

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**H. B. No. 394**

**Representative Rezabek**

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**A BILL**

To amend sections 109.42, 109.57, 2151.23, 2152.02, 1  
2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2  
2152.18, 2152.20, 2152.21, 2152.26, 2505.02, 3  
2929.02, 2929.14, 2967.13, 2971.03, and 4  
5149.101, to enact sections 2152.011, 2152.203, 5  
and 2967.132, and to repeal section 2152.121 of 6  
the Revised Code to eliminate mandatory and 7  
reverse bindovers, and modify the procedures for 8  
discretionary bindovers, of an alleged juvenile 9  
offender from a juvenile court to a criminal 10  
court; to revise the procedures for determining 11  
the delinquent child confinement credit; to 12  
revise certain delinquent child financial 13  
sanction dispositions and procedures and 14  
establish a separate restitution disposition; 15  
and to provide special parole eligibility dates 16  
for persons with an indefinite or life sentence 17  
imposed for an offense other than aggravated 18  
murder or another crime involving the purposeful 19  
killing of multiple persons committed when the 20  
person was under age 18 and special Parole Board 21  
procedures in those cases. 22

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

**Section 1.** That sections 109.42, 109.57, 2151.23, 2152.02, 23  
2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2152.18, 2152.20, 24  
2152.21, 2152.26, 2505.02, 2929.02, 2929.14, 2967.13, 2971.03, 25  
and 5149.101 be amended and sections 2152.011, 2152.203, and 26  
2967.132 of the Revised Code be enacted to read as follows: 27

**Sec. 109.42.** (A) The attorney general shall prepare and 28  
have printed a pamphlet that contains a compilation of all 29  
statutes relative to victim's rights in which the attorney 30  
general lists and explains the statutes in the form of a 31  
victim's bill of rights. The attorney general shall distribute 32  
the pamphlet to all sheriffs, marshals, municipal corporation 33  
and township police departments, constables, and other law 34  
enforcement agencies, to all prosecuting attorneys, city 35  
directors of law, village solicitors, and other similar chief 36  
legal officers of municipal corporations, and to organizations 37  
that represent or provide services for victims of crime. The 38  
victim's bill of rights set forth in the pamphlet shall contain 39  
a description of all of the rights of victims that are provided 40  
for in Chapter 2930. or in any other section of the Revised Code 41  
and shall include, but not be limited to, all of the following: 42

(1) The right of a victim or a victim's representative to 43  
attend a proceeding before a grand jury, in a juvenile case, or 44  
in a criminal case pursuant to a subpoena without being 45  
discharged from the victim's or representative's employment, 46  
having the victim's or representative's employment terminated, 47  
having the victim's or representative's pay decreased or 48  
withheld, or otherwise being punished, penalized, or threatened 49  
as a result of time lost from regular employment because of the 50  
victim's or representative's attendance at the proceeding 51  
pursuant to the subpoena, as set forth in section 2151.211, 52  
2930.18, 2939.121, or 2945.451 of the Revised Code; 53

(2) The potential availability pursuant to section 54  
2151.359 or 2152.61 of the Revised Code of a forfeited 55  
recognizance to pay damages caused by a child when the 56  
delinquency of the child or child's violation of probation or 57  
community control is found to be proximately caused by the 58  
failure of the child's parent or guardian to subject the child 59  
to reasonable parental authority or to faithfully discharge the 60  
conditions of probation or community control; 61

(3) The availability of awards of reparations pursuant to 62  
sections 2743.51 to 2743.72 of the Revised Code for injuries 63  
caused by criminal offenses; 64

(4) The right of the victim in certain criminal or 65  
juvenile cases or a victim's representative to receive, pursuant 66  
to section 2930.06 of the Revised Code, notice of the date, 67  
time, and place of the trial or delinquency proceeding in the 68  
case or, if there will not be a trial or delinquency proceeding, 69  
information from the prosecutor, as defined in section 2930.01 70  
of the Revised Code, regarding the disposition of the case; 71

(5) The right of the victim in certain criminal or 72  
juvenile cases or a victim's representative to receive, pursuant 73  
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 74  
notice of the name of the person charged with the violation, the 75  
case or docket number assigned to the charge, and a telephone 76  
number or numbers that can be called to obtain information about 77  
the disposition of the case; 78

(6) The right of the victim in certain criminal or 79  
juvenile cases or of the victim's representative pursuant to 80  
section 2930.13 or 2930.14 of the Revised Code, subject to any 81  
reasonable terms set by the court as authorized under section 82  
2930.14 of the Revised Code, to make a statement about the 83

victimization and, if applicable, a statement relative to the 84  
sentencing or disposition of the offender; 85

(7) The opportunity to obtain a court order, pursuant to 86  
section 2945.04 of the Revised Code, to prevent or stop the 87  
commission of the offense of intimidation of a crime victim or 88  
witness or an offense against the person or property of the 89  
complainant, or of the complainant's ward or child; 90

(8) The right of the victim in certain criminal or 91  
juvenile cases or a victim's representative pursuant to sections 92  
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 93  
Code to receive notice of a pending motion for judicial release, 94  
release pursuant to section 2967.19 of the Revised Code, or 95  
other early release of the person who committed the offense 96  
against the victim, to make an oral or written statement at the 97  
court hearing on the motion, and to be notified of the court's 98  
decision on the motion; 99

(9) The right of the victim in certain criminal or 100  
juvenile cases or a victim's representative pursuant to section 101  
2930.16, 2967.12, 2967.26, or 5139.56 of the Revised Code to 102  
receive notice of any pending commutation, pardon, parole, 103  
transitional control, discharge, other form of authorized 104  
release, post-release control, or supervised release for the 105  
person who committed the offense against the victim or any 106  
application for release of that person and to send a written 107  
statement relative to the victimization and the pending action 108  
to the adult parole authority or the release authority of the 109  
department of youth services; 110

(10) The right of the victim to bring a civil action 111  
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 112  
obtain money from the offender's profit fund; 113

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

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

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

(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive that notice from the custodial agency of the person at the victim's last address or telephone number provided to the custodial agency, and to receive notice that, if either the victim's address or telephone number changes, it is in the victim's interest to provide the new address or telephone number to the custodial agency;

(15) The right of a victim of domestic violence to seek the issuance of a civil protection order pursuant to section 3113.31 of the Revised Code, the right of a victim of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code, a violation of a substantially similar municipal ordinance, or an offense of violence who is a family or household member of the offender at

the time of the offense to seek the issuance of a temporary 144  
protection order pursuant to section 2919.26 of the Revised 145  
Code, and the right of both types of victims to be accompanied 146  
by a victim advocate during court proceedings; 147

(16) The right of a victim of a sexually oriented offense 148  
or of a child-victim oriented offense that is committed by a 149  
person who is convicted of, pleads guilty to, or is adjudicated 150  
a delinquent child for committing the offense and who is in a 151  
category specified in division (B) of section 2950.10 of the 152  
Revised Code to receive, pursuant to that section, notice that 153  
the person has registered with a sheriff under section 2950.04, 154  
2950.041, or 2950.05 of the Revised Code and notice of the 155  
person's name, the person's residence that is registered, and 156  
the offender's school, institution of higher education, or place 157  
of employment address or addresses that are registered, the 158  
person's photograph, and a summary of the manner in which the 159  
victim must make a request to receive the notice. As used in 160  
this division, "sexually oriented offense" and "child-victim 161  
oriented offense" have the same meanings as in section 2950.01 162  
of the Revised Code. 163

(17) The right of a victim of certain sexually violent 164  
offenses committed by an offender who also is convicted of or 165  
pleads guilty to a sexually violent predator specification and 166  
who is sentenced to a prison term pursuant to division (A) (3) of 167  
section 2971.03 of the Revised Code, of a victim of a violation 168  
of division (A) (1) (b) of section 2907.02 of the Revised Code 169  
committed on or after January 2, 2007, by an offender who is 170  
sentenced for the violation pursuant to division (B) (1) (a), (b), 171  
or (c) of section 2971.03 of the Revised Code, of a victim of an 172  
attempted rape committed on or after January 2, 2007, by an 173  
offender who also is convicted of or pleads guilty to a 174

specification of the type described in section 2941.1418, 175  
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 176  
the violation pursuant to division (B) (2) (a), (b), or (c) of 177  
section 2971.03 of the Revised Code, and of a victim of an 178  
offense that is described in division (B) (3) (a), (b), (c), or 179  
(d) of section 2971.03 of the Revised Code and is committed by 180  
an offender who is sentenced pursuant to one of those divisions 181  
to receive, pursuant to section 2930.16 of the Revised Code, 182  
notice of a hearing to determine whether to modify the 183  
requirement that the offender serve the entire prison term in a 184  
state correctional facility, whether to continue, revise, or 185  
revoke any existing modification of that requirement, or whether 186  
to terminate the prison term. As used in this division, 187  
"sexually violent offense" and "sexually violent predator 188  
specification" have the same meanings as in section 2971.01 of 189  
the Revised Code. 190

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 191  
prosecuting attorney, assistant prosecuting attorney, city 192  
director of law, assistant city director of law, village 193  
solicitor, assistant village solicitor, or similar chief legal 194  
officer of a municipal corporation or an assistant of any of 195  
those officers who prosecutes an offense committed in this 196  
state, upon first contact with the victim of the offense, the 197  
victim's family, or the victim's dependents, shall give the 198  
victim, the victim's family, or the victim's dependents a copy 199  
of the pamphlet prepared pursuant to division (A) of this 200  
section and explain, upon request, the information in the 201  
pamphlet to the victim, the victim's family, or the victim's 202  
dependents. 203

(b) Subject to division (B) (1) (c) of this section, a law 204  
enforcement agency that investigates an offense or delinquent 205

act committed in this state shall give the victim of the offense 206  
or delinquent act, the victim's family, or the victim's 207  
dependents a copy of the pamphlet prepared pursuant to division 208  
(A) of this section at one of the following times: 209

(i) Upon first contact with the victim, the victim's 210  
family, or the victim's dependents; 211

(ii) If the offense or delinquent act is an offense of 212  
violence, if the circumstances of the offense or delinquent act 213  
and the condition of the victim, the victim's family, or the 214  
victim's dependents indicate that the victim, the victim's 215  
family, or the victim's dependents will not be able to 216  
understand the significance of the pamphlet upon first contact 217  
with the agency, and if the agency anticipates that it will have 218  
an additional contact with the victim, the victim's family, or 219  
the victim's dependents, upon the agency's second contact with 220  
the victim, the victim's family, or the victim's dependents. 221

If the agency does not give the victim, the victim's 222  
family, or the victim's dependents a copy of the pamphlet upon 223  
first contact with them and does not have a second contact with 224  
the victim, the victim's family, or the victim's dependents, the 225  
agency shall mail a copy of the pamphlet to the victim, the 226  
victim's family, or the victim's dependents at their last known 227  
address. 228

(c) In complying on and after December 9, 1994, with the 229  
duties imposed by division (B) (1) (a) or (b) of this section, an 230  
official or a law enforcement agency shall use copies of the 231  
pamphlet that are in the official's or agency's possession on 232  
December 9, 1994, until the official or agency has distributed 233  
all of those copies. After the official or agency has 234  
distributed all of those copies, the official or agency shall 235

use only copies of the pamphlet that contain at least the 236  
information described in divisions (A) (1) to (17) of this 237  
section. 238

(2) The failure of a law enforcement agency or of a 239  
prosecuting attorney, assistant prosecuting attorney, city 240  
director of law, assistant city director of law, village 241  
solicitor, assistant village solicitor, or similar chief legal 242  
officer of a municipal corporation or an assistant to any of 243  
those officers to give, as required by division (B) (1) of this 244  
section, the victim of an offense or delinquent act, the 245  
victim's family, or the victim's dependents a copy of the 246  
pamphlet prepared pursuant to division (A) of this section does 247  
not give the victim, the victim's family, the victim's 248  
dependents, or a victim's representative any rights under 249  
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 250  
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 251  
other provision of the Revised Code and does not affect any 252  
right under those sections. 253

(3) A law enforcement agency, a prosecuting attorney or 254  
assistant prosecuting attorney, or a city director of law, 255  
assistant city director of law, village solicitor, assistant 256  
village solicitor, or similar chief legal officer of a municipal 257  
corporation that distributes a copy of the pamphlet prepared 258  
pursuant to division (A) of this section shall not be required 259  
to distribute a copy of an information card or other printed 260  
material provided by the clerk of the court of claims pursuant 261  
to section 2743.71 of the Revised Code. 262

(C) The cost of printing and distributing the pamphlet 263  
prepared pursuant to division (A) of this section shall be paid 264  
out of the reparations fund, created pursuant to section 265

2743.191 of the Revised Code, in accordance with division (D) of that section.	266 267
(D) As used in this section:	268
(1) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code;	269 270
(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.	271 272
<b>Sec. 109.57.</b> (A) (1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, of all children under eighteen years of age who have been adjudicated delinquent children for committing within this state an act that would be a felony or an offense of violence if committed by an adult or who have been convicted of or pleaded guilty to committing within this state a felony or an offense of violence, and of all well-known and habitual criminals. The person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and the person in charge of any state institution having custody of a person suspected of having committed a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor	273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295

described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 296  
section 109.572 of the Revised Code or having custody of a child 297  
under eighteen years of age with respect to whom there is 298  
probable cause to believe that the child may have committed an 299  
act that would be a felony or an offense of violence if 300  
committed by an adult shall furnish such material to the 301  
superintendent of the bureau. Fingerprints, photographs, or 302  
other descriptive information of a child who is under eighteen 303  
years of age, has not been arrested or otherwise taken into 304  
custody for committing an act that would be a felony or an 305  
offense of violence who is not in any other category of child 306  
specified in this division, if committed by an adult, has not 307  
been adjudicated a delinquent child for committing an act that 308  
would be a felony or an offense of violence if committed by an 309  
adult, has not been convicted of or pleaded guilty to committing 310  
a felony or an offense of violence, and is not a child with 311  
respect to whom there is probable cause to believe that the 312  
child may have committed an act that would be a felony or an 313  
offense of violence if committed by an adult shall not be 314  
procured by the superintendent or furnished by any person in 315  
charge of any county, multicounty, municipal, municipal-county, 316  
or multicounty-municipal jail or workhouse, community-based 317  
correctional facility, halfway house, alternative residential 318  
facility, or state correctional institution, except as 319  
authorized in section 2151.313 of the Revised Code. 320

(2) Every clerk of a court of record in this state, other 321  
than the supreme court or a court of appeals, shall send to the 322  
superintendent of the bureau a weekly report containing a 323  
summary of each case involving a felony, involving any crime 324  
constituting a misdemeanor on the first offense and a felony on 325  
subsequent offenses, involving a misdemeanor described in 326

division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 327  
of the Revised Code, or involving an adjudication in a case in 328  
which a child under eighteen years of age was alleged to be a 329  
delinquent child for committing an act that would be a felony or 330  
an offense of violence if committed by an adult. The clerk of 331  
the court of common pleas shall include in the report and 332  
summary the clerk sends under this division all information 333  
described in divisions (A) (2) (a) to (f) of this section 334  
regarding a case before the court of appeals that is served by 335  
that clerk. The summary shall be written on the standard forms 336  
furnished by the superintendent pursuant to division (B) of this 337  
section and shall include the following information: 338

(a) The incident tracking number contained on the standard 339  
forms furnished by the superintendent pursuant to division (B) 340  
of this section; 341

(b) The style and number of the case; 342

(c) The date of arrest, offense, summons, or arraignment; 343

(d) The date that the person was convicted of or pleaded 344  
guilty to the offense, adjudicated a delinquent child for 345  
committing the act that would be a felony or an offense of 346  
violence if committed by an adult, found not guilty of the 347  
offense, or found not to be a delinquent child for committing an 348  
act that would be a felony or an offense of violence if 349  
committed by an adult, the date of an entry dismissing the 350  
charge, an entry declaring a mistrial of the offense in which 351  
the person is discharged, an entry finding that the person or 352  
child is not competent to stand trial, or an entry of a nolle 353  
prosequi, or the date of any other determination that 354  
constitutes final resolution of the case; 355

(e) A statement of the original charge with the section of 356  
the Revised Code that was alleged to be violated; 357

(f) If the person or child was convicted, pleaded guilty, 358  
or was adjudicated a delinquent child, the sentence or terms of 359  
probation imposed or any other disposition of the offender or 360  
the delinquent child. 361

If the offense involved the disarming of a law enforcement 362  
officer or an attempt to disarm a law enforcement officer, the 363  
clerk shall clearly state that fact in the summary, and the 364  
superintendent shall ensure that a clear statement of that fact 365  
is placed in the bureau's records. 366

(3) The superintendent shall cooperate with and assist 367  
sheriffs, chiefs of police, and other law enforcement officers 368  
in the establishment of a complete system of criminal 369  
identification and in obtaining fingerprints and other means of 370  
identification of all persons arrested on a charge of a felony, 371  
any crime constituting a misdemeanor on the first offense and a 372  
felony on subsequent offenses, or a misdemeanor described in 373  
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 374  
of the Revised Code and of all children under eighteen years of 375  
age arrested or otherwise taken into custody for committing an 376  
act that would be a felony or an offense of violence if 377  
committed by an adult. The superintendent also shall file for 378  
record the fingerprint impressions of all persons confined in a 379  
county, multicounty, municipal, municipal-county, or 380  
multicounty-municipal jail or workhouse, community-based 381  
correctional facility, halfway house, alternative residential 382  
facility, or state correctional institution for the violation of 383  
state laws and of all children under eighteen years of age who 384  
are confined in a county, multicounty, municipal, municipal- 385

county, or multicounty-municipal jail or workhouse, community- 386  
based correctional facility, halfway house, alternative 387  
residential facility, or state correctional institution or in 388  
any facility for delinquent children for committing an act that 389  
would be a felony or an offense of violence if committed by an 390  
adult, and any other information that the superintendent may 391  
receive from law enforcement officials of the state and its 392  
political subdivisions. 393

(4) The superintendent shall carry out Chapter 2950. of 394  
the Revised Code with respect to the registration of persons who 395  
are convicted of or plead guilty to a sexually oriented offense 396  
or a child-victim oriented offense and with respect to all other 397  
duties imposed on the bureau under that chapter. 398

(5) The bureau shall perform centralized recordkeeping 399  
functions for criminal history records and services in this 400  
state for purposes of the national crime prevention and privacy 401  
compact set forth in section 109.571 of the Revised Code and is 402  
the criminal history record repository as defined in that 403  
section for purposes of that compact. The superintendent or the 404  
superintendent's designee is the compact officer for purposes of 405  
that compact and shall carry out the responsibilities of the 406  
compact officer specified in that compact. 407

(6) The superintendent shall, upon request, assist a 408  
county coroner in the identification of a deceased person 409  
through the use of fingerprint impressions obtained pursuant to 410  
division (A) (1) of this section or collected pursuant to section 411  
109.572 or 311.41 of the Revised Code. 412

(B) The superintendent shall prepare and furnish to every 413  
county, multicounty, municipal, municipal-county, or 414  
multicounty-municipal jail or workhouse, community-based 415

correctional facility, halfway house, alternative residential 416  
facility, or state correctional institution and to every clerk 417  
of a court in this state specified in division (A) (2) of this 418  
section standard forms for reporting the information required 419  
under division (A) of this section. The standard forms that the 420  
superintendent prepares pursuant to this division may be in a 421  
tangible format, in an electronic format, or in both tangible 422  
formats and electronic formats. 423

(C) (1) The superintendent may operate a center for 424  
electronic, automated, or other data processing for the storage 425  
and retrieval of information, data, and statistics pertaining to 426  
criminals and to children under eighteen years of age who are 427  
adjudicated delinquent children for committing an act that would 428  
be a felony or an offense of violence if committed by an adult, 429  
criminal activity, crime prevention, law enforcement, and 430  
criminal justice, and may establish and operate a statewide 431  
communications network to be known as the Ohio law enforcement 432  
gateway to gather and disseminate information, data, and 433  
statistics for the use of law enforcement agencies and for other 434  
uses specified in this division. The superintendent may gather, 435  
store, retrieve, and disseminate information, data, and 436  
statistics that pertain to children who are under eighteen years 437  
of age and that are gathered pursuant to sections 109.57 to 438  
109.61 of the Revised Code together with information, data, and 439  
statistics that pertain to adults and that are gathered pursuant 440  
to those sections. 441

(2) The superintendent or the superintendent's designee 442  
shall gather information of the nature described in division (C) 443  
(1) of this section that pertains to the offense and delinquency 444  
history of a person who has been convicted of, pleaded guilty 445  
to, or been adjudicated a delinquent child for committing a 446

sexually oriented offense or a child-victim oriented offense for 447  
inclusion in the state registry of sex offenders and child- 448  
victim offenders maintained pursuant to division (A) (1) of 449  
section 2950.13 of the Revised Code and in the internet database 450  
operated pursuant to division (A) (13) of that section and for 451  
possible inclusion in the internet database operated pursuant to 452  
division (A) (11) of that section. 453

(3) In addition to any other authorized use of 454  
information, data, and statistics of the nature described in 455  
division (C) (1) of this section, the superintendent or the 456  
superintendent's designee may provide and exchange the 457  
information, data, and statistics pursuant to the national crime 458  
prevention and privacy compact as described in division (A) (5) 459  
of this section. 460

(4) The Ohio law enforcement gateway shall contain the 461  
name, confidential address, and telephone number of program 462  
participants in the address confidentiality program established 463  
under sections 111.41 to 111.47 of the Revised Code. 464

(5) The attorney general may adopt rules under Chapter 465  
119. of the Revised Code establishing guidelines for the 466  
operation of and participation in the Ohio law enforcement 467  
gateway. The rules may include criteria for granting and 468  
restricting access to information gathered and disseminated 469  
through the Ohio law enforcement gateway. The attorney general 470  
shall adopt rules under Chapter 119. of the Revised Code that 471  
grant access to information in the gateway regarding an address 472  
confidentiality program participant under sections 111.41 to 473  
111.47 of the Revised Code to only chiefs of police, village 474  
marshals, county sheriffs, county prosecuting attorneys, and a 475  
designee of each of these individuals. The attorney general 476

shall permit the state medical board and board of nursing to 477  
access and view, but not alter, information gathered and 478  
disseminated through the Ohio law enforcement gateway. 479

The attorney general may appoint a steering committee to 480  
advise the attorney general in the operation of the Ohio law 481  
enforcement gateway that is comprised of persons who are 482  
representatives of the criminal justice agencies in this state 483  
that use the Ohio law enforcement gateway and is chaired by the 484  
superintendent or the superintendent's designee. 485

(D) (1) The following are not public records under section 486  
149.43 of the Revised Code: 487

(a) Information and materials furnished to the 488  
superintendent pursuant to division (A) of this section; 489

(b) Information, data, and statistics gathered or 490  
disseminated through the Ohio law enforcement gateway pursuant 491  
to division (C) (1) of this section; 492

(c) Information and materials furnished to any board or 493  
person under division (F) or (G) of this section. 494

(2) The superintendent or the superintendent's designee 495  
shall gather and retain information so furnished under division 496  
(A) of this section that pertains to the offense and delinquency 497  
history of a person who has been convicted of, pleaded guilty 498  
to, or been adjudicated a delinquent child for committing a 499  
sexually oriented offense or a child-victim oriented offense for 500  
the purposes described in division (C) (2) of this section. 501

(E) (1) The attorney general shall adopt rules, in 502  
accordance with Chapter 119. of the Revised Code and subject to 503  
division (E) (2) of this section, setting forth the procedure by 504  
which a person may receive or release information gathered by 505

the superintendent pursuant to division (A) of this section. A 506  
reasonable fee may be charged for this service. If a temporary 507  
employment service submits a request for a determination of 508  
whether a person the service plans to refer to an employment 509  
position has been convicted of or pleaded guilty to an offense 510  
listed or described in division (A) (1), (2), or (3) of section 511  
109.572 of the Revised Code, the request shall be treated as a 512  
single request and only one fee shall be charged. 513

(2) Except as otherwise provided in this division or 514  
division (E) (3) or (4) of this section, a rule adopted under 515  
division (E) (1) of this section may provide only for the release 516  
of information gathered pursuant to division (A) of this section 517  
that relates to the conviction of a person, or a person's plea 518  
of guilty to, a criminal offense or to the arrest of a person as 519  
provided in division (E) (3) of this section. The superintendent 520  
shall not release, and the attorney general shall not adopt any 521  
rule under division (E) (1) of this section that permits the 522  
release of, any information gathered pursuant to division (A) of 523  
this section that relates to an adjudication of a child as a 524  
delinquent child, or that relates to a criminal conviction of a 525  
person under eighteen years of age if the person's case was 526  
transferred back to a juvenile court under division (B) (2) or 527  
(3) of former section 2152.121 of the Revised Code as it existed 528  
prior to the effective date of this amendment and the juvenile 529  
court imposed a disposition or serious youthful offender 530  
disposition upon the person under either division, unless either 531  
of the following applies with respect to the adjudication or 532  
conviction: 533

(a) The adjudication or conviction was for a violation of 534  
section 2903.01 or 2903.02 of the Revised Code. 535

(b) The adjudication or conviction was for a sexually 536  
oriented offense, the juvenile court was required to classify 537  
the child a juvenile offender registrant for that offense under 538  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 539  
classification has not been removed, and the records of the 540  
adjudication or conviction have not been sealed or expunged 541  
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 542  
section 2952.32 of the Revised Code. 543

(3) A rule adopted under division (E) (1) of this section 544  
may provide for the release of information gathered pursuant to 545  
division (A) of this section that relates to the arrest of a 546  
person who is eighteen years of age or older when the person has 547  
not been convicted as a result of that arrest if any of the 548  
following applies: 549

(a) The arrest was made outside of this state. 550

(b) A criminal action resulting from the arrest is 551  
pending, and the superintendent confirms that the criminal 552  
action has not been resolved at the time the criminal records 553  
check is performed. 554

(c) The bureau cannot reasonably determine whether a 555  
criminal action resulting from the arrest is pending, and not 556  
more than one year has elapsed since the date of the arrest. 557

(4) A rule adopted under division (E) (1) of this section 558  
may provide for the release of information gathered pursuant to 559  
division (A) of this section that relates to an adjudication of 560  
a child as a delinquent child if not more than five years have 561  
elapsed since the date of the adjudication, the adjudication was 562  
for an act that would have been a felony if committed by an 563  
adult, the records of the adjudication have not been sealed or 564

expunged pursuant to sections 2151.355 to 2151.358 of the Revised Code, and the request for information is made under division (F) of this section or under section 109.572 of the Revised Code. In the case of an adjudication for a violation of the terms of community control or supervised release, the five-year period shall be calculated from the date of the adjudication to which the community control or supervised release pertains.

