape for which sentence is being 4708  
imposed was committed on or after January 2, 2007, and if the 4709



offender also is convicted of or pleads guilty to a 4710  
specification of the type described in section 2941.1420 of the 4711  
Revised Code, it shall impose an indefinite prison term 4712  
consisting of a minimum term of fifteen years and a maximum of 4713  
life imprisonment. 4714

(4) For any offense for which the sentence is being 4715  
imposed, if the offender previously has been convicted of or 4716  
pleaded guilty to a violent sex offense and also to a sexually 4717  
violent predator specification that was included in the 4718  
indictment, count in the indictment, or information charging 4719  
that offense, or previously has been convicted of or pleaded 4720  
guilty to a designated homicide, assault, or kidnapping offense 4721  
and also to both a sexual motivation specification and a 4722  
sexually violent predator specification that were included in 4723  
the indictment, count in the indictment, or information charging 4724  
that offense, it shall impose upon the offender a term of life 4725  
imprisonment without parole. 4726

(B) (1) Notwithstanding section 2929.13, division (A) or 4727  
(D) of section 2929.14, or another section of the Revised Code 4728  
other than division (B) of section 2907.02 or divisions (B) and 4729  
(C) of section 2929.14 of the Revised Code that authorizes or 4730  
requires a specified prison term or a mandatory prison term for 4731  
a person who is convicted of or pleads guilty to a felony or 4732  
that specifies the manner and place of service of a prison term 4733  
or term of imprisonment, if a person is convicted of or pleads 4734  
guilty to a violation of division (A) (1) (b) of section 2907.02 4735  
of the Revised Code committed on or after January 2, 2007, if 4736  
division (A) of this section does not apply regarding the 4737  
person, and if the court does not impose a sentence of life 4738  
without parole when authorized pursuant to division (B) of 4739  
section 2907.02 of the Revised Code, the court shall impose upon 4740

the person an indefinite prison term consisting of one of the 4741  
following: 4742

(a) Except as otherwise required in division (B) (1) (b) or 4743  
(c) of this section, a minimum term of ten years and a maximum 4744  
term of life imprisonment. 4745

(b) If the victim was less than ten years of age, a 4746  
minimum term of fifteen years and a maximum of life 4747  
imprisonment. 4748

(c) If the offender purposely compels the victim to submit 4749  
by force or threat of force, or if the offender previously has 4750  
been convicted of or pleaded guilty to violating division (A) (1) 4751  
(b) of section 2907.02 of the Revised Code or to violating an 4752  
existing or former law of this state, another state, or the 4753  
United States that is substantially similar to division (A) (1) 4754  
(b) of that section, or if the offender during or immediately 4755  
after the commission of the offense caused serious physical harm 4756  
to the victim, a minimum term of twenty-five years and a maximum 4757  
of life imprisonment. 4758

(2) Notwithstanding section 2929.13, division (A) or (D) 4759  
of section 2929.14, or another section of the Revised Code other 4760  
than divisions (B) and (C) of section 2929.14 of the Revised 4761  
Code that authorizes or requires a specified prison term or a 4762  
mandatory prison term for a person who is convicted of or pleads 4763  
guilty to a felony or that specifies the manner and place of 4764  
service of a prison term or term of imprisonment and except as 4765  
otherwise provided in division (B) of section 2907.02 of the 4766  
Revised Code, if a person is convicted of or pleads guilty to 4767  
attempted rape committed on or after January 2, 2007, and if 4768  
division (A) of this section does not apply regarding the 4769  
person, the court shall impose upon the person an indefinite 4770

prison term consisting of one of the following: 4771

(a) If the person also is convicted of or pleads guilty to 4772  
a specification of the type described in section 2941.1418 of 4773  
the Revised Code, the court shall impose upon the person an 4774  
indefinite prison term consisting of a minimum term of five 4775  
years and a maximum term of twenty-five years. 4776

(b) If the person also is convicted of or pleads guilty to 4777  
a specification of the type described in section 2941.1419 of 4778  
the Revised Code, the court shall impose upon the person an 4779  
indefinite prison term consisting of a minimum term of ten years 4780  
and a maximum term of life imprisonment. 4781

