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Bill Analysis
Legislative Service Commission

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BILL SUMMARY

- Requires a court to impose a mandatory prison term upon a person convicted of any felony when the offender also is convicted of a body armor specification enacted in the bill that charges the offender with wearing or carrying body armor while committing the felony.
- Provides that the new mandatory prison term described in the preceding paragraph is either one, two, three, five, or six years, depending upon whether the court imposes an existing mandatory firearms specification prison term and the nature of any term so imposed.
- Provides that a person convicted of a felony who is sentenced to a new mandatory prison term under the provision described in the preceding paragraph is eligible for a judicial release after the offender has served the new mandatory prison term.
- Provides that, if a child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult, if the court commits the child to Department of Youth Services' custody, and if the court also determines that the child, if the child was an adult, would be guilty of a body armor specification enacted in the bill, the juvenile court may commit the child to the Department for an additional period of commitment.
- Provides that the additional period of commitment described in the preceding paragraph is either one, two, three, or six years, depending upon whether the court imposes an existing firearms specification commitment to the Department and the nature of any commitment so imposed.

- Expands the application of existing provisions related to the placement of certain delinquent children in foster care so that they also apply to any delinquent child whose delinquent act would be a felony if committed by an adult and whom the court determines is guilty of a body armor specification enacted in the bill or a specification under another Revised Code provision that relates to the wearing or carrying of body armor during the commission of the delinquent act.
- Defines "body armor," for use throughout its provisions, as any vest, helmet, shield, or similar item that is designed or specifically carried to diminish the impact of a bullet or projectile upon the offender's body.

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CONTENT AND OPERATION

Introduction

The bill extends specified provisions of existing law that pertain to the treatment of criminal offenders or delinquent children so that they also apply to an offender or delinquent child who, while wearing or carrying "body armor" (see "*Definition of body armor*," below) commits a felony or an act that would be a felony if committed by an adult.

Body armor specification

The bill enacts a new "specification" that relates to an offender's wearing or carrying of *body armor* (see "**Definition of body armor**," below) while committing an offense. The bill provides that imposition of a one, two, three, five, or six-year mandatory prison term under the bill as described below in "**Mandatory prison term for convicted felons**" is precluded unless the indictment, count in the indictment, or information charging the offense specifies that the offender wore or carried body armor while committing the offense. The specification must be stated at the end of the body of the indictment, count, or information and must be stated in a specified form indicated in the bill. (R.C. 2941.1411.)

Definition of body armor

The bill defines "body armor," for use throughout its provisions, as any vest, helmet, shield, or similar item that is designed or specifically carried to diminish the impact of a bullet or projectile upon the offender's body (R.C. 2151.62(I) and 2941.1411(B)).

Mandatory prison term for convicted felons

Existing law

Under the existing Felony Sentencing Law, a court that is sentencing a person convicted of a criminal offense that is a felony, other than one for which a term of life imprisonment is required, generally has the discretion to impose upon the offender a prison term or one or more community control sanctions, consisting of community residential sanctions, nonresidential sanctions, and financial sanctions. The discretion is "guided" by specified principles and purposes of sentencing with which the court must comply, specified factors that the court must consider, and specified procedures and presumptions with which the court must comply. (R.C. 2919.11 to 2919.19.)

For certain offenses, though, a court sentencing a person convicted of a felony must impose a prison term on the offender and cannot reduce the term pursuant to a judicial release, earned credits, or any other provision of R.C. Chapter 2967. or 5120. This prison term is referred to as a "mandatory prison term." Generally, a mandatory prison term is imposed from the range of terms authorized for the particular degree of offense under R.C. 2929.14 and in accordance with criteria set forth in that section. (R.C. 2929.13(F) and 2929.14.) The offenses for which a mandatory prison term is required under existing law are identified in **COMMENT 1**.

