Dennis M. Papp *Legislative Service Commission*

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Reps. Latta, McGregor, Seitz, Fessler, Womer Benjamin, Willamowski, Gilb, Schmidt, Cirelli, Perry, Salerno, D. Miller

BILL SUMMARY

PART I - MISDEMEANOR SENTENCING LAW

Purposes of misdemeanor sentencing, factors to consider in sentencing

- Provides that a court sentencing an offender for a misdemeanor must be guided by the overriding purposes of misdemeanor sentencing, which are: (1) to protect the public from future crime by the offender and others and (2) to punish the offender.

- Requires the sentencing court to consider certain factors when imposing sentence on a misdemeanor offender and prohibits it from basing the sentence on the offender's race, ethnic background, gender, or religion.

Jail terms

- Makes the maximum jail term for a misdemeanor of the first degree 180 days, as opposed to six months under existing law.

- Prohibits a court from sentencing an offender to a prison term for a misdemeanor or a minor misdemeanor.

- Requires the court, if it sentences an offender to a jail term and assigns the offender to a county jail that has established a county jail industry program, to specify, as part of the sentence, whether the offender may be considered for participation in the program and that the court retains jurisdiction to modify its specification regarding the offender's participation in the program during that jail term.

- Replaces "term of imprisonment" with "jail term."

Community control sanctions--generally

- Replaces a court's authority to impose probation on a misdemeanor offender with the authority to impose community control sanctions.

- Authorizes a sentencing court, in sentencing an offender for a misdemeanor, other than a minor misdemeanor, to do either of the following: (1) directly impose a sentence that consists of one or more community control sanctions, or (2) impose a jail term from the range of jail terms authorized for the offense, suspend all or a portion of the jail term imposed, and place the offender under a community control sanction or combination of community control sanctions.

- Specifies that an order suspending the imposition of a jail term for a misdemeanor and placing the defendant under a community control sanction is a final order that may be appealed.

- Limits the duration of all community control sanctions imposed upon an offender and in effect for an offender to not more than five years.

- If a court sentences an offender to any community control sanction or combination of community control sanctions, requires the court to place the offender under the general control and supervision of the court or a department of probation for purposes of reporting to the court a violation of any of the conditions of the sanctions imposed, and specifies that the sentencing court retains jurisdiction over any offender whom it sentences for the duration of the sanction or sanctions imposed.

- Specifies that the sentencing court require as a condition of any community control sanction that the offender abide by the law and not leave Ohio without the permission of the court or the offender's probation officer, and permits the court to impose additional requirements on the offender in the interests of doing justice, rehabilitating the offender, and ensuring the offender's good behavior.

- Enacts procedures by which the sentencing court is informed when an offender violates any of the conditions of any community control sanction.

- Replaces the duties of probation officers relating to misdemeanor offenders who are on probation with duties relating to misdemeanor offenders who are subject to community control sanctions.

- Permits the sentencing court to impose upon an offender who violates any condition of a community control sanction: (1) a longer time under the same community control sanction if the total time under all of the community control sanctions imposed on the violator does not exceed the five-year limit, or (2) a more restrictive community control sanction or combination of community control sanctions, including a jail term (that may not exceed the maximum jail term available for the offense for which the sanction was imposed).

- Amends a provision relating to the duration of probation and the tolling of a probation period to make it instead apply to community control sanctions.

- Permits a court to reduce the period of time an offender is under a community control sanction or impose on an offender a less restrictive community control sanction, if the offender, for a significant period of time, fulfills the conditions of a community control sanction imposed in an exemplary manner.

- Specifies that, generally, the Community Control Sanction Law as it exists on and after July 1, 2003 (the bill's effective date), applies to a person upon whom a court imposes a sentence for a misdemeanor offense committed on or after July 1, 2003.

Community residential sanctions

- Authorizes a court imposing a sentence for a misdemeanor, other than a minor misdemeanor, to generally impose any community residential sanction or combination of community residential sanctions that include, but are not limited to, the following: (1) a term of up to 180 days in a halfway house or a term in a halfway house not to exceed the longest jail term available for the offense, whichever is shorter, and (2) a term of up to 180 days in an alternative residential facility or a term in an alternative residential facility not to exceed the longest jail term available for the offense, whichever is shorter.

- Permits the court that sentences an offender to a community residential sanction to do any of the following: (1) permit the offender to serve the offender's sentence in intermittent confinement, overnight, on weekends or at any other time or times that will allow the offender to continue at the offender's occupation or care for the offender's family, (2) authorize the offender to be released so that the offender may seek or maintain

employment, receive education or training, receive treatment, perform community service, or otherwise fulfill an obligation imposed by law or by the court, or (3) order that a reasonable portion of the income earned by the offender upon a release as described above be applied to any financial sanction imposed.

- Enacts a provision for disease testing of offenders under community residential sanctions parallel to existing provisions for local correctional facilities.

Nonresidential sanctions

- Authorizes a court imposing a sentence for a misdemeanor, other than a minor misdemeanor, to generally impose any nonresidential sanction or combination of nonresidential sanctions that include, but are not limited to, the following: (1) a term of day reporting, (2) a term of house arrest with electronic monitoring, a term of electronic monitoring without house arrest, or a term of house arrest without electronic monitoring, (3) a term of community service of up to 500 hours for a misdemeanor of the first degree or 200 hours for a misdemeanor of the second, third, or fourth degree, (4) a term in a drug treatment program with a level of security for the offender as determined necessary by the court, (5) a term of intensive probation supervision, (6) a term of basic probation supervision, (7) a term of monitored time, (8) a term of drug and alcohol use monitoring, including random drug testing, (9) a curfew term, (10) a requirement that the offender obtain employment, (11) a requirement that the offender obtain education or training, (12) provided the court obtains the prior approval of the victim, a requirement that the offender participate in victim-offender mediation, (13) if authorized by law, suspension of the offender's privilege to operate a motor vehicle, immobilization or forfeiture of the offender's motor vehicle, a requirement that the offender obtain a valid motor vehicle operator's license, or any other related sanction, and (14) a requirement that the offender obtain counseling in certain circumstances.

- Permits the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, to impose upon an offender who is not required to serve a mandatory jail term any other sanction that is intended to discourage the offender or other persons from committing a similar offense if the sanction is reasonably related to the overriding purposes and principles of misdemeanor sentencing.

- Permits a court imposing a sentence for a minor misdemeanor, in lieu of all or part of a fine, to impose a term of community service that may not exceed 30 hours.

- Revises a provision authorizing supervised community service for probationers to make it instead apply to persons sentenced to a community control sanction of supervised community service.

Financial sanctions

- Authorizes the court imposing a sentence upon an offender for a misdemeanor, including a minor misdemeanor, to sentence the offender to any financial sanction or combination of financial sanctions that include, but are not limited to, the following: (1) a conventional fine, (2) a state fine or cost, (3) restitution, (4) reimbursement by the offender of any or all of the costs of sanctions incurred by the government, and (5) court costs.

Fines

- Increases the maximum fine that a court may impose for a minor misdemeanor from $100 to $150.

- Expands the types of fines that a court is authorized to impose to also include a "state fine or cost."

Restitution

- Authorizes a sentencing court to impose restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss, establishes procedures by which the amount of restitution is determined, and establishes procedures by which the restitution may be made and collected.

- Requires all restitution payments to be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender.

- Permits the court to order that the offender pay a surcharge, of not more than 5% of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

- Allows the victim or survivor to request that the prosecuting attorney file a motion, and allows the offender to file a motion, for modification of the payment terms of any restitution ordered based on a substantial change in the offender's ability to pay.

Reimbursement by the offender of any or all of the costs of sanctions incurred by the government

- Authorizes a court to require the offender to reimburse any or all of the costs of sanctions incurred by the government, provided that the reimbursement ordered may not exceed the total amount of reimbursement the offender is able to pay and may not exceed the actual cost of the sanctions.

Court costs

- Explicitly authorizes a court to impose, as a financial sanction, court costs upon an offender who is convicted of or pleads guilty to a misdemeanor.

Procedure

- Authorizes a sentencing court to hold a hearing to determine whether the offender is able to pay the financial sanction imposed or is likely in the future to be able to pay it.

- If a person fails to pay a financial sanction, authorizes the court to order community service in lieu of the financial sanction.

- Specifies that a financial sanction is a judgment in favor of the person or entity to whom the financial sanction must be paid and, once the financial sanction is imposed as a judgment, permits the person or entity to whom the financial sanction must be paid to bring an action to obtain execution of the judgment through any available procedure and to obtain an order for the assignment of wages of the judgment debtor.

- Specifies that no financial sanction precludes a victim from bringing a civil action against the offender.

- Permits each court imposing a financial sanction upon an offender to designate the clerk of the court or another person to collect the financial sanction; authorizes the clerk or person to: (1) enter into contracts with one or more public agencies or private vendors for the collection of

amounts due under the sanction, (2) permit payment of all or any portion of the sanction by any reasonable method, in any time, and on any terms that court considers just, except that the maximum time permitted for payment may not exceed five years, and (3) to defray administrative costs, charge a reasonable fee to an offender who elects a payment plan rather than a lump sum payment of any financial sanction.

- Revises the default order in which payments made under a financial sanction are assigned to require payments be assigned in the following order: (1) court costs, (2) state fines and costs, (3) restitution, (4) conventional, and (5) reimbursement.

