

As Introduced

133rd General Assembly

Regular Session

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S. B. No. 99

Senator Thomas

Cosponsors: Senators Sykes, Antonio, Fedor, Craig

A BILL

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

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

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

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

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

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

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

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

(b) The style and number of the case; 81

(c) The date of arrest, offense, summons, or arraignment; 82

(d) The date that the person was convicted of or pleaded 83
guilty to the offense, adjudicated a delinquent child for 84
committing the act that would be a felony or an offense of 85
violence if committed by an adult, found not guilty of the 86
offense, or found not to be a delinquent child for committing an 87
act that would be a felony or an offense of violence if 88
committed by an adult, the date of an entry dismissing the 89
charge, an entry declaring a mistrial of the offense in which 90
the person is discharged, an entry finding that the person or 91
child is not competent to stand trial, or an entry of a nolle 92
prosequi, or the date of any other determination that 93
constitutes final resolution of the case; 94

(e) A statement of the original charge with the section of 95
the Revised Code that was alleged to be violated; 96

(f) If the person or child was convicted, pleaded guilty, 97
or was adjudicated a delinquent child, the sentence or terms of 98
probation imposed or any other disposition of the offender or 99
the delinquent child. 100

If the offense involved the disarming of a law enforcement 101
officer or an attempt to disarm a law enforcement officer, the 102
clerk shall clearly state that fact in the summary, and the 103
superintendent shall ensure that a clear statement of that fact 104
is placed in the bureau's records. 105

(3) The superintendent shall cooperate with and assist 106
sheriffs, chiefs of police, and other law enforcement officers 107
in the establishment of a complete system of criminal 108
identification and in obtaining fingerprints and other means of 109

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

disseminated through the Ohio law enforcement gateway pursuant 230
to division (C) (1) of this section; 231

(c) Information and materials furnished to any board or 232
person under division (F) or (G) of this section. 233

(2) The superintendent or the superintendent's designee 234
shall gather and retain information so furnished under division 235
(A) of this section that pertains to the offense and delinquency 236
history of a person who has been convicted of, pleaded guilty 237
to, or been adjudicated a delinquent child for committing a 238
sexually oriented offense or a child-victim oriented offense for 239
the purposes described in division (C) (2) of this section. 240

(E) (1) The attorney general shall adopt rules, in 241
accordance with Chapter 119. of the Revised Code and subject to 242
division (E) (2) of this section, setting forth the procedure by 243
which a person may receive or release information gathered by 244
the superintendent pursuant to division (A) of this section. A 245
reasonable fee may be charged for this service. If a temporary 246
employment service submits a request for a determination of 247
whether a person the service plans to refer to an employment 248
position has been convicted of or pleaded guilty to an offense 249
listed or described in division (A) (1), (2), or (3) of section 250
109.572 of the Revised Code, the request shall be treated as a 251
single request and only one fee shall be charged. 252

(2) Except as otherwise provided in this division or 253
division (E) (3) or (4) of this section, a rule adopted under 254
division (E) (1) of this section may provide only for the release 255
of information gathered pursuant to division (A) of this section 256
that relates to the conviction of a person, or a person's plea 257
of guilty to, a criminal offense or to the arrest of a person as 258
provided in division (E) (3) of this section. The superintendent 259

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

child not a ward of another court of this state; 502

(3) To hear and determine any application for a writ of 503
habeas corpus involving the custody of a child; 504

(4) To exercise the powers and jurisdiction given the 505
probate division of the court of common pleas in Chapter 5122. 506
of the Revised Code, if the court has probable cause to believe 507
that a child otherwise within the jurisdiction of the court is a 508
mentally ill person subject to court order, as defined in 509
section 5122.01 of the Revised Code; 510

(5) To hear and determine all criminal cases charging 511
adults with the violation of any section of this chapter; 512

(6) To hear and determine all criminal cases in which an 513
adult is charged with a violation of division (C) of section 514
2919.21, division (B)(1) of section 2919.22, section 2919.222, 515
division (B) of section 2919.23, or section 2919.24 of the 516
Revised Code, provided the charge is not included in an 517
indictment that also charges the alleged adult offender with the 518
commission of a felony arising out of the same actions that are 519
the basis of the alleged violation of division (C) of section 520
2919.21, division (B)(1) of section 2919.22, section 2919.222, 521
division (B) of section 2919.23, or section 2919.24 of the 522
Revised Code; 523

(7) Under the interstate compact on juveniles in section 524
2151.56 of the Revised Code; 525

(8) Concerning any child who is to be taken into custody 526
pursuant to section 2151.31 of the Revised Code, upon being 527
notified of the intent to take the child into custody and the 528
reasons for taking the child into custody; 529

(9) To hear and determine requests for the extension of 530

temporary custody agreements, and requests for court approval of 531
permanent custody agreements, that are filed pursuant to section 532
5103.15 of the Revised Code; 533

(10) To hear and determine applications for consent to 534
marry pursuant to section 3101.04 of the Revised Code; 535

(11) Subject to divisions (G), (K), and (V) of section 536
2301.03 of the Revised Code, to hear and determine a request for 537
an order for the support of any child if the request is not 538
ancillary to an action for divorce, dissolution of marriage, 539
annulment, or legal separation, a criminal or civil action 540
involving an allegation of domestic violence, or an action for 541
support brought under Chapter 3115. of the Revised Code; 542

(12) Concerning an action commenced under section 121.38 543
of the Revised Code; 544

(13) To hear and determine violations of section 3321.38 545
of the Revised Code; 546

(14) To exercise jurisdiction and authority over the 547
parent, guardian, or other person having care of a child alleged 548
to be a delinquent child, unruly child, or juvenile traffic 549
offender, based on and in relation to the allegation pertaining 550
to the child; 551

(15) To conduct the hearings, and to make the 552
determinations, adjudications, and orders authorized or required 553
under sections 2152.82 to 2152.86 and Chapter 2950. of the 554
Revised Code regarding a child who has been adjudicated a 555
delinquent child and to refer the duties conferred upon the 556
juvenile court judge under sections 2152.82 to 2152.86 and 557
Chapter 2950. of the Revised Code to magistrates appointed by 558
the juvenile court judge in accordance with Juvenile Rule 40; 559

(16) To hear and determine a petition for a protection 560
order against a child under section 2151.34 or 3113.31 of the 561
Revised Code and to enforce a protection order issued or a 562
consent agreement approved under either section against a child 563
until a date certain but not later than the date the child 564
attains nineteen years of age. 565

(B) Except as provided in divisions (G) and (I) of section 566
2301.03 of the Revised Code, the juvenile court has original 567
jurisdiction under the Revised Code: 568

(1) To hear and determine all cases of misdemeanors 569
charging adults with any act or omission with respect to any 570
child, which act or omission is a violation of any state law or 571
any municipal ordinance; 572

(2) To determine the paternity of any child alleged to 573
have been born out of wedlock pursuant to sections 3111.01 to 574
3111.18 of the Revised Code; 575

(3) Under the uniform interstate family support act in 576
Chapter 3115. of the Revised Code; 577

(4) To hear and determine an application for an order for 578
the support of any child, if the child is not a ward of another 579
court of this state; 580

(5) To hear and determine an action commenced under 581
section 3111.28 of the Revised Code; 582

(6) To hear and determine a motion filed under section 583
3119.961 of the Revised Code; 584

(7) To receive filings under section 3109.74 of the 585
Revised Code, and to hear and determine actions arising under 586
sections 3109.51 to 3109.80 of the Revised Code. 587

(8) To enforce an order for the return of a child made 588
under the Hague Convention on the Civil Aspects of International 589
Child Abduction pursuant to section 3127.32 of the Revised Code; 590

(9) To grant any relief normally available under the laws 591
of this state to enforce a child custody determination made by a 592
court of another state and registered in accordance with section 593
3127.35 of the Revised Code. 594

(C) The juvenile court, except as to juvenile courts that 595
are a separate division of the court of common pleas or a 596
separate and independent juvenile court, has jurisdiction to 597
hear, determine, and make a record of any action for divorce or 598
legal separation that involves the custody or care of children 599
and that is filed in the court of common pleas and certified by 600
the court of common pleas with all the papers filed in the 601
action to the juvenile court for trial, provided that no 602
certification of that nature shall be made to any juvenile court 603
unless the consent of the juvenile judge first is obtained. 604
After a certification of that nature is made and consent is 605
obtained, the juvenile court shall proceed as if the action 606
originally had been begun in that court, except as to awards for 607
spousal support or support due and unpaid at the time of 608
certification, over which the juvenile court has no 609
jurisdiction. 610

(D) The juvenile court, except as provided in divisions 611
(G) and (I) of section 2301.03 of the Revised Code, has 612
jurisdiction to hear and determine all matters as to custody and 613
support of children duly certified by the court of common pleas 614
to the juvenile court after a divorce decree has been granted, 615
including jurisdiction to modify the judgment and decree of the 616
court of common pleas as the same relate to the custody and 617

support of children. 618

(E) The juvenile court, except as provided in divisions 619
(G) and (I) of section 2301.03 of the Revised Code, has 620
jurisdiction to hear and determine the case of any child 621
certified to the court by any court of competent jurisdiction if 622
the child comes within the jurisdiction of the juvenile court as 623
defined by this section. 624

(F)(1) The juvenile court shall exercise its jurisdiction 625
in child custody matters in accordance with sections 3109.04 and 626
3127.01 to 3127.53 of the Revised Code and, as applicable, 627
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 628
Revised Code. 629

(2) The juvenile court shall exercise its jurisdiction in 630
child support matters in accordance with section 3109.05 of the 631
Revised Code. 632

