

# As Introduced

124th General Assembly  
Regular Session  
2001-2002

H. B. No. 510

REPRESENTATIVE Womer Benjamin

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## A BILL

To amend sections 2151.421, 2301.54, 2907.03, 2921.36, 1  
2933.41, 2949.06, 2951.03, 2967.14, 2967.27, 2  
2967.28, 3101.05, 5120.01, 5120.21, 5120.38, 3  
5120.421, 5120.48, 5120.60, 5139.251, 5145.06, 4  
5149.02, 5149.04, 5149.06, 5149.10, and 5149.12 and 5  
to enact section 5145.163 of the Revised Code 6  
relative to the Department of Rehabilitation and 7  
Correction. 8

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

**Section 1.** That sections 2151.421, 2301.54, 2907.03, 2921.36, 9  
2933.41, 2949.06, 2951.03, 2967.14, 2967.27, 2967.28, 3101.05, 10  
5120.01, 5120.21, 5120.38, 5120.421, 5120.48, 5120.60, 5139.251, 11  
5145.06, 5149.02, 5149.04, 5149.06, 5149.10, and 5149.12 be 12  
amended and section 5145.163 of the Revised Code be enacted to 13  
read as follows: 14

**Sec. 2151.421.** (A)(1)(a) No person described in division 15  
(A)(1)(b) of this section who is acting in an official or 16  
professional capacity and knows or suspects that a child under 17  
eighteen years of age or a mentally retarded, developmentally 18  
disabled, or physically impaired child under twenty-one years of 19  
age has suffered or faces a threat of suffering any physical or 20

mental wound, injury, disability, or condition of a nature that 21  
reasonably indicates abuse or neglect of the child, shall fail to 22  
immediately report that knowledge or suspicion to the public 23  
children services agency or a municipal or county peace officer in 24  
the county in which the child resides or in which the abuse or 25  
neglect is occurring or has occurred. Division (A)(1)(a) of this 26  
section does not apply with respect to inmates who are under 27  
eighteen years of age and in the custody of the department of 28  
rehabilitation and correction. A person should report known or 29  
suspected abuse or neglect involving an inmate of this nature to 30  
the state highway patrol in the county in which is located the 31  
state correctional institution in which the inmate is confined. 32

(b) Division (A)(1)(a) of this section applies to any person 33  
who is an attorney; physician, including a hospital intern or 34  
resident; dentist; podiatrist; practitioner of a limited branch of 35  
medicine as specified in section 4731.15 of the Revised Code; 36  
registered nurse; licensed practical nurse; visiting nurse; other 37  
health care professional; licensed psychologist; licensed school 38  
psychologist; speech pathologist or audiologist; coroner; 39  
administrator or employee of a child day-care center; 40  
administrator or employee of a residential camp or child day camp; 41  
administrator or employee of a certified child care agency or 42  
other public or private children services agency; school teacher; 43  
school employee; school authority; person engaged in social work 44  
or the practice of professional counseling; or a person rendering 45  
spiritual treatment through prayer in accordance with the tenets 46  
of a well-recognized religion. 47

(2) An attorney or a physician is not required to make a 48  
report pursuant to division (A)(1) of this section concerning any 49  
communication the attorney or physician receives from a client or 50  
patient in an attorney-client or physician-patient relationship, 51  
if, in accordance with division (A) or (B) of section 2317.02 of 52

the Revised Code, the attorney or physician could not testify with  
respect to that communication in a civil or criminal proceeding,  
except that the client or patient is deemed to have waived any  
testimonial privilege under division (A) or (B) of section 2317.02  
of the Revised Code with respect to that communication and the  
attorney or physician shall make a report pursuant to division  
(A)(1) of this section with respect to that communication, if all  
of the following apply:

(a) The client or patient, at the time of the communication,  
is either a child under eighteen years of age or a mentally  
retarded, developmentally disabled, or physically impaired person  
under twenty-one years of age.

(b) The attorney or physician knows or suspects, as a result  
of the communication or any observations made during that  
communication, that the client or patient has suffered or faces a  
threat of suffering any physical or mental wound, injury,  
disability, or condition of a nature that reasonably indicates  
abuse or neglect of the client or patient.

(c) The attorney-client or physician-patient relationship  
does not arise out of the client's or patient's attempt to have an  
abortion without the notification of her parents, guardian, or  
custodian in accordance with section 2151.85 of the Revised Code.

(B) ~~Anyone~~, When the child or person involved is not in the  
custody of the department of rehabilitation and correction, anyone  
who knows or suspects that a child under eighteen years of age or  
a mentally retarded, developmentally disabled, or physically  
impaired person under twenty-one years of age has suffered or  
faces a threat of suffering any physical or mental wound, injury,  
disability, or other condition of a nature that reasonably  
indicates abuse or neglect of the child, may report or cause  
reports to be made of that knowledge or suspicion to the public  
children services agency or to a municipal or county peace

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officer. A person may report known or suspected abuse or neglect 85  
of an inmate who is under eighteen years of age and in the custody 86  
of the department of rehabilitation and correction to the state 87  
highway patrol. A person making a report of that nature to the 88  
state highway patrol shall make the report in the county in which 89  
is located the state correctional institution in which the inmate 90  
is confined. 91

(C) Any report made pursuant to division (A) or (B) of this 92  
section shall be made forthwith either by telephone or in person 93  
and shall be followed by a written report, if requested by the 94  
receiving agency or officer. The written report shall contain: 95

(1) The names and addresses of the child and the child's 96  
parents or the person or persons having custody of the child, if 97  
known; 98

(2) The child's age and the nature and extent of the child's 99  
known or suspected injuries, abuse, or neglect or of the known or 100  
suspected threat of injury, abuse, or neglect, including any 101  
evidence of previous injuries, abuse, or neglect; 102

(3) Any other information that might be helpful in 103  
establishing the cause of the known or suspected injury, abuse, or 104  
neglect or of the known or suspected threat of injury, abuse, or 105  
neglect. 106

Any person, who is required by division (A) of this section 107  
to report known or suspected child abuse or child neglect, may 108  
take or cause to be taken color photographs of areas of trauma 109  
visible on a child and, if medically indicated, cause to be 110  
performed radiological examinations of the child. 111

(D)(1) Upon the receipt of a report concerning the possible 112  
abuse or neglect of a child or the possible threat of abuse or 113  
neglect of a child, the municipal or county peace officer who 114  
receives the report shall refer the report to the appropriate 115

public children services agency. 116

(2) On receipt of a report pursuant to this division or 117  
division (A) or (B) of this section, the public children services 118  
agency shall comply with section 2151.422 of the Revised Code. 119

(E) No township, municipal, or county peace officer shall 120  
remove a child about whom a report is made pursuant to this 121  
section from the child's parents, stepparents, or guardian or any 122  
other persons having custody of the child without consultation 123  
with the public children services agency, unless, in the judgment 124  
of the officer, and, if the report was made by physician, the 125  
physician, immediate removal is considered essential to protect 126  
the child from further abuse or neglect. The agency that must be 127  
consulted shall be the agency conducting the investigation of the 128  
report as determined pursuant to section 2151.422 of the Revised 129  
Code. 130

