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BILL SUMMARY

Individual offenses and penalties

Penalties for theft-related and certain non-theft-related offenses

- 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, 2909.11, 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, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 2921.13, 2921.41, and 2981.07 and Section 4).

Offense of vandalism

- 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 and 2909.11 and Section 4).

Offense of engaging in a pattern of corrupt activity

- 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 and Section 4).

Sentencing for nonsupport of dependents

- Provides that, if the offense of "nonsupport of dependents" is based on an abandonment of or failure to support a child, spouse, or aged or infirm parent 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 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.

Offense of escape – supervised release detention

- Modifies the offense of "escape" as follows (R.C. 2921.34; 2929.14(E)(2)):

(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.

Trespass in a habitation prohibition – removal from burglary and creation of new offense

- 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, 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

Prison term range for first and third degree felonies

- 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) and Section 4);
 - (2) Provides that the range of possible prison terms for a third degree felony is as follows: (a) if the third degree felony is aggravated vehicular homicide, aggravated vehicular assault, sexual battery, unlawful sexual conduct with a minor, or gross sexual imposition, or is robbery or burglary and the offender

previously has been convicted in two or more separate proceedings of two or more offenses of aggravated robbery, robbery, aggravated burglary, or burglary, the range of possible prison terms is a definite prison term of 12, 18, 24, 30, 36, 42, 48, 54, or 60 months (this is the existing range, but changed to six-month increments instead of one-year increments), and (b) if the third degree felony is not an offense for which clause (a) of this paragraph applies, the range of possible prison terms is a definite prison term of 9, 12, 18, 24, 30, or 36 months (R.C. 2929.14(A)(3) and Section 4).

Changes in light of *Foster* decision

- 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 by: (1) reenacting existing statutory language regarding the consecutive sentencing provisions as described in *State v. Hodge*, (2) retaining existing statutory language regarding repeat violent offenders that has been modified and differs from the repeat violent offender provisions found to be unconstitutional in *Foster*, and (3) repealing all other provisions found to be unconstitutional in *Foster* (R.C. 2929.14(B), (C), and (D)(3)(b)-repeal, 2929.14(E)(4)-reenactment (division (C)(4) under the bill), 2929.19(B)(2)-repeal, 2929.41(A)-reenactment, Section 11, and conforming changes in numerous other statutes).
- Related to the changes described in the preceding dot point, modifies an existing provision that describes the overriding principles of felony sentencing to specify that those overriding principles are to protect the public from future crime by the offender and others and to punish the offender *using the minimum sanctions that the court determines accomplish those purposes without imposing an unnecessary burden on state or local government resources* (the changes made by the bill are in italics and part of the provision is current law relocated from R.C. 2929.13(A)) (R.C. 2929.11(A) and 2929.13(A)).

Community control sanctions – fourth and fifth degree felonies

- Generally requires a sentence to a community control sanction of at least one year's duration for offenders who are convicted of or plead guilty to a fourth or fifth degree felony that is not an offense of violence if: (1) the offender previously has not been convicted of or pleaded guilty to a felony offense or to a misdemeanor offense of violence committed within two years prior to the offense for which sentence is being imposed, (2) the most serious charge against the offender at the time of sentencing is a fourth or fifth degree felony, and (3) if the court made a request of DRC as described in the second succeeding dot point, DRC within the applicable 45-day period, provided the court with information about one or more community

control sanctions of at least one year's duration that are available for persons sentenced by the court (R.C. 2929.13(B)(1)(a) and Section 4).

- Specifies that a court sentencing an offender for a felony of the fourth or fifth degree of the type described in the preceding dot point has discretion, notwithstanding the provision described in that dot point, to impose a prison term on the offender if: (1) the offender committed the offense while armed with a firearm, (2) the offender caused physical harm to another person while committing the offense, (3) the offender violated a term of the conditions of bond as set by the court, or (4) the court made a request of DRC as described in the next dot point, and DRC within the applicable 45-day period, did not provide the court with information about any community control sanction of at least one year's duration that is available for persons sentenced by the court (R.C. 2929.13(B)(1)(b) and Section 4).
- Specifies that: (1) if a court that is sentencing an offender for a felony of the fourth or fifth degree that is not an offense of violence believes that no community control sanctions are available for its use that, if imposed on the offender, will adequately fulfill the overriding principles and purposes of sentencing, the court must contact DRC and ask DRC to provide the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court, (2) not later than 45 days after receipt of such a request from a court, DRC must provide the court with the requested information for one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court, if any, (3) upon making such a request that relates to a particular offender, a court must defer sentencing of that offender until it receives from DRC the requested information for one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court or 45 days, whichever is the earlier, (4) if DRC provides the court with the requested information for one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court within the specified 45-day period, the court must impose upon the offender a community control sanction under the provision described in the second preceding dot point, subject to clauses (1) and (2) of the preceding dot point, and (5) if DRC does not provide the court with the requested information for one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court within the specified 45-day period, the court may impose upon the offender a prison term under the provisions described in the preceding dot point (R.C. 2929.13(B)(1)(c)).