(G) Any juvenile court that makes or modifies an order for 633
child support shall comply with Chapters 3119., 3121., 3123., 634
and 3125. of the Revised Code. If any person required to pay 635
child support under an order made by a juvenile court on or 636
after April 15, 1985, or modified on or after December 1, 1986, 637
is found in contempt of court for failure to make support 638
payments under the order, the court that makes the finding, in 639
addition to any other penalty or remedy imposed, shall assess 640
all court costs arising out of the contempt proceeding against 641
the person and require the person to pay any reasonable 642
attorney's fees of any adverse party, as determined by the 643
court, that arose in relation to the act of contempt. 644

(H) If a child who is charged with an act that would be an 645
offense if committed by an adult was fourteen years of age or 646

older and under eighteen years of age at the time of the alleged 647
act and if the case is transferred for criminal prosecution 648
pursuant to section 2152.12 of the Revised Code, ~~except as~~ 649
~~provided in section 2152.121 of the Revised Code,~~ the juvenile 650
court does not have jurisdiction to hear or determine the case 651
subsequent to the transfer. The court to which the case is 652
transferred for criminal prosecution pursuant to that section 653
has jurisdiction subsequent to the transfer to hear and 654
determine the case in the same manner as if the case originally 655
had been commenced in that court, ~~subject to section 2152.121 of~~ 656
~~the Revised Code,~~ including, but not limited to, jurisdiction to 657
accept a plea of guilty or another plea authorized by Criminal 658
Rule 11 or another section of the Revised Code and jurisdiction 659
to accept a verdict and to enter a judgment of conviction 660
pursuant to the Rules of Criminal Procedure against the child 661
for the commission of the offense that was the basis of the 662
transfer of the case for criminal prosecution, whether the 663
conviction is for the same degree or a lesser degree of the 664
offense charged, for the commission of a lesser-included 665
offense, or for the commission of another offense that is 666
different from the offense charged. 667

(I) If a person under eighteen years of age allegedly 668
commits an act that would be a felony if committed by an adult 669
and if the person is not taken into custody or apprehended for 670
that act until after the person attains twenty-one years of age, 671
the juvenile court does not have jurisdiction to hear or 672
determine any portion of the case charging the person with 673
committing that act. In those circumstances, ~~divisions~~ division 674
(A) ~~and (B)~~ of section 2152.12 of the Revised Code ~~do~~ does not 675
apply regarding the act, and the case charging the person with 676
committing the act shall be a criminal prosecution commenced and 677

heard in the appropriate court having jurisdiction of the 678
offense as if the person had been eighteen years of age or older 679
when the person committed the act. All proceedings pertaining to 680
the act shall be within the jurisdiction of the court having 681
jurisdiction of the offense, and that court has all the 682
authority and duties in the case that it has in other criminal 683
cases in that court. 684

(J) In exercising its exclusive original jurisdiction 685
under division (A) (16) of this section with respect to any 686
proceedings brought under section 2151.34 or 3113.31 of the 687
Revised Code in which the respondent is a child, the juvenile 688
court retains all dispositional powers consistent with existing 689
rules of juvenile procedure and may also exercise its discretion 690
to adjudicate proceedings as provided in sections 2151.34 and 691
3113.31 of the Revised Code, including the issuance of 692
protection orders or the approval of consent agreements under 693
those sections. 694

Sec. 2152.02. As used in this chapter: 695

(A) "Act charged" means the act that is identified in a 696
complaint, indictment, or information alleging that a child is a 697
delinquent child. 698

(B) "Admitted to a department of youth services facility" 699
includes admission to a facility operated, or contracted for, by 700
the department and admission to a comparable facility outside 701
this state by another state or the United States. 702

(C) (1) "Child" means a person who is under eighteen years 703
of age, except as otherwise provided in divisions (C) (2) to (8) 704
of this section. 705

(2) Subject to division (C) (3) of this section, any person 706

who violates a federal or state law or a municipal ordinance 707
prior to attaining eighteen years of age shall be deemed a 708
"child" irrespective of that person's age at the time the 709
complaint with respect to that violation is filed or the hearing 710
on the complaint is held. 711

(3) Any person who, while under eighteen years of age, 712
commits an act that would be a felony if committed by an adult 713
and who is not taken into custody or apprehended for that act 714
until after the person attains twenty-one years of age is not a 715
child in relation to that act. 716

(4) Except as otherwise provided in divisions (C) (5) and 717
(7) of this section, any person whose case is transferred for 718
criminal prosecution pursuant to section 2152.12 of the Revised 719
Code shall be deemed after the transfer not to be a child in the 720
transferred case. 721

(5) Any person whose case is transferred for criminal 722
prosecution pursuant to section 2152.12 of the Revised Code and 723
who subsequently is convicted of or pleads guilty to a felony in 724
that case, unless a serious youthful offender dispositional 725
sentence ~~is~~ was imposed on the child for that offense under 726
division (B) (2) or (3) of former section 2152.121 of the Revised 727
Code as it existed prior to the effective date of this amendment 728
and the adult portion of that sentence is not invoked pursuant 729
to section 2152.14 of the Revised Code, and any person who is 730
adjudicated a delinquent child for the commission of an act, who 731
has a serious youthful offender dispositional sentence imposed 732
for the act pursuant to section 2152.13 of the Revised Code, and 733
whose adult portion of the dispositional sentence is invoked 734
pursuant to section 2152.14 of the Revised Code, shall be deemed 735
after the conviction, plea, or invocation not to be a child in 736

any case in which a complaint is filed against the person. 737

(6) The juvenile court has jurisdiction over a person who 738
is adjudicated a delinquent child or juvenile traffic offender 739
prior to attaining eighteen years of age until the person 740
attains twenty-one years of age, and, for purposes of that 741
jurisdiction related to that adjudication, except as otherwise 742
provided in this division, a person who is so adjudicated a 743
delinquent child or juvenile traffic offender shall be deemed a 744
"child" until the person attains twenty-one years of age. If a 745
person is so adjudicated a delinquent child or juvenile traffic 746
offender and the court makes a disposition of the person under 747
this chapter, at any time after the person attains twenty-one 748
years of age, the places at which the person may be held under 749
that disposition are not limited to places authorized under this 750
chapter solely for confinement of children, and the person may 751
be confined under that disposition, in accordance with division 752
(F) (2) of section 2152.26 of the Revised Code, in places other 753
than those authorized under this chapter solely for confinement 754
of children. 755

(7) The juvenile court has jurisdiction over any person 756
whose case is transferred for criminal prosecution solely for 757
the purpose of detaining the person as authorized in division 758
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 759
person is convicted of or pleads guilty to a felony in the adult 760
court. 761

(8) Any person who, while eighteen years of age, violates 762
division (A) (1) or (2) of section 2919.27 of the Revised Code by 763
violating a protection order issued or consent agreement 764
approved under section 2151.34 or 3113.31 of the Revised Code 765
shall be considered a child for the purposes of that violation 766

of section 2919.27 of the Revised Code. 767

(D) "Chronic truant" means any child of compulsory school 768
age who is absent without legitimate excuse for absence from the 769
public school the child is supposed to attend for seven or more 770
consecutive school days, ten or more school days in one school 771
month, or fifteen or more school days in a school year. 772

(E) "Community corrections facility," "public safety 773
beds," "release authority," and "supervised release" have the 774
same meanings as in section 5139.01 of the Revised Code. 775

(F) "Delinquent child" includes any of the following: 776

(1) Any child, except a juvenile traffic offender, who 777
violates any law of this state or the United States, or any 778
ordinance of a political subdivision of the state, that would be 779
an offense if committed by an adult; 780

(2) Any child who violates any lawful order of the court 781
made under this chapter or under Chapter 2151. of the Revised 782
Code other than an order issued under section 2151.87 of the 783
Revised Code; 784

(3) Any child who violates division (C) of section 785
2907.39, division (A) of section 2923.211, or division (C)(1) or 786
(D) of section 2925.55 of the Revised Code; 787

(4) Any child who is a habitual truant and who previously 788
has been adjudicated an unruly child for being a habitual 789
truant; 790

(5) Any child who is a chronic truant. 791

(G) "Discretionary serious youthful offender" means a 792
person who is eligible for a discretionary SYO and who is not 793
transferred to adult court under a ~~mandatory or~~ discretionary 794

transfer. 795

(H) "Discretionary SYO" means a case in which the juvenile 796
court, in the juvenile court's discretion, may impose a serious 797
youthful offender disposition under section 2152.13 of the 798
Revised Code. 799

(I) "Discretionary transfer" means that the juvenile court 800
has discretion to transfer a case for criminal prosecution under 801
division ~~(B)~~ (A) of section 2152.12 of the Revised Code. 802

(J) "Drug abuse offense," "felony drug abuse offense," and 803
"minor drug possession offense" have the same meanings as in 804
section 2925.01 of the Revised Code. 805

(K) "Electronic monitoring" and "electronic monitoring 806
device" have the same meanings as in section 2929.01 of the 807
Revised Code. 808

(L) "Economic loss" means any economic detriment suffered 809
by a victim of a delinquent act or juvenile traffic offense as a 810
direct and proximate result of the delinquent act or juvenile 811
traffic offense and includes any loss of income due to lost time 812
at work because of any injury caused to the victim and any 813
property loss, medical cost, or funeral expense incurred as a 814
result of the delinquent act or juvenile traffic offense. 815
"Economic loss" does not include non-economic loss or any 816
punitive or exemplary damages. 817

(M) "Firearm" has the same meaning as in section 2923.11 818
of the Revised Code. 819

(N) "Intellectual disability" has the same meaning as in 820
section 5123.01 of the Revised Code. 821

