

Executive

As Passed by the House

As Reported by Senate Finance and Financial Institutions

1

DRC - 4

Intensive Program Prisons

R.C. 9.06, 5120.032, and 5120.033

Permits, instead of requires, the Department of Rehabilitation and Correction to develop and implement intensive program prisons for male and female prisoners, and, if any such prisons are established, permits, instead of requires, the Department to contract for the private operation and management of the initial intensive program prison for male and female prisoners who are sentenced to a mandatory prison term for a third or fourth degree felony OVI offense.

Fiscal effect: Uncertain.

R.C. 9.06, 5120.032, and 5120.033

Same as the Executive.

Fiscal effect: Same as the Executive.

No provision.

2

DRC - 5

Penalties for Theft-Related Offenses and Elements of Offenses of Vandalism and Engaging in a Pattern of Corrupt Activity

R.C. 926.99, 1333.99, 1707.99, 1716.99, 2909.03, 2909.05, 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, 2923.31, and 2981.07

(1) Increases from \$500 to \$750 the felony threshold amount that is used in determining increased penalties for theft-related offenses and some non-theft related offenses, and (2) increases from \$500 to \$750 the threshold amount in certain elements of the offenses of "vandalism" and "engaging in a pattern of corrupt activity."

No provision.

No provision.

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Fiscal effect: The provision will likely reduce the number of felony theft offenders entering prison. DRC staff estimate that the change this provision will open up about 300 beds per year at an annual savings of approximately \$1.3 million. This provision will also have the effect of shifting some felony theft cases from the courts of common pleas to the municipal and county courts that hear misdemeanor cases. As misdemeanor cases are generally less expensive to process, there should be some savings, of uncertain magnitude, at the county level, and, in theory, a corresponding cost increase of processing theft cases at the municipal level. Presumably, counties and municipalities will incur additional costs to sanction these offenders who could no longer be sentenced to a prison term, some of which could be offset by the state community corrections funding distributed by DRC.

3

DRC - 14

Offenses Against an Officer or Employee of an Adult Protective Services Agency

No provision.

R.C. 2903.13, 2903.21, 2903.211, and 2903.22

Enhances, if the victim is an officer or employee of an adult protective services agency: (1) the penalties for assault, aggravated menacing, and menacing by stalking from a first-degree misdemeanor to either a fifth- or fourth-degree felony, depending on certain prior convictions, and (2) the penalty for menacing from a fourth-degree misdemeanor to either a first-degree misdemeanor or fourth-degree felony, depending on certain prior convictions.

No provision.

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Fiscal effect: These penalty enhancements may: (1) increase the cost for municipalities and counties to prosecute and sanction certain offenders, (2) generate related additional court cost and fine revenues for both state and local governments, and (3) result in additional offenders being sentenced to prison, which, in theory, increases the Department of Rehabilitation and Correction's incarceration expenditures. The magnitude of these potential fiscal effects is uncertain.

4

DRC - 6

Sentencing for "Nonsupport of Dependents"

R.C. 2919.21, 2929.17

Provides that if the offense of "nonsupport of dependents" that is committed by abandoning or failing to provide adequate support to the offender's child under 18 or mentally or physically handicapped child under 21 or to another person whom the offender is legally obligated to support by court order is a fourth or fifth degree felony, the court must sentence the offender to one or more community control sanctions; requires the court to include as a condition of any nonresidential sanction imposed that the offender participate in and complete a community corrections program if available in the county, unless the offender participated in such a program in the past three years.

No provision.

No provision.

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Fiscal effect: These provisions will expand current Community Correction Act (CCA) prison diversion non-support sanctioning options and create new sentencing alternatives. An allocation in the proposed budget of \$2 million would create programs to divert around 527 non-support offenders from prison into structured programs. The Department estimates this provision would save around \$2.3 million annually.

5

DRC - 7

Changing the Definition of Detention

R.C.

2921.01

Removes from the definition of "detention" the supervision by an employee of the Department of Rehabilitation and Correction of a person on any type of release (e.g. parole or post-release control) from a state correctional institution, and makes the felony-level offense of escape inapplicable to a person on any type of release from a state correctional institution who purposely breaks, attempts to break, or fails to return to supervision by an employee of the Department under those circumstances.

Fiscal effect: This provision would reduce the number of offenders who abscond from supervision upon their release and subsequently face a felony charge of escape. The Adult Parole Authority already have various appropriate sanctions available under section 2967.15 of the Revised Code. DRC staff estimate the provision will open up around 591 beds each year, and produce an annual savings estimated at \$2.5 million.

No provision.

No provision.

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6	DRC - 1	Earned Credit Program for State Prisoners	
R.C. 2967.193			
Increases the monthly deduction from a state prisoner's term of incarceration from one day to seven days as a result of the prisoner's participation in certain programs; excludes sex offender treatment programs from programs through which a prisoner can earn credit, and prohibits granting of credit to a person serving a term for a sexually oriented offense.		No provision.	No provision.
Fiscal effect: DRC staff estimate that, based on an inmate population in excess of 50,000, the provision of these additional days of earned credit will open up around 2,644 additional beds each year, and produce an annual savings of approximately \$11.4 million.			
7	DRC - 3	Collective Bargaining by Community Based Correctional Facility Employees	
R.C. 4117.01		R.C. 4117.01	
Removes a provision that excludes employees of community-based correctional facilities and district community-based correctional facilities who are not subject to a collective bargaining agreement on June 1, 2005, from the definition of "public employee" under the Public Employees Collective Bargaining Law (PECBL), thus making those employees "public employees" for purposes of collective bargaining.		Same as the Executive.	No provision.
Fiscal effect: The fiscal effect of this provision is uncertain.		Fiscal effect: Same as the Executive.	

