

As Introduced

**124th General Assembly
Regular Session
2001-2002**

H. B. No. 118

**REPRESENTATIVES Willamowski, Hartnett, D. Miller, Strahorn, Allen,
Metelsky, DePiero, Kearns**

A B I L L

To amend sections 9.07, 9.08, 307.93, 341.01, 341.34, 1
753.03, 753.15, 753.21, 2929.13, 5120.03, 5120.033, 2
5120.38, and 5145.32, to enact section 9.09, to 3
repeal sections 9.06 and 341.35 of the Revised 4
Code, and to amend Section 21 of Sub. S.B. 245 of 5
the 123rd General Assembly to eliminate the 6
statutory authority for the private operation of 7
state or local correctional facilities for Ohio 8
prisoners, to eliminate the provisions requiring 9
the private operation of a Department of 10
Rehabilitation and Corrections medium/minimum 11
security prison, to eliminate the provisions 12
requiring the private operation of the initial 13
Department of Rehabilitation and Corrections 14
intensive program prison for third and fourth 15
degree felony OMVI offenders, and to declare an 16
emergency. 17

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 9.07, 9.08, 307.93, 341.01, 341.34, 18
753.03, 753.15, 753.21, 2929.13, 5120.03, 5120.033, 5120.38, and 19
5145.32 be amended and section 9.09 of the Revised Code be enacted 20

| | |
|---|----------------------------------|
| to read as follows: | 21 |
| Sec. 9.07. (A) As used in this section: | 22 |
| (1) <u>"Deadly weapon"</u> has the same meaning as in section 2923.11 of the Revised Code. | 23 24 |
| (2) <u>"Governing authority of a local public entity"</u> means whichever of the following is applicable: | 25 26 |
| (a) For a county, the board of county commissioners of the county; | 27 28 |
| (b) For a municipal corporation, the legislative authority of the municipal corporation; | 29 30 |
| (c) For a combination of counties, a combination of municipal corporations, or a combination of one or more counties and one or more municipal corporations, all boards of county commissioners and legislative authorities of all of the counties and municipal corporations that combined to form a local public entity for purposes of this section. | 31 32 33 34 35 36 |
| (3) <u>"Local public entity"</u> means a county, a municipal corporation, a combination of counties, a combination of municipal corporations, or a combination of one or more counties and one or more municipal corporations. | 37 38 39 40 |
| (4) <u>"Non-contracting political subdivision"</u> means any political subdivision to which all of the following apply: | 41 42 |
| (a) A correctional facility for the housing of out-of-state prisoners in this state is or will be located in the political subdivision. | 43 44 45 |
| (b) The correctional facility described in division (A)(4)(a) of this section is being operated and managed, or will be operated and managed, by a local public entity or a private contractor pursuant to a contract entered into prior to March 17, 1998, or a | 46 47 48 49 |

contract entered into on or after March 17, 1998, under this 50
section. 51

(c) The political subdivision is not a party to the contract 52
described in division (A)(4)(b) of this section for the management 53
and operation of the correctional facility. 54

(5) "Out-of-state jurisdiction" means the United States, any 55
state other than this state, and any political subdivision or 56
other jurisdiction located in a state other than this state. 57

(6) "Out-of-state prisoner" means a person who is convicted 58
of a crime in another state or under the laws of the United States 59
or who is found under the laws of another state or of the United 60
States to be a delinquent child or the substantially equivalent 61
designation. 62

(7) "Private contractor" means either of the following: 63

(a) A person who, on or after March 17, 1998, enters into a 64
contract under this section with a local public entity to operate 65
and manage a correctional facility in this state for out-of-state 66
prisoners. 67

(b) A person who, pursuant to a contract with a local public 68
entity entered into prior to March 17, 1998, operates and manages 69
on March 17, 1998, a correctional facility in this state for 70
housing out-of-state prisoners. 71

(B) Subject to division (I) of this section, the only 72
entities other than this state that are authorized to operate a 73
correctional facility to house out-of-state prisoners in this 74
state are a local public entity that operates a correctional 75
facility pursuant to this section or a private contractor that 76
operates a correctional facility pursuant to this section under a 77
contract with a local public entity. 78

Subject to division (I) of this section, a private entity may 79

operate a correctional facility in this state for the housing of
out-of-state prisoners only if the private entity is a private
contractor that enters into a contract that comports with division
(D) of this section with a local public entity for the management
and operation of the correctional facility.

80
81
82
83
84

(C)(1) Except as provided in this division, on and after
March 17, 1998, a local public entity shall not enter into a
contract with an out-of-state jurisdiction to house out-of-state
prisoners in a correctional facility in this state. On and after
March 17, 1998, a local public entity may enter into a contract
with an out-of-state jurisdiction to house out-of-state prisoners
in a correctional facility in this state only if the local public
entity and the out-of-state jurisdiction with which the local
public entity intends to contract jointly submit to the department
of rehabilitation and correction a statement that certifies the
correctional facility's intended use, intended prisoner
population, and custody level, and the department reviews and
comments upon the plans for the design or renovation of the
correctional facility regarding their suitability for the intended
prisoner population specified in the submitted statement.

85
86
87
88
89
90
91
92
93
94
95
96
97
98
99

(2) If a local public entity and an out-of-state jurisdiction
enter into a contract to house out-of-state prisoners in a
correctional facility in this state as authorized under division
(C)(1) of this section, in addition to any other provisions it
contains, the contract shall include whichever of the following
provisions is applicable:

100
101
102
103
104
105

(a) If a private contractor will operate the facility in
question pursuant to a contract entered into in accordance with
division (D) of this section, a requirement that, if the facility
is closed or ceases to operate for any reason and if the
conversion plan described in division (D)(16) of this section is
not complied with, the out-of-state jurisdiction will be

106
107
108
109
110
111

responsible for housing and transporting the prisoners who are in
the facility at the time it is closed or ceases to operate and for
the cost of so housing and transporting those prisoners;

(b) If a private contractor will not operate the facility in
question pursuant to a contract entered into in accordance with
division (D) of this section, a conversion plan that will be
followed if, for any reason, the facility is closed or ceases to
operate. The conversion plan shall include, but is not limited to,
provisions that specify whether the local public entity or the
out-of-state jurisdiction will be responsible for housing and
transporting the prisoners who are in the facility at the time it
is closed or ceases to operate and for the cost of so housing and
transporting those prisoners.

(3) If a local public entity and an out-of-state jurisdiction
intend to enter into a contract to house out-of-state prisoners in
a correctional facility in this state as authorized under division
(C)(1) of this section, or if a local public entity and a private
contractor intend to enter into a contract pursuant to division
(D) of this section for the private contractor's management and
operation of a correctional facility in this state to house
out-of-state prisoners, prior to entering into the contract the
local public entity and the out-of-state jurisdiction, or the
local public entity and the private contractor, whichever is
applicable, shall conduct a public hearing in accordance with this
division, and, prior to entering into the contract, the governing
authority of the local public entity in which the facility is or
will be located shall authorize the location and operation of the
facility. The hearing shall be conducted at a location within the
municipal corporation or township in which the facility is or will
be located. At least one week prior to conducting the hearing, the
local public entity and the out-of-state jurisdiction or private
contractor with the duty to conduct the hearing shall cause notice

112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143

of the date, time, and place of the hearing to be made by
publication in the newspaper with the largest general circulation
in the county in which the municipal corporation or township is
located. The notice shall be of a sufficient size that it covers
at least one-quarter of a page of the newspaper in which it is
published. This division applies to a private contractor that,
pursuant to the requirement set forth in division (I) of this
section, is required to enter into a contract under division (D)
of this section.

144
145
146
147
148
149
150
151
152
153

(D) Subject to division (I) of this section, on and after
March 17, 1998, if a local public entity enters into a contract
with a private contractor for the management and operation of a
correctional facility in this state to house out-of-state
prisoners, the contract, at a minimum, shall include all of the
following provisions:

154
155
156
157
158
159

(1) A requirement that the private contractor seek and obtain
accreditation from the American correctional association for the
correctional facility within two years after accepting the first
out-of-state prisoner at the correctional facility under the
contract and that it maintain that accreditation for the term of
the contract;

160
161
162
163
164
165

(2) A requirement that the private contractor comply with all
applicable laws, rules, or regulations of the government of this
state, political subdivisions of this state, and the United
States, including, but not limited to, all sanitation, food
service, safety, and health regulations;

166
167
168
169
170

(3) A requirement that the private contractor send copies of
reports of inspections completed by appropriate authorities
regarding compliance with laws, rules, and regulations of the type
described in division (D)(2) of this section to the director of
rehabilitation and correction or the director's designee and to

171
172
173
174
175

the governing authority of the local public entity in which the 176
correctional facility is located; 177

(4) A requirement that the private contractor report to the 178
local law enforcement agencies with jurisdiction over the place at 179
which the correctional facility is located, for investigation, all 180
criminal offenses or delinquent acts that are committed in or on 181
the grounds of, or otherwise in connection with, the correctional 182
facility and report to the department of rehabilitation and 183
correction all disturbances at the facility; 184

(5) A requirement that the private contractor immediately 185
report all escapes from the facility, and the apprehension of all 186
escapees, by telephone and in writing to the department of 187
rehabilitation and correction, to all local law enforcement 188
agencies with jurisdiction over the place at which the facility is 189
located, to the state highway patrol, to the prosecuting attorney 190
of the county in which the facility is located, and to a daily 191
newspaper having general circulation in the county in which the 192
facility is located. The written notice may be by either facsimile 193
transmission or mail. A failure to comply with this requirement is 194
a violation of section 2921.22 of the Revised Code. 195

(6) A requirement that the private contractor provide a 196
written report to the director of rehabilitation and correction or 197
the director's designee and to the governing authority of the 198
local public entity in which the correctional facility is located 199
of all unusual incidents occurring at the correctional facility. 200
The private contractor shall report the incidents in accordance 201
with the incident reporting rules that, at the time of the 202
incident, are applicable to state correctional facilities for 203
similar incidents occurring at state correctional facilities. 204

(7) A requirement that the private contractor provide 205
internal and perimeter security to protect the public, staff 206
members of the correctional facility, and prisoners in the 207

correctional facility; 208

(8) A requirement that the correctional facility be staffed 209
at all times with a staffing pattern that is adequate to ensure 210
supervision of inmates and maintenance of security within the 211
correctional facility and to provide for appropriate programs, 212
transportation, security, and other operational needs. In 213
determining security needs for the correctional facility, the 214
private contractor and the contract requirements shall fully take 215
into account all relevant factors, including, but not limited to, 216
the proximity of the facility to neighborhoods and schools. 217

(9) A requirement that the private contractor provide an 218
adequate policy of insurance that satisfies the requirements set 219
forth in division ~~(D)(F)(3)~~ of this section ~~9.06 of the Revised~~ 220
~~Code regarding contractors who operate and manage a facility under~~ 221
~~that section~~, and that the private contractor indemnify and hold 222
harmless the state, its officers, agents, and employees, and any 223
local public entity in the state with jurisdiction over the place 224
at which the correctional facility is located or that owns the 225
correctional facility, reimburse the state for its costs in 226
defending the state or any of its officers, agents, or employees, 227
and reimburse any local government entity of that nature for its 228
costs in defending the local government entity, in the manner 229
described in division ~~(D)(F)(3)~~ of that this section regarding 230
~~contractors who operate and manage a facility under that section;~~ 231

(10) A requirement that the private contractor adopt for 232
prisoners housed in the correctional facility the security 233
classification system and schedule adopted by the department of 234
rehabilitation and correction under section 5145.03 of the Revised 235
Code, classify in accordance with the system and schedule each 236
prisoner housed in the facility, and house all prisoners in the 237
facility in accordance with their classification under this 238
division; 239

(11) A requirement that the private contractor will not accept for housing, and will not house, in the correctional facility any out-of-state prisoner in relation to whom any of the following applies:

(a) The private entity has not obtained from the out-of-state jurisdiction that imposed the sentence or sanction under which the prisoner will be confined in this state a copy of the institutional record of the prisoner while previously confined in that out-of-state jurisdiction or a statement that the prisoner previously has not been confined in that out-of-state jurisdiction and a copy of all medical records pertaining to that prisoner that are in the possession of the out-of-state jurisdiction.

(b) The prisoner, while confined in any out-of-state jurisdiction, has a record of institutional violence involving the use of a deadly weapon or a pattern of committing acts of an assaultive nature against employees of, or visitors to, the place of confinement or has a record of escape or attempted escape from secure custody.

(c) Under the security classification system and schedule adopted by the department of rehabilitation and correction under section 5145.03 of the Revised Code and adopted by the private contractor under division (B)(10) of this section, the out-of-state prisoner would be classified as being at a security level higher than medium security.

(12) A requirement that the private contractor, prior to housing any out-of-state prisoner in the correctional facility under the contract, enter into a written agreement with the department of rehabilitation and correction that sets forth a plan and procedure that will be used to coordinate law enforcement activities of state law enforcement agencies and of local law enforcement agencies with jurisdiction over the place at which the facility is located in response to any riot, rebellion, escape,

insurrection, or other emergency occurring inside or outside the 272
facility; 273

(13) A requirement that the private contractor cooperate with 274
the correctional institution inspection committee in the 275
committee's performance of its duties under section 103.73 of the 276
Revised Code and provide the committee, its subcommittees, and its 277
staff members, in performing those duties, with access to the 278
correctional facility as described in that section; 279

(14) A requirement that the private contractor permit any 280
peace officer who serves a law enforcement agency with 281
jurisdiction over the place at which the correctional facility is 282
located to enter into the facility to investigate any criminal 283
offense or delinquent act that allegedly has been committed in or 284
on the grounds of, or otherwise in connection with, the facility; 285

(15) A requirement that the private contractor will not 286
employ any person at the correctional facility until after the 287
private contractor has submitted to the bureau of criminal 288
identification and investigation, on a form prescribed by the 289
superintendent of the bureau, a request that the bureau conduct a 290
criminal records check of the person and a requirement that the 291
private contractor will not employ any person at the facility if 292
the records check or other information possessed by the contractor 293
indicates that the person previously has engaged in malfeasance; 294

(16) A requirement that the private contractor will not 295
accept for housing, and will not house, in the correctional 296
facility any out-of-state prisoner unless the private contractor 297
and the out-of-state jurisdiction that imposed the sentence for 298
which the prisoner is to be confined agree that, if the 299
out-of-state prisoner is confined in the facility in this state, 300
commits a criminal offense while confined in the facility, is 301
convicted of or pleads guilty to that offense, and is sentenced to 302
a term of confinement for that offense but is not sentenced to 303

death for that offense, the private contractor and the
out-of-state jurisdiction will do all of the following:

(a) Unless section 5120.50 of the Revised Code does not apply
in relation to the offense the prisoner committed while confined
in this state and the term of confinement imposed for that
offense, the out-of-state jurisdiction will accept the prisoner
pursuant to that section for service of that term of confinement
and for any period of time remaining under the sentence for which
the prisoner was confined in the facility in this state, the
out-of-state jurisdiction will confine the prisoner pursuant to
that section for that term and that remaining period of time, and
the private contractor will transport the prisoner to the
out-of-state jurisdiction for service of that term and that
remaining period of time.

