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*Bill Analysis*  
Legislative Service Commission

## **S.B. 12**

123rd General Assembly  
(As Introduced)

**Sens. Mumper, Armbruster, Carnes, Wachtmann**

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### **BILL SUMMARY**

- Prohibits the provision of internet access to prisoners in state, county, municipal, and privately operated correctional facilities.

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### **CONTENT AND OPERATION**

#### **Prohibiting the provision of internet access**

The bill enacts prohibitions against the provision of internet access to prisoners in various correctional facilities. Specifically, the bill prohibits an officer or employee of a "contractor" who is operating and managing a private correctional facility from providing or permitting prisoner access to the "internet" through the use of a "computer," "computer network," or "computer system." (R.C. 9.08(B).) Similarly, the bill prohibits "county correctional officers" (R.C. 341.42(B)), "municipal correctional officers" (R.C. 753.32(B)), and officers and employees of correctional institutions under the control or supervision of the Department of Rehabilitation and Correction (R.C. 5145.31(B)) from providing or permitting prisoner access to the internet through the use of a computer, computer network, or computer system. (See "Definitions," below for definitions of terms in quotes.)

#### **Penalty for providing internet access**

The reckless provision of internet access by any of the above named persons would be a violation of the prohibition against dereliction of duty, a misdemeanor of the second degree. (R.C. 2921.44.) (See **COMMENT**.)

#### **Definitions**

The bill provides that, as used in the above described prohibitions, these terms have the following meanings:

"Computer" means an electronic device that performs logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses. "Computer" includes, but is not limited to, all input, output, processing, storage, computer program, or communication facilities that are connected, or related, in a computer system or network to an electronic device of that nature (R.C. 9.08(A)(1), 341.42(A)(2), 753.32(A)(2), and 5145.31(A)(1) by reference to R.C. 2913.01(M)).

"Computer system" means a computer and related devices, whether connected or unconnected, including, but not limited to, data input, output, and storage devices, data communications links, and computer programs and data that make the system capable of performing specified special purpose data processing tasks (R.C. 9.08(A)(1), 341.42(A)(2), 753.32(A)(2), and 5145.31(A)(1) by reference to R.C. 2913.01(N)).

"Computer network" means a set of related and remotely connected computers and communication facilities that includes more than one computer system that has the capability to transmit among the connected computers and communication facilities through the use of computer facilities (R.C. 9.08(A)(1), 341.42(A)(2), 753.32(A)(2), and 5145.31(A)(1) by reference to R.C. 2913.01(O)).

"Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the world wide web (R.C. 341.42(A)(3), R.C. 9.08(A)(4), 753.32(A)(3), and 5145.31(A)(2)).

"County correctional officer" means a person who is employed by a county as an employee or officer of a county jail, county workhouse, minimum security jail, joint city and county workhouse, municipal-county correctional center, multicounty-municipal correctional center, municipal-county jail or workhouse, or multicounty-municipal jail or workhouse (R.C. 341.42(A)(1) by reference to R.C. 341.41--not in the bill).

"Municipal correctional officer" means a person who is employed by a municipal corporation as an employee or officer of a municipal jail, municipal workhouse, minimum security jail, joint city and county workhouse, municipal-county correctional center, multicounty-municipal correctional center, municipal-county jail or workhouse, or multicounty-municipal jail or workhouse (R.C. 753.32(A)(1) by reference to R.C. 753.31--not in the bill).

"Contractor" means a person who enters into a contract under R.C. 9.06 (contracts for the private operation of a local or state correctional facility) or a

person who enters into a contract under R.C. 9.07 to operate and manage a correctional facility in Ohio for out-of-state prisoners (R.C. 9.08(A)(2)).

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## COMMENT

R.C. 2921.44(E) provides in part that no public servant shall recklessly do any act expressly forbidden by law with respect to his office. A person who violates the prohibition in the bill is guilty of dereliction of duty, a misdemeanor of the second degree. Under existing law, county correctional officers, municipal correctional officers, and officers or employees of correctional institutions under the control or supervision of the Department of Rehabilitation and Correction are all public servants. (See R.C. 2921.01--not in the bill.) The bill expands, for the purpose of the dereliction of duty prohibition, the definition of public servants to include officers or employees of contractors who are operating and managing private correctional facilities.

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## HISTORY

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Introduced	01-20-99	p. 27

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