

# AN ACT

To amend sections 9.83, 109.42, 307.93, 341.14, 341.19, 341.21, 341.23, 341.34, 753.02, 753.04, 753.16, 753.21, 2301.51, 2301.52, 2301.55, 2301.56, 2305.24, 2305.25, 2305.251, 2901.07, 2903.13, 2921.36, 2929.01, 2929.13, 2929.14, 2929.16, 2929.23, 2930.16, 2941.39, 2947.19, 2950.01, 2961.01, 2963.35, 2967.01, 2967.131, 2967.14, 2967.15, 2967.191, 2967.22, 2967.26, 2967.27, 2967.28, 2969.21, 2969.22, 2969.24, 2969.26, 3313.65, 5120.031, 5120.05, 5120.06, 5120.102, 5120.103, 5120.104, 5120.105, 5120.16, 5120.331, 5120.38, 5122.10, 5145.16, 5149.05, 5149.09, 5149.30, 5149.31, 5149.32, 5149.33, 5149.34, 5149.35, 5149.36, and 5149.37, to enact sections 2967.141, 5120.163, 5120.172, 5120.211, 5120.381, 5120.382, 5120.56, 5120.99, 5122.32, 5122.99, and 5145.24, to repeal sections 2967.23, 5120.07, 5120.071, 5120.072, 5120.073, and 5120.074 of the Revised Code, and to repeal Sections 3, 4, and 5 of Am. Sub. H.B. 725 of the 119th General Assembly relative to the law governing the Department of Rehabilitation and Correction, to certain corrections-related matters, to quality assurance records of the Department of Rehabilitation and Correction and the Department of Mental Health, to the competence as electors of felons who are on judicial release or under post-release control, and to the examination and testing for tuberculosis, hepatitis, HIV infection, and other contagious diseases of convicted and certain accused offenders who are confined.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 9.83, 109.42, 307.93, 341.14, 341.19, 341.21, 341.23, 341.34, 753.02, 753.04, 753.16, 753.21, 2301.51, 2301.52, 2301.55, 2301.56, 2305.24, 2305.25, 2305.251, 2901.07, 2903.13, 2921.36, 2929.01, 2929.13, 2929.14, 2929.16, 2929.23, 2930.16, 2941.39, 2947.19, 2950.01, 2961.01, 2963.35, 2967.01, 2967.131, 2967.14, 2967.15, 2967.191, 2967.22, 2967.26, 2967.27, 2967.28, 2969.21, 2969.22, 2969.24, 2969.26, 3313.65, 5120.031, 5120.05, 5120.06, 5120.102, 5120.103, 5120.104, 5120.105, 5120.16, 5120.331, 5120.38, 5122.10, 5145.16, 5149.05, 5149.09, 5149.30, 5149.31, 5149.32, 5149.33, 5149.34, 5149.35, 5149.36, and 5149.37 be amended and sections 2967.141, 5120.163, 5120.172, 5120.211, 5120.381, 5120.382, 5120.56, 5120.99, 5122.32, 5122.99, and 5145.24 of the Revised Code be enacted to read as follows:

Sec. 9.83. (A) The state and any political subdivision may procure a policy or policies of insurance insuring its officers and employees against liability for injury, death, or loss to person or property that arises out of the operation of an automobile, truck, motor vehicle with auxiliary equipment, self-propelling equipment or trailer, aircraft, or watercraft by the officers or employees while engaged in the course of their employment or official responsibilities for the state or the political subdivision. The state is authorized to expend funds to pay judgments that are rendered in any court against its officers or employees and that result from such operation, and is authorized to expend funds to compromise claims for liability against its officers or employees that result from such operation. No insurer shall deny coverage under such a policy, and the state shall not refuse to pay judgments or compromise claims, on the ground that an automobile, truck, motor vehicle with auxiliary equipment, self-propelling equipment or trailer, aircraft, or watercraft was not being used in the course of an officer's or employee's employment or official responsibilities for the state or a political subdivision unless the officer or employee who was operating an automobile, truck, motor vehicle with auxiliary equipment, or self-propelling equipment or trailer is convicted of a violation of section 124.71 of the Revised Code as a result of the same events.

(B) Such funds shall be reserved as are necessary, in the exercise of sound and prudent actuarial judgment, to cover potential expense, fees, damage, loss, or other liability. The superintendent of insurance may recommend or, if the state requests of the superintendent, shall recommend, a specific amount for any period of time that, in ~~his~~ the superintendent's

opinion, represents such a judgment.

(C) Nothing in this section shall be construed to require the department of administrative services to purchase liability insurance for all state vehicles in a single policy of insurance or to cover all state vehicles under a single plan of self-insurance.

(D) Insurance procured by the state pursuant to this section shall be procured as provided in section 125.03 of the Revised Code.

(E) For purposes of liability insurance procured under this section to cover the operation of a motor vehicle by a prisoner for whom the insurance is procured, "employee" includes a prisoner in the custody of the department of rehabilitation and correction who is enrolled in a work program that is established by the department pursuant to section 5145.16 Of the Revised Code and in which the prisoner is required to operate a motor vehicle, as defined in section 4509.01 Of the Revised Code, and who is engaged in the operation of a motor vehicle in the course of the work program.

Sec. 109.42. (A) The attorney general shall prepare and have printed a pamphlet that contains a compilation of all statutes relative to victim's rights in which the attorney general lists and explains the statutes in the form of a victim's bill of rights. The attorney general shall distribute the pamphlet to all sheriffs, marshals, municipal corporation and township police departments, constables, and other law enforcement agencies, to all prosecuting attorneys, city directors of law, village solicitors, and other similar chief legal officers of municipal corporations, and to organizations that represent or provide services for victims of crime. The victim's bill of rights set forth in the pamphlet shall contain a description of all of the rights of victims that are provided for in Chapter 2930. or in any other section of the Revised Code and shall include, but not be limited to, all of the following:

(1) The right of a victim or a victim's representative to attend a proceeding before a grand jury, in a juvenile case, or in a criminal case pursuant to a subpoena without being discharged from the victim's or representative's employment, having the victim's or representative's employment terminated, having the victim's or representative's pay decreased or withheld, or otherwise being punished, penalized, or threatened as a result of time lost from regular employment because of the victim's or representative's attendance at the proceeding pursuant to the subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 2945.451 of the Revised Code;

(2) The potential availability pursuant to section 2151.411 of the Revised Code of a forfeited recognizance to pay damages caused by a child

when the delinquency of the child or child's violation of probation is found to be proximately caused by the failure of the child's parent or guardian to subject the child to reasonable parental authority or to faithfully discharge the conditions of probation;

(3) The availability of awards of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code for injuries caused by criminal offenses;

(4) The right of the victim in certain criminal cases or a victim's representative to receive, pursuant to section 2930.06 of the Revised Code, notice of the date, time, and place of the trial in the case or, if there will not be a trial, information from the prosecutor, as defined in section 2930.01 of the Revised Code, regarding the disposition of the case;

(5) The right of the victim in certain criminal cases or a victim's representative to receive, pursuant to section 2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the name of the person charged with the violation, the case or docket number assigned to the charge, and a telephone number or numbers that can be called to obtain information about the disposition of the case;

(6) The right of the victim in certain criminal cases or of the victim's representative pursuant to section 2930.13 or 2930.14 of the Revised Code, subject to any reasonable terms set by the court as authorized under section 2930.14 of the Revised Code, to make a statement about the victimization and, if applicable, a statement relative to the sentencing of the offender;

(7) The opportunity to obtain a court order, pursuant to section 2945.04 of the Revised Code, to prevent or stop the commission of the offense of intimidation of a crime victim or witness or an offense against the person or property of the complainant, or of the complainant's ward or child;

(8) The right of the victim in certain criminal cases or a victim's representative pursuant to sections 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to receive notice of a pending motion for judicial release of the person who committed the offense against the victim and to make an oral or written statement at the court hearing on the motion;

(9) The right of the victim in certain criminal cases or a victim's representative, pursuant to section 2930.16, 2967.12, or 2967.26, or 2967.27 of the Revised Code, to receive notice of any pending commutation, pardon, parole, ~~or furlough~~ transitional control, other form of authorized release, or post-release control for the person who committed the offense against the victim or any application for release of that person and to send a written statement relative to the victimization and the pending action to the adult parole authority;

(10) The right of the victim to bring a civil action pursuant to sections 2969.01 to 2969.06 of the Revised Code to obtain money from the offender's profit fund;

(11) The right, pursuant to section 3109.09 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully damages property through the commission of an act that would be a theft offense, as defined in section 2913.01 of the Revised Code, if committed by an adult;

(12) The right, pursuant to section 3109.10 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully and maliciously assaults a person;

(13) The possibility of receiving restitution from an offender or a delinquent child pursuant to section 2151.355, 2929.18, or 2929.21 of the Revised Code;

(14) The right of the victim in certain criminal cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive that notice from the custodial agency of the person at the victim's last address or telephone number provided to the custodial agency, and to receive notice that, if either the victim's address or telephone number changes, it is in the victim's interest to provide the new address or telephone number to the custodial agency.

(15) The right of a victim of domestic violence to seek the issuance of a temporary protection order pursuant to section 2919.26 of the Revised Code, to seek the issuance of a civil protection order pursuant to section 3113.31 of the Revised Code, and to be accompanied by a victim advocate during court proceedings.

(16) The right of a victim of a sexually oriented offense that is committed by a person who is adjudicated as being a sexual predator or, in certain cases, by a person who is determined to be a habitual sex offender to receive, pursuant to section 2950.10 of the Revised Code, notice that the offender has registered with a sheriff under section 2950.04 or 2950.05 of the Revised Code and notice of the offender's name and residence address or addresses, and a summary of the manner in which the victim must make a request to receive the notice. As used in this division, "sexually oriented offense," "adjudicated as being a sexual predator," and "habitual sex offender" have the same meanings as in section 2950.01 of the Revised Code.

(17) The right of a victim of certain sexually violent offenses committed by a sexually violent predator who is sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code to receive, pursuant to section 2930.16 of the Revised Code, notice of a hearing to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term. As used in this division, "sexually violent offense" and "sexually violent predator" have the same meanings as in section 2971.01 of the Revised Code.

(B)(1)(a) Subject to division (B)(1)(c) of this section, a prosecuting attorney, assistant prosecuting attorney, city director of law, assistant director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation or an assistant of any such officer who prosecutes an offense committed in this state, upon first contact with the victim of the offense, the victim's family, or the victim's dependents, shall give the victim, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section and explain, upon request, the information in the pamphlet to the victim, the victim's family, or the victim's dependents.

(b) Subject to division (B)(1)(c) of this section, a law enforcement agency that investigates an offense committed in this state shall give the victim of the offense, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section at one of the following times:

(i) Upon first contact with the victim, the victim's family, or the victim's dependents;

(ii) If the offense is an offense of violence, if the circumstances of the offense and the condition of the victim, the victim's family or the victim's dependents indicate that the victim, the victim's family, or the victim's dependents will not be able to understand the significance of the pamphlet upon first contact with the agency, and if the agency anticipates that it will have an additional contact with the victim, the victim's family, or the victim's dependents, upon the agency's second contact with the victim, the victim's family, or the victim's dependents.

If the agency does not give the victim, the victim's family, or the victim's dependents a copy of the pamphlet upon first contact with them and does not have a second contact with the victim, the victim's family, or the victim's dependents, the agency shall mail a copy of the pamphlet to the victim, the victim's family, or the victim's dependents at their last known

address.

(c) In complying on and after December 9, 1994, with the duties imposed by division (B)(1)(a) or (b) of this section, an official or a law enforcement agency shall use copies of the pamphlet that are in the official's or agency's possession on December 9, 1994, until the official or agency has distributed all of those copies. After the official or agency has distributed all of those copies, the official or agency shall use only copies of the pamphlet that contain at least the information described in division (A)(1) to (15) of this section.

(2) The failure of a law enforcement agency or of a prosecuting attorney, assistant prosecuting attorney, director of law, assistant director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation or an assistant to any such officer to give, as required by division (B)(1) of this section, the victim of an offense, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section does not give the victim, the victim's family, the victim's dependents, or a victim's representative any rights under section 122.95, 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the Revised Code or under any other provision of the Revised Code and does not affect any right under those sections.

(3) A law enforcement agency, a prosecuting attorney or assistant prosecuting attorney, or a director of law, assistant director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation that distributes a copy of the pamphlet prepared pursuant to division (A) of this section shall not be required to distribute a copy of an information card or other printed material provided by the clerk of the court of claims pursuant to section 2743.71 of the Revised Code.

(C) The cost of printing and distributing the pamphlet prepared pursuant to division (A) of this section shall be paid out of the reparations fund, created pursuant to section 2743.191 of the Revised Code, in accordance with division (D) of that section.

(D) As used in this section:

(1) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code;

(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.

Sec. 307.93. (A) The boards of county commissioners of two or more adjacent counties may contract for the joint establishment of a multicounty correctional center, and the board of county commissioners of a county or the boards of two or more counties may contract with any municipal

orporation or municipal corporations located in that county or those counties for the joint establishment of a municipal-county or multicounty-municipal correctional center. The center shall augment county and, where applicable, municipal jail programs and facilities by providing custody and rehabilitative programs for those persons under the charge of the sheriff of any of the contracting counties or of the officer or officers of the contracting municipal corporation or municipal corporations having charge of persons incarcerated in the municipal jail, workhouse, or other correctional facility who, in the opinion of the sentencing court, need programs of custody and rehabilitation not available at the county or municipal jail and by providing custody and rehabilitative programs in accordance with division (C) of this section, if applicable. The contract may include, but need not be limited to, provisions regarding the acquisition, construction, maintenance, repair, termination of operations, and administration of the center. The contract shall prescribe the manner of funding of, and debt assumption for, the center and the standards and procedures to be followed in the operation of the center. Except as provided in division (H) of this section, the contracting counties and municipal corporations shall form a corrections commission to oversee the administration of the center. Members of the commission shall consist of the sheriff of each participating county, the president of the board of county commissioners of each participating county, the presiding judge of the court of common pleas of each participating county, or, if the court of common pleas of a participating county has only one judge, then that judge, the chief of police of each participating municipal corporation, the mayor or city manager of each participating municipal corporation, and the presiding judge or the sole judge of the municipal court of each participating municipal corporation. Any of the foregoing officers may appoint a designee to serve in the officer's place on the corrections commission. The standards and procedures shall be formulated and agreed to by the commission and may be amended at any time during the life of the contract by agreement of the parties to the contract upon the advice of the commission. The standards and procedures formulated by the commission shall include, but need not be limited to, designation of the person in charge of the center, the categories of employees to be employed at the center, the appointing authority of the center, and the standards of treatment and security to be maintained at the center. The person in charge of, and all persons employed to work at, the center shall have all the powers of police officers as are necessary for the proper performance of the duties relating to their positions at the center.

(B) Each board of county commissioners that enters a contract under division (A) of this section may appoint a building commission pursuant to

section 153.21 of the Revised Code. If any commissions are appointed, they shall function jointly in the construction of a multicounty or multicounty-municipal correctional center with all the powers and duties authorized by law.

(C) Prior to the acceptance for custody and rehabilitation into a center established under this section of any persons who are designated by the department of rehabilitation and correction, who plead guilty to or are convicted of a felony of the fourth or fifth degree, and who satisfy the other requirements listed in section 5120.161 of the Revised Code, the corrections commission of a center established under this section shall enter into an agreement with the department of rehabilitation and correction under section 5120.161 of the Revised Code for the custody and rehabilitation in the center of persons who are designated by the department, who plead guilty to or are convicted of a felony of the fourth or fifth degree, and who satisfy the other requirements listed in that section, in exchange for a per diem fee per person. Persons incarcerated in the center pursuant to an agreement entered into under this division shall be subject to supervision and control in the manner described in section 5120.161 of the Revised Code. This division does not affect the authority of a court to directly sentence a person who is convicted of or pleads guilty to a felony to the center in accordance with section 2929.16 of the Revised Code.

(D)(1) Each board of county commissioners and the legislative authority of each municipal corporation that enters into a contract under division (A) of this section may require a person who was convicted of ~~an offense~~ an offense, who is under the charge of the sheriff of their county or of the officer or officers of the contracting municipal corporation or municipal corporations having charge of persons incarcerated in the municipal jail, workhouse, or other correctional facility, and who is confined in the multicounty or multicounty-municipal correctional center as provided in that division, to reimburse the applicable county or municipal corporation for its expenses incurred by reason of the person's confinement in the center. The expenses of confinement include, but are not limited to, the expenses relating to the provision of food, clothing, shelter, medical care, personal hygiene products, including, but not limited to, toothpaste, toothbrushes, and feminine hygiene items, and up to two hours of overtime costs the sheriff or municipal corporation incurred relating to the trial of the person. The amount of reimbursement may be the actual cost of the ~~prisoner's~~ person's confinement plus the authorized trial overtime costs or a lesser amount determined by the board of county commissioners of the county or the legislative authority of the municipal corporation, provided that the lesser

amount shall be determined by a formula that is uniformly applied to persons incarcerated in the center. The amount of reimbursement shall be determined by a court at a hearing held pursuant to section 2929.18 of the Revised Code if the ~~prisoner~~ person is confined for a felony or section 2929.223 of the Revised Code if the ~~prisoner~~ person is confined for a misdemeanor. ~~The amount or amounts paid in reimbursement by a prisoner person confined for a misdemeanor or the amount recovered from a prisoner person confined for a misdemeanor by executing upon the judgment obtained pursuant to section 2929.223 of the Revised Code shall be paid into the treasury of the county or municipal corporation that incurred the expenses. If a prisoner person is confined for a felony and the court imposes a sanction under section 2929.18 of the Revised Code that requires the prisoner person to reimburse the costs of confinement, the prosecuting attorney of the county or the director of law of the municipal corporation shall bring an action to recover the expenses of the confinement, as determined by the court pursuant to section 2929.181 in accordance with section 2929.18 of the Revised Code.~~

(2) Each board of county commissioners and the legislative authority of each municipal corporation that enters into a contract under division (A) of this section may adopt a resolution or ordinance specifying that a person who was convicted of a felony, who is under the charge of the sheriff of their county or of an officer of one of the contracting municipal corporations having charge of persons incarcerated in the municipal jail, workhouse, or other facility, and who is confined in the multicounty or multicounty-municipal correctional center as provided in that division is not required to reimburse the applicable county or municipal corporation for its expenses incurred by reason of the person's confinement in the center, including the expenses listed in division (D)(1) of this section. If the boards and legislative authorities adopt a resolution or ~~ordinance~~ ordinance of that nature, the boards and legislative authorities shall provide a copy to the courts of common pleas of their counties, and the court that sentences a person convicted of a felony shall not impose a sanction under section 2929.18 of the Revised Code that requires the person to reimburse the costs of the confinement.

(E) In lieu of requiring offenders to reimburse the county for expenses incurred by reason of the person's confinement under division (D) of this section, each board of county commissioners and the legislative authority of each municipal corporation that enters into a contract under division (A) of this section may jointly adopt a prisoner reimbursement policy for the center pursuant to this section to be administered by the person appointed under

division (A) of this section to be in charge of the center. The person in charge may appoint a reimbursement coordinator to administer the center's prisoner reimbursement policy. A prisoner reimbursement policy adopted under this division is a policy that requires a person confined to the center to reimburse the applicable political subdivisions for any expenses incurred by reason of the person's confinement in the center, which expenses may include, but are not limited to, the following:

(1) A per diem fee for room and board of not more than sixty dollars per day or the actual per diem cost, whichever is less, for the entire period of time the person is confined to the center;

(2) Actual charges for medical and dental treatment;

(3) Reimbursement for government property damaged by the person while confined to the center.

Rates charged shall be on a sliding scale determined by the corrections commission based on the ability of the person confined to the center to pay and on consideration of any legal obligation of the person to support a spouse, minor children, or other dependents and any moral obligation to support dependents to whom the person is providing or has in fact provided support.

The reimbursement coordinator or another person designated by the person in charge may investigate the financial status of the confined person and obtain information necessary to investigate that status, by means that may include contacting employers and reviewing income tax records. The coordinator may work with the confined person to create a repayment plan to be implemented upon the person's release. At the end of that person's incarceration, the person shall be presented with a billing statement.

The reimbursement coordinator or another person designated by the person in charge of the center may collect, or the corrections commission may enter into a contract with one or more public agencies or private vendors to collect, any amounts remaining unpaid. Within twelve months after the date of the confined person's release, the prosecuting attorney, city director of law, or village solicitor of a participating political subdivision may file a civil action to seek reimbursement from that person for any billing amount that remains unpaid. The participating political subdivisions shall not enforce any judgment obtained under this section by means of execution against the person's homestead. For purposes of this section, "homestead" has the same meaning as in division (A) of section 323.151 of the Revised Code. Any reimbursement received under this section shall be credited to the general fund of the political subdivision that bore the expense, to be used for general fund purposes.

(F)(1) Notwithstanding any contrary provision in this section or section 2929.18 or 2929.223 of the Revised Code, the corrections commission of a center may establish a policy that requires any person who is not indigent and who is confined in the multicounty, municipal-county, or multicounty-municipal correctional center to pay a reasonable fee for any medical treatment or service requested by and provided to that person. This fee shall not exceed the actual cost of the treatment or service provided. No person confined to a multicounty, municipal-county, or multicounty-municipal correctional center who is indigent shall be required to pay those fees, and no person who is confined to a correctional center of that type shall be denied any necessary medical care because of inability to pay those fees.

Upon provision of the requested medical treatment or service, payment of the required fee may be automatically deducted from a person's account record in the center's business office. If the person has no funds in the person's account, a deduction may be made at a later date during the person's confinement in the center if funds later become available in the person's account. If the person is released from the center and has an unpaid balance of these fees, the corrections commission may bill the person for payment of the remaining unpaid fees. Fees received for medical treatment or services shall be paid into the commissary fund, if one has been created for the center, or if no such fund exists, into the treasuries of the political subdivisions that incurred the expenses of those treatments and services, in the same proportion as those expenses were borne by those political subdivisions.

(2) If a person confined to a multicounty, municipal-county, or multicounty-municipal correctional center is required under division (D) or (E) of this section or section 2929.18 or 2929.223 of the Revised Code to reimburse a county or municipal corporation for expenses incurred by reason of the person's confinement to the center, any fees paid by the person under division (F)(1) of this section shall be deducted from the expenses required to be reimbursed under division (D) or (E) of this section or section 2929.18 or 2929.223 of the Revised Code.

(G)(1) The corrections commission of a center established under this section may establish a commissary for the center. The commissary may be established either in-house or by another arrangement. If a commissary is established, all persons incarcerated in the center shall receive commissary privileges. A person's purchases from the commissary shall be deducted from the person's account record in the center's business office. The commissary shall provide for the distribution to indigent persons

incarcerated in the center of necessary hygiene articles and writing materials.

(2) If a commissary is established, the corrections commission of a center established under this section shall establish a commissary fund for the center. The management of funds in the commissary fund shall be strictly controlled in accordance with procedures adopted by the auditor of state. Commissary fund revenue over and above operating costs and reserve shall be considered profits. All profits from the commissary fund shall be used to purchase supplies and equipment for the benefit of persons incarcerated in the center. The corrections commission shall adopt rules and regulations for the operation of any commissary fund it establishes.

(H) In lieu of forming a corrections commission to administer a multicounty correctional center or a municipal-county or multicounty-municipal correctional center, the boards of county commissioners and the legislative authorities of the municipal corporations contracting to establish the center may also agree to contract for the private operation and management of the center as provided in section 9.06 of the Revised Code, but only if the center houses only misdemeanor inmates. In order to enter into a contract under section 9.06 of the Revised Code, all the boards and legislative authorities establishing the center shall approve and be parties to the contract.

(I) If a person who is convicted of or pleads guilty to an offense is sentenced to a term in a multicounty correctional center or a municipal-county or multicounty-municipal correctional center or is incarcerated in the center in the manner described in division (C) of this section, or if a person who is arrested for an offense, and who has been denied bail or has had bail set and has not been released on bail is confined in a multicounty correctional center or a municipal-county or multicounty-municipal correctional center pending trial, at the time of reception and at other times the officer, officers, or other person in charge of the operation of the center determines to be appropriate, the officer, officers, or other person in charge of the operation of the center may cause the convicted or accused offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The officer, officers, or other person in charge of the operation of the center may cause a convicted or accused offender in the center who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

(J) As used in this section, "multicounty-municipal" means more than

one county and a municipal corporation, or more than one municipal corporation and a county, or more than one municipal corporation and more than one county.

Sec. 341.14. (A) The sheriff of an adjoining county shall not receive prisoners as provided by section 341.12 of the Revised Code unless there is deposited weekly with the sheriff an amount equal to the actual cost of keeping and feeding each prisoner so committed for the use of the jail of that county, and the same amount for a period of time less than one week. If a prisoner is discharged before the expiration of the term for which the prisoner was committed, the excess of the amount advanced shall be refunded.

(B)(1) The board of county commissioners of the county that receives pursuant to section 341.12 of the Revised Code for confinement in its jail, a prisoner who was convicted of an offense, may require the prisoner to reimburse the county for its expenses incurred by reason of the prisoner's confinement, including, but not limited to, the expenses relating to the provision of food, clothing, shelter, medical care, person hygiene products, including, but not limited to, toothpaste, toothbrushes, and feminine hygiene items, and up to two hours of overtime costs the sheriff or municipal corporation incurred relating to the trial of the person. The amount of reimbursement may be the actual cost of the prisoner's confinement plus the authorized trial overtime costs or a lesser amount determined by the board of county commissioners of the county, provided that the lesser amount shall be determined by a formula that is uniformly applied to persons incarcerated in the jail. The amount of reimbursement shall be determined by a court at a hearing held pursuant to section 2929.18 of the Revised Code if the prisoner is confined for a felony or section 2929.223 of the Revised Code if the prisoner is confined for a misdemeanor. ~~The amount~~ ~~recovered from a prisoner~~ ~~confined for a misdemeanor~~ ~~by executing upon the judgment~~ ~~obtained pursuant to section 2929.223 of the Revised Code shall be paid into the county treasury.~~ ~~If a prisoner is confined for a felony and the court imposes a sanction under section 2929.18 of the Revised Code that requires the prisoner to reimburse the costs of confinement, the prosecuting attorney shall bring an action to recover the expenses of confinement,~~ the in accordance with section 2929.18 of the Revised Code.

(2) The board of county commissioners of the county that receives, pursuant to section 341.12 of the Revised Code for confinement in its jail a prisoner who was convicted of a felony may adopt a resolution specifying

that prisoners convicted of felonies are not required to reimburse the county for its expenses incurred by reason of the prisoner's confinement, including the expenses listed in division (B)(1) of this section. If the board adopts a resolution of that nature, the board shall provide a copy to the court of common pleas of the county, and the court that sentences a person convicted of a felony shall not impose a sanction under section 2929.18 of the Revised Code that requires the person to reimburse the costs of the confinement.

(C) Divisions (A) and (B) of section 341.06 of the Revised Code apply regarding a prisoner confined in a jail as described in division (B) of this section.

(D) If a county receives pursuant to section 341.12 of the Revised Code for confinement in its jail a person who has been convicted of or pleaded guilty to an offense and has been sentenced to a term in a jail or a person who has been arrested for an offense, who has been denied bail or has had bail set and has not been released on bail, and who is confined in jail pending trial, at the time of reception and at other times the sheriff or other person in charge of the operation of the jail determines to be appropriate, the sheriff or other person in charge of the operation of the jail may cause the convicted or accused offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The sheriff or other person in charge of the operation of the jail may cause a convicted or accused offender in the jail who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

Sec. 341.19. (A)(1) The board of county commissioners may require a person who was convicted of an offense and who is confined in the county jail to reimburse the county for its expenses incurred by reason of the person's confinement, including, but not limited to, the expenses relating to the provision of food, clothing, shelter, medical care, personal hygiene products, including, but not limited to, toothpaste, toothbrushes, and feminine hygiene items, and up to two hours of overtime costs the sheriff or municipal corporation incurred relating to the trial of the person. The amount of reimbursement may be the actual cost of the prisoner's confinement plus the authorized trial overtime costs or a lesser amount determined by the board of county commissioners of the county, provided that the lesser amount shall be determined by a formula that is uniformly applied to persons incarcerated in the jail. The amount of reimbursement shall be determined by a court at a hearing held pursuant to section 2929.18 of the Revised Code if the ~~prisoner~~ person is confined for a felony or section

2929.223 of the Revised Code if the ~~prisoner~~ prisoner person is confined for a misdemeanor. The ~~a confined for a misdemeanor~~ amount or amounts paid in reimbursement by a ~~prisoner~~ prisoner person confined for a misdemeanor or the amount recovered from a ~~prisoner~~ prisoner person confined for a misdemeanor by executing upon the judgment obtained pursuant to section 2929.223 of the Revised Code shall be paid into the county treasury. If a ~~prisoner~~ prisoner person is confined for a felony and the court imposes a sanction under section 2929.18 of the Revised Code that requires the ~~prisoner~~ prisoner person to reimburse the costs of confinement, the prosecuting attorney shall bring an action to recover the expenses of confinement in accordance with section 2929.18 of the Revised Code.

(2)(~~B~~) The board of county commissioners may adopt a resolution specifying that a person who is convicted of a felony and who is confined in the county jail is not required to reimburse the county for its expenses incurred by reason of the person's confinement, including the expenses listed in division (A)(1) of this section. If the board adopts a resolution of that nature, the board shall provide a copy to the court of common pleas of the county, and the court that sentences a person convicted of a felony shall not impose a sanction under section 2929.18 of the Revised Code that requires the person to reimburse the costs of the confinement.

(B) Divisions (A) and (B) of section 341.06 of the Revised Code apply regarding a prisoner confined in a jail as described in division (A) of this section.

(C) If a person who is convicted of or pleads guilty to an offense is sentenced to a term in a jail, or if a person who has been arrested for an offense, and who has been denied bail or has had bail set and has not been released on bail is confined in jail pending trial, at the time of reception and at other times the sheriff or other person in charge of the operation of the jail determines to be appropriate, the sheriff or other person in charge of the operation of the jail may cause the convicted or accused offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The sheriff or other person in charge of the operation of the jail may cause a convicted or accused offender in the jail who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

Sec. 341.21. (A) The board of county commissioners may direct the sheriff to receive into custody prisoners charged with or convicted of crime by the United States, and to keep such prisoners until discharged.

The board of the county in which prisoners charged with or convicted of crime by the United States may be so committed may negotiate and conclude any contracts with the United States for the use of the jail as provided by this section and as the board sees fit.

A prisoner so committed shall be supported at the expense of the United States during the prisoner's confinement in the county jail. No greater compensation shall be charged by a sheriff for the subsistence of that type of prisoner than is provided by section 311.20 of the Revised Code to be charged for the subsistence of state prisoners.

A sheriff or jailer who neglects or refuses to perform the services and duties directed by the board by reason of this division, shall be liable to the same penalties, forfeitures, and actions as if the prisoner had been committed under the authority of this state.

(B) Prior to the acceptance for housing into the county jail of persons who are designated by the department of rehabilitation and correction, who plead guilty to or are convicted of a felony of the fourth or fifth degree, and who satisfy the other requirements listed in section 5120.161 of the Revised Code, the board of county commissioners shall enter into an agreement with the department of rehabilitation and correction under section 5120.161 of the Revised Code for the housing in the county jail of persons designated by the department who plead guilty to or are convicted of a felony of the fourth or fifth degree and who satisfy the other requirements listed in that section in exchange for a per diem fee per person. Persons incarcerated in the county jail pursuant to an agreement entered into under this division shall be subject to supervision and control in the manner described in section 5120.161 of the Revised Code. This division does not affect the authority of a court to directly sentence a person who is convicted of or pleads guilty to a felony to the county jail in accordance with section 2929.16 of the Revised Code.

(C)(1) Notwithstanding any contrary provision in the Revised Code, the board of county commissioners may establish a policy that requires any person who is not indigent and who is confined in the jail under division (B) of this section to pay a reasonable fee for any medical treatment or service requested by and provided to that person. This fee shall not exceed the actual cost of the treatment or service requested by and provided to that person. This fee shall not exceed the actual cost of the treatment or service provided. No person confined to the jail who is indigent shall be required to pay those fees, and no person confined to the jail shall be denied any necessary medical care because of inability to pay those fees.

Upon provision of the requested medical treatment or service, payment

of the required fee may be automatically deducted from a person's account record in the jail's business office. If the person has no funds in the person's account, a deduction may be made at a later date during the person's confinement in the jail if funds later become available in the person's account. If the person is released from the jail and has an unpaid balance of these fees, the board of county commissioners may bill the person for payment of the remaining unpaid fees. Fees received for medical treatment or services shall be paid into the commissary fund, if one has been established for the jail or if no such fund exists, into the county treasury.

(2) If a person confined to the jail is required under section 341.06, 2929.18, or 2929.223 of the Revised Code to reimburse the county for expenses incurred by reason of the person's confinement to the jail, any fees paid by the person under division (C)(1) of this section shall be deducted from the expenses required to be reimbursed under section 341.06, 2929.18, or 2929.223 of the Revised Code.

(D) If a sheriff receives into custody a prisoner convicted of crime by the United States as described in division (A) of this section, if a person who has been convicted of or pleaded guilty to an offense is incarcerated in the jail in the manner described in division (B) of this section, if a sheriff receives into custody a prisoner charged with a crime by the United States and the prisoner has had bail denied or has had bail set, has not been released on bail, and is confined in jail pending trial, or if a person who has been arrested for an offense, and who has been denied bail or has had bail set and has not been released on bail is confined in jail pending trial, at the time of reception and at other times the sheriff or other person in charge of the operation of the jail determines to be appropriate, the sheriff or other person in charge of the operation of the jail may cause the convicted or accused offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The sheriff or other person in charge of the operation of the jail may cause a convicted or accused offender in the jail who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

Sec. 341.23. (A) The board of county commissioners of any county or the legislative authority of any municipal corporation in which there is no workhouse, may agree with the legislative authority of any municipal corporation or other authority having control of the workhouse of any other city, or with the directors of any district of a joint city and county workhouse or county workhouse, upon terms on which persons convicted of

a misdemeanor by any court or magistrate of a county or municipal corporation having no workhouse, may be received into such workhouse, under sentence of the court or magistrate. Such board or legislative authority may pay the expenses incurred under the agreement out of the general fund of such county or municipal corporation, upon the certificate of the proper officer of the workhouse.

(B) The sheriff or other officer transporting any person to such workhouse shall receive six cents per mile for the sheriff or officer, going and returning, five cents per mile for transporting the convict, and five cents per mile, going and coming, for the service of each deputy, to be allowed as in cases in which a person is transported to a state correctional institution. The number of miles shall be computed by the usual routes of travel and, in state cases, shall be paid out of the general fund of the county, on the allowance of the board, and for the violation of the ordinances of any municipal corporation, shall be paid by such municipal corporation on the order of its legislative authority.

(C)(1) The board of county commissioners, the directors of the district of a joint city and county workhouse or county workhouse, or the legislative authority of the municipal corporation may require a person who was convicted of an offense and who is confined in a workhouse as provided in division (A) of this section, to reimburse the county, district, or municipal corporation, as the case may be, for its expenses incurred by reason of the person's confinement, including, but not limited to, the expenses relating to the provision of food, clothing, shelter, medical care, personal hygiene products, including, but not limited to, toothpaste, toothbrushes, and feminine hygiene items, and up to two hours of overtime costs the sheriff or municipal corporation incurred relating to the trial of the person. The amount of reimbursement may be the actual cost of the ~~prisoner's~~ person's confinement plus the authorized trial overtime costs or a lesser amount determined by the board of county commissioners of the county, the directors of the district of the joint city or county workhouse, or the legislative authority of the municipal corporation, provided that the lesser amount shall be determined by a formula that is uniformly applied to persons incarcerated in the workhouse. The amount of reimbursement shall be determined by a court at a hearing held pursuant to section 2929.18 of the Revised Code if the person is confined for a felony or section 2929.223 of the Revised Code if the person is confined for a misdemeanor. ~~The amount or amounts paid in reimbursement by a person confined for a misdemeanor or the amount recovered from a person confined for a misdemeanor by~~

executing upon the judgment obtained pursuant to section 2929.223 of the Revised Code shall be paid into the treasury of the county, district, or municipal corporation that incurred the expenses. If a person is confined for a felony and the court imposes a sanction under section 2929.18 of the Revised Code that requires the person to reimburse the costs of confinement, the prosecuting attorney or the municipal chief legal officer shall bring an action to recover the expenses of confinement, ~~the~~ in accordance with section 2929.18 of the Revised Code.

(2) The board of county commissioners, the directors of the district of a joint city and county workhouse or county workhouse, or the legislative authority of the municipal corporation may adopt a resolution or ordinance specifying that a person who is convicted of a felony and who is confined in a workhouse as provided in division (A) of this section is not required to reimburse the county, district, or municipal corporation, as the case may be, for its expenses incurred by reason of the person's confinement, including the expenses listed in division (C)(1) of this section. If the board, directors, or legislative authority adopts a resolution or ordinance of that nature, the board, directors, or legislative authority shall provide a copy to the court of common pleas of the county, and the court that sentences a person convicted of a felony shall not impose a sanction under section 2929.18 of the Revised Code that requires the person to reimburse the costs of the confinement.