- Provides for application of existing provisions regarding the possible imposition of a prison sentence for a felony of the fourth or fifth degree in cases not covered by the preceding three dot points (R.C. 2929.13(B)(2)).
- Allows a court to impose an additional penalty upon an offender sentenced the procedures discussed in the prior three dot points if the offender violates the conditions of the sanction, violates a law, or leaves the state without permission (R.C. 2929.13(B)(1)(d)).

Community-based correctional facilities and community corrections programs

- Requires DRC to adopt standards specifying which categories of offenders are suitable for community-based corrections facilities and for community corrections programs and to make the level of state financial assistance provided to each facility contingent upon the number of offenders admitted who satisfy the standards (R.C. 5120.111(D) and 5149.31(A)(2)).

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 all of the following apply: (1) the offense is not aggravated murder, murder, complicity in either of those offenses, an offense of violence that is a first or second degree felony, a sexually oriented offense, or an attempt or conspiracy to commit or complicity in committing any of those offenses which attempt, conspiracy, or complicity is a felony of the first or second degree, (2) the offender's sentence does not consist solely of one or more mandatory prison terms, and (3) the offender agrees to cooperate in specified manners and participate in specified treatment and programming (R.C. 2929.143).
- Specifies that, if a prisoner serves a risk reduction sentence, mandatory prison terms cannot be reduced under the sentence and, if the prisoner successfully completes treatment or programming required by DRC, the offender is granted release to supervised release after serving all mandatory prison terms and minimum of 80% of the nonmandatory prison term (R.C. 5120.036; conforming changes in R.C. 2929.01, 2930.12, 2967.193, 5120.16, 5120.331, and 5120.48).

Risk assessment tool

- Requires DRC to select a "single validated risk assessment tool" for adult offenders to be used by courts (when the court orders an assessment for sentencing or another

purpose), probation departments, correctional facilities, the Adult Parole Authority (APA), and the Parole Board (R.C. 5120.114(A)).

- For each entity required to use the assessment tool, requires that every employee who actually uses the 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 or activities so that (R.C. 2967.193):
 - (1) Certain prisoners, unless ineligible for the mechanism under disqualifying provisions expanded by the bill, may provisionally earn five days of credit for participation in a specified program or activity;
 - (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 provisionally earn one day of credit for participation in a specified program or activity;
 - (3) All prisoners, unless ineligible for the mechanism under disqualifying provisions expanded by the bill, who successfully complete two specified programs or activities may provisionally earn up to five days of credit for the successful completion of the second program or activity (but *only* the second program or activity).
 - (4) All credits described in the preceding three paragraphs are earned provisionally, DRC must decide by the time the prisoner has 10% of his or her term remaining to determine whether to finally credit to the prisoner the provisional days (DRC may make the decision with or without a hearing),

DRC may deny some or all of the provisional days if it determines at the hearing that the prisoner while serving the prison term assaulted any other inmate, DRC staff, or prison visitor or committed any major violation of prison rules, and absent any such determination DRC must finally credit to the prisoner all of the provisional days.

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

(6) 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, substance abuse treatment, and other "constructive programs" developed by DRC (sex offender treatment programs are removed);

(7) Prisoners serving a sentence for a sexually oriented offense committed on or after the bill's effective date are not eligible for the mechanism;

(8) The categories of prisoners who are not eligible to provisionally or finally earn credits are clarified and consolidated;

(9) DRC must annually seek and consider written feedback from specified interested parties regarding the earned credits program as part of its evaluation of the program and in determining whether to modify the program;

(10) 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 under the earned credits mechanism 60 or more days of credit for participation in certain programs or activities be subject to active GPS supervision by the APA for the first 14 days after release from imprisonment (R.C. 2967.28(D)(2)).
- Requires a judge who sentences an offender to a prison term to include in the sentence notice to the offender that the offender may be eligible to earn such days of credit (R.C. 2929.14(D)(3), 2929.19(B)(3)(a), and 2967.193(E)).

