



CRIMINAL SENTENCING COMMISSION

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

Juvenile Justice Subcommittee

October 15, 2015

Meeting Notes

Attending:	Paul Dobson, Chair	Jill Beeler
	Ron Burkitt	Dustin Calhoun
	Jim Cole	Judge DeLamatre
	Kathleen Hamm	Hon. Aaron Montz
	Representative Pelanda	Kyle Petty
	Cindy Peters (Sen. Thomas)	David Roper (Sen. Thomas)
	John Ryan, OJC	Kathy Wellington (Rep. Craig)
	Sara Andrews, OCSC	Jo Ellen Cline, OCSC

1. Chair Dobson called the meeting to order at 10:10 a.m.
2. Upon motion and second the meeting notes from the September 17, 2015 were unanimously approved.
3. The committee discussed the updated draft of amendments to R.C. 2152.18 (confinement credit). Ms. Beeler asked for clarification on facilities that have both locked and unlocked wings. The committee agreed that confinement in the locked section of a facility would qualify for credit. Ms. Beeler then asked if the statute need to specify that confinement in a county jail would be included for credit. The committee discussed the advantages and disadvantages of specifying types of facilities, a discussion that Mr. Petty noted, had been resolved at the last meeting. Ms. Beeler's concern was that a juvenile in an adult locked facility should get credit for that confinement. The committee agreed with that premise. The committee also discussed the inclusion of the term "secure facility" and whether or not its inclusion led to vagueness. Because the issue had been thoroughly discussed by the committee in September it was determined the phrase should remain in the draft. Ms. Beeler made a motion to amend the language in proposed (F)(1) to read: "Confined means the placement of a child in a locked and secure facility, either adult or juvenile, or a locked and secure section of any such facility or in any community correctional facility as defined under section 5139.01(14) of the Revised Code". Upon second the motion was agreed to unanimously with one abstention (Hamm). Further discussion took place regarding whether inclusion of the language on CCFs would jeopardize Title IV(E) funding for courts. Mr. Petty

will get an answer from ODJFS on this issue. If the funding is compromised by including that language the committee agreed that the specific language on CCFs should be removed from the draft. The committee will present the finalized language to the full Commission in November.

4. The committee then discussed restitution and requiring parents to pay restitution for their child's delinquent behavior. Chair Dobson summarized a previously distributed chart of what other states do regarding parent payment of restitution. He noted that of the 56 jurisdictions in the survey, 32 states allow for parental obligation for restitution. Of those 32 states, 12 put a cap on parent liability and the majority of those caps are around \$5,000. 6 states reference a parent's ability to pay and a majority of the states automatically convert the restitution order into a civil judgment. The committee talked briefly about whether or not the juvenile reaching the age of majority would terminate the parents' obligation to pay restitution. In addition, the committee discussed the current Ohio statute that outlines parental civil liability for the acts of their child. Mr. Dobson volunteered to circulate a draft for the committee's consideration.
5. The committee then reviewed its current work chart. Mr. Cole indicated that judges would like to see the committee prioritize consideration of mandatory bindovers and sentences. The committee agreed that those issues would be next on the agenda. The committee also unanimously agreed to add three issues to their work chart: length of probation, post-dispositional detention time, and juvenile SORN. On JSORN, the committee will expedite its consideration in order to provide information and advice to the Criminal Justice Recodification Committee in a timely manner.

UPCOMING MEETINGS:

NOVEMBER 19, 2015: OHIO CRIMINAL SENTENCING COMMISSION

DECEMBER 17, 2015: JUVENILE JUSTICE COMMITTEE