

**As Introduced**

**128th General Assembly  
Regular Session  
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**S. B. No. 142**

**Senator Miller, R.**

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**A B I L L**

To amend section 2152.19 of the Revised Code to 1  
require that any privately run non-Ohio school, 2  
camp, institution, or other facility to which Ohio 3  
delinquent children are committed comply with the 4  
same standards that are applicable to in-state 5  
schools, camps, institutions, or other facilities. 6

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

**Section 1.** That section 2152.19 of the Revised Code be 7  
amended to read as follows: 8

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 9  
child, the court may make any of the following orders of 10  
disposition, in addition to any other disposition authorized or 11  
required by this chapter: 12

(1) Any order that is authorized by section 2151.353 of the 13  
Revised Code for the care and protection of an abused, neglected, 14  
or dependent child; 15

(2) Commit the child to the temporary custody of any school, 16  
camp, institution, or other facility operated for the care of 17  
delinquent children by the county, by a district organized under 18  
section 2152.41 or 2151.65 of the Revised Code, or by a private 19  
agency or organization, within ~~or without~~ the state, that is 20

authorized and qualified to provide the care, treatment, or 21  
placement required, including, but not limited to, a school, camp, 22  
or facility operated under section 2151.65 of the Revised Code~~+~~. A 23  
child also may be committed to the temporary custody of any 24  
school, camp, institution, or other facility for the care of 25  
delinquent children that is located outside of this state and that 26  
is operated by a private agency or organization. Any such school, 27  
camp, institution, or other facility that is located outside of 28  
this state shall comply with all standards established under the 29  
Revised Code or rule that are applicable to a school, camp, 30  
institution, or other facility operated within this state. No 31  
public money shall be expended for the commitment of a child to 32  
the temporary custody of any school, camp, institution, or other 33  
facility that is located outside of this state that does not 34  
comply with those standards. 35

(3) Place the child in a detention facility or district 36  
detention facility operated under section 2152.41 of the Revised 37  
Code, for up to ninety days; 38

(4) Place the child on community control under any sanctions, 39  
services, and conditions that the court prescribes. As a condition 40  
of community control in every case and in addition to any other 41  
condition that it imposes upon the child, the court shall require 42  
the child to abide by the law during the period of community 43  
control. As referred to in this division, community control 44  
includes, but is not limited to, the following sanctions and 45  
conditions: 46

(a) A period of basic probation supervision in which the 47  
child is required to maintain contact with a person appointed to 48  
supervise the child in accordance with sanctions imposed by the 49  
court; 50

(b) A period of intensive probation supervision in which the 51  
child is required to maintain frequent contact with a person 52

appointed by the court to supervise the child while the child is 53  
seeking or maintaining employment and participating in training, 54  
education, and treatment programs as the order of disposition; 55

(c) A period of day reporting in which the child is required 56  
each day to report to and leave a center or another approved 57  
reporting location at specified times in order to participate in 58  
work, education or training, treatment, and other approved 59  
programs at the center or outside the center; 60

(d) A period of community service of up to five hundred hours 61  
for an act that would be a felony or a misdemeanor of the first 62  
degree if committed by an adult, up to two hundred hours for an 63  
act that would be a misdemeanor of the second, third, or fourth 64  
degree if committed by an adult, or up to thirty hours for an act 65  
that would be a minor misdemeanor if committed by an adult; 66

(e) A requirement that the child obtain a high school 67  
diploma, a certificate of high school equivalence, vocational 68  
training, or employment; 69

(f) A period of drug and alcohol use monitoring; 70

(g) A requirement of alcohol or drug assessment or 71  
counseling, or a period in an alcohol or drug treatment program 72  
with a level of security for the child as determined necessary by 73  
the court; 74

(h) A period in which the court orders the child to observe a 75  
curfew that may involve daytime or evening hours; 76

(i) A requirement that the child serve monitored time; 77

(j) A period of house arrest without electronic monitoring or 78  
continuous alcohol monitoring; 79

