

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 170
offenses committed by an offender who also is convicted of or 171
pleads guilty to a sexually violent predator specification and 172
who is sentenced to a prison term pursuant to division (A) (3) of 173
section 2971.03 of the Revised Code, of a victim of a violation 174
of division (A) (1) (b) of section 2907.02 of the Revised Code 175
committed on or after January 2, 2007, by an offender who is 176
sentenced for the violation pursuant to division (B) (1) (a), (b), 177
or (c) of section 2971.03 of the Revised Code, of a victim of an 178
attempted rape committed on or after January 2, 2007, by an 179
offender who also is convicted of or pleads guilty to a 180
specification of the type described in section 2941.1418, 181
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 182
the violation pursuant to division (B) (2) (a), (b), or (c) of 183
section 2971.03 of the Revised Code, and of a victim of an 184
offense that is described in division (B) (3) (a), (b), (c), or 185
(d) of section 2971.03 of the Revised Code and is committed by 186
an offender who is sentenced pursuant to one of those divisions 187
to receive, pursuant to section 2930.16 of the Revised Code, 188
notice of a hearing to determine whether to modify the 189
requirement that the offender serve the entire prison term in a 190
state correctional facility, whether to continue, revise, or 191
revoke any existing modification of that requirement, or whether 192
to terminate the prison term. As used in this division, 193
"sexually violent offense" and "sexually violent predator 194
specification" have the same meanings as in section 2971.01 of 195
the Revised Code. 196

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 197
prosecuting attorney, assistant prosecuting attorney, city 198
director of law, assistant city director of law, village 199
solicitor, assistant village solicitor, or similar chief legal 200

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 404
developmental disabilities or, if the superintendent serves as 405
superintendent of more than one county board of developmental 406
disabilities, the superintendent's designee; 407

(g) The superintendent of the city, exempted village, or 408
local school district with the largest number of pupils residing 409
in the county, as determined by the department of education, 410
which shall notify each board of county commissioners of its 411
determination at least biennially; 412

(h) A school superintendent representing all other school 413
districts with territory in the county, as designated at a 414
biennial meeting of the superintendents of those districts; 415

(i) A representative of the municipal corporation with the 416
largest population in the county; 417

(j) The president of the board of county commissioners or 418
an individual designated by the board; 419

(k) ~~A representative of the regional office of the~~ 420
~~department of youth services;~~ 421

~~(l)~~ A representative of the county's head start agencies, 422
as defined in section 3301.32 of the Revised Code; 423

~~(m)~~ (l) A representative of the county's early 424
intervention collaborative established pursuant to the federal 425
early intervention program operated under the "Individuals with 426
Disabilities Education Act of 2004"; 427

~~(n)~~ (m) A representative of a local nonprofit entity that 428
funds, advocates, or provides services to children and families. 429

Notwithstanding any other provision of law, the public 430
members of a county council are not prohibited from serving on 431

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 ~~(1) —~~ 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
~~(1) (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

Sec. 2151.23. (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 815
2301.03 of the Revised Code, to determine the custody of any 816
child not a ward of another court of this state; 817

(3) To hear and determine any application for a writ of 818
habeas corpus involving the custody of a child; 819

(4) To exercise the powers and jurisdiction given the 820
probate division of the court of common pleas in Chapter 5122. 821
of the Revised Code, if the court has probable cause to believe 822
that a child otherwise within the jurisdiction of the court is a 823
mentally ill person subject to court order, as defined in 824
section 5122.01 of the Revised Code; 825

(5) To hear and determine all criminal cases charging 826
adults with the violation of any section of this chapter; 827

(6) To hear and determine all criminal cases in which an 828
adult is charged with a violation of division (C) of section 829
2919.21, division (B)(1) of section 2919.22, section 2919.222, 830
division (B) of section 2919.23, or section 2919.24 of the 831
Revised Code, provided the charge is not included in an 832
indictment that also charges the alleged adult offender with the 833
commission of a felony arising out of the same actions that are 834
the basis of the alleged violation of division (C) of section 835
2919.21, division (B)(1) of section 2919.22, section 2919.222, 836
division (B) of section 2919.23, or section 2919.24 of the 837
Revised Code; 838

(7) Under the interstate compact on juveniles in section 839
2151.56 of the Revised Code; 840

(8) Concerning any child who is to be taken into custody 841
pursuant to section 2151.31 of the Revised Code, upon being 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~~7~~: 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 1674
Revised Code. 1675