80% release mechanism

- Authorizes the Director of DRC to petition the sentencing court for the release from prison of an inmate who is serving a stated prison term of one year or more, who is

eligible under specified criteria, and who has served at least 80% of the stated prison term that remains to be served after becoming eligible for use of the mechanism, and provides a procedure for courts to use in determining whether to grant such a petition (R.C. 2967.19; conforming changes in R.C. 109.42, 2929.13, 2929.14, 2930.16, 2930.17, 2950.99, and 5120.66).

- Provides that prison terms for certain offenses are "disqualifying prison terms" (a defined term) and that a prisoner serving a stated prison term that includes such a term is not eligible for use of the 80% release mechanism, that an offender serving a stated prison term that includes one or more "restricting prison terms" (a defined term) is not eligible for release under the mechanism during the restricting prison term but becomes eligible for use of the mechanism after having fully served each restricting prison term if the offender has an "eligible prison term" (a defined term) to serve after service of the restricting prison terms, and that a prisoner serving a stated prison term that consists solely of one or more eligible prison terms becomes eligible for use of the mechanism upon commencement of service of the term (R.C. 2967.19).
- Specifies that, if a court grants a petition under the 80% release mechanism, the court must order the release of the prisoner and place the released prisoner under one or more appropriate community control sanctions and under the supervision of the court's probation department, that the court must consider GPS monitoring if the prisoner's offense was a first or second degree felony that the period of all community control sanctions so imposed cannot exceed five years, and that the court may reimpose the reduced sentence in specified circumstances (R.C. 2967.19(I)).

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

- Requires DRC 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 DRC to send a report to the General Assembly regarding its findings and the inmates within 90 days after the bill's effective date; and requires the Chair of the Parole Board 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 (Section 10).

Corrections commission and judicial advisory board

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

- 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).
- Changes the requirement regarding county commission membership on the corrections commission so that the member from the board of county commissioners may be any member of the board (currently it must be the president) and provides that the standards and procedures formulated by the commission, in addition to the currently mandated content, must include the designation of a fiscal agent (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 (including an OVI offense together with an adjunct offense of driving under an OVI suspension) imposed under state law or a municipal ordinance not exceeding 60 days (R.C. 307.932, 2929.26, and 2929.34).

Victim notification of escape of violent offender

- 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, requires the prosecuting attorney to promptly provide such information, and clarifies Revised Code references to the Office (R.C. 309.18 and 5120.60).

Criminal penalties for drug offenses

Elimination of penalty distinction – cocaine and crack cocaine

- 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), 2925.05(A)(3), 2925.11(C)(4), and 2929.01 and Section 3).

Trafficking in or possession of marihuana or hashish

- 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) and Section 3).
- 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. 2925.03(C)(3) and (C)(7) and Section 3; R.C. 2929.13(B), in effect, imposes a presumption against a prison term).

Third degree felony drug offenses that currently have a mandatory prison term

- For all drug abuse offenses in R.C. Chapter 2925. that are felonies of the third degree and currently require a mandatory prison term, provides that the mandatory prison term requirement applies only if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense; if the offender has not two or more times previously been convicted of or pleaded guilty to a felony drug abuse offense, there is a presumption of a prison term for the offense. The offenses to which this provision applies are aggravated trafficking in drugs in certain circumstances, trafficking in cocaine in certain circumstances, trafficking in L.S.D. in certain circumstances, illegal assembly or possession of chemicals for the manufacture of drugs when the chemicals may be used to manufacture methamphetamine, funding of marihuana trafficking, and possession of cocaine in

certain circumstances. (R.C. 2925.03(C)(1)(c), (C)(4)(d), and (C)(5)(d), 2925.041, 2925.05(C)(3), and 2925.11(C)(4)(c).)

Fourth degree felony drug offenses that currently have a presumption for a prison term

- For all drug abuse offenses in R.C. Chapter 2925. that are felonies of the fourth degree and currently have a presumption for a prison term, removes the presumption and specifies that R.C. 2929.13(B) applies in determining whether to impose a prison term on the offender. The offenses to which this provision applies are trafficking in drugs in certain circumstances, trafficking in cocaine in certain circumstances, trafficking in L.S.D. in certain circumstances, and trafficking in heroin in certain circumstances. (R.C. 2925.03(C)(2)(c), (4)(c), (5)(c), and (6)(c); R.C. 2929.13(B), in effect, imposes a presumption against a prison term).