(b) If section 5120.50 of the Revised Code does not apply in
relation to the offense the prisoner committed while confined in
this state and the term of confinement imposed for that offense,
the prisoner shall be returned to the out-of-state jurisdiction or
its private contractor for completion of the period of time
remaining under the out-of-state sentence for which the prisoner
was confined in the facility in this state before starting service
of the term of confinement imposed for the offense committed while
confined in this state, the out-of-state jurisdiction or its
private contractor will confine the prisoner for that remaining
period of time and will transport the prisoner outside of this
state for service of that remaining period of time, and, if the
prisoner is confined in this state in a facility operated by the
department of rehabilitation and correction, the private
contractor will be financially responsible for reimbursing the
department at the per diem cost of confinement for the duration of
that incarceration, with the amount of the reimbursement so paid
to be deposited in the department's prisoner programs fund.

304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335

(17) A requirement that the private contractor, prior to housing any out-of-state prisoner in the correctional facility under the contract, enter into an agreement with the local public entity that sets forth a conversion plan that will be followed if, for any reason, the facility is closed or ceases to operate. The conversion plan shall include, but is not limited to, provisions that specify whether the private contractor, the local public entity, or the out-of-state jurisdictions that imposed the sentences for which the out-of-state prisoners are confined in the facility will be responsible for housing and transporting the prisoners who are in the facility at the time it is closed or ceases to operate and for the cost of so housing and transporting those prisoners.

(18) A schedule of fines that the local public entity shall impose upon the private contractor if the private contractor fails to perform its contractual duties, and a requirement that, if the private contractor fails to perform its contractual duties, the local public entity shall impose a fine on the private contractor from the schedule of fines and, in addition to the fine, may exercise any other rights it has under the contract. Division (F)(2) of this section applies regarding a fine described in this division.

(19) A requirement that the private contractor adopt and use in the correctional facility the drug testing and treatment program that the department of rehabilitation and correction uses for inmates in state correctional institutions;

(20) A requirement that the private contractor provide clothing for all out-of-state prisoners housed in the correctional facility that is conspicuous in its color, style, or color and style, that conspicuously identifies its wearer as a prisoner, and that is readily distinguishable from clothing of a nature that normally is worn outside the facility by non-prisoners, that the

private contractor require all out-of-state prisoners housed in 368
the facility to wear the clothing so provided, and that the 369
private contractor not permit any out-of-state prisoner, while 370
inside or on the premises of the facility or while being 371
transported to or from the facility, to wear any clothing of a 372
nature that does not conspicuously identify its wearer as a 373
prisoner and that normally is worn outside the facility by 374
non-prisoners; 375

(21) A requirement that, at the time the contract is made, 376
the private contractor provide to all parties to the contract 377
adequate proof that it has complied with the requirement described 378
in division (D)(9) of this section, and a requirement that, at any 379
time during the term of the contract, the private contractor upon 380
request provide to any party to the contract adequate proof that 381
it continues to be in compliance with the requirement described in 382
division (D)(9) of this section. 383

(E) A private correctional officer or other designated 384
employee of a private contractor that operates a correctional 385
facility that houses out-of-state prisoners in this state under a 386
contract entered into prior to, on, or after March 17, 1998, may 387
carry and use firearms in the course of the officer's or 388
employee's employment only if the officer or employee is certified 389
as having satisfactorily completed an approved training program 390
designed to qualify persons for positions as special police 391
officers, security guards, or persons otherwise privately employed 392
in a police capacity, as described in division (A) of section 393
109.78 of the Revised Code. 394

(F)(1) Upon notification by the private contractor of an 395
escape from, or of a disturbance at, a correctional facility that 396
is operated by a private contractor under a contract entered into 397
prior to, on, or after March 17, 1998, and that houses 398
out-of-state prisoners in this state, the department of 399

rehabilitation and correction and state and local law enforcement agencies shall use all reasonable means to recapture persons who escaped from the facility or quell any disturbance at the facility, in accordance with the plan and procedure included in the written agreement entered into under division (D)(12) of this section in relation to contracts entered into on or after March 17, 1998, and in accordance with their normal procedures in relation to contracts entered into prior to March 17, 1998. Any cost incurred by this state or a political subdivision of this state relating to the apprehension of a person who escaped from the facility, to the quelling of a disturbance at the facility, or to the investigation or prosecution as described in division (G)(2) of this section of any offense relating to the escape or disturbance shall be chargeable to and borne by the private contractor. The contractor also shall reimburse the state or its political subdivisions for all reasonable costs incurred relating to the temporary detention of a person who escaped from the facility, following the person's recapture.

(2) If a private contractor that, on or after March 17, 1998, enters into a contract under this section with a local public entity for the operation of a correctional facility that houses out-of-state prisoners fails to perform its contractual duties, the local public entity shall impose upon the private contractor a fine from the schedule of fines included in the contract and may exercise any other rights it has under the contract. A fine imposed under this division shall be paid to the local public entity that enters into the contract, and the local public entity shall deposit the money so paid into its treasury to the credit of the fund used to pay for community policing. If a fine is imposed under this division, the local public entity may reduce the payment owed to the private contractor pursuant to any invoice in the amount of the fine.

(3) If a private contractor, on or after March 17, 1998, enters into a contract under this section with a local public entity for the operation of a correctional facility that houses out-of-state prisoners in this state, the private contractor shall ~~comply with the insurance, indemnification, hold harmless, and cost reimbursement provisions described in division (D)(9) of this section~~ provide an adequate policy of insurance specifically including, but not limited to, insurance for civil rights claims as determined by a risk management or actuarial firm with demonstrated experience in public liability for state governments. The insurance policy shall provide that the state, including all state agencies, and all political subdivisions of the state with jurisdiction over the facility or in which the facility is located are named as insured, and that the state and those political subdivisions shall be sent any notice of cancellation. The private contractor may not self-insure.

The private contractor also shall indemnify and hold harmless the state, its officers, agents, and employees, and any political subdivision of the state having jurisdiction over the facility or ownership of the facility, shall reimburse the state for its costs in defending the state or any of its officers, agents, or employees, and shall reimburse any political subdivision of that nature for its costs in defending the political subdivision, from all of the following:

(a) Any claims or losses for services rendered by the private contractor or person performing or supplying services in connection with the performance of the contract;

(b) Any failure of the private contractor or its officers or employees to adhere to the laws, rules, regulations, or terms agreed to in the contract;

(c) Any constitutional, federal, state, or civil rights claim brought against the state or any political subdivision of this

state related to the facility operated and managed by the private contractor;

(d) Any claims, losses, demands, or causes of action arising out of the private contractor's activities in this state;

(e) Any attorney's fees or court costs arising from any habeas corpus actions or other inmate suits that may arise from any event that occurred at the facility, that were a result of any event that occurred at the facility, or that arise over the conditions, management, or operation of the facility, including, but not limited to, attorney's fees for the state's representation and for any court-appointed representation of any inmate and the costs of any special judge who may be appointed to hear the habeas corpus actions or the other inmate suits.

(G)(1) Any act or omission that would be a criminal offense or a delinquent act if committed at a state correctional institution or at a jail, workhouse, prison, or other correctional facility operated by this state or by any political subdivision or group of political subdivisions of this state shall be a criminal offense or delinquent act if committed by or with regard to any out-of-state prisoner who is housed at any correctional facility operated by a private contractor in this state pursuant to a contract entered into prior to, on, or after March 17, 1998.

(2) If any political subdivision of this state experiences any cost in the investigation or prosecution of an offense committed by an out-of-state prisoner housed in a correctional facility operated by a private contractor in this state pursuant to a contract entered into prior to, on, or after March 17, 1998, the private contractor shall reimburse the political subdivision for the costs so experienced.

(3)(a) Except as otherwise provided in this division, the state, and any officer or employee, as defined in section 109.36

464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494

of the Revised Code, of the state is not liable in damages in a 495
civil action for any injury, death, or loss to person or property 496
that allegedly arises from, or is related to, the establishment, 497
management, or operation of a correctional facility to house 498
out-of-state prisoners in this state pursuant to a contract 499
between a local public entity and an out-of-state jurisdiction, a 500
local public entity and a private contractor, or a private 501
contractor and an out-of-state jurisdiction that was entered into 502
prior to March 17, 1998, or that is entered into on or after March 503
17, 1998, in accordance with its provisions. The immunity provided 504
in this division does not apply regarding an act or omission of an 505
officer or employee, as defined in section 109.36 of the Revised 506
Code, of the state that is manifestly outside the scope of the 507
officer's or employee's official responsibilities or regarding an 508
act or omission of the state, or of an officer or employee, as so 509
defined, of the state that is undertaken with malicious purpose, 510
in bad faith, or in a wanton or reckless manner. 511

(b) Except as otherwise provided in this division, a 512
non-contracting political subdivision, and any employee, as 513
defined in section 2744.01 of the Revised Code, of a 514
non-contracting political subdivision is not liable in damages in 515
a civil action for any injury, death, or loss to person or 516
property that allegedly arises from, or is related to, the 517
establishment, management, or operation of a correctional facility 518
to house out-of-state prisoners in this state pursuant to a 519
contract between a local public entity other than the 520
non-contracting political subdivision and an out-of-state 521
jurisdiction, a local public entity other than the non-contracting 522
political subdivision and a private contractor, or a private 523
contractor and an out-of-state jurisdiction that was entered into 524
prior to March 17, 1998, or that is entered into on or after March 525
17, 1998, in accordance with its provisions. The immunity provided 526
527

in this division does not apply regarding an act or omission of an employee, as defined in section 2744.01 of the Revised Code, of a non-contracting political subdivision that is manifestly outside the scope of the employee's employment or official responsibilities or regarding an act or omission of a non-contracting political subdivision or an employee, as so defined, of a non-contracting political subdivision that is undertaken with malicious purpose, in bad faith, or in a wanton or reckless manner.

(c) Divisions (G)(3)(a) and (b) of this section do not affect any immunity or defense that the state and its officers and employees or a non-contracting political subdivision and its employees may be entitled to under another section of the Revised Code or the common law of this state, including, but not limited to, section 9.86 or Chapter 2744. of the Revised Code.

(H)(1) Upon the completion of an out-of-state prisoner's term of detention at a correctional facility operated by a private contractor in this state pursuant to a contract entered into prior to, on, or after March 17, 1998, the operator of the correctional facility shall transport the prisoner to the out-of-state jurisdiction that imposed the sentence for which the prisoner was confined before it releases the prisoner from its custody.

(2) No private contractor that operates and manages a correctional facility housing out-of-state prisoners in this state pursuant to a contract entered into prior to, on, or after March 17, 1998, shall fail to comply with division (H)(1) of this section.

(3) Whoever violates division (H)(2) of this section is guilty of a misdemeanor of the first degree.

(I) Except as otherwise provided in this division, the provisions of divisions (A) to (H) of this section apply in

relation to any correctional facility operated by a private contractor in this state to house out-of-state prisoners, regardless of whether the facility is operated pursuant to a contract entered into prior to, on, or after March 17, 1998. Division (C)(1) of this section shall not apply in relation to any correctional facility for housing out-of-state prisoners in this state that is operated by a private contractor under a contract entered into with a local public entity prior to March 17, 1998. If a private contractor operates a correctional facility in this state for the housing of out-of-state prisoners under a contract entered into with a local public entity prior to March 17, 1998, no later than thirty days after ~~the effective date of this amendment~~ June 30, 1999, the private contractor shall enter into a contract with the local public entity that comports to the requirements and criteria of division (D) of this section.

Sec. 9.08. (A) As used in this section:

(1) "Computer," "computer network," "computer system," "computer services," "telecommunications service," and "information service" have the same meanings as in section 2913.01 of the Revised Code.

(2) "Contractor" means ~~either of the following:~~

~~(a) A person who enters into a contract under section 9.06 of the Revised Code.~~

~~(b) A~~ a person who enters into a contract under section 9.07 of the Revised Code to operate and manage a correctional facility in this state for out-of-state prisoners.

(3) "Private correctional facility" means a correctional facility that is operated by a contractor under a contract pursuant to section ~~9.06~~ or 9.07 of the Revised Code.

