Ohio Legislative Service Commission

Bill Analysis

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

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BILL SUMMARY

Individual offenses and penalties

- Increases from $500 to $1,000 the initial threshold amount that is used in determining increased penalties, generally from a misdemeanor to a felony, for theft-related offenses and for certain non-theft-related offenses, and increases by 50% the other threshold amounts that are used in determining the other increased penalties for those offenses (R.C. 926.99, 1333.99, 1707.99, 1716.99, 2909.03, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2915.05, 2917.21, 2917.31, 2917.32, 2921.13, 2921.41, and 2981.07).

- Regarding the offense of "vandalism," increases from $500 to $1,000 the threshold amount of the value of property or amount of physical harm that is required to commit the offense by knowingly causing physical harm to property owned or possessed by another and used by its owner or possessor in the owner's or possessor's profession, business, trade, or occupation and the threshold amount of loss to the value of property necessary to constitute serious physical harm for any of the prohibitions under the offense that prohibit causing serious physical harm to specified property and increases by 50% the property value thresholds used in determining the penalty for the offense (R.C. 2909.05).

- In the definition of "corrupt activity" that applies to the offense of engaging in a pattern of corrupt activity, increases from $500 to $1,000 the property valuations that are used in determining whether certain criminal activity constitutes corrupt activity (R.C. 2923.31).

- Provides that, if the offense of "nonsupport of dependents" is based on an abandonment of or failure to support a child or a person to whom a court order requires support and is a felony, the sentencing court generally must first consider placing the offender on one or more community control sanctions and provides that this preference does not apply (R.C. 2919.21):

  (1) If the court determines that the imposition of a prison term is consistent with the purposes and principles of sentencing;

  (2) If the offender previously was convicted of or pleaded guilty to "nonsupport of dependents" that is a felony, the conviction or guilty plea

occurred on or after this amendment's effective date, and the offender either was sentenced to a prison term for the violation or was sentenced to one or more community control sanctions and the offender failed to comply with the conditions of the sanctions.

- Modifies the offense of "escape" as follows (R.C. 2921.34):

  (1) Enacts a new prohibition within the offense that parallels the current prohibition but that applies only to a person under "supervised release detention";

  (2) Provides that a violation of the new prohibition generally is a fifth degree felony, but is a fourth degree felony if the supervised release detention was for aggravated murder, murder, an offense with a life sentence, or a first or second degree felony;

  (3) Defines "supervised release detention" as detention that is supervision of a person by a Department of Rehabilitation and Correction (DRC) employee while the person is on any type of release from a state correctional institution, other than transitional control or Parole Board placement in a community-based correctional facility;

  (4) Specifies that an existing consecutive sentence requirement does not apply to a conviction under the new prohibition.

- Removes from the offense of "burglary" a prohibition against trespassing, by force, stealth, or deception, in a permanent or temporary habitation of any person when any person other than an accomplice of the offender is likely to be present, and instead provides that a violation of that prohibition is the new offense of "trespass in a habitation when a person is present or likely to be present," and makes corresponding changes in the definitions of the offenses of "aggravated murder" and "conspiracy" to include the new offense of "trespass in a habitation when a person is present or likely to be present" as part of the descriptions of those offenses (R.C. 2911.12, 2903.01, and 2923.01).

Felony Sentencing Law

- Changes the range of possible prison terms for a first or third degree felony in the following ways:

  (1) Increases the range of possible definite prison terms for a first degree felony from a definite prison term of three, four, five, six, seven, eight, nine,

or ten years to a definite prison term of three, four, five, six, seven, eight, nine, ten, or *eleven* years (R.C. 2929.14(A)(1));

(2) Modifies the range of possible prison terms for a third degree felony from a definite prison term of one, two, three, four, or five years to a definite prison term of nine, twelve, eighteen, twenty-four, or thirty-six months (R.C. 2929.14(A)(3)).