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

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

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

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

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

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

(N) "Juvenile traffic offender" means any child who 1698
violates any traffic law, traffic ordinance, or traffic 1699
regulation of this state, the United States, or any political 1700
subdivision of this state, other than a resolution, ordinance, 1701
or regulation of a political subdivision of this state the 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~~ 1789
~~time of the act charged.~~ 1790

~~(b) The child was fourteen or fifteen years of age at the~~ 1791
~~time of the act charged and previously was adjudicated a~~ 1792
~~delinquent child for committing an act that is a category one or~~ 1793
~~category two offense and was committed to the legal custody of~~ 1794
~~the department of youth services upon the basis of that~~ 1795
~~adjudication.~~ 1796

~~(2) The child is charged with a category two offense,~~ 1797
~~other than a violation of section 2905.01 of the Revised Code,~~ 1798
~~the child was sixteen years of age or older at the time of the~~ 1799
~~commission of the act charged, and either or both of the~~ 1800
~~following apply:~~ 1801

~~(a) The child previously was adjudicated a delinquent~~ 1802
~~child for committing an act that is a category one or a category~~ 1803
~~two offense and was committed to the legal custody of the~~ 1804
~~department of youth services on the basis of that adjudication.~~ 1805

~~(b) The child is alleged to have had a firearm on or about~~ 1806
~~the child's person or under the child's control while committing~~ 1807
~~the act charged and to have displayed the firearm, brandished~~ 1808
~~the firearm, indicated possession of the firearm, or used the~~ 1809
~~firearm to facilitate the commission of the act charged.~~ 1810

~~(3) Division (A) (2) of section 2152.12 of the Revised Code~~ 1811
~~applies.~~ 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~~ 1875
~~division (A) (2) or (3) of this section;~~ 1876

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

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

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

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

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

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

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

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

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

of this section; 1903

(3) Traditional juvenile, if divisions ~~(E)~~ (D) (1) and (2) 1904
of this section do not apply. 1905

~~(F)~~ (E) 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 ~~(F)~~ (E) (1) and (2) 1916
of this section do not apply. 1917

~~(G)~~ (F) 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 ~~(G)~~ (F) (1) of this 1926
section does not apply. 1927

~~(H) The following table describes the dispositions that a~~ 1928
~~juvenile court may impose on a delinquent child:~~ 1929

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

~~F5 (Enhanced by any _____ DSYO, _____ TJ _____ TJ _____ TJ~~ 1957
~~enhancement factor) _____ TJ~~ 1958

~~F5 (Not enhanced) _____ TJ _____ TJ _____ TJ _____ TJ~~ 1959

~~(I) The table in division (H) of this section is for~~ 1960
~~illustrative purposes only. If the table conflicts with any~~ 1961
~~provision of divisions (A) to (G) of this section, divisions (A)~~ 1962
~~to (G) of this section shall control.~~ 1963

~~(J) Key for table in division (H) of this section:~~ 1964

~~(1) "Any enhancement factor" applies when the criteria~~ 1965
~~described in division (A) (1), (2), or (3) of this section apply.~~ 1966

~~(2) The "disposition firearm factor" applies when the~~ 1967
~~criteria described in division (A) (2) of this section apply.~~ 1968

~~(3) "DSYO" refers to discretionary serious youthful~~ 1969
~~offender disposition.~~ 1970

~~(4) "F1" refers to an act that would be a felony of the~~ 1971
~~first degree if committed by an adult.~~ 1972

~~(5) "F2" refers to an act that would be a felony of the~~ 1973
~~second degree if committed by an adult.~~ 1974

~~(6) "F3" refers to an act that would be a felony of the~~ 1975
~~third degree if committed by an adult.~~ 1976

~~(7) "F4" refers to an act that would be a felony of the~~ 1977
~~fourth degree if committed by an adult.~~ 1978

~~(8) "F5" refers to an act that would be a felony of the~~ 1979
~~fifth degree if committed by an adult.~~ 1980

~~(9) "MSYO" refers to mandatory serious youthful offender~~ 1981
~~disposition.~~ 1982

~~(10) The "offense of violence factor" applies when the~~ 1983
~~criteria described in division (A) (1) of this section apply.~~ 1984

~~(11) The "previous DYS admission factor" applies when the~~ 1985
~~criteria described in division (A) (3) of this section apply.~~ 1986