(4) "Internet" has the same meaning as in section 341.42 of

the Revised Code. 589

(B) No officer or employee of a contractor who is operating 590
and managing a private correctional facility shall provide a 591
prisoner in the private correctional facility access to or permit 592
a prisoner in the private correctional facility to have access to 593
the internet through the use of a computer, computer network, 594
computer system, computer services, telecommunications service, or 595
information service unless both of the following apply: 596

(1) The prisoner is participating in an approved educational 597
program with direct supervision that requires the use of the 598
internet for training or research purposes. 599

(2) The provision of and access to the internet is in 600
accordance with rules promulgated by the department of 601
rehabilitation and correction pursuant to section 5120.62 of the 602
Revised Code. 603

(C)(1) No prisoner in a private correctional facility shall 604
access the internet through the use of a computer, computer 605
network, computer system, computer services, telecommunications 606
service, or information service unless both of the following 607
apply: 608

(a) The prisoner is participating in an approved educational 609
program with direct supervision that requires the use of the 610
internet for training or research purposes. 611

(b) The provision of and access to the internet is in 612
accordance with rules promulgated by the department of 613
rehabilitation and correction pursuant to section 5120.62 of the 614
Revised Code. 615

(2) Whoever violates division (C)(1) of this section is 616
guilty of improper internet access, a misdemeanor of the first 617
degree. 618

Sec. 9.09. (A) As used in this section, "jail" and "prison" have the same meanings as in section 2929.01 of the Revised Code. 619
620
621

(B) On and after the effective date of this section: 622

(1) The state shall not enter into any contract or agreement with any person or entity for the private operation or management of any jail or prison. 623
624
625

(2) The department of rehabilitation and correction shall not enter into any contract or agreement of a type described in division (B)(1) of this section, and no other state agency shall enter into any contract or agreement of that type. 626
627
628
629

(3) No county, municipal corporation, or affiliation of political subdivisions shall enter into any contract or agreement of a type described in division (B)(1) of this section. 630
631
632

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 633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648

and by providing custody and rehabilitative programs in accordance 649
with division (C) of this section, if applicable. The contract may 650
include, but need not be limited to, provisions regarding the 651
acquisition, construction, maintenance, repair, termination of 652
operations, and administration of the center. The contract shall 653
prescribe the manner of funding of, and debt assumption for, the 654
center and the standards and procedures to be followed in the 655
operation of the center. ~~Except as provided in division (H) of~~ 656
~~this section, the~~ The contracting counties and municipal 657
corporations shall form a corrections commission to oversee the 658
administration of the center. Members of the commission shall 659
consist of the sheriff of each participating county, the president 660
of the board of county commissioners of each participating county, 661
the presiding judge of the court of common pleas of each 662
participating county, or, if the court of common pleas of a 663
participating county has only one judge, then that judge, the 664
chief of police of each participating municipal corporation, the 665
mayor or city manager of each participating municipal corporation, 666
and the presiding judge or the sole judge of the municipal court 667
of each participating municipal corporation. Any of the foregoing 668
officers may appoint a designee to serve in the officer's place on 669
the corrections commission. The standards and procedures shall be 670
formulated and agreed to by the commission and may be amended at 671
any time during the life of the contract by agreement of the 672
parties to the contract upon the advice of the commission. The 673
standards and procedures formulated by the commission shall 674
include, but need not be limited to, designation of the person in 675
charge of the center, the categories of employees to be employed 676
at the center, the appointing authority of the center, and the 677
standards of treatment and security to be maintained at the 678
center. The person in charge of, and all persons employed to work 679
at, the center shall have all the powers of police officers that 680
are necessary for the proper performance of the duties relating to 681

their positions at the center. 682

(B) Each board of county commissioners that enters a contract 683
under division (A) of this section may appoint a building 684
commission pursuant to section 153.21 of the Revised Code. If any 685
commissions are appointed, they shall function jointly in the 686
construction of a multicounty or multicounty-municipal 687
correctional center with all the powers and duties authorized by 688
law. 689

(C) Prior to the acceptance for custody and rehabilitation 690
into a center established under this section of any persons who 691
are designated by the department of rehabilitation and correction, 692
who plead guilty to or are convicted of a felony of the fourth or 693
fifth degree, and who satisfy the other requirements listed in 694
section 5120.161 of the Revised Code, the corrections commission 695
of a center established under this section shall enter into an 696
agreement with the department of rehabilitation and correction 697
under section 5120.161 of the Revised Code for the custody and 698
rehabilitation in the center of persons who are designated by the 699
department, who plead guilty to or are convicted of a felony of 700
the fourth or fifth degree, and who satisfy the other requirements 701
listed in that section, in exchange for a per diem fee per person. 702
Persons incarcerated in the center pursuant to an agreement 703
entered into under this division shall be subject to supervision 704
and control in the manner described in section 5120.161 of the 705
Revised Code. This division does not affect the authority of a 706
court to directly sentence a person who is convicted of or pleads 707
guilty to a felony to the center in accordance with section 708
2929.16 of the Revised Code. 709

(D)(1) Each board of county commissioners and the legislative 710
authority of each municipal corporation that enters into a 711
contract under division (A) of this section may require a person 712
who was convicted of an offense, who is under the charge of the 713

sheriff of their county or of the officer or officers of the 714
contracting municipal corporation or municipal corporations having 715
charge of persons incarcerated in the municipal jail, workhouse, 716
or other correctional facility, and who is confined in the 717
multicounty, municipal-county, or multicounty-municipal 718
correctional center as provided in that division, to reimburse the 719
applicable county or municipal corporation for its expenses 720
incurred by reason of the person's confinement in the center. The 721
expenses of confinement include, but are not limited to, the 722
expenses relating to the provision of food, clothing, shelter, 723
medical care, personal hygiene products, including, but not 724
limited to, toothpaste, toothbrushes, and feminine hygiene items, 725
and up to two hours of overtime costs the sheriff or municipal 726
corporation incurred relating to the trial of the person. The 727
amount of reimbursement may be the actual cost of the person's 728
confinement plus the authorized trial overtime costs or a lesser 729
amount determined by the board of county commissioners of the 730
county or the legislative authority of the municipal corporation, 731
provided that the lesser amount shall be determined by a formula 732
that is uniformly applied to persons incarcerated in the center. 733
The amount of reimbursement shall be determined by a court at a 734
hearing held pursuant to section 2929.18 of the Revised Code if 735
the person is confined for a felony or section 2929.223 of the 736
Revised Code if the person is confined for a misdemeanor. The 737
amount or amounts paid in reimbursement by a person confined for a 738
misdemeanor or the amount recovered from a person confined for a 739
misdemeanor by executing upon the judgment obtained pursuant to 740
section 2929.223 of the Revised Code shall be paid into the 741
treasury of the county or municipal corporation that incurred the 742
expenses. If a person is confined for a felony and the court 743
imposes a sanction under section 2929.18 of the Revised Code that 744
requires the person to reimburse the costs of confinement, the 745
prosecuting attorney of the county or the director of law of the 746

municipal corporation shall bring an action to recover the 747
expenses of the confinement in accordance with section 2929.18 of 748
the Revised Code. 749

(2) Each board of county commissioners and the legislative 750
authority of each municipal corporation that enters into a 751
contract under division (A) of this section may adopt a resolution 752
or ordinance specifying that a person who was convicted of a 753
felony, who is under the charge of the sheriff of their county or 754
of an officer of one of the contracting municipal corporations 755
having charge of persons incarcerated in the municipal jail, 756
workhouse, or other facility, and who is confined in the 757
multicounty, municipal-county, or multicounty-municipal 758
correctional center as provided in that division is not required 759
to reimburse the applicable county or municipal corporation for 760
its expenses incurred by reason of the person's confinement in the 761
center, including the expenses listed in division (D)(1) of this 762
section. If the boards and legislative authorities adopt a 763
resolution or ordinance of that nature, the boards and legislative 764
authorities shall provide a copy to the courts of common pleas of 765
their counties, and the court that sentences a person convicted of 766
a felony shall not impose a sanction under section 2929.18 of the 767
Revised Code that requires the person to reimburse the costs of 768
the confinement. 769

(E) In lieu of requiring offenders to reimburse the county 770
for expenses incurred by reason of the person's confinement under 771
division (D) of this section, each board of county commissioners 772
and the legislative authority of each municipal corporation that 773
enters into a contract under division (A) of this section may 774
jointly adopt a prisoner reimbursement policy for the center 775
pursuant to this section to be administered by the person 776
appointed under division (A) of this section to be in charge of 777
the center. The person in charge may appoint a reimbursement 778

coordinator to administer the center's prisoner reimbursement 779
policy. A prisoner reimbursement policy adopted under this 780
division is a policy that requires a person confined to the center 781
to reimburse the applicable political subdivisions for any 782
expenses incurred by reason of the person's confinement in the 783
center, which expenses may include, but are not limited to, the 784
following: 785

(1) A per diem fee for room and board of not more than sixty 786
dollars per day or the actual per diem cost, whichever is less, 787
for the entire period of time the person is confined to the 788
center; 789

(2) Actual charges for medical and dental treatment, and the 790
fee for a random drug test assessed under division (E) of section 791
341.26 of the Revised Code; 792

(3) Reimbursement for government property damaged by the 793
person while confined to the center. 794

Rates charged shall be on a sliding scale determined by the 795
corrections commission based on the ability of the person confined 796
to the center to pay and on consideration of any legal obligation 797
of the person to support a spouse, minor children, or other 798
dependents and any moral obligation to support dependents to whom 799
the person is providing or has in fact provided support. 800

The reimbursement coordinator or another person designated by 801
the person in charge may investigate the financial status of the 802
confined person and obtain information necessary to investigate 803
that status, by means that may include contacting employers and 804
reviewing income tax records. The coordinator may work with the 805
confined person to create a repayment plan to be implemented upon 806
the person's release. At the end of that person's incarceration, 807
the person shall be presented with a billing statement. 808

The reimbursement coordinator or another person designated by 809

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.

810
811
812
813
814
815
816
817
818
819
820
821
822
823
824

(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. 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.

825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840

Upon provision of the requested medical treatment or service

841

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.

842
843
844
845
846
847
848
849
850
851
852
853
854
855

(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.

856
857
858
859
860
861
862
863
864

(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

865
866
867
868
869
870
871
872
873

writing materials. 874

(2) If a commissary is established, the corrections 875
commission of a center established under this section shall 876
establish a commissary fund for the center. The management of 877
funds in the commissary fund shall be strictly controlled in 878
accordance with procedures adopted by the auditor of state. 879
Commissary fund revenue over and above operating costs and reserve 880
shall be considered profits. All profits from the commissary fund 881
shall be used to purchase supplies and equipment for the benefit 882
of persons incarcerated in the center. The corrections commission 883
shall adopt rules and regulations for the operation of any 884
commissary fund it establishes. 885

~~(H) In lieu of forming a corrections commission to administer 886
a multicounty correctional center or a municipal-county or 887
multicounty-municipal correctional center, the boards of county 888
commissioners and the legislative authorities of the municipal 889
corporations contracting to establish the center may also agree to 890
contract for the private operation and management of the center as 891
provided in section 9.06 of the Revised Code, but only if the 892
center houses only misdemeanor inmates. In order to enter into a 893
contract under section 9.06 of the Revised Code, all the boards 894
and legislative authorities establishing the center shall approve 895
and be parties to the contract. 896~~

~~(I) If a person who is convicted of or pleads guilty to an 897
offense is sentenced to a term in a multicounty correctional 898
center or a municipal-county or multicounty-municipal correctional 899
center or is incarcerated in the center in the manner described in 900
division (C) of this section, or if a person who is arrested for 901
an offense, and who has been denied bail or has had bail set and 902
has not been released on bail is confined in a multicounty 903
correctional center or a municipal-county or multicounty-municipal 904
correctional center pending trial, at the time of reception and at 905~~

other times the officer, officers, or other person in charge of 906
the operation of the center determines to be appropriate, the 907
officer, officers, or other person in charge of the operation of 908
the center may cause the convicted or accused offender to be 909
examined and tested for tuberculosis, HIV infection, hepatitis, 910
including but not limited to hepatitis A, B, and C, and other 911
contagious diseases. The officer, officers, or other person in 912
charge of the operation of the center may cause a convicted or 913
accused offender in the center who refuses to be tested or treated 914
for tuberculosis, HIV infection, hepatitis, including but not 915
limited to hepatitis A, B, and C, or another contagious disease to 916
be tested and treated involuntarily. 917

~~(J)~~(I) As used in this section, "multicounty-municipal" means 918
more than one county and a municipal corporation, or more than one 919
municipal corporation and a county, or more than one municipal 920
corporation and more than one county. 921

Sec. 341.01. The sheriff shall have charge of the county jail 922
and all persons confined therein. He shall keep such persons 923
safely, attend to the jail, and govern and regulate the jail 924
according to the minimum standards for jails in Ohio promulgated 925
by the department of rehabilitation and correction. 926

~~The sheriff's responsibilities under this section do not 927
extend to a jail or workhouse that is the subject of a contract 928
entered into under section 9.06 of the Revised Code. 929~~

Sec. 341.34. (A) As used in this section, "building or 930
structure" includes, but is not limited to, a modular unit, 931
building, or structure and a movable unit, building, or structure. 932

(B)(1) The board of county commissioners of any county, by 934
resolution, may dedicate and permit the use, as a minimum security 935

jail, of any vacant or abandoned public building or structure 936
owned by the county that has not been dedicated to or is not then 937
in use for any county or other public purpose, or any building or 938
structure rented or leased by the county. The board of county 939
commissioners of any county, by resolution, also may dedicate and 940
permit the use, as a minimum security jail, of any building or 941
structure purchased by or constructed by or for the county. 942
Subject to divisions (B)(3) and (C) of this section, upon the 943
effective date of such a resolution, the specified building or 944
structure shall be used, in accordance with this section, for the 945
confinement of persons who meet one of the following conditions: 946

(a) The person is sentenced to a term of imprisonment for a 947
traffic violation or a misdemeanor or is sentenced to a 948
residential sanction in the jail for a felony of the fourth or 949
fifth degree pursuant to sections 2929.11 to 2929.19 of the 950
Revised Code, and the jail administrator or the jail 951
administrator's designee has classified the person as a minimal 952
security risk. In determining the person's classification under 953
this division, the administrator or designee shall consider all 954
relevant factors, including, but not limited to, the person's 955
escape risk and propensity for assaultive or violent behavior, 956
based upon the person's prior and current behavior. 957
958

(b) The person is an inmate transferred by order of a judge 959
of the sentencing court upon the request of the sheriff, 960
administrator, jailer, or other person responsible for operating 961
the jail ~~other than a contractor as defined in section 9.06 of the~~ 962
~~Revised Code~~, who is named in the request as being suitable for 963
confinement in a minimum security facility. 964

(2) The board of county commissioners of any county, by 965
resolution, may affiliate with one or more adjacent counties, or 966
with one or more municipal corporations located within the county 967

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

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

current behavior. 1000

(b) The person is an inmate transferred by order of a judge 1001
of the sentencing court upon the request of the sheriff, 1002
administrator, jailer, or other person responsible for operating 1003
the jail ~~other than a contractor as defined in section 9.06 of the~~ 1004
~~Revised Code~~, who is named in the request as being suitable for 1005
confinement in a minimum security facility. 1006

