

AN ACT

To amend sections 307.93, 341.06, 341.21, 341.23, 753.02, 753.04, 753.16, 2305.234, 2929.01, 2929.15, 2929.17, 2929.19, 2951.02, 2951.03, 2951.05, 2951.08, 2967.01, 2967.131, and 4511.83 and to enact sections 341.26, 753.33, and 5120.63 of the Revised Code to require the Department of Rehabilitation and Correction to establish and administer a statewide random drug testing program for prisoners; to authorize the Department to contract with laboratories to perform random drug testing of prisoners in state correctional institutions; to authorize county and municipal authorities to enter into such contracts for the random drug testing of county jail prisoners and municipal prisoners; to specifically permit probation authorities and the Adult Parole Authority to cause offenders on probation, suspension of sentence, community control sanction, parole, or post-release control to submit to random drug testing; and to authorize the imposition of a fee for the test if a prisoner fails the drug test and the imposition of bad time upon certain prisoners who fail the drug test.

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

SECTION 1. That sections 307.93, 341.06, 341.21, 341.23, 753.02, 753.04, 753.16, 2305.234, 2929.01, 2929.15, 2929.17, 2929.19, 2951.02, 2951.03, 2951.05, 2951.08, 2967.01, 2967.131, and 4511.83 be amended and sections 341.26, 753.33, and 5120.63 of the Revised Code be enacted to read as follows:

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 corporation 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~~ that 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, 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, municipal-county, 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 person's

finement 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 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 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 of the county or the director of law of the municipal corporation shall bring an action to recover the expenses of the confinement 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, municipal-county, 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 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, and the fee for a random drug test assessed under division (E) of section 341.26 of the Revised Code;

(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 or to pay the fee for a random drug test assessed under division (E) of section 341.26 of the Revised Code. ~~This~~ The fee for the medical treatment or service 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 or assessment of a fee for a random drug test, 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. 341.06. (A)(1) In lieu of requiring offenders to reimburse the county for expenses incurred by reason of the person's confinement under section 341.14 or 341.19 of the Revised Code, the board of county commissioners, in an agreement with the sheriff, may adopt a prisoner reimbursement policy for the jail pursuant to this section to be administered in the jail under the sheriff's direction. The sheriff may appoint a reimbursement coordinator to administer the jail's prisoner reimbursement policy.

(2) A prisoner reimbursement policy adopted under this section is a policy that requires a person confined to the jail to reimburse the county for any expenses it incurs by reason of the person's confinement in the jail, which expenses may include, but are not limited to, the following:

(a) 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 jail;

(b) Actual charges for medical and dental treatment, and the fee for a random drug test assessed under division (E) of section 341.26 of the Revised Code;

(c) Reimbursement for county property damaged by the person while confined to the jail.

Rates charged shall be on a sliding scale determined by the sheriff with the approval of the board of county commissioners based on the ability of the person confined to the jail 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 sheriff 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 sheriff.

(3) The reimbursement coordinator or another person designated by the sheriff may collect, or the sheriff 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 to seek reimbursement from that person for any billing amount that remains unpaid. The county 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.

(4) Any reimbursement received under division (A)(3) of this section shall be credited to the county's general fund to be used for general fund purposes.

(B)(1) Notwithstanding any contrary provision in this section or section 341.14, 341.19, 2929.18, or 2929.223 of 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 county's jail under section 341.14 or 341.19 of the Revised Code to pay a reasonable fee for any medical treatment or service requested by and provided to that person or to pay the fee for a random drug test assessed under division (E) of section 341.26 of the Revised Code. ~~This~~ The fee for the medical treatment or service shall not exceed the actual cost of the treatment or service provided. No person confined to the jail under either section who is indigent shall be required to pay those fees, and no person who is confined to the jail under either section shall be denied any necessary medical care because of inability to pay those fees.

Upon provision of the requested medical treatment or service or assessment of a fee for a random drug test, 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 created for the jail, or if no commissary fund exists, into the county treasury.

(2) If a person confined to the jail under section 341.14 or 341.19 of the

Revised Code is required under division (A) of this section or section 341.14, 341.19, 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 (B)(1) of this section shall be deducted from the expenses required to be reimbursed under division (A) of this section or section 341.14, 341.19, 2929.18, or 2929.223 of the Revised Code.

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~~ those 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 or to pay the fee for a random drug test assessed under division (E) of section 341.26 of the Revised Code. ~~This~~ The fee for the medical treatment or service 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 or assessment of a fee for a random drug test, 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~~ that workhouse, under sentence of the court or magistrate. ~~Such~~ The board or legislative authority may pay the expenses incurred under the agreement out of the general fund of ~~such~~ that 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~~ the workhouse described in division (A) of this section 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~~ that 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 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, 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~~ The board, directors, or authority may appoint 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, and the fee for a random drug test assessed under division (E) of section 341.26 of the Revised Code;

(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

nder 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 or to pay the fee for a random drug test assessed under division (E) of section 341.26 of the Revised Code. ~~This~~ The fee for the medical treatment or service 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 or assessment of a fee for a random drug test, 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. 341.26. (A) As used in this section:

(1) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.

(2) "Prisoner" means a person confined in a jail or multicounty correctional center following a conviction of or plea of guilty to a criminal offense.

(B) The board of county commissioners of the county, with the consent of the sheriff of the county, or the boards of county commissioners of two or more adjacent counties that have jointly established a multicounty correctional center pursuant to section 307.93 of the Revised Code, with the consent of the sheriffs of those adjacent counties, may enter into a contract with a laboratory or entity to perform blood or urine specimen collection, documentation, maintenance, transportation, preservation, storage, and analyses and other duties required in the performance of random drug testing of prisoners. The terms of any contract entered into under this division shall include a requirement that the laboratory or entity and its employees, the sheriff, deputy sheriffs, the corrections commission or the administrator of the multicounty correctional center specified in division (D) of this section, the employees of the jail and multicounty correctional center, and all other persons comply with the standards for the performance of random drug testing as specified in rules adopted under division (C) of this section.

(C) Prior to entering into a contract with a laboratory or entity under division (B) of this section, a board of county commissioners or, in the case of a multicounty correctional center, the boards of county commissioners of

the counties that have established the center shall adopt rules for the random drug testing of prisoners. The rules shall include, but are not limited to, provisions that do the following:

(1) Require the laboratory or entity to seek, obtain, and maintain accreditation from the national institute on drug abuse;

(2) Establish standards for the performance of random drug testing that include, but are not limited to, standards governing the following:

(a) The collection by the laboratory or entity of blood or urine specimens of individuals in a scientifically or medically approved manner and under reasonable and sanitary conditions;

(b) The collection and testing by the laboratory or entity of blood or urine specimens with due regard for the privacy of the individual being tested and in a manner reasonably calculated to prevent substitutions or interference with the collection and testing of the specimens;

(c) The documentation of blood or urine specimens collected by the laboratory or entity and documentation procedures that reasonably preclude the possibility of erroneous identification of test results and that provide the individual being tested an opportunity to furnish information identifying any prescription or nonprescription drugs used by the individual in connection with a medical condition;

(d) The collection, maintenance, storage, and transportation by the laboratory or entity of blood or urine specimens in a manner that reasonably precludes the possibility of contamination or adulteration of the specimens;

(e) The testing by the laboratory or entity of a blood or urine specimen of an individual to determine whether the individual ingested or was injected with a drug of abuse, in a manner that conforms to scientifically accepted analytical methods and procedures and that may include verification or confirmation of any positive test result by a reliable analytical method;

(f) The analysis of an individual's blood or urine specimen by an employee of the laboratory or entity who is qualified by education, training, and experience to perform that analysis and whose regular duties include the analysis of blood or urine specimens to determine the presence of a drug of abuse and whether the individual who is the subject of the test ingested or was injected with a drug of abuse.

(3) Specify the frequency of performing random drug testing on prisoners in the jail or multicounty correctional center;

(4) Prescribe procedures for the automatic, random selection of prisoners in the jail or multicounty correctional center to submit to random drug testing under this section;

random drug testing of prisoners in the jail or multicounty correctional center from the contracting laboratory or entity to the sheriff, the corrections commission, or the administrator of the multicounty correctional center pursuant to division (E) of this section;

(6) Establish a reasonable fee to cover the costs associated with random drug testing and analysis performed by a contracting laboratory or entity under this section and establish procedures pursuant to division (E) of this section for the collection of those fees from the prisoners subjected to the drug tests.

(D) If a board of county commissioners enters into a contract pursuant to division (B) of this section, the sheriff of that county, pursuant to the terms of the contract and the rules adopted under division (C) of this section, shall facilitate the collection, documentation, maintenance, and transportation by the contracting laboratory or entity of the blood or urine specimens of the prisoners who are confined in the jail and who are subject to random drug testing. If the boards of county commissioners that have jointly established a multicounty correctional center enter into a contract pursuant to division (B) of this section, the corrections commission or the administrator of the multicounty correctional center, pursuant to the terms of the contract and the rules adopted under division (C) of this section, shall facilitate the collection, documentation, maintenance, and transportation by the contracting laboratory or entity of the blood or urine specimens of the prisoners who are confined in the multicounty correctional center and who are subject to random drug testing.

