



# OHIO

CRIMINAL SENTENCING COMMISSION

## History Report: Juvenile Justice and the Ohio Criminal Sentencing Commission

This resource gives an overview of the legal landscape of juvenile justice in Ohio. Part 1 discusses the differences between adult and juvenile justice system goals. Part 2 outlines the beginnings of the juvenile justice system. Part 3 shows the United States' Supreme court cases involving juvenile justice, while Part 4 covers the Ohio juvenile justice jurisprudence. Part 5 is a timeline for legislative reform. Subsections discuss legislative reform from 1969 to 1995, the creation of the Ohio Criminal Sentencing Commission and Commission process, the 1996 requirement that the Commission draft a comprehensive juvenile plan, and the Juvenile Committee process. Commission recommendations are outlined in Part 6. Subsections a through q break out those recommendations by year. Part 7 addresses the statutory elimination of the Juvenile Committee of the Commission. Part 8 outlines the reestablishment of the Juvenile Committee and gives the Committee's recommendations and work to date. Finally, Part 9 concludes by reiterating the competing goals of juvenile justice and the role of the Commission as a unique and expert sounding board for juvenile justice reform.

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## 1. Juvenile Justice is Different than Adult Criminal Justice

Children in the Ohio juvenile justice system are treated differently than adults in felony sentencing, known as the Ohio criminal justice system. “The purposes of felony sentencing are to protect the public from future crime by the offender and others, to punish the offender, and to promote the effective rehabilitation of the offender using the minimum sanctions that the court determines accomplish those purposes without imposing an unnecessary burden on state or local government resources.” R.C. 2929.11(A) In contrast, the juvenile justice system is founded on the idea that children who commit crimes need rehabilitation in the form of care,

education and protection.<sup>1</sup> Ohio juvenile justice focuses on graduated sanctions and services to “provide for the care, protection, and mental and physical development of children; protect the public interest and safety; “hold the offender accountable for the offender’s actions; “restore the victim;” and “rehabilitate the offender.”<sup>2</sup> Today, juvenile courts use child development, sociology and psychology to help identify needs. Child-serving state and local entities play vital roles in supporting the courts in the care, education and protection of delinquent children, particularly educational, child welfare, and behavioral health systems.

## 2. Establishment of Juvenile Justice in Ohio: 1900s to 1966

This distinction between children and adults is a relatively new phenomenon. Both nationally and in Ohio, children who committed crimes prior to the early 1900s were tried, convicted, and punished in the adult system. Reformers at the time argued that the adult system was failing children. They wanted the focus to not be on whether the child committed the crime, but on how best to help the child.<sup>3</sup> Juvenile courts emerged out of this desire to shift the focus from punitive to rehabilitative, with the first juvenile court established in 1899 in Cook County, Illinois.

Ohio was an early pioneer in juvenile courts. In 1902, Cleveland Solicitor Newton Baker was

appalled by the condition of young offenders in city jails alongside adults. He and Cleveland YMCA secretary Glenn Shurtleff<sup>4</sup> studied the issues, volunteered as probation officers,<sup>5</sup> and established the Cuyahoga County Juvenile Court in 1902 as the second juvenile court in the United States.<sup>6</sup> The court found “employment for neglected juveniles under 16, appointed guardians, operated a boarding home, and established the Cleveland Boys School [in] Hudson (1903). In 1904 the court was given the power to impose fines on adults, and in 1908 contributing adults could be punished by a fine and jail sentence. In 1913 jurisdictional age was raised to 18.”<sup>7</sup>

1 Yeomans Salvador, *Ohio Juvenile Law*, §1.2, 2, (2022).

2 R.C. 2152.01.

3 Mack, *The Juvenile Court*, 23 Harv. L. Rev. 104,107(1909).

4 [CUYAHOGA COUNTY JUVENILE COURT | Encyclopedia of Cleveland History | Case Western Reserve University](#)

5 [Juvenile Division - Cuyahoga County Court of Common Pleas](#)

6 95 Ohio Laws 785 (1902).

7 [CUYAHOGA COUNTY JUVENILE COURT | Encyclopedia of Cleveland History | Case Western Reserve University](#)



By 1906, Ohio had a statewide juvenile justice system.<sup>8</sup> The emphasis on rehabilitation meant that juveniles did not have the same procedural rights as adults. Accordingly, the Standard Juvenile Court Act of 1937 put in place standard juvenile court practices that differed from adult criminal practices, including the ability of juvenile courts to proceed without juvenile protections such as the right to counsel,<sup>9</sup> the privilege against self-incrimination, trial by jury or the right to bail.<sup>10</sup>

“The traditional arguments were offered to support these decisions: juvenile proceedings “are civil in nature and not criminal” and are “for the

purpose of correction and rehabilitation and not for punishment.”<sup>11</sup> “Motivated by a humanitarian impulse, the law prohibits the use of Juvenile Court proceedings, or of proof developed thereon, against a child in any other court to discredit him or to mark him as one possessing a criminal history.”<sup>12</sup> “The philosophy ... is not to consider the child ... a criminal but rather to take him in hand for the purpose of protecting him from evil influences. The state thus becomes the *parens patriae* of the child on the theory that he needs protection, care and training.”<sup>13</sup>

