



# Office of the Ohio Public Defender

Timothy Young, State Public Defender

## House Bill 394 Juvenile Justice Bill Sponsor Representative Rezabek

**Mandatory Bindovers** - HB394 requires the juvenile court to have a hearing before transferring a child's case to the adult criminal court system, except when the child is age sixteen or seventeen and charged with aggravated murder.

At that hearing, the court must weigh the following factors:

- (1) the child's risk based on an evidence-based risk assessment tool;
- (2) the harm to the victim and if that harm was exacerbated by the victim's vulnerabilities or age;
- (3) the victim's role;
- (4) the circumstance surrounding the offense, including any coercion of the child, if the offense is gang related, and if a firearm was involved;
- (5) the child's prior experience with the juvenile court;
- (6) the child's emotional, physical, and psychological development, including any disabilities;
- (7) the child's background;
- (8) whether there is sufficient time to rehabilitate the child.

**Confinement Credit** - HB394 clarifies that a child is to receive confinement credit for any time spent in any locked and secure facility or in any community corrections facility. The bill extends juvenile court jurisdiction to allow for corrections of confinement credit errors.

**Costs** – The bill allows the juvenile court to order the child to pay the costs based on the child's ability to pay.

**Restitution** – HB394 allows the juvenile court to consider restorative justice options as opposed to traditional restitution. The bill also allows the restitution order to be reduced to a civil judgement enforceable by the victim.

**Parole Eligibility** – HB394 eliminates the sentence of juvenile life without parole. The bill also establishes timelines for parole eligibility for individuals sentenced as children, except individuals who are currently serving a sentence of juvenile life without parole.

Parole Eligibility under the bill is as follows:

- After serving 25 years for aggravated murder
- After serving 18 years for all other offenses

The bill also requires the parole board to provide individuals sentenced as children with a "meaningful opportunity for release." When making its decision, the parole board must consider:

- (1) The age of the child at the time of the offense;
- (2) The diminished culpability of youth;
- (3) Common characteristics of youth, including immaturity and failure to appreciate risks and consequences;
- (4) The family and home environment of the child at the time of the offense; and
- (5) Any subsequent growth or increase in the person's maturity during imprisonment.