(F)(1) Except as provided in section 2151.422 of the Revised 131  
Code, the public children services agency shall investigate, 132  
within twenty-four hours, each report of known or suspected child 133  
abuse or child neglect and of a known or suspected threat of child 134  
abuse or child neglect that is referred to it under this section 135  
to determine the circumstances surrounding the injuries, abuse, or 136  
neglect or the threat of injury, abuse, or neglect, the cause of 137  
the injuries, abuse, neglect, or threat, and the person or persons 138  
responsible. The investigation shall be made in cooperation with 139  
the law enforcement agency and in accordance with the memorandum 140  
of understanding prepared under division (J) of this section. A 141  
failure to make the investigation in accordance with the 142  
memorandum is not grounds for, and shall not result in, the 143  
dismissal of any charges or complaint arising from the report or 144  
the suppression of any evidence obtained as a result of the report 145  
and does not give, and shall not be construed as giving, any 146  
rights or any grounds for appeal or post-conviction relief to any 147

person. The public children services agency shall report each case 148  
to a central registry which the department of job and family 149  
services shall maintain in order to determine whether prior 150  
reports have been made in other counties concerning the child or 151  
other principals in the case. The public children services agency 152  
shall submit a report of its investigation, in writing, to the law 153  
enforcement agency. 154

(2) The public children services agency shall make any 155  
recommendations to the county prosecuting attorney or city 156  
director of law that it considers necessary to protect any 157  
children that are brought to its attention. 158

(G)(1)(a) Except as provided in division (H)(3) of this 159  
section, anyone or any hospital, institution, school, health 160  
department, or agency participating in the making of reports under 161  
division (A) of this section, anyone or any hospital, institution, 162  
school, health department, or agency participating in good faith 163  
in the making of reports under division (B) of this section, and 164  
anyone participating in good faith in a judicial proceeding 165  
resulting from the reports, shall be immune from any civil or 166  
criminal liability for injury, death, or loss to person or 167  
property that otherwise might be incurred or imposed as a result 168  
of the making of the reports or the participation in the judicial 169  
proceeding. 170

(b) Notwithstanding section 4731.22 of the Revised Code, the 171  
physician-patient privilege shall not be a ground for excluding 172  
evidence regarding a child's injuries, abuse, or neglect, or the 173  
cause of the injuries, abuse, or neglect in any judicial 174  
proceeding resulting from a report submitted pursuant to this 175  
section. 176

(2) In any civil or criminal action or proceeding in which it 177  
is alleged and proved that participation in the making of a report 178  
under this section was not in good faith or participation in a 179

judicial proceeding resulting from a report made under this  
section was not in good faith, the court shall award the  
prevailing party reasonable attorney's fees and costs and, if a  
civil action or proceeding is voluntarily dismissed, may award  
reasonable attorney's fees and costs to the party against whom the  
civil action or proceeding is brought.

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(H)(1) Except as provided in divisions (H)(4), (M), and (N)  
of this section, a report made under this section is confidential.  
The information provided in a report made pursuant to this section  
and the name of the person who made the report shall not be  
released for use, and shall not be used, as evidence in any civil  
action or proceeding brought against the person who made the  
report. In a criminal proceeding, the report is admissible in  
evidence in accordance with the Rules of Evidence and is subject  
to discovery in accordance with the Rules of Criminal Procedure.

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(2) No person shall permit or encourage the unauthorized  
dissemination of the contents of any report made under this  
section.

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(3) A person who knowingly makes or causes another person to  
make a false report under division (B) of this section that  
alleges that any person has committed an act or omission that  
resulted in a child being an abused child or a neglected child is  
guilty of a violation of section 2921.14 of the Revised Code.

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(4) If a report is made pursuant to division (A) or (B) of  
this section and the child who is the subject of the report dies  
for any reason at any time after the report is made, but before  
the child attains eighteen years of age, the public children  
services agency or municipal or county peace officer to which the  
report was made or referred, on the request of the child fatality  
review board, shall submit a summary sheet of information  
providing a summary of the report to the review board of the  
county in which the deceased child resided at the time of death.

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On the request of the review board, the agency or peace officer  
may, at its discretion, make the report available to the review  
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(5) A public children services agency shall advise a person  
alleged to have inflicted abuse or neglect on a child who is the  
subject of a report made pursuant to this section in writing of  
the disposition of the investigation. The agency shall not provide  
to the person any information that identifies the person who made  
the report, statements of witnesses, or police or other  
investigative reports. 215  
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(I) Any report that is required by this section shall result  
in protective services and emergency supportive services being  
made available by the public children services agency on behalf of  
the children about whom the report is made, in an effort to  
prevent further neglect or abuse, to enhance their welfare, and,  
whenever possible, to preserve the family unit intact. The agency  
required to provide the services shall be the agency conducting  
the investigation of the report pursuant to section 2151.422 of  
the Revised Code. 222  
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(J)(1) Each public children services agency shall prepare a  
memorandum of understanding that is signed by all of the  
following: 231  
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(a) If there is only one juvenile judge in the county, the  
juvenile judge of the county or the juvenile judge's  
representative; 234  
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(b) If there is more than one juvenile judge in the county, a  
juvenile judge or the juvenile judges' representative selected by  
the juvenile judges or, if they are unable to do so for any  
reason, the juvenile judge who is senior in point of service or  
the senior juvenile judge's representative; 237  
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(c) The county peace officer; 242

(d) All chief municipal peace officers within the county;	243
(e) Other law enforcement officers handling child abuse and neglect cases in the county;	244 245
(f) The prosecuting attorney of the county;	246
(g) If the public children services agency is not the county department of job and family services, the county department of job and family services.	247 248 249
(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.	250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268
(3) A memorandum of understanding shall include all of the following:	269 270
(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;	271 272
(b) Standards and procedures to be used in handling and	273

coordinating investigations of reported cases of child abuse and 274  
reported cases of child neglect, methods to be used in 275  
interviewing the child who is the subject of the report and who 276  
allegedly was abused or neglected, and standards and procedures 277  
addressing the categories of persons who may interview the child 278  
who is the subject of the report and who allegedly was abused or 279  
neglected. 280

(K)(1) Except as provided in division (K)(4) of this section, 281  
a person who is required to make a report pursuant to division (A) 282  
of this section may make a reasonable number of requests of the 283  
public children services agency that receives or is referred the 284  
report to be provided with the following information: 285  
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(a) Whether the agency has initiated an investigation of the 287  
report; 288

(b) Whether the agency is continuing to investigate the 289  
report; 290

(c) Whether the agency is otherwise involved with the child 291  
who is the subject of the report; 292

(d) The general status of the health and safety of the child 293  
who is the subject of the report; 294

(e) Whether the report has resulted in the filing of a 295  
complaint in juvenile court or of criminal charges in another 296  
court. 297

(2) A person may request the information specified in 298  
division (K)(1) of this section only if, at the time the report is 299  
made, the person's name, address, and telephone number are 300  
provided to the person who receives the report. 301

When a municipal or county peace officer or employee of a 302  
public children services agency receives a report pursuant to 303

division (A) or (B) of this section the recipient of the report  
shall inform the person of the right to request the information  
described in division (K)(1) of this section. The recipient of the  
report shall include in the initial child abuse or child neglect  
report that the person making the report was so informed and, if  
provided at the time of the making of the report, shall include  
the person's name, address, and telephone number in the report.