Judicial release under R.C. 2929.20

- 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 (currently, the prison terms must be ten years or less);

(2) A motion for judicial release may be made during the following time periods: (a) if the aggregated nonmandatory prison term or terms is under two years, not earlier than 30 days after the offender is delivered to prison or, if the prison term includes a mandatory prison term or terms, not earlier than 30 days after the expiration of all mandatory prison terms (same as existing law, except refers to "aggregated nonmandatory prison term or terms" instead of "stated prison term"), (b) if the aggregated nonmandatory prison term or terms is at least two years but less than five years, not earlier than 180 days after the offender is delivered to prison or, if the prison term includes a mandatory prison term or terms, not earlier than 180 days after the expiration of all mandatory prison terms (same as existing law, except refers to "aggregated nonmandatory prison term or terms" instead of "stated prison term"), (c) if the aggregated nonmandatory prison term or terms is five years, not earlier than four years after the offender is delivered to prison or, if the prison term includes a mandatory prison term or terms, not earlier than four years after the expiration of all mandatory prison terms (added by the bill), (d) if the aggregated nonmandatory prison term or terms is more than five years but not more than ten years, not earlier than five years after the

offender is delivered to prison or, if the prison term includes a mandatory prison term or terms, not earlier than five years after the expiration of all mandatory prison terms (same as existing law, except refers to "aggregated nonmandatory prison term or terms" instead of "stated prison term"), or (e) if the aggregated nonmandatory prison term or terms is more than ten years, not earlier than the later of the date on which the offender has served one-half of the offender's stated prison term or the date specified in clause (d) of this paragraph (added by the bill).

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 intellectual disability (defined in the same manner as mental 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 intellectual disability 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 intellectual disability 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.

Halfway houses, community residential centers, and reentry centers

- 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 – Second Chance Act, reentry plans, and Ex-offender Reentry Coalition

- 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.

- Extends the existence of the Ex-offender Reentry Coalition to December 31, 2014 (R.C. 5120.07(E) and Sections 7 and 8).
- 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 – terms and full Board meetings

- Except for the Chairperson and the member who has been a victim, is a member of a victim's family, or represents a victims' advocacy organization, limits members of the Parole Board who are appointed on or after the bill's effective date to two six-year terms (R.C. 5149.10).
- 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 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 under community control, who are subject to supervision by multiple court supervisory authorities, and to whom other specified criteria apply (offenders in that category are designated as "concurrent supervision offenders"), and allows the Adult Parole Authority and one or more courts to enter into an agreement whereby a releasee or parolee who is simultaneously under the supervision of the Authority and the court or courts is supervised exclusively by either the Authority or a court (R.C. 2951.022).

County and multicounty 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, in consultation and collaboration with the Supreme Court, must develop (R.C. 2301.27 and 2301.271).

- Requires that the court of common pleas of the county require the probation department establish 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 6).

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 and 5149.32; conforming changes in R.C. 5149.33 and 5149.36).
- 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).

DRC Probation Improvement Grant and Probation Incentive Grant

- 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).

Juvenile justice provisions

Mandatory bindover of alleged delinquent child – sanction determination

- Establishes a new mechanism for determining the sanction for children who are convicted of a crime in criminal court after their case is transferred under a mandatory transfer provision that requires transfer if the child is alleged to be a delinquent child for committing an act that would be aggravated murder, murder, attempted aggravated murder, or attempted murder if committed by an adult and was 16 or 17 at the time of the act charged or if the child is alleged to be a delinquent child for committing a category two offense, the child was 16 or 17 at the time of the act charged, and the child is alleged to have had a firearm while committing the act charged and to have displayed, brandished, indicated possession of, or used the firearm in committing the act charged. Under the new mechanism (R.C. 2151.23, 2152.02, 2152.021, 2152.12, 2152.121, 2152.13, and 2152.14):

(1) If the court of conviction determines that, if the child had originally been charged with that crime in juvenile court, the case would not have been subject to either mandatory bindover or discretionary bindover for the crime, the case is transferred back to juvenile court, and the juvenile court imposes a traditional juvenile disposition.