(c) If the person also is convicted of or pleads guilty to 4782  
a specification of the type described in section 2941.1420 of 4783  
the Revised Code, the court shall impose upon the person an 4784  
indefinite prison term consisting of a minimum term of fifteen 4785  
years and a maximum term of life imprisonment. 4786

(3) Notwithstanding section 2929.13, division (A) or (D) 4787  
of section 2929.14, or another section of the Revised Code other 4788  
than divisions (B) and (C) of section 2929.14 of the Revised 4789  
Code that authorizes or requires a specified prison term or a 4790  
mandatory prison term for a person who is convicted of or pleads 4791  
guilty to a felony or that specifies the manner and place of 4792  
service of a prison term or term of imprisonment, if a person is 4793  
convicted of or pleads guilty to an offense described in 4794  
division (B)(3)(a), (b), (c), or (d) of this section committed 4795  
on or after January 1, 2008, if the person also is convicted of 4796  
or pleads guilty to a sexual motivation specification that was 4797  
included in the indictment, count in the indictment, or 4798  
information charging that offense, and if division (A) of this 4799  
section does not apply regarding the person, the court shall 4800

impose upon the person an indefinite prison term consisting of 4801  
one of the following: 4802

(a) An indefinite prison term consisting of a minimum of 4803  
ten years and a maximum term of life imprisonment if the offense 4804  
for which the sentence is being imposed is kidnapping, the 4805  
victim of the offense is less than thirteen years of age, and 4806  
the offender released the victim in a safe place unharmed; 4807

(b) An indefinite prison term consisting of a minimum of 4808  
fifteen years and a maximum term of life imprisonment if the 4809  
offense for which the sentence is being imposed is kidnapping 4810  
when the victim of the offense is less than thirteen years of 4811  
age and division (B) (3) (a) of this section does not apply; 4812

(c) An indefinite term consisting of a minimum of thirty 4813  
years and a maximum term of life imprisonment if the offense for 4814  
which the sentence is being imposed is aggravated murder, when 4815  
the victim of the offense is less than thirteen years of age, a 4816  
sentence of death or life imprisonment without parole is not 4817  
imposed for the offense, and division (A) (2) (b) (ii) of section 4818  
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 4819  
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 4820  
division (A) or (B) of section 2929.06 of the Revised Code 4821  
requires that the sentence for the offense be imposed pursuant 4822  
to this division; 4823

(d) An indefinite prison term consisting of a minimum of 4824  
thirty years and a maximum term of life imprisonment if the 4825  
offense for which the sentence is being imposed is murder when 4826  
the victim of the offense is less than thirteen years of age. 4827

(C) (1) If the offender is sentenced to a prison term 4828  
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 4829

(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 4830  
parole board shall have control over the offender's service of 4831  
the term during the entire term unless the parole board 4832  
terminates its control in accordance with section 2971.04 of the 4833  
Revised Code. 4834

(2) Except as provided in division (C) (3) of this section, 4835  
an offender sentenced to a prison term or term of life 4836  
imprisonment without parole pursuant to division (A) of this 4837  
section shall serve the entire prison term or term of life 4838  
imprisonment in a state correctional institution. The offender 4839  
is not eligible for judicial release under section 2929.20 of 4840  
the Revised Code. 4841

(3) For a prison term imposed pursuant to division (A) (3), 4842  
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 4843  
(b), (c), or (d) of this section, the court, in accordance with 4844  
section 2971.05 of the Revised Code, may terminate the prison 4845  
term or modify the requirement that the offender serve the 4846  
entire term in a state correctional institution if all of the 4847  
following apply: 4848

(a) The offender has served at least the minimum term 4849  
imposed as part of that prison term. 4850

(b) The parole board, pursuant to section 2971.04 of the 4851  
Revised Code, has terminated its control over the offender's 4852  
service of that prison term. 4853

(c) The court has held a hearing and found, by clear and 4854  
convincing evidence, one of the following: 4855