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Each request is subject to verification of the identity of  
the person making the report. If that person's identity is  
verified, the agency shall provide the person with the information  
described in division (K)(1) of this section a reasonable number  
of times, except that the agency shall not disclose any  
confidential information regarding the child who is the subject of  
the report other than the information described in those  
divisions.

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(3) A request made pursuant to division (K)(1) of this  
section is not a substitute for any report required to be made  
pursuant to division (A) of this section.

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(4) If an agency other than the agency that received or was  
referred the report is conducting the investigation of the report  
pursuant to section 2151.422 of the Revised Code, the agency  
conducting the investigation shall comply with the requirements of  
division (K) of this section.

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(L) The director of job and family services shall adopt rules  
in accordance with Chapter 119. of the Revised Code to implement  
this section. The department of job and family services may enter  
into a plan of cooperation with any other governmental entity to  
aid in ensuring that children are protected from abuse and  
neglect. The department shall make recommendations to the attorney  
general that the department determines are necessary to protect  
children from child abuse and child neglect.

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(M) No later than the end of the day following the day on 336  
which a public children services agency receives a report of 337  
alleged child abuse or child neglect, or a report of an alleged 338  
threat of child abuse or child neglect, that allegedly occurred in 339  
or involved an out-of-home care entity, the agency shall provide 340  
written notice of the allegations contained in and the person 341  
named as the alleged perpetrator in the report to the 342  
administrator, director, or other chief administrative officer of 343  
the out-of-home care entity that is the subject of the report 344  
unless the administrator, director, or other chief administrative 345  
officer is named as an alleged perpetrator in the report. If the 346  
administrator, director, or other chief administrative officer of 347  
an out-of-home care entity is named as an alleged perpetrator in a 348  
report of alleged child abuse or child neglect, or a report of an 349  
alleged threat of child abuse or child neglect, that allegedly 350  
occurred in or involved the out-of-home care entity, the agency 351  
shall provide the written notice to the owner or governing board 352  
of the out-of-home care entity that is the subject of the report. 353  
The agency shall not provide witness statements or police or other 354  
investigative reports. 355

(N) No later than three days after the day on which a public 356  
children services agency that conducted the investigation as 357  
determined pursuant to section 2151.422 of the Revised Code makes 358  
a disposition of an investigation involving a report of alleged 359  
child abuse or child neglect, or a report of an alleged threat of 360  
child abuse or child neglect, that allegedly occurred in or 361  
involved an out-of-home care entity, the agency shall send written 362  
notice of the disposition of the investigation to the 363  
administrator, director, or other chief administrative officer and 364  
the owner or governing board of the out-of-home care entity. The 365  
agency shall not provide witness statements or police or other 366  
investigative reports. 367

**Sec. 2301.54.** Each citizens advisory board appointed under 368  
section 2301.53 of the Revised Code shall do all of the following, 369  
for each community-based correctional facility and program or 370  
district community-based correctional facility and program that 371  
was contained in a proposal submitted by the judicial corrections 372  
board that appointed it and that was approved by the ~~section on~~ 373  
~~probation development and supervision of the adult parole~~ 374  
~~authority~~ division of parole and community services: 375

(A) Recommend physical facilities for the use and operation 376  
of the facility and program; 377

(B) Provide community relations services for the facility and 378  
program; 379

(C) Regularly conduct public meetings in the communities that 380  
are served by the facility and program, accept recommendations 381  
from the public that are offered at the meetings and that relate 382  
to the operation of the facility and program, and refer the 383  
recommendations to the judicial corrections board; 384

(D) Encourage the provision of community services by persons, 385  
agencies, organizations, or groups in the area served by the 386  
facility and program, and seek out persons, agencies, 387  
organizations, or groups to provide community services, to the 388  
facility and program; 389

(E) Perform other duties relating to the operation of the 390  
facility and program that are prescribed by the judicial 391  
corrections board. 392

**Sec. 2907.03.** (A) No person shall engage in sexual conduct 393  
with another, not the spouse of the offender, when any of the 394  
following apply: 395

(1) The offender knowingly coerces the other person to submit 396

by any means that would prevent resistance by a person of ordinary  
resolution. 397  
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(2) The offender knows that the other person's ability to 399  
appraise the nature of or control the other person's own conduct 400  
is substantially impaired. 401

(3) The offender knows that the other person submits because 402  
the other person is unaware that the act is being committed. 403

(4) The offender knows that the other person submits because 404  
the other person mistakenly identifies the offender as the other 405  
person's spouse. 406

(5) The offender is the other person's natural or adoptive 407  
parent, or a stepparent, or guardian, custodian, or person in loco 408  
parentis of the other person. 409

(6) The other person is in custody of law or a patient in a 410  
hospital or other institution, and the offender has supervisory or 411  
disciplinary authority over the other person. 412

(7) The offender is a teacher, administrator, coach, or other 413  
person in authority employed by or serving in a school for which 414  
the state board of education prescribes minimum standards pursuant 415  
to division (D) of section 3301.07 of the Revised Code, the other 416  
person is enrolled in or attends that school, and the offender is 417  
not enrolled in and does not attend that school. 418

(8) The other person is a minor, the offender is a teacher, 419  
administrator, coach, or other person in authority employed by or 420  
serving in an institution of higher education, and the other 421  
person is enrolled in or attends that institution. 422

(9) The other person is a minor, and the offender is the 423  
other person's athletic or other type of coach, is the other 424  
person's instructor, is the leader of a scouting troop of which 425  
the other person is a member, or is a person with temporary or 426

occasional disciplinary control over the other person. 427

(10) The other person is confined in a detention facility, 428  
and the offender is an employee of that detention facility. 429

(B) Whoever violates this section is guilty of sexual 430  
battery, a felony of the third degree. 431

(C) As used in this section, "institution of higher 432  
education" means a state institution of higher education defined 433  
in section 3345.011 of the Revised Code, a private nonprofit 434  
college or university located in this state that possesses a 435  
certificate of authorization issued by the Ohio board of regents 436  
pursuant to Chapter 1713. of the Revised Code, or a school 437  
certified under Chapter 3332. of the Revised Code. 438

**Sec. 2921.36.** (A) No person shall knowingly convey, or 439  
attempt to convey, onto the grounds of a detention facility or of 440  
an institution that is under the control of the department of 441  
mental health or the department of mental retardation and 442  
developmental disabilities, any of the following items: 443

(1) Any deadly weapon or dangerous ordnance, as defined in 444  
section 2923.11 of the Revised Code, or any part of or ammunition 445  
for use in such a deadly weapon or dangerous ordnance; 446

(2) Any drug of abuse, as defined in section 3719.011 of the 447  
Revised Code; 448

(3) Any intoxicating liquor, as defined in section 4301.01 of 449  
the Revised Code. 450

(B) Division (A) of this section does not apply to any person 451  
who conveys or attempts to convey an item onto the grounds of a 452  
detention facility or of an institution under the control of the 453  
department of mental health or the department of mental 454  
retardation and developmental disabilities pursuant to the written 455  
authorization of the person in charge of the detention facility or 456

the institution and in accordance with the written rules of the  
detention facility or the institution.

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

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

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(E) No person shall knowingly deliver, or attempt to deliver,  
to any person who is confined in a detention facility a cellular  
telephone, two-way radio, or other electronic communications  
device.