Operation of the bill

The bill requires a court to impose a mandatory prison term on a person convicted of any felony when the offender wore or carried *body armor* while committing the felony. Under the bill, if an offender who is convicted of a felony also is convicted of the *body armor specification* enacted in the bill that charges the offender with wearing or carrying body armor while committing the felony, the court must impose on the offender a mandatory prison term as follows: (1) if the court does not impose on the offender a mandatory firearms specification prison term under existing law, a prison term of one, two, or five years, (2) if the court also imposes upon the offender a one-year mandatory firearms specification prison term as a result of the offender being convicted of an R.C. 2941.141 firearms specification, a prison term of one year, (3) if the court also imposes upon the offender a six-year mandatory firearms specification prison term as a result of the offender being convicted of an R.C. 2941.144 firearms specification, a prison term of six years, (4) if the court also imposes upon the offender a three-year mandatory firearms specification prison term as a result of the offender being convicted of an R.C. 2941.145 firearms specification, a prison term of three years, and (5) if the court also imposes upon the offender a five-year mandatory firearms specification prison term as a result of the offender being convicted of an R.C. 2941.146 firearms specification, a prison term of five years (see **COMMENT 2** for a discussion of the law governing firearms specification mandatory prison terms).

If a court imposes a mandatory body armor specification prison term under this provision of the bill, the mandatory term cannot be reduced by judicial release, earned credits, or any other provision of R.C. Chapter 2967. or 5120. A court may not impose more than one body armor specification prison term under this provision of the bill for felonies committed as part of the same act or transaction.

If a court imposes a mandatory body armor specification prison term under this provision of the bill, the offender must serve the mandatory prison term consecutively to, and prior to, any firearms specification mandatory prison term imposed under existing law, and consecutively to any other prison term previously, simultaneously, or subsequently imposed upon the offender. Regarding the consecutive terms, the term to be served is the aggregate of all the terms imposed consecutively. (R.C. 2929.13(F)(8) and 2929.14(D)(5), (E)(5), and (E)(6).)

Judicial release

Existing law

Existing law permits a court that sentenced a convicted felon to a prison term to reduce the prison term, upon the motion of the offender and if the offender is an "eligible offender" (see below), through a *judicial release*. An eligible

offender may file a motion for judicial release within the following applicable period of time: (1) if the prison term was imposed for a felony of the fourth or fifth degree, not earlier than 30 days or later than 90 days after the offender is delivered to a state correctional institution, (2) except as otherwise provided in clause (3), if the prison term was imposed for a felony of the first, second, or third degree, not earlier than 180 days after the offender is delivered to a state correctional institution, (3) if the prison term is five years or more and less than ten years, after the eligible offender has served five years of the prison term, or (4) if the offender was sentenced to a firearms specification mandatory prison term under R.C. 2929.14(D)(1) and a consecutive prison term other than a mandatory prison term that is ten years or less, within the time authorized under clause (1), (2), or (3) for the felony for which the prison term other than the mandatory prison term was imposed, but the time for filing the motion does not begin to run until after the expiration of the mandatory prison term.

Upon receipt of a timely motion for judicial release or upon the sentencing court's own motion, the court may schedule a hearing on the motion. The court may deny the motion without a hearing but cannot grant the motion in any case without a hearing. If a court denies a motion without a hearing, it may consider a subsequent judicial release for that eligible offender on its own motion or a subsequent motion for judicial release filed by that eligible offender. If a court denies a motion after a hearing, the court cannot consider a subsequent motion for that eligible offender. A court may hold only one hearing for any eligible offender. Existing law sets forth procedures that govern the conduct of the hearing. Existing law imposes restrictions on the judicial release of an eligible offender who is imprisoned for a felony of the first or second degree, or who committed an offense contained in R.C. Chapter 2925. or 3719. and for whom there was a presumption under R.C. 2929.13 in favor of a prison term.

If the court grants a motion for judicial release, it must order the release of the eligible offender, place the eligible offender under an appropriate community control sanction, under a mandatory firearms condition as described in R.C. 2967.131(A), and under the supervision of the department of probation serving the court, and must reserve the right to reimpose the sentence that it reduced pursuant to the judicial release if the offender violates the sanction. If the court reimposes the reduced sentence pursuant to this reserved right, it may do so either concurrently with, or consecutive to, any new sentence imposed upon the eligible offender as a result of the violation. The period of the community control sanction cannot exceed five years.