PART II - FELONY SENTENCING LAW

Nonresidential community control sanctions for felonies

- Replaces "electronically monitored house arrest" with "house arrest with electronic monitoring."

- Removes the requirement that the nonresidential community control sanction of random drug testing be conducted pursuant to R.C. 2951.05.

Financial sanctions

- Authorizes a court to order that restitution be made to the victim in open court; specifies sources of information on which the court may base the amount of restitution; requires the court to hold a hearing on restitution if the amount is disputed; permits the court to require the offender to pay a surcharge of not more than 5% to the entity responsible for collecting and processing restitution payments; and establishes procedures for the modification of the payment terms of any restitution ordered based on a substantial change in the offender's ability to pay.

- Authorizes a court to impose a "state fine or cost" on a felony offender.

- Revises the mechanism regarding the financial sanction of reimbursement of the cost of sanctions.

- Revises the procedure for the collection of a financial sanction.

PART III - MISCELLANEOUS

Sex Offender Registration and Notification Laws

- Updates certain prohibitions under the Sex Offender Registration and Notification Laws to reflect the replacement of probation with community control.

- Expands the definition of "supervised release" in the Sex Offender Registration and Notification Laws to apply to a person under a community control sanction under both the Felony Sentencing Law and Misdemeanor Sentencing Law.

- Expands the definition of "confinement" in the Sex Offender Registration and Notification Laws to also include community residential sanctions imposed pursuant to the Misdemeanor Sentencing Law.

Right to jury trial

- Limits an accused's right to be tried by a jury to cases in which the offense charged carries a potential penalty of incarceration.

Electronically monitored house arrest

- Replaces the provision authorizing a court to impose electronically monitored house arrest with a more general authority to impose a term of house arrest with electronic monitoring.

Mayor's courts

- Requires a mayor who conducts a mayor's court to register annually with the Supreme Court and to file specified reports with the Supreme Court and the Bureau of Criminal Identification and Investigation.

Police officer deposit of seized property

- Repeals certain provisions regarding a police officer's failure to deposit property taken from or found in possession of a person arrested.

Bond for violation of Education Law

- Prohibits a parent, guardian, or other person having care of a child of compulsory school age from giving a required bond to ensure compliance with certain education-related laws.

Definition of imprisoned

- Modifies the definition of "imprisoned."

Hospitalization of the Mentally Ill Law

- Adds references to "community control" and "post-release control" to certain provisions in the Hospitalization of the Mentally Ill Law.

R.C. 4511.69(H) violations

- Changes the penalty for repeat offense violations of R.C. 4511.69(H), regarding the required marking of special parking locations for persons with disabilities.

Applicability

- Specifies that the provisions of the Revised Code in existence prior to July 1, 2003, apply to a person upon whom a court imposed prior to that date a term of imprisonment for a misdemeanor offense and to a person upon whom a court, on or after that date and in accordance with the law in existence prior to that date, imposed a term of imprisonment for a misdemeanor offense that was committed prior to that date, and that the provisions of the Revised Code in existence on and after July 1, 2003, apply to a person who commits a misdemeanor offense on or after that date.

Delayed effective date

- Provides that the operative provisions of the bill take effect July 1, 2003.

Relocated provisions

- Relocates, with no modifications or minor modifications, a number of provisions in the Misdemeanor Sentencing Law.

Conforming changes

- Makes numerous amendments to existing provisions to conform them to changes made by the substantive provisions of the bill or to change cross-references.

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CONTENT AND OPERATION

PART I - MISDEMEANOR SENTENCING LAW

Overview

Existing law

Under existing law, a person who is convicted of or pleads guilty to a misdemeanor other than a minor misdemeanor generally must be imprisoned for a definite term, fined, or both. The court fixes the term of imprisonment and fine from a specified range of options provided by law. If the offender is convicted of or pleads guilty to committing, attempting to commit, or complicity in committing criminal damaging or endangering in certain circumstances or a misdemeanor act of arson, the court must require the offender to reimburse agencies for their investigation or prosecution costs. (R.C. 2929.21(A).)

The following chart provides an overview of the existing Misdemeanor Sentencing Law:

<table>
<tr><th>Degree of offense</th><th>Possible term of imprisonment</th><th>Maximum possible conventional fine</th><th>Restitution possible?</th><th>Pay confinement costs?</th><th>Probation possible?</th></tr>
<tr><td>M1</td><td>Not more than 6 months</td><td>Not more than $1,000</td><td rowspan="3">Yes</td><td rowspan="3">Yes</td><td rowspan="3">Yes</td></tr>
<tr><td>M2</td><td>Not more than 90 days</td><td>Not more than $750</td></tr>
<tr><td>M3</td><td>Not more than 60 days</td><td>Not more than $500</td></tr>
<tr><td>M4</td><td>Not more than 30 days</td><td>Not more than $200</td><td rowspan="2"></td><td></td><td rowspan="2"></td></tr>
<tr><td>MM</td><td>No term of imprisonment possible</td><td>Not more than $100</td><td>N/A</td></tr>
</table>

Operation of the bill

The bill creates a variety of sentencing options available to a court sentencing an offender for a misdemeanor. Those options, referred to as "sanctions" under the bill, include existing options such as jail terms and conventional fines but also include sanctions such as community control sanctions. The bill also replaces probation with community control.

The following chart provides an overview of the Misdemeanor Sentencing Law sanctions under the bill:

Degree of offense	**Possible jail term** *(R.C. 2929.24(A), and repeal of existing R.C. 2929.21)*	**Maximum possible conventional fine** *(R.C. 2929.28(A)(2)(a), and repeal of existing R.C. 2929.21)*	**Community residential and non-residential sanctions?** *(R.C. 2929.25, 2929.26, and 2929.27)*	**Financial sanction possible?**[1] *(R.C. 2929.28)*	**Pay sanction costs?** *(R.C. 2929.28(A)(3) and 2929.29)*	**Court costs?** *(R.C. 2929.28 (A)(4))*
M1	Not more than 180 days	Not more than $1,000	Yes, unless otherwise provided under that Law	Yes	Yes	Yes
M2	Not more than 90 days	Not more than $750				
M3	Not more than 60 days	Not more than $500				
M4	Not more than 30 days	Not more than $250				
MM	No term of imprisonment possible	Not more than $150	Community service in lieu of fine			

Purposes of sentencing

Under the bill, a court that sentences an offender for a misdemeanor or minor misdemeanor must be guided by the overriding purposes of misdemeanor sentencing, which are: (1) to protect the public from future crime by the offender and others and (2) to punish the offender. To achieve those purposes, the sentencing court must consider the impact of the offense upon the victim and the need for changing the offender's behavior, rehabilitating the offender, and making restitution to the victim of the offense, the public, or the victim and the public. A sentence imposed for a misdemeanor or minor misdemeanor must be reasonably calculated to achieve the two overriding purposes of misdemeanor sentencing, commensurate with and not demeaning to the seriousness of the offender's conduct and its impact upon the victim, and consistent with sentences imposed for similar offenses committed by similar offenders. The bill prohibits a court from basing a

[1] *Including fines, restitution, and state fines or costs.*

sentence imposed upon an offender for a misdemeanor or minor misdemeanor upon the race, ethnic background, gender, or religion of the offender. (R.C. 2929.21.)

Factors to consider when sentencing

Existing law

In determining whether to impose imprisonment, a fine, or both for a misdemeanor, and in determining the term of imprisonment and the amount and method of payment of a fine for a misdemeanor, the court must consider: (1) the risk that the offender will commit another offense and the need for protecting the public from the risk, (2) the nature and circumstances of the offense, (3) the history, character, and condition of the offender and the offender's need for correctional or rehabilitative treatment, (4) any statement made by the victim under the Victims Rights Laws, if the offense is a misdemeanor specified in those laws, and (5) the ability and resources of the offender and the nature of the burden that payment of a fine will impose on the offender.

Under existing law, the following do not control the court's discretion but must be considered in favor of imposing imprisonment for a misdemeanor: (1) the offender is a repeat or dangerous offender, (2) regardless of whether or not the offender knew the age of the victim, the victim of the offense was 65 years of age or older, permanently and totally disabled, or less than 18 years of age at the time of the commission of the offense, and (3) the offense is domestic violence or is assault involving a person who was a family or household member at the time of the violation, the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children.[2]

Specified criteria listed in the Felony Sentencing Law that mitigate the seriousness of the offense and that indicate that the offender is unlikely to commit future crimes do not control the court's discretion but must be considered against imposing imprisonment for a misdemeanor. The criteria listed in that Law in favor of and against imposing imprisonment must not be construed to limit the matters that a court may consider in determining whether to impose imprisonment for a misdemeanor. (R.C. 2929.22(A) through (D).)

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[2] *If the offense is domestic violence or assault involving a person who was a family or household member at the time of the violation and the court decides to impose a term of imprisonment upon the offender, this factor must be considered in favor of imposing a longer term of imprisonment on the offender (R.C. 2929.22(B)(2)).*

Operation of the bill

The bill repeals the existing provisions and replaces them with new factors to be considered in sentencing. Under the bill, unless a mandatory jail term is required to be imposed under the law governing watercraft OMVI, vehicle OMVI, or driving under suspension, a court that imposes a sentence upon an offender for a misdemeanor or minor misdemeanor has discretion to determine the most effective way to achieve the purposes and principles of sentencing described above. Unless a specific sanction is otherwise required to be imposed or precluded from being imposed, a court that imposes a sentence upon an offender for a misdemeanor may impose on the offender any sanction or combination of sanctions under the bill's Misdemeanor Sentencing Law. The court must consider the burden imposed by the sentence on local government resources.