(D) In lieu of requiring offenders to reimburse the political subdivision for expenses incurred by reason of the person's confinement under division (C) of this section, the board of county commissioners, the directors of the district of joint city and county workhouse or county workhouse, or the legislative authority of the municipal corporation having control of the workhouse may adopt a prisoner reimbursement policy for the workhouse under this division. A reimbursement coordinator may be appointed to administer the prisoner reimbursement policy. A prisoner reimbursement policy adopted under this division is a policy that requires a person confined to the workhouse to reimburse the political subdivision responsible for paying prisoner expenses for any expenses it incurs by reason of the person's confinement in the workhouse, which expenses may include, but are not limited to, the following:

(1) A per diem fee for room and board of not more than sixty dollars per day or the actual per diem cost, whichever is less, for the entire period of time the person is confined to the workhouse;

(2) Actual charges for medical and dental treatment;

(3) Reimbursement for government property damaged by the person while confined to the workhouse.

Rates charged shall be on a sliding scale determined by the board of county commissioners, the directors of the district of joint city and county workhouse or county workhouse, or the legislative authority of the municipal corporation having control of the workhouse, based on the ability of the person confined to the workhouse to pay and on consideration of any legal obligation of the person to support a spouse, minor children, or other dependents and any moral obligation to support dependents to whom the person is providing or has in fact provided support.

The reimbursement coordinator or another person designated by the administrator of the workhouse may investigate the financial status of the person and obtain information necessary to investigate that status, by means that may include contacting employers and reviewing income tax records. The coordinator may work with the confined person to create a repayment plan to be implemented upon the person's release. At the end of the person's incarceration, the person shall be presented with a billing statement.

The reimbursement coordinator or another appointed person may collect, or the board of county commissioners, the directors of the district of joint city and county workhouse or county workhouse, or the legislative authority of the municipal corporation having control of the workhouse may enter into a contract with one or more public agencies or private vendors to collect, any amounts remaining unpaid. Within twelve months after the date of the confined person's release, the prosecuting attorney, city director of law, village solicitor, or attorney for the district may file a civil action to seek reimbursement from that person for any billing amount that remains unpaid. The political subdivision shall not enforce any judgment obtained under this section by means of execution against the person's homestead. For purposes of this section, "homestead" has the same meaning as in division (A) of section 323.151 of the Revised Code. Any reimbursement received under this section shall be credited to the general fund of the political subdivision that bore the expense, to be used for general fund purposes.

(E)(1) Notwithstanding any contrary provision in this section or section 2929.18 or 2929.223 of the Revised Code, the appropriate board of county commissioners and legislative authorities may include in their agreement entered into under division (A) of this section a policy that requires any person who is not indigent and who is confined in the county, city, district, or joint city and county workhouse under this section to pay a reasonable fee for any medical treatment or service requested by and provided to that person. This fee shall not exceed the actual cost of the treatment or service provided. No person confined to a county, city, district, or joint city and

county workhouse under this section who is indigent shall be required to pay those fees, and no person confined to any workhouse of that type shall be denied any necessary medical care because of inability to pay those fees.

Upon provision of the requested medical treatment or service, payment of the required fee may be automatically deducted from a person's account record in the workhouse's business office. If the person has no funds in the person's account, a deduction may be made at a later date during the person's confinement in the workhouse if funds later become available in the person's account. If the person is released from the workhouse and has an unpaid balance of these fees, the appropriate board of county commissioners and legislative authorities may bill the person for payment of the remaining unpaid fees in the same proportion as those expenses were borne by the political subdivision issuing the billing statement. Fees received for medical treatment or services shall be paid into the commissary fund, if one has been created for the workhouse, or if no such fund exists, into the treasuries of the political subdivisions that incurred the expenses of those treatments or services in the same proportion as those expenses were borne by these political subdivisions.

(2) If a person confined to a county, city, district, or joint city and county workhouse is required under division (C) or (D) of this section or section 2929.18 or 2929.223 of the Revised Code to reimburse a county or municipal corporation for expenses incurred by reason of the person's confinement to the workhouse, any fees paid by the person under division (E)(1) of this section shall be deducted from the expenses required to be reimbursed under division (C) or (D) of this section or section 2929.18 or 2929.223 of the Revised Code.

(F) If a person who has been convicted of or pleaded guilty to an offense is incarcerated in the workhouse as provided in division (A) of this section, at the time of reception and at other times the person in charge of the operation of the workhouse determines to be appropriate, the person in charge of the operation of the workhouse may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the workhouse may cause a convicted offender in the workhouse who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

Sec. 341.34. (A) As used in this section, "building or structure" includes, but is not limited to, a modular unit, building, or structure and a

movable unit, building, or structure.

(B)(1) The board of county commissioners of any county, by resolution, may dedicate and permit the use, as a minimum security jail, of any vacant or abandoned public building or structure owned by the county that has not been dedicated to or is not then in use for any county or other public purpose, or any building or structure rented or leased by the county. The board of county commissioners of any county, by resolution, also may dedicate and permit the use, as a minimum security jail, of any building or structure purchased by or constructed by or for the county. Subject to divisions (B)(3) and (C) of this section, upon the effective date of such a resolution, the specified building or structure shall be used, in accordance with this section, for the confinement of persons who meet one of the following conditions:

(a) ~~The person is sentenced to a term of imprisonment for a traffic violation or a misdemeanor that is not an offense of violence and the person is under the jurisdiction of the county, or the person is sentenced to a term residential sanction in the jail for a felony of the fourth or fifth degree that is not an offense of violence; pursuant to SECTIONS 2929.11 to 2929.19 of the Revised Code, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior.~~

(b) ~~The person is an inmate transferred by order of a judge of the sentencing court upon the request of the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in division (H) of section 9.06 of the Revised Code, who is named in the request as being suitable for confinement in a minimum security facility and for the confinement of persons convicted of a felony who are sentenced to a residential sanction in the minimum security misdemeanor jail pursuant to sections 2929.11 to 2929.19 of the Revised Code.~~

(2) The board of county commissioners of any county, by resolution, may affiliate with one or more adjacent counties, or with one or more municipal corporations located within the county or within an adjacent county, and dedicate and permit the use, as a minimum security jail, of any vacant or abandoned public building or structure owned by any of the affiliating counties or municipal corporations that has not been dedicated to or is not then in use for any public purpose, or any building or structure rented or leased by any of the affiliating counties or municipal corporations.

The board of county commissioners of any county, by resolution, also may affiliate with one or more adjacent counties or with one or more municipal corporations located within the county or within an adjacent county and dedicate and permit the use, as a minimum security jail, of any building or structure purchased by or constructed by or for any of the affiliating counties or municipal corporations. Any counties and municipal corporations that affiliate for purposes of this division shall enter into an agreement that establishes the responsibilities for the operation and for the cost of operation of the minimum security jail. Subject to divisions (B)(3) and (C) of this section, upon the effective date of a resolution adopted under this division, the specified building or structure shall be used, in accordance with this section, for the confinement of persons who meet one of the following conditions:

(a) The person is sentenced to a term of imprisonment for a traffic violation, a misdemeanor ~~that is not an offense of violence, or, if a violation of an ordinance of any municipal corporation is involved, an ordinance of the municipal corporation that is not an offense of violence and the person is under the jurisdiction of any of the affiliating counties or municipal corporations,~~ or the person is sentenced to a term residential sanction in the jail for a felony of the fourth or fifth degree ~~that is not an offense of violence;~~ pursuant to sections 2929.11 to 2929.19 of the Revised Code, and the jail administrator or the jail administrator's designee has classified the person as a minimAL security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior.

(b) The person is an inmate transferred by order of a judge of the sentencing court upon the request of the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in division (H) of section 9.06 of the Revised Code, who is named in the request as being suitable for confinement in a minimum security facility ~~and for the confinement of persons convicted of a felony who are sentenced to a residential sanction in the minimum security misdemeanant jail pursuant to sections 2929.11 to 2929.19 of the Revised Code.~~

(3) No person shall be confined in a building or structure dedicated as a minimum security jail under division (B)(1) or (2) of this section unless the judge who sentenced the person to the term of imprisonment for the traffic violation or the misdemeanor specifies that the term of imprisonment is to be served in that jail, and division (B)(1) or (2) of this section permits the

confinement of the person in that jail or unless the judge who sentenced the person to the residential sanction for the felony specifies that the ~~term of imprisonment or the~~ residential sanction is to be served in ~~that~~ a jail, and division (B)(1) or (2) of this section permits the confinement of the person in that jail. If a rented or leased building or structure is so dedicated, the building or structure may be used as a minimum security jail only during the period that it is rented or leased by the county or by an affiliated county or municipal corporation. If a person convicted of a misdemeanor is confined to a building or structure dedicated as a minimum security jail under division (B)(1) or (2) of this section and the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in division (H) of section 9.06 of the Revised Code determines that it would be more appropriate for the person so confined to be confined in another jail or workhouse facility, the sheriff, administrator, jailer, or other person may transfer the person so confined to a more appropriate jail or workhouse facility.

(C) All of the following apply to a building or structure that is dedicated pursuant to division (B)(1) or (2) of this section for use as a minimum security jail:

(1) To the extent that the use of the building or structure as a minimum security jail requires a variance from any county, municipal corporation, or township zoning regulations or ordinances, the variance shall be granted.

(2) Except as provided in this section, the building or structure shall not be used to confine any person unless it is in substantial compliance with any applicable housing, fire prevention, sanitation, health, and safety codes, regulations, or standards.

(3) Unless such satisfaction or compliance is required under the standards described in division (C)(4) of this section, and notwithstanding any other provision of state or local law to the contrary, the building or structure need not satisfy or comply with any state or local building standard or code in order to be used to confine a person for the purposes specified in division (B) of this section.

(4) The building or structure shall not be used to confine any person unless it is in compliance with all minimum standards and minimum renovation, modification, and construction criteria for minimum security jails that have been proposed by the department of rehabilitation and correction, through its bureau of adult detention, under section 5120.10 of the Revised Code.

(5) The building or structure need not be renovated or modified into a secure detention facility in order to be used solely to confine a person for the

purposes specified in divisions (B)(1)(a) and (B)(2)(a) of this section.

(6) The building or structure shall be used, equipped, furnished, and staffed in the manner necessary to provide adequate and suitable living, sleeping, food service or preparation, drinking, bathing and toilet, sanitation, and other necessary facilities, furnishings, and equipment.

(D) Except as provided in this section, a minimum security jail dedicated and used under this section shall be considered to be part of the jail, workhouse, or other correctional facilities of the county or the affiliated counties and municipal corporations for all purposes under the law. All persons confined in such a minimum security jail shall be and shall remain, in all respects, under the control of the county authority that has responsibility for the management and operation of the jail, workhouse, or other correctional facilities of the county or, if it is operated by any affiliation of counties or municipal corporations, under the control of the specified county or municipal corporation with that authority, provided that, if the person was convicted of a felony and is serving a residential sanction in the facility, all provisions of law that pertain to persons convicted of a felony that would not by their nature clearly be inapplicable apply regarding the person. A minimum security jail dedicated and used under this section shall be managed and maintained in accordance with policies and procedures adopted by the board of county commissioners or the affiliated counties and municipal corporations governing the safe and healthful operation of the jail, the confinement and supervision of the persons sentenced to it, and their participation in work release or similar rehabilitation programs. In addition to other rules of conduct and discipline, the rights of ingress and egress of persons confined in a minimum security jail dedicated and used under this section shall be subject to reasonable restrictions. Every person confined in a minimum security jail dedicated and used under this section shall be given verbal and written notification, at the time of the person's admission to the jail, that purposely leaving, or purposely failing to return to, the jail without proper authority or permission constitutes the felony offense of escape.

(E) If a person who has been convicted of or pleaded guilty to an offense is sentenced to a term of imprisonment or a residential sanction in a minimum security jail as described in division (B)(1)(a) or (B)(2)(a) of this section, or if a person is an inmate transferred to a minimum security jail by order of a judge of the sentencing court as described in division (B)(1)(b) or (2)(b) of this section, at the time of reception and at other times the person in charge of the operation of the jail determines to be appropriate, the sheriff or other person in charge of the operation of the jail may cause the convicted

offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the jail may cause a convicted offender in the jail who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

Sec. 753.02. (A) The legislative authority of a municipal corporation shall provide by ordinance for sustaining all persons sentenced to or confined in a prison or station house at the expense of the municipal corporation, and in counties where prisons or station houses are in quarters leased from the board of county commissioners, may contract with the board for the care and maintenance of such persons by the sheriff or other person charged with the care and maintenance of county prisoners. On the presentation of bills for food, sustenance, and necessary supplies, to the proper officer, certified by such person as the legislative authority designates, the officer shall audit the bills under the rules prescribed by the legislative authority, and draw the officer's order on the treasurer of the municipal corporation in favor of the person presenting the bill.

(B)(1) The legislative authority of the municipal corporation may require a person who was convicted of an offense and who is confined in a prison or station house as provided in division (A) of this section, or a person who was convicted of an offense and who is confined in the county jail as provided in section 1905.35 of the Revised Code, to reimburse the municipal corporation for its expenses incurred by reason of the person's confinement, including, but not limited to, the expenses relating to the provision of food, clothing, shelter, medical care, personal hygiene products, including, but not limited to, toothpaste, toothbrushes, and feminine hygiene items, and up to two hours of overtime costs the sheriff or municipal corporation incurred relating to the trial of the person. The amount of reimbursement may be the actual cost of the prisoner's confinement plus the authorized trial overtime costs or a lesser amount determined by the legislative authority of the municipal corporation, provided that the lesser amount shall be determined by a formula that is uniformly applied to persons incarcerated in the prison, station house, or county jail. The amount of reimbursement shall be determined by a court at a hearing held pursuant to section 2929.18 of the Revised Code if the ~~prisoner~~ person is confined for a felony or section 2929.223 of the Revised Code if the ~~prisoner~~ person is confined for a misdemeanor. The ~~a confined for a misdemeanor~~ amount or amounts paid in reimbursement by a ~~prisoner~~ person confined for a

misdemeanor or the amount recovered from a ~~prisoner~~ prisoner person confined for a misdemeanor by executing upon the judgment obtained pursuant to section 2929.223 of the Revised Code shall be paid into the treasury of the municipal corporation. If a ~~prisoner~~ person is confined for a felony and the court imposes a sanction under section 2929.18 of the Revised Code that requires the ~~prisoner~~ person to reimburse the costs of confinement, the village solicitor, city director of law, or other chief legal officer shall bring an action to recover the expenses of confinement ~~the~~ in accordance with section 2929.18 of the Revised Code.

(2) The legislative authority of the municipal corporation may adopt an ordinance specifying that a person who is convicted of a felony and who is confined in a prison or station house as provided in division (A) of this section is not required to reimburse the municipal corporation for its expenses incurred by reason of the person's confinement, including the expenses listed in division (B)(1) of this section. If the legislative authority adopts an ordinance of that nature, the legislative authority shall provide a copy to the court of common pleas of the county, and the court that sentences a person convicted of a felony shall not impose a sanction under section 2929.18 of the Revised Code that requires the person to reimburse the costs of the confinement.

(C) In lieu of requiring offenders to reimburse the municipal corporation for expenses incurred by reason of the person's confinement under division (B) of this section, the legislative authority of the municipal corporation may adopt a prisoner reimbursement policy for the prison or station house under this division. The prison or station house administrator may appoint a reimbursement coordinator to administer the prisoner reimbursement policy. A prisoner reimbursement policy adopted under this division is a policy that requires a person confined to the prison or station house to reimburse the municipal corporation for any expenses it incurs by reason of the person's confinement in the prison or station house, which expenses may include, but are not limited to, the following:

(1) A per diem fee for room and board of not more than sixty dollars per day or the actual per diem cost, whichever is less, for the entire period of time the person is confined to the prison or station house;

(2) Actual charges for medical and dental treatment;

(3) Reimbursement for municipal property damaged by the person while confined to the prison or station house.

Rates charged shall be on a sliding scale determined by the legislative authority of the municipal corporation, based on the ability of the person confined to the prison or station house to pay and on consideration of any

legal obligation of the person to support a spouse, minor children, or other dependents and any moral obligation to support dependents to whom the person is providing or has in fact provided support.

The reimbursement coordinator or another appointed person may investigate the financial status of the confined person and obtain information necessary to investigate that status, by means that may include contacting employers and reviewing income tax records. The coordinator may work with the confined person to create a repayment plan to be implemented upon the person's release. At the end of the person's incarceration, the person shall be presented with a billing statement.

The reimbursement coordinator or another appointed person may collect, or the legislative authority of the municipal corporation may enter into a contract with one or more public agencies or private vendors to collect, any amounts remaining unpaid. Within twelve months after the date of the confined person's release, the city director of law, village solicitor, or other attorney for the municipal corporation may file a civil action to seek reimbursement from that person for any billing amount that remains unpaid. The municipal corporation shall not enforce any judgment obtained under this section by means of execution against the person's homestead. For purposes of this section, "homestead" has the same meaning as in division (A) of section 323.151 of the Revised Code. Any reimbursement received under this section shall be credited to the general fund of the municipal corporation that bore the expense, to be used for general fund purposes.

(D)(1) Notwithstanding any contrary provision in this section or section 2929.18 or 2929.223 of the Revised Code, the legislative authority of the municipal corporation may establish a policy that requires any person who is not indigent and who is confined in a prison or station house to pay a reasonable fee for any medical treatment or service requested by and provided to that person. This fee shall not exceed the actual cost of the treatment or service provided. No person confined to a prison or station house who is indigent shall be required to pay those fees, and no person confined to a prison or station house shall be denied any necessary medical care because of inability to pay those fees.

Upon provision of the requested medical treatment or service, payment of the required fee may be automatically deducted from a person's account record in the prison or station house's business office. If the person has no funds in the person's account, a deduction may be made at a later date during the person's confinement in the prison or station house if funds later become available in the person's account. If the person is released from the prison or station house and has an unpaid balance of these fees, the

lative authority may bill the person for payment of the remaining unpaid fees. Fees received for medical treatment or services shall be paid into the commissary fund, if one has been created for the prison or station house, or if no such fund exists, into the municipal treasury.

(2) If a person confined to a prison or station house is required under division (B) or (C) of this section or section 2929.18 or 2929.223 of the Revised Code to reimburse the municipal corporation for expenses incurred by reason of the person's confinement to the prison or station house, any fees paid by the person under division (D)(1) of this section shall be deducted from the expenses required to be reimbursed under division (B) or (C) of this section or section 2929.18 or 2929.223 of the Revised Code.

(E) If a person who has been convicted of or pleaded guilty to an offense is sentenced to a term of imprisonment in a prison or station house as described in division (A) of this section, or if a person who has been arrested for an offense, and who has been denied bail or has had bail set and has not been released on bail is confined in a prison or station house as described in division (A) of this section pending trial, at the time of reception and at other times the person in charge of the operation of the prison or station house determines to be appropriate, the person in charge of the operation of the prison or station house may cause the convicted or accused offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the prison or station house may cause a convicted or accused offender in the prison or station house who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

Sec. 753.04. (A) When a person over sixteen years of age is convicted of an offense under the law of this state or an ordinance of a municipal corporation, and the tribunal before which the conviction is had is authorized by law to commit the offender to the county jail or municipal corporation prison, the court, mayor, or judge of the county court, as the case may be, may sentence the offender to a workhouse.

When a commitment is made from a municipal corporation or township in the county, other than in a municipal corporation having a workhouse, the legislative authority of the municipal corporation or the board of township trustees shall transmit with the mittimus a sum of money equal to not less than seventy cents per day for the time of the commitment, to be placed in the hands of the superintendent of a workhouse for the care and maintenance of the prisoner.

(B)(1) The legislative authority of the municipal corporation or the board of township trustees may require a person who is convicted of an offense and who is confined in a workhouse as provided in division (A) of this section, to reimburse the municipal corporation or the township, as the case may be, for its expenses incurred by reason of the person's confinement, including, but not limited to, the expenses relating to the provision of food, clothing, shelter, medical care, personal hygiene products, including, but not limited to, toothpaste, toothbrushes, and feminine hygiene items, and up to two hours of overtime costs the sheriff or municipal corporation incurred relating to the trial of the person. The amount of reimbursement may be the actual cost of the prisoner's confinement plus the authorized trial overtime costs or a lesser amount determined by the legislative authority of the municipal corporation or board of township trustees, provided that the lesser amount shall be determined by a formula that is uniformly applied to persons incarcerated in the workhouse. The amount of reimbursement shall be determined by a court at a hearing held pursuant to section 2929.18 of the Revised Code if the ~~prisoner~~ person is confined for a felony or section 2929.223 of the Revised Code if the ~~prisoner~~ person is confined for a misdemeanor. The ~~a confined for a misdemeanor~~ amount or amounts paid in reimbursement by a ~~prisoner~~ person confined for a misdemeanor or the amount recovered from a ~~prisoner~~ person confined for a misdemeanor by executing upon the judgment obtained pursuant to section 2929.223 of the Revised Code shall be paid into the treasury of the municipal corporation or township that incurred the expenses. If a ~~prisoner~~ person is confined for a felony and the court imposes a sanction under section 2929.18 of the Revised Code that requires the ~~prisoner~~ person to reimburse the costs of confinement, the city director of law, village solicitor, or other chief legal officer shall bring an action to recover the expenses of confinement ~~the~~ in accordance with section 2929.18 of the Revised Code.

(2) The legislative authority of a municipal corporation or the board of township trustees may adopt an ordinance or resolution specifying that a person who is convicted of a felony and who is confined in a workhouse as provided in division (A) of this section is not required to reimburse the municipal corporation or the township, as the case may be, for its expenses incurred by reason of the person's confinement, including the expenses listed in division (B)(1) of this section. If the legislative authority or board adopts a resolution of that nature, the legislative authority or board shall provide a copy to the court of common pleas of the county, and the court that sentences a person convicted of a felony shall not impose a sanction

under section 2929.18 of the Revised Code that requires the person to reimburse the costs of the confinement.

(C) In lieu of requiring offenders to reimburse the political subdivision for expenses incurred by reason of the person's confinement in a municipal workhouse under division (B) of this section or under division (C) of section 753.16 of the Revised Code, the legislative authority of the municipal corporation may adopt a prisoner reimbursement policy for the workhouse under this division. A reimbursement coordinator may be appointed to administer the prisoner reimbursement policy. A prisoner reimbursement policy adopted under this division is a policy that requires a person confined to the municipal workhouse to reimburse any expenses it incurs by reason of the person's confinement in the workhouse, which expenses may include, but are not limited to, the following:

(1) A per diem fee for room and board of not more than sixty dollars per day or the actual per diem cost, whichever is less, for the entire period of time the person is confined to the workhouse;

(2) Actual charges for medical and dental treatment;

(3) Reimbursement for municipal property damaged by the person while confined to the workhouse.

Rates charged shall be on a sliding scale determined by the legislative authority of the municipal corporation based on the ability of the person confined to the workhouse to pay and on consideration of any legal obligation of the person to support a spouse, minor children, or other dependents and any moral obligation to support dependents to whom the person is providing or has in fact provided support.

The reimbursement coordinator or another workhouse employee may investigate the financial status of the confined person and obtain information necessary to investigate that status, by means that may include contacting employers and reviewing income tax records. The coordinator may work with the confined person to create a repayment plan to be implemented upon the person's release. At the end of the person's incarceration, the person shall be presented with a billing statement.

The reimbursement coordinator or another workhouse employee may collect, or the legislative authority of the municipal corporation may enter into a contract with one or more public agencies or private vendors to collect, any amounts remaining unpaid. Within twelve months after the date of the confined person's release, the city director of law, village solicitor, or other attorney for the municipal corporation may file a civil action to seek reimbursement from that person for any billing amount that remains unpaid. The municipal corporation shall not enforce any judgment obtained under

this section by means of execution against the person's homestead. For purposes of this section, "homestead" has the same meaning as in division (A) of section 323.151 of the Revised Code. Any reimbursement received under this section shall be credited to the general fund of the political subdivision that bore the expense, to be used for general fund purposes.

(D)(1) Notwithstanding any contrary provision in this section or section 2929.18 or 2929.223 of the Revised Code, the legislative authority of the municipal corporation or board of township trustees may establish a policy that requires any person who is not indigent and who is confined in the workhouse under division (A) of this section to pay a reasonable fee for any medical treatment or service requested by and provided to that person. This fee shall not exceed the actual cost of the treatment or service provided. No person confined to a workhouse who is indigent shall be required to pay those fees, and no person confined to a workhouse shall be denied any necessary medical care because of inability to pay those fees.

Upon provision of the requested medical treatment or service, payment of the required fee may be automatically deducted from a person's account record in the workhouse's business office. If the person has no funds in the person's account, a deduction may be made at a later date during the person's confinement in the center if funds later become available in the person's account. If the person is released from the workhouse and has an unpaid balance of these fees, the legislative authority or board of township trustees may bill the person for payment of the remaining unpaid fees. Fees received for medical treatment or services shall be paid into the commissary fund, if one has been created for the workhouse, or if no such fund exists, into the treasury of the municipal corporation or township.

(2) If a person confined to a workhouse under division (A) of this section is required under division (B) of this section or section 2929.18 or 2929.223 of the Revised Code to reimburse medical expenses incurred by reason of the person's confinement to the workhouse, any fees paid by the person under division ~~(C)~~(D)(1) of this section shall be deducted from the expenses required to be reimbursed under division (B) of this section or section 2929.18 or 2929.223 of the Revised Code.

(E) If a person who has been convicted of or pleaded guilty to an offense is incarcerated in a workhouse or if a person who has been arrested for an offense, and who has not been denied bail or has had bail set and has not been released on bail is confined in a workhouse pending trial, at the time of reception and at other times the person in charge of the operation of the workhouse determines to be appropriate, the person in charge of the operation of the workhouse may cause the convicted or accused offender to

be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the workhouse may cause a convicted or accused offender in the workhouse who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

Sec. 753.16. (A) Any city or district having a workhouse may receive as inmates of the workhouse persons sentenced or committed to it from counties other than the one in which the workhouse is situated, upon such terms and during such length of time as agreed upon by the boards of county commissioners of such counties, or by the legislative authority of a municipal corporation in such counties and the legislative authority of the city, or the board of the district workhouse, or other authority having the management and control of the workhouse. Prisoners so received shall in all respects be and remain under the control of such authority, and subject to the rules and discipline of the workhouse the same as other prisoners detained there.

(B) Prior to the acceptance for housing into a jail or workhouse of persons who are designated by the department of rehabilitation and correction, who plead guilty to or are convicted of a felony of the fourth or fifth degree, and who satisfy the other requirements listed in section 5120.161 of the Revised Code, the legislative authority of a municipal corporation having a jail or workhouse, or the joint board managing and controlling a workhouse for the joint use of a municipal corporation and a county shall enter into an agreement with the department of rehabilitation and correction under section 5120.161 of the Revised Code for the housing in the jail or workhouse of persons who are designated by the department, who plead guilty to or are convicted of a felony of the fourth or fifth degree, and who satisfy the other requirements listed in that section, in exchange for a per diem fee per person. Persons incarcerated in the jail or workhouse pursuant to such an agreement shall be subject to supervision and control in the manner described in section 5120.161 of the Revised Code. This division does not affect the authority of a court to directly sentence a person who is convicted of or pleads guilty to a felony to the jail or workhouse in accordance with section 2929.16 of the Revised Code.

(C)(1) The board of county commissioners, the legislative authority of the municipal corporation, or the board or other managing authority of the district workhouse may require a person who was convicted of an offense and who is confined in the workhouse as provided in division (A) of this

section, to reimburse the county, municipal corporation, or district, as the case may be, for its expenses incurred by reason of the person's confinement, including, but not limited to, the expenses relating to the provision of food, clothing, shelter, medical care, personal hygiene products, including, but not limited to, toothpaste, toothbrushes, and feminine hygiene items, and up to two hours of overtime costs the sheriff or municipal corporation incurred relating to the trial of the person. The amount of reimbursement may be the actual cost of the ~~prisoner's~~ person's confinement plus the authorized trial overtime costs or a lesser amount determined by the board of county commissioners for the county, the legislative authority of the municipal corporation, or the board or other managing authority of the district workhouse, provided that the lesser amount shall be determined by a formula that is uniformly applied to persons incarcerated in the workhouse. The amount of reimbursement shall be determined by a court at a hearing held pursuant to section 2929.18 of the Revised Code if the ~~prisoner~~ person is confined for a felony or section 2929.223 of the Revised Code if the ~~prisoner~~ person is confined for a misdemeanor. ~~The amount or amounts paid in reimbursement by a prisoner confined for a misdemeanor or the amount recovered from a prisoner confined for a misdemeanor by executing upon the judgment obtained pursuant to section 2929.223 of the Revised Code shall be paid into the treasury of the county, municipal corporation, or district that incurred the expenses. If a prisoner person is confined for a felony and the court imposes a sanction under section 2929.18 of the Revised Code that requires the prisoner person to reimburse the costs of confinement, the prosecuting attorney or municipal chief legal officer shall bring an action to recover the expenses of confinement~~ the in accordance with section 2929.18 of the Revised Code.

(2) The board of county commissioners, the legislative authority of the municipal corporation, or the board or other managing authority of the district workhouse may adopt a resolution or ordinance specifying that a person who is convicted of a felony and who is confined in the workhouse as provided in division (A) of this section is not required to reimburse the county, municipal corporation, or district, as the case may be, for its expenses incurred by reason of the person's confinement, including the expenses listed in division (C)(1) of this section. If the board, legislative authority, or managing authority adopts a resolution of that nature, the board, legislative authority, or managing authority shall provide a copy to the court of common pleas of the county, and the court that sentences a person convicted of a felony shall not impose a sanction under section

2929.18 of the Revised Code that requires the person to reimburse the costs of the confinement.

(D)(1) Notwithstanding any contrary provision in this section or section 2929.223 of the Revised Code, the board of county commissioners, the legislative authority of a municipal corporation, or the board or other managing authority of the district workhouse may establish a policy that requires any person who is not indigent and who is confined in the jail or workhouse under division (A) or (B) of this section to pay a reasonable fee for any medical treatment or service requested by and provided to that person. This fee shall not exceed the actual cost of the treatment or service provided. No person who is indigent shall be required to pay those fees, and no person shall be denied any necessary medical care because of inability to pay those fees.

Upon provision of the requested medical treatment or service, payment of the required fee may be automatically deducted from a person's account record in the jail or workhouse's business office. If the person has no funds in the person's account, a deduction may be made at a later date during the person's confinement in the jail or workhouse if funds later become available in that person's account. If the person is released from the jail or workhouse and has an unpaid balance of these fees, the board of county commissioners, the legislative authority of the municipal corporation, or the board or other managing authority of the district workhouse may bill the person for payment of the remaining unpaid fees. Fees received for medical treatment or services shall be paid into the commissary fund, if one has been created for the workhouse, or if no such fund exists, into the treasury of each applicable political subdivision.

(2) If a person confined to a jail or workhouse is required under division (C) of this section or section 2929.18 or 2929.223 of the Revised Code to reimburse medical expenses incurred by reason of the person's confinement to the jail or workhouse, any fees paid by the person under division (D)(1) of this section shall be deducted from the expenses required to be reimbursed under division (C) of this section or section 2929.18 or 2929.223 of the Revised Code.

(E) If a person who has been convicted of or pleaded guilty to an offense is confined in the workhouse as provided in division (A) of this section or is incarcerated in the workhouse in the manner described in division (B) of this section, or if a person who has been arrested for an offense, and who has been denied bail or has had bail set and has not been released on bail is confined in the workhouse pending trial, at the time of reception and at other times the person in charge of the operation of the

workhouse determines to be appropriate, the person in charge of the operation of the workhouse may cause the convicted or accused offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the workhouse may cause a convicted or accused offender in the workhouse who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

Sec. 753.21. (A) As used in this section, "building or structure" includes, but is not limited to, a modular unit, building, or structure and a movable unit, building, or structure.

(B)(1) The legislative authority of a municipal corporation, by ordinance, may dedicate and permit the use, as a minimum security jail, of any vacant or abandoned public building or structure owned by the municipal corporation that has not been dedicated to or is not then in use for any municipal or other public purpose, or any building or structure rented or leased by the municipal corporation. The legislative authority of a municipal corporation, by ordinance, also may dedicate and permit the use, as a minimum security jail, of any building or structure purchased by or constructed by or for the municipal corporation. Subject to divisions (B)(3) and (C) of this section, upon the effective date of such an ordinance, the specified building or structure shall be used, in accordance with this section, for the confinement of persons who meet one of the following conditions:

(a) The person is sentenced to a term of imprisonment for a traffic violation, a misdemeanor ~~that is not an offense of violence~~, or a violation of a municipal ordinance ~~that is not an offense of violence~~ and the person is under the jurisdiction of the municipal corporation; or ~~the person~~ is sentenced to a ~~term residential sanction~~ in the jail for a felony of the fourth or fifth degree ~~that is not an offense of violence~~; pursuant to SECTIONS 2929.11 to 2929.19 of the Revised Code, and the jail administrator or the jail administrator's designee has classified the person as a minimAL security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior.

(b) The person is an inmate transferred by order of a judge of the sentencing court upon the request of the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in division (H) of section 9.06 of the Revised Code, who is named

in the request as being suitable for confinement in a minimum security facility ~~and for the confinement of persons convicted of a felony who are and sentenced to a residential sanction in the minimum security misdemeanor jail pursuant to sections 2929.11 to 2929.19 of the Revised Code.~~

(2) The legislative authority of a municipal corporation, by ordinance, may affiliate with the county in which it is located, with one or more counties adjacent to the county in which it is located, or with one or more municipal corporations located within the county in which it is located or within an adjacent county, and dedicate and permit the use, as a minimum security jail, of any vacant or abandoned public building or structure owned by any of the affiliating counties or municipal corporations that has not been dedicated to or is not then in use for any public purpose, or any building or structure rented or leased by any of the affiliating counties or municipal corporations. The legislative authority of a municipal corporation, by ordinance, also may affiliate with one or more counties adjacent to the county in which it is located or with one or more municipal corporations located within the county in which it is located or within an adjacent county and dedicate and permit the use, as a minimum security jail, of any building or structure purchased by or constructed by or for any of the affiliating counties or municipal corporations. Any counties and municipal corporations that affiliate for purposes of this division shall enter into an agreement that establishes the responsibilities for the operation and for the cost of operation of the minimum security jail. Subject to divisions (B)(3) and (C) of this section, upon the effective date of an ordinance adopted under this division, the specified building or structure shall be used, in accordance with this section, for the confinement of persons who meet one of the following conditions:

(a) The person is sentenced to a term of imprisonment for a traffic violation, a misdemeanor ~~that is not an offense of violence~~, or a violation of an ordinance of a municipal corporation ~~that is not an offense of violence~~ and ~~the person~~ is under the jurisdiction of any of the affiliating counties or municipal corporations; or ~~the person~~ is sentenced to a ~~term~~ residential sanction in the jail for a felony of the fourth or fifth degree ~~that is not an offense of violence~~; pursuant to SECTIONS 2929.11 to 2929.19 of the Revised Code, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the

person's prior and current behavior.

(b) The person is an inmate transferred by order of a judge of the sentencing court upon the request of the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in division (H) of section 9.06 of the Revised Code, who is named in the request as being suitable for confinement in a minimum security facility ~~and for the confinement of persons convicted of a felony who are sentenced to a residential sanction in the minimum security misdemeanor jail pursuant to sections 2929.11 to 2929.19 of the Revised Code.~~

(3) No person shall be confined in a building or structure dedicated as a minimum security jail under division (B)(1) or (2) of this section unless the judge who sentenced the person to the term of imprisonment for the traffic violation or the misdemeanor specifies that the term of imprisonment is to be served in that jail, and division (B)(1) or (2) of this section permits the confinement of the person in that jail or unless the judge who sentenced the person to the residential sanction for the felony specifies that the ~~term of imprisonment or the~~ residential sanction is to be served in ~~that a~~ jail, and division (B)(1) or (2) of this section permits the confinement of the person in that jail. If a rented or leased building or structure is so dedicated, the building or structure may be used as a minimum security jail only during the period that it is rented or leased by the municipal corporation or by an affiliated county or municipal corporation. If a person convicted of a misdemeanor is confined to a building or structure dedicated as a minimum security jail under division (B)(1) or (2) of this section and the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in division (H) of section 9.06 of the Revised Code determines that it would be more appropriate for the person so confined to be confined in another jail or workhouse facility, the sheriff, administrator, jailer, or other person may transfer the person so confined to a more appropriate jail or workhouse facility.

(C) All of the following apply in relation to a building or structure that is dedicated pursuant to division (B)(1) or (2) of this section for use as a minimum security jail:

(1) To the extent that the use of the building or structure as a minimum security jail requires a variance from any municipal corporation, county, or township zoning ordinances or regulations, the variance shall be granted.