(3) No person shall be confined in a building or structure 1007
dedicated as a minimum security jail under division (B)(1) or (2) 1008
of this section unless the judge who sentenced the person to the 1009
term of imprisonment for the traffic violation or the misdemeanor 1010
specifies that the term of imprisonment is to be served in that 1011
jail, and division (B)(1) or (2) of this section permits the 1012
confinement of the person in that jail or unless the judge who 1013
sentenced the person to the residential sanction for the felony 1014
specifies that the residential sanction is to be served in a jail, 1015
and division (B)(1) or (2) of this section permits the confinement 1016
of the person in that jail. If a rented or leased building or 1017
structure is so dedicated, the building or structure may be used 1018
as a minimum security jail only during the period that it is 1019
rented or leased by the county or by an affiliated county or 1020
municipal corporation. If a person convicted of a misdemeanor is 1021
confined to a building or structure dedicated as a minimum 1022
security jail under division (B)(1) or (2) of this section and the 1023
sheriff, administrator, jailer, or other person responsible for 1024
operating the jail ~~other than a contractor as defined in section~~ 1025
~~9.06 of the Revised Code~~ determines that it would be more 1026
appropriate for the person so confined to be confined in another 1027
jail or workhouse facility, the sheriff, administrator, jailer, or 1028
other person may transfer the person so confined to a more 1029
appropriate jail or workhouse facility. 1030

(C) All of the following apply to a building or structure 1031

that is dedicated pursuant to division (B)(1) or (2) of this 1032
section for use as a minimum security jail: 1033

(1) To the extent that the use of the building or structure 1034
as a minimum security jail requires a variance from any county, 1035
municipal corporation, or township zoning regulations or 1036
ordinances, the variance shall be granted. 1037

(2) Except as provided in this section, the building or 1038
structure shall not be used to confine any person unless it is in 1039
substantial compliance with any applicable housing, fire 1040
prevention, sanitation, health, and safety codes, regulations, or 1041
standards. 1042

(3) Unless such satisfaction or compliance is required under 1043
the standards described in division (C)(4) of this section, and 1044
notwithstanding any other provision of state or local law to the 1045
contrary, the building or structure need not satisfy or comply 1046
with any state or local building standard or code in order to be 1047
used to confine a person for the purposes specified in division 1048
(B) of this section. 1049

(4) The building or structure shall not be used to confine 1050
any person unless it is in compliance with all minimum standards 1051
and minimum renovation, modification, and construction criteria 1052
for minimum security jails that have been proposed by the 1053
department of rehabilitation and correction, through its bureau of 1054
adult detention, under section 5120.10 of the Revised Code. 1055

(5) The building or structure need not be renovated or 1056
modified into a secure detention facility in order to be used 1057
solely to confine a person for the purposes specified in divisions 1058
(B)(1)(a) and (B)(2)(a) of this section. 1059

(6) The building or structure shall be used, equipped, 1060
furnished, and staffed in the manner necessary to provide adequate 1061
and suitable living, sleeping, food service or preparation, 1062

drinking, bathing and toilet, sanitation, and other necessary 1063
facilities, furnishings, and equipment. 1064

(D) Except as provided in this section, a minimum security 1065
jail dedicated and used under this section shall be considered to 1066
be part of the jail, workhouse, or other correctional facilities 1067
of the county or the affiliated counties and municipal 1068
corporations for all purposes under the law. All persons confined 1069
in such a minimum security jail shall be and shall remain, in all 1070
respects, under the control of the county authority that has 1071
responsibility for the management and operation of the jail, 1072
workhouse, or other correctional facilities of the county or, if 1073
it is operated by any affiliation of counties or municipal 1074
corporations, under the control of the specified county or 1075
municipal corporation with that authority, provided that, if the 1076
person was convicted of a felony and is serving a residential 1077
sanction in the facility, all provisions of law that pertain to 1078
persons convicted of a felony that would not by their nature 1079
clearly be inapplicable apply regarding the person. A minimum 1080
security jail dedicated and used under this section shall be 1081
managed and maintained in accordance with policies and procedures 1082
adopted by the board of county commissioners or the affiliated 1083
counties and municipal corporations governing the safe and 1084
healthful operation of the jail, the confinement and supervision 1085
of the persons sentenced to it, and their participation in work 1086
release or similar rehabilitation programs. In addition to other 1087
rules of conduct and discipline, the rights of ingress and egress 1088
of persons confined in a minimum security jail dedicated and used 1089
under this section shall be subject to reasonable restrictions. 1090
Every person confined in a minimum security jail dedicated and 1091
used under this section shall be given verbal and written 1092
notification, at the time of the person's admission to the jail, 1093
that purposely leaving, or purposely failing to return to, the 1094

jail without proper authority or permission constitutes the felony offense of escape. 1095
1096

(E) If a person who has been convicted of or pleaded guilty to an offense is sentenced to a term of imprisonment or a residential sanction in a minimum security jail as described in division (B)(1)(a) or (B)(2)(a) of this section, or if a person is an inmate transferred to a minimum security jail by order of a judge of the sentencing court as described in division (B)(1)(b) or (2)(b) of this section, at the time of reception and at other times the person in charge of the operation of the jail determines to be appropriate, the sheriff or other person in charge of the operation of the jail may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the jail may cause a convicted offender in the jail who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily. 1097
1098
1099
1100
1101
1102
1103
1104
1105
1106
1107
1108
1109
1110
1111
1112
1113
1114

Sec. 753.03. A municipal legislative authority may, by ordinance, provide for the keeping of persons convicted and sentenced for misdemeanors, during the term of their imprisonment, at such place as the legislative authority determines, provided that the place selected is in substantial compliance with the minimum standards for jails in Ohio promulgated by the department of rehabilitation and correction. ~~The legislative authority may enter into a contract under section 9.06 of the Revised Code for the private operation and management of any municipal correctional facility, but only if the facility is used to house only misdemeanant inmates.~~ 1115
1116
1117
1118
1119
1120
1121
1122
1123
1124
1125
1126

Sec. 753.15. ~~(A) Except as provided in division (B) of this~~ 1127
~~section, in~~ In a city, a workhouse erected for the joint use of 1128
the city and the county in which such city is located shall be 1129
managed and controlled by a joint board composed of the board of 1130
county commissioners and the board of control of the city, and in 1131
a village by the board of county commissioners and the board of 1132
trustees of public affairs. Such joint board shall have all the 1133
powers and duties in the management, control, and maintenance of 1134
such workhouse as are conferred upon the director of public safety 1135
in cities, and in addition thereto it may construct sewers for 1136
such workhouse and pay therefor from funds raised by taxation for 1137
the maintenance of such institution. 1138

The joint board may lease or purchase suitable property and 1139
buildings for a workhouse, or real estate for the purpose of 1140
erecting and maintaining a workhouse thereon, but it shall not 1141
expend more than ten thousand dollars for any such purpose unless 1142
such amount is approved by a majority of the voters of the county, 1143
exclusive of the municipal corporation, voting at a general 1144
election. 1145

~~(B) In lieu of forming a joint board to manage and control a~~ 1146
~~workhouse erected for the joint use of the city and the county in~~ 1147
~~which the city is located, the board of county commissioners and~~ 1148
~~the legislative authority of the city may enter into a contract~~ 1149
~~for the private operation and management of the workhouse as~~ 1150
~~provided in section 9.06 of the Revised Code, but only if the~~ 1151
~~workhouse is used solely for misdemeanor inmates. In order to~~ 1152
~~enter into a contract under section 9.06 of the Revised Code, both~~ 1153
~~the board and the legislative authority shall approve and be~~ 1154
~~parties to the contract.~~ 1155

Sec. 753.21. (A) As used in this section, "building or 1156
structure" includes, but is not limited to, a modular unit, 1157

building, or structure and a movable unit, building, or structure. 1158

1159

(B)(1) The legislative authority of a municipal corporation, 1160

by ordinance, may dedicate and permit the use, as a minimum 1161

security jail, of any vacant or abandoned public building or 1162

structure owned by the municipal corporation that has not been 1163

dedicated to or is not then in use for any municipal or other 1164

public purpose, or any building or structure rented or leased by 1165

the municipal corporation. The legislative authority of a 1166

municipal corporation, by ordinance, also may dedicate and permit 1167

the use, as a minimum security jail, of any building or structure 1168

purchased by or constructed by or for the municipal corporation. 1169

Subject to divisions (B)(3) and (C) of this section, upon the 1170

effective date of such an ordinance, the specified building or 1171

structure shall be used, in accordance with this section, for the 1172

confinement of persons who meet one of the following conditions: 1173

(a) The person is sentenced to a term of imprisonment for a 1174

traffic violation, a misdemeanor, or a violation of a municipal 1175

ordinance and is under the jurisdiction of the municipal 1176

corporation or is sentenced to a residential sanction in the jail 1177

for a felony of the fourth or fifth degree pursuant to sections 1178

2929.11 to 2929.19 of the Revised Code, and the jail administrator 1179

or the jail administrator's designee has classified the person as 1180

a minimal security risk. In determining the person's 1181

classification under this division, the administrator or designee 1182

shall consider all relevant factors, including, but not limited 1183

to, the person's escape risk and propensity for assaultive or 1184

violent behavior, based upon the person's prior and current 1185

behavior. 1186

(b) The person is an inmate transferred by order of a judge 1187

of the sentencing court upon the request of the sheriff, 1188

administrator, jailer, or other person responsible for operating 1189

the jail ~~other than a contractor as defined in section 9.06 of the~~ 1190
~~Revised Code~~, who is named in the request as being suitable for 1191
confinement in a minimum security facility. 1192

(2) The legislative authority of a municipal corporation, by 1193
ordinance, may affiliate with the county in which it is located, 1194
with one or more counties adjacent to the county in which it is 1195
located, or with one or more municipal corporations located within 1196
the county in which it is located or within an adjacent county, 1197
and dedicate and permit the use, as a minimum security jail, of 1198
any vacant or abandoned public building or structure owned by any 1199
of the affiliating counties or municipal corporations that has not 1200
been dedicated to or is not then in use for any public purpose, or 1201
any building or structure rented or leased by any of the 1202
affiliating counties or municipal corporations. The legislative 1203
authority of a municipal corporation, by ordinance, also may 1204
affiliate with one or more counties adjacent to the county in 1205
which it is located or with one or more municipal corporations 1206
located within the county in which it is located or within an 1207
adjacent county and dedicate and permit the use, as a minimum 1208
security jail, of any building or structure purchased by or 1209
constructed by or for any of the affiliating counties or municipal 1210
corporations. Any counties and municipal corporations that 1211
affiliate for purposes of this division shall enter into an 1212
agreement that establishes the responsibilities for the operation 1213
and for the cost of operation of the minimum security jail. 1214
Subject to divisions (B)(3) and (C) of this section, upon the 1215
effective date of an ordinance adopted under this division, the 1216
specified building or structure shall be used, in accordance with 1217
this section, for the confinement of persons who meet one of the 1218
following conditions: 1219

(a) The person is sentenced to a term of imprisonment for a 1220
traffic violation, a misdemeanor, or a violation of an ordinance 1221

of a municipal corporation and is under the jurisdiction of any of 1222
the affiliating counties or municipal corporations or is sentenced 1223
to a residential sanction in the jail for a felony of the fourth 1224
or fifth degree pursuant to sections 2929.11 to 2929.19 of the 1225
Revised Code, and the jail administrator or the jail 1226
administrator's designee has classified the person as a minimal 1227
security risk. In determining the person's classification under 1228
this division, the administrator or designee shall consider all 1229
relevant factors, including, but not limited to, the person's 1230
escape risk and propensity for assaultive or violent behavior, 1231
based upon the person's prior and current behavior. 1232
1233

(b) The person is an inmate transferred by order of a judge 1234
of the sentencing court upon the request of the sheriff, 1235
administrator, jailer, or other person responsible for operating 1236
the jail ~~other than a contractor as defined in section 9.06 of the~~ 1237
~~Revised Code~~, who is named in the request as being suitable for 1238
confinement in a minimum security facility. 1239

(3) No person shall be confined in a building or structure 1240
dedicated as a minimum security jail under division (B)(1) or (2) 1241
of this section unless the judge who sentenced the person to the 1242
term of imprisonment for the traffic violation or the misdemeanor 1243
specifies that the term of imprisonment is to be served in that 1244
jail, and division (B)(1) or (2) of this section permits the 1245
confinement of the person in that jail or unless the judge who 1246
sentenced the person to the residential sanction for the felony 1247
specifies that the residential sanction is to be served in a jail, 1248
and division (B)(1) or (2) of this section permits the confinement 1249
of the person in that jail. If a rented or leased building or 1250
structure is so dedicated, the building or structure may be used 1251
as a minimum security jail only during the period that it is 1252
rented or leased by the municipal corporation or by an affiliated 1253

county or municipal corporation. If a person convicted of a
misdemeanor is confined to a building or structure dedicated as a
minimum security jail under division (B)(1) or (2) of this section
and the sheriff, administrator, jailer, or other person
responsible for operating the jail ~~other than a contractor as
defined in division (H) of section 9.06 of the Revised Code~~
determines that it would be more appropriate for the person so
confined to be confined in another jail or workhouse facility, the
sheriff, administrator, jailer, or other person may transfer the
person so confined to a more appropriate jail or workhouse
facility.