(O) "Juvenile traffic offender" means any child who 822

violates any traffic law, traffic ordinance, or traffic 823
regulation of this state, the United States, or any political 824
subdivision of this state, other than a resolution, ordinance, 825
or regulation of a political subdivision of this state the 826
violation of which is required to be handled by a parking 827
violations bureau or a joint parking violations bureau pursuant 828
to Chapter 4521. of the Revised Code. 829

(P) A "legitimate excuse for absence from the public 830
school the child is supposed to attend" has the same meaning as 831
in section 2151.011 of the Revised Code. 832

(Q) "Mandatory serious youthful offender" means a person 833
who is eligible for a mandatory SYO and who is not transferred 834
to adult court under a ~~mandatory or discretionary transfer and~~ 835
~~also includes, for purposes of imposition of a mandatory serious~~ 836
~~youthful dispositional sentence under section 2152.13 of the~~ 837
~~Revised Code, a person upon whom a juvenile court is required to~~ 838
~~impose such a sentence under division (B) (3) of section 2152.121~~ 839
~~of the Revised Code.~~ 840

(R) "Mandatory SYO" means a case in which the juvenile 841
court is required to impose a mandatory serious youthful 842
offender disposition under section 2152.13 of the Revised Code. 843

(S) ~~"Mandatory transfer" means that a case is required to~~ 844
~~be transferred for criminal prosecution under division (A) of~~ 845
~~section 2152.12 of the Revised Code.~~ 846

~~(T)~~ "Mental illness" has the same meaning as in section 847
5122.01 of the Revised Code. 848

~~(U)~~ (T) "Monitored time" and "repeat violent offender" have 849
the same meanings as in section 2929.01 of the Revised Code. 850

~~(V)~~ (U) "Of compulsory school age" has the same meaning as 851

in section 3321.01 of the Revised Code. 852

~~(W)~~ (V) "Public record" has the same meaning as in section 853
149.43 of the Revised Code. 854

~~(X)~~ (W) "Serious youthful offender" means a person who is 855
eligible for a mandatory SYO or discretionary SYO but who is not 856
transferred to adult court under a ~~mandatory or~~ discretionary 857
~~transfer and also includes, for purposes of imposition of a~~ 858
~~mandatory serious youthful dispositional sentence under section~~ 859
~~2152.13 of the Revised Code, a person upon whom a juvenile court~~ 860
~~is required to impose such a sentence under division (B) (3) of~~ 861
~~section 2152.121 of the Revised Code.~~ 862

~~(Y)~~ (X) "Sexually oriented offense," "juvenile offender 863
registrant," "child-victim oriented offense," "tier I sex 864
offender/child-victim offender," "tier II sex offender/child- 865
victim offender," "tier III sex offender/child-victim offender," 866
and "public registry-qualified juvenile offender registrant" 867
have the same meanings as in section 2950.01 of the Revised 868
Code. 869

~~(Z)~~ (Y) "Traditional juvenile" means a case that is not 870
transferred to adult court under a ~~mandatory or~~ discretionary 871
transfer, that is eligible for a disposition under sections 872
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 873
that is not eligible for a disposition under section 2152.13 of 874
the Revised Code. 875

~~(AA)~~ (Z) "Transfer" means the transfer for criminal 876
prosecution of a case involving the alleged commission by a 877
child of an act that would be an offense if committed by an 878
adult from the juvenile court to the appropriate court that has 879
jurisdiction of the offense. 880

~~(BB)~~ (AA) "Category one offense" means any of the 881
following: 882

(1) A violation of section 2903.01 or 2903.02 of the 883
Revised Code; 884

(2) A violation of section 2923.02 of the Revised Code 885
involving an attempt to commit aggravated murder or murder. 886

~~(CC)~~ (BB) "Category two offense" means any of the 887
following: 888

(1) A violation of section 2903.03, 2905.01, 2907.02, 889
2909.02, 2911.01, or 2911.11 of the Revised Code; 890

(2) A violation of section 2903.04 of the Revised Code 891
that is a felony of the first degree; 892

(3) A violation of section 2907.12 of the Revised Code as 893
it existed prior to September 3, 1996. 894

~~(DD)~~ (CC) "Non-economic loss" means nonpecuniary harm 895
suffered by a victim of a delinquent act or juvenile traffic 896
offense as a result of or related to the delinquent act or 897
juvenile traffic offense, including, but not limited to, pain 898
and suffering; loss of society, consortium, companionship, care, 899
assistance, attention, protection, advice, guidance, counsel, 900
instruction, training, or education; mental anguish; and any 901
other intangible loss. 902

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this 903
section, any person having knowledge of a child who appears to 904
be a juvenile traffic offender or to be a delinquent child may 905
file a sworn complaint with respect to that child in the 906
juvenile court of the county in which the child has a residence 907
or legal settlement or in which the traffic offense or 908

delinquent act allegedly occurred. The sworn complaint may be 909
upon information and belief, and, in addition to the allegation 910
that the child is a delinquent child or a juvenile traffic 911
offender, the complaint shall allege the particular facts upon 912
which the allegation that the child is a delinquent child or a 913
juvenile traffic offender is based. 914

If a child appears to be a delinquent child who is 915
eligible for a serious youthful offender dispositional sentence 916
under section 2152.11 of the Revised Code and if the prosecuting 917
attorney desires to seek a serious youthful offender 918
dispositional sentence under section 2152.13 of the Revised Code 919
in regard to the child, the prosecuting attorney of the county 920
in which the alleged delinquency occurs may initiate a case in 921
the juvenile court of the county by presenting the case to a 922
grand jury for indictment, by charging the child in a bill of 923
information as a serious youthful offender pursuant to section 924
2152.13 of the Revised Code, by requesting a serious youthful 925
offender dispositional sentence in the original complaint 926
alleging that the child is a delinquent child, or by filing with 927
the juvenile court a written notice of intent to seek a serious 928
youthful offender dispositional sentence. ~~This paragraph does~~ 929
~~not apply regarding the imposition of a serious youthful~~ 930
~~offender dispositional sentence pursuant to section 2152.121 of~~ 931
~~the Revised Code.~~ 932

(2) Any person having knowledge of a child who appears to 933
be a delinquent child for being an habitual or chronic truant 934
may file a sworn complaint with respect to that child, or with 935
respect to that child and the parent, guardian, or other person 936
having care of the child, in the juvenile court of the county in 937
which the child has a residence or legal settlement or in which 938
the child is supposed to attend public school. The sworn 939

complaint may be upon information and belief and shall allege 940
that the child is a delinquent child for being a chronic truant 941
or an habitual truant who previously has been adjudicated an 942
unruly child for being a habitual truant and, in addition, the 943
particular facts upon which that allegation is based. If the 944
complaint contains allegations regarding the child's parent, 945
guardian, or other person having care of the child, the 946
complaint additionally shall allege that the parent, guardian, 947
or other person having care of the child has failed to cause the 948
child's attendance at school in violation of section 3321.38 of 949
the Revised Code and, in addition, the particular facts upon 950
which that allegation is based. 951

(B) Any person with standing under applicable law may file 952
a complaint for the determination of any other matter over which 953
the juvenile court is given jurisdiction by section 2151.23 of 954
the Revised Code. The complaint shall be filed in the county in 955
which the child who is the subject of the complaint is found or 956
was last known to be found. 957

(C) Within ten days after the filing of a complaint or the 958
issuance of an indictment, the court shall give written notice 959
of the filing of the complaint or the issuance of an indictment 960
and of the substance of the complaint or indictment to the 961
superintendent of a city, local, exempted village, or joint 962
vocational school district if the complaint or indictment 963
alleges that a child committed an act that would be a criminal 964
offense if committed by an adult, that the child was sixteen 965
years of age or older at the time of the commission of the 966
alleged act, and that the alleged act is any of the following: 967

(1) A violation of section 2923.122 of the Revised Code 968
that relates to property owned or controlled by, or to an 969

activity held under the auspices of, the board of education of 970
that school district; 971

(2) A violation of section 2923.12 of the Revised Code, of 972
a substantially similar municipal ordinance, or of section 973
2925.03 of the Revised Code that was committed on property owned 974
or controlled by, or at an activity held under the auspices of, 975
the board of education of that school district; 976

(3) A violation of section 2925.11 of the Revised Code 977
that was committed on property owned or controlled by, or at an 978
activity held under the auspices of, the board of education of 979
that school district, other than a violation of that section 980
that would be a minor drug possession offense if committed by an 981
adult; 982

(4) A violation of section 2903.01, 2903.02, 2903.03, 983
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 984
Code, or a violation of former section 2907.12 of the Revised 985
Code, that was committed on property owned or controlled by, or 986
at an activity held under the auspices of, the board of 987
education of that school district, if the victim at the time of 988
the commission of the alleged act was an employee of the board 989
of education of that school district; 990

(5) Complicity in any violation described in division (C) 991
(1), (2), (3), or (4) of this section that was alleged to have 992
been committed in the manner described in division (C)(1), (2), 993
(3), or (4) of this section, regardless of whether the act of 994
complicity was committed on property owned or controlled by, or 995
at an activity held under the auspices of, the board of 996
education of that school district. 997

(D) A public children services agency, acting pursuant to 998

a complaint or an action on a complaint filed under this 999
section, is not subject to the requirements of section 3127.23 1000
of the Revised Code. 1001

(E) For purposes of the record to be maintained by the 1002
clerk under division (B) of section 2152.71 of the Revised Code, 1003
when a complaint is filed that alleges that a child is a 1004
delinquent child, the court shall determine if the victim of the 1005
alleged delinquent act was sixty-five years of age or older or 1006
permanently and totally disabled at the time of the alleged 1007
commission of the act. 1008

(F) (1) At any time after the filing of a complaint 1009
alleging that a child is a delinquent child and before 1010
adjudication, the court may hold a hearing to determine whether 1011
to hold the complaint in abeyance pending the child's successful 1012
completion of actions that constitute a method to divert the 1013
child from the juvenile court system if the child agrees to the 1014
hearing and either of the following applies: 1015

