



**H.B. 118**  
124th General Assembly  
(As Introduced)

**Reps. Willamowski, Hartnett, D. Miller, Strahorn, Allen, Metelsky, DePiero, Kearns**

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**BILL SUMMARY**

- Eliminates the statutory authority for the private operation of state or local correctional institutions or facilities housing Ohio prisoners.
- Eliminates the statutory provisions requiring the private operation of the initial Department of Rehabilitation and Correction intensive program prison for third or fourth degree felony OMVI offenders.
- Removes a reference in an appropriation that the Department's medium/minimum security prison is to be privatized.
- Declares an emergency.

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**CONTENT AND OPERATION**

**Existing law**

Current law (1) *requires* the Department of Rehabilitation and Correction to contract for the private operation and management of the initial intensive program prison (a prison for prisoners sentenced to a mandatory prison term for a third or fourth degree felony OMVI offense) and (2) *authorizes* the Department to contract for the private operation and management of *any other state correctional institution*. Current law also allows counties and municipal corporations to contract for the private operation and management of a correctional facility, but only if it houses misdemeanor inmates. These contracts must be for an initial term of not more than two years, with an option to renew for additional periods of two years, and no out-of-state prisoners may be housed in an institution or facility subject to these contracts. Before the Department, or a county or municipal corporation, enters into any of these contracts, the contractor involved must convincingly demonstrate that it can operate the correctional institution or facility involved with the inmate capacity required and can provide the services required

and *realize at least a 5% savings* over the projected cost to the Department, or the county or municipal corporation, of providing the same services to operate the correctional institution or facility. Any contractor who applies to operate and manage a correctional institution or facility generally must be accredited by the American Correctional Association, must retain that accreditation throughout the contract term, and, at the time of application, must operate and manage one or more facilities accredited by the Association. The contractor also must seek, obtain, and maintain accreditation from the Association during the contract term for the correctional institution or facility involved. (Secs. 9.06(A)(1), (3), and (4) and (B)(1) and (2), 341.35, 753.03, 5120.03(C), and 5120.033(B) and (C); Section 21 of Sub. S.B. 245 of the 123rd General Assembly.)

### **Changes proposed by the bill**

#### **Repealed provisions and related prohibition**

The bill repeals the provisions described under "Existing law," above, and removes other statutory references and an uncodified law reference to these provisions (secs. 9.06, 9.07(D)(9), 9.08(A)(2)(a) and (A)(3), 307.93(A) and (H), 341.01, 341.34(B)(1)(b), (2)(b), and (3), 341.35, 753.03, 753.15(A) and (B), 753.21(B)(1)(b), (2)(b), and (3), 2929.13(G)(2), 5120.03(C), 5120.033(B) and (C), 5120.38, and 5145.32(A)(2); Section 3 of the bill, which amends Section 21 of Sub. S.B. 245 of the 123rd G.A.).

The bill further prohibits, on and after its effective date, the state, the Department of Rehabilitation and Correction (DRC), any other state agency, a county or municipal corporation, or an affiliation of political subdivisions, from entering into any contract or agreement with any person or entity for the private operation or management of any jail or prison, as these terms are defined in the Penalties and Sentencing (PS) Law (sec. 9.09). The PS Law defines "jail" to mean a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or combination of political subdivisions and "prison" to mean a residential facility used for the confinement of convicted felony offenders that is under DRC's control, but not including a violation sanction center (sec. 2929.01(U) and (BB), not in the bill).

#### **Declaration by General Assembly**

In the bill, the General Assembly declares that, if prior to the bill's effective date, DRC, any county or municipal corporation, or any affiliation of political subdivisions has entered into a contract for the private operation and management of any state or local correctional institution or facility, then, on and after that effective date, as a matter of public safety and welfare, the *contract is void*,

*invalid, and unenforceable*, and the private operation and management of the institution or facility that is the subject of the contract must be terminated (Section 5 of the bill, first paragraph). In the bill, the General Assembly further declares that its purpose in amending, enacting, and repealing the Revised Code sections in the bill, and in amending Section 21 of Sub. S.B. 245 of the 123rd General Assembly in the bill, is to eliminate (1) all statutory provisions that authorize or require the state, a county or municipal corporation, or an affiliation of political subdivisions to contract for the private operation and management of correctional institutions or facilities for Ohio prisoners and (2) provisions of Sub S.B. 245 of the 123rd General Assembly that required DRC to contract for the private operation and management of a specified state correctional institution for Ohio prisoners (a medium/minimum security prison) (Section 5 of the bill, second paragraph, and Section 6).

**Unaffected law**

The bill does not apply to or affect the provisions of current law that (1) allow a county, municipal corporation, combination of counties, combination of municipal corporations, or combination of one or more counties and one or more municipal corporations, under specified conditions, to operate a correctional facility that houses out-of-state prisoners under a contract with an out-of-state jurisdiction or (2) authorize a private contractor to operate and manage a correctional facility for housing out-of-state prisoners, but only if the contractor enters into a contract, complying with certain conditions, with a local public entity for the operation and management of the facility (sec. 9.07).

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	02-22-01	p. 173

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