(2) If the court of conviction determines that, if the child had originally been charged with that crime in juvenile court, the case would not have been subject to mandatory bindover but would have been subject to discretionary bindover, the court of conviction imposes sentence on the child but stays that sentence, the court of conviction transfers the case back to juvenile court for imposition of a serious youthful offender disposition provided that the prosecutor in the case may object to the imposition of a serious youthful offender disposition, and, if the prosecutor objects and proves certain criteria, the juvenile court transfers the case back to the court of conviction and the sentence originally imposed by that court is invoked. If the juvenile court imposes a serious youthful offender disposition, the sentence imposed by the court of conviction terminates, the record of the conviction must be expunged and considered and treated as if it never occurred, and the conviction is to be considered and treated as if it were a delinquent child adjudication. If the serious youthful offender disposition is imposed and the adult portion subsequently is invoked, the child no longer is a "child" for purposes of the Delinquent Child Law.

(3) If the court of conviction determines that, if the child had originally been charged with that crime in juvenile court, the case would have been subject to mandatory bindover, the court of conviction imposes sentence on the child.

Possible commitment to DYS for complicity in firearm specification conduct

- Specifies that if a child is adjudicated a delinquent child for an act that is a felony, if the child is complicit in another person's conduct that constitutes a specified type of firearm specification, if the other person's conduct relates to the child's underlying delinquent act, and if the child did not furnish, use, or dispose of any firearm that was involved in the underlying act or with the other person's specification-related conduct, the court may commit the child to the Department of Youth Services (DYS) for the specification for a definite period of not more than one year (R.C. 2152.17(B)(1)).
- Provides that the current provision regarding DYS commitment for a firearms specification of a child who is an accomplice applies in other accomplice circumstances regarding a firearm specification that is not subject to the provision described in the preceding dot point (R.C. 2152.17(B)(2)).

Judicial release to DYS or court supervision

- Enacts a new mechanism for judicial release that applies at any time after the expiration of the prescribed minimum period for which the child was committed to DYS (special eligibility rules apply if the child was committed to DYS for a specification as well as for an underlying delinquent act), provides the judicial release is to DYS supervision if it is made during the period within which existing law allows a judicial release to DYS supervision and is to court supervision in all other cases, and generally requires notice to be given at the time of disposition of a delinquent child that the court is retaining jurisdiction for the purpose of a possible grant of this type of judicial release but specifies that failure to give the notice does not affect the adjudication or disposition of the child or the authority of the court to grant the judicial release (R.C. 2152.22, 5139.01, 5139.06, 5139.18, and 5139.52).

Emergency release of a delinquent child committed to DYS

- Specifies that, if a child is granted an emergency release from DYS, the child thereafter is considered to have been institutionalized for the prescribed minimum period of time imposed (other than for an act that would be aggravated murder or murder) that specifies a minimum period of commitment for a child committed to DYS, or all definite periods of commitment imposed for a specification plus the prescribed minimum period of time imposed as described in the preceding clause of this sentence, whichever is applicable (R.C. 5139.20(D)).

Competency of an alleged delinquent child

- Establishes a mechanism for determining the competency to participate in the proceeding of a child who is the subject of any proceeding under R.C. Chapter 2152., other than a proceeding alleging that the child is a juvenile traffic offender, and procedures for a child who is found incompetent under the mechanism for attaining competency, and includes as part of the mechanism a provision that specifies that if the child who is the subject of any such proceeding is 14 or older, is not otherwise found to be mentally ill, intellectually disabled, or developmentally disabled, it is rebuttably presumed for purposes of the competency determination that the child does not have a lack of mental capacity (R.C. 2152.51 to 2152.59).

Felony Delinquent Care and Custody Fund

- Specifies that a county and the juvenile court that serves the county are encouraged to use the moneys in the county treasury's Felony Delinquent Care and Custody Fund for research-supported, outcome-based programs and services, to the extent they are available (R.C. 5139.43).

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 5).

Delinquent child complaints – chronic or habitual truancy

- Modifies the required content of complaints alleging that a child is an unruly child based on chronic or habitual truancy, so that the complaint does not have to include an allegation that the child's parent, guardian, or other person with care of the child failed to cause the child's attendance at school only if the complaint contains allegations regarding the child's parent, guardian, or other person with care of the child (R.C. 2152.021(A)(2)).