(i) In the case of termination of the prison term, that 4856  
the offender is unlikely to commit a sexually violent offense in 4857  
the future; 4858

(ii) In the case of modification of the requirement, that 4859  
the offender does not represent a substantial risk of physical 4860  
harm to others. 4861

(4) An offender who has been sentenced to a term of life 4862  
imprisonment without parole pursuant to division (A)(1), (2), or 4863  
(4) of this section shall not be released from the term of life 4864  
imprisonment or be permitted to serve a portion of it in a place 4865  
other than a state correctional institution. 4866

(D) If a court sentences an offender to a prison term or 4867  
term of life imprisonment without parole pursuant to division 4868  
(A) of this section and the court also imposes on the offender 4869  
one or more additional prison terms pursuant to division (B) of 4870  
section 2929.14 of the Revised Code, all of the additional 4871  
prison terms shall be served consecutively with, and prior to, 4872  
the prison term or term of life imprisonment without parole 4873  
imposed upon the offender pursuant to division (A) of this 4874  
section. 4875

(E) If the offender is convicted of or pleads guilty to 4876  
two or more offenses for which a prison term or term of life 4877  
imprisonment without parole is required to be imposed pursuant 4878  
to division (A) of this section, divisions (A) to (D) of this 4879  
section shall be applied for each offense. All minimum terms 4880  
imposed upon the offender pursuant to division (A)(3) or (B) of 4881  
this section for those offenses shall be aggregated and served 4882  
consecutively, as if they were a single minimum term imposed 4883  
under that division. 4884

(F)(1) If an offender is convicted of or pleads guilty to 4885  
a violent sex offense and also is convicted of or pleads guilty 4886  
to a sexually violent predator specification that was included 4887  
in the indictment, count in the indictment, or information 4888

charging that offense, or is convicted of or pleads guilty to a 4889  
designated homicide, assault, or kidnapping offense and also is 4890  
convicted of or pleads guilty to both a sexual motivation 4891  
specification and a sexually violent predator specification that 4892  
were included in the indictment, count in the indictment, or 4893  
information charging that offense, the conviction of or plea of 4894  
guilty to the offense and the sexually violent predator 4895  
specification automatically classifies the offender as a tier 4896  
III sex offender/child-victim offender for purposes of Chapter 4897  
2950. of the Revised Code. 4898

(2) If an offender is convicted of or pleads guilty to 4899  
committing on or after January 2, 2007, a violation of division 4900  
(A) (1) (b) of section 2907.02 of the Revised Code and either the 4901  
offender is sentenced under section 2971.03 of the Revised Code 4902  
or a sentence of life without parole is imposed under division 4903  
(B) of section 2907.02 of the Revised Code, the conviction of or 4904  
plea of guilty to the offense automatically classifies the 4905  
offender as a tier III sex offender/child-victim offender for 4906  
purposes of Chapter 2950. of the Revised Code. 4907

(3) If a person is convicted of or pleads guilty to 4908  
committing on or after January 2, 2007, attempted rape and also 4909  
is convicted of or pleads guilty to a specification of the type 4910  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 4911  
Revised Code, the conviction of or plea of guilty to the offense 4912  
and the specification automatically classify the offender as a 4913  
tier III sex offender/child-victim offender for purposes of 4914  
Chapter 2950. of the Revised Code. 4915

(4) If a person is convicted of or pleads guilty to one of 4916  
the offenses described in division (B) (3) (a), (b), (c), or (d) 4917  
of this section and a sexual motivation specification related to 4918

the offense and the victim of the offense is less than thirteen 4919  
years of age, the conviction of or plea of guilty to the offense 4920  
automatically classifies the offender as a tier III sex 4921  
offender/child-victim offender for purposes of Chapter 2950. of 4922  
the Revised Code. 4923

(G) Notwithstanding divisions (A) to (E) of this section, 4924  
if an offender receives or received a sentence of life 4925  
imprisonment without parole or a sentence to an indefinite 4926  
prison term under this chapter for an offense committed when the 4927  
offender was less than eighteen years of age, the offender's 4928  
parole eligibility shall be determined under section 2967.132 of 4929  
the Revised Code. 4930

