



Ohio Legislative Service Commission

Bill Analysis

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S.B. 56

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(As Introduced)

Sen. Tavares

BILL SUMMARY

- Requires notices and reports to be provided if a resident of a licensed "halfway house" or "community residential center" who is under the supervisory authority of the Adult Parole Authority (the APA) of the Department of Rehabilitation and Correction (DRC) leaves without permission, cannot be located, or does not return when due, as follows:
 - (1) Requires the facility operator to notify the APA immediately upon a staff member gaining knowledge that any such resident has left the facility without permission.
 - (2) If the requirement described in (1), above, does not apply, requires the facility operator to notify the APA not later than four hours after it initially is determined that any such resident cannot be located or within a shorter time specified in certain circumstances by the APA.
 - (3) Requires the facility operator or staff members to immediately attempt to determine the whereabouts of any such resident of any such facility who does not return to the facility at the time required from a scheduled appointment or work assignment, and if the resident cannot be located and the requirement described in (1), above, does not apply, requires the operator to notify the APA of that fact not later than four hours after it initially is determined that the resident has not returned at the time required or within a shorter time specified in certain circumstances by the APA.
 - (4) Requires the facility operator to complete an incident report that documents all attempts to locate a resident who leaves the facility without permission, cannot be located, or does not return to the facility when due and

that indicates the date and time when the APA was notified of the absence as required above and send a copy of the completed report to the APA.

(5) Requires the APA to comply with the applicable policies of DRC after receiving a notification pursuant to (1), (2), or (3), above.

- Requires a licensed halfway house or community residential center to notify the APA before evicting any resident who is under APA supervisory authority.
- Expressly states that DRC's Division of Parole and Community Services is required to adopt standards for the licensure of halfway houses and community residential centers and requires that the Division annually review the standards.

CONTENT AND OPERATION

Licensed halfway house or community residential center – notice and report if resident leaves without permission, cannot be located, or does not return when due

The bill requires specified notices and reports to be provided if a resident of a licensed "halfway house" or "community residential center" (see "**Definition of terms "halfway house" and "community residential center"**," below) who is under the supervisory authority of the Adult Parole Authority (the APA) of the Department of Rehabilitation and Correction (DRC) leaves without permission, cannot be located, or does not return when due. Existing provisions regarding the licensing and use of halfway houses and community residential centers are summarized below under "**Background.**" Regarding the notices and reports required under the bill, it provides as follows:

(1) If any staff member of a licensed halfway house or community residential center knows that a resident who is under the APA's supervisory authority has left the halfway house or community residential center without permission, the operator of the facility is required to notify the APA of that fact immediately upon the staff member gaining that knowledge.¹

(2) If a resident of a licensed halfway house or community residential center who is under the APA's supervisory authority cannot be located and the requirement described in paragraph (1), above, does not apply, the operator of the facility is required to notify the APA of that fact not later than four hours after it initially is determined that the resident cannot be located or if the APA, based upon a resident's criminal

¹ R.C. 2967.14(D)(1).

history or risk level, requires notice of a resident's absence to be given before the expiration of four hours after it initially is determined that the resident cannot be located, not later than the time specified by the APA.

(3) If a resident of a licensed halfway house or community residential center who is under the APA's supervisory authority does not return to the facility at the time required from a scheduled appointment or work assignment, the operator or staff members of the halfway house or community residential center immediately must attempt to determine the whereabouts of the resident. If the resident cannot be located and the requirement described in paragraph (1), above, does not apply, the operator is required to notify the APA of that fact not later than four hours after it initially is determined that the resident has not returned to the facility at the time required or if the APA, based upon a resident's criminal history or risk level, requires notice of a resident's absence to be given before the expiration of four hours after it initially is determined that the resident has not returned to the facility at the time required, not later than the time specified by the APA.²

(4) If a resident of a licensed halfway house or community residential center who is under the APA's supervisory authority leaves the facility without permission, cannot be located, or does not return to the facility at the time required from a scheduled appointment or work assignment, the operator of the facility is required to complete an incident report that documents all attempts to locate the resident and, if the requirement described in paragraph (1), (2), or (3), above, requires notification to the APA, that indicates the date and time when the APA was notified of the resident's absence. The operator of the facility is required to send a copy of the completed incident report to the APA. Upon receipt of the completed incident report, the APA is required to send a copy of the report to DRC's Bureau of Community Sanctions.³

(5) If the operator of a licensed halfway house or community residential center provides the APA with notice of a resident's absence pursuant to the requirement described in paragraph (1), (2), or (3), above, the APA is required to comply with the applicable policies of DRC's Division of Parole and Community Services after receiving the notification.⁴

² R.C. 2967.14(D)(3).