As used in the judicial release law, "eligible offender" means any of the following: (1) a person who has been convicted of a felony, who is serving a stated prison term of ten years or less, and who is not serving a mandatory prison

term, (2) a person who has been convicted of a felony, who was sentenced to a mandatory prison term and another prison term of ten years or less, and who has served the mandatory prison term, and (3) a person who has been convicted of a felony, who was sentenced to a firearms specification mandatory prison term pursuant to R.C. 2929.14(D)(1) and another prison term of ten years or less, who is required by R.C. 2929.14(E)(1) to serve the mandatory prison term and the other prison term consecutively, and who has served the mandatory prison term. "Eligible offender" does not include any of the following: (1) a person who has been convicted of a felony, who was sentenced to a mandatory prison term pursuant to R.C. 2929.14(D)(2) or (3) and another prison term of ten years or less, and who is required by R.C. 2929.14(E)(2), (3), or (4) to serve the mandatory prison term and the other prison term consecutively, whether or not the person has served the mandatory prison term, or (2) a person who has been convicted of a felony, who was sentenced to a mandatory prison term pursuant to R.C. 2929.14(D)(1) and (2) or R.C. 2929.14(D)(3) and another prison term of ten years or less, and who is required by R.C. 2929.14(E)(1), (2), (3), or (4) to serve any of the mandatory prison terms and the other prison term consecutively, whether or not the person has served the mandatory prison terms. (R.C. 2929.20.)

Operation of the bill

The bill expands the definition of "eligible offender" that applies relative to the law governing judicial releases so that it also includes a person who has been convicted of a felony, who was sentenced to a mandatory prison term pursuant to the bill's provision requiring mandatory prison terms for persons who wore or carried *body armor* while committing a felony (see "**Mandatory prison term for convicted felons**," above), and who has served the mandatory prison term. By classifying a convicted felon in those circumstances as an eligible offender, the bill will make the offender eligible for judicial release in those circumstances, in accordance with the existing judicial release procedures and criteria. (R.C. 2929.20(A)(1)(c).)

Department of Youth Services institutionalization for delinquent children

Existing law

Under the existing Juvenile Code, if a child is adjudicated a delinquent child, the juvenile court may make any of a list of authorized orders of disposition. Some of the authorized orders of disposition permit the court to commit the delinquent child to the Department of Youth Services (DYS) for a specified period of time, depending upon the circumstances present--these DHS orders are described below. The rest of the authorized orders permit the court to impose other sanctions that do not involve a commitment to DHS--these non-DYS orders,

and certain other orders that require the court to impose certain non-DYS commitment dispositions in specified circumstances, are described in **COMMENT 3**. The authorized orders of commitment to DHS provide as follows (R.C. 2151.355(A)(4) to (7)):

(1) If the child's delinquent act would be a felony of the third, fourth, or fifth degree if committed by an adult or if it is underage purchase of a firearm in violation of R.C. 2923.211, the court may commit the child to DHS's legal custody for institutionalization for an indefinite term consisting of a minimum period of six months and a maximum period not to exceed the child's attainment of 21.

(2) If the child's delinquent act if committed by an adult would be voluntary manslaughter, kidnapping, aggravated arson, aggravated robbery, involuntary manslaughter based on the commission of a felony, or rape other than when the sexual conduct or insertion involved was consensual and when the victim of the violation was older than, the same age as, or less than three years younger than the delinquent child, the court may commit the child to DHS's legal custody for institutionalization in a secure facility for an indefinite term consisting of a minimum period of one to three years, as prescribed by the court, and a maximum period not to exceed the child's attainment of 21.

(3) If the child's delinquent act is an attempt to commit an act that if committed by an adult would be aggravated murder or murder, the court may commit the child to DHS's legal custody for institutionalization in a secure facility for an indefinite term consisting of a minimum period of six to seven years, as prescribed by the court, and a maximum period not to exceed the child's attainment of 21.

(4) If the child's delinquent act is not described in paragraph (2) or (3), above, and would be a felony of the first or second degree if committed by an adult, the court may commit the child to DHS's legal custody for institutionalization in a secure facility for an indefinite term consisting of a minimum period of one year and a maximum period not to exceed the child's attainment of 21.