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

(2) (a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed under Chapter 5104. of the Revised Code; the chief administrator of any head start agency; the executive director of a public children services agency; a private company

described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 596  
the Revised Code; or an employer described in division (J) (2) of 597  
section 3327.10 of the Revised Code may request that the 598  
superintendent of the bureau investigate and determine, with 599  
respect to any individual who has applied for employment in any 600  
position after October 2, 1989, or any individual wishing to 601  
apply for employment with a board of education may request, with 602  
regard to the individual, whether the bureau has any information 603  
gathered under division (A) of this section that pertains to 604  
that individual. On receipt of the request, subject to division 605  
(E) (2) of this section, the superintendent shall determine 606  
whether that information exists and, upon request of the person, 607  
board, or entity requesting information, also shall request from 608  
the federal bureau of investigation any criminal records it has 609  
pertaining to that individual. The superintendent or the 610  
superintendent's designee also may request criminal history 611  
records from other states or the federal government pursuant to 612  
the national crime prevention and privacy compact set forth in 613  
section 109.571 of the Revised Code. Within thirty days of the 614  
date that the superintendent receives a request, subject to 615  
division (E) (2) of this section, the superintendent shall send 616  
to the board, entity, or person a report of any information that 617  
the superintendent determines exists, including information 618  
contained in records that have been sealed under section 2953.32 619  
of the Revised Code, and, within thirty days of its receipt, 620  
subject to division (E) (2) of this section, shall send the 621  
board, entity, or person a report of any information received 622  
from the federal bureau of investigation, other than information 623  
the dissemination of which is prohibited by federal law. 624

(b) When a board of education or a registered private 625  
provider is required to receive information under this section 626

as a prerequisite to employment of an individual pursuant to 627  
division (C) of section 3310.58 or section 3319.39 of the 628  
Revised Code, it may accept a certified copy of records that 629  
were issued by the bureau of criminal identification and 630  
investigation and that are presented by an individual applying 631  
for employment with the district in lieu of requesting that 632  
information itself. In such a case, the board shall accept the 633  
certified copy issued by the bureau in order to make a photocopy 634  
of it for that individual's employment application documents and 635  
shall return the certified copy to the individual. In a case of 636  
that nature, a district or provider only shall accept a 637  
certified copy of records of that nature within one year after 638  
the date of their issuance by the bureau. 639

(c) Notwithstanding division (F) (2) (a) of this section, in 640  
the case of a request under section 3319.39, 3319.391, or 641  
3327.10 of the Revised Code only for criminal records maintained 642  
by the federal bureau of investigation, the superintendent shall 643  
not determine whether any information gathered under division 644  
(A) of this section exists on the person for whom the request is 645  
made. 646

(3) The state board of education may request, with respect 647  
to any individual who has applied for employment after October 648  
2, 1989, in any position with the state board or the department 649  
of education, any information that a school district board of 650  
education is authorized to request under division (F) (2) of this 651  
section, and the superintendent of the bureau shall proceed as 652  
if the request has been received from a school district board of 653  
education under division (F) (2) of this section. 654

(4) When the superintendent of the bureau receives a 655  
request for information under section 3319.291 of the Revised 656

Code, the superintendent shall proceed as if the request has 657  
been received from a school district board of education and 658  
shall comply with divisions (F) (2) (a) and (c) of this section. 659

(5) When a recipient of a classroom reading improvement 660  
grant paid under section 3301.86 of the Revised Code requests, 661  
with respect to any individual who applies to participate in 662  
providing any program or service funded in whole or in part by 663  
the grant, the information that a school district board of 664  
education is authorized to request under division (F) (2) (a) of 665  
this section, the superintendent of the bureau shall proceed as 666  
if the request has been received from a school district board of 667  
education under division (F) (2) (a) of this section. 668

(G) In addition to or in conjunction with any request that 669  
is required to be made under section 3701.881, 3712.09, or 670  
3721.121 of the Revised Code with respect to an individual who 671  
has applied for employment in a position that involves providing 672  
direct care to an older adult or adult resident, the chief 673  
administrator of a home health agency, hospice care program, 674  
home licensed under Chapter 3721. of the Revised Code, or adult 675  
day-care program operated pursuant to rules adopted under 676  
section 3721.04 of the Revised Code may request that the 677  
superintendent of the bureau investigate and determine, with 678  
respect to any individual who has applied after January 27, 679  
1997, for employment in a position that does not involve 680  
providing direct care to an older adult or adult resident, 681  
whether the bureau has any information gathered under division 682  
(A) of this section that pertains to that individual. 683

In addition to or in conjunction with any request that is 684  
required to be made under section 173.27 of the Revised Code 685  
with respect to an individual who has applied for employment in 686

a position that involves providing ombudsman services to 687  
residents of long-term care facilities or recipients of 688  
community-based long-term care services, the state long-term 689  
care ombudsman, the director of aging, a regional long-term care 690  
ombudsman program, or the designee of the ombudsman, director, 691  
or program may request that the superintendent investigate and 692  
determine, with respect to any individual who has applied for 693  
employment in a position that does not involve providing such 694  
ombudsman services, whether the bureau has any information 695  
gathered under division (A) of this section that pertains to 696  
that applicant. 697

In addition to or in conjunction with any request that is 698  
required to be made under section 173.38 of the Revised Code 699  
with respect to an individual who has applied for employment in 700  
a direct-care position, the chief administrator of a provider, 701  
as defined in section 173.39 of the Revised Code, may request 702  
that the superintendent investigate and determine, with respect 703  
to any individual who has applied for employment in a position 704  
that is not a direct-care position, whether the bureau has any 705  
information gathered under division (A) of this section that 706  
pertains to that applicant. 707

In addition to or in conjunction with any request that is 708  
required to be made under section 3712.09 of the Revised Code 709  
with respect to an individual who has applied for employment in 710  
a position that involves providing direct care to a pediatric 711  
respite care patient, the chief administrator of a pediatric 712  
respite care program may request that the superintendent of the 713  
bureau investigate and determine, with respect to any individual 714  
who has applied for employment in a position that does not 715  
involve providing direct care to a pediatric respite care 716  
patient, whether the bureau has any information gathered under 717

division (A) of this section that pertains to that individual. 718

On receipt of a request under this division, the 719  
superintendent shall determine whether that information exists 720  
and, on request of the individual requesting information, shall 721  
also request from the federal bureau of investigation any 722  
criminal records it has pertaining to the applicant. The 723  
superintendent or the superintendent's designee also may request 724  
criminal history records from other states or the federal 725  
government pursuant to the national crime prevention and privacy 726  
compact set forth in section 109.571 of the Revised Code. Within 727  
thirty days of the date a request is received, subject to 728  
division (E) (2) of this section, the superintendent shall send 729  
to the requester a report of any information determined to 730  
exist, including information contained in records that have been 731  
sealed under section 2953.32 of the Revised Code, and, within 732  
thirty days of its receipt, shall send the requester a report of 733  
any information received from the federal bureau of 734  
investigation, other than information the dissemination of which 735  
is prohibited by federal law. 736

(H) Information obtained by a government entity or person 737  
under this section is confidential and shall not be released or 738  
disseminated. 739

(I) The superintendent may charge a reasonable fee for 740  
providing information or criminal records under division (F) (2) 741  
or (G) of this section. 742

(J) As used in this section: 743

(1) "Pediatric respite care program" and "pediatric care 744  
patient" have the same meanings as in section 3712.01 of the 745  
Revised Code. 746

(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 747  
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(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program. 750  
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**Sec. 2151.23.** (A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows: 756  
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(1) Concerning any child who on or about the date specified in the complaint, indictment, or information is alleged to have violated section 2151.87 of the Revised Code or an order issued under that section or to be a juvenile traffic offender or a delinquent, unruly, abused, neglected, or dependent child and, based on and in relation to the allegation pertaining to the child, concerning the parent, guardian, or other person having care of a child who is alleged to be an unruly child for being an habitual truant or who is alleged to be a delinquent child for violating a court order regarding the child's prior adjudication as an unruly child for being an habitual truant; 758  
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(2) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to determine the custody of any child not a ward of another court of this state; 770  
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(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child; 773  
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(4) To exercise the powers and jurisdiction given the 775

probate division of the court of common pleas in Chapter 5122. 776  
of the Revised Code, if the court has probable cause to believe 777  
that a child otherwise within the jurisdiction of the court is a 778  
mentally ill person subject to court order, as defined in 779  
section 5122.01 of the Revised Code; 780

(5) To hear and determine all criminal cases charging 781  
adults with the violation of any section of this chapter; 782

(6) To hear and determine all criminal cases in which an 783  
adult is charged with a violation of division (C) of section 784  
2919.21, division (B)(1) of section 2919.22, section 2919.222, 785  
division (B) of section 2919.23, or section 2919.24 of the 786  
Revised Code, provided the charge is not included in an 787  
indictment that also charges the alleged adult offender with the 788  
commission of a felony arising out of the same actions that are 789  
the basis of the alleged violation of division (C) of section 790  
2919.21, division (B)(1) of section 2919.22, section 2919.222, 791  
division (B) of section 2919.23, or section 2919.24 of the 792  
Revised Code; 793

(7) Under the interstate compact on juveniles in section 794  
2151.56 of the Revised Code; 795

(8) Concerning any child who is to be taken into custody 796  
pursuant to section 2151.31 of the Revised Code, upon being 797  
notified of the intent to take the child into custody and the 798  
reasons for taking the child into custody; 799

(9) To hear and determine requests for the extension of 800  
temporary custody agreements, and requests for court approval of 801  
permanent custody agreements, that are filed pursuant to section 802  
5103.15 of the Revised Code; 803

(10) To hear and determine applications for consent to 804

marry pursuant to section 3101.04 of the Revised Code; 805

(11) Subject to divisions (G), (K), and (V) of section 806  
2301.03 of the Revised Code, to hear and determine a request for 807  
an order for the support of any child if the request is not 808  
ancillary to an action for divorce, dissolution of marriage, 809  
annulment, or legal separation, a criminal or civil action 810  
involving an allegation of domestic violence, or an action for 811  
support brought under Chapter 3115. of the Revised Code; 812

(12) Concerning an action commenced under section 121.38 813  
of the Revised Code; 814

(13) To hear and determine violations of section 3321.38 815  
of the Revised Code; 816

(14) To exercise jurisdiction and authority over the 817  
parent, guardian, or other person having care of a child alleged 818  
to be a delinquent child, unruly child, or juvenile traffic 819  
offender, based on and in relation to the allegation pertaining 820  
to the child; 821

(15) To conduct the hearings, and to make the 822  
determinations, adjudications, and orders authorized or required 823  
under sections 2152.82 to 2152.86 and Chapter 2950. of the 824  
Revised Code regarding a child who has been adjudicated a 825  
delinquent child and to refer the duties conferred upon the 826  
juvenile court judge under sections 2152.82 to 2152.86 and 827  
Chapter 2950. of the Revised Code to magistrates appointed by 828  
the juvenile court judge in accordance with Juvenile Rule 40; 829

(16) To hear and determine a petition for a protection 830  
order against a child under section 2151.34 or 3113.31 of the 831  
Revised Code and to enforce a protection order issued or a 832  
consent agreement approved under either section against a child 833

until a date certain but not later than the date the child 834  
attains nineteen years of age. 835

(B) Except as provided in divisions (G) and (I) of section 836  
2301.03 of the Revised Code, the juvenile court has original 837  
jurisdiction under the Revised Code: 838

(1) To hear and determine all cases of misdemeanors 839  
charging adults with any act or omission with respect to any 840  
child, which act or omission is a violation of any state law or 841  
any municipal ordinance; 842

(2) To determine the paternity of any child alleged to 843  
have been born out of wedlock pursuant to sections 3111.01 to 844  
3111.18 of the Revised Code; 845

(3) Under the uniform interstate family support act in 846  
Chapter 3115. of the Revised Code; 847

(4) To hear and determine an application for an order for 848  
the support of any child, if the child is not a ward of another 849  
court of this state; 850

(5) To hear and determine an action commenced under 851  
section 3111.28 of the Revised Code; 852

(6) To hear and determine a motion filed under section 853  
3119.961 of the Revised Code; 854

(7) To receive filings under section 3109.74 of the 855  
Revised Code, and to hear and determine actions arising under 856  
sections 3109.51 to 3109.80 of the Revised Code. 857

(8) To enforce an order for the return of a child made 858  
under the Hague Convention on the Civil Aspects of International 859  
Child Abduction pursuant to section 3127.32 of the Revised Code; 860

(9) To grant any relief normally available under the laws 861  
of this state to enforce a child custody determination made by a 862  
court of another state and registered in accordance with section 863  
3127.35 of the Revised Code. 864

(C) The juvenile court, except as to juvenile courts that 865  
are a separate division of the court of common pleas or a 866  
separate and independent juvenile court, has jurisdiction to 867  
hear, determine, and make a record of any action for divorce or 868  
legal separation that involves the custody or care of children 869  
and that is filed in the court of common pleas and certified by 870  
the court of common pleas with all the papers filed in the 871  
action to the juvenile court for trial, provided that no 872  
certification of that nature shall be made to any juvenile court 873  
unless the consent of the juvenile judge first is obtained. 874  
After a certification of that nature is made and consent is 875  
obtained, the juvenile court shall proceed as if the action 876  
originally had been begun in that court, except as to awards for 877  
spousal support or support due and unpaid at the time of 878  
certification, over which the juvenile court has no 879  
jurisdiction. 880

(D) The juvenile court, except as provided in divisions 881  
(G) and (I) of section 2301.03 of the Revised Code, has 882  
jurisdiction to hear and determine all matters as to custody and 883  
support of children duly certified by the court of common pleas 884  
to the juvenile court after a divorce decree has been granted, 885  
including jurisdiction to modify the judgment and decree of the 886  
court of common pleas as the same relate to the custody and 887  
support of children. 888

(E) The juvenile court, except as provided in divisions 889  
(G) and (I) of section 2301.03 of the Revised Code, has 890

jurisdiction to hear and determine the case of any child 891  
certified to the court by any court of competent jurisdiction if 892  
the child comes within the jurisdiction of the juvenile court as 893  
defined by this section. 894

(F) (1) The juvenile court shall exercise its jurisdiction 895  
in child custody matters in accordance with sections 3109.04 and 896  
3127.01 to 3127.53 of the Revised Code and, as applicable, 897  
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 898  
Revised Code. 899

(2) The juvenile court shall exercise its jurisdiction in 900  
child support matters in accordance with section 3109.05 of the 901  
Revised Code. 902

(G) Any juvenile court that makes or modifies an order for 903  
child support shall comply with Chapters 3119., 3121., 3123., 904  
and 3125. of the Revised Code. If any person required to pay 905  
child support under an order made by a juvenile court on or 906  
after April 15, 1985, or modified on or after December 1, 1986, 907  
is found in contempt of court for failure to make support 908  
payments under the order, the court that makes the finding, in 909  
addition to any other penalty or remedy imposed, shall assess 910  
all court costs arising out of the contempt proceeding against 911  
the person and require the person to pay any reasonable 912  
attorney's fees of any adverse party, as determined by the 913  
court, that arose in relation to the act of contempt. 914

(H) If a child who is charged with an act that would be an 915  
offense if committed by an adult was fourteen years of age or 916  
older and under eighteen years of age at the time of the alleged 917  
act and if the case is transferred for criminal prosecution 918  
pursuant to section 2152.12 of the Revised Code, ~~except as~~ 919  
~~provided in section 2152.121 of the Revised Code,~~ the juvenile 920

court does not have jurisdiction to hear or determine the case 921  
subsequent to the transfer. The court to which the case is 922  
transferred for criminal prosecution pursuant to that section 923  
has jurisdiction subsequent to the transfer to hear and 924  
determine the case in the same manner as if the case originally 925  
had been commenced in that court, ~~subject to section 2152.121 of~~ 926  
~~the Revised Code,~~ including, but not limited to, jurisdiction to 927  
accept a plea of guilty or another plea authorized by Criminal 928  
Rule 11 or another section of the Revised Code and jurisdiction 929  
to accept a verdict and to enter a judgment of conviction 930  
pursuant to the Rules of Criminal Procedure against the child 931  
for the commission of the offense that was the basis of the 932  
transfer of the case for criminal prosecution, whether the 933  
conviction is for the same degree or a lesser degree of the 934  
offense charged, for the commission of a lesser-included 935  
offense, or for the commission of another offense that is 936  
different from the offense charged. 937

(I) If a person under eighteen years of age allegedly 938  
commits an act that would be a felony if committed by an adult 939  
and if the person is not taken into custody or apprehended for 940  
that act until after the person attains twenty-one years of age, 941  
the juvenile court does not have jurisdiction to hear or 942  
determine any portion of the case charging the person with 943  
committing that act. In those circumstances, ~~divisions~~ division 944  
(A) ~~and (B)~~ of section 2152.12 of the Revised Code ~~do~~ does not 945  
apply regarding the act, and the case charging the person with 946  
committing the act shall be a criminal prosecution commenced and 947  
heard in the appropriate court having jurisdiction of the 948  
offense as if the person had been eighteen years of age or older 949  
when the person committed the act. All proceedings pertaining to 950  
the act shall be within the jurisdiction of the court having 951

jurisdiction of the offense, and that court has all the 952  
authority and duties in the case that it has in other criminal 953  
cases in that court. 954

(J) In exercising its exclusive original jurisdiction 955  
under division (A)(16) of this section with respect to any 956  
proceedings brought under section 2151.34 or 3113.31 of the 957  
Revised Code in which the respondent is a child, the juvenile 958  
court retains all dispositional powers consistent with existing 959  
rules of juvenile procedure and may also exercise its discretion 960  
to adjudicate proceedings as provided in sections 2151.34 and 961  
3113.31 of the Revised Code, including the issuance of 962  
protection orders or the approval of consent agreements under 963  
those sections. 964

Sec. 2152.011. The amendments to divisions (H) and (I) of 965  
section 2151.23, to divisions (F), (H), and (P) to (BB) of 966  
section 2152.02, and to sections 2152.021, 2152.10, 2152.12, 967  
2152.13, and 2505.02 of the Revised Code made in this act, and 968  
the repeal of section 2152.121 of the Revised Code by this act, 969  
apply with respect to all alleged violations of law committed on 970  
or after the effective date of this section. Divisions (H) and 971  
(I) of section 2151.23, divisions (F), (H), and (P) to (BB) of 972  
section 2152.02, and sections 2152.021, 2152.10, 2152.12, 973  
2152.121, 2152.13, and 2505.02 of the Revised Code as they 974  
existed immediately prior to the effective date of this section 975  
apply with respect to any alleged violation of law committed 976  
prior to the effective date of this section. 977

**Sec. 2152.02.** As used in this chapter: 978

(A) "Act charged" means the act that is identified in a 979  
complaint, indictment, or information alleging that a child is a 980  
delinquent child. 981

(B) "Admitted to a department of youth services facility" 982  
includes admission to a facility operated, or contracted for, by 983  
the department and admission to a comparable facility outside 984  
this state by another state or the United States. 985

(C) (1) "Child" means a person who is under eighteen years 986  
of age, except as otherwise provided in divisions (C) (2) to (8) 987  
of this section. 988

(2) Subject to division (C) (3) of this section, any person 989  
who violates a federal or state law or a municipal ordinance 990  
prior to attaining eighteen years of age shall be deemed a 991  
"child" irrespective of that person's age at the time the 992  
complaint with respect to that violation is filed or the hearing 993  
on the complaint is held. 994

(3) Any person who, while under eighteen years of age, 995  
commits an act that would be a felony if committed by an adult 996  
and who is not taken into custody or apprehended for that act 997  
until after the person attains twenty-one years of age is not a 998  
child in relation to that act. 999

(4) Except as otherwise provided in divisions (C) (5) and 1000  
(7) of this section, any person whose case is transferred for 1001  
criminal prosecution pursuant to section 2152.12 of the Revised 1002  
Code shall be deemed after the transfer not to be a child in the 1003  
transferred case. 1004

(5) Any person whose case is transferred for criminal 1005  
prosecution pursuant to section 2152.12 of the Revised Code and 1006  
who subsequently is convicted of or pleads guilty to a felony in 1007  
that case, unless a serious youthful offender dispositional 1008  
sentence ~~is was~~ imposed on the child for that offense under 1009  
division (B) (2) or (3) of former section 2152.121 of the Revised 1010

Code as it existed prior to the effective date of this amendment 1011  
and the adult portion of that sentence is not invoked pursuant 1012  
to section 2152.14 of the Revised Code, and any person who is 1013  
adjudicated a delinquent child for the commission of an act, who 1014  
has a serious youthful offender dispositional sentence imposed 1015  
for the act pursuant to section 2152.13 of the Revised Code, and 1016  
whose adult portion of the dispositional sentence is invoked 1017  
pursuant to section 2152.14 of the Revised Code, shall be deemed 1018  
after the conviction, plea, or invocation not to be a child in 1019  
any case in which a complaint is filed against the person. 1020

(6) The juvenile court has jurisdiction over a person who 1021  
is adjudicated a delinquent child or juvenile traffic offender 1022  
prior to attaining eighteen years of age until the person 1023  
attains twenty-one years of age, and, for purposes of that 1024  
jurisdiction related to that adjudication, except as otherwise 1025  
provided in this division, a person who is so adjudicated a 1026  
delinquent child or juvenile traffic offender shall be deemed a 1027  
"child" until the person attains twenty-one years of age. If a 1028  
person is so adjudicated a delinquent child or juvenile traffic 1029  
offender and the court makes a disposition of the person under 1030  
this chapter, at any time after the person attains twenty-one 1031  
years of age, the places at which the person may be held under 1032  
that disposition are not limited to places authorized under this 1033  
chapter solely for confinement of children, and the person may 1034  
be confined under that disposition, in accordance with division 1035  
(F) (2) of section 2152.26 of the Revised Code, in places other 1036  
than those authorized under this chapter solely for confinement 1037  
of children. 1038

(7) The juvenile court has jurisdiction over any person 1039  
whose case is transferred for criminal prosecution solely for 1040  
the purpose of detaining the person as authorized in division 1041

(F) (1) or (4) of section 2152.26 of the Revised Code unless the person is convicted of or pleads guilty to a felony in the adult court. 1042  
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(8) Any person who, while eighteen years of age, violates division (A) (1) or (2) of section 2919.27 of the Revised Code by violating a protection order issued or consent agreement approved under section 2151.34 or 3113.31 of the Revised Code shall be considered a child for the purposes of that violation of section 2919.27 of the Revised Code. 1045  
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(D) "Community corrections facility," "public safety beds," "release authority," and "supervised release" have the same meanings as in section 5139.01 of the Revised Code. 1051  
1052  
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(E) "Delinquent child" includes any of the following: 1054

(1) Any child, except a juvenile traffic offender, who violates any law of this state or the United States, or any ordinance of a political subdivision of the state, that would be an offense if committed by an adult; 1055  
1056  
1057  
1058

(2) Any child who violates any lawful order of the court made under this chapter, including a child who violates a court order regarding the child's prior adjudication as an unruly child for being an habitual truant; 1059  
1060  
1061  
1062

(3) Any child who violates any lawful order of the court made under Chapter 2151. of the Revised Code other than an order issued under section 2151.87 of the Revised Code; 1063  
1064  
1065

(4) Any child who violates division (C) of section 2907.39, division (A) of section 2923.211, or division (C) (1) or (D) of section 2925.55 of the Revised Code. 1066  
1067  
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(F) "Discretionary serious youthful offender" means a 1069

person who is eligible for a discretionary SYO and who is not 1070  
transferred to adult court under a ~~mandatory or~~ discretionary 1071  
transfer. 1072

(G) "Discretionary SYO" means a case in which the juvenile 1073  
court, in the juvenile court's discretion, may impose a serious 1074  
youthful offender disposition under section 2152.13 of the 1075  
Revised Code. 1076

(H) "Discretionary transfer" means that the juvenile court 1077  
has discretion to transfer a case for criminal prosecution under 1078  
division ~~(B)~~ (A) of section 2152.12 of the Revised Code. 1079

(I) "Drug abuse offense," "felony drug abuse offense," and 1080  
"minor drug possession offense" have the same meanings as in 1081  
section 2925.01 of the Revised Code. 1082

(J) "Electronic monitoring" and "electronic monitoring 1083  
device" have the same meanings as in section 2929.01 of the 1084  
Revised Code. 1085

(K) "Economic loss" means any economic detriment suffered 1086  
by a victim of a delinquent act or juvenile traffic offense as a 1087  
direct and proximate result of the delinquent act or juvenile 1088  
traffic offense and includes any loss of income due to lost time 1089  
at work because of any injury caused to the victim and any 1090  
property loss, medical cost, or funeral expense incurred as a 1091  
result of the delinquent act or juvenile traffic offense. 1092  
"Economic loss" does not include non-economic loss or any 1093  
punitive or exemplary damages. 1094

(L) "Firearm" has the same meaning as in section 2923.11 1095  
of the Revised Code. 1096

(M) "Intellectual disability" has the same meaning as in 1097  
section 5123.01 of the Revised Code. 1098

(N) "Juvenile traffic offender" means any child who 1099  
violates any traffic law, traffic ordinance, or traffic 1100  
regulation of this state, the United States, or any political 1101  
subdivision of this state, other than a resolution, ordinance, 1102  
or regulation of a political subdivision of this state the 1103  
violation of which is required to be handled by a parking 1104  
violations bureau or a joint parking violations bureau pursuant 1105  
to Chapter 4521. of the Revised Code. 1106

(O) A "legitimate excuse for absence from the public 1107  
school the child is supposed to attend" has the same meaning as 1108  
in section 2151.011 of the Revised Code. 1109

(P) "Mandatory serious youthful offender" means a person 1110  
who is eligible for a mandatory SYO and who is not transferred 1111  
to adult court under a ~~mandatory or discretionary transfer and~~ 1112  
~~also includes, for purposes of imposition of a mandatory serious~~ 1113  
~~youthful dispositional sentence under section 2152.13 of the~~ 1114  
~~Revised Code, a person upon whom a juvenile court is required to~~ 1115  
~~impose such a sentence under division (B)(3) of section 2152.121~~ 1116  
~~of the Revised Code.~~ 1117