(k) A period of electronic monitoring or continuous alcohol 80  
monitoring without house arrest, or house arrest with electronic 81  
monitoring or continuous alcohol monitoring or both electronic 82

monitoring and continuous alcohol monitoring, that does not exceed 83  
the maximum sentence of imprisonment that could be imposed upon an 84  
adult who commits the same act. 85

A period of house arrest with electronic monitoring or 86  
continuous alcohol monitoring or both electronic monitoring and 87  
continuous alcohol monitoring, imposed under this division shall 88  
not extend beyond the child's twenty-first birthday. If a court 89  
imposes a period of house arrest with electronic monitoring or 90  
continuous alcohol monitoring or both electronic monitoring and 91  
continuous alcohol monitoring, upon a child under this division, 92  
it shall require the child: to remain in the child's home or other 93  
specified premises for the entire period of house arrest with 94  
electronic monitoring or continuous alcohol monitoring or both 95  
except when the court permits the child to leave those premises to 96  
go to school or to other specified premises. Regarding electronic 97  
monitoring, the court also shall require the child to be monitored 98  
by a central system that can determine the child's location at 99  
designated times; to report periodically to a person designated by 100  
the court; and to enter into a written contract with the court 101  
agreeing to comply with all requirements imposed by the court, 102  
agreeing to pay any fee imposed by the court for the costs of the 103  
house arrest with electronic monitoring, and agreeing to waive the 104  
right to receive credit for any time served on house arrest with 105  
electronic monitoring toward the period of any other dispositional 106  
order imposed upon the child if the child violates any of the 107  
requirements of the dispositional order of house arrest with 108  
electronic monitoring. The court also may impose other reasonable 109  
requirements upon the child. 110

Unless ordered by the court, a child shall not receive credit 111  
for any time served on house arrest with electronic monitoring or 112  
continuous alcohol monitoring or both toward any other 113  
dispositional order imposed upon the child for the act for which 114

was imposed the dispositional order of house arrest with 115  
electronic monitoring or continuous alcohol monitoring. As used in 116  
this division and division (A)(4)(1) of this section, "continuous 117  
alcohol monitoring" has the same meaning as in section 2929.01 of 118  
the Revised Code. 119

(1) A suspension of the driver's license, probationary 120  
driver's license, or temporary instruction permit issued to the 121  
child for a period of time prescribed by the court, or a 122  
suspension of the registration of all motor vehicles registered in 123  
the name of the child for a period of time prescribed by the 124  
court. A child whose license or permit is so suspended is 125  
ineligible for issuance of a license or permit during the period 126  
of suspension. At the end of the period of suspension, the child 127  
shall not be reissued a license or permit until the child has paid 128  
any applicable reinstatement fee and complied with all 129  
requirements governing license reinstatement. 130

(5) Commit the child to the custody of the court; 131

(6) Require the child to not be absent without legitimate 132  
excuse from the public school the child is supposed to attend for 133  
five or more consecutive days, seven or more school days in one 134  
school month, or twelve or more school days in a school year; 135

(7)(a) If a child is adjudicated a delinquent child for being 136  
a chronic truant or a habitual truant who previously has been 137  
adjudicated an unruly child for being a habitual truant, do either 138  
or both of the following: 139

(i) Require the child to participate in a truancy prevention 140  
mediation program; 141

(ii) Make any order of disposition as authorized by this 142  
section, except that the court shall not commit the child to a 143  
facility described in division (A)(2) or (3) of this section 144  
unless the court determines that the child violated a lawful court 145

order made pursuant to division (C)(1)(e) of section 2151.354 of 146  
the Revised Code or division (A)(6) of this section. 147

(b) If a child is adjudicated a delinquent child for being a 148  
chronic truant or a habitual truant who previously has been 149  
adjudicated an unruly child for being a habitual truant and the 150  
court determines that the parent, guardian, or other person having 151  
care of the child has failed to cause the child's attendance at 152  
school in violation of section 3321.38 of the Revised Code, do 153  
either or both of the following: 154

(i) Require the parent, guardian, or other person having care 155  
of the child to participate in a truancy prevention mediation 156  
program; 157

(ii) Require the parent, guardian, or other person having 158  
care of the child to participate in any community service program, 159  
preferably a community service program that requires the 160  
involvement of the parent, guardian, or other person having care 161  
of the child in the school attended by the child. 162