(2) Except as provided in this section, the building or structure shall not be used to confine any person unless it is in substantial compliance with any applicable housing, fire prevention, sanitation, health, and safety codes, regulations, or standards.

(3) Unless such satisfaction or compliance is required under the standards described in division (C)(4) of this section, and notwithstanding any other provision of state or local law to the contrary, the building or structure need not satisfy or comply with any state or local building standard or code in order to be used to confine a person for the purposes specified in division (B) of this section.

(4) The building or structure shall not be used to confine any person unless it is in compliance with all minimum standards and minimum renovation, modification, and construction criteria for minimum security jails that have been proposed by the department of rehabilitation and correction, through its bureau of adult detention, under section 5120.10 of the Revised Code.

(5) The building or structure need not be renovated or modified into a secure detention facility in order to be used solely to confine a person for the purposes specified in divisions (B)(1)(a) and (B)(2)(a) of this section.

(6) The building or structure shall be used, equipped, furnished, and staffed to provide adequate and suitable living, sleeping, food service or preparation, drinking, bathing and toilet, sanitation, and other necessary facilities, furnishings, and equipment.

(D) Except as provided in this section, a minimum security jail dedicated and used under this section shall be considered to be part of the jail, workhouse, or other correctional facilities of the municipal corporation or the affiliated counties and municipal corporations for all purposes under the law. All persons confined in such a minimum security jail shall be and shall remain, in all respects, under the control of the authority of the municipal corporation that has responsibility for the management and operation of the jail, workhouse, or other correctional facilities of the municipal corporation or, if it is operated by any affiliation of counties or municipal corporations, under the control of the specified county or municipal corporation with that authority, provided that, if the person was convicted of a felony and is serving a residential sanction in the facility, all provisions of law that pertain to persons convicted of a felony that would not by their nature clearly be inapplicable apply regarding the person. A minimum security jail dedicated and used under this section shall be managed and maintained in accordance with policies and procedures adopted by the legislative authority of the municipal corporation or the affiliated counties and municipal corporations governing the safe and healthful operation of the jail, the confinement and supervision of the persons sentenced to it, and their participation in work release or similar rehabilitation programs. In addition to other rules of conduct and discipline,

the rights of ingress and egress of persons confined in a minimum security jail dedicated and used under this section shall be subject to reasonable restrictions. Every person confined in a minimum security jail dedicated and used under this section shall be given verbal and written notification, at the time of the person's admission to the jail, that purposely leaving, or purposely failing to return to, the jail without proper authority or permission constitutes the felony offense of escape.

(E) If a person who has been convicted of or pleaded guilty to an offense is sentenced to a term of imprisonment or a residential sanction in a minimum security jail as described in division (B)(1)(a) or (B)(2)(a) of this section, or if a person is an inmate transferred to a minimum security jail by order of a judge of the sentencing court as described in division (B)(1)(b) or (2)(b) of this section, at the time of reception and at other times the person in charge of the operation of the jail determines to be appropriate, the person in charge of the operation of the jail may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the jail may cause a convicted offender in the jail who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

Sec. 2301.51. (A)(1) The court of common pleas of any county that has a population of two hundred thousand or more may formulate a community-based correctional proposal that, upon implementation, would provide a community-based correctional facility and program for the use of that court in accordance with sections 2301.51 to 2301.56 of the Revised Code. Upon the approval of the director of rehabilitation and correction, the court of common pleas of any county that has a population of two hundred thousand or more may formulate more than one community-based correctional proposal. In determining whether to grant approval to a court to formulate more than one proposal, the director shall consider the rate at which the county served by the court commits felony offenders to the state correctional system. If a court formulates more than one proposal, each proposal shall be for a separate community-based correctional facility and program.

For each community-based correctional proposal formulated under this division, the fact that the proposal has been formulated and the fact of any subsequent establishment of a community-based correctional facility and program pursuant to the proposal shall be entered upon the journal of the court. A county's community-based correctional facilities and programs

all be administered by a judicial corrections board. The presiding judge of the court shall designate the members of the board, who shall be judges of the court. The total number of members of the board shall not exceed eleven. The presiding judge of the court shall serve as chairman of the board.

(2) The courts of common pleas of two or more adjoining or neighboring counties that have an aggregate population of two hundred thousand or more may form a judicial corrections board and proceed to organize a district and formulate a district community-based correctional proposal that, upon implementation, would provide a district community-based correctional facility and program for the use of the member courts in accordance with sections 2301.51 to 2301.56 of the Revised Code. Upon the approval of the director of rehabilitation and correction, a judicial corrections board may formulate more than one district community-based correctional proposal. In determining whether to grant approval to a judicial corrections board to formulate more than one proposal, the director shall consider the rate at which the counties that formed the board commit felony offenders to the state correctional system. If a judicial corrections board formulates more than one proposal, each proposal shall be for a separate district community-based correctional facility and program. The judicial corrections board shall consist of not more than eleven judges of the member courts of common pleas, and each member court shall be represented on the board by at least one judge. The presiding judge of the court of common pleas of the county with the greatest population shall serve as ~~chairman~~ chairperson of the board. The fact of the formation of a board and district, and, for each district community-based correctional proposal formulated under this division, the fact that the proposal has been formulated and the fact of any subsequent establishment of a district community-based correctional facility and program shall be entered upon the journal of each member court of common pleas.

(B)(1) Each proposal for the establishment of a community-based correctional facility and program or district community-based correctional facility and program that is formulated pursuant to division (A) of this section shall be submitted by the judicial corrections board to the division of parole and community services for its approval under section 5120.10 of the Revised Code.

(2) No person shall be sentenced to or placed in a community-based correctional facility and program or to a district community-based correctional facility and program by a court pursuant to section 2929.16 or 2929.17 of the Revised Code; or by the parole board pursuant to section

967.28 of the Revised Code, ~~or by the department of rehabilitation and correction pursuant to section 2967.23 of the Revised Code,~~ or otherwise committed or admitted to a facility and program of that type until after the proposal for the establishment of the facility and program has been approved by the division of parole and community services under section 5120.10 of the Revised Code. A person shall be ~~released by the department of rehabilitation and correction to a facility and program of that type only in accordance with section 2967.23 of the Revised Code,~~ sentenced to a facility and program of that type only pursuant to a sanction imposed by a court pursuant to section 2929.16 or 2929.17 of the Revised Code as the sentence or as any part of the sentence of the person; or otherwise shall be committed or referred to a facility and program of that type only when authorized by law.

(C) Upon the approval by the division of parole and community services of a proposal for the establishment of a community-based correctional facility and program or district community-based correctional facility and program submitted to it under division (B) of this section, the judicial corrections board that submitted the proposal may establish and operate the facility and program addressed by the proposal in accordance with the approved proposal; and division (B)(2) of this section; ~~and section 2967.23 of the Revised Code.~~ The judicial corrections board may submit a request for funding of some or all of its community-based correctional facilities and programs or district community-based correctional facilities and programs to the board of county commissioners of the county, if the judicial corrections board serves a community-based correctional facility and program, or to the boards of county commissioners of all of the member counties, if the judicial corrections board serves a district community-based correctional facility and program. The board or boards may appropriate, but are not required to appropriate, a sum of money for funding all aspects of each facility and program as outlined in sections 2301.51 to 2301.56 of the Revised Code. The judicial corrections board has no recourse against a board or boards of county commissioners, either under Chapter 2731. of the Revised Code, under its contempt power, or under any other authority, if the board or boards of county commissioners do not appropriate money for funding any facility or program or if they appropriate money for funding a facility and program in an amount less than the total amount of the submitted request for funding.

(D)(1) If a court of common pleas that is being served by any community-based correctional facility and program established pursuant to division (C) of this section determines that it no longer wants to be served

by the facility and program, the court may dissolve the facility and program by entering upon the journal of the court the fact of the determination to dissolve the facility and program and by notifying, in writing, the division of parole and community services of the determination to dissolve the facility and program. If the court is served by more than one community-based correctional facility and program, it may dissolve some or all of the facilities and programs and, if it does not dissolve all of the facilities and programs, it shall continue the operation of the remaining facilities and programs.

(2) If all of the courts of common pleas being served by any district community-based correctional facility and program established pursuant to division (C) of this section determine that they no longer want to be served by the facility and program, the courts may dissolve the facility and program by entering upon the journal of each court the fact of the determination to dissolve the facility and program and by the presiding judge of the court of common pleas of the county with the greatest population notifying, in writing, the division of parole and community services of the determination to dissolve the facility and program. If the courts are served by more than one community-based correctional facility and program, they may dissolve some or all of the facilities and programs and, if they do not dissolve all of the facilities and programs, they shall continue the operation of the remaining facilities and programs.

(3) If at least one, but not all, of the courts of common pleas being served by one or more district community-based correctional facilities and programs established pursuant to division (C) of this section determines that it no longer wants to be served by the facilities and programs, the court may terminate its involvement with each of the facilities and programs by entering upon the journal of the court the fact of the determination to terminate its involvement with the facilities and programs and by the court notifying, in writing, the division of parole and community services of the determination to terminate its involvement with the facilities and programs.

If at least one, but not all, of the courts of common pleas being served by one or more district community-based correctional facilities and programs terminates its involvement with each of the facilities and programs in accordance with this division, the other courts of common pleas being served by the facilities and programs may continue to be served by each of the facilities and programs if the other counties are adjoining or neighboring counties and have an aggregate population of two hundred thousand or more.

(E) Nothing in this section, sections 2301.52 to 2301.56, or section ~~2967.23~~, 5120.10, 5120.111, or 5120.122 of the Revised Code modifies or

affects or shall be interpreted as modifying or affecting sections 5149.30 to 5149.37 of the Revised Code.

Sec. 2301.52. Each proposal for a community-based correctional facility and program or a district community-based correctional facility and program shall provide for or contain at least the following:

(A) The designation of a physical facility that will be used for the confinement of persons ~~released to the facility and program by the department of rehabilitation and correction under section 2967.23 of the Revised Code~~, sentenced to the facility and program by a court pursuant to section 2929.16 or 2929.17 of the Revised Code; or persons otherwise committed or admitted pursuant to law to the facility and program. The designate facility shall satisfy all of the following:

(1) Be a secure facility that contains lockups and other measures sufficient to ensure the safety of the surrounding community;

(2) Provide living space and accommodations that are suitable and adequate for the housing upon release, sentencing, or other commitment or admission of the following number of persons:

(a) For a facility that became operational prior to July 1, 1993, at least twenty, but not more than two hundred, persons;

(b) For a facility that becomes operational on or after July 1, 1993, at least fifty, but not more than two hundred, persons.

(3) Be constructed or modified, and maintained and operated, so that it complies with the rules adopted pursuant to Chapter 119. of the Revised Code by the division of parole and community services in the department of rehabilitation and correction for community-based correctional facilities and programs and district community-based correctional facilities and programs.

(B) The designation of a general treatment program that will be applied individually to each person ~~released to the facility and program by the department of rehabilitation and correction under section 2967.23 of the Revised Code~~, sentenced to the facility and program by a court pursuant to section 2929.16 or 2929.17 of the Revised Code; or otherwise committed or admitted pursuant to law to the facility and program. The designated general treatment program shall not be limited to, but at a minimum shall include, provisions to ensure that:

(1) Each person ~~released by the department~~, sentenced by a court; or otherwise committed or admitted to a facility is provided an orientation period of at least thirty days, during which period the person is not permitted to leave the facility and is evaluated in relation to the person's placement in rehabilitative programs;

(2) Each person ~~released by the department~~, sentenced by a court; or

otherwise committed or admitted to a facility is placed in a release program whereby the person will be released temporarily for the purpose of employment in a manner consistent with the applicable work-release program established under section 5147.28 of the Revised Code, for vocational training, or for other educational or rehabilitative programs;

(3) All suitable community resources that are available are utilized in the treatment of each person ~~released by the department~~, sentenced by a court; or otherwise committed or admitted to the facility.

(C) Provisions to ensure that the facility and program will be staffed and operated by persons who satisfy the minimum educational and experience requirements that are prescribed by rule by the department of rehabilitation and correction;

(D) Provisions for an intake officer to screen each felony offender who is sentenced by the court or courts that the facility and program serve and to make recommendations to the sentencing court concerning the admission or referral of each felony offender to the facility and program within fourteen days after notification of sentencing;

(E) Written screening standards that are to be used by an intake officer in screening an offender under the provisions described in division (D) of this section and that at a minimum include provisions to ensure that the intake officer will not make a recommendation to a sentencing court in support of the sentencing of a person to the facility and program if the person is ineligible for placement in the facility and program under rules adopted by the facility's and program's judicial corrections board.

(F) A statement that a good faith effort will be made to ensure that the persons who staff and operate the facility and program proportionately represent the racial, ethnic, and cultural diversity of the persons released, sentenced, or otherwise committed or admitted to the facility and program;

~~(G) A statement indicating that the facility's and program's judicial corrections board, in its discretion, may approve the department of rehabilitation and correction's release to the facility and program of a prisoner serving a definite sentence pursuant to section 2967.23 of the Revised Code.~~

Sec. 2301.55. (A) If a judicial corrections board establishes one or more community-based correctional facilities and programs or district community-based correctional facilities and programs, all of the following apply, for each facility and program so established:

(1) The judicial corrections board shall appoint and fix the compensation of the director of the facility and program and other professional, technical, and clerical employees who are necessary to

properly maintain and operate the facility and program.

The director, under the supervision of the judicial corrections board and subject to the rules of the judicial corrections board that are prescribed under division (B) of this section, shall control, manage, operate, and have general charge of the facility and program, and shall have the custody of its property, files, and records.

(2) The judicial corrections board may enter into contracts with the board of county commissioners of the county in which the facility and program is located or, in the case of a district facility and program, with the county commissioners of any county included in the district, whereby the county is to provide buildings, goods, and services to the facility and program.

(3) The judicial corrections board shall adopt rules for the sentencing or other commitment or admission pursuant to law of persons to, and the operation of, the facility and program. The rules shall provide procedures that conform to sections 2301.51 to 2301.56, ~~2967.23~~, 5120.10, 5120.111, and 5120.112 of the Revised Code. The rules adopted under this division shall be entered upon the journal of the court of each member court of a district.

(B) A judicial corrections board that establishes one or more community-based correctional facilities and programs or district community-based correctional facilities and programs may accept any gift, donation, devise, or bequest of real or personal property made to it by any person, or any grant or appropriation made to it by any federal, state, or local governmental unit or agency, and use the gift, donation, devise, bequest, grant, or appropriation in any manner that is consistent with any conditions of the gift, donation, devise, bequest, grant, or appropriation and that it considers to be in the interests of the facility and program. The judicial corrections board may sell, lease, convey, or otherwise transfer any real or personal property that it accepts pursuant to this division following the procedures specified in sections 307.09, 307.10, and 307.12 of the Revised Code.

(C) A judicial corrections board that establishes one or more community-based correctional facilities and programs or district community-based correctional facilities and programs shall provide the citizens advisory board of the facilities and programs with the staff assistance that the citizens advisory board requires to perform the duties imposed by section 2301.54 of the Revised Code.

Sec. 2301.56. (A) A judicial corrections board that proposes or establishes one or more community-based correctional facilities and

programs or district community-based correctional facilities and programs may apply to the division of parole and community services for state financial assistance for the cost of renovation, maintenance, and operation of any of the facilities and programs. If the judicial corrections board has proposed or established more than one facility and program and if it desires state financial assistance for more than one of the facilities and programs, the board shall submit a separate application for each facility and program for which it desires the financial assistance.

An application for state financial assistance under this section may be made when the judicial corrections board submits for the approval of the section its proposal for the establishment of the facility and program in question to the division of parole and community services under division (B) of section 2301.51 of the Revised Code, or at any time after the section has approved the proposal. All applications for state financial assistance for proposed or approved facilities and programs shall be made on forms that are prescribed and furnished by the department of rehabilitation and correction, and in accordance with section 5120.112 of the Revised Code.

The judicial corrections board may submit a request for funding of some or all of its community-based correctional facilities and programs or district community-based correctional facilities and programs to the board of county commissioners of the county, if the judicial corrections board serves a community-based correctional facility and program, or to the boards of county commissioners of all of the member counties, if the judicial corrections board serves a district community-based correctional facility and program. The board or boards may appropriate, but are not required to appropriate, a sum of money for funding all aspects of each facility and program as outlined in sections 2301.51 to 2301.56 of the Revised Code. The judicial corrections board has no recourse against a board or boards of county commissioners, either under Chapter 2731. of the Revised Code, under its contempt power, or under any other authority, if the board or boards of county commissioners do not appropriate money for funding any facility or program or if they appropriate money for funding a facility and program in an amount less than the total amount of the submitted request for funding.

(B)(1) A board of county commissioners may require a person who was convicted of an offense and who is confined in a community-based correctional facility or district community-based correctional facility as provided in sections 2301.51 to 2301.56 of the Revised Code, to reimburse the county for its expenses incurred by reason of the person's confinement, including, but not limited to, the expenses relating to the provision of food,

clothing, shelter, medical care, personal hygiene products, including, but not limited to, toothpaste, toothbrushes, and feminine hygiene items, and up to two hours of overtime costs the sheriff or municipal corporation incurred relating to the trial of the person. The amount of reimbursement may be the actual cost of the ~~prisoner's~~ person's confinement plus the authorized trial overtime costs or a lesser amount determined by the board of county commissioners for the county, provided that the lesser amount shall be determined by a formula that is uniformly applied to persons incarcerated in the facility. The amount of reimbursement shall be determined by a court at a hearing held pursuant to section 2929.18 of the Revised Code if the ~~prisoner~~ person is confined for a felony or section 2929.223 of the Revised Code if the ~~prisoner~~ person is confined for a misdemeanor. The ~~a confined for a misdemeanor~~ amount or amounts paid in reimbursement by a ~~prisoner~~ person confined for a misdemeanor or the amount recovered from a ~~prisoner~~ person confined for a misdemeanor by executing upon the judgment obtained pursuant to section 2929.223 of the Revised Code shall be paid into the treasury of the county that incurred the expenses. If a ~~prisoner~~ person is confined for a felony and the court imposes a sanction under section 2929.18 of the Revised Code that requires the ~~prisoner~~ person to reimburse the costs of confinement, the prosecuting attorney shall bring an action to recover the expenses of confinement in accordance with section 2929.18 of the Revised Code.

(2) A board of county commissioners may adopt a resolution specifying that a person who is convicted of a felony and who is confined in a community-based correctional facility or district community-based correctional facility as provided in sections 2301.51 to 2301.56 of the Revised Code is not required to reimburse the county for its expenses incurred by reason of the person's confinement, including the expenses listed in division (B)(1) of this section. If the board adopts a resolution of that nature, the board shall provide a copy to the court of common pleas of the county, and the court that sentences a person convicted of a felony shall not impose a sanction under section 2929.18 of the Revised Code that requires the person to reimburse the costs of the confinement.

(C) In lieu of requiring offenders to reimburse the political subdivision for expenses incurred by reason of the person's confinement pursuant to division (B) of this section, the board or boards of county commissioners, acting jointly with the judicial corrections board, may adopt a prisoner reimbursement policy for the community-based correctional facility under this division to be administered under the direction of the director of the facility. The director may appoint a reimbursement coordinator to

administer the facility's prisoner reimbursement policy. A prisoner reimbursement policy adopted under this division is a policy that requires a person confined to the facility to reimburse the county or counties for any expenses it incurs by reason of the person's confinement in the facility, which expenses may include, but are not limited to, the following:

- (1) A per diem fee for room and board of not more than sixty dollars per day or the actual per diem cost, whichever is less, for the entire period of time the person is confined to the facility;
- (2) Actual charges for medical and dental treatment;
- (3) Reimbursement for government property damaged by the person while confined to the facility.

Rates charged shall be on a sliding scale determined by the director with the approval of the judicial corrections board based on the ability of the person confined to the facility to pay and on consideration of any legal obligation of the person to support a spouse, minor children, or other dependents and any moral obligation to support dependents to whom the person is providing or has in fact provided support.

The reimbursement coordinator or another person designated by the director may investigate the financial status of the confined person and obtain information necessary to investigate that status, by means that may include contacting employers and reviewing income tax records. The coordinator may work with the confined person to create a repayment plan to be implemented upon the person's release. At the end of the person's incarceration, the person shall be presented with a billing statement signed by the director.

The reimbursement coordinator or another person designated by the director may collect, or the judicial corrections board may enter into a contract with one or more public agencies or private vendors to collect, any amounts remaining unpaid. Within twelve months after the date of the confined person's release, the prosecuting attorney may file a civil action in the name of the state in the court of common pleas of the county in which the facility is located to seek reimbursement from that person for any billing amount that remains unpaid. No judgment obtained under this section shall be enforced by means of execution against the person's homestead. For purposes of this section, "homestead" has the same meaning as in division (A) of section 323.151 of the Revised Code. Any reimbursement received under this section shall be credited to the general fund of the county that bore the expense, to be used for general fund purposes.

(D)(1) Notwithstanding any contrary provision in this section or section 2929.18 or 2929.223 of the Revised Code, the judicial corrections board

may establish a policy that requires any person who is not indigent and who is confined in the community-based correctional facility or district community-based correctional facility to pay a reasonable fee for any medical treatment or service requested by and provided to that person. This fee shall not exceed the actual cost of the treatment or service provided. No person confined to a community-based correctional facility or district community-based correctional facility who is indigent shall be required to pay those fees, and no person confined to any facility of that type shall be denied any necessary medical care because of inability to pay those fees.

Upon provision of the requested medical treatment or service, payment of the required fee may be automatically deducted from a person's account record in the facility's business office. If the person has no funds in the person's account, a deduction may be made at a later date during the person's confinement in the facility if funds later become available in that person's account. If the person is released from the facility and has an unpaid balance of these fees, the judicial corrections board may bill the person for payment of the remaining unpaid fees. Fees received for medical treatment or services shall be paid into the commissary fund, if one has been created for the facility, or if no such fund exists, into the county treasury of the county that actually paid for the treatment or service.

(2) If a person confined to a community-based correctional facility or district community-based correctional facility is required under division (B) or (C) of this section or section 2929.18 or 2929.223 of the Revised Code to reimburse the county for expenses incurred by reason of the person's confinement to the facility, any fees paid by the person under division (D)(1) of this section shall be deducted from the expenses required to be reimbursed under division (B) or (C) of this section or section 2929.18 or 2929.223 of the Revised Code.

(E) If a person who has been convicted of or pleaded guilty to an offense is confined in a community-based correctional facility or district community-based correctional facility, at the time of reception and at other times the person in charge of the operation of the facility determines to be appropriate, the person in charge of the operation of the facility may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the facility may cause a convicted offender in the facility who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

Sec. 2305.24. Any information, data, reports, or records made available to a quality assurance committee or utilization committee of a hospital or of any not-for-profit health care corporation ~~which~~ that is a member of the hospital or of which the hospital is a member shall be confidential and shall be used by the committee and the committee members only in the exercise of the proper functions of the committee. Any information, data, reports, or records made available to a utilization committee of a state or local medical society composed of doctors of medicine or doctors of osteopathic medicine and surgery shall be confidential and shall be used by the committee and the committee members only in the exercise of the proper functions of the committee. A right of action similar to that a patient may have against an attending physician for misuse of information, data, reports, or records arising out of the physician-patient relationship; shall accrue against a member of a quality assurance committee or utilization committee for misuse of any information, data, reports, or records furnished to the committee by an attending physician. No physician, surgeon, institution, or hospital furnishing information, data, reports, or records to a committee with respect to any patient examined or treated by the physician or surgeon or confined in the institution or hospital shall, by reason of the furnishing, be deemed liable in damages to any person, or be held to answer for betrayal of a professional confidence within the meaning and intent of section 4731.22 of the Revised Code. Information, data, or reports furnished to a utilization committee of a state or local medical society shall contain no name of any person involved therein.

~~Any information, data, reports, or records made available to a quality assurance committee of a state correctional institution operated by the department of rehabilitation and correction or a quality assurance committee of the central office of the department of rehabilitation and correction or department of mental health shall be confidential and shall be used by the department or committee and the department or committee members only in the exercise of the proper functions of the department or committee.~~

As used in this section, "utilization committee" is the committee established to administer a utilization review plan of a hospital, of a not-for-profit health care corporation which is a member of the hospital or of which the hospital is a member, or of an extended care facility as provided in the "Health Insurance for the Aged Act," 79 Stat. 313 (1965), 42 U.S.C. 1395x(k).

Sec. 2305.25. (A) No health care entity and no individual who is a member of or works on behalf of any of the following boards or committees of a health care entity or of any of the following corporations shall be liable

in damages to any person for any acts, omissions, decisions, or other conduct within the scope of the functions of the board, committee, or corporation:

(1) A peer review committee of a hospital, a nonprofit health care corporation which is a member of the hospital or of which the hospital is a member, or a community mental health center;

(2) A board or committee of a hospital or of a nonprofit health care corporation which is a member of the hospital or of which the hospital is a member reviewing professional qualifications or activities of the hospital medical staff or applicants for admission to the medical staff;

(3) A utilization committee of a state or local society composed of doctors of medicine or doctors of osteopathic medicine and surgery or doctors of podiatric medicine;

(4) A peer review committee of nursing home providers or administrators, including a corporation engaged in performing the functions of a peer review committee of nursing home providers or administrators, or a corporation engaged in the functions of another type of peer review or professional standards review committee;

(5) A peer review committee, professional standards review committee, or arbitration committee of a state or local society composed of doctors of medicine, doctors of osteopathic medicine and surgery, doctors of dentistry, doctors of optometry, doctors of podiatric medicine, psychologists, or registered pharmacists;

(6) A peer review committee of a health insuring corporation that has at least a two-thirds majority of member physicians in active practice and that conducts professional credentialing and quality review activities involving the competence or professional conduct of health care providers, which conduct adversely affects, or could adversely affect, the health or welfare of any patient. For purposes of this division, "health insuring corporation" includes wholly owned subsidiaries of a health insuring corporation.

(7) A peer review committee of any insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state that has at least a two-thirds majority of physicians in active practice and that conducts professional credentialing and quality review activities involving the competence or professional conduct of health care providers, which conduct adversely affects, or could adversely affect, the health or welfare of any patient;

(8) A peer review committee of any insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state that has at least a two-thirds majority of physicians in

active practice and that conducts professional credentialing and quality review activities involving the competence or professional conduct of a health care facility that has contracted with the insurer to provide health care services to insureds, which conduct adversely affects, or could adversely affect, the health or welfare of any patient;

~~(9) A quality assurance committee of a state correctional institution operated by the department of rehabilitation and correction;~~

~~(10) A quality assurance committee of the central office of the department of rehabilitation and correction or department of mental health;~~

~~(H)~~ A peer review committee of an insurer authorized under Title XXXIX of the Revised Code to do the business of medical professional liability insurance in this state and that conducts professional quality review activities involving the competence or professional conduct of health care providers, which conduct adversely affects, or could affect, the health or welfare of any patient;

~~(I)~~(10) A peer review committee of a health care entity.

(B)(1) A hospital shall be presumed to not be negligent in the credentialing of a qualified person if the hospital proves by a preponderance of the evidence that at the time of the alleged negligent credentialing of the qualified person it was accredited by the joint commission on accreditation of health care organizations, the American osteopathic association, or the national committee for quality assurance.

(2) The presumption that a hospital is not negligent as provided in division (B)(1) of this section may be rebutted only by proof, by a preponderance of the evidence, of any of the following:

(a) The credentialing and review requirements of the accrediting organization did not apply to the hospital, the qualified person, or the type of professional care that is the basis of the claim against the hospital.

(b) The hospital failed to comply with all material credentialing and review requirements of the accrediting organization that applied to the qualified person.

(c) The hospital, through its medical staff executive committee or its governing body and sufficiently in advance to take appropriate action, knew that a previously competent qualified person with staff privileges at the hospital had developed a pattern of incompetence that indicated that the qualified person's privileges should have been limited prior to treating the plaintiff at the hospital.

(d) The hospital, through its medical staff executive committee or its governing body and sufficiently in advance to take appropriate action, knew that a previously competent qualified person with staff privileges at the

hospital would provide fraudulent medical treatment but failed to limit the qualified person's privileges prior to treating the plaintiff at the hospital.

(3) If the plaintiff fails to rebut the presumption provided in division (B)(1) of this section, upon the motion of the hospital, the court shall enter judgment in favor of the hospital on the claim of negligent credentialing.

(C) Nothing in this section otherwise shall relieve any individual or health care entity from liability arising from treatment of a patient. Nothing in this section shall be construed as creating an exception to section 2305.251 of the Revised Code.

(D) No person who provides information under this section without malice and in the reasonable belief that the information is warranted by the facts known to the person shall be subject to suit for civil damages as a result of providing the information.

(E) ~~For purposes of~~ As used in this section:

(1) "Peer review committee" means a utilization review committee, quality assurance committee, quality improvement committee, tissue committee, credentialing committee, or other committee that conducts professional credentialing and quality review activities involving the competence or professional conduct of health care practitioners.

(2) "Health care entity" means a government entity, a for-profit or nonprofit corporation, a limited liability company, a partnership, a professional corporation, a state or local society as described in division (A)(3) of this section, or other health care organization, including, but not limited to, health care entities described in division (A) of this section, whether acting on its own behalf or on behalf of or in affiliation with other health care entities, that conducts, as part of its purpose, professional credentialing or quality review activities involving the competence or professional conduct of health care practitioners or providers.

(3) "Hospital" means either of the following:

(a) An institution that has been registered or licensed by the Ohio department of health as a hospital;

(b) An entity, other than an insurance company authorized to do business in this state, that owns, controls, or is affiliated with an institution that has been registered or licensed by the Ohio department of health as a hospital.

(4) "Qualified person" means a member of the medical staff of a hospital or a person who has professional privileges at a hospital pursuant to section 3701.351 of the Revised Code.

(F) This section shall be considered to be purely remedial in its operation and shall be applied in a remedial manner in any civil action in

which this section is relevant, whether the civil action is pending in court or commenced on or after the effective date of this section, regardless of when the cause of action accrued and notwithstanding any other section of the Revised Code or prior rule of law of this state.

Sec. 2305.251. Proceedings and records within the scope of the peer review or utilization review functions of all review boards, committees, or corporations described in section 2305.25 of the Revised Code shall be held in confidence and shall not be subject to discovery or introduction in evidence in any civil action against a health care professional, ~~the department of rehabilitation and correction, the department of mental health,~~ a hospital, a not-for-profit health care corporation ~~which that~~ is a member of a hospital or of which a hospital is a member, or ~~other~~ another health care entity arising out of matters that are the subject of evaluation and review by the review board, committee, or corporation. No person in attendance at a meeting of a review board, committee, or corporation or serving as a member or employee of a review board, committee, or corporation shall be permitted or required to testify in any civil action as to any evidence or other matters produced or presented during the proceedings of the review board, committee, or corporation or as to any finding, recommendation, evaluation, opinion, or other action of the review board, committee, or corporation or a member or employee of it. Information, documents, or records otherwise available from original sources are not to be construed as being unavailable for discovery or for use in any civil action merely because they were presented during proceedings of a review board, committee, or corporation, nor should any person testifying before a review board, committee, or corporation or who is a member or employee of the review board, committee, or corporation be prevented from testifying as to matters within the person's knowledge, but the witness cannot be asked about the witness's testimony before the review board, committee, or corporation or an opinion formed by the witness as a result of the review board, committee, or corporation hearing. An order by a court to produce for discovery or for use at trial the proceedings or records described in this section is a final order.

Sec. 2901.07. (A) As used in this section:

(1) "DNA analysis" and "DNA specimen" have the same meanings as in section 109.573 of the Revised Code.

(2) "Jail" and "community-based correctional facility" have the same meanings as in section 2929.01 of the Revised Code.

(3) "Post-release control" has the same meaning as in section ~~2967.28~~ 2967.01 of the Revised Code.

(B)(1) A person who is convicted of or pleads guilty to a felony offense

listed in division (D) of this section and who is sentenced to a prison term or to a community residential sanction in a jail or community-based correctional facility pursuant to section 2929.16 of the Revised Code, and a person who is convicted of or pleads guilty to a misdemeanor offense listed in division (D) of this section and who is sentenced to a term of imprisonment shall submit to a DNA specimen collection procedure administered by the director of rehabilitation and correction or the chief administrative officer of the jail or other detention facility in which the person is serving the term of imprisonment. If the person serves the prison term in a state correctional institution, the director of rehabilitation and correction shall cause the DNA specimen to be collected from the person during the intake process at the reception facility designated by the director. If the person serves the community residential sanction or term of imprisonment in a jail, a community-based correctional facility, or another county, multicounty, municipal, municipal-county, or multicounty-municipal detention facility, the chief administrative officer of the jail, community-based correctional facility, or detention facility shall cause the DNA specimen to be collected from the person during the intake process at the jail, community-based correctional facility, or detention facility. In accordance with division (C) of this section, the director or the chief administrative officer shall cause the DNA specimen to be forwarded to the bureau of criminal identification and investigation no later than fifteen days after the date of the collection of the DNA specimen. The DNA specimen shall be collected in accordance with division (C) of this section.

(2) If a person is convicted of or pleads guilty to an offense listed in division (D) of this section, is serving a prison term, community residential sanction, or term of imprisonment for that offense, and does not provide a DNA specimen pursuant to division (B)(1) of this section, prior to the person's release from the prison term, community residential sanction, or imprisonment, the person shall submit to, and director of rehabilitation and correction or the chief administrative officer of the jail, community-based correctional facility, or detention facility in which the person is serving the prison term, community residential sanction, or term of imprisonment shall administer, a DNA specimen collection procedure at the state correctional institution, jail, community-based correctional facility, or detention facility in which the person is serving the prison term, community residential sanction, or term of imprisonment. In accordance with division (C) of this section, the director or the chief administrative officer shall cause the DNA specimen to be forwarded to the bureau of criminal identification and investigation no later than fifteen days after the date of the collection of the

DNA specimen. The DNA specimen shall be collected in accordance with division (C) of this section.

(3) If a person serving a prison term or community residential sanction for a felony is released on parole, ~~furlough~~ under transitional control, or ~~other~~ on another type of release or is on post-release control, if the person is under the supervision of the adult parole authority, if the person is returned to a jail, community-based correctional facility, or state correctional institution for a violation of ~~a condition~~ the terms and conditions of the parole, ~~furlough~~ transitional control, other release, or post-release control, if the person was or will be serving a prison term or community residential sanction for committing an offense listed in division (D) of this section, and if the person did not provide a DNA specimen pursuant to division (B)(1) or (2) of this section, the person shall submit to, and the director of rehabilitation and correction or the chief administrative officer of the jail or community-based correctional facility shall administer, a DNA specimen collection procedure at the jail, community-based correctional facility, or state correctional institution in which the person is serving the prison term or community residential sanction. In accordance with division (C) of this section, the director or the chief administrative officer shall cause the DNA specimen to be forwarded to the bureau of criminal identification and investigation no later than fifteen days after the date of the collection of the DNA specimen. The DNA specimen shall be collected from the person in accordance with division (C) of this section.

(C) A physician, registered nurse, licensed practical nurse, duly licensed clinical laboratory technician, or other qualified medical practitioner shall collect in a medically approved manner the DNA specimen required to be collected pursuant to division (B) of this section. No later than fifteen days after the date of the collection of the DNA specimen, the director of rehabilitation and correction or the chief administrative officer of the jail, community-based correctional facility, or other county, multicounty, municipal, municipal-county, or multicounty-municipal detention facility, in which the person is serving the prison term, community residential sanction, or term of imprisonment shall cause the DNA specimen to be forwarded to the bureau of criminal identification and investigation in accordance with procedures established by the superintendent of the bureau under division (H) of section 109.573 of the Revised Code. The bureau shall provide the specimen vials, mailing tubes, labels, postage, and instructions needed for the collection and forwarding of the DNA specimen to the bureau.

(D) The director of rehabilitation and correction and the chief administrative officer of the jail, community-based correctional facility, or

other county, multicounty, municipal, municipal-county, or multicounty-municipal detention facility shall cause a DNA specimen to be collected in accordance with divisions (B) and (C) of this section from a person in its custody who is convicted of or pleads guilty to any of the following offenses:

(1) A violation of section 2903.01, 2903.02, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, or 2911.11 of the Revised Code;

(2) A violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996;

(3) An attempt to commit a violation of section 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code or to commit a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996;

(4) A violation of any law that arose out of the same facts and circumstances and same act as did a charge against the person of a violation of section 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code that previously was dismissed or as did a charge against the person of a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996, that previously was dismissed;

(5) A violation of section 2905.02 or 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had it been committed prior to that date;

(6) A sexually oriented offense, as defined in section 2950.01 of the Revised Code, if, in relation to that offense, the offender has been adjudicated as being a sexual predator, as defined in section 2950.01 of the Revised Code.