(Q) "Mandatory SYO" means a case in which the juvenile 1118  
court is required to impose a mandatory serious youthful 1119  
offender disposition under section 2152.13 of the Revised Code. 1120

(R) ~~"Mandatory transfer" means that a case is required to~~ 1121  
~~be transferred for criminal prosecution under division (A) of~~ 1122  
~~section 2152.12 of the Revised Code.~~ 1123

~~(S)~~ "Mental illness" has the same meaning as in section 1124  
5122.01 of the Revised Code. 1125

~~(T)~~ (S) "Monitored time" and "repeat violent offender" have 1126  
the same meanings as in section 2929.01 of the Revised Code. 1127

~~(U)~~ (T) "Of compulsory school age" has the same meaning as 1128  
in section 3321.01 of the Revised Code. 1129

~~(V)~~ (U) "Public record" has the same meaning as in section 1130  
149.43 of the Revised Code. 1131

~~(W)~~ (V) "Serious youthful offender" means a person who is 1132  
eligible for a mandatory SYO or discretionary SYO but who is not 1133  
transferred to adult court under a ~~mandatory or~~ discretionary 1134  
~~transfer and also includes, for purposes of imposition of a~~ 1135  
~~mandatory serious youthful dispositional sentence under section~~ 1136  
~~2152.13 of the Revised Code, a person upon whom a juvenile court~~ 1137  
~~is required to impose such a sentence under division (B) (3) of~~ 1138  
~~section 2152.121 of the Revised Code.~~ 1139

~~(X)~~ (W) "Sexually oriented offense," "juvenile offender 1140  
registrant," "child-victim oriented offense," "tier I sex 1141  
offender/child-victim offender," "tier II sex offender/child- 1142  
victim offender," "tier III sex offender/child-victim offender," 1143  
and "public registry-qualified juvenile offender registrant" 1144  
have the same meanings as in section 2950.01 of the Revised 1145  
Code. 1146

~~(Y)~~ (X) "Traditional juvenile" means a case that is not 1147  
transferred to adult court under a ~~mandatory or~~ discretionary 1148  
transfer, that is eligible for a disposition under sections 1149  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 1150  
that is not eligible for a disposition under section 2152.13 of 1151  
the Revised Code. 1152

~~(Z)~~ (Y) "Transfer" means the transfer for criminal 1153  
prosecution of a case involving the alleged commission by a 1154  
child of an act that would be an offense if committed by an 1155  
adult from the juvenile court to the appropriate court that has 1156

jurisdiction of the offense. 1157

~~(AA)~~ (Z) "Category one offense" means any of the following: 1158

(1) A violation of section 2903.01 or 2903.02 of the 1159  
Revised Code; 1160

(2) A violation of section 2923.02 of the Revised Code 1161  
involving an attempt to commit aggravated murder or murder. 1162

~~(BB)~~ (AA) "Category two offense" means any of the 1163  
following: 1164

(1) A violation of section 2903.03, 2905.01, 2907.02, 1165  
2909.02, 2911.01, or 2911.11 of the Revised Code; 1166

(2) A violation of section 2903.04 of the Revised Code 1167  
that is a felony of the first degree; 1168

(3) A violation of section 2907.12 of the Revised Code as 1169  
it existed prior to September 3, 1996. 1170

~~(CC)~~ (BB) "Non-economic loss" means nonpecuniary harm 1171  
suffered by a victim of a delinquent act or juvenile traffic 1172  
offense as a result of or related to the delinquent act or 1173  
juvenile traffic offense, including, but not limited to, pain 1174  
and suffering; loss of society, consortium, companionship, care, 1175  
assistance, attention, protection, advice, guidance, counsel, 1176  
instruction, training, or education; mental anguish; and any 1177  
other intangible loss. 1178

**Sec. 2152.021.** (A) (1) Subject to division (A) (2) of this 1179  
section, any person having knowledge of a child who appears to 1180  
be a juvenile traffic offender or to be a delinquent child may 1181  
file a sworn complaint with respect to that child in the 1182  
juvenile court of the county in which the child has a residence 1183  
or legal settlement or in which the traffic offense or 1184

delinquent act allegedly occurred. The sworn complaint may be 1185  
upon information and belief, and, in addition to the allegation 1186  
that the child is a delinquent child or a juvenile traffic 1187  
offender, the complaint shall allege the particular facts upon 1188  
which the allegation that the child is a delinquent child or a 1189  
juvenile traffic offender is based. 1190

If a child appears to be a delinquent child who is 1191  
eligible for a serious youthful offender dispositional sentence 1192  
under section 2152.11 of the Revised Code and if the prosecuting 1193  
attorney desires to seek a serious youthful offender 1194  
dispositional sentence under section 2152.13 of the Revised Code 1195  
in regard to the child, the prosecuting attorney of the county 1196  
in which the alleged delinquency occurs may initiate a case in 1197  
the juvenile court of the county by presenting the case to a 1198  
grand jury for indictment, by charging the child in a bill of 1199  
information as a serious youthful offender pursuant to section 1200  
2152.13 of the Revised Code, by requesting a serious youthful 1201  
offender dispositional sentence in the original complaint 1202  
alleging that the child is a delinquent child, or by filing with 1203  
the juvenile court a written notice of intent to seek a serious 1204  
youthful offender dispositional sentence. ~~This paragraph does~~ 1205  
~~not apply regarding the imposition of a serious youthful~~ 1206  
~~offender dispositional sentence pursuant to section 2152.121 of~~ 1207  
~~the Revised Code.~~ 1208

(2) Any person having knowledge of a child who appears to 1209  
be a delinquent child for violating a court order regarding the 1210  
child's adjudication as an unruly child for being an habitual 1211  
truant, may file a sworn complaint with respect to that child, 1212  
or with respect to that child and the parent, guardian, or other 1213  
person having care of the child, in the juvenile court of the 1214  
county in which the child has a residence or legal settlement or 1215

in which the child is supposed to attend public school. The 1216  
sworn complaint may be upon information and belief and shall 1217  
allege that the child is a delinquent child for violating a 1218  
court order regarding the child's prior adjudication as an 1219  
unruly child for being a habitual truant and, in addition, the 1220  
particular facts upon which that allegation is based. If the 1221  
complaint contains allegations regarding the child's parent, 1222  
guardian, or other person having care of the child, the 1223  
complaint additionally shall allege that the parent, guardian, 1224  
or other person having care of the child has failed to cause the 1225  
child's attendance at school in violation of section 3321.38 of 1226  
the Revised Code and, in addition, the particular facts upon 1227  
which that allegation is based. 1228

(B) Any person with standing under applicable law may file 1229  
a complaint for the determination of any other matter over which 1230  
the juvenile court is given jurisdiction by section 2151.23 of 1231  
the Revised Code. The complaint shall be filed in the county in 1232  
which the child who is the subject of the complaint is found or 1233  
was last known to be found. 1234

(C) Within ten days after the filing of a complaint or the 1235  
issuance of an indictment, the court shall give written notice 1236  
of the filing of the complaint or the issuance of an indictment 1237  
and of the substance of the complaint or indictment to the 1238  
superintendent of a city, local, exempted village, or joint 1239  
vocational school district if the complaint or indictment 1240  
alleges that a child committed an act that would be a criminal 1241  
offense if committed by an adult, that the child was sixteen 1242  
years of age or older at the time of the commission of the 1243  
alleged act, and that the alleged act is any of the following: 1244

(1) A violation of section 2923.122 of the Revised Code 1245

that relates to property owned or controlled by, or to an 1246  
activity held under the auspices of, the board of education of 1247  
that school district; 1248

(2) A violation of section 2923.12 of the Revised Code, of 1249  
a substantially similar municipal ordinance, or of section 1250  
2925.03 of the Revised Code that was committed on property owned 1251  
or controlled by, or at an activity held under the auspices of, 1252  
the board of education of that school district; 1253

(3) A violation of section 2925.11 of the Revised Code 1254  
that was committed on property owned or controlled by, or at an 1255  
activity held under the auspices of, the board of education of 1256  
that school district, other than a violation of that section 1257  
that would be a minor drug possession offense if committed by an 1258  
adult; 1259

(4) A violation of section 2903.01, 2903.02, 2903.03, 1260  
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 1261  
Code, or a violation of former section 2907.12 of the Revised 1262  
Code, that was committed on property owned or controlled by, or 1263  
at an activity held under the auspices of, the board of 1264  
education of that school district, if the victim at the time of 1265  
the commission of the alleged act was an employee of the board 1266  
of education of that school district; 1267

(5) Complicity in any violation described in division (C) 1268  
(1), (2), (3), or (4) of this section that was alleged to have 1269  
been committed in the manner described in division (C)(1), (2), 1270  
(3), or (4) of this section, regardless of whether the act of 1271  
complicity was committed on property owned or controlled by, or 1272  
at an activity held under the auspices of, the board of 1273  
education of that school district. 1274

(D) A public children services agency, acting pursuant to 1275  
a complaint or an action on a complaint filed under this 1276  
section, is not subject to the requirements of section 3127.23 1277  
of the Revised Code. 1278

(E) For purposes of the record to be maintained by the 1279  
clerk under division (B) of section 2152.71 of the Revised Code, 1280  
when a complaint is filed that alleges that a child is a 1281  
delinquent child, the court shall determine if the victim of the 1282  
alleged delinquent act was sixty-five years of age or older or 1283  
permanently and totally disabled at the time of the alleged 1284  
commission of the act. 1285

(F) (1) At any time after the filing of a complaint 1286  
alleging that a child is a delinquent child and before 1287  
adjudication, the court may hold a hearing to determine whether 1288  
to hold the complaint in abeyance pending the child's successful 1289  
completion of actions that constitute a method to divert the 1290  
child from the juvenile court system if the child agrees to the 1291  
hearing and either of the following applies: 1292

(a) The act charged would be a violation of section 1293  
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 1294  
were an adult. 1295

(b) The court has reason to believe that the child is a 1296  
victim of a violation of section 2905.32 of the Revised Code, 1297  
regardless of whether any person has been convicted of a 1298  
violation of that section or of any other section for 1299  
victimizing the child, and the act charged is related to the 1300  
child's victimization. 1301

(2) The prosecuting attorney has the right to participate 1302  
in any hearing held under division (F) (1) of this section, to 1303

object to holding the complaint that is the subject of the 1304  
hearing in abeyance, and to make recommendations related to 1305  
diversion actions. No statement made by a child at a hearing 1306  
held under division (F) (1) of this section is admissible in any 1307  
subsequent proceeding against the child. 1308

(3) If either division (F) (1) (a) or (b) of this section 1309  
applies, the court shall promptly appoint a guardian ad litem 1310  
for the child. The court shall not appoint the child's attorney 1311  
as guardian ad litem. If the court decides to hold the complaint 1312  
in abeyance, the guardian ad litem shall make recommendations 1313  
that are in the best interest of the child to the court. 1314

(4) If after a hearing the court decides to hold the 1315  
complaint in abeyance, the court may make any orders regarding 1316  
placement, services, supervision, diversion actions, and 1317  
conditions of abeyance, including, but not limited to, 1318  
engagement in trauma-based behavioral health services or 1319  
education activities, that the court considers appropriate and 1320  
in the best interest of the child. The court may hold the 1321  
complaint in abeyance for up to ninety days while the child 1322  
engages in diversion actions. If the child violates the 1323  
conditions of abeyance or does not complete the diversion 1324  
actions to the court's satisfaction within ninety days, the 1325  
court may extend the period of abeyance for not more than two 1326  
additional ninety-day periods. 1327

(5) If the court holds the complaint in abeyance and the 1328  
child complies with the conditions of abeyance and completes the 1329  
diversion actions to the court's satisfaction, the court shall 1330  
dismiss the complaint and order that the records pertaining to 1331  
the case be expunged immediately. If the child fails to complete 1332  
the diversion actions to the court's satisfaction, the court 1333

shall proceed upon the complaint. 1334

~~Sec. 2152.10. (A) A child who is alleged to be a delinquent child is eligible for mandatory transfer and shall be transferred as provided in section 2152.12 of the Revised Code in any of the following circumstances:~~ 1335  
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1337  
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~~(1) The child is charged with a category one offense and either of the following apply:~~ 1339  
1340

~~(a) The child was sixteen years of age or older at the time of the act charged.~~ 1341  
1342

~~(b) The child was fourteen or fifteen years of age at the time of the act charged and previously was adjudicated a delinquent child for committing an act that is a category one or category two offense and was committed to the legal custody of the department of youth services upon the basis of that adjudication.~~ 1343  
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~~(2) The child is charged with a category two offense, other than a violation of section 2905.01 of the Revised Code, the child was sixteen years of age or older at the time of the commission of the act charged, and either or both of the following apply:~~ 1349  
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1351  
1352  
1353

~~(a) The child previously was adjudicated a delinquent child for committing an act that is a category one or a category two offense and was committed to the legal custody of the department of youth services on the basis of that adjudication.~~ 1354  
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~~(b) The child is alleged to have had a firearm on or about the child's person or under the child's control while committing the act charged and to have displayed the firearm, brandished the firearm, indicated possession of the firearm, or used the firearm to facilitate the commission of the act charged.~~ 1358  
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1362

~~(3) Division (A) (2) of section 2152.12 of the Revised Code applies.~~ 1363  
1364

~~(B) Unless the child is subject to mandatory transfer, if~~ 1365  
If a child is fourteen years of age or older at the time of the 1366  
act charged and if the child is charged with an act that would 1367  
be a felony if committed by an adult, the child is eligible for 1368  
discretionary transfer to the appropriate court for criminal 1369  
prosecution. In determining whether to transfer the child for 1370  
criminal prosecution, the juvenile court shall follow the 1371  
procedures in ~~section 2152.12 of the Revised Code~~ this chapter. 1372  
If the court does not transfer the child and if the court 1373  
adjudicates the child to be a delinquent child for the act 1374  
charged, the court shall issue an order of disposition in 1375  
accordance with ~~section 2152.11 of the Revised Code~~ this 1376  
chapter. 1377

**Sec. 2152.12.** (A) ~~(1) (a) After a complaint has been filed~~ 1378  
~~alleging that a child is a delinquent child for committing an~~ 1379  
~~act that would be aggravated murder, murder, attempted~~ 1380  
~~aggravated murder, or attempted murder if committed by an adult,~~ 1381  
~~the juvenile court at a hearing shall transfer the case if~~ 1382  
~~either of the following applies:~~ 1383

~~(i) The child was sixteen or seventeen years of age at the~~ 1384  
~~time of the act charged and there is probable cause to believe~~ 1385  
~~that the child committed the act charged.~~ 1386

~~(ii) The child was fourteen or fifteen years of age at the~~ 1387  
~~time of the act charged, section 2152.10 of the Revised Code~~ 1388  
~~provides that the child is eligible for mandatory transfer, and~~ 1389  
~~there is probable cause to believe that the child committed the~~ 1390  
~~act charged.~~ 1391

~~(b) After a complaint has been filed alleging that a child is a delinquent child by reason of committing a category two offense, the juvenile court at a hearing shall transfer the case if the child was sixteen or seventeen years of age at the time of the act charged and either of the following applies:~~ 1392  
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1394  
1395  
1396

~~(i) Division (A) (2) (a) 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.~~ 1397  
1398  
1399  
1400

~~(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.~~ 1401  
1402  
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~~(2) The juvenile court also shall transfer a case in the circumstances described in division (C) (5) of section 2152.02 of the Revised Code or if either of the following applies:~~ 1405  
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1407

~~(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.~~ 1408  
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~~(b) A complaint is filed against a child who is domiciled in another state alleging that the child is a delinquent child for committing an act that would be a felony if committed by an adult, and, if the act charged had been committed in that other state, the child would be subject to criminal prosecution as an adult under the law of that other state without the need for a transfer of jurisdiction from a juvenile, family, or similar noncriminal court to a criminal court.~~ 1413  
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~~(3) If a complaint is filed against a child alleging that the child is a delinquent child and the case is transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of this section and if the child subsequently is convicted of or pleads guilty to an offense in that case, the sentence to be imposed or disposition to be made of the child shall be determined in accordance with section 2152.121 of the Revised Code.~~ 1421-1427

~~(B) Except as provided in division (A) of this section,~~ 1428  
after After a complaint has been filed alleging that a child is 1429  
a delinquent child for committing an act that would be a felony 1430  
if committed by an adult, the juvenile court at a hearing may 1431  
transfer the case if the court finds all of the following: 1432

(1) The child was fourteen years of age or older at the 1433  
time of the act charged. 1434

(2) There is probable cause to believe that the child 1435  
committed the act charged. 1436

(3) The child is not amenable to care or rehabilitation 1437  
within the juvenile system, and the safety of the community may 1438  
require that the child be subject to adult sanctions. In making 1439  
its decision under this division, the court shall consider 1440  
~~whether~~ the applicable factors under division ~~(D)~~ (C) of this 1441  
section ~~indicating that the case should be transferred outweigh~~ 1442  
~~the applicable factors under division (E) of this section~~ 1443  
~~indicating that the case should not be transferred. The record~~ 1444  
~~shall indicate the specific factors that were applicable and~~ 1445  
~~that the court weighed.~~ 1446

~~(C)~~ (B) Before considering a transfer under division ~~(B)~~ (A) 1447  
of this section, the juvenile court shall order an investigation 1448  
into the child's social history, education, family situation, 1449

and any other factor bearing on whether the child is amenable to 1450  
juvenile rehabilitation, including a mental examination of the 1451  
child by a public or private agency or a person qualified to 1452  
make the examination. The investigation shall be completed and a 1453  
report on the investigation shall be submitted to the court as 1454  
soon as possible but not more than forty-five calendar days 1455  
after the court orders the investigation. The court may grant 1456  
one or more extensions for a reasonable length of time. The 1457  
child may waive the examination required by this division if the 1458  
court finds that the waiver is competently and intelligently 1459  
made. Refusal to submit to a mental examination by the child 1460  
constitutes a waiver of the examination. 1461

~~(D) No report on an investigation conducted pursuant to 1462  
this division shall include details of the alleged offense as 1463  
reported by the child. 1464~~

(C) In considering whether to transfer a child under 1465  
division ~~(B)~~ (A) of this section, the juvenile court shall 1466  
consider the following relevant factors, and any other relevant 1467  
factors, ~~in favor of a transfer under that division:~~ 1468

~~(1) The victim of the act charged suffered physical or 1469  
psychological harm, or serious economic harm, as a result of the 1470  
alleged act. 1471~~

~~(2) The physical or psychological harm suffered by the 1472  
victim due to the alleged act of the child was exacerbated 1473  
because of the physical or psychological vulnerability or the 1474  
age of the victim. 1475~~

~~(3) The child's relationship with the victim facilitated 1476  
the act charged. 1477~~

~~(4) The child allegedly committed the act charged for hire 1478~~

~~or as a part of a gang or other organized criminal activity.~~ 1479

~~(5) The child had a firearm on or about the child's person or under the child's control at the time of the act charged, the act charged is not a violation of section 2923.12 of the Revised Code, and the child, during the commission of the act charged, allegedly used or displayed the firearm, brandished the firearm, or indicated that the child possessed a firearm.~~ 1480  
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~~(6) At the time of the act charged, the child was awaiting adjudication or disposition as a delinquent child, was under a community control sanction, or was on parole for a prior delinquent child adjudication or conviction.~~ 1486  
1487  
1488  
1489

~~(7) The results of any previous juvenile sanctions and programs indicate that rehabilitation of the child will not occur in the juvenile system.~~ 1490  
1491  
1492

~~(8) The child is emotionally, physically, or psychologically mature enough for the transfer.~~ 1493  
1494

~~(9) There is not sufficient time to rehabilitate the child within the juvenile system.~~ 1495  
1496

~~(E) In considering whether to transfer a child under division (B) of this section, the juvenile court shall consider the following relevant factors, and any other relevant factors, against a transfer under that division:~~ 1497  
1498  
1499  
1500

~~(1) The victim induced or facilitated the act charged.~~ 1501

~~(2) The child acted under provocation in allegedly committing the act charged.~~ 1502  
1503

~~(3) The child was not the principal actor in the act charged, or, at the time of the act charged, the child was under the negative influence or coercion of another person.~~ 1504  
1505  
1506

~~(4) The child did not cause physical harm to any person or property, or have reasonable cause to believe that harm of that nature would occur, in allegedly committing the act charged.~~ 1507  
1508  
1509

~~(5) The child previously has not been adjudicated a delinquent child.~~ 1510  
1511

~~(6) The child is not emotionally, physically, or psychologically mature enough for the transfer.~~ 1512  
1513

~~(7) The child has a mental illness or intellectual disability.~~ 1514  
1515

~~(8) There is sufficient time to rehabilitate the child within the juvenile system and the level of security available in the juvenile system provides a reasonable assurance of public safety.~~ 1516  
1517  
1518  
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~~(F) If one or more complaints are filed alleging that a child is a delinquent child for committing two or more acts that would be offenses if committed by an adult, if a motion is made alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred, and if a motion also is made requesting that the case or cases involving one or more of the acts charged be transferred pursuant to division (B) of this section, the juvenile court, in deciding the motions, shall proceed in the following manner:~~ 1520  
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~~(1) Initially, the court shall decide the motion alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred.~~ 1530  
1531  
1532  
1533

~~(2) If the court determines that division (A) of this section applies and requires that the case or cases involving~~ 1534  
1535

~~one or more of the acts charged be transferred, the court shall~~ 1536  
~~transfer the case or cases in accordance with that division.~~ 1537  
~~After the transfer pursuant to division (A) of this section, the~~ 1538  
~~court shall decide, in accordance with division (B) of this~~ 1539  
~~section, whether to grant the motion requesting that the case or~~ 1540  
~~cases involving one or more of the acts charged be transferred~~ 1541  
~~pursuant to that division. Notwithstanding division (B) of this~~ 1542  
~~section, prior to transferring a case pursuant to division (A)~~ 1543  
~~of this section, the court is not required to consider any~~ 1544  
~~factor specified in division (D) or (E) of this section or to~~ 1545  
~~conduct an investigation under division (C) of this section.~~ 1546

~~(3) If the court determines that division (A) of this~~ 1547  
~~section does not require that the case or cases involving one or~~ 1548  
~~more of the acts charged be transferred, the court shall decide~~ 1549  
~~in accordance with division (B) of this section whether to grant~~ 1550  
~~the motion requesting that the case or cases involving one or~~ 1551  
~~more of the acts charged be transferred pursuant to that~~ 1552  
~~division.~~ 1553

~~(4) No report on an investigation conducted pursuant to~~ 1554  
~~division (C) of this section shall include details of the~~ 1555  
~~alleged offense as reported by the child.~~ (1) The risk level of 1556  
the child as determined by an evidence-based risk assessment 1557  
tool, which may be such a tool developed by the court, such a 1558  
tool endorsed by the department of youth services under division 1559  
(I) of this section, or any other such tool the court determines 1560  
to be appropriate, that is administered by a trained court 1561  
professional; 1562

(2) The level of harm to the victim in the alleged act of 1563  
the child, including the following: 1564

(a) The level of physical, psychological, or serious 1565

economic harm suffered by the victim or whether the child did 1566  
not cause physical harm to any person or property, or have 1567  
reasonable cause to believe that harm of that nature would 1568  
occur; 1569

(b) Whether the physical or psychological harm suffered by 1570  
the victim was exacerbated because of the physical or 1571  
psychological vulnerability or age of the victim. 1572

(3) The role of the victim, including the following: 1573

(a) Whether the child's relationship with the victim 1574  
facilitated the act charged; 1575

(b) Whether the victim induced or facilitated the act 1576  
charged or the child acted under provocation in allegedly 1577  
committing the act charged. 1578

(4) The circumstances of the offense, including the 1579  
following: 1580

(a) Whether the child was not the principle actor in the 1581  
act charged, or, at the time of the act charged, the child was 1582  
under the negative influence or coercion of another person; 1583

(b) Whether the child allegedly committed the act charged 1584  
for hire or as part of a gang; 1585

(c) Whether the child did or did not have a firearm on or 1586  
about the child's person or under the child's control at the 1587  
time of the act charged, the act charged is not a violation of 1588  
section 2923.12 of the Revised Code, and the child, during the 1589  
commission of the act charged, allegedly used or displayed the 1590  
firearm, brandished the firearm, or indicated that the child 1591  
possesses a firearm. 1592

(5) The child's prior experience in the juvenile court, 1593

including the presence or lack of any prior or current cases and 1594  
rehabilitative efforts by the juvenile court and the 1595  
availability of a reasonable and appropriate juvenile sanction 1596  
or program that has not yet been utilized; 1597

(6) The child's individual developmental characteristics, 1598  
including the following: 1599

(a) Whether the child is emotionally, physically, or 1600  
psychologically mature enough for the transfer; 1601

(b) Whether the child has a behavioral health issue, 1602  
including a mental illness, substance abuse disorder, or 1603  
developmental disability. 1604

(7) The child's background, including family and 1605  
environment, and trauma history; 1606

(8) Whether there is sufficient time to rehabilitate the 1607  
child within the juvenile system. 1608

~~(G)~~(D) The court shall give notice in writing of the time, 1609  
place, and purpose of any hearing held pursuant to division (A) 1610  
~~or (B)~~ of this section to the child's parents, guardian, or 1611  
other custodian and to the child's counsel at least three days 1612  
prior to the hearing. 1613

(E) A child who has been found not amenable to care or 1614  
rehabilitation within the juvenile system under division (B) of 1615  
this section has a right to appeal the transfer under division 1616  
(B) (8) of section 2505.02 of the Revised Code. Upon issuing the 1617  
order for transfer, the juvenile court shall immediately stay 1618  
the transfer for a period of fourteen days, unless waived by the 1619  
child. 1620

~~(H)~~(F) No person, either before or after reaching eighteen 1621

years of age, shall be prosecuted as an adult for an offense 1622  
committed prior to becoming eighteen years of age, unless the 1623  
person has been transferred as provided in division (A) ~~or (B)~~ 1624  
of this section or unless division ~~(J)~~ (H) of this section 1625  
applies. Any prosecution that is had in a criminal court on the 1626  
mistaken belief that the person who is the subject of the case 1627  
was eighteen years of age or older at the time of the commission 1628  
of the offense shall be deemed a nullity, and the person shall 1629  
not be considered to have been in jeopardy on the offense. 1630