1254
1255
1256
1257
1258
1259
1260
1261
1262
1263
1264

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

1265
1266
1267

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

1268
1269
1270
1271

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

1272
1273
1274
1275
1276

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

1277
1278
1279
1280
1281
1282
1283

(4) The building or structure shall not be used to confine

1284

any person unless it is in compliance with all minimum standards 1285
and minimum renovation, modification, and construction criteria 1286
for minimum security jails that have been proposed by the 1287
department of rehabilitation and correction, through its bureau of 1288
adult detention, under section 5120.10 of the Revised Code. 1289

(5) The building or structure need not be renovated or 1290
modified into a secure detention facility in order to be used 1291
solely to confine a person for the purposes specified in divisions 1292
(B)(1)(a) and (B)(2)(a) of this section. 1293

(6) The building or structure shall be used, equipped, 1294
furnished, and staffed to provide adequate and suitable living, 1295
sleeping, food service or preparation, drinking, bathing and 1296
toilet, sanitation, and other necessary facilities, furnishings, 1297
and equipment. 1298

(D) Except as provided in this section, a minimum security 1299
jail dedicated and used under this section shall be considered to 1300
be part of the jail, workhouse, or other correctional facilities 1301
of the municipal corporation or the affiliated counties and 1302
municipal corporations for all purposes under the law. All persons 1303
confined in such a minimum security jail shall be and shall 1304
remain, in all respects, under the control of the authority of the 1305
municipal corporation that has responsibility for the management 1306
and operation of the jail, workhouse, or other correctional 1307
facilities of the municipal corporation or, if it is operated by 1308
any affiliation of counties or municipal corporations, under the 1309
control of the specified county or municipal corporation with that 1310
authority, provided that, if the person was convicted of a felony 1311
and is serving a residential sanction in the facility, all 1312
provisions of law that pertain to persons convicted of a felony 1313
that would not by their nature clearly be inapplicable apply 1314
regarding the person. A minimum security jail dedicated and used 1315
under this section shall be managed and maintained in accordance 1316

with policies and procedures adopted by the legislative authority 1317
of the municipal corporation or the affiliated counties and 1318
municipal corporations governing the safe and healthful operation 1319
of the jail, the confinement and supervision of the persons 1320
sentenced to it, and their participation in work release or 1321
similar rehabilitation programs. In addition to other rules of 1322
conduct and discipline, the rights of ingress and egress of 1323
persons confined in a minimum security jail dedicated and used 1324
under this section shall be subject to reasonable restrictions. 1325
Every person confined in a minimum security jail dedicated and 1326
used under this section shall be given verbal and written 1327
notification, at the time of the person's admission to the jail, 1328
that purposely leaving, or purposely failing to return to, the 1329
jail without proper authority or permission constitutes the felony 1330
offense of escape. 1331

(E) If a person who has been convicted of or pleaded guilty 1332
to an offense is sentenced to a term of imprisonment or a 1333
residential sanction in a minimum security jail as described in 1334
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 1335
an inmate transferred to a minimum security jail by order of a 1336
judge of the sentencing court as described in division (B)(1)(b) 1337
or (2)(b) of this section, at the time of reception and at other 1338
times the person in charge of the operation of the jail determines 1339
to be appropriate, the person in charge of the operation of the 1340
jail may cause the convicted offender to be examined and tested 1341
for tuberculosis, HIV infection, hepatitis, including but not 1342
limited to hepatitis A, B, and C, and other contagious diseases. 1343
The person in charge of the operation of the jail may cause a 1344
convicted offender in the jail who refuses to be tested or treated 1345
for tuberculosis, HIV infection, hepatitis, including but not 1346
limited to hepatitis A, B, and C, or another contagious disease to 1347
be tested and treated involuntarily. 1348

1349

Sec. 2929.13. (A) Except as provided in division (E), (F), or 1350
(G) of this section and unless a specific sanction is required to 1351
be imposed or is precluded from being imposed pursuant to law, a 1352
court that imposes a sentence upon an offender for a felony may 1353
impose any sanction or combination of sanctions on the offender 1354
that are provided in sections 2929.14 to 2929.18 of the Revised 1355
Code. The sentence shall not impose an unnecessary burden on state 1356
or local government resources. 1357

If the offender is eligible to be sentenced to community 1358
control sanctions, the court shall consider the appropriateness of 1359
imposing a financial sanction pursuant to section 2929.18 of the 1360
Revised Code or a sanction of community service pursuant to 1361
section 2929.17 of the Revised Code as the sole sanction for the 1362
offense. Except as otherwise provided in this division, if the 1363
court is required to impose a mandatory prison term for the 1364
offense for which sentence is being imposed, the court also may 1365
impose a financial sanction pursuant to section 2929.18 of the 1366
Revised Code but may not impose any additional sanction or 1367
combination of sanctions under section 2929.16 or 2929.17 of the 1368
Revised Code. 1369

If the offender is being sentenced for a fourth degree felony 1370
OMVI offense or for a third degree felony OMVI offense, in 1371
addition to the mandatory term of local incarceration or the 1372
mandatory prison term required for the offense by division (G)(1) 1373
or (2) of this section, the court shall impose upon the offender a 1374
mandatory fine in accordance with division (B)(3) of section 1375
2929.18 of the Revised Code and may impose whichever of the 1376
following is applicable: 1377

(1) For a fourth degree felony OMVI offense for which 1378
sentence is imposed under division (G)(1) of this section, an 1379

additional community control sanction or combination of community
control sanctions under section 2929.16 or 2929.17 of the Revised
Code;

(2) For a third or fourth degree felony OMVI offense for
which sentence is imposed under division (G)(2) of this section,
an additional prison term as described in division (D)(4) of
section 2929.14 of the Revised Code.

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

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

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

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

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

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

(f) The offense is a sex offense that is a fourth or fifth
degree felony violation of section 2907.03, 2907.04, 2907.05,

2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the Revised Code. 1410
1411

(g) The offender previously served a prison term. 1412

(h) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance. 1413
1414
1415

(i) The offender committed the offense while in possession of a firearm. 1416
1417

(2)(a) If the court makes a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a prison term is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code and finds that the offender is not amenable to an available community control sanction, the court shall impose a prison term upon the offender. 1418
1419
1420
1421
1422
1423
1424
1425

(b) Except as provided in division (E), (F), or (G) of this section, if the court does not make a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a community control sanction or combination of community control sanctions is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code, the court shall impose a community control sanction or combination of community control sanctions upon the offender. 1426
1427
1428
1429
1430
1431
1432
1433
1434
1435

(C) Except as provided in division (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the third degree or a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to this division for 1436
1437
1438
1439
1440

purposes of sentencing, the sentencing court shall comply with the 1441
purposes and principles of sentencing under section 2929.11 of the 1442
Revised Code and with section 2929.12 of the Revised Code. 1443

(D) Except as provided in division (E) or (F) of this 1444
section, for a felony of the first or second degree and for a 1445
felony drug offense that is a violation of any provision of 1446
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1447
presumption in favor of a prison term is specified as being 1448
applicable, it is presumed that a prison term is necessary in 1449
order to comply with the purposes and principles of sentencing 1450
under section 2929.11 of the Revised Code. Notwithstanding the 1451
presumption established under this division, the sentencing court 1452
may impose a community control sanction or a combination of 1453
community control sanctions instead of a prison term on an 1454
offender for a felony of the first or second degree or for a 1455
felony drug offense that is a violation of any provision of 1456
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1457
presumption in favor of a prison term is specified as being 1458
applicable if it makes both of the following findings: 1459

(1) A community control sanction or a combination of 1460
community control sanctions would adequately punish the offender 1461
and protect the public from future crime, because the applicable 1462
factors under section 2929.12 of the Revised Code indicating a 1463
lesser likelihood of recidivism outweigh the applicable factors 1464
under that section indicating a greater likelihood of recidivism. 1465

(2) A community control sanction or a combination of 1466
community control sanctions would not demean the seriousness of 1467
the offense, because one or more factors under section 2929.12 of 1468
the Revised Code that indicate that the offender's conduct was 1469
less serious than conduct normally constituting the offense are 1470
applicable, and they outweigh the applicable factors under that 1471
section that indicate that the offender's conduct was more serious 1472

than conduct normally constituting the offense. 1473

(E)(1) Except as provided in division (F) of this section, 1474
for any drug offense that is a violation of any provision of 1475
Chapter 2925. of the Revised Code and that is a felony of the 1476
third, fourth, or fifth degree, the applicability of a presumption 1477
under division (D) of this section in favor of a prison term or of 1478
division (B) or (C) of this section in determining whether to 1479
impose a prison term for the offense shall be determined as 1480
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1481
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 1482
Revised Code, whichever is applicable regarding the violation. 1483

(2) If an offender who was convicted of or pleaded guilty to 1484
a felony violates the conditions of a community control sanction 1485
imposed for the offense solely by reason of producing positive 1486
results on a drug test, the court, as punishment for the violation 1487
of the sanction, shall not order that the offender be imprisoned 1488
unless the court determines on the record either of the following: 1489

(a) The offender had been ordered as a sanction for the 1490
felony to participate in a drug treatment program, in a drug 1491
education program, or in narcotics anonymous or a similar program, 1492
and the offender continued to use illegal drugs after a reasonable 1493
period of participation in the program. 1494

(b) The imprisonment of the offender for the violation is 1495
consistent with the purposes and principles of sentencing set 1496
forth in section 2929.11 of the Revised Code. 1497

(F) Notwithstanding divisions (A) to (E) of this section, the 1498
court shall impose a prison term or terms under sections 2929.02 1499
to 2929.06, section 2929.14, or section 2971.03 of the Revised 1500
Code and except as specifically provided in section 2929.20 or 1501
2967.191 of the Revised Code or when parole is authorized for the 1502
offense under section 2967.13 of the Revised Code shall not reduce 1503

the terms pursuant to section 2929.20, section 2967.193, or any
other provision of Chapter 2967. or Chapter 5120. of the Revised
Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and
regardless of the age of the victim, or an attempt to commit rape
by force when the victim is under thirteen years of age;

(3) Gross sexual imposition or sexual battery, if the victim
is under thirteen years of age, if the offender previously was
convicted of or pleaded guilty to rape, the former offense of
felonious sexual penetration, gross sexual imposition, or sexual
battery, and if the victim of the previous offense was under
thirteen years of age;

(4) A felony violation of section 2903.04, 2903.06, 2903.08,
2903.11, 2903.12, or 2903.13 of the Revised Code if the section
requires the imposition of a prison term;

(5) A first, second, or third degree felony drug offense for
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or
4729.99 of the Revised Code, whichever is applicable regarding the
violation, requires the imposition of a mandatory prison term;

(6) Any offense that is a first or second degree felony and
that is not set forth in division (F)(1), (2), (3), or (4) of this
section, if the offender previously was convicted of or pleaded
guilty to aggravated murder, murder, any first or second degree
felony, or an offense under an existing or former law of this
state, another state, or the United States that is or was
substantially equivalent to one of those offenses;

(7) Any offense that is a third degree felony and that is
listed in division (DD)(1) of section 2929.01 of the Revised Code

if the offender previously was convicted of or pleaded guilty to 1535
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 1536
section 2929.01 of the Revised Code; 1537

(8) Any offense, other than a violation of section 2923.12 of 1538
the Revised Code, that is a felony, if the offender had a firearm 1539
on or about the offender's person or under the offender's control 1540
while committing the felony, with respect to a portion of the 1541
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 1542
of the Revised Code for having the firearm; 1543

(9) Any offense of violence that is a felony, if the offender 1544
wore or carried body armor while committing the felony offense of 1545
violence, with respect to the portion of the sentence imposed 1546
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 1547
Code for wearing or carrying the body armor; 1548

(10) Corrupt activity in violation of section 2923.32 of the 1549
Revised Code when the most serious offense in the pattern of 1550
corrupt activity that is the basis of the offense is a felony of 1551
the first degree; 1552

(11) Any sexually violent offense for which the offender also 1553
is convicted of or pleads guilty to a sexually violent predator 1554
specification that was included in the indictment, count in the 1555
indictment, or information charging the sexually violent offense; 1556
1557

(12) A violation of division (A)(1) or (2) of section 2921.36 1558
of the Revised Code, or a violation of division (C) of that 1559
section involving an item listed in division (A)(1) or (2) of that 1560
section, if the offender is an officer or employee of the 1561
department of rehabilitation and correction. 1562

(G) Notwithstanding divisions (A) to (E) of this section, if 1563
an offender is being sentenced for a fourth degree felony OMVI 1564
offense or for a third degree felony OMVI offense, the court shall 1565

impose upon the offender a mandatory term of local incarceration 1566
or a mandatory prison term in accordance with the following: 1567

(1) If the offender is being sentenced for a fourth degree 1568
felony OMVI offense, the court may impose upon the offender a 1569
mandatory term of local incarceration of sixty days as specified 1570
in division (A)(4) of section 4511.99 of the Revised Code or a 1571
mandatory term of local incarceration of one hundred twenty days 1572
as specified in division (A)(8) of that section. The court shall 1573
not reduce the term pursuant to section 2929.20, 2967.193, or any 1574
other provision of the Revised Code. The court that imposes a 1575
mandatory term of local incarceration under this division shall 1576
specify whether the term is to be served in a jail, a 1577
community-based correctional facility, a halfway house, or an 1578
alternative residential facility, and the offender shall serve the 1579
term in the type of facility specified by the court. A mandatory 1580
term of local incarceration imposed under division (G)(1) of this 1581
section is not subject to extension under section 2967.11 of the 1582
Revised Code, to a period of post-release control under section 1583
2967.28 of the Revised Code, or to any other Revised Code 1584
provision that pertains to a prison term. 1585

(2) If the offender is being sentenced for a third degree 1586
felony OMVI offense, or if the offender is being sentenced for a 1587
fourth degree felony OMVI offense and the court does not impose a 1588
mandatory term of local incarceration under division (G)(1) of 1589
this section, the court shall impose upon the offender a mandatory 1590
prison term of sixty days as specified in division (A)(4) of 1591
section 4511.99 of the Revised Code or a mandatory prison term of 1592
one hundred twenty days as specified in division (A)(8) of that 1593
section. The court shall not reduce the term pursuant to section 1594
2929.20, 2967.193, or any other provision of the Revised Code. In 1595
no case shall an offender who once has been sentenced to a 1596
mandatory term of local incarceration pursuant to division (G)(1) 1597

of this section for a fourth degree felony OMVI offense be
sentenced to another mandatory term of local incarceration under
that division for any violation of division (A) of section 4511.19
of the Revised Code. The court shall not sentence the offender to
a community control sanction under section 2929.16 or 2929.17 of
the Revised Code. The department of rehabilitation and correction
may place an offender sentenced to a mandatory prison term under
this division in an intensive program prison established pursuant
to section 5120.033 of the Revised Code if the department gave the
sentencing judge prior notice of its intent to place the offender
in an intensive program prison established under that section and
if the judge did not notify the department that the judge
disapproved the placement. ~~Upon the establishment of the initial
intensive program prison pursuant to section 5120.033 of the
Revised Code that is privately operated and managed by a
contractor pursuant to a contract entered into under section 9.06
of the Revised Code, both of the following apply:~~

~~(a) The department of rehabilitation and correction shall
make a reasonable effort to ensure that a sufficient number of
offenders sentenced to a mandatory prison term under this division
are placed in the privately operated and managed prison so that
the privately operated and managed prison has full occupancy.~~

~~(b) Unless the privately operated and managed prison has full
occupancy, the department of rehabilitation and correction shall
not place any offender sentenced to a mandatory prison term under
this division in any intensive program prison established pursuant
to section 5120.033 of the Revised Code other than the privately
operated and managed prison.~~

(H) If an offender is being sentenced for a sexually oriented
offense committed on or after January 1, 1997, the judge shall
require the offender to submit to a DNA specimen collection
procedure pursuant to section 2901.07 of the Revised Code if

1598
1599
1600
1601
1602
1603
1604
1605
1606
1607
1608
1609
1610
1611
1612
1613
1614
1615
1616
1617
1618
1619
1620
1621
1622
1623
1624
1625
1626
1627
1628
1629

either of the following applies: 1630

(1) The offense was a sexually violent offense, and the 1631
offender also was convicted of or pleaded guilty to a sexually 1632
violent predator specification that was included in the 1633
indictment, count in the indictment, or information charging the 1634
sexually violent offense. 1635

(2) The judge imposing sentence for the sexually oriented 1636
offense determines pursuant to division (B) of section 2950.09 of 1637
the Revised Code that the offender is a sexual predator. 1638

(I) If an offender is being sentenced for a sexually oriented 1639
offense committed on or after January 1, 1997, the judge shall 1640
include in the sentence a summary of the offender's duty to 1641
register pursuant to section 2950.04 of the Revised Code, the 1642
offender's duty to provide notice of a change in residence address 1643
and register the new residence address pursuant to section 2950.05 1644
of the Revised Code, the offender's duty to periodically verify 1645
the offender's current residence address pursuant to section 1646
2950.06 of the Revised Code, and the duration of the duties. The 1647
judge shall inform the offender, at the time of sentencing, of 1648
those duties and of their duration and, if required under division 1649
(A)(2) of section 2950.03 of the Revised Code, shall perform the 1650
duties specified in that section. 1651

(J)(1) Except as provided in division (J)(2) of this section, 1652
when considering sentencing factors under this section in relation 1653
to an offender who is convicted of or pleads guilty to an attempt 1654
to commit an offense in violation of section 2923.02 of the 1655
Revised Code, the sentencing court shall consider the factors 1656
applicable to the felony category of the violation of section 1657
2923.02 of the Revised Code instead of the factors applicable to 1658
the felony category of the offense attempted. 1659

(2) When considering sentencing factors under this section in 1660

relation to an offender who is convicted of or pleads guilty to an attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt.