- Revises some of the provisions in the state's Felony Sentencing Law that were invalidated and severed by the Ohio Supreme Court's decision in *State v. Foster* to preserve the policy of the provisions but eliminates the procedures that the Court found to be objectionable (R.C. 2929.11, 2929.13, and 2929.14).

Community control sanctions

- Generally requires a sentence to a community control sanction for offenders who are convicted of or plead guilty to a fourth or fifth degree felony that is not an offense of violence, but authorizes the court to impose a prison term upon such an offender who committed the offense while having a firearm on or about the offender's person or under the offender's control, who caused physical harm to another person while committing the offense, or who violated a term of the conditions of bond as set by the court (R.C. 2929.14(M)).

- Modifies the provision that specifically identifies a term at a community-based correctional facility as a community residential sanction that may be imposed on a felony offender so that such a term is specifically identified as such a community residential sanction if the offender (R.C. 2929.16(A)(1)):

  (1) Is convicted of a first or second degree felony;

  (2) Is convicted of a third degree felony and is found to be a medium or high risk, as assessed by the bill's single validated risk assessment tool;

  (3) Is convicted of a fourth or fifth degree felony and is found to be a high risk, as assessed by that single validated risk assessment tool;

  (4) Has had his or her community residential sanction, nonresidential sanction, or combination of such sanctions revoked and is found to be a medium or high risk, as assessed by that single validated risk assessment tool.

- Provides that a court may sentence a felony offender to a "community-based corrections program" established pursuant to the state's community corrections subsidy program if the offender (R.C. 2929.15(E)):

  (1) Is convicted of a first, second, or third degree felony;

  (2) Is convicted of a fourth or fifth degree felony and is found to be a high risk, as assessed by the bill's single validated risk assessment tool;

  (3) Has had his or her community residential sanction, nonresidential sanction, or combination of such sanctions revoked and is found to be a medium or high risk, as assessed by that single validated risk assessment tool.

Risk reduction sentencing

- Establishes a mechanism for "risk reduction sentencing" pursuant to which a judge who sentences an offender to a prison term for a felony may recommend risk reduction sentencing for the offender if the offense for which the offender is being sentenced is not a sexually oriented offense and, if the offender qualifies under specified circumstances and completes treatment or programming required by DRC, the offender is granted release to supervised release after serving a minimum of 75% of the prison term (R.C. 2929.143 and 5120.036).

Risk assessment tool

- Requires DRC to select a "single validated risk assessment tool" to be used by courts, probation departments, correctional facilities, the Adult Parole Authority (APA), and the Parole Board (R.C. 5120.114(A)).

- Requires all employees of entities required to use the assessment tool to be trained and certified by a trainer who is certified by DRC, and requires each entity utilizing the assessment tool to develop policies and protocols regarding application and integration of the assessment tool into operations, supervision, and case planning, administrative oversight of the use of the assessment tool, staff training, quality assurance, and data collection and sharing (R.C. 5120.114(B)).

- Specifies that each authorized user of the single validated risk assessment tool must have access to all reports generated by and all data stored in the tool, and that all reports generated by or data collected in the tool are confidential information and not a public record (R.C. 5120.115).

Earned credits for program participation by prisoners

- Revises the mechanism pursuant to which a prisoner in a state correctional institution, other than one who is ineligible under the mechanism because of specified statutory exclusions, currently may earn one day of credit as a monthly deduction from the prisoner's prison term for productive participation in specified prison programs so that (R.C. 2967.193):

  (1) Certain prisoners, unless ineligible for the mechanism under disqualifying provisions expanded by the bill, may earn five days of credit for completion of a specified program;

  (2) Other prisoners, unless ineligible for the mechanism under disqualifying provisions expanded by the bill, who are imprisoned for any of a list of specified, serious offenses, may earn one day of credit for completion of a specified program;

  (3) The total number of days of earned credit a prisoner may earn under the mechanism cannot exceed 8% of the total number of days in the prisoner's stated prison term;

  (4) The types of programs that may be available for earning days of credit under the mechanism will be limited to education, vocational training, prison industry employment, and substance abuse treatment (sex offender treatment programs and other "constructive programs" developed by DRC are removed);

  (5) Prisoners serving a sentence for a sexually oriented offense imposed for a conviction or guilty plea occurring on or after the bill's effective date are not eligible for the mechanism;

  (6) A few other procedures regarding the mechanism are modified.

