



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Dennis M. Papp

S.B. 63

132nd General Assembly
(As Introduced)

Sens. Thomas, Skindell, Brown, Tavares

BILL SUMMARY

- Revises the procedures for determining the delinquent child confinement credit and grants a court continuing jurisdiction to correct an error in determining the credit.
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CONTENT AND OPERATION

Delinquent child confinement credit

Juvenile court determination of credit

Under existing law, unchanged by the bill except for the rule change described below, when a juvenile court commits a delinquent child to the custody of the Department of Youth Services (DYS), the court states in the commitment order the total number of days that the child has been confined in connection with the complaint upon which the commitment is based (i.e., the "delinquent child confinement credit"). The bill changes a rule governing the court's determination of the credit. Currently, the court may not include in the credit days that the child has been under electronic monitoring, under house arrest, or confined in a halfway house. The bill replaces this rule with a rule specifying that, in determining the credit, the court must only include days that the child has been "confined."¹

The bill defines the term "confined" for use in determining the confinement credit. Under the bill, for use in that determination, "confined" means the placement of a child in any locked and secure facility, either adult or juvenile, in a locked and secure

¹ R.C. 2152.18(B).

section of any facility, either adult or juvenile, or in any community corrections facility.²
As used in this definition:³

"Community corrections facility" means a county or multicounty rehabilitation center for felony delinquents who have been committed to DYS and diverted from care and custody in an institution and placed in the rehabilitation center under R.C. 5139.36(E).

"Secure facility" means any facility designed and operated to ensure that all of its entrances and exits are under the exclusive control of its staff and to ensure that, because of that exclusive control, no child who has been institutionalized in the facility may leave it without permission or supervision.

Continuing jurisdiction of juvenile court regarding credit

The bill specifies that a juvenile court retains continuing jurisdiction to correct any error not previously raised at disposition in determining a delinquent child confinement credit. The delinquent child may, at any time after disposition, file a motion in the court to correct any error made in making the determination and the court in its discretion may grant or deny that motion. If the court changes the number of days in its determination or redetermination, it must cause the entry granting that change to be delivered to DYS without delay.

A court's inaccurate determination of a credit is not grounds for setting aside the delinquent child's adjudication or disposition and does not otherwise render the disposition void or voidable.⁴

Department of Youth Services reduction of institutionalization by juvenile confinement credit days

Currently, unchanged by the bill, when a juvenile court commits a delinquent child to DYS's custody, both of the following apply regarding the child's delinquent child confinement credit:

(1) DYS must reduce the minimum period of institutionalization specified for the child by both the total number of days that the court states as the child's credit and the

² R.C. 2152.18(F)(2).

³ R.C. 2152.18(F)(1), by reference to R.C. 5139.01, not in the bill.

⁴ R.C. 2152.18(B).



total number of any additional days that the child has been confined subsequent to the commitment order but prior to the transfer of physical custody of the child to DYS.⁵

(2) If the child is granted supervised release, if the child is arrested and taken into secure custody for a violation, and if the court revokes the supervised release, reinstates the original order of commitment, and orders the child to be returned to DYS, the child must remain institutionalized for at least 90 days, and the time stated as the child's credit and the time during which the child was held in a secure DYS facility prior to the release count as time served in fulfilling the original order of commitment but do not reduce the minimum 90-day period of institutionalization.⁶

HISTORY

ACTION	DATE
Introduced	02-21-17

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⁵ R.C. 2152.18(B).

⁶ R.C. 5139.52(F), not in the bill.

