DEPARTMENT OF REHABILITATION AND CORRECTION

Illegal conveyance of communications device

- Specifies that the penalty for illegal conveyance of a communications device onto the grounds of a specified governmental facility is a third degree felony with the imposition of a mandatory prison term, if the offender is an employee of DRC or DYS or a contractor or employee of a contractor providing services to DRC or DYS.

Electronic commitment to DRC

- Permits a court of common pleas to enter into an agreement with DRC under which persons may be electronically committed to DRC.
- Specifies that persons sentenced to DRC, or to any institution or place within DRC, must be conveyed by the sheriff initially to an appropriate facility established and maintained by DRC, or committed electronically for reception, examination, observation, and classification.
- Requires the sheriff to convey the sentenced person to DRC or electronically commit the sentenced person to DRC prior to removal of an individual on an out of jurisdiction detainer.
- Requires an offender to be committed to DRC before post-release control may be imposed.

Food service at Ross Correctional Institution

- Requires DRC to create a pilot program in the Ross Correctional Institution to require the Institution to utilize state employees to oversee meals and food service, to the extent that the pilot program does not conflict with existing contracts.

Mandatory drug screens at correctional facilities

- Requires every officer, employee, contractor, or employee of a contractor who is entering the grounds of a state correctional institution be subject to screening to prevent the conveyance of drugs of abuse into the institution.

Body cavity and strip searches

- Prohibits a court or other person from ordering a medical practitioner, or a medical practitioner from otherwise being required, to perform any medical procedure that is inconsistent with the practitioner's expert medical opinion.
- Expands a medical practitioner's, health care institution's, or health care payer's ability to decline to perform, participate in, or pay for any health care service that violates the practitioner's, institution's, or payer's conscience as informed by the moral, ethical, or religious beliefs or principles held by the practitioner, institution, or payer, to include when the procedure is ordered by a court.

- Modifies the definition of "body cavity search," such that it no longer specifies that the search occurs while the person is detained or arrested for the alleged commission of a misdemeanor or traffic offense.
- Removes consideration of the prior conviction record of a person to be searched from what constitutes allowable probable cause for a law enforcement officer to consider before conducting a search.

Reentry housing near schools

- Prohibits DRC from licensing a halfway house, reentry center, or community residential center that operates within 500 feet of a school or child care center, unless the house or center operated in that proximity prior to the act or prior to the school or child care center locating there.

Intervention in lieu of conviction – placement in CBCF

- Allows for a judge that has determined an offender to have violated an "intervention in lieu of conviction" plan to place the offender under the general control and supervision of a community-based correctional facility.

Population and cost impact statement for legislative bills

- Changes the standard that triggers a requirement that DRC prepare a population and cost impact statement for a bill pending in the General Assembly from the DRC Director determining the bill has "a significant impact" on the population or operating cost of any state correctional institutions to the Director determining it has "more than a de minimus impact" on the population or operating cost of any correctional institutions.

Inmate records

- Restates that records pertaining to inmates committed to DRC and persons under Adult Parole Authority supervision are not public records, unless specifically exempted.

Local jail funding

- Reestablishes DPF Fund 5ZQ0 ALI 501505, Local Jail Grants, with an appropriation of $75 million in FY 2026, and requires those funds to be used by DRC to provide grants for county jail construction and renovation projects.
- Removes law requiring DRC and TAX to rank counties based on tax revenues and need, and requiring counties to provide a portion of the basic project cost tied to their rankings.
- Continues to require DRC to accept and review applications and designate the projects involving the construction and renovation of county jails.
- Directs DRC to target county jails that have the greatest need for construction or renovation work, and projects that would improve substantially the condition, safety, and operational ability of the jail, and benefit jails that are, or will be, used by multiple counties.