- Requires that a prisoner who is placed on post-release control from the prisoner's stated prison term by reason of earning 60 or more days of credit for participation in certain programs be subject to active GPS supervision by the APA for the first 14 days after release from imprisonment (R.C. 2967.28(D)(2)).

85% release mechanism

- Authorizes the Director of DRC to petition the sentencing court for the judicial release of an inmate who is eligible under specified eligibility criteria, who is not serving a prison term imposed for a sexually oriented offense, who has one year or

more of the inmate's stated prison term remaining to be served after becoming eligible, and who has served at least 85% of the term remaining after becoming eligible (R.C. 2967.19).

- Requires that an inmate released under the 85% release mechanism described in the prior dot point be placed under APA supervision and requires GPS monitoring in specified cases (R.C. 2967.19(I)).

- Specifies that, if an inmate released under the 85% release mechanism described in the second prior dot point is indigent, the Department of Rehabilitation and Correction must pay the cost of the GPS monitoring (R.C. 2967.19(I)).

Parole Board review of cases of certain parole-eligible inmates of age 65 or older

- Requires the Chair of the Parole Board or the Chair's designee to review the cases of all parole-eligible inmates who are 65 or older and who have had a statutory first parole consideration hearing, requires the Chair to present to the Board the cases of the offenders described in the preceding clause, and authorizes the Board upon presentation of the case of an offender to choose to rehear the offender's case for possible release on parole (R.C. 2967.19(J) to (L)).

Corrections commission

- Removes judges from the membership of a corrections commission and instead has them form an advisory board (R.C. 307.93).

Judicial advisory board

- Specifies that the judges who must form the judicial advisory board for a corrections commission are the administrative judge of the general division of the court of common pleas of each county participating in the corrections center, the presiding judge of the municipal court of each municipal corporation participating in the corrections center, and the presiding judge of each county court of each county participating in the corrections center, and specifies that if the number of foregoing members of the board is even, the county auditor or the county auditor of the most populous county if the board serves more than one county must also be a member of the board (R.C. 307.93).

Community alternative sentencing centers

- Provides for the establishment and operation by counties or affiliated groups of counties of community alternative sentencing centers for confining misdemeanants who are sentenced directly to the centers by the court under a community

residential sanction imposed under state law or a municipal ordinance not exceeding 30 days or under a term of confinement for an OVI offense imposed under state law or a municipal ordinance not exceeding 30 days (R.C. 307.932, 5120.10, and 5120.111).

Victim notification

- Revises procedures for notification of victims when violent offenders escape from DRC by requiring DRC's Office of Victim Services to notify each victim of a felony offense of violence of their offender's escape and, if applicable, of such offender's subsequent apprehension, allows the Office of Victim Services to request assistance from the prosecuting attorney of the county in which the offender was convicted in identifying and locating the victim of the offense, and requires the prosecuting attorney to promptly provide such information (R.C. 309.18 and 5120.60).

Criminal penalties for drug offenses

- Eliminates the distinction between the criminal penalties provided for drug offenses involving crack cocaine and those offenses involving powder cocaine, and provides a penalty for all such drug offenses involving any type of cocaine that generally has a severity that is between the two current penalties, and also provides that, in specified circumstances regarding an offender who is guilty of "possession of cocaine," R.C. 2929.13(B) applies in determining whether to impose a prison term on the offender instead of a presumption for a prison term (R.C. 2925.01(GG), 2925.03(C)(4), 2925.11(C)(4), and 2929.01).

