

SB 143: Collateral Consequences Modifications

Effective September 19, 2014, SB 143 makes further changes to collateral consequences and SB 337. The information below highlights some important parts of the legislation that may impact your practice.

Sealing and Expunging Juvenile Court Records

Young adults may apply to have their record sealed and expunged upon reaching the age of 18. Children under age 18 must wait six months before applying to have their record sealed and expunged. Once a person's juvenile court record is sealed, the court is required to serve the Bureau of Criminal Investigation (BCI) with a copy of the sealing order. R.C. 2151.356(C)(1)(b).

Placement of Juveniles in Adult Jails

A young adult, age 18-21, who is still under the jurisdiction of the juvenile court, may be placed in an adult jail if the judge finds that the change in placement is in the youth's best interest. Once transferred, the child may be placed into the general population, without the previously required "sight and sound" separation. R.C. 2152.26(F)(4)(a).

Records of Youth Held in Adult Jail Must Remain Confidential

If a child is transferred to adult jail, including young adults age 18-21 who are under juvenile court jurisdiction and children who are bound over before age 18, all identifying information must be kept confidential. The only information that can be released is: county of residence, age, gender, race, and pending charges.

Identifying information about bound-over children may be released only after an adult court conviction. If a child is eligible for reverse waiver, the information may only be released after the reverse waiver process is complete, if the juvenile court denies the reverse waiver. R.C. 2152.26(G). This provision prohibits sheriff offices from publishing pictures, names, and other identifying information in any way, including, but not limited to, on their county website.

Juvenile Court Background Checks

All juvenile felony adjudications will be released during BCI background checks for up to 5 years after the date of adjudication for mandatory or some discretionary background checks. Records that have been sealed by the juvenile court are not released as part of BCI background checks. R.C. 109.57(E)(4), 109.572(F)(2); and 109.578(E)(2).

Revocation Recommitment Extension

If a child who is on parole violates the terms of his supervised release and the juvenile court orders the child returned to DYS, the child will be revoked to DYS for a minimum of 90 days. R.C. 5139.52(F)