(E) If a county or two or more adjacent counties enter into a contract pursuant to division (B) of this section and the contracting laboratory or entity performs the random drug testing as provided in the contract, the laboratory or entity shall transmit the results of the drug tests to the sheriff, corrections commission, or administrator who facilitated the collection, documentation, maintenance, and transportation of blood or urine specimens under division (D) of this section. The sheriff, corrections commission, or administrator shall file for record the results of the random drug tests that indicate whether or not each prisoner who is confined in the jail or multicounty correctional center and who was subjected to the drug test ingested or was injected with a drug of abuse. The sheriff, corrections commission, or administrator shall give appropriate notice of the drug test results to each prisoner who was subjected to the drug test and whose drug test results indicate that the prisoner ingested or was injected with a drug of abuse. The sheriff, corrections commission, or administrator shall afford that prisoner an opportunity to be heard regarding the results of the drug test and

to present contrary evidence at a hearing held before the sheriff, corrections commission, or administrator within thirty days after notification of the prisoner under this division. After the hearing, if a hearing is held, the sheriff, corrections commission, or administrator shall make a determination regarding any evidence presented by the prisoner. If the sheriff, corrections commission, or administrator rejects the evidence presented by the prisoner at the hearing or if no hearing is held under this division, the sheriff, corrections commission, or administrator may assess a reasonable fee, determined pursuant to division (C) of this section, for the costs associated with the random drug test to be paid by the prisoner whose drug test results indicate that the prisoner ingested or was injected with a drug of abuse. The sheriff, corrections commission, or administrator may collect the fee pursuant to section 307.93, 341.06, 341.21, or 341.23 of the Revised Code.

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~~ those 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~~ the person as whom 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 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 municipal corporation. 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 village solicitor, city director of law, or other chief legal officer shall bring an action to recover the expenses of confinement 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, and the fee for a

random drug test assessed under division (E) of section 753.33 of the Revised Code;

(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 or to pay the fee for a random drug test assessed under division (E) of section 753.33 of the Revised Code. ~~This~~ The fee for the medical treatment or service 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 or assessment of a fee for a random drug test, 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 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 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

d 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 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 municipal corporation or township 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 city director of law, village solicitor, or other chief legal officer shall bring an action to recover the expenses of confinement 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 The legislative authority of the municipal corporation may appoint 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, and the fee for a random drug test assessed under division (E) of section 753.33 of the Revised Code;

(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 or to pay the fee for a random drug test assessed under division (E) of section 753.33 of the Revised Code. ~~This~~ The fee for the medical treatment or service 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 or assessment of a fee for a random drug test, 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 (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~~ the terms and during ~~such~~ the length of time as agreed upon by the boards of county commissioners of ~~such~~ those counties, or by the legislative authority of a municipal corporation in ~~such~~ those 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~~ that authority, and shall be subject to the rules and discipline of the workhouse to which the ~~same~~ as other prisoners detained ~~there~~ in the workhouse are subject.

(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 of that nature 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 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 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, municipal corporation, or district 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

municipal chief legal officer 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, 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 or to pay the fee for a random drug test assessed under division (E) of section 753.33 of the Revised Code. ~~This~~ The fee for the medical treatment or service 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 or assessment of a fee for a random drug test, 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. 753.33. (A) As used in this section:

(1) "Joint board" means the joint board established pursuant to section 753.15 of the Revised Code.

(2) "Municipal prisoner" means a prisoner who is confined in a municipal jail, municipal workhouse, minimum security jail, joint city and county workhouse, municipal-county correctional center, multicounty-municipal correctional center, municipal-county jail or workhouse, or multicounty-municipal jail or workhouse for being convicted of or pleading guilty to a criminal offense.

(3) "Multicounty-municipal" has the same meaning as in section 307.93 of the Revised Code.

(4) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.

(B) The director of public safety or a joint board may enter into a

contract with a laboratory or entity to perform blood or urine specimen collection, documentation, maintenance, transportation, preservation, storage, and analyses and other duties required in the performance of random drug testing of municipal prisoners. The terms of any contract entered into under this division shall include a requirement that the laboratory or entity and its employees, the director of public safety or the joint board, the superintendent or chief administrative officer specified in division (D) of this section, the employees of the correctional facilities listed in division (A)(1) of this section, and all other persons comply with the standards for the performance of random drug testing as specified in rules adopted under division (C) of this section.

(C) Prior to entering into a contract with a laboratory or entity under division (B) of this section, a director of public safety or a joint board shall adopt rules for the random drug testing of municipal prisoners. The rules shall include, but are not limited to, provisions that do the following:

(1) Require the laboratory or entity to seek, obtain, and maintain accreditation from the national institute on drug abuse;

(2) Establish standards for the performance of random drug testing of municipal prisoners that include, but are not limited to, standards governing the following:

(a) The collection by the laboratory or entity of blood or urine specimens of individuals in a scientifically or medically approved manner and under reasonable and sanitary conditions;

(b) The collection and testing by the laboratory or entity of blood or urine specimens with due regard for the privacy of the individual being tested and in a manner reasonably calculated to prevent substitutions or interference with the collection and testing of the specimens;

(c) The documentation of blood or urine specimens collected by the laboratory or entity and documentation procedures that reasonably preclude the possibility of erroneous identification of test results and that provide the individual being tested an opportunity to furnish information identifying any prescription or nonprescription drugs used by the individual in connection with a medical condition;

(d) The collection, maintenance, storage, and transportation by the laboratory or entity of blood or urine specimens in a manner that reasonably precludes the possibility of contamination or adulteration of the specimens;

(e) The testing by the laboratory or entity of a blood or urine specimen of an individual to determine whether the individual ingested or was injected with a drug of abuse, in a manner that conforms to scientifically accepted analytical methods and procedures and that may include verification or

confirmation of any positive test result by a reliable analytical method;

(f) The analysis of an individual's blood or urine specimen by an employee of the laboratory or entity who is qualified by education, training, and experience to perform that analysis and whose regular duties include the analysis of blood or urine specimens to determine the presence of a drug of abuse and whether the individual who is the subject of the test ingested or was injected with a drug of abuse.

(3) Specify the frequency of performing random drug testing on municipal prisoners;

(4) Prescribe procedures for the automatic, random selection of municipal prisoners to submit to random drug testing under this section;

(5) Provide for reasonable safeguards for the transmittal of the results of the random drug testing of municipal prisoners from the contracting laboratory or entity to the director of public safety or the joint board pursuant to division (E) of this section;

(6) Establish a reasonable fee to cover the costs associated with random drug testing and analysis performed by a contracting laboratory or entity under this section and establish procedures pursuant to division (E) of this section for the collection of those fees from the municipal prisoners subjected to the drug tests.

(D) If a director of public safety or a joint board enters into a contract pursuant to division (B) of this section, the superintendent or chief administrative officer of a correctional facility listed in division (A)(2) of this section in which municipal prisoners are confined, pursuant to the terms of the contract and the rules adopted under division (C) of this section, shall facilitate the collection, documentation, maintenance, and transportation by the contracting laboratory or entity of the blood or urine specimens of the municipal prisoners who are confined in that correctional facility and who are subject to random drug testing.

(E) If a director of public safety or a joint board enters into a contract pursuant to division (B) of this section and the contracting laboratory or entity performs the random drug testing as provided in the contract, the laboratory or entity shall transmit the results of the drug test to the director of public safety or the joint board, as appropriate, that entered into the contract. The director or the joint board shall file for record the results of the random drug tests that indicate whether or not each municipal prisoner who was subjected to the drug test ingested or was injected with a drug of abuse. The director or the joint board shall give appropriate notice of the drug test results to each municipal prisoner who was subjected to a drug test and whose drug test results indicate that the municipal prisoner ingested or was

injected with a drug of abuse. The director or the joint board shall afford that municipal prisoner an opportunity to be heard regarding the results of the drug test and to present contrary evidence at a hearing held before the director or the joint board within thirty days after notification of the municipal prisoner under this division. After the hearing, if a hearing is held, the director or the joint board shall make a determination regarding any evidence presented by the municipal prisoner, if the director or the joint board rejects the evidence presented by the municipal prisoner at the hearing or if no hearing is held under this division, the director or the joint board may assess a reasonable fee, determined pursuant to division (C) of this section, for the costs associated with the random drug test to be paid by the municipal prisoner whose drug test results indicate that the prisoner ingested or was injected with a drug of abuse. The director or the joint board may collect the fee pursuant to section 753.02, 753.04, or 753.16 of the Revised Code.

Sec. 2305.234. (A) As used in this section:

(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.11 of the Revised Code.

(2) "Dental claim" has the same meaning as in section 2305.11 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.

(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.

(4) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:

(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(b) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;

(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;

(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;

(e) Physical therapists licensed under Chapter 4755. of the Revised Code;

(f) Chiropractors licensed under Chapter 4734. of the Revised Code;

(g) Optometrists licensed under Chapter 4725. of the Revised Code;

(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;

(i) Dietitians licensed under Chapter 4759. of the Revised Code;

(j) Pharmacists licensed under Chapter 4729. of the Revised Code.

(5) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.

(6) "Indigent and uninsured person" means a person who meets all of the following requirements:

(a) The person's income is not greater than one hundred fifty per cent of the current poverty line as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended.

(b) The person is not eligible to receive medical assistance under Chapter 5111., disability assistance medical assistance under Chapter 5115. of the Revised Code, or assistance under any other governmental health care program;

(c) Either of the following applies:

(i) The person is not a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan;

(ii) The person is a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan, but the insurer, policy, contract, or plan denies coverage or is the subject of insolvency or bankruptcy proceedings in any jurisdiction.

(7) "Operation" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means, including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, or the removal of intraocular foreign bodies. "Operation" does not include the administration of medication by injection, unless the injection is administered in conjunction with a procedure infiltrating human tissue by mechanical means other than the administration of medicine by injection.

(8) "Nonprofit shelter or health care facility" means a charitable nonprofit corporation organized and operated pursuant to Chapter 1702. of the Revised Code, or any charitable organization not organized and not operated for profit, that provides shelter, health care services, or shelter and health care services to indigent and uninsured persons, except that "shelter

or health care facility" does not include a hospital as defined in section 3727.01 of the Revised Code, a facility licensed under Chapter 3721. of the Revised Code, or a medical facility that is operated for profit.

(9) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons or government entities.

(10) "Volunteer" means an individual who provides any medical, dental, or other health-care related diagnosis, care, or treatment without the expectation of receiving and without receipt of any compensation or other form of remuneration from an indigent and uninsured person, another person on behalf of an indigent and uninsured person, any shelter or health care facility, or any other person or government entity.