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

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

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

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(b) The actor was given written authorization by the person

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in charge of the detention facility or the institution to deliver  
the item to the confined person or the patient.

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

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(2) Whoever violates division (A)(2) of this section or  
commits a violation of division (C) of this section involving any  
drug of abuse is guilty of illegal conveyance of drugs of abuse  
onto the grounds of a detention facility or a mental health or  
mental retardation and developmental disabilities institution, a  
felony of the third degree. If the offender is an officer or  
employee of the department of rehabilitation and correction or of  
the department of youth services, the court shall impose a  
mandatory prison term.

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

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

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degree.

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(5) Whoever violates division (E) of this section is guilty of illegal conveyance of a communications device onto the grounds of a detention facility, a misdemeanor of the first degree, or if the offender previously has been convicted of or pleaded guilty to a violation of division (E) of this section, a felony of the fifth degree.

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**Sec. 2933.41.** (A)(1) Any property, other than contraband that is subject to the provisions of section 2913.34 or 2933.43 of the Revised Code, other than property that is subject to section 3719.141 of the Revised Code, other than property that is forfeited under sections 2923.44 to 2923.47 or 2925.41 to 2925.45 of the Revised Code, other than a vehicle that is criminally forfeited under an order issued under section 4503.233 or 4503.234 of the Revised Code and that is to be disposed of under section 4503.234 of the Revised Code, other than property that has been lawfully seized under sections 2933.71 to 2933.75 of the Revised Code in relation to a medicaid fraud offense, and other than property that has been lawfully seized in relation to a violation of section 2923.32 of the Revised Code, that has been lost, abandoned, stolen, seized pursuant to a search warrant, or otherwise lawfully seized or forfeited, and that is in the custody of a law enforcement agency shall be kept safely pending the time it no longer is needed as evidence and shall be disposed of pursuant to this section. Each law enforcement agency that has custody of any property that is subject to this section shall adopt a written internal control policy that addresses the keeping of detailed records as to the amount of property taken in by the agency, that addresses the agency's disposition of the property under this section, that provides for the keeping of detailed records of the disposition of the property, and that provides for the keeping of detailed financial records of the amount and

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disposition of any proceeds of a sale of the property under 552  
division (D)(8) of this section and of the general types of 553  
expenditures made out of the proceeds retained by the agency and 554  
the specific amount expended on each general type of expenditure. 555  
The policy shall not provide for or permit the identification of 556  
any specific expenditure that is made in an ongoing investigation. 557  
The policy is a public record open for inspection under section 558  
149.43 of the Revised Code. 559

(2)(a) Every law enforcement agency that has any lost, 560  
abandoned, stolen, seized, or forfeited property as described in 561  
division (A)(1) of this section in its custody shall comply with 562  
its written internal control policy adopted under that division 563  
relative to the property. Each agency that has any such property 564  
in its custody, except for property to be disposed of under 565  
division (D)(4) of this section, shall maintain an accurate 566  
record, in accordance with its written internal control policy, of 567  
each item of the property. The record shall include the date on 568  
which each item of property came into the agency's custody, the 569  
manner in which it was disposed of, the date of its disposition, 570  
the name of the person who received the property if it was not 571  
destroyed, and all other information required by the agency's 572  
written internal control policy; however, the record shall not 573  
identify or enable the identification of the individual officer 574  
who seized any item of property. The record of any property that 575  
no longer is needed as evidence, and all financial records of the 576  
amount and disposition of any proceeds of a sale under division 577  
(D)(8) of this section and of the general types of expenditures 578  
made out of the proceeds retained by the agency and the specific 579  
amount of each general type of expenditure, shall be open to 580  
public inspection during the agency's regular business hours. 581

Each law enforcement agency that, during any calendar year, 582  
has any seized or forfeited property as described in division 583

(A)(1) of this section in its custody shall prepare a report 584  
covering the calendar year that cumulates all of the information 585  
contained in all of the records kept by the agency pursuant to 586  
this division for that calendar year and shall send a copy of the 587  
cumulative report, no later than the first day of March in the 588  
calendar year following the calendar year covered by the report, 589  
to the attorney general. Each report received by the attorney 590  
general is a public record open for inspection under section 591  
149.43 of the Revised Code. 592

(b) Each law enforcement agency that receives in any calendar 593  
year any proceeds of a sale under division (D)(8) of this section 594  
shall prepare a report covering the calendar year that cumulates 595  
all of the information contained in all of the public financial 596  
records kept by the agency pursuant to division (D)(2)(a) of this 597  
section for that calendar year and shall send a copy of the 598  
cumulative report, no later than the first day of March in the 599  
calendar year following the calendar year covered by the report, 600  
to the attorney general. Each report received by the attorney 601  
general is a public record open for inspection under section 602  
149.43 of the Revised Code. 603

(c) Not later than the fifteenth day of April in the calendar 604  
year in which reports are sent to the attorney general under 605  
divisions (A)(2)(a) and (b) of this section, the attorney general 606  
shall send to the president of the senate and the speaker of the 607  
house of representatives a written notification that does all of 608  
the following: 609

(i) Indicates that the attorney general has received from law 610  
enforcement agencies reports of the type described in division 611  
(A)(2)(a), (A)(2)(b), or both (A)(2)(a) and (b) of this section, 612  
whichever is applicable, that cover the previous calendar year and 613  
indicates that the reports were received under division (A)(2)(a), 614  
(A)(2)(b), or both (A)(2)(a) and (b) of this section, whichever is 615

applicable;

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(ii) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;

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(iii) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.

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(B) A law enforcement agency that has property in its possession that is required to be disposed of pursuant to this section shall make a reasonable effort to locate the persons entitled to possession of the property in its custody, to notify them of when and where it may be claimed, and to return the property to them at the earliest possible time. In the absence of evidence identifying persons entitled to possession, it is sufficient notice to advertise in a newspaper of general circulation in the county, briefly describing the nature of the property in custody and inviting persons to view and establish their right to it.

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(C) A person loses any right that the person may have to the possession, or the possession and ownership, of property if any of the following applies:

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(1) The property was the subject, or was used in a conspiracy or attempt to commit, or in the commission, of an offense other than a traffic offense, and the person is a conspirator, accomplice, or offender with respect to the offense.

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(2) A court determines that the property should be forfeited because, in light of the nature of the property or the circumstances of the person, it is unlawful for the person to acquire or possess the property.