### 3. United States Supreme Court Juvenile Justice Jurisprudence

The Ohio juvenile justice landscape changed in 1966, when for the first time the United States Supreme Court decided a juvenile court case: *Kent v. U.S.*<sup>14</sup> *Kent* requires due process and fair treatment in cases involving the transfer of a child to adult court, a process Ohio now calls “bindover.” *In re Gault*, decided a year later in 1967, along with

various other United States Supreme Court cases revolutionized procedural aspects of juvenile court proceedings, including the right to counsel,<sup>15</sup> the privilege against self-incrimination,<sup>16</sup> the reasonable doubt standard,<sup>17</sup> double jeopardy,<sup>18</sup> and the unconstitutionality of the death penalty,<sup>19</sup> and mandatory life sentence without parole.<sup>20</sup>

8 97 Ohio Laws 561 (1904); 98 Ohio Laws 314 (1906); 99 Ohio Laws 192 (1908).

9 *Cope v. Campbell*, 175 Ohio St. 47

10 Yeomans Salvador, *Ohio Juvenile Law*, §1.6,18, (2022), citing *Cope v. Campbell*, 175 Ohio St. 475 (1964), *State v. Shardell*, 107 Ohio App. 338 (8th Dist. 1958), *In re Darnell*, 173 Ohio St. 335 (1962), and *State v. ex rel Peaks v. Allman*, 51 Ohio op. 321 (Ct. App. 2s. Dist. 1952).

11 Yeomans Salvador, *Ohio Juvenile Law*, §1.6, 18, (2022).

12 Yeomans Salvador, *Ohio Juvenile Law*, §1.6, 18, (2022), citing *Malone v. State*, 130 Ohio St. 3d 267 (1936).

13 Yeomans Salvador, *Ohio Juvenile Law*, §1.6, 18, (2022), citing *State v. Shardell*, 107 Ohio App. 338 (8th Dist. 1958).

14 Yeomans Salvador, *Ohio Juvenile Law*, §1.6, 18, (2022).

15 Yeomans Salvador, *Ohio Juvenile Law*, §1.4, 6, (2022), discussing *In re Gault*, 387 U.S. 1, 13 (1967).

16 *Id.*

17 Yeomans Salvador, *Ohio Juvenile Law*, §1.4, 7, (2022), discussing *In re Winship*, 397 U.S. 1358 (1970).

18 Yeomans Salvador, *Ohio Juvenile Law*, §1.4, 8, (2022), discussing *Breed v. Jones*, 421 U.S. 519 (1975).

19 Yeomans Salvador, *Ohio Juvenile Law*, §1.4, 13, (2022), discussing *Roper v. Simmons*, 543 U.S. 551 (2005).

20 Yeomans Salvador, *Ohio Juvenile Law*, §1.4, 145, (2022) discussing *Miller v. Alabama*, 567 U.S. 460 (2012).



#### 4. Supreme Court of Ohio Juvenile Justice Jurisprudence

Ohio responded to *In re Gault* with a major overhaul of the Juvenile Code in 1969.<sup>21</sup> In 1969, the Supreme Court of Ohio upheld the right to counsel, declined to require trial by jury, and emphasized that the privacy of juvenile proceedings is one of many safeguards created to preserve the reputation of children.<sup>22</sup> Other due process considerations followed. The juvenile’s waiver of counsel was discussed in 2007, with specific findings required by the trial court such as the child’s age, education, intelligence, background and parental involvement in the case.<sup>23</sup>

The Court has addressed juvenile sex offender registration. In 2012, the Supreme Court of Ohio held that the automatic, mandatory lifetime classification of juvenile sex offenders is unconstitutionally cruel and unusual punishment.<sup>24</sup> Classification after age 21 was struck down,<sup>25</sup> but not the imposition of a registration and notification requirement that continues beyond the jurisdictional age of 21.<sup>26</sup>

The Court has also addressed mandatory and discretionary transfer (bindover). The Court has held that Ohio’s mandatory bindover scheme does not violate equal protection or due

process,<sup>27</sup> but the state must provide credible evidence of every element of an offense to support a finding that probable cause exists to believe that the juvenile committed the offense before ordering mandatory transfer.<sup>28</sup> Additionally, the Court has held that facts presented to a juvenile court in a discretionary transfer must persuade the court that the juvenile is not amenable to care or rehabilitation in the juvenile system.<sup>29</sup>

The Court has also held that juveniles are entitled to credit against commitment for the entire period of predisposition confinement credit.<sup>30</sup> Finally, the Court held that the Open Court provision of the Ohio Constitution prohibits closing a juvenile delinquency proceeding to the public without making an individualized determination balancing the interests at stake.<sup>31</sup>

Even with various due process considerations, juvenile justice in Ohio is still distinct from the adult system. In 2000, the Ohio Supreme Court wrote that the “juvenile justice system is grounded in the legal doctrine of *parens patriae*, meaning the state has the power to act as a provider of protection to those unable to care

21 Yeomans Salvador, *Ohio Juvenile Law*, §1.7, 20, (2022), citing *Willey*, Ohio’s Post-Gault Juvenile Court Law, 3 Akron L. Rev. 152 (1970).

