



**Sub. H.B. 441\***

126th General Assembly  
(As Reported by H. State Government)

**Reps. C. Evans, Hoops, Ujvagi, Healy, D. Evans, Wolpert, Faber, Allen, Setzer, Bubp**

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**BILL SUMMARY**

- Authorizes for a two-year period a pilot program that allows members of the judicial corrections board that oversees the STAR Community Justice Center in Franklin Furnace, Ohio, or its successor judicial advisory board, to be present at board meetings by teleconference or interactive video teleconference.
- Requires the Center's executive director to issue a report on the effects of member participation in board meetings in this manner on the board's operation.

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**CONTENT AND OPERATION**

**Background law**

Current law specifies (1) that, subject to specified exceptions, all meetings of any public body must be public meetings open to the public at all times and (2) that a member of a public body generally must be *present in person* at a meeting open to the public (a) to be considered present or to vote at the meeting and (b) for purposes of determining whether a quorum is present at the meeting (R.C. 121.22(C)--not in the bill).<sup>1</sup> There is an exception (see **COMMENT 1**) to this "present in person" requirement of the Open Meetings Law.

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\* *This analysis was prepared before the report of the House State Government Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

<sup>1</sup> *Current law defines a "public body" as (a) any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority and any legislative authority or board, committee, commission, council, agency, authority, or*

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

Notwithstanding the requirements of current law described above, for a period of two years immediately following the bill's effective date, a pilot program is authorized that allows the judicial corrections board that oversees the STAR Community Justice Center located in Franklin Furnace, Ohio, or its successor judicial advisory board under the provisions of Am. Sub. H.B. 162 of the 126th General Assembly (see **COMMENT 2**), to adopt a rule that authorizes its members to be present at meetings of the board open to the public *by teleconference or by interactive video teleconference*, in lieu of being physically present, in order to be considered *present or to vote at those meetings* and for purposes of determining whether *a quorum is present* at those meetings. Any such rule also must establish a method to authenticate the identity of any judicial corrections board member, or successor judicial advisory board member, who will be present at those meetings by teleconference or by interactive video teleconference. (Section 1.)

If such a rule is adopted, the Center's executive director must submit, not later than 18 months after the bill's effective date, to the House Speaker, Senate President, and House and Senate Minority Leaders a report that describes the effects on the operation of the Center's judicial corrections board or successor judicial advisory board of member participation in board meetings by teleconference or by interactive video teleconference. The report must describe any additional costs the judicial corrections board or successor judicial advisory board incurred, and any cost savings the board realized, through member participation in board meetings in this manner. If any of the recipients of the report determines that the pilot program results could be profitably applied to meetings of all public bodies or only to public bodies whose members must travel long distances to attend meetings, the recipient may recommend the relevant type of legislation for introduction. (Section 2.)

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### **COMMENT**

1. Current law that governs the meetings of financial planning and supervision commissions established for specific school districts allows members of these entities to be "present" at a meeting other than "in person" if it is held by teleconference and provisions are made for public attendance at any location involved in the teleconference (R.C. 3316.05(K)).

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*similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution, (b) any committee or subcommittee of a body described in item (a), or (c) a court of jurisdiction of certain sanitary districts when meeting for certain purposes (R.C. 121.22(B)(1)).*

2. Am. Sub. H.B. 162 of the 126th General Assembly, which is awaiting gubernatorial action, abolishes the judicial corrections boards of community-based correctional facilities and programs (CBCFs) and of district community-based correctional facilities and programs (DCBCFs). Instead of judicial corrections boards, Am. Sub. H.B. 162 creates both judicial advisory boards and facility governing boards. Under the bill, the formulation of a proposal for a CBCF or DCBCF begins by the establishment of a *judicial advisory board* by judgment entry. The judicial advisory board must consist of not less than three judges. Each general division judge of the court of common pleas in the county or counties wishing to formulate a proposal or to continue operation of an existing facility is eligible to become a member of the judicial advisory board but is not required to be a member. A judicial advisory board also may invite a non-general division judge from the county or counties proposing the creation of a CBCF or DCBCF or a general division judge from a court of common pleas outside the county or counties proposing the creation who regularly sends offenders to its facility to be a member of the judicial advisory board. Service on the judicial advisory board is a judicial function.

The judicial advisory board must meet at least once a year, but may meet as often as the members consider necessary, to provide advice to the associated facility governing board (see below) regarding the public safety needs of the community, admission criteria for any CBCF or DCBCF, and the general requirements of the CBCF or DCBCF program. The judicial advisory board provides advice to the associated facility governing board on whether a proposed or existing CBCF or DCBCF will be operated, managed, and controlled by a director appointed by the facility governing board or by a nonprofit or private entity pursuant to contract. The judicial advisory board also may communicate directly with the Division of Parole and Community Services and provide advice to the facility governing board regarding a specified state financial assistance agreement.

Am. Sub. H.B. 162 provides that a *facility governing board* formulates the proposal for a CBCF or DCBCF, submits the proposal to the Division of Parole and Community Services, and then governs the facility. The facility governing board of a CBCF or DCBCF must consist of at least six members, with each member serving a three-year term (after initial staggered terms of one year, two years, or three years). The judicial advisory board is responsible for appointing two-thirds of the members, and the board or boards of county commissioners of the member counties must appoint the remaining one-third of the members. In the case of a DCBCF, no more than one-half of the members may be from the same county.

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## HISTORY

### ACTION

### DATE

Introduced  
Reported, H. State Government

12-06-05  
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