



Dennis M. Papp

*Final Analysis*  
*Legislative Service Commission*

## **Sub. H.B. 247**

124th General Assembly  
(As Passed by the General Assembly)

**Reps. Core, Willamowski, Webster, Seitz, Williams, Jerse, Otterman, Latta, DePiero, Coates, Lendrum, Flowers, Reinhard, Schmidt, Schaffer, Grendell, Wilson, Manning, Collier, Hagan, Niehaus, Roman, Fessler, Kearns, Clancy, Widowfield, Rhine, Reidelbach, Aslanides, Damschroder**

**Sen. Oelslager**

**Effective date: \***

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### **ACT SUMMARY**

- Requires the officer making a presentence investigation report regarding a criminal offender to also inquire into all information available regarding any prior adjudications of the defendant as a delinquent child and regarding the dispositions made relative to those adjudications.
- Specifically requires the officer making a presentence investigation report regarding a criminal offender to consider the following: (1) any reports and records a juvenile department of probation possesses regarding any adjudications of that person as a delinquent child or regarding the dispositions made relative to those adjudications, (2) certain records or reports a juvenile court provides to the Department of Youth Services (DYS) regarding that person or that pertain to the treatment of that person after the person was committed to DYS custody as a delinquent child, (3) any victim impact statement a juvenile court has prepared regarding that person, and (4) any records a juvenile court possesses regarding any adjudications of that person as a delinquent child or regarding the dispositions made relative to those adjudications.

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

- Specifically requires juvenile courts, DYS, and juvenile departments of probation to provide the above-deserved materials to an officer who is making a presentence investigation report.

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## CONTENT AND OPERATION

### Presentence investigation report

#### Formerly

Preexisting law, unchanged by the act, prohibits a person who has been convicted of or pleaded guilty to a felony from being placed under a community control sanction until the court considers a written presentence investigation report. Formerly, the law specified that, if a court ordered the preparation of a presentence investigation report under this provision, R.C. 2947.06, or Criminal Rule 32.2 the officer making the report had to inquire into the circumstances of the offense and the criminal record, social history, and present condition of the defendant and any other matters specified in preexisting Criminal Rule 32.2.<sup>1</sup> Under provisions unchanged by the act: (1) whenever the officer considers it advisable, the officer's investigation may include a physical and mental examination of the defendant, and (2) if the victim of the offense of which the defendant has been convicted wishes to make a statement regarding the impact of the offense for the officer's use in preparing the presentence investigation report, the officer must comply with the requirements of the Victims of Crime Law. (R.C. 2951.03(A)(1).)

#### Operation of the act

The act expands the matters into which the officer making a presentence investigation regarding a criminal offender must inquire to also require the offender to inquire into all information available regarding any prior adjudications of the defendant as a delinquent child and regarding the dispositions made relative to those adjudications (R.C. 2951.03(A)(1)). In inquiring into the information available regarding any prior adjudications of the defendant as a delinquent child and regarding the dispositions made relative to those adjudications, the officer making the report must consider all information that is relevant, including, but not limited to, the following materials (R.C. 2951.03(E) and, by reference, R.C. 2151.14(B), 2152.18(C)(3), 2152.19(D)(3), and 2152.71(E)):

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<sup>1</sup> *Criminal Rule 32 specifies no other matters.*

(1) Any reports and records a juvenile department of probation possesses regarding any adjudications of that person as a delinquent child or regarding the dispositions made relative to those adjudications;

(2) Regarding a person who had been committed to the Department of Youth Services (DYS) as a delinquent child, certain records or reports the committing juvenile court provides to DYS regarding that person or that pertain to the treatment of that person after the person was committed to DYS custody;

(3) Any victim impact statement a juvenile court has had prepared regarding that person; the officer must return the copy of the victim impact statement to the juvenile court immediately following its use in preparing the presentence investigation report.

(4) Any records a juvenile court possesses regarding any adjudications of that person as a delinquent child or regarding the dispositions made relative to those adjudications, including, but not limited to, any social history or report of a mental or physical examination regarding the person that was prepared pursuant to the Juvenile Rules.

The act requires the entity possessing these records and reports to make them available to the officer (R.C. 2151.14(B), 2152.18(C)(3), 2152.19(D)(3), and 2152.71(E)).

### **Technical changes**

The act also: (1) corrects, from nonexistent "R.C. 2156.20" to "R.C. 2152.20," an erroneous cross-reference in R.C. 2151.14(D)(1), (2) repeals a reference to an offense that applies only to persons over 18 years of age (R.C. 2907.04) that is contained in a delinquent child provision in R.C. 2152.18(D)(1)(a), (3) corrects, from nonexistent "division (K)(1) of this section" to division (D)(1) of this section," an erroneous cross-reference in R.C. 2152.18(D)(2), and (4) corrects, from nonexistent "R.C. 2159.19" to "R.C. 2152.19," an erroneous cross-reference in R.C. 2152.71(B)(6).

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>	<b>JOURNAL ENTRY</b>
Introduced	05-10-01	p. 414
Reported, H. Criminal Justice	10-03-01	p. 874
Passed House (92-5)	10-11-01	pp. 902-905
Reported, S. Judiciary on Criminal Justice	01-09-02	p. 1291

Passed Senate (32-1)	01-15-02	pp.	1306-1307
House concurred in Senate changes (92-5)	01-16-02	pp.	1235-1236

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