(E) The director of rehabilitation and correction or a chief administrative officer of a jail, community-based correctional facility, or other detention facility described in division (B) of this section is not required to comply with this section until the superintendent of the bureau of criminal identification and investigation gives agencies in the criminal justice system, as defined in section 181.51 of the Revised Code, in the state official notification that the state DNA laboratory is prepared to accept DNA specimens.

Sec. 2903.13. (A) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.

(B) No person shall recklessly cause serious physical harm to another or to another's unborn.

(C) Whoever violates this section is guilty of assault. Except as otherwise provided in division (C)(1), (2), or (3) of this section, assault is a misdemeanor of the first degree.

(1) ~~If~~ Except as otherwise provided in this division, if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, assault is a felony of the fourth degree. If the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, if the offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.11 or 2903.16 of the Revised Code, and if in relation to the previous conviction the offender was a caretaker and the victim was a functionally impaired person under the offender's care, assault is a felony of the third degree.

(2) If the offense is committed in any of the following circumstances, assault is a felony of the fifth degree:

(a) The offense occurs in or on the grounds of a state correctional institution or an institution of the department of youth services, the victim of the offense is an employee of the department of rehabilitation and correction, the department of youth services, or a probation department or is on the premises of the particular institution for business purposes or as a visitor, and the offense is committed by a person incarcerated in the state correctional institution, by a person institutionalized in the department of youth services institution pursuant to a commitment to the department of youth services, ~~or by a probationer, furloughed, or parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency;~~

(b) The offense occurs in or on the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department or is on the premises of the facility for business purposes or as a visitor, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person's being charged with or convicted of any crime, or subsequent to the person's being alleged to be or adjudicated a delinquent child.

(c) The offense occurs off the grounds of a state correctional institution and off the grounds of an institution of the department of youth services, the victim of the offense is an employee of the department of rehabilitation and correction, the department of youth services, or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person incarcerated in a state correctional institution or institutionalized in the department of youth services who temporarily is outside of the institution for any purpose ~~or~~, by a probationer, or parolee, ~~or~~

furlougee by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.

(d) The offense occurs off the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person being charged with or convicted of any crime, or subsequent to the person being alleged to be or adjudicated a delinquent child and who temporarily is outside of the facility for any purpose or by a probationer; or parolee, or furlougee by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.

(e) The victim of the offense is a school teacher or administrator or a school bus operator, and the offense occurs on school premises, in a school building, on a school bus, or while the victim is outside of school premises or a school bus and is engaged in duties or official responsibilities associated with the victim's employment or position as a school teacher or administrator or a school bus operator, including, but not limited to, driving, accompanying, or chaperoning students at or on class or field trips, athletic events, or other school extracurricular activities or functions outside of school premises.

(3) If the victim of the offense is a peace officer, a fire fighter, or a person performing emergency medical service, while in the performance of their official duties, assault is a felony of the fourth degree.

(4) As used in this section:

(a) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(b) "Fire fighter" has the same meaning as in section 3937.41 of the Revised Code.

(c) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.

(d) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal,

nty, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.

(e) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.

(f) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code.

(g) "School teacher or administrator" means either of the following:

(i) A person who is employed in the public schools of the state under a contract described in section 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.

(ii) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.

(h) "School bus" has the same meaning as in section 4511.01 of the Revised Code.

(i) "Community control sanction" has the same meaning as in section 2929.01 Of the Revised Code.

(j) "Escorted visit" means an escorted visit granted under section 2967.27 Of the Revised Code.

(k) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 Of the Revised Code.

Sec. 2921.36. (A) No person shall knowingly convey, or attempt to convey, onto the grounds of a detention facility or of an institution that is under the control of the department of mental health or the department of mental retardation and developmental disabilities, any of the following items:

(1) Any deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code, or any part of or ammunition for use in such a deadly weapon or dangerous ordnance;

(2) Any drug of abuse, as defined in section 3719.011 of the Revised Code;

(3) Any intoxicating liquor, as defined in section 4301.01 of the Revised Code.

(B) Division (A) of this section does not apply to any person who conveys or attempts to convey an item onto the grounds of a detention

ity or of an institution under the control of the department of mental health or the department of mental retardation and developmental disabilities pursuant to the written authorization of the person in charge of the detention facility or the institution and in accordance with the written rules of the detention facility or the institution.

(C) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility or to any patient in an institution under the control of the department of mental health or the department of mental retardation and developmental disabilities, any item listed in division (A)(1), (2), or (3) of this section.

(D) No person shall knowingly deliver, or attempt to deliver, cash to any person who is confined in a detention facility.

(E)(1) It is an affirmative defense to a charge under division (A)(1) of this section that the weapon or dangerous ordnance in QUESTION was being transported in a motor vehicle for any lawful purpose, that it was not on the actor's person, and, if the weapon or dangerous ORDNANCE in QUESTION was a firearm, that it was unloaded and was being carried in a closed package, box, or case or in a compartment that can be reached only by leaving the vehicle.

(2) It is an affirmative defense to a charge under division (C) of this section that the actor was not otherwise prohibited by law from delivering the item to the confined person or the patient and that either of the following applies:

~~(1)(a)~~ The actor was permitted by the written rules of the detention facility or the institution to deliver the item to the confined person or the patient.

~~(2)(b)~~ The actor was given written authorization by the person in charge of the detention facility or the institution to deliver the item to the confined person or the patient.

(F)(1) Whoever violates division (A)(1) of this section or commits a violation of division (C) of this section involving an item listed in division (A)(1) of this section is guilty of illegal conveyance of weapons onto the grounds of a detention facility or a mental health or mental retardation and developmental disabilities institution, a felony of the fourth degree. If the offender is an officer or employee of the department of rehabilitation and correction, the court shall impose a mandatory prison term.

(2) Whoever violates division (A)(2) of this section or commits a violation of division (C) of this section involving any drug of abuse is guilty of illegal conveyance of drugs of abuse onto the grounds of a detention facility or a mental health or mental retardation and developmental

disabilities institution, a felony of the fourth degree if the offender is an officer or employee of the facility or institution or a felony of the fifth degree if the offender is not such an officer or employee. If the offender is an officer or employee of the department of rehabilitation and correction, the court shall impose a mandatory prison term.

(3) Whoever violates division (A)(3) of this section or commits a violation of division (C) of this section involving any intoxicating liquor is guilty of illegal conveyance of intoxicating liquor onto the grounds of a detention facility or a mental health or mental retardation and developmental disabilities institution, a misdemeanor of the second degree.

(4) Whoever violates division (D) of this section is guilty of illegal conveyance of cash onto the grounds of a detention facility, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (D) of this section, illegal conveyance of cash onto the grounds of a detention facility is a felony of the fifth degree.

Sec. 2929.01. As used in this chapter:

(A)(1) "Alternative residential facility" means, subject to division (A)(2) of this section, any facility other than an offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria:

(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation. ~~Alternative~~

(b) It has received the appropriate license or certificate for any specialized EDUCATION, training, treatment, habilitation, or other service that it provides from the government agency that is responsible for licensing or certifying that type of EDUCATION, training, treatment, habilitation, or service.

(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or prison.

(B) "Bad time" means the time by which the parole board administratively extends an offender's stated prison term or terms pursuant to section 2967.11 of the Revised Code because the parole board finds by clear and convincing evidence that the offender, while serving the prison term or terms, committed an act that is a criminal offense under the law of this state or the United States, whether or not the offender is prosecuted for the commission of that act.

(C) "Basic supervision" means a requirement that the offender maintain contact with a person appointed to supervise the offender in accordance with

sanctions imposed by the court or imposed by the parole board pursuant to section 2967.28 of the Revised Code.

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code.

(E) "Community-based correctional facility" means a community-based correctional facility and program or district community-based correctional facility and program developed pursuant to sections 2301.51 to 2301.56 of the Revised Code.

(F) "Community control sanction" means a sanction that is not a prison term and that is described in section 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code.

(G) "Criminally injurious conduct" means any conduct of the type that is described in division (C)(1) or (2) of section 2743.51 of the Revised Code and that occurs on or after July 1, 1996.

(H) "Controlled substance," "marihuana," "schedule I," and "schedule II" have the same meanings as in section 3719.01 of the Revised Code.

(I) "Curfew" means a requirement that an offender during a specified period of time be at a designated place.

(J) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center.

(K) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.

(L) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the offender has ingested any alcohol or other drugs.

(M) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance upon alcohol, another drug, or alcohol and another drug and under which the person may be required to receive assessment and treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment.

(N) "Economic loss" means any economic detriment suffered by a victim as a result of criminally injurious conduct and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result

of the criminally injurious conduct.

(O) "Education or training" includes study at, or in conjunction with a program offered by, a university, college, or technical college or vocational study and also includes the completion of primary school, secondary school, and literacy curriculums or their equivalent.

(P) "Electronically monitored house arrest" has the same meaning as in section 2929.23 of the Revised Code.

(Q) "Eligible offender" has the same meaning as in section 2929.23 of the Revised Code except as otherwise specified in section 2929.20 of the Revised Code.

(R) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

(S) "Halfway house" means a facility licensed by the division of parole and community services of the department of rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders.

(T) "House arrest" means a period of confinement of an eligible offender that is in the eligible offender's home or in other premises specified by the sentencing court or by the parole board pursuant to section 2967.28 of the Revised Code, that may be electronically monitored house arrest, and during which all of the following apply:

(1) The eligible offender is required to remain in the eligible offender's home or other specified premises for the specified period of confinement, except for periods of time during which the eligible offender is at the eligible offender's place of employment or at other premises as authorized by the sentencing court or by the parole board.

(2) The eligible offender is required to report periodically to a person designated by the court or parole board.

(3) The eligible offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.

(U) "Intensive supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order.

(V) "Jail" means a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of

political subdivisions of this state.

(W) "Delinquent child" has the same meaning as in section 2151.02 of the Revised Code.

(X) "License violation report" means a report that is made by a sentencing court, or by the parole board pursuant to section 2967.28 of the Revised Code, to the regulatory or licensing board or agency that issued an offender a professional license or a license or permit to do business in this state and that specifies that the offender has been convicted of or pleaded guilty to an offense that may violate the conditions under which the offender's professional license or license or permit to do business in this state was granted or an offense for which the offender's professional license or license or permit to do business in this state may be revoked or suspended.

(Y) "Major drug offender" means an offender who is convicted of or pleads guilty to the possession of, sale of, or offer to sell any drug, compound, mixture, preparation, or substance that consists of or contains at least one thousand grams of hashish; at least one hundred grams of crack cocaine; at least one thousand grams of cocaine that is not crack cocaine; at least two hundred fifty grams of heroin; at least five thousand unit doses of L.S.D.; or at least one hundred times the amount of any other schedule I or II controlled substance other than marihuana that is necessary to commit a felony of the third degree pursuant to section 2925.03, 2925.04, 2925.05, 2925.06, or 2925.11 of the Revised Code that is based on the possession of, sale of, or offer to sell the controlled substance.

(Z) "Mandatory prison term" means ~~either~~ any of the following:

(1) Subject to division ~~(C)~~(Z)(2) of this section, the term in prison that must be imposed for the offenses or circumstances set forth in divisions (F)(1) to (8) or (F)(10) of section 2929.13 and division (D) of section 2929.14 of the Revised Code. Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 2925.11 of the Revised Code, unless the maximum or another specific term is required under section 2929.14 of the Revised Code, a mandatory prison term described in this division may be any prison term authorized for the level of offense.

(2) The term of sixty days in prison that a sentencing court is required to impose for a fourth degree felony OMVI offense pursuant to division (G)(2) of section 2929.13 and division (A)(4) of section 4511.99 of the Revised Code.

~~(2)~~(3) The term in prison imposed pursuant to section 2971.03 of the Revised Code for the offenses and in the circumstances described in division (F)(9) of section 2929.13 Of the Revised Code and that term as modified or

terminated pursuant to section 2971.05 of the Revised Code.

(AA) "Monitored time" means a period of time during which an offender continues to be under the control of the sentencing court or parole board, subject to no conditions other than leading a law abiding life.

(BB) "Offender" means a person who, in this state, is convicted of or pleads guilty to a felony or a misdemeanor.

(CC) "Prison" means a residential facility used for the confinement of convicted felony offenders that is under the control of the department of rehabilitation and correction but does not include a violation sanction center operated under authority of section 2967.141 Of the Revised Code.

(DD) "Prison term" includes any of the following sanctions for an offender:

(1) A stated prison term;

(2) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.20, 2967.26, ~~2967.27~~, 5120.031, 5120.032, or 5120.073 of the Revised Code;

(3) A term in prison extended by bad time imposed pursuant to section 2967.11 of the Revised Code or imposed for a violation of post-release control pursuant to section 2967.28 of the Revised Code.

(EE) "Repeat violent offender" means a person about whom both of the following apply:

(1) The person has been convicted of or has pleaded guilty to, and is being sentenced for committing, for complicity in committing, or for an attempt to commit, aggravated murder, murder, involuntary manslaughter, a felony of the first degree other than one set forth in Chapter 2925. of the Revised Code, a felony of the first degree set forth in Chapter 2925. of the Revised Code that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person, or a felony of the second degree that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person.

(2) Either of the following applies:

(a) The person previously was convicted of or pleaded guilty to, and served a prison term for, any of the following:

(i) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration in violation of ~~former~~ section 2907.12 of the Revised Code as it existed prior to September 3, 1996, a felony of the first or second degree that resulted in the death of a person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

(ii) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an

offense listed under division (EE)(2)(a)(i) of this section.

(b) The person previously was adjudicated a delinquent child for committing an act that if committed by an adult would have been an offense listed in division (EE)(2)(a)(i) or (ii) of this section, the person was committed to the department of youth services for that delinquent act, and the juvenile court in which the person was adjudicated a delinquent child made a specific finding that the adjudication should be considered a conviction for purposes of a determination in the future pursuant to this chapter as to whether the person is a repeat violent offender.

(FF) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 of the Revised Code.

(GG) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to a felony.

(HH) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14 or 2971.03 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense, and any time spent under house arrest or electronically monitored house arrest imposed after earning credits pursuant to section 2967.193 of the Revised Code.

(II) "Victim-offender mediation" means a reconciliation or mediation program that involves an offender and the victim of the offense committed by the offender and that includes a meeting in which the offender and the victim may discuss the offense, discuss restitution, and consider other sanctions for the offense.

~~(JJ)~~(JJ) "Fourth degree felony OMVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under section 4511.99 of the Revised Code, is a felony of the fourth degree.

~~(KK)~~(KK) "Mandatory term of local incarceration" means the term of sixty days in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility that a sentencing court is required to impose upon a person who is convicted of or pleads guilty to a fourth degree felony OMVI offense pursuant to division (G)(1) of section 2929.13 of the Revised Code and division (A)(4) of section 4511.99 of the Revised Code.

~~(LL)~~(LL) "Designated homicide, assault, or kidnapping offense,"

"sexual motivation specification," "sexually violent offense," "sexually violent predator," and "sexually violent predator specification" have the same meanings as in section 2971.01 of the Revised Code.

~~(PP)~~(MM) "Habitual sex offender," "sexually oriented offense," and "sexual predator" have the same meanings as in section 2950.01 of the Revised Code.

Sec. 2929.13. (A) Except as provided in division (E), (F), or (G) of this section and unless a specific sanction is required to be imposed or is precluded from being imposed pursuant to law, a court that imposes a sentence upon an offender for a felony may impose any sanction or combination of sanctions on the offender that are provided in sections 2929.14 to 2929.18 of the Revised Code. The sentence shall not impose an unnecessary burden on state or local government resources.

If the offender is eligible to be sentenced to community control sanctions, the court shall consider the appropriateness of imposing a financial sanction pursuant to section 2929.18 of the Revised Code or a sanction of community service pursuant to section 2929.17 of the Revised Code as the sole sanction for the offense. Except as otherwise provided in this division, if the court is required to impose a mandatory prison term for the offense for which sentence is being imposed, the court also may impose a financial sanction pursuant to section 2929.18 of the Revised Code but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

If the offender is being sentenced for a fourth degree felony OMVI offense, in addition to the mandatory term of local incarceration or the mandatory prison term required for the offense by division (G)(1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) If division (G)(1) of this section requires that the offender be sentenced to a mandatory term of local incarceration, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code;

(2) If division (G)(2) of this section requires that the offender be sentenced to a mandatory prison term, an additional prison term as described in division (D)(4) of section 2929.14 of the Revised Code.

(B)(1) Except as provided in division (B)(2), (E), (F), or (G) of this section, in sentencing an offender for a felony of the fourth or fifth degree, the sentencing court shall determine whether any of the following apply:

(a) In committing the offense, the offender caused physical harm to a

person.

(b) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.

(c) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person.

(d) The offender held a public office or position of trust and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.

(e) The offender committed the offense for hire or as part of an organized criminal activity.

(f) The offense is a sex offense that is a fourth or fifth degree felony violation of section 2907.03, 2907.04, 2907.05, 2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the Revised Code.

(g) The offender previously served a prison term.

(h) The offender previously was subject to a community control sanction, and the offender committed another offense while under the sanction.

(2)(a) If the court makes a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), or (h) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a prison term is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code and finds that the offender is not amenable to an available community control sanction, the court shall impose a prison term upon the offender.

(b) Except as provided in division (E), (F), or (G) of this section, if the court does not make a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), or (h) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a community control sanction or combination of community control sanctions is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code, the court shall impose a community control sanction or combination of community control sanctions upon the offender.

(C) Except as provided in division (E) or (F) of this section, in determining whether to impose a prison term as a sanction for a felony of the third degree or a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to

this division for purposes of sentencing, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code.

(D) Except as provided in division (E) or (F) of this section, for a felony of the first or second degree and for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, it is presumed that a prison term is necessary in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. Notwithstanding the presumption established under this division, the sentencing court may impose a community control sanction or a combination of community control sanctions instead of a prison term on an offender for a felony of the first or second degree or for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable if it makes both of the following findings:

(1) A community control sanction or a combination of community control sanctions would adequately punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a lesser likelihood of recidivism outweigh the applicable factors under that section indicating a greater likelihood of recidivism.

(2) A community control sanction or a combination of community control sanctions would not demean the seriousness of the offense, because one or more factors under section 2929.12 of the Revised Code that indicate that the offender's conduct was less serious than conduct normally constituting the offense are applicable, and they outweigh the applicable factors under that section that indicate that the offender's conduct was more serious than conduct normally constituting the offense.

(E)(1) Except as provided in division (F) of this section, for any drug offense that is a violation of any provision of Chapter 2925. of the Revised Code and that is a felony of the third, fourth, or fifth degree, the applicability of a presumption under division (D) of this section in favor of a prison term or of division (B) or (C) of this section in determining whether to impose a prison term for the offense shall be determined as specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code, whichever is applicable regarding the violation.

(2) If an offender who was convicted of or pleaded guilty to a felony drug offense in violation of a provision of Chapter 2925., 3719., or 4729. of

the Revised Code violates the conditions of a community control sanction imposed for the offense solely by possession or using a controlled substance and if the offender has not failed to meet the conditions of any drug treatment program in which the offender was ordered to participate as a sanction for the offense, the court, as punishment for the violation of the sanction, shall order that the offender participate in a drug treatment program or in alcoholics anonymous, narcotics anonymous, or a similar program if the court determines that an order of that nature is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code. If the court determines that an order of that nature would not be consistent with those purposes and principles or if the offender violated the conditions of a drug treatment program in which the offender participated as a sanction for the offense, the court may impose on the offender a sanction authorized for the violation of the sanction, including a prison term.

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code, shall not reduce the terms pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

- (1) Aggravated murder when death is not imposed or murder;
- (2) Rape or an attempt to commit rape by force when the victim is under thirteen years of age;
- (3) Gross sexual imposition or sexual battery, if the victim is under thirteen years of age, if the offender previously was convicted of or pleaded guilty to rape, felonious sexual penetration, gross sexual imposition, or sexual battery, and if the victim of the previous offense was under thirteen years of age;
- (4) A felony violation of section 2903.06, 2903.07, or 2903.08 of the Revised Code if the section requires the imposition of a prison term;
- (5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;
- (6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this section, if the offender

previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses;

(7) Any offense, other than a violation of section 2923.12 of the Revised Code, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to division (D)(1)(a) of section 2929.14 of the Revised Code for having the firearm;

(8) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree;

(9) Any sexually violent offense for which the offender also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging the sexually violent offense;

(10) A violation of division (A)(1) or (2) of section 2921.36 Of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A)(1) or (2) of that section, if the offender is an officer or employee of the department of rehabilitation and correction.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OMVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:

(1) Except as provided in division (G)(2) of this section, the court shall impose upon the offender a mandatory term of local incarceration of sixty days as specified in division (A)(4) of section 4511.99 of the Revised Code and shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. The court shall not sentence the offender to a prison term and shall not specify that the offender is to serve the mandatory term of local incarceration in prison. A mandatory term of local incarceration imposed under division (G)(1) of this section is not subject to extension under section 2967.11 of the Revised Code, to a period of post-release control under section 2967.28 of the Revised Code, or to any other Revised Code provision that pertains to a prison term.

(2) If the offender previously has been sentenced to a mandatory term of local incarceration pursuant to division (G)(1) of this section for a fourth degree felony OMVI offense, the court shall impose upon the offender a mandatory prison term of sixty days as specified in division (A)(4) of section 4511.99 of the Revised Code and shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. In no case shall an offender who once has been sentenced to a mandatory term of local incarceration pursuant to division (G)(1) of this section for a fourth degree felony OMVI offense be sentenced to another mandatory term of local incarceration under that division for a fourth degree felony OMVI offense. The court shall not sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code. The department of rehabilitation and correction may place an offender sentenced to a mandatory prison term under this division in an intensive program prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement.

~~(G)~~(H) If an offender is being sentenced for a sexually oriented offense committed on or after the effective date of this amendment, the judge shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code if either of the following applies:

(1) The offense was a sexually violent offense, and the offender also was convicted of or pleaded guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging the sexually violent offense.

(2) The judge imposing sentence for the sexually oriented offense determines pursuant to division (B) of section 2950.09 of the Revised Code that the offender is a sexual predator.

~~(H)~~(I) If an offender is being sentenced for a sexually oriented offense committed on or after the effective date of this amendment, the judge shall include in the sentence a summary of the offender's duty to register pursuant to section 2950.04 of the Revised Code, the offender's duty to provide notice of a change in residence address and register the new residence address pursuant to section 2950.05 of the Revised Code, the offender's duty to periodically verify the offender's current residence address pursuant to section 2950.06 of the Revised Code, and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties

and of their duration and, if required under division (A)(2) of section 2950.03 of the Revised Code, shall perform the duties specified in that section.

Sec. 2929.14. (A) Except as provided in division (C), (D)(2), (D)(3), (D)(4), or (G) of this section and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter and is not prohibited by division (G)(1) of section 2929.13 of the Revised Code from imposing a prison term on the offender, the court shall impose a definite prison term that shall be one of the following:

(1) For a felony of the first degree, the prison term shall be three, four, five, six, seven, eight, nine, or ten years.

(2) For a felony of the second degree, the prison term shall be two, three, four, five, six, seven, or eight years.

(3) For a felony of the third degree, the prison term shall be one, two, three, four, or five years.

(4) For a felony of the fourth degree, the prison term shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, or eighteen months.

(5) For a felony of the fifth degree, the prison term shall be six, seven, eight, nine, ten, eleven, or twelve months.

(B) Except as provided in division (C), (D)(2), (D)(3), or (G) of this section or in Chapter 2925. of the Revised Code, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender and if the offender previously has not served a prison term, the court shall impose the shortest prison term authorized for the offense pursuant to division (A) of this section, unless the court finds on the record that the shortest prison term will demean the seriousness of the offender's conduct or will not adequately protect the public from future crime by the offender or others.

(C) Except as provided in division (G) of this section or in Chapter 2925. of the Revised Code, the court imposing a sentence upon an offender for a felony may impose the longest prison term authorized for the offense pursuant to division (A) of this section only upon offenders who committed the worst forms of the offense, upon offenders who pose the greatest likelihood of committing future crimes, upon certain major drug offenders under division (D)(3) of this section, and upon certain repeat violent offenders in accordance with division (D)(2) of this section.

(D)(1)(a)(i) Except as provided in division (D)(1)(b) of this section, if

an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or silencer on or about the offender's person or under the offender's control while committing the felony, a specification of the type described in section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense, or a specification of the type described in section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the felony, the court, after imposing a prison term on the offender for the felony under division (A), (D)(2), or (D)(3) of this section, shall impose an additional prison term, determined pursuant to this division, that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If the specification is of the type described in section 2941.144 of the Revised Code, the additional prison term shall be six years. If the specification is of the type described in section 2941.145 of the Revised Code, the additional prison term shall be three years. If the specification is of the type described in section 2941.141 of the Revised Code, the additional prison term shall be one year. A court shall not impose more than one additional prison term on an offender under this division for felonies committed as part of the same act or transaction. If a court imposes an additional prison term under division (D)(1)(a)(ii) of this section, the court is not precluded from imposing an additional prison term under this division.

(ii) Except as provided in division (D)(1)(b) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the type described in section 2941.146 of the Revised Code that charges the offender with committing the offense by discharging a firearm from a motor vehicle, as defined in section 4501.01 of the Revised Code, other than a manufactured home, as defined in section 4501.01 of the Revised Code, the court, after imposing a prison term on the offender for the violation of section 2923.161 of the Revised Code or for the other felony

offense under division (A), (D)(2), or (D)(3) of this section, shall impose an additional prison term of five years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one additional prison term on an offender under this division for felonies committed as part of the same act or transaction. If a court imposes an additional prison term on an offender under this division relative to an offense, the court also shall impose an additional prison term under division (D)(1)(a)(i) of this section relative to the same offense, provided the criteria specified in that division for imposing an additional prison term are satisfied relative to the offender and the offense.

(b) The court shall not impose any of the additional prison terms described in division (D)(1)(a) of this section upon an offender for a violation of section 2923.12 of the Revised Code. The court shall not impose any of the additional prison terms described in that division upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree.

(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.

(2)(a) If an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender, the court shall impose a prison term from the range of terms authorized for the offense under division (A) of this section that may be the longest term in the range and that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If the court finds that the repeat violent offender, in committing the offense, caused any physical harm that carried a substantial risk of death to a person or that involved substantial permanent incapacity or substantial permanent disfigurement of a person, the court shall impose the longest prison term from the range of terms authorized for the offense under division (A) of this section.

(b) If the court imposing a prison term on a repeat violent offender imposes the longest prison term from the range of terms authorized for the offense under division (A) of this section, the court may impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if the court finds that both of the following apply with respect to the prison terms imposed on the offender pursuant to

division (D)(2)(a) of this section and, if applicable, divisions (D)(1) and (3) of this section:

(i) The terms so imposed are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

(ii) The terms so imposed are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the offender's conduct is more serious than conduct normally constituting the offense are present, and they outweigh the applicable factors under that section indicating that the offender's conduct is less serious than conduct normally constituting the offense.

(3)(a) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03, 2925.04, or 2925.11 of the Revised Code and that section requires the imposition of a ten-year prison term on the offender or if a court imposing a sentence upon an offender for a felony finds that the offender is guilty of a specification of the type described in section 2941.1410 of the Revised Code, that the offender is a major drug offender, is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or is guilty of an attempted forcible violation of section 2907.02 of the Revised Code with the victim being under thirteen years of age and that attempted violation is the felony for which sentence is being imposed, the court shall impose upon the offender for the felony violation a ten-year prison term that cannot be reduced pursuant to section 2929.20 or Chapter 2967. or 5120. of the Revised Code.

(b) The court imposing a prison term on an offender under division (D)(3)(a) of this section may impose an additional prison term of one, two, three, four, five, six, seven, eight, nine, or ten years, if the court, with respect to the term imposed under division (D)(3)(a) of this section and, if applicable, divisions (D)(1) and (2) of this section, makes both of the findings set forth in divisions (D)(2)(b)(i) and (ii) of this section.

(4) If the offender is being sentenced for a fourth degree felony OMVI offense and if division (G)(2) of section 2929.13 of the Revised Code requires the sentencing court to impose upon the offender a mandatory prison term, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the

mandatory prison term, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A)(4) of this section minus the sixty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (D)(4) of this section plus the sixty days imposed as the mandatory prison term shall equal one of the authorized prison terms specified in division (A)(4) of this section. If the court imposes an additional prison term under division (D)(4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the offense. The court shall not sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code.

(E)(1) If a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony or if a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(b) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, the offender shall serve the mandatory prison term consecutively to and prior to the prison term imposed for the underlying felony pursuant to division (A), (D)(2), or (D)(3) of this section or any other section of the Revised Code and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(2) If an offender who is an inmate in a jail, prison, or other residential detention facility violates section 2917.02, 2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender who is under detention at a detention facility commits a felony violation of section 2923.131 of the Revised Code, or if an offender who is an inmate in a jail, prison, or other residential detention facility or is under detention at a detention facility commits another felony while the offender is an escapee in violation of section 2921.34 of the Revised Code, any prison term imposed upon the offender for one of those violations shall be served by the offender consecutively to the prison term or term of imprisonment the offender was serving when the offender committed that offense and to any other prison term previously or subsequently imposed upon the offender. As used in this division, "detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code.

(3) If a prison term is imposed for a violation of division (B) of section 2911.01 of the Revised Code, the offender shall serve that prison term consecutively to any other prison term.

(4) If multiple prison terms are imposed on an offender for convictions

of multiple offenses, the court may require the offender to serve the prison terms consecutively if the court finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

(a) The offender committed the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.

(b) The harm caused by the multiple offenses was so great or unusual that no single prison term for any of the offenses committed as part of a single course of conduct adequately reflects the seriousness of the offender's conduct.

(c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

(5) When consecutive prison terms are imposed pursuant to division (E)(1), (2), (3), or (4) of this section, the term to be served is the aggregate of all of the terms so imposed.

(F) If a court imposes a prison term of a type described in division (B) of section 2967.28 of the Revised Code, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division. If a court imposes a prison term of a type described in division (C) of that section, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary.

(G) If a person is convicted of or pleads guilty to a sexually violent offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, the court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment.

(H) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2971.03 of the

Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

Sec. 2929.16. (A) The court imposing a sentence for a felony upon an offender who is not required to serve a mandatory prison term may impose any community residential sanction or combination of community residential sanctions under this section. The court imposing a sentence for a fourth degree felony OMVI offense upon an offender who is required to serve a mandatory term of local incarceration pursuant to division (G)(1) of section 2929.13 of the Revised Code may impose upon the offender, in addition to the mandatory term of local incarceration, a community residential sanction or combination of community residential sanctions under this section, and the offender shall serve or satisfy the sanction or combination of sanctions after the offender has served the mandatory term of local incarceration required for the offense. Community residential sanctions include, but are not limited to, the following:

(1) A term of up to six months at a community-based correctional facility that serves the county;

(2) Except as otherwise provided in division (A)(3) of this section and subject to division (D) of this section, a term of up to six months in a jail; ~~provided that the court shall not impose a sanction under this section that consists of a term in a minimum security jail for a felony of the fourth or fifth degree that is an offense of violence;~~

(3) If the offender is convicted of a fourth degree felony OMVI offense and is sentenced pursuant to division (G)(1) of section 2929.13 of the Revised Code, subject to division (D) of this section, a term of up to one year in a jail less the mandatory term of local incarceration of sixty consecutive days of imprisonment imposed pursuant to that division;

(4) A term in a halfway house;

(5) A term in an alternative residential facility.

(B) The court that assigns any offender convicted of a felony to a residential sanction under this section may authorize the offender to be released so that the offender may seek or maintain employment, receive education or training, or receive treatment. A release pursuant to this division shall be only for the duration of time that is needed to fulfill the purpose of the release and for travel that reasonably is necessary to fulfill the purposes of the release.

(C) If the court assigns an offender to a county jail that is not a minimum security misdemeanor jail in a county that has established a county jail industry program pursuant to section 5147.30 of the Revised

Code, the court shall specify, as part of the sentence, whether the sheriff of that county may consider the offender for participation in the county jail industry program. During the offender's term in the county jail, the court shall retain jurisdiction to modify its specification upon a reassessment of the offender's qualifications for participation in the program.

(D) If a court sentences an offender to a term in jail under division (A)(2) or (3) of this section and if the sentence is imposed for a FELONY of the fourth or fifth degree that is not an offense of violence, the court may specify that it prefers that the offender serve the term in a minimum security jail established under section 341.34 or 753.21 of the Revised Code. if the court includes a SPECIFICATION of that type in the sentence and if the administrator of the appropriate minimum security jail or the designee of that administrator classifies the offender in accordance with section 341.34 or 753.21 of the Revised Code as a minimAL security risk, the offender shall serve the term in the minimum security jail established under section 341.34 or 753.21 of the Revised Code. absent a SPECIFICATION of that type and a finding of that type, the offender shall serve the term in a jail other than a minimum security jail established under section 341.34 or 753.21 of the Revised Code.

(E) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a community residential sanction as described in division (A) of this section, at the time of reception and at other times the person in charge of the operation of the community-based correctional facility, jail, halfway house, alternative residential facility, or other place at which the offender will serve the residential sanction determines to be appropriate, the person in charge of the operation of the community-based correctional facility, jail, halfway house, alternative residential facility, or other place may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the community-based correctional facility, jail, halfway house, alternative residential facility, or other place at which the offender will serve the residential sanction may cause a convicted offender in the community-based correctional facility, jail, halfway house, alternative residential facility, or other place who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

Sec. 2929.23. (A) As used in this section:

(1) "Electronic monitoring device" means either of the following:

(a) Any device that can be operated by electrical or battery power and that conforms with all of the following:

(i) The device has a transmitter that can be attached to a person, that will transmit a specified signal to a receiver of the type described in division (A)(1)(a)(ii) of this section if the transmitter is removed from the person, turned off, or altered in any manner without prior court approval in relation to electronically monitored house arrest or electronically monitored house detention or without prior approval of the department of rehabilitation and correction in relation to ~~electronically monitored early release~~ the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with, that can transmit continuously and periodically a signal to that receiver when the person is within a specified distance from the receiver, and that can transmit an appropriate signal to that receiver if the person to whom it is attached travels a specified distance from that receiver.

(ii) The device has a receiver that can receive continuously the signals transmitted by a transmitter of the type described in division (A)(1)(a)(i) of this section, can transmit continuously those signals by telephone to a central monitoring computer of the type described in division (A)(1)(a)(iii) of this section, and can transmit continuously an appropriate signal to that central monitoring computer if the receiver is turned off or altered without prior court approval or otherwise tampered with.

(iii) The device has a central monitoring computer that can receive continuously the signals transmitted by telephone by a receiver of the type described in division (A)(1)(a)(ii) of this section and can monitor continuously the person to whom an electronic monitoring device of the type described in division (A)(1)(a) of this section is attached.

(b) Any device that is not a device of the type described in division (A)(1)(a) of this section and that conforms with all of the following:

(i) The device includes a transmitter and receiver that can monitor and determine the location of a subject person at any time, or at a designated point in time, through the use of a central monitoring computer or through other electronic means;

(ii) The device includes a transmitter and receiver that can determine at any time, or at a designated point in time, through the use of a central monitoring computer or other electronic means the fact that the transmitter is turned off or altered in any manner without prior approval of the court in relation to electronically monitored house arrest or electronically monitored house detention or without prior approval of the department of rehabilitation and correction in relation to ~~electronically monitored early release~~ the use of

an electronic monitoring device for an inmate on transitional control or otherwise is tampered with.

(2) "Certified electronic monitoring device" means an electronic monitoring device that has been certified by the superintendent of the bureau of criminal identification and investigation pursuant to division (C)(1) of this section.

(3) "Eligible offender" means a person who has been convicted of or pleaded guilty to any offense, except that a person is not an "eligible offender" if any of the following apply in relation to the person, the offense, or the person and the offense:

(a) The person is subject to or is serving a term of life imprisonment.

(b) The person is subject to or is serving a mandatory prison term imposed under division (F) of section 2929.13, division (D) of section 2929.14, or any other section of the Revised Code, provided that, after the person has served all of the mandatory prison terms so imposed, the person may be an eligible offender unless excluded by division (A)(3)(a), (c) or (d) of this section.

(c) The offense is a violation of division (A) of section 4511.19 of the Revised Code, and the offender is sentenced for that offense pursuant to division (G)(1) of section 2929.13 of the Revised Code and is serving the mandatory term of local incarceration of sixty consecutive days of imprisonment imposed under that division, provided that, after the person has served all of the mandatory term of local incarceration so imposed, the person may be an eligible offender unless excluded by division (A)(3)(a), (b), or (d) of this section.

(d) The offense is a violation of division (A) of section 4511.19 of the Revised Code, and the person is sentenced for that offense pursuant to division (G)(2) of section 2929.13 of the Revised Code.