(a) The act charged would be a violation of section 1016
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 1017
were an adult. 1018

(b) The court has reason to believe that the child is a 1019
victim of a violation of section 2905.32 of the Revised Code, 1020
regardless of whether any person has been convicted of a 1021
violation of that section or of any other section for 1022
victimizing the child, and the act charged is related to the 1023
child's victimization. 1024

(2) The prosecuting attorney has the right to participate 1025
in any hearing held under division (F) (1) of this section, to 1026
object to holding the complaint that is the subject of the 1027

hearing in abeyance, and to make recommendations related to 1028
diversion actions. No statement made by a child at a hearing 1029
held under division (F)(1) of this section is admissible in any 1030
subsequent proceeding against the child. 1031

(3) If either division (F)(1)(a) or (b) of this section 1032
applies, the court shall promptly appoint a guardian ad litem 1033
for the child. The court shall not appoint the child's attorney 1034
as guardian ad litem. If the court decides to hold the complaint 1035
in abeyance, the guardian ad litem shall make recommendations 1036
that are in the best interest of the child to the court. 1037

(4) If after a hearing the court decides to hold the 1038
complaint in abeyance, the court may make any orders regarding 1039
placement, services, supervision, diversion actions, and 1040
conditions of abeyance, including, but not limited to, 1041
engagement in trauma-based behavioral health services or 1042
education activities, that the court considers appropriate and 1043
in the best interest of the child. The court may hold the 1044
complaint in abeyance for up to ninety days while the child 1045
engages in diversion actions. If the child violates the 1046
conditions of abeyance or does not complete the diversion 1047
actions to the court's satisfaction within ninety days, the 1048
court may extend the period of abeyance for not more than two 1049
additional ninety-day periods. 1050

(5) If the court holds the complaint in abeyance and the 1051
child complies with the conditions of abeyance and completes the 1052
diversion actions to the court's satisfaction, the court shall 1053
dismiss the complaint and order that the records pertaining to 1054
the case be expunged immediately. If the child fails to complete 1055
the diversion actions to the court's satisfaction, the court 1056
shall proceed upon the complaint. 1057

Sec. 2152.10. ~~(A) A child who is alleged to be a~~ 1058
~~delinquent child is eligible for mandatory transfer and shall be~~ 1059
~~transferred as provided in section 2152.12 of the Revised Code~~ 1060
~~in any of the following circumstances:~~ 1061

~~(1) The child is charged with a category one offense and~~ 1062
~~either of the following apply:~~ 1063

~~(a) The child was sixteen years of age or older at the~~ 1064
~~time of the act charged.~~ 1065

~~(b) The child was fourteen or fifteen years of age at the~~ 1066
~~time of the act charged and previously was adjudicated a~~ 1067
~~delinquent child for committing an act that is a category one or~~ 1068
~~category two offense and was committed to the legal custody of~~ 1069
~~the department of youth services upon the basis of that~~ 1070
~~adjudication.~~ 1071

~~(2) The child is charged with a category two offense,~~ 1072
~~other than a violation of section 2905.01 of the Revised Code,~~ 1073
~~the child was sixteen years of age or older at the time of the~~ 1074
~~commission of the act charged, and either or both of the~~ 1075
~~following apply:~~ 1076

~~(a) The child previously was adjudicated a delinquent~~ 1077
~~child for committing an act that is a category one or a category~~ 1078
~~two offense and was committed to the legal custody of the~~ 1079
~~department of youth services on the basis of that adjudication.~~ 1080

~~(b) The child is alleged to have had a firearm on or about~~ 1081
~~the child's person or under the child's control while committing~~ 1082
~~the act charged and to have displayed the firearm, brandished~~ 1083
~~the firearm, indicated possession of the firearm, or used the~~ 1084
~~firearm to facilitate the commission of the act charged.~~ 1085

~~(3) Division (A) (2) of section 2152.12 of the Revised Code~~ 1086

applies. 1087

~~(B) Unless the child is subject to mandatory transfer, if~~ 1088
If a child is fourteen years of age or older at the time of the 1089
act charged and if the child is charged with an act that would 1090
be a felony if committed by an adult, the child is eligible for 1091
discretionary transfer to the appropriate court for criminal 1092
prosecution. In determining whether to transfer the child for 1093
criminal prosecution, the juvenile court shall follow the 1094
procedures in ~~section 2152.12 of the Revised Code~~ this chapter. 1095
If the court does not transfer the child and if the court 1096
adjudicates the child to be a delinquent child for the act 1097
charged, the court shall issue an order of disposition in 1098
accordance with ~~section 2152.11 of the Revised Code~~ this 1099
chapter. 1100

Sec. 2152.12. (A) ~~(1) (a) After a complaint has been filed~~ 1101
~~alleging that a child is a delinquent child for committing an~~ 1102
~~act that would be aggravated murder, murder, attempted~~ 1103
~~aggravated murder, or attempted murder if committed by an adult,~~ 1104
~~the juvenile court at a hearing shall transfer the case if~~ 1105
~~either of the following applies:~~ 1106

~~(i) The child was sixteen or seventeen years of age at the~~ 1107
~~time of the act charged and there is probable cause to believe~~ 1108
~~that the child committed the act charged.~~ 1109

~~(ii) The child was fourteen or fifteen years of age at the~~ 1110
~~time of the act charged, section 2152.10 of the Revised Code~~ 1111
~~provides that the child is eligible for mandatory transfer, and~~ 1112
~~there is probable cause to believe that the child committed the~~ 1113
~~act charged.~~ 1114

~~(b) After a complaint has been filed alleging that a child~~ 1115

~~is a delinquent child by reason of committing a category two- 1116~~
~~offense, the juvenile court at a hearing shall transfer the case- 1117~~
~~if the child was sixteen or seventeen years of age at the time- 1118~~
~~of the act charged and either of the following applies: 1119~~

~~(i) Division (A) (2) (a) of section 2152.10 of the Revised- 1120~~
~~Code requires the mandatory transfer of the case, and there is- 1121~~
~~probable cause to believe that the child committed the act- 1122~~
~~charged. 1123~~

~~(ii) Division (A) (2) (b) of section 2152.10 of the Revised- 1124~~
~~Code requires the mandatory transfer of the case, and there is- 1125~~
~~probable cause to believe that the child committed the act- 1126~~
~~charged. 1127~~

~~(2) The juvenile court also shall transfer a case in the- 1128~~
~~circumstances described in division (C) (5) of section 2152.02 of- 1129~~
~~the Revised Code or if either of the following applies: 1130~~

~~(a) A complaint is filed against a child who is eligible- 1131~~
~~for a discretionary transfer under section 2152.10 of the- 1132~~
~~Revised Code and who previously was convicted of or pleaded- 1133~~
~~guilty to a felony in a case that was transferred to a criminal- 1134~~
~~court. 1135~~

~~(b) A complaint is filed against a child who is domiciled- 1136~~
~~in another state alleging that the child is a delinquent child- 1137~~
~~for committing an act that would be a felony if committed by an- 1138~~
~~adult, and, if the act charged had been committed in that other- 1139~~
~~state, the child would be subject to criminal prosecution as an- 1140~~
~~adult under the law of that other state without the need for a- 1141~~
~~transfer of jurisdiction from a juvenile, family, or similar- 1142~~
~~noncriminal court to a criminal court. 1143~~

~~(3) If a complaint is filed against a child alleging that- 1144~~

~~the child is a delinquent child and the case is transferred~~ 1145
~~pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of this~~ 1146
~~section and if the child subsequently is convicted of or pleads~~ 1147
~~guilty to an offense in that case, the sentence to be imposed or~~ 1148
~~disposition to be made of the child shall be determined in~~ 1149
~~accordance with section 2152.121 of the Revised Code.~~ 1150

~~(B) Except as provided in division (A) of this section,~~ 1151
~~after~~ After a complaint has been filed alleging that a child is 1152
a delinquent child for committing an act that would be a felony 1153
if committed by an adult, the juvenile court at a hearing may 1154
transfer the case if the court finds all of the following: 1155

(1) The child was fourteen years of age or older at the 1156
time of the act charged. 1157

(2) There is probable cause to believe that the child 1158
committed the act charged. 1159

(3) The child is not amenable to care or rehabilitation 1160
within the juvenile system, and the safety of the community may 1161
require that the child be subject to adult sanctions. In making 1162
its decision under this division, the court shall consider 1163
~~whether the applicable factors under division (D) (C) of this~~ 1164
~~section indicating that the case should be transferred outweigh~~ 1165
~~the applicable factors under division (E) of this section~~ 1166
~~indicating that the case should not be transferred. The record~~ 1167
~~shall indicate the specific factors that were applicable and~~ 1168
~~that the court weighed.~~ 1169

~~(C) (B)~~ Before considering a transfer under division ~~(B) (A)~~ 1170
of this section, the juvenile court shall order an investigation 1171
into the child's social history, education, family situation, 1172
and any other factor bearing on whether the child is amenable to 1173

juvenile rehabilitation, including a mental examination of the 1174
child by a public or private agency or a person qualified to 1175
make the examination. The investigation shall be completed and a 1176
report on the investigation shall be submitted to the court as 1177
soon as possible but not more than forty-five calendar days 1178
after the court orders the investigation. The court may grant 1179
one or more extensions for a reasonable length of time. The 1180
child may waive the examination required by this division if the 1181
court finds that the waiver is competently and intelligently 1182
made. Refusal to submit to a mental examination by the child 1183
constitutes a waiver of the examination. 1184