(B)(1) Subject to divisions (E) and (F)(3) of this section, a health care professional who is a volunteer and complies with division (B)(2) of this section is not liable in damages to any person or government entity in a tort or other civil action, including an action on a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the volunteer in the provision at a nonprofit shelter or health care facility to an indigent and uninsured person of medical, dental, or other health-related diagnosis, care, or treatment, including the provision of samples of medicine and other medical products, unless the action or omission constitutes willful or wanton misconduct.

(2) To qualify for the immunity described in division (B)(1) of this section, a health care professional shall do all of the following prior to providing diagnosis, care, or treatment:

(a) Determine, in good faith, that the indigent and uninsured person is mentally capable of giving informed consent to the provision of the diagnosis, care, or treatment and is not subject to duress or under undue influence;

(b) Inform the person of the provisions of this section;

(c) Obtain the informed consent of the person and a written waiver, signed by the person or by another individual on behalf of and in the presence of the person, that states that the person is mentally competent to give informed consent and, without being subject to duress or under undue influence, gives informed consent to the provision of the diagnosis, care, or treatment subject to the provisions of this section.

(3) A physician or podiatrist who is not covered by medical malpractice insurance, but complies with division (B)(2) of this section, is not required to comply with division (A) of section 4731.143 of the Revised Code.

(C) Subject to divisions (E) and (F)(3) of this section, health care workers who are volunteers are not liable in damages to any person or government entity in a tort or other civil action, including an action upon a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the health care worker in the provision at a nonprofit shelter or health care facility to an indigent and uninsured person of medical, dental, or other health-related diagnosis, care, or treatment, unless the action or omission constitutes willful or wanton misconduct.

(D) Subject to divisions (E) and (F)(3) of this section and section 3701.071 of the Revised Code, a nonprofit shelter or health care facility associated with a health care professional described in division (B)(1) of this section or a health care worker described in division (C) of this section is not liable in damages to any person or government entity in a tort or other civil action, including an action on a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the health care professional or worker in providing for the shelter or facility medical, dental, or other health-related diagnosis, care, or treatment to an indigent and uninsured person, unless the action or omission constitutes willful or wanton misconduct.

(E)(1) Except as provided in division (E)(2) of this section, the immunities provided by divisions (B), (C), and (D) of this section are not available to an individual or to a nonprofit shelter or health care facility if, at the time of an alleged injury, death, or loss to person or property, the individuals involved are providing one of the following:

(a) Any medical, dental, or other health-related diagnosis, care, or treatment pursuant to a community service work order entered by a court under division ~~(H)(1) or (2)~~ (F) of section 2951.02 of the Revised Code as a condition of probation or other suspension of a term of imprisonment or imposed by a court as a community control sanction pursuant to sections 2929.15 and 2929.17 of the Revised Code.

(b) Performance of an operation.

(c) Delivery of a baby.

(2) Division (E)(1) of this section does not apply to an individual who provides, or a nonprofit shelter or health care facility at which the individual provides, diagnosis, care, or treatment that is necessary to preserve the life of a person in a medical emergency.

(F)(1) This section does not create a new cause of action or substantive legal right against a health care professional, health care worker, or

nonprofit shelter or health care facility.

(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which an individual or a nonprofit shelter or health care facility may be entitled in connection with the provision of emergency or other diagnosis, care, or treatment.

(3) This section does not grant an immunity from tort or other civil liability to an individual or a nonprofit shelter or health care facility for actions that are outside the scope of authority of health care professionals or health care workers.

(4) This section does not affect any legal responsibility of a health care professional or health care worker to comply with any applicable law of this state or rule of an agency of this state.

(5) This section does not affect any legal responsibility of a nonprofit shelter or health care facility to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety.

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.

(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 probation 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. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision.

(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) ~~March 10, 1998~~ "Controlled substance," "marihuana," "schedule I," and "schedule II" have the same meanings as in section 3719.01 of the Revised Code.

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

(I) "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.

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

(K) "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.

(L) "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.

(M) "Economic loss" means any economic detriment suffered by a victim as a result of the commission of a felony 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 commission of the felony.

(N) "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 curricula or their equivalent.

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

(P) "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.

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

(R) "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.

(S) "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.

(T) "Intensive probation 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. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision.

(U) "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.

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

(W) "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.

(X) "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 thousand five hundred unit doses or two hundred fifty grams of heroin; at least five thousand unit doses of L.S.D. or five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form; 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, or 2925.11 of the Revised Code that is based on the possession of, sale of, or offer to sell the controlled substance.

(Y) "Mandatory prison term" means any of the following:

(1) Subject to division (Y)(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)(11) 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.

(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)(10) of section 2929.13 of the Revised Code and that term as modified or terminated pursuant to section 2971.05 of the Revised Code.

(Z) "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.

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

(BB) "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.

(CC) "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, 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.

(DD) "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 as it existed under section 2907.12 of the

Revised Code 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 (DD)(2)(a)(i) of this section and that resulted in the death of a person or in physical harm to a person.

(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 (DD)(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.

(EE) "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.

(FF) "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.

(GG) "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.

(HH) "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.

(II) "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.

(JJ) "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.

(KK) "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.

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

~~(NN)~~(MM) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under eighteen years of age, regardless of whether the offender knows the age of the child or whether the offender knows the offense is being committed within thirty feet of or within the same residential unit as the child and regardless of whether the child actually views the commission of the offense.

~~(OO)~~(NN) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.

~~(MM)~~(OO) "Motor vehicle" and "manufactured home" have the same meanings as in section 4501.01 of the Revised Code.

~~(NN)~~(PP) "Detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code.

(QQ) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.

(RR) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code.

Sec. 2929.15. (A)(1) If in sentencing an offender for a felony the court is not required to impose a prison term, a mandatory prison term, or a term of life imprisonment upon the offender, the court may directly impose a sentence that consists of one or more community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the court is sentencing an offender for a fourth degree felony OMVI offense and if it is required to impose on the offender a mandatory term of local incarceration pursuant to division (G)(1) of section 2929.13 of the Revised Code, in addition to the mandatory term of local incarceration and the mandatory fine required by division (B)(3) of section 2929.18 of the Revised Code, the court may impose upon the offender a community control sanction or combination of community control sanctions in accordance with

sections 2929.16 and 2929.17 of the Revised Code. The duration of all community control sanctions imposed upon an offender shall not exceed five years. If the offender absconds or otherwise leaves the jurisdiction of the court in which the offender resides without obtaining permission from the court or the offender's probation officer to leave the jurisdiction of the court, or if the offender is confined in any institution for the commission of any offense while under a community control sanction, the period of the community control sanction ceases to run until the offender is brought before the court for its further action. If the court sentences the offender to one or more nonresidential sanctions under section 2929.17 of the Revised Code, the court shall impose as a condition of the nonresidential sanctions that, during the period of the sanctions, the offender must abide by the law and must not leave the state without the permission of the court or the offender's probation officer. The court may impose any other conditions of release under a community control sanction that the court considers appropriate, including, but not limited to, requiring that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in division (D) of this section to determine whether the offender ingested or was injected with a drug of abuse and requiring that the results of the drug test indicate that the offender did not ingest or was not injected with a drug of abuse. If the court is sentencing an offender for a fourth degree felony OMVI offense and if it is required to impose on the offender a mandatory prison term pursuant to division (G)(2) of section 2929.13 of the Revised Code, the court shall not impose upon the offender any community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code.

(2)(a) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, the court shall place the offender under the general control and supervision of a department of probation in the county that serves the court for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer. Alternatively, if the offender resides in another county and a county department of probation has been established in that county or that county is served by a multicounty probation department established under section 2301.27 of the Revised Code, the court may request the court of common pleas of that county to receive the offender into the general control and

supervision of that county or multicounty department of probation for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer, subject to the jurisdiction of the trial judge over and with respect to the person of the offender, and to the rules governing that department of probation.

If there is no department of probation in the county that serves the court, the court shall place the offender, regardless of the offender's county of residence, under the general control and supervision of the adult parole authority for purposes of reporting to the court a violation of any of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer.

(b) If the court imposing sentence upon an offender sentences the offender to any community control sanction or combination of community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and if the offender violates any condition of the sanctions, any condition of release under a community control sanction imposed by the court, violates any law, or departs the state without the permission of the court or the offender's probation officer, 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 or departure directly to the sentencing court, or shall report the violation or departure to the county or multicounty department of probation with general control and supervision over the offender under division (A)(2)(a) of this section or the officer of that department who supervises the offender, or, if there is no such department with general control and supervision over the offender under that division, to the adult parole authority. If the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction reports the violation or departure to the county or multicounty department of probation or the adult parole authority, the department's or authority's officers may treat the offender as if the offender were on probation and in violation of the probation, and shall report the violation of the condition of the sanction, any condition of release under a community control sanction imposed by the court, the violation of law, or the departure from the state without the required permission to the sentencing court.

(B) If the conditions of a community control sanction are violated or if the offender violates a law or leaves the state without the permission of the court or the offender's probation officer, the sentencing court may impose a longer time under the same sanction if the total time under the sanctions does not exceed the five-year limit specified in division (A) of this section, may impose a more restrictive sanction under section 2929.16, 2929.17, or 2929.18 of the Revised Code, or may impose a prison term on the offender pursuant to section 2929.14 of the Revised Code. The prison term, if any, imposed upon a violator pursuant to this division shall be within the range of prison terms available for the offense for which the sanction that was violated was imposed and shall not exceed the prison term specified in the notice provided to the offender at the sentencing hearing pursuant to division (B)(3) of section 2929.19 of the Revised Code. The court may reduce the longer period of time that the offender is required to spend under the longer sanction, the more restrictive sanction, or a prison term imposed pursuant to this division by the time the offender successfully spent under the sanction that was initially imposed.

(C) If an offender, for a significant period of time, fulfills the conditions of a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary manner, the court may reduce the period of time under the sanction or impose a less restrictive sanction, but the court shall not permit the offender to violate any law or permit the offender to leave the state without the permission of the court or the offender's probation officer.