- For the offenses of "trafficking in marihuana," "trafficking in hashish," "possession of marihuana," and "possession of hashish," creates a new category of the amount of the drug involved and provides for a potentially shorter mandatory prison term than under current law if the amount of the drug involved in the offense committed by an offender is within the new category (R.C. 2925.03(C)(3) and (C)(7) and 2925.11(C)(3) and (C)(7)).

- Provides that, in specified circumstances regarding an offender who is guilty of "trafficking in marihuana" or "trafficking in hashish," R.C. 2929.13(B) applies in determining whether to impose a prison term on the offender, instead of there being neither a presumption for nor a presumption against a prison term (R.C. 2929.13(B), in effect, imposes a presumption against a prison term).

Judicial release

- Revises the definition of "eligible offender" for purposes of the Judicial Release Law and the time periods within which an eligible offender may file a motion for judicial release so that (R.C. 2929.20):

  (1) "Eligible offender" means a person who, on or after April 7, 2009, is serving a stated prison term that includes one or more nonmandatory prison terms that in the aggregate are ten years or less;

  (2) A motion for judicial release may be made during the following time periods: (a) if the aggregate of nonmandatory prison terms is under two years, after the offender has served 30 days, (b) if the aggregate of nonmandatory prison terms is at least two but less than five years, after the offender has served 180 days, (c) if the aggregate of nonmandatory prison terms is five years, after the offender has served four years, and (d) if the aggregate of nonmandatory prison terms is more than five but less than ten years, after the offender has served five years.

Intervention in lieu of conviction

- Modifies the provisions governing intervention in lieu of conviction (ILC) as follows (R.C. 2951.041):

  (1) Specifies that ILC is available to persons charged with specified theft or nonsupport offenses;

  (2) Authorizes ILC for an offender whose mental illness or retardation contributed to the person's criminal behavior;

  (3) Requires that a request for ILC include a statement as to whether the offender alleges that drug or alcohol use or mental illness or retardation contributed to the offense;

  (4) Provides that the court may order that an offender alleging that drug or alcohol use contributed to the offense be assessed by a certified program or credentialed professional for ILC eligibility;

  (5) Prohibits ILC for an offender who has previously been convicted of a felony offense of violence or previously has been convicted of a felony that is not an offense of violence unless the prosecuting attorney recommends that the offender be found eligible for participation in ILC (currently it is prohibited for offenders with any prior felony conviction);

(6) Eliminates restrictions on eligibility for ILC for an offender charged with a drug trafficking offense that is not a first, second, third, or fourth degree felony;

(7) Eliminates restrictions on eligibility for ILC for an offender charged with a drug possession offense that is a fourth degree felony;

(8) Provides that a criterion for eligibility for ILC for an offender who alleges that drug or alcohol use contributed to the offense is assessment by a certified program or properly credentialed professional and the assessment is filed with the court;

(9) Provides that a criterion for eligibility for ILC for an offender who alleges that mental illness or retardation contributed to the offense is assessment and a recommended intervention plan by a psychiatrist, psychologist, independent social worker, or professional clinical counselor;

(10) Requires a court to find that the offender participated in treatment and recovery support services before dismissing the proceeding.

Medical release of an inmate

- Modifies the current provisions for medical release by the Governor of an inmate who is terminally ill, medically incapacitated, or in imminent danger of death and who is not ineligible for such a release under disqualifying provisions to (R.C. 2967.05):

  (1) Specify that the inmate may be released to a skilled nursing facility or under a general release that is not to such a facility, but that an inmate released to such a facility cannot not be released until an appropriate placement in a certified skilled nursing facility located in Ohio has been secured for the inmate and the skilled nursing facility has secured a funding source for the placement;

  (2) Specify criteria that a skilled nursing facility must satisfy to be used for this purpose;

  (3) Specify that the Nursing Home Patients' Bill of Rights does not apply to an inmate receiving care in a skilled nursing home facility under the provisions;

  (4) Revise the provisions that disqualify certain inmates from eligibility for a medical release;

(5) Provide other requirements and procedures that apply regarding a skilled nursing facility used for this purpose.