~~(I)~~ (G) Upon the transfer of a case under division (A) ~~or~~ 1631  
~~(B)~~ of this section, the juvenile court shall state the reasons 1632  
for the transfer on the record, and shall order the child to 1633  
enter into a recognizance with good and sufficient surety for 1634  
the child's appearance before the appropriate court for any 1635  
disposition that the court is authorized to make for a similar 1636  
act committed by an adult. The transfer abates the jurisdiction 1637  
of the juvenile court with respect to the delinquent acts 1638  
alleged in the complaint, and, upon the transfer, all further 1639  
proceedings pertaining to the act charged shall be discontinued 1640  
in the juvenile court, and the case then shall be within the 1641  
jurisdiction of the court to which it is transferred as 1642  
described in division (H) of section 2151.23 of the Revised 1643  
Code. 1644

~~(J)~~ (H) If a person under eighteen years of age allegedly 1645  
commits an act that would be a felony if committed by an adult 1646  
and if the person is not taken into custody or apprehended for 1647  
that act until after the person attains twenty-one years of age, 1648  
the juvenile court does not have jurisdiction to hear or 1649  
determine any portion of the case charging the person with 1650  
committing that act. In those circumstances, ~~divisions~~ division 1651  
(A) ~~and (B)~~ of this section ~~do~~ does not apply regarding the act, 1652

and the case charging the person with committing the act shall 1653  
be a criminal prosecution commenced and heard in the appropriate 1654  
court having jurisdiction of the offense as if the person had 1655  
been eighteen years of age or older when the person committed 1656  
the act. All proceedings pertaining to the act shall be within 1657  
the jurisdiction of the court having jurisdiction of the 1658  
offense, and that court has all the authority and duties in the 1659  
case as it has in other criminal cases in that court. 1660

(I) The department of youth services shall develop and 1661  
provide to each juvenile court a list of standardized, evidence- 1662  
based risk assessment tools that the department endorses for use 1663  
by courts under division (C) of this section. A court may use, 1664  
but is not required to use, a tool from the endorsed list in 1665  
performing the functions described in that division. 1666

**Sec. 2152.13.** (A) A juvenile court ~~shall impose a serious- 1667~~  
~~youthful dispositional sentence on a child when required under 1668~~  
~~division (B) (3) of section 2152.121 of the Revised Code. In such 1669~~  
~~a case, the remaining provisions of this division and divisions- 1670~~  
~~(B) and (C) do not apply to the child, and the court shall 1671~~  
~~impose the mandatory serious youthful dispositional sentence- 1672~~  
~~under division (D) (1) of this section.- 1673~~

~~In all other cases, a juvenile court may impose a serious 1674~~  
~~youthful offender dispositional sentence on a child only if the 1675~~  
~~prosecuting attorney of the county in which the delinquent act 1676~~  
~~allegedly occurred initiates the process against the child in 1677~~  
~~accordance with this division, and the child is an alleged 1678~~  
~~delinquent child who is eligible for the dispositional sentence. 1679~~  
~~The prosecuting attorney may initiate the process in any of the 1680~~  
~~following ways: 1681~~

(1) Obtaining an indictment of the child as a serious 1682

youthful offender; 1683

(2) The child waives the right to indictment, charging the 1684  
child in a bill of information as a serious youthful offender; 1685

(3) Until an indictment or information is obtained, 1686  
requesting a serious youthful offender dispositional sentence in 1687  
the original complaint alleging that the child is a delinquent 1688  
child; 1689

(4) Until an indictment or information is obtained, if the 1690  
original complaint does not request a serious youthful offender 1691  
dispositional sentence, filing with the juvenile court a written 1692  
notice of intent to seek a serious youthful offender 1693  
dispositional sentence within twenty days after the later of the 1694  
following, unless the time is extended by the juvenile court for 1695  
good cause shown: 1696

(a) The date of the child's first juvenile court hearing 1697  
regarding the complaint; 1698

(b) The date the juvenile court determines not to transfer 1699  
the case under section 2152.12 of the Revised Code. 1700

After a written notice is filed under division (A) (4) of 1701  
this section, the juvenile court shall serve a copy of the 1702  
notice on the child and advise the child of the prosecuting 1703  
attorney's intent to seek a serious youthful offender 1704  
dispositional sentence in the case. 1705

(B) If an alleged delinquent child is not indicted or 1706  
charged by information as described in division (A) (1) or (2) of 1707  
this section and if a notice or complaint as described in 1708  
division (A) (3) or (4) of this section indicates that the 1709  
prosecuting attorney intends to pursue a serious youthful 1710  
offender dispositional sentence in the case, the juvenile court 1711

shall hold a preliminary hearing to determine if there is 1712  
probable cause that the child committed the act charged and is 1713  
by age eligible for, or required to receive, a serious youthful 1714  
offender dispositional sentence. 1715

(C) (1) A child for whom a serious youthful offender 1716  
dispositional sentence is sought by a prosecuting attorney has 1717  
the right to a grand jury determination of probable cause that 1718  
the child committed the act charged and that the child is 1719  
eligible by age for a serious youthful offender dispositional 1720  
sentence. The grand jury may be impaneled by the court of common 1721  
pleas or the juvenile court. 1722

Once a child is indicted, or charged by information or the 1723  
juvenile court determines that the child is eligible for a 1724  
serious youthful offender dispositional sentence, the child is 1725  
entitled to an open and speedy trial by jury in juvenile court 1726  
and to be provided with a transcript of the proceedings. The 1727  
time within which the trial is to be held under Title XXIX of 1728  
the Revised Code commences on whichever of the following dates 1729  
is applicable: 1730

(a) If the child is indicted or charged by information, on 1731  
the date of the filing of the indictment or information. 1732

(b) If the child is charged by an original complaint that 1733  
requests a serious youthful offender dispositional sentence, on 1734  
the date of the filing of the complaint. 1735

(c) If the child is not charged by an original complaint 1736  
that requests a serious youthful offender dispositional 1737  
sentence, on the date that the prosecuting attorney files the 1738  
written notice of intent to seek a serious youthful offender 1739  
dispositional sentence. 1740

(2) If the child is detained awaiting adjudication, upon 1741  
indictment or being charged by information, the child has the 1742  
same right to bail as an adult charged with the offense the 1743  
alleged delinquent act would be if committed by an adult. Except 1744  
as provided in division (D) of section 2152.14 of the Revised 1745  
Code, all provisions of Title XXIX of the Revised Code and the 1746  
Criminal Rules shall apply in the case and to the child. The 1747  
juvenile court shall afford the child all rights afforded a 1748  
person who is prosecuted for committing a crime including the 1749  
right to counsel and the right to raise the issue of competency. 1750  
The child may not waive the right to counsel. 1751

(D)(1) If a child is adjudicated a delinquent child for 1752  
committing an act under circumstances that require the juvenile 1753  
court to impose upon the child a serious youthful offender 1754  
dispositional sentence under section 2152.11 of the Revised 1755  
Code, all of the following apply: 1756

(a) The juvenile court shall impose upon the child a 1757  
sentence available for the violation, as if the child were an 1758  
adult, under Chapter 2929. of the Revised Code, except that the 1759  
juvenile court shall not impose on the child a sentence of death 1760  
or life imprisonment without parole. 1761

(b) The juvenile court also shall impose upon the child 1762  
one or more traditional juvenile dispositions under sections 1763  
2152.16, 2152.19, and 2152.20, and, if applicable, section 1764  
2152.17 of the Revised Code. 1765

(c) The juvenile court shall stay the adult portion of the 1766  
serious youthful offender dispositional sentence pending the 1767  
successful completion of the traditional juvenile dispositions 1768  
imposed. 1769

(2) (a) If a child is adjudicated a delinquent child for 1770  
committing an act under circumstances that allow, ~~but do not~~ 1771  
~~require~~, the juvenile court to impose on the child a serious 1772  
youthful offender dispositional sentence under section 2152.11 1773  
of the Revised Code, all of the following apply: 1774

(i) If the juvenile court on the record makes a finding 1775  
that, given the nature and circumstances of the violation and 1776  
the history of the child, the length of time, level of security, 1777  
and types of programming and resources available in the juvenile 1778  
system alone are not adequate to provide the juvenile court with 1779  
a reasonable expectation that the purposes set forth in section 1780  
2152.01 of the Revised Code will be met, the juvenile court may 1781  
impose upon the child a sentence available for the violation, as 1782  
if the child were an adult, under Chapter 2929. of the Revised 1783  
Code, except that the juvenile court shall not impose on the 1784  
child a sentence of death or life imprisonment without parole. 1785

(ii) If a sentence is imposed under division (D) (2) (a) (i) 1786  
of this section, the juvenile court also shall impose upon the 1787  
child one or more traditional juvenile dispositions under 1788  
sections 2152.16, 2152.19, and 2152.20 and, if applicable, 1789  
section 2152.17 of the Revised Code. 1790

(iii) The juvenile court shall stay the adult portion of 1791  
the serious youthful offender dispositional sentence pending the 1792  
successful completion of the traditional juvenile dispositions 1793  
imposed. 1794

(b) If the juvenile court does not find that a sentence 1795  
should be imposed under division (D) (2) (a) (i) of this section, 1796  
the juvenile court may impose one or more traditional juvenile 1797  
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 1798  
applicable, section 2152.17 of the Revised Code. 1799

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

**Sec. 2152.14.** (A) (1) The director of youth services may  
request the prosecuting attorney of the county in which is  
located the juvenile court that imposed a serious youthful  
offender dispositional sentence upon a person under section  
~~2152.121 or 2152.13~~ of the Revised Code, or under former section  
2152.121 of the Revised Code as it existed prior to the  
effective date of this amendment, to file a motion with that  
juvenile court to invoke the adult portion of the dispositional  
sentence if all of the following apply to the person:

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

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

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

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

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

committed by an adult. 1829

(b) The person has engaged in conduct that creates a 1830  
substantial risk to the safety or security of the institution, 1831  
the community, or the victim. 1832

(B) If a person is at least fourteen years of age, is 1833  
serving the juvenile portion of a serious youthful offender 1834  
dispositional sentence imposed under section ~~2152.121~~ or 2152.13 1835  
of the Revised Code, or under former section 2152.121 of the 1836  
Revised Code as it existed prior to the effective date of this 1837  
amendment, and is on parole or aftercare from a department of 1838  
youth services facility, or on community control, the director 1839  
of youth services, the juvenile court that imposed the serious 1840  
youthful offender dispositional sentence on the person, or the 1841  
probation department supervising the person may request the 1842  
prosecuting attorney of the county in which is located the 1843  
juvenile court to file a motion with the juvenile court to 1844  
invoke the adult portion of the dispositional sentence. The 1845  
prosecuting attorney may file a motion to invoke the adult 1846  
portion of the dispositional sentence even if no request is 1847  
made. The motion shall state that there is reasonable cause to 1848  
believe that either of the following occurred and shall state 1849  
that at least one incident of misconduct of that nature occurred 1850  
after the person reached fourteen years of age: 1851

(1) The person committed an act that is a violation of the 1852  
conditions of supervision and that could be charged as any 1853  
felony or as a first degree misdemeanor offense of violence if 1854  
committed by an adult. 1855

(2) The person has engaged in conduct that creates a 1856  
substantial risk to the safety or security of the community or 1857  
of the victim. 1858

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

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

evidence that the person has a mental illness or intellectual disability, the juvenile court shall consider that evidence in determining whether to invoke the adult portion of the serious youthful offender dispositional sentence.

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

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

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

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

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

(F) If a juvenile court issues an order invoking the adult portion of a serious youthful offender dispositional sentence under division (E) of this section, the juvenile portion of the dispositional sentence shall terminate, and the department of youth services shall transfer the person to the department of

rehabilitation and correction or place the person under another 1919  
sanction imposed as part of the sentence. The juvenile court 1920  
shall state in its order the total number of days that the 1921  
person has been held in detention or in a facility operated by, 1922  
or under contract with, the department of youth services under 1923  
the juvenile portion of the dispositional sentence. The time the 1924  
person must serve on a prison term imposed under the adult 1925  
portion of the dispositional sentence shall be reduced by the 1926  
total number of days specified in the order plus any additional 1927  
days the person is held in a juvenile facility or in detention 1928  
after the order is issued and before the person is transferred 1929  
to the custody of the department of rehabilitation and 1930  
correction. In no case shall the total prison term as calculated 1931  
under this division exceed the maximum prison term available for 1932  
an adult who is convicted of violating the same sections of the 1933  
Revised Code. 1934

Any community control imposed as part of the adult 1935  
sentence or as a condition of a judicial release from prison 1936  
shall be under the supervision of the entity that provides adult 1937  
probation services in the county. Any post-release control 1938  
imposed after the offender otherwise is released from prison 1939  
shall be supervised by the adult parole authority. 1940

**Sec. 2152.18.** (A) When a juvenile court commits a 1941  
delinquent child to the custody of the department of youth 1942  
services pursuant to this chapter, the court shall not designate 1943  
the specific institution in which the department is to place the 1944  
child but instead shall specify that the child is to be 1945  
institutionalized in a secure facility. 1946

(B) When a juvenile court commits a delinquent child to 1947  
the custody of the department of youth services pursuant to this 1948

chapter, the court shall state in the order of commitment the 1949  
total number of days that the child has been confined in 1950  
connection with the delinquent child complaint upon which the 1951  
order of commitment is based. The court shall ~~not only~~ include 1952  
days that the child has been ~~under electronic monitoring or~~ 1953  
~~house arrest or days that the child has been confined in a~~ 1954  
~~halfway house~~. The department shall reduce the minimum period of 1955  
institutionalization that was ordered by both the total number 1956  
of days that the child has been so confined as stated by the 1957  
court in the order of commitment and the total number of any 1958  
additional days that the child has been confined subsequent to 1959  
the order of commitment but prior to the transfer of physical 1960  
custody of the child to the department. 1961

The juvenile court retains continuing jurisdiction to 1962  
correct any error not previously raised at disposition in making 1963  
a determination under this division. The delinquent child may, 1964  
at any time after disposition, file a motion in the juvenile 1965  
court to correct any error made in making a determination under 1966  
this division and the court in its discretion may grant or deny 1967  
that motion. If the court changes the number of days in its 1968  
determination or redetermination, the court shall cause the 1969  
entry granting that change to be delivered to the department of 1970  
youth services without delay. 1971

An inaccurate determination under this division is not 1972  
grounds for setting aside the delinquent child's adjudication or 1973  
disposition and does not otherwise render the disposition void 1974  
or voidable. 1975

(C) (1) When a juvenile court commits a delinquent child to 1976  
the custody of the department of youth services pursuant to this 1977  
chapter, the court shall provide the department with the child's 1978

medical records, a copy of the report of any mental examination 1979  
of the child ordered by the court, the Revised Code section or 1980  
sections the child violated and the degree of each violation, 1981  
the warrant to convey the child to the department, a copy of the 1982  
court's journal entry ordering the commitment of the child to 1983  
the legal custody of the department, a copy of the arrest record 1984  
pertaining to the act for which the child was adjudicated a 1985  
delinquent child, a copy of any victim impact statement 1986  
pertaining to the act, and any other information concerning the 1987  
child that the department reasonably requests. The court also 1988  
shall complete the form for the standard predisposition 1989  
investigation report that the department furnishes pursuant to 1990  
section 5139.04 of the Revised Code and provide the department 1991  
with the completed form. 1992

The department may refuse to accept physical custody of a 1993  
delinquent child who is committed to the legal custody of the 1994  
department until the court provides to the department the 1995  
documents specified in this division. No officer or employee of 1996  
the department who refuses to accept physical custody of a 1997  
delinquent child who is committed to the legal custody of the 1998  
department shall be subject to prosecution or contempt of court 1999  
for the refusal if the court fails to provide the documents 2000  
specified in this division at the time the court transfers the 2001  
physical custody of the child to the department. 2002

(2) Within twenty working days after the department of 2003  
youth services receives physical custody of a delinquent child 2004  
from a juvenile court, the court shall provide the department 2005  
with a certified copy of the child's birth certificate and the 2006  
child's social security number or, if the court made all 2007  
reasonable efforts to obtain the information but was 2008  
unsuccessful, with documentation of the efforts it made to 2009

obtain the information. 2010

(3) If an officer is preparing pursuant to section 2947.06 2011  
or 2951.03 of the Revised Code or Criminal Rule 32.2 a 2012  
presentence investigation report pertaining to a person, the 2013  
department shall make available to the officer, for use in 2014  
preparing the report, any records or reports it possesses 2015  
regarding that person that it received from a juvenile court 2016  
pursuant to division (C)(1) of this section or that pertain to 2017  
the treatment of that person after the person was committed to 2018  
the custody of the department as a delinquent child. 2019

(D)(1) Within ten days after an adjudication that a child 2020  
is a delinquent child, the court shall give written notice of 2021  
the adjudication to the superintendent of a city, local, 2022  
exempted village, or joint vocational school district, and to 2023  
the principal of the school the child attends, if the basis of 2024  
the adjudication was the commission of an act that would be a 2025  
criminal offense if committed by an adult, if the act was 2026  
committed by the delinquent child when the child was fourteen 2027  
years of age or older, and if the act is any of the following: 2028

(a) An act that would be a felony or an offense of 2029  
violence if committed by an adult, an act in the commission of 2030  
which the child used or brandished a firearm, or an act that is 2031  
a violation of section 2907.06, 2907.07, 2907.08, 2907.09, 2032  
2907.24, or 2907.241 of the Revised Code and that would be a 2033  
misdemeanor if committed by an adult; 2034

(b) A violation of section 2923.12 of the Revised Code or 2035  
of a substantially similar municipal ordinance that would be a 2036  
misdemeanor if committed by an adult and that was committed on 2037  
property owned or controlled by, or at an activity held under 2038  
the auspices of, the board of education of that school district; 2039

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

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

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

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

(3) Within fourteen days after committing a delinquent child to the custody of the department of youth services, the court shall give notice to the school attended by the child of the child's commitment by sending to that school a copy of the court's journal entry ordering the commitment. As soon as

possible after receipt of the notice described in this division, 2070  
the school shall provide the department with the child's school 2071  
transcript. However, the department shall not refuse to accept a 2072  
child committed to it, and a child committed to it shall not be 2073  
held in a county or district detention facility, because of a 2074  
school's failure to provide the school transcript that it is 2075  
required to provide under this division. 2076

(4) Within fourteen days after discharging or releasing a 2077  
child from an institution under its control, the department of 2078  
youth services shall provide the court and the superintendent of 2079  
the school district in which the child is entitled to attend 2080  
school under section 3313.64 or 3313.65 of the Revised Code with 2081  
the following: 2082

(a) An updated copy of the child's school transcript; 2083

(b) A report outlining the child's behavior in school 2084  
while in the custody of the department; 2085

(c) The child's current individualized education program, 2086  
as defined in section 3323.01 of the Revised Code, if such a 2087  
program has been developed for the child; 2088

(d) A summary of the institutional record of the child's 2089  
behavior. 2090

The department also shall provide the court with a copy of 2091  
any portion of the child's institutional record that the court 2092  
specifically requests, within five working days of the request. 2093

(E) At any hearing at which a child is adjudicated a 2094  
delinquent child or as soon as possible after the hearing, the 2095  
court shall notify all victims of the delinquent act who may be 2096  
entitled to a recovery under any of the following sections of 2097  
the right of the victims to recover, pursuant to section 3109.09 2098

of the Revised Code, compensatory damages from the child's 2099  
parents; of the right of the victims to recover, pursuant to 2100  
section 3109.10 of the Revised Code, compensatory damages from 2101  
the child's parents for willful and malicious assaults committed 2102  
by the child; and of the right of the victims to recover an 2103  
award of reparations pursuant to sections 2743.51 to 2743.72 of 2104  
the Revised Code. 2105

(F) As used in this section: 2106

(1) "Community corrections facility" and "secure facility" 2107  
have the same meanings as in section 5139.01 of the Revised 2108  
Code. 2109

(2) "Confined" means the placement of a child in any 2110  
locked and secure facility, either adult or juvenile, in a 2111  
locked and secure section of any facility, either adult or 2112  
juvenile, or in any community corrections facility. 2113

**Sec. 2152.20.** (A) If a child is adjudicated a delinquent 2114  
child or a juvenile traffic offender, the court may order any of 2115  
the following dispositions, in addition to any other disposition 2116  
authorized or required by this chapter: 2117

(1) Impose a fine in accordance with the following 2118  
schedule: 2119

(a) For an act that would be a minor misdemeanor or an 2120  
unclassified misdemeanor if committed by an adult, a fine not to 2121  
exceed fifty dollars; 2122

(b) For an act that would be a misdemeanor of the fourth 2123  
degree if committed by an adult, a fine not to exceed one 2124  
hundred dollars; 2125

(c) For an act that would be a misdemeanor of the third 2126

degree if committed by an adult, a fine not to exceed one	2127
hundred fifty dollars;	2128
(d) For an act that would be a misdemeanor of the second	2129
degree if committed by an adult, a fine not to exceed two	2130
hundred dollars;	2131
(e) For an act that would be a misdemeanor of the first	2132
degree if committed by an adult, a fine not to exceed two	2133
hundred fifty dollars;	2134
(f) For an act that would be a felony of the fifth degree	2135
or an unclassified felony if committed by an adult, a fine not	2136
to exceed three hundred dollars;	2137
(g) For an act that would be a felony of the fourth degree	2138
if committed by an adult, a fine not to exceed four hundred	2139
dollars;	2140
(h) For an act that would be a felony of the third degree	2141
if committed by an adult, a fine not to exceed seven hundred	2142
fifty dollars;	2143
(i) For an act that would be a felony of the second degree	2144
if committed by an adult, a fine not to exceed one thousand	2145
dollars;	2146
(j) For an act that would be a felony of the first degree	2147
if committed by an adult, a fine not to exceed one thousand five	2148
hundred dollars;	2149
(k) For an act that would be aggravated murder or murder	2150
if committed by an adult, a fine not to exceed two thousand	2151
dollars.	2152
(2) <u>Require the child, a parent or parents of the child,</u>	2153
<u>or both the child and a parent or parents of the child to pay</u>	2154

costs, including, but not limited to, costs described in section 2155  
2746.05 of the Revised Code; 2156

(3) Unless the child's delinquent act or juvenile traffic 2157  
offense would be a minor misdemeanor if committed by an adult or 2158  
could be disposed of by the juvenile traffic violations bureau 2159  
serving the court under Traffic Rule 13.1 if the court has 2160  
established a juvenile traffic violations bureau, require the 2161  
child to make restitution ~~to the victim of the child's~~ 2162  
~~delinquent act or juvenile traffic offense or, if the victim is~~ 2163  
~~deceased, to a survivor of the victim in an amount based upon~~ 2164  
~~the victim's economic loss caused by or related to the~~ 2165  
~~delinquent act or juvenile traffic offense. The court may not~~ 2166  
~~require a child to make restitution pursuant to this division if~~ 2167  
~~the child's delinquent act or juvenile traffic offense would be~~ 2168  
~~a minor misdemeanor if committed by an adult or could be~~ 2169  
~~disposed of by the juvenile traffic violations bureau serving~~ 2170  
~~the court under Traffic Rule 13.1 if the court has established a~~ 2171  
~~juvenile traffic violations bureau. If the court requires~~ 2172  
~~restitution under this division, the restitution shall be made~~ 2173  
~~directly to the victim in open court or to the probation~~ 2174  
~~department that serves the jurisdiction or the clerk of courts~~ 2175  
~~on behalf of the victim.~~ 2176

~~If the court requires restitution under this division, the~~ 2177  
~~restitution may be in the form of a cash reimbursement paid in a~~ 2178  
~~lump sum or in installments, the performance of repair work to~~ 2179  
~~restore any damaged property to its original condition, the~~ 2180  
~~performance of a reasonable amount of labor for the victim or~~ 2181  
~~survivor of the victim, the performance of community service~~ 2182  
~~work, any other form of restitution devised by the court, or any~~ 2183  
~~combination of the previously described forms of restitution.~~ 2184

~~If the court requires restitution under this division, the court may base the restitution order on an amount recommended by the victim or survivor of the victim, the delinquent child, the juvenile traffic offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and any other information, provided that the amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the delinquent act or juvenile traffic offense. If the court decides to order restitution under this division and the amount of the restitution is disputed by the victim or survivor or by the delinquent child or juvenile traffic offender, the court shall hold a hearing on the restitution. If the court requires restitution under this division, the court shall determine, or order the determination of, the amount of restitution to be paid by the delinquent child or juvenile traffic offender. All restitution payments shall be credited against any recovery of economic loss in a civil action brought by or on behalf of the victim against the delinquent child or juvenile traffic offender or the delinquent child's or juvenile traffic offender's parent, guardian, or other custodian.~~

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

~~The victim or the survivor of the victim may request that the prosecuting authority file a motion, or the delinquent child or juvenile traffic offender may file a motion, for modification~~

~~of the payment terms of any restitution ordered under this~~ 2216  
~~division. If the court grants the motion, it may modify the~~ 2217  
~~payment terms as it determines appropriate as provided under~~ 2218  
~~section 2152.203 of the Revised Code.~~ 2219

(4) Require the child, a parent or parents of the child, 2220  
or both the child and a parent or parents of the child to 2221  
reimburse any or all of the costs incurred for services or 2222  
sanctions provided or imposed, including, but not limited to, 2223  
the following: 2224

(a) All or part of the costs of implementing any community 2225  
control imposed as a disposition under section 2152.19 of the 2226  
Revised Code, including a supervision fee; 2227

(b) All or part of the costs of confinement in a 2228  
residential facility described in section 2152.19 of the Revised 2229  
Code ~~or in a department of youth services institution,~~ 2230  
including, but not limited to, a per diem fee for room and 2231  
board, the costs of medical and dental treatment provided, and 2232  
the costs of repairing property the delinquent child damaged 2233  
while so confined. ~~The amount of reimbursement ordered for a~~ 2234  
~~child under this division shall not exceed the total amount of~~ 2235  
~~reimbursement the child is able to pay as determined at a~~ 2236  
~~hearing and shall not exceed the actual cost of the confinement.~~ 2237  
~~The court may collect any reimbursement ordered under this~~ 2238  
~~division. If the court does not order reimbursement under this~~ 2239  
~~division, confinement costs may be assessed pursuant to a~~ 2240  
~~repayment policy adopted under section 2929.37 of the Revised~~ 2241  
~~Code and division (D) of section 307.93, division (A) of section~~ 2242  
~~341.19, division (C) of section 341.23 or 753.16, division (C)~~ 2243  
~~of section 2301.56, or division (B) of section 341.14, 753.02,~~ 2244  
~~753.04, or 2947.19 of the Revised Code.~~ 2245