(D)(1) If a court under division (A)(1) of this section imposes a condition of release under a community control sanction that requires the offender to submit to random drug testing, the department of probation or the adult parole authority that has general control and supervision of the offender under division (A)(2)(a) of this section may cause the offender to submit to random drug testing performed by a laboratory or entity that has entered into a contract with any of the governmental entities or officers authorized to enter into a contract with that laboratory or entity under section 341.26, 753.33, or 5120.63 of the Revised Code.

(2) If no laboratory or entity described in division (D)(1) of this section has entered into a contract as specified in that division, the department of probation or the adult parole authority that has general control and supervision of the offender under division (A)(2)(a) of this section shall cause the offender to submit to random drug testing performed by a reputable public laboratory to determine whether the individual who is the subject of the drug test ingested or was injected with a drug of abuse.

(3) A laboratory or entity that has entered into a contract pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code shall perform the random drug tests under division (D)(1) of this section in accordance with the applicable standards that are included in the terms of that contract. A public laboratory shall perform the random drug tests under division (D)(2) of this section in accordance with the standards set forth in the policies and procedures established by the department of rehabilitation and correction pursuant to section 5120.63 of the Revised Code. An offender who is required under division (A)(1) of this section to submit to random drug testing as a condition of release under a community control sanction and whose test results indicate that the offender ingested or was injected with a drug of abuse shall pay the fee for the drug test if the department of probation or the adult parole authority that has general control and supervision of the offender requires payment of a fee. A laboratory or entity that performs the random drug testing on an offender under division (D)(1) or (2) of this section shall transmit the results of the drug test to the appropriate department of probation or the adult parole authority that has general control and supervision of the offender under division (A)(2)(a) of this section.

Sec. 2929.17. The court imposing a sentence for a felony upon an offender who is not required to serve a mandatory prison term may impose any nonresidential sanction or combination of nonresidential sanctions authorized under this section. If the court imposes one or more nonresidential sanctions authorized under this section, the court shall impose as a condition of the sanction that, during the period of the nonresidential sanction, the offender shall abide by the law and shall not leave the state without the permission of the court or the offender's probation officer.

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 under 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 nonresidential sanction or combination of nonresidential 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. Nonresidential sanctions include, but are not limited to, the following:

(A) A term of day reporting;

(B) A term of electronically monitored house arrest, a term of electronic monitoring without house arrest, or a term of house arrest without electronic monitoring;

(C) A term of community service of up to five hundred hours pursuant to division (F) of section 2951.02 of the Revised Code or, if the court determines that the offender is financially incapable of fulfilling a financial sanction described in section 2929.18 of the Revised Code, a term of community service as an alternative to a financial sanction;

(D) A term in a drug treatment program with a level of security for the offender as determined necessary by the court;

(E) A term of intensive probation supervision;

(F) A term of basic probation supervision;

(G) A term of monitored time;

(H) A term of drug and alcohol use monitoring, including random drug testing pursuant to section 2951.05 of the Revised Code;

(I) A curfew term;

(J) A requirement that the offender obtain employment;

(K) A requirement that the offender obtain education or training;

(L) Provided the court obtains the prior approval of the victim, a requirement that the offender participate in victim-offender mediation;

(M) A license violation report;

(N) If the offense is a violation of section 2919.25 or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, if the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and if the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children, a requirement that the offender obtain counseling. This division does not limit the court in requiring the offender to obtain counseling for any offense or in any circumstance not specified in this division.

Sec. 2929.19. (A)(1) The court shall hold a sentencing hearing before imposing a sentence under this chapter upon an offender who was convicted of or pleaded guilty to a felony and before resentencing an offender who was convicted of or pleaded guilty to a felony and whose case was remanded pursuant to section 2953.07 or 2953.08 of the Revised Code. At the hearing, the offender, the prosecuting attorney, the victim or the victim's representative in accordance with section 2930.14 of the Revised Code, and, with the approval of the court, any other person may present information relevant to the imposition of sentence in the case. The court shall inform the offender of the verdict of the jury or finding of the court and ask the offender whether the offender has anything to say as to why sentence should not be imposed upon the offender.

(2) Except as otherwise provided in this division, before imposing sentence on an offender who is being sentenced for a sexually oriented offense that was committed on or after January 1, 1997, and that is not a sexually violent offense, and before imposing sentence on an offender who is being sentenced for a sexually violent offense committed on or after January 1, 1997, and who was not charged with a sexually violent predator specification in the indictment, count in the indictment, or information charging the sexually violent offense, the court shall conduct a hearing in accordance with division (B) of section 2950.09 of the Revised Code to determine whether the offender is a sexual predator. The court shall not conduct a hearing under that division if the offender is being sentenced for a sexually violent offense and a sexually violent predator specification was included in the indictment, count in the indictment, or information charging the sexually violent offense. Before imposing sentence on an offender who is being sentenced for a sexually oriented offense, the court also shall comply with division (E) of section 2950.09 of the Revised Code.

(B)(1) At the sentencing hearing, the court, before imposing sentence, shall consider the record, any information presented at the hearing by any person pursuant to division (A) of this section, and, if one was prepared, the presentence investigation report made pursuant to section 2951.03 of the Revised Code or Criminal Rule 32.2, and any victim impact statement made pursuant to section 2947.051 of the Revised Code.

(2) The court shall impose a sentence and shall make a finding that gives its reasons for selecting the sentence imposed in any of the following circumstances:

(a) Unless the offense is a sexually violent offense for which the court is required to impose sentence pursuant to division (G) of section 2929.14 of the Revised Code, if it imposes a prison term for a felony of the fourth or fifth degree or for 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 division (B) of section 2929.13 of the Revised Code for purposes of sentencing and, if the term is not a mandatory prison term imposed pursuant to division (G)(2) of section 2929.13 of the Revised Code for a felony OMVI offense, its reasons for imposing the prison term, based upon the overriding purposes and principles of felony sentencing set forth in section 2929.11 of the Revised Code, and any factors listed in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code that it found to apply relative to the offender.

(b) If it does not impose a prison term for a felony of the first or second degree or for a felony drug offense that is a violation of a provision of

Chapter 2925. of the Revised Code and for which a presumption in favor of a prison term is specified as being applicable, its reasons for not imposing the prison term and for overriding the presumption, based upon the overriding purposes and principles of felony sentencing set forth in section 2929.11 of the Revised Code, and the basis of the findings it made under divisions (D)(1) and (2) of section 2929.13 of the Revised Code.

(c) If it imposes consecutive sentences under section 2929.14 of the Revised Code, its reasons for imposing the consecutive sentences;

(d) If the sentence is for one offense and it imposes a prison term for the offense that is the maximum prison term allowed for that offense by division (A) of section 2929.14 of the Revised Code, its reasons for imposing the maximum prison term;

(e) If the sentence is for two or more offenses arising out of a single incident and it imposes a prison term for those offenses that is the maximum prison term allowed for the offense of the highest degree by division (A) of section 2929.14 of the Revised Code, its reasons for imposing the maximum prison term.

(3) Subject to division (B)(4) of this section, if the sentencing court determines at the sentencing hearing that a prison term is necessary or required, the court shall do all of the following:

(a) Impose a stated prison term;

(b) Notify the offender that, as part of the sentence, the parole board may extend the stated prison term for certain violations of prison rules for up to one-half of the stated prison term;

(c) Notify the offender that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the first degree or second degree, for a felony sex offense ~~as defined in section 2967.28 of the Revised Code~~, or for a felony of the third degree in the commission of which the offender caused or threatened to cause physical harm to a person;

(d) Notify the offender that the offender may be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the third, fourth, or fifth degree that is not subject to division (B)(3)(c) of this section;

(e) Notify the offender that, if a period of supervision is imposed following the offender's release from prison, as described in division (B)(3)(c) or (d) of this section, and if the offender violates that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code, the parole board may impose a prison term, as part of the sentence, of up to one-half of the stated prison term originally

imposed upon the offender;

(f) Require that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in section 341.26, 753.33, or 5120.63 of the Revised Code, whichever is applicable to the offender who is serving a prison term, and require that the results of the drug test administered under any of those sections indicate that the offender did not ingest or was not injected with a drug of abuse.

(4) If the offender is being sentenced for a sexually violent offense that the offender committed on or after January 1, 1997, and 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 or if the offender is being sentenced for a sexually oriented offense that the offender committed on or after January 1, 1997, and the court imposing the sentence has determined pursuant to division (B) of section 2950.09 of the Revised Code that the offender is a sexual predator, the court shall include in the offender's sentence a statement that the offender has been adjudicated as being a sexual predator and shall comply with the requirements of section 2950.03 of the Revised Code. Additionally, in the circumstances described in division (G) of section 2929.14 of the Revised Code, the court shall impose sentence on the offender as described in that division.

(5) If the sentencing court determines at the sentencing hearing that a community control sanction should be imposed and the court is not prohibited from imposing a community control sanction, the court shall impose a community control sanction. The court shall notify the offender that, if the conditions of the sanction are violated, if the offender commits a violation of any law, or if the offender leaves this state without the permission of the court or the offender's probation officer, the court may impose a longer time under the same sanction, may impose a more restrictive sanction, or may impose a prison term on the offender and shall indicate the specific prison term that may be imposed as a sanction for the violation, as selected by the court from the range of prison terms for the offense pursuant to section 2929.14 of the Revised Code.

(6) Before imposing a financial sanction under section 2929.18 of the Revised Code or a fine under section 2929.25 of the Revised Code, the court shall consider the offender's present and future ability to pay the amount of the sanction or fine.

(C)(1) If the offender is being sentenced for a fourth degree felony OMVI offense and if the court is required by division (G)(1) of section 2929.13 of the Revised Code to impose as a sanction a mandatory term of

local incarceration, the court shall impose the mandatory term of local incarceration in accordance with that division, shall impose a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code, and, in addition, may impose additional sanctions as specified in sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised Code. The court shall not impose a prison term on the offender.