- Expands the categories of released prisoners that DRC may require to reside in a halfway house or community residential center, revises the rules for determining payment for beds and services at those facilities, specifies that those facilities may provide and be paid for electronic monitoring services for offenders under APA supervision, and extends provisions that apply to halfway houses and community residential centers to also apply to reentry centers (R.C. 2967.14).

Inmate identification cards

- Regarding DRC's issuance of an inmate identification card upon the inmate's release that the inmate may present to the Registrar of Motor Vehicles or a deputy registrar, removes the authority of DRC's Director to adopt rules to implement those provisions, and provides that, when a person applies for a state identification card, an identification card issued by DRC upon an inmate's release is sufficient documentary evidence as required by the Registrar of Motor Vehicles of the applicant's age and identity upon verification of the applicant's Social Security number by the Registrar or a deputy registrar (R.C. 4507.51 and 5120.59).

Offender reentry

- Requires DRC, together with the Department of Alcohol and Drug Addiction Services, to develop an implementation plan related to any funding approved through the federal Second Chance Act related to community reentry of offenders (R.C. 5120.035).

- Regarding reentry plans for DRC inmates, specifies that (R.C. 5120.113):

  (1) Generally, DRC must prepare a written reentry plan for each inmate committed to it to help guide the inmate's rehabilitation program during imprisonment, to assist in the inmate's reentry into the community, and to assess the inmate's needs upon release;

  (2) The reentry plan requirement does not apply to an inmate who has been sentenced to life imprisonment without parole or who has been sentenced to death or an inmate who is expected to be imprisoned for 30 days or less (but authorizes DRC to prepare a written reentry plan of the type described in the requirement if it determines the plan is needed);

  (3) DRC may collect, if available, social and other information to aid in the preparation of reentry plans;

(4) That if DRC does not prepare a written reentry plan as specified in paragraph (1) of this dot point, or makes a decision to not prepare a written reentry plan under the provision described in paragraph (2) of this dot point or to not collect information as described in paragraph (3) of this dot point, that fact does not give rise to a claim for damages against the state, DRC, DRC's Director, or any DRC employee.

Ex-offender Reentry Coalition

- Extends the existence of the Ex-offender Reentry Coalition to December 31, 2014 (R.C. 5120.07(E)).

- Changes the membership of the Ex-offender Reentry Coalition by reducing the number and functions of members from the Governor's office and adding the Director of Veterans Services (R.C. 5120.07(A)).

- Expands the contents of the report required to be issued by the Ex-offender Reentry Coalition to include information about funding sources for reentry programs sponsored by the state and by other entities, and requires the coalition to gather information about reentry programs in a repository maintained and made available by the coalition (R.C. 5120.07(D)).

Parole Board

- Except for the Chairperson, except for the member who has been a victim, is a member of a victim's family, or represents a victims' advocacy organization, and except as described in the next dot point, limits members of the Parole Board to two six-year terms (R.C. 5149.10).

- Provides the following special provisions regarding terms of members of the Parole Board on the bill's effective date (R.C. 5149.10):

  (1) A member on that date who has served less than six years will have the time so served applied toward a six-year term and at the end of that six-year term is eligible for reappointment to an additional six-year term;

  (2) A member on that date who has served at least six years but less than 12 years will have six of the years so served applied toward the first six-year term and the remaining time so served applied toward a second six-year term, is to serve the remainder of that second six-year term, and at the end of that second six-year term is not eligible for reappointment;

(3) A member on that date who has served 12 years or longer is to serve until a successor member is appointed or a period of six months after the bill's effective date has elapsed, whichever occurs first, and after the end of that service is eligible for reappointment to an additional six-year term.