(K) As used in this section, "drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

Sec. 5120.03. (A) The director of rehabilitation and correction, by executive order and with the approval of the governor, may change the purpose for which any institution or place under the control of the department of rehabilitation and correction, is being used. The director may designate a new or another use for such institution, if the change of use and new designation has for its objective, improvement in the classification, segregation, care, education, cure, or rehabilitation of persons subject to the control of the department.

(B) The director of rehabilitation and correction, by executive order, issued on or before December 31, 1988, shall eliminate the distinction between penal institutions and reformatory institutions. Notwithstanding any provision of the Revised Code or the Administrative Code to the contrary, upon the issuance of the executive order, any distinction made between the types of prisoners sentenced to or otherwise assigned to the institutions under the control of the department shall be discontinued.

~~(C) The director may contract under section 9.06 of the Revised Code for the private operation and management of a facility under the control of the department. All inmates assigned to a facility operated and managed by a private contractor remain inmates in the care and custody of the department. The statutes, rules, and policies of the department may apply to the private contractor and any inmate assigned to a facility operated and managed by a private contractor as agreed to in the contract entered into under section 9.06 of the Revised Code.~~

1692
1693
1694
1695
1696
1697
1698
1699
1700
1701

Sec. 5120.033. (A) As used in this section, "third degree felony OMVI offense" and "fourth degree felony OMVI offense" have the same meanings as in section 2929.01 of the Revised Code.

1702
1703
1704

(B) Within eighteen months after October 17, 1996, the department of rehabilitation and correction shall develop and implement intensive program prisons for male and female prisoners who are sentenced pursuant to division (G)(2) of section 2929.13 of the Revised Code to a mandatory prison term for a third or fourth degree felony OMVI offense. ~~The department shall contract pursuant to section 9.06 of the Revised Code for the private operation and management of the initial intensive program prison established under this section and may contract pursuant to that section for the private operation and management of any other intensive program prison established under this section.~~ The intensive program prisons established under this section shall include prisons that focus on educational achievement, vocational training, alcohol and other drug abuse treatment, community service and conservation work, and other intensive regimens or combinations of intensive regimens.

1705
1706
1707
1708
1709
1710
1711
1712
1713
1714
1715
1716
1717
1718
1719
1720

(C) Except as provided in division (D) of this section, the department may place a prisoner who is sentenced to a mandatory

1721
1722

prison term for a third or fourth degree felony OMVI offense in an intensive program prison established pursuant to division (B) of this section if the sentencing judge, upon notification by the department of its intent to place the prisoner in an intensive program prison, does not notify the department that the judge disapproves the placement. If the stated prison term imposed on a prisoner who is so placed is longer than the mandatory prison term that is required to be imposed on the prisoner, the department may reduce the stated prison term upon the prisoner's successful completion of the prisoner's mandatory prison term in an intensive program prison. A prisoner whose term has been so reduced shall be required to serve an intermediate, transitional type of detention followed by a release under post-release control sanctions or, in the alternative, shall be placed under post-release control sanctions, as described in division (B)(2)(b)(ii) of section 5120.031 of the Revised Code. In either case, the placement under post-release control sanctions shall be under terms set by the parole board in accordance with section 2967.28 of the Revised Code and shall be subject to the provisions of that section with respect to a violation of any post-release control sanction. ~~Upon the establishment of the initial intensive program prison pursuant to division (B) of this section that is privately operated and managed by a contractor pursuant to a contract entered into under section 9.06 of the Revised Code, the department shall comply with divisions (G)(2)(a) and (b) of section 2929.13 of the Revised Code in placing prisoners in intensive program prisons under this section.~~

(D) A prisoner who is sentenced to a mandatory prison term for a third or fourth degree felony OMVI offense is not eligible to participate in an intensive program prison established under division (B) of this section if any of the following applies regarding the prisoner:

(1) In addition to the mandatory prison term for the third or 1755
fourth degree felony OMVI offense, the prisoner also is serving a 1756
prison term of a type described in division (B)(2)(a), (b), or (c) 1757
of section 5120.032 of the Revised Code. 1758

(2) The prisoner previously has been imprisoned for an 1759
offense of a type described in division (B)(2)(a) or (c) of 1760
section 5120.032 of the Revised Code or a comparable offense under 1761
the law in effect prior to July 1, 1996. 1762

(E) Intensive program prisons established under division (B) 1763
of this section are not subject to section 5120.032 of the Revised 1764
Code. 1765

Sec. 5120.38. Subject to the rules of the department of 1766
rehabilitation and correction, each institution under the 1767
department's jurisdiction ~~other than an institution operated~~ 1768
~~pursuant to a contract entered into under section 9.06 of the~~ 1769
~~Revised Code~~ shall be under the control of a managing officer 1770
known as a warden or other appropriate title. The managing officer 1771
shall be appointed by the director of the department of 1772
rehabilitation and correction and shall be in the unclassified 1773
service and serve at the pleasure of the director. Appointment to 1774
the position of managing officer shall be made from persons who 1775
have criminal justice experience. 1776

A person who is appointed to the position of managing officer 1777
from a position in the classified service shall retain the right 1778
to resume the status that the person held in the classified 1779
service immediately prior to the appointment. Upon being relieved 1780
of the person's duties as managing officer, the person shall be 1781
reinstated to the position in the classified service that the 1782
person held immediately prior to the appointment to the position 1783
of managing officer or to another position that the director, with 1784
approval of the state department of administrative services, 1785

certifies as being substantially equal to that prior position. 1786
Service as a managing officer shall be counted as service in the 1787
position in the classified service held by the person immediately 1788
preceding the person's appointment as managing officer. A person 1789
who is reinstated to a position in the classified service, as 1790
provided in this section, shall be entitled to all rights and 1791
emoluments accruing to the position during the time of the 1792
person's service as managing officer. 1793

The managing officer, under the director, shall have entire 1794
executive charge of the institution for which the managing officer 1795
is appointed. Subject to civil service rules and regulations, the 1796
managing officer shall appoint the necessary employees and the 1797
managing officer or the director may remove such employees for 1798
cause. A report of all appointments, resignations, and discharges 1799
shall be filed with the director at the close of each month. 1800

After conference with the managing officer of each 1801
institution, the director shall determine the number of employees 1802
to be appointed to the various institutions. 1803

Sec. 5145.32. (A) As used in this section: 1804

(1) "Smoke" means to burn any substance containing tobacco, 1805
including, but not limited to, a lighted cigarette, cigar, or 1806
pipe. 1807

(2) "State correctional institution" has the same meaning as 1808
in section 2967.01 of the Revised Code ~~and includes a prison that~~ 1809
~~is privately operated and managed pursuant to a contract the~~ 1810
~~department of rehabilitation and correction enters into under~~ 1811
~~section 9.06 of the Revised Code.~~ 1812

(3) "Use tobacco" means to chew or maintain any substance 1813
containing tobacco, including smokeless tobacco, in the mouth to 1814

derive the effects of tobacco. 1817

(B) No person shall smoke, use, or possess tobacco or have 1818
tobacco under the person's control on any property under the 1819
control of the corrections medical center in Columbus or the Ohio 1820
state penitentiary in Youngstown. 1821

(C) No person shall smoke or use tobacco in a building of the 1822
north coast correctional treatment facility in Grafton, Lake Erie 1823
correctional institution, Toledo correctional institution, Hocking 1824
correctional facility, Oakwood correctional facility, northeast 1825
pre-release center, Franklin pre-release center, or Montgomery 1826
education pre-release center. 1827

(D)(1) The director of rehabilitation and correction shall 1828
designate at least one tobacco-free housing area within each state 1829
correctional institution that is not identified in division (B) or 1830
(C) of this section. 1831

(2) No person shall smoke or use tobacco in an area 1832
designated by the director under division (D)(1) of this section. 1833

(E) A violation of division (B), (C), or (D)(2) of this 1834
section is not a criminal offense. The department of 1835
rehabilitation and correction shall adopt rules that establish 1836
procedures for the enforcement of those divisions and that 1837
establish disciplinary measures for a violation of those 1838
divisions. 1839

(F) The department may designate locations at which it is 1840
permissible to smoke or use tobacco outside of a building of an 1841
institution identified in division (C) of this section. 1842

(G) The department shall provide smoking and tobacco usage 1843
cessation programs for prisoners at all state correctional 1844
institutions, subject to available funding. 1845

(H) The director shall review the practicality of eliminating 1846

access to smoking or tobacco usage in specialized units to which 1847
this section's prohibitions do not otherwise apply. 1848

Section 2. That existing sections 9.07, 9.08, 307.93, 341.01, 1849
341.34, 753.03, 753.15, 753.21, 2929.13, 5120.03, 5120.033, 1850
5120.38, and 5145.32 and sections 9.06 and 341.35 of the Revised 1851
Code are hereby repealed. 1852

Section 3. That Section 21 of Sub. S.B. 245 of the 123rd 1853
General Assembly be amended to read as follows: 1854

Sec. 21. All items set forth in this section are hereby 1855
appropriated out of any moneys in the state treasury to the credit 1856
of the Adult Correctional Building Fund (Fund 027). Revenues to 1857
the Adult Correctional Building Fund shall consist of proceeds of 1858
obligations authorized to pay costs of capital facilities as 1859
defined in section 152.09 of the Revised Code for the Department 1860
of Rehabilitation and Correction. 1861

Reappropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION 1862

STATEWIDE AND CENTRAL OFFICE PROJECTS 1863

| | | | | |
|---------|---|----|------------|------|
| CAP-002 | Local Jails | \$ | 24,696,594 | 1864 |
| CAP-003 | Community-Based Correctional Facilities | \$ | 15,108,698 | 1865 |
| CAP-004 | Site Renovations | \$ | 4,107,550 | 1866 |
| CAP-007 | Asbestos Removal | \$ | 1,796,649 | 1867 |
| CAP-008 | Powerhouse/Utility Improvements | \$ | 5,716,870 | 1868 |
| CAP-009 | Water System/Plant Improvements | \$ | 4,847,789 | 1869 |
| CAP-010 | Industrial Equipment - Statewide | \$ | 2,489,000 | 1870 |
| CAP-011 | Roof/Window Renovations - Statewide | \$ | 2,039,628 | 1871 |
| CAP-012 | Shower/Restroom Improvements | \$ | 1,528,125 | 1872 |
| CAP-015 | Underground Storage Tanks Improvements | \$ | 6,189 | 1873 |
| CAP-017 | Security Improvements - Statewide | \$ | 6,214,463 | 1874 |
| CAP-018 | Emergency and Security Lighting | \$ | 62,927 | 1875 |

| | | | | | |
|---|---|----|-----------|-------------|------|
| CAP-024 | Minimum Security Misdemeanant Jails | \$ | 1,184,820 | 1876 | |
| CAP-026 | Waste Water Treatment Facilities | \$ | 1,760,400 | 1877 | |
| CAP-041 | Community Residential Program | \$ | 8,330,000 | 1878 | |
| CAP-042 | Hazardous Waste Removal - Statewide | \$ | 916,900 | 1879 | |
| CAP-043 | Design/Construct/Parole Detention Centers | \$ | 743,231 | 1880 | |
| CAP-044 | Lightning Protection Plan | \$ | 4,985 | 1881 | |
| CAP-055 | Institution Roof Replacement | \$ | 39,500 | 1882 | |
| CAP-109 | Statewide Fire Alarm Systems | \$ | 380,735 | 1883 | |
| CAP-110 | Construct Maximum Security Facility | \$ | 1,091 | 1884 | |
| CAP-129 | Water Treatment Plants - Statewide | \$ | 901,500 | 1885 | |
| CAP-140 | Boot Camp/Substance Abuse Offenders | \$ | 1,423,950 | 1886 | |
| CAP-141 | Multi-Agency Radio System Equipment | \$ | 2,781,883 | 1887 | |
| CAP-142 | Various Facility Medical Services | \$ | 1,043,008 | 1888 | |
| CAP-143 | Perimeter Security, Lighting, Alarms, Sallyports | \$ | 4,295,104 | 1889 | |
| CAP-144 | Medium/Minimum Security Privatized Prison | \$ | 220,173 | 1890 | |
| CAP-161 | 1,000-Bed Close Custody Prison | \$ | 5,060,428 | 1891 | |
| CAP-186 | Close Custody Prison and Camp | \$ | 5,000,000 | 1892 | |
| CAP-187 | Mandown Alert Communication System - Statewide | \$ | 9,436,233 | 1893 | |
| CAP-188 | Manufacturing/Storage Building Additions - Statewide | \$ | 159,300 | 1894 | |
| CAP-189 | Tuck-pointing - Statewide | \$ | 1,783,000 | 1895 | |
| CAP-238 | Electrical Systems Upgrades | \$ | 961,700 | 1896 | |
| CAP-239 | Emergency Projects | \$ | 2,834,750 | 1897 | |
| CAP-240 | State Match for Federal Prison Construction Funds | \$ | 2,410,000 | 1898 | |
| Total Statewide and Central Office Projects | | | \$ | 120,287,173 | 1899 |
| BELMONT CORRECTIONAL INSTITUTION | | | | 1900 | |
| CAP-241 | Inmate Health Services Renovations - BECI | \$ | 2,465,000 | 1901 | |
| Total Belmont Correctional Institution | | | \$ | 2,465,000 | 1902 |
| CHILLICOTHE CORRECTIONAL INSTITUTION | | | | 1903 | |
| CAP-048 | Control Room Security Improvements | \$ | 3,396 | 1904 | |