~~(12) "TJ" refers to traditional juvenile.~~ 1987

Sec. 2152.12. (A) (1) ~~(a)~~ 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, ~~murder, attempted~~ 1990
~~aggravated murder, or attempted murder~~ if committed by an adult, 1991
the juvenile court at a hearing shall transfer the case if 1992
~~either of the following applies:~~ 1993

~~(i) The child was sixteen or seventeen years of age at the~~ 1994
time of the act charged and there is probable cause to believe 1995
that the child committed the act charged. 1996

~~(ii) The child was fourteen or fifteen years of age at the~~ 1997
time of the act charged, section 2152.10 of the Revised Code 1998
provides that the child is eligible for mandatory transfer, and 1999
there is probable cause to believe that the child committed the 2000
act charged. 2001

~~(b) After a complaint has been filed alleging that a child~~ 2002
~~is a delinquent child by reason of committing a category two~~ 2003
~~offense, the juvenile court at a hearing shall transfer the case~~ 2004
~~if the child was sixteen or seventeen years of age at the time~~ 2005
~~of the act charged and either of the following applies:~~ 2006

~~(i) Division (A) (2) (a) of section 2152.10 of the Revised~~ 2007
Code requires the mandatory transfer of the case, and there is 2008
probable cause to believe that the child committed the act 2009
charged. 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.~~

~~(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:~~

~~(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.~~

~~(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.~~

~~(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.~~

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

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, 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~~ 2126
~~within the juvenile system and the level of security available~~ 2127
~~in the juvenile system provides a reasonable assurance of public~~ 2128
~~safety.~~ 2129

~~(F) If one or more complaints are filed alleging that a~~ 2130
~~child is a delinquent child for committing two or more acts that~~ 2131
~~would be offenses if committed by an adult, if a motion is made~~ 2132
~~alleging that division (A) of this section applies and requires~~ 2133
~~that the case or cases involving one or more of the acts charged~~ 2134
~~be transferred, and if a motion also is made requesting that the~~ 2135
~~case or cases involving one or more of the acts charged be~~ 2136
~~transferred pursuant to division (B) of this section, the~~ 2137
~~juvenile court, in deciding the motions, shall proceed in the~~ 2138
~~following manner:~~ 2139

~~(1) Initially, the court shall decide the motion alleging~~ 2140
~~that division (A) of this section applies and requires that the~~ 2141
~~case or cases involving one or more of the acts charged be~~ 2142
~~transferred.~~ 2143

~~(2) If the court determines that division (A) of this~~ 2144
~~section applies and requires that the case or cases involving~~ 2145
~~one or more of the acts charged be transferred, the court shall~~ 2146
~~transfer the case or cases in accordance with that division.~~ 2147
~~After the transfer pursuant to division (A) of this section, the~~ 2148
~~court shall decide, in accordance with division (B) of this~~ 2149
~~section, whether to grant the motion requesting that the case or~~ 2150
~~cases involving one or more of the acts charged be transferred~~ 2151
~~pursuant to that division. Notwithstanding division (B) of this~~ 2152
~~section, prior to transferring a case pursuant to division (A)~~ 2153
~~of this section, the court is not required to consider any~~ 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

~~(G)~~ (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

(a) Whether the child's relationship with the victim 2184
facilitated the act charged; 2185

(b) Whether the victim induced or facilitated the act 2186
charged or the child acted under provocation in allegedly 2187
committing the act charged. 2188

(4) The circumstances of the offense, including the 2189
following: 2190

(a) Whether the child was not the principle actor in the 2191
act charged, or, at the time of the act charged, the child was 2192
under the negative influence or coercion of another person; 2193

(b) Whether the child allegedly committed the act charged 2194
for hire or as part of a gang; 2195

(c) Whether the child did or did not have a firearm on or 2196
about the child's person or under the child's control at the 2197
time of the act charged, the act charged is not a violation of 2198
section 2923.12 of the Revised Code, and the child, during the 2199
commission of the act charged, allegedly used or displayed the 2200
firearm, brandished the firearm, or indicated that the child 2201
possesses a firearm. 2202

(5) The child's prior experience in the juvenile court, 2203
including the presence or lack of any prior or current cases and 2204
rehabilitative efforts by the juvenile court and the 2205
availability of a reasonable and appropriate juvenile sanction 2206
or program that has not yet been utilized; 2207

(6) The child's individual developmental characteristics, 2208
including the following: 2209

(a) Whether the child is emotionally, physically, or 2210
psychologically mature enough for the transfer; 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~~ 2927
~~combination of the previously described forms of restitution.~~ 2928