In determining the appropriate sentence for a misdemeanor, the court must consider all of the following factors: (1) the nature and circumstances of the offense or offenses, (2) the criminal history and character of the offender, and (3) whether the offender is likely to commit future crimes. The court also may consider any other factors that are relevant to achieving the purposes and principles of sentencing. The court must consider any relevant oral or written statement made by the victim, the defendant, the defense attorney, or the prosecuting authority regarding sentencing for a misdemeanor, but this requirement does not create any rights to notice other than those rights authorized by the existing Victims of Crime Law.

Before imposing a jail term as a sentence for a misdemeanor, a court may impose a community control sanction or a combination of community control sanctions (see "***Community control sanctions--generally--operation of the bill***," below). A court must impose the longest jail term authorized for the degree of the offense only upon offenders who commit the worst forms of the offense or upon offenders whose conduct and response to prior sanctions for prior offenses demonstrate that the imposition of the longest jail term is necessary to deter the offender from committing a future crime. (R.C. 2929.22(A) through (D)(1), and repeal of existing R.C. 2929.22.)

Jail terms

Terms of imprisonment/jail terms

The following chart describes the possible terms of imprisonment/jail terms for misdemeanors under existing law and under the bill (R.C. 2929.21(B) under existing law, repealed by the bill, and R.C 2929.24(A) under the bill):

Degree of offense	Possible term of imprisonment under existing law	Possible jail term under the bill
M1	Not more than *6 months*	Not more than *180 days*
M2	Not more than 90 days	Not more than 90 days
M3	Not more than 60 days	Not more than 60 days
M4	Not more than 30 days	Not more than 30 days
MM	None	None

Under the bill, if the court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender, the court generally must impose a definite jail term described in the third column in the preceding chart. (Note: the bill replaces "term of imprisonment" with "jail term.") The bill expressly prohibits a court from sentencing any person to a prison term for a misdemeanor or minor misdemeanor. As under existing law, a court that sentences an offender to a jail term may permit the offender to serve the sentence in intermittent confinement or may authorize a limited release of the offender.

Under the bill, if a court sentences an offender to a jail term and the court assigns the offender to a county jail that has established a county jail industry program, the court must specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the county jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the county jail industry program. (R.C. 2929.24 and 2929.26(D).)

Community control sanctions--generally

The bill generally replaces a court's authority as a condition of suspending the offender's sentence to impose probation under existing law with the authority to: (1) directly sentence the offender to one or more community control sanctions that consist of community residential sanctions, community nonresidential sanctions, and financial sanctions, or (2) impose community control sanctions as a condition of suspending the offender's jail term.

Authority to impose community control sanctions--operation of the bill

In sentencing an offender for a misdemeanor, other than a minor misdemeanor, the sentencing court may do either of the following (R.C. 2929.25(A)(1) and (3) and 2951.10):

(1) Directly impose a sentence that consists of one or more community control sanctions. The court may impose any other conditions of release under a community control sanction that the court considers appropriate, including, but not

limited to, requiring that the offender not ingest or be injected with a drug of abuse and submit to random drug testing to determine whether the offender ingested or was injected with a drug of abuse and requiring that the results of the drug test indicate that the offender did not ingest or was not injected with a drug of abuse. If the court imposes a jail term upon the offender, the court may impose any community control sanction or combination of community control sanctions in addition to the jail term. At sentencing, the court must state the duration of the community control sanctions imposed and notify the offender that if any of the conditions of the community control sanctions are violated the court may take any of the actions described below under "***Violations of conditions of a community control sanction***."

(2) Impose a jail term from the range of jail terms authorized for the offense, suspend all or a portion of the jail term imposed, and place the offender under a community control sanction or combination of community control sanctions. An order described in this paragraph is a final order from which appeal may be prosecuted.

The duration of all community control sanctions imposed upon an offender and in effect for an offender at any time must not exceed five years (R.C. 2929.25(A)(2)).

Authorization to impose probation--repealed

The bill repeals R.C. 2929.51 and makes conforming changes in R.C. 2935.33(B) and 2947.21. Existing R.C. 2929.51(A) authorizes the court to do any of the following at the time of sentencing and after sentencing when imprisonment is imposed for a misdemeanor: (1) suspend the sentence and place the offender on probation, (2) suspend the sentence upon any terms that the court considers appropriate, (3) permit the offender to serve the offender's sentence in intermittent confinement, overnight, or on weekends, or both, or at any other time or times that will allow the offender to continue at the offender's occupation or care for the offender's family, and (4) require the offender to serve a portion of the offender's sentence, which may be served in intermittent confinement, and suspend the balance of the sentence upon any terms that the court considers appropriate, or suspend the balance of the sentence and place the offender on probation. (Existing R.C. 2929.51(A), repealed by the bill.)

Also, under existing R.C. 2929.51(B) and (C), at the time of sentencing and after sentencing in certain circumstances, the court may require the offender to serve a portion of the offender's sentence and suspend the balance of the sentence and place the offender on probation, with one of the conditions of probation being that the offender enter into an appropriate treatment program or facility and comply with the treatment prescribed at the program or facility. When a fine is imposed for a misdemeanor, at the time of sentencing and after sentencing, the

court may do either of the following: (1) suspend all or any portion of the fine, upon any conditions that the court imposes in the interests of justice and the correction and rehabilitation of the offender, or (2) permit payment of all or any portion of the fine in installments, or by any other method and in any time and on any terms that the court considers just, except that the maximum time permitted for payment may not exceed two years. (Existing R.C. 2929.51(B) and (C), repealed by the bill.)

Placement under probation department supervision, conditions of community control

Under the bill, if a court sentences an offender to any community control sanction or combination of community control sanctions, the court must place the offender under the general control and supervision of the court or of a department of probation in the jurisdiction that serves the court for purposes of reporting to the court a violation of any of the conditions of the sanctions imposed. If the offender resides in another jurisdiction and a department of probation has been established to serve the municipal court or county court in that jurisdiction, the sentencing court may request the municipal court or the county court to receive the offender into the general control and supervision of that department of probation for purposes of reporting to the sentencing court a violation of any of the conditions of the sanctions imposed. The sentencing court retains jurisdiction over any offender whom it sentences for the duration of the sanction or sanctions imposed.

The sentencing court must require as a condition of any community control sanction that the offender abide by the law and not leave Ohio without the permission of the court or the offender's probation officer. In the interests of doing justice, rehabilitating the offender, and ensuring the offender's good behavior, the court may impose additional requirements on the offender. The offender's compliance with the additional requirements also must be a condition of the community control sanction imposed upon the offender. (R.C. 2929.25(B).)

The bill amends the duties of probation officers to replace their duties relating to misdemeanor offenders who are on probation with duties relating to misdemeanor offenders who are subject to community control sanctions (R.C. 2951.02(A) and 2951.05(A)).

Violations of conditions of a community control sanction

If the court imposing sentence upon an offender sentences the offender to any community control sanction, and if the offender violates any of the conditions of the sanction, the public or private person or entity that supervises or administers the program or activity that comprises the sanction must report the violation directly to the sentencing court or to the department of probation or probation officer with general control and supervision over the offender. If the public or

private person or entity reports the violation to the department of probation or probation officer, the department or officer must report the violation to the sentencing court.

If an offender violates any condition of a community control sanction, the sentencing court may impose upon the violator: (1) a longer time under the same community control sanction if the total time under all of the community control sanctions imposed on the violator does not exceed the five-year limit imposed under the bill as described above, or (2) a more restrictive community control sanction or combination of community control sanctions, including a jail term. If the court imposes a jail term upon a violator, the total time spent in jail for the misdemeanor offense and the violation of a condition of the community control sanction may not exceed the maximum jail term available for the offense for which the sanction that was violated was imposed. The court may reduce the longer period of time that the violator is required to spend under the longer sanction or the more restrictive sanction by all or part of the time the violator successfully spent under the sanction that was initially imposed. (R.C. 2929.25(C).)

The bill amends a provision relating to the duration of probation and the tolling of a probation period to make it instead apply to community control sanctions. Under the bill, a community control sanction continues for the period that the judge or magistrate determines and, subject to the five-year limit imposed under the bill, may be extended. If the offender under community control absconds or otherwise leaves the jurisdiction of the court without permission from the probation officer, the probation agency, or the court, or if the offender is confined in any institution for the commission of any offense, the period of community control ceases to run until the time that the offender is brought before the court for its further action. (R.C. 2951.07.)

Reduction for exemplary behavior

If an offender, for a significant period of time, fulfills the conditions of a community control sanction in an exemplary manner, the court may reduce the period of time under the community control sanction or impose a less restrictive community control sanction. But, fulfilling the conditions of a community control sanction does not relieve the offender of a duty to make restitution. (R.C. 2929.25(D).)

Probation criteria and procedures--repealed

The bill eliminates the existing criteria and procedures related to the imposition of probation (R.C. 2951.02(A), (B), (C)(1), (D), and (E), repealed by the bill).