22 *In re Agler*, 19 Ohio St.2d 70, 249 N.E.2d 808 (1969).

23 *In re C.S.*, 115 Ohio St.3d 267 (2007).

24 *In re C.P.*, 131 Ohio St.3d 513 (2012).

25 *State ex. rel Jean Baptiste v. Kirsch*, 134 Ohio St.3d 421 (2012).

26 *In re D.S.*, 146 Ohio St.3d 182 (2016).

27 *State v. Aalim*, 150 Ohio St.3d 489 (2017).

28 *State v. Iacona*, 93 Ohio St.3d 83 (2001).

29 *State v. Nicholas*, 171 Ohio St.3d 278 (2022).

30 *In re D.S.*, 148 Ohio St.3d 390 (2016)

31 *State ex rel Cincinnati Enquirer v. Bloom*, 177 Ohio St. 3d 174 (2024)



for themselves.”<sup>32</sup> In 2007, the Supreme Court wrote:

“Although some suggest that [the due process] changes, and the revisions to the juvenile delinquency laws themselves, indicate a criminalization of juvenile law, we have found, that the General Assembly has adhered to the core tenets of the juvenile system even as it has made substantive changes to the Juvenile Code in a get-tough response to increasing juvenile

caseloads, recidivism, and the realization that the harms suffered by victims are not dependent upon the age of the perpetrator .... We, too, abide by the principles that underlie the founding of the juvenile courts, but we do so with pragmatism and an understanding of modern realities.”<sup>33</sup> As a consequence, a “balanced approach is necessary to preserve the special nature of the juvenile process while protecting procedural fairness.”<sup>34</sup>

## 5. Ohio Juvenile Justice Legislative Reform

### a. 1969 to 1995

The General Assembly has addressed juvenile justice at various times. In 1980, the category of unruly child was adopted: habitual truant, or a child of compulsory school age who is absent without excuse for a specific number of days. A repeat habitual truant was a delinquent child, and subject to the juvenile court. R.C. 2151.011(B) (17) and R.C. 2152.02(F)(4).

Later legislative changes in 1981 resulted in moving the responsibility and funding of programs related to unruly children and those facing what would be misdemeanors from state to local control. “The resources of the state were restricted to delinquent-felons, who were thought to require a more secure setting for treatment and rehabilitation, as well as for the protection of the public.”<sup>35</sup>

In response to perceptions of rising juvenile crime, in 1995, the General Assembly reduced the minimum age for transfer to the adult court from fifteen to fourteen, mandated transfer under specific circumstances, and increased the minimum terms of commitment to DYS for specific offenses.<sup>36</sup>

### b. Establishment of the Ohio Criminal Sentencing Commission, 1990

The Ohio Criminal Sentencing Commission was established by the 118th General Assembly with the enactment of Senate Bill 258 in 1990. Under R.C. §181.23 through R.C. §181.25, the Commission is charged with recommending and assisting the general assembly with developing, evaluating, implementing, and reviewing existing sentencing guidelines, processes, and procedures to create a sentencing structure and policy for Ohio that is designed to achieve fairness in sentencing and to enhance public safety by attaining certainty in sentencing, deterrence, and a reasonable use of correctional facilities, programs, and services.

Chaired by the Chief Justice of the Supreme Court of Ohio, the Commission is a multi-disciplinary body that brings together experts from and provides resources to all three branches of government. The Commission reviews proposed legislation, conducts research on sentencing structures in Ohio, and drafts biennial reports analyzing the impact of sentencing policies on communities, correctional facilities, and the justice system.

32 Yeomans Salvador, *Ohio Juvenile Law*, §1.6, 19, (2022), citing *State v. Hanning*, 89 Ohio St. 3d 86, 88 (2000).

33 Yeomans Salvador, *Ohio Juvenile Law*, §1.6, 19-20, (2022), citing *In re C.S.*, 115 Ohio St.3d 267, 276 (2007).

34 Yeomans Salvador, *Ohio Juvenile Law*, §1.6, 20, (2022), citing *State v. D.H.*, 120 Ohio St. 3d 540, 549 (2009).

35 Yeomans Salvador, *Ohio Juvenile Law*, §1.7, 21, (2022).

36 Yeomans Salvador, *Ohio Juvenile Law*, §1.7, 22, (2022), citing 1995 H.B. 1, eff. January 1, 1996.



The Commission is committed to advancing a just and fiscally responsible criminal justice system that meets the needs of Ohioans.

