
DEPARTMENT OF REHABILITATION AND CORRECTION

Supervision of offenders serving community control sanctions

- Clarifies that when a county lacks a probation department, a sentencing court may place offenders subject to community control sanctions under supervision of the Adult Parole Authority (APA) if the court has entered an agreement with the APA for its services.
- Specifies that an offender's violation of a community control sanction, condition of release, or law, or departure from the state without permission, must be reported to the APA if the court has entered into an agreement with the APA for its services.
- Allows the APA to offer a county funding for probation services if the county does not contract with the APA for those services under continuing law and as long as the General Assembly has appropriated sufficient funds for that purpose.

Targeted community alternatives to prison

- Removes references in the targeted community alternatives to prison program to "target counties," continuing the program only for counties that elect to participate.

F4 and F5 presumption against prison sentence

- In the Felony Sentencing Law mechanism establishing a presumption in favor of a community control sanction, instead of a prison term, for most F4s and F5s, repeals a criterion for the presumption to apply that pertains to the Department of Rehabilitation and Correction (DRC) providing the court with a list of available community control sanctions.

Minimum standards for jails

- Modifies an action by the Director of DRC to enjoin compliance with the minimum standards and minimum renovation, modification, and construction criteria for minimum security jails by expanding the applicable standards and criteria to those for jails instead of only for minimum security jails.

DRC authority to provide laboratory services

- Repeals DRC's authority to provide laboratory services.

Community-based correctional facility awards

- Modifies the effectivity of financial award agreements between DRC and the governing board of a community-based correctional facility from a period of one year from the date of the agreement to not longer than the state fiscal biennium in which the assistance is to be awarded.

Ohio Penal Industries

- Requires the Office of Enterprise Development Advisory Board to solicit business proposals offering job training, apprenticeship, education programs, and employment opportunities for Ohio Penal Industries.

Supervision of offenders serving community control sanctions

(R.C. 2929.15)

The bill clarifies when a sentencing court may place offenders subject to community control sanctions under the supervision of the Adult Parole Authority (APA). If a county lacks a probation department, offenders serving a community control sanction may be supervised by the APA if the court has entered into an agreement with the APA for its services.

Similarly, the bill clarifies that if an offender violates a community control sanction, condition of release, or law, or leaves the state without permission, the violation or departure must be reported to the APA if the court has entered into an agreement with the APA for its supervisory services.

Supplemental probation funding from adult parole authority

(R.C. 2301.32)

The bill allows the APA to offer a county funding for probation services in lieu of entering an agreement for the provision of services under continuing law, provided that the General Assembly has appropriated sufficient funds for that purpose.

Existing law, unchanged by the bill, allows a county court of common pleas to enter into an agreement with the APA to allow a county department of probation established under continuing law to receive supplemental investigation and supervisory services from the APA. In a county that has not established a department of probation under continuing law, the court of common pleas may contract with the APA to place defendants under a criminal control sanction in charge of the APA and for the county to provide payments to the APA for those placements in amounts that are provided for in the agreement.

Targeted community alternatives to prison

(R.C. 2929.34 and 5149.38)

The bill removes a requirement that certain prison terms imposed for a fifth degree felony be served in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, in a community alternative sentencing center or district community alternative sentencing center, or in a community-based correction facility if the court that imposed the fifth degree felony term was a common pleas court of a “target county.” The “target counties” are: Franklin, Cuyahoga, Hamilton, Summit, Montgomery, Lucas, Butler, Stark, Loran, and Mahoning.

Under continuing law, in any county, the board of county commissioners and the administrative judge of the general division of the common pleas court may agree to have the

county participate in these local confinement provisions. These counties are referred to in continuing law as “voluntary counties.”

F4 and F5 presumption against prison sentence

(R.C. 2929.13)

A Felony Sentencing Law mechanism establishes a presumption in favor of a community control sanction, instead of a prison term, for an offender convicted of an F4 or F5 that is not exempt from the mechanism. The presumption applies if four specified criteria are satisfied. The sentencing court may impose a prison term, notwithstanding the presumption, if any of 11 specified circumstances apply. Offenses of violence and a few assault offenses are exempt from the mechanism.

The bill repeals one of the criteria that must be satisfied for the presumption to apply, and a related circumstance that authorizes a court to impose a prison term if that criterion is not satisfied. The repealed criterion and circumstance pertain to the Department of Rehabilitation and Correction (DRC) providing the court, upon its request, with a list of available community control sanctions. Specifically, the bill repeals the provisions that: (1) require the sentencing court to request from DRC a detailed list of community control sanctions available for offenders it sentences, if it believes that no appropriate community control sanction is available, (2) require DRC to provide such a list to the requesting court within a specified period of time after the request, (3) specify that if DRC timely provides the requesting court with such a list, the presumption applies, and (4) specify that if DRC does not timely provide the requesting court with such a list, the court has discretion to impose a prison term.

Minimum standards for jails

(R.C. 5120.10 with conforming changes in R.C. 341.34 and 753.21)

The bill modifies the DRC Director’s authority to initiate an action in the court of common pleas to enjoin compliance with the minimum standards for jails or with the minimum standards and minimum renovation, modification, and construction criteria for jails by eliminating the specific reference to *minimum security* in regard to those minimum standards and minimum renovation, modification, and construction criteria, thus expanding those standards and criteria to apply for all jails. It makes conforming changes in the laws establishing minimum security jails in municipal corporations and counties to references to minimum standards and minimum renovation, modification, and construction criteria for jails instead of for *minimum security* jails.

DRC authority to provide laboratory services

(R.C. 5120.135, repealed, with conforming changes in R.C. 5119.44)

The bill repeals DRC’s authority to provide laboratory services to certain state departments, federal, state, county, or local agencies, public or private entities, and private persons. Under current law, these “laboratory services” include the performance of medical laboratory analysis; professional laboratory and pathologist consultation; the procurement, storage, and distribution of laboratory supplies; and the performance of phlebotomy services.

Community-based correctional facility awards

(R.C. 5120.112)

The bill modifies the effectivity of state financial agreements between the Director of DRC and the Deputy Director of the Division of Parole and Community Services on the part of the state, and the facility governing board of a community-based correctional facility and program or a district community-based correctional facility and program that outline the agreement's terms and conditions, from an annual basis or a period of one year from the date of the agreement under current law to not longer than the state fiscal biennium in which the financial assistance is to be awarded.

Ohio Penal Industries

(R.C. 5145.162)

The Office of Enterprise Development Advisory Board advises and assists DRC with the creation of training programs and jobs for inmates and releasees through partnerships with private sector businesses. Among the duties of the Board is to solicit business proposals offering job training, apprenticeship, education programs, and employment opportunities for inmates and releasees. The bill requires the Board to also solicit these business proposals for Ohio Penal Industries.