- Modifies the number of Parole Board members required to conduct a full Board meeting from a "minimum of seven" Board members to a "majority" of Board members (R.C. 5149.01).

County local corrections planning boards

- Adds to the membership of a county local corrections planning board (R.C. 5149.34):

(1) The executive director of the board of alcohol, drug addiction, and mental health services serving that county or the executive director's designee, or the executive directors of both the community mental health board and the alcohol and drug addiction services board serving that county or their designees, whichever is applicable;

(2) The executive director of the county board of mental retardation and developmental disabilities of that county or the executive director's designee;

(3) An administrator of a halfway house serving that county, if any, or the administrator's designee;

(4) An administrator of a community-based correctional facility, if any, serving the court of common pleas of that county or the administrator's designee;

(5) An administrator of a community corrections act-funded program in that county, if any, or the administrator's designee.

Concurrent supervision offenders

- Establishes a mechanism for the supervision by a single entity of offenders who are not incarcerated, who are subject to supervision by multiple supervisory authorities, and to whom other specified criteria apply (offenders in that category are designated as "concurrent supervision offenders") (R.C. 2951.022).

County probation departments

- Specifies that, when appointing a chief probation officer, a court of common pleas must publicly advertise the position on its web site, conduct a competitive hiring process that adheres to equal employment opportunity laws, and review applicants

who meet the posted qualifications and comply with the application requirements (R.C. 2301.27).

- Requires that probation officers be trained in accordance with a set of minimum standards the APA must establish (R.C. 2301.27 and 2301.271).

- Requires that the court of common pleas of the county require the probation department to publish policies regarding the supervision of probationers that must include specified information (R.C. 2301.30).

- Requests the Supreme Court to adopt a Rule of Superintendence that provides for the collection for each month of statistical data relating to the operation of probation departments, including a count of the number of individuals placed on probation, a count of the number of individuals terminated from probation, and the total number of individuals under supervision on probation at the end of the month covered by the report (Section 8).

DRC community corrections programs and subsidies

- Specifies that, in order to be eligible for a subsidy, counties, groups of counties, and municipalities must satisfy all applicable requirements for establishment and operation of county and multicounty probation departments, must utilize the single validated risk assessment tool selected by DRC under the bill, and must deliver programming that addresses the assessed needs of high risk offenders as established by the single validated risk assessment tool and that may be delivered through available and acceptable resources within the municipality, county, or group of counties or through DRC (R.C. 5149.31).

- Requires that the county comprehensive plan adopted by the local corrections planning board of a county that desires to receive a subsidy must include a description of the "offender population's" assessed needs as established by the single validated risk assessment tool, with particular attention to high risk offenders, and the capacity to deliver services and programs within the county and surrounding region that address the offender population's needs (R.C. 5149.34).

- Authorizes, instead of requiring, DRC to discontinue subsidy payments to a political subdivision that is a recipient of a community corrections subsidy payment and that reduces, by the amount of the subsidy it receives or by a greater or lesser amount, the amount of local, nonfederal funds it expends for corrections or that uses the subsidy or any portion of a subsidy to make capital improvements (R.C. 5149.33).

- Requires DRC to establish and administer a Probation Improvement Grant and a Probation Incentive Grant for court of common pleas probation departments that supervise felony offenders (R.C. 5149.311).

Department of Youth Services

Judicial release

- Clarifies when a delinquent child committed to the Department of Youth Services (DYS) generally may be granted a judicial release and authorizes judicial release for a delinquent child committed to the Department when the commitment includes a period of commitment imposed for a firearm, criminal gang, body armor, peace officer/victim vehicular homicide, or multiple OVI specification (R.C. 2152.22 and 5139.06).