Prosecution of multiple theft, workers' compensation fraud, and similar offenses; workers' compensation fraud included as theft offense

- 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)).

Ohio prisoner transfer to contiguous county in another state

- 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).

Notice of arrest, and appearance before court, of community control sanction violator

- 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).

Foster child placement notifications – "exceptional behavioral needs children" and children who committed a felonious act

- Modifies and expands the notifications that must be given before a child is placed in foster care if the child has been adjudicated a delinquent child for committing an act that would be a felony offense of violence if committed by an adult by requiring the notice to be given regardless of the county of placement, to be given in writing to specified school and law enforcement officials, and to include specified contact information and information about the child's offense and by specifying that information provided in the notice generally is confidential (R.C. 2151.55 to 2151.554).

Notification of bail forfeiture proceedings regarding recognizances

- Provides that, as to recognizances, the magistrate or clerk must notify the accused and each surety within 15 days after the declaration of the forfeiture (currently, no time limit is specified for the notice) by ordinary mail at the address provided for them, of the default of the accused and the adjudication of forfeiture and require each of them to show cause on or before a date certain to be stated in the notice, and which cannot be less than 45 nor more than 60 days (currently, not less than 20 and not more than 30 days) from the date of the mailing of the notice, why judgment should not be entered against each of them for the penalty stated in the recognizance (R.C. 2937.36).

Restrictions regarding speeding violations based on a peace officer's unaided visual estimation of speed

- Prohibits the arrest, charging, or conviction of a person for speeding based on a peace officer's unaided visual estimation of the speed of a motor vehicle, trackless trolley, or streetcar but specifies that the restriction does not: (1) preclude the use by a peace officer of a stopwatch, radar, laser, or other electrical, mechanical, or digital

device to determine the speed of a vehicle, (2) apply regarding any speeding violation that is based on the operation of a motor vehicle, trackless trolley, or streetcar at a speed greater or less than is reasonable or proper, having due regard to the traffic surface, width of the street, and any other conditions, (3) apply to any violation other than a speeding offense that is not a speeding offense of the type described in clause (2) of this paragraph, and (4) preclude a peace officer from testifying that the speed of a motor vehicle, trackless trolley, or streetcar was unsafe based on the conditions described in clause (2) of this paragraph, the admission into evidence of such testimony, or a conviction of a speeding violation based on those conditions (R.C. 4511.091).

DRC study of assaults by inmates

- Requires DRC to conduct a study on assaults of any type by inmates upon DRC staff, assaults with a weapon by inmates upon other inmates, sexual assaults by inmates against other inmates, and the frequency of prosecution and outcomes for each; requires DRC to prepare a report of its findings and submit that report to the Governor, Attorney General, and General Assembly (Section 9).

Crime Victims Reparations Law changes

- The bill modifies the Crime Victims Reparations Law by eliminating the period of limitations for adult claimants, eliminating the 72-hour time frame within which a victim must file a report with a law enforcement agency, expanding the types of expenses that are included as allowable expenses or as costs of crime scene cleanup, and specifying the applications to which the modifications apply (R.C. 2743.51, 2743.56, 2743.59, 2743.60, and 2743.601).

Merchant, library, museum, and archival institution shoplifter, etc., detention – pretrial diversion

- Authorizes merchants and officers, agents, and employees of a library, museum, or archival institution to detain a person who is a suspected shoplifter or who moves, defaces, damages, destroys, or tampers with property to detain the person to offer pretrial diversion and inform the person of the other legal remedies available to the merchant, library, museum, or archival institution (R.C. 2935.041).

Sex offender or child-victim offender – possession of photograph of victim or other child while confined

- Prohibits a convicted sex offender from possessing a photograph of the offender's victim while the offender is serving a term of confinement for that offense and prohibits a child-victim offender from possessing a photograph of any minor child

while the child-victim offender is serving a term of confinement for that offense (R.C. 2950.17).

Certificates of achievement and employability for certain DRC prisoners

- Provides for the issuance by DRC or the Adult Parole Authority of certificates of achievement and employability for certain DRC prisoners to be used by the recipient prisoner to generally obtain relief from mandatory civil impacts that would affect a potential job for which the prisoner trained (R.C. 2961.21 to 2961.24).

HISTORY

ACTION	DATE
Introduced	02-03-11
Reported, H. Criminal Justice	05-04-11
Passed House (96-2)	05-04-11
Reported, S. Judiciary – Criminal Justice	--

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