



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 343
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Lorenz

Shalanda R. Plowden, Attorney

SUMMARY

- Requires the court to commit a delinquent child who committed felony level theft or vandalism, to the custody of the Department of Youth Services for the following indefinite terms, under specified circumstances, depending on the level of felony:
 - For a felony violation, a minimum of nine months and a maximum not to exceed a child's attainment of 21 years of age.
 - For third degree felony theft or vandalism, a minimum of nine months and a maximum of three years, not to exceed a child's attainment of 21 years of age.
 - For second degree felony theft or vandalism, a minimum of two years and a maximum of seven years, not to exceed a child's attainment of 21 years of age.
 - For fourth or fifth degree felony theft or vandalism, a minimum of six months and a maximum of one year, not to exceed a child's attainment of 21 years of age.
- Requires the court to make an additional order of disposition if a delinquent child was once previously adjudicated a delinquent child under specified circumstances, and also committed second, third, fourth, or fifth degree felony theft or vandalism.
- Makes necessary technical and cross-reference changes.

DETAILED ANALYSIS

Confinement terms for delinquent children who commit felony theft and vandalism

The bill requires the court to commit a child who is adjudicated a delinquent child, who commits theft or vandalism that would be a felony violation if committed by an adult to the legal

custody of Department of Youth Services (DYS) for secure confinement for indefinite terms depending on felony level and if all of the following apply as seen in the table below:¹

1. The child was 14 years of age or older when the theft or vandalism was committed; and
2. The child has two or more times previously been adjudicated a delinquent child for committing an act that would be felony theft or vandalism if committed by an adult.

Delinquent adjudication for felony theft or vandalism					
	Felony ²	2 nd degree felony ³	3 rd degree felony ⁴	4 th degree felony ⁵	5 th degree felony ⁶
	The Court must commit child to legal custody of DHS for secure confinement				
Indefinite term consisting of minimum and maximum periods	Minimum of 9 months and maximum not exceeding child's attainment of 21 years of age	Minimum of 2 years and maximum of 7 years not exceeding child's attainment of 21 years of age	Minimum of 9 months and maximum period of up to 3 years not exceeding child's attainment of 21 years of age	Minimum of 6 months and a maximum of 1 year not exceeding child's attainment of 21 years of age	Minimum of 6 months and a maximum of 1 year not exceeding child's attainment of 21 years of age
Age when act committed	14 years of age or older	14 years of age or older	14 years of age or older	14 years of age or older	14 years of age or older
Child previously adjudicated a delinquent child	For committing felony theft or vandalism	For committing second degree felony theft or vandalism	For committing third degree felony theft or vandalism	For committing fourth degree felony theft or vandalism	For committing fifth degree felony theft or vandalism

Continuing law requires the court, in addition to any order of disposition it makes, to make any of the following orders of disposition:⁷

¹ R.C. 2152.16 (B)(1), (2), (3), and (4).

² R.C. 2152.16(B)(1).

³ R.C. 2152.16(B)(3).

⁴ R.C. 2152.16(B)(2).

⁵ R.C. 2152.16(B)(4).

⁶ R.C. 2152.16(B)(4).

⁷ R.C. 2152.19(E)(1) and (2) and (A)(1), (2), (3), (4), and (6).

1. Any order that is authorized by Ohio's Juvenile Law for the care and protection of an abused, neglected, or dependent child;
2. 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 an authorized district, or by a private agency or organization, within or without the state, that is authorized and qualified to provide the care, treatment, or placement required, including, but not limited to an authorized school, camp, or facility;
3. Place the child in an authorized detention facility or district detention facility, for up to 90 days;
4. Place the child on community control under any sanctions, services, and conditions that the court prescribes;
5. Require the child to not be absent without legitimate excuse from the public school the child is supposed to attend for 30 or more consecutive hours, 42 or more hours in one school month, or 72 or more hours in a school year.

Under the bill, the court must fulfill the order of disposition requirements only if a child is adjudicated a delinquent child for committing an act that would be a second, third, fourth, or fifth degree felony theft or vandalism if committed by an adult, and if the juvenile has been adjudicated a delinquent child exactly once before for committing an act that would be fourth or fifth degree felony theft or vandalism if committed by an adult.⁸

Technical changes

The bill makes necessary and technical cross-reference changes.⁹

HISTORY

Action	Date
Introduced	06-10-25

ANHB0343IN-136/ts

⁸ R.C. 2152.19(E).

⁹ R.C. 2152.16(C)(1), 2152.17(D)(1), 2152.22(A), 5139.01(A)(13)(d), 5139.05(A)(1), 5139.05(B)(1), 5139.06(C)(4), 5139.20(D), 5139.35(B) and (C), and 5139.51(C).