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134th General Assembly
Regular Session
2021-2022

. B. No.

A BILL

To amend sections 2151.022, 2151.31, and 2151.311 1
of the Revised Code to specify that a child who 2
is a runaway is not an unruly child solely by 3
reason of being a runaway and to specify 4
measures to be taken when a child is taken into 5
custody solely by reason of being a runaway. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2151.022, 2151.31, and 2151.311 7
of the Revised Code be amended to read as follows: 8

Sec. 2151.022. (A) As used in this chapter, "unruly child" 9
includes, subject to division (B) of this section, any of the 10
following: 11

~~(A)~~ (1) Any child who does not submit to the reasonable 12
control of the child's parents, teachers, guardian, or 13
custodian, by reason of being wayward or habitually disobedient; 14

~~(B)~~ (2) Any child who is an habitual truant from school; 15

~~(C)~~ (3) Any child who behaves in a manner as to injure or 16



endanger the child's own health or morals or the health or 17
morals of others; 18

~~(D)~~(4) Any child who violates a law, other than division 19
(C) of section 2907.39, division (A) of section 2923.211, 20
division (C) (1) or (D) of section 2925.55, or section 2151.87 of 21
the Revised Code, that is applicable only to a child. 22

(B) A child is not an "unruly child" for purposes of 23
divisions (A) (1) to (4) of this section solely by reason of the 24
child being a runaway. For a child who is a runaway to be an 25
"unruly child" for purposes of divisions (A) (1) to (4) of this 26
section, one or more criterion listed in division (A) (1), (2), 27
(3), or (4) of this section that is not based on, related to, or 28
resulting from the child being a runaway must apply to the 29
child. A child's running away does not, in and of itself, mean 30
for purposes of division (A) (1) of this section that the child 31
is wayward, or that the child is not submitting to the 32
reasonable control of the child's parents, teachers, guardian, 33
or custodian by reason of being wayward. 34

Sec. 2151.31. (A) A child may be taken into custody in any 35
of the following ways: 36

(1) Pursuant to an order of the court under this chapter 37
or pursuant to an order of the court upon a motion filed 38
pursuant to division (B) of section 2930.05 of the Revised Code; 39

(2) Pursuant to the laws of arrest; 40

(3) By a law enforcement officer or duly authorized 41
officer of the court when any of the following conditions are 42
present: 43

(a) There are reasonable grounds to believe that the child 44
is suffering from illness or injury and is not receiving proper 45

care, as described in section 2151.03 of the Revised Code, and 46
the child's removal is necessary to prevent immediate or 47
threatened physical or emotional harm; 48

(b) There are reasonable grounds to believe that the child 49
is in immediate danger from the child's surroundings and that 50
the child's removal is necessary to prevent immediate or 51
threatened physical or emotional harm; 52

(c) There are reasonable grounds to believe that a parent, 53
guardian, custodian, or other household member of the child's 54
household has abused or neglected another child in the household 55
and to believe that the child is in danger of immediate or 56
threatened physical or emotional harm from that person. 57

(4) By an enforcement official, as defined in section 58
4109.01 of the Revised Code, under the circumstances set forth 59
in section 4109.08 of the Revised Code; 60

(5) By a law enforcement officer or duly authorized 61
officer of the court when there are reasonable grounds to 62
believe that the child has run away from the child's parents, 63
guardian, or other custodian; 64

(6) By a law enforcement officer or duly authorized 65
officer of the court when any of the following apply: 66

(a) There are reasonable grounds to believe that the 67
conduct, conditions, or surroundings of the child are 68
endangering the health, welfare, or safety of the child. 69

(b) A complaint has been filed with respect to the child 70
under section 2151.27 or 2152.021 of the Revised Code or the 71
child has been indicted under division (A) of section 2152.13 of 72
the Revised Code or charged by information as described in that 73
section and there are reasonable grounds to believe that the 74

