



OHIO

CRIMINAL SENTENCING COMMISSION

Juvenile Disposition Benchcard

Juvenile courts determine whether a juvenile offender is subject to mandatory or discretionary transfer (bindover), mandatory or discretionary serious youthful offender, or traditional juvenile court jurisdiction.

Dispositions of Delinquent Juvenile Offenders and Juvenile Traffic Offenders: Overriding Purposes (R.C. 2152.01)

R.C. Chapter 2152 addresses the disposition of delinquent juvenile offenders and juvenile traffic offenders. The overriding purposes are to provide for the care, protection, and mental and physical development of children subject to this chapter, protect the public interest and safety, hold the offender accountable for the offender's actions, restore the victim, and rehabilitate the offender.

These purposes shall be achieved by a system of graduated sanctions and services. Dispositions shall be reasonably calculated to achieve these overriding purposes, commensurate with and not demeaning to the seriousness of the delinquent child's or the juvenile traffic offender's conduct and its impact on the victim, and consistent with dispositions for similar acts committed by similar delinquent children and juvenile traffic offenders.

Courts shall not base the disposition on the race, ethnic background, gender, or religion of the delinquent child or juvenile traffic offender

For more in depth guidance, please see the Supreme Court of Ohio's [Juvenile Justice Bench Card: Youth in Adult Court](#), and the Ohio Sentencing Commission's [Felony Sentencing Bench Card](#).



Transfers to Adult Court, Serious Youthful Offenders, and Traditional Juvenile Dispositions

Offense level	Ages 16 and 17 (DT eligible)	Ages 14 and 15 (DT eligible)	Ages 12 and 13 (not DT eligible)	Ages 10 and 11 (not DT eligible)
Category 1: Aggravated Murder; Murder; Attempted Aggravated Murder; Attempted Murder	MT R.C. 2152.10(A)	If prior commitment to Department of Youth Services for Category 1 or 2 offense, then MT. R.C. 2152.10(A) Otherwise, MSYO. For agg. murder or murder, see R.C. 2152.11(B)(1). For attempted agg. murder or attempted murder, see R.C. 2152.11(C)(1).	DYSO. For agg. murder or murder, see R.C. 2152.11(B)(2). For attempted agg. murder or attempted murder, see R.C. 2152.11(C)(2).	DSYO. For agg. murder or murder, see R.C. 2152.11(B)(2). For attempted agg. murder or attempted murder, see R.C. 2152.11(C)(2).
Category 2 *: F-1 offenses, excluding kidnapping; F-2 offense of Aggravated Arson	If prior commitment to Department of Youth Services for Category 1 or 2 offense and/or firearm was displayed, brandished, indicated or used in the act, then MT. R.C. 2152.10(A) (2). But see State v. Hanning, 89 Ohio St.3d 86 (2000) (only child who possessed firearm subject to mandatory bind over) Otherwise, MSYO. F-1, see R.C. 2152.11(D)(1). F-2, see R.C. 2152.11(E).	DSYO. F-1, see R.C. 2152.11(D)(2)(b). F-2, see R.C. 2152.11(E)(1).	DSYO. F-1, see R.C. 2152.11(D)(2)(c). F-2, see R.C. 2152.11(E)(2).	DSYO. F-1, see R.C. 2152.11(D)(2)(d). F-2, see R.C. 2152.11(E)(3).
F-1 Enhanced	If offense of violence other than above and an act that is enhanced by the factors in either R.C. 2152.11(A)(1) or (A)(2) or (A)(3), then MSYO. Otherwise, DSYO. R.C. 2152.11(D).	DSYO. R.C. DSYO 2152.11(D)(2)(a).	DYSO. R.C.2152.11(D) (2)(c).	DSYO. R.C. 2152.11(D) (2)(d).
F-1 Not Enhanced	DSYO. R.C. DSYO 2152.11(D)(2) (a).	DSYO. R.C. 2152.11(D) (2)(b).	TJ. R.C. 2152.11(D)(3).	TJ. R.C. 2152.11(D)(3).
F-2 Enhanced	DSYO. R.C. 2152.11(E)(1).	DSYO. R.C. 2152.11(E)(1).	DSYO. R.C. 2152.11(E)(2).	TJ. R.C. 2152.11(D)(2).
F-2 Not Enhanced	DSYO. R.C. 2152.11(E)(1).	DSYO. R.C. 2152.11(E)(1).	TJ. R.C. 2152.11(E)(3).	TJ. R.C. 2152.11(E)(3).
F-3 Enhanced	DSYO. R.C. 2152.11(F)(1).	DSYO. R.C. 2152.11(F)(2).	TJ. R.C. 2152.11(F)(3).	TJ. R.C. 2152.11(F)(3).
F-3 Not Enhanced	DSYO. R.C. 2152.11(F)(1).	TJ. R.C. 2152.11(F)(3).	TJ. R.C. 2152.11(F)(3).	TJ. R.C. 2152.11(F)(3).
F-4/F-5 Enhanced	DSYO. R.C. 2152.11(G)(1).	TJ. R.C. 2152.11(G)(2).	TJ. R.C. 2152.11(G)(2).	TJ. R.C. 2152.11(G)(2).
F-4/F-5 Not Enhanced	TJ. R.C. 2152.11(G)(2).	TJ. R.C. 2152.11(G)(2).	TJ. R.C. 2152.11(G)(2).	TJ. R.C. 2152.11(G)(2).