Probation Law applicable to persons sentenced under laws in effect prior to July 1, 2003

Under the bill, generally, the Probation Law, as it exists prior to July 1, 2003 (the effective date of the operative provisions of the bill), applies to a person upon whom a court imposed a sentence for a misdemeanor offense prior to July 1, 2003, and a person upon whom a court, on or after July 1, 2003, and in accordance with law existing prior to July 1, 2003, imposed a sentence for a misdemeanor offense that was committed prior to July 1, 2003. The Community Control Sanction Law (i.e., R.C. Chapter 2951. as amended by the bill) as it exists on and after July 1, 2003, applies to a person upon whom a court imposes a sentence for a misdemeanor offense committed on or after July 1, 2003. Other probation provisions apply to a person upon whom is imposed a term of imprisonment under the law in existence prior to July 1, 1996, and to a person who is sentenced for a misdemeanor under the law in effect on and after July 1, 1996, but before July 1, 2003. (R.C. 2951.011(B).)

Community residential sanctions--operation of the bill

Types of community residential sanctions

Generally, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, may impose any community residential sanction or combination of community residential sanctions. Community residential sanctions include, but are not limited to, the following (R.C. 2929.26(A)):

(1) A term of up to 180 days in a halfway house or a term in a halfway house not to exceed the longest jail term available for the offense, whichever is shorter;

(2) A term of up to 180 days in an alternative residential facility or a term in an alternative residential facility not to exceed the longest jail term available for the offense, whichever is shorter. The court may specify the level of security in the alternative residential facility that is needed for the offender.

Service of the terms

The court that sentences an offender to a community residential sanction may do any of the following (R.C. 2929.26(B) and (C)):

(1) Permit the offender to serve the offender's sentence in intermittent confinement, overnight, on weekends or at any other time or times that will allow the offender to continue at the offender's occupation or care for the offender's family;

(2) Authorize the offender to be released so that the offender may seek or maintain employment, receive education or training, receive treatment, perform community service, or otherwise fulfill an obligation imposed by law or by the court. Such a release must be only for the duration of time that is needed to fulfill the purpose of the release and for travel that reasonably is necessary to fulfill the purposes of the release.

(3) Order that a reasonable portion of the income earned by the offender upon a release as described above be applied to any financial sanction imposed.

The bill enacts a provision for disease testing of offenders under a community residential sanction parallel to existing provisions for local correctional facilities. Under the bill, if a court sentences a misdemeanor offender to a community residential sanction, at the time of reception and at other times the person in charge of the operation of the place at which the offender will serve the residential sanction determines to be appropriate, the person in charge may cause the offender to be examined and tested for tuberculosis, HIV infection, hepatitis, and other contagious diseases. The person in charge may cause an offender who refuses to be tested or treated to be tested and treated involuntarily. (R.C. 2929.26(E).)

Nonresidential sanctions--operation of the bill

Generally

Except when a mandatory jail term is required by law, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, may impose any nonresidential sanction or combination of nonresidential sanctions. Nonresidential sanctions include, but are not limited to, the following (R.C. 2929.27(A)):

(1) A term of day reporting;

(2) A term of house arrest with electronic monitoring, a term of electronic monitoring without house arrest, or a term of house arrest without electronic monitoring;

(3) A term of community service of up to 500 hours for a misdemeanor of the first degree or 200 hours for a misdemeanor of the second, third, or fourth degree;

(4) A term in a drug treatment program with a level of security for the offender as determined necessary by the court;

(5) A term of intensive probation supervision;

(6) A term of basic probation supervision;

(7) A term of monitored time;

(8) A term of drug and alcohol use monitoring, including random drug testing;

(9) A curfew term;

(10) A requirement that the offender obtain employment;

(11) A requirement that the offender obtain education or training;

(12) Provided the court obtains the prior approval of the victim, a requirement that the offender participate in victim-offender mediation;

(13) If authorized by law, suspension of the offender's privilege to operate a motor vehicle, immobilization or forfeiture of the offender's motor vehicle, a requirement that the offender obtain a valid motor vehicle operator's license, or any other related sanction;

(14) A requirement that the offender obtain counseling if the offense is domestic violence or if the offense is assault involving a person who was a family or household member at the time of the violation, if the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and if the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children. This provision does not limit the court in requiring that the offender obtain counseling for any offense or in any circumstance not specified. (Note: this authorization is broader than the existing authorization to impose as a condition of probation that the offender receive counseling, described above under "***Authorization to impose probation--repealed***."

In addition to these sanctions, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, upon an offender who is not required to serve a mandatory jail term may impose any other sanction that is intended to discourage the offender or other persons from committing a similar offense if the sanction is reasonably related to the overriding purposes and principles of misdemeanor sentencing. The court imposing a sentence for a minor misdemeanor may impose a term of community service in lieu of all or part of a fine, and the term of community service imposed for a minor misdemeanor cannot exceed 30 hours. (R.C. 2929.27(B) and (C).)

Supervised community service

The bill revises a provision authorizing supervised community service for probationers to make it instead apply to persons sentenced to a community control sanction of supervised community service under either the Misdemeanor

Sentencing Law as amended by the bill or the Felony Sentencing Law. It also consolidates analogous separate provisions applying to misdemeanor offenders (required to perform the supervised community service as a condition of probation under existing law, and, under the bill, as part of a community control sanction), and felony offenders.

Under the bill, if an offender is convicted of or pleads guilty to a misdemeanor or a felony, the court may require the offender, as a condition of the offender's sentence of a community control sanction, to perform supervised community service work in accordance with certain statutorily prescribed requirements. The supervised community service work must be under the authority of health districts, park districts, counties, municipal corporations, townships, other Ohio political subdivisions, or agencies of Ohio or any of its political subdivisions, or under the authority of charitable organizations that render services to the community or its citizens. The bill repeals the provision that specified that supervised community service work could not be required as a condition of probation or other suspension unless the offender agrees to perform the work offered as a condition of probation or other suspension by the court. Under the bill, the court may require an offender who is ordered to perform the work to pay to it a reasonable fee to cover the costs of the offender's participation in the work, including, but not limited to, the costs of procuring a policy or policies of liability insurance to cover the period during which the offender will perform the work.

The supervised community service work that may be imposed as a community control sanction is generally subject to the same limitations as was supervised community service that was imposed as a condition of probation, except for the number of hours an offender may serve. Under existing law, the period of the work as fixed by the court may not exceed an aggregate of 200 hours. Under the bill, the number of hours of community service may not exceed in the aggregate the number of hours of community service imposed by the court pursuant to the Felony Sentencing Law or the Misdemeanor Sentencing Law as amended by the bill (up to 500 hours for a felony or a misdemeanor of the first degree, 200 hours for a misdemeanor of the second, third, or fourth degree, or 30 hours for a minor misdemeanor). The total of any period of supervised community service work imposed on an offender plus the period of all other felony or misdemeanor community control sanctions imposed may not exceed five years. (R.C. 2951.02(B).)

Financial sanctions

Overview

Under existing law, a court may impose upon an offender for a misdemeanor a conventional fine and generally may order the offender to make

restitution. Courts may include in the sentence the costs of prosecution and may render a judgment against the defendant for those costs. Local detention facilities also are authorized to require a misdemeanor offender to reimburse the costs of confining the misdemeanor offender. (R.C. 2929.21 and 2947.23, and R.C. 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, and 2947.19--not in the bill.)

Under the bill, the court imposing a sentence upon an offender for a misdemeanor, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions. Financial sanctions that may be imposed include, but are not limited to, the following: (1) a conventional fine, (2) a state fine or cost, (3) restitution, (4) reimbursement by the offender of any or all of the costs of sanctions incurred by the government, and (5) court costs. A discussion of each of these financial sanctions follows. (R.C. 2929.28(A).)

Fines

Overview. The following chart compares the fines under existing law with the conventional fines available under the bill (R.C. 2929.21(C) under existing law, repealed by the bill, and R.C. 2929.28(A)(2)(a) under the bill):

Degree of offense	Maximum possible conventional fine under existing law	Maximum possible conventional fine under the bill
M1	Not more than $1,000	Not more than $1,000
M2	Not more than $750	Not more than $750
M3	Not more than $500	Not more than $500
M4	Not more than $250	Not more than $250
MM	Not more than *$100*	Not more than *$150*

Existing law. Under existing law, a court may impose upon an offender convicted of a misdemeanor a fine in the amount described in the second column of the preceding chart. Also, the court is prohibited from imposing a fine in addition to imprisonment for a misdemeanor unless a fine is specially adapted to deterrence of the offense or the correction of the offender, the offense has proximately resulted in physical harm to the person or property of another, or the offense was committed for hire or for purpose of gain. The court also is prohibited from imposing a fine or fines that, in the aggregate and to the extent not suspended by the court, exceed the amount that the offender is or will be able to pay by the method and within the time allowed without undue hardship to the offender or the offender's dependents, or will prevent the offender from making restitution or reparation to the victim of the offender's offense. (R.C. 2929.22(C), (E), and (F).)

Operation of the bill. The bill expands the types of fines that a court is authorized to impose to also include state fines and costs (see "***Definitions--State fine or cost***," below). The bill also increases the maximum conventional fine that a court may impose for a minor misdemeanor from $100 to $150. (R.C. 2929.28(A)(2), and repeal of existing R.C. 2929.22(C), (E), and (F).)

Restitution

Existing law. Under existing law, the court may require a person who is convicted of or pleads guilty to a misdemeanor to make restitution for all or part of the property damage that is caused by the offense and for all or part of the value of the property that is the subject of any theft offense that the person committed. If the court determines that the victim of the offense was 65 years of age or older or permanently or totally disabled at the time of the commission of the offense, the court, regardless of whether the offender knew the age of victim, must consider this fact in favor of imposing restitution, but this fact does not control the court's decision. (R.C. 2929.21(E).)

