



Sub. H.B. 351
127th General Assembly
(As Reported by H. Judiciary)

Reps. Brinkman, Raussen, Schneider, Blessing, Jones, Mecklenborg, Flowers

BILL SUMMARY

- Authorizes the sheriff of a county that lacks sufficient jail space or staff to house a person who has been charged with an offense and is being held pending trial to convey the person to a jail in a contiguous county in an adjoining state.
- Provides that a sheriff who conveys a prisoner to another county and the county commissioners of the county that employs the sheriff are immune from civil liability for damages suffered or caused by the prisoner while the prisoner is in the custody of the receiving sheriff.
- Prohibits the sheriff of an Ohio county from transferring prisoners to a contiguous county in an adjoining state unless there is deposited weekly with the sheriff of the contiguous county an amount equal to the actual cost of keeping and feeding each prisoner.
- Provides that the minimum standards for jails applicable for jails in an adjoining state apply to a jail in that adjoining state that receives Ohio prisoners and that all other terms of the transfer of a prisoner from a county in Ohio to a contiguous county in an adjoining state be as agreed upon by the board of county commissioners, any applicable governmental entity in the receiving county, and the sheriffs involved in the transfer.

CONTENT AND OPERATION

Conveyance of jail detainee or prisoner to another county

Under existing law, the sheriff of a county that lacks sufficient jail space or staff to house a person charged with the commission of an offense, sentenced to

imprisonment in the county jail, or in custody upon civil process may convey the person to a jail in "any county" that the sheriff considers most convenient and secure. The bill permits a sheriff in such a situation to convey a person who has been charged with an offense and is being held pending trial to a jail in "any county" including a contiguous county in an adjoining state. The bill also prohibits the receiving sheriff from conveying the person to any county other than the one from which the person was removed. (R.C. 341.12.)

Reception of person conveyed

Existing law *requires* that, on being furnished a copy of the process or commitment, the sheriff of the county to which a prisoner has been removed pursuant to R.C. 341.12 (see prior paragraph) must receive the prisoner into custody. The bill limits the requirement to receive such a prisoner to sheriffs of Ohio counties but provides that the sheriff of a contiguous county in an adjoining state *may* receive such a prisoner on being furnished a copy of the commitment. The bill repeals a statutory provision that prohibits sending a person as a prisoner to a place outside of Ohio for an offense committed in Ohio and giving a person who is imprisoned in violation of the prohibition a cause of action for false imprisonment. (R.C. 341.13 and R.C. 2725.25--repealed.)

Under existing law, a sheriff who receives a prisoner who is removed under R.C. 341.12 is liable for escapes or other neglect of duty in relation to the prisoner, as in other cases, and the sheriff receives from the treasury of the county from which the prisoner was removed such fees as are allowed in other cases. The bill retains these provisions but qualifies them by exempting the conveying sheriff and the county commissioners of the county that employs the conveying sheriff from civil liability for injury, death, or loss to person or property suffered or caused by the prisoner while the prisoner is in the custody of the receiving sheriff. By making these provisions applicable to "each receiving sheriff," the bill applies them to sheriffs in contiguous counties in adjoining states as well as to sheriffs of Ohio counties. (R.C. 341.13.)

Costs of housing and testing prisoners

Under existing law, the sheriff of an adjoining county may not receive prisoners as provided above unless an amount equal to the actual cost of keeping and feeding each such prisoner is deposited weekly, or for any time less than a week, with the sheriff. If a prisoner is discharged before the expiration of the term for which he or she was committed, any excess of the amount advanced must be refunded. The board of county commissioners of a county that receives a convicted prisoner for confinement in its jail may require the prisoner to reimburse the county for its expenses incurred by reason of the confinement. The board may establish a policy that requires a received convicted prisoner who is not indigent to

pay a reception fee, a fee for medical treatment or service requested by and provided to that prisoner, or the fee for a random drug test assessed under R.C. 341.26(E) (random drug testing under a multicounty agreement). If a county receives a person who has been convicted of or pleaded guilty to an offense and has been sentenced to a term in a jail or a person who has been arrested for an offense, who has been denied bail or has had bail set and has not been released on bail, and who is confined in jail pending trial, the sheriff or other person in charge of the operation of the jail may cause the convicted or accused offender to be examined and tested for tuberculosis, HIV infection, hepatitis, and other contagious diseases. (R.C. 341.14.)

The bill limits all of the foregoing to counties in Ohio. However, in a new section, the bill prohibits the sheriff of a county in Ohio from transferring a prisoner to a contiguous county in an adjoining state under R.C. 341.12 unless there is deposited weekly with the sheriff of the contiguous county an amount equal to the actual cost of keeping and feeding each prisoner committed to the custody of that sheriff for the use of the jail of that county, and the same amount for a period of time less than one week. If a prisoner is discharged before the expiration of a week for which the cost of keeping and feeding the prisoner has been deposited, any excess must be refunded. (R.C. 341.141(A).)

The bill further provides that the minimum standards for jails that are applicable for jails in the adjoining state apply to a jail in that adjoining state that receives prisoners as provided in R.C. 341.13 and that all other terms of the transfer of a prisoner from a county in Ohio to a contiguous county in an adjoining state be as agreed upon by the board of county commissioners, any applicable governmental entity in the receiving county, and the sheriffs involved in the transfer. (R.C. 341.141(B) and (C).)

Accounting for money received

Existing law requires a sheriff, at the end of each quarter of each calendar year, to account for and pay to the county treasurer all money received for transferred prisoners under R.C. 341.13 and 341.14. The bill expressly limits this requirement to sheriffs in Ohio. (R.C. 341.15.)

Technical amendments

The bill amends a statutory provision dealing with forfeitures under the habeas corpus law by correcting a reference to R.C. 2725.25, which the bill repeals (R.C. 2725.27).

HISTORY

ACTION

DATE

Introduced

10-16-07

Reported, H. Judiciary

05-19-08

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