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

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

~~The victim or the survivor of the victim may request that~~ 2957
~~the prosecuting authority file a motion, or the delinquent child~~ 2958
~~or juvenile traffic offender may file a motion, for modification~~ 2959
~~of the payment terms of any restitution ordered under this~~ 2960
~~division. If the court grants the motion, it may modify the~~ 2961
~~payment terms as it determines appropriate as provided under~~ 2962
~~section 2152.203 of the Revised Code.~~ 2963

(4) Require the child to reimburse any or all of the costs 2964
incurred for services or sanctions provided or imposed, 2965
including, but not limited to, the following: 2966

(a) All or part of the costs of implementing any community 2967
control imposed as a disposition under section 2152.19 of the 2968
Revised Code, including a supervision fee; 2969

(b) All or part of the costs of confinement in a 2970
residential facility described in section 2152.19 of the Revised 2971
Code ~~or in a department of youth services institution,~~ 2972
including, but not limited to, a per diem fee for room and 2973
board, the costs of medical and dental treatment provided, and 2974
the costs of repairing property the delinquent child damaged 2975
while so confined. ~~The amount of reimbursement ordered for a~~ 2976
~~child under this division shall not exceed the total amount of~~ 2977
~~reimbursement the child is able to pay as determined at a~~ 2978
~~hearing and shall not exceed the actual cost of the confinement.~~ 2979
~~The court may collect any reimbursement ordered under this~~ 2980
~~division. If the court does not order reimbursement under this~~ 2981
~~division, confinement costs may be assessed pursuant to a~~ 2982
~~repayment policy adopted under section 2929.37 of the Revised~~ 2983
~~Code and division (D) of section 307.93, division (A) of section~~ 2984
~~341.19, division (C) of section 341.23 or 753.16, division (C)~~ 2985
~~of section 2301.56, or division (B) of section 341.14, 753.02,~~ 2986

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

2987

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

2988

2989

2990

2991

2992

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

2993

2994

2995

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

2996

2997

2998

2999

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

3000

3001

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

3002

3003

3004

3005

3006

3007

3008

3009

3010

3011

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

3012

3013

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

debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 3135
2333.27 of the Revised Code; 3136

(ii) A proceeding for attachment of the person of the 3137
judgment debtor under section 2333.28 of the Revised Code; 3138

(iii) A creditor's suit under section 2333.01 of the 3139
Revised Code. 3140

(d) The attachment of the property of the judgment debtor 3141
under Chapter 2715. of the Revised Code; 3142

(e) The garnishment of the property of the judgment debtor 3143
under Chapter 2716. of the Revised Code. 3144

(3) Obtain an order for the assignment of wages of the 3145
judgment debtor under section 1321.33 of the Revised Code. 3146

Sec. 2152.21. (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
2903.01 or 2907.02 of the Revised Code and the penalty imposed
for the violation is life imprisonment or commits a violation of
section 2903.02 of the Revised Code, if the offender commits a
violation of section 2925.03 or 2925.11 of the Revised Code and
that section classifies the offender as a major drug offender,
if the offender commits a felony violation of section 2925.02,
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161,
4729.37, or 4729.61, division (C) or (D) of section 3719.172,
division (E) of section 4729.51, or division (J) of section
4729.54 of the Revised Code that includes the sale, offer to
sell, or possession of a schedule I or II controlled substance,
with the exception of marihuana, and the court imposing sentence
upon the offender finds that the offender is guilty of a
specification of the type described in section 2941.1410 of the
Revised Code charging that the offender is a major drug
offender, if the court imposing sentence upon an offender for a
felony finds that the offender is guilty of corrupt activity
with the most serious offense in the pattern of corrupt activity
being a felony of the first degree, or if the offender is guilty
of an attempted violation of section 2907.02 of the Revised Code
and, had the offender completed the violation of section 2907.02
of the Revised Code that was attempted, the offender would have
been subject to a sentence of life imprisonment or life
imprisonment without parole for the violation of section 2907.02
of the Revised Code, the court shall impose upon the offender
for the felony violation a mandatory prison term of the maximum
prison term prescribed for a felony of the first degree that,
subject to divisions (C) to (I) of section 2967.19 of the
Revised Code, cannot be reduced pursuant to section 2929.20,

3936

3937

3938

3939

3940

3941

3942

3943

3944

3945

3946

3947

3948

3949

3950

3951

3952

3953

3954

3955

3956

3957

3958

3959

3960

3961

3962

3963

3964

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 4087
Revised Code, the court shall impose on the offender a mandatory 4088
prison term of six years if either of the following applies: 4089

