



# OHIO

## CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

### Juvenile Justice Committee

February 18, 2016

#### Agenda

- I. Call to Order
  - II. Approval of Meeting Notes of January 21, 2016 meeting
  - III. Restitution
    - Finalize recommendation for full Commission meeting in March
  - IV. Mandatory Bindovers
    - Discussion of additional factors or revision of existing factors in R.C. 2152.12(C)
    - Interlocutory appeals
  - V. Juvenile SORN
    - Discussion of suggested recommendations
  - VI. Adjourn
- 

#### Upcoming Meetings

**Ohio Criminal Sentencing Commission      March 17, 2016**

**Juvenile Justice committee                      April 21, 2016**



OHIO

CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

### Juvenile Justice Subcommittee

January 21, 2016

#### Meeting Notes

Attending:

Erin Davies, Vice-Chair	Jill Beeler
Jim Cole	Rep. Hearcel Craig
Judge DeLamatre	Hon. Aaron Montz
Rep. Dorothy Pelanda	Kyle Petty
Director Harvey Reed	Sen. Cecil Thomas
Judge Nick Selvaggio	John Ryan, OJC
Kathy Wellington (Rep. Craig)	Judge Ken Spanagel
Kari Bloom, OPD	Ashley Gilbert, OSC
Olivia Vandervoort	Kate Foulke (DYS)
Scott Lundregan	Camren Harris (Rep. Craig)
David Roper (Sen. Thomas)	Sara Andrews, OCSC
Jo Ellen Cline, OCSC	

1. Vice-Chair Davies called the meeting to order at 10:01 a.m.
2. Upon motion and second the meeting notes from the December 17, 2015 were unanimously approved.
3. Kate Foulke a victim services representatives from DYS addressed the committee regarding restitution. Ms. Foulke discussed that most restitution orders are for less than \$1000, amounts victims are not making insurance claims for, and therefore, need to be honored by the offenders. She suggested that perhaps offenders could be encouraged to tell victim's where items of sentimental value might be found. She suggested that, in terms of parental responsibility, that perhaps a child support rationale might work for holding parent's responsible in restitution. Judge Selvaggio said that the committee should be directed by 1) who can afford the loss; and 2) don't we want a societal teaching point on taking responsibility. Jill Andrews said that she was fine with pulling restitution out of the costs and fines section was a good idea as was putting on the restitution order. Her concerns centered on ability to pay and parental responsibility for restitution. Greg Trout with the Ohio Attorney General's Office discussed the interplay between restitution and the victim of crime fund. Mr. Trout explained that restitution would likely be an offset to an award from the fund. Ms. Foulke also explained that crime victim money does not cover property losses. Finally, Mr. Trout expressed concerns about potential violations of parents' due process rights if the statute holds them responsible for restitution. The committee also discussed codifying priority among financial sanctions. The committee decided to make any suggested revisions to the current draft and provide those to Ms. Cline by February 12, 2016 so that they can be discussed at the next committee meeting.

4. The committee turned its attention to mandatory bindovers. Ms. Davies explained draft language that was circulated to the committee. Ms. Beeler told the committee that her office has a case currently pending before the Supreme Court of Ohio regarding the constitutionality of mandatory bindovers (*State v. Aalim*, 2015-Ohio-0677). The committee discussed whether or not it was prudent to propose language to eliminate mandatory bindovers if the Court could rule they are unconstitutional. It was determined to move forward because the Court's ruling is not likely to come out for over a year. Mr. Cole discussed whether or not aggravated murder and murder should be treated differently, perhaps with a presumption for bindover. Concerns were expressed that a presumption would cause "up-charging" by prosecutors. The committee determined that it should take a fresh look at the factors that a court considers in division (C) of 2152.12 if all bindovers are to become discretionary. Ms. Beeler also described an issue regarding appeals of bindover decisions. She suggested the committee consider an interlocutory appeal of the bindover decision. Her office will draft suggested language. Committee members were encouraged to look at the division (C) factors for the February meeting. The committee then engaged in a discussion of the General Assembly's schedule and timelines for finalizing recommendations. Rep. Pelanda strongly suggested that March was the latest possible time for recommendations to be forwarded to the General Assembly based upon the legislature's abbreviated schedule for 2016.
5. The committee briefly turned its attention to juvenile SORN. Ms. Beeler described the Criminal Justice Recodification Committee process on SORN and the Sentencing Commission's SORN Ad Hoc Committee's work. The question for the committee is whether or not Ohio should remain SORNA compliant. Differences between the federal law and Ohio law currently include: community notification, registration eligible offenses, the definition of "jurisdiction", and how failure to register is treated. Ms. Beeler also talked about a case from her office in which the juvenile argues that sex offender registration is no different than any other juvenile disposition and should terminate at age 21 (*In re D.S.*, 2014-Ohio-0607). Committee members were asked to consider what changes, if any, they would recommend to the Criminal Justice Recodification Committee to meet the committee's timeline.
6. The committee adjourned at 12:05 p.m.

---

Upcoming Meetings:

Juvenile Justice Committee	February 18, 2016
Criminal Sentencing Commission	March 17, 2016

## **2152.20 Authorized dispositions for delinquent child or juvenile traffic offender.**

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

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

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

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

(c) For an act that would be a misdemeanor of the third degree if committed by an adult, a fine not to exceed one hundred fifty dollars;

(d) For an act that would be a misdemeanor of the second degree if committed by an adult, a fine not to exceed two hundred dollars;

(e) For an act that would be a misdemeanor of the first degree if committed by an adult, a fine not to exceed two hundred fifty dollars;

(f) For an act that would be a felony of the fifth degree or an unclassified felony if committed by an adult, a fine not to exceed three hundred dollars;

(g) For an act that would be a felony of the fourth degree if committed by an adult, a fine not to exceed four hundred dollars;

(h) For an act that would be a felony of the third degree if committed by an adult, a fine not to exceed seven hundred fifty dollars;

(i) For an act that would be a felony of the second degree if committed by an adult, a fine not to exceed one thousand dollars;

(j) For an act that would be a felony of the first degree if committed by an adult, a fine not to exceed one thousand five hundred dollars;

(k) For an act that would be aggravated murder or murder if committed by an adult, a fine not to exceed two thousand dollars.