**Sec. 5149.101.** (A) (1) A board hearing officer, a board 4931  
member, or the office of victims' services may petition the 4932  
board for a full board hearing that relates to the proposed 4933  
parole or re-parole of a prisoner, including any prisoner 4934  
described in section 2967.132 of the Revised Code. At a meeting 4935  
of the board at which a majority of board members are present, 4936  
the majority of those present shall determine whether a full 4937  
board hearing shall be held. 4938

(2) A victim of a violation of section 2903.01 or 2903.02 4939  
of the Revised Code, an offense of violence that is a felony of 4940  
the first, second, or third degree, or an offense punished by a 4941  
sentence of life imprisonment, the victim's representative, or 4942  
any person described in division (B) (5) of this section may 4943  
request the board to hold a full board hearing that relates to 4944  
the proposed parole or re-parole of the person that committed 4945  
the violation. If a victim, victim's representative, or other 4946  
person requests a full board hearing pursuant to this division, 4947  
the board shall hold a full board hearing. 4948



At least thirty days before the full hearing, except as 4949  
otherwise provided in this division, the board shall give notice 4950  
of the date, time, and place of the hearing to the victim 4951  
regardless of whether the victim has requested the notification. 4952  
The notice of the date, time, and place of the hearing shall not 4953  
be given under this division to a victim if the victim has 4954  
requested pursuant to division (B)(2) of section 2930.03 of the 4955  
Revised Code that the notice not be provided to the victim. At 4956  
least thirty days before the full board hearing and regardless 4957  
of whether the victim has requested that the notice be provided 4958  
or not be provided under this division to the victim, the board 4959  
shall give similar notice to the prosecuting attorney in the 4960  
case, the law enforcement agency that arrested the prisoner if 4961  
any officer of that agency was a victim of the offense, and, if 4962  
different than the victim, the person who requested the full 4963  
hearing. If the prosecuting attorney has not previously been 4964  
sent an institutional summary report with respect to the 4965  
prisoner, upon the request of the prosecuting attorney, the 4966  
board shall include with the notice sent to the prosecuting 4967  
attorney an institutional summary report that covers the 4968  
offender's participation while confined in a state correctional 4969  
institution in training, work, and other rehabilitative 4970  
activities and any disciplinary action taken against the 4971  
offender while so confined. Upon the request of a law 4972  
enforcement agency that has not previously been sent an 4973  
institutional summary report with respect to the prisoner, the 4974  
board also shall send a copy of the institutional summary report 4975  
to the law enforcement agency. If notice is to be provided as 4976  
described in this division, the board may give the notice by any 4977  
reasonable means, including regular mail, telephone, and 4978  
electronic mail, in accordance with division (D)(1) of section 4979  
2930.16 of the Revised Code. If the notice is based on an 4980

offense committed prior to ~~the effective date of this amendment~~ 4981  
March 22, 2013, the notice also shall include the opt-out 4982  
information described in division (D) (1) of section 2930.16 of 4983  
the Revised Code. The board, in accordance with division (D) (2) 4984  
of section 2930.16 of the Revised Code, shall keep a record of 4985  
all attempts to provide the notice, and of all notices provided, 4986  
under this division. 4987

The preceding paragraph, and the notice-related provisions 4988  
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 4989  
of section 2930.16, division (H) of section 2967.12, division 4990  
(E) (1) (b) of section 2967.19, division (A) (3) (b) of section 4991  
2967.26, and division (D) (1) of section 2967.28 of the Revised 4992  
Code enacted in the act in which this paragraph was enacted, 4993  
shall be known as "Roberta's Law." 4994

(B) At a full board hearing that relates to the proposed 4995  
parole or re-parole of a prisoner and that has been petitioned 4996  
for or requested in accordance with division (A) of this 4997  
section, the parole board shall permit the following persons to 4998  
appear and to give testimony or to submit written statements: 4999