(4) "Electronically monitored house arrest" means a period of confinement of an eligible offender in the eligible offender's home or in other premises specified by the sentencing court, during which period of confinement all of the following apply:

(a) The eligible offender wears, otherwise has attached to the eligible offender's person, or otherwise is subject to monitoring by a certified electronic monitoring device, or the eligible offender is subject to monitoring by a certified electronic monitoring system;

(b) The eligible offender is required to remain in the eligible offender's home or other premises specified by the sentencing court for the specified period of confinement, except for periods of time during which the eligible offender is at the eligible offender's place of employment or at other

ses as authorized by the sentencing court;

(c) The eligible offender is subject to monitoring by a central system that monitors the certified electronic monitoring device that is attached to the eligible offender's person or that otherwise is being used to monitor the eligible offender and that can monitor and determine the eligible offender's location at any time or at a designated point in time, or the eligible offender is required to participate in monitoring by a certified electronic monitoring system;

(d) The eligible offender is required by the sentencing court to report periodically to a person designated by the court;

(e) The eligible offender is subject to any other restrictions and requirements that may be imposed by the sentencing court.

(5) "Electronic monitoring system" means a system by which the location of an eligible offender can be verified telephonically through the use of voice-activated voice response technology that conforms with all of the following:

(a) It can be programmed to call the telephone or telephones assigned to the eligible offender who is the subject of the monitoring as often as necessary;

(b) It is equipped with a voice recognition system that can work accurately and reliably under the anticipated conditions in which it will operate;

(c) It is equipped to perform an alarm function if the eligible offender who is the subject of monitoring does not respond to system commands in the manner required.

(6) "Certified electronic monitoring system" means an electronic monitoring system that has been certified by the superintendent of the bureau of criminal identification and investigation pursuant to division (C)(1) of this section.

(7) "Electronically monitored house detention" has the same meaning as in section 2151.355 of the Revised Code.

(8) ~~"Electronically monitored early release" has the same meaning as in section 5120.071 of the Revised Code~~ Transitional control" means the program of transitional control established by the department of rehabilitation and correction under section 2967.26 Of the Revised Code, if the department establishes a program of that nature under that section.

(B)(1) Any court may impose as a sanction pursuant to sections 2929.15 and 2929.17 of the Revised Code a period of electronically monitored house arrest upon an eligible offender who is convicted of or pleads guilty to a felony, except that the total of any period of electronically monitored house

arrest imposed upon that eligible offender plus the period of all other sanctions imposed upon the same eligible offender pursuant to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised Code shall not exceed five years. Any court may impose a period of electronically monitored house arrest upon an eligible offender who is convicted of or pleads guilty to a misdemeanor in addition to or in lieu of any other sentence imposed or authorized for the offense, except that the total of any period of electronically monitored house arrest imposed upon that eligible offender plus the period of any sentence of imprisonment imposed upon the same eligible offender shall not exceed the maximum term of imprisonment that could be imposed upon the eligible offender pursuant to section 2929.21 of the Revised Code and except that, if the offense for which an eligible offender is being sentenced is a violation of division (A) of section 4511.19 or of division (D)(2) of section 4507.02 of the Revised Code, the court may impose a period of electronically monitored house arrest upon the eligible offender only when authorized by and only in the circumstances described in division (A) of section 4511.99 or division (B) of section 4507.99 of the Revised Code.

If a court imposes a period of electronically monitored house arrest upon an eligible offender, it shall require the eligible offender to wear, otherwise have attached to the eligible offender's person, or otherwise be subject to monitoring by a certified electronic monitoring device or to participate in the operation of and monitoring by a certified electronic monitoring system; to remain in the eligible offender's home or other specified premises for the entire period of electronically monitored house arrest except when the court permits the eligible offender to leave those premises to go to the eligible offender's place of employment or to other specified premises; to be monitored by a central system that monitors the certified electronic monitoring device that is attached to the eligible offender's person or that otherwise is being used to monitor the eligible offender and that can monitor and determine the eligible offender's location at any time or at a designated point in time or to be monitored by the certified electronic monitoring system; to report periodically to a person designated by the court; and, in return for receiving a period of electronically monitored house arrest, to enter into a written contract with the court agreeing to comply with all restrictions and requirements imposed by the court, agreeing to pay any fee imposed by the court for the costs of the electronically monitored house arrest imposed by the court pursuant to division (E) of this section, and agreeing to waive the right to receive credit for any time served on electronically monitored house arrest toward any

ison term or sentence of imprisonment imposed upon the eligible offender for the offense for which the period of electronically monitored house arrest was imposed if the eligible offender violates any of the restrictions or requirements of the period of electronically monitored house arrest, and additionally, it may impose any other reasonable restrictions and requirements upon the eligible offender.

(2) If an eligible offender violates any of the restrictions or requirements imposed upon the eligible offender as part of the eligible offender's period of electronically monitored house arrest, the eligible offender shall not receive credit for any time served on electronically monitored house arrest toward any prison term or sentence of imprisonment imposed upon the eligible offender for the offense for which the period of electronically monitored house arrest was imposed.

(C)(1) The superintendent of the bureau of criminal identification and investigation, in accordance with this section and rules adopted by the superintendent pursuant to division (C)(2) of this section, shall certify for use in cases of electronically monitored house arrest, in electronically monitored house detention, and ~~electronically monitored early release~~ in relation to an inmate on transitional control specific types and brands of electronic monitoring devices and electronic monitoring systems that comply with the requirements of this section, section 5120.073 of the Revised Code, and those rules. Any manufacturer that, pursuant to this division, seeks to obtain the certification of any type or brand of electronic monitoring device or electronic monitoring system shall submit to the superintendent an application for certification in accordance with those rules together with the application fee and costs of certification as required by those rules. The superintendent shall not certify any electronic monitoring device or electronic monitoring system pursuant to this division unless the application fee and costs have been paid to the superintendent.

(2) The superintendent, in accordance with Chapter 119. of the Revised Code, shall adopt rules for certifying specific types and brands of electronic monitoring devices and electronic monitoring systems for use in electronically monitored house arrest, in electronically monitored house detention, and ~~electronically monitored early release~~ in relation to an inmate on transitional control. The rules shall set forth the requirements for obtaining the certification, the application fee and other costs for obtaining the certification, the procedure for applying for certification, and any other requirements and procedures considered necessary by the superintendent. The rules shall require that no type or brand of electronic monitoring device or electronic monitoring system be certified unless the type or brand of

device or system complies with whichever of the following is applicable, in addition to any other requirements specified by the superintendent:

(a) For electronic monitoring devices of the type described in division (A)(1)(a) of this section, the type or brand of device complies with all of the following:

(i) It has a transmitter of the type described in division (A)(1)(a)(i) of this section, a receiver of the type described in division (A)(1)(a)(ii) of this section, and a central monitoring computer of the type described in division (A)(1)(a)(iii) of this section;

(ii) Its transmitter can be worn by or attached to a person with a minimum of discomfort during normal activities, is difficult to remove, turn off, or otherwise alter without prior court approval in relation to electronically monitored house arrest or electronically monitored house detention or prior approval of the department of rehabilitation and correction in relation to ~~electronically monitored early release~~ the use of an electronic monitoring device for an inmate on transitional control, and will transmit a specified signal to the receiver if it is removed, turned off, altered, or otherwise tampered with;

(iii) Its receiver is difficult to turn off or alter and will transmit a signal to the central monitoring computer if it is turned off, altered, or otherwise tampered with;

(iv) Its central monitoring computer is difficult to circumvent;

(v) Its transmitter, receiver, and central monitoring computer work accurately and reliably under the anticipated conditions under which electronically monitored house arrest or electronically monitored house detention will be imposed by courts or under which ~~electronically monitored early release~~ an electronic monitoring device will be used by the department of rehabilitation and correction in relation to an inmate on transitional control;

(vi) It has a backup battery power supply that operates automatically when the main source of electrical or battery power for the device fails.

(b) For electronic monitoring devices of the type described in division (A)(1)(b) of this section, the type or brand of device complies with all of the following:

(i) It has a transmitter and receiver of the type described in divisions (A)(1)(b)(i) and (ii) of this section.

(ii) Its transmitter is difficult to turn off or alter without prior court approval in relation to electronically monitored house arrest or electronically monitored house detention or without prior approval of the department of rehabilitation and correction in relation to ~~electronically monitored early~~

~~release~~ the use of an electronic monitoring device for an inmate on transitional control, and, if the transmitter is turned off or altered in any manner without prior approval of the court or department or otherwise is tampered with, the fact that it has been turned off, altered, or tampered with can be determined at any time, or at a designated point in time, through the use of a central monitoring computer or through other electronic means.

(iii) Its receiver is difficult to turn off or alter, and, if the receiver is turned off, altered, or otherwise tampered with, the fact that it has been turned off, altered, or tampered with can be determined at any time, or at a designated point in time, through the use of a central monitoring computer or through other electronic means.

(iv) Its central monitoring computer or other means of electronic monitoring is difficult to circumvent.

(v) Its transmitter, receiver, and central monitoring computer or other means of electronic monitoring work accurately and reliably under the anticipated conditions under which electronically monitored house arrest, or electronically monitored house detention will be used, or ~~electronically monitored early release~~ under which an electronic monitoring device will be used by the department of rehabilitation and correction in relation to an inmate on transitional control.

(vi) If it operates on electrical or battery power, it has a backup battery power supply that operates automatically when the main source of electrical or battery power for the device fails, or, if it does not operate on electrical or battery power, it has a backup method of operation so that it will continue to operate if its main method of operation fails.

(c) For electronic monitoring systems, the type or brand of system complies with all of the following:

(i) It can be programmed to call the telephone or telephones assigned to the person who is the subject of the monitoring as often as necessary;

(ii) It is equipped with a voice recognition system that can work accurately and reliably under the anticipated conditions in which it will operate;

(iii) It is equipped to perform an alarm function if the person who is the subject of the monitoring does not respond to system commands in the manner required.

(3) The superintendent shall publish and make available to all courts and to the department of rehabilitation and correction, without charge, a list of all types and brands of electronic monitoring devices and electronic monitoring systems that have been certified by the superintendent pursuant to division (C)(1) of this section and information about the manufacturers of

the certified devices and systems and places at which the devices and systems can be obtained.

(D) The superintendent of the bureau of criminal identification and investigation shall deposit all costs and fees collected pursuant to division (C) of this section into the general revenue fund.

(E)(1) Each county in which is located a court that imposes a period of electronically monitored house arrest or electronically monitored house detention as a sentencing sanction or alternative may establish in the county treasury an electronically monitored house arrest and detention fund. The clerk of each court that uses that sentencing sanction or alternative may deposit into the fund all fees collected from eligible offenders upon whom electronically monitored house arrest or detention is imposed pursuant to this section, section 2151.355, or any other section of the Revised Code that specifically authorizes the imposition of electronically monitored house arrest or detention. Each court that imposes electronically monitored house arrest or detention may adopt by local court rule a reasonable daily fee to be paid by each eligible offender upon whom a period of electronically monitored house arrest or detention is imposed as a sentencing sanction or alternative. The fee may include the actual costs of providing house arrest or detention and an additional amount necessary to enable the court to provide electronically monitored house arrest or detention to indigent eligible offenders. The fund may be used only for the payment of the costs of electronically monitored house arrest or detention, including, but not limited to, the costs of electronically monitored house arrest or detention for indigent eligible offenders.

(2) If a fee is adopted pursuant to division (E)(1) of this section, it shall be in addition to any fine specifically authorized or required by any other section of the Revised Code for an eligible offender upon whom a period of electronically monitored house arrest or detention is imposed as a sentencing sanction or alternative.

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in a case who has requested to receive notice under this section shall be given notice of the incarceration of the defendant. Promptly after sentence is imposed upon the defendant, the prosecutor in the case shall notify the victim of the date on which the defendant will be released from confinement or the prosecutor's reasonable estimate of that date. The prosecutor also shall notify the victim of the name of the custodial agency of the defendant and tell the victim how to contact that custodial agency. The victim shall keep the custodial agency informed of the victim's current address and telephone number.

(B)(1) Upon the victim's request, the prosecutor promptly shall notify

the victim of any hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code and of the victim's right to make a statement under that section. The court shall notify the victim of its ruling in each of those hearings and on each of those applications.

(2) Upon the request of a victim of a crime that is a sexually violent offense and that is committed by a sexually violent predator who is sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code, the prosecutor promptly shall notify the victim of any hearing to be conducted pursuant to section 2971.05 of the Revised Code to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility in accordance with division (C) of that section, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term in accordance with division (D) of that section. The court shall notify the victim of any order issued at the conclusion of the hearing. As used in this division, "sexually violent offense" and "sexually violent predator" have the same meanings as in section 2971.01 of the Revised Code.

(C) Upon the victim's request made at any time before the particular notice would be due, the custodial agency of a defendant shall give the victim any of the following notices that is applicable:

(1) At least three weeks before the adult parole authority recommends a pardon or commutation of sentence for the defendant or at least three weeks prior to a hearing before the adult parole authority regarding a grant of parole to the defendant, notice of the victim's right to submit a statement regarding the impact of the defendant's release in accordance with section 2967.12 of the Revised Code and, if applicable, of the victim's right to appear at a full board hearing of the parole board to give testimony as authorized by section 5149.101 of the Revised Code;

(2) At least three weeks before the defendant is ~~granted a furlough~~ transferred to transitional control under section 2967.26 ~~or under divisions (A)(1)(e) to (g) of section 2967.27 of the Revised Code or as soon as practicable before the defendant is granted a furlough under division (A)(1)(a) or (b) of section 2967.27 of the Revised Code~~, notice of the pendency of the ~~furlough~~ transfer and of the victim's right under ~~those sections~~ that section to submit a statement regarding the impact of the ~~release~~ transfer;

(3) ~~At least three weeks before the defendant is permitted to serve a portion of the defendant's sentence as a period of electronically monitored early release pursuant to section 5120.073 of the Revised Code, notice of the pendency of the electronically monitored early release;~~

~~(4)~~ Prompt notice of the defendant's escape from a facility of the custodial agency in which the defendant was incarcerated, of the defendant's absence without leave from a mental health or mental retardation and developmental disabilities facility or from other custody, and of the capture of the defendant after an escape or absence;

~~(5)~~(4) Notice of the defendant's death while in custody;

~~(6)~~(5) Notice of the defendant's release from confinement and the terms and conditions of the release.

Sec. 2941.39. When a convict in a state correctional institution is indicted for a felony committed while confined in the correctional institution, ~~he~~ the convict shall remain in the custody of the ~~warden or superintendent of the institution subject to the order of the court of common pleas of the county in which the institution is located~~ department of rehabilitation and correction, subject to sections 2941.40 to 2941.46 Of the Revised Code.

Sec. 2947.19. (A) In a county that has no workhouse but in which is located a city that has a workhouse maintained by the city, the board of county commissioners may agree with the proper authorities of that city upon terms under which persons convicted of misdemeanors shall be maintained in the city workhouse at the expense of the county. In the case of persons committed to the city workhouse for the violation of a law of this state, whether the commitment is from the court of common pleas, magistrate's court, or other court, the cost of maintaining those persons committed shall be paid out of the general fund of the county, on the allowance of the board of county commissioners, provided that all persons committed to the city workhouse for the violation of ordinances of the city shall be maintained in that workhouse at the sole cost of the city.

(B)(1) The board of county commissioners or the legislative authority of the city may require a person who was convicted of an offense and who is confined in the city workhouse as provided in division (A) of this section to reimburse the county or the city, as the case may be, for its expenses incurred by reason of the person's confinement, including, but not limited to, the expenses relating to the provision of food, clothing, shelter, medical care, personal hygiene products, including, but not limited to, toothpaste, toothbrushes, and feminine hygiene items, and up to two hours of overtime costs the sheriff or municipal corporation incurred relating to the trial of the person. The amount of reimbursement may be the actual cost of the prisoner's confinement plus the authorized trial overtime costs or a lesser amount determined by the board of county commissioners for the county or the legislative authority of the city, provided that the lesser amount shall be

determined by a formula that is uniformly applied to persons incarcerated in the workhouse. The court shall determine the amount of reimbursement ~~for the person convicted of the misdemeanor~~ at a hearing held pursuant to section 2929.18 of the Revised Code if the person is confined for a felony or section 2929.223 of the Revised Code if the person is confined for a misdemeanor. ~~The amount or amounts paid in reimbursement by a prisoner confined for a misdemeanor or the amount recovered from a prisoner confined for a misdemeanor by executing upon the judgment obtained pursuant to section 2929.223 of the Revised Code~~ shall be paid into the treasury of the county or city that incurred the expenses. If a person is convicted of or pleads guilty to a felony and the court imposes a sanction that requires the offender to serve a term in a city workhouse, sections 341.23, 753.02, 753.04, and 753.16 of the Revised Code govern the determination of whether the court may impose a sanction under section 2929.18 of the Revised Code that requires the offender to reimburse the expenses of confinement. If a person is confined for a felony and the court imposes a sanction under section 2929.18 of the Revised Code that requires the offender to reimburse the costs of confinement, the prosecuting attorney of the county or city director of law shall bring an action to recover the expenses of confinement in accordance with section 2929.18 of the Revised Code.

(2) The board of county commissioners or the legislative authority of the city may adopt a resolution or ordinance specifying that a person who is convicted of a felony and who is confined in the city workhouse as provided in division (A) of this section is not required to reimburse the county or city, as the case may be, for its expenses incurred by reason of the person's confinement, including the expenses listed in division (B)(1) of this section. If the board or legislative authority adopts a resolution or ordinance of that nature, the court that sentences a person convicted of a felony shall not impose a sanction under section 2929.18 of the Revised Code that requires the person to reimburse the costs of the confinement.

(C) In lieu of requiring offenders to reimburse the county or the city for expenses incurred by reason of the person's confinement under division (A) of this section, the board of county commissioners or the legislative authority of the city may adopt a prisoner reimbursement policy for the city workhouse under this division. The workhouse administrator may appoint a reimbursement coordinator to administer the prisoner reimbursement policy. A prisoner reimbursement policy adopted under this division is a policy that requires a person confined to the workhouse to reimburse the county or city for any expenses it incurs by reason of the person's confinement in the

workhouse, which expenses may include, but are not limited to, the following:

(1) A per diem fee for room and board of not more than sixty dollars per day or the actual per diem cost, whichever is less for the entire period of time the person is confined to the workhouse;

(2) Actual charges for medical and dental treatment;

(3) Reimbursement for government property damaged by the person while confined to the workhouse.

Rates charged shall be on a sliding scale determined by the board of county commissioners or the legislative authority of the city, based on the ability of the person confined in the workhouse to pay and on consideration of any legal obligation of the person to support a spouse, minor children, or other dependents and any moral obligation to support dependents to whom the person is providing or has in fact provided support.

The reimbursement coordinator or another person designated by the workhouse administrator may investigate the financial status of the confined person and obtain information necessary to investigate that status, by means that may include contacting employers and reviewing income tax records. The coordinator may work with the confined person to create a repayment plan to be implemented upon the person's release. At the end of the person's incarceration, the person shall be presented with a billing statement.

The reimbursement coordinator or another person designated by the workhouse administrator may collect, or the board of county commissioners or the legislative authority of the city may enter into a contract with one or more public agencies or private vendors to collect, any amounts remaining unpaid. Within twelve months after the date of the confined person's release, the prosecuting attorney or city director of law may file a civil action to seek reimbursement from that person for any billing amount that remains unpaid. The county or city shall not enforce any judgment obtained under this section by means of execution against the person's homestead. For purposes of this section, "homestead" has the same meaning as in division (A) of section 323.151 of the Revised Code. Any reimbursement received under this section shall be credited to the general fund of the county or city that bore the expense, to be used for general fund purposes.

(D)(1) Notwithstanding any contrary provision in this section or section 2929.18 or 2929.223 of the Revised Code, the board of county commissioners or the legislative authority of the city may establish a policy that requires any person who is not indigent and who is confined in the city workhouse to pay a reasonable fee for any medical treatment or service requested by and provided to that person. This fee shall not exceed the

al cost of the treatment or service provided. No person confined to a city workhouse who is indigent shall be required to pay those fees, and no person confined to a city workhouse shall be denied any necessary medical care because of inability to pay those fees.

Upon provision of the requested medical treatment or service, payment of the required fee may be automatically deducted from a person's account record in the workhouse's business office. If the person has no funds in the person's account, a deduction may be made at a later date during the person's confinement in the workhouse if funds later become available in the person's account. If the person is released from the workhouse and has an unpaid balance of these fees, the board of county commissioners or the legislative authority may bill the person for payment of the remaining unpaid fees. Fees received for medical treatment or services shall be paid into the commissary fund, if one has been created for the workhouse, or if no commissary fund exists, into the county or city treasury.

(2) If a person confined to a city workhouse is required under division (B) of this section or section 2929.18 or 2929.223 of the Revised Code to reimburse the county or city for expenses incurred by reason of the person's confinement to the workhouse, any fees paid by the person under division (D)(1) of this section shall be deducted from the expenses required to be reimbursed under division (b) of this section or section 2929.18 or 2929.223 of the Revised Code.

(E) If a person who has been convicted of or pleaded guilty to an offense is confined in the workhouse as provided in division (A) of this section, at the time of reception and at other times the person in charge of the operation of the workhouse determines to be appropriate, the person in charge of the operation of the workhouse may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the workhouse may cause a convicted offender in the workhouse who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

Sec. 2950.01. As used in this chapter, unless the context clearly requires otherwise:

(A) "Confinement" includes, but is not limited to, a community residential sanction imposed pursuant to section 2929.16 of the Revised Code.

(B) "Habitual sex offender" means a person who is convicted of or

pleads guilty to a sexually oriented offense and who previously has been convicted of or pleaded guilty to one or more sexually oriented offenses.

(C) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(D) "Sexually oriented offense" means any of the following offenses:

(1) Regardless of the age of the victim of the offense, a violation of section 2907.02, 2907.03, 2907.05, or 2907.12 of the Revised Code;

(2) Any of the following offenses involving a minor, in the circumstances specified:

(a) A violation of section 2905.01, 2905.02, 2905.03, 2905.04, 2905.05, or 2907.04 of the Revised Code when the victim of the offense is under eighteen years of age;

(b) A violation of section 2907.21 of the Revised Code when the person who is compelled, induced, procured, encouraged, solicited, requested, or facilitated to engage in, paid or agreed to be paid for, or allowed to engage in the sexual activity in question is under eighteen years of age;

(c) A violation of division (A)(1) or (3) of section 2907.321 or 2907.322 of the Revised Code;

(d) A violation of division (A)(1) or (2) of section 2907.323 of the Revised Code;

(e) A violation of division (B)(5) of section 2919.22 of the Revised Code when the child who is involved in the offense is under eighteen years of age.

(3) Regardless of the age of the victim of the offense, a violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the Revised Code, or of division (A) of section 2903.04 of the Revised Code, that is committed with a purpose to gratify the sexual needs or desires of the offender;

(4) A sexually violent offense;

(5) A violation of any former law of this state that was substantially equivalent to any offense listed in division (D)(1), (2), (3), or (4) of this section;

(6) A violation of an existing or former municipal ordinance or law of another state or the United States, or a violation under the law applicable in a military court, that is or was substantially equivalent to any offense listed in division (D)(1), (2), (3), or (4) of this section;

(7) An attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (D)(1), (2), (3), (4), (5), or (6) of this section.

(E) "Sexual predator" means a person who has been convicted of or pleaded guilty to committing a sexually oriented offense and is likely to

engage in the future in one or more sexually oriented offenses.

(F) "Supervised release" means a release from a prison term, a term of imprisonment, or another type of confinement that satisfies either of the following conditions:

(1) The release is on parole, a conditional pardon, or probation, under a ~~furlough~~ transitional control, or under a post-release control sanction, and it requires the person to report to or be supervised by a parole officer, probation officer, field officer, or another type of supervising officer.

(2) The release is any type of release that is not described in division (F)(1) of this section and that requires the person to report to or be supervised by a probation officer, a parole officer, a field officer, or another type of supervising officer.

(G) An offender is "adjudicated as being a sexual predator" if any of the following applies:

(1) The offender is convicted of or pleads guilty to committing, on or after the effective date of this section, a sexually oriented offense that is a sexually violent offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information that charged the sexually violent offense.

(2) Regardless of when the sexually oriented offense was committed, on or after the effective date of this section, the offender is sentenced for a sexually oriented offense, and the sentencing judge determines pursuant to division (B) of section 2950.09 of the Revised Code that the offender is a sexual predator.

(3) Prior to the effective date of this section, the offender was convicted of or pleaded guilty to, and was sentenced for, a sexually oriented offense, the offender is imprisoned in a state correctional institution on or after the effective date of this section, and, prior to the offender's release from imprisonment, the court determines pursuant to division (C) of section 2950.09 of the Revised Code that the offender is a sexual predator.

(H) "Sexually violent predator specification" and "sexually violent offense" have the same meanings as in section 2971.01 of the Revised Code.

(I) "Post-release control sanction" and "transitional control" have the same meanings as in section 2967.01 Of the Revised Code.

Sec. 2961.01. A person convicted of a felony under the laws of this or any other state or the United States, unless ~~his~~ the conviction is reversed or annulled, is incompetent to be an elector or juror; or to hold an office of honor, trust, or profit. When any ~~such~~ person convicted of a felony under any law of that type is granted probation, parole, judicial release, or a

conditional pardon or is released under a post-release control sanction, ~~he~~ the person is competent to be an elector during the period of probation ~~or~~, parole, or release or until the conditions of ~~his~~ the pardon have been performed or have transpired; and is competent to be an elector thereafter following ~~his~~ final discharge. The full pardon of a convict restores the rights and privileges so forfeited under this section, but a pardon shall not release a convict from the costs of ~~his~~ the convict's conviction in this state, unless so specified.

Sec. 2963.35. The chief of the ~~adult parole authority~~ bureau of sentence computation or another individual specified by the director of rehabilitation and correction is designated as the administrator as required by Article VII of the agreement adopted pursuant to section 2963.30 of the Revised Code. The administrator, acting jointly with like officers of other party states, shall, in accordance with Chapter 119. of the Revised Code, promulgate rules and regulations to carry out the terms of the agreement. The administrator is authorized and empowered to cooperate with all departments, agencies, and officers of this state and its political subdivisions, in facilitating the proper administration of the agreement or of any supplementary agreement or agreements entered into by this state thereunder.

Sec. 2967.01. As used in this chapter:

(A) "State correctional institution" includes any institution or facility that is operated by the department of rehabilitation and correction and that is used for the custody, care, or treatment of criminal, delinquent, or psychologically or psychiatrically disturbed offenders.

(B) "Pardon" means the remission of penalty by the governor in accordance with the power vested in the governor by the constitution.

(C) "Commutation" or "commutation of sentence" means the substitution by the governor of a lesser for a greater punishment. A stated prison term may be commuted without the consent of the convict, except when granted upon the acceptance and performance by the convict of conditions precedent. After commutation, the commuted prison term shall be the only one in existence. The commutation may be stated in terms of commuting from a named offense to a lesser included offense with a shorter prison term, in terms of commuting from a stated prison term in months and years to a shorter prison term in months and years, or in terms of commuting from any other stated prison term to a shorter prison term.

(D) "Reprieve" means the temporary suspension by the governor of the execution of a sentence or prison term. The governor may grant a reprieve without the consent of and against the will of the convict.

(E) "Parole" means, regarding a prisoner who is serving a prison term for aggravated murder or murder, who is serving a prison term of life imprisonment for rape or felonious sexual penetration, or who was sentenced prior to ~~the effective date of this amendment~~ July 1, 1996, a release of the prisoner from confinement in any state correctional institution by the adult parole authority that is subject to the eligibility criteria specified in this chapter and that is under the terms and conditions, and for the period of time, prescribed by the authority in its published rules and official minutes or required by division (A) of section 2967.131 of the Revised Code or another provision of this chapter.

(F) "Head of a state correctional institution" or "head of the institution" means the resident head of the institution and the person immediately in charge of the institution, whether designated warden, superintendent, or any other name by which the head is known.

(G) "Convict" means a person who has been convicted of a felony under the laws of this state, whether or not actually confined in a state correctional institution, unless the person has been pardoned or has served the person's sentence or prison term.

(H) "Prisoner" means a person who is in actual confinement in a state correctional institution.

(I) "Parolee" means any inmate who has been released from confinement on parole by order of the adult parole authority or conditionally pardoned, who is under supervision of the adult parole authority and has not been granted a final release, and who has not been declared in violation of the inmate's parole by the authority or is performing the prescribed conditions of a conditional pardon.

(J) "Releasee" means an inmate who has been released from confinement pursuant to section 2967.28 of the Revised Code under a period of post-release control that includes one or more post-release control sanctions.

(K) "Final release" means a remission by the adult parole authority of the balance of the sentence or prison term of a parolee or prisoner or the termination by the authority of a term of post-release control of a releasee.

(L) "Parole violator" or "release violator" means any parolee or releasee who has been declared to be in violation of the condition of parole or post-release control specified in division (A) of section 2967.131 of the Revised Code or in violation of any other term, condition, or rule of the parolee's or releasee's parole or of the parolee's or releasee's post-release control sanctions, the determination of which has been made by the adult parole authority and recorded in its official minutes.

(M) "Administrative release" means a termination of jurisdiction over a particular sentence or prison term by the adult parole authority for administrative convenience.

(N) ~~"Furlougee" means a prisoner who has been released to conditional confinement by the adult parole authority pursuant to section 2967.26 of the Revised Code or who has been released by the department of rehabilitation and correction pursuant to section 2967.27 of the Revised Code.~~

~~(O) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.28 of the Revised Code~~ means a period of supervision by the adult parole authority after a prisoner's release from imprisonment that includes one or more POST-release control SANCTIONS imposed under section 2967.28 of the Revised Code.

~~(O) "Post-release control sanction" means a sanction that is authorized under SECTIONS 2929.16 to 2929.18 of the Revised Code and that is imposed upon a prisoner upon the prisoner's release from a prison term.~~

~~(P) "Prison Community control sanction," "prison term," "mandatory prison term," and "stated prison term" have the same meanings as in section 2929.01 of the Revised Code.~~

~~(Q) "Transitional control" means control of a prisoner under the transitional control program established by the department of rehabilitation and correction under section 2967.26 Of the Revised Code, if the department establishes a program of that nature under that section.~~

Sec. 2967.131. (A) In addition to any other terms and conditions of a conditional pardon; or parole, furlough of transitional control, or other of another form of authorized release from confinement in a state correctional institution that is granted to an individual and that involves the placement of the individual under the supervision of the adult parole authority, and in addition to any other sanctions of post-release control of a felon imposed under section 2967.28 of the Revised Code, the authority or, in the case of a conditional pardon, the governor shall include in the terms and conditions of the conditional pardon, parole, furlough transitional control, or other form of authorized release or shall include as a condition of the post-release control the condition that the parolee, furlougee, or releasee individual or felon abide by the law, including, but not limited to, complying with the provisions of Chapter 2923. of the Revised Code relating to the possession, sale, furnishing, transfer, disposition, purchase, acquisition, carrying, conveying, or use of, or other conduct involving, a firearm or dangerous ordnance, as defined in section 2923.11 of the Revised Code, during the period of the parolee's, furlougee's, or releasee's individual's or felon's conditional pardon, parole, furlough transitional control, other form of

authorized release, or post-release control.

(B) During the period of a conditional pardon, ~~or parole, furlough of transitional control, or other of another~~ form of authorized release from confinement in a state correctional institution that is granted to an individual and that involves the placement of the individual under the supervision of the adult parole authority, and during a period of post-release control of a felon imposed under section 2967.28 of the Revised Code, authorized field officers of the authority who are engaged within the scope of their supervisory duties or responsibilities may search, with or without a warrant, the person of the ~~parolee, furlougee, or releasee~~ individual or felon, the place of residence of the ~~parolee, furlougee, or releasee~~ individual or felon, and a motor vehicle, another item of tangible or intangible personal property, or other real property in which the ~~parolee, furlougee, or releasee~~ individual or felon has a right, title, or interest or for which the ~~parolee, furlougee, or releasee~~ individual or felon has the express or implied permission of a person with a right, title, or interest to use, occupy, or possess, if the field officers have reasonable grounds to believe that the ~~parolee, furlougee, or releasee~~ individual or felon is not abiding by the law or otherwise is not complying with the terms and conditions of the ~~parolee's, furlougee's, or releasee's~~ individual's or felon's conditional pardon, parole, ~~furlough transitional control~~, other form of authorized release, or post-release control. The authority shall provide each ~~parolee, furlougee, or releasee~~ individual who is granted a conditional pardon or parole, ~~transitional control, or another form of authorized release from confinement in a state correctional institution and each felon who is under post-release control~~ with a written notice that informs the ~~parolee, furlougee, or releasee~~ individual or felon that authorized field officers of the authority who are engaged within the scope of their supervisory duties or responsibilities may conduct those types of searches during the period of the conditional pardon, parole, ~~furlough transitional control~~, other form of authorized release, or post-release control if they have reasonable grounds to believe that the ~~parolee, furlougee, or releasee~~ individual or felon is not abiding by the law or otherwise is not complying with the terms and conditions of the ~~parolee's, furlougee's, or releasee's~~ individual's or felon's conditional pardon, parole, ~~furlough transitional control~~, other form of authorized release, or post-release control.

Sec. 2967.14. (A) The adult parole authority may require a parolee or releasee to reside in a halfway house or other suitable community residential center that has been licensed by the division of parole and community services pursuant to division (C) of this section during a part or for the entire

period of the parolee's conditional release or of the releasee's term of post-release control. The court of common pleas that placed an offender under a sanction consisting of a term in a halfway house or in an alternative residential sanction may require the offender to reside in a halfway house or other suitable community residential center that is designated by the court and that has been licensed by the division pursuant to division (C) of this section during a part or for the entire period of the offender's residential sanction.

(B) The division of parole and community services may enter into agreements with any public or private agency or a department or political subdivision of the state that operates a halfway house or community residential center that has been licensed by the division pursuant to division (C) of this section. An agreement under this division shall provide for housing, supervision, and other services that are required for ~~parolees, releasees, and persons placed under a residential sanction~~ persons who have been assigned to a halfway house or community residential center, including parolees, releasees, persons placed under a residential sanction, persons under transitional control, and other eligible offenders as defined in rules adopted by the director of rehabilitation and correction in accordance with Chapter 119. Of the Revised Code. An agreement under this division shall provide for per diem payments to the agency, department, or political subdivision on behalf of each parolee and releasee assigned to and each person placed under a residential sanction in a halfway house or community residential center that is operated by the agency, department, or political subdivision and that has been licensed by the division. The per diem payments shall be equal to the halfway house's or community residential center's average daily per capita costs with its facility at full occupancy. The per diem payments shall not exceed the total operating costs of the halfway house or community residential center during the term of an agreement. The director of rehabilitation and correction shall adopt rules in accordance with Chapter 119. of the Revised Code for determining includable and excludable costs and income to be used in computing the agency's average daily per capita costs with its facility at full occupancy.

The department of rehabilitation and correction may use a portion of the amount appropriated to the department each fiscal year for the halfway house and community residential center program to pay for contracts for nonresidential services for offenders under the supervision of the adult parole authority. The nonresidential services may include, but are not limited to, treatment for substance abuse, mental health counseling, and counseling for sex offenders.

(C) The division of parole and community services may license a halfway house or community residential center as a suitable facility for the care and treatment of adult offenders only if the halfway house or community residential center complies with the standards that the division adopts in accordance with Chapter 119. of the Revised Code for the licensure of halfway houses and community residential centers. The division shall annually inspect each licensed halfway house and licensed community residential center to determine if it is in compliance with the licensure standards.

Sec. 2967.141. (A) As used in this section, "alternative residential facility" has the same meaning as in section 2929.01 of the Revised Code.

(B) The department of rehabilitation and correction, through its division of parole and community services, may operate or contract for the operation of one or more violation sanction centers as an alternative residential facility. A violation sanction center operated under authority of this division is not a prison within the meaning of division (CC) of section 2929.01 Of the Revised Code. A violation sanction center operated under authority of this division may be used for either of the following purposes:

(1) Service of the term of a more restrictive post-release control sanction that the parole board, subsequent to a hearing, imposes pursuant to division (F)(2) of section 2967.28 of the Revised Code upon a releasee who has violated a post-release control sanction imposed upon the releasee under that section;

(2) Service of a sanction that the adult parole authority or parole board imposes upon a parolee whom the authority determines to be a parole violator because of a violation of the terms and conditions of the parolee's parole or conditional pardon.

(C) If a violation sanction center is established under the authority of this section, notwithstanding the fact that the center is an alternative residential facility for the purposes described in division (B) of this section, the center shall be used only for the purposes described in that division. A violation sanction center established under the authority of this section is not an alternative residential facility for the purpose of imposing sentence on an offender who is convicted of or pleads guilty to a felony, and a court that is sentencing an offender for a felony pursuant to SECTIONS 2929.11 to 2929.19 of the Revised Code shall not sentence the offender to a community residential sanction that requires the offender to serve a term in the center.

(D) If a releasee is ordered to serve a sanction in a violation sanction center, as described in division (B)(1) of this section, all of the following apply:

(1) The releasee shall not be considered to be under a new prison term for a violation of post-release control.