(2) Require the child to pay costs;

(3) Unless the child's delinquent act or juvenile traffic offense would be a minor misdemeanor if committed by an adult or could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if the court has established a juvenile traffic violations bureau, require the child to make restitution as provided under Revised Code Section 2152.203. ~~to the victim of the child's delinquent act or juvenile traffic offense or, if the victim is deceased, to a survivor of the victim in an amount based upon the victim's economic loss caused by or related to the delinquent act or juvenile traffic offense. The court may not require a child to make restitution~~

~~pursuant to this division if the child's delinquent act or juvenile traffic offense would be a minor misdemeanor if committed by an adult or could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if the court has established a juvenile traffic violations bureau. If the court requires restitution under this division, the restitution shall be made directly to the victim in open court or to the probation department that serves the jurisdiction or the clerk of courts on behalf of the victim.~~

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

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

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

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

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

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

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

division (C) of section 2301.56, or division (B) of section 341.14, 753.02, 753.04, or 2947.19 of the Revised Code.

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

(C) Except for restitution under Revised Code Section 2152.203, the court may hold a hearing if necessary to determine whether a child is able to pay a sanction under this section.

(D) Except for restitution under Revised Code Section 2152.203, if a child who is adjudicated a delinquent child is indigent, the court shall consider imposing a term of community service under division (A) of section 2152.19 of the Revised Code in lieu of imposing a financial sanction under this section. If a child who is adjudicated a delinquent child is not indigent, the court may impose a term of community service under that division in lieu of, or in addition to, imposing a financial sanction under this section. The court may order community service for an act that if committed by an adult would be a minor misdemeanor.

Except for restitution under Revised Code Section 2152.203, if a child fails to pay a financial sanction imposed under this section, the court may impose a term of community service in lieu of the sanction.

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

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

(2) Permit payment of all, or any portion of, the financial sanction in installments, by credit or debit card, by another type of electronic transfer, or by any other reasonable method, within any period of time, and on any terms that the court considers just, except that the maximum time permitted for payment shall not exceed five years. The clerk may pay any fee associated with processing an electronic transfer out of public money and may charge the fee to the delinquent child.

(3) To defray administrative costs, charge a reasonable fee to a child who elects a payment plan rather than a lump sum payment of a financial sanction.

## **2152.203 Restitution**

(A) Unless the child's delinquent act or juvenile traffic offense would be a minor misdemeanor if committed by an adult or could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if the court has established a juvenile traffic violations bureau, if a child is adjudicated a delinquent child or a juvenile traffic offender, the court may order the child to make restitution to the victim of the child's delinquent act or juvenile traffic offense or, if the victim is deceased, to a survivor of the victim in an amount based upon the victim's economic loss caused by or related to the delinquent act or juvenile traffic offense. The court may not require a child to make restitution pursuant to this division if the child's delinquent act or juvenile traffic offense would be a minor misdemeanor if committed by an adult or could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if the court has established a juvenile traffic violations bureau. If the court requires restitution under this division,

the restitution shall be made directly to the victim in open court or to the probation department that serves the jurisdiction or the clerk of courts on behalf of the victim.

(B) If the court requires restitution under this division, the court may order that the restitution be in the form of a cash reimbursement paid in a lump sum or in installments, the performance of repair work to restore any damaged property to its original condition, the performance of a reasonable amount of labor for the victim or survivor of the victim, the performance of community service work, any other form of restitution devised by the court, or any combination of the previously described forms of restitution, except that the court may not impose a term of community service in lieu of restitution for an act that would be a crime, as defined in section 2930.01 of the Revised Code, if committed by an adult, unless:

1) or if the victim did not request the court to impose a term of community service in lieu of restitution.

2) the court maintains a program whereby restitution payments are made by or through the juvenile court as a result of the community service served by the delinquent child.

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

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

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

(F) If the court imposes one or more financial sanctions in addition to restitution, any amount paid by the delinquent child or juvenile traffic offender shall be credited first to restitution, unless the court orders otherwise and provides reasons on the record and in its judgment entry for ordering otherwise.

(G) If the Court determines that a delinquent child owes restitution under this section, it may award a judgment in favor of the victim or survivor of the victim against a parent or both parents, or a guardian or guardians, of the delinquent child for the same amount ordered against the delinquent child or a separate amount than ordered against the delinquent child, but in any case not to exceed \$10,000, provided that the Court finds by a preponderance of the evidence presented that the parent or both parents', or guardian or guardians', failure to exercise reasonable control or supervision over the delinquent child was a substantial factor in the child's delinquency. Prior

to ordering parental restitution under this section, the court shall hold a hearing on the matter with notice given to all interested parties as to the nature and amount of the parental restitution. In determining if restitution should be paid and by whom, as well as the method and amount of payment, the court shall take into account, and shall state on the record and in its judgment entry, the following factors:

- (1) Whether the parent, or both parents, or guardian or guardians knew of the child's delinquent nature and failed to take reasonable measures to control the child;
- (2) The past efforts of the parent or both parents, or the guardian or guardians to correct the delinquent juvenile's conduct.
- (3) The opportunity the parent or both parents, or the guardian or guardians has had to correct the delinquent juvenile's conduct.
- (4) Whether the parent or both parents, or the guardian or guardians is custodial;
- (5) The burden the payment will impose with regard to the other obligations of the parent or both parents, or the guardian or guardians;
- (6) Any other factors the court finds relevant.



## **2152.20 Authorized dispositions for delinquent child or juvenile traffic offender.**

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

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

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

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

(c) For an act that would be a misdemeanor of the third degree if committed by an adult, a fine not to exceed one hundred fifty dollars;

(d) For an act that would be a misdemeanor of the second degree if committed by an adult, a fine not to exceed two hundred dollars;

(e) For an act that would be a misdemeanor of the first degree if committed by an adult, a fine not to exceed two hundred fifty dollars;

(f) For an act that would be a felony of the fifth degree or an unclassified felony if committed by an adult, a fine not to exceed three hundred dollars;

(g) For an act that would be a felony of the fourth degree if committed by an adult, a fine not to exceed four hundred dollars;

(h) For an act that would be a felony of the third degree if committed by an adult, a fine not to exceed seven hundred fifty dollars;

(i) For an act that would be a felony of the second degree if committed by an adult, a fine not to exceed one thousand dollars;

(j) For an act that would be a felony of the first degree if committed by an adult, a fine not to exceed one thousand five hundred dollars;

(k) For an act that would be aggravated murder or murder if committed by an adult, a fine not to exceed two thousand dollars.