Felony Delinquent Care and Custody Fund

- Requires a county and the juvenile court that serves the county to prioritize the use of the moneys in the county treasury's Felony Delinquent Care and Custody Fund to research-supported, outcome-based programs and services (R.C. 5139.43).

Interstate Compact for Juveniles

- Repeals the Interstate Compact on Juveniles and enacts the Interstate Compact for Juveniles, to ensure the proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and in so doing have endangered their own safety and the safety of others, and to ensure the safe return of juveniles who have run away from home and in doing so have left their state of residence (R.C. 2151.56 to 2151.59).

Competency of delinquent or unruly child

- Establishes procedures for determining the competency to participate in the proceeding of a child who is the subject of a complaint alleging that the child is an unruly or delinquent child or a juvenile traffic offender and procedures for a child to attain competency if the child is found to be incompetent (R.C. 2152.51 to 2152.59).

Interagency task force

- Establishes an interagency task force to investigate and make recommendations on how to most effectively treat delinquent youth who suffer from serious mental illness or emotional and behavioral disorders, with attention to the needs of Ohio's economy (Section 6).

Elimination of mandatory transfer requirements

- Eliminates mandatory transfer requirements for a court to transfer certain child offenders who are alleged to be a delinquent child to adult court and instead gives the court discretion on whether to transfer a child who is 14 years of age or older at the time of the act charged and who is charged with an act that would be a felony if committed by an adult (R.C. 2152.10 and 2152.17).

- Provides the court discretion on whether or not to commit a child to DYS if the child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult and if the child is guilty of a specification that the child had a firearm on or about the child's person or under the child's control while committing the offense and displayed the firearm or indicated that the child possessed the firearm (R.C. 2152.17).

- Requires the court to commit a child to DYS if the child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult and if the child is guilty of a specification that the child had a firearm on or about the child's person or under the child's control while committing the offense and brandished the firearm or used it to facilitate the offense (R.C. 2152.17).

- Provides the court discretion on whether to commit a child to DYS if the child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult and if the child is guilty of a specification that the child had a firearm that is an automatic firearm or that was equipped with a firearm muffler or silencer on or about the child's person or under the child's control while committing the offense (R.C. 2152.17).

- Specifies that a child who is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult and the court determines that the child is guilty of a certain specification, that the court has discretion on whether to commit the child to DYS if the child is only complicit in the act, and not the actual actor (R.C. 2152.17).

- Specifies that a child is eligible for a serious youthful offender disposition only if the case was not transferred out of juvenile court and the child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult, was 14 years of age or older when the act was committed, and is eligible for a serious youthful offender disposition based on the child's age and the level of felony charged (R.C. 2152.11 and 2152.13).

- Specifies that if a complaint is filed against a person who is deemed not to be a child under certain circumstances, that the person is eligible for transfer, and the case must be transferred to the appropriate court for criminal prosecution.

- Removes the definitions of "category one offense" and "category two offense," which had been used to differentiate between discretionary and mandatory serious youthful offender dispositions and transfers but retains these definitions in the portion of the Code related to defining a "public safety bed" (R.C. 2152.02).

Miscellaneous provisions

- Revises and clarifies the law regarding the prosecution of multiple theft, Medicaid fraud, workers' compensation fraud and similar offenses and the valuation of property or services involved in the prosecution (R.C. 2913.61).

- Includes workers' compensation fraud within the R.C. 2913.01 definition of "theft offense" (R.C. 2913.01(K)).

- Expands the authorization to transfer certain Ohio prisoners for pretrial confinement to a jail in a contiguous county in an adjoining state so that it also applies to postconviction confinement and confinement upon civil process (R.C. 341.12).

- Modifies the time at which notice must be given to the probation officer of a person serving a community control sanction if the person is arrested and the time at which the arrested person must be brought before a court (R.C. 2951.08).

HISTORY

ACTION	DATE
Introduced	02-03-11
Reported, H. Criminal Justice	---

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