child may abscond or be removed from the jurisdiction of the court. 75
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(c) The child is required to appear in court and there are reasonable grounds to believe that the child will not be brought before the court when required. 77
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(d) There are reasonable grounds to believe that the child committed a delinquent act and that taking the child into custody is necessary to protect the public interest and safety. 80
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(B) (1) The taking of a child into custody is not and shall not be deemed an arrest except for the purpose of determining its validity under the constitution of this state or of the United States. 83
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(2) Except as provided in division (C) of section 2151.311 of the Revised Code, a child taken into custody shall not be held in any state correctional institution, county, multicounty, or municipal jail or workhouse, or any other place where any adult convicted of crime, under arrest, or charged with crime is held. 87
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(C) (1) Except as provided in division (C) (2) or (3) of this section, a child taken into custody shall not be confined in a place of juvenile detention or placed in shelter care prior to the implementation of the court's final order of disposition, unless detention or shelter care is required to protect the child from immediate or threatened physical or emotional harm, because the child is a danger or threat to one or more other persons and is charged with violating a section of the Revised Code that may be violated by an adult, because the child may abscond or be removed from the jurisdiction of the court, because the child has no parents, guardian, or custodian or 93
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other person able to provide supervision and care for the child 104
and return the child to the court when required, or because an 105
order for placement of the child in detention or shelter care 106
has been made by the court pursuant to this chapter. 107

(2) A child alleged to be a delinquent child who is taken 108
into custody may be confined in a place of juvenile detention 109
prior to the implementation of the court's final order of 110
disposition if the confinement is authorized under section 111
2152.04 of the Revised Code or if the child is alleged to be a 112
serious youthful offender under section 2152.13 of the Revised 113
Code and is not released on bond. 114

(3) A child taken into custody under division (A) (5) or 115
(6) of this section solely by reason of the child being a 116
runaway shall be brought to the public children services agency 117
servicing the county for protective services, in accordance with 118
division (A) (3) (b) of section 2151.311 of the Revised Code, when 119
required under that division. 120

(D) Upon receipt of notice from a person that the person 121
intends to take an alleged abused, neglected, or dependent child 122
into custody pursuant to division (A) (3) of this section, a 123
juvenile judge or a designated referee may grant by telephone an 124
ex parte emergency order authorizing the taking of the child 125
into custody if there is probable cause to believe that any of 126
the conditions set forth in divisions (A) (3) (a) to (c) of this 127
section are present. The judge or referee shall journalize any 128
ex parte emergency order issued pursuant to this division. If an 129
order is issued pursuant to this division and the child is taken 130
into custody pursuant to the order, a sworn complaint shall be 131
filed with respect to the child before the end of the next 132
business day after the day on which the child is taken into 133

custody and a hearing shall be held pursuant to division (E) of 134
this section and the Juvenile Rules. A juvenile judge or referee 135
shall not grant an emergency order by telephone pursuant to this 136
division until after the judge or referee determines that 137
reasonable efforts have been made to notify the parents, 138
guardian, or custodian of the child that the child may be placed 139
into shelter care and of the reasons for placing the child into 140
shelter care, except that, if the requirement for notification 141
would jeopardize the physical or emotional safety of the child 142
or result in the child being removed from the court's 143
jurisdiction, the judge or referee may issue the order for 144
taking the child into custody and placing the child into shelter 145
care prior to giving notice to the parents, guardian, or 146
custodian of the child. 147

(E) If a judge or referee pursuant to division (D) of this 148
section issues an ex parte emergency order for taking a child 149
into custody, the court shall hold a hearing to determine 150
whether there is probable cause for the emergency order. The 151
hearing shall be held before the end of the next business day 152
after the day on which the emergency order is issued, except 153
that it shall not be held later than seventy-two hours after the 154
emergency order is issued. 155

If the court determines at the hearing that there is not 156
probable cause for the issuance of the emergency order issued 157
pursuant to division (D) of this section, it shall order the 158
child released to the custody of the child's parents, guardian, 159
or custodian. If the court determines at the hearing that there 160
is probable cause for the issuance of the emergency order issued 161
pursuant to division (D) of this section, the court shall do all 162
of the following: 163

(1) Ensure that a complaint is filed or has been filed;	164
(2) Comply with section 2151.419 of the Revised Code;	165
(3) Hold a hearing pursuant to section 2151.314 of the Revised Code to determine if the child should remain in shelter care.	166 167 168
(F) If the court determines at the hearing held pursuant to division (E) of this section that there is probable cause to believe that the child is an abused child, as defined in division (A) of section 2151.031 of the Revised Code, the court may do any of the following:	169 170 171 172 173
(1) Upon the motion of any party, the guardian ad litem, the prosecuting attorney, or an employee of the public children services agency, or its own motion, issue reasonable protective orders with respect to the interviewing or deposition of the child;	174 175 176 177 178
(2) Order that the child's testimony be videotaped for preservation of the testimony for possible use in any other proceedings in the case;	179 180 181
(3) Set any additional conditions with respect to the child or the case involving the child that are in the best interest of the child.	182 183 184
(G) This section is not intended, and shall not be construed, to prevent any person from taking a child into custody, if taking the child into custody is necessary in an emergency to prevent the physical injury, emotional harm, or neglect of the child.	185 186 187 188 189
Sec. 2151.311. (A) A person taking a child into custody shall, with all reasonable speed and in accordance with division	190 191