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(D) Unclaimed or forfeited property in the custody of a law enforcement agency, other than contraband that is subject to the provisions of section 2913.34 or 2933.43 of the Revised Code,

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other than property forfeited under sections 2923.44 to 2923.47 or 647  
2925.41 to 2925.45 of the Revised Code, and other than property 648  
that has been lawfully seized in relation to a violation of 649  
section 2923.32 of the Revised Code, shall be disposed of on 650  
application to and order of any court of record that has 651  
territorial jurisdiction over the political subdivision in which 652  
the law enforcement agency has jurisdiction to engage in law 653  
enforcement activities, as follows: 654

(1) Drugs shall be disposed of pursuant to section 3719.11 of 655  
the Revised Code or placed in the custody of the secretary of the 656  
treasury of the United States for disposal or use for medical or 657  
scientific purposes under applicable federal law. 658

(2) Firearms and dangerous ordnance suitable for police work 659  
may be given to a law enforcement agency for that purpose. 660  
Firearms suitable for sporting use or as museum pieces or 661  
collectors' items may be sold at public auction pursuant to 662  
division (D)(8) of this section. Other firearms and dangerous 663  
ordnance shall be destroyed by the agency or shall be sent to the 664  
bureau of criminal identification and investigation for 665  
destruction by the bureau. 666

(3) Obscene materials shall be destroyed. 667

(4) Beer, intoxicating liquor, or alcohol seized from a 668  
person who is not the holder of a permit issued under Chapters 669  
4301. and 4303. of the Revised Code or is an offender and 670  
forfeited to the state under section 4301.45 or 4301.53 of the 671  
Revised Code either shall be sold by the division of liquor 672  
control, if the division determines that the beer, intoxicating 673  
liquor, or alcohol is fit for sale, or shall be placed in the 674  
custody of the investigations unit in the department of public 675  
safety and be used for training relating to law enforcement 676  
activities. The department, with the assistance of the division of 677  
liquor control, shall adopt rules in accordance with Chapter 119. 678

of the Revised Code to provide for the distribution of such beer,  
intoxicating liquor, or alcohol to state or local law enforcement  
agencies upon their request. If any tax imposed under Title XLIII  
of the Revised Code has not been paid in relation to the beer,  
intoxicating liquor, or alcohol, the proceeds of the sale shall  
first be used to pay the tax. All other money collected under  
division (D)(4) of this section shall be paid into the state  
treasury. Any such beer, intoxicating liquor, or alcohol that the  
division determines to be unfit for sale shall be destroyed.

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(5) Money received by an inmate of a correctional institution  
from an unauthorized source or in an unauthorized manner shall be  
returned to the sender, if known, or deposited in the inmates'  
industrial and entertainment fund if the sender is not known.

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(6) Vehicles and vehicle parts forfeited under sections  
4549.61 to 4549.63 of the Revised Code may be given to a law  
enforcement agency for use in the performance of its duties. Those  
parts may be incorporated into any other official vehicle. Parts  
that do not bear vehicle identification numbers or derivatives of  
them may be sold or disposed of as provided by rules of the  
director of public safety. Parts from which a vehicle  
identification number or derivative of it has been removed,  
defaced, covered, altered, or destroyed and that are not suitable  
for police work or incorporation into an official vehicle shall be  
destroyed and sold as junk or scrap.

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(7)(a) Computers, computer networks, computer systems, and  
computer software suitable for police work may be given to a law  
enforcement agency for that purpose. Other computers, computer  
networks, computer systems, and computer software shall be  
disposed of pursuant to division (D)(8) of this section.

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(b) As used in this section, "computers," "computer

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networks," "computer systems," and "computer software" have the same meanings as in section 2913.01 of the Revised Code.

(8) Other unclaimed or forfeited property, including personal property that is abandoned or relinquished by an inmate of a state correctional institution, with the approval of the court, may be used by the law enforcement agency that has possession of it. If the other unclaimed or forfeited property is not used by the law enforcement agency, it may be sold, without appraisal, at a public auction to the highest bidder for cash, or, in the case of other unclaimed or forfeited moneys, disposed of in another manner that the court considers proper in the circumstances.

(E)(1)(a) If the property was in the possession of the law enforcement agency in relation to a delinquent child proceeding in a juvenile court, ten per cent of the proceeds from property disposed of pursuant to this section shall be applied to one or more alcohol and drug addiction treatment programs that are certified by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code and that are specified by the court in its order issued under division (D) of this section. A juvenile court shall not specify an alcohol or drug addiction treatment program in the order unless the program is a certified alcohol and drug addiction treatment program and, except as provided in division (E)(1)(a) of this section, unless the program is located in the county in which the court that issues the orders is located or in a contiguous county. If no certified alcohol and drug addiction treatment program is located in any of those counties, the juvenile court may specify in the order a certified alcohol and drug addiction treatment program located anywhere within this state. The remaining ninety per cent of the proceeds shall be applied as provided in division (E)(1)(b) of this section.

If the property was in the possession of the law enforcement agency other than in relation to a delinquent child proceeding in a juvenile court, all of the proceeds from property disposed of pursuant to this section shall be applied as provided in division (E)(1)(b) of this section.

(b) Except as provided in divisions (D)(4), (5), and (E)(2) of this section and after compliance with division (E)(1)(a) of this section when that division is applicable, the proceeds from property disposed of pursuant to this section shall be placed in the general fund of the state, the county, the township, or the municipal corporation, of which the law enforcement agency involved is an agency.

(2) Each board of county commissioners that recognizes a citizens' reward program as provided in section 9.92 of the Revised Code shall notify each law enforcement agency of that county and each law enforcement agency of a township or municipal corporation wholly located in that county of the official recognition of the citizens' reward program by filing a copy of its resolution conferring that recognition with each of those law enforcement agencies. When the board of county commissioners of a county recognizes a citizens' reward program and the county includes a part, but not all, of the territory of a municipal corporation, the board shall so notify the law enforcement agency of that municipal corporation of the official recognition of the citizens' reward program only if the county contains the highest percentage of the municipal corporation's population. Upon receipt of a notice described in this division, each law enforcement agency shall pay twenty-five per cent of the proceeds from each sale of property disposed of pursuant to this section to the citizens' reward program for use exclusively for the payment of rewards. No part of those funds may be used to pay for the administrative expenses or any other expenses associated with a

citizens' reward program. If a citizens' reward program that  
operates in more than one county or in another state or states in  
addition to this state receives funds pursuant to this section,  
the funds shall be used to pay rewards only for tips and  
information to law enforcement agencies concerning felonies,  
offenses of violence, or misdemeanors that have been committed in  
the county from which the funds were received.

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(F) This section does not apply to the collection, storage,  
or disposal of abandoned junk motor vehicles. This section shall  
not be construed to rescind or restrict the authority of a  
municipal law enforcement agency to keep and dispose of lost,  
abandoned, stolen, seized, or forfeited property under an  
ordinance of the municipal corporation or under sections 737.29 to  
737.33 of the Revised Code, provided that, when a municipal  
corporation that has received notice as provided in division  
(E)(2) of this section disposes of property under an ordinance, it  
shall pay twenty-five per cent of the proceeds from any sale or  
auction to the citizens' reward program as provided under that  
division.

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(G) The receipt of funds by a citizens' reward program  
pursuant to division (E) of this section does not make it a  
governmental unit for purposes of section 149.43 of the Revised  
Code and does not subject it to the disclosure provisions of that  
section.

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(H) This section does not apply to the disposal of stolen or  
other property recovered by township law enforcement agencies  
pursuant to sections 505.105 to 505.109 of the Revised Code.