Operation of the bill. Under the bill, one financial sanction the court is authorized to impose is restitution by the offender to the victim of the offender's crime or any survivor of the victim. The amount of restitution is based on the victim's economic loss. The court must determine, or order to be determined, the amount of restitution the offender must pay. The court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information. The court must hold a hearing on restitution if the offender, victim, or survivor disputes the amount of restitution.

The court must order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim. The order may include a requirement that reimbursement be made to third parties, other than the offender's insurer, for amounts paid to the victim or any survivor of the victim for economic loss resulting from the offense. If reimbursement to third parties is required, the offender must make the reimbursement to any governmental agency to repay any amounts paid by the agency to the victim or survivor before the offender makes any reimbursement to any other person.

All restitution payments must be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender. The court also may order that the offender pay a surcharge, of not more than 5% of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

The victim or survivor may request that the prosecuting attorney file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered based on a substantial change in the offender's ability to pay. (R.C. 2929.28(A)(1), and repeal of existing R.C. 2929.21(E).)

Reimbursement by the offender of any or all of the costs of sanctions incurred by the government

Reimbursement. Under existing law, in specified circumstances, a local detention facility may collect from an offender the costs of confining the offender in the local detention facility (R.C. 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 2301.56, and 2947.19--not in the bill).

The bill also authorizes a court to require the offender to reimburse any or all of the costs of sanctions incurred by the government, including, but not limited to, the following (R.C. 2929.28(A)(3)):

(1) All or part of the costs of implementing any community control sanction, including a supervised community service supervision fee;

(2) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.

The amount of reimbursement so ordered may not exceed the total amount of reimbursement the offender is able to pay and may not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay. If the court does not order reimbursement, confinement costs still may be assessed pursuant to a repayment policy adopted under any section of the Revised Code that authorizes the adoption of such a policy. (R.C. 2929.28(A)(3).)

Where the reimbursement goes. The offender must pay to the treasurer of the political subdivision (county or municipal corporation) reimbursements imposed upon the offender to pay the costs incurred by a political subdivision pursuant to any financial sanction, community residential sanction, or nonresidential sanction or in operating a facility used to confine offenders serving a jail term. The treasurer then must deposit the reimbursements in the Sanction Cost Reimbursement Fund that the political subdivision is required to create in its treasury. The political subdivision must use the amounts deposited in the Fund to pay the costs incurred by the political subdivision pursuant to any community control sanction or in operating a facility used to confine offenders serving a jail term. If the costs are incurred by a private provider, the offender must pay the reimbursements to the provider. (R.C. 2929.28(C).)

Court costs

Under existing law, in all criminal cases, including violations of ordinances, the judge or magistrate must include in the sentence the costs of prosecution and render a judgment against the defendant for those costs. If a jury has been sworn at the trial of a case, the fees of the jurors must be included in the costs, which must be paid to the public treasury from which the jurors were paid. (R.C. 2947.23--not in the bill.)

The bill explicitly authorizes a court to impose, as a financial sanction, court costs upon an offender who is convicted of or pleads guilty to a misdemeanor (R.C. 2929.28(A)(4)).

Procedure--operation of the bill

Ability to pay hearing. If the court determines a hearing is necessary, the court may hold a hearing to determine whether the offender is able to pay the financial sanction imposed or is likely in the future to be able to pay it. If the court determines that the offender is indigent and unable to pay the sanction, the court must consider imposing and may impose a term of community service in lieu of imposing a financial sanction. If the court does not determine that the offender is indigent, the court may impose a term of community service in lieu of or in addition to imposing a financial sanction. The court may order community service for a minor misdemeanor in lieu of or in addition to imposing a financial sanction. If a person fails to pay a financial sanction, the court may order community service in lieu of the financial sanction. (R.C. 2929.28(B) and 2951.02(B).)

Civil remedies. Generally, a financial sanction is a judgment in favor of the state or the political subdivision that operates the court that imposed the financial sanction. A financial sanction of reimbursement imposed upon an offender is a judgment in favor of the entity administering the community control sanction or the entity operating the jail or other residential facility. A financial sanction of restitution is a judgment in favor of the victim of the offender's criminal act. The offender subject to the financial sanction is the judgment debtor. Once the financial sanction is imposed as a judgment, the victim, private provider, state, or political subdivision may bring an action to do any of the following:

(1) Obtain execution of the judgment through any available procedure, including an execution against the property or person of the judgment debtor, a proceeding in aid of execution (including a proceeding for the examination of the judgment debtor, a proceeding for attachment of the person of the judgment debtor, and a creditor's suit); the attachment of the property of the judgment debtor; and the garnishment of the property of the judgment debtor.

(2) Obtain an order for the assignment of wages of the judgment debtor.

These civil remedies supplement, but do not preclude, enforcement of the criminal sentence. Also, the bill specifies that no financial sanction precludes a victim from bringing a civil action against the offender. (R.C. 2929.28(D), (E), and (G).)

Collection. Each court imposing a financial sanction upon an offender may designate the clerk of the court or another person to collect the financial sanction. The clerk, or another person authorized by law or the court to collect the financial sanction, may do the following (R.C. 2929.28(F)):

(1) Enter into contracts with one or more public agencies or private vendors for the collection of amounts due under the sanction. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction, a court must comply with competitive bidding requirements.

(2) Permit payment of all or any portion of the sanction in installments, by credit or debit card, by another electronic transfer, or by any other reasonable method, in any time, and on any terms that court considers just, except that the maximum time permitted for payment may not exceed five years. The clerk may pay any fee associated with processing an electronic transfer out of public money or may charge the fee to the offender.

(3) To defray administrative costs, charge a reasonable fee to an offender who elects a payment plan rather than a lump sum payment of any financial sanction.

Order of assigning payments made by offender

Default order of assigning payments. Under existing law generally retained by the bill, if a person who is sentenced for a misdemeanor is ordered to pay certain financial sanctions, those payments are assigned in the order described in the following chart, unless the court enters in the record of the case a different method. Payments made must be used to pay the entire amount described in a higher row before they may be used to pay any amount described in the immediately succeeding row. The bill expands the order of payment to also include state fines and costs and reimbursement. (R.C. 2949.111(B).)

Default order of payments under existing law	Default order of payments under the bill
Court costs	Court costs
N/A	State fines and costs (on a pro rata basis)
Restitution	Restitution
Fine	Conventional fine
Supervised community service supervision fees	Reimbursement[3]

Alternative order--operation of the bill. As under existing law, if a person who is charged with a misdemeanor is convicted of or pleads guilty to the offense and if the court orders the offender to pay any combination of court costs, state fines or costs, restitution, conventional fines, or reimbursements, the court, at the time it orders the offender to make those payments, may prescribe an order of payments that differs from the order set forth above by entering in the record of the case the order so prescribed. If a different order is entered in the record, on receipt of any payment, the clerk of the court must assign the payment in the manner prescribed by the court. (R.C. 2949.111(C).)

Definitions

The bill amends or enacts definitions of the following terms:

Community control sanction

The existing Criminal Sentencing Law defines "community control sanction" as a sanction that is not a prison term and that is described in R.C. 2929.15, 2929.16, 2929.17, or 2929.18 in the Felony Sentencing Law. The bill expands the definition to also include a sanction that is not a jail term and that is described in R.C. 2929.26, 2929.27, or 2929.28 in the Misdemeanor Sentencing Law as amended by the bill. Under the bill, "community control sanction" includes probation if the sentence involved was imposed for a felony that was

[3] *As used in this provision, "reimbursement" means any reimbursement for the costs of confinement that the court orders an offender to pay pursuant to the Felony Sentencing Law or Misdemeanor Sentencing Law, any supervision fee, any fee for the costs of electronically monitored house arrest that an offender agrees to pay, any reimbursement for the costs of an investigation or prosecution that the court orders a convicted arsonist to pay, or any other costs that the court orders an offender to pay. "Supervision fees" means any fees that a court, pursuant to the Felony Sentencing Law or Misdemeanor Sentencing Law, requires an offender who is under a community control sanction to pay for supervision services. (R.C. 2949.111(A)(3) and (4).)*

committed prior to July 1, 1996, or if the sentence involved was imposed for a misdemeanor that was committed prior to July 1, 2003. (R.C. 2929.01(F).)

Court costs

The bill defines "court costs" as any assessment that the court requires an offender to pay to defray the costs of operating the court (R.C. 2949.111(A)(1)).

Jail term

The bill defines "jail term" in the Criminal Sentencing Law as the term in a jail that a sentencing court is authorized to impose pursuant to R.C. 2929.24 or 2929.25 of the Misdemeanor Sentencing Law (R.C. 2929.01(T)).

Mandatory jail term

The bill defines "mandatory jail term" in the Criminal Sentencing Law as the term in a jail that a sentencing court is required to impose for operating or being in physical control of any vessel underway or manipulating any water skis, aquaplane, or similar device on Ohio waters, for driving under OMVI suspension or revocation, or for state OMVI (R.C. 2929.01(U)).

Sanction

Under existing law, "sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. Under existing law, "sanction" includes any sanction imposed pursuant to any provision of the Felony Sentencing Law. The bill expands this definition to also include any sanction imposed pursuant to the Misdemeanor Sentencing Law. (R.C. 2929.01(EE).)

Sentence

The bill expands the definition of "sentence" in the existing Criminal Sentencing Law to mean the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense (as opposed to "a felony" under existing law) (R.C. 2929.01(FF)).