(2) If the offender is being sentenced for a fourth degree felony OMVI offense and if the court is required by division (G)(2) of section 2929.13 of the Revised Code to impose as a sanction a mandatory prison term, the court shall impose the mandatory prison term in accordance with that division, shall impose a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code, and, in addition, may impose an additional prison term as specified in section 2929.14 of the Revised Code. The court shall not impose any community control sanction on the offender.

(D) If the sentencing court determines at the sentencing hearing that an offender is eligible for placement in a program of shock incarceration under section 5120.031 of the Revised Code or in an intensive program prison under section 5120.032 of the Revised Code, the court, pursuant to division (K) of section 2929.14 of the Revised Code, may recommend placement of the offender in a program of shock incarceration or an intensive program prison, disapprove placement of the offender in a program or prison of that nature, or make no recommendation. The court shall make a finding that gives its reasons for its recommendation or disapproval.

Sec. 2951.02. (A)(1) In determining whether to suspend a sentence of imprisonment imposed upon an offender for a misdemeanor and place the offender on probation or whether to otherwise suspend a sentence of imprisonment imposed upon an offender for a misdemeanor pursuant to division (A) of section 2929.51 of the Revised Code, the court shall consider the risk that the offender will commit another offense and the need for protecting the public from the risk, the nature and circumstances of the offense, and the history, character, and condition of the offender.

(2) An offender who has been convicted of or pleaded guilty to a misdemeanor shall not be placed on probation and shall not otherwise have the sentence of imprisonment imposed upon the offender suspended pursuant to division (A) of section 2929.51 of the Revised Code if either of the following applies:

(a) The offender is a repeat or dangerous offender, ~~as defined in section 2935.36 of the Revised Code.~~

(b) The misdemeanor offense involved was not a violation of section 2923.12 of the Revised Code and was committed while the offender was

armed with a firearm or dangerous ordnance, as defined in section 2923.11 of the Revised Code.

(B) The following do not control the court's discretion but the court shall consider them in favor of placing an offender who has been convicted of or pleaded guilty to a misdemeanor on probation or in favor of otherwise suspending the offender's sentence of imprisonment pursuant to division (A) of section 2929.51 of the Revised Code:

(1) The offense neither caused nor threatened serious harm to persons or property, or the offender did not contemplate that it would do so.

(2) The offense was the result of circumstances unlikely to recur.

(3) The victim of the offense induced or facilitated it.

(4) There are substantial grounds tending to excuse or justify the offense, though failing to establish a defense.

(5) The offender acted under strong provocation.

(6) The offender has no history of prior delinquency or criminal activity, or has led a law-abiding life for a substantial period before commission of the present offense.

(7) The offender is likely to respond affirmatively to probationary or other court-imposed treatment.

(8) The character and attitudes of the offender indicate that the offender is unlikely to commit another offense.

(9) The offender has made or will make restitution or reparation to the victim of the offender's offense for the injury, damage, or loss sustained.

(10) Imprisonment of the offender will entail undue hardship to the offender or the offender's dependents.

(C)(1) When an offender who has been convicted of or pleaded guilty to a misdemeanor is placed on probation or the sentence of that type of offender otherwise is suspended pursuant to division (A) of section 2929.51 of the Revised Code, the probation or other suspension shall be at least on condition that, during the period of probation or other suspension, the offender shall abide by the law and shall not leave the state without the permission of the court or the offender's probation officer. In the interests of doing justice, rehabilitating the offender, and ensuring the offender's good behavior, the court may impose additional requirements on the offender. Compliance with the additional requirements imposed under this division also shall be a condition of the offender's probation or other suspension. The additional requirements so imposed may include, but shall not be limited to, any of the following:

(a) A requirement that the offender make restitution pursuant to section 2929.21 of the Revised Code for all or part of the property damage

that is caused by the offender's offense and for all or part of the value of the property that is the subject of any theft offense, ~~as defined in division (K) of section 2913.01 of the Revised Code~~, that the offender committed;

(ii)(b) If the offense is a violation of section 2919.25 or a violation of section 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, if the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and if the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children, a requirement that the offender obtain counseling. This division does not limit the court in imposing a requirement that the offender obtain counseling for any offense or in any circumstance not specified in this division.

(c) A requirement that the offender not ingest or be injected with a drug of abuse and submit to random drug testing and requiring that the results of the drug test indicate that the offender did not ingest or was not injected with a drug of abuse. If the court requires the offender to submit to random drug testing under division (C)(1)(c) of this section, the county department of probation, the multicounty department of probation, or the adult parole authority, as appropriate, that has general control and supervision of offenders who are on probation or other suspension or are under a nonresidential sanction, shall cause the offender to submit to random drug testing pursuant to section 2951.05 of the Revised Code.

(2) During the period of a misdemeanor offender's probation or other suspension or during the period of a felon's nonresidential sanction, authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may search, with or without a warrant, the person of the offender, the place of residence of the offender, and a motor vehicle, another item of tangible or intangible personal property, or other real property in which the offender has a right, title, or interest or for which the offender has the express or implied permission of a person with a right, title, or interest to use, occupy, or possess if the probation officers have reasonable grounds to believe that the offender is not abiding by the law or otherwise is not complying with the conditions of the offender's probation or other suspension or the conditions of the offender's nonresidential sanction. If a felon who is sentenced to a nonresidential sanction is under the general control and supervision of the adult parole authority, as described in division (A)(2)(a) of section 2929.15 of the Revised Code, adult parole authority field officers with supervisory responsibilities over the felon shall have the same search authority relative to the felon during the period of the sanction as is described under this

division for probation officers. The court that places the offender on probation or suspends the misdemeanor offender's sentence of imprisonment pursuant to division (D)(2) or (4) of section 2929.51 of the Revised Code or that sentences the felon to a nonresidential sanction pursuant to section 2929.17 of the Revised Code shall provide the offender with a written notice that informs the offender that authorized probation officers or adult parole authority field officers with supervisory responsibilities over the offender who are engaged within the scope of their supervisory duties or responsibilities may conduct those types of searches during the period of probation or other suspension or during the period of the nonresidential sanction if they have reasonable grounds to believe that the offender is not abiding by the law or otherwise is not complying with the conditions of the offender's probation or other suspension or the conditions of the offender's nonresidential sanction.

(D) The following do not control the court's discretion but the court shall consider them against placing an offender who has been convicted of or pleaded guilty to a misdemeanor on probation and against otherwise suspending the offender's sentence of imprisonment pursuant to division (A) of section 2929.51 of the Revised Code:

(1) The offender recently violated the conditions of pardon, post-release control pursuant to section 2967.28 of the Revised Code, or a probation or suspension pursuant to division (A) of section 2929.51 of the Revised Code, previously granted the offender.

(2) There is a substantial risk that, while at liberty during the period of probation or other suspension, the offender will commit another offense.

(3) The offender is in need of correctional or rehabilitative treatment that can be provided best by the offender's commitment to a locally governed and operated residential facility.

(4) Regardless of whether the offender knew the age of the victim, the victim of the offense was sixty-five years of age or older or permanently and totally disabled at the time of the commission of the offense.

(E) The criteria listed in divisions (B) and (D) of this section shall not be construed to limit the matters that may be considered in determining whether to suspend sentence of imprisonment and place an offender who has been convicted of or pleaded guilty to a misdemeanor on probation or whether to otherwise suspend the offender's sentence of imprisonment pursuant to division (A) of section 2929.51 of the Revised Code.

(F)(1) When an offender is convicted of or pleads guilty to a misdemeanor, the court may require the offender, as a condition of probation or as a condition of otherwise suspending the offender's sentence

pursuant to division (A) of section 2929.51 of the Revised Code, in addition to the conditions of probation or other suspension imposed pursuant to division (C) of this section, to perform supervised community service work under the authority of health districts, park districts, counties, municipal corporations, townships, other political subdivisions of the state, or agencies of the state or any of its political subdivisions, or under the authority of charitable organizations that render services to the community or its citizens, in accordance with this division. Supervised community service work shall not be required as a condition of probation or other suspension under this division unless the offender agrees to perform the work offered as a condition of probation or other suspension by the court. The court may require an offender who agrees to perform the work to pay to it a reasonable fee to cover the costs of the offender's participation in the work, including, but not limited to, the costs of procuring a policy or policies of liability insurance to cover the period during which the offender will perform the work.

A court may permit any offender convicted of a misdemeanor to satisfy the payment of a fine imposed for the offense by performing supervised community service work as described in this division if the offender requests an opportunity to satisfy the payment by this means and if the court determines the offender is financially unable to pay the fine.

The supervised community service work that may be imposed under this division shall be subject to the following limitations:

(a) The court shall fix the period of the work and, if necessary, shall distribute it over weekends or over other appropriate times that will allow the offender to continue at the offender's occupation or to care for the offender's family. The period of the work as fixed by the court shall not exceed an aggregate of two hundred hours.

(b) An agency, political subdivision, or charitable organization must agree to accept the offender for the work before the court requires the offender to perform the work for the entity. A court shall not require an offender to perform supervised community service work for an agency, political subdivision, or charitable organization at a location that is an unreasonable distance from the offender's residence or domicile, unless the offender is provided with transportation to the location where the work is to be performed.

(c) A court may enter into an agreement with a county department of job and family services for the management, placement, and supervision of offenders eligible for community service work in work activities, developmental activities, and alternative work activities under sections

5107.40 to 5107.69 of the Revised Code. If a court and a county department of job and family services have entered into an agreement of that nature, the clerk of that court is authorized to pay directly to the county department all or a portion of the fees collected by the court pursuant to this division in accordance with the terms of its agreement.

(d) Community service work that a court requires under this division shall be supervised by an official of the agency, political subdivision, or charitable organization for which the work is performed or by a person designated by the agency, political subdivision, or charitable organization. The official or designated person shall be qualified for the supervision by education, training, or experience, and periodically shall report, in writing, to the court and to the offender's probation officer concerning the conduct of the offender in performing the work.