Members are appointed by the Governor and serve without compensation. Prior to focusing on juvenile justice, the Commission submitted reports on felony, misdemeanor, and traffic offender sentencing to the General Assembly.

### **The Commission Process**

Under then Chief Justice Thomas Moyer, the Commission met at least monthly, in person for a full day, often including working dinners. Multiple retreats to state lodges complimented these Columbus meetings. Chief Justice Moyer led the robust discussions as a facilitator, never weighing in on substantive issues but encouraging members to keep disagreement civil and productive.

Both the Commission and staff were committed to transparency and community involvement. Meeting minutes captured discussions almost verbatim to document just how extensively members deliberated on the issues. Staff members drafted statutory language for members to review at nearly every meeting, visited and contacted courts throughout Ohio to gather needed data and information, and drafted numerous reports in response to member questions and concerns.

### **General Assembly Tasked the Ohio Criminal Sentencing Commission with Comprehensive Plan for Juvenile Justice, 1996**

In 1996, the General Assembly, through H. B. 591, expanded the Commission to 31 members and tasked it with the first comprehensive review of Ohio’s juvenile justice system since its creation nearly a century before. H.B. 591 created the Commission’s Juvenile Committee and requested the Commission:

- Review statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions;
- Review State and local resources;

- Recommend a comprehensive plan that:
  - Assisted in managing resources;
  - Fostered rehabilitation, public safety, sanctions, accountability, and other reasonable goals;
  - Provided greater certainty, proportionality, uniformity, fairness, and simplicity, while retaining reasonable judicial discretion; and
  - Helped restore victims of juvenile offenses.
- Assist the General Assembly in implementing and monitoring these proposals.

Much like the Commission had done in studying and developing a comprehensive plan for adult court, the Commission worked with experts and stakeholders in the juvenile justice system. The General Assembly expanded the membership of the Commission to accommodate the juvenile duties that were being asked of the Commission. The Commission then created subcommittees to examine aspects of the juvenile system, focusing on delinquency, unruly children, juvenile traffic offenders, resources, competency, records and confidentiality, and victim’s rights.

### **Subcommittees**

#### *Delinquency Subcommittee*

The subcommittee was charged with developing a system of procedures for determining when a child is delinquent and how the delinquent child’s case should be terminated. In addition, the committee was charged with creating a system of sanctions and services to redress the wrong done to the victim, the risk of danger borne by the public, and the needs of the delinquent child. The subcommittee proposed a system which provides additional dispositional options for juvenile judges and procedural protections for children accused of high-level “felony” offenses.



*Unruly Child Subcommittee*

The subcommittee developed a more narrowly tailored definition of “unruly child” that comported with current societal mores and problems, hoping to reduce the vagueness present in unruly cases at the time. The subcommittee also discussed tangential issues, such as updating the parental responsibility statute and utilizing secure detention for some chronic offenders.

*Juvenile Traffic Offender Subcommittee*

The subcommittee proposed several small changes in current juvenile traffic law. Some of the changes proposed were 1) a juvenile rule change permitting no contest pleas, 2) a juvenile rule addition permitting payment of first-time traffic offenses that do not cause accidents via a juvenile traffic bureau, and 3) the adoption of new adult rules on suspension points and ranges.

*Resources Subcommittee*

The subcommittee was charged with putting a price tag on the proposed juvenile system. Subcommittee members projected how the new disposition scheme would affect DYS, DRC, and local courts. The subcommittee also worked on projecting how much certain systemic changes, such as a new juvenile competency statute or jury trials for accused Serious Youthful Offenders, would cost.

*Competency Subcommittee*

This subcommittee developed a competency statute to be used for accused juveniles. The subcommittee worked on the procedure by which a child may be found incompetent, the system within which the child may attain competency (once determined incompetent), and the kinds of incompetence that will be given countenance in juvenile court (e.g., by virtue of mental health, developmental delay, or age).

*Records and Confidentiality*

This subcommittee attempted to project the impact the delinquency proposal would have on the overarching confidentiality provisions in juvenile court. The committee considered including a refinement of fingerprinting and photographing procedures, a clarification of the expungement/sealing statute, and a determination as to whether certain juvenile offenders’ records should be presumptively “open.”

*Victims’ Rights*

The subcommittee discussed how to implement Megan’s Law (Sex Offender Registration and Notification) into juvenile courts. The General Assembly was in the process of discussing sex offender registration in H.B. 3, so the subcommittee focused on possible amendments or ways to implement H.B. 3 changes.

**The Juvenile Committee Process<sup>37</sup>**

In developing their recommendations, the Juvenile Committee met for more than forty days over a 30-month period. Chaired by Judge H. J. Bressler, the Committee looked at changes in other states and sought out perspectives of practitioners inside and outside of Ohio. The Committee heard from experts in child development and juvenile competency. Members visited a Department of Youth Services facility in Circleville and discussed offenses, deterrence, and sentencing options with juvenile offenders. The Committee traveled to detention facilities in Hamilton and Butler Counties. The group also visited two alternative schools in Butler County.