(2) Require the child to pay costs;

(3) Unless the child's delinquent act or juvenile traffic offense would be a minor misdemeanor if committed by an adult or could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if the court has established a juvenile traffic violations bureau, require the child to make restitution as provided under Revised Code Section 2152.203. ~~to the victim of the child's delinquent act or juvenile traffic offense or, if the victim is deceased, to a survivor of the victim in an amount based upon the victim's economic loss caused by or related to the delinquent act or juvenile traffic offense. The court may not require a child to make restitution~~

~~pursuant to this division if the child's delinquent act or juvenile traffic offense would be a minor misdemeanor if committed by an adult or could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if the court has established a juvenile traffic violations bureau. If the court requires restitution under this division, the restitution shall be made directly to the victim in open court or to the probation department that serves the jurisdiction or the clerk of courts on behalf of the victim.~~

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

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

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

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

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

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

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

division (C) of section 2301.56, or division (B) of section 341.14, 753.02, 753.04, or 2947.19 of the Revised Code.

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

(C) Except for restitution under Revised Code Section 2152.203, the court may hold a hearing if necessary to determine whether a child is able to pay a sanction under this section.

(D) Except for restitution under Revised Code Section 2152.203, if a child who is adjudicated a delinquent child is indigent, the court shall consider imposing a term of community service under division (A) of section 2152.19 of the Revised Code in lieu of imposing a financial sanction under this section. If a child who is adjudicated a delinquent child is not indigent, the court may impose a term of community service under that division in lieu of, or in addition to, imposing a financial sanction under this section. The court may order community service for an act that if committed by an adult would be a minor misdemeanor.

Except for restitution under Revised Code Section 2152.203, if a child fails to pay a financial sanction imposed under this section, the court may impose a term of community service in lieu of the sanction.

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

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

(2) Permit payment of all, or any portion of, the financial sanction in installments, by credit or debit card, by another type of electronic transfer, or by any other reasonable method, within any period of time, and on any terms that the court considers just, except that the maximum time permitted for payment shall not exceed five years. The clerk may pay any fee associated with processing an electronic transfer out of public money and may charge the fee to the delinquent child.

(3) To defray administrative costs, charge a reasonable fee to a child who elects a payment plan rather than a lump sum payment of a financial sanction.

## **2152.203 Restitution**

(A) Unless the child's delinquent act or juvenile traffic offense would be a minor misdemeanor if committed by an adult or could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if the court has established a juvenile traffic violations bureau, if a child is adjudicated a delinquent child or a juvenile traffic offender, the court may order the child to make restitution to the victim of the child's delinquent act or juvenile traffic offense or, if the victim is deceased, to a survivor of the victim in an amount based upon the victim's economic loss caused by or related to the delinquent act or juvenile traffic offense. The court may not require a child to make restitution pursuant to this division if the child's delinquent act or juvenile traffic offense would be a minor misdemeanor if committed by an adult or could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if the court has established a juvenile traffic violations bureau. If the court requires restitution under this division,

the restitution shall be made directly to the victim in open court or to the probation department that serves the jurisdiction or the clerk of courts on behalf of the victim.

(B) If the court requires restitution under this division, the court may order that the restitution be in the form of a cash reimbursement paid in a lump sum or in installments, the performance of repair work to restore any damaged property to its original condition, the performance of a reasonable amount of labor for the victim or survivor of the victim, the performance of community service work, any other form of restitution devised by the court, or any combination of the previously described forms of restitution, except that the court may not impose a term of community service in lieu of restitution for an act that would be a crime, as defined in section 2930.01 of the Revised Code, if committed by an adult, unless:

~~1) or if the victim did not request the court to impose a term of community service in lieu of restitution.~~

~~2) the court maintains a program whereby restitution payments are made by or through the juvenile court as a result of the community service served by the delinquent child.~~

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

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

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

(EF) If the court imposes one or more financial sanctions in addition to restitution, any amount paid by the delinquent child or juvenile traffic offender shall be credited first to restitution, unless the court orders otherwise and provides reasons on the record and in its judgment entry for ordering otherwise.

~~(E) In determining the amount and number of restitution payments a child can make, the court shall consider the following factors:~~

~~(1) The youth's age and ability to obtain employment;~~

~~(2) The youth's other financial obligations and needs to ensure the youth's financial overall stability; and~~

~~(3) Whether the youth will remain on probation solely for the purpose to repay restitution.~~

~~(F) Courts are encouraged to create alternative restorative justice approaches to restitution, such as mediation, to facilitate dialogue between victims and offenders when appropriate, find alternative means to address restitution (including returning personal property), or to help youth understand the impact of their actions.~~

~~(G) If the Court determines that a delinquent child owes restitution under this section, it may award a judgment in favor of the victim or survivor of the victim against a parent or both parents, or a guardian or guardians, of the delinquent child for the same amount ordered against the delinquent child or a separate amount than ordered against the delinquent child, but in any case not to exceed \$10,000, provided that the Court finds by a preponderance of the evidence presented that the parent or both parents', or guardian or guardians', failure to exercise reasonable control or supervision over the delinquent child was a substantial factor in the child's delinquency. Prior to ordering parental restitution under this section, the court shall hold a hearing on the matter with notice given to all interested parties as to the nature and amount of the parental restitution. In determining if restitution should be paid and by whom, as well as the method and amount of payment, the court shall take into account, and shall state on the record and in its judgment entry, the following factors:~~

- ~~(1) Whether the parent, or both parents, or guardian or guardians knew of the child's delinquent nature and failed to take reasonable measures to control the child;~~
- ~~(2) The past efforts of the parent or both parents, or the guardian or guardians to correct the delinquent juvenile's conduct.~~
- ~~(3) The opportunity the parent or both parents, or the guardian or guardians has had to correct the delinquent juvenile's conduct.~~
- ~~(4) Whether the parent or both parents, or the guardian or guardians is custodial;~~
- ~~(5) The burden the payment will impose with regard to the other obligations of the parent or both parents, or the guardian or guardians;~~
- ~~(6)(1) Any other factors the court finds relevant.~~

## **2152.20 Authorized dispositions for delinquent child or juvenile traffic offender.**

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

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

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

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

(c) For an act that would be a misdemeanor of the third degree if committed by an adult, a fine not to exceed one hundred fifty dollars;

(d) For an act that would be a misdemeanor of the second degree if committed by an adult, a fine not to exceed two hundred dollars;

(e) For an act that would be a misdemeanor of the first degree if committed by an adult, a fine not to exceed two hundred fifty dollars;

(f) For an act that would be a felony of the fifth degree or an unclassified felony if committed by an adult, a fine not to exceed three hundred dollars;

(g) For an act that would be a felony of the fourth degree if committed by an adult, a fine not to exceed four hundred dollars;

(h) For an act that would be a felony of the third degree if committed by an adult, a fine not to exceed seven hundred fifty dollars;

(i) For an act that would be a felony of the second degree if committed by an adult, a fine not to exceed one thousand dollars;

(j) For an act that would be a felony of the first degree if committed by an adult, a fine not to exceed one thousand five hundred dollars;

(k) For an act that would be aggravated murder or murder if committed by an adult, a fine not to exceed two thousand dollars.