(2) The time the releasee serves in the center shall not count toward, and shall not be considered in determining, the maximum cumulative prison term for all violations that is described in division (F)(3) of section 2967.28 Of the Revised Code.

(3) The time the releasee serves in the center shall count as part of, and shall be credited toward, the remaining period of post-release control that is applicable to the releasee.

Sec. 2967.15. (A) If an adult parole authority field officer has reasonable cause to believe that a person who is a parolee, ~~furlough~~, or ~~other~~ releasee, who is under transitional control, or who is under another form of authorized release and who is under the supervision of the adult parole authority has violated or is violating the condition of a conditional pardon, parole, ~~furlough~~, other form of authorized release, transitional control, or post-release control specified in division (A) of section 2967.131 of the Revised Code or any other term or condition of the person's conditional pardon, parole, ~~furlough~~, other form of authorized release, transitional control, or post-release control, the field officer may arrest the person without a warrant or order a peace officer to arrest the person without a warrant. A person so arrested shall be confined in the jail of the county in which the person is arrested or in another facility designated by the chief of the adult parole authority until a determination is made regarding the person's release status. Upon making an arrest under this section, the arresting or supervising adult parole authority field officer promptly shall notify the superintendent of parole supervision or the superintendent's designee, in writing, that the person has been arrested and is in custody and submit ~~in detail~~ an appropriate report of the reason for the arrest.

(B) Except as otherwise provided in this division, prior to the revocation by the adult parole authority of a person's pardon, parole, ~~furlough~~ transitional control, or other release and prior to the imposition by the parole board or adult parole authority of a new prison term as a post-release control sanction for a person, the adult parole authority shall grant the person a hearing in accordance with rules adopted by the department of rehabilitation and correction under Chapter 119. of the Revised Code. The adult parole authority is not required to grant the person a hearing if the person is convicted of or pleads guilty to an offense that the person committed while released on a pardon, on parole, ~~furlough~~ transitional control, or ~~other~~ another form of release, or on post-release control and upon which the revocation of the person's pardon, parole, ~~furlough~~ transitional control, other

release, or post-release control is based.

If a person who has been pardoned is found to be a violator of the conditions of the parolee's conditional pardon or commutation of sentence, the authority forthwith shall transmit to the governor its recommendation concerning that violation, and the violator shall be retained in custody until the governor issues an order concerning that violation.

If the authority fails to make a determination of the case of a parolee or releasee alleged to be a violator of the terms and conditions of the parolee's or releasee's conditional pardon, parole, other release, or post-release control sanctions within a reasonable time, the parolee or releasee shall be released from custody under the same terms and conditions of the parolee's or releasee's original conditional pardon, parole, other release, or post-release control sanctions.

(C)(1) ~~If a person who is a parolee, furlougher, or other releasee, who is under transitional control, or who is under another form of authorized release under the supervision of the adult parole authority absconds from supervision, the superintendent supervising adult parole authority field officer shall report that fact to the authority superintendent of parole supervision, in writing, and the authority shall enter an order upon its official minutes declaring~~ declare that person to be a violator at large. ~~The superintendent, upon~~ Upon being advised of the apprehension and availability for return of a violator at large, the superintendent of parole supervision shall recommend to the authority that determine whether the violator at large should be returned to the institution or restored to parole, furlough transitional control, other another form of authorized release, or post-release control. If the violator is not restored to parole, furlough, other form of authorized release, or post release control, the violator shall be returned to a state correctional institution.

The time between the date on which a person who is a parolee; ~~furlougher~~, or other releasee is declared to be a violator or violator at large and the date on which that person is returned to custody in this state under the immediate control of the adult parole authority shall not be counted as time served under the sentence imposed on that person or as a part of the term of post-release control.

(2) ~~A furlougher or a releasee other than a person who is released on parole, conditional pardon, or post-release control~~ person who is under transitional control or who is under any form of authorized release under the supervision of the adult parole authority is considered to be in custody while under the transitional control or on furlough or other release, and, if the furlougher or releasee person absconds from supervision, the furlougher or

~~releasee person~~ may be prosecuted for the offense of escape.

(D) A person who is a parolee, ~~furlougee~~, or ~~other~~ releasee, who is under transitional control, or who is under another form of authorized release under the supervision of the adult parole authority and who has violated a term or condition of the person's conditional pardon, parole, ~~furlough~~ transitional control, other form of authorized release, or post-release control shall be declared to be a violator if the person is committed to a correctional institution outside the state to serve a sentence imposed upon the person by a federal court or a court of another state or if the person otherwise leaves the state.

(E) As used in this section, "peace officer" has the same meaning as in section 2935.01 of the Revised Code.

Sec. 2967.191. The ~~adult parole authority~~ department of rehabilitation and correction shall reduce the stated prison term of a prisoner or, if the prisoner is serving a term for which there is parole eligibility, the minimum and maximum term or the parole eligibility date of the prisoner by the total number of days that the prisoner was confined for any reason arising out of the offense for which the prisoner was convicted and sentenced, including confinement in lieu of bail while awaiting trial, confinement for examination to determine the prisoner's competence to stand trial or sanity, and confinement while awaiting transportation to the place where the prisoner is to serve the prisoner's prison term.

Sec. 2967.22. Whenever it is brought to the attention of the adult parole authority or a county department of probation that a parolee, ~~furlougee~~, probationer, person under transitional control, or releasee appears to be a mentally ill person subject to hospitalization by court order, as defined in section 5122.01 of the Revised Code, or a mentally retarded person subject to institutionalization by court order, as defined in section 5123.01 of the Revised Code, the parole or probation officer, subject to the approval of the chief of the adult parole authority, the designee of the chief of the adult parole authority, or the chief probation officer, may file an affidavit under section 5122.11 or 5123.71 of the Revised Code. A parolee, probationer, or releasee who is involuntarily detained under Chapter 5122. or 5123. of the Revised Code shall receive credit against the period of parole or probation or the term of post-release control for the period of involuntary detention.

If a parolee, probationer, ~~furlougee~~ person under transitional control, or releasee escapes from an institution or facility within the department of mental health or the department of mental retardation and developmental disabilities, the superintendent of the institution immediately shall notify the chief of the adult parole authority or the chief probation officer.

Notwithstanding the provisions of section 5122.26 of the Revised Code, the procedure for the apprehension, detention, and return of the parolee, probationer, ~~furlough~~ person under transitional control, or releasee is the same as that provided for the apprehension, detention, and return of persons who escape from institutions operated by the department of rehabilitation and correction. If the escaped parolee, ~~furlough~~ person under transitional control, or releasee is not apprehended and returned to the custody of the department of mental health or the department of mental retardation and developmental disabilities within ninety days after the escape, the parolee, ~~furlough~~ person under transitional control, or releasee shall be discharged from the custody of the department of mental health or the department of mental retardation and developmental disabilities and returned to the custody of the department of rehabilitation and correction. If the escaped probationer is not apprehended and returned to the custody of the department of mental health or the department of mental retardation and developmental disabilities within ninety days after the escape, the probationer shall be discharged from the custody of the department of mental health or the department of mental retardation and developmental disabilities and returned to the custody of the court that sentenced the probationer.

Sec. 2967.26. (A)(1) ~~Subject to disapproval by the sentencing judge, the adult parole authority may grant furloughs to trustworthy prisoners, other than those serving a prison term or term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code or a sentence of imprisonment for life imposed for an offense committed on or after October 19, 1981, who are confined in any state correctional institution for the purpose of employment, vocational training, educational programs, or other programs designated by the director of rehabilitation and correction within this state. The adult parole authority shall not grant a furlough under this section to a prisoner who is serving a prison term or term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code or a sentence of imprisonment for life imposed for an offense committed on or after October 19, 1981. Additionally, the adult parole authority shall not grant a prisoner a furlough under this section if the prisoner has more than six months of imprisonment to serve until the prisoner's parole eligibility, as determined under section 2967.13 of the Revised Code, or until the expiration of the prisoner's stated prison term~~ The department of REHABILITATION and CORRECTION, by rule, may establish a transitional control program for the purpose of closely monitoring a prisoner's adjustment to community supervision during the

final one hundred eighty days of the prisoner's confinement. if the department establishes a transitional control program under this division, the adult parole authority may transfer eligible prisoners to transitional control status under the program during the final one hundred eighty days of their confinement and under the terms and conditions established by the department, shall provide for the confinement as provided in this division of each eligible prisoner so transferred, and shall supervise each eligible prisoner so transferred in one or more community control sanctions. each eligible prisoner who is transferred to TRANSITIONAL control status under the program shall be confined in a suitable facility that is licensed pursuant to division (c) of section 2967.14 of the Revised Code, or shall be confined in a residence the department has approved for this purpose and be monitored pursuant to an electronic monitoring device, as defined in section 2929.23 of the Revised Code. if the department establishes a transitional control program under this division, the rules establishing the program shall include criteria that define which prisoners are eligible for the program, criteria that must be satisfied to be approved as a residence that may be used for confinement under the program of a prisoner that is transferred to it and procedures for the department to approve residences that satisfy those criteria, and provisions of the type described in division (c) of this SECTION. at a minimum, the criteria that define which prisoners are eligible for the program shall provide all of the following:

(a) That a prisoner is eligible for the program if the prisoner is serving a prison term or term of imprisonment for an offense committed prior to the effective date of this amendment and if, at the time at which eligibility is being determined, the prisoner would have been eligible for a furlough under this section as it existed immediately prior to the effective date of this amendment or would have been eligible for conditional release under former section 2967.23 of the Revised Code as that section existed immediately prior to the effective date of this amendment;

(b) That no prisoner who is serving a mandatory prison term is eligible for the program until after EXPIRATION of the mandatory term;

(c) That no prisoner who is serving a prison term or term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code is eligible for the program.

(2) At least three weeks prior to ~~granting a furlough to a prisoner transferring to transitional control~~ under this section ~~a prisoner who is serving a term of imprisonment or prison term for an offense committed on or after July 1, 1996~~, the adult parole authority shall give notice of the pendency of the ~~furlough transfer to transitional control~~ to the court of

common pleas of the county in which the indictment against the prisoner was found and of the fact that the court may disapprove the ~~grant transfer~~ of the ~~pending furlough prisoner to transitional control~~. If the court disapproves of the ~~grant transfer~~ of the ~~pending furlough prisoner to transitional control~~, the court shall notify the authority of the disapproval within ten days after receipt of the notice. If the court timely disapproves the ~~grant transfer~~ of the ~~pending furlough prisoner to transitional control~~, the authority shall not proceed with the ~~furlough transfer~~. If the court does not timely disapprove the ~~grant transfer~~ of the ~~pending furlough prisoner to transitional control~~, the authority may ~~proceed with plans for the furlough transfer the prisoner to transitional control~~.

(3) If the victim of an offense for which a prisoner was sentenced to a ~~prison term or term of imprisonment~~ has requested notification under section 2930.16 of the Revised Code and has provided the department of rehabilitation and correction with the victim's name and address, the adult parole authority, at least three weeks prior to ~~granting a furlough to transferring~~ the prisoner ~~to transitional control~~ pursuant to this section, shall notify the victim of the pendency of the ~~furlough transfer~~ and of the victim's right to submit a statement to the authority regarding the impact of the ~~release transfer~~ of the prisoner ~~on furlough to transitional control~~. If the victim subsequently submits a statement of that nature to the authority, the authority shall consider the statement in deciding whether to ~~grant transfer~~ the ~~furlough prisoner to transitional control~~.

(B) ~~The department of rehabilitation and correction shall place conditions on the release of any prisoner who is granted a furlough pursuant to this section. Each furloughed prisoner transferred to transitional control under this section shall be confined in the manner described in division (A) of this section during any period of time that the furloughed prisoner is not actually working at the furloughed prisoner's approved employment, engaged in a vocational training or other another educational program, engaged in another program designated by the director pursuant to division (A) of this section, or engaged in other activities approved by the department. The confinement of the furloughed prisoner shall be in a suitable facility that has been licensed by the division of parole and community services pursuant to division (C) of section 2967.14 of the Revised Code.~~

~~The division of parole and community services may enter into agreements with any agency, public or private, or a department or political subdivision of the state, that operates a facility that has been licensed by the division pursuant to division (C) of section 2967.14 of the Revised Code.~~

~~An agreement shall provide for housing, supervision, and other services that are required for furloughed prisoners who are assigned to the facility. An agreement shall provide for per diem payments to the agency, department, or political subdivision on behalf of each furloughed prisoner who is assigned to a facility that is operated by the agency, department, or political subdivision and that has been licensed by the division. The per diem payments shall be equal to the facility's average daily per capita costs with its facility at full occupancy. The per diem payments shall not exceed the total operating costs of the facility during the term of an agreement. The director of rehabilitation and correction shall adopt rules in accordance with Chapter 119. of the Revised Code for determining includable and excludable costs and income to be used in computing the agency's average daily per capita costs with its facility at full occupancy.~~

~~(C) The adult parole authority, subject to approval by the director department of rehabilitation and correction, shall adopt rules for granting furloughs transferring eligible prisoners to transitional control, supervising and confining prisoners on furlough so transferred, and administering the furlough transitional control program in accordance with this section, and using the moneys deposited into the transitional control fund established under division (E) of this section.~~

~~(D) The department of REHABILITATION and CORRECTION may adopt rules for the issuance of passes for the limited purposes described in this DIVISION to prisoners who are transferred to transitional control under this section. if the department adopts rules of that nature, the rules shall govern the granting of the passes and shall provide for the supervision of prisoners who are temporarily released pursuant to one of those passes. Upon the adoption of rules under this division, the department may issue passes to prisoners who are transferred to TRANSITIONAL control status under this section in accordance with the rules and the provisions of this division. all passes issued under this division shall be for a maximum of forty-eight hours and may be issued only for the following purposes:~~

- ~~(1) To visit a dying relative;~~
- ~~(2) To attend the funeral of a relative;~~
- ~~(3) To visit with family;~~
- ~~(4) To otherwise aid in the REHABILITATION of the prisoner.~~

~~(E) The adult parole authority may require the a prisoner on furlough who is transferred to transitional control to pay to the division of parole and community services the reasonable expenses incurred by the division in supervising or confining the prisoner on furlough while under transitional control. Inability to pay those reasonable expenses shall not be grounds for~~

refusing to ~~grant a furlough to~~ transfer an otherwise eligible prisoner to transitional control. Amounts received by the division of parole and community services under this division shall be deposited into the ~~furlough services~~ transitional control fund ~~that, which~~ is hereby created in the state treasury and which hereby replaces and succeeds the furlough services fund that formerly existed in the state treasury. All moneys that remain in the furlough services fund on the effective date of this amendment shall be transferred on that date to the transitional control fund. The transitional control fund shall be used solely to pay costs related to the operation of the ~~furlough education and work release program~~ transitional control program established under this section. The director of rehabilitation and correction shall adopt rules in accordance with section 111.15 of the Revised Code for the use of the fund.

~~(E)~~(F) A prisoner who violates any rule established by the ~~adult parole authority~~ department of rehabilitation and correction under division ~~(A), (C), or (D)~~ of this section may be ~~returned~~ transferred to ~~the a~~ state correctional institution in which the prisoner had been confined prior to furlough pursuant to rules adopted under division (A), (C), or (D) of this section, but the prisoner shall receive credit towards completing the prisoner's sentence for the time spent ~~on furlough~~ under transitional control.

If a prisoner is transferred to transitional control under this section, upon successful completion of the period of transitional control, the prisoner may be released on parole or under post-release control pursuant to section 2967.13 or 2967.28 Of the Revised Code and rules adopted by the department of REHABILITATION and CORRECTION. If the prisoner is released under post-release control, the DURATION of the post-release control, the type of post-release control SANCTIONS that may be imposed, the enforcement of the SANCTIONS, and the treatment of prisoners who violate any SANCTION applicable to the prisoner are governed by section 2967.28 of the Revised Code.

Sec. 2967.27. ~~(A)(1) Subject to disapproval by the sentencing judge for a furlough granted under divisions (A)(1)(e) to (g) of this section, the~~ The department of rehabilitation and correction may grant ~~furloughs~~ escorted visits to ~~trustworthy~~ prisoners confined in any state correctional facility for the custody and rehabilitation of persons convicted of crime, except that the department shall not grant a furlough for any purpose other than the purposes described in division ~~(A)(1)(a) or (b)~~ of this section to a prisoner serving a sentence of life imprisonment that was imposed for an offense committed on or after October 19, 1981, or to a prisoner serving a prison term or term of life imprisonment without parole imposed pursuant to

~~section 2971.03 of the Revised Code. The department may authorize furloughs under this section for the limited purpose of:~~

- ~~(a) Visiting visiting a dying relative;~~
- ~~(b) Attending or attending the funeral of a relative;~~
- ~~(c) Arranging for a suitable parole plan, or an educational or vocational furlough plan;~~
- ~~(d) Arranging for employment;~~
- ~~(e) Arranging for suitable residence;~~
- ~~(f) Visiting with family;~~
- ~~(g) Otherwise aiding in the rehabilitation of the inmate.~~

~~(2) At least three weeks prior Prior to granting a furlough any prisoner an escorted visit for the limited purpose of visiting a dying relative or attending the funeral of a relative under ~~divisions (A)(1)(e) to (g)~~ of this section, the department shall give notice of the pendency of the furlough to the court of common pleas of the county in which the indictment against the prisoner was found and of the fact that the court may disapprove the grant of the pending furlough. If the court disapproves of the grant, the court shall notify the department of the disapproval within ten days after receipt of the notice. If the court timely disapproves the grant of the pending furlough, the department shall not proceed with the furlough. If the court does not timely disapprove the grant of the pending furlough, the department may proceed with plans for the furlough notify its office of victims' services so that the office may provide assistance to any victim or victims of the offense committed by the prisoner and to members of the family of the victim.~~

~~(3) If the victim of an offense for which a prisoner was sentenced to a term of imprisonment has requested notification under section 2930.16 of the Revised Code and has provided the department of rehabilitation and correction with the victim's name and address, the department, at least three weeks prior to granting a furlough to the prisoner pursuant to divisions (A)(1)(e) to (g) of this section and as soon as practicable prior to granting a furlough to the prisoner pursuant to division (A)(1)(a) or (b) of this section, shall notify the victim of the pendency of the furlough and of the victim's right to submit a statement regarding the impact of the release of the prisoner on furlough. If the victim subsequently submits a statement of that nature to the department, the department shall consider the statement in deciding whether to grant the furlough.~~

~~(B) The department of rehabilitation and correction shall adopt rules for the granting furloughs of escorted visits under this section, and for supervising prisoners on furlough, and administering the furlough program. The rules shall contain the following prohibitions:~~

~~(1) No prisoner who is serving a sentence of life imprisonment that was imposed for an offense committed on or after October 19, 1981, or a prison term or term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code shall be eligible for a furlough for any purpose described in division (A)(1)(a) or (b) of this section unless a corrections officer or another corrections staff person accompanies the prisoner at all times while on furlough;~~

~~(2) No prisoner shall be eligible for furlough under this section who has served less than six months in a state correctional institution, except in the situation of attending the funeral of a member of the prisoner's immediate family, or attending a bedside visit with a member of the prisoner's immediate family who is ill and bedridden an escorted visit.~~

~~(C) No prisoner shall be granted a furlough an escorted visit under this section if the prisoner is likely to pose a threat to the public safety or has a record of more than two felony commitments (including the present charge), not more than one of which may be for a crime of an assaultive nature.~~

~~(D) Furloughs may be granted under this section only upon the written approval of the director of the department of rehabilitation and correction or if the director deems it appropriate, by the assistant director of the department, or the wardens within the department.~~

~~(E) Furloughs granted under this section shall be for a period no longer than is reasonably necessary to accomplish the purposes of this section, but in no event shall a furlough extend beyond seven days, nor shall the total furlough time granted to a prisoner within any calendar year exceed fourteen days except furloughs granted under divisions (A)(1)(e) and (d) of this section.~~

~~(F) A prisoner who violates any rule established by the department of rehabilitation and correction under this section may be returned to the state correctional institution from which the prisoner was furloughed, but such a violation does not constitute cause for denial of credit toward completion of the prisoner's sentence of the time the prisoner was on furlough The procedure for granting an escorted visit under this section is separate from, and independent of, the transitional control program described in section 2967.26 Of the Revised Code.~~

Sec. 2967.28. (A) As used in this section:

(1) ~~"Post-release control" means a period of supervision by the adult parole authority after release from imprisonment that includes one or more post-release control sanctions imposed under this section.~~

(2) ~~"Post-release control sanction" means a sanction that is authorized under sections 2929.16 to 2929.18 of the Revised Code and that is imposed~~

~~upon a prisoner upon the prisoner's release from a prison term.~~

(3) "Monitored time" means the monitored time sanction specified in section 2929.17 of the Revised Code.

(2) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.

(3) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony.

(B) Each sentence to a prison term for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is not a felony sex offense and in the commission of which the offender caused or threatened to cause physical harm to a person shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. Unless reduced by the parole board pursuant to division (D) of this section when authorized under that division, a period of post-release control required by this division for an offender shall be of one of the following periods:

(1) For a felony of the first degree or for a felony sex offense, five years;

(2) For a felony of the second degree that is not a felony sex offense, three years;

(3) For a felony of the third degree that is not a felony sex offense and in the commission of which the offender caused or threatened physical harm to a person, three years.

(C) Any sentence to a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (B)(1) or (3) of this section shall include a requirement that the offender be subject to a period of post-release control of up to three years after the offender's release from imprisonment, if the parole board, in accordance with division (D) of this section, determines that a period of post-release control is necessary for that offender.

(D)(1) Before the prisoner is released from imprisonment, the parole board shall impose upon a prisoner described in division (B) of this section, may impose upon a prisoner described in division (C) of this section, and shall impose upon a prisoner described in division (B)(2)(b) of section 5120.031 or in division (B)(1) of section 5120.032 of the Revised Code, one or more post-release control sanctions to apply during the prisoner's period of post-release control. Whenever the board imposes one or more post-release control sanctions upon a prisoner, the board, in addition to imposing the sanctions, also shall include as a condition of the post-release control the mandatory condition described in division (A) of section

2967.131 of the Revised Code. The board may impose any other conditions of release under a post-release control sanction that the board considers appropriate. Prior to the release of a prisoner for whom it will impose one or more post-release control sanctions under this division, the parole board shall review the prisoner's criminal history, all juvenile court adjudications finding the prisoner, while a juvenile, to be a delinquent child, and the record of the prisoner's conduct while imprisoned. The parole board shall consider any recommendation regarding post-release control sanctions for the prisoner made by the office of victims' services. After considering those materials, the board shall determine, for a prisoner described in division (B) of this section, division (B)(2)(b) of section 5120.031, or division (B)(1) of section 5120.032 of the Revised Code, which post-release control sanction or combination of post-release control sanctions is reasonable under the circumstances or, for a prisoner described in division (C) of this section, whether a post-release control sanction is necessary and, if so, which post-release control sanction or combination of post-release control sanctions is reasonable under the circumstances. In the case of a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, the board shall presume that monitored time is the appropriate post-release control sanction unless the board determines that a more restrictive sanction is warranted. A post-release control sanction imposed under this division takes effect upon the prisoner's release from imprisonment.

(2) At any time after a prisoner is released from imprisonment and during the period of post-release control applicable to the releasee, the adult parole authority may review the releasee's behavior under the post-release control sanctions imposed upon the releasee under this section. The authority may determine, based upon the review and in accordance with the standards established under division (E) of this section, that a more restrictive or a less restrictive sanction is appropriate and may impose a different sanction. Unless the period of post-release control was imposed for an offense described in division (B)(1) of this section, the authority also may recommend that the parole board reduce the duration of the period of post-release control imposed by the court. If the authority recommends that the board reduce the duration of control for an offense described in division (B)(2), (B)(3), or (C) of this section, the board shall review the releasee's behavior and may reduce the duration of the period of control imposed by the court. In no case shall the board reduce the duration of the period of control imposed by the court for an offense described in division (B)(1) of this section, and in no case shall the board eliminate the mandatory

condition described in division (A) of section 2967.131 of the Revised Code.

(E) The department of rehabilitation and correction, in accordance with Chapter 119. of the Revised Code, shall adopt rules that do all of the following:

(1) Establish standards for the imposition by the parole board of post-release control sanctions under this section that are consistent with the overriding purposes and sentencing principles set forth in section 2929.11 of the Revised Code and that are appropriate to the needs of releasees;

(2) Establish standards by which the parole board can determine which prisoners described in division (C) of this section should be placed under a period of post-release control;

(3) Establish standards to be used by the parole board in reducing the duration of the period of post-release control imposed by the court when authorized under division (D) of this section, in imposing a more restrictive post-release control sanction than monitored time upon a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, or in imposing a less restrictive control sanction upon a releasee based on the releasee's activities including, but not limited to, remaining free from criminal activity and from the abuse of alcohol or other drugs, successfully participating in approved rehabilitation programs, maintaining employment, and paying restitution to the victim or meeting the terms of other financial sanctions;

(4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D)(2) of this section;

(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following:

(a) Classify violations according to the degree of seriousness;

(b) Define the circumstances under which formal action by the parole board is warranted;

(c) Govern the use of evidence at violation hearings;

(d) Ensure procedural due process to an alleged violator;

(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;

(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.

(F)(1) If a post-release control sanction is imposed upon an offender

under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the parole supervision section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or the mandatory condition described in division (A) of section 2967.131 of the Revised Code, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.

(2) If the adult parole authority determines that a releasee has violated a post-release control sanction or the mandatory condition described in division (A) of section 2967.131 of the Revised Code imposed upon the releasee and that a more restrictive sanction is appropriate, the authority may impose a more restrictive sanction upon the releasee, in accordance with the standards established under division (E) of this section, or may report the violation to the parole board for a hearing pursuant to division (F)(3) of this section. The authority may not, pursuant to this division, increase the duration of the releasee's post-release control, impose as a post-release control sanction a residential sanction that includes a prison term, or eliminate the mandatory condition described in division (A) of section 2967.131 of the Revised Code.

(3) The parole board may hold a hearing on any alleged violation by a releasee of a post-release control sanction or the mandatory condition described in division (A) of section 2967.131 of the Revised Code imposed upon the releasee. If after the hearing the board finds that the releasee violated the sanction or mandatory condition, the board may increase the duration of the releasee's post-release control up to the maximum duration authorized by division (B) or (C) of this section or impose a more restrictive post-release control sanction, but in no case shall the board eliminate the mandatory condition described in division (A) of section 2967.131 of the Revised Code. When appropriate, the board may impose as a post-release control sanction a residential sanction that includes a prison term. The board shall consider a prison term as a post-release control sanction imposed for a violation of post-release control when the violation involves a deadly weapon or dangerous ordnance, physical harm or attempted serious physical harm to a person, or sexual misconduct, or when the releasee committed

repeated violations of post-release control sanctions. The period of a prison term that is imposed as a post-release control sanction under this division shall not exceed nine months, and the maximum cumulative prison term for all violations under this section shall not exceed one-half of the stated prison term originally imposed upon the offender as part of this sentence. The period of a prison term that is imposed as a post-release control sanction under this division shall not count as, or be credited toward, the remaining period of post-release control.

(4) A releasee who has violated any post-release control sanction or the mandatory condition described in division (A) of section 2967.131 of the Revised Code imposed upon the releasee by committing a felony may be prosecuted for the new felony, and, upon conviction, the court shall impose sentence for the new felony. In addition to the sentence imposed for the new felony, the court may impose a prison term for the violation, and the term imposed for the violation shall be reduced by the prison term that is administratively imposed by the parole board or adult parole authority as a post-release control sanction. The maximum prison term for the violation shall be either the maximum period of post-release control for the earlier felony under division (B) or (C) of this section minus any time the releasee has spent under post-release control for the earlier felony or twelve months, whichever is greater. A prison term imposed for the violation shall be served consecutively to any prison term imposed for the new felony. A prison term imposed for the violation, and a prison term imposed for the new felony, shall not count as, or be credited toward, the remaining period of post-release control imposed for the earlier felony.

(5) Any period of post-release control shall commence upon an offender's actual release from prison. If an offender is serving an indefinite prison term or a life sentence in addition to a stated prison term, the offender shall serve the period of post-release control in the following manner:

(a) If a period of post-release control is imposed upon the offender and if the offender also is subject to a period of parole under a life sentence or an indefinite sentence, and if the period of post-release control ends prior to the period of parole, the offender shall be supervised on parole. The offender shall receive credit for post-release control supervision during the period of parole. The offender is not eligible for final release under section 2967.16 of the Revised Code until the post-release control period otherwise would have ended.

(b) If a period of post-release control is imposed upon the offender and if the offender also is subject to a period of parole under an indefinite sentence, and if the period of parole ends prior to the period of post-release

control, the offender shall be supervised on post-release control. The requirements of parole supervision shall be satisfied during the post-release control period.

(c) If an offender is subject to more than one period of post-release control, the period of post-release control for all of the sentences shall be the period of post-release control that expires last, as determined by the parole board. Periods of post-release control shall be served concurrently and shall not be imposed consecutively to each other.

(d) The period of post-release control for a releasee who commits a felony while under post-release control for an earlier felony shall be the longer of the period of post-release control specified for the new felony under division (B) or (C) of this section or the time remaining under the period of post-release control imposed for the earlier felony as determined by the parole board.

Sec. 2969.21. As used in sections 2969.21 to 2969.27 of the Revised Code:

(A) "Clerk" means the elected or appointed clerk of any court in this state, except the court of claims, in which an inmate has commenced a civil action or has filed an appeal of the judgment or order in a civil action of that nature.

(B)(1) "Civil action or appeal against a government entity or employee" means any of the following:

(a) A civil action that an inmate commences against the state, a political subdivision, or an employee of the state or a political subdivision in a court of common pleas, court of appeals, county court, or municipal court or in the supreme court;

(b) An appeal of the judgment or order in a civil action of the type described in division (B)(1)(a) of this section that an inmate files in a court of appeals or in the supreme court.

(2) "Civil action or appeal against a governmental entity or employee" does not include any civil action that an inmate commences against the state, a political subdivision, or an employee of the state or a political subdivision in the court of claims or an appeal of the judgment or order entered by the court of claims in a civil action of that nature, that an inmate files in a court of appeals or the supreme court.

(C) "Employee" means an officer or employee of the state or of a political subdivision who is acting under color of state law.

(D) "Inmate" means a person who is in actual confinement in a state correctional institution or in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse or a releasee

who is serving a sanction in a violation sanction center.

(E) "Inmate account" means an account maintained by the department of rehabilitation and correction under rules adopted by the director of rehabilitation and correction pursuant to section 5120.01 of the Revised Code or a similar account maintained by a sheriff or any other administrator of a jail or workhouse or by the administrator of a violation sanction center.

(F) "Political subdivision" means a county, township, city, or village; the office of an elected officer of a county, township, city, or village; or a department, board, office, commission, agency, institution, or other instrumentality of a county, township, city, or village.

(G) "State" has the same meaning as in section 2743.01 of the Revised Code.

(H) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code.

(I) "Violation sanction center" means an alternative residential facility that houses releasees who have violated a post-release control sanction or the terms and conditions of parole or of a conditional pardon and that is operated pursuant to section 2967.141 Of the Revised Code.

Sec. 2969.22. (A)(1) Whenever an inmate commences a civil action or appeal against a government entity or employee on or after ~~the effective date of this section~~ October 17, 1996, all of the following apply:

(a) The clerk of the court in which the civil action or appeal is filed shall notify the inmate and either the department of rehabilitation and correction ~~or, if the inmate is confined in a jail or workhouse,~~ the sheriff or other administrator of the jail or workhouse, or the administrator of the violation sanction center, whichever has physical custody of the inmate, of the deductions and procedures required by divisions (A) to (D) of this section, and shall identify in the notice the civil action or appeal by case name, case number, name of each party, and the court in which the civil action or appeal was brought.

(b) The clerk of the court in which the civil action or appeal is filed shall charge to the inmate either the total payment of the requisite fees that are described in section 2303.20 of the Revised Code or that otherwise are applicable to actions or appeals filed in that court or, if the inmate has submitted an affidavit of indigency, all funds in the inmate account of that inmate in excess of ten dollars, and shall notify the inmate of the charge.

(c) Unless the amount charged under division (A)(1)(b) of this section constitutes the total amount of the requisite fees, all income in the inmate account of the inmate shall be forwarded to the clerk of the court during each calendar month following the month in which the inmate filed the civil

action or appeal until the total payment of the requisite fees occurs. The first ten dollars in the inmate account of the inmate each month shall be excluded from that forwarding requirement. If multiple charges are assessed to an inmate account under this division, charges shall be calculated on the basis of the inmate's total income and shall be paid as described in this division until the charges exceed one hundred per cent of nonexcluded funds in the inmate account; thereafter, all unpaid fees shall be paid simultaneously from the inmate account of the inmate to the appropriate court or courts pro rata.

(d) Upon receipt of the notice of the requisite fees payable pursuant to divisions (A)(1)(a) to (c) of this section, the department, sheriff, or other administrator of the jail or workhouse, or the administrator of the violation sanction center shall deduct from the inmate account of the inmate and transmit to the clerk of the appropriate court the appropriate amounts of the requisite fees as described in divisions (A)(1)(b) and (c) of this section.

(2) The procedures described in this section apply notwithstanding any contrary court rule or the filing of a poverty affidavit.

(3) This section does not limit the clerk of a court of common pleas, court of appeals, county court, or municipal court or the clerk of the supreme court from considering any other inmate resources separate and apart from an inmate account of an inmate in evaluating the inmate's ability to pay court costs, fees, awards, or other amounts.

(B) An inmate who commences a civil action or appeal against a governmental entity or employee on or after ~~the effective date of this section~~ October 17, 1996, shall be considered to have authorized payment as the plaintiff in the civil action or the appellant in the appeal of the requisite fees that are described in section 2303.20 of the Revised Code or that otherwise are applicable to actions or appeals filed in the court in which the action or appeal is filed, using the procedures set forth in this section, until total payment of the requisite fees.

(C)(1) If an inmate files a civil action or appeal against a government entity or employee on or after ~~the effective date of this section~~ October 17, 1996, upon the termination of the civil action or appeal, the clerk of the court in which the action or appeal was filed shall notify the department of rehabilitation and correction ~~or, if the inmate is confined in a jail or workhouse,~~ the sheriff or other administrator of the jail or workhouse, or the administrator of the violation sanction center of the outcome of the civil action or appeal and shall identify the civil action or appeal by case name, case number, name of each party, and the court in which the civil action or appeal was brought.

(2) The department of rehabilitation and correction ~~or~~, the sheriff or

other administrator of a jail or workhouse, or the administrator of the violation sanction center shall keep in the inmate's file a record of the information supplied by the clerk of the appropriate court under division (C)(1) of this section.

(D) If an inmate is to be released from confinement prior to the total payment of the requisite fees as provided in divisions (A) and (B) of this section, the department of rehabilitation and correction ~~or, if the confinement was in a jail or workhouse,~~ the sheriff or other administrator of the jail or workhouse, or the administrator of the violation sanction center, whichever has physical custody of the inmate, shall inform the clerk of the court of common pleas, court of appeals, county court, municipal court, or supreme court of the release. The department, sheriff, or other administrator of the jail or workhouse, or administrator of the violation sanction center shall deduct from the inmate account of the inmate in the month of the inmate's release from custody an amount sufficient to pay the remainder of the requisite fees owed and transmit that amount to the clerk. If there are insufficient funds in the inmate account of the inmate to totally pay the requisite fees, the department, sheriff, or other administrator of the jail or workhouse, or administrator of the violation sanction center shall deduct the balance of the account and transmit that amount to the clerk. The clerk shall inform the court of the amount of the requisite fees still owed.

Sec. 2969.24. (A) If an inmate files a civil action or appeal against a government entity or employee, the court in which the action or appeal is filed, on its own motion or on the motion of a party, may dismiss the civil action or appeal at any stage in the proceedings if the court finds any of the following:

(1) The allegation of indigency in a poverty affidavit filed by the inmate is false.

(2) The claim that is the basis of the civil action or the issues of law that are the basis of the appeal are frivolous or malicious.

(3) The inmate filed an affidavit required by section 2969.25 or 2969.26 of the Revised Code that was materially false.

(B) For the purposes of this section, in determining whether a claim that is the basis of the civil action or the issues of law that are the basis of the appeal are frivolous or malicious, the court may consider whether any of the following applies:

(1) The claim fails to state a claim or the issues of law fail to state any issues of law.

(2) The claim has no arguable basis in law or fact or the issues of law have no arguable basis in law.

(3) It is clear that the inmate cannot prove material facts in support of the claim or in support of the issues of law.

(4) The claim that is the basis of the civil action is substantially similar to a claim in a previous civil action filed by the inmate or the issues of law that are the basis of the appeal are substantially similar to issues of law raised in a previous appeal filed by the inmate, in that the claim that is the basis of the current civil action or the issues of law that are the basis of the current appeal involve the same parties or arise from the same operative facts as the claim or issues of law in the previous civil action or appeal.