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(I)(1) Subject to divisions (D)(1) to (7) of this section,  
and otherwise notwithstanding the provisions of this section,  
personal property that is subject to this section and that is  
abandoned or relinquished by an inmate of a state correctional  
institution may be sold, destroyed, or used by order of the warden

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of the institution, if either of the following apply: 807

(a) The value of the item is one hundred dollars or less, the 808  
state correctional institution has attempted to contact or 809  
identify the owner of the personal property, and those attempts 810  
have been unsuccessful. 811

(b) The inmate who owns the personal property agrees in 812  
writing to the disposal of the personal property in question. 813

(2) The department of rehabilitation and correction shall 814  
record the seizure and disposition of any personal property 815  
pursuant to division (I)(1) of this section, any attempts to 816  
contact or identify the owner of the personal property pursuant to 817  
division (I)(1)(a) of this section, and any agreement made 818  
pursuant to division (I)(1)(b) of this section. 819

(J) For purposes of this section, "law enforcement agency" 820  
includes correctional institutions, and "citizens' reward program" 821  
has the same meaning as in section 9.92 of the Revised Code. As 822  
used in division (H) of this section, "township law enforcement 823  
agencies" means an organized police department of a township, a 824  
township police district, a joint township police district, or the 825  
office of a township constable. 826

**Sec. 2949.06.** (A) If a person escapes after sentence and 827  
before confinement in a state correctional institution or jail, 828  
the clerk of the trial court, upon application of the prosecuting 829  
attorney or by order of the court, shall issue a warrant stating 830  
the conviction and sentence and commanding the sheriff to pursue 831  
the person into any county of this state. The sheriff shall take 832  
into custody the person so escaping and shall make return of the 833  
warrant to the court if it is in session, and if it is not in 834  
session ~~he~~ the sheriff shall commit the accused to the jail of the 835  
county and bring ~~him~~ the accused before the court at the next 836  
session of the court. The court shall set aside the former 837

sentence and again pronounce judgment upon the verdict. 838

(B) If a prisoner has been confined in a state correctional 839  
institution and is subsequently released prior to the lawful end 840  
of the term of imprisonment or prison term, whether by error, 841  
inadvertence, fraud, or any other cause, the warden of the state 842  
correctional institution shall make this fact known to a judge of 843  
the court of common pleas of the county in which the correctional 844  
institution is located or the county in which the prisoner was 845  
convicted of the offense for which the prisoner was confined. The 846  
warden shall provide the court with copies of the commitment 847  
documents and documentation of the release date. The judge shall 848  
issue a warrant stating the conviction and the sentence and 849  
commanding the sheriff to apprehend the prisoner in any county of 850  
the state. The sheriff shall take the prisoner into custody and 851  
return the warrant to the court if it is in session. If it is not 852  
in session, the sheriff shall commit the prisoner to the jail of 853  
the county and bring the prisoner before the court at the next 854  
session of the court. The court shall verify the identity of the 855  
prisoner and the fact of premature release from confinement. Upon 856  
being satisfied with these facts, the court shall remand the 857  
prisoner to the custody of the department of rehabilitation and 858  
correction for service of the remainder of the term of 859  
imprisonment or prison term. 860

**Sec. 2951.03.** (A)(1) No person who has been convicted of or 861  
pleaded guilty to a felony shall be placed under a community 862  
control sanction until a written presentence investigation report 863  
has been considered by the court. If a court orders the 864  
preparation of a presentence investigation report pursuant to this 865  
section, section 2947.06 of the Revised Code, or Criminal Rule 866  
32.2, the officer making the report shall inquire into the 867  
circumstances of the offense and the criminal record, social 868  
history, and present condition of the defendant and any other 869

matters specified in Criminal Rule 32.2. Whenever the officer 870  
considers it advisable, the officer's investigation may include a 871  
physical and mental examination of the defendant. A physical 872  
examination of the defendant may include a drug test consisting of 873  
a chemical analysis of a blood or urine specimen of the defendant 874  
to determine whether the defendant ingested or was injected with a 875  
drug of abuse. If, pursuant to section 2930.13 of the Revised 876  
Code, the victim of the offense of which the defendant has been 877  
convicted wishes to make a statement regarding the impact of the 878  
offense for the officer's use in preparing the presentence 879  
investigation report, the officer shall comply with the 880  
requirements of that section. 881

(2) If a defendant is committed to any institution, the 882  
presentence investigation report shall be sent to the institution 883  
with the entry of commitment. If a defendant is committed to any 884  
institution and a presentence investigation report is not prepared 885  
regarding that defendant pursuant to this section, section 2947.06 886  
of the Revised Code, or Criminal Rule 32.2, the director of the 887  
department of rehabilitation and correction or the director's 888  
designee may order that an offender background investigation and 889  
report be conducted and prepared regarding the defendant pursuant 890  
to section 5120.16 of the Revised Code. An offender background 891  
investigation report prepared pursuant to this section shall be 892  
considered confidential information and is not a public record 893  
under section 149.43 of the Revised Code. 894

(3) The department of rehabilitation and correction may use 895  
any presentence investigation report and any offender background 896  
investigation report prepared pursuant to this section for 897  
penological and rehabilitative purposes. As needed to permit 898  
programming and treatment, the department may disclose any 899  
presentence investigation report and any offender background 900  
investigation report to courts, law enforcement agencies, 901

community-based correctional facilities, halfway houses, and 902  
medical, mental health, and substance abuse treatment providers. 903  
The department shall make the disclosure in a manner calculated to 904  
maintain the report's confidentiality. 905

(B)(1) If a presentence investigation report is prepared 906  
pursuant to this section, section 2947.06 of the Revised Code, or 907  
Criminal Rule 32.2, the court, at a reasonable time before 908  
imposing sentence, shall permit the defendant or the defendant's 909  
counsel to read the report, except that the court shall not permit 910  
the defendant or the defendant's counsel to read any of the 911  
following: 912

(a) Any recommendation as to sentence; 913

(b) Any diagnostic opinions that, if disclosed, the court 914  
believes might seriously disrupt a program of rehabilitation for 915  
the defendant; 916

(c) Any sources of information obtained upon a promise of 917  
confidentiality; 918

(d) Any other information that, if disclosed, the court 919  
believes might result in physical harm or some other type of harm 920  
to the defendant or to any other person. 921

(2) Prior to sentencing, the court shall permit the defendant 922  
and the defendant's counsel to comment on the presentence 923  
investigation report and, in its discretion, may permit the 924  
defendant and the defendant's counsel to introduce testimony or 925  
other information that relates to any alleged factual inaccuracy 926  
contained in the report. 927

(3) If the court believes that any information in the 928  
presentence investigation report should not be disclosed pursuant 929  
to division (B)(1) of this section, the court, in lieu of making 930  
the report or any part of the report available, shall state orally 931  
or in writing a summary of the factual information contained in 932

the report that will be relied upon in determining the defendant's sentence. The court shall permit the defendant and the defendant's counsel to comment upon the oral or written summary of the report.

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

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

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(a) Make a finding as to the allegation;

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

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(C) A court's decision as to the content of a summary under division (B)(3) of this section or as to the withholding of information under division (B)(1)(a), (b), (c), or (d) of this section shall be considered to be within the discretion of the court. No appeal can be taken from either of those decisions, and neither of those decisions shall be the basis for a reversal of the sentence imposed.