(2) Require the child to pay costs;

(3) Unless the child's delinquent act or juvenile traffic offense would be a minor misdemeanor if committed by an adult or could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if the court has established a juvenile traffic violations bureau, require the child to make restitution as provided under Revised Code Section 2152.203. ~~to the victim of the child's delinquent act or juvenile traffic offense or, if the victim is deceased, to a survivor of the victim in an amount based upon the victim's economic loss caused by or related to the delinquent act or juvenile traffic offense. The court may not require a child to make~~

restitution pursuant to this division if the child's delinquent act or juvenile traffic offense would be a minor misdemeanor if committed by an adult or could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if the court has established a juvenile traffic violations bureau. If the court requires restitution under this division, the restitution shall be made directly to the victim in open court or to the probation department that serves the jurisdiction or the clerk of courts on behalf of the victim.

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

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

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

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

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

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

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

and division (D) of section 307.93, division (A) of section 341.19, division (C) of section 341.23 or 753.16, division (C) of section 2301.56, or division (B) of section 341.14, 753.02, 753.04, or 2947.19 of the Revised Code.

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

(C) ~~Except for restitution under Revised Code Section 2152.203, if~~ The court may hold a hearing if necessary to determine whether a child is able to pay a sanction under this section.

**Commented [OPD1]:** Note changes to this section that were approved during discussion on costs.

(D) ~~Except for restitution under Revised Code Section 2152.203, if~~ If a child who is adjudicated a delinquent child is indigent, the court shall consider imposing a term of community service under division (A) of section 2152.19 of the Revised Code in lieu of imposing a financial sanction under this section. If a child who is adjudicated a delinquent child is not indigent, the court may impose a term of community service under that division in lieu of, or in addition to, imposing a financial sanction under this section. The court may order community service for an act that if committed by an adult would be a minor misdemeanor.

~~Except for restitution under Revised Code Section 2152.203, if~~ If a child fails to pay a financial sanction imposed under this section, the court may impose a term of community service in lieu of the sanction.

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

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

(2) Permit payment of all, or any portion of, the financial sanction in installments, by credit or debit card, by another type of electronic transfer, or by any other reasonable method, within any period of time, and on any terms that the court considers just, except that the maximum time permitted for payment shall not exceed five years. The clerk may pay any fee associated with processing an electronic transfer out of public money and may charge the fee to the delinquent child.

(3) To defray administrative costs, charge a reasonable fee to a child who elects a payment plan rather than a lump sum payment of a financial sanction.

## **2152.203 Restitution**

(A) Unless the child's delinquent act or juvenile traffic offense would be a minor misdemeanor if committed by an adult or could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if the court has established a juvenile traffic violations bureau, if a child is adjudicated a delinquent child or a juvenile traffic offender, the court may order the child to make restitution to the victim of the child's delinquent act or juvenile traffic offense or, if the victim is deceased, to a survivor of the victim in an amount based upon the victim's economic loss caused by or related to the delinquent act or juvenile traffic offense. The court may not require a child to make restitution pursuant to this division if the child's delinquent act or juvenile traffic offense would be a minor misdemeanor if committed by an adult or could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if



the court has established a juvenile traffic violations bureau. If the court requires restitution under this division, the restitution shall be made directly to the victim in open court or to the probation department that serves the jurisdiction or the clerk of courts on behalf of the victim.

(B) If the court requires restitution under this division, the court may order that the restitution be in the form of a cash reimbursement paid in a lump sum or in installments, the performance of repair work to restore any damaged property to its original condition, the performance of a reasonable amount of labor for the victim or survivor of the victim, the performance of community service work, any other form of restitution devised by the court, or any combination of the previously described forms of restitution, except that the court may not impose a term of community service in lieu of restitution for an act that would be a crime, as defined in section 2930.01 of the Revised Code, if committed by an adult, unless:

1) or if the victim did not request the court to impose a term of community service in lieu of restitution;

Formatted: Indent: Left: 0"

2) the court maintains a program whereby restitution payments are made by or through the juvenile court as a result of the community service served by the delinquent child;

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

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

(D) Any court order for restitution expires at the earlier of satisfaction of the restitution order, either through payment, community service, or at the advice of the victim; upon completion of the disposition; or when the delinquent child or juvenile traffic offender against whom the order is made turns twenty-one.

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

(F) In determining the amount and number of restitution payments a child can make, the court shall consider the following factors:

(1) The youth's age and ability to obtain employment;

(2) The youth's other financial obligations and needs to ensure the youth's financial overall stability; and

~~(3) Whether the youth will remain on probation solely for the purpose to repay restitution.~~

~~(G) Courts are encouraged to create alternative restorative justice approaches to restitution, such as mediation, to facilitate dialogue between victims and offenders when appropriate, find alternative means to address restitution (including returning personal property), or to help youth understand the impact of their actions.~~

~~(F) If the court imposes one or more financial sanctions in addition to restitution, any amount paid by the delinquent child or juvenile traffic offender shall be credited first to restitution, unless the court orders otherwise and provides reasons on the record and in its judgment entry for ordering otherwise.~~

~~(G) If the Court determines that a delinquent child owes restitution under this section, it may award a judgment in favor of the victim or survivor of the victim against a parent or both parents, or a guardian or guardians, of the delinquent child for the same amount ordered against the delinquent child or a separate amount than ordered against the delinquent child, but in any case not to exceed \$10,000, provided that the Court finds by a preponderance of the evidence presented that the parent or both parents', or guardian or guardians', failure to exercise reasonable control or supervision over the delinquent child was a substantial factor in the child's delinquency. Prior to ordering parental restitution under this section, the court shall hold a hearing on the matter with notice given to all interested parties as to the nature and amount of the parental restitution. In determining if restitution should be paid and by whom, as well as the method and amount of payment, the court shall take into account, and shall state on the record and in its judgment entry, the following factors:~~