While votes on individual details were seldom unanimous, over two-thirds of the Committee supported each major policy decision. Commission staff drafted proposed language for Committee consideration, as well as various reports to inform and guide discussion. The Committee reported out to the Commission throughout the process, with the Commission providing vigorous discussion and guidance to the Committee.

<sup>37</sup> Ohio Criminal Sentencing Commission, *A Proposed Plan for Juvenile Sentencing*, 13 (Fall, 1999), [https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/sentencingRecs/juvenile\\_sentencing.pdf](https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/sentencingRecs/juvenile_sentencing.pdf) (accessed July 16, 2025).



## 6. Commission Recommendations

- a. A Plan for Juvenile Sentencing (S.B. 179, 123<sup>rd</sup> General Assembly, 1999)

In 1998, the General Assembly, through HB 484, extended the deadline for the Commission to submit a comprehensive plan to October 1, 1999. Accordingly, in the Fall of 1999, the Commission approved the comprehensive plan titled *A Proposed Plan for Juvenile Sentencing*.<sup>38</sup> The Plan proposed to drop the minimum age for DYS commitment from 12 to 10, added jury trial rights, created a juvenile traffic bureau, created a mechanism for competency in juvenile court, standardized community sanctions, allowed for community notice of sex offender registration when appropriate, provided for a new chapter to capture unruly children who disobey court orders, provided enhanced parental responsibility for contributing to juvenile delinquency or unruliness, and provided estimates for both fiscal and population impacts of the proposed changes. The Plan would reduce the number of mandatory bindovers to the adult court but introduced three new ideas to Ohio law: blended (“Serious Youthful Offenders”) sentences; extended jurisdiction; and discretionary bindover.<sup>39</sup>

In 1999, the 123<sup>rd</sup> General Assembly passed S.B. 179, incorporating most of A Plan for Juvenile Sentencing. S.B. 179’s effective date was delayed from its passage in 1999 to take effect on January 1, 2002. The reason for the delay was to allow time for training.<sup>40</sup> S.B. 179 moved bindovers, dispositions for juvenile delinquency (both felonies and misdemeanors) and juvenile traffic offenses to a new chapter of the revised code, Chapter 2152. It increased options available to juvenile courts in delinquency cases. Abuse, neglect, dependency, and unruly cases remained under Chapter 2151.

The Commission created the S.B. 179 Outline<sup>41</sup> to educate practitioners on the new R.C. 2152 and the various changes to the juvenile justice system. The Commission, through its staff, also conducted training, and spoke at conferences about the changes to the juvenile system. S.B. 179 Quick Reference Guide<sup>42</sup> was also created to condense the changes into a 2-page document.

38 Ohio Criminal Sentencing Commission, *A Proposed Plan for Juvenile Sentencing* (Fall, 1999), [https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/sentencingRecs/juvenile\\_sentencing.pdf](https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/sentencingRecs/juvenile_sentencing.pdf) (accessed July 16, 2025).

39 Ohio Criminal Sentencing Commission, *A Proposed Plan for Juvenile Sentencing, 14-17* (Fall, 1999), [https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/sentencingRecs/juvenile\\_sentencing.pdf](https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/sentencingRecs/juvenile_sentencing.pdf) (accessed July 16, 2025).

40 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2, (December 14, 2000), [https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/summaries/SB179\\_Manual\\_Outline.pdf](https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/summaries/SB179_Manual_Outline.pdf).

41 Ohio Criminal Sentencing Commission S.B. 179 Outline (June 2001), [https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/summaries/SB179\\_OutlineManual\\_Outline.pdf](https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/summaries/SB179_OutlineManual_Outline.pdf). [https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/sentencingRecs/juvenile\\_sentencing.pdf](https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/sentencingRecs/juvenile_sentencing.pdf) (accessed July 16, 2025).

42 Ohio Criminal Sentencing Commission, *S.B. 179 Quick Reference Guide* (June, 2001), [https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/summaries/SB179\\_Quick\\_Referecne\\_Guide.pdf](https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/summaries/SB179_Quick_Referecne_Guide.pdf).



- b. Clean-up of Comprehensive Plan (H.B. 393, 124th General Assembly, 2002)

The Commission worked with the General Assembly to draft H.B. 393, clean-up legislation to address mechanical issues identified in S.B. 179. The 124<sup>th</sup> General Assembly passed Sub. H.B. 393 in March of 2002. Issues included serious youthful offender sentencing, juvenile sex offender registration, body armor specifications, records and confidentiality, unruly children, and DYS release authority.<sup>43</sup>

- c. 15-Month Review of Comprehensive Plan (No Bill, 2003)

In 2003, the Commission did a 15-month look back on S.B. 179 to determine whether legislative fixes, or judicial training were needed.<sup>44</sup>

- d. Serious Youthful Offenders and Juvenile Traffic Offenders Review (No Bill, 2004)