| | | | | |
|--|--|----|-----------|--------------------|
| CAP-113 | Fire Alarm, Egress System Improvements | \$ | 1,870,634 | 1905 |
| CAP-114 | Emergency Lighting Renovations | \$ | 1,240,000 | 1906 |
| CAP-115 | Roof Renovations | \$ | 1,108,615 | 1907 |
| CAP-146 | Renovate Food Service Area - CCI | \$ | 4,103,164 | 1908 |
| CAP-147 | Wastewater Treatment Plant | \$ | 575,308 | 1909 |
| CAP-149 | New Classroom Building | \$ | 827,936 | 1910 |
| CAP-190 | Utility Improvements | \$ | 200,000 | 1911 |
| CAP-191 | Life & Fire Safety Improvements - CCI | \$ | 7,000,000 | 1912 |
| CAP-192 | Hot Water System Improvements - CCI | \$ | 242,175 | 1913 |
| Total Chillicothe Correctional Institution | | | | \$ 17,171,228 1914 |
| CORRECTIONAL RECEPTION CENTER | | | | 1915 |
| CAP-173 | CRC E-Dorm Renovation | \$ | 472,278 | 1916 |
| Total Correctional Reception Center | | | | \$ 472,278 1917 |
| CORRECTIONS TRAINING ACADEMY | | | | 1918 |
| CAP-050 | Firing Range Improvements | \$ | 15,783 | 1919 |
| CAP-193 | AT Building Roof Replacement | \$ | 450,000 | 1920 |
| CAP-194 | Construct Conference Center | \$ | 1,796,511 | 1921 |
| Total Corrections Training Academy | | | | \$ 2,262,294 1922 |
| DAYTON CORRECTIONAL INSTITUTION | | | | 1923 |
| CAP-195 | Hot Water System Improvements - DCI | \$ | 400,000 | 1924 |
| CAP-242 | Shower Renovations - DCI | \$ | 244,500 | 1925 |
| Total Dayton Correctional Institution | | | | \$ 644,500 1926 |
| FRANKLIN PRE-RELEASE CENTER | | | | 1927 |
| CAP-117 | Foundation Improvements | \$ | 85,313 | 1928 |
| Total Franklin Pre-Release Center | | | | \$ 85,313 1929 |
| GRAFTON CORRECTIONAL INSTITUTION | | | | 1930 |
| CAP-196 | Camp Egress System Improvements - GCI | \$ | 450,000 | 1931 |
| Total Grafton Correctional Institution | | | | \$ 450,000 1932 |
| HOCKING CORRECTIONAL INSTITUTION | | | | 1933 |
| CAP-053 | General Building Renovations | \$ | 275,805 | 1934 |
| CAP-054 | Water Tower Improvements | \$ | 3,000 | 1935 |
| Total Hocking Correctional Institution | | | | \$ 278,805 1936 |
| LEBANON CORRECTIONAL INSTITUTION | | | | 1937 |

| | | | | |
|--|---|----|------------|------|
| CAP-056 | Kitchen Renovations | \$ | 6,641 | 1938 |
| CAP-057 | Shower Pan/Drain Renovations | \$ | 616,306 | 1939 |
| CAP-118 | Water Tower Renovations | \$ | 123,307 | 1940 |
| CAP-119 | Masonry Improvements - LECI | \$ | 3,155,418 | 1941 |
| CAP-197 | Cell Door and Lock Replacement - LECI | \$ | 5,259,500 | 1942 |
| CAP-198 | Water Treatment Plant - LE CI | \$ | 1,150,000 | 1943 |
| Total Lebanon Correctional Institution | | \$ | 10,311,572 | 1944 |
| LIMA CORRECTIONAL INSTITUTION | | | | 1945 |
| CAP-058 | Water System Renovations | \$ | 114,910 | 1946 |
| CAP-121 | Shower and Lavatory Renovations | \$ | 1,781,854 | 1947 |
| CAP-153 | Convert ODOT Building to Minimum Security Camp | \$ | 39,302 | 1948 |
| CAP-155 | Heating System Renovations | \$ | 1,735,806 | 1949 |
| CAP-156 | Water and Sewer Line Renovations | \$ | 1,000,000 | 1950 |
| CAP-185 | Lima Segregation Unit | \$ | 31,527 | 1951 |
| CAP-199 | Windows/Security Bar Improvements | \$ | 1,000,000 | 1952 |
| CAP-200 | Utility Renovations | \$ | 350,000 | 1953 |
| CAP-243 | HVAC Renovations - LCI | \$ | 4,317,100 | 1954 |
| CAP-244 | Heating System Piping Replacement - LCI | \$ | 2,465,000 | 1955 |
| Total Lima Correctional Institution | | \$ | 12,835,499 | 1956 |
| LONDON CORRECTIONAL INSTITUTION | | | | 1957 |
| CAP-059 | Convert Brush Factory to Dormitory | \$ | 809 | 1958 |
| CAP-062 | Meat Processing Operation | \$ | 15,283 | 1959 |
| CAP-063 | Fire Alarm System Improvements | \$ | 53,421 | 1960 |
| CAP-122 | London Restoration | \$ | 143,721 | 1961 |
| CAP-157 | London Camp Renovation Project | \$ | 9,080 | 1962 |
| CAP-201 | Water Treatment Plant Addition | \$ | 3,000,000 | 1963 |
| CAP-245 | Bridge Replacement - LOCI | \$ | 116,150 | 1964 |
| Total London Correctional Institution | | \$ | 3,338,464 | 1965 |
| MANSFIELD CORRECTIONAL INSTITUTION | | | | 1966 |
| CAP-123 | Smoke Removal/Sprinkler System Improvements | \$ | 232,734 | 1967 |
| CAP-158 | Enclose Fire Escapes | \$ | 167,200 | 1968 |

| | | | | |
|--|---|----|-----------|-------------------|
| CAP-159 | Power Pole Replacement | \$ | 38,200 | 1969 |
| CAP-202 | Death Unit Renovations | \$ | 750,000 | 1970 |
| CAP-203 | Hot Water System Improvements - MAN CI | \$ | 750,000 | 1971 |
| Total Mansfield Correctional Institution | | | | \$ 1,938,134 1972 |
| MARION CORRECTIONAL INSTITUTION | | | | 1973 |
| CAP-028 | Power House Improvements | \$ | 191,893 | 1974 |
| CAP-065 | Sewage Lift Station Renovations | \$ | 8,889 | 1975 |
| CAP-067 | Roof Replacement | \$ | 384,635 | 1976 |
| CAP-124 | Fire Sprinkler System Improvements | \$ | 78,283 | 1977 |
| CAP-160 | Renovate Heating/Ventilation System | \$ | 79,000 | 1978 |
| CAP-204 | Freezer Replacement | \$ | 168,800 | 1979 |
| CAP-205 | Cooler Replacement | \$ | 343,800 | 1980 |
| CAP-206 | Central Food Service Renovation - MCI | \$ | 343,800 | 1981 |
| CAP-207 | HVAC Improvements - Administrative Building | \$ | 750,000 | 1982 |
| CAP-208 | Hot Water Tank Replacement | \$ | 275,000 | 1983 |
| CAP-246 | Exterior Window Replacement - MCI | \$ | 171,150 | 1984 |
| CAP-247 | Plumbing Upgrades - MCI | \$ | 1,500,000 | 1985 |
| Total Marion Correctional Institution | | | | \$ 4,295,250 1986 |
| NORTHEAST PRE-RELEASE CENTER | | | | 1987 |
| CAP-209 | Security Improvements - NEPRC | \$ | 425,000 | 1988 |
| Total Northeast Pre-Release Center | | | | \$ 425,000 1989 |
| OAKWOOD CORRECTIONAL FACILITY | | | | 1990 |
| CAP-162 | Renovate East Wing Plumbing | \$ | 17,300 | 1991 |
| CAP-164 | Renovate East Wing Electrical System | \$ | 1,500 | 1992 |
| Total Oakwood Correctional Facility | | | | \$ 18,800 1993 |
| OHIO REFORMATORY FOR WOMEN | | | | 1994 |
| CAP-072 | Shower Renovations | \$ | 5,353 | 1995 |
| CAP-125 | Replacement Dormitory | \$ | 1,544 | 1996 |
| CAP-165 | Master Plan Building/Renovations - ORW | \$ | 1,102,399 | 1997 |
| CAP-210 | Replacement Dormitory - ORW | \$ | 3,650,000 | 1998 |
| CAP-211 | Renovate J.G. Cottage | \$ | 1,300,000 | 1999 |
| CAP-212 | Powerhouse Renovation & Replumbing | \$ | 1,250,000 | 2000 |

| | | | | |
|---------|--|----|-----------|------|
| CAP-213 | Sanitary Sewer Renovations - ORW | \$ | 250,000 | 2001 |
| CAP-214 | Storm Sewer Renovations | \$ | 200,000 | 2002 |
| CAP-215 | Central Food Service Renovation - ORW | \$ | 300,000 | 2003 |
| CAP-216 | Elevator Renovation | \$ | 121,500 | 2004 |
| CAP-217 | Perimeter Lighting Improvements | \$ | 800,000 | 2005 |
| CAP-218 | Rewire Harmon Building | \$ | 376,289 | 2006 |
| CAP-219 | Fire Alarm System Improvements | \$ | 128,971 | 2007 |
| | Total Ohio Reformatory for Women | \$ | 9,486,056 | 2008 |
| | OHIO STATE PENITENTIARY | | | 2009 |
| CAP-171 | Camp at Maximum Security Facility | \$ | 23,385 | 2010 |
| | Total Ohio State Penitentiary | \$ | 23,385 | 2011 |
| | ORIENT CORRECTIONAL INSTITUTION | | | 2012 |
| CAP-068 | Plumbing Replacement | \$ | 55,786 | 2013 |
| CAP-126 | Fire Protection System Upgrading | \$ | 483,725 | 2014 |
| CAP-127 | TB/Infectious Disease Units Improvements | \$ | 4,000 | 2015 |
| CAP-128 | 7E Dorm Demolition and Construction | \$ | 995,338 | 2016 |
| CAP-184 | Orient Dorm Renovations | \$ | 1,039,643 | 2017 |
| CAP-220 | Mechanical/Limited Duty Dorm | \$ | 1,500,000 | 2018 |
| CAP-221 | Replacement 2 Story Dorm for 6E Dorm | \$ | 3,958,000 | 2019 |
| | Total Orient Correctional Institution | \$ | 8,036,492 | 2020 |
| | PICKAWAY CORRECTIONAL INSTITUTION | | | 2021 |
| CAP-074 | Fire Alarm System Improvements | \$ | 5,798 | 2022 |
| CAP-076 | Laundry/Maintenance Shop/Farms Roof Renovations | \$ | 726 | 2023 |
| CAP-077 | Shower Renovations | \$ | 3,500 | 2024 |
| CAP-222 | Sludge Removal System Improvements | \$ | 1,500,000 | 2025 |
| CAP-223 | Replacement of Unit A Dorm | \$ | 4,339,900 | 2026 |
| CAP-224 | Replacement of Generator - Dairy Farm | \$ | 108,100 | 2027 |
| CAP-225 | Water System Improvements | \$ | 493,970 | 2028 |
| CAP-226 | Milk Processing Plant | \$ | 1,905,800 | 2029 |
| CAP-227 | Roof Improvements | \$ | 430,495 | 2030 |
| CAP-228 | Power House Improvements | \$ | 212,889 | 2031 |
| CAP-248 | Replacement of Perimeter Fence - PCI | \$ | 2,218,500 | 2032 |

| | | | |
|---|----|-------------|------|
| Total Pickaway Correctional Institution | \$ | 11,219,678 | 2033 |
| RICHLAND CORRECTIONAL INSTITUTION | | | 2034 |
| CAP-251 Construct Retaining Wall - RICI | \$ | 207,825 | 2035 |
| Total Richland Correctional Institution | \$ | 207,825 | 2036 |
| ROSS CORRECTIONAL INSTITUTION | | | 2037 |
| CAP-229 Waste Water Treatment Plant - RCI | \$ | 7,393,702 | 2038 |
| Total Ross Correctional Institution | \$ | 7,393,702 | 2039 |
| SOUTHEASTERN CORRECTIONAL INSTITUTION | | | 2040 |
| CAP-133 Construct New Dining Hall | \$ | 8,822 | 2041 |
| CAP-134 Wastewater Treatment Storage Addition | \$ | 777,151 | 2042 |
| CAP-167 Master Plan Building/Renovations - SCI | \$ | 376,584 | 2043 |
| CAP-233 Replacement 2 Story Dorm/J, K, L Dorm | \$ | 3,870,000 | 2044 |
| CAP-234 High Voltage Electrical System | \$ | 1,500,000 | 2045 |
| CAP-235 Warehouse & Utility Buildings | \$ | 225,000 | 2046 |
| CAP-236 Construct Dining Hall - SCI | \$ | 7,919,025 | 2047 |
| CAP-237 Power Plant Improvements | \$ | 479,697 | 2048 |
| CAP-249 I Dorm Air Handling Improvements - SCI | \$ | 580,700 | 2049 |
| CAP-250 Wastewater Treatment Plant Improvements - SCI | \$ | 863,600 | 2050 |
| Total Southeastern Correctional Institution | \$ | 16,600,579 | 2051 |
| SOUTHERN OHIO CORRECTIONAL FACILITY | | | 2052 |
| CAP-135 SOCF Renovation and Improvements | \$ | 138,844 | 2053 |
| CAP-136 Waste Water Treatment Plant Improvements | \$ | 1,595,694 | 2054 |
| CAP-230 Waste Water Treatment Plant | \$ | 1,000,000 | 2055 |
| CAP-231 Gas Boiler Installation | \$ | 978,005 | 2056 |
| CAP-232 Power House Chiller | \$ | 457,800 | 2057 |
| Total Southern Ohio Correctional Facility | \$ | 4,170,343 | 2058 |
| Total Department of Rehabilitation and Correction | \$ | 234,417,370 | 2060 |
| Total Adult Correctional Building Fund | \$ | 234,417,370 | 2061 |
| SITE RENOVATIONS | | | 2062 |
| The amount reappropriated for the foregoing appropriation | | | 2063 |

item CAP-004, Site Renovations, shall be the unencumbered and 2064
unallotted balance as of June 30, 2000, in appropriation item 2065
CAP-004, Site Renovations, plus \$4,067,250. 2066

