

Executive

Criminal Sentencing Reforms

DRCCD4 Risk Reduction Sentencing

R.C. 2929.01, 2929.19, 2967.28, 5120.036

Requires that a prisoner who is released from prison early under a risk reduction sentence be placed under post-release control sanctions (instead of on "supervised release") and specifies that the Criminal Sentencing Law definition of "stated prison term" includes any period of time by which an offender's prison term is shortened under a risk reduction sentence.

Fiscal effect: Uncertain.

DRCCD11 Determination of Credit for Time Served

R.C. 2929.19, 2967.191

Clarifies the procedure requiring a sentencing court to determine the days of credit an offender receives for time served in relation to the offense by which DRC must reduce the stated prison term in order to reflect this time credit, and provides that the sentencing court retains jurisdiction for the correction of errors in the determination of any time served credit.

Fiscal effect: Under current law, it appears that the court already includes a statement on time served in relation to an offender's sentence. The clarification and revision of this process is unlikely to generate any discernible costs for the court or DRC.

DRCCD6 Certificates of Achievement and Employability

R.C. 2961.22

Specifies that the Department of Rehabilitation and Correction and the Adult Parole Authority are not liable for any claim for damages arising from the issuance, denial, or revocation of a certificate of achievement and employability or for the failure to revoke a certificate under required circumstances.

Fiscal effect: Any elimination or reduction of liability may reduce expenditures related to the adjudication of claims or the satisfaction of any judgments or penalties stemming from such claims. The magnitude of any such expenditure reduction is uncertain.

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DRCCD5 Recommendation for the Medical Release of a Prisoner**R.C.** 2967.03, 2967.05

Eliminates the requirement that the Adult Parole Authority (APA) follow certain procedures prior to making a recommendation to the Governor for the medical release of a prisoner.

Fiscal effect: Potential savings effect for the APA, as it may require less time and effort be expended in making medical release determinations.

DRCCD9 Halfway House Nonresidential Services**R.C.** 2967.14

Requires the Director of Rehabilitation and Correction to adopt rules providing for the use of up to 15% (rather than 10% under current law) of appropriations for the halfway house, reentry center, and community residential center program to pay for contracts with licensed halfway houses for specified nonresidential services for offenders supervised by the Adult Parole Authority.

Fiscal effect: This provision may increase the amount of money that would otherwise have been allocated annually from GRF line item 501405, Halfway House, for nonresidential services.

DRCCD10 80% Early Release Mechanism**R.C.** 2967.19, 5120.66

Revises the procedures under which the Department of Rehabilitation and Correction implements the sentencing reform mechanism in H.B. 86 of the 129th G.A. allowing for the possible release of certain prisoners who serve 80% of their stated prison term and corrects erroneous cross-references.

Fiscal effect: None.

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DRCCD3 Earned Credits for Department of Rehabilitation and Correction Prisoners**R.C. 2967.193, Section 729.10**

Provides that, if a Department of Rehabilitation and Correction (DRC) prisoner is eligible to earn credits for productive participation in a DRC program or activity and if other specified provisions do not limit the prisoner to earning one day of credit for each month of such participation, the date of the prisoner's offense is irrelevant in determining the number of days of credit the prisoner may earn for each month of such participation, and the prisoner may earn five days of credit for each month of such participation regardless of the date of the offense.

Fiscal effect: To the extent that this provision increases the number of earned credit days for certain prisoners and reduces their length of stay in prison, DRC would presumably incur some incarceration cost savings.

DRCCD8 Transitional Control Program**R.C. 2967.26**

Specifies that the Division of Parole and Community Services of the Department of Rehabilitation and Correction, instead of the Division's Adult Parole Authority, must notify the sentencing court of the pendency of a prisoner's transfer to transitional control and of the fact that the court may disapprove of the transfer.

Fiscal effect: None.

DRCCD7 Probation Improvement and Incentive Grants**R.C. 5149.311**

Makes probation departments that supervise offenders sentenced by municipal courts eligible for probation improvement and probation incentive grants.

Fiscal effect: This provision expands the pool of potential grant recipients to include counties and municipalities that operate municipal courts, and may generate a minimal annual increase in the Department of Rehabilitation and Correction's administrative costs to process and evaluate any related increase in the number of grant applications.

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Other Provisions

DRCCD12 Responsibility for Medical Expenses in a Community Based Correctional Facility

R.C. *2301.571*

Provides that a person serving a term in a community-based correctional facility (CBCF) is responsible for the person's medical and other health care expenses.

Fiscal effect: This provision appears to reduce a CBCF's liability for medical and other health care services provided to persons confined in the facility. Current law, however, already requires a CBCF to establish a policy requiring that any non-indigent person pay for any medical treatment or service requested by and provided to that person.

DRCCD2 Deposits to Prisoner Program Fund

R.C. *5120.132*

Requires the Director of Rehabilitation and Correction to deposit all money received by the Department from services provided to inmates in relation to electronic mail, inmate trust fund deposits, and the purchase of music, digital music players, and other electronic devices into the Prisoner Programs Fund (GSF Fund 4D40).

Fiscal effect: The provision will increase revenue deposited into the Prisoner Program Funds, which is used to used to pay for various programs operated for the benefit of prisoners.

Appropriation Language

DRCCD1 Institutional Services

Section: *601.40*
 Amends Section 373.10 of H.B. 153

Authorizes a cash transfer of up to \$4 million in FY 2013 from the Institutional Services Fund (Fund 1480) to the Ohio Penal Industries Fund (Fund 2000).