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8	DRC - 11	Laboratory Services	<p>R.C. 5120.135</p> <p>(1) No provision.</p> <p>(2) No provision.</p> <p>Fiscal effect: Potential revenue loss and expenditure savings, net annual effect uncertain.</p>	<p>(1) No provision.</p> <p>(2) No provision.</p>
9	DRC - 2	Tobacco Use in Correctional Facilities	<p>R.C. 5145.32</p> <p>Repeals the current law prohibition against smoking, using, or possessing tobacco in specified correctional institutions and repeals duties of the Department of Rehabilitation and Correction with respect to the prohibition.</p> <p>Fiscal effect: This provision will make the law silent on the issue of tobacco in the prison system. According to DRC staff, they will likely continue the ban on tobacco through departmental rules, so in practice no much will change; they do not expect any significant fiscal effect.</p>	<p>R.C. 5145.32</p> <p>Same as the Executive.</p> <p>Fiscal effect: Same as the Executive.</p> <p>No provision.</p>

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10	DRC - 8	OSU Medical Charges		
Section: 375.10			Section: 375.10	Section: 375.10
Requires The Ohio State University Medical Center, at the request of the Department of Rehabilitation and Correction to provide necessary care to persons who are confined in state adult correctional facilities, and the provision of necessary care be billed to the Department at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Job and Family Services under the Medical Assistance Program.			Same as the Executive.	Same as the Executive.
11	DRC - 9	Ohio Building Authority Lease Payments		
Section: 375.10			Section: 375.10	Section: 375.10
Requires moneys appropriated to GRF appropriation item 501406, Lease Rental Payments, be used for payments to the Ohio Building Authority for the purpose of covering the principal and interest on outstanding bonds issued to finance capital projects through the state's Adult Correctional Building Fund (Fund 027).			Same as the Executive.	Same as the Executive.

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12	DRC - 10	Prisoner Compensation		
Section: 375.10			Section: 375.10	Section: 375.10
Requires moneys appropriated to the GRF appropriation item 501-403, Prisoner Compensation, be transferred on a quarterly basis by intrastate transfer voucher (ISTV) to Fund 148 (GSF appropriation item 501-602, Services and Agricultural) for the purpose of paying prisoner compensation.			Same as the Executive.	Same as the Executive.
13	DRC - 12	Unit Management Model Implementation		
			Section: 375.10	
(1) No provision.			(1) Requires the Department of Rehabilitation and Correction to implement the unit management model at the Southern Ohio Correctional Facility.	(1) No provision.
(2) No provision.			(2) Requires the Department of Rehabilitation and Correction to implement the unit management model at the Mansfield Correctional Institution.	(2) No provision.
			Fiscal effect: Uncertain.	

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14	DRC - 13	Justice Reinvestment Study	<div>Section: 375.10</div> <div>No provision.</div>	No provision.
15	DRC - 17	Halfway House	<div>Section: 375.10</div> <div>(1) No provision.</div> <div>(2) No provision.</div>	<div>(1) No provision.</div> <div>(2) No provision.</div>

Department of Rehabilitation and Correction			Main Operating Appropriations Bill	H. B. 1
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16	DRC - 18	Pilot Project for the Contractual Provision of Inmate Healthcare		<p>Section: 375.20</p> <p>Requires: (1) the Department of Rehabilitation and Correction to develop, oversee, and evaluate a pilot project for the provision of comprehensive health care services through private correctional health care contractors to complement the current system for the provision of health care services to inmates of state correctional institutions, and (2) the pilot project be developed and implemented by January 1, 2010, for a period of two years, conditioned upon a private contractor offering a minimum of 10% savings from the Department's projected costs for comprehensive correctional health care services during the period of the project.</p> <p>Fiscal effect: Potential savings of uncertain magnitude.</p>
17	DRC - 19	Transfer of Operating Appropriations to Implement Criminal Sentencing Reforms		<p>Section: 375.10</p> <p>Requires, for the purposes of implementing criminal sentencing reforms, the Director of Budget and Management, at the request of the Director of Rehabilitation and Correction, to transfer up to \$14,000,000 in appropriations, in each of FYs 2010 and 2011, from GRF appropriation item 501321, Institutional Operations, to certain GRF appropriation items that fund community-based corrections programs.</p>

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18	DMH - 20	Ohio Family and Children First Cabinet Council	<div>R.C. 121.37</div> <div>No provision.</div> <div>Adds the Directors of Aging and Rehabilitation and Corrections as members of the Ohio Family and Children First Cabinet Council.</div> <div>Fiscal effect: Increase in costs for the Departments of Aging and Rehabilitation and Correction and an increase in revenue for DMH, which acts as the fiscal agent for the Ohio Family and Children First Cabinet Council, since state agencies represented on the Council share the Council's operating costs.</div>	<div>R.C. 121.37</div> <div>Same as the House.</div> <div>Fiscal effect: Same as the House.</div>