In 2004, the Commission had in depth discussions regarding a serious youthful offender report by Delaware County Juvenile Judge Hejmanowski<sup>45</sup>. Also in 2004, the Commission discussed juvenile traffic offender issues.<sup>46</sup>

- e. Juvenile Sexual Offenders (No Bill, 2006)

In 2006, the Commission studied juvenile sexual offender issues in the context of federal statutory changes.<sup>47</sup>

- f. Juvenile Sexual Offenders, Serious Youthful Offenders, Competency and Bindovers (No Bill, 2007)

In 2007, the Commission studied issues related to bindovers,<sup>48</sup> serious youthful offenders,<sup>49</sup> juvenile competency<sup>50</sup> and juvenile sexual offenders.<sup>51</sup>

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43 *HB 393 (Juvenile Sentencing Refinements)* (no date) [https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/summaries/hb393\\_summary.pdf](https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/summaries/hb393_summary.pdf).

44 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Agenda,1, (March 20, 2003).

45 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Agenda, 1, (May 20, 2004).

46 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 6, (March 20, 2003), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2003/03202003.pdf>.

47 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 4, (June 15, 2006), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2006/061506.pdf>.

48 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 8, (February 15, 2007), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2007/021507.pdf>.

49 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 4, (January 18, 2007), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2007/010807.pdf>.

50 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 8, (February 15, 2007), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2007/021507.pdf>.

51 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 9, (June 14, 2007), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2007/061407.pdf>.



g. Juvenile Sexual Offenders and Juvenile Restitution (No Bill, 2008)

In 2008, the Commission studied juvenile sexual offenders<sup>52</sup> and juvenile restitution issues.<sup>53</sup>

h. Juvenile Sexual Offenders, Sexting and Texting while driving (No Bill, 2009)

In 2009, the Commission studied juvenile sexting<sup>54</sup> and juvenile texting while driving.<sup>55</sup>

i. Bindover, Deterrence, RECLAIM in the adult system, and Possibility of Eliminating the Juvenile Committee (No Bill, 2010)

In 2010, the Commission learned of new national research around the lack of deterrence that the possibility of bindover made to the juvenile offender.<sup>56</sup> Using the judicial RECLAIM model in the adult system was also discussed at some length.<sup>57</sup> RECLAIM is “a funding initiative which encourages juvenile courts to develop or

purchase a range of community-based options to meet the needs of each juvenile offender or youth at risk of offending. By diverting youth from Ohio Department of Youth Services (DYS) institutions, courts have the opportunity to increase the funds available locally through RECLAIM.”<sup>58</sup>

j. Probation Training for Juvenile Restitution, Juvenile Sexual Offender and Juvenile Competency (2012, H.B. 86, 129<sup>th</sup> General Assembly, 2012)

In 2012, the Commission discussed the need for changes to probation officer training regarding restitution in juvenile cases.<sup>59</sup> In addition, juvenile sexual offender registration was discussed, since a recent case by the Ohio Supreme Court struck down the lifetime registration for juvenile Tier III offenders as cruel and unusual punishment and a violation of due process.<sup>60</sup> Finally, H.B. 86 included language around juvenile competency issues the Commission recommended in 2000.<sup>61</sup>

52 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (July 17, 2008), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2008/071708.pdf>.

53 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 11, (November 19, 2009), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2009/111909.pdf>.

54 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2-3, (April 16, 2009), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2009/041609.pdf>.

55 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2, (April 16, 2009), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2009/041609.pdf>.

56 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 6-8, (July 15, 2010), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2010/071510.pdf>.

57 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 9-10, (September 16, 2010), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2010/091610.pdf>.

58 <https://dys.ohio.gov/courts-and-community/reclaim>

59 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 7-8, (March 15, 2012), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2012/031512.pdf>.

60 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2, (April 12, 2012), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2012/041212.pdf>.

61 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 6, (January 19, 2012), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2012/011912.pdf>.



- k. H.B. 86’s Interagency Task Force on Mental Health and Juvenile Justice findings; RECLAIM in the adult system (No Bill, 2013)

DYS led a discussion about DYS conditions and H.B. 86’s Interagency Task Force on Mental Health and Juvenile Justice findings and resulting changes in the DYS system.<sup>62</sup> ODRC led a discussion about a pilot program using the judicial RECLAIM model in the adult system.<sup>63</sup>

- l. Proposal to transform the Commission into the Ohio Criminal Justice Commission; Appellate review of juvenile life sentences (No Bill, 2014)

In 2014, Chief Justice Maureen O’Connor announced a proposal for expanding the focus of the Commission into a more comprehensive entity to help all the state’s justice system partners to combat crime in an interrelated and multi-dimensional way, including juvenile justice. This would involve replacing the current Sentencing Commission with a new Ohio Criminal Justice Commission in its place.<sup>64</sup> In addition, the Appellate Review Workgroup recommended that a 20-year review would be available for juvenile offenders who were given life by an adult court.<sup>65</sup>

