



# OHIO LEGISLATIVE SERVICE COMMISSION

## Sub. Bill Comparative Synopsis

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### Sub. H.B. 394 132nd General Assembly (H. Criminal Justice)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Introduced)	Sub. Version (L_132_1279-2)
<b>Mandatory serious youthful offender disposition</b>	No provision.	Repeals existing law that mandates a serious youthful offender (SYO) disposition in certain juvenile cases and modifies the circumstances in which a discretionary SYO disposition may be imposed as follows ( <i>R.C. 2152.02, 2152.11(B) and (C), 2152.13(B) and (D)</i> ): <ul style="list-style-type: none"> <li>• If the act would be aggravated murder, murder, or an attempt of either if committed by an adult, the child is eligible if the child was age 10 or older at the time of the act;</li> <li>• If the act would be a first degree felony if committed by an adult, the child is eligible if the child was age 16 or 17 at the time of the act and certain aggravating circumstances apply.</li> </ul>

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<b>Notice of motion to invoke adult sentence</b>	No provision.	Requires the Ohio Public Defender to be served a copy of any motion to invoke the adult portion of a SYO dispositional sentence when it is filed ( <i>R.C. 2152.14(D)</i> ).
<b>Table of delinquent child dispositions</b>	No provision.	Eliminates a table of dispositions that a juvenile court may impose on a delinquent child based on the level of offense and aggravating factors, currently in the Revised Code solely for illustrative purposes ( <i>R.C. 2152.11(H), (I), and (J)</i> ).
<b>Juvenile court costs</b>	Allows a juvenile court to order the parent or parents of a delinquent child or juvenile traffic offender, or both the child and parent or parents, to pay certain costs as a financial sanction after a hearing to determine their ability to pay ( <i>R.C. 2152.20(A)(2) and (4) and (C)</i> ).	Restores current law, allowing a juvenile court to order only the child to pay certain costs as a financial sanction ( <i>R.C. 2152.20(A)(2) and (4) and (C)</i> ).
<b>Life imprisonment without parole</b>	No provision.	<p>Prohibits imposing a sentence of life imprisonment without parole upon any person for an offense that was committed when the person was under age 18 (<i>R.C. 2151.23(H) and (I), 2152.12(H), 2929.02(A), and 2929.07</i>).</p> <p>Provides that if an offender receives or received a sentence of life imprisonment without parole for an offense committed when the offender was under age 18, the offender's parole eligibility is to be determined according to the provisions described under "<b>Parole eligibility</b>" (<i>R.C. 2929.07</i>).</p>

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<p><b>Parole eligibility</b></p>	<p>Provides the following special parole eligibility dates for persons with an indefinite sentence for an offense, other than a "disqualifying homicide offense," committed when the person was under age 18 (<i>R.C. 2967.132(B)</i>):</p> <ol style="list-style-type: none"> <li>(1) If the prisoner's stated prison term totals at least 15 years and permits parole not later than after 20 years, then after serving 15 years in prison.</li> <li>(2) If the prisoner is serving a sentence that permits parole only after more than 20 years but not later than after 30 years, then 5 years prior to the original parole eligibility date.</li> <li>(3) If the prisoner's stated prison term totals more than 30 years but does not include a sentence of life imprisonment without parole, then after serving 30 years in prison.</li> <li>(4) If the prisoner is serving a sentence of life imprisonment without parole, then after serving 35 years in prison.</li> <li>(5) If the prisoner is serving a sentence described in (1), (2), or (3), above, and, upon the bill's effective date, the applicable parole eligibility date has been reached, then immediately upon the bill's effective date.</li> </ol> <p>Excludes from the special parole eligibility dates any "disqualifying homicide offense," which is defined as aggravated murder or any other offense or combination of offenses that involved the purposeful killing of two or more persons</p>	<p>Instead provides the following parole eligibility dates for persons with an indefinite sentence for an offense, other than an "aggravated homicide offense," committed when the person was under age 18 (<i>R.C. 2967.132(C) and (D)</i>):</p> <ol style="list-style-type: none"> <li>(1) Except as provided in (2) and (3) below, after serving 18 years in prison.</li> <li>(2) Except as provided in (3) below, if the prisoner is serving a sentence for a homicide offense other than an aggravated homicide offense, after serving 25 years in prison.</li> <li>(3) If the prisoner is serving a sentence that permits parole earlier than the parole eligibility date specified in (1) or (2), after serving the period of time in prison specified in the sentence.</li> </ol> <p>Defines "homicide offense" as murder, voluntary manslaughter, involuntary manslaughter, or reckless homicide (<i>R.C. 2967.132(A)(2)</i>).</p> <p>If a prisoner is serving a sentence of life imprisonment without parole for an "aggravated homicide offense," as defined below, requires the sentencing court to set aside the original sentence and determine a parole eligibility date</p>

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	<i>(R.C. 2929.02(C), 2929.14(L), 2967.132(A)(1) and (2), and 2971.03(G)).</i>	for the prisoner <i>(R.C. 2967.132(D))</i> .  Defines "aggravated homicide offense" as aggravated murder or any other offense or combination of offenses that involved the purposeful killing of three or more persons, when the offender is the principal offender in each offense <i>(R.C. 2967.132(A)(1))</i> .
<b>Planned permanent living arrangement</b>	No provision.	When a child has been adjudicated an abused, neglected, or dependent child or is under temporary custody of a public children services agency or private child placing agency, permits a juvenile court, on its own motion, or a child's guardian ad litem, by request or motion to the court, to seek placement of the child in a planned permanent living arrangement <i>(R.C. 2151.353(A)(5), 2151.415(A) and (C), and 2152.42)</i> .
<b>Family and Children First Council</b>	No provision.	Eliminates a requirement that each county Family and Children First Council include a representative of the regional Department of Youth Services office <i>(R.C. 121.37(B)(1))</i> .

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