(B) Chapter 2981. of the Revised Code applies to a child 2246  
who is adjudicated a delinquent child for violating section 2247  
2923.32 or 2923.42 of the Revised Code or for committing an act 2248  
that, if committed by an adult, would be a felony drug abuse 2249  
offense. 2250

(C) The court ~~may, at disposition, shall~~ hold a hearing ~~if-~~ 2251  
~~necessary~~ to determine whether a child ~~is, or a parent or~~ 2252  
parents of the child, or both the child and a parent or parents 2253  
of the child, are able to pay a sanction under this section. 2254

The amount of any sanction ordered under this section 2255  
shall not exceed the total amount of such sanctions that the 2256  
child, the parent or parents of the child, or both the child and 2257  
a parent or parents of the child, are able to pay. The court may 2258  
collect any sanction ordered under this section. 2259

A person required to pay a financial sanction imposed 2260  
under this section is the obligor under the sanction. 2261

(D) If a child who is adjudicated a delinquent child is 2262  
indigent, the court shall consider imposing a term of community 2263  
service under division (A) of section 2152.19 of the Revised 2264  
Code in lieu of imposing a financial sanction under this 2265  
section. If a child who is adjudicated a delinquent child is not 2266  
indigent, the court may impose a term of community service under 2267  
that division in lieu of, or in addition to, imposing a 2268  
financial sanction under this section. The court may order 2269  
community service for an act that if committed by an adult would 2270  
be a minor misdemeanor. 2271

If a child fails to pay a financial sanction imposed under 2272  
this section, the court may impose a term of community service 2273  
in lieu of the sanction. 2274

(E) The clerk of the court, or another person authorized 2275  
by law or by the court to collect a financial sanction imposed 2276  
under this section, may do any of the following: 2277

(1) Enter into contracts with one or more public agencies 2278  
~~or private vendors~~ for the collection of the amounts due under 2279  
the financial sanction, which amounts may include interest from 2280  
the date of imposition of the financial sanction; 2281

(2) Permit payment of all, or any portion of, the 2282  
financial sanction in installments, by credit or debit card, by 2283  
another type of electronic transfer, or by any other reasonable 2284  
method, within any period of time, and on any terms that the 2285  
court considers just, except that the maximum time permitted for 2286  
payment shall not exceed five years or extend beyond the child's 2287  
twenty-first birthday, whichever occurs first. The clerk may pay 2288  
any fee associated with processing an electronic transfer out of 2289  
public money and may charge the fee to the delinquent child. 2290

(3) To defray administrative costs, charge a reasonable 2291  
fee to ~~a child who~~ the obligor, if the obligor elects a payment 2292  
plan rather than a lump sum payment of a financial sanction. 2293

**Sec. 2152.203.** (A) If a child is adjudicated a delinquent 2294  
child or a juvenile traffic offender, unless the child's 2295  
delinquent act or juvenile traffic offense would be a minor 2296  
misdemeanor if committed by an adult or could be disposed of by 2297  
the juvenile traffic violations bureau serving the court under 2298  
Traffic Rule 13.1 if the court has established a juvenile 2299  
traffic violations bureau, the court, as an order of disposition 2300  
imposed under division (A) (3) of section 2152.20 of the Revised 2301  
Code, may order the child to make restitution to the victim of 2302  
the child's delinquent act or juvenile traffic offense or, if 2303  
the victim is deceased, to a survivor of the victim in an amount 2304

based upon the victim's economic loss caused by or related to 2305  
the delinquent act or juvenile traffic offense. If the court 2306  
requires restitution under this division, the restitution shall 2307  
be made directly to the victim in open court or to the probation 2308  
department that serves the jurisdiction or the clerk of courts 2309  
on behalf of the victim. 2310

(B) If the court requires restitution under division (A) 2311  
of this section, the court may order that the restitution be in 2312  
the form of a cash reimbursement paid in a lump sum or in 2313  
installments, the performance of repair work to restore any 2314  
damaged property to its original condition, the performance of a 2315  
reasonable amount of labor for the victim or survivor of the 2316  
victim, the performance of community service work, any other 2317  
form of restitution devised by the court, including, but not 2318  
limited to, alternative restorative justice or alternative means 2319  
to restitution, or any combination of the previously described 2320  
forms of restitution. An order of alternative restorative 2321  
justice or alternative means to restitution may include a 2322  
requirement to return personal property. 2323

(C) If the court requires restitution under division (A) 2324  
of this section, the court may base the restitution order on an 2325  
amount recommended by the victim or survivor of the victim, the 2326  
delinquent child, the juvenile traffic offender, a presentence 2327  
investigation report, estimates or receipts indicating the cost 2328  
of repairing or replacing property, and any other information, 2329  
provided that the amount the court orders as restitution shall 2330  
not exceed the amount of the economic loss suffered by the 2331  
victim as a direct and proximate result of the delinquent act or 2332  
juvenile traffic offense. If the court decides to order 2333  
restitution under division (A) of this section and the amount of 2334  
the restitution is disputed by the victim or survivor or by the 2335

delinquent child or juvenile traffic offender, the court shall 2336  
hold a hearing on the restitution. If the court requires 2337  
restitution under division (A) of this section, the court shall 2338  
determine, or order the determination of, the amount of 2339  
restitution to be paid by the delinquent child or juvenile 2340  
traffic offender. All restitution payments shall be credited 2341  
against any recovery of economic loss in a civil action brought 2342  
by or on behalf of the victim against the delinquent child or 2343  
juvenile traffic offender or the delinquent child's or juvenile 2344  
traffic offender's parent, guardian, or other custodian. 2345

(D) If the court requires restitution under division (A) 2346  
of this section, the court may order the payment of a surcharge, 2347  
in an amount not exceeding five per cent of the amount of 2348  
restitution otherwise ordered under that division to the entity 2349  
responsible for collecting and processing the restitution 2350  
payments. The amount so ordered shall be ordered as costs under 2351  
section 2152.20 of the Revised Code. 2352

(E) Any court order for restitution under this section 2353  
expires upon the earlier of the following events: 2354

(1) The satisfaction of the restitution, either through 2355  
payment, community service, or at the advice of the victim; 2356

(2) The completion of the entire disposition ordered by 2357  
the court for the delinquent child or juvenile traffic offender 2358  
against whom the order is made; 2359

(3) The attainment of twenty-one years of age by the 2360  
delinquent child or juvenile traffic offender against whom the 2361  
order is made. 2362

(F) If a court requires restitution under division (A) of 2363  
this section, in establishing a payment plan, the court shall 2364

consider the child's present and future ability to pay in 2365  
addition to any other factors the court finds relevant in 2366  
determining the number and amount of restitution payments. 2367

(G) Except as otherwise provided in this division, a court 2368  
order for restitution imposed under this section may be reduced 2369  
to a civil judgment in favor of the victim at the time specified 2370  
in this division. If the order is reduced to such a judgment, 2371  
the person required to pay the restitution under the order is 2372  
the judgment debtor. The order may be reduced to such a judgment 2373  
on or after the termination of the court's jurisdiction upon the 2374  
delinquent child's or juvenile traffic offender's attainment of 2375  
twenty-one years of age or, if the order for restitution has not 2376  
been satisfied after the exhaustion of the options specified in 2377  
division (B) of this section, by order of the court, whichever 2378  
occurs first. When an order for restitution has been reduced to 2379  
a civil judgment in favor of the victim under this division, the 2380  
victim may do any of the following: 2381

(1) Obtain from the clerk of the court in which the 2382  
judgment was entered a certificate of judgment that shall be in 2383  
the same manner and form as a certificate of judgment issued in 2384  
a civil action; 2385

(2) Obtain execution of the judgment or order through any 2386  
available procedure, including: 2387

(a) An execution against the property of the judgment 2388  
debtor under Chapter 2329. of the Revised Code; 2389

(b) An execution against the person of the judgment debtor 2390  
under Chapter 2331. of the Revised Code; 2391

(c) A proceeding in aid of execution under Chapter 2333. 2392  
of the Revised Code, including: 2393

<u>(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;</u>	2394
	2395
	2396
<u>(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;</u>	2397
	2398
<u>(iii) A creditor's suit under section 2333.01 of the Revised Code.</u>	2399
	2400
<u>(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;</u>	2401
	2402
<u>(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.</u>	2403
	2404
<u>(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.</u>	2405
	2406
<b>Sec. 2152.21.</b> (A) Unless division (C) of this section applies, if a child is adjudicated a juvenile traffic offender, the court may make any of the following orders of disposition:	2407
	2408
	2409
(1) Impose costs and one or more financial sanctions in accordance with section 2152.20 of the Revised Code;	2410
	2411
(2) Suspend the child's driver's license, probationary driver's license, or temporary instruction permit for a definite period not exceeding two years or suspend the registration of all motor vehicles registered in the name of the child for a definite period not exceeding two years. A child whose license or permit is so suspended is ineligible for issuance of a license or permit during the period of suspension. At the end of the period of suspension, the child shall not be reissued a license or permit until the child has paid any applicable reinstatement fee and complied with all requirements governing	2412
	2413
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	2421

license reinstatement. 2422

(3) Place the child on community control; 2423

(4) If the child is adjudicated a juvenile traffic 2424  
offender for an act other than an act that would be a minor 2425  
misdemeanor if committed by an adult and other than an act that 2426  
could be disposed of by the juvenile traffic violations bureau 2427  
serving the court under Traffic Rule 13.1 if the court has 2428  
established a juvenile traffic violations bureau, require the 2429  
child to make restitution pursuant to division (A) (3) of section 2430  
2152.20 and section 2152.203 of the Revised Code; 2431

(5) (a) If the child is adjudicated a juvenile traffic 2432  
offender for committing a violation of division (A) of section 2433  
4511.19 of the Revised Code or of a municipal ordinance that is 2434  
substantially equivalent to that division, commit the child, for 2435  
not longer than five days, to either of the following: 2436

(i) The temporary custody of a detention facility or 2437  
district detention facility established under section 2152.41 of 2438  
the Revised Code; 2439

(ii) The temporary custody of any school, camp, 2440  
institution, or other facility for children operated in whole or 2441  
in part for the care of juvenile traffic offenders of that 2442  
nature by the county, by a district organized under section 2443  
2151.65 or 2152.41 of the Revised Code, or by a private agency 2444  
or organization within the state that is authorized and 2445  
qualified to provide the care, treatment, or placement required. 2446

(b) If an order of disposition committing a child to the 2447  
temporary custody of a home, school, camp, institution, or other 2448  
facility of that nature is made under division (A) (5) (a) of this 2449  
section, the length of the commitment shall not be reduced or 2450

diminished as a credit for any time that the child was held in a 2451  
place of detention or shelter care, or otherwise was detained, 2452  
prior to entry of the order of disposition. 2453

(6) If, after making a disposition under divisions (A) (1) 2454  
to (5) of this section, the court finds upon further hearing 2455  
that the child has failed to comply with the orders of the court 2456  
and the child's operation of a motor vehicle constitutes the 2457  
child a danger to the child and to others, the court may make 2458  
any disposition authorized by divisions (A) (1), (4), (5), and 2459  
(8) of section 2152.19 of the Revised Code, except that the 2460  
child may not be committed to or placed in a secure correctional 2461  
facility unless authorized by division (A) (5) of this section, 2462  
and commitment to or placement in a detention facility may not 2463  
exceed twenty-four hours. 2464

(B) If a child is adjudicated a juvenile traffic offender 2465  
for violating division (A) or (B) of section 4511.19 of the 2466  
Revised Code, in addition to any order of disposition made under 2467  
division (A) of this section, the court shall impose a class six 2468  
suspension of the temporary instruction permit, probationary 2469  
driver's license, or driver's license issued to the child from 2470  
the range specified in division (A) (6) of section 4510.02 of the 2471  
Revised Code. The court, in its discretion, may terminate the 2472  
suspension if the child attends and satisfactorily completes a 2473  
drug abuse or alcohol abuse education, intervention, or 2474  
treatment program specified by the court. During the time the 2475  
child is attending a program as described in this division, the 2476  
court shall retain the child's temporary instruction permit, 2477  
probationary driver's license, or driver's license issued, and 2478  
the court shall return the permit or license if it terminates 2479  
the suspension as described in this division. 2480

(C) If a child is adjudicated a juvenile traffic offender 2481  
for violating division (B) (1) of section 4513.263 of the Revised 2482  
Code, the court shall impose the appropriate fine set forth in 2483  
division (G) of that section. If a child is adjudicated a 2484  
juvenile traffic offender for violating division (B) (3) of 2485  
section 4513.263 of the Revised Code and if the child is sixteen 2486  
years of age or older, the court shall impose the fine set forth 2487  
in division (G) (2) of that section. If a child is adjudicated a 2488  
juvenile traffic offender for violating division (B) (3) of 2489  
section 4513.263 of the Revised Code and if the child is under 2490  
sixteen years of age, the court shall not impose a fine but may 2491  
place the child on probation or community control. 2492

(D) A juvenile traffic offender is subject to sections 2493  
4509.01 to 4509.78 of the Revised Code. 2494

**Sec. 2152.26.** (A) Except as provided in divisions (B) and 2495  
(F) of this section, a child alleged to be or adjudicated a 2496  
delinquent child or a juvenile traffic offender may be held only 2497  
in the following places: 2498

(1) A certified foster home or a home approved by the 2499  
court; 2500

(2) A facility operated by a certified child welfare 2501  
agency; 2502

(3) Any other suitable place designated by the court. 2503

(B) In addition to the places listed in division (A) of 2504  
this section, a child alleged to be or adjudicated a delinquent 2505  
child or a person described in division (C) (7) of section 2506  
2152.02 of the Revised Code may be held in a detention facility 2507  
for delinquent children that is under the direction or 2508  
supervision of the court or other public authority or of a 2509

private agency and approved by the court, and a child 2510  
adjudicated a delinquent child may be held in accordance with 2511  
division (F) (2) of this section in a facility of a type 2512  
specified in that division. 2513

(C) (1) Except as provided under division (C) (1) of section 2514  
2151.311 of the Revised Code or division (A) (5) of section 2515  
2152.21 of the Revised Code, a child alleged to be or 2516  
adjudicated a juvenile traffic offender may not be held in any 2517  
of the following facilities: 2518

(a) A state correctional institution, county, multicounty, 2519  
or municipal jail or workhouse, or other place in which an adult 2520  
convicted of crime, under arrest, or charged with a crime is 2521  
held. 2522

(b) A secure correctional facility. 2523

(2) Except as provided under this section, sections 2524  
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 2525  
2152.21 of the Revised Code, a child alleged to be or 2526  
adjudicated a juvenile traffic offender may not be held for more 2527  
than twenty-four hours in a detention facility. 2528

(D) Except as provided in division (F) of this section or 2529  
in division (C) of section 2151.311, in division (C) (2) of 2530  
section 5139.06 and section 5120.162, or in division (B) of 2531  
section 5120.16 of the Revised Code, a child who is alleged to 2532  
be or is adjudicated a delinquent child or a person described in 2533  
division (C) (7) of section 2152.02 of the Revised Code may not 2534  
be held in a state correctional institution, county, 2535  
multicounty, or municipal jail or workhouse, or other place 2536  
where an adult convicted of crime, under arrest, or charged with 2537  
crime is held. 2538

(E) Unless the detention is pursuant to division (F) of 2539  
this section or division (C) of section 2151.311, division (C) 2540  
(2) of section 5139.06 and section 5120.162, or division (B) of 2541  
section 5120.16 of the Revised Code, the official in charge of 2542  
the institution, jail, workhouse, or other facility shall inform 2543  
the court immediately when a person who is or appears to be 2544  
under the age of eighteen years, or a person who is charged with 2545  
a violation of an order of a juvenile court or a violation of 2546  
probation or parole conditions imposed by a juvenile court and 2547  
who is or appears to be between the ages of eighteen and twenty- 2548  
one years, is received at the facility and shall deliver the 2549  
person to the court upon request or transfer the person to a 2550  
detention facility designated by the court. 2551

(F) (1) If a case is transferred to another court for 2552  
criminal prosecution pursuant to section 2152.12 of the Revised 2553  
Code and the alleged offender is a person described in division 2554  
(C) (7) of section 2152.02 of the Revised Code, the person may 2555  
not be transferred for detention pending the criminal 2556  
prosecution in a jail or other facility except under the 2557  
circumstances described in division (F) (4) of this section. Any 2558  
child held in accordance with division (F) (3) of this section 2559  
shall be confined in a manner that keeps the child beyond the 2560  
sight and sound of all adult detainees. The child shall be 2561  
supervised at all times during the detention. 2562

(2) If a person is adjudicated a delinquent child or 2563  
juvenile traffic offender or is a person described in division 2564  
(C) (7) of section 2152.02 of the Revised Code and the court 2565  
makes a disposition of the person under this chapter, at any 2566  
time after the person attains twenty-one years of age, the 2567  
person may be held under that disposition or under the 2568  
circumstances described in division (F) (4) of this section in 2569

places other than those specified in division (A) of this 2570  
section, including, but not limited to, a county, multicounty, 2571  
or municipal jail or workhouse, or other place where an adult 2572  
convicted of crime, under arrest, or charged with crime is held. 2573

(3) (a) A person alleged to be a delinquent child may be 2574  
held in places other than those specified in division (A) of 2575  
this section, including, but not limited to, a county, 2576  
multicounty, or municipal jail, if the delinquent act that the 2577  
child allegedly committed would be a felony if committed by an 2578  
adult, and if either of the following applies: 2579

(i) The person attains twenty-one years of age before the 2580  
person is arrested or apprehended for that act. 2581

(ii) The person is arrested or apprehended for that act 2582  
before the person attains twenty-one years of age, but the 2583  
person attains twenty-one years of age before the court orders a 2584  
disposition in the case. 2585

(b) If, pursuant to division (F) (3) (a) of this section, a 2586  
person is held in a place other than a place specified in 2587  
division (A) of this section, the person has the same rights to 2588  
bail as an adult charged with the same offense who is confined 2589  
in a jail pending trial. 2590

(4) (a) Any person whose case is transferred for criminal 2591  
prosecution pursuant to section 2152.10 or 2152.12 of the 2592  
Revised Code or any person who has attained the age of eighteen 2593  
years but has not attained the age of twenty-one years and who 2594  
is being held in a place specified in division (B) of this 2595  
section may be held under that disposition or charge in places 2596  
other than those specified in division (B) of this section, 2597  
including a county, multicounty, or municipal jail or workhouse, 2598

or other place where an adult under arrest or charged with crime 2599  
is held if the juvenile court, upon its own motion or upon 2600  
motion by the prosecutor and after notice and hearing, 2601  
establishes by a preponderance of the evidence and makes written 2602  
findings of either of the following: 2603

(i) With respect to a person whose case is transferred for 2604  
criminal prosecution pursuant to either specified section or who 2605  
has attained the age of eighteen years but who has not attained 2606  
the age of twenty-one years and is being so held, that the youth 2607  
is a threat to the safety and security of the facility; 2608

(ii) With respect to a person who has attained the age of 2609  
eighteen years but who has not attained the age of twenty-one 2610  
years and is being so held, that the best interests of the youth 2611  
require that the youth be held in a place other than a place 2612  
specified in division (B) of this section, including a county, 2613  
multicounty, or municipal jail or workhouse, or other place 2614  
where an adult under arrest or charged with crime is held. 2615

(b) In determining for purposes of division (F)(4)(a)(i) 2616  
of this section whether a youth is a threat to the safety and 2617  
security of the facility, evidence that the youth is a threat to 2618  
the safety and security of the facility may include, but is not 2619  
limited to, whether the youth has done any of the following: 2620

(i) Injured or created an imminent danger to the life or 2621  
health of another youth or staff member in the facility or 2622  
program by violent behavior; 2623

(ii) Escaped from the facility or program in which the 2624  
youth is being held on more than one occasion; 2625

(iii) Established a pattern of disruptive behavior as 2626  
verified by a written record that the youth's behavior is not 2627

conducive to the established policies and procedures of the 2628  
facility or program in which the youth is being held. 2629

(c) If a prosecutor submits a motion requesting that a 2630  
person be held in a place other than those specified in division 2631  
(B) of this section or if the court submits its own motion, the 2632  
juvenile court shall hold a hearing within five days of the 2633  
filing of the motion, and, in determining whether a place other 2634  
than those specified in division (B) of this section is the 2635  
appropriate place of confinement for the person, the court shall 2636  
consider the following factors: 2637

(i) The age of the person; 2638

(ii) Whether the person would be deprived of contact with 2639  
other people for a significant portion of the day or would not 2640  
have access to recreational facilities or age-appropriate 2641  
educational opportunities in order to provide physical 2642  
separation from adults; 2643

(iii) The person's current emotional state, intelligence, 2644  
and developmental maturity, including any emotional and 2645  
psychological trauma, and the risk to the person in an adult 2646  
facility, which may be evidenced by mental health or 2647  
psychological assessments or screenings made available to the 2648  
prosecuting attorney and the defense counsel; 2649

(iv) Whether detention in a juvenile facility would 2650  
adequately serve the need for community protection pending the 2651  
outcome of the criminal proceeding; 2652

(v) The relative ability of the available adult and 2653  
juvenile detention facilities to meet the needs of the person, 2654  
including the person's need for age-appropriate mental health 2655  
and educational services delivered by individuals specifically 2656

trained to deal with youth; 2657

(vi) Whether the person presents an imminent risk of self- 2658  
inflicted harm or an imminent risk of harm to others within a 2659  
juvenile facility; 2660

(vii) Any other factors the juvenile court considers to be 2661  
relevant. 2662

(d) If the juvenile court determines that a place other 2663  
than those specified in division (B) of this section is the 2664  
appropriate place for confinement of a person pursuant to 2665  
division (F) (4) (a) of this section, the person may petition the 2666  
juvenile court for a review hearing thirty days after the 2667  
initial confinement decision, thirty days after any subsequent 2668  
review hearing, or at any time after the initial confinement 2669  
decision upon an emergency petition by the youth due to the 2670  
youth facing an imminent danger from others or the youth's self. 2671  
Upon receipt of the petition, the juvenile court has discretion 2672  
over whether to conduct the review hearing and may set the 2673  
matter for a review hearing if the youth has alleged facts or 2674  
circumstances that, if true, would warrant reconsideration of 2675  
the youth's placement in a place other than those specified in 2676  
division (B) of this section based on the factors listed in 2677  
division (F) (4) (c) of this section. 2678

(e) Upon the admission of a person described in division 2679  
(F) (4) (a) of this section to a place other than those specified 2680  
in division (B) of this section, the facility shall advise the 2681  
person of the person's right to request a review hearing as 2682  
described in division (F) (4) (d) of this section. 2683

(f) Any person transferred under division (F) (4) (a) of 2684  
this section to a place other than those specified in division 2685

(B) of this section shall be confined in a manner that keeps 2686  
those under eighteen years of age beyond sight and sound of all 2687  
adult detainees. Those under eighteen years of age shall be 2688  
supervised at all times during the detention. 2689

(G) (1) If a person who is alleged to be or has been 2690  
adjudicated a delinquent child or who is in any other category 2691  
of persons identified in this section or section 2151.311 of the 2692  
Revised Code is confined under authority of any Revised Code 2693  
section in a place other than a place specified in division (B) 2694  
of this section, including a county, multicounty, or municipal 2695  
jail or workhouse, or other place where an adult under arrest or 2696  
charged with crime is held, subject to division (G) (2) of this 2697  
section, all identifying information, other than the person's 2698  
county of residence, age, gender, and race and the charges 2699  
against the person, that relates to the person's admission to 2700  
and confinement in that place is not a public record open for 2701  
inspection or copying under section 149.43 of the Revised Code 2702  
and is confidential and shall not be released to any person 2703  
other than to a court, to a law enforcement agency for law 2704  
enforcement purposes, or to a person specified by court order. 2705

(2) Division (G) (1) of this section does not apply with 2706  
respect to a person whose case is transferred for criminal 2707  
prosecution pursuant to section 2152.10 or 2152.12 of the 2708  
Revised Code, who is convicted of or pleads guilty to an offense 2709  
in that case, who is confined after that conviction or guilty 2710  
plea in a place other than a place specified in division (B) of 2711  
this section, and to whom one of the following applies: 2712

(a) The case was transferred other than pursuant to former 2713  
division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the 2714  
Revised Code as it existed prior to the effective date of this 2715

amendment, or was transferred pursuant to division (A) of 2716  
section 2152.12 of the Revised Code as it exists on and after 2717  
the effective date of this amendment. 2718

(b) The case was transferred pursuant to former division 2719  
(A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised 2720  
Code as it existed prior to the effective date of this 2721  
amendment, and the person ~~is~~ was sentenced for the offense 2722  
pursuant to division (B) (4) of former section 2152.121 of the 2723  
Revised Code as it existed prior to the effective date of this 2724  
amendment. 2725

(c) The case was transferred pursuant to former division 2726  
(A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised 2727  
Code as it existed prior to the effective date of this 2728  
amendment, the person ~~is~~ was sentenced for the offense pursuant 2729  
to division (B) (3) of former section 2152.121 of the Revised 2730  
Code as it existed prior to the effective date of this amendment 2731  
by the court in which the person was convicted of or pleaded 2732  
guilty to the offense, and the sentence imposed by that court ~~is~~ 2733  
was invoked pursuant to division (B) (3) (b) of former section 2734  
2152.121 of the Revised Code as it existed prior to the 2735  
effective date of this amendment. 2736

**Sec. 2505.02.** (A) As used in this section: 2737

(1) "Substantial right" means a right that the United 2738  
States Constitution, the Ohio Constitution, a statute, the 2739  
common law, or a rule of procedure entitles a person to enforce 2740  
or protect. 2741

(2) "Special proceeding" means an action or proceeding 2742  
that is specially created by statute and that prior to 1853 was 2743  
not denoted as an action at law or a suit in equity. 2744

(3) "Provisional remedy" means a proceeding ancillary to 2745  
an action, including, but not limited to, a proceeding for a 2746  
preliminary injunction, attachment, discovery of privileged 2747  
matter, suppression of evidence, a prima-facie showing pursuant 2748  
to section 2307.85 or 2307.86 of the Revised Code, a prima-facie 2749  
showing pursuant to section 2307.92 of the Revised Code, or a 2750  
finding made pursuant to division (A) (3) of section 2307.93 of 2751  
the Revised Code. 2752

(B) An order is a final order that may be reviewed, 2753  
affirmed, modified, or reversed, with or without retrial, when 2754  
it is one of the following: 2755

(1) An order that affects a substantial right in an action 2756  
that in effect determines the action and prevents a judgment; 2757

(2) An order that affects a substantial right made in a 2758  
special proceeding or upon a summary application in an action 2759  
after judgment; 2760

(3) An order that vacates or sets aside a judgment or 2761  
grants a new trial; 2762

(4) An order that grants or denies a provisional remedy 2763  
and to which both of the following apply: 2764

(a) The order in effect determines the action with respect 2765  
to the provisional remedy and prevents a judgment in the action 2766  
in favor of the appealing party with respect to the provisional 2767  
remedy. 2768

(b) The appealing party would not be afforded a meaningful 2769  
or effective remedy by an appeal following final judgment as to 2770  
all proceedings, issues, claims, and parties in the action. 2771

(5) An order that determines that an action may or may not 2772

be maintained as a class action; 2773

(6) An order determining the constitutionality of any 2774  
changes to the Revised Code made by Am. Sub. S.B. 281 of the 2775  
124th general assembly, including the amendment of sections 2776  
1751.67, 2117.06, 2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 2777  
2323.56, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 2778  
2919.16, 3923.63, 3923.64, 4705.15, and 5111.018 (renumbered as 2779  
5164.07 by H.B. 59 of the 130th general assembly), and the 2780  
enactment of sections 2305.113, 2323.41, 2323.43, and 2323.55 of 2781  
the Revised Code or any changes made by Sub. S.B. 80 of the 2782  
125th general assembly, including the amendment of sections 2783  
2125.02, 2305.10, 2305.131, 2315.18, 2315.19, and 2315.21 of the 2784  
Revised Code; 2785

(7) An order in an appropriation proceeding that may be 2786  
appealed pursuant to division (B) (3) of section 163.09 of the 2787  
Revised Code; 2788

(8) An order for transfer pursuant to section 2152.10 or 2789  
2152.12 of the Revised Code. 2790

(C) When a court issues an order that vacates or sets 2791  
aside a judgment or grants a new trial, the court, upon the 2792  
request of either party, shall state in the order the grounds 2793  
upon which the new trial is granted or the judgment vacated or 2794  
set aside. 2795

(D) This section applies to and governs any action, 2796  
including an appeal, that is pending in any court on July 22, 2797  
1998, and all claims filed or actions commenced on or after July 2798  
22, 1998, notwithstanding any provision of any prior statute or 2799  
rule of law of this state. 2800

**Sec. 2929.02.** (A) Whoever is convicted of or pleads guilty 2801

to aggravated murder in violation of section 2903.01 of the Revised Code shall suffer death or be imprisoned for life, as determined pursuant to sections 2929.022, 2929.03, and 2929.04 of the Revised Code, except that no person who raises the matter of age pursuant to section 2929.023 of the Revised Code and who is not found to have been eighteen years of age or older at the time of the commission of the offense shall suffer death. In addition, the offender may be fined an amount fixed by the court, but not more than twenty-five thousand dollars.