(C) If a party files a motion requesting the dismissal of a civil action or appeal under division (A) of this section, the court shall hold a hearing on the motion. If the court raises the issue of the dismissal of a civil action or appeal under division (A) of this section by its own motion, the court may hold a hearing on the motion. If practicable, the court may hold the hearing described in this division by telephone or, in the alternative, at the state correctional institution, jail, ~~or~~ workhouse, or violation sanction center in which the inmate is confined.

(D) On the filing of a motion for dismissal of a civil action under division (A) of this section, the court may suspend discovery relating to the civil action pending the determination of the motion.

(E) Divisions (A) to (D) of this section do not limit the authority of the court in which the civil action or appeal is filed to otherwise dismiss the civil action or appeal.

Sec. 2969.26. (A) If an inmate commences a civil action or appeal against a government entity or employee and if the inmate's claim in the civil action or the inmate's claim in the civil action that is being appealed is subject to the grievance system for the state correctional institution, jail, ~~or~~ workhouse, or violation sanction center in which the inmate is confined, the inmate shall file both of the following with the court:

(1) An affidavit stating that the grievance was filed and the date on which the inmate received the decision regarding the grievance.

(2) A copy of any written decision regarding the grievance from the grievance system.

(B) If the civil action or appeal is commenced before the grievance system process is complete, the court shall stay the civil action or appeal for a period not to exceed one hundred eighty days to permit the completion of the grievance system process.

Sec. 3313.65. (A) As used in this section and section 3313.64 of the Revised Code:

(1) A person is "in a residential facility" if the person is a resident or a

resident patient of an institution, home, or other residential facility that is:

(a) Licensed as a nursing home, residential care facility, or home for the aging by the director of health under section 3721.02 of the Revised Code or licensed as a community alternative home by the director of health under section 3724.03 of the Revised Code;

(b) Licensed as an adult care facility by the director of health under Chapter 3722. of the Revised Code;

(c) Maintained as a county home or district home by the board of county commissioners or a joint board of county commissioners under Chapter 5155. of the Revised Code;

(d) Operated or administered by a board of alcohol, drug addiction, and mental health services under section 340.03 or 340.06 of the Revised Code, or provides residential care pursuant to contracts made under section 340.03 or 340.033 of the Revised Code;

(e) Maintained as a state institution for the mentally ill under Chapter 5119. of the Revised Code;

(f) Licensed by the department of mental health under section 5119.20 or 5119.22 of the Revised Code;

(g) Licensed as a residential facility by the department of mental retardation and developmental disabilities under section 5123.19 of the Revised Code;

(h) Operated by the veteran's administration or another agency of the United States government;

(i) The Ohio soldiers' and sailors' home.

(2) A person is "in a correctional facility" if any of the following apply:

(a) The person is an Ohio resident and is:

(i) Imprisoned, as defined in section 1.05 of the Revised Code;

(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;

(iii) Required, as a condition of parole, ~~shock parole~~, probation, ~~shock probation~~, ~~furlough~~ transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect prior to July 1, 1996, or as a condition of a furlough granted under the version of section 2967.26 Of the Revised Code in effect prior to the effective date of this amendment to reside in a halfway house or other community residential center licensed under section 2967.14 of the Revised Code or a similar facility designated by the common pleas court that established the condition or by the adult parole authority.

(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time

the sentence was imposed for the crime for which the person is imprisoned.

(3) A person is "in a juvenile residential placement" if the person is an Ohio resident who is under twenty-one years of age and has been removed, by the order of a juvenile court, from the place the person resided at the time the person became subject to the court's jurisdiction in the matter that resulted in the person's removal.

(B) If the circumstances described in division (C) of this section apply, the determination of what school district must admit a child to its schools and what district, if any, is liable for tuition shall be made in accordance with this section, rather than section 3313.64 of the Revised Code.

(C) A child who does not reside in the school district in which the child's parent resides and for whom a tuition obligation previously has not been established under division (C)(2) of section 3313.64 of the Revised Code shall be admitted to the schools of the district in which the child resides if at least one of the child's parents is in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, is not known to reside in this state.

(D) Regardless of who has custody or care of the child, whether the child resides in a home, or whether the child receives special education, if a district admits a child under division (C) of this section, tuition shall be paid to that district as follows:

(1) If the child's parent is in a juvenile residential placement, by the district in which the child's parent resided at the time the parent became subject to the jurisdiction of the juvenile court;

(2) If the child's parent is in a correctional facility, by the district in which the child's parent resided at the time the sentence was imposed;

(3) If the child's parent is in a residential facility, by the district in which the parent resided at the time the parent was admitted to the residential facility, except that if the parent was transferred from another residential facility, tuition shall be paid by the district in which the parent resided at the time the parent was admitted to the facility from which the parent first was transferred;

(4) In the event of a disagreement as to which school district is liable for tuition under division (C)(1), (2), or (3) of this section, the superintendent of public instruction shall determine which district shall pay tuition.

(E) If a child covered by division (D) of this section receives special education in accordance with Chapter 3323. of the Revised Code, the tuition shall be paid in accordance with section 3323.13 or 3323.14 of the Revised Code. Tuition for children who do not receive special education shall be paid in accordance with division (I) of section 3313.64 of the Revised Code.

Sec. 5120.031. (A) As used in this section:

(1) "Certificate of high school equivalence" means a statement that is issued by the state board of education or an equivalent agency of another state and that indicates that its holder has achieved the equivalent of a high school education as measured by scores obtained on the tests of general educational development published by the American council on education.

(2) "Certificate of adult basic education" means a statement that is issued by the department of rehabilitation and correction through the Ohio central school system approved by the state board of education and that indicates that its holder has achieved a 6.0 grade level, or higher, as measured by scores of nationally standardized or recognized tests.

(3) "Deadly weapon" and "firearm" have the same meanings as in section 2923.11 of the Revised Code.

(4) "Eligible offender" means a person, other than one who is ineligible to participate in an intensive program prison under the criteria specified in section 5120.032 of the Revised Code, who has been convicted of or pleaded guilty to, and has been sentenced for, a felony.

(5) "Shock incarceration" means the program of incarceration that is established pursuant to the rules of the department of rehabilitation and correction adopted under this section.

(B)(1) The director of rehabilitation and correction, by rules adopted under Chapter 119. of the Revised Code, shall establish a pilot program of shock incarceration that may be used for eligible offenders who are sentenced to serve a term of imprisonment under the custody of the department of rehabilitation and correction and whom the department, subject to the approval of the sentencing judge, may permit to serve their sentence as a sentence of shock incarceration in accordance with this section.

(2) The rules for the pilot program shall require that the program be established at an appropriate state correctional institution designated by the director and that the program consist of both of the following for each eligible offender whom the department, with the approval of the sentencing judge, permits to serve the eligible offender's sentence as a sentence of shock incarceration:

(a) A period of imprisonment at that institution of ninety days that shall consist of a military style combination of discipline, physical training, and hard labor and substance abuse education, employment skills training, social skills training, and psychological treatment. During the ninety-day period, the department may permit an eligible offender to participate in a self-help program. Additionally, during the ninety-day period, an eligible offender

who holds a high school diploma or a certificate of high school equivalence may be permitted to tutor other eligible offenders in the shock incarceration program. If an eligible offender does not hold a high school diploma or certificate of high school equivalence, the eligible offender may elect to participate in an education program that is designed to award a certificate of adult basic education or an education program that is designed to award a certificate of high school equivalence to those eligible offenders who successfully complete the education program, whether the completion occurs during or subsequent to the ninety-day period. To the extent possible, the department shall use as teachers in the education program persons who have been issued a license pursuant to sections 3319.22 to 3319.31 of the Revised Code, who have volunteered their services to the education program, and who satisfy any other criteria specified in the rules for the pilot project.

(b) Immediately following the ninety-day period of imprisonment, and notwithstanding any other provision governing the ~~furlough or other~~ early release of a prisoner from imprisonment or the transfer of a prisoner to transitional control, one of the following, as determined by the director:

(i) An intermediate, transitional type of detention for the period of time determined by the director and, immediately following the intermediate, transitional type of detention, a release under a post-release control sanction imposed in accordance with section 2967.28 of the Revised Code. The period of intermediate, transitional type of detention imposed by the director under this division may be in a halfway house, in a community-based correctional facility and program or district community-based correctional facility and program established under sections 2301.51 to 2301.56 of the Revised Code, or in any other facility approved by the director that provides for detention to serve as a transition between imprisonment in a state correctional institution and release from imprisonment.

(ii) A release under a post-release control sanction imposed in accordance with section 2967.28 of the Revised Code.

(3) The rules for the pilot program also shall include, but are not limited to, all of the following:

(a) Rules identifying the locations within the state correctional institution designated by the director that will be used for eligible offenders serving a sentence of shock incarceration;

(b) Rules establishing specific schedules of discipline, physical training, and hard labor for eligible offenders serving a sentence of shock incarceration, based upon the offender's physical condition and needs;

(c) Rules establishing standards and criteria for the department to use in

determining which eligible offenders the department will permit to serve their sentence of imprisonment as a sentence of shock incarceration;

(d) Rules establishing guidelines for the selection of post-release control sanctions for eligible offenders;

(e) Rules establishing procedures for notifying sentencing courts of the performance of eligible offenders serving their sentences of imprisonment as a sentence of shock incarceration;

(f) Any other rules that are necessary for the proper conduct of the pilot program.

(C)(1) Subject to disapproval by the sentencing judge, if an eligible offender is sentenced to a term of imprisonment under the custody of the department, the department may permit the eligible offender to serve the sentence as a sentence of shock incarceration, in accordance with this section and the rules adopted under this section. At least three weeks prior to permitting an eligible offender to serve a sentence of shock incarceration, the department shall notify the sentencing judge of the proposed shock incarceration and of the fact that the judge may disapprove it. If the sentencing judge disapproves of shock incarceration for the eligible offender, the judge shall notify the department of the disapproval within ten days after receipt of the notice, and the department shall not permit the eligible offender to serve a sentence of shock incarceration. If the judge does not timely disapprove of shock incarceration for the eligible offender, the department may proceed with plans for the shock incarceration.

(2) If the department permits an eligible offender to serve the eligible offender's sentence of imprisonment as a sentence of shock incarceration and the eligible offender does not satisfactorily complete the entire period of imprisonment described in division (B)(2)(a) of this section, the offender shall be removed from the pilot program for shock incarceration and shall be required to serve the remainder of the offender's sentence of imprisonment imposed by the sentencing court as a regular term of imprisonment. If the eligible offender commences a period of post-release control described in division (B)(2)(b) of this section and violates the conditions of that post-release control, the eligible offender shall be subject to the provisions of sections 2967.15 and 2967.28 of the Revised Code regarding violation of post-release control sanctions.

(3) If an eligible offender's stated prison term expires at any time during the eligible offender's participation in the shock incarceration program, the adult parole authority shall terminate the eligible offender's participation in the program and shall issue to the eligible offender a certificate of expiration of the stated prison term.

(D) The director shall keep sentencing courts informed of the performance of eligible offenders serving their sentences of imprisonment as a sentence of shock incarceration, including, but not limited to, notice of eligible offenders who fail to satisfactorily complete their entire sentence of shock incarceration or who satisfactorily complete their entire sentence of shock incarceration.

(E) Within a reasonable period of time after November 20, 1990, the director shall appoint a committee to search for one or more suitable sites at which one or more programs of shock incarceration, in addition to the pilot program required by division (B)(1) of this section, may be established. The search committee shall consist of the director or the director's designee, as ~~chairman~~ chairperson; employees of the department of rehabilitation and correction appointed by the director; and any other persons that the director, in the director's discretion, appoints. In searching for such sites, the search committee shall give preference to any site owned by the state or any other governmental entity and to any existing structure that reasonably could be renovated, enlarged, converted, or remodeled for purposes of establishing such a program. The search committee shall prepare a report concerning its activities and, on the earlier of the day that is twelve months after the first day on which an eligible offender began serving a sentence of shock incarceration under the pilot program or January 1, 1992, shall file the report with the president and the minority leader of the senate, the speaker and the minority leader of the house of representatives, the members of the senate who were members of the senate judiciary committee in the 118th general assembly or their successors, and the members of the house of representatives who were members of the select committee to hear drug legislation that was established in the 118th general assembly or their successors. Upon the filing of the report, the search committee shall terminate. The report required by this division shall contain all of the following:

(1) A summary of the process used by the search committee in performing its duties under this division;

(2) A summary of all of the sites reviewed by the search committee in performing its duties under this division, and the benefits and disadvantages it found relative to the establishment of a program of shock incarceration at each such site;

(3) The findings and recommendations of the search committee as to the suitable site or sites, if any, at which a program of shock incarceration, in addition to the pilot program required by division (B)(1) of this section, may be established.

(F) The director periodically shall review the pilot program for shock incarceration required to be established by division (B)(1) of this section. The director shall prepare a report relative to the pilot program and, on the earlier of the day that is twelve months after the first day on which an eligible offender began serving a sentence of shock incarceration under the pilot program or January 1, 1992, shall file the report with the president and the minority leader of the senate, the speaker and the minority leader of the house of representatives, the members of the senate who were members of the senate judiciary committee in the 118th general assembly or their successors, and the members of the house of representatives who were members of the select committee to hear drug legislation that was established in the 118th general assembly or their successors. The pilot program shall not terminate at the time of the filing of the report, but shall continue in operation in accordance with this section. The report required by this division shall include all of the following:

(1) A summary of the pilot program as initially established, a summary of all changes in the pilot program made during the period covered by the report and the reasons for the changes, and a summary of the pilot program as it exists on the date of preparation of the report;

(2) A summary of the effectiveness of the pilot program, in the opinion of the director and employees of the department involved in its operation;

(3) An analysis of the total cost of the pilot program, of its cost per inmate who was permitted to serve a sentence of shock incarceration and who served the entire sentence of shock incarceration, and of its cost per inmate who was permitted to serve a sentence of shock incarceration;

(4) A summary of the standards and criteria used by the department in determining which eligible offenders were permitted to serve their sentence of imprisonment as a sentence of shock incarceration;

(5) A summary of the characteristics of the eligible offenders who were permitted to serve their sentence of imprisonment as a sentence of shock incarceration, which summary shall include, but not be limited to, a listing of every offense of which any such eligible offender was convicted or to which any such eligible offender pleaded guilty and in relation to which the eligible offender served a sentence of shock incarceration, and the total number of such eligible offenders who were convicted of or pleaded guilty to each such offense;

(6) A listing of the number of eligible offenders who were permitted to serve a sentence of shock incarceration and who did not serve the entire sentence of shock incarceration, and, to the extent possible, a summary of the length of the terms of imprisonment served by such eligible offenders

after they were removed from the pilot program;

(7) A summary of the effect of the pilot program on overcrowding at state correctional institutions;

(8) To the extent possible, an analysis of the rate of recidivism of eligible offenders who were permitted to serve a sentence of shock incarceration and who served the entire sentence of shock incarceration;

(9) Recommendations as to legislative changes to the pilot program that would assist in its operation or that could further alleviate overcrowding at state correctional institutions, and recommendations as to whether the pilot program should be expanded.

~~Sec. 5120.05. Except as otherwise provided as to appointments by chiefs of divisions, the director of rehabilitation and correction shall appoint the employees that are necessary for the efficient conduct of the department of rehabilitation and correction and shall prescribe their titles and duties. The department of rehabilitation and correction may maintain, operate, manage, and govern all state institutions for the custody, control, training, and rehabilitation of persons convicted of crime and sentenced to correctional institutions.~~

The department may designate correctional institutions by appropriate respective names.

The department may receive from the department of youth services any children in the custody of the department of youth services, committed to the department of rehabilitation and correction by the department of youth services, upon the terms and conditions that are agreed upon by the departments.

Sec. 5120.06. (A) The following divisions are hereby established in the department of rehabilitation and correction:

~~(A)(1)~~ The division of business administration;

~~(B)(2)~~ The division of parole and community services.

(B) The director of rehabilitation and correction may establish ~~other offices, divisions in addition to those specified in division (A) of this section, bureaus, and other administrative units within the department of rehabilitation and correction~~ and prescribe their powers and duties.

Sec. 5120.102. As used in sections 5120.102 to 5120.105 of the Revised Code:

(A) "Private, nonprofit organization" means a private association, organization, corporation, or other entity that is exempt from federal income taxation under section 501(a) and is described in section 501(c) of the "Internal Revenue Code of 1986," 100 ~~stat~~ Stat. 2085, 26 U.S.C.A. 501, as amended.

(B) "Governmental agency" means a state agency; a municipal corporation, county, township, other political subdivision or special district in this state established by or pursuant to law, or a combination of those political subdivisions or special districts; the United States or a department, division, or agency of the United States; or an agency, commission, or authority established pursuant to an interstate compact or agreement.

(C) "State agency" means the state or one of its branches, offices, boards, commissions, authorities, departments, divisions, or other units or agencies of the state.

(D) "Halfway house organization" means a private, nonprofit organization or a governmental agency that provides programs or activities in areas directly concerned with housing and monitoring offenders who are under the community supervision of the department of rehabilitation and correction or whom a court places in a halfway house pursuant to section 2929.16 of the Revised Code.

(E) "Halfway house facility" means a capital facility in this state to which all of the following apply:

(1) The construction of the capital facility is authorized or funded by the general assembly pursuant to division (C) of section 5120.105 of the Revised Code.

(2) The state owns or has a sufficient real property interest in the capital facility or in the site of the capital facility for a period of not less than the greater of the useful life of the capital facility, as determined by the director of budget and management using the guidelines for maximum maturities as provided under divisions (B), (C), and (E) of section 133.20 of the Revised Code and certified to the department of rehabilitation and correction and the Ohio building authority, or the final maturity of obligations issued by the Ohio building authority to finance the capital facility.

(3) The capital facility is managed directly by, or by contract with, the department of rehabilitation and correction and is used for housing offenders who are under the community supervision of the department of rehabilitation and correction or whom a court places in a halfway house pursuant to section 2929.16 of the Revised Code.

(F) "Construction" includes acquisition, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing.

(G) "General building services" means general building services for a halfway house facility that include, but are not limited to, general custodial care, security, maintenance, repair, painting, decoration, cleaning, utilities, fire safety, grounds and site maintenance and upkeep, and plumbing.

(H) "Manage," "operate," or "management" means the provision of, or the exercise of control over the provision of, activities that relate to the housing of offenders in correctional facilities, including, but not limited to, providing for release services for offenders who are under the community supervision of the department of rehabilitation and correction, ~~whom or are placed by a court~~ places in a halfway house pursuant to section 2929.16 of the Revised Code, and who reside in halfway house facilities.

Sec. 5120.103. (A) To the extent that funds are available, the department of rehabilitation and correction, in accordance with this section and sections 5120.104 and 5120.105 of the Revised Code, may construct or provide for the construction of halfway house facilities for offenders whom a court places in a halfway house pursuant to section 2929.16 of the Revised Code or who are eligible for community supervision by the department of rehabilitation and correction.

(B) A halfway house organization that seeks to ~~construct~~ assist in the program planning of a halfway house facility described in division (A) of this section shall file an application with the director of rehabilitation and correction. ~~The applicant shall submit with the application a plan that specifies all of the services that will be provided to offenders whom a court places in a halfway house pursuant to section 2929.16 of the Revised Code or who are eligible for community supervision by the department of rehabilitation and correction and who reside in the halfway house facility as set forth in a request for proposal.~~ Upon the submission of an application, the division of parole and community services shall review it and, if the division believes it is appropriate, shall submit a recommendation for its approval to the director. When the division submits a recommendation for approval of an application, the director may approve the application. The director shall not take action or fail to take action, or permit the taking of action or the failure to take action, with respect to halfway house facilities that would adversely affect the exclusion of interest on public obligations or on fractionalized interests in public obligations from gross income for federal income tax purposes, or the classification or qualification of the public obligations or the interest on or fractionalized interests in public obligations for, or their exemption from, other treatment under the Internal Revenue Code.

(C) The director of rehabilitation and correction and the halfway house organization may enter into an agreement establishing terms for the ~~construction~~ program planning of the halfway house facility. Any terms so established shall conform to the terms of any covenant or agreement pertaining to an obligation from which the funds used for the construction of

the halfway house facility are derived.

(D) The director of rehabilitation and correction, in accordance with Chapter 119. of the Revised Code, shall adopt rules that specify procedures by which a halfway house organization may apply for ~~construction~~ a contract for program planning of a halfway house facility constructed under this section, procedures for the department to follow in considering an application, criteria for granting approval of an application, and any other rules that are necessary for the ~~proper conduct of the construction~~ selection of program planners of a halfway house facility.

Sec. 5120.104. (A) It is hereby declared to be a public purpose and an essential governmental function of the state that the department of rehabilitation and correction, in the name of the state and for the use and benefit of the department, purchase, acquire, construct, own, lease, or sublease capital facilities or sites for capital facilities for use as halfway house facilities.

(B) The director of rehabilitation and correction may lease or sublease capital facilities or sites for capital facilities under division (A) of this section to or from, and may make any other agreement with respect to the purchase, construction, management, or operation of those capital facilities with, a halfway house organization ~~that has the authority under the law to operate those capital facilities and~~ or the Ohio building authority. The director may make any lease, sublease, or other agreement under this division without the necessity for advertisement, auction, competitive bidding, court order, or other action or formality otherwise required by law. Notwithstanding any other provision of the Revised Code, the director shall make each lease or sublease to or from the Ohio building authority in accordance with division (D) of section 152.24 of the Revised Code.

(C) The director, by a sale, lease, sublease, release, or other agreement, may dispose of real or personal property or a lesser interest in real or personal property that is held or owned by the state for the use and benefit of the department, if the department does not need the property or interest for its purposes. The department shall make a sale, lease, sublease, release, or other agreement under this division upon the terms that it determines, subject to the approval by the governor in the case of a sale, lease, sublease, release, or other agreement regarding real property or an interest in real property. The director may make a lease, sublease, or other grant of use of property or an interest in property under this division without the necessity for advertisement, auction, competitive bidding, court order, or other action or formality otherwise required by law.

(D) The director may grant an easement or other interest in real property

held by the state for the use and benefit of the department if that easement or interest will not interfere with the use of the property as a halfway house facility.

(E) All property purchased, acquired, constructed, owned, leased, or subleased by the department in the exercise of its powers and duties are public property used exclusively for a public purpose, and that property and the income derived by the department from the property are exempt from all taxation within this state, including without limitation, ad valorem and excise taxes.

Sec. 5120.105. (A) The department of administrative services shall provide for the construction of a halfway house facility in conformity with Chapter 153. of the Revised Code, except that construction services may be provided by the department of rehabilitation and correction ~~or by a halfway house organization that occupies, will occupy, or is responsible for the management of the facility, as determined by the department of rehabilitation and correction. The construction services to be provided by the halfway house organization under this division shall be specified in an agreement between the department of rehabilitation and correction, the department of administrative services, and the halfway house organization.~~

(B) ~~In the absence of an agreement as specified in this division, the general building services for the director of rehabilitation and correction may enter into an agreement with a halfway house organization for the management of a halfway house facility shall be provided by the department of rehabilitation and correction or by a halfway house organization that occupies, will occupy, or is responsible for the management of the facility, as determined by the department of rehabilitation and correction.~~ The halfway house organization that occupies, will occupy, or is responsible for the management of a halfway house facility shall pay the costs of management of and general building services for the halfway house facility as provided in an agreement between the department of rehabilitation and correction and the halfway house organization.

(C) No state funds, including state bond proceeds, shall be spent on the construction of a halfway house facility under sections 5120.102 to 5120.105 of the Revised Code, unless the general assembly has specifically authorized the spending of money on, or has made an appropriation to the department of rehabilitation and correction for, the construction of the halfway house facility or rental payments relating to the financing of the construction of that facility. An authorization to spend money or an appropriation for planning a halfway house facility does not constitute an authorization to spend money on, or an appropriation for, the construction of

that facility. Capital funds for the construction of halfway house facilities under sections 5120.102 to 5120.105 of the Revised Code shall be paid from the adult correctional building fund created by the general assembly in the custody of the state treasurer.

Sec. 5120.16. (A) Persons sentenced to any institution, division, or place under the control of the department of rehabilitation and correction are committed to the control, care, and custody of the department. Subject to division (B) of this section, the director of rehabilitation and correction or the director's designee may direct that persons sentenced to the department, or to any institution or place within the department, shall ~~first~~ be conveyed initially to an appropriate facility established and maintained by the department for reception, examination, observation, and classification of the persons so sentenced. If a presentence investigation report was not prepared pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 regarding any person sentenced to the department or to any institution or place within the department, the director or the director's designee may order the department's field staff to conduct an offender background investigation and prepare an offender background investigation report regarding the person. The investigation and report shall be conducted in accordance with division (A) of section 2951.03 of the Revised Code and the report shall contain the same information as a presentence investigation report prepared pursuant to that section.

When the examination, observation, and classification of the person have been completed by the facility and a written report of the examination, observation, and classification is filed with the commitment papers, the director or the director's designee, subject to division (B) of this section, shall assign the person to a suitable state institution or place maintained by the state within the director's department or shall designate that the person is to be housed in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, if authorized by section 5120.161 of the Revised Code, there to be confined, cared for, treated, trained, and rehabilitated until paroled, released in accordance with section ~~2967.20, 2967.23~~ 2929.20, 2967.26, or 2967.28 of the Revised Code, or otherwise released under the order of the court that imposed the person's sentence. No person committed by a probate court, a trial court pursuant to section 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity, or a juvenile court shall be assigned to a state correctional institution.

If a person is sentenced, committed, or assigned for the commission of a felony to any one of the institutions or places maintained by the department

or to a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, the department, by order duly recorded and subject to division (B) of this section, may transfer the person to any other institution, or, if authorized by section 5120.161 of the Revised Code, to a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse.

(B) If the case of a child who is alleged to be a delinquent child is transferred for criminal prosecution to the appropriate court having jurisdiction of the offense pursuant to division (B) or (C) of section 2151.26 of the Revised Code, if the child is convicted of or pleads guilty to a felony in that case, if the child is sentenced to a prison term, as defined in section 2901.01 of the Revised Code, and if the child is under eighteen years of age when delivered to the custody of the department of rehabilitation and correction, all of the following apply regarding the housing of the child:

(1) Until the child attains eighteen years of age, subject to divisions (B)(2), (3), and (4) of this section, the department shall house the child in a housing unit in a state correctional institution separate from inmates who are eighteen years of age or older.

(2) The department is not required to house the child in the manner described in division (B)(1) of this section if the child does not observe the rules and regulations of the institution or the child otherwise creates a security risk by being housed separately.

(3) If the department receives too few inmates who are under eighteen years of age to fill a housing unit in a state correctional institution separate from inmates who are eighteen years of age or older, as described in division (B)(1) of this section, the department may house the child in a housing unit in a state correctional institution that includes both inmates who are under eighteen years of age and inmates who are eighteen years of age or older and under twenty-one years of age.

(4) Upon the child's attainment of eighteen years of age, the department may house the child with the adult population of the state correctional institution.

(C) The director or the director's designee shall develop a policy for dealing with problems related to infection with the human immunodeficiency virus. The policy shall include methods of identifying individuals committed to the custody of the department who are at high risk of infection with the virus; ~~and~~ and counseling ~~these~~ those individuals; ~~and, if it is determined to be medically appropriate, offering them the opportunity to be given an HIV test approved by the director of health pursuant to section 3701.241 of the Revised Code.~~

Arrangements for housing individuals diagnosed as having AIDS or an AIDS-related condition shall be made by the department based on security and medical considerations and in accordance with division (B) of this section, if applicable.

Sec. 5120.163. At the time of reception and at other times the director determines to be appropriate, the department of rehabilitation and correction may examine and test a prisoner for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The department may test and treat involuntarily a prisoner in a state correctional institution who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease.

Sec. 5120.172. A minor whose case is transferred for criminal prosecution pursuant to section 2151.26 of the Revised Code, who is prosecuted as an adult and is convicted OF or pleads guilty to one or more offenses in that case, and who is sentenced to a prison term or term of imprisonment in a state correctional institution for one or more of those offenses shall be considered emancipated for the purpose of consenting to medical treatment while confined in the state correctional institution.

Sec. 5120.211. (A) As used in this section:

(1) "Quality assurance committee" means a committee that is appointed in the central office of the department of rehabilitation and correction by the director of rehabilitation and correction, a committee appointed at a state correctional institution by the managing officer of the institution, or a duly authorized subcommittee of a committee of that nature and that is designated to carry out quality assurance program activities.

(2) "Quality assurance program" means a comprehensive program within the department of rehabilitation and correction to systematically review and improve the quality of medical and mental health services within the department and its institutions, the safety and security of persons receiving medical and mental health services within the department and its institutions, and the efficiency and effectiveness of the utilization of staff and resources in the delivery of medical and mental health services within the department and its institutions.

tilization review including access to patient care, patient care assessments, medical and mental health records, medical and mental health resource management, mortality and morbidity review, and identification and prevention of medical or mental health incidents and risks, whether performed by a quality assurance committee or by persons who are directed by a quality assurance committee.

(4) "Quality assurance records" means the proceedings, records, minutes, and reports that emanate from quality assurance program activities. "Quality assurance records" does not include aggregate statistical information that does not disclose the identity of persons receiving or providing medical or mental health services in state correctional institutions.

(B)(1) Except as provided in division (E) of this section, quality assurance records are confidential and are not public records under section 149.43 Of the Revised Code, and shall be used only in the course of the proper functions of a quality assurance program.

(2) Except as provided in division (E) of this section, no person who possesses or has access to quality assurance records and who knows that the records are quality assurance records shall wilfully disclose the contents of the records to any person or entity.

(C)(1) Except as provided in division (E) of this section, no quality assurance record shall be subject to discovery, and is not admissible in evidence, in any judicial or administrative proceeding.

(2) Except as provided in division (E) of this section, no member of a quality assurance committee or a person who is performing a function that is part of a quality assurance program shall be permitted or required to testify in a judicial or administrative proceeding with respect to quality assurance records or with respect to any finding, recommendation, evaluation, opinion, or other action taken by the committee, member, or person.

(3) Information, documents, or records otherwise available from original sources are not to be construed as being unavailable for discovery or admission in evidence in a judicial or administrative proceeding merely because they were presented to a quality assurance committee. No person testifying before a quality assurance committee or person who is a member of a quality assurance committee shall be prevented from testifying as to matters within the person's knowledge, but the witness cannot be asked about the witness' testimony before the quality assurance committee or about an opinion formed by the person as a result of the quality assurance committee proceedings.

(D)(1) A person who, without malice and in the reasonable belief that the information is warranted by the facts known to the person, provides

information to a person engaged in quality assurance program activities is not liable for damages in a civil action for injury, death, or loss to person or property to any person as a result of providing the information.

(2) A member of a quality assurance committee, a person engaged in quality assurance program activities, and an employee of the department of rehabilitation and correction shall not be liable in damages in a civil action for injury, death, or loss to person or property to any person for any acts, omissions, decisions, or other conduct within the scope of the functions of the quality assurance program.

(3) Nothing in this section shall relieve any institution or individual from liability arising from the treatment of a patient.

(E) Quality assurance records may be disclosed, and testimony may be provided concerning quality assurance records, only to the following persons or entities or in the following circumstances:

(1) Persons who are employed or retained by the department of rehabilitation and correction and who have authority to evaluate or implement the recommendations of an institutional or central office quality assurance committee;

(2) Public or private agencies or organizations if needed to perform a licensing or accreditation function related to state correctional institutions or to perform monitoring of state correctional institutions as required by law;

(3) A governmental board or agency, a professional health care society or organization, or a professional standards review organization, if the records or testimony are needed to perform licensing, credentialing, or monitoring of professional standards with respect to medical or mental health professionals employed or retained by the department;

(4) A criminal or civil law enforcement agency or public health agency charged by law with the protection of public health or safety, if a qualified representative of the agency makes a written request stating that the records or testimony is necessary for a purpose authorized by law;

(5) In a judicial or administrative proceeding commenced by an entity described in division (E)(3) or (4) of this section and for a purpose described in that division, but only with respect to the subject of the proceedings.

(E) A disclosure of quality assurance records pursuant to division (E) of this section does not otherwise waive the confidential and privileged status of the disclosed quality assurance records. The names and other identifying information regarding individual patients, employees, or members of a quality assurance committee contained in a quality assurance record shall be deleted from the record prior to the disclosure of the record unless the identity of an individual is necessary to the purpose for which disclosure is

being made and does not constitute a clearly unwarranted invasion of personal privacy.

Sec. 5120.331. (A) Not later than the first day of April of each year, the department of rehabilitation and correction shall prepare an annual report covering the preceding calendar year that does all of the following:

(1) Indicates the total number of persons sentenced to any institution, division, or place under its control and management who are delivered within that calendar year to its custody and control;

(2) Indicates the total number of persons who, during that calendar year, were released from a prison term on any of the following bases:

(a) On judicial release under section 2929.20 of the Revised Code;

(b) On ~~furlough~~ transitional control under section 2967.26 of the Revised Code;

(c) On parole;

(d) Due to the expiration of the stated prison term imposed;

(e) On any basis not described in divisions (A)(2)(a) to (d) of this section.

(3) Lists each offense, by Revised Code section number and, if applicable, by designated name, for which at least one person who was released from a prison term in that calendar year was serving a prison term at the time of release;

(4) For each offense included in the list described in division (A)(3) of this section, indicates all of the following:

(a) The total number of persons released from a prison term in that calendar year who were serving a prison term for that offense at the time of release;

(b) The shortest, longest, and average prison term that had been imposed for that offense upon the persons described in division (A)(4)(a) of this section and that they were serving at the time of release;

(c) The shortest, longest, and average period of imprisonment actually served by the persons described in division (A)(4)(a) of this section under a prison term that had been imposed for that offense upon them and that they were serving at the time of release;

(d) The total number of persons released from a prison term in that calendar year under each of the bases for release set forth in division (A)(2) of this section who were serving a prison term for that offense at the time of release;

(e) The shortest, longest, and average prison term that had been imposed for that offense upon the persons in each category described in division (A)(4)(d) of this section and that they were serving at the time of release;

(f) The shortest, longest, and average period of imprisonment actually served by the persons in each category described in division (A)(4)(d) of this section under a prison term that had been imposed for that offense upon them and that they were serving at the time of release.

(B) No report prepared under division (A) of this section shall identify or enable the identification of any person released from a prison term in the preceding calendar year.

(C) Each annual report prepared under division (A) of this section shall be distributed to each member of the general assembly.

(D) As used in this section, "prison term" and "stated prison term" have the same meanings as in section 2929.01 of the Revised Code.

Sec. 5120.38. Subject to the rules ~~and regulations~~ of the department of rehabilitation and correction, each institution under the department's jurisdiction other than an institution operated pursuant to a contract entered into under section 9.06 of the Revised Code shall be under the control of a managing officer known as a ~~superintendent~~ warden or other appropriate title. ~~Such~~ The managing officer shall be appointed by the director of the department of rehabilitation and correction and shall be in the unclassified service and serve at the pleasure of the director. Appointment to the position of managing officer shall be made from persons ~~holding positions in the classified service in the department.~~ A who have criminal justice experience.

A person so who is appointed to the position of managing officer from a position in the classified service shall retain the right to resume the position ~~and~~ status that the person held in the classified service immediately prior to the appointment. Upon being relieved of the person's duties as managing officer, ~~such~~ the person shall be reinstated to the position in the classified service that the person held immediately prior to the appointment to the position of managing officer or to another position, ~~certified by that~~ the director, with approval of the state department of ~~personnel~~ administrative services, certifies as being substantially equal to ~~such that~~ that prior position. Service as a managing officer shall be counted as service in the position in the classified service held by ~~such~~ the person immediately preceding the person's appointment as managing officer. A person who is reinstated to a position in the classified service, as provided in this section, shall be entitled to all rights and emoluments accruing to ~~such~~ the position during the time of the person's service as managing officer.

The managing officer, under the director, shall have entire executive charge of the institution for which ~~such~~ the managing officer is appointed. Subject to civil service rules and regulations, the managing officer shall appoint the necessary employees and the managing officer or the director

may remove such employees for cause. A report of all appointments, resignations, and discharges shall be filed with the director at the close of each month.

After conference with the managing officer of each institution, the director shall determine the number of employees to be appointed to the various institutions.

Sec. 5120.381. Subject to the rules of the department of rehabilitation and correction, the director of rehabilitation and correction may appoint a deputy warden for each institution under the jurisdiction of the department. A deputy warden shall be in the unclassified service and serve at the pleasure of the director. The director shall make an appointment to the position of deputy warden from persons having criminal justice experience. A person who is appointed to a position as deputy warden from a position in the classified service shall retain the right to resume the position and status that the person held in the classified service immediately prior to the appointment. If the person is relieved of the person's duties as deputy warden, the director shall reinstate the person to the position in the classified service that the person held immediately prior to the appointment as deputy warden or to another position that is certified by the director, with approval of the department of administrative services, as being substantially equal to that prior position. Service as deputy warden shall be counted as service in the position in the classified service that the person held immediately preceding the appointment as deputy warden. A person who is reinstated to a position in the classified service as provided in this section is entitled to all rights and emoluments accruing to the position during the time of the person's service as deputy warden.