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(D)(1) The contents of a presentence investigation report prepared pursuant to this section, section 2947.06 of the Revised Code, or Criminal Rule 32.2 and the contents of any written or oral summary of a presentence investigation report or of a part of a presentence investigation report described in division (B)(3) of this section are confidential information and are not a public

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record. The court, an appellate court, authorized probation 964  
officers, investigators, and court personnel, the defendant, the 965  
defendant's counsel, the prosecutor who is handling the 966  
prosecution of the case against the defendant, and authorized 967  
personnel of an institution to which the defendant is committed 968  
may inspect, receive copies of, retain copies of, and use a 969  
presentence investigation report or a written or oral summary of a 970  
presentence investigation only for the purposes of or only as 971  
authorized by Criminal Rule 32.2 or this section, division (F)(1) 972  
of section 2953.08, section 2947.06, or another section of the 973  
Revised Code. 974

(2) Immediately following the imposition of sentence upon the 975  
defendant, the defendant or the defendant's counsel and the 976  
prosecutor shall return to the court all copies of a presentence 977  
investigation report and of any written summary of a presentence 978  
investigation report or part of a presentence investigation report 979  
that the court made available to the defendant or the defendant's 980  
counsel and to the prosecutor pursuant to this section. The 981  
defendant or the defendant's counsel and the prosecutor shall not 982  
make any copies of the presentence investigation report or of any 983  
written summary of a presentence investigation report or part of a 984  
presentence investigation report that the court made available to 985  
them pursuant to this section. 986

(3) Except when a presentence investigation report or a 987  
written or oral summary of a presentence investigation report is 988  
being used for the purposes of or as authorized by Criminal Rule 989  
32.2 or this section, division (F)(1) of section 2953.08, section 990  
2947.06, or another section of the Revised Code, the court or 991  
other authorized holder of the report or summary shall retain the 992  
report or summary under seal. 993

(E) As used in this section: 994

(1) "Prosecutor" has the same meaning as in section 2935.01 995

of the Revised Code.	996
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	997 998
(3) "Public record" has the same meaning as in section 149.43 of the Revised Code.	999 1000
<b>Sec. 2967.14.</b> (A) The adult parole authority may require a parolee or releasee to reside in a halfway house or other suitable community residential center that has been licensed by the division of parole and community services pursuant to division (C) of this section during a part or for the entire period of the parolee's conditional release or of the releasee's term of post-release control. The court of common pleas that placed an offender under a sanction consisting of a term in a halfway house or in an alternative residential sanction may require the offender to reside in a halfway house or other suitable community residential center that is designated by the court and that has been licensed by the division pursuant to division (C) of this section during a part or for the entire period of the offender's residential sanction.	1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014
(B) The division of parole and community services may <u>negotiate and</u> enter into agreements with any public or private agency or a department or political subdivision of the state that operates a halfway house or community residential center that has been licensed by the division pursuant to division (C) of this section. An agreement under this division shall provide for <del>housing, supervision, and other services that are required for persons who have been assigned to a halfway house or community residential center, including parolees, releasees, persons placed under a residential sanction, persons under transitional control, and other eligible offenders</del> <u>the purchase of beds, shall set limits of supervision and levels of occupancy, and shall determine</u>	1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026

the scope of services for all eligible offenders, including those 1027  
subject to a residential sanction, as defined in rules adopted by 1028  
the director of rehabilitation and correction in accordance with 1029  
Chapter 119. of the Revised Code. ~~An agreement under this division~~ 1030  
~~shall provide for per diem payments to the agency, department, or~~ 1031  
~~political subdivision on behalf of each parolee and releasee~~ 1032  
~~assigned to and each person placed under a residential sanction in~~ 1033  
~~a halfway house or community residential center that is operated~~ 1034  
~~by the agency, department, or political subdivision and that has~~ 1035  
~~been licensed by the division. The per diem payments for beds and~~ 1036  
services shall be equal to the halfway house's or community 1037  
residential center's average daily per capita costs with its 1038  
facility at full occupancy. The ~~per diem payments for beds and~~ 1039  
services shall not exceed the total operating costs of the halfway 1040  
house or community residential center during the term of an 1041  
agreement. The director of rehabilitation and correction shall 1042  
adopt rules in accordance with Chapter 119. of the Revised Code 1043  
for determining includable and excludable costs and income to be 1044  
used in computing the agency's average daily per capita costs with 1045  
its facility at full occupancy. 1046

The department of rehabilitation and correction may use a 1047  
~~portion no more than ten per cent~~ of the amount appropriated to 1048  
the department each fiscal year for the halfway house and 1049  
community residential center program to pay for contracts for 1050  
nonresidential services for offenders under the supervision of the 1051  
adult parole authority. The nonresidential services may include, 1052  
but are not limited to, ~~treatment for program administration,~~ 1053  
substance abuse services, mental health ~~counseling~~ services, and 1054  
~~counseling~~ services for sex offenders, medication, offender 1055  
transportation, electronic monitoring, and community justice 1056  
initiatives. 1057

(C) The division of parole and community services may license 1058

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

**Sec. 2967.27.** (A)(1) The department of rehabilitation and  
correction may grant escorted visits to prisoners confined in any  
state correctional facility for the limited purpose of visiting a  
~~dying~~ relative in imminent danger of death or ~~attending the~~  
~~funeral of a~~ having a private viewing of the body of a deceased  
relative.

(2) Prior to granting any prisoner an escorted visit for the  
limited purpose of visiting a dying relative or attending the  
funeral of a relative under this section, the department shall  
notify its office of victims' services so that the office may  
provide assistance to any victim or victims of the offense  
committed by the prisoner and to members of the family of the  
victim.

(B) The department of rehabilitation and correction shall  
adopt rules for the granting of escorted visits under this section  
and for supervising prisoners on an escorted visit.

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

(D) The procedure for granting an escorted visit under this

section is separate from, and independent of, the transitional 1090  
control program described in section 2967.26 of the Revised Code. 1091

**Sec. 2967.28.** (A) As used in this section: 1092

(1) "Monitored time" means the monitored time sanction 1093  
specified in section 2929.17 of the Revised Code. 1094

(2) "Deadly weapon" and "dangerous ordnance" have the same 1095  
meanings as in section 2923.11 of the Revised Code. 1096

(3) "Felony sex offense" means a violation of a section 1097  
contained in Chapter 2907. of the Revised Code that is a felony. 1098

(B) Each sentence to a prison term for a felony of the first 1099  
degree, for a felony of the second degree, for a felony sex 1100  
offense, or for a felony of the third degree that is not a felony 1101  
sex offense and in the commission of which the offender caused or 1102  
threatened to cause physical harm to a person shall include a 1103  
requirement that the offender be subject to a period of 1104  
post-release control imposed by the parole board after the 1105  
offender's release from imprisonment. Unless reduced by the parole 1106  
board pursuant to division (D) of this section when authorized 1107  
under that division, a period of post-release control required by 1108  
this division for an offender shall be of one of the following 1109  
periods: 1110

(1) For a felony of the first degree or for a felony sex 1111  
offense, five years; 1112

(2) For a felony of the second degree that is not a felony 1113  
sex offense, three years; 1114

(3) For a felony of the third degree that is not a felony sex 1115  
offense and in the commission of which the offender caused or 1116  
threatened physical harm to a person, three years. 1117