(5) If the child's delinquent act if committed by an adult would be aggravated murder or murder, the court may commit the child to DHS's legal custody for institutionalization in a secure facility until the child's attainment of 21.

(6) If the child's delinquent act would be a felony if committed by an adult, other than carrying a concealed weapon, if the child is committed to DHS's legal custody as described above in paragraphs (1) to (5), and if the juvenile court determines that the child, if the child was an adult, would be guilty of a firearms

mandatory prison term specification (see **COMMENT 2**) in relation to the act for which the child was adjudicated a delinquent child, the court may commit the child to DYS's legal custody for institutionalization in a secure facility for the following period of time: (a) if the child would be guilty of a specification of the type set forth in R.C. 2941.141, a period of one year, or (b) if the child would be guilty of a specification of the type set forth in R.C. 2941.144, 2941.145, or 2941.146, a period of three years. The court cannot commit a child to DYS's legal custody under this provision for a period of time that exceeds three years; the period of commitment imposed under this provision is in addition to, and must be served consecutively with and prior to, a period of commitment ordered pursuant to the provisions described above in (1) to (5), provided that the total of all the periods of commitment cannot exceed the child's attainment of 21.

(7) If the child's delinquent act is a category one offense or a category two offense, if the child is committed to DYS's legal custody pursuant to the provisions described above in (2) to (5), and if the court determines that the child, if the child was an adult, would be guilty of a gang-related offense specification in relation to the act for which the child was adjudicated a delinquent child, the court must commit the child to DYS's legal custody for institutionalization in a secure facility for a period of not less than one year or more than three years, subject to division (A)(7)(c) of this section. The court cannot commit a child to DYS's legal custody under this provision for a period of time that exceeds three years; the period of commitment imposed under this provision is in addition to, and must be served consecutively with and prior to, a period of commitment ordered pursuant to the provisions described above in (2) to (5), provided that the total of all the periods of commitment cannot exceed the child's attainment of 21.

If, pursuant to the above-described provisions, the court orders the commitment of a child for two or more delinquent acts to DYS's custody, the court may order that all of the periods of commitment imposed under those provisions for those acts be served consecutively in DYS's legal custody and, if applicable, be in addition to and commence immediately following the expiration of a period of commitment that the court imposes under the provision described above in (6) or (7). A court cannot commit a child to DYS's custody under this provision for a period that exceeds the child's attainment of 21 years of age. (R.C. 2151.355(B)(2).)

Operation of the bill

The bill expands the existing provisions that authorize a juvenile court to impose additional "firearm" orders of disposition on a delinquent child that commit the child to DYS's custody so that the provisions also permit the court to impose an additional order of disposition regarding a delinquent child whose

delinquent act would be a felony if committed by an adult and who wore or carried *body armor* while committing the act. Under the bill, if a child who is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult, if the court commits the child to DYS's custody, and if the court also determines that the child, if the child was an adult, would be guilty of the *body armor specification* enacted in the bill, the court may commit the child to DYS's legal custody for institutionalization in a secure facility for the following period of time (R.C. 2151.355(A)(7)(a)(ii), (iii), and (v)):

(1) If the child would be guilty of a body armor specification but not of any firearms mandatory prison term specification, a period of one, two, or three years;

(2) If the child would be guilty of a body armor specification and a firearms mandatory prison term specification of the type set forth in R.C. 2941.141, a period of two years;

(3) If the child would be guilty of a body armor specification and a firearms mandatory prison term specification of the type set forth in R.C. 2941.144, 2941.145, or 2941.146, a period of six years.

The court cannot commit a child to DYS's legal custody under the provisions described above in (1) or (2) for a period of time that exceeds three years, and cannot commit a child to DYS's legal custody under the provision described above in (3) for a period of time that exceeds six years. The period of commitment imposed under any of those provisions is in addition to, and must be served consecutively with and prior to, a period of commitment ordered pursuant to the provisions described above in (2) to (5) of "Existing law," provided that the total of all the periods of commitment cannot exceed the child's attainment of 21. (R.C. 2151.355(A)(7)(c).)