- ~~(1) Whether the parent, or both parents, or guardian or guardians knew of the child's delinquent nature and failed to take reasonable measures to control the child;~~
- ~~(2) The past efforts of the parent or both parents, or the guardian or guardians to correct the delinquent juvenile's conduct;~~
- ~~(3) The opportunity the parent or both parents, or the guardian or guardians has had to correct the delinquent juvenile's conduct;~~
- ~~(4) Whether the parent or both parents, or the guardian or guardians is custodial;~~
- ~~(5) The burden the payment will impose with regard to the other obligations of the parent or both parents, or the guardian or guardians;~~
- ~~(6)(1) Any other factors the court finds relevant.~~

1           **Sec. 2152.10.** (A) A child who is alleged to be a delinquent child is eligible for  
2 mandatory transfer and shall be transferred as provided in section 2152.12 of the  
3 Revised Code in any of the following circumstances:

4           (1) The child is charged with a category one offense and either of the following  
5 apply:

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

7           (b) The child was fourteen or fifteen years of age at the time of the act charged  
8 and previously was adjudicated a delinquent child for committing an act that is a  
9 category one or category two offense and was committed to the legal custody of the  
10 department of youth services upon the basis of that adjudication.

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

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

17           (b) The child is alleged to have had a firearm on or about the child's person or  
18 under the child's control while committing the act charged and to have displayed the  
19 firearm, brandished the firearm, indicated possession of the firearm, or used the  
20 firearm to facilitate the commission of the act charged.

21           (3) Division (A)(2) of section 2152.12 of the Revised Code applies.

22           (B) Unless the child is subject to mandatory transfer, if a child is, who  
23 is fourteen years of age or older at the time of the act charged, and if the child who is  
24 charged with an act that would be a felony if committed by an adult, the child is  
25 eligible for discretionary transfer to the appropriate court for criminal prosecution. In  
26 determining whether to transfer the child for criminal prosecution, the juvenile court  
27 shall follow the procedures in section 2152.12 of the Revised Code. If the court does  
28 not transfer the child and if the court adjudicates the child to be a delinquent child for  
29 the act charged, the court shall issue an order of disposition in accordance with section  
30 2152.11 of the Revised Code this chapter.

31           (B) If a complaint is filed against a person who is deemed not to be a child in  
32 the circumstances described in division (C)(5) of section 2152.02 of the Revised  
33 Code, the person is eligible for transfer, and the case shall be transferred to the  
34 appropriate court for criminal prosecution.

36           **Sec. 2152.12.** ~~(A)(1)(a) After a complaint has been filed alleging that a child~~  
37 ~~is a delinquent child for committing an act that would be aggravated murder, murder,~~  
38 ~~attempted aggravated murder, or attempted murder if committed by an adult, the~~  
39 ~~juvenile court at a hearing shall transfer the case if the child was sixteen or seventeen~~  
40 ~~years of age at the time of the act charged and there is probable cause to believe that~~  
41 ~~the child committed the act charged. The juvenile court also shall transfer the case at a~~  
42 ~~hearing if the child was fourteen or fifteen years of age at the time of the act charged,~~  
43 ~~if section 2152.10 of the Revised Code provides that the child is eligible for~~  
44 ~~mandatory transfer, and if there is probable cause to believe that the child committed~~  
45 ~~the act charged.~~

46           ~~(b) After a complaint has been filed alleging that a child is a delinquent child~~  
47 ~~by reason of committing a category two offense, the juvenile court at a hearing shall~~  
48 ~~transfer the case if section 2152.10 of the Revised Code requires the mandatory~~  
49 ~~transfer of the case and there is probable cause to believe that the child committed the~~  
50 ~~act charged.~~

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

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

57           ~~(b) A complaint is filed against a child who is domiciled in another state~~  
58 ~~alleging that the child is a delinquent child for committing an act that would be a~~  
59 ~~felony if committed by an adult, and, if the act charged had been committed in that~~  
60 ~~other state, the child would be subject to criminal prosecution as an adult under the~~  
61 ~~law of that other state without the need for a transfer of jurisdiction from a juvenile,~~  
62 ~~family, or similar noncriminal court to a criminal court.~~

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

67           ~~(1)~~(a) The child was fourteen years of age or older at the time of the act  
68 charged.

69           ~~(2)~~(b) There is probable cause to believe that the child committed the act  
70 charged.

71           ~~(3)~~(c) The child is not amenable to care or rehabilitation within the juvenile  
72 system, and the safety of the community may require that the child be subject to adult  
73 sanctions. In making its decision under this division, the court shall consider whether  
74 the applicable factors under division ~~(D)~~(C) of this section indicating that the case  
75 should be transferred outweigh the applicable factors under division ~~(E)~~(D) of this  
76 section indicating that the case should not be transferred. The record shall indicate the  
77 specific factors that were applicable and that the court weighed.

78           (2) Independent of the authority to transfer a case under division (A)(1) of this  
79 section, the juvenile court shall transfer a case when the person charged is deemed not  
80 to be a child in the circumstances described in division (C)(5) of section 2152.02 of  
81 the Revised Code.

82           ~~(C)~~(B) Before considering a transfer under division ~~(B)~~(A)(1) of this section,  
83 the juvenile court shall order an investigation, including a mental examination of the  
84 child by a public or private agency or a person qualified to make the examination. The  
85 child may waive the examination required by this division if the court finds that the  
86 waiver is competently and intelligently made. Refusal to submit to a mental  
87 examination by the child constitutes a waiver of the examination.

88           ~~(D)~~(C) In considering whether to transfer a child under division ~~(B)~~(A)(1) of  
89 this section, the juvenile court shall consider the following relevant factors, and any  
90 other relevant factors, in favor of a transfer under that division:

91           (1) The victim of the act charged suffered physical or psychological harm, or  
92 serious economic harm, as a result of the alleged act.

93           (2) The physical or psychological harm suffered by the victim due to the  
94 alleged act of the child was exacerbated because of the physical or psychological  
95 vulnerability or the age of the victim.

96           (3) The child's relationship with the victim facilitated the act charged.