(i) The violation is a violation of division (A)(1) of 4090
section 2903.11 of the Revised Code and the specification 4091
charges that the offender used an accelerant in committing the 4092
violation and the serious physical harm to another or to 4093
another's unborn caused by the violation resulted in a 4094
permanent, serious disfigurement or permanent, substantial 4095
incapacity; 4096

(ii) The violation is a violation of division (A)(2) of 4097
section 2903.11 of the Revised Code and the specification 4098
charges that the offender used an accelerant in committing the 4099
violation, that the violation caused physical harm to another or 4100
to another's unborn, and that the physical harm resulted in a 4101
permanent, serious disfigurement or permanent, substantial 4102
incapacity. 4103

(b) If a court imposes a prison term on an offender under 4104
division (B)(9)(a) of this section, the prison term shall not be 4105
reduced pursuant to section 2929.20, section 2967.19, section 4106
2967.193, or any other provision of Chapter 2967. or Chapter 4107
5120. of the Revised Code. A court shall not impose more than 4108
one prison term on an offender under division (B)(9) of this 4109
section for felonies committed as part of the same act. 4110

(c) The provisions of divisions (B)(9) and (C)(6) of this 4111
section and of division (D)(2) of section 2903.11, division (F) 4112
(20) of section 2929.13, and section 2941.1425 of the Revised 4113
Code shall be known as "Judy's Law." 4114

(C)(1)(a) Subject to division (C)(1)(b) of this section, 4115

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 4387
program of shock incarceration or in an intensive program 4388
prison, and if the offender is subsequently placed in the 4389
recommended program or prison, the department shall notify the 4390
court of the placement and shall include with the notice a brief 4391
description of the placement. 4392

If the court recommends placement of the offender in a 4393
program of shock incarceration or in an intensive program prison 4394
and the department does not subsequently place the offender in 4395
the recommended program or prison, the department shall send a 4396
notice to the court indicating why the offender was not placed 4397
in the recommended program or prison. 4398

If the court does not make a recommendation under this 4399
division with respect to an offender and if the department 4400
determines as specified in section 5120.031 or 5120.032 of the 4401
Revised Code, whichever is applicable, that the offender is 4402
eligible for placement in a program or prison of that nature, 4403
the department shall screen the offender and determine if there 4404
is an available program of shock incarceration or an intensive 4405
program prison for which the offender is suited. If there is an 4406
available program of shock incarceration or an intensive program 4407
prison for which the offender is suited, the department shall 4408
notify the court of the proposed placement of the offender as 4409
specified in section 5120.031 or 5120.032 of the Revised Code 4410
and shall include with the notice a brief description of the 4411
placement. The court shall have ten days from receipt of the 4412
notice to disapprove the placement. 4413

(J) If a person is convicted of or pleads guilty to 4414
aggravated vehicular homicide in violation of division (A) (1) of 4415
section 2903.06 of the Revised Code and division (B) (2) (c) of 4416

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

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

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

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

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:

4593
4594
4595
4596
4597
4598
4599
4600
4601
4602
4603
4604
4605
4606
4607
4608
4609
4610

(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.

4611
4612
4613
4614
4615
4616
4617
4618

(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

4619
4620
4621

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 5010
being revoked; 5011

(5) With respect to a full board hearing held pursuant to 5012
division (A)(2) of this section, all of the following: 5013

(a) The spouse of the victim of the original offense; 5014

(b) The parent or parents of the victim of the original 5015
offense; 5016

(c) The sibling of the victim of the original offense; 5017

(d) The child or children of the victim of the original 5018
offense. 5019

(6) Counsel or some other person designated by the 5020
prisoner as a representative, as described in division (C) of 5021
this section. 5022

(C) Except as otherwise provided in this division, a full 5023
board hearing of the parole board is not subject to section 5024
121.22 of the Revised Code. The persons who may attend a full 5025
board hearing are the persons described in divisions (B)(1) to 5026
(6) of this section, and representatives of the press, radio and 5027
television stations, and broadcasting networks who are members 5028
of a generally recognized professional media organization. 5029

At the request of a person described in division (B)(3) of 5030
this section, representatives of the news media described in 5031
this division shall be excluded from the hearing while that 5032
person is giving testimony at the hearing. The prisoner being 5033
considered for parole has no right to be present at the hearing, 5034
but may be represented by counsel or some other person 5035
designated by the prisoner. 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