(2) When an offender is convicted of a felony, the court may impose pursuant to sections 2929.15 and 2929.17 of the Revised Code a sanction that requires the offender to perform supervised community service work in accordance with this division and under the authority of any agency, political subdivision, or charitable organization as described in division (F)(1) of this section. The court may require an offender who is ordered to perform the work to pay to it a reasonable fee to cover the costs of the offender's participation in the work, including, but not limited to, the costs of procuring a policy or policies of liability insurance to cover the period during which the offender will perform the work.

A court may permit an offender convicted of a felony to satisfy the payment of a fine imposed for the offense pursuant to section 2929.18 of the Revised Code by performing supervised community service work as described in this division if the court determines that the offender is financially unable to pay the fine.

The supervised community service work that may be imposed under this division shall be subject to the limitations specified in divisions (F)(1)(a) to (d) of this section, except that the court is not required to obtain the agreement of the offender to impose supervised community work as a sanction. Additionally, the total of any period of supervised community service work imposed on an offender under this division plus the period of all other sanctions imposed pursuant to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised Code shall not exceed five years.

(G)(1) When an offender is convicted of a violation of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a municipal ordinance relating to operating a vehicle with a

prohibited concentration of alcohol in the blood, breath, or urine, the court may require, as a condition of probation in addition to the required conditions of probation and the discretionary conditions of probation that may be imposed pursuant to division (C) of this section, any suspension or revocation of a driver's or commercial driver's license or permit or nonresident operating privilege, and all other penalties provided by law or by ordinance, that the offender operate only a motor vehicle equipped with an ignition interlock device that is certified pursuant to section 4511.83 of the Revised Code.

(2) When a court requires an offender, as a condition of probation pursuant to division (G)(1) of this section, to operate only a motor vehicle equipped with an ignition interlock device that is certified pursuant to section 4511.83 of the Revised Code, the offender immediately shall surrender the offender's driver's or commercial driver's license or permit to the court. Upon the receipt of the offender's license or permit, the court shall issue an order authorizing the offender to operate a motor vehicle equipped with a certified ignition interlock device, deliver the offender's license or permit to the bureau of motor vehicles, and include in the abstract of the case forwarded to the bureau pursuant to section 4507.021 of the Revised Code the conditions of probation imposed pursuant to division (G)(1) of this section. The court shall give the offender a copy of its order, and that copy shall be used by the offender in lieu of a driver's or commercial driver's license or permit until the bureau issues a restricted license to the offender.

(3) Upon receipt of an offender's driver's or commercial driver's license or permit pursuant to division (G)(2) of this section, the bureau of motor vehicles shall issue a restricted license to the offender. The restricted license shall be identical to the surrendered license, except that it shall have printed on its face a statement that the offender is prohibited from operating a motor vehicle that is not equipped with an ignition interlock device that is certified pursuant to section 4511.83 of the Revised Code. The bureau shall deliver the offender's surrendered license or permit to the court upon receipt of a court order requiring it to do so, or reissue the offender's license or permit under section 4507.54 of the Revised Code if the registrar destroyed the offender's license or permit under that section. The offender shall surrender the restricted license to the court upon receipt of the offender's surrendered license or permit.

(4) If an offender violates a requirement of the court imposed under division (G)(1) of this section, the offender's driver's or commercial driver's license or permit or nonresident operating privilege may be suspended as provided in section 4507.16 of the Revised Code.

~~(5)~~(H) As used in this division, ~~ignition~~ section:

(1) "Repeat offender" and "dangerous offender" have the same meanings as in section 2935.36 of the Revised Code.

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

(3) "Theft offense" has the same meaning as in section 2913.01 of the Revised Code.

(4) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.

(5) "Ignition interlock device" has the same meaning as in section 4511.83 of the Revised Code.

Sec. 2951.03. (A)(1) No person who has been convicted of or pleaded guilty to a felony shall be placed under a community control sanction until a written presentence investigation report has been considered by the court. If a court orders the preparation of a presentence investigation report pursuant to this section, section 2947.06 of the Revised Code, or Criminal Rule 32.2, the officer making the report shall inquire into the circumstances of the offense and the criminal record, social history, and present condition of the defendant and any other matters specified in Criminal Rule 32.2. Whenever the officer considers it advisable, the officer's investigation may include a physical and mental examination of the defendant. A physical examination of the defendant may include a drug test consisting of a chemical analysis of a blood or urine specimen of the defendant to determine whether the defendant ingested or was injected with a drug of abuse. If, pursuant to section 2930.13 of the Revised Code, the victim of the offense of which the defendant has been convicted wishes to make a statement regarding the impact of the offense for the officer's use in preparing the presentence investigation report, the officer shall comply ~~with~~ with the requirements of that section.

(2) If a defendant is committed to any institution, the presentence investigation report shall be sent to the institution with the entry of commitment. If a defendant is committed to any institution and a presentence investigation report is not prepared regarding that defendant pursuant to this section, section 2947.06 of the Revised Code, or Criminal Rule 32.2, the director of the department of rehabilitation and correction or the director's designee may order that an offender background investigation and report be conducted and prepared regarding the defendant pursuant to section 5120.16 of the Revised Code.

(B)(1) If a presentence investigation report is prepared pursuant to this section, section 2947.06 of the Revised Code, or Criminal Rule 32.2, the

court, at a reasonable time before imposing sentence, shall permit the defendant or the defendant's counsel to read the report, except that the court shall not permit the defendant or the defendant's counsel to read any of the following:

- (a) Any recommendation as to sentence;
- (b) Any diagnostic opinions that, if disclosed, the court believes might seriously disrupt a program of rehabilitation for the defendant;
- (c) Any sources of information obtained upon a promise of confidentiality;
- (d) Any other information that, if disclosed, the court believes might result in physical harm or some other type of harm to the defendant or to any other person.

(2) Prior to sentencing, the court shall permit the defendant and the defendant's counsel to comment on the presentence investigation report and, in its discretion, may permit the defendant and the defendant's counsel to introduce testimony or other information that relates to any alleged factual inaccuracy contained in the report.

(3) If the court believes that any information in the presentence investigation report should not be disclosed pursuant to division (B)(1) of this section, the court, in lieu of making the report or any part of the report available, shall state orally or in writing a summary of the factual information contained in the report that will be relied upon in determining the defendant's sentence. The court shall permit the defendant and the defendant's counsel to comment upon the oral or written summary of the report.

(4) Any material that is disclosed to the defendant or the defendant's counsel pursuant to this section shall be disclosed to the prosecutor who is handling the prosecution of the case against the defendant.

(5) If the comments of the defendant or the defendant's counsel, the testimony they introduce, or any of the other information they introduce alleges any factual inaccuracy in the presentence investigation report or the summary of the report, the court shall do either of the following with respect to each alleged factual inaccuracy:

- (a) Make a finding as to the allegation;
- (b) Make a determination that no finding is necessary with respect to the allegation, because the factual matter will not be taken into account in the sentencing of the defendant.

(C) A court's decision as to the content of a summary under division (B)(3) of this section or as to the withholding of information under division (B)(1)(a), (b), (c), or (d) of this section shall be considered to be within the

discretion of the court. No appeal can be taken from either of those decisions, and neither of those decisions shall be the basis for a reversal of the sentence imposed.

(D)(1) The contents of a presentence investigation report prepared pursuant to this section, section 2947.06 of the Revised Code, or Criminal Rule 32.2 and the contents of any written or oral summary of a presentence investigation report or of a part of a presentence investigation report described in division (B)(3) of this section are confidential information and are not a public record. The court, an appellate court, authorized probation officers, investigators, and court personnel, the defendant, the defendant's counsel, the prosecutor who is handling the prosecution of the case against the defendant, and authorized personnel of an institution to which the defendant is committed may inspect, receive copies of, retain copies of, and use a presentence investigation report or a written or oral summary of a presentence investigation only for the purposes of or only as authorized by Criminal Rule 32.2 or this section, division (F)(1) of section 2953.08, section 2947.06, or another section of the Revised Code.

(2) Immediately following the imposition of sentence upon the defendant, the defendant or the defendant's counsel and the prosecutor shall return to the court all copies of a presentence investigation report and of any written summary of a presentence investigation report or part of a presentence investigation report that the court made available to the defendant or the defendant's counsel and to the prosecutor pursuant to this section. The defendant or the defendant's counsel and the prosecutor shall not make any copies of the presentence investigation report or of any written summary of a presentence investigation report or part of a presentence investigation report that the court made available to them pursuant to this section.

(3) Except when a presentence investigation report or a written or oral summary of a presentence investigation report is being used for the purposes of or as authorized by Criminal Rule 32.2 or this section, division (F)(1) of section 2953.08, section 2947.06, or another section of the Revised Code, the court or other authorized holder of the report or summary shall retain the report or summary under seal.

(E) As used in this section:

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

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

(3) "Public record" has the same meaning as in section 149.43 of the

Revised Code.

Sec. 2951.05. (A) If an offender mentioned in section 2951.02 of the Revised Code resides in the county in which the trial was conducted, the court that issues an order of probation shall place the offender under the control and supervision of a department of probation in the county that serves the court. If there is no department of probation in the county that serves the court, the probation order, under section 2301.32 of the Revised Code, may place the offender on probation in charge of the adult parole authority created by section 5149.02 of the Revised Code that then shall have the powers and duties of a county department of probation. If the offender resides in a county other than the county in which the court granting probation is located and a county department of probation has been established in the county of residence or the county of residence is served by a multicounty probation department, the order of probation may request the court of common pleas of the county in which the offender resides to receive ~~him~~ the offender into the control and supervision of that county or multicounty department of probation, subject to the jurisdiction of the trial judge over and with respect to the person of the offender, and to the rules governing that department of probation. If the offender's county of residence has no county or multicounty department of probation, the judge may place ~~him~~ the offender on probation in charge of the adult parole authority created by section 5149.02 of the Revised Code.