Key:

MT: Mandatory Transfer (*must be bound over to adult court upon a finding of probable cause*)

DT: Discretionary Transfer (*may be bound over to adult court upon a finding of probable cause and amenability*)

MSYO: Mandatory Serious Youthful Offender (*mandatory blended sentence upon a finding of probable cause*)

TJ: Traditional Juvenile Disposition



Category 1 Offenses (R.C. 2152.02) are: Aggravated Murder, R.C. 2903.01; Murder, R.C. 2903.02; Attempted Aggravated Murder, R.C. 2923.02; and Attempted Murder, R.C. 2923.02.

* Category 2 Offenses (R.C. 2152.02) are: Voluntary Manslaughter, R.C. 2903.03; Kidnapping, R.C. 2905.01; Rape, R.C. 2907.02; Aggravated Arson, R.C. 2909.02; Aggravated Robbery, R.C. 2911.01; Aggravated Burglary, R.C. 2911.11; and Involuntary Manslaughter, R.C. 2903.04, as F-1.

Offense of Violence: Offenses of violence are listed in R.C. 2901.01(A)(9).

Mandatory Transfer (MT)

A Mandatory Transfers (MT) is based on the age of the child at the time of the offense and whether the offense was a Category 1 or 2 offense. Additional factors of prior commitment to the Ohio Department of Youth Services for Category 1 or 2 offenses and firearms come into play based on the age of the child. [R.C. 2152.10.]

Discretionary Transfer (DT)

If the child is not subject to MT, a Discretionary Transfer (DT) is based on if the child is 14 or older at the time of the offense, the level of felony, and additional enhancement factors.

Courts shall follow R.C. 2152.12 procedures: investigate and weigh specific factors for and against discretionary transfer and state on the record the factors considered and weighed.

Serious Youthful Offender (SYO)

A Serious Youthful Offender (SYO) sentence entails both a traditional juvenile disposition and an adult sentence, which is stayed pending successful completion of the traditional juvenile disposition. Only certain juveniles are eligible for such a “blended” sentence. SYO status can be either mandatory or discretionary, depending on the offense charged, the child’s age at time of offense, and any applicable enhancement.

Enhanced Acts

R.C. 2152.10 lists factors considered when determining whether a juvenile alleged to be delinquent is subject to mandatory or discretionary transfer to adult court.

R.C. 2152.11(A) describes additional factors, distinct from the R.C. 2152.10 factors, that enhance a delinquent act and subject the juvenile to a more restrictive disposition.

Those factors are:

- (A) (1) Offense of violence;
- (A) (2) Firearms;
- (A) (3) Prior commitment to the Department of Youth Services for aggravated murder, murder, a felony of the first or second degree if committed by an adult, or an act that would have been a felony of the third degree and an offense of violence if committed by an adult.

Sentencing for Mandatory or Discretionary Serious Youthful Offenders, or Traditional Juvenile Dispositions (R.C. 2152.13)

If the juvenile is subject to a MSYO sentence, the court must impose the adult term, except for sentences of death and life without parole; impose one or more traditional juvenile dispositions; and stay the adult sentence pending completion of the traditional juvenile dispositions. [R.C. 2152.13(D)(1)]

If the juvenile is subject to a DSYO sentence, the court may impose the adult term if it finds, given the nature and circumstances of the act and the child’s history, that the time, security level, and resources available in the juvenile system alone are not adequate to give a reasonable expectation that the overriding purposes will be met [R.C. 2152.13(E)(2)]. The court must impose the adult term, except for sentences of death and life without parole; impose one or more traditional juvenile dispositions; and stay the adult sentence pending completion of the traditional juvenile dispositions. [R.C. 2152.13(D)(2)(a)]

