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## **DEPARTMENT OF REHABILITATION AND CORRECTION**

### **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.

### **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.

## **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 bill**

- Provides that if the DRC Director determines that a bill introduced in the General Assembly is likely to have more than a de minimis impact on the population or operating cost of any or all state correctional institutions under DRC, DRC must prepare a population and cost impact statement for the bill.

## **Health care coverage for a deceased correction officer’s spouse**

- Requires the DAS Director, on receiving notice from the DRC Director that a correction officer was killed in the line of duty, to enroll the deceased officer’s surviving spouse in any health benefits offered to state employees.
- Requires DRC to pay DAS for the full cost of a surviving spouse’s health benefits, including any administrative costs.
- Requires a surviving spouse to apply to DAS for health care coverage after being approved for death benefits from the Ohio Public Safety Officers Death Benefit Fund.
- Makes a surviving spouse who is a state employee ineligible for health benefits under the bill and specifies that receiving a health benefit does not make the surviving spouse a state employee.

## **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 provisions 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.

## **Electronic commitment to DRC**

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

The bill 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 of this provision 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.

## **Mandatory drug screens at correctional facilities**

(R.C. 5145.32)

The bill 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 bill 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 bill, when the procedure is ordered by a court.

The bill 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.

## **Intervention in lieu of conviction – placement in CBCF**

(R.C. 2951.041)

The bill 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 on April 4, 2023, and ending on 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 bill**

(R.C. 5120.51)

The bill requires that if the DRC Director determines that a bill introduced in the General Assembly is likely to have more than a de minimis impact, instead of a significant impact as stated in current law, on the population or operating cost of any or all state correctional institutions under DRC, DRC must prepare a population and cost impact statement for the bill.

Under current law, unchanged by the bill, when a population and cost impact statement is required for a bill, the statement must include all of 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.

## **Health care coverage for a deceased correction officer's spouse**

(R.C. 5120.85)

The bill requires the DAS Director, after being notified by the DRC Director that a correction officer was killed in the line of duty, to enroll the deceased officer's surviving spouse in any medical, dental, or vision benefit (a "health benefit") that DAS contracts for or otherwise provides to state employees.<sup>166</sup> The bill specifies that a surviving spouse receiving health benefits is not a state employee. Additionally, a surviving spouse cannot receive health benefits under the bill if the spouse is eligible to receive them as a state employee or enroll in the federal Medicare program.

Under the bill, DRC must pay DAS the full cost of the surviving spouse's health benefits, including administrative costs. The bill requires a surviving spouse to apply to the DAS Director for health care coverage after the spouse's application for death benefits from the Ohio Public Safety Officers Death Benefit Fund is approved by the Ohio Police and Fire Pension Fund Board of Trustees. The fund pays benefits to the surviving spouse, children, or, in limited cases, surviving parent, of a law enforcement officer (including a correction officer) or firefighter killed in the line of duty. Under continuing law, a spouse or child receiving benefits from the fund may elect to participate in any health benefit that DAS offers to state employees. To pay for benefits, the Board withholds the spouse's cost (an amount equal to the percentage of the cost that would be paid by a state employee for the benefits) from the spouse's death benefit payments and forwards it to DAS and pays DAS the remaining cost of the benefits and any administrative costs.<sup>167</sup>

## **Local jail funding**

(Sections 383.10 and 383.30)

The bill reestablishes DPF Fund 5ZQ0 ALI 501505, Local Jail Grants, which was originally established in H.B. 33 of the 135<sup>th</sup> 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, these funds are being "re-appropriated" in order to allow the projects to be completed.

But, the bill 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.

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<sup>166</sup> By reference to R.C. 124.82 and 742.63, not in the bill.

<sup>167</sup> By reference to R.C. 124.824 and 742.63, not in the bill.

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.