(B)(1) A county department of probation, a multicounty department of probation, or the adult parole authority, as appropriate under division (A) of this section, that has general control and supervision of offenders who are required to submit to random drug testing under division (C)(1)(c) of section 2951.02 of the Revised Code or who are subject to a nonresidential sanction that includes random drug testing under section 2929.17 of the Revised Code, may cause each offender to submit to random drug testing performed by a laboratory or entity that has entered into a contract with any of the governmental entities or officers authorized to enter into a contract with that laboratory or entity under section 341.26, 753.33, or 5120.63 of the Revised Code.

(2) If no laboratory or entity described in division (B)(1) of this section has entered into a contract as specified in those divisions, the county department of probation, the multicounty department of probation, or the adult parole authority, as appropriate, that has general control and supervision of offenders described in division (B)(1) of this section shall cause the offender to submit to random drug testing performed by a reputable public laboratory to determine whether the individual who is the

subject of the drug test ingested or was injected with a drug of abuse.

(3) A laboratory or entity that has entered into a contract pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code shall perform the random drug testing under division (B)(1) of this section in accordance with the applicable standards that are included in the terms of that contract. A public laboratory shall perform the random drug tests under division (B)(3) of this section in accordance with the standards set forth in the policies and procedures established by the department of rehabilitation and correction pursuant to section 5120.63 of the Revised Code. An offender who is required to submit to random drug testing under division (C)(1)(c) of section 2951.02 of the Revised Code or who is subject to a nonresidential sanction that includes random drug testing under section 2929.17 of the Revised Code shall pay the fee for the drug test if the test results indicate that the offender ingested or was injected with a drug of abuse and if the county department of probation, the multicounty department of probation, or the adult parole authority that has general control and supervision of the offender requires payment of a fee. A laboratory or entity that performs the random drug testing on an offender under division (B)(1) or (2) of this section shall transmit the results of the drug test to the appropriate county probation department, multicounty probation department, or adult parole authority that has general control and supervision of the offender.

(C) As used in this section, "~~multicounty~~":

(1) "Multicounty department of probation" means a probation department established under section 2301.27 of the Revised Code to serve more than one county.

(2) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.

Sec. 2951.08. (A) During a period of probation or community control, any field officer or probation officer may arrest the person on probation or under a community control sanction without a warrant and bring the person before the judge or magistrate before whom the cause was pending. During a period of probation or community control, any peace officer may arrest the person on probation or under a community control sanction without a warrant upon the written order of the chief county probation officer if the person on probation or under a community control sanction is under the supervision of that county department of probation or on the order of an officer of the adult parole authority created pursuant to section 5149.02 of the Revised Code if the person on probation or under a community control sanction is under the supervision of the authority. During a period of probation or community control, any peace officer may arrest the person on

probation or under a community control sanction on the warrant of the judge or magistrate before whom the cause was pending.

During a period of probation or community control, any peace officer may arrest the person on probation or under a community control sanction without a warrant if the peace officer has reasonable ground to believe the person has violated or is violating any of the following that is a condition of the person's probation or of the person's community control sanction:

(1) A condition that prohibits ownership, possession, or use of a firearm, deadly weapon, ammunition, or dangerous ordnance;

(2) A condition that prohibits the person from being within a specified structure or geographic area;

(3) A condition that confines the person to a residence, facility, or other structure;

(4) A condition that prohibits the person from contacting or communicating with any specified individual;

(5) A condition that prohibits the person from associating with a specified individual;

(6) A condition as provided in division (C)(1)(c) of section 2951.02 of the Revised Code or in division (A)(1) of section 2929.15 of the Revised Code that requires that the person not ingest or be injected with a drug of abuse and submit to random drug testing and requires that the results of the drug test indicate that the person did not ingest or was not injected with a drug of abuse.

(B) Upon making an arrest under this section, the arresting field officer, probation officer, or peace officer or the department or agency of the arresting officer promptly shall notify the chief probation officer or the chief probation officer's designee that the person has been arrested. Upon being notified that a peace officer has made an arrest under this section, the chief probation officer or designee, or another probation officer designated by the chief probation officer, promptly shall bring the person who was arrested before the judge or magistrate before whom the cause was pending.

(C) Nothing in this section limits the powers of arrest granted to certain law enforcement officers and citizens under sections 2935.03 and 2935.04 of the Revised Code.

(D) As used in this section:

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

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

(3) "Community control sanction" has the same meaning as in section

2929.01 of the Revised Code.

(4) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.

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 for felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, or who was sentenced prior to 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) or (B) 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) "Post-release control" 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) "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.

(R) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.

Sec. 2967.131. (A) In addition to any other terms and conditions of a conditional pardon or parole, of transitional control, or 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, transitional control, or other form of authorized release or shall include as conditions of the post-release control the conditions that the individual or felon not leave the state without permission of the court or the individual's or felon's parole or probation officer and that the individual or felon abide by the law during the period of the individual's or felon's conditional pardon, parole, transitional control, other form of authorized release, or post-release control.

(B)(1) The department of rehabilitation and correction, as a condition of parole or post-release control, may require that the individual or felon shall not ingest or be injected with a drug of abuse and shall submit to random drug testing as provided in divisions (B)(2), (3), and (4) of this section and that the results of the drug test indicate that the individual or felon did not ingest or was not injected with a drug of abuse.

(2) If the adult parole authority has general control and supervision of an individual or felon who is required to submit to random drug testing as a condition of parole or post-release control under division (B)(1) of this section, the authority may cause the individual or felon to submit to random drug testing performed by a laboratory or entity that has entered into a contract with any of the governmental entities or officers authorized to enter into a contract with that laboratory or entity under section 341.26, 753.33, or 5120.63 of the Revised Code.

(3) If no laboratory or entity described in division (B)(2) of this section has entered into a contract as specified in that division, the adult parole authority shall cause the individual or felon to submit to random drug testing performed by a reputable public laboratory to determine whether the individual or felon who is the subject of the drug test ingested or was injected with a drug of abuse.

(4) If a laboratory or entity has entered into a contract with a governmental entity or officer as specified in division (B)(2) of this section,

the laboratory or entity shall perform the random drug testing under division (B)(2) of this section in accordance with the applicable standards that are included in the terms of that contract. A public laboratory shall perform the random drug tests under division (B)(3) of this section in accordance with the standards set forth in the policies and procedures established by the department of rehabilitation and correction pursuant to section 5120.63 of the Revised Code. An individual or felon who is required under division (B)(1) of this section to submit to random drug testing as a condition of parole or post-release control and whose test results indicate that the individual or felon ingested or was injected with a drug of abuse shall pay the fee for the drug test if the adult parole authority requires payment of a fee. A laboratory or entity that performs the random drug testing on a parolee or releasee under division (B)(2) or (3) of this section shall transmit the results of the drug test to the adult parole authority.

(C) During the period of a conditional pardon or parole, of transitional control, or 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 individual or felon, the place of residence of the individual or felon, and a motor vehicle, another item of tangible or intangible personal property, or other real property in which the individual or felon has a right, title, or interest or for which the 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 individual or felon has left the state, is not abiding by the law, or otherwise is not complying with the terms and conditions of the individual's or felon's conditional pardon, parole, transitional control, other form of authorized release, or post-release control. The authority shall provide each 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 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, transitional control, other form of authorized release, or post-release control if they have reasonable grounds to believe

that the individual or felon has left the state, is not abiding by the law, or otherwise is not complying with the terms and conditions of the individual's or felon's conditional pardon, parole, transitional control, other form of authorized release, or post-release control.

Sec. 4511.83. (A) As used in this section:

(1) "Ignition interlock device" means a device that connects a breath analyzer to a motor vehicle's ignition system, that is constantly available to monitor the concentration by weight of alcohol in the breath of any person attempting to start that motor vehicle by using its ignition system, and that deters starting the motor vehicle by use of its ignition system unless the person attempting to so start the vehicle provides an appropriate breath sample for the device and the device determines that the concentration by weight of alcohol in the person's breath is below a preset level.

(2) "Offender with restricted driving privileges" means an offender who is subject to an order that was issued under division (F) of section 4507.16 of the Revised Code as a condition of the granting of occupational driving privileges or an offender whose driving privilege is restricted as a condition of probation pursuant to division (G) of section 2951.02 of the Revised Code.

(B)(1) Except in cases of a substantial emergency when no other person is reasonably available to drive in response to the emergency, no person shall knowingly rent, lease, or lend a motor vehicle to any offender with restricted driving privileges, unless the vehicle is equipped with a functioning ignition interlock device that is certified pursuant to division (D) of this section.

(2) Any offender with restricted driving privileges who rents, leases, or borrows a motor vehicle from another person shall notify the person who rents, leases, or lends the motor vehicle to the offender that the offender has restricted driving privileges and of the nature of the restriction.

(3) Any offender with restricted driving privileges who is required to operate a motor vehicle owned by the offender's employer in the course and scope of the offender's employment may operate that vehicle without the installation of an ignition interlock device, provided that the employer has been notified that the offender has restricted driving privileges and of the nature of the restriction and provided further that the offender has proof of the employer's notification in the offender's possession while operating the employer's vehicle for normal business duties. A motor vehicle owned by a business that is partly or entirely owned or controlled by an offender with restricted driving privileges is not a motor vehicle owned by an employer, for purposes of this division.

(C) If a court, pursuant to division (F) of section 4507.16 of the Revised Code, imposes the use of an ignition interlock device as a condition of the granting of occupational driving privileges, the court shall require the offender to provide proof of compliance to the court at least once quarterly or more frequently as ordered by the court in its discretion. If a court imposes the use of an ignition interlock device as a condition of probation under division ~~(H)~~(G) of section 2951.02 of the Revised Code, the court shall require the offender to provide proof of compliance to the court or probation officer prior to issuing any driving privilege or continuing the probation status. In either case in which a court imposes the use of such a device, the offender, at least once quarterly or more frequently as ordered by the court in its discretion, shall have the device inspected as ordered by the court for accurate operation and shall provide the results of the inspection to the court or, if applicable, to the offender's probation officer.