As under existing law, if, pursuant to the above-described provisions and the provisions of existing law, the court orders the commitment of a child for two or more delinquent acts to DYS's custody, the court may order that all of the periods of commitment imposed under those provisions for those acts be served consecutively in DYS's legal custody and, if applicable, be in addition to and commence immediately following the expiration of a period of commitment that the court imposes under the provision described above in (6) or (7). A court cannot commit a child to DYS's custody under this provision for a period that exceeds the child's attainment of 21 years of age. (R.C. 2151.355(B)(2).)

Restrictions on foster home placement of certain delinquent children

Existing law

Under existing law, a public children services agency, private child placing agency, private noncustodial agency, or court, DYS, or another private or government entity cannot place a child who is or previously has been adjudicated a delinquent child for certain specified acts (see below) in a foster home until it provides the foster caregivers with all of the following: (1) a written report describing the child's social history, (2) a written report describing all the acts committed by the child the entity knows of that resulted in the child being adjudicated a delinquent child and the disposition made by the court, unless the records pertaining to the acts have been sealed pursuant to law, (3) a written report describing any other violent act committed by the child of which the entity is aware, (4) the substantial and material conclusions and recommendations of any psychiatric or psychological examination conducted on the child or, if no such examination of the child is available, the substantial and material conclusions and recommendations of an examination to detect mental and emotional disorders conducted in compliance with the requirements of R.C. Chapter 4757. by an independent social worker, social worker, professional clinical counselor, or professional counselor licensed under that chapter.

Notwithstanding the existing record sealing law, if records of an adjudication that a child is a delinquent child have been sealed pursuant to that law and an entity knows the records have been sealed, the entity must provide the foster caregivers a written statement that the records of a prior adjudication have been sealed. Existing law also imposes requirements relative to the conduct of psychological examinations of a child placed in a foster home, reports of the examinations, and the cost of the examinations and reports.

Existing law also provides that, when a juvenile court grants temporary or permanent custody of a child who is or previously has been adjudicated a delinquent child for certain specified acts (see below), to a public children services agency or private child placing agency, the court must provide the agency the information described in the second preceding paragraph and pay the expenses of preparing that information and of conducting any necessary examination. Further, if DYS, a juvenile court with temporary or permanent custody of the child, or a public children services agency or private child placing agency with temporary or permanent custody of the child is placing such a child in a foster home with the assistance of or by contracting with a public children services agency, private child placing agency, or a private noncustodial agency, the entity must provide the agency with that information and pay the expenses of preparing that information and of conducting any necessary examination. Finally, if such a child is placed in

a foster home as a result of an emergency removal of the child from home pursuant to R.C. 2151.31(D), an emergency change in the child's case plan pursuant to R.C. 2151.412(E)(3), or an emergency placement by DYS, the entity that places the child in the foster home must provide that information no later than 96 hours after the child is placed in the foster home.

Existing law prohibits a person employed by an entity subject to the above-described provisions and made responsible by that entity for the child's placement in a foster home from failing to provide the foster caregivers with the specified information. A violation of this prohibition is a minor misdemeanor.

The provisions described above apply only to a child who is or previously has been adjudicated a delinquent child for an act to which any of the following applies: (1) it is a violation of R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 2907.05, (2) it is a violation of R.C. 2923.01 and involved an attempt to commit aggravated murder or murder, or (3) it would be a felony if committed by an adult, and the court determined that the child, if an adult, would be guilty of a firearms mandatory prison term specification found in R.C. 2941.141, 2941.144, or 2941.145 or in another Revised Code section that relates to the possession or use of a firearm during the commission of the act for which the child was adjudicated a delinquent child. (R.C. 2161.62 and 2151.99(C).)

Operation of the bill

The bill expands the application of the foster care-related provisions described in "Existing law" so that they also will apply in relation to any child who is or previously has been adjudicated a delinquent child for an act that would be a felony if committed by an adult and the court determined that the child, if an adult, would be guilty of the *body armor specification* enacted in the bill or a specification under another Revised Code provision that related to the wearing or carrying of *body armor* during the commission of the delinquent act (R.C. 2151.62(A)(3)).