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

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

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

shall be served pursuant to section 2971.03 of the Revised Code. 2832

(4) In addition, the offender may be fined an amount fixed 2833  
by the court, but not more than fifteen thousand dollars. 2834

(C) If an offender receives or received a sentence of life 2835  
imprisonment without parole, a sentence of life imprisonment, or 2836  
a sentence to an indefinite prison term under this chapter for 2837  
an offense other than a disqualifying homicide offense, as 2838  
defined in section 2967.132 of the Revised Code, committed when 2839  
the offender was less than eighteen years of age, the offender's 2840  
parole eligibility shall be determined under section 2967.132 of 2841  
the Revised Code. 2842

(D) The court shall not impose a fine or fines for 2843  
aggravated murder or murder which, in the aggregate and to the 2844  
extent not suspended by the court, exceeds the amount which the 2845  
offender is or will be able to pay by the method and within the 2846  
time allowed without undue hardship to the offender or to the 2847  
dependents of the offender, or will prevent the offender from 2848  
making reparation for the victim's wrongful death. 2849

~~(D)~~ (E) (1) In addition to any other sanctions imposed for a 2850  
violation of section 2903.01 or 2903.02 of the Revised Code, if 2851  
the offender used a motor vehicle as the means to commit the 2852  
violation, the court shall impose upon the offender a class two 2853  
suspension of the offender's driver's license, commercial 2854  
driver's license, temporary instruction permit, probationary 2855  
license, or nonresident operating privilege as specified in 2856  
division (A) (2) of section 4510.02 of the Revised Code. 2857

(2) As used in division ~~(D)~~ (E) of this section, "motor 2858  
vehicle" has the same meaning as in section 4501.01 of the 2859  
Revised Code. 2860

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 2861  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 2862  
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 2863  
of section 2919.25 of the Revised Code and except in relation to 2864  
an offense for which a sentence of death or life imprisonment is 2865  
to be imposed, if the court imposing a sentence upon an offender 2866  
for a felony elects or is required to impose a prison term on 2867  
the offender pursuant to this chapter, the court shall impose a 2868  
definite prison term that shall be one of the following: 2869

(1) For a felony of the first degree, the prison term 2870  
shall be three, four, five, six, seven, eight, nine, ten, or 2871  
eleven years. 2872

(2) For a felony of the second degree, the prison term 2873  
shall be two, three, four, five, six, seven, or eight years. 2874

(3) (a) For a felony of the third degree that is a 2875  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2876  
2907.05, or 3795.04 of the Revised Code or that is a violation 2877  
of section 2911.02 or 2911.12 of the Revised Code if the 2878  
offender previously has been convicted of or pleaded guilty in 2879  
two or more separate proceedings to two or more violations of 2880  
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 2881  
Code, the prison term shall be twelve, eighteen, twenty-four, 2882  
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 2883  
months. 2884

(b) For a felony of the third degree that is not an 2885  
offense for which division (A) (3) (a) of this section applies, 2886  
the prison term shall be nine, twelve, eighteen, twenty-four, 2887  
thirty, or thirty-six months. 2888

(4) For a felony of the fourth degree, the prison term 2889

shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2890  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2891

(5) For a felony of the fifth degree, the prison term 2892  
shall be six, seven, eight, nine, ten, eleven, or twelve months. 2893

(B) (1) (a) Except as provided in division (B) (1) (e) of this 2894  
section, if an offender who is convicted of or pleads guilty to 2895  
a felony also is convicted of or pleads guilty to a 2896  
specification of the type described in section 2941.141, 2897  
2941.144, or 2941.145 of the Revised Code, the court shall 2898  
impose on the offender one of the following prison terms: 2899

(i) A prison term of six years if the specification is of 2900  
the type described in division (A) of section 2941.144 of the 2901  
Revised Code that charges the offender with having a firearm 2902  
that is an automatic firearm or that was equipped with a firearm 2903  
muffler or suppressor on or about the offender's person or under 2904  
the offender's control while committing the offense; 2905

(ii) A prison term of three years if the specification is 2906  
of the type described in division (A) of section 2941.145 of the 2907  
Revised Code that charges the offender with having a firearm on 2908  
or about the offender's person or under the offender's control 2909  
while committing the offense and displaying the firearm, 2910  
brandishing the firearm, indicating that the offender possessed 2911  
the firearm, or using it to facilitate the offense; 2912

(iii) A prison term of one year if the specification is of 2913  
the type described in division (A) of section 2941.141 of the 2914  
Revised Code that charges the offender with having a firearm on 2915  
or about the offender's person or under the offender's control 2916  
while committing the offense; 2917

(iv) A prison term of nine years if the specification is 2918

of the type described in division (D) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and specifies that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;

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

(vi) A prison term of eighteen months if the specification is of the type described in division (D) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code.

(b) If a court imposes a prison term on an offender under division (B) (1) (a) of this section, the prison term shall not be

reduced pursuant to section 2967.19, section 2929.20, section 2949  
2967.193, or any other provision of Chapter 2967. or Chapter 2950  
5120. of the Revised Code. Except as provided in division (B) (1) 2951  
(g) of this section, a court shall not impose more than one 2952  
prison term on an offender under division (B) (1) (a) of this 2953  
section for felonies committed as part of the same act or 2954  
transaction. 2955

(c) (i) Except as provided in division (B) (1) (e) of this 2956  
section, if an offender who is convicted of or pleads guilty to 2957  
a violation of section 2923.161 of the Revised Code or to a 2958  
felony that includes, as an essential element, purposely or 2959  
knowingly causing or attempting to cause the death of or 2960  
physical harm to another, also is convicted of or pleads guilty 2961  
to a specification of the type described in division (A) of 2962  
section 2941.146 of the Revised Code that charges the offender 2963  
with committing the offense by discharging a firearm from a 2964  
motor vehicle other than a manufactured home, the court, after 2965  
imposing a prison term on the offender for the violation of 2966  
section 2923.161 of the Revised Code or for the other felony 2967  
offense under division (A), (B) (2), or (B) (3) of this section, 2968  
shall impose an additional prison term of five years upon the 2969  
offender that shall not be reduced pursuant to section 2929.20, 2970  
section 2967.19, section 2967.193, or any other provision of 2971  
Chapter 2967. or Chapter 5120. of the Revised Code. 2972

(ii) Except as provided in division (B) (1) (e) of this 2973  
section, if an offender who is convicted of or pleads guilty to 2974  
a violation of section 2923.161 of the Revised Code or to a 2975  
felony that includes, as an essential element, purposely or 2976  
knowingly causing or attempting to cause the death of or 2977  
physical harm to another, also is convicted of or pleads guilty 2978  
to a specification of the type described in division (C) of 2979

section 2941.146 of the Revised Code that charges the offender 2980  
with committing the offense by discharging a firearm from a 2981  
motor vehicle other than a manufactured home and that the 2982  
offender previously has been convicted of or pleaded guilty to a 2983  
specification of the type described in section 2941.141, 2984  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 2985  
the court, after imposing a prison term on the offender for the 2986  
violation of section 2923.161 of the Revised Code or for the 2987  
other felony offense under division (A), (B) (2), or (3) of this 2988  
section, shall impose an additional prison term of ninety months 2989  
upon the offender that shall not be reduced pursuant to section 2990  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 2991  
2967. or Chapter 5120. of the Revised Code. 2992

(iii) A court shall not impose more than one additional 2993  
prison term on an offender under division (B) (1) (c) of this 2994  
section for felonies committed as part of the same act or 2995  
transaction. If a court imposes an additional prison term on an 2996  
offender under division (B) (1) (c) of this section relative to an 2997  
offense, the court also shall impose a prison term under 2998  
division (B) (1) (a) of this section relative to the same offense, 2999  
provided the criteria specified in that division for imposing an 3000  
additional prison term are satisfied relative to the offender 3001  
and the offense. 3002

(d) If an offender who is convicted of or pleads guilty to 3003  
an offense of violence that is a felony also is convicted of or 3004  
pleads guilty to a specification of the type described in 3005  
section 2941.1411 of the Revised Code that charges the offender 3006  
with wearing or carrying body armor while committing the felony 3007  
offense of violence, the court shall impose on the offender a 3008  
prison term of two years. The prison term so imposed, subject to 3009  
divisions (C) to (I) of section 2967.19 of the Revised Code, 3010

shall not be reduced pursuant to section 2929.20, section 3011  
2967.19, section 2967.193, or any other provision of Chapter 3012  
2967. or Chapter 5120. of the Revised Code. A court shall not 3013  
impose more than one prison term on an offender under division 3014  
(B) (1) (d) of this section for felonies committed as part of the 3015  
same act or transaction. If a court imposes an additional prison 3016  
term under division (B) (1) (a) or (c) of this section, the court 3017  
is not precluded from imposing an additional prison term under 3018  
division (B) (1) (d) of this section. 3019

(e) The court shall not impose any of the prison terms 3020  
described in division (B) (1) (a) of this section or any of the 3021  
additional prison terms described in division (B) (1) (c) of this 3022  
section upon an offender for a violation of section 2923.12 or 3023  
2923.123 of the Revised Code. The court shall not impose any of 3024  
the prison terms described in division (B) (1) (a) or (b) of this 3025  
section upon an offender for a violation of section 2923.122 3026  
that involves a deadly weapon that is a firearm other than a 3027  
dangerous ordnance, section 2923.16, or section 2923.121 of the 3028  
Revised Code. The court shall not impose any of the prison terms 3029  
described in division (B) (1) (a) of this section or any of the 3030  
additional prison terms described in division (B) (1) (c) of this 3031  
section upon an offender for a violation of section 2923.13 of 3032  
the Revised Code unless all of the following apply: 3033

(i) The offender previously has been convicted of 3034  
aggravated murder, murder, or any felony of the first or second 3035  
degree. 3036

(ii) Less than five years have passed since the offender 3037  
was released from prison or post-release control, whichever is 3038  
later, for the prior offense. 3039

(f) (i) If an offender is convicted of or pleads guilty to 3040

a felony that includes, as an essential element, causing or 3041  
attempting to cause the death of or physical harm to another and 3042  
also is convicted of or pleads guilty to a specification of the 3043  
type described in division (A) of section 2941.1412 of the 3044  
Revised Code that charges the offender with committing the 3045  
offense by discharging a firearm at a peace officer as defined 3046  
in section 2935.01 of the Revised Code or a corrections officer, 3047  
as defined in section 2941.1412 of the Revised Code, the court, 3048  
after imposing a prison term on the offender for the felony 3049  
offense under division (A), (B) (2), or (B) (3) of this section, 3050  
shall impose an additional prison term of seven years upon the 3051  
offender that shall not be reduced pursuant to section 2929.20, 3052  
section 2967.19, section 2967.193, or any other provision of 3053  
Chapter 2967. or Chapter 5120. of the Revised Code. 3054

(ii) If an offender is convicted of or pleads guilty to a 3055  
felony that includes, as an essential element, causing or 3056  
attempting to cause the death of or physical harm to another and 3057  
also is convicted of or pleads guilty to a specification of the 3058  
type described in division (B) of section 2941.1412 of the 3059  
Revised Code that charges the offender with committing the 3060  
offense by discharging a firearm at a peace officer, as defined 3061  
in section 2935.01 of the Revised Code, or a corrections 3062  
officer, as defined in section 2941.1412 of the Revised Code, 3063  
and that the offender previously has been convicted of or 3064  
pleaded guilty to a specification of the type described in 3065  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3066  
the Revised Code, the court, after imposing a prison term on the 3067  
offender for the felony offense under division (A), (B) (2), or 3068  
(3) of this section, shall impose an additional prison term of 3069  
one hundred twenty-six months upon the offender that shall not 3070  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 3071

any other provision of Chapter 2967. or 5120. of the Revised 3072  
Code. 3073

(iii) If an offender is convicted of or pleads guilty to 3074  
two or more felonies that include, as an essential element, 3075  
causing or attempting to cause the death or physical harm to 3076  
another and also is convicted of or pleads guilty to a 3077  
specification of the type described under division (B)(1)(f) of 3078  
this section in connection with two or more of the felonies of 3079  
which the offender is convicted or to which the offender pleads 3080  
guilty, the sentencing court shall impose on the offender the 3081  
prison term specified under division (B)(1)(f) of this section 3082  
for each of two of the specifications of which the offender is 3083  
convicted or to which the offender pleads guilty and, in its 3084  
discretion, also may impose on the offender the prison term 3085  
specified under that division for any or all of the remaining 3086  
specifications. If a court imposes an additional prison term on 3087  
an offender under division (B)(1)(f) of this section relative to 3088  
an offense, the court shall not impose a prison term under 3089  
division (B)(1)(a) or (c) of this section relative to the same 3090  
offense. 3091

(g) If an offender is convicted of or pleads guilty to two 3092  
or more felonies, if one or more of those felonies are 3093  
aggravated murder, murder, attempted aggravated murder, 3094  
attempted murder, aggravated robbery, felonious assault, or 3095  
rape, and if the offender is convicted of or pleads guilty to a 3096  
specification of the type described under division (B)(1)(a) of 3097  
this section in connection with two or more of the felonies, the 3098  
sentencing court shall impose on the offender the prison term 3099  
specified under division (B)(1)(a) of this section for each of 3100  
the two most serious specifications of which the offender is 3101  
convicted or to which the offender pleads guilty and, in its 3102

discretion, also may impose on the offender the prison term 3103  
specified under that division for any or all of the remaining 3104  
specifications. 3105

(2) (a) If division (B) (2) (b) of this section does not 3106  
apply, the court may impose on an offender, in addition to the 3107  
longest prison term authorized or required for the offense, an 3108  
additional definite prison term of one, two, three, four, five, 3109  
six, seven, eight, nine, or ten years if all of the following 3110  
criteria are met: 3111

(i) The offender is convicted of or pleads guilty to a 3112  
specification of the type described in section 2941.149 of the 3113  
Revised Code that the offender is a repeat violent offender. 3114

(ii) The offense of which the offender currently is 3115  
convicted or to which the offender currently pleads guilty is 3116  
aggravated murder and the court does not impose a sentence of 3117  
death or life imprisonment without parole, murder, terrorism and 3118  
the court does not impose a sentence of life imprisonment 3119  
without parole, any felony of the first degree that is an 3120  
offense of violence and the court does not impose a sentence of 3121  
life imprisonment without parole, or any felony of the second 3122  
degree that is an offense of violence and the trier of fact 3123  
finds that the offense involved an attempt to cause or a threat 3124  
to cause serious physical harm to a person or resulted in 3125  
serious physical harm to a person. 3126

(iii) The court imposes the longest prison term for the 3127  
offense that is not life imprisonment without parole. 3128

(iv) The court finds that the prison terms imposed 3129  
pursuant to division (B) (2) (a) (iii) of this section and, if 3130  
applicable, division (B) (1) or (3) of this section are 3131

inadequate to punish the offender and protect the public from 3132  
future crime, because the applicable factors under section 3133  
2929.12 of the Revised Code indicating a greater likelihood of 3134  
recidivism outweigh the applicable factors under that section 3135  
indicating a lesser likelihood of recidivism. 3136

(v) The court finds that the prison terms imposed pursuant 3137  
to division (B) (2) (a) (iii) of this section and, if applicable, 3138  
division (B) (1) or (3) of this section are demeaning to the 3139  
seriousness of the offense, because one or more of the factors 3140  
under section 2929.12 of the Revised Code indicating that the 3141  
offender's conduct is more serious than conduct normally 3142  
constituting the offense are present, and they outweigh the 3143  
applicable factors under that section indicating that the 3144  
offender's conduct is less serious than conduct normally 3145  
constituting the offense. 3146

(b) The court shall impose on an offender the longest 3147  
prison term authorized or required for the offense and shall 3148  
impose on the offender an additional definite prison term of 3149  
one, two, three, four, five, six, seven, eight, nine, or ten 3150  
years if all of the following criteria are met: 3151

(i) The offender is convicted of or pleads guilty to a 3152  
specification of the type described in section 2941.149 of the 3153  
Revised Code that the offender is a repeat violent offender. 3154

(ii) The offender within the preceding twenty years has 3155  
been convicted of or pleaded guilty to three or more offenses 3156  
described in division (CC) (1) of section 2929.01 of the Revised 3157  
Code, including all offenses described in that division of which 3158  
the offender is convicted or to which the offender pleads guilty 3159  
in the current prosecution and all offenses described in that 3160  
division of which the offender previously has been convicted or 3161

to which the offender previously pleaded guilty, whether 3162  
prosecuted together or separately. 3163

(iii) The offense or offenses of which the offender 3164  
currently is convicted or to which the offender currently pleads 3165  
guilty is aggravated murder and the court does not impose a 3166  
sentence of death or life imprisonment without parole, murder, 3167  
terrorism and the court does not impose a sentence of life 3168  
imprisonment without parole, any felony of the first degree that 3169  
is an offense of violence and the court does not impose a 3170  
sentence of life imprisonment without parole, or any felony of 3171  
the second degree that is an offense of violence and the trier 3172  
of fact finds that the offense involved an attempt to cause or a 3173  
threat to cause serious physical harm to a person or resulted in 3174  
serious physical harm to a person. 3175

(c) For purposes of division (B) (2) (b) of this section, 3176  
two or more offenses committed at the same time or as part of 3177  
the same act or event shall be considered one offense, and that 3178  
one offense shall be the offense with the greatest penalty. 3179

(d) A sentence imposed under division (B) (2) (a) or (b) of 3180  
this section shall not be reduced pursuant to section 2929.20, 3181  
section 2967.19, or section 2967.193, or any other provision of 3182  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 3183  
shall serve an additional prison term imposed under this section 3184  
consecutively to and prior to the prison term imposed for the 3185  
underlying offense. 3186

(e) When imposing a sentence pursuant to division (B) (2) 3187  
(a) or (b) of this section, the court shall state its findings 3188  
explaining the imposed sentence. 3189

(3) Except when an offender commits a violation of section 3190

2903.01 or 2907.02 of the Revised Code and the penalty imposed 3191  
for the violation is life imprisonment or commits a violation of 3192  
section 2903.02 of the Revised Code, if the offender commits a 3193  
violation of section 2925.03 or 2925.11 of the Revised Code and 3194  
that section classifies the offender as a major drug offender, 3195  
if the offender commits a felony violation of section 2925.02, 3196  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 3197  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 3198  
division (E) of section 4729.51, or division (J) of section 3199  
4729.54 of the Revised Code that includes the sale, offer to 3200  
sell, or possession of a schedule I or II controlled substance, 3201  
with the exception of marihuana, and the court imposing sentence 3202  
upon the offender finds that the offender is guilty of a 3203  
specification of the type described in section 2941.1410 of the 3204  
Revised Code charging that the offender is a major drug 3205  
offender, if the court imposing sentence upon an offender for a 3206  
felony finds that the offender is guilty of corrupt activity 3207  
with the most serious offense in the pattern of corrupt activity 3208  
being a felony of the first degree, or if the offender is guilty 3209  
of an attempted violation of section 2907.02 of the Revised Code 3210  
and, had the offender completed the violation of section 2907.02 3211  
of the Revised Code that was attempted, the offender would have 3212  
been subject to a sentence of life imprisonment or life 3213  
imprisonment without parole for the violation of section 2907.02 3214  
of the Revised Code, the court shall impose upon the offender 3215  
for the felony violation a mandatory prison term of the maximum 3216  
prison term prescribed for a felony of the first degree that, 3217  
subject to divisions (C) to (I) of section 2967.19 of the 3218  
Revised Code, cannot be reduced pursuant to section 2929.20, 3219  
section 2967.19, or any other provision of Chapter 2967. or 3220  
5120. of the Revised Code. 3221

(4) If the offender is being sentenced for a third or 3222  
fourth degree felony OVI offense under division (G) (2) of 3223  
section 2929.13 of the Revised Code, the sentencing court shall 3224  
impose upon the offender a mandatory prison term in accordance 3225  
with that division. In addition to the mandatory prison term, if 3226  
the offender is being sentenced for a fourth degree felony OVI 3227  
offense, the court, notwithstanding division (A) (4) of this 3228  
section, may sentence the offender to a definite prison term of 3229  
not less than six months and not more than thirty months, and if 3230  
the offender is being sentenced for a third degree felony OVI 3231  
offense, the sentencing court may sentence the offender to an 3232  
additional prison term of any duration specified in division (A) 3233  
(3) of this section. In either case, the additional prison term 3234  
imposed shall be reduced by the sixty or one hundred twenty days 3235  
imposed upon the offender as the mandatory prison term. The 3236  
total of the additional prison term imposed under division (B) 3237  
(4) of this section plus the sixty or one hundred twenty days 3238  
imposed as the mandatory prison term shall equal a definite term 3239  
in the range of six months to thirty months for a fourth degree 3240  
felony OVI offense and shall equal one of the authorized prison 3241  
terms specified in division (A) (3) of this section for a third 3242  
degree felony OVI offense. If the court imposes an additional 3243  
prison term under division (B) (4) of this section, the offender 3244  
shall serve the additional prison term after the offender has 3245  
served the mandatory prison term required for the offense. In 3246  
addition to the mandatory prison term or mandatory and 3247  
additional prison term imposed as described in division (B) (4) 3248  
of this section, the court also may sentence the offender to a 3249  
community control sanction under section 2929.16 or 2929.17 of 3250  
the Revised Code, but the offender shall serve all of the prison 3251  
terms so imposed prior to serving the community control 3252  
sanction. 3253

If the offender is being sentenced for a fourth degree 3254  
felony OVI offense under division (G) (1) of section 2929.13 of 3255  
the Revised Code and the court imposes a mandatory term of local 3256  
incarceration, the court may impose a prison term as described 3257  
in division (A) (1) of that section. 3258

(5) If an offender is convicted of or pleads guilty to a 3259  
violation of division (A) (1) or (2) of section 2903.06 of the 3260  
Revised Code and also is convicted of or pleads guilty to a 3261  
specification of the type described in section 2941.1414 of the 3262  
Revised Code that charges that the victim of the offense is a 3263  
peace officer, as defined in section 2935.01 of the Revised 3264  
Code, or an investigator of the bureau of criminal 3265  
identification and investigation, as defined in section 2903.11 3266  
of the Revised Code, the court shall impose on the offender a 3267  
prison term of five years. If a court imposes a prison term on 3268  
an offender under division (B) (5) of this section, the prison 3269  
term, subject to divisions (C) to (I) of section 2967.19 of the 3270  
Revised Code, shall not be reduced pursuant to section 2929.20, 3271  
section 2967.19, section 2967.193, or any other provision of 3272  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 3273  
shall not impose more than one prison term on an offender under 3274  
division (B) (5) of this section for felonies committed as part 3275  
of the same act. 3276

(6) If an offender is convicted of or pleads guilty to a 3277  
violation of division (A) (1) or (2) of section 2903.06 of the 3278  
Revised Code and also is convicted of or pleads guilty to a 3279  
specification of the type described in section 2941.1415 of the 3280  
Revised Code that charges that the offender previously has been 3281  
convicted of or pleaded guilty to three or more violations of 3282  
division (A) or (B) of section 4511.19 of the Revised Code or an 3283  
equivalent offense, as defined in section 2941.1415 of the 3284