State fine or cost

The bill defines "state fines or costs" as any costs imposed or forfeited bail collected by the court for deposit into the Reparations Fund and all fines, penalties, and forfeited bail collected by the court and paid to a law library association (R.C. 2949.111(A)(2)).

PART II - FELONY SENTENCING LAW

Nonresidential community control sanctions for felonies

Electronic monitoring

Under the existing Felony Sentencing Law, the court imposing a sentence for a felony upon an offender who is not required to serve a mandatory prison term may impose a term of *electronically monitored house arrest*, a term of electronic monitoring without house arrest, or a term of house arrest without electronic monitoring. The bill rephrases *electronically monitored house arrest* to be *house arrest with electronic monitoring*. (R.C. 2929.17(B).) (See "**PART III – MISCELLANEOUS - *Electronically monitored house arrest***," below.)

Drug and alcohol use monitoring

Under the existing Felony Sentencing Law, the court imposing a sentence for a felony upon an offender who is not required to serve a mandatory prison term may impose a term of drug and alcohol use monitoring, including random drug testing pursuant to R.C. 2951.05. The bill removes the requirement that the drug testing be performed pursuant to R.C. 2951.05. (R.C. 2929.17(H).)

Existing law, substantively retained by the bill, authorizes departments of probation and the Adult Parole Authority to require offenders who are subject to this requirement to submit to random drug testing that is performed by a contracting laboratory or entity or by a reputable public laboratory. The laboratory or entity is required to conduct the testing in accordance with certain criteria. (R.C. 2951.05.)

Financial sanctions

Restitution

If the court imposes the financial sanction of restitution upon an offender convicted of a felony, the bill expands the methods by which the court may order the restitution to be made to also authorize the court to order that the restitution be made to the victim in open court. Under existing law and the bill, the court also may order that restitution be made to the adult probation department that serves the county on behalf of the victim, to the clerk of courts, or to another agency designated by the court.

Existing law also requires the court, at sentencing, to determine the amount of restitution to be made by the offender. The bill permits the court to base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information. The court must

hold a hearing on restitution if the offender, victim, or survivor disputes the amount. Under the bill, the court may order that the offender pay a surcharge of not more than 5% of the amount of the restitution otherwise ordered to the entity responsible for collecting and processing restitution payments. The victim or survivor may request that the prosecuting attorney file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered based on a substantial change in the offender's ability to pay. (R.C. 2929.18(A)(1).)

Fines

The bill replaces the phrase "statutory fine" with the phrase "conventional fine" and clarifies that a day fine may not exceed the maximum conventional fine authorized for the level of the offense (R.C. 2929.18(A)(2)).

State fine or cost

The bill authorizes a court to impose a "state fine or cost" upon a person convicted of a felony (R.C. 2929.18(A)(4)) (see "**PART I - MISDEMEANOR SENTENCING LAW – *Definitions***," above).

Reimbursement of the costs of sanctions

The bill expands the costs of sanctions that may be reimbursed under a sentence imposed upon a person convicted of a felony to also specifically include a supervised community service supervision fee (R.C. 2929.18(A)(5)(a)).

Reimbursement of the costs of confinement

Existing law. Under existing law, subject to the provisions described in the following paragraphs, the court imposing sentence upon a felony offender may impose a financial sanction of reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including all or part of the costs of confinement, provided that the amount of reimbursement ordered does not exceed certain limitations. (Existing R.C. 2929.18(A) and (A)(4)(a).)

If a felony offender is sentenced to a sanction of confinement that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, one of the following applies (existing R.C. 2929.18(A)(4)(b)):

(1) If, pursuant to specified sections of the Revised Code, the local governmental entity requires prisoners convicted of an offense *other than a minor misdemeanor* to reimburse the local governmental entity for its expenses incurred by reason of the prisoner's confinement, the court *must* impose a financial sanction

that requires the offender to reimburse the local governmental entity for the cost of the confinement. In addition, the court may impose any other financial sanction.

(2) If the local governmental entity has adopted a resolution or ordinance specifying that felony prisoners are not required to reimburse the local governmental entity for its expenses incurred by reason of the prisoner's confinement, the court is prohibited from imposing a financial sanction that requires the offender to reimburse the local governmental entity for the cost of the confinement, but the court may impose any other financial sanction.

(3) If neither (1) nor (2) applies, the court may impose, but is not required to impose, any financial sanction.

Operation of the bill. Under the bill, the court imposing sentence upon a felony offender may impose upon the offender a financial sanction of reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including all or part of the costs of confinement, provided that the amount of reimbursement ordered does not exceed certain existing limitations. (R.C. 2929.18(A) and (A)(5)(a).)

If a felony offender is sentenced to a sanction of confinement that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to specified existing sections of the Revised Code, the local governmental entity requires prisoners to reimburse the local governmental entity for its expenses incurred by reason of the prisoner's confinement, and if the court does not impose a financial sanction requiring the offender to reimburse the costs of confinement, confinement costs may be assessed pursuant to any other Revised Code section that authorizes an assessment of confinement costs.

The bill also removes the express exclusion of persons convicted of minor misdemeanors from the application of this provision: because confinement is not an option for persons convicted of minor misdemeanors, an express exclusion is unnecessary. (R.C. 2929.18(A)(5)(b).)

Collection of financial sanction

Existing law authorizes each court imposing a financial sanction upon an offender to designate a court employee to collect, or to enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed.

Under the bill, such a court may designate the clerk of the court or another person, as opposed to a court employee, to collect the financial sanction. Also, the bill authorizes the clerk or other person, rather than the court, to enter into

contracts with one or more public agencies or private vendors for the collection of amounts due under the financial sanction. (R.C. 2929.18(F).)

PART III - MISCELLANEOUS

Sex Offender Registration and Notification Laws

Violation of duty to comply with Sex Offender Registration and Notification Law requirements

Under existing law, a sex offender who violates a requirement to comply with the Sex Offender Registration and Notification Laws is guilty of a felony of the fifth degree if the most serious sexually oriented offense that was the basis of the registration, change of address notification, or address verification requirement that was violated is a felony, and a misdemeanor of the first degree if the most serious sexually oriented offense that was the basis of the requirement that was violated is a misdemeanor. In addition to any penalty or sanction imposed for the violation, if the offender is on *probation* or parole, is subject to one or more post-release control sanctions, or is subject to any other type of supervised release at the time of the violation, the violation constitutes a violation of the terms and conditions of the *probation*, parole, post-release control sanction, or other type of supervised release.

The bill replaces references to an offender being "on probation" with references to a person being "subject to a community control sanction" and the reference to the terms and condition of "probation" with the terms and conditions of "the community control sanction." (R.C. 2950.99(A).)

Definition of "supervised release"

Currently, in the Sex Offender Registration and Notification Laws, "supervised release" means a release of an offender from a prison term, a term of imprisonment, or another type of confinement that satisfies either of the following conditions: (1) the release is on parole, a conditional pardon, *or probation*, under transitional control, or under a post-release control sanction, and it requires the person to report to or be supervised by a parole officer, probation officer, field officer, or another type of supervising officer or (2) the release is any type of release that is not described in (1) and that requires the person to report to or be supervised by a probation officer, a parole officer, a field officer, or another type of supervising officer.

The bill modifies the definition of "supervised release" by replacing *on probation* with *under a community control sanction* (under both the Felony Sentencing Law and the Misdemeanor Sentencing Law). (R.C. 2950.01(F).)

Definition of "confinement"

Currently, in the Sex Offender Registration and Notification Laws, "confinement" includes, but is not limited to, a community residential sanction imposed pursuant to the Felony Sentencing Law. The bill expands the definition of "confinement" to also include community residential sanctions imposed pursuant to the Misdemeanor Sentencing Law as amended by the bill. (R.C. 2950.01(A).)

Right to jury trial

Under existing law, at any trial, in any court, for the violation of any Ohio law, or of any ordinance of any municipal corporation, except in cases in which the penalty involved does not exceed a fine of $100, the accused has the right to be tried by a jury. This provision does not apply to, and there is no right to a jury trial for, a person who is the subject of a truancy related complaint filed in Juvenile Court against both a child and the parent, guardian, or other person having care of the child.

Under the bill, the accused has the right to be tried by a jury only if the offense carries a potential penalty of incarceration. (R.C. 2945.17.)

Electronically monitored house arrest

Operation of the bill--house arrest with electronic monitoring

Under the existing Felony Sentencing Law, one nonresidential community control sanction that a court may impose is a term of *electronically monitored house arrest*, a term of electronic monitoring without house arrest, or a term of house arrest without electronic monitoring. The bill repeals the provision authorizing electronically monitored house arrest (and the definition of electronically monitored house arrest) and instead authorizes a court to impose a term of *house arrest with electronic monitoring*, a term of electronic monitoring without house arrest, or a term of house arrest without electronic monitoring. "House arrest with electronic monitoring" is a broader term than "electronically monitored house arrest" (see below). (R.C. 2929.17(B) and 2929.01 and repeal of R.C. 2929.23.)

The bill modifies the definition of "house arrest" to remove references to "electronically monitored house arrest" and "eligible offenders" (offenders who are eligible for electronically monitored house arrest). Thus, under the bill, "house arrest" means a period of confinement of an offender that is in the offender's home or in other premises specified by the sentencing court or by the Parole Board, and during which all of the following apply (R.C. 2929.01(Q)): (1) the offender is required to remain in the offender's home or other specified premises for the

specified period of confinement, except for periods of time during which the offender is at the offender's place of employment or at other premises as authorized by the sentencing court or by the Parole Board, (2) the offender is required to report periodically to a person designated by the court or Parole Board, and (3) the offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the Parole Board.