- m. Juvenile Costs and Fees, DYS Presentation, and Mandatory Life Without Parole (No Bill, 2015)

In 2015, the Commission approved the following as Commission priorities: juvenile extended sentence review, mandatory shackling of juvenile offenders, mandatory and discretionary transfer (bindover), mandatory sentences in the juvenile justice system, juvenile court costs and fines, and juvenile confinement credit.<sup>66</sup>

The Commission approved draft statutory changes to R.C. 2152.20, making changes regarding juvenile costs and fees.<sup>67</sup>

The Commission also approved a statutory revision to R.C. 2152.18 regarding confinement credit for juvenile offenders.<sup>68</sup> Proposed changes to R.C. 2152.18 eliminated language that would not apply in the juvenile system, gave credit for any time a juvenile is confined, and allowed the juvenile court to have continuing jurisdiction to consider confinement credit disputes.<sup>69</sup> The bill was introduced as S.B. 63 in the 132<sup>nd</sup> General Assembly in 2017 and was referred to the Judiciary Committee. However, there was no further activity on the bill.

62 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2-7, (January 17, 2013), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2013/011713.pdf>.

63 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2-3, (November 21, 2013), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2013/112013.pdf>.

64 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3-5, (February 20, 2014), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2014/022014.pdf>.

65 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 8, (October 23, 2014), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2014/102314.pdf>.

66 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 9-10, (March 19, 2015), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2015/031915.pdf>.

67 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (August 20, 2015), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2015/082015.pdf>.

68 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2-3, (November 19, 2015), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2015/111915.pdf>.

69 Juvenile Confinement Credit Memo, Summary of Confinement Credit Proposal (FINAL), 2015 Year in Review.



The Commission approved juvenile life without parole proposed language<sup>70</sup> and worked with the General Assembly.<sup>71</sup> As a result, S.B. 272 was introduced to the General Assembly in 2016 and referred to the Judiciary Committee. However, there was no further activity on the bill. Similarly, H.B. 521 of the 131st General Assembly was passed by the House yet had no further activity. Finally, similar language was included with Substitute S.B. 256 passed in 2021 by the 133rd General Assembly.

The Commission also heard from DYS about offense admission data, serious youth offenders, mandatory sentencing, early releases, recidivism, and reentry.<sup>72</sup>

Senator Bill Seitz sent an inquiry to the Commission regarding California law S.B. 260, which addresses life without parole for juvenile offenders, and asked whether Ohio should consider something similar. After extensive discussion, the Commission decided to tell Senator Seitz that it had no objection to considering the type of proposal utilized in California for juvenile offenders with sentences of life without parole.<sup>73</sup>

Finally, the Commission made further revisions to R.C. 2152.20 regarding restitution in juvenile cases.<sup>74</sup>

n. Bindover (No Bill, 2016)

In 2016, the Commission also reviewed R.C. 2152.10 and 2152.12 to identify ways to improve the current system of juvenile transfer (bindover) to adult court.<sup>75</sup> The proposed statutory changes approved by the Commission<sup>76</sup> would eliminate the mandatory transfer of juveniles to adult court for crimes, making all transfer decisions discretionary with the trial court, and combine the factors considered by a judge in determining whether or not to transfer a juvenile to adult court to ensure that decisions are made based upon the offender’s conduct and condition and not a simple weighing of factors. This was introduced in S.B. 64 of the 132<sup>nd</sup> General Assembly and referred to the Judiciary Committee. Similarly, H.B. 394 of the 132<sup>nd</sup> General Assembly was introduced and referred to the House Criminal Justice Committee. There was no further activity with either bill.

In addition, the Committee decided not to pursue revisions to Juvenile Sexual Offender laws,<sup>77</sup> but focus instead on probation, sexting, and sentence (dispositional) structure.<sup>78</sup>

70 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2-3, (November 19, 2015), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2015/111915.pdf>.

71 Summary of Juvenile Life without Parole (JLWOP) Proposal

72 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3-7, (January 15, 2015), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2015/011515.pdf>.

73 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 7-8, (January 15, 2015), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2015/011515.pdf>.

74 Summary of Costs, Fees, and Restitution Proposal

75 Summary of Bindover Proposal, 2016.

76 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2, (September 22, 2016), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2016/092216.pdf>.

77 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 5, (March 15, 2016), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2016/031516.pdf>.