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

99           (5) The child had a firearm on or about the child's person or under the child's  
100 control at the time of the act charged, the act charged is not a violation of section  
101 2923.12 of the Revised Code, and the child, during the commission of the act charged,  
102 allegedly used or displayed the firearm, brandished the firearm, or indicated that the  
103 child possessed a firearm.

104           (6) At the time of the act charged, the child was awaiting adjudication or  
105 disposition as a delinquent child, was under a community control sanction, or was on  
106 parole for a prior delinquent child adjudication or conviction.

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

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

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

113 ~~(E)~~(D) In considering whether to transfer a child under division ~~(B)~~(A)(1) of  
114 this section, the juvenile court shall consider the following relevant factors, and any  
115 other relevant factors, against a transfer under that division:

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

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

118 (3) The child was not the principal actor in the act charged, or, at the time of  
119 the act charged, the child was under the negative influence or coercion of another  
120 person.

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

124 (5) The child previously has not been adjudicated a delinquent child.

125 (6) The child is not emotionally, physically, or psychologically mature enough  
126 for the transfer.

127 (7) The child has a mental illness or is a mentally retarded person.

128 (8) There is sufficient time to rehabilitate the child within the juvenile system  
129 and the level of security available in the juvenile system provides a reasonable  
130 assurance of public safety.

131 ~~(F) If one or more complaints are filed alleging that a child is a delinquent child  
132 for committing two or more acts that would be offenses if committed by an adult, if a  
133 motion is made alleging that division (A) of this section applies and requires that the  
134 case or cases involving one or more of the acts charged be transferred for, and if a  
135 motion also is made requesting that the case or cases involving one or more of the acts  
136 charged be transferred pursuant to division (B) of this section, the juvenile court, in  
137 deciding the motions, shall proceed in the following manner:~~

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

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

143 court shall transfer the case or cases in accordance with that division. After the  
144 transfer pursuant to division (A) of this section, the court shall decide, in accordance  
145 with division (B) of this section, whether to grant the motion requesting that the case  
146 or cases involving one or more of the acts charged be transferred pursuant to that  
147 division. Notwithstanding division (B) of this section, prior to transferring a case  
148 pursuant to division (A) of this section, the court is not required to consider any factor  
149 specified in division (D) or (E) of this section or to conduct an investigation under  
150 division (C) of this section.

151 ~~(3)~~ If the court determines that division (A) of this section does not require that  
152 the case or cases involving one or more of the acts charged be transferred, the court  
153 shall decide in accordance with division (B) of this section whether to grant the  
154 motion requesting that the case or cases involving one or more of the acts charged be  
155 transferred pursuant to that division.

156 ~~(G)~~(E) The court shall give notice in writing of the time, place, and purpose of  
157 any hearing held pursuant to division (A) ~~or (B)(1)~~ of this section to the child's  
158 parents, guardian, or other custodian and to the child's counsel at least three days prior  
159 to the hearing.

160 ~~(H)~~(F) No person, either before or after reaching eighteen years of age, shall be  
161 prosecuted as an adult for an offense committed prior to becoming eighteen years of  
162 age, unless the person has been transferred as provided in division (A)(1) ~~or (B)~~ of  
163 this section or unless division ~~(J)~~(H) of this section applies. Any prosecution that is  
164 had in a criminal court on the mistaken belief that the person who is the subject of the  
165 case was eighteen years of age or older at the time of the commission of the offense  
166 shall be deemed a nullity, and the person shall not be considered to have been in  
167 jeopardy on the offense.

168 ~~(I)~~(G) Upon the transfer of a case under division (A)(1) or ~~(B)~~(2) of this  
169 section, the juvenile court shall state the reasons for the transfer on the record, and  
170 shall order the child to enter into a recognizance with good and sufficient surety for  
171 the child's appearance before the appropriate court for any disposition that the court is  
172 authorized to make for a similar act committed by an adult. The transfer abates the  
173 jurisdiction of the juvenile court with respect to the delinquent acts alleged in the  
174 complaint, and, upon the transfer, all further proceedings pertaining to the act charged  
175 shall be discontinued in the juvenile court, and the case then shall be within the  
176 jurisdiction of the court to which it is transferred as described in division (H) of  
177 section 2151.23 of the Revised Code.

178            ~~(J)~~(H) If a person under eighteen years of age allegedly commits an act that  
179 would be a felony if committed by an adult and if the person is not taken into custody  
180 or apprehended for that act until after the person attains twenty-one years of age, the  
181 juvenile court does not have jurisdiction to hear or determine any portion of the case  
182 charging the person with committing that act. In those  
183 circumstances, ~~divisions~~ division (A) ~~and (B)~~ of this section ~~do~~ does not apply  
184 regarding the act, and the case charging the person with committing the act shall be a  
185 criminal prosecution commenced and heard in the appropriate court having  
186 jurisdiction of the offense as if the person had been eighteen years of age or older  
187 when the person committed the act. All proceedings pertaining to the act shall be  
188 within the jurisdiction of the court having jurisdiction of the offense, and that court  
189 has all the authority and duties in the case as it has in other criminal cases in that  
190 court.  
191



**Bindover Factor Suggestions:  
February 2016**

~~(D)~~(C) In considering whether to transfer a child under division ~~(B)~~(A)(1) of this section, the juvenile court shall consider the following relevant factors:

(1) The risk level of the child as determined by the Ohio Youth Assessment System administered by a trained court professional;

(2) The role of the victim of the offense, including the level of harm suffered, the relationship of the child to the victim, or if the victim induced or contributed to the offense;

(3) The child's prior experience in the juvenile court, including the presence or lack of any prior or current cases and rehabilitative efforts by the juvenile court;

(4) 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 or with an adult;

(5) The child did not cause physical harm to any person or property, or have reasonable cause to believe that harm of that nature would occur, in allegedly committing the act charged;

(6) The child's individual developmental characteristics, including age, maturity, developmental age, and physical size;

(7) The child's overall development characteristics, including lack of maturity, underdeveloped sense of responsibility, heightened risk taking and impulsivity, diminished culpability, vulnerability to negative influence and outside pressure, decreased deterrence, and the transitory nature of children's character;

(8) The child's behavioral health history, including mental health or substance abuse;

(9) Consideration of a child's chronological age and its hallmark features, such as immaturity, impetuosity, susceptibility to peer pressure, and failure to appreciate risks and consequences;

(10) The child's background, including family and home environment — from which the youth cannot usually extricate himself, even if it is brutal or dysfunctional, and history of trauma;

(11) The youth's role in the crime, including if 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, particularly an adult.