~~(D) No report on an investigation conducted pursuant to 1185
this division shall include details of the alleged offense as 1186
reported by the child. 1187~~

(C) In considering whether to transfer a child under 1188
division ~~(B)~~ (A) of this section, the juvenile court shall 1189
consider the following relevant factors, ~~and any other relevant~~ 1190
~~factors, in favor of a transfer under that division:~~ 1191

~~(1) The victim of the act charged suffered physical or 1192
psychological harm, or serious economic harm, as a result of the 1193
alleged act. 1194~~

~~(2) The physical or psychological harm suffered by the 1195
victim due to the alleged act of the child was exacerbated 1196
because of the physical or psychological vulnerability or the 1197
age of the victim. 1198~~

~~(3) The child's relationship with the victim facilitated 1199
the act charged. 1200~~

~~(4) The child allegedly committed the act charged for hire 1201
or as a part of a gang or other organized criminal activity. 1202~~

~~(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.~~

~~(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.~~

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

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

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

~~(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:~~

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

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

~~(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.~~

~~(4) The child did not cause physical harm to any person or~~

~~property, or have reasonable cause to believe that harm of that~~ 1231
~~nature would occur, in allegedly committing the act charged.~~ 1232

~~(5) The child previously has not been adjudicated a~~ 1233
~~delinquent child.~~ 1234

~~(6) The child is not emotionally, physically, or~~ 1235
~~psychologically mature enough for the transfer.~~ 1236

~~(7) The child has a mental illness or intellectual~~ 1237
~~disability.~~ 1238

~~(8) There is sufficient time to rehabilitate the child~~ 1239
~~within the juvenile system and the level of security available~~ 1240
~~in the juvenile system provides a reasonable assurance of public~~ 1241
~~safety.~~ 1242

~~(F) If one or more complaints are filed alleging that a~~ 1243
~~child is a delinquent child for committing two or more acts that~~ 1244
~~would be offenses if committed by an adult, if a motion is made~~ 1245
~~alleging that division (A) of this section applies and requires~~ 1246
~~that the case or cases involving one or more of the acts charged~~ 1247
~~be transferred, and if a motion also is made requesting that the~~ 1248
~~case or cases involving one or more of the acts charged be~~ 1249
~~transferred pursuant to division (B) of this section, the~~ 1250
~~juvenile court, in deciding the motions, shall proceed in the~~ 1251
~~following manner:~~ 1252

~~(1) Initially, the court shall decide the motion alleging~~ 1253
~~that division (A) of this section applies and requires that the~~ 1254
~~case or cases involving one or more of the acts charged be~~ 1255
~~transferred.~~ 1256

~~(2) If the court determines that division (A) of this~~ 1257
~~section applies and requires that the case or cases involving~~ 1258
~~one or more of the acts charged be transferred, the court shall~~ 1259

~~transfer the case or cases in accordance with that division.~~ 1260
~~After the transfer pursuant to division (A) of this section, the~~ 1261
~~court shall decide, in accordance with division (B) of this~~ 1262
~~section, whether to grant the motion requesting that the case or~~ 1263
~~cases involving one or more of the acts charged be transferred~~ 1264
~~pursuant to that division. Notwithstanding division (B) of this~~ 1265
~~section, prior to transferring a case pursuant to division (A)~~ 1266
~~of this section, the court is not required to consider any~~ 1267
~~factor specified in division (D) or (E) of this section or to~~ 1268
~~conduct an investigation under division (C) of this section.~~ 1269

~~(3) If the court determines that division (A) of this~~ 1270
~~section does not require that the case or cases involving one or~~ 1271
~~more of the acts charged be transferred, the court shall decide~~ 1272
~~in accordance with division (B) of this section whether to grant~~ 1273
~~the motion requesting that the case or cases involving one or~~ 1274
~~more of the acts charged be transferred pursuant to that~~ 1275
~~division.~~ 1276

~~(4) No report on an investigation conducted pursuant to~~ 1277
~~division (C) of this section shall include details of the~~ 1278
~~alleged offense as reported by the child.~~ (1) The risk level of 1279
the child as determined by a standardized, evidence-based risk 1280
assessment tool as endorsed by the department of youth services 1281
and administered by a trained court professional; 1282

(2) The level of harm to the victim in the alleged act of 1283
the child, including the following: 1284

(a) The level of physical, psychological, or serious 1285
economic harm suffered by the victim or whether the child did 1286
not cause physical harm to any person or property, or have 1287
reasonable cause to believe that harm of that nature would 1288
occur; 1289

(b) Whether the physical or psychological harm suffered by 1290
the victim was exacerbated because of the physical or 1291
psychological vulnerability or age of the victim. 1292

(3) The role of the victim, including the following: 1293

(a) Whether the child's relationship with the victim 1294
facilitated the act charged; 1295

(b) Whether the victim induced or facilitated the act 1296
charged or the child acted under provocation in allegedly 1297
committing the act charged. 1298

(4) The circumstances of the offense, including the 1299
following: 1300

(a) Whether the child was not the principle actor in the 1301
act charged, or, at the time of the act charged, the child was 1302
under the negative influence or coercion of another person; 1303

(b) Whether the child allegedly committed the act charged 1304
for hire or as part of a gang; 1305

(c) Whether the child had a firearm on or about the 1306
child's person or under the child's control at the time of the 1307
act charged, the act charged is not a violation of section 1308
2923.12 of the Revised Code, and the child, during the 1309
commission of the act charged, allegedly used or displayed the 1310
firearm, brandished the firearm, or indicated that the child 1311
possesses a firearm. 1312

(5) The child's prior experience in the juvenile court, 1313
including the presence or lack of any prior or current cases and 1314
rehabilitative efforts by the juvenile court and the 1315
availability of a reasonable and appropriate juvenile sanction 1316
or program that has not yet been utilized; 1317

(6) The child's individual developmental characteristics, 1318
including the following: 1319

(a) Whether the child is emotionally, physically, or 1320
psychologically mature enough for the transfer; 1321

(b) Whether the child has a behavioral health issue, 1322
including a mental illness, substance abuse disorder, or 1323
developmental disability. 1324

(7) The child's background, including family and 1325
environment, and trauma history; 1326

(8) Whether there is sufficient time to rehabilitate the 1327
child within the juvenile system. 1328

~~(G)~~(D) The court shall give notice in writing of the time, 1329
place, and purpose of any hearing held pursuant to division (A) 1330
~~or (B)~~ of this section to the child's parents, guardian, or 1331
other custodian and to the child's counsel at least three days 1332
prior to the hearing. 1333

(E) A child who has been found not amenable to care or 1334
rehabilitation within the juvenile system under division (B) of 1335
this section has a right to appeal the transfer, as specified in 1336
division (B) (8) of section 2505.02 of the Revised Code. An 1337
appeal under this provision shall be made pursuant to the Rules 1338
of Appellate Procedure and, to the extent not in conflict with 1339
those rules, Chapter 2505. of the Revised Code. Upon issuing the 1340
order for transfer, the juvenile court shall immediately stay 1341
the transfer for a period of fourteen days, unless waived by the 1342
child. 1343

~~(H)~~(F) No person, either before or after reaching eighteen 1344
years of age, shall be prosecuted as an adult for an offense 1345
committed prior to becoming eighteen years of age, unless the 1346

person has been transferred as provided in division (A) ~~or (B)~~ 1347
of this section or unless division ~~(J)~~ (H) of this section 1348
applies. Any prosecution that is had in a criminal court on the 1349
mistaken belief that the person who is the subject of the case 1350
was eighteen years of age or older at the time of the commission 1351
of the offense shall be deemed a nullity, and the person shall 1352
not be considered to have been in jeopardy on the offense. 1353

~~(I)~~ (G) Upon the transfer of a case under division (A) ~~or~~ 1354
~~(B)~~ of this section, the juvenile court shall state the reasons 1355
for the transfer on the record, and shall order the child to 1356
enter into a recognizance with good and sufficient surety for 1357
the child's appearance before the appropriate court for any 1358
disposition that the court is authorized to make for a similar 1359
act committed by an adult. The transfer abates the jurisdiction 1360
of the juvenile court with respect to the delinquent acts 1361
alleged in the complaint, and, upon the transfer, all further 1362
proceedings pertaining to the act charged shall be discontinued 1363
in the juvenile court, and the case then shall be within the 1364
jurisdiction of the court to which it is transferred as 1365
described in division (H) of section 2151.23 of the Revised 1366
Code. 1367

~~(J)~~ (H) If a person under eighteen years of age allegedly 1368
commits an act that would be a felony if committed by an adult 1369
and if the person is not taken into custody or apprehended for 1370
that act until after the person attains twenty-one years of age, 1371
the juvenile court does not have jurisdiction to hear or 1372
determine any portion of the case charging the person with 1373
committing that act. In those circumstances, ~~divisions~~ division 1374
(A) ~~and (B)~~ of this section ~~do~~ does not apply regarding the act, 1375
and the case charging the person with committing the act shall 1376
be a criminal prosecution commenced and heard in the appropriate 1377

court having jurisdiction of the offense as if the person had 1378
been eighteen years of age or older when the person committed 1379
the act. All proceedings pertaining to the act shall be within 1380
the jurisdiction of the court having jurisdiction of the 1381
offense, and that court has all the authority and duties in the 1382
case as it has in other criminal cases in that court. 1383

Sec. 2152.13. (A) A juvenile court ~~shall impose a serious~~ 1384
~~youthful dispositional sentence on a child when required under~~ 1385
~~division (B) (3) of section 2152.121 of the Revised Code. In such~~ 1386
~~a case, the remaining provisions of this division and divisions~~ 1387
~~(B) and (C) do not apply to the child, and the court shall~~ 1388
~~impose the mandatory serious youthful dispositional sentence~~ 1389
~~under division (D) (1) of this section.~~ 1390