(C) of this section, ~~either~~do one of the following: 192

(1) Release the child to the child's parents, guardian, or 193
other custodian, unless the child's detention or shelter care 194
appears to be warranted or required as provided in section 195
2151.31 of the Revised Code or division (A) (3) of this section 196
applies; 197

(2) ~~Bring~~Unless division (A) (3) of this section applies, 198
bring the child to the court or deliver the child to a place of 199
detention or shelter care designated by the court and promptly 200
give notice thereof, together with a statement of the reason for 201
taking the child into custody, to a parent, guardian, or other 202
custodian and to the court; 203

(3) If the child is a runaway taken into custody under 204
authority of division (A) (5) or (6) of section 2151.31 of the 205
Revised Code solely by reason of the child being a runaway, 206
whichever of the following applies with respect to the child: 207

(a) Except as provided in division (A) (3) (b) of this 208
section, release the child to the child's parents, guardian, or 209
other custodian; 210

(b) If the person taking the child into custody has a 211
reasonable suspicion that the release of the child to the 212
child's parents, guardian, or other custodian would subject the 213
child to abuse, bring the child to the public children services 214
agency serving the county, for protective services. When a child 215
is brought to the agency under this division, the agency shall 216
comply with divisions (A) (5), (6), (7), (8), and (23) of section 217
5153.16 of the Revised Code with respect to the child, to the 218
extent applicable with respect to the child, shall assess the 219
risk of abuse or neglect of the child in accordance with the 220

system of safety and risk assessment implemented under division 221
(A) (16) of that section, and shall immediately commence an 222
investigation as to whether the child is an abused, neglected, 223
or dependent child. 224

(B) If a parent, guardian, or other custodian fails, when 225
requested by the court, to bring the child before the court as 226
provided by this section, the court may issue its warrant 227
directing that the child be taken into custody and brought 228
before the court. 229

(C) (1) Before taking any action required by division (A) 230
of this section, a person taking a child into custody may hold 231
the child for processing purposes in a county, multicounty, or 232
municipal jail or workhouse, or other place where an adult 233
convicted of crime, under arrest, or charged with crime is held 234
for either of the following periods of time: 235

(a) For a period not to exceed six hours, if all of the 236
following apply: 237

(i) The child is alleged to be a delinquent child for the 238
commission of an act that would be a felony if committed by an 239
adult; 240

(ii) The child remains beyond the range of touch of all 241
adult detainees; 242

(iii) The child is visually supervised by jail or 243
workhouse personnel at all times during the detention; 244

(iv) The child is not handcuffed or otherwise physically 245
secured to a stationary object during the detention. 246

(b) For a period not to exceed three hours, if all of the 247
following apply: 248

(i) The child is alleged to be a delinquent child for the commission of an act that would be a misdemeanor if committed by an adult, is alleged to be a delinquent child for violating a court order regarding the child's adjudication as an unruly child for being an habitual truant, or is alleged to be an unruly child or a juvenile traffic offender;	249 250 251 252 253 254
(ii) The child remains beyond the range of touch of all adult detainees;	255 256
(iii) The child is visually supervised by jail or workhouse personnel at all times during the detention;	257 258
(iv) The child is not handcuffed or otherwise physically secured to a stationary object during the detention.	259 260
(2) If a child has been transferred to an adult court for prosecution for the alleged commission of a criminal offense, subsequent to the transfer, the child may be held as described in division (F) of section 2152.26 or division (B) of section 5120.16 of the Revised Code.	261 262 263 264 265
(D) If a person who is alleged to be or has been adjudicated a delinquent child or who is in any other category of persons identified in this section is confined under authority of this section in a place specified in division (C) of this section, the fact of the person's admission to and confinement in that place is restricted as described in division (G) of section 2152.26 of the Revised Code.	266 267 268 269 270 271 272
(E) As used in division (C)(1) of this section, "processing purposes" means all of the following:	273 274
(1) Fingerprinting, photographing, or fingerprinting and photographing the child in a secure area of the facility;	275 276

(2) Interrogating the child, contacting the child's parent 277
or guardian, arranging for placement of the child, or arranging 278
for transfer or transferring the child, while holding the child 279
in a nonsecure area of the facility. 280

Section 2. That existing sections 2151.022, 2151.31, and 281
2151.311 of the Revised Code are hereby repealed. 282