Sec. 5120.382. Except as otherwise provided in this chapter for appointments by division chiefs and managing officers, the director of rehabilitation and correction shall appoint employees who are necessary for the efficient conduct of the department of rehabilitation and correction and prescribe their titles and duties. A person who is appointed to an unclassified position from a position in the classified service shall serve at the pleasure of the director and retain the right to resume the position and status that the person held in the classified service immediately prior to the appointment. If the person is relieved of the person's duties for the unclassified position, the director shall reinstate the person to the position in the classified service that the person held immediately prior to the appointment or to another position that is certified by the director, with approval of the department of administrative services, as being substantially equal to that prior classified position. Service in the unclassified service pursuant to the appointment

shall be counted as service in the position in the classified service that the person held immediately preceding the appointment. A person who is reinstated to a position in the classified service as provided in this section is entitled to all rights and emoluments accruing to the position during the time of the person's unclassified service.

Sec. 5120.56. (A) As used in this section:

(1) "Ancillary services" means services provided to an offender as necessary for the particular circumstances of the offender's personal supervision, including, but not limited to, specialized counseling, testing, or other services not included in the calculation of residential or supervision costs.

(2) "Cost debt" means a cost of incarceration or supervision that may be assessed against and collected from an offender as a debt to the state as described in division (D) of this section.

(3) "Detention facility" means any place used for the confinement of a person charged with or convicted of any crime.

(4) "Offender" means any inmate, parolee, probationer, releasee, or other person who has been convicted of or pleaded guilty to any felony or misdemeanor and is sentenced to any of the following:

(a) A term of imprisonment, a prison term, or another type of confinement in a detention facility;

(b) Participation in another correctional program in lieu of incarceration.

(B) The department of rehabilitation and correction may recover from an offender who is in its custody or under its supervision any cost debt described in division (D) of this section. To satisfy a cost debt described in that division that relates to an offender, the department may apply directly assets that are in the department's possession and that are being held for that offender without further proceedings in aid of execution, and, if assets belonging to or subject to the direction of that offender are in the possession of a third party, the department may request the attorney general to initiate proceedings to collect the assets from the third party to satisfy the cost debt.

(C) Except as otherwise provided in division (E) or (G) of this section, all of the following assets of an offender shall be subject to attachment, collection, or application toward the cost debts described in division (D) of this section that are to be recovered under division (B) of this section:

(1) Subject to division (E) of this section, any pay the offender receives from the state;

(2) Subject to division (E) of this section, any funds the offender receives from persons on an approved visitor list;

(3) Any liquid assets belonging to the offender and in the custody of the

department of rehabilitation and correction:

(4) Any assets the offender acquires or any other income the offender earns subsequent to the offender's commitment.

(D) Costs of incarceration or supervision that may be assessed against and collected from an offender under division (B) of this section as a debt to the state shall include, but are not limited to, all of the following costs that accrue while the offender is in the custody or under the supervision of the department of rehabilitation and correction:

(1) Any user fee or copayment for services at a detention facility or housing facility, including, but not limited to, a fee or copayment for sick call visits;

(2) Assessment for damage to or destruction of property in a detention facility subsequent to commitment;

(3) Restitution to an offender or to a staff member of a state correctional institution for theft, loss, or damage to the personal property of the offender or staff member;

(4) The cost of housing and feeding the offender in a detention facility;

(5) The cost of supervision of the offender;

(6) The cost of any ancillary services provided to the offender.

(E) The cost of housing and feeding an offender in a state correctional institution shall not be collected from a payment made to the offender for performing an activity at a state job or assignment that pays less than the minimum wage or from money the offender receives from visitors, unless the combined assets in the offender's institution personal account exceed, at any time, one hundred dollars. If the combined assets in that account exceed one hundred dollars, the cost of housing and feeding the offender may be collected from the amount in excess of one hundred dollars.

(F)(1) The department of rehabilitation and correction shall adopt rules pursuant to section 111.15 of the Revised Code to implement the requirements of this section.

(2) The rules adopted under division (F)(1) of this section shall include, but are not limited to, rules that establish or contain all of the following:

(a) A process for ascertaining the items of cost to be assessed against an offender;

(b) Subject to division (F)(3) of this section, a process by which the offender shall have the opportunity to respond to the assessment of costs under division (B) of this section and to contest any item of cost in the department's calculation or as it applies to the offender;

(c) A requirement that the offender be notified, in writing, of a final decision to collect or apply the offender's assets under division (B) of this

section and that the notification be provided after the offender has had an opportunity to contest the application or collection;

(d) Criteria for evaluating an offender's ongoing, permanent injury and evaluating the ability of that type of offender to provide for the offender after incarceration.

(3) The rules adopted under division (F)(1) of this section may allow the collection of a cost debt as a flat fee or over time in installments. If the cost debt is to be collected over time in installments, the rules are not required to permit the offender an opportunity to contest the assessment of each installment. The rules may establish a standard fee to apply to all offenders who receive a particular service.

(G) The department of rehabilitation and correction shall not collect cost debts or apply offender assets toward a cost debt under division (B) of this section if, due to an ongoing, permanent injury, the collection or application would unjustly limit the offender's ability to provide for the offender after incarceration.

(H) If an offender acquires assets after the offender is convicted of or pleads guilty to an offense and if the transferor knows of the offender's status as an offender, the transferor shall notify the department of rehabilitation and correction in advance of the transfer.

(I) There is hereby created in the state treasury the offender financial responsibility fund. All moneys collected by or on behalf of the department under this section, and all moneys currently in the department's custody that are applied to satisfy an allowable cost debt under this section, shall be deposited into the fund. The department of rehabilitation and correction may expend moneys in the fund for goods and services of the same type as those for which offenders are assessed pursuant to this section.

Sec. 5120.99. A person who violates division (B)(2) of section 5120.211 of the Revised Code shall be fined not more than two thousand five hundred dollars on a first offense and not more than twenty thousand dollars on a subsequent offense.

Sec. 5122.10. Any psychiatrist, licensed clinical psychologist, licensed physician, health officer, parole officer, police officer, or sheriff may take a person into custody, or the chief of the adult parole authority or a parole or probation officer with the approval of the chief of the authority may take a parolee, probationer, offender on post-release control, or ~~furlough~~ offender under transitional control into custody and may immediately transport ~~him~~ the parolee, probationer, offender on post-release control, or offender under transitional control to a hospital or, notwithstanding section 5119.20 of the Revised Code, to a general hospital not licensed by the

rtment of mental health where ~~he~~ the parolee, probationer, offender on post-release control, or offender under transitional control may be held for the period prescribed in this section, if the psychiatrist, licensed clinical psychologist, licensed physician, health officer, parole officer, police officer, or sheriff has reason to believe that the person is a mentally ill person subject to hospitalization by court order under division (B) of section 5122.01 of the Revised Code, and represents a substantial risk of physical harm to ~~himself~~ self or others if allowed to remain at liberty pending examination.

A written statement shall be given to such hospital by the transporting psychiatrist, licensed clinical psychologist, licensed physician, health officer, parole officer, police officer, chief of the adult parole authority, parole or probation officer, or sheriff stating the circumstances under which such person was taken into custody and the reasons for the psychiatrist's, licensed clinical psychologist's, licensed physician's, health officer's, parole officer's, police officer's, chief of the adult parole authority's, parole or probation officer's, or sheriff's belief. This statement shall be made available to the respondent or ~~his~~ the respondent's attorney upon request of either.

Every reasonable and appropriate effort shall be made to take persons into custody in the least conspicuous manner possible. A person taking the respondent into custody pursuant to this section shall explain to the respondent: the name, professional designation, and agency affiliation of the person taking the respondent into custody; that the custody-taking is not a criminal arrest; and that the person is being taken for examination by mental health professionals at a specified mental health facility identified by name.

If a person taken into custody under this section is transported to a general hospital, the general hospital may admit the person, or provide care and treatment for the person, or both, notwithstanding section 5119.20 of the Revised Code, but by the end of twenty-four hours after ~~his~~ arrival at the general hospital, the person shall be transferred to a hospital as defined in section 5122.01 of the Revised Code.

A person transported or transferred to a hospital or community mental health agency under this section shall be examined by the staff of the hospital or agency within twenty-four hours after ~~his~~ arrival at the hospital or agency. If to conduct the examination requires that the person remain overnight, the hospital or agency shall admit the person in an unclassified status until making a disposition under this section. After the examination, if the chief clinical officer of the hospital or agency believes that the person is not a mentally ill person subject to hospitalization by court order, ~~he~~ the chief clinical officer shall release or discharge the person immediately

unless a court has issued a temporary order of detention applicable to the person under section 5122.11 of the Revised Code. After the examination, if the chief clinical officer believes that the person is a mentally ill person subject to hospitalization by court order, ~~he~~ the chief clinical officer may detain the person for not more than three court days following the day of the examination and during such period admit the person as a voluntary patient under section 5122.02 of the Revised Code or file an affidavit under section 5122.11 of the Revised Code. If neither action is taken and a court has not otherwise issued a temporary order of detention applicable to the person under section 5122.11 of the Revised Code, the chief clinical officer shall discharge the person at the end of the three-day period unless the person has been sentenced to the department of rehabilitation and correction and has not been released from ~~his~~ the person's sentence, in which case the person shall be returned to that department.

Sec. 5122.32. (A) As used in this section:

(1) "Quality assurance committee" means a committee that is appointed in the central office of the department of mental health by the director of mental health, a committee of a hospital or community setting program, a committee established pursuant to section 5119.47 Of the Revised Code of the department of mental health appointed by the managing officer of the hospital or program, or a duly authorized subcommittee of a committee of that nature and that is designated to carry out quality assurance program activities.

(2) "Quality assurance program" means a comprehensive program within the department of mental health to systematically review and improve the quality of medical and mental health services within the department and its hospitals and community setting programs, the safety and security of persons receiving medical and mental health services within the department and its hospitals and community setting programs, and the efficiency and effectiveness of the utilization of staff and resources in the delivery of medical and mental health services within the department and its hospitals and community setting programs. "Quality assurance program" includes the central office quality assurance committees, morbidity and mortality review committees, quality assurance programs of community setting programs, quality assurance committees of hospitals operated by the department of mental health, and the office of licensure and certification of the department.

(3) "Quality assurance program activities" include collecting or compiling information and reports required by a quality assurance committee, receiving, reviewing, or implementing the recommendations

made by a quality assurance committee, and credentialing, privileging, infection control, tissue review, peer review, utilization review including access to patient care records, patient care assessment records, and medical and mental health records, medical and mental health resource management, mortality and morbidity review, and identification and prevention of medical or mental health incidents and risks, whether performed by a quality assurance committee or by persons who are directed by a quality assurance committee.

(4) "Quality assurance records" means the proceedings, discussion, records, findings, recommendations, evaluations, opinions, minutes, reports, and other documents or actions that emanate from quality assurance committees, quality assurance programs, or quality assurance program activities. "Quality assurance records" does not include aggregate statistical information that does not disclose the identity of persons receiving or providing medical or mental health services in department of mental health institutions.

(B)(1) Except as provided in division (E) of this section, quality assurance records are confidential and are not public records under section 149.43 Of the Revised Code, and shall be used only in the course of the proper functions of a quality assurance program.

(2) Except as provided in division (E) of this section, no person who possesses or has access to quality assurance records and who knows that the records are quality assurance records shall willfully disclose the contents of the records to any person or entity.

(C)(1) Except as provided in division (E) of this section, no quality assurance record shall be subject to discovery in, and is not admissible in evidence, in any judicial or administrative proceeding.

(2) Except as provided in division (E) of this section, no member of a quality assurance committee or a person who is performing a function that is part of a quality assurance program shall be permitted or required to testify in a judicial or administrative proceeding with respect to quality assurance records or with respect to any finding, recommendation, evaluation, opinion, or other action taken by the committee, member, or person.

(3) Information, documents, or records otherwise available from original sources are not to be construed as being unavailable for discovery or admission in evidence in a judicial or administrative proceeding merely because they were presented to a quality assurance committee. No person testifying before a quality assurance committee or person who is a member of a quality assurance committee shall be prevented from testifying as to matters within the person's knowledge, but the witness cannot be asked

about the witness' testimony before the quality assurance committee or about an opinion formed by the person as a result of the quality assurance committee proceedings.

(D)(1) A person who, without malice and in the reasonable belief that the information is warranted by the facts known to the person, provides information to a person engaged in quality assurance program activities is not liable for damages in a civil action for injury, death, or loss to person or property to any person as a result of providing the information.

(2) A member of a quality assurance committee, a person engaged in quality assurance program activities, and an employee of the department of mental health shall not be liable in damages in a civil action for injury, death, or loss to person or property to any person for any acts, omissions, decisions, or other conduct within the scope of the functions of the quality assurance program.

(3) Nothing in this section shall relieve any institution or individual from liability arising from the treatment of a patient.

(E) Quality assurance records may be disclosed, and testimony may be provided concerning quality assurance records, only to the following persons or entities:

(1) Persons who are employed or retained by the department of mental health and who have authority to evaluate or implement the recommendations of a state-operated hospital, community setting program, or central office quality assurance committee;

(2) Public or private agencies or organizations if needed to perform a licensing or accreditation function related to department of mental health hospitals or community setting programs, or to perform monitoring of a hospital or program of that nature as required by law.

(F) A disclosure of quality assurance records pursuant to division (E) of this section does not otherwise waive the confidential and privileged status of the disclosed quality assurance records.

(G) Nothing in this section shall limit the access of the legal rights service to records or personnel as set forth in sections 5123.60 to 5123.604 of the Revised Code. Nothing in this section shall limit the admissibility of documentary or testimonial evidence in an action brought by the legal rights service in its own name or on behalf of a client.

Sec. 5122.99. A person who violates division (B)(2) of section 5122.32 Of the Revised Code shall be fined not more than two thousand five hundred dollars on a first offense and not more than twenty thousand dollars on a subsequent offense.

Sec. 5145.16. (A) The department of rehabilitation and correction shall

establish ~~a program for the employment~~ work programs in some form of labor ~~of~~ for as many prisoners as possible who are in the custody of the department, except those prisoners who are not able to perform labor because of illness or other health problems, security requirements, routine processing, disciplinary action, or other reasonable circumstances or because they are engaged in educational, vocational, or other training. The ~~employment~~ labor may be in the department's manufacturing and service industries and agriculture, in private industry or agriculture that is located within or outside the department's institutions, in public works, in institutional jobs necessary for the proper maintenance and operation of the institutions under the control of the department, or in any other appropriate form of labor. The department, pursuant to the program, shall attempt to ~~employ, provide employment for, and seek employment for~~ engage in work programs as many prisoners as possible who are in ~~their~~ its custody and who are eligible for the programs. The department is not required to ~~provide employment for~~ engage every employable eligible prisoner in ~~their custody~~ a work program when ~~there is not~~ sufficient money, facilities, or jobs are not available ~~to provide the employment for the program~~; however, the department shall continuously seek sources of employment labor for as many employable eligible prisoners as possible.

(B) The department, in establishing and administering ~~the program work programs~~ established pursuant to division (A) of this section, shall do all of the following:

(1) Assign a level, grade within the level, or other category for each job within the penal manufacturing and service industries and agriculture, each job within private industry and agriculture, each institutional job, each job in public works, and every other job for which prisoners are eligible to perform labor. The level, grade, and other categorization of each job shall be dependent upon the skills required to perform the job, the security that is present at the job, the salary and other compensation for the job, and any other relevant characteristics of the job.

(2) Establish for each institution controlled by the department a system for assigning prisoners to perform jobs, for periodically evaluating the job performance of each prisoner, and for periodically evaluating the qualifications of each prisoner for other jobs;

(3) Transfer prisoners, whenever appropriate, to institutions controlled by the department to enable a prisoner to be ~~employed at~~ engaged in a different job;

(4) Whenever appropriate, permit prisoners to be ~~furloughed~~ released on transitional control, in addition to other authorized reasons for ~~granting a~~

~~furlough~~ transferring a prisoner to transitional control, to gain post-release employment in private industry or agriculture;

(5) Attempt to provide jobs and job training for prisoners that will be useful to the prisoners in obtaining employment when released, except that institutional jobs at the institutions need not be related to employment outside the institution;

(6) Establish an accounting system to administer and allocate the earnings of the prisoners as provided by division (C)(8) of this section;

(7) Require all persons in private industry or agriculture who employ prisoners to meet all applicable work safety standards.

(C) The department, in establishing and administering the ~~program work programs~~ programs required to be established by division (A) of this section, may do any of the following:

(1) Enter into contracts with private industry and agriculture and receive grants to establish test work programs within or outside institutions under the control of the department;

(2) Enter into contracts with private industry for the establishment of manufacturing and service industries within or close to institutions under the control of the department for the employment of prisoners;

(3) Enter into contracts with private industry and agriculture to provide ~~employment work programs~~ work programs for prisoners;

(4) Lease or sell state-owned land for the establishment of private industry or agriculture upon the condition that the majority of the industrial or agricultural jobs created by the industry or agriculture be given to prisoners;

(5) Construct factories or shops to provide ~~employment work programs~~ work programs for prisoners;

(6) Enter into contracts with labor organizations, except that the department shall not permit any prisoners to establish their own labor organization and that a labor organization shall not represent any prisoners employed within an institution controlled by the department;

(7) Enter into any other contracts or perform any other functions that are necessary to comply with division (A) of this section or section 5145.161 of the Revised Code;

(8) Allocate the earnings of the prisoners as follows:

(a) Up to twenty-five per cent of the earnings to reimburse the state for room and board and for the expense of providing employment to the prisoner.

(b) Up to twenty-five per cent of the earnings to be distributed to one or both of the following:

(i) To the victims of the prisoner's offenses for restitution if the prisoner voluntarily requests or is under court order to make restitution payments;

(ii) To the reparations fund established pursuant to division (A) of section 2743.191 of the Revised Code if the prisoner voluntarily participates in an approved work and training program under this section.

(c) Up to twenty-five per cent of the earnings to the prisoner's dependents.

(d) At least twenty-five per cent of the earnings to the account of the prisoner.

(D) A prisoner who is engaged in a work program that is established under this section and in which the prisoner is required to operate a motor vehicle, as defined in division (I) of section 4509.01 Of the Revised Code, is an "employee" of the state for the sole purpose of liability insurance coverage pursuant to section 9.83 Of the Revised Code to cover the prisoner's required operation of the motor vehicle. A prisoner enrolled in a work program established by the department of rehabilitation and correction shall not be considered as an employee of the state under any other circumstance or for any other purpose.

Sec. 5145.24. (A) The director of rehabilitation and correction may grant an administrative release, as defined in section 2967.01 Of the Revised Code, to a prisoner who escaped from a state correctional institution and whose whereabouts are unknown when both of the following apply:

(1) The ninetieth anniversary of the prisoner's birth has passed;

(2) A period of at least twenty years has passed since the date of the prisoner's escape.

(B) The director shall adopt rules pursuant to section 111.15 Of the Revised Code for the granting of an administrative release under this section.

(C) An administrative release granted under this section does not operate to restore the rights and privileges forfeited by conviction as provided in section 2961.01 Of the Revised Code.

(D) The authority to grant an administrative release that is contained in this section is independent of the administrative release provisions contained in section 2967.17 Of the Revised Code.

~~Sec. 5149.05. (A) Subject to division (B) of this section, employees of the adult parole authority, when authorized by the chief of the division of parole and community services, may carry firearms if required in the discharge of their duties.~~

~~(B) The chief of the adult parole authority may grant a state parole officer or field officer an employee permission to carry firearms a firearm in~~

~~the discharge of the employee's official duties, provided that any parole officer or field officer who is granted permission to carry firearms in the discharge of official duties shall, within six months of receiving permission to carry a firearm, the employee has successfully complete completed a basic firearm training program that is conducted at a training school approved by the Ohio peace officer training commission and that is substantially similar to the basic firearm training program for peace officers conducted at the Ohio peace officer training academy and receive a certificate of satisfactory completion of that program from the executive director of the Ohio peace officer training commission. Any state parole or field officer who does not successfully complete a basic firearm training program within the six month period after receiving permission to carry a firearm shall not carry a firearm in the discharge of official duties until the officer has successfully completed a basic firearm training program. After receipt of a certificate of satisfactory completion of a basic firearm training program, to maintain the right to carry firearms in the discharge of official duties, a state parole officer or field officer shall administered by the department of rehabilitation and correction. In order to continue to carry a firearm in the discharge of the employee's official duties, the employee annually shall~~ successfully complete a firearms requalification program in accordance with section 109.801 of the Revised Code.

~~Sec. 5149.09. Except as provided in section 5149.02 and division (B) of section 5149.10 of the Revised Code, all positions in the adult parole authority are in the classified civil service of the state, and appointments to the various positions in the department shall be made in accordance with Chapter 124. of the Revised Code and with rules adopted pursuant to that chapter.~~

The chief of the division of parole and community services is the principal appointing authority of the adult parole authority, and the chief shall appoint all officers and employees of the authority except for those officers appointed by the director of rehabilitation and correction pursuant to section 5149.02 or division (B) of section 5149.10 of the Revised Code.

Sec. 5149.30. As used in sections 5149.30 to 5149.37 of the Revised Code:

(A) "Community corrections programs" include, but are not limited to, probation, parole, preventive or diversionary corrections programs, release-on-recognition programs, ~~and prosecutorial diversion programs,~~ specialized treatment programs for alcoholic and narcotic-addicted offenders, ~~and community control sanctions as defined in section 2929.01~~ Of the Revised Code.

(B) "Local corrections planning board" means the board established in each county under section 5149.34 of the Revised Code.

(C) "Joint county corrections planning board" means the board established by ~~contiguous~~ multiple counties under section 5149.35 of the Revised Code.

Sec. 5149.31. The department of rehabilitation and correction shall do all of the following:

(A) Establish and administer a program of subsidies ~~to~~ for eligible counties and groups of ~~contiguous~~ counties for felony offenders and a program of subsidies ~~to~~ for eligible municipal corporations, counties, and groups of ~~contiguous~~ counties for misdemeanor offenders for the development, implementation, and operation of community corrections programs. Department expenditures for administration of both programs of subsidies shall not exceed ten per cent of the moneys appropriated for each of the purposes of this division.

(B) Adopt and promulgate rules, under Chapter 119. of the Revised Code, providing standards for community corrections programs. The standards shall be designed to improve the quality and efficiency of the programs and to reduce the number of persons committed to state correctional institutions and to county, multicounty, municipal, municipal-county, or multicounty-municipal jails or workhouses for offenses for which community control sanctions are authorized under section 2929.13 or 2929.15 of the Revised Code. In developing the standards, the department shall consult with, and seek the advice of, local corrections agencies, law enforcement agencies, and other public and private agencies concerned with corrections. The department shall conduct, and permit participation by local corrections planning boards established under section 5149.34 of the Revised Code and joint county corrections planning boards established under section 5149.35 of the Revised Code in, an annual review of the standards to measure their effectiveness in promoting the purposes specified in this division and shall amend or rescind any existing rule providing a standard or adopt and promulgate additional rules providing standards, under Chapter 119. of the Revised Code, if the review indicates that the standards fail to promote the purposes.

(C) Accept and use any funds, goods, or services from the federal government or any other public or private source for the support of the subsidy programs established under division (A) of this section. The department may comply with any conditions and enter into any agreements that it considers necessary to obtain these funds, goods, or services.

(D) Adopt rules, in accordance with Chapter 119. of the Revised Code,

and do all other things necessary to implement sections 5149.30 to 5149.37 of the Revised Code;

(E) Evaluate or provide for the evaluation of community corrections programs funded by the subsidy programs established under division (A) of this section and establish means of measuring their effectiveness;

(F) Prepare an annual report evaluating the subsidy programs established under division (A) of this section. The report shall include, but need not be limited to, analyses of the structure of the programs and their administration by the department, the effectiveness of the programs in the development and implementation of community corrections programs, the specific standards adopted and promulgated under division (B) of this section and their effectiveness in promoting the purposes of the programs, and the findings of the evaluations conducted under division (E) of this section. The director of rehabilitation and correction shall review and certify the accuracy of the report and provide copies of it, upon request, to members of the general assembly.

(G) Provide training or assistance, upon the request of a local corrections planning board or a joint county corrections planning board, to any local unit of government ~~with an in-service training program for corrections personnel~~, subject to available resources of the department.

Sec. 5149.32. To be eligible for funds from the subsidy programs established under division (A) of section 5149.31 of the Revised Code, a municipal corporation, county, or group of ~~contiguous~~ counties shall comply with all of the following that are relevant:

(A) Maintain programs that meet the standards adopted under division (B) of section 5149.31 of the Revised Code, ~~or, in the case of a county or group of contiguous counties that has not established a department of probation and receives probation services through the parole supervision section of the authority, establish that any subsidy received from the subsidy program for felony offenders established under division (A) of section 5149.31 of the Revised Code would be used to establish or maintain programs that meet the standards adopted under division (B) of that section and that are or will be operated by the parole supervision section as an extension of the probation services it provides to the county or group of contiguous counties;~~

(B) Demonstrate that it has made efforts to unify or coordinate its correctional service programs through consolidation, written agreements, purchase of service contracts, or other means;

(C) Demonstrate that the comprehensive plan, ~~if any~~, for the county in which the municipal corporation is located, for the county, or for each

unity of the group of ~~contiguous~~ counties, as adopted under section 5149.34 of the Revised Code, has been approved by the director of rehabilitation and correction, ~~or demonstrate, if applicable, an approval as described in division (C) of section 5149.34 of the Revised Code;~~

(D) If a subsidy was received in any prior fiscal year from a subsidy program established under division (A) of section 5149.31 of the Revised Code, demonstrate that the subsidy was expended in a good faith effort to improve the quality and efficiency of its community corrections programs and to reduce the number of persons committed to state correctional institutions and to county, multicounty, municipal, municipal-county, or multicounty-municipal jails or workhouses.

Sec. 5149.33. No municipal corporation, county, or group of ~~contiguous~~ counties receiving a subsidy under division (A) of section 5149.31 of the Revised Code shall reduce, by the amount of the subsidy it receives or by a greater or lesser amount, the amount of local, nonfederal funds it expends for corrections, including, but not limited to, the amount of local, nonfederal funds it expends for the operation of the county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, for any county or municipal probation department, or for any community corrections program. Each subsidy shall be used to make corrections expenditures in excess of those being made from local, nonfederal funds. No subsidy or portion of a subsidy shall be used to make capital improvements. If a recipient violates this section, the department of rehabilitation and correction shall discontinue subsidy payments to the recipient.

Sec. 5149.34. (A)(1)~~(a)~~ If a county desires to receive a subsidy from a subsidy program established under division (A) of section 5149.31 of the Revised Code for ~~two or more~~ community corrections programs as described in division (B) of that section, ~~then, on and after August 22, 1990,~~ the board of county commissioners of the county shall establish, by a resolution as described in this division, and maintain a local corrections planning board that, except as provided in division (A)~~(1)(a)~~(2) of this section, shall include an administrator of a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse located in the county, a county commissioner of that county, a judge of the court of common pleas of that county, a judge of a municipal court or county court of that county, an attorney whose practice of law primarily involves the representation of criminal defendants, the chief law enforcement officer of the largest municipal corporation located in the county, the county sheriff, one or more prosecutors, as defined in section 2935.01 of the Revised Code, one or more representatives of the public, one of whom shall be a victim of

crime, one or more additional representatives of the law enforcement community, one or more additional representatives of the judiciary, one or more additional representatives of the field of corrections, and officials from the largest municipal corporation located in the county. A majority of the members of the board shall be employed in the adult criminal justice field. At least two members of the board shall be members of the largest racial minority population, if any, in the county, and at least two other members of the board shall be women. The resolution shall state the number and nature of the members, the duration of their terms, the manner of filling vacancies on the board, and the compensation, if any, that members are to receive. The board of county commissioners also may specify, as part of the resolution, any other duties the local corrections planning board is to assume.

~~(b)(2)~~ If, for good cause shown, including, but not limited to, the refusal of a specified individual to serve on a local corrections planning board, a particular county is not able to satisfy the requirements specified in division (A)(1)~~(a)~~ of this section for the composition of such a board, the director of rehabilitation and correction may waive the requirements to the extent necessary and approve a composition for the board that otherwise is consistent with the requirements.

~~(2)~~ If a county desires to receive a subsidy from a subsidy program established under division (A) of section 5149.31 of the Revised Code for only one community corrections program as described in division (B) of that section, and if that county received prior to August 22, 1990, a subsidy from that program for any community corrections program as described in division (B) of that section, then, on and after August 22, 1990, the board of county commissioners of the county shall establish and maintain, subject to division (A)(1)(b) of this section, a local corrections planning board as described in division (A)(1)(a) of this section.

~~(3)~~ If a county desires to receive a subsidy from a subsidy program established under division (A) of section 5149.31 of the Revised Code for only one community corrections program as described in division (B) of that section, and if that county did not receive prior to August 22, 1990, a subsidy from that program for any community corrections program as described in division (B) of that section, then, on and after August 22, 1990, the board of county commissioners of the county may establish and maintain, but is not required to establish and maintain as a condition of receiving the subsidy, a local corrections planning board as described in division (A)(1)(a) of this section. If the board of county commissioners elects to establish and maintain a local corrections planning board, the board either shall comply with division (B) or (C) of this section.

(B) Each local corrections planning board established pursuant to division (A)(1) or (2) of this section shall adopt within eighteen months after its establishment, and from time to time shall revise, a comprehensive plan for the development, implementation, and operation of corrections services in the county. The plan shall be adopted and revised after consideration has been given to the impact that it will have or has had on the populations of state correctional institutions and county, multicounty, municipal, municipal-county, or multicounty-municipal jails or workhouses in the county, and shall be designed to unify or coordinate corrections services in the county and to reduce the number of persons committed, consistent with the standards adopted under division (B) of section 5149.31 of the Revised Code, from that county to state correctional institutions and to county, multicounty, municipal, municipal-county, or multicounty-municipal jails or workhouses. The plan and any revisions to the plan shall be submitted to the board of county commissioners of the county in which the local corrections planning board is located for approval.

If a county has a community-based correctional facility and program established in accordance with sections 2301.51 to 2301.56 of the Revised Code, the budgets of the facility and program shall not be subject to approval by the local corrections planning board, but instead shall continue to be determined in accordance with those sections. However, the local corrections planning board shall include the facility and program as part of the comprehensive plan adopted and revised pursuant to this division.

~~(C) If a county desires to receive a subsidy from a subsidy program established under division (A) of section 5149.31 of the Revised Code for only one community corrections program as described in division (B) of that section, if that county did not receive prior to August 22, 1990, a subsidy from that program for any community corrections program as described in division (B) of that section, and if a local corrections planning board is not established and maintained for that county or a local corrections planning board is established and maintained for that county but the board does not adopt a comprehensive plan as described in division (B) of this section in accordance with division (A)(3) of this section, then, prior to receiving a subsidy from the subsidy program for the felony community corrections program or from the subsidy program for the misdemeanor community corrections program, the board shall obtain the approval of the relevant parties in the criminal justice system that will be affected by the community corrections program.~~

Sec. 5149.35. (A) The boards of county commissioners of two or more contiguous counties may enter into an agreement for the joint development,

implementation, and operation of community corrections programs and, ~~if the circumstances described in division (A)(1)(a) or (2) of section 5149.34 of the Revised Code apply to the counties, shall~~ may establish and maintain a joint county corrections planning board. Subject to division (A)(1)(b)(2) of section 5149.34 of the Revised Code, the board shall consist of an equal number of members of each county's local corrections planning board as established and maintained under division (A)(1)(a) or (2) of that section. The joint county corrections planning board shall comply with the comprehensive plans adopted under that section in the operation of community corrections programs, but, if provisions of the comprehensive plans are contradictory or otherwise inconsistent, the board shall determine which provisions control.

~~(B) If contiguous counties desire to receive a subsidy from a subsidy program established under division (A) of section 5149.31 of the Revised Code for only one community corrections program as described in division (B) of that section, and if the counties did not receive prior to August 22, 1990, a subsidy from that program for a community corrections program as described in division (B) of that section, then, on and after August 22, 1990, the boards of county commissioners of the counties may establish and maintain, but are not required to establish and maintain as a condition of receiving the subsidy, a joint county corrections planning board as described in division (A) of this section. If the boards of county commissioners elect to establish and maintain a joint county corrections planning board, the board shall comply with either division (B) or (C) of section 5149.34 of the Revised Code. If the boards of county commissioners do not elect to establish and maintain a joint county corrections planning board or if they establish and maintain a joint county corrections planning board but the board does not adopt a comprehensive plan as described in division (B) of section 5149.34 of the Revised Code, the board shall comply with division (C) of that section.~~

Sec. 5149.36. Subject to appropriations by the general assembly, the department of rehabilitation and correction shall award subsidies to eligible municipal corporations, counties, and groups of ~~eontiguous~~ contiguous counties pursuant to the subsidy programs described in division (A) of section 5149.31 of the Revised Code only in accordance with criteria that the department shall specify in rules adopted pursuant to Chapter 119. of the Revised Code. The criteria shall be designed to provide for subsidy awards only on the basis of demonstrated need and the satisfaction of specified priorities. The criteria shall be consistent with the following:

(A) First priority shall be given to the continued funding of existing

community corrections programs that satisfy the standards adopted pursuant to division (B) of section 5149.31 of the Revised Code and that are designed to reduce the number of persons committed to state correctional institutions.

(B) Second priority shall be given to new community corrections programs that are designed to reduce the number of persons committed to state correctional institutions or the number of persons committed to county, multicounty, municipal, municipal-county, or multicounty-municipal jails or workhouses.

~~Sec. 5149.37. No provision of sections 5149.30 to 5149.36 of the Revised Code shall be construed to impose limitations upon the power of the department of rehabilitation and correction under Chapters 5120. and 5149. of the Revised Code to afford municipal corporations and counties with and to supervise their probation, parole, and other corrections services; or to impose limitations upon the power of the department to contract with a county or group of contiguous counties that has not established a department of probation and receives probation services through the parole supervision section of the authority, for the purpose of establishing and maintaining with the amount of a subsidy awarded to the county or group of contiguous counties pursuant to sections 5149.31 to 5149.36 of the Revised Code one or more community corrections programs that meet the standards adopted under division (B) of section 5149.31 of the Revised Code and that are or will be operated by the parole supervision section as an extension of the probation services it provides to the county or group of contiguous counties.~~

SECTION 2. That existing sections 9.83, 109.42, 307.93, 341.14, 341.19, 341.21, 341.23, 341.34, 753.02, 753.04, 753.16, 753.21, 2301.51, 2301.52, 2301.55, 2301.56, 2305.24, 2305.25, 2305.251, 2901.07, 2903.13, 2921.36, 2929.01, 2929.13, 2929.14, 2929.16, 2929.23, 2930.16, 2941.39, 2947.19, 2950.01, 2961.01, 2963.35, 2967.01, 2967.131, 2967.14, 2967.15, 2967.191, 2967.22, 2967.26, 2967.27, 2967.28, 2969.21, 2969.22, 2969.24, 2969.26, 3313.65, 5120.031, 5120.05, 5120.06, 5120.102, 5120.103, 5120.104, 5120.105, 5120.16, 5120.331, 5120.38, 5122.10, 5145.16, 5149.05, 5149.09, 5149.30, 5149.31, 5149.32, 5149.33, 5149.34, 5149.35, 5149.36, and 5149.37 and sections 2967.23, 5120.07, 5120.071, 5120.072, 5120.073, and 5120.074 of the Revised Code are hereby repealed.

SECTION 3. That Sections 3, 4, and 5 of Am. Sub. H.B. 725 of the 119th General Assembly are hereby repealed.

SECTION 4. Section 109.42 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 601 and Am. Sub. H.B. 180 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Sections 307.93, 341.14, 341.19, 341.23, 341.34, 753.02, 753.04, 753.16, 753.21, 2301.56, and 2947.19 of the Revised Code are presented in this act as composites of the sections as amended by Sub. H.B. 480 and Am. Sub. S.B. 269 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Section 2929.01 of the Revised Code is presented in this act as a composite of the section as amended by Am. Sub. H.B. 445, Sub. H.B. 480, Am. Sub. S.B. 166, Am. Sub. S.B. 269, and Am. Sub. H.B. 180 of the 121st General Assembly, with the new language of none of the acts shown in capital letters. Section 2929.13 of the Revised Code is presented in this act as a composite of the section as amended by Am. Sub. H.B. 445, Am. Sub. S.B. 269, Am. Sub. S.B. 166, and Am. Sub. H.B. 180 of the 121st General Assembly, with the new language of none of the acts shown in capital letters. Section 2967.27 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. S.B. 269 and Am. Sub. H.B. 180 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Section 3313.65 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 117 and Am. Sub. S.B. 2 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Section 5120.031 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. S.B. 269 and Am. Sub. S.B. 230 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 5. Sections 1, 2, 3, and 4 of this act shall take effect on July 1, 1997, or on the earliest date permitted by law, whichever is later.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_