If a TJ, the court may impose one or more traditional juvenile dispositions. [R.C. 2152.13(D)(2)(b)]



Terms for Commitment to Department of Youth Services [R.C. 2152.16]

Offense	Minimum Terms	Maximum Term
Felony 3, 4, and 5 or underage purchase of firearm	6 months	Age 21
Felony 2	1 year	Age 21
Felony 1 (category 2) except certain statutory rapes, felonious sexual penetration, and aggravated burglary	1 to 3 years	Age 21
Felony 1 (non-category)	1 year	Age 21
Attempted aggravated murder/attempted murder	6 to 7 years	Age 21
Aggravated murder/murder	No minimum	Age 21

Additional Time for Certain Specifications [R.C. 2152.17]

The journal entry should be as specific as possible regarding these specifications to ensure that the Department of Youth Services understands how the sentence should run. Specifications can be served consecutive to and prior to underlying offense, and the entry may specify the order in which they are to be served. For example, (A) or (B) time should be served prior to (C). Finally, multiple specifications may not exceed 5 years.

Specification Type	Base	Years for Specification	Maximum Commitment
Had firearm during offense	Discretionary	Additional 0 to 1 year	Age 21
Body armor used	Discretionary	Additional 0 to 2 years	Age 21
Had and displayed, used, brandished, or indicated possession of a firearm	Mandatory	Additional 1 to 3 years	Age 21
Had automatic or silenced firearm	Mandatory	Additional 1 to 5 years	Age 21
Drive by shooting	Mandatory	Additional 1 to 5 years	Age 21
Gang involvement	Mandatory	Additional 1 to 3 years	Age 21
Shot at police/corrections officer	Mandatory	Additional 1 to 5 years	Age 21
Certain aggravated vehicular homicide	Mandatory	Additional 1 to 3 years	Age 21
Accomplice who furnished, used, or disposed of firearm	Same commitment terms as the principal		
Accomplice who did not furnish, use, or dispose of firearm	Discretionary	Additional 0 to 1 year	Age 21



Fine Schedule [R.C. 2152.20, R.C. 2152.21, and R.C. 4513.99]

Offense	Maximum Fine
No seat belt: passenger	\$20
No seat belt: driver	\$30
Most traffic	\$50
Most unclassified/minor misdemeanor	\$50
Misdemeanor 4	\$100
Misdemeanor 3	\$150
Misdemeanor 2	\$200
Misdemeanor 1	\$250
Unclassified felony	\$300
Felony 5	\$300
Felony 4	\$400
Felony 3	\$750
Felony 2	\$1,000
Felony 1	\$1,500
Aggravated murder or murder	\$2,000



Invoking the Adult Sentence (R.C. 2152.14)

The prosecutor can file a motion to invoke the adult portion of the dispositional sentence based on multiple factors. If the prosecutor declines or fails to file a motion to invoke within a reasonable time, the department of youth services or the supervising probation department may also file a motion to invoke.

If the prosecutor declines a request to file a motion that was made by the juvenile court under R.C. 2152.14 (B) or fails to act on a request from the court under that division within a reasonable time, the juvenile court may hold the hearing described in division (D) of this section on its own motion.

The alleged violator has right to: receive notice of grounds; be present; nonwaivable counsel; be advised of procedures; give evidence, including on mental illness or developmental delay; and an open hearing.

If the committing juvenile court considers the motion, it must do so at a hearing.

Juvenile Records for Ohio Department of Rehabilitation and Correction

If available and permitted to be included, these records can accompany a journal entry for a person who was under 18 when the offense was committed. As young people enter the prison system, this information is used by appropriate Ohio Department of Rehabilitation and Correction (DRC) staff to determine programming, education, and mental health treatment. It is recommended to ask the young person and/or their parent or guardian to sign a release of information to transfer this information to DRC and appropriately redact information if necessary.

Records That Can Be Sent to DRC:

- Juvenile court records
- Department of Youth Services records (ex: institutional and/or parole records)
- School records (ex: transcripts)
- IEP/504 Plan/FBA/BIP/Health Plan
- Community support and/or extracurricular activities
- Children services records
- Records from other counties and/or placements where the young person resided/lived (ex: residential placements and/or hospitalizations)
- Parent/legal guardian/custodian and/or foster care information
- Evaluations/assessments
- Medical records (ex: immunizations, traumatic brain injury, and/or seizure information)
- Mental health records
- Detention and/or jail records
- Other documents that provide information about the young person's treatment, medical, and/or mental health needs

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