Revised Code, or three or more violations of any combination of 3285  
those divisions and offenses, the court shall impose on the 3286  
offender a prison term of three years. If a court imposes a 3287  
prison term on an offender under division (B) (6) of this 3288  
section, the prison term, subject to divisions (C) to (I) of 3289  
section 2967.19 of the Revised Code, shall not be reduced 3290  
pursuant to section 2929.20, section 2967.19, section 2967.193, 3291  
or any other provision of Chapter 2967. or Chapter 5120. of the 3292  
Revised Code. A court shall not impose more than one prison term 3293  
on an offender under division (B) (6) of this section for 3294  
felonies committed as part of the same act. 3295

(7) (a) If an offender is convicted of or pleads guilty to 3296  
a felony violation of section 2905.01, 2905.02, 2907.21, 3297  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 3298  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 3299  
the Revised Code and also is convicted of or pleads guilty to a 3300  
specification of the type described in section 2941.1422 of the 3301  
Revised Code that charges that the offender knowingly committed 3302  
the offense in furtherance of human trafficking, the court shall 3303  
impose on the offender a mandatory prison term that is one of 3304  
the following: 3305

(i) If the offense is a felony of the first degree, a 3306  
definite prison term of not less than five years and not greater 3307  
than ten years; 3308

(ii) If the offense is a felony of the second or third 3309  
degree, a definite prison term of not less than three years and 3310  
not greater than the maximum prison term allowed for the offense 3311  
by division (A) of section 2929.14 of the Revised Code; 3312

(iii) If the offense is a felony of the fourth or fifth 3313  
degree, a definite prison term that is the maximum prison term 3314

allowed for the offense by division (A) of section 2929.14 of 3315  
the Revised Code. 3316

(b) Subject to divisions (C) to (I) of section 2967.19 of 3317  
the Revised Code, the prison term imposed under division (B) (7) 3318  
(a) of this section shall not be reduced pursuant to section 3319  
2929.20, section 2967.19, section 2967.193, or any other 3320  
provision of Chapter 2967. of the Revised Code. A court shall 3321  
not impose more than one prison term on an offender under 3322  
division (B) (7) (a) of this section for felonies committed as 3323  
part of the same act, scheme, or plan. 3324

(8) If an offender is convicted of or pleads guilty to a 3325  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3326  
Revised Code and also is convicted of or pleads guilty to a 3327  
specification of the type described in section 2941.1423 of the 3328  
Revised Code that charges that the victim of the violation was a 3329  
woman whom the offender knew was pregnant at the time of the 3330  
violation, notwithstanding the range of prison terms prescribed 3331  
in division (A) of this section for felonies of the same degree 3332  
as the violation, the court shall impose on the offender a 3333  
mandatory prison term that is either a definite prison term of 3334  
six months or one of the prison terms prescribed in section 3335  
2929.14 of the Revised Code for felonies of the same degree as 3336  
the violation. 3337

(9) (a) If an offender is convicted of or pleads guilty to 3338  
a violation of division (A) (1) or (2) of section 2903.11 of the 3339  
Revised Code and also is convicted of or pleads guilty to a 3340  
specification of the type described in section 2941.1425 of the 3341  
Revised Code, the court shall impose on the offender a mandatory 3342  
prison term of six years if either of the following applies: 3343

(i) The violation is a violation of division (A) (1) of 3344

section 2903.11 of the Revised Code and the specification 3345  
charges that the offender used an accelerant in committing the 3346  
violation and the serious physical harm to another or to 3347  
another's unborn caused by the violation resulted in a 3348  
permanent, serious disfigurement or permanent, substantial 3349  
incapacity; 3350

(ii) The violation is a violation of division (A) (2) of 3351  
section 2903.11 of the Revised Code and the specification 3352  
charges that the offender used an accelerant in committing the 3353  
violation, that the violation caused physical harm to another or 3354  
to another's unborn, and that the physical harm resulted in a 3355  
permanent, serious disfigurement or permanent, substantial 3356  
incapacity. 3357

(b) If a court imposes a prison term on an offender under 3358  
division (B) (9) (a) of this section, the prison term shall not be 3359  
reduced pursuant to section 2929.20, section 2967.19, section 3360  
2967.193, or any other provision of Chapter 2967. or Chapter 3361  
5120. of the Revised Code. A court shall not impose more than 3362  
one prison term on an offender under division (B) (9) of this 3363  
section for felonies committed as part of the same act. 3364

(c) The provisions of divisions (B) (9) and (C) (6) of this 3365  
section and of division (D) (2) of section 2903.11, division (F) 3366  
(20) of section 2929.13, and section 2941.1425 of the Revised 3367  
Code shall be known as "Judy's Law." 3368

(C) (1) (a) Subject to division (C) (1) (b) of this section, 3369  
if a mandatory prison term is imposed upon an offender pursuant 3370  
to division (B) (1) (a) of this section for having a firearm on or 3371  
about the offender's person or under the offender's control 3372  
while committing a felony, if a mandatory prison term is imposed 3373  
upon an offender pursuant to division (B) (1) (c) of this section 3374

for committing a felony specified in that division by 3375  
discharging a firearm from a motor vehicle, or if both types of 3376  
mandatory prison terms are imposed, the offender shall serve any 3377  
mandatory prison term imposed under either division 3378  
consecutively to any other mandatory prison term imposed under 3379  
either division or under division (B) (1) (d) of this section, 3380  
consecutively to and prior to any prison term imposed for the 3381  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 3382  
this section or any other section of the Revised Code, and 3383  
consecutively to any other prison term or mandatory prison term 3384  
previously or subsequently imposed upon the offender. 3385

(b) If a mandatory prison term is imposed upon an offender 3386  
pursuant to division (B) (1) (d) of this section for wearing or 3387  
carrying body armor while committing an offense of violence that 3388  
is a felony, the offender shall serve the mandatory term so 3389  
imposed consecutively to any other mandatory prison term imposed 3390  
under that division or under division (B) (1) (a) or (c) of this 3391  
section, consecutively to and prior to any prison term imposed 3392  
for the underlying felony under division (A), (B) (2), or (B) (3) 3393  
of this section or any other section of the Revised Code, and 3394  
consecutively to any other prison term or mandatory prison term 3395  
previously or subsequently imposed upon the offender. 3396

(c) If a mandatory prison term is imposed upon an offender 3397  
pursuant to division (B) (1) (f) of this section, the offender 3398  
shall serve the mandatory prison term so imposed consecutively 3399  
to and prior to any prison term imposed for the underlying 3400  
felony under division (A), (B) (2), or (B) (3) of this section or 3401  
any other section of the Revised Code, and consecutively to any 3402  
other prison term or mandatory prison term previously or 3403  
subsequently imposed upon the offender. 3404

(d) If a mandatory prison term is imposed upon an offender 3405  
pursuant to division (B) (7) or (8) of this section, the offender 3406  
shall serve the mandatory prison term so imposed consecutively 3407  
to any other mandatory prison term imposed under that division 3408  
or under any other provision of law and consecutively to any 3409  
other prison term or mandatory prison term previously or 3410  
subsequently imposed upon the offender. 3411

(2) If an offender who is an inmate in a jail, prison, or 3412  
other residential detention facility violates section 2917.02, 3413  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 3414  
(2) of section 2921.34 of the Revised Code, if an offender who 3415  
is under detention at a detention facility commits a felony 3416  
violation of section 2923.131 of the Revised Code, or if an 3417  
offender who is an inmate in a jail, prison, or other 3418  
residential detention facility or is under detention at a 3419  
detention facility commits another felony while the offender is 3420  
an escapee in violation of division (A) (1) or (2) of section 3421  
2921.34 of the Revised Code, any prison term imposed upon the 3422  
offender for one of those violations shall be served by the 3423  
offender consecutively to the prison term or term of 3424  
imprisonment the offender was serving when the offender 3425  
committed that offense and to any other prison term previously 3426  
or subsequently imposed upon the offender. 3427

(3) If a prison term is imposed for a violation of 3428  
division (B) of section 2911.01 of the Revised Code, a violation 3429  
of division (A) of section 2913.02 of the Revised Code in which 3430  
the stolen property is a firearm or dangerous ordnance, or a 3431  
felony violation of division (B) of section 2921.331 of the 3432  
Revised Code, the offender shall serve that prison term 3433  
consecutively to any other prison term or mandatory prison term 3434  
previously or subsequently imposed upon the offender. 3435

(4) If multiple prison terms are imposed on an offender 3436  
for convictions of multiple offenses, the court may require the 3437  
offender to serve the prison terms consecutively if the court 3438  
finds that the consecutive service is necessary to protect the 3439  
public from future crime or to punish the offender and that 3440  
consecutive sentences are not disproportionate to the 3441  
seriousness of the offender's conduct and to the danger the 3442  
offender poses to the public, and if the court also finds any of 3443  
the following: 3444

(a) The offender committed one or more of the multiple 3445  
offenses while the offender was awaiting trial or sentencing, 3446  
was under a sanction imposed pursuant to section 2929.16, 3447  
2929.17, or 2929.18 of the Revised Code, or was under post- 3448  
release control for a prior offense. 3449

(b) At least two of the multiple offenses were committed 3450  
as part of one or more courses of conduct, and the harm caused 3451  
by two or more of the multiple offenses so committed was so 3452  
great or unusual that no single prison term for any of the 3453  
offenses committed as part of any of the courses of conduct 3454  
adequately reflects the seriousness of the offender's conduct. 3455

(c) The offender's history of criminal conduct 3456  
demonstrates that consecutive sentences are necessary to protect 3457  
the public from future crime by the offender. 3458

(5) If a mandatory prison term is imposed upon an offender 3459  
pursuant to division (B) (5) or (6) of this section, the offender 3460  
shall serve the mandatory prison term consecutively to and prior 3461  
to any prison term imposed for the underlying violation of 3462  
division (A) (1) or (2) of section 2903.06 of the Revised Code 3463  
pursuant to division (A) of this section or section 2929.142 of 3464  
the Revised Code. If a mandatory prison term is imposed upon an 3465

offender pursuant to division (B) (5) of this section, and if a  
mandatory prison term also is imposed upon the offender pursuant  
to division (B) (6) of this section in relation to the same  
violation, the offender shall serve the mandatory prison term  
imposed pursuant to division (B) (5) of this section  
consecutively to and prior to the mandatory prison term imposed  
pursuant to division (B) (6) of this section and consecutively to  
and prior to any prison term imposed for the underlying  
violation of division (A) (1) or (2) of section 2903.06 of the  
Revised Code pursuant to division (A) of this section or section  
2929.142 of the Revised Code.

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

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

(D) (1) If a court imposes a prison term for a felony of  
the first degree, for a felony of the second degree, for a  
felony sex offense, or for a felony of the third degree that is  
not a felony sex offense and in the commission of which the  
offender caused or threatened to cause physical harm to a  
person, it shall include in the sentence a requirement that the  
offender be subject to a period of post-release control after  
the offender's release from imprisonment, in accordance with

that division. If a court imposes a sentence including a prison 3496  
term of a type described in this division on or after July 11, 3497  
2006, the failure of a court to include a post-release control 3498  
requirement in the sentence pursuant to this division does not 3499  
negate, limit, or otherwise affect the mandatory period of post- 3500  
release control that is required for the offender under division 3501  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 3502  
the Revised Code applies if, prior to July 11, 2006, a court 3503  
imposed a sentence including a prison term of a type described 3504  
in this division and failed to include in the sentence pursuant 3505  
to this division a statement regarding post-release control. 3506

(2) If a court imposes a prison term for a felony of the 3507  
third, fourth, or fifth degree that is not subject to division 3508  
(D)(1) of this section, it shall include in the sentence a 3509  
requirement that the offender be subject to a period of post- 3510  
release control after the offender's release from imprisonment, 3511  
in accordance with that division, if the parole board determines 3512  
that a period of post-release control is necessary. Section 3513  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 3514  
a court imposed a sentence including a prison term of a type 3515  
described in this division and failed to include in the sentence 3516  
pursuant to this division a statement regarding post-release 3517  
control. 3518

(E) The court shall impose sentence upon the offender in 3519  
accordance with section 2971.03 of the Revised Code, and Chapter 3520  
2971. of the Revised Code applies regarding the prison term or 3521  
term of life imprisonment without parole imposed upon the 3522  
offender and the service of that term of imprisonment if any of 3523  
the following apply: 3524

(1) A person is convicted of or pleads guilty to a violent 3525

sex offense or a designated homicide, assault, or kidnapping 3526  
offense, and, in relation to that offense, the offender is 3527  
adjudicated a sexually violent predator. 3528

(2) A person is convicted of or pleads guilty to a 3529  
violation of division (A) (1) (b) of section 2907.02 of the 3530  
Revised Code committed on or after January 2, 2007, and either 3531  
the court does not impose a sentence of life without parole when 3532  
authorized pursuant to division (B) of section 2907.02 of the 3533  
Revised Code, or division (B) of section 2907.02 of the Revised 3534  
Code provides that the court shall not sentence the offender 3535  
pursuant to section 2971.03 of the Revised Code. 3536

(3) A person is convicted of or pleads guilty to attempted 3537  
rape committed on or after January 2, 2007, and a specification 3538  
of the type described in section 2941.1418, 2941.1419, or 3539  
2941.1420 of the Revised Code. 3540

(4) A person is convicted of or pleads guilty to a 3541  
violation of section 2905.01 of the Revised Code committed on or 3542  
after January 1, 2008, and that section requires the court to 3543  
sentence the offender pursuant to section 2971.03 of the Revised 3544  
Code. 3545

(5) A person is convicted of or pleads guilty to 3546  
aggravated murder committed on or after January 1, 2008, and 3547  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3548  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3549  
(d) of section 2929.03, or division (A) or (B) of section 3550  
2929.06 of the Revised Code requires the court to sentence the 3551  
offender pursuant to division (B) (3) of section 2971.03 of the 3552  
Revised Code. 3553

(6) A person is convicted of or pleads guilty to murder 3554

committed on or after January 1, 2008, and division (B)(2) of 3555  
section 2929.02 of the Revised Code requires the court to 3556  
sentence the offender pursuant to section 2971.03 of the Revised 3557  
Code. 3558

(F) If a person who has been convicted of or pleaded 3559  
guilty to a felony is sentenced to a prison term or term of 3560  
imprisonment under this section, sections 2929.02 to 2929.06 of 3561  
the Revised Code, section 2929.142 of the Revised Code, section 3562  
2971.03 of the Revised Code, or any other provision of law, 3563  
section 5120.163 of the Revised Code applies regarding the 3564  
person while the person is confined in a state correctional 3565  
institution. 3566

(G) If an offender who is convicted of or pleads guilty to 3567  
a felony that is an offense of violence also is convicted of or 3568  
pleads guilty to a specification of the type described in 3569  
section 2941.142 of the Revised Code that charges the offender 3570  
with having committed the felony while participating in a 3571  
criminal gang, the court shall impose upon the offender an 3572  
additional prison term of one, two, or three years. 3573

(H)(1) If an offender who is convicted of or pleads guilty 3574  
to aggravated murder, murder, or a felony of the first, second, 3575  
or third degree that is an offense of violence also is convicted 3576  
of or pleads guilty to a specification of the type described in 3577  
section 2941.143 of the Revised Code that charges the offender 3578  
with having committed the offense in a school safety zone or 3579  
towards a person in a school safety zone, the court shall impose 3580  
upon the offender an additional prison term of two years. The 3581  
offender shall serve the additional two years consecutively to 3582  
and prior to the prison term imposed for the underlying offense. 3583

(2)(a) If an offender is convicted of or pleads guilty to 3584

a felony violation of section 2907.22, 2907.24, 2907.241, or 3585  
2907.25 of the Revised Code and to a specification of the type 3586  
described in section 2941.1421 of the Revised Code and if the 3587  
court imposes a prison term on the offender for the felony 3588  
violation, the court may impose upon the offender an additional 3589  
prison term as follows: 3590

(i) Subject to division (H) (2) (a) (ii) of this section, an 3591  
additional prison term of one, two, three, four, five, or six 3592  
months; 3593

(ii) If the offender previously has been convicted of or 3594  
pleaded guilty to one or more felony or misdemeanor violations 3595  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 3596  
the Revised Code and also was convicted of or pleaded guilty to 3597  
a specification of the type described in section 2941.1421 of 3598  
the Revised Code regarding one or more of those violations, an 3599  
additional prison term of one, two, three, four, five, six, 3600  
seven, eight, nine, ten, eleven, or twelve months. 3601

(b) In lieu of imposing an additional prison term under 3602  
division (H) (2) (a) of this section, the court may directly 3603  
impose on the offender a sanction that requires the offender to 3604  
wear a real-time processing, continual tracking electronic 3605  
monitoring device during the period of time specified by the 3606  
court. The period of time specified by the court shall equal the 3607  
duration of an additional prison term that the court could have 3608  
imposed upon the offender under division (H) (2) (a) of this 3609  
section. A sanction imposed under this division shall commence 3610  
on the date specified by the court, provided that the sanction 3611  
shall not commence until after the offender has served the 3612  
prison term imposed for the felony violation of section 2907.22, 3613  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 3614

residential sanction imposed for the violation under section 3615  
2929.16 of the Revised Code. A sanction imposed under this 3616  
division shall be considered to be a community control sanction 3617  
for purposes of section 2929.15 of the Revised Code, and all 3618  
provisions of the Revised Code that pertain to community control 3619  
sanctions shall apply to a sanction imposed under this division, 3620  
except to the extent that they would by their nature be clearly 3621  
inapplicable. The offender shall pay all costs associated with a 3622  
sanction imposed under this division, including the cost of the 3623  
use of the monitoring device. 3624

(I) At the time of sentencing, the court may recommend the 3625  
offender for placement in a program of shock incarceration under 3626  
section 5120.031 of the Revised Code or for placement in an 3627  
intensive program prison under section 5120.032 of the Revised 3628  
Code, disapprove placement of the offender in a program of shock 3629  
incarceration or an intensive program prison of that nature, or 3630  
make no recommendation on placement of the offender. In no case 3631  
shall the department of rehabilitation and correction place the 3632  
offender in a program or prison of that nature unless the 3633  
department determines as specified in section 5120.031 or 3634  
5120.032 of the Revised Code, whichever is applicable, that the 3635  
offender is eligible for the placement. 3636

If the court disapproves placement of the offender in a 3637  
program or prison of that nature, the department of 3638  
rehabilitation and correction shall not place the offender in 3639  
any program of shock incarceration or intensive program prison. 3640

If the court recommends placement of the offender in a 3641  
program of shock incarceration or in an intensive program 3642  
prison, and if the offender is subsequently placed in the 3643  
recommended program or prison, the department shall notify the 3644

court of the placement and shall include with the notice a brief description of the placement. 3645  
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If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison. 3647  
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If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement. 3653  
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(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code. 3668  
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(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, 3673  
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ten, or eleven years on an offender who is convicted of or 3675  
pleads guilty to a violent felony offense if the offender also 3676  
is convicted of or pleads guilty to a specification of the type 3677  
described in section 2941.1424 of the Revised Code that charges 3678  
that the offender is a violent career criminal and had a firearm 3679  
on or about the offender's person or under the offender's 3680  
control while committing the presently charged violent felony 3681  
offense and displayed or brandished the firearm, indicated that 3682  
the offender possessed a firearm, or used the firearm to 3683  
facilitate the offense. The offender shall serve the prison term 3684  
imposed under this division consecutively to and prior to the 3685  
prison term imposed for the underlying offense. The prison term 3686  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 3687  
any other provision of Chapter 2967. or 5120. of the Revised 3688  
Code. A court may not impose more than one sentence under 3689  
division (B) (2) (a) of this section and this division for acts 3690  
committed as part of the same act or transaction. 3691

(2) As used in division (K) (1) of this section, "violent 3692  
career criminal" and "violent felony offense" have the same 3693  
meanings as in section 2923.132 of the Revised Code. 3694

(L) If an offender receives or received a sentence of life 3695  
imprisonment without parole, a sentence of life imprisonment, or 3696  
a sentence to an indefinite prison term under this chapter for 3697  
an offense other than a disqualifying homicide offense, as 3698  
defined in section 2967.132 of the Revised Code, committed when 3699  
the offender was less than eighteen years of age, the offender's 3700  
parole eligibility shall be determined under section 2967.132 of 3701  
the Revised Code. 3702

**Sec. 2967.13.** (A) Except as provided in division (G) of 3703  
this section and section 2967.132 of the Revised Code, a 3704

prisoner serving a sentence of imprisonment for life for an 3705  
offense committed on or after July 1, 1996, is not entitled to 3706  
any earned credit under section 2967.193 of the Revised Code and 3707  
becomes eligible for parole as follows: 3708

(1) If a sentence of imprisonment for life was imposed for 3709  
the offense of murder, at the expiration of the prisoner's 3710  
minimum term; 3711

(2) If a sentence of imprisonment for life with parole 3712  
eligibility after serving twenty years of imprisonment was 3713  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 3714  
Code, after serving a term of twenty years; 3715

(3) If a sentence of imprisonment for life with parole 3716  
eligibility after serving twenty-five full years of imprisonment 3717  
was imposed pursuant to section 2929.022 or 2929.03 of the 3718  
Revised Code, after serving a term of twenty-five full years; 3719

(4) If a sentence of imprisonment for life with parole 3720  
eligibility after serving thirty full years of imprisonment was 3721  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 3722  
Code, after serving a term of thirty full years; 3723

(5) If a sentence of imprisonment for life was imposed for 3724  
rape, after serving a term of ten full years' imprisonment; 3725

(6) If a sentence of imprisonment for life with parole 3726  
eligibility after serving fifteen years of imprisonment was 3727  
imposed for a violation of section 2927.24 of the Revised Code, 3728  
after serving a term of fifteen years. 3729

(B) Except as provided in division (G) of this section and 3730  
section 2967.132 of the Revised Code, a prisoner serving a 3731  
sentence of imprisonment for life with parole eligibility after 3732  
serving twenty years of imprisonment or a sentence of 3733

imprisonment for life with parole eligibility after serving 3734  
twenty-five full years or thirty full years of imprisonment 3735  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 3736  
Code for an offense committed on or after July 1, 1996, 3737  
consecutively to any other term of imprisonment, becomes 3738  
eligible for parole after serving twenty years, twenty full 3739  
years, or thirty full years, as applicable, as to each such 3740  
sentence of life imprisonment, which shall not be reduced for 3741  
earned credits under section 2967.193 of the Revised Code, plus 3742  
the term or terms of the other sentences consecutively imposed 3743  
or, if one of the other sentences is another type of life 3744  
sentence with parole eligibility, the number of years before 3745  
parole eligibility for that sentence. 3746

(C) Except as provided in division (G) of this section and 3747  
section 2967.132 of the Revised Code, a prisoner serving 3748  
consecutively two or more sentences in which an indefinite term 3749  
of imprisonment is imposed becomes eligible for parole upon the 3750  
expiration of the aggregate of the minimum terms of the 3751  
sentences. 3752

(D) Except as provided in division (G) of this section and 3753  
section 2967.132 of the Revised Code, a prisoner serving a term 3754  
of imprisonment who is described in division (A) of section 3755  
2967.021 of the Revised Code becomes eligible for parole as 3756  
described in that division or, if the prisoner is serving a 3757  
definite term of imprisonment, shall be released as described in 3758  
that division. 3759

(E) ~~A~~ Except as provided in section 2967.132 of the 3760  
Revised Code, a prisoner serving a sentence of life imprisonment 3761  
without parole imposed pursuant to section 2907.02 or section 3762  
2929.03 or 2929.06 of the Revised Code is not eligible for 3763

parole and shall be imprisoned until death. 3764

(F) A prisoner serving a stated prison term shall be 3765  
released in accordance with section 2967.28 of the Revised Code. 3766

(G) ~~A—Except as provided in section 2967.132 of the~~ 3767  
~~Revised Code, a prisoner serving a prison term or term of life~~ 3768  
~~imprisonment without parole imposed pursuant to section 2971.03~~ 3769  
~~of the Revised Code never becomes eligible for parole during~~ 3770  
~~that term of imprisonment.~~ 3771

**Sec. 2967.132.** (A) (1) As used in this section, 3772  
"disqualifying homicide offense" means aggravated murder or any 3773  
other offense or combination of offenses that involved the 3774  
purposeful killing of two or more persons. 3775

(2) This section applies to any prisoner serving a prison 3776  
sentence for an offense or offenses, other than a disqualifying 3777  
homicide offense, that was or were committed when the prisoner 3778  
was less than eighteen years of age. Regardless of whether the 3779  
prisoner's stated prison term includes mandatory time, this 3780  
section shall apply automatically with respect to offenses other 3781  
than a disqualifying homicide offense and cannot be limited by 3782  
the sentencing court. This section does not apply to any 3783  
prisoner serving a prison sentence for a disqualifying homicide 3784  
offense. 3785

(B) Notwithstanding any provision of the Revised Code to 3786  
the contrary, and regardless of when the offense or offenses 3787  
were committed and when the sentence was imposed, a prisoner who 3788  
is serving a prison sentence for an offense other than a 3789  
disqualifying homicide offense and who was under eighteen years 3790  
of age at the time of the offense is eligible for parole as 3791  
follows: 3792

(1) If the prisoner's stated prison term totals at least 3793  
fifteen years and permits parole not later than after twenty 3794  
years, the prisoner is eligible for parole after serving fifteen 3795  
years in prison. 3796

(2) If the prisoner is serving a sentence that permits 3797  
parole only after more than twenty years but not later than 3798  
after thirty years, the prisoner is eligible for parole five 3799  
years prior to the parole eligibility date stated in the 3800  
sentence. 3801

(3) If the prisoner's stated prison term totals more than 3802  
thirty years but does not include a sentence of life without 3803  
parole, the prisoner is eligible for parole after serving thirty 3804  
years in prison. 3805

(4) If the prisoner is serving a sentence of life without 3806  
parole, the prisoner is eligible for parole after serving 3807  
thirty-five years in prison. 3808

(5) If the prisoner is serving a sentence described in 3809  
division (B)(1), (2), or (3) of this section and, upon the 3810  
effective date of this section, the parole eligibility date 3811  
specified in the applicable division has been reached, the 3812  
prisoner is eligible for parole immediately upon the effective 3813  
date of this section. 3814