~~In all other cases, a juvenile court may~~ impose a serious 1391
youthful offender dispositional sentence on a child only if the 1392
prosecuting attorney of the county in which the delinquent act 1393
allegedly occurred initiates the process against the child in 1394
accordance with this division, and the child is an alleged 1395
delinquent child who is eligible for the dispositional sentence. 1396
The prosecuting attorney may initiate the process in any of the 1397
following ways: 1398

(1) Obtaining an indictment of the child as a serious 1399
youthful offender; 1400

(2) The child waives the right to indictment, charging the 1401
child in a bill of information as a serious youthful offender; 1402

(3) Until an indictment or information is obtained, 1403
requesting a serious youthful offender dispositional sentence in 1404
the original complaint alleging that the child is a delinquent 1405
child; 1406

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

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

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

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

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

(C) (1) A child for whom a serious youthful offender
dispositional sentence is sought by a prosecuting attorney has
the right to a grand jury determination of probable cause that

the child committed the act charged and that the child is 1436
eligible by age for a serious youthful offender dispositional 1437
sentence. The grand jury may be impaneled by the court of common 1438
pleas or the juvenile court. 1439

Once a child is indicted, or charged by information or the 1440
juvenile court determines that the child is eligible for a 1441
serious youthful offender dispositional sentence, the child is 1442
entitled to an open and speedy trial by jury in juvenile court 1443
and to be provided with a transcript of the proceedings. The 1444
time within which the trial is to be held under Title XXIX of 1445
the Revised Code commences on whichever of the following dates 1446
is applicable: 1447

(a) If the child is indicted or charged by information, on 1448
the date of the filing of the indictment or information. 1449

(b) If the child is charged by an original complaint that 1450
requests a serious youthful offender dispositional sentence, on 1451
the date of the filing of the complaint. 1452

(c) If the child is not charged by an original complaint 1453
that requests a serious youthful offender dispositional 1454
sentence, on the date that the prosecuting attorney files the 1455
written notice of intent to seek a serious youthful offender 1456
dispositional sentence. 1457

(2) If the child is detained awaiting adjudication, upon 1458
indictment or being charged by information, the child has the 1459
same right to bail as an adult charged with the offense the 1460
alleged delinquent act would be if committed by an adult. Except 1461
as provided in division (D) of section 2152.14 of the Revised 1462
Code, all provisions of Title XXIX of the Revised Code and the 1463
Criminal Rules shall apply in the case and to the child. The 1464

juvenile court shall afford the child all rights afforded a 1465
person who is prosecuted for committing a crime including the 1466
right to counsel and the right to raise the issue of competency. 1467
The child may not waive the right to counsel. 1468

(D) (1) If a child is adjudicated a delinquent child for 1469
committing an act under circumstances that require the juvenile 1470
court to impose upon the child a serious youthful offender 1471
dispositional sentence under section 2152.11 of the Revised 1472
Code, all of the following apply: 1473

(a) The juvenile court shall impose upon the child a 1474
sentence available for the violation, as if the child were an 1475
adult, under Chapter 2929. of the Revised Code, except that the 1476
juvenile court shall not impose on the child a sentence of death 1477
or life imprisonment without parole. 1478

(b) The juvenile court also shall impose upon the child 1479
one or more traditional juvenile dispositions under sections 1480
2152.16, 2152.19, and 2152.20, and, if applicable, section 1481
2152.17 of the Revised Code. 1482

(c) The juvenile court shall stay the adult portion of the 1483
serious youthful offender dispositional sentence pending the 1484
successful completion of the traditional juvenile dispositions 1485
imposed. 1486

(2) (a) If a child is adjudicated a delinquent child for 1487
committing an act under circumstances that allow, ~~but do not~~ 1488
~~require,~~ the juvenile court to impose on the child a serious 1489
youthful offender dispositional sentence under section 2152.11 1490
of the Revised Code, all of the following apply: 1491

(i) If the juvenile court on the record makes a finding 1492
that, given the nature and circumstances of the violation and 1493

the history of the child, the length of time, level of security, 1494
and types of programming and resources available in the juvenile 1495
system alone are not adequate to provide the juvenile court with 1496
a reasonable expectation that the purposes set forth in section 1497
2152.01 of the Revised Code will be met, the juvenile court may 1498
impose upon the child a sentence available for the violation, as 1499
if the child were an adult, under Chapter 2929. of the Revised 1500
Code, except that the juvenile court shall not impose on the 1501
child a sentence of death or life imprisonment without parole. 1502

(ii) If a sentence is imposed under division (D) (2) (a) (i) 1503
of this section, the juvenile court also shall impose upon the 1504
child one or more traditional juvenile dispositions under 1505
sections 2152.16, 2152.19, and 2152.20 and, if applicable, 1506
section 2152.17 of the Revised Code. 1507

(iii) The juvenile court shall stay the adult portion of 1508
the serious youthful offender dispositional sentence pending the 1509
successful completion of the traditional juvenile dispositions 1510
imposed. 1511

(b) If the juvenile court does not find that a sentence 1512
should be imposed under division (D) (2) (a) (i) of this section, 1513
the juvenile court may impose one or more traditional juvenile 1514
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 1515
applicable, section 2152.17 of the Revised Code. 1516

(3) A child upon whom a serious youthful offender 1517
dispositional sentence is imposed under division (D) (1) or (2) 1518
of this section has a right to appeal under division (A) (1), 1519
(3), (4), or (5) of section 2953.08 of the Revised Code the 1520
adult portion of the serious youthful offender dispositional 1521
sentence when any of those divisions apply. The child may appeal 1522
the adult portion, and the court shall consider the appeal as if 1523

the adult portion were not stayed. 1524

Sec. 2152.14. (A) (1) The director of youth services may 1525
request the prosecuting attorney of the county in which is 1526
located the juvenile court that imposed a serious youthful 1527
offender dispositional sentence upon a person under section 1528
~~2152.121 or 2152.13~~ of the Revised Code, or under former section 1529
2152.121 of the Revised Code as it existed prior to the 1530
effective date of this amendment, to file a motion with that 1531
juvenile court to invoke the adult portion of the dispositional 1532
sentence if all of the following apply to the person: 1533

(a) The person is at least fourteen years of age. 1534

(b) The person is in the institutional custody, or an 1535
escapee from the custody, of the department of youth services. 1536

(c) The person is serving the juvenile portion of the 1537
serious youthful offender dispositional sentence. 1538

(2) The motion shall state that there is reasonable cause 1539
to believe that either of the following misconduct has occurred 1540
and shall state that at least one incident of misconduct of that 1541
nature occurred after the person reached fourteen years of age: 1542

(a) The person committed an act that is a violation of the 1543
rules of the institution and that could be charged as any felony 1544
or as a first degree misdemeanor offense of violence if 1545
committed by an adult. 1546

(b) The person has engaged in conduct that creates a 1547
substantial risk to the safety or security of the institution, 1548
the community, or the victim. 1549

(B) If a person is at least fourteen years of age, is 1550
serving the juvenile portion of a serious youthful offender 1551

dispositional sentence imposed under section ~~2152.121~~ or 2152.13 1552
of the Revised Code, or under former section 2152.121 of the 1553
Revised Code as it existed prior to the effective date of this 1554
amendment, and is on parole or aftercare from a department of 1555
youth services facility, or on community control, the director 1556
of youth services, the juvenile court that imposed the serious 1557
youthful offender dispositional sentence on the person, or the 1558
probation department supervising the person may request the 1559
prosecuting attorney of the county in which is located the 1560
juvenile court to file a motion with the juvenile court to 1561
invoke the adult portion of the dispositional sentence. The 1562
prosecuting attorney may file a motion to invoke the adult 1563
portion of the dispositional sentence even if no request is 1564
made. The motion shall state that there is reasonable cause to 1565
believe that either of the following occurred and shall state 1566
that at least one incident of misconduct of that nature occurred 1567
after the person reached fourteen years of age: 1568

(1) The person committed an act that is a violation of the 1569
conditions of supervision and that could be charged as any 1570
felony or as a first degree misdemeanor offense of violence if 1571
committed by an adult. 1572

(2) The person has engaged in conduct that creates a 1573
substantial risk to the safety or security of the community or 1574
of the victim. 1575

(C) If the prosecuting attorney declines a request to file 1576
a motion that was made by the department of youth services or 1577
the supervising probation department under division (A) or (B) 1578
of this section or fails to act on a request made under either 1579
division by the department within a reasonable time, the 1580
department of youth services or the supervising probation 1581

department may file a motion of the type described in division 1582
(A) or (B) of this section with the juvenile court to invoke the 1583
adult portion of the serious youthful offender dispositional 1584
sentence. If the prosecuting attorney declines a request to file 1585
a motion that was made by the juvenile court under division (B) 1586
of this section or fails to act on a request from the court 1587
under that division within a reasonable time, the juvenile court 1588
may hold the hearing described in division (D) of this section 1589
on its own motion. 1590

(D) Upon the filing of a motion described in division (A), 1591
(B), or (C) of this section, the juvenile court may hold a 1592
hearing to determine whether to invoke the adult portion of a 1593
person's serious juvenile offender dispositional sentence. The 1594
juvenile court shall not invoke the adult portion of the 1595
dispositional sentence without a hearing. At the hearing the 1596
person who is the subject of the serious youthful offender 1597
disposition has the right to be present, to receive notice of 1598
the grounds upon which the adult sentence portion is sought to 1599
be invoked, to be represented by counsel including counsel 1600
appointed under Juvenile Rule 4(A), to be advised on the 1601
procedures and protections set forth in the Juvenile Rules, and 1602
to present evidence on the person's own behalf, including 1603
evidence that the person has a mental illness or intellectual 1604
disability. The person may not waive the right to counsel. The 1605
hearing shall be open to the public. If the person presents 1606
evidence that the person has a mental illness or intellectual 1607
disability, the juvenile court shall consider that evidence in 1608
determining whether to invoke the adult portion of the serious 1609
youthful offender dispositional sentence. 1610