(D)(1) The director of public safety, upon consultation with the director of health and in accordance with Chapter 119. of the Revised Code, shall certify ignition interlock devices and shall publish and make available to the courts, without charge, a list of approved devices together with information about the manufacturers of the devices and where they may be obtained. The cost of obtaining the certification of an ignition interlock device shall be paid by the manufacturer of the device to the director of public safety and shall be deposited in the statewide treatment and prevention fund established by section 4301.30 of the Revised Code.

(2) The director of public safety, in accordance with Chapter 119. of the Revised Code, shall adopt and publish rules setting forth the requirements for obtaining the certification of an ignition interlock device. No ignition interlock device shall be certified by the director of public safety pursuant to division (D)(1) of this section unless it meets the requirements specified and published by the director in the rules adopted pursuant to this division. The requirements shall include provisions for setting a minimum and maximum calibration range and shall include, but shall not be limited to, specifications that the device complies with all of the following:

- (a) It does not impede the safe operation of the vehicle.
- (b) It has features that make circumvention difficult and that do not interfere with the normal use of the vehicle.
- (c) It correlates well with established measures of alcohol impairment.
- (d) It works accurately and reliably in an unsupervised environment.
- (e) It is resistant to tampering and shows evidence of tampering if tampering is attempted.
- (f) It is difficult to circumvent and requires premeditation to do so.

(g) It minimizes inconvenience to a sober user.

(h) It requires a proper, deep-lung breath sample or other accurate measure of the concentration by weight of alcohol in the breath.

(i) It operates reliably over the range of automobile environments.

(j) It is made by a manufacturer who is covered by product liability insurance.

(3) The director of public safety may adopt, in whole or in part, the guidelines, rules, regulations, studies, or independent laboratory tests performed and relied upon by other states, or their agencies or commissions, in the certification or approval of ignition interlock devices.

(4) The director of public safety shall adopt rules in accordance with Chapter 119. of the Revised Code for the design of a warning label that shall be affixed to each ignition interlock device upon installation. The label shall contain a warning that any person tampering, circumventing, or otherwise misusing the device is subject to a fine, imprisonment, or both and may be subject to civil liability.

(E)(1) No offender with restricted driving privileges, during any period that the offender is required to operate only a motor vehicle equipped with an ignition interlock device, shall request or permit any other person to breathe into the device or start a motor vehicle equipped with the device, for the purpose of providing the offender with an operable motor vehicle.

(2)(a) Except as provided in division (E)(2)(b) of this section, no person shall breathe into an ignition interlock device or start a motor vehicle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle to an offender with restricted driving privileges.

(b) Division (E)(2)(a) of this section does not apply to an offender with restricted driving privileges who breathes into an ignition interlock device or starts a motor vehicle equipped with an ignition interlock device for the purpose of providing the offender with an operable motor vehicle.

(3) No unauthorized person shall tamper with or circumvent the operation of an ignition interlock device.

Sec. 5120.63. (A) As used in this section:

(1) "Random drug testing" means a procedure in which blood or urine specimens are collected from individuals chosen by automatic, random selection and without prearrangement or planning, for the purpose of scientifically analyzing the specimens to determine whether the individual ingested or was injected with a drug of abuse.

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

(3) "Stated prison term" has the same meaning as in section 2929.01 of

the Revised Code.

(B) The department of rehabilitation and correction shall establish and administer a statewide random drug testing program in which all persons who were convicted of or pleaded guilty to a felony offense and are serving a stated prison term in a state correctional institution shall submit to random drug testing. The department may enter into contracts with laboratories or entities in the state that are accredited by the national institute on drug abuse to perform blood or urine specimen collection, documentation, maintenance, transportation, preservation, storage, and analyses and other duties required under this section in the performance of random drug testing of prisoners in those correctional institutions. The terms of any contract entered into under this division shall include a requirement that the laboratory or entity and its employees, the superintendents, managing officers, and employees of state correctional institutions, all employees of the department, and all other persons comply with the standards for the performance of random drug testing as specified in the policies and procedures established by the department under division (D) of this section. If no laboratory or entity has entered into a contract as specified in this division, the department shall cause a prisoner to submit to random drug testing performed by a reputable public laboratory to determine whether the prisoner ingested or was injected with a drug of abuse.

(C) A prisoner who is subjected to random drug testing under this section and whose test indicates that the prisoner ingested or was injected with a drug of abuse shall pay the fee for that positive test and other subsequent test fees as a sanction specified by the department of rehabilitation and correction pursuant to division (D)(6) of this section.

(D) The department of rehabilitation and correction shall establish policies and procedures to implement the random drug testing program established under this section. The policies and procedures shall include, but are not limited to, provisions that do the following:

(1) Establish standards for the performance of random drug testing that include, but are not limited to, standards governing the following:

(a) The collection by the laboratory or entity described in division (B) of this section of blood or urine specimens of individuals in a scientifically or medically approved manner and under reasonable and sanitary conditions;

(b) The collection and testing by the laboratory or entity described in division (B) of this section of blood or urine specimens with due regard for the privacy of the individual being tested and in a manner reasonably calculated to prevent substitutions or interference with the collection and testing of the specimens;

(c) The documentation of blood or urine specimens collected by the laboratory or entity described in division (B) of this section and documentation procedures that reasonably preclude the possibility of erroneous identification of test results and that provide the individual being tested an opportunity to furnish information identifying any prescription or nonprescription drugs used by the individual in connection with a medical condition;

(d) The collection, maintenance, storage, and transportation by the laboratory or entity described in division (B) of this section of blood or urine specimens in a manner that reasonably precludes the possibility of contamination or adulteration of the specimens;

(e) The testing by the laboratory or entity described in division (B) of this section of blood or urine specimen of an individual to determine whether the individual ingested or was injected with a drug of abuse, in a manner that conforms to scientifically accepted analytical methods and procedures and that may include verification or confirmation of any positive test result by a reliable analytical method;

(f) The analysis of an individual's blood or urine specimen by an employee of the laboratory or entity described in division (B) of this section who is qualified by education, training, and experience to perform that analysis and whose regular duties include the analysis of blood or urine specimens to determine the presence of a drug of abuse and whether the individual who is the subject of the test ingested or was injected with a drug of abuse.

(2) Specify the frequency of performing random drug testing of prisoners in a state correctional institution;

(3) Prescribe procedures for the automatic, random selection of prisoners in a state correctional institution to submit to random drug testing under this section;

(4) Provide for reasonable safeguards for the transmittal from the laboratory or entity described in division (B) of this section to the department of the results of the random drug testing of prisoners in state correctional institutions pursuant to division (F) of this section;

(5) Establish a reasonable fee to cover the costs associated with random drug testing and analyses performed by a laboratory or entity under this section and establish procedures for the collection of those fees from the prisoners subjected to the drug test;

(6) Establish guidelines for imposing sanctions upon a prisoner whose test results indicate that the prisoner ingested or was injected with a drug of abuse.

(E) The warden of each correctional institution, pursuant to the contract entered into under division (B) of this section or, if no contract was entered into under that division, pursuant to the policies and procedures established by the department of rehabilitation and correction under division (D) of this section, shall facilitate the collection, documentation, maintenance, and transportation by the laboratory or entity described in division (B) of this section, of the blood or urine specimens of the prisoners in the state correctional institution who are subject to random drug testing.

(E) A laboratory or entity that performs random drug testing of prisoners and analyses of blood or urine specimens under this section shall transmit the results of each drug test to the department of rehabilitation and correction. The department shall file for record the results of the drug tests that indicate whether or not each prisoner in the state correctional institution who was subjected to the drug test ingested or was injected with a drug of abuse. The department shall send a copy of the results of the drug tests to the warden of the state correctional institution in which the prisoner who was subjected to the drug test is confined. The warden shall give appropriate notice of the drug test results to each prisoner who was subjected to the drug test and whose drug test results indicate that the prisoner ingested or was injected with a drug of abuse. In accordance with institutional disciplinary procedures, the warden shall afford that prisoner an opportunity to be heard regarding the results of the drug test and to present contrary evidence at a hearing held before the warden within thirty days after notification to the prisoner under this division. After the hearing, if a hearing is held, the warden shall make a determination regarding any evidence presented by the prisoner. If the warden rejects the evidence presented by the prisoner at the hearing or if no hearing is held under this division, the warden may subject the prisoner to sanctions that include payment of the fee for the test.

(G) If a prisoner has been subjected to two or more drug tests pursuant to this section and if the results of two of those tests indicate that the prisoner ingested or was injected with a drug of abuse, the parole board may extend the stated prison term of the prisoner pursuant to the bad time provisions in section 2967.11 of the Revised Code if by ingesting or being injected with the drug of abuse the prisoner committed a violation as defined in that section.

(H) All fees for random drug tests collected from prisoners under this section or collected by the adult parole authority under section 2929.15, 2951.05, or 2967.131 of the Revised Code shall be forwarded to the treasurer of state for deposit in the offender financial responsibility fund created in division (I) of section 5120.56 of the Revised Code.

SECTION 2. That existing sections 307.93, 341.06, 341.21, 341.23, 753.02, 753.04, 753.16, 2305.234, 2929.01, 2929.15, 2929.17, 2929.19, 2951.02, 2951.03, 2951.05, 2951.08, 2967.01, 2967.131, and 4511.83 of the Revised Code are hereby repealed.

SECTION 3. Sections 2929.01 and 2929.17 of the Revised Code are presented in this act as composites of the sections as amended by both Am. S.B. 9 and Am. Sub. S.B. 107 of the 123rd General Assembly, with the new language of neither of the acts shown in capital letters. Section 2951.02 of the Revised Code is presented in this act as a composite of the section as amended by H.B. 471, Am. S.B. 9, and Am. Sub. S.B. 107 of the 123rd General Assembly, with the new language of none 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 4. The amendment of section 2305.234 of the Revised Code by this act is not intended to supersede the earlier repeal, with delayed effective date, of that section.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____