The bill defines "electronic monitoring" as monitoring through the use of an electronic monitoring device (R.C. 2929.01(UU)). Under existing law and the bill, "electronic monitoring device" means any of the following (R.C. 2929.01(VV), relocated from R.C. 2929.23(A)(1)):

(1) Any device that can be operated by electrical or battery power and that conforms with all of the following: (a) it has a transmitter that can be attached to a person, that will transmit a specified signal to a receiver of the type described in paragraph (1)(b) if the transmitter is removed from the person, turned off, or altered in any manner without prior court approval in relation to electronic monitoring or without prior approval of the Department of Rehabilitation and Correction in relation to the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with, that can transmit continuously and periodically a signal to that receiver when the person is within a specified distance from the receiver, and that can transmit an appropriate signal to that receiver if the person to whom it is attached travels a specified distance from that receiver, (b) it has a receiver that can receive continuously the signals transmitted by a transmitter of the type described in paragraph (1)(a), can transmit continuously those signals by telephone to a central monitoring computer of the type described in paragraph (1)(c), and can transmit continuously an appropriate signal to that central monitoring computer if the receiver is turned off or altered without prior court approval or otherwise tampered with, and (c) it has a central monitoring computer that can receive continuously the signals transmitted by telephone by a receiver of the type described in paragraph (1)(b) and can monitor continuously the person to whom an electronic monitoring device of the type described in paragraph (1)(a) is attached.

(2) Any device that is not a device of the type described in paragraph (1) and that conforms with all of the following: (a) it includes a transmitter and receiver that can monitor and determine the location of a subject person at any time, or at a designated point in time, through the use of a central monitoring computer or through other electronic means, and (b) it includes a transmitter and receiver that can determine at any time, or at a designated point in time, through the use of a central monitoring computer or other electronic means the fact that the transmitter is turned off or altered in any manner without prior approval of the court in relation to the electronic monitoring or without prior approval of the Department of Rehabilitation and Correction in relation to the use of an electronic

monitoring device for an inmate on transitional control or otherwise is tampered with.

(3) Any type of technology that can adequately track or determine the location of a subject person at any time and that is approved by the Director of Rehabilitation and Correction, including, but not limited to, any satellite technology, voice tracking system, or retinal scanning system that is so approved.

The bill also repeals, for the purposes of the Criminal Sentencing Law, the definitions of "electronically monitored house arrest" and "eligible offender" (R.C. 2929.01(O) and (P)).

Existing law--electronically monitored house arrest

Definition of "electronically monitored house arrest." Under existing law, "electronically monitored house arrest" means a period of confinement of an eligible offender in the eligible offender's home or in other premises specified by the sentencing court or a period of confinement of a delinquent child in the child's home or in other premises specified by the juvenile court, during which period of confinement certain criteria regarding electronic monitoring devices, electronic monitoring systems apply, and other safeguards apply (R.C. 2929.23(A)(4)).

Definition of "eligible offender." Except as otherwise specified in the Judicial Release Law, "eligible offender" means a person who has been convicted of or pleaded guilty to any offense, except that a person is not an "eligible offender" if any of the following apply in relation to the person, the offense, or the person and the offense: (1) the person is subject to or is serving a term of life imprisonment, or (2) the person is subject to and is serving a mandatory prison term, or (3) the offense is OMVI and certain circumstances apply (R.C. 2929.23(A)(3)).

Electronically monitored house arrest. Under existing law, a court may impose a term of electronically monitored house arrest upon an eligible offender who is convicted of or pleads guilty to a felony, except that the total of any period of electronically monitored house arrest imposed upon that eligible offender plus the period of all other community control sanctions imposed upon the same eligible offender may not exceed five years. Any court may impose a period of electronically monitored house arrest upon an eligible offender who is convicted of or pleads guilty to a misdemeanor in addition to or in lieu of any other sentence imposed or authorized for the offense, except that the total of any period of electronically monitored house arrest imposed upon that eligible offender plus the period of any sentence of imprisonment imposed upon the same eligible offender may not exceed the maximum term of imprisonment that could be imposed upon the eligible offender and except that, if the offense for which an eligible offender is being sentenced is state OMVI or driving under a suspended license (in certain

circumstances), the court may impose a period of electronically monitored house arrest upon the eligible offender only when authorized by and only in limited circumstances.

If a court imposes a period of electronically monitored house arrest upon an eligible offender, it must require the eligible offender to (1) wear, otherwise have attached to the eligible offender's person, or otherwise be subject to monitoring by a certified electronic monitoring device or to participate in the operation of and monitoring by a certified electronic monitoring system, (2) to remain in the eligible offender's home or other specified premises for the entire period of electronically monitored house arrest except when the court permits the eligible offender to leave those premises to go to the eligible offender's place of employment or to other specified premises, (3) to be monitored by a central system that monitors the certified electronic monitoring device that is attached to the eligible offender's person or that otherwise is being used to monitor the eligible offender and that can monitor and determine the eligible offender's location at any time or at a designated point in time or to be monitored by the certified electronic monitoring system, (4) to report periodically to a person designated by the court, and, (5) in return for receiving a period of electronically monitored house arrest, to enter into a written contract with the court agreeing to comply with all restrictions and requirements imposed by the court, agreeing to pay any fee imposed by the court for the costs of the electronically monitored house arrest imposed by the court, and agreeing to waive the right to receive credit for any time served on electronically monitored house arrest toward any prison term or sentence of imprisonment imposed upon the eligible offender for the offense for which the period of electronically monitored house arrest was imposed if the eligible offender violates any of the restrictions or requirements of the period of electronically monitored house arrest. The court also may impose any other reasonable restrictions and requirements upon the eligible offender.

If an eligible offender violates any of the restrictions or requirements imposed upon the eligible offender as part of the eligible offender's period of electronically monitored house arrest, the eligible offender does not receive credit for any time served on electronically monitored house arrest toward any prison term or sentence of imprisonment imposed upon the eligible offender for the offense for which the period of electronically monitored house arrest was imposed. (R.C. 2929.17(B) and 2929.23(B).)

Existing law also requires the Superintendent of the Bureau of Criminal Identification and Investigation to certify for use in cases of electronically monitored house arrest and in relation to an inmate on transitional control specific types and brands of electronic monitoring devices and electronic monitoring systems that comply with specified requirements. Existing law also established procedures by which a manufacturer may obtain that certification and for the

handling of fees paid by eligible offenders using electronically monitored house arrest and authorizes the Superintendent to adopt rules relative to certification. (R.C. 2929.23(C), (D), and (E).)

Requirement of mayor of municipal corporation who conducts a mayor's court to annually register with the Supreme Court

Under existing law, unchanged by the bill, in all municipal corporations not being the site of a municipal court nor a place where a judge of certain specified municipal courts sit, the mayor of the municipal corporation may conduct mayor's court. The mayor must obtain specified training to conduct mayor's court (R.C. 1905.01 and 1905.03--not in the bill).

The bill requires the mayor of a municipal corporation who conducts a mayor's court to register annually with the Supreme Court as provided below. The mayor must file the registration on a form prescribed by the Supreme Court and not later than January 15th in any year in which the mayor conducts a mayor's court or at least 15 days before the mayor first conducts mayor's court in a particular year, whichever is later. The registration must include the name of the mayor, the name of any magistrate appointed by the mayor, and the dates on which the mayor and magistrate last received the statutorily required basic training in the general principles of law that apply to the hearing and determination of prosecutions and causes that are within the jurisdiction of a mayor's court. (R.C. 1905.033(A).)

The bill also requires the mayor of any municipal corporation who conducts a mayor's court to make the following reports (R.C. 1905.033(B)):

(1) A report to the Supreme Court of all cases filed in the mayor's court and of all cases that are pending and are terminated in that court, and any financial, dispositional, and other information that the Supreme Court prescribes by rule. The mayor must make the report on a form prescribed by the Supreme Court and not later than the 15th day of January, April, July, and October of each year. The report must cover all cases filed, pending, and terminated in the mayor's court for the calendar quarter preceding the appropriate filing date.

(2) A report to the Bureau of Criminal Identification and Investigation of every conviction in the mayor's court for an offense that is a misdemeanor on a first offense and a felony on any subsequent offense. The mayor must make the report upon entry of the judgment of conviction for the offense.

The bill prohibits a mayor of a municipal court from conducting a mayor's court without complying with the general law on registering and reporting described above (R.C. 1905.033(C)).

Police officer deposit of seized property

Existing law prohibits an officer, patrolman, or member of a municipal police force from neglecting or refusing to deposit property taken or found by the officer in possession of a person arrested. A person convicted of violating this prohibition forfeits his or her office and also must be fined not less than twice the value of the property not deposited, not exceeding $3,000, or be imprisoned not more than 30 days, or both. The bill repeals this prohibition and the related penalty. (Repeal of R.C. 737.30 and 737.99.)