COMMENT

1. The specific felony offenses for which existing law requires a sentencing court to impose a mandatory prison term are (R.C. 2929.13(F)): (a) aggravated murder when death is not imposed or murder, (b) any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape by force when the victim is under 13, (c) gross sexual imposition or sexual battery, if the victim is under 13, if the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross

sexual imposition, or sexual battery, and if the victim of the previous offense was under 13, (d) aggravated vehicular homicide, vehicular homicide, or aggravated vehicular assault, when the offense is a felony and the section containing it requires the imposition of a prison term (on and after March 23, 2000, this provision also will include involuntary manslaughter and vehicular assault when the offense is a felony and the section containing it requires the imposition of a prison term), (e) a first, second, or third degree felony drug offense, for which R.C. 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99, whichever is applicable regarding the offense, requires the imposition of a mandatory prison term, (f) any first or second degree felony that is not described above in clause (a) to (d), if the offender previously was convicted of aggravated murder, murder, any first or second degree felony, or any offense under an existing or former law of Ohio, another state, or the United States that is or was substantially equivalent to one of those offenses, (g) any offense, other than carrying a concealed weapon, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to R.C. 2929.14(D)(1)(a) for having the firearm (the required term is either one, three, five, or six years, depending upon the circumstances present; see **COMMENT 2**), (h) corrupt activity in violation of R.C. 2923.32 when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree, (i) any sexually violent offense for which the offender also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging the sexually violent offense, and (j) the offense of illegal conveyance of weapons onto the grounds of a detention facility or a mental health or mental retardation and developmental disabilities facility or of illegal conveyance of drugs of abuse onto the grounds of a detention facility or a mental health or mental retardation and developmental disabilities facility, if the offender is a Department of Rehabilitation and Correction officer or employee.

Existing law also requires a court sentencing a person for the offense of state OMVI when it is a felony to impose on the offender, depending upon the circumstances present, either a mandatory prison term or a mandatory term of local incarceration (R.C. 2929.13(G), 2929.14(D)(4), and 4511.99(A)(4)). Also, existing law requires a sentencing court to impose a mandatory prison term on certain repeat violent offenders (R.C. 2929.14(D)(2)), on felons convicted of an R.C. 2941.142 criminal gang specification (R.C. 2929.14(I)), on certain felons convicted of an R.C. 2941.143 school safety zone specification (R.C. 2929.14(J)), on felons who are major drug offenders, committed corrupt activity in certain circumstances, or committed attempted rape in certain circumstances not described above (R.C. 2929.14(D)(3)), and for felons who are subject to the Sexually

Violent Predator Sentencing Law contained in R.C. Chapter 2971. (R.C. 2929.14(G)).

2. Existing R.C. 2929.14(D) generally requires the imposition of a mandatory prison term, of a specified length that varies depending upon the circumstances present, on an offender convicted of a felony who also is convicted of a firearms specification that charges the offender with possessing, using, brandishing, etc., a firearm during the commission of the felony. The requirement does not apply if the felony offense is carrying concealed weapons, illegal conveyance of a deadly weapon or dangerous ordnance into a courthouse, illegal possession or control of a deadly weapon or dangerous ordnance in a courthouse, or, in certain circumstances, having weapons while under a disability. Under the provision, if an offender who is convicted of a felony also is convicted of a specification of the type described in R.C. 2941.141, 2941.144, 2941.145, or 2941.146, the court must impose on the offender one of the following mandatory prison terms: (a) a prison term of six years, if the specification is an R.C. 2941.144 specification that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or silencer on or about the offender's person or under the offender's control while committing the felony, (b) a prison term of three years, if the specification is an R.C. 2941.145 specification that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense, (c) a prison term of one year, if the specification is an R.C. 2941.141 specification that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the felony, or (d) a prison term of five years, if the felony is a violation of R.C. 2923.161 or a similar type of felony offense and if the specification is an R.C. 2941.146 specification that charges the offender with committing the offense by discharging a firearm from a motor vehicle, other than a manufactured home.