Illegal conveyance of communications device

(R.C. 2921.36)

Under continuing law, a person commits the offense of illegal conveyance of a communications device onto the grounds of a specified governmental facility by knowingly delivering, or attempting to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a work assignment a cellular telephone, two-way radio, or other electronic communications device. The penalty is a first degree misdemeanor. The act specifies that the penalty for illegal conveyance of a communications device onto the grounds of a specified governmental facility is a third degree felony if the offender is an employee of DRC or DYS or a contractor or employee of a contractor providing services to DRC or DYS and requires the court to impose a mandatory prison term.

Electronic commitment to DRC

(R.C. 2151.311, 2152.26, 2967.28, and 5120.16)

The act specifies that persons sentenced to DRC, or to any institution or place within DRC, must be conveyed by the sheriff initially to an appropriate facility established and maintained by DRC, or committed electronically, for reception, examination, observation, and classification. Prior to removal of an individual on an out of jurisdiction detainer, the sheriff must convey the sentenced person to DRC or electronically commit the sentenced person to DRC. A court of common pleas is permitted to enter into an agreement with DRC under which persons may be electronically committed to DRC, and an offender must be committed to DRC before post-release control may be imposed.

The problem that this provision is intended to address is not clear. It may be that the intent is to address situations in which a person who would normally be incarcerated in a prison has instead served the time sentenced in a local jail, and has therefore not formally been committed to DRC prior to the necessity for post-release control procedures. It is unclear that the language in this provision accomplishes that goal. A clarifying amendment may be desired.

Food service at Ross Correctional Institution

(Section 751.150)

The act requires DRC to create a pilot program in the Ross Correctional Institution to require the Institution to utilize state employees to oversee meals and food service, rather than a private entity that provides food service within the Institution, to the extent that the pilot program does not conflict with existing contracts.

Mandatory drug screens at correctional facilities

(R.C. 5145.32)

The act requires every officer, employee, contractor, or employee of a contractor entering the grounds of a state correctional institution be subject to a screening to prevent the

conveyance of drugs of abuse into the institution. Any controlled substance, harmful intoxicant, or dangerous drug is considered a "drug of abuse" under continuing law.

Body cavity and strip searches

(R.C. 2933.32 and 4743.10)

The act specifies that a court or other person is prohibited from ordering a medical practitioner, or a medical practitioner from otherwise being required, to perform any medical procedure that is inconsistent with the practitioner's expert medical opinion. A medical practitioner, health care institution, or health care payer has the freedom to decline to perform, participate in, or pay for any health care service that violates the practitioner's, institution's, or payer's conscience as informed by the moral, ethical, or religious beliefs or principles held by the practitioner, institution, or payer, including, under the act, when the procedure is ordered by a court.

The act removes a person's prior conviction record from the factors considered when determining probable cause for conducting a body cavity or strip search. Additionally, the definition of "body cavity search" is modified to no longer specify that the search occurs while the person is detained or arrested for the alleged commission of a misdemeanor or traffic offense.

Reentry housing near schools

(R.C. 2967.14 with conforming changes in R.C. 2967.26, 2967.271, and 5120.035)

The act prohibits DRC's Division of Parole and Community Services from licensing a halfway house, reentry center, or community residential center if that halfway house, reentry center, or community residential center operates within 500 feet of a school or a child care center. This requirement does not apply to a facility of this type that, prior to September 30, 2025 (the act's effective date), has operated within 500 feet of a school or child care center or that was licensed and operating prior to a school or child care center locating within 500 feet of the facility. Under continuing law, a halfway house, reentry center, or community residential center must be licensed in order to house an offender or parolee for the period of the offender's or parolee's conditional release or post-release control.

For this purpose, a "child care center" has the same meaning as under the Child Day-Care Licensing Law (R.C. Chapter 5104) and a "school" has the same meaning as in the Drug Offenses Law (R.C. Chapter 2925), principally any school operated by a board of education, any community school, or any nonpublic school for which the Director of Education and Workforce prescribes minimum standards under continuing law.