(12) The relative ability of the juvenile justice system and the adult criminal justice system to provide age-appropriate programming and safety for the youth. This analysis should consider the negative impacts of involvement in the adult criminal justice system, including the lack of access to age-appropriate program, the higher likelihood of sexual and physical abuse, and the likelihood of increased reoffending.

(D) No child shall be transferred if the following factors are present:

- (1) The child has a developmental disability or intelligence quotient of less than 70; or
- (2) The child is not accused of a felony level offense.

## 2152.12 Transfer of cases.

(A)

(1)

(a) After a complaint has been filed alleging that a child is a delinquent child for committing an act that would be aggravated murder, murder, attempted aggravated murder, or attempted murder if committed by an adult, the juvenile court at a hearing shall transfer the case if either of the following applies:

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

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

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

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

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

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

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

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

(3) If a complaint is filed against a child alleging that the child is a delinquent child and the case is transferred pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of this section and if the child subsequently is convicted of or pleads guilty to an offense in that case, the sentence to be imposed or disposition to be made of the child shall be determined in accordance with section 2152.121 of the Revised Code.

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

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

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

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

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

(D) 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, in favor of a transfer under that division:

(1) The victim of the act charged suffered physical or psychological harm, or serious economic harm, as a result of the alleged act; ~~or (2) the physical or psychological~~ harm suffered by the victim due to the alleged act of the child was exacerbated because of the physical or psychological vulnerability or the age of the victim.

~~(3)~~ (2) The child's relationship with the victim facilitated the act charged.

~~(4)~~ (3) The child allegedly committed the act charged for hire or as a part of a gang ~~or other organized criminal activity.~~

~~(5)~~ (4) 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)~~ (5) 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)~~ (6) The results of any previous juvenile sanctions and programs indicate that rehabilitation of the child will not occur in the juvenile system.

~~(8)~~ (7) The results of the evaluation and investigation in division (C) of this section indicate that the child is emotionally, ~~physically,~~ or psychologically mature enough for the transfer.

~~(9)~~ (8) The results of the evaluation and investigation in division (C) of this section indicate that 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; or ~~(2)~~ the child acted under provocation in allegedly committing the act charged.

~~(3)~~ (2) The child was not the principal actor in the act charged.

(3) At the time of the act charged, the child was under the negative influence or coercion of another person; or the child had an adult codefendant.

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

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

~~(6)~~ (6) The availability of a juvenile sanction or program that has not yet been utilized.

~~(6)~~ (7) The child is not emotionally, physically, or psychologically mature enough for the transfer.

~~(7)~~ (8) The child has a mental illness or ~~is a mentally-retarded person~~ has a developmental disability.

~~(8)~~ (9) There is sufficient time to rehabilitate the child within the juvenile system and the level of security available in the juvenile system provides a reasonable assurance of public safety.

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

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

(2) If the court determines that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred, the court shall transfer the case or cases in accordance with that division. After the transfer pursuant to division (A) of this section, the court shall decide, in accordance with division (B) of this section, whether to grant the motion requesting that the case or cases involving one or more of the acts charged be transferred pursuant to that division. Notwithstanding division (B) of this section, prior to transferring a case pursuant to division (A) of this section, the court is not required to consider any factor specified in division (D) or (E) of this section or to conduct an investigation under division (C) of this section.

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

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

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

~~(H) A child who has been found not amenable to care or rehabilitation within the juvenile system under division (B) of this section has a right to appeal the transfer under R.C. 2505.02(B)(8). Upon issuing the order for transfer, the juvenile court shall immediately stay the transfer for a period of fourteen days, unless waived by the child.~~

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

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

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

## 2505.02 Final orders.

(A) As used in this section:

(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.

(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.

(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.

(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:

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

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

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

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

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

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

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

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

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

(8) An order for transfer pursuant to R.C. 2152.12.

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

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

**Formatted:** Normal, Justified, Space Before: Auto, After: Auto, No page break before



**RULE 4. Appeal as of Right--When Taken**

**(A) Time for appeal**

**(1) Appeal from order that is final upon its entry.** Subject to the provisions of App.R. 4(A)(3), a party who wishes to appeal from an order that is final upon its entry shall file the notice of appeal required by App.R. 3 within 30 days of that entry.

**(2) Appeal from order that is not final upon its entry.** Subject to the provisions of App.R. 4(A)(3), a party who wishes to appeal from an order that is not final upon its entry but subsequently becomes final—such as an order that merges into a final order entered by the clerk or that becomes final upon dismissal of the action—shall file the notice of appeal required by App.R. 3 within 30 days of the date on which the order becomes final.

**(3) Delay of clerk's service in civil case.** In a civil case, if the clerk has not completed service of the order within the three-day period prescribed in Civ.R. 58(B), the 30-day periods referenced in App.R. 4(A)(1) and 4(A)(2) begin to run on the date when the clerk actually completes service.

**(B) Exceptions**

The following are exceptions to the appeal time period in division (A) of this rule:

**(1) Multiple or cross appeals.** If a notice of appeal is timely filed by a party, another party may file a notice of appeal within the appeal time period otherwise prescribed by this rule or within ten days of the filing of the first notice of appeal.

**(2) Civil or juvenile post-judgment motion.** In a civil case or juvenile proceeding, if a party files any of the following, if timely and appropriate:

(a) a motion for judgment under Civ.R. 50(B);

(b) a motion for a new trial under Civ.R. 59;

(c) objections to a magistrate's decision under Civ.R. 53(D)(3)(b) or Juv. R. 40(D)(3)(b);

(d) a request for findings of fact and conclusions of law under Civ.R. 52, Juv.R. 29(F)(3), Civ.R. 53(D)(3)(a)(ii) or Juv.R. 40(D)(3)(a)(ii);

(e) a motion for attorney fees; or

(f) a motion for prejudgment interest,

then the time for filing a notice of appeal from the judgment or final order in question begins to run as to all parties when the trial court enters an order resolving the last of these post-judgment filings. If a party files a notice of appeal from an otherwise final judgment but before the trial court has resolved one or more of the filings listed in this division, then the court of appeals, upon suggestion of any of the parties, shall remand the matter to the trial court to resolve the post-judgment filings in question and shall stay appellate proceedings until the trial court has done so. After the trial court has ruled on the post-judgment filing on remand, any party who wishes to appeal from the trial court's orders or judgments on remand shall do so in the following manner: (i) by moving to amend a previously filed notice of appeal or cross-appeal under App.R. 3(F), for which leave shall be granted if sought within thirty days of the entry of the last of the trial court's judgments or orders on remand and if sought after thirty days of the entry, the motion may be granted at the discretion of the appellate court; or (ii) by filing a new notice of appeal in the trial court in accordance with App.R. 3 and 4(A). In the latter case, any new appeal shall be consolidated with the original appeal under App.R. 3(B).