If a court imposes any of those prison terms, the term cannot be reduced by judicial release, earned credits, or any other provision of R.C. Chapter 2967. or 5120. A court cannot impose more than one term described in clause (a), (b), or (c) for felonies committed as part of the same act or transaction, and cannot impose more than one term described in clause (d) for felonies committed as part of the same act or transaction. If a court imposes any mandatory firearms specification prison term, the offender must serve the mandatory prison term consecutively to and prior to the prison term imposed for the underlying felony and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

3. The authorized orders of disposition for a delinquent child that do not involve a commitment to DYS permit a court to do any of the following (R.C. 2151.355(A)):

(a) Impose any order authorized by R.C. 2151.353 for abused, neglected, and dependent children;

(b) Place the child on probation under any conditions that the court prescribes, including restitution. 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 approximately equal to the value of the property damage caused by the child's violation or to the value of the property that is the subject of the violation if it would be a theft offense if committed by an adult, the performance of community service or community work, any other form of restitution devised by the court, or any combination of the previously described forms of restitution. Generally, in addition to all other required or permissive conditions of probation that it imposes, the court must require the child as a condition of the probation to abide by the law during the period of probation, including, but not limited to, complying with the state's firearm and dangerous ordinance laws.

(c) Commit the child to the temporary custody of any school, camp, institution, or other facility operated for the care of delinquent children by the county, by a district, or by a private agency or organization, within or without Ohio, that is authorized and qualified to provide the care, treatment, or placement required;

(d) Impose a fine and costs in accordance with the schedule set forth in R.C. 2151.3512;

(e) Require the child to make restitution for all or part of the property damage caused by the child's delinquent act and for all or part of the value of the property that was the subject of any delinquent act the child committed that would be a theft offense if committed by an adult;

(f) Subject to the mandatory suspension provision described below, suspend or revoke the child's driver's license, probationary driver's license, or temporary instruction permit or the registration of all motor vehicles registered in the child's name;

(g) If the child's delinquent act, if committed by an adult, would be a criminal offense that would qualify the adult as an eligible offender pursuant to R.C. 2929.12(A)(3), impose a period of electronically monitored house detention

that does not exceed the maximum sentence of imprisonment that could be imposed upon an adult who commits the same act;

(h) Impose a period of day reporting in which the child is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center;

(i) Impose a period of electronically monitored house arrest;

(j) Impose a period of community service of up to 500 hours;

(k) Impose a period in an alcohol or drug treatment program with a level of security for the child as determined necessary by the court;

(l) Impose a period of intensive supervision, in which the child is required to maintain frequent contact with a person appointed by the court to supervise the child while the child is seeking or maintaining employment and participating in training, education, and treatment programs as the order of disposition;

(m) Impose a period of basic supervision, in which the child is required to maintain contact with a person appointed to supervise the child in accordance with sanctions imposed by the court;

(n) Impose a period of drug and alcohol use monitoring;

(o) Impose a period in which the court orders the child to observe a curfew that may involve daytime or evening hours;

(p) Require the child to obtain a high school diploma, a certificate of high school equivalence, or employment;

(q) If the court obtains the assent of the victim of the criminal act committed by the child, require the child to participate in a reconciliation or mediation program that includes a meeting in which the child and the victim may discuss the criminal act, discuss restitution, and consider other sanctions for the criminal act;

(r) Commit the child to the temporary or permanent custody of the court;

(s) Make any further disposition that the court finds proper, except that the child cannot be placed in a state correctional institution, a county, multicounty, or municipal jail or workhouse, or another place in which an adult convicted of a crime, under arrest, or charged with a crime is held, or, in specified circumstances, in a community corrections facility.

In specified circumstances, the court must: enter an order of criminal forfeiture against the child (for an R.C. 2923.32 violation); require the child to participate in drug abuse or alcohol abuse counseling and suspend the child's driver's license or permit (for an R.C. Chapter 2925., or an R.C. 2917.11(B), violation; and revoke the child's temporary instruction permit (for an R.C. 2923.122 violation) (R.C. 2151.355(B) to (D)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	12-14-99	p. 1248

S0222-I.123/jc