(E) (1) The juvenile court may invoke the adult portion of 1611
a person's serious youthful offender dispositional sentence if 1612

the juvenile court finds all of the following on the record by 1613
clear and convincing evidence: 1614

(a) The person is serving the juvenile portion of a 1615
serious youthful offender dispositional sentence. 1616

(b) The person is at least fourteen years of age and has 1617
been admitted to a department of youth services facility, or 1618
criminal charges are pending against the person. 1619

(c) The person engaged in the conduct or acts charged 1620
under division (A), (B), or (C) of this section, and the 1621
person's conduct demonstrates that the person is unlikely to be 1622
rehabilitated during the remaining period of juvenile 1623
jurisdiction. 1624

(2) The court may modify the adult sentence the court 1625
invokes to consist of any lesser prison term that could be 1626
imposed for the offense and, in addition to the prison term or 1627
in lieu of the prison term if the prison term was not mandatory, 1628
any community control sanction that the offender was eligible to 1629
receive at sentencing. 1630

(F) If a juvenile court issues an order invoking the adult 1631
portion of a serious youthful offender dispositional sentence 1632
under division (E) of this section, the juvenile portion of the 1633
dispositional sentence shall terminate, and the department of 1634
youth services shall transfer the person to the department of 1635
rehabilitation and correction or place the person under another 1636
sanction imposed as part of the sentence. The juvenile court 1637
shall state in its order the total number of days that the 1638
person has been held in detention or in a facility operated by, 1639
or under contract with, the department of youth services under 1640
the juvenile portion of the dispositional sentence. The time the 1641

person must serve on a prison term imposed under the adult 1642
portion of the dispositional sentence shall be reduced by the 1643
total number of days specified in the order plus any additional 1644
days the person is held in a juvenile facility or in detention 1645
after the order is issued and before the person is transferred 1646
to the custody of the department of rehabilitation and 1647
correction. In no case shall the total prison term as calculated 1648
under this division exceed the maximum prison term available for 1649
an adult who is convicted of violating the same sections of the 1650
Revised Code. 1651

Any community control imposed as part of the adult 1652
sentence or as a condition of a judicial release from prison 1653
shall be under the supervision of the entity that provides adult 1654
probation services in the county. Any post-release control 1655
imposed after the offender otherwise is released from prison 1656
shall be supervised by the adult parole authority. 1657

Sec. 2152.26. (A) Except as provided in divisions (B) and 1658
(F) of this section, a child alleged to be or adjudicated a 1659
delinquent child or a juvenile traffic offender may be held only 1660
in the following places: 1661

(1) A certified foster home or a home approved by the 1662
court; 1663

(2) A facility operated by a certified child welfare 1664
agency; 1665

(3) Any other suitable place designated by the court. 1666

(B) In addition to the places listed in division (A) of 1667
this section, a child alleged to be or adjudicated a delinquent 1668
child or a person described in division (C) (7) of section 1669
2152.02 of the Revised Code may be held in a detention facility 1670

for delinquent children that is under the direction or 1671
supervision of the court or other public authority or of a 1672
private agency and approved by the court, and a child 1673
adjudicated a delinquent child may be held in accordance with 1674
division (F) (2) of this section in a facility of a type 1675
specified in that division. This division does not apply to a 1676
child alleged to be or adjudicated a delinquent child for 1677
chronic truancy, unless the child violated a lawful court order 1678
made pursuant to division (A) (6) of section 2152.19 of the 1679
Revised Code. This division also does not apply to a child 1680
alleged to be or adjudicated a delinquent child for being an 1681
habitual truant who previously has been adjudicated an unruly 1682
child for being an habitual truant, unless the child violated a 1683
lawful court order made pursuant to division (C) (1) (e) of 1684
section 2151.354 of the Revised Code. 1685

(C) (1) Except as provided under division (C) (1) of section 1686
2151.311 of the Revised Code or division (A) (5) of section 1687
2152.21 of the Revised Code, a child alleged to be or 1688
adjudicated a juvenile traffic offender may not be held in any 1689
of the following facilities: 1690

(a) A state correctional institution, county, multicounty, 1691
or municipal jail or workhouse, or other place in which an adult 1692
convicted of crime, under arrest, or charged with a crime is 1693
held. 1694

(b) A secure correctional facility. 1695

(2) Except as provided under this section, sections 1696
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 1697
2152.21 of the Revised Code, a child alleged to be or 1698
adjudicated a juvenile traffic offender may not be held for more 1699
than twenty-four hours in a detention facility. 1700

(D) Except as provided in division (F) of this section or 1701
in division (C) of section 2151.311, in division (C) (2) of 1702
section 5139.06 and section 5120.162, or in division (B) of 1703
section 5120.16 of the Revised Code, a child who is alleged to 1704
be or is adjudicated a delinquent child or a person described in 1705
division (C) (7) of section 2152.02 of the Revised Code may not 1706
be held in a state correctional institution, county, 1707
multicounty, or municipal jail or workhouse, or other place 1708
where an adult convicted of crime, under arrest, or charged with 1709
crime is held. 1710

(E) Unless the detention is pursuant to division (F) of 1711
this section or division (C) of section 2151.311, division (C) 1712
(2) of section 5139.06 and section 5120.162, or division (B) of 1713
section 5120.16 of the Revised Code, the official in charge of 1714
the institution, jail, workhouse, or other facility shall inform 1715
the court immediately when a person who is or appears to be 1716
under the age of eighteen years, or a person who is charged with 1717
a violation of an order of a juvenile court or a violation of 1718
probation or parole conditions imposed by a juvenile court and 1719
who is or appears to be between the ages of eighteen and twenty- 1720
one years, is received at the facility and shall deliver the 1721
person to the court upon request or transfer the person to a 1722
detention facility designated by the court. 1723

(F) (1) If a case is transferred to another court for 1724
criminal prosecution pursuant to section 2152.12 of the Revised 1725
Code and the alleged offender is a person described in division 1726
(C) (7) of section 2152.02 of the Revised Code, the person may 1727
not be transferred for detention pending the criminal 1728
prosecution in a jail or other facility except under the 1729
circumstances described in division (F) (4) of this section. Any 1730
child held in accordance with division (F) (3) of this section 1731

shall be confined in a manner that keeps the child beyond the 1732
sight and sound of all adult detainees. The child shall be 1733
supervised at all times during the detention. 1734

(2) If a person is adjudicated a delinquent child or 1735
juvenile traffic offender or is a person described in division 1736
(C) (7) of section 2152.02 of the Revised Code and the court 1737
makes a disposition of the person under this chapter, at any 1738
time after the person attains twenty-one years of age, the 1739
person may be held under that disposition or under the 1740
circumstances described in division (F) (4) of this section in 1741
places other than those specified in division (A) of this 1742
section, including, but not limited to, a county, multicounty, 1743
or municipal jail or workhouse, or other place where an adult 1744
convicted of crime, under arrest, or charged with crime is held. 1745

(3) (a) A person alleged to be a delinquent child may be 1746
held in places other than those specified in division (A) of 1747
this section, including, but not limited to, a county, 1748
multicounty, or municipal jail, if the delinquent act that the 1749
child allegedly committed would be a felony if committed by an 1750
adult, and if either of the following applies: 1751

(i) The person attains twenty-one years of age before the 1752
person is arrested or apprehended for that act. 1753

(ii) The person is arrested or apprehended for that act 1754
before the person attains twenty-one years of age, but the 1755
person attains twenty-one years of age before the court orders a 1756
disposition in the case. 1757

(b) If, pursuant to division (F) (3) (a) of this section, a 1758
person is held in a place other than a place specified in 1759
division (A) of this section, the person has the same rights to 1760

bail as an adult charged with the same offense who is confined 1761
in a jail pending trial. 1762

(4) (a) Any person whose case is transferred for criminal 1763
prosecution pursuant to section 2152.10 or 2152.12 of the 1764
Revised Code or any person who has attained the age of eighteen 1765
years but has not attained the age of twenty-one years and who 1766
is being held in a place specified in division (B) of this 1767
section may be held under that disposition or charge in places 1768
other than those specified in division (B) of this section, 1769
including a county, multicounty, or municipal jail or workhouse, 1770
or other place where an adult under arrest or charged with crime 1771
is held if the juvenile court, upon its own motion or upon 1772
motion by the prosecutor and after notice and hearing, 1773
establishes by a preponderance of the evidence and makes written 1774
findings of either of the following: 1775

(i) With respect to a person whose case is transferred for 1776
criminal prosecution pursuant to either specified section or who 1777
has attained the age of eighteen years but who has not attained 1778
the age of twenty-one years and is being so held, that the youth 1779
is a threat to the safety and security of the facility; 1780

(ii) With respect to a person who has attained the age of 1781
eighteen years but who has not attained the age of twenty-one 1782
years and is being so held, that the best interests of the youth 1783
require that the youth be held in a place other than a place 1784
specified in division (B) of this section, including a county, 1785
multicounty, or municipal jail or workhouse, or other place 1786
where an adult under arrest or charged with crime is held. 1787

(b) In determining for purposes of division (F) (4) (a) (i) 1788
of this section whether a youth is a threat to the safety and 1789
security of the facility, evidence that the youth is a threat to 1790

the safety and security of the facility may include, but is not 1791
limited to, whether the youth has done any of the following: 1792

(i) Injured or created an imminent danger to the life or 1793
health of another youth or staff member in the facility or 1794
program by violent behavior; 1795