Intervention in lieu of conviction – placement in CBCF

(R.C. 2951.041)

The act allows for a judge who has determined an offender to have violated an "intervention in lieu of conviction" plan to place the offender under the general control and supervision of a community-based correctional facility (CBCF). Similarly, continuing law allows

the court to place an offender granted intervention in lieu of conviction during the period commencing April 4, 2023, and ending October 15, 2025, under the general control of a CBCF.

Background – intervention in lieu of conviction

Under continuing law, if an offender is charged with a criminal offense and the court has reason to believe that drug or alcohol usage by the offender was a factor leading to the offense, or that the offender had a mental illness, was a person with an intellectual disability, or was a victim of the offense of trafficking in persons or of compelling prostitution and the mental health issue or victimization was a factor leading to the offender's criminal behavior, the court may accept, prior to the entry of a guilty plea, the offender's request for ILC. If a request is approved by the court, the court must accept the offender's plea of guilty and waiver of rights to a speedy trial, preliminary hearing, time period for consideration of an indictment, and arraignment. The court then may stay all criminal proceedings, order the offender to comply with the terms and conditions of a court-ordered intervention plan, and place the offender under a specified type of supervision. If the court finds that the offender has successfully completed the intervention plan, the court must dismiss the proceedings against the offender with no adjudication of guilt or criminal conviction. The court may order records related to the offense in question sealed or expunged under the Record Sealing Law.

Population and cost impact statement for legislative bills

(R.C. 5120.51)

The act revises the standard for requiring a DRC population and cost impact statement for a bill introduced in the General Assembly. Under the act, a statement is required when the DRC Director determines the bill is likely to have "more than a de minimis impact," instead of "a significant impact" under prior law, on the population or operating cost of any state correctional institutions under DRC.

Under continuing law, unchanged by the act, when a population and cost impact statement is required for a bill, it must include the following:

- An estimate of the increase or decrease in the population of the correctional institution that likely would result if the bill were enacted;
- An estimate, in dollars, of the amount by which revenues or expenditures likely would increase or decrease if the bill were enacted;
- A brief explanation of each of the estimates.

Inmate records

(R.C. 149.43 and 5120.21)

The act states that records pertaining to inmates committed to DRC and persons under Adult Parole Authority supervision are not public records, except for the following information:

1. Name;

2. Criminal convictions;

3. Photograph;

4. Supervision status, including current and past place of incarceration;

5. Disciplinary history.

Continuing law further provides that except as otherwise provided by state or U.S. law, these records are also confidential and accessible only to employees. The act modifies this to instead provide that notwithstanding any other law of the state or the United States to the contrary, these records are confidential and must be accessible to employees only. The U.S. Constitution in Article IV, Clause 2 grants federal law supremacy in situations where state and federal law come into conflict. Because federal law is above state law, a state is not able to "notwithstand" the laws of the United States. If challenged in the courts, the amendments in this provision are likely to be found unconstitutional under this principle.

Local jail funding

(Sections 383.10 and 383.30)

The act reestablishes DPF Fund 5ZQ0 ALI 501505, Local Jail Grants, which was originally established in H.B. 33 of the 135th General Assembly, with an appropriation of $75 million in FY 2026, and requires those funds to be used by DRC to provide grants for county jail construction and renovation projects. These funds are the same that were appropriated under H.B. 33 – the projects are not complete, and as the H.B. 33 provisions expire in July 2025, these funds are being "re-appropriated" in order to allow the projects to be completed.

But, the act re-appropriates the funds with different guidelines, removing certain ranking and funding mechanisms from the previous version.

DRC must continue to accept and review applications and designate the projects involving the construction and renovation of county jails and adopt guidelines to accept and review applications and designate projects. The guidelines must require the county or counties to justify the need for the project and comply with timelines for the submission of documentation pertaining to the project and project location.

DRC must prioritize applications and projects that do all of the following: target county jails that have the greatest need for construction or renovation work, improve substantially the condition, safety, and operational ability of the jail, and benefit jails that are or will be used by multiple counties.