(C) Once a prisoner is eligible for parole pursuant to 3815  
division (B) of this section, the parole board, within a 3816  
reasonable time after the prisoner becomes eligible, shall 3817  
conduct a hearing to consider the prisoner's release onto parole 3818  
supervision. The board shall conduct the hearing in accordance 3819  
with Chapters 2930., 2967., and 5149. of the Revised Code and in 3820  
accordance with the board's policies and procedures. Those 3821

policies and procedures must permit the prisoner's privately 3822  
retained counsel or the Ohio public defender to appear at the 3823  
prisoner's hearing to make a statement in support of the 3824  
prisoner's release. 3825

The parole board shall ensure that the review process 3826  
provides the prisoner a meaningful opportunity to obtain 3827  
release. In addition to any other factors the board is required 3828  
or authorized to consider by rule or statute, the board shall 3829  
consider the following factors as mitigation: 3830

(1) The age of the offender at the time of the offense; 3831

(2) The diminished culpability of youth; 3832

(3) Common characteristics of youth, including immaturity 3833  
and failure to appreciate risks and consequences; 3834

(4) The family and home environment of the offender at the 3835  
time of the offense; 3836

(5) Any subsequent growth or increase in the prisoner's 3837  
maturity during imprisonment. 3838

(D) In accordance with section 2967.131 of the Revised 3839  
Code, the parole board shall impose appropriate terms and 3840  
conditions of release upon each prisoner granted a parole under 3841  
this section. 3842

(E) If the parole board denies release pursuant to this 3843  
section, the board shall conduct a subsequent release review not 3844  
later than ten years after release was denied. 3845

(F) In addition to any notice required by rule or statute, 3846  
the parole board shall notify the Ohio public defender and the 3847  
appropriate prosecuting attorney of a prisoner's eligibility for 3848  
review under this section at least sixty days before the board 3849

begins any review or proceedings involving that prisoner under 3850  
this section. 3851

(G) This section shall apply to determine the parole 3852  
eligibility of all prisoners described in this section who 3853  
committed an offense other than a disqualifying homicide offense 3854  
prior to, on, or after the effective date of this section, 3855  
regardless of when the prisoner was sentenced for the offense. 3856

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 3857  
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 3858  
another section of the Revised Code, other than divisions (B) 3859  
and (C) of section 2929.14 of the Revised Code, that authorizes 3860  
or requires a specified prison term or a mandatory prison term 3861  
for a person who is convicted of or pleads guilty to a felony or 3862  
that specifies the manner and place of service of a prison term 3863  
or term of imprisonment, the court shall impose a sentence upon 3864  
a person who is convicted of or pleads guilty to a violent sex 3865  
offense and who also is convicted of or pleads guilty to a 3866  
sexually violent predator specification that was included in the 3867  
indictment, count in the indictment, or information charging 3868  
that offense, and upon a person who is convicted of or pleads 3869  
guilty to a designated homicide, assault, or kidnapping offense 3870  
and also is convicted of or pleads guilty to both a sexual 3871  
motivation specification and a sexually violent predator 3872  
specification that were included in the indictment, count in the 3873  
indictment, or information charging that offense, as follows: 3874

(1) If the offense for which the sentence is being imposed 3875  
is aggravated murder and if the court does not impose upon the 3876  
offender a sentence of death, it shall impose upon the offender 3877  
a term of life imprisonment without parole. If the court 3878  
sentences the offender to death and the sentence of death is 3879

vacated, overturned, or otherwise set aside, the court shall 3880  
impose upon the offender a term of life imprisonment without 3881  
parole. 3882

(2) If the offense for which the sentence is being imposed 3883  
is murder; or if the offense is rape committed in violation of 3884  
division (A) (1) (b) of section 2907.02 of the Revised Code when 3885  
the offender purposely compelled the victim to submit by force 3886  
or threat of force, when the victim was less than ten years of 3887  
age, when the offender previously has been convicted of or 3888  
pleaded guilty to either rape committed in violation of that 3889  
division or a violation of an existing or former law of this 3890  
state, another state, or the United States that is substantially 3891  
similar to division (A) (1) (b) of section 2907.02 of the Revised 3892  
Code, or when the offender during or immediately after the 3893  
commission of the rape caused serious physical harm to the 3894  
victim; or if the offense is an offense other than aggravated 3895  
murder or murder for which a term of life imprisonment may be 3896  
imposed, it shall impose upon the offender a term of life 3897  
imprisonment without parole. 3898

(3) (a) Except as otherwise provided in division (A) (3) (b), 3899  
(c), (d), or (e) or (A) (4) of this section, if the offense for 3900  
which the sentence is being imposed is an offense other than 3901  
aggravated murder, murder, or rape and other than an offense for 3902  
which a term of life imprisonment may be imposed, it shall 3903  
impose an indefinite prison term consisting of a minimum term 3904  
fixed by the court from among the range of terms available as a 3905  
definite term for the offense, but not less than two years, and 3906  
a maximum term of life imprisonment. 3907

(b) Except as otherwise provided in division (A) (4) of 3908  
this section, if the offense for which the sentence is being 3909

imposed is kidnapping that is a felony of the first degree, it 3910  
shall impose an indefinite prison term as follows: 3911

(i) If the kidnapping is committed on or after January 1, 3912  
2008, and the victim of the offense is less than thirteen years 3913  
of age, except as otherwise provided in this division, it shall 3914  
impose an indefinite prison term consisting of a minimum term of 3915  
fifteen years and a maximum term of life imprisonment. If the 3916  
kidnapping is committed on or after January 1, 2008, the victim 3917  
of the offense is less than thirteen years of age, and the 3918  
offender released the victim in a safe place unharmed, it shall 3919  
impose an indefinite prison term consisting of a minimum term of 3920  
ten years and a maximum term of life imprisonment. 3921

(ii) If the kidnapping is committed prior to January 1, 3922  
2008, or division (A) (3) (b) (i) of this section does not apply, 3923  
it shall impose an indefinite term consisting of a minimum term 3924  
fixed by the court that is not less than ten years and a maximum 3925  
term of life imprisonment. 3926

(c) Except as otherwise provided in division (A) (4) of 3927  
this section, if the offense for which the sentence is being 3928  
imposed is kidnapping that is a felony of the second degree, it 3929  
shall impose an indefinite prison term consisting of a minimum 3930  
term fixed by the court that is not less than eight years, and a 3931  
maximum term of life imprisonment. 3932

(d) Except as otherwise provided in division (A) (4) of 3933  
this section, if the offense for which the sentence is being 3934  
imposed is rape for which a term of life imprisonment is not 3935  
imposed under division (A) (2) of this section or division (B) of 3936  
section 2907.02 of the Revised Code, it shall impose an 3937  
indefinite prison term as follows: 3938

(i) If the rape is committed on or after January 2, 2007, 3939  
in violation of division (A) (1) (b) of section 2907.02 of the 3940  
Revised Code, it shall impose an indefinite prison term 3941  
consisting of a minimum term of twenty-five years and a maximum 3942  
term of life imprisonment. 3943

(ii) If the rape is committed prior to January 2, 2007, or 3944  
the rape is committed on or after January 2, 2007, other than in 3945  
violation of division (A) (1) (b) of section 2907.02 of the 3946  
Revised Code, it shall impose an indefinite prison term 3947  
consisting of a minimum term fixed by the court that is not less 3948  
than ten years, and a maximum term of life imprisonment. 3949

(e) Except as otherwise provided in division (A) (4) of 3950  
this section, if the offense for which sentence is being imposed 3951  
is attempted rape, it shall impose an indefinite prison term as 3952  
follows: 3953

(i) Except as otherwise provided in division (A) (3) (e) 3954  
(ii), (iii), or (iv) of this section, it shall impose an 3955  
indefinite prison term pursuant to division (A) (3) (a) of this 3956  
section. 3957

(ii) If the attempted rape for which sentence is being 3958  
imposed was committed on or after January 2, 2007, and if the 3959  
offender also is convicted of or pleads guilty to a 3960  
specification of the type described in section 2941.1418 of the 3961  
Revised Code, it shall impose an indefinite prison term 3962  
consisting of a minimum term of five years and a maximum term of 3963  
twenty-five years. 3964

(iii) If the attempted rape for which sentence is being 3965  
imposed was committed on or after January 2, 2007, and if the 3966  
offender also is convicted of or pleads guilty to a 3967

specification of the type described in section 2941.1419 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of ten years and a maximum of life imprisonment.

(iv) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1420 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of fifteen years and a maximum of life imprisonment.

(4) For any offense for which the sentence is being imposed, if the offender previously has been convicted of or pleaded guilty to a violent sex offense and also to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, or previously has been convicted of or pleaded guilty to a designated homicide, assault, or kidnapping offense and also 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, it shall impose upon the offender a term of life imprisonment without parole.

(B) (1) Notwithstanding section 2929.13, division (A) or (D) of section 2929.14, or another section of the Revised Code other than division (B) of section 2907.02 or 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, if a person is convicted of or pleads 3998  
guilty to a violation of division (A) (1) (b) of section 2907.02 3999  
of the Revised Code committed on or after January 2, 2007, if 4000  
division (A) of this section does not apply regarding the 4001  
person, and if the court does not impose a sentence of life 4002  
without parole when authorized pursuant to division (B) of 4003  
section 2907.02 of the Revised Code, the court shall impose upon 4004  
the person an indefinite prison term consisting of one of the 4005  
following: 4006

(a) Except as otherwise required in division (B) (1) (b) or 4007  
(c) of this section, a minimum term of ten years and a maximum 4008  
term of life imprisonment. 4009

(b) If the victim was less than ten years of age, a 4010  
minimum term of fifteen years and a maximum of life 4011  
imprisonment. 4012

(c) If the offender purposely compels the victim to submit 4013  
by force or threat of force, or if the offender previously has 4014  
been convicted of or pleaded guilty to violating division (A) (1) 4015  
(b) of section 2907.02 of the Revised Code or to violating an 4016  
existing or former law of this state, another state, or the 4017  
United States that is substantially similar to division (A) (1) 4018  
(b) of that section, or if the offender during or immediately 4019  
after the commission of the offense caused serious physical harm 4020  
to the victim, a minimum term of twenty-five years and a maximum 4021  
of life imprisonment. 4022

(2) Notwithstanding section 2929.13, division (A) or (D) 4023  
of section 2929.14, or another section of the Revised Code other 4024  
than divisions (B) and (C) of section 2929.14 of the Revised 4025  
Code that authorizes or requires a specified prison term or a 4026  
mandatory prison term for a person who is convicted of or pleads 4027

guilty to a felony or that specifies the manner and place of 4028  
service of a prison term or term of imprisonment and except as 4029  
otherwise provided in division (B) of section 2907.02 of the 4030  
Revised Code, if a person is convicted of or pleads guilty to 4031  
attempted rape committed on or after January 2, 2007, and if 4032  
division (A) of this section does not apply regarding the 4033  
person, the court shall impose upon the person an indefinite 4034  
prison term consisting of one of the following: 4035

(a) If the person also is convicted of or pleads guilty to 4036  
a specification of the type described in section 2941.1418 of 4037  
the Revised Code, the court shall impose upon the person an 4038  
indefinite prison term consisting of a minimum term of five 4039  
years and a maximum term of twenty-five years. 4040

(b) If the person also is convicted of or pleads guilty to 4041  
a specification of the type described in section 2941.1419 of 4042  
the Revised Code, the court shall impose upon the person an 4043  
indefinite prison term consisting of a minimum term of ten years 4044  
and a maximum term of life imprisonment. 4045

(c) If the person also is convicted of or pleads guilty to 4046  
a specification of the type described in section 2941.1420 of 4047  
the Revised Code, the court shall impose upon the person an 4048  
indefinite prison term consisting of a minimum term of fifteen 4049  
years and a maximum term of life imprisonment. 4050

(3) Notwithstanding section 2929.13, division (A) or (D) 4051  
of section 2929.14, or another section of the Revised Code other 4052  
than divisions (B) and (C) of section 2929.14 of the Revised 4053  
Code that authorizes or requires a specified prison term or a 4054  
mandatory prison term for a person who is convicted of or pleads 4055  
guilty to a felony or that specifies the manner and place of 4056  
service of a prison term or term of imprisonment, if a person is 4057

convicted of or pleads guilty to an offense described in 4058  
division (B) (3) (a), (b), (c), or (d) of this section committed 4059  
on or after January 1, 2008, if the person also is convicted of 4060  
or pleads guilty to a sexual motivation specification that was 4061  
included in the indictment, count in the indictment, or 4062  
information charging that offense, and if division (A) of this 4063  
section does not apply regarding the person, the court shall 4064  
impose upon the person an indefinite prison term consisting of 4065  
one of the following: 4066

(a) An indefinite prison term consisting of a minimum of 4067  
ten years and a maximum term of life imprisonment if the offense 4068  
for which the sentence is being imposed is kidnapping, the 4069  
victim of the offense is less than thirteen years of age, and 4070  
the offender released the victim in a safe place unharmed; 4071

(b) An indefinite prison term consisting of a minimum of 4072  
fifteen years and a maximum term of life imprisonment if the 4073  
offense for which the sentence is being imposed is kidnapping 4074  
when the victim of the offense is less than thirteen years of 4075  
age and division (B) (3) (a) of this section does not apply; 4076

(c) An indefinite term consisting of a minimum of thirty 4077  
years and a maximum term of life imprisonment if the offense for 4078  
which the sentence is being imposed is aggravated murder, when 4079  
the victim of the offense is less than thirteen years of age, a 4080  
sentence of death or life imprisonment without parole is not 4081  
imposed for the offense, and division (A) (2) (b) (ii) of section 4082  
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 4083  
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 4084  
division (A) or (B) of section 2929.06 of the Revised Code 4085  
requires that the sentence for the offense be imposed pursuant 4086  
to this division; 4087

(d) An indefinite prison term consisting of a minimum of 4088  
thirty years and a maximum term of life imprisonment if the 4089  
offense for which the sentence is being imposed is murder when 4090  
the victim of the offense is less than thirteen years of age. 4091

(C) (1) If the offender is sentenced to a prison term 4092  
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 4093  
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 4094  
parole board shall have control over the offender's service of 4095  
the term during the entire term unless the parole board 4096  
terminates its control in accordance with section 2971.04 of the 4097  
Revised Code. 4098

(2) Except as provided in division (C) (3) of this section, 4099  
an offender sentenced to a prison term or term of life 4100  
imprisonment without parole pursuant to division (A) of this 4101  
section shall serve the entire prison term or term of life 4102  
imprisonment in a state correctional institution. The offender 4103  
is not eligible for judicial release under section 2929.20 of 4104  
the Revised Code. 4105

(3) For a prison term imposed pursuant to division (A) (3), 4106  
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 4107  
(b), (c), or (d) of this section, the court, in accordance with 4108  
section 2971.05 of the Revised Code, may terminate the prison 4109  
term or modify the requirement that the offender serve the 4110  
entire term in a state correctional institution if all of the 4111  
following apply: 4112

(a) The offender has served at least the minimum term 4113  
imposed as part of that prison term. 4114

(b) The parole board, pursuant to section 2971.04 of the 4115  
Revised Code, has terminated its control over the offender's 4116

service of that prison term. 4117

(c) The court has held a hearing and found, by clear and 4118  
convincing evidence, one of the following: 4119

(i) In the case of termination of the prison term, that 4120  
the offender is unlikely to commit a sexually violent offense in 4121  
the future; 4122

(ii) In the case of modification of the requirement, that 4123  
the offender does not represent a substantial risk of physical 4124  
harm to others. 4125

(4) An offender who has been sentenced to a term of life 4126  
imprisonment without parole pursuant to division (A)(1), (2), or 4127  
(4) of this section shall not be released from the term of life 4128  
imprisonment or be permitted to serve a portion of it in a place 4129  
other than a state correctional institution. 4130

(D) If a court sentences an offender to a prison term or 4131  
term of life imprisonment without parole pursuant to division 4132  
(A) of this section and the court also imposes on the offender 4133  
one or more additional prison terms pursuant to division (B) of 4134  
section 2929.14 of the Revised Code, all of the additional 4135  
prison terms shall be served consecutively with, and prior to, 4136  
the prison term or term of life imprisonment without parole 4137  
imposed upon the offender pursuant to division (A) of this 4138  
section. 4139

(E) If the offender is convicted of or pleads guilty to 4140  
two or more offenses for which a prison term or term of life 4141  
imprisonment without parole is required to be imposed pursuant 4142  
to division (A) of this section, divisions (A) to (D) of this 4143  
section shall be applied for each offense. All minimum terms 4144  
imposed upon the offender pursuant to division (A)(3) or (B) of 4145

this section for those offenses shall be aggregated and served 4146  
consecutively, as if they were a single minimum term imposed 4147  
under that division. 4148

(F)(1) If an offender is convicted of or pleads guilty to 4149  
a violent sex offense and also is convicted of or pleads guilty 4150  
to a sexually violent predator specification that was included 4151  
in the indictment, count in the indictment, or information 4152  
charging that offense, or is convicted of or pleads guilty to a 4153  
designated homicide, assault, or kidnapping offense and also is 4154  
convicted of or pleads guilty to both a sexual motivation 4155  
specification and a sexually violent predator specification that 4156  
were included in the indictment, count in the indictment, or 4157  
information charging that offense, the conviction of or plea of 4158  
guilty to the offense and the sexually violent predator 4159  
specification automatically classifies the offender as a tier 4160  
III sex offender/child-victim offender for purposes of Chapter 4161  
2950. of the Revised Code. 4162

(2) If an offender is convicted of or pleads guilty to 4163  
committing on or after January 2, 2007, a violation of division 4164  
(A)(1)(b) of section 2907.02 of the Revised Code and either the 4165  
offender is sentenced under section 2971.03 of the Revised Code 4166  
or a sentence of life without parole is imposed under division 4167  
(B) of section 2907.02 of the Revised Code, the conviction of or 4168  
plea of guilty to the offense automatically classifies the 4169  
offender as a tier III sex offender/child-victim offender for 4170  
purposes of Chapter 2950. of the Revised Code. 4171

(3) If a person is convicted of or pleads guilty to 4172  
committing on or after January 2, 2007, attempted rape and also 4173  
is convicted of or pleads guilty to a specification of the type 4174  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 4175

Revised Code, the conviction of or plea of guilty to the offense 4176  
and the specification automatically classify the offender as a 4177  
tier III sex offender/child-victim offender for purposes of 4178  
Chapter 2950. of the Revised Code. 4179

(4) If a person is convicted of or pleads guilty to one of 4180  
the offenses described in division (B) (3) (a), (b), (c), or (d) 4181  
of this section and a sexual motivation specification related to 4182  
the offense and the victim of the offense is less than thirteen 4183  
years of age, the conviction of or plea of guilty to the offense 4184  
automatically classifies the offender as a tier III sex 4185  
offender/child-victim offender for purposes of Chapter 2950. of 4186  
the Revised Code. 4187

(G) Notwithstanding divisions (A) to (E) of this section, 4188  
if an offender receives or received a sentence of life 4189  
imprisonment without parole or a sentence to an indefinite 4190  
prison term under this chapter for an offense other than a 4191  
disqualifying homicide offense, as defined in section 2967.132 4192  
of the Revised Code, committed when the offender was less than 4193  
eighteen years of age, the offender's parole eligibility shall 4194  
be determined under section 2967.132 of the Revised Code. 4195

**Sec. 5149.101.** (A) (1) A board hearing officer, a board 4196  
member, or the office of victims' services may petition the 4197  
board for a full board hearing that relates to the proposed 4198  
parole or re-parole of a prisoner, including any prisoner 4199  
described in section 2967.132 of the Revised Code. At a meeting 4200  
of the board at which a majority of board members are present, 4201  
the majority of those present shall determine whether a full 4202  
board hearing shall be held. 4203

(2) A victim of a violation of section 2903.01 or 2903.02 4204  
of the Revised Code, an offense of violence that is a felony of 4205

the first, second, or third degree, or an offense punished by a 4206  
sentence of life imprisonment, the victim's representative, or 4207  
any person described in division (B)(5) of this section may 4208  
request the board to hold a full board hearing that relates to 4209  
the proposed parole or re-parole of the person that committed 4210  
the violation. If a victim, victim's representative, or other 4211  
person requests a full board hearing pursuant to this division, 4212  
the board shall hold a full board hearing. 4213

At least thirty days before the full hearing, except as 4214  
otherwise provided in this division, the board shall give notice 4215  
of the date, time, and place of the hearing to the victim 4216  
regardless of whether the victim has requested the notification. 4217  
The notice of the date, time, and place of the hearing shall not 4218  
be given under this division to a victim if the victim has 4219  
requested pursuant to division (B)(2) of section 2930.03 of the 4220  
Revised Code that the notice not be provided to the victim. At 4221  
least thirty days before the full board hearing and regardless 4222  
of whether the victim has requested that the notice be provided 4223  
or not be provided under this division to the victim, the board 4224  
shall give similar notice to the prosecuting attorney in the 4225  
case, the law enforcement agency that arrested the prisoner if 4226  
any officer of that agency was a victim of the offense, and, if 4227  
different than the victim, the person who requested the full 4228  
hearing. If the prosecuting attorney has not previously been 4229  
sent an institutional summary report with respect to the 4230  
prisoner, upon the request of the prosecuting attorney, the 4231  
board shall include with the notice sent to the prosecuting 4232  
attorney an institutional summary report that covers the 4233  
offender's participation while confined in a state correctional 4234  
institution in training, work, and other rehabilitative 4235  
activities and any disciplinary action taken against the 4236

offender while so confined. Upon the request of a law 4237  
enforcement agency that has not previously been sent an 4238  
institutional summary report with respect to the prisoner, the 4239  
board also shall send a copy of the institutional summary report 4240  
to the law enforcement agency. If notice is to be provided as 4241  
described in this division, the board may give the notice by any 4242  
reasonable means, including regular mail, telephone, and 4243  
electronic mail, in accordance with division (D) (1) of section 4244  
2930.16 of the Revised Code. If the notice is based on an 4245  
offense committed prior to ~~the effective date of this amendment~~ 4246  
March 22, 2013, the notice also shall include the opt-out 4247  
information described in division (D) (1) of section 2930.16 of 4248  
the Revised Code. The board, in accordance with division (D) (2) 4249  
of section 2930.16 of the Revised Code, shall keep a record of 4250  
all attempts to provide the notice, and of all notices provided, 4251  
under this division. 4252

The preceding paragraph, and the notice-related provisions 4253  
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 4254  
of section 2930.16, division (H) of section 2967.12, division 4255  
(E) (1) (b) of section 2967.19, division (A) (3) (b) of section 4256  
2967.26, and division (D) (1) of section 2967.28 of the Revised 4257  
Code enacted in the act in which this paragraph was enacted, 4258  
shall be known as "Roberta's Law." 4259

(B) At a full board hearing that relates to the proposed 4260  
parole or re-parole of a prisoner and that has been petitioned 4261  
for or requested in accordance with division (A) of this 4262  
section, the parole board shall permit the following persons to 4263  
appear and to give testimony or to submit written statements: 4264

(1) The prosecuting attorney of the county in which the 4265  
original indictment against the prisoner was found and members 4266

of any law enforcement agency that assisted in the prosecution 4267  
of the original offense; 4268

(2) The judge of the court of common pleas who imposed the 4269  
original sentence of incarceration upon the prisoner, or the 4270  
judge's successor; 4271

(3) The victim of the original offense for which the 4272  
prisoner is serving the sentence or the victim's representative 4273  
designated pursuant to section 2930.02 of the Revised Code; 4274

(4) The victim of any behavior that resulted in parole 4275  
being revoked; 4276

(5) With respect to a full board hearing held pursuant to 4277  
division (A)(2) of this section, all of the following: 4278

(a) The spouse of the victim of the original offense; 4279

(b) The parent or parents of the victim of the original 4280  
offense; 4281

(c) The sibling of the victim of the original offense; 4282

(d) The child or children of the victim of the original 4283  
offense. 4284

(6) Counsel or some other person designated by the 4285  
prisoner as a representative, as described in division (C) of 4286  
this section. 4287

(C) Except as otherwise provided in this division, a full 4288  
board hearing of the parole board is not subject to section 4289  
121.22 of the Revised Code. The persons who may attend a full 4290  
board hearing are the persons described in divisions (B)(1) to 4291  
(6) of this section, and representatives of the press, radio and 4292  
television stations, and broadcasting networks who are members 4293

of a generally recognized professional media organization. 4294

At the request of a person described in division (B)(3) of 4295  
this section, representatives of the news media described in 4296  
this division shall be excluded from the hearing while that 4297  
person is giving testimony at the hearing. The prisoner being 4298  
considered for parole has no right to be present at the hearing, 4299  
but may be represented by counsel or some other person 4300  
designated by the prisoner. 4301

If there is an objection at a full board hearing to a 4302  
recommendation for the parole of a prisoner, the board may 4303  
approve or disapprove the recommendation or defer its decision 4304  
until a subsequent full board hearing. The board may permit 4305  
interested persons other than those listed in this division and 4306  
division (B) of this section to attend full board hearings 4307  
pursuant to rules adopted by the adult parole authority. 4308

(D) If the victim of the original offense died as a result 4309  
of the offense and the offense was aggravated murder, murder, an 4310  
offense of violence that is a felony of the first, second, or 4311  
third degree, or an offense punished by a sentence of life 4312  
imprisonment, the family of the victim may show at a full board 4313  
hearing a video recording not exceeding five minutes in length 4314  
memorializing the victim. 4315

(E) The adult parole authority shall adopt rules for the 4316  
implementation of this section. The rules shall specify 4317  
reasonable restrictions on the number of media representatives 4318  
that may attend a hearing, based on considerations of space, and 4319  
other procedures designed to accomplish an effective, orderly 4320  
process for full board hearings. 4321

**Section 2.** That existing sections 109.42, 109.57, 2151.23, 4322

2152.02, 2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2152.18, 4323  
2152.20, 2152.21, 2152.26, 2505.02, 2929.02, 2929.14, 2967.13, 4324  
2971.03, and 5149.101 and section 2152.121 of the Revised Code 4325  
are hereby repealed. 4326

**Section 3.** Section 109.57 of the Revised Code is presented 4327  
in this act as a composite of the section as amended by both 4328  
Sub. H.B. 359 and Am. Sub. S.B. 227 of the 132nd General 4329  
Assembly. The General Assembly, applying the principle stated in 4330  
division (B) of section 1.52 of the Revised Code that amendments 4331  
are to be harmonized if reasonably capable of simultaneous 4332  
operation, finds that the composite is the resulting version of 4333  
the section in effect prior to the effective date of the section 4334  
as presented in this act. 4335