78 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (December 15, 2016), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2016/121516.pdf>.



o. Juvenile Traffic Offenders 2017  
(No Bill, 2017)

In 2017, the Commission approved a revision to RC 2152.19 to clarify that at the time of sentencing, the suspension of a driver’s license is discretionary.<sup>79</sup> Representative Rezabek noted he has the language drafted but hasn’t yet identified a bill for it.<sup>80</sup> The Commission unanimously voted to advance the recommendation of revision.<sup>81</sup>

p. Juvenile Delinquency (No Bill, 2018)

In 2018, the Committee discussed the best approach to systemic juvenile probation reform

and the collection/analysis of juvenile justice data.<sup>82</sup> Additionally, the Committee voted to seek funding for a proposed study of juvenile sentencing practices in Ohio. A small workgroup was formed to look for revenue streams to cover the cost of the study, estimated to be approximately \$60,000.<sup>83</sup>

q. School Safety Funding (No Bill, 2019)

In 2019, the Commission approved a policy statement on school safety initiative funding as advisory since a quorum was not present.<sup>84</sup>

## 7. Juvenile Committee Eliminated from Enabling Statute R.C. 181.21(D) and 181.26

In 2020, S.B.331 of the 133<sup>rd</sup> General Assembly was the culmination of the work of the General Assembly’s Sunset Review Committee. S.B. 331 repealed both R.C. 181.21(D) and R.C. 181.26 from the Ohio Revised Code. These code sections statutorily mandated a standing Juvenile Justice Committee within the Ohio Criminal Sentencing Commission and delineated the Juvenile Justice Committee’s duties and responsibilities.

The amendment to S.B. 331 that eliminated the Juvenile Justice Committee was first introduced during the lame duck session of the 133<sup>rd</sup> General Assembly. The bill was first introduced on 6/24/2020, passed in the Senate on 12/2/2020, passed in the House on 12/17/2020, and the

Senate concurred with the House amendment on 12/18/2020. The amendment was introduced by the House State and Local Government Committee on 12/8/2020, a mere ten days before the bill was formally passed. Former Director Sara Andrews completed a Sunset Review Committee Questionnaire and offered testimony in support of her response contained in that questionnaire. The elimination of the Juvenile Justice Committee is not mentioned or discussed in either the questionnaire or in the written testimony document. Aside from one Ohio Legislative Service Commission summary document, there was no public mention or discussion of the elimination of the Juvenile Justice Committee in the General Assembly record.

79 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (September 21, 2017), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2017/092117.pdf>.

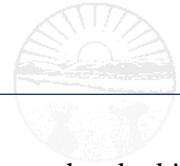
80 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (September 21, 2017), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2017/092117.pdf>.

81 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (September 21, 2017), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2017/092117.pdf>.

82 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 4, (March 15, 2018), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2018/031518.pdf>.

83 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 1, (September 27, 2018), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2018/092718.pdf>

84 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (March 3, 2019), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2019/032119.pdf>.



The only public mention or discussion of the elimination of the Juvenile Justice Committee at an Ohio Criminal Sentencing Commission

meeting was on 12/17/2020, the same day the bill passed in the House.

## 8. Juvenile Committee Reestablished

After a few years absence, the Juvenile Committee was reconstructed and began meeting in 2023. Chaired initially by Judge Hellen Wallace of the Montgomery County Juvenile Court and currently by Judge Robert DeLamatre of Erie County Juvenile Court, the Committee worked with the 135<sup>th</sup> General Assembly to reintroduce the juvenile language into the Commission enabling statutes, R.C. 181.21 and 181.26 in 2024 with H.B. 310 of the 135<sup>th</sup> General Assembly.

To date, the Committee has discussed potential priorities, confinement credit issues, youth transfer to adult prison (bindover), juvenile data, and judicial resource needs. The Committee has given feedback to the General Assembly on proposed bills involving juvenile justice matters, i.e. Representative Williams bill

H.B. 314, 135<sup>th</sup> General Assembly, regarding transfer to adult court (bindover).<sup>85</sup> The Committee and Commission have also approved an unconstitutional code memo regarding R.C. 2152.86 which was sent to the General Assembly in 2024.<sup>86</sup> Finally, the 2025 Monitoring Sentencing Reform Report now includes juvenile justice data.<sup>87</sup>

Current work includes drafting judicial resources for dispositions, including DYS term commitments, fines, nonlegal records for bindovers, and a section aiding judges determining between traditional juvenile dispositions, transfers and serious youthful offenders. A ten-year review of juvenile appellate cases is also under consideration, as is this juvenile history.

## 9. Conclusion

Juvenile justice is a balancing act between often competing goals of providing for the care, protection, and mental and physical development of children; protecting the public interest and safety; “holding the offender accountable for the offender’s actions; “restoring the victim;” and “rehabilitating the offender.”<sup>88</sup> The Commission’s breadth of expertise and commitment to the

deliberative process is an exceptional asset in Ohio. The Commission serves in a unique position between the three branches of government, legislative, judicial and executive, providing research, data, and expertise in crafting judicial justice matters to the betterment of all Ohioans.

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85 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (February 15, 2024), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2024/021524.pdf>.

86 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (May 16, 2024), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2024/051624.pdf>.

87 Ohio Criminal Sentencing Commission, 2025 Monitoring Sentencing Reform Report (2025), [https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/HB1/MonitoringSentencingReform\\_2025.pdf](https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/HB1/MonitoringSentencingReform_2025.pdf)

88 R.C. 2152.01.