

SB 337 Juvenile Provisions Detention Credit: Fact Sheet

On September 28, 2012, the provisions of SB 337 go into effect. This fact sheet covers the provisions in the law regarding changes to the detention credit in ORC §§ 2152.18(B), 2949.08, and 2967.191.

What was the old law on detention credit?

Under prior law, youth processed in juvenile court and sentenced or given a suspended sentence to a Department of Youth Services (DYS) correctional facility could only receive credit – or time off their sentence – for days the youth was “held in detention.” The definition of detention in ORC § 2151.011 only included time spent in these facilities by a youth *before* a court adjudication or disposition was issued or the court executed an order. This provision also did not specifically apply to youth serving time in adult jails or Department of Rehabilitation and Correction (DRC) facilities and did not include other types of confinement besides juvenile detention, such as time spent in locked rehabilitation facilities.

How does the new law change a youth’s eligibility for detention credit?:

SB 337 establishes that any youth processed in juvenile court and sentenced to a DYS facility [ORC § 2152.18(B)], adult jail [§ 2949.08], or DRC facility [§ 2967.191] must receive credit for any time the youth was confined throughout their involvement with either the juvenile or adult courts. Confinement has been defined by the Ohio Supreme Court as any facility in which a person is “not free to come and go as he wishe[s].” *State v. Napier*, 93 Ohio St.3d 646 (2001). S.B. 337 specifically provides that the court should not count any time the youth spends under electronic monitoring or house arrest or in a halfway house as credit towards the youth’s sentence in a juvenile or adult facility.

The changes in SB 337 would affect a variety of youth, including youth who are processed fully in the juvenile justice system up to age 21, youth who are given Serious Youthful Offender sentences, and youth who are bound over to adult court.

Case Scenarios:

Case #1: A youth is arrested and taken in to the juvenile detention center. The youth is placed on house arrest. At disposition, the youth receives a 30 day term in a locked rehabilitation center with a suspended 6 month DYS sentence. The youth serves 10 days in the locked rehabilitation center, but then has her DYS sentence invoked.

Credit under prior law: The youth would not have received credit for either the time on house arrest or 10 days in the locked rehabilitation center.

Credit under SB 337: The youth receives credit for time served in the locked rehabilitation center, but not for house arrest and her DYS sentence is reduced by 10 days.

Case #2: Facts: A youth is arrested and taken to the juvenile detention center. The youth serves 6 months pre-adjudication in the juvenile detention center and is adjudicated delinquent of an SYO offense. The youth is given a three year DYS sentence with a 10 year adult sentence if invoked and is held in the juvenile detention center for an additional 10 days before being transferred to a DYS facility. After an additional 6 months in a DYS correctional facility, the youth has the adult portion of their sentence invoked and is transferred over to the adult prison.

Credit under prior law: The youth should have received credit for 1 year and 10 days served (6 months in juvenile detention pre-disposition, 10 days in juvenile detention post-disposition, and 6 months in DYS), but the adult court may not have recognized that these days counted.

Credit under SB 337: The youth should receive credit for 1 year and 10 days served (6 months in juvenile detention pre-disposition, 10 days in juvenile detention post-disposition, and 6 months in DYS), and the adult court should be put on notice that the child receives this credit because the credit is explicitly given in the adult code.

Case #3: *Facts:* A youth is arrested and taken into the juvenile detention center. The youth serves 5 months in the juvenile detention center and then is bound over to adult court, where the youth spends an additional 2 months in adult jail before pleading to a charge with a 1 year prison sentence.

Credit under prior law: The youth should have received 7 months credit (2 months in jail and 5 months in the detention center), but the adult court may not have recognized that these days counted.

Credit under SB 337: The youth should have received 7 months credit (2 months in jail and 5 months in the detention center), and the adult court should be put on notice that the child receives this credit because the credit is explicitly given in the adult code.