



CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

Juvenile Justice Subcommittee

September 17, 2015

Meeting Notes

Attending:	Paul Dobson, Chair	Erin Davies, Vice Chair
	Jill Beeler	Dustin Calhoun
	Jim Cole	Representative Craig
	Judge DeLamatre	Judge Jamison
	Hon. Aaron Montz	Representative Pelanda
	Kyle Petty	Director Harvey Reed
	Cindy Peters (Sen. Thomas)	Ashley Gilbert, Supreme Court
	John Ryan, OJC	

1. Chair Dobson called the meeting to order at 10:08.
2. Upon motion and second the meeting notes from the July 16, 2015 were unanimously approved.
3. Scott Lundregan, Ohio House of Representatives Deputy Legal Counsel, spoke to the committee about legislation that is expected to be introduced regarding truancy. Although preliminary discussions are ongoing, the legislation will likely place a higher burden on school administrators and off of court dockets. The causes of truancy can often be divided into two different problems: 1) parents not forcing their children to attend; or 2) students skipping school despite parental pressure. Internet schools create additional issues, but it is clear that parents are not always monitoring participation and students are falling far behind credit requirements. Mr. Lundregan encouraged committee members to provide any thoughts or feedback to him and he will keep the committee apprised of any developments.
4. Kyle Petty discussed the Department of Youth Services draft amendment to 2152.18 regarding confinement credit. He indicated that the Department's goal is consistency across the state. S.B. 337 of the 130th General Assembly utilized language similar to that in the adult statutes which is less than ideal in the world of juvenile justice. The draft language returns the statute to pre-SB 337 language and limits credit to detention facilities and locked and secured community correction facilities. A juvenile would not get credit for time in an unsecured or

staff secured facility. A concern was expressed about invading the court's authority to deal with due process and Constitutional issues. There are cases already in the pipeline of appellate review. Some members suggested defining "confinement" in the Code instead of listing the types of facility where a stay counts. There were also objections to a situation where a juvenile can be charged with escape but cannot receive confinement credit for being in the same facility. It is the nature of the facility that should drive whether or not the juvenile receives confinement credit.

5. Several motions were made to flesh out the committee's preferences:
 - a. A motion to establish a definition of confined and revisit the proposed language in 2152.18 in light of the definition passed 12-2.
 - b. A motion to define "confined" as "a court ordered placement in a locked facility or a secure facility as defined under 5139.01(A)(15)" failed 2-6.
 - c. A motion to define "confined" as proposed in the original draft language failed to garner a majority (4-4).
 - d. A motion to define "confined" as "placement in a secure and locked facility" passed 7-0.
6. The Department of Youth Services will redraft the proposal based upon the committee's discussion and circulate it prior to the next meeting.
7. Chair Dobson indicated he would circulate proposed language on restitution based upon the information circulated regarding restitution in other states prior to the next meeting.
8. The next meeting should include a wrap-up of confinement credit and restitution and a beginning discussion on mandatory sentencing.
9. There being no further business to come before the committee, the committee adjourned at 12:00 p.m.

NEXT MEETING: OCTOBER 15, 2015 (10 A.M.)