(8) Make any further disposition that the court finds proper, 163  
except that the child shall not be placed in any of the following: 164

(a) A state correctional institution, a county, multicounty, 165  
or municipal jail or workhouse, or another place in which an adult 166  
convicted of a crime, under arrest, or charged with a crime is 167  
held; 168

(b) A community corrections facility, if the child would be 169  
covered by the definition of public safety beds for purposes of 170  
sections 5139.41 to 5139.43 of the Revised Code if the court 171  
exercised its authority to commit the child to the legal custody 172  
of the department of youth services for institutionalization or 173  
institutionalization in a secure facility pursuant to this 174  
chapter. 175

(B) If a child is adjudicated a delinquent child, in addition 176

to any order of disposition made under division (A) of this 177  
section, the court, in the following situations and for the 178  
specified periods of time, shall suspend the child's temporary 179  
instruction permit, restricted license, probationary driver's 180  
license, or nonresident operating privilege, or suspend the 181  
child's ability to obtain such a permit: 182

(1) If the child is adjudicated a delinquent child for 183  
violating section 2923.122 of the Revised Code, impose a class 184  
four suspension of the child's license, permit, or privilege from 185  
the range specified in division (A)(4) of section 4510.02 of the 186  
Revised Code or deny the child the issuance of a license or permit 187  
in accordance with division (F)(1) of section 2923.122 of the 188  
Revised Code. 189

(2) If the child is adjudicated a delinquent child for 190  
committing an act that if committed by an adult would be a drug 191  
abuse offense or for violating division (B) of section 2917.11 of 192  
the Revised Code, suspend the child's license, permit, or 193  
privilege for a period of time prescribed by the court. The court, 194  
in its discretion, may terminate the suspension if the child 195  
attends and satisfactorily completes a drug abuse or alcohol abuse 196  
education, intervention, or treatment program specified by the 197  
court. During the time the child is attending a program described 198  
in this division, the court shall retain the child's temporary 199  
instruction permit, probationary driver's license, or driver's 200  
license, and the court shall return the permit or license if it 201  
terminates the suspension as described in this division. 202

(C) The court may establish a victim-offender mediation 203  
program in which victims and their offenders meet to discuss the 204  
offense and suggest possible restitution. If the court obtains the 205  
assent of the victim of the delinquent act committed by the child, 206  
the court may require the child to participate in the program. 207

(D)(1) If a child is adjudicated a delinquent child for 208

committing an act that would be a felony if committed by an adult 209  
and if the child caused, attempted to cause, threatened to cause, 210  
or created a risk of physical harm to the victim of the act, the 211  
court, prior to issuing an order of disposition under this 212  
section, shall order the preparation of a victim impact statement 213  
by the probation department of the county in which the victim of 214  
the act resides, by the court's own probation department, or by a 215  
victim assistance program that is operated by the state, a county, 216  
a municipal corporation, or another governmental entity. The court 217  
shall consider the victim impact statement in determining the 218  
order of disposition to issue for the child. 219

(2) Each victim impact statement shall identify the victim of 220  
the act for which the child was adjudicated a delinquent child, 221  
itemize any economic loss suffered by the victim as a result of 222  
the act, identify any physical injury suffered by the victim as a 223  
result of the act and the seriousness and permanence of the 224  
injury, identify any change in the victim's personal welfare or 225  
familial relationships as a result of the act and any 226  
psychological impact experienced by the victim or the victim's 227  
family as a result of the act, and contain any other information 228  
related to the impact of the act upon the victim that the court 229  
requires. 230

(3) A victim impact statement shall be kept confidential and 231  
is not a public record. However, the court may furnish copies of 232  
the statement to the department of youth services if the 233  
delinquent child is committed to the department or to both the 234  
adjudicated delinquent child or the adjudicated delinquent child's 235  
counsel and the prosecuting attorney. The copy of a victim impact 236  
statement furnished by the court to the department pursuant to 237  
this section shall be kept confidential and is not a public 238  
record. If an officer is preparing pursuant to section 2947.06 or 239  
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 240

investigation report pertaining to a person, the court shall make 241  
available to the officer, for use in preparing the report, a copy 242  
of any victim impact statement regarding that person. The copies 243  
of a victim impact statement that are made available to the 244  
adjudicated delinquent child or the adjudicated delinquent child's 245  
counsel and the prosecuting attorney pursuant to this division 246  
shall be returned to the court by the person to whom they were 247  
made available immediately following the imposition of an order of 248  
disposition for the child under this chapter. 249