(ii) Escaped from the facility or program in which the 1796
youth is being held on more than one occasion; 1797

(iii) Established a pattern of disruptive behavior as 1798
verified by a written record that the youth's behavior is not 1799
conducive to the established policies and procedures of the 1800
facility or program in which the youth is being held. 1801

(c) If a prosecutor submits a motion requesting that a 1802
person be held in a place other than those specified in division 1803
(B) of this section or if the court submits its own motion, the 1804
juvenile court shall hold a hearing within five days of the 1805
filing of the motion, and, in determining whether a place other 1806
than those specified in division (B) of this section is the 1807
appropriate place of confinement for the person, the court shall 1808
consider the following factors: 1809

(i) The age of the person; 1810

(ii) Whether the person would be deprived of contact with 1811
other people for a significant portion of the day or would not 1812
have access to recreational facilities or age-appropriate 1813
educational opportunities in order to provide physical 1814
separation from adults; 1815

(iii) The person's current emotional state, intelligence, 1816
and developmental maturity, including any emotional and 1817
psychological trauma, and the risk to the person in an adult 1818
facility, which may be evidenced by mental health or 1819

psychological assessments or screenings made available to the 1820
prosecuting attorney and the defense counsel; 1821

(iv) Whether detention in a juvenile facility would 1822
adequately serve the need for community protection pending the 1823
outcome of the criminal proceeding; 1824

(v) The relative ability of the available adult and 1825
juvenile detention facilities to meet the needs of the person, 1826
including the person's need for age-appropriate mental health 1827
and educational services delivered by individuals specifically 1828
trained to deal with youth; 1829

(vi) Whether the person presents an imminent risk of self- 1830
inflicted harm or an imminent risk of harm to others within a 1831
juvenile facility; 1832

(vii) Any other factors the juvenile court considers to be 1833
relevant. 1834

(d) If the juvenile court determines that a place other 1835
than those specified in division (B) of this section is the 1836
appropriate place for confinement of a person pursuant to 1837
division (F)(4)(a) of this section, the person may petition the 1838
juvenile court for a review hearing thirty days after the 1839
initial confinement decision, thirty days after any subsequent 1840
review hearing, or at any time after the initial confinement 1841
decision upon an emergency petition by the youth due to the 1842
youth facing an imminent danger from others or the youth's self. 1843
Upon receipt of the petition, the juvenile court has discretion 1844
over whether to conduct the review hearing and may set the 1845
matter for a review hearing if the youth has alleged facts or 1846
circumstances that, if true, would warrant reconsideration of 1847
the youth's placement in a place other than those specified in 1848

division (B) of this section based on the factors listed in 1849
division (F) (4) (c) of this section. 1850

(e) Upon the admission of a person described in division 1851
(F) (4) (a) of this section to a place other than those specified 1852
in division (B) of this section, the facility shall advise the 1853
person of the person's right to request a review hearing as 1854
described in division (F) (4) (d) of this section. 1855

(f) Any person transferred under division (F) (4) (a) of 1856
this section to a place other than those specified in division 1857
(B) of this section shall be confined in a manner that keeps 1858
those under eighteen years of age beyond sight and sound of all 1859
adult detainees. Those under eighteen years of age shall be 1860
supervised at all times during the detention. 1861

(G) (1) If a person who is alleged to be or has been 1862
adjudicated a delinquent child or who is in any other category 1863
of persons identified in this section or section 2151.311 of the 1864
Revised Code is confined under authority of any Revised Code 1865
section in a place other than a place specified in division (B) 1866
of this section, including a county, multicounty, or municipal 1867
jail or workhouse, or other place where an adult under arrest or 1868
charged with crime is held, subject to division (G) (2) of this 1869
section, all identifying information, other than the person's 1870
county of residence, age, gender, and race and the charges 1871
against the person, that relates to the person's admission to 1872
and confinement in that place is not a public record open for 1873
inspection or copying under section 149.43 of the Revised Code 1874
and is confidential and shall not be released to any person 1875
other than to a court, to a law enforcement agency for law 1876
enforcement purposes, or to a person specified by court order. 1877

(2) Division (G) (1) of this section does not apply with 1878

respect to a person whose case is transferred for criminal 1879
prosecution pursuant to section 2152.10 or 2152.12 of the 1880
Revised Code, who is convicted of or pleads guilty to an offense 1881
in that case, who is confined after that conviction or guilty 1882
plea in a place other than a place specified in division (B) of 1883
this section, and to whom one of the following applies: 1884

(a) The case was transferred other than pursuant to former 1885
division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the 1886
Revised Code as it existed prior to the effective date of this 1887
amendment, or was transferred pursuant to division (A) of 1888
section 2152.12 of the Revised Code as it exists on and after 1889
the effective date of this amendment. 1890

(b) The case was transferred pursuant to former division 1891
(A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised 1892
Code as it existed prior to the effective date of this 1893
amendment, and the person ~~is~~ was sentenced for the offense 1894
pursuant to division (B) (4) of former section 2152.121 of the 1895
Revised Code as it existed prior to the effective date of this 1896
amendment. 1897

(c) The case was transferred pursuant to former division 1898
(A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised 1899
Code as it existed prior to the effective date of this 1900
amendment, the person ~~is~~ was sentenced for the offense pursuant 1901
to division (B) (3) of former section 2152.121 of the Revised 1902
Code as it existed prior to the effective date of this amendment 1903
by the court in which the person was convicted of or pleaded 1904
guilty to the offense, and the sentence imposed by that court ~~is~~ 1905
was invoked pursuant to division (B) (3) (b) of former section 1906
2152.121 of the Revised Code as it existed prior to the 1907
effective date of this amendment. 1908

Sec. 2505.02. (A) As used in this section:	1909
(1) "Substantial right" means a right that the United States Constitution, the Ohio Constitution, a statute, the common law, or a rule of procedure entitles a person to enforce or protect.	1910 1911 1912 1913
(2) "Special proceeding" means an action or proceeding that is specially created by statute and that prior to 1853 was not denoted as an action at law or a suit in equity.	1914 1915 1916
(3) "Provisional remedy" means a proceeding ancillary to an action, including, but not limited to, a proceeding for a preliminary injunction, attachment, discovery of privileged matter, suppression of evidence, a prima-facie showing pursuant to section 2307.85 or 2307.86 of the Revised Code, a prima-facie showing pursuant to section 2307.92 of the Revised Code, or a finding made pursuant to division (A)(3) of section 2307.93 of the Revised Code.	1917 1918 1919 1920 1921 1922 1923 1924
(B) An order is a final order that may be reviewed, affirmed, modified, or reversed, with or without retrial, when it is one of the following:	1925 1926 1927
(1) An order that affects a substantial right in an action that in effect determines the action and prevents a judgment;	1928 1929
(2) An order that affects a substantial right made in a special proceeding or upon a summary application in an action after judgment;	1930 1931 1932
(3) An order that vacates or sets aside a judgment or grants a new trial;	1933 1934
(4) An order that grants or denies a provisional remedy and to which both of the following apply:	1935 1936

(a) The order in effect determines the action with respect 1937
to the provisional remedy and prevents a judgment in the action 1938
in favor of the appealing party with respect to the provisional 1939
remedy. 1940

(b) The appealing party would not be afforded a meaningful 1941
or effective remedy by an appeal following final judgment as to 1942
all proceedings, issues, claims, and parties in the action. 1943

(5) An order that determines that an action may or may not 1944
be maintained as a class action; 1945

(6) An order determining the constitutionality of any 1946
changes to the Revised Code made by Am. Sub. S.B. 281 of the 1947
124th general assembly, including the amendment of sections 1948
1751.67, 2117.06, 2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 1949
2323.56, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 1950
2919.16, 3923.63, 3923.64, 4705.15, and 5111.018 (renumbered as 1951
5164.07 by H.B. 59 of the 130th general assembly), and the 1952
enactment of sections 2305.113, 2323.41, 2323.43, and 2323.55 of 1953
the Revised Code or any changes made by Sub. S.B. 80 of the 1954
125th general assembly, including the amendment of sections 1955
2125.02, 2305.10, 2305.131, 2315.18, 2315.19, and 2315.21 of the 1956
Revised Code; 1957

(7) An order in an appropriation proceeding that may be 1958
appealed pursuant to division (B) (3) of section 163.09 of the 1959
Revised Code; 1960

(8) An order for transfer pursuant to section 2152.10 or 1961
2152.12 of the Revised Code. 1962

(C) When a court issues an order that vacates or sets 1963
aside a judgment or grants a new trial, the court, upon the 1964
request of either party, shall state in the order the grounds 1965

upon which the new trial is granted or the judgment vacated or 1966
set aside. 1967

(D) This section applies to and governs any action, 1968
including an appeal, that is pending in any court on July 22, 1969
1998, and all claims filed or actions commenced on or after July 1970
22, 1998, notwithstanding any provision of any prior statute or 1971
rule of law of this state. 1972

Section 2. That existing sections 109.57, 2151.23, 1973
2152.02, 2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2152.26, 1974
and 2505.02 of the Revised Code are hereby repealed. 1975

Section 3. That section 2152.121 of the Revised Code is 1976
hereby repealed. 1977

Section 4. Section 109.57 of the Revised Code is presented 1978
in this act as a composite of the section as amended by both 1979
Sub. H.B. 359 and Am. Sub. S.B. 227 of the 131st General 1980
Assembly. The General Assembly, applying the principle stated in 1981
division (B) of section 1.52 of the Revised Code that amendments 1982
are to be harmonized if reasonably capable of simultaneous 1983
operation, finds that the composite is the resulting version of 1984
the section in effect prior to the effective date of the section 1985
as presented in this act. 1986