³ R.C. 2967.14(D)(4).

⁴ R.C. 2967.14(D)(6).

Licensed halfway house or community residential center – notice if eviction of resident

The bill requires a licensed "halfway house" or "community residential center," before evicting any resident who is under the APA's supervisory authority, to notify the APA of the planned eviction.⁵ Existing provisions regarding the licensing and use of halfway houses and community residential centers are summarized below in "**Licensing of halfway houses and community residential centers**" and "**Housing of persons in halfway houses and community residential centers**" under "**Background.**"

Definition of terms "halfway house" and "community residential center"

The terms "halfway house" and "community residential center" are not defined for purposes of R.C. 2967.14. An existing provision of the Criminal Sentencing Law,⁶ which is not in the bill, defines "halfway house" for purposes of that Law as a facility licensed by DRC's Division of Parole and Community Services, as described below in "**Licensing of halfway houses and community residential centers**" under "**Background,**" as a suitable facility for the care and treatment of adult offenders.

Halfway house and community residential center licensure standards and annual review

Existing provisions regarding the licensing of halfway houses and community residential centers, summarized below in "**Licensing of halfway houses and community residential centers**" under "**Background,**" impose as a criterion for the licensure of the entities that they comply with standards that DRC's Division of Parole and Community Services adopts in accordance with the Administrative Procedure Act. The bill revises this language to expressly state that the Division is required to adopt in accordance with the Administrative Procedure Act standards for the licensure of halfway houses and community residential centers. The bill also requires that the Division annually review the standards.⁷

⁵ R.C. 2967.14(D)(5).

⁶ R.C. 2929.01, not in the bill.

⁷ R.C. 2967.14(C).

Background

Licensing of halfway houses and community residential centers

Existing law, unchanged by the bill except for the express statement of a DRC rulemaking duty and that annual licensure standards review that are described above, authorizes DRC's Division of Parole and Community Services to license a "halfway house" or "community residential center" as a suitable facility for the care and treatment of adult offenders, including offenders sentenced to a community residential sanction under the Criminal Sentencing Law, only if the halfway house or community residential center complies with the standards that the Division adopts in accordance with the Administrative Procedure Act for the licensure of halfway houses and community residential centers. The Division is required to annually inspect each licensed halfway house and licensed community residential center to determine if it is in compliance with the licensure standards.⁸

The Division may negotiate and enter into agreements with any public or private agency or a department or political subdivision of the state that operates a halfway house or community residential center that the Division has licensed. An agreement under this provision must provide for the purchase of beds, set limits of supervision and levels of occupancy, and determine the scope of services for all eligible offenders, including those subject to a residential sanction, as defined in rules adopted by DRC's Director. The payments for beds and services must be equal to the halfway house's or community residential center's average daily *per capita* costs with its facility at full occupancy and cannot exceed the total operating costs of the halfway house or community residential center during the term of an agreement. DRC may use no more than 10% of the amount appropriated to it each fiscal year for the halfway house and community residential center program to pay for contracts for nonresidential services for offenders under Adult Parole Authority (APA) supervision. The nonresidential services may include, but are not limited to, treatment for substance abuse, mental health counseling, and counseling for sex offenders.⁹

A number of provisions of existing law, described below in "**Housing of persons in halfway houses and community residential centers**" and unchanged by the bill, pertain to the housing of offenders in a halfway house or community residential center.

⁸ R.C. 2967.14(C).

⁹ R.C. 2967.14(B).

Housing of persons in halfway houses and community residential centers

A number of provisions of existing law, unchanged by the bill, pertain to the housing of offenders in a halfway house or community residential center. The terms "halfway house" and "community residential center" are not defined for purposes of the existing provisions described below that are located in R.C. Chapter 2967. or 5120. As described above in **"Definition of terms "halfway house" and "community residential center"**," an existing provision of the Criminal Sentencing Law, which is not in the bill, defines "halfway house" for purposes of the existing provisions described below that are located in that Law. Under the existing provisions:

(1) The APA may require a "parolee" or "releasee" to reside in a "halfway house" or other suitable "community residential center" that has been licensed by the Division of Parole and Community Services as described above in **"Licensing of halfway houses and community residential centers"** during a part or for the entire period of the parolee's conditional release or of the releasee's term of post-release control. As used in this provision, "parolee" means an inmate who has been released from confinement on parole by order of the APA or conditionally pardoned, who is under supervision of the APA and has not been granted a final release, and who has not been declared in violation of his or her parole by the APA or is performing the prescribed conditions of a conditional pardon. As used in this provision, "releasee" means an inmate who has been released from confinement pursuant to R.C. 2967.28 under a period of post-release control that includes one or more post-release control sanctions.¹⁰

(2) The court of common pleas that places an offender under a sanction consisting of a term in a "halfway house" or in an "alternative residential sanction" (this appears to be a mistaken reference, and probably should refer to an "alternative residential center") may require the offender to reside in a "halfway house" or other suitable "community residential center" that is designated by the court and that has been licensed by the Division of Parole and Community Services as described above in **"Licensing of halfway houses and community residential centers"** during a part or for the entire period of the offender's residential sanction.¹¹ Also, a provision of the Felony Sentencing Law provides that a court of common pleas that is sentencing an offender for a felony generally may sentence the offender directly to a community residential sanction, including, but not limited to: (a) a term in a "halfway house," (b) a term in an alternative residential facility, (c) a term of up to six months at a community-based correctional facility, or (d) a term in a jail that cannot exceed six months or, if the

¹⁰ R.C. 2967.14(A); R.C. 2967.01, not in the bill.

¹¹ R.C. 2967.14(A).

offender's offense is a fourth degree felony OVI offense, that cannot exceed one year minus the mandatory term of local incarceration required for the offense.¹²

(3) A provision of the Misdemeanor Sentencing Law provides that a court that is sentencing an offender for a misdemeanor generally may sentence the offender directly to a community residential sanction, including, but not limited to: (a) a term of up to 180 days in a "halfway house" or a term in a "halfway house" not to exceed the longest jail term available for the offense, whichever is shorter, if the political subdivision that would have responsibility for paying the costs of confining the offender in a jail has entered into a contract with the halfway house for use of the facility for misdemeanor offenders, or (b) a term of up to 180 days in an alternative residential facility or a term in an alternative residential facility not to exceed the longest jail term available for the offense, whichever is shorter.¹³

(4) DRC is authorized to establish a "transitional control program" for the purpose of closely monitoring a prisoner's adjustment to community supervision during the final 180 days of the prisoner's confinement. If DRC establishes such a program, the APA may transfer prisoners who satisfy specified eligibility criteria during the final 180 days of their confinement under terms and conditions specified by DRC. Each prisoner who is transferred under the program must be confined in a suitable facility licensed by the Division of Parole and Community Services as described above in "**Licensing of halfway houses and community residential centers.**"¹⁴

(5) DRC is authorized to establish a program of shock incarceration to be used for offenders sentenced to serve a prison term who satisfy specified eligibility criteria. If the program is established, it must consist of a 90-day "boot camp-type" period of imprisonment at a state correctional institution followed immediately by either: (a) an intermediate, transitional type of detention for the period of time determined by the Director which, in turn, must be followed immediately by a release under a post-release control sanction imposed in accordance with R.C. 2967.28, or (b) a release under a post-release control sanction imposed in accordance with R.C. 2967.28. A period of intermediate, transitional type of detention described in clause (a) of the preceding sentence may be in a "halfway house," in a community-based correctional facility and program, or in any other facility approved by the Director that provided for detention to serve as a transition between imprisonment and release from imprisonment.¹⁵

¹² R.C. 2929.16, not in the bill.

¹³ R.C. 2929.26, not in the bill.

¹⁴ R.C. 2967.26, not in the bill.

¹⁵ R.C. 5120.031, not in the bill.

(6) DRC is required to develop and implement intensive program prisons for prisoners who satisfy specified eligibility criteria. The prisons must include institutions at which imprisonment similar to the type used in the shock incarceration program is provided and prisons that focus on education, training, treatment, work, and other intensive regimens or combinations of intensive regimens. If a prisoner is placed in an intensive program prison and successfully completes a 90-day period in the prison, DRC may reduce the prisoner's stated prison term. A prisoner whose term has been so reduced must either serve an intermediate, transitional type of detention followed by a release under a post-release control sanction or, in the alternative, be placed under post-release control sanctions, as described in clause (b) of the preceding paragraph. In either case, the placement under post-release control sanctions must be under terms set by the Parole Board in accordance with R.C. 2967.28.¹⁶

HISTORY

ACTION	DATE
Introduced	02-01-11

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¹⁶ R.C. 5120.032, not in the bill.