The copy of a victim impact statement that is made available 250  
pursuant to this division to an officer preparing a criminal 251  
presentence investigation report shall be returned to the court by 252  
the officer immediately following its use in preparing the report. 253

(4) The department of youth services shall work with local 254  
probation departments and victim assistance programs to develop a 255  
standard victim impact statement. 256

(E) If a child is adjudicated a delinquent child for being a 257  
chronic truant or a habitual truant who previously has been 258  
adjudicated an unruly child for being a habitual truant and the 259  
court determines that the parent, guardian, or other person having 260  
care of the child has failed to cause the child's attendance at 261  
school in violation of section 3321.38 of the Revised Code, in 262  
addition to any order of disposition it makes under this section, 263  
the court shall warn the parent, guardian, or other person having 264  
care of the child that any subsequent adjudication of the child as 265  
an unruly or delinquent child for being a habitual or chronic 266  
truant may result in a criminal charge against the parent, 267  
guardian, or other person having care of the child for a violation 268  
of division (C) of section 2919.21 or section 2919.24 of the 269  
Revised Code. 270

(F)(1) During the period of a delinquent child's community 271  
control granted under this section, authorized probation officers 272

who are engaged within the scope of their supervisory duties or 273  
responsibilities may search, with or without a warrant, the person 274  
of the delinquent child, the place of residence of the delinquent 275  
child, and a motor vehicle, another item of tangible or intangible 276  
personal property, or other real property in which the delinquent 277  
child has a right, title, or interest or for which the delinquent 278  
child has the express or implied permission of a person with a 279  
right, title, or interest to use, occupy, or possess if the 280  
probation officers have reasonable grounds to believe that the 281  
delinquent child is not abiding by the law or otherwise is not 282  
complying with the conditions of the delinquent child's community 283  
control. The court that places a delinquent child on community 284  
control under this section shall provide the delinquent child with 285  
a written notice that informs the delinquent child that authorized 286  
probation officers who are engaged within the scope of their 287  
supervisory duties or responsibilities may conduct those types of 288  
searches during the period of community control if they have 289  
reasonable grounds to believe that the delinquent child is not 290  
abiding by the law or otherwise is not complying with the 291  
conditions of the delinquent child's community control. The court 292  
also shall provide the written notice described in division (E)(2) 293  
of this section to each parent, guardian, or custodian of the 294  
delinquent child who is described in that division. 295

(2) The court that places a child on community control under 296  
this section shall provide the child's parent, guardian, or other 297  
custodian with a written notice that informs them that authorized 298  
probation officers may conduct searches pursuant to division 299  
(E)(1) of this section. The notice shall specifically state that a 300  
permissible search might extend to a motor vehicle, another item 301  
of tangible or intangible personal property, or a place of 302  
residence or other real property in which a notified parent, 303  
guardian, or custodian has a right, title, or interest and that 304  
the parent, guardian, or custodian expressly or impliedly permits 305

the child to use, occupy, or possess. 306

(G) If a juvenile court commits a delinquent child to the 307  
custody of any person, organization, or entity pursuant to this 308  
section and if the delinquent act for which the child is so 309  
committed is a sexually oriented offense or is a child-victim 310  
oriented offense, the court in the order of disposition shall do 311  
one of the following: 312

(1) Require that the child be provided treatment as described 313  
in division (A)(2) of section 5139.13 of the Revised Code; 314

(2) Inform the person, organization, or entity that it is the 315  
preferred course of action in this state that the child be 316  
provided treatment as described in division (A)(2) of section 317  
5139.13 of the Revised Code and encourage the person, 318  
organization, or entity to provide that treatment. 319

**Section 2.** That existing section 2152.19 of the Revised Code 320  
is hereby repealed. 321