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# OHIO LEGISLATIVE SERVICE COMMISSION

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S.B. 270  
136<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Sens. Manning and Hicks-Hudson

Nicholas A. Keller, Attorney

### SUMMARY

- Increases the minimum age for youth commitments to the Department of Youth Services (DYS) so that a delinquent child who was younger than 14 at the time of the act cannot be committed to DYS as a juvenile court disposition.
- Eliminates commitment to DYS as a disposition for delinquency for first-time fourth degree and fifth degree felony juvenile offenders if the juvenile is not charged with an offense of violence or a higher-degree felony.
- Allows a juvenile court judge to exercise discretion in committing an adjudicated delinquent child to DYS for an offense that would include a gun specification if committed by an adult.

### DETAILED ANALYSIS

#### Minimum age for DYS commitment

The bill increases the minimum age for commitment to the Department of Youth Services (DYS) for a delinquent act. Under the bill, a child cannot be committed to DYS upon an adjudication of delinquency if the child, at the time of the delinquent act, was under the age of 14. Under current law, a child may not be committed to DYS if the child, at the time of the delinquent act, is under the age of ten.<sup>1</sup>

Under continuing law, if a child is found to be a delinquent child the court may make any of the following orders of disposition with respect to the child:<sup>2</sup>

<sup>1</sup> R.C. 2152.16(A), 2152.17(A) and (B), 2152.19(A), 2152.22(A), 5139.01(A)(11) and (A)(13)(c)(i), and 5139.05(A) and (A)(4).

<sup>2</sup> R.C. 2152.19(A).

- An order for the care and protection of an abused, neglected, or dependent child;
- Committing the child to the temporary custody of a school, camp, institution, or other facility for the care of delinquent children;
- Placing the child in a detention facility or district detention facility for up to 90 days;
- Placing the child on community control under any sanctions, services, and conditions that the court prescribes;
- Committing the child to the custody of the court;
- Specific orders with respect to school attendance and truancy;
- Any further disposition that the court finds proper, except that the child is not to be placed in a state correctional institution, jail or workhouse, or other place in which an adult convicted of a crime, under arrest, or charged with a crime is held.

### **Discretion in sentencing for gun specifications**

The bill allows a juvenile court judge to exercise discretion in committing an adjudicated delinquent child to DYS for an offense that would include a gun specification if committed by an adult. If the juvenile court determines that a child would be guilty of any of the following “specifications,” the court may commit the child to DYS for a definite period, but is not required to impose a mandatory period of commitment on the child:<sup>3</sup>

- The child had a firearm while committing the offense;
- The child had an automatic firearm or a firearm that was equipped with a firearm muffler or suppressor while committing the offense;
- The child displayed, brandished, or indicated possession of a firearm or used it to facilitate the underlying offense;
- The child discharged a firearm from a motor vehicle in commission of an offense;
- The child discharged a firearm at a peace officer or corrections officer in commission of the offense.

### **DYS commitment for low-level felony offenses**

The bill eliminates commitment to DYS as a disposition option for a felony delinquency adjudication if all these factors are met:<sup>4</sup>

- The child has not previously been adjudicated delinquent for an offense that would be a felony if committed by an adult;

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<sup>3</sup> R.C. 2152.17(A) and (B)(1) by reference to R.C. 2941.141, 2941.144, 2941.145, 2941.146, and 2941.1412 with conforming changes in R.C. 2152.17(E) and (F) and 2152.22(A), (B)(1), (C)(1), and (D)(1).

<sup>4</sup> R.C. 2152.16(A)(1)(e) with conforming changes in R.C. 2152.16(A)(3), 2152.19(A), 2152.26(A), 5139.01(A)(13)(d), 5139.05(A), 5139.06(C)(4), 5139.20(D), 5139.35(B) and (C), and 5139.51(C).

- The present adjudication is for an offense that would be a fourth degree or fifth degree felony if committed by an adult or underage purchase of a firearm or handgun;
- The present adjudication is not for an offense of violence;
- The child is not also adjudicated a delinquent child for committing an act that would be a first, second, or third degree felony.

A child who is adjudicated delinquent for committing an act that would be a fourth degree or fifth degree felony may still be committed to DYS under the bill if the above factors are not met. As in current law, unchanged by the bill, a court ordering that disposition may commit the child for an indefinite term consisting of a minimum period of six months and a maximum period not to exceed the child's 21<sup>st</sup> birthday.<sup>5</sup>

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## HISTORY

Action	Date
Introduced	09-23-25

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<sup>5</sup> R.C. 2152.16(A)(1)(f) and (A)(2).