



ENACTMENT NEWS

Senate Bill 256

Juvenile Life Sentences Review; Abuse/Neglect/Dependency Continuance

Effective April 12, 2021

On January 9, 2021, Governor DeWine signed Senate Bill 256 (Senator Lehner & Senator Manning) into law. The bill contains changes to juvenile life sentences and allows juvenile courts to grant a reasonable continuance for abuse, neglect and dependency cases.

Abuse, Neglect & Dependency Hearing Continuances

Continuing law requires a dispositional hearing for an abuse, neglect or dependency case to be held within 90-days of the date the complaint in the case was filed. The bill modifies R.C. 2151.35(B)(1) to allow a reasonable continuance beyond the 90-day deadline for good cause shown based on a motion of the court, party or child's guardian-ad-litem. The continuance cannot extend beyond an additional 45-days, and is not available for any case that has been dismissed and subsequently refiled.

Sentencing Changes

The bill modifies the rape statute (R.C. 2907.02) to eliminate the option of sentencing a juvenile rape offender to life without parole.

The bill modifies the terrorism statute (R.C. 2909.24) to eliminate the option of sentencing a juvenile terrorism offender to life without parole and require, if the most serious underlying offense is aggravated murder, murder, or a felony of the first degree, an indefinite prison term of 30 years to life.

The bill modifies the murder sentencing statute (R.C. 2929.02), the aggravated murder sentencing statute (R.C. 2929.03) and the aggravated murder re-sentencing statute (R.C. 2929.06) to eliminate the option of sentencing a juvenile aggravated murder offender to life without parole.

Sentencing & Parole Factors

The bill creates new mandatory mitigating factors for courts to consider when sentencing felony offenders who were juveniles at the time of their offense (R.C. 2929.19(B)(1)). The mitigating factors include the chronological age of the offender, their family and home environment, trauma, school and special education history, family and peer pressure and evidence of rehabilitation. In considering the parole eligibility of an offender who was a juvenile at the time of their offense(s), the parole board must ensure that the review process

provides the offender a meaningful opportunity to obtain release and must consider the same mitigating factors courts much consider at sentencing (R.C. 2967.132(E)(2)).

Parole Eligibility Changes

The bill enacts a new R.C. 2967.132 to create special parole eligibility for juvenile offenders with life or extended sentence as follows:

- Juvenile offenders are generally eligible for parole after serving 18 years in prison.
- If the juvenile offender is guilty of one or more homicide offenses, none of which are newly defined “aggravated homicide offenses” the juvenile offender is eligible for parole after serving 25 years.
- If the juvenile offender is guilty of two or more homicide offenses, none of which are an “aggravated homicide offense,” and the juvenile offender was the principal offender in two or more of those offenses, the prisoner is eligible for parole after serving 30 years.
- If the juvenile offender’s sentence permits parole earlier than these above, the juvenile offender is eligible for parole after serving the period of time specified in the sentence.

These special parole eligibility provisions do not apply if the juvenile offender was sentenced for a newly-defined “aggravated homicide offense” or a sentence for terrorism when the most serious underlying offense was aggravated murder or murder. The bill defines “aggravated homicide offense” as the purposeful killing of three or more persons, when the offender is the principal offender in each offense while committing aggravated murder or any other offense or combination of offenses that involved the purposeful killing of three or more persons.

If the parole board does not grant release to an offender who was a juvenile at the time of their offense(s), the board must conduct a subsequent review within five years

The Ohio Senate passed the bill by a vote of 29-4 on September 23, 2020, and the House of Representatives passed the bill by a vote of 75-9 on December 17, 2020. The Senate concurred in House amendments by a vote of 28-1 on December 18, 2020.