



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

Juvenile Justice Subcommittee

February 18, 2016

Meeting Notes

Attending:	Paul Dobson, Chair	Erin Davies, Vice-Chair
	Jill Beeler	Ron Burkitt
	Dustin Calhoun	Judge DeLamatre
	Kate Foulke (DYS)	Judge Fragale
	Kathleen Hamm	Teresa Lampl
	Rep. Dorothy Peland	Kyle Petty
	Sen. Cecil Thomas	Judge Nick Selvaggio
	John Ryan, OJC	Kathy Wellington (Rep. Craig)
	Kari Bloom, OPD	Ashley Gilbert, OSC
	David Roper (Sen. Thomas)	Sara Andrews, OCSC
	Jo Ellen Cline, OCSC	Cyara Hotopp, OCSC

1. Chair Dobson called the meeting to order at 9:36 a.m.
2. Upon motion and second the meeting notes from the January 21, 2016 were unanimously approved.
3. The committee began with a discussion of the proposed revisions of the restitution draft submitted by Vice-Chair Davies and, separately, by Ms. Beeler. The committee began its focus on division (B) of the draft. The section is intended to leave community service to the discretion of the judge. There was thorough discussion regarding whether or not the statute should specify community service in lieu of restitution or, if the statute did not specify such an alternative, would judges have more discretion. The committee then focused on the language in the proposed revisions regarding restorative justice. There were questions from members on whether the language was superfluous. Ms. Beeler made a motion to remove the restitution language as it exists in current law into a separate Revised Code section. The motion was seconded by Sen. Thomas. The motion carried 10-2 (Hamm, Calhoun). The committee then revisited its discussion of division (B). Language was proposed to be moved from division (G) of the Davies revisions to division (B). Ms. Davies made a motion to accept the revised division (B), the motion was seconded by Ms. Beeler. The motion passed unanimously. The committee moved on to division (D) of the original draft (stricken in the proposed revisions) which allows for a 5% administrative fee to be placed on top of the restitution amount. Concerns with allowing the fee were



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- expressed because those on payment plans are usually the least likely to be able to afford the extra amount and there was a concern that assessing the fee would adversely impact the amount of restitution the victim would recover. The committee also engaged in some discussion of parental liability around this issue. After proposing some language changes that would assess the administrative fee as a court cost under RC 2152.20, a motion was made and seconded to keep division (D) in the draft, as modified. The motion carried unanimously. The committee then discussed whether or not the order for restitution should expire when the child reaches age 21. Language in the proposed revisions was moved and seconded. The motion passed 9-4 (Dobson, Foulke, Calhoun, Selvaggio). The committee next discussed division (F) regarding ability to pay. Concerns were expressed that the proposed language limited the court's discretion on ordering restitution. The committee also discussed when an offender's ability to pay should be considered – at disposition or when there had been a non-payment. There was a proposal to rewrite the language in division (F) to address the expressed concerns. The rewritten language will be included in the next draft but no formal motion was made nor vote taken on the language.
4. Kyle Petty gave a brief update on the Council of State Governments Justice Center's Statewide Juvenile Justice Improvement Initiative noting that Ohio is one of eight states being considered for technical assistance with juvenile justice reforms, particularly in the areas of diversion and reentry. John Ryan gave a brief update on the truancy legislation which has had two hearings in the House of Representatives. Amendments will be forthcoming to address some stakeholder concerns. Ms. Cline gave a brief update on the juvenile financial sanctions bench card being prepared by the Supreme Court of Ohio and a draft bill that would mandate a bindover for anyone 16 and over accused of aggravated vehicular homicide.
 5. The committee agreed to meet on March 3, 2016 at 9:30 a.m. to finish its work on restitution, mandatory bindovers, and juvenile sex offender and notification.
 6. With no further business to come before the committee, the committee adjourned at 12:09 p.m.

Upcoming Meetings:

March 3, 2016 (9:30 a.m.)

Juvenile Justice Committee

March 17, 2016 (10 a.m.)

Ohio Criminal Sentencing Commission