(1) The prosecuting attorney of the county in which the 5000  
original indictment against the prisoner was found and members 5001  
of any law enforcement agency that assisted in the prosecution 5002  
of the original offense; 5003

(2) The judge of the court of common pleas who imposed the 5004  
original sentence of incarceration upon the prisoner, or the 5005  
judge's successor; 5006

(3) The victim of the original offense for which the 5007  
prisoner is serving the sentence or the victim's representative 5008  
designated pursuant to section 2930.02 of the Revised Code; 5009

(4) The victim of any behavior that resulted in parole being revoked;	5010 5011
(5) With respect to a full board hearing held pursuant to division (A)(2) of this section, all of the following:	5012 5013
(a) The spouse of the victim of the original offense;	5014
(b) The parent or parents of the victim of the original offense;	5015 5016
(c) The sibling of the victim of the original offense;	5017
(d) The child or children of the victim of the original offense.	5018 5019
(6) Counsel or some other person designated by the prisoner as a representative, as described in division (C) of this section.	5020 5021 5022
(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B)(1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization.	5023 5024 5025 5026 5027 5028 5029
At the request of a person described in division (B)(3) of this section, representatives of the news media described in this division shall be excluded from the hearing while that person is giving testimony at the hearing. The prisoner being considered for parole has no right to be present at the hearing, but may be represented by counsel or some other person designated by the prisoner.	5030 5031 5032 5033 5034 5035 5036
If there is an objection at a full board hearing to a	5037

recommendation for the parole of a prisoner, the board may 5038  
approve or disapprove the recommendation or defer its decision 5039  
until a subsequent full board hearing. The board may permit 5040  
interested persons other than those listed in this division and 5041  
division (B) of this section to attend full board hearings 5042  
pursuant to rules adopted by the adult parole authority. 5043

(D) If the victim of the original offense died as a result 5044  
of the offense and the offense was aggravated murder, murder, an 5045  
offense of violence that is a felony of the first, second, or 5046  
third degree, or an offense punished by a sentence of life 5047  
imprisonment, the family of the victim may show at a full board 5048  
hearing a video recording not exceeding five minutes in length 5049  
memorializing the victim. 5050

(E) The adult parole authority shall adopt rules for the 5051  
implementation of this section. The rules shall specify 5052  
reasonable restrictions on the number of media representatives 5053  
that may attend a hearing, based on considerations of space, and 5054  
other procedures designed to accomplish an effective, orderly 5055  
process for full board hearings. 5056

**Section 2.** That existing sections 109.42, 121.37, 2151.23, 5057  
2151.353, 2151.415, 2151.42, 2152.02, 2152.10, 2152.11, 2152.12, 5058  
2152.121, 2152.13, 2152.14, 2152.18, 2152.20, 2152.21, 2152.26, 5059  
2505.02, 2929.02, 2929.14, 2967.13, 2971.03, and 5149.101 of the 5060  
Revised Code are hereby repealed. 5061

**Section 3.** The General Assembly, in enacting this act, 5062  
respectfully requests that the Supreme Court of Ohio promulgate 5063  
an amendment to the Rules of Appellate Procedure within one year 5064  
of the effective date of this act to expedite the interlocutory 5065  
appeal of a bindover decision pursuant to division (F) of 5066  
section 2152.12 of the Revised Code as amended by this act. 5067

**Section 4.** The General Assembly, applying the principle 5068  
stated in division (B) of section 1.52 of the Revised Code that 5069  
amendments are to be harmonized if reasonably capable of 5070  
simultaneous operation, finds that the following sections, 5071  
presented in this act as composites of the sections as amended 5072  
by the acts indicated, are the resulting versions of the 5073  
sections in effect prior to the effective date of the sections 5074  
as presented in this act: 5075

Section 2151.415 of the Revised Code as amended by both 5076  
Sub. H.B. 50 and Sub. H.B. 158 of the 131st General Assembly. 5077

Section 2152.121 of the Revised Code as amended by both 5078  
Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General 5079  
Assembly. 5080