**(3) Juvenile transfer order.** A party who wishes to appeal from an order pursuant to R.C. 2152.12 shall file the notice of appeal required by App.R. 3 within 14 days of that entry. Any appeal from an order pursuant to R.C. 2152.12 shall be placed on the accelerated calendar pursuant to App.R. 11.1.

Formatted: Font color: Red

Formatted: Font color: Red

**(4) Criminal and traffic post-judgment motions**

In a criminal or traffic case, if a party files any of the following, if timely and appropriate:

(a) a motion for arrest of judgment under Crim.R. 34;

(b) a motion for a new trial under Crim.R. 33 for a reason other than newly discovered evidence; or

(c) objections to a magistrate's decision under Crim.R. 19(D)(3)(b) or Traf.R. 14; or

(d) a request for findings of fact and conclusions of law under Crim.R. 19(d)(3)(a)(ii), then the time for filing a notice of appeal from the judgment or final order in question begins to run as to all parties when the trial court enters an order resolving the last of these post-judgment filings. A motion for a new trial under Crim.R. 33 on the ground of newly discovered evidence made within the time for filing a motion for a new trial on other grounds extends the time for filing a notice of appeal from a judgment of conviction in the same manner as a motion on other grounds; but if made after the expiration of the time for filing a motion on other grounds, the motion on the ground of newly discovered evidence does not extend the time for filing a notice of appeal.

If a party files a notice of appeal from an otherwise final judgment but before the trial court has resolved one or more of the filings listed in (a), (b), or (c) of this division, then the court of appeals, upon suggestion of any of the parties, shall remand the matter to the trial court to resolve the motion in question and shall stay appellate proceedings until the trial court has done so.

After the trial court has ruled on the post-judgment filings on remand, any party who wishes to appeal from the trial court's orders or judgments on remand shall do so in the following manner: (i) by moving to amend a previously filed notice of appeal or cross-appeal under App.R. 3(F), for which leave shall be granted if sought within thirty days of the entry of the last of the trial court's judgments or orders on remand and if sought after thirty days of the entry, the motion may be granted in the discretion of the appellate court; or (ii) by filing a new notice of appeal in the trial court in accordance with App.R. 3 and 4(A). In the latter case, any new appeal shall be consolidated with the original appeal under App.R. 3(B).

**(5) Appeal by prosecution**

In an appeal by the prosecution under Crim.R. 12(K) or Juv.R. 22(F), the prosecution shall file a notice of appeal within seven days of entry of the judgment or order appealed.

**(6) Partial final judgment or order**

If an appeal is permitted from a judgment or order entered in a case in which the trial court has not disposed of all claims as to all parties, other than a judgment or order entered under Civ.R. 54(B), a party may file a notice of appeal within thirty days of entry of the judgment or order appealed or the judgment or order that disposes of the remaining claims. Division (A) of this rule applies to a judgment or order entered under Civ.R. 54(B).

**(C) Premature notice of appeal**

A notice of appeal filed after the announcement of a decision, order, or sentence but before entry of the judgment or order that begins the running of the appeal time period is treated as filed immediately after the entry.

**(D) Definition of "entry" or "entered"**

As used in this rule, "entry" or "entered" means when a judgment or order is entered under Civ.R. 58(A) or Crim.R. 32(C).



**OHIO**

CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

**JUVENILE JUSTICE COMMITTEE WORK CHART**

<u>Category</u>	<u>Issue</u>	<u>Last Action</u>	<u>Project Status</u>	<u>Responsible Person</u>	<u>Next Action</u>
2-3 month	<b>JSORN</b>	Discussion	Pending	Jo Ellen	February Meeting finalize suggestions  Present committee thoughts to Recodification Committee
3-6 month	<b>Address juvenile court costs – assessment &amp; collection</b>	Language on costs and fines approved by Commission	Restitution language still pending	Jo Ellen	Finalize restitution language at February meeting for March OCSC meeting
3-6 month	<b>Mandatory bindovers – eliminate or limit</b>	Discussion	Pending	Jo Ellen Erin Davies	February Meeting  Finalize draft for March OCSC meeting
3-6 month	<b>Mandatory sentences</b>	Discussion	Pending	Jo Ellen Erin Davies	Discussion at April committee meeting



**OHIO**

CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

<u>Category</u>	<u>Issue</u>	<u>Last Action</u>	<u>Project Status</u>	<u>Responsible Person</u>	<u>Next Action</u>
6-12 month	<b>Mandatory shackling</b>	Comment on proposed Sup.R. 5.01 re: juvenile restraints approved 12/17/15	Pending	Members	Monitor rule amendment process
6-12 month	<b>Sexting</b>	Discussion	Pending	Members	Gather information
6-12 Month	<b>Truancy</b>	Proposed legislation given to committee	Pending	Jo Ellen John Ryan Scott Lundregan	Comments on pending legislation
6-12 Month	<b>Probation (Length of time)</b>	Discussion	Pending	Jill Beeler	Gather information
6-12 Month	<b>Post-Dispositional Detention Time</b>	Discussion	Pending	Kathleen Hamm	Gather information



# OHIO

## CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

<u>Category</u>	<u>Issue</u>	<u>Last Action</u>	<u>Project Status</u>	<u>Responsible Person</u>	<u>Next Action</u>
COMPLETED	<b>Extended sentence review (Juvenile)</b>	Juvenile draft completed	<b>COMPLETED</b>	Jo Ellen Jill Beeler-Andrews	<b>Approved by Commission</b> <b>11/19/15</b>
COMPLETED	<b>Juvenile confinement credit</b>	Discussion	<b>COMPLETED</b>	Jo Ellen Director Reed	<b>Approved by Commission</b> <b>11/19/15</b>