Bond for violating various provisions in Education Law

Existing law

Existing law prohibits a parent, guardian, or other person having care of a child of compulsory school age from violating any provision of R.C. 3321.01 (compulsory school age; admission to kindergarten or first grade), 3321.03 (parent's duty to see that child receives instruction), 3321.04 (scope of parent's duty; excuses from attendance), 3321.07 (requirements for child not attending public schools), 3321.10 (supervision of children employed on age and schooling certificates), 3321.19 (truancy; actions directed at parent, guardian, or responsible person), 3321.20 (warning to parent; complaint), and 3331.14 (age and schooling certificate to be kept on file by parent or guardian). The juvenile court may require a person convicted of violating this prohibition to give bond in a sum of not more than $500 with sureties to the approval of the court, conditioned that the person will cause the child under the person's charge to attend upon instruction as provided by law, and remain as a pupil in the school or class during the term prescribed by law. (R.C. 3321.38(A).) Whoever violates this prohibition may be fined not more than $500 or may be ordered to perform not more than 70 hours of community service work. (R.C. 3321.99--not in the bill.)

Operation of the bill

The bill modifies existing law to also prohibit a parent, guardian, or other person having care of a child of compulsory school age from failing to give bond as required above in the sum of $100 with sureties as required by the court. There is no penalty for a violation of this prohibition. (R.C. 3321.38(D).)

Definition of term "imprisoned"

Existing law

Under existing law, as used in the Revised Code, "imprisoned" means (R.C. 1.05):

(A) Imprisoned in a county, multicounty, municipal-county, or multicounty-municipal jail or workhouse, if the offense is a misdemeanor;

(B) Imprisoned in a state correctional institution, if the offense is aggravated murder, murder, or an offense punishable by life imprisonment or if the offense is another felony for which the offender is sentenced to prison pursuant to R.C. 2929.14 or 2929.13(G)(2);

(C) Imprisoned in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse pursuant to R.C. 2929.16 if the offense is a felony or imprisoned in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse pursuant to R.C. 5120.161 if the offense is a felony of the fourth or fifth degree and is committed by a person who previously has not been convicted of or pleaded guilty to a felony, if the offense is not an offense of violence, and if the Department of Rehabilitation and Correction designates that the person is to be imprisoned in the jail or workhouse;

(D)(1) Serving a term in a community-based correctional facility pursuant to R.C. 2929.16 and consistent with R.C. 2301.51 to 2301.56 and the rules of the Division of Parole and Community Services, the Department of Rehabilitation and Correction, and the facility's judicial corrections board;

(2) Serving a term in a halfway house or an alternative residential facility pursuant to the type described in R.C. 2929.16 or 2929.13(G)(1) and consistent with R.C. 2967.14 and the rules of the Division of Parole and Community Services and of the Department of Rehabilitation and Correction, if the offense is a felony and the offender is sentenced pursuant to that section or division;

The definition also specifies that the inclusion of a community-based correctional facility, a halfway house, or an alternative residential facility in the definition does not cause the facility or house to be financially responsible for the payment of any medical or other health care expenses incurred in connection with an offender who is serving a term in the facility or house pursuant to R.C. 2929.16. Unless another section of the Revised Code requires or authorizes a community-based correctional facility, halfway house, or alternative residential facility to pay for those types of expenses, an offender who is serving a term in the facility or house pursuant to R.C. 2929.16 is financially responsible for the payment of those types of expenses (R.C. 1.05(D)(3)).

Operation of the bill

The bill modifies the definition of "imprisoned" so that it means being imprisoned or serving a term of imprisonment, prison term, jail term, term of local incarceration, or other term in an institution under the control of the Department of Rehabilitation and Correction, a county, multicounty, municipal, municipal-

county, or multicounty-municipal jail or workhouse, a minimum security misdemeanant jail, a community-based correctional facility, a halfway house, an alternative residential facility, or another facility described or referred to in R.C. 2929.36 (regarding type of institution where term of imprisonment is to be served--relocated from existing R.C. 2929.221) for the type of criminal offense and under the circumstances specified or referred to in that section. (R.C. 1.05.)

Reference to community control and post-release control in the Hospitalization of the Mentally Ill Law

The bill adds references to "community control" and "post-release control" to the provisions in the Hospitalization of the Mentally Ill Law that relate to definitions, discharge from hospitalization by the hospital's chief clinical officer, and a patient being absent without leave (R.C. 5122.01, 5122.10, 5122.21, and 5122.26).

Penalty for R.C. 4511.69(H) violation

Currently, a person who violates R.C. 4511.69(H), which pertains to the required marking of special parking locations for persons with disabilities, is issued a warning or, if the person previously was convicted of a violation of the provision or a substantially similar municipal ordinance, is fined $25 for each parking location not properly marked or maintained. The bill changes the fine for a second or subsequent conviction to "not more than $25" for each such location. (R.C. 4511.99(L).)

Applicability

The bill specifies that the provisions of the Revised Code in existence prior to July 1, 2003, apply to a person upon whom a court imposed prior to that date a term of imprisonment for a misdemeanor offense and to a person upon whom a court, on or after that date and in accordance with the law in existence prior to that date, imposed a term of imprisonment for a misdemeanor offense that was committed prior to that date. The provisions of the Revised Code in existence on and after July 1, 2003, apply to a person who commits a misdemeanor offense on or after that date. (Section 3 of the bill.)

Delayed effective date

The bill provides that the operative provisions of the bill take effect July 1, 2003 (Section 4 of the bill).

Relocated provisions

The bill relocates, with no modifications or with minor modifications, a number of provisions in the Misdemeanor Sentencing Law. The following chart

describes the existing provision, its new location in the bill, a brief description of the subject of the provision, and sections included in the bill to update cross references.

Existing law location of provision	New location of provision	Description of provision
2929.23(A)(1)	2929.01(VV)	Definition of electronic monitoring device.
2929.22(G)	2929.22(D)(2)	Court must notify offense victim of the victim's right to apply for an award of reparations under the Crime Victims Reparations Law.
2929.21(G), (H), and (I)	2929.23	Court's duties regarding an offender who is sentenced for a sexually oriented offense.
2929.21(F)	2929.24(C)	Offender's participation in a county jail industry program.
2929.25	2929.32	Additional fine for certain offenders; Crime Victims Recovery Fund.
2929.221	2929.36	Place of imprisonment according to offense
2929.24	2929.42	Reports to licensing boards of criminal offenses involving licensed health care professionals
2929.29	2929.43	Guilty plea or conviction of peace officer of felony charge; notice; report
2929.28	2929.71	Convicted arsonist to make restitution to investigating or prosecuting public agency
2929.51(B)(3) and (4)	2929.24(B), 2929.26(B)(1)	Serving terms imposed in intermittent confinement
2929.51(C)(2)	2929.28(F)	Authorization to pay financial sanction in installments
2951.09 (repealed by the bill)	2951.08(D)	Probation officer expenses

Conforming changes

The bill amends numerous sections in the Revised Code to conform the sections to the changes made by the substantive provisions of the bill or to change cross-references to provisions relocated by the bill (R.C. 109.42, 109.511, 109.77, 306.352, 311.04, 321.44, 505.49, 509.01, 511.232, 737.052, 737.162, 737.41, 1501.013, 1503.29, 1517.10, 1531.132, 1541.11, 1545.13, 1547.523, 1547.99, 1702.80, 1713.50, 2152.02, 2152.19, 2152.20, 2301.03, 2301.27, 2301.28, 2301.30, 2301.32, 2305.234, 2903.13, 2905.12, 2907.15, 2907.27, 2919.22, 2923.14(B)(1), (D)(1), and (G), 2925.11(C)(2)(a), 2929.01, 2929.18, 2929.19(B)(6), 2929.31(A), 2929.32(A)(1), 2929.36(C), 2933.16 (repeal),

2935.33(B), 2937.07, 2947.06(A)(1), 2947.21, 2949.111, 2950.01(F)(1) and (O), 2950.99(A), 2951.01, 2951.02, 2951.021, 2951.041, 2951.05, 2951.06, 2951.07, 2951.08, 2951.09 (repeal), 2953.31, 2953.32, 2953.33, 2961.01, 2963.01, 2963.11, 2963.20, 2963.21, 2967.02, 2967.22, 2967.26, 2969.11, 2969.12, 2969.13, 2969.14, 3313.65, 3345.04, 3719.12, 3719.121, 3719.70, 3734.44, 3735.311, 3748.99, 3793.13, 3937.43, 3959.13, 4507.021, 4507.022, 4507.16, 4507.99, 4511.83, 4511.99, 4717.05, 4734.35, 4761.13, 4973.171, 5101.28, 5101.45, 5119.14, 5120.10, 5120.102, 5120.103, 5120.56, 5123.13, 5147.12, 5147.30, 5149.03, 5149.18, 5149.31, 5321.01, 5502.14, 5743.45, 5907.021, and 6101.75.

Conforming changes of note include the following: R.C. 120.06, 120.16, and 120.26 (amended to include a provision that the State Public Defender must provide and that a county public defender and joint county public defender may provide legal representation in matters relating to the revocation of community control or post-release control under a community control sanction or post-release control sanction--the State Public Defender or local public defender is not required to provide legal representation if the alleged violator of a community control sanction or post-release control sanction has the financial capacity to retain the alleged violator's own counsel); R.C. 149.43 (provides that records pertaining to proceedings related to the imposition of community control sanctions and post-release control sanctions are not public records).

HISTORY

ACTION	DATE	JOURNAL ENTRY	
Introduced	01-29-02	p.	1337
Reported, H. Criminal Justice	06-06-02	pp.	1899-1900
Passed House (94-0)	06-19-02	pp.	1926-1927

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