POWERHOUSE/UTILITY IMPROVEMENTS 2067

The amount reappropriated for the foregoing appropriation 2068
item CAP-008, Powerhouse/Utility Improvements, shall be the 2069
unencumbered and unallotted balance as of June 30, 2000, in 2070
appropriation item CAP-008, Powerhouse/Utility Improvements, plus 2071
\$2,834,750. 2072

WATER SYSTEM/PLANT IMPROVEMENTS 2073

The amount reappropriated for the foregoing appropriation 2074
item CAP-009, Water System/Plant Improvements, shall be the 2075
unencumbered and unallotted balance as of June 30, 2000, in 2076
appropriation item CAP-009, Water System/Plant Improvements, plus 2077
\$4,753,320. 2078

ROOF/WINDOW RENOVATIONS - STATEWIDE 2079

The amount reappropriated for the foregoing appropriation 2080
item CAP-011, Roof/Window Renovations - Statewide, shall be the 2081
unencumbered and unallotted balance as of June 30, 2000, in 2082
appropriation item CAP-011, Roof/Window Renovations - Statewide, 2083
plus \$914,430. 2084

SHOWER/RESTROOM IMPROVEMENTS 2085

The amount reappropriated for the foregoing appropriation 2086
item CAP-012, Shower/Restroom Improvements, shall be \$1,528,125. 2087

SECURITY IMPROVEMENTS - STATEWIDE 2088

The amount reappropriated for the foregoing appropriation 2089
item CAP-017, Security Improvements - Statewide, shall be the 2090
unencumbered and unallotted balance as of June 30, 2000, in 2091
appropriation item CAP-017, Security Improvements - Statewide, 2092
plus \$3,004,835. 2093

| | |
|--|------|
| HAZARDOUS WASTE REMOVAL - STATEWIDE | 2094 |
| The amount reappropriated for the foregoing appropriation | 2095 |
| item CAP-042, Hazardous Waste Removal - Statewide, shall be | 2096 |
| \$916,900. | 2097 |
| STATEWIDE FIRE ALARM SYSTEMS | 2098 |
| The amount reappropriated for the foregoing appropriation | 2099 |
| item CAP-109, Statewide Fire Alarm Systems, shall be the | 2100 |
| unencumbered and unallotted balance as of June 30, 2000, in | 2101 |
| appropriation item CAP-109, Statewide Fire Alarm Systems, plus | 2102 |
| \$366,750. | 2103 |
| PERIMETER SECURITY, LIGHTING, ALARMS, SALLYPORTS | 2104 |
| The amount reappropriated for the foregoing appropriation | 2105 |
| item CAP-143, Perimeter Security, Lighting, Alarms, Sallyports, | 2106 |
| shall be the unencumbered and unallotted balance as of June 30, | 2107 |
| 2000, in appropriation item CAP-143, Perimeter Security, Lighting, | 2108 |
| Alarms, Sallyports, plus \$4,291,565. | 2109 |
| CLOSE CUSTODY PRISON AND CAMP | 2110 |
| The amount reappropriated for the foregoing appropriation | 2111 |
| item CAP-186, Close Custody Prison and Camp, shall be \$5,000,000. | 2112 |
| MANDOWN ALERT COMMUNICATIONS SYSTEM - STATEWIDE | 2113 |
| The amount reappropriated for the foregoing appropriation | 2114 |
| item CAP-187, Mandown Alert Communications System - Statewide, | 2115 |
| shall be the unencumbered and unallotted balance as of June 30, | 2116 |
| 2000, in appropriation item CAP-187, Mandown Alert Communications | 2117 |
| System - Statewide, plus \$7,200,000. | 2118 |
| TUCK-POINTING - STATEWIDE | 2119 |
| The amount reappropriated for the foregoing appropriation | 2120 |
| item CAP-189, Tuck-pointing - Statewide, shall be the unencumbered | 2121 |
| and unallotted balance as of June 30, 2000, in appropriation item | 2122 |

| | |
|--|------|
| CAP-189, Tuck-pointing - Statewide, plus \$1,033,000. | 2123 |
| ELECTRICAL SYSTEMS UPGRADES | 2124 |
| The amount reappropriated for the foregoing appropriation | 2125 |
| item CAP-238, Electrical Systems Upgrades, shall be \$961,700. | 2126 |
| EMERGENCY PROJECTS | 2127 |
| The amount reappropriated for the foregoing appropriation | 2128 |
| item CAP-239, Emergency Projects, shall be \$2,834,750. | 2129 |
| STATE MATCH FOR FEDERAL PRISON CONSTRUCTION FUNDS | 2130 |
| The amount reappropriated for the foregoing appropriation | 2131 |
| item CAP-240, State Match for Federal Prison Construction Funds, | 2132 |
| shall be \$2,410,000. | 2133 |
| INMATE HEALTH SERVICES RENOVATIONS - BECI | 2134 |
| The amount reappropriated for the foregoing appropriation | 2135 |
| item CAP-241, Inmate Health Services Renovations - BECI, shall be | 2136 |
| \$2,465,000. | 2137 |
| LIFE & FIRE SAFETY IMPROVEMENTS - CCI | 2138 |
| The amount reappropriated for the foregoing appropriation | 2139 |
| item CAP-191, Life & Fire Safety Improvements - CCI, shall be the | 2140 |
| unencumbered and unallotted balance as of June 30, 2000, in | 2141 |
| appropriation item CAP-191, Life & Fire Safety Improvements - CCI, | 2142 |
| plus \$3,500,000. | 2143 |
| SHOWER RENOVATIONS - DCI | 2144 |
| The amount reappropriated for the foregoing appropriation | 2145 |
| item CAP-242, Shower Renovations - DCI, shall be \$244,500. | 2146 |
| MASONRY IMPROVEMENTS - LECI | 2147 |
| The amount reappropriated for the foregoing appropriation | 2148 |
| item CAP-119, Masonry Improvements - LECI, shall be the | 2149 |
| unencumbered and unallotted balance as of June 30, 2000, in | 2150 |

| | |
|--|------|
| appropriation item CAP-119, Masonry Improvements - LECI, plus | 2151 |
| \$1,797,100. | 2152 |
| CELL DOOR AND LOCK REPLACEMENT - LECI | 2153 |
| The amount reappropriated for the foregoing appropriation | 2154 |
| item CAP-197, Cell Door and Lock Replacement - LECI, shall be the | 2155 |
| unencumbered and unallotted balance as of June 30, 2000, in | 2156 |
| appropriation item CAP-197, Cell Door and Lock Replacement - LECI, | 2157 |
| plus \$5,000,000. | 2158 |
| HVAC RENOVATIONS - LCI | 2159 |
| The amount reappropriated for the foregoing appropriation | 2160 |
| item CAP-243, HVAC Renovations - LCI, shall be \$4,317,100. | 2161 |
| HEATING SYSTEM PIPING REPLACEMENT - LCI | 2162 |
| The amount reappropriated for the foregoing appropriation | 2163 |
| item CAP-244, Heating System Piping Replacement - LCI, shall be | 2164 |
| \$2,465,000. | 2165 |
| BRIDGE REPLACEMENT - LOCI | 2166 |
| The amount reappropriated for the foregoing appropriation | 2167 |
| item CAP-245, Bridge Replacement - LOCI, shall be \$116,150. | 2168 |
| EXTERIOR WINDOW REPLACEMENT - MCI | 2169 |
| The amount reappropriated for the foregoing appropriation | 2170 |
| item CAP-246, Exterior Window Replacement - MCI, shall be | 2171 |
| \$171,150. | 2172 |
| PLUMBING UPGRADES - MCI | 2173 |
| The amount reappropriated for the foregoing appropriation | 2174 |
| item CAP-247, Plumbing Upgrades - MCI, shall be \$1,500,000. | 2175 |
| REPLACEMENT OF PERIMETER FENCE - PCI | 2176 |
| The amount reappropriated for the foregoing appropriation | 2177 |
| item CAP-248, Replacement of Perimeter Fence - PCI, shall be | 2178 |

| | |
|--|------|
| \$2,218,500. | 2179 |
| CONSTRUCT RETAINING WALL - RICI | 2180 |
| The amount reappropriated for the foregoing appropriation | 2181 |
| item CAP-251, Construct Retaining Wall - RICI, shall be \$207,825. | 2182 |
| WASTEWATER TREATMENT PLANT - RCI | 2183 |
| The amount reappropriated for the foregoing appropriation | 2184 |
| item CAP-229, Wastewater Treatment Plant - RCI, shall be the | 2185 |
| unencumbered and unallotted balance as of June 30, 2000, in | 2186 |
| appropriation item CAP-229, Wastewater Treatment Plant - RCI, plus | 2187 |
| \$4,893,702. | 2188 |
| CONSTRUCT DINING HALL - SCI | 2189 |
| The amount reappropriated for the foregoing appropriation | 2190 |
| item CAP-236, Construct Dining Hall - SCI, shall be the | 2191 |
| unencumbered and unallotted balance as of June 30, 2000, in | 2192 |
| appropriation item CAP-236, Construct Dining Hall - SCI, plus | 2193 |
| \$4,537,900. | 2194 |
| I DORM AIR HANDLING EQUIPMENT - SCI | 2195 |
| The amount reappropriated for the foregoing appropriation | 2196 |
| item CAP-249, I Dorm Air Handling Equipment - SCI, shall be | 2197 |
| \$580,700. | 2198 |
| WASTEWATER TREATMENT IMPROVEMENTS - SCI | 2199 |
| The amount reappropriated for the foregoing appropriation | 2200 |
| item CAP-250, Wastewater Treatment Plant Improvements - SCI, shall | 2201 |
| be \$863,600. | 2202 |
| Section 4. That existing Section 21 of Sub. S.B. 245 of the | 2203 |
| 123rd General Assembly is hereby repealed. | 2204 |
| Section 5. If, prior to the effective date of this act, the | 2205 |
| Department of Rehabilitation and Correction, any county, any | 2206 |

municipal corporation, or any affiliation of political 2207
subdivisions has entered into a contract under section 9.06 of the 2208
Revised Code, as it existed prior to its repeal by Section 2 of 2209
this act, for the private operation and management of any state or 2210
local correctional institution or facility, the General Assembly 2211
hereby declares that, on and after the effective date of this act, 2212
as a matter of public safety and welfare, the contract is void, 2213
invalid, and unenforceable, and the private operation and 2214
management of the institution or facility that is the subject of 2215
the contract shall be terminated. 2216

The General Assembly also hereby declares that its purpose in 2217
amending sections 9.07, 9.08, 307.93, 341.01, 341.34, 753.03, 2218
753.15, 753.21, 2929.13, 5120.03, 5120.033, 5120.38, and 5145.32, 2219
in enacting section 9.09, in repealing sections 9.06 and 341.35 of 2220
the Revised Code in Sections 1 and 2 of this act, and in amending 2221
Section 21 of Sub. S.B. 245 of the 123rd General Assembly in 2222
Sections 3 and 4 of this act is to eliminate all statutory 2223
provisions that authorize or require the state, a county, a 2224
municipal corporation, or an affiliation of political subdivisions 2225
to contract for the private operation and management of 2226
correctional institutions or facilities for Ohio prisoners and to 2227
eliminate the provisions of Sub. S.B. 245 of the 123rd General 2228
Assembly that required the Department of Rehabilitation and 2229
Correction to contract for the private operation and management of 2230
a specified state correctional institution for Ohio prisoners. 2231

Section 6. The amendments to Section 21 of Sub. S.B. 245 of 2233
the 123rd General Assembly that are made in Sections 3 and 4 of 2234
this act eliminate the requirement that the medium/minimum 2235
security prison that is to be constructed under authority of the 2236
\$220,173 appropriation designated in appropriation item CAP-144, 2237

as set forth in Section 21 of Sub. S.B. 245 of the 123rd General 2238
Assembly, and the \$31,527,284 appropriation designated in 2239
appropriation item CAP-144, as set forth in Section 22 of Am. Sub. 2240
S.B. 230 of the 122nd General Assembly, is to be a privatized 2241
prison. In all other regards, the amendments to Section 21 of Sub. 2242
S.B. 245 of the 123rd General Assembly that are made in Sections 3 2243
and 4 of this act do not limit or affect the appropriation for the 2244
construction of a medium/minimum security prison that was so 2245
designated in the amount of \$220,173 in appropriation item CAP-144 2246
of Section 21 of Sub. S.B. 245 of the 123rd General Assembly and 2247
in the amount of \$31,527,284 in appropriation item CAP-144 of 2248
Section 22 of Am. Sub. S.B. 230 of the 122nd General Assembly. 2249
2250

Section 7. Section 2929.13 of the Revised Code is presented 2251
in this act as a composite of the section as amended by Am. H.B. 2252
528, Am. Sub. S.B. 22, Am. Sub. S.B. 107, Am. S.B. 142, and Am. 2253
Sub. S.B. 222 of the 123rd General Assembly. The General Assembly, 2254
applying the principle stated in division (B) of section 1.52 of 2255
the Revised Code that amendments are to be harmonized if 2256
reasonably capable of simultaneous operation, finds that the 2257
composite is the resulting version of the section in effect prior 2258
to the effective date of the section as presented in this act. 2259

Section 8. This act is hereby declared to be an emergency 2260
measure necessary for the immediate preservation of the public 2261
peace, health, and safety. The reason for the necessity is that 2262
immediate action is crucial for the protection of Ohio residents 2263
from potential problems that might arise due to the private 2264
operation of state and local correctional facilities in Ohio. 2265
Therefore, this act shall go into immediate effect. 2266