(C) Any sentence to a prison term for a felony of the third, 1118

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

(D)(1) Before the prisoner is released from imprisonment, the  
parole board shall impose upon a prisoner described in division  
(B) of this section, may impose upon a prisoner described in  
division (C) of this section, and shall impose upon a prisoner  
described in division (B)(2)(b) of section 5120.031 or in division  
(B)(1) of section 5120.032 of the Revised Code, one or more  
post-release control sanctions to apply during the prisoner's  
period of post-release control. Whenever the board imposes one or  
more post-release control sanctions upon a prisoner, the board, in  
addition to imposing the sanctions, also shall include as a  
condition of the post-release control that the individual or felon  
not leave the state without permission of the court or the  
individual's or felon's parole or probation officer and that the  
individual or felon abide by the law. The board may impose any  
other conditions of release under a post-release control sanction  
that the board considers appropriate, and the conditions of  
release may include any community residential sanction, community  
nonresidential sanction, or financial sanction that the sentencing  
court was authorized to impose pursuant to sections 2929.16,  
2929.17, and 2929.18 of the Revised Code. Prior to the release of  
a prisoner for whom it will impose one or more post-release  
control sanctions under this division, the parole board shall  
review the prisoner's criminal history, all juvenile court  
adjudications finding the prisoner, while a juvenile, to be a  
delinquent child, and the record of the prisoner's conduct while

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imprisoned. The parole board shall consider any recommendation 1151  
regarding post-release control sanctions for the prisoner made by 1152  
the office of victims' services. After considering those 1153  
materials, the board shall determine, for a prisoner described in 1154  
division (B) of this section, division (B)(2)(b) of section 1155  
5120.031, or division (B)(1) of section 5120.032 of the Revised 1156  
Code, which post-release control sanction or combination of 1157  
post-release control sanctions is reasonable under the 1158  
circumstances or, for a prisoner described in division (C) of this 1159  
section, whether a post-release control sanction is necessary and, 1160  
if so, which post-release control sanction or combination of 1161  
post-release control sanctions is reasonable under the 1162  
circumstances. In the case of a prisoner convicted of a felony of 1163  
the fourth or fifth degree other than a felony sex offense, the 1164  
board shall presume that monitored time is the appropriate 1165  
post-release control sanction unless the board determines that a 1166  
more restrictive sanction is warranted. A post-release control 1167  
sanction imposed under this division takes effect upon the 1168  
prisoner's release from imprisonment. 1169

(2) At any time after a prisoner is released from 1170  
imprisonment and during the period of post-release control 1171  
applicable to the releasee, the adult parole authority may review 1172  
the releasee's behavior under the post-release control sanctions 1173  
imposed upon the releasee under this section. The authority may 1174  
determine, based upon the review and in accordance with the 1175  
standards established under division (E) of this section, that a 1176  
more restrictive or a less restrictive sanction is appropriate and 1177  
may impose a different sanction. Unless the period of post-release 1178  
control was imposed for an offense described in division (B)(1) of 1179  
this section, the authority also may recommend that the parole 1180  
board reduce the duration of the period of post-release control 1181  
imposed by the court. If the authority recommends that the board 1182

reduce the duration of control for an offense described in 1183  
division (B)(2), (B)(3), or (C) of this section, the board shall 1184  
review the releasee's behavior and may reduce the duration of the 1185  
period of control imposed by the court. In no case shall the board 1186  
reduce the duration of the period of control imposed by the court 1187  
for an offense described in division (B)(1) of this section, and 1188  
in no case shall the board permit the releasee to leave the state 1189  
without permission of the court or the releasee's parole or 1190  
probation officer. 1191

(E) The department of rehabilitation and correction, in 1192  
accordance with Chapter 119. of the Revised Code, shall adopt 1193  
rules that do all of the following: 1194

(1) Establish standards for the imposition by the parole 1195  
board of post-release control sanctions under this section that 1196  
are consistent with the overriding purposes and sentencing 1197  
principles set forth in section 2929.11 of the Revised Code and 1198  
that are appropriate to the needs of releasees; 1199

(2) Establish standards by which the parole board can 1200  
determine which prisoners described in division (C) of this 1201  
section should be placed under a period of post-release control; 1202

(3) Establish standards to be used by the parole board in 1203  
reducing the duration of the period of post-release control 1204  
imposed by the court when authorized under division (D) of this 1205  
section, in imposing a more restrictive post-release control 1206  
sanction than monitored time upon a prisoner convicted of a felony 1207  
of the fourth or fifth degree other than a felony sex offense, or 1208  
in imposing a less restrictive control sanction upon a releasee 1209  
based on the releasee's activities including, but not limited to, 1210  
remaining free from criminal activity and from the abuse of 1211  
alcohol or other drugs, successfully participating in approved 1212  
rehabilitation programs, maintaining employment, and paying 1213  
restitution to the victim or meeting the terms of other financial 1214

sanctions;	1215
(4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D)(2) of this section;	1216 1217 1218
(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following:	1219 1220 1221 1222
(a) Classify violations according to the degree of seriousness;	1223 1224
(b) Define the circumstances under which formal action by the parole board is warranted;	1225 1226
(c) Govern the use of evidence at violation hearings;	1227
(d) Ensure procedural due process to an alleged violator;	1228
(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;	1229 1230
(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.	1231 1232
(F)(1) If a post-release control sanction is imposed upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the <del>parole supervision</del> <u>field services</u> section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises	1233 1234 1235 1236 1237 1238 1239 1240 1241 1242 1243 1244

the sanction shall report the violation directly to the adult 1245  
parole authority or to the officer of the authority who supervises 1246  
the offender. The authority's officers may treat the offender as 1247  
if the offender were on parole and in violation of the parole, and 1248  
otherwise shall comply with this section. 1249

(2) If the adult parole authority determines that a releasee 1250  
has violated a post-release control sanction or any conditions 1251  
described in division (A) of section 2967.131 of the Revised Code 1252  
imposed upon the releasee and that a more restrictive sanction is 1253  
appropriate, the authority may impose a more restrictive sanction 1254  
upon the releasee, in accordance with the standards established 1255  
under division (E) of this section, or may report the violation to 1256  
the parole board for a hearing pursuant to division (F)(3) of this 1257  
section. The authority may not, pursuant to this division, 1258  
increase the duration of the releasee's post-release control or 1259  
impose as a post-release control sanction a residential sanction 1260  
that includes a prison term, but the authority may impose on the 1261  
releasee any other residential sanction, nonresidential sanction, 1262  
or financial sanction that the sentencing court was authorized to 1263  
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 1264  
Revised Code. 1265

(3) The parole board may hold a hearing on any alleged 1266  
violation by a releasee of a post-release control sanction or any 1267  
conditions described in division (A) of section 2967.131 of the 1268  
Revised Code that are imposed upon the releasee. If after the 1269  
hearing the board finds that the releasee violated the sanction or 1270  
condition, the board may increase the duration of the releasee's 1271  
post-release control up to the maximum duration authorized by 1272  
division (B) or (C) of this section or impose a more restrictive 1273  
post-release control sanction. When appropriate, the board may 1274  
impose as a post-release control sanction a residential sanction 1275  
that includes a prison term. The board shall consider a prison 1276

term as a post-release control sanction imposed for a violation of 1277  
post-release control when the violation involves a deadly weapon 1278  
or dangerous ordnance, physical harm or attempted serious physical 1279  
harm to a person, or sexual misconduct, or when the releasee 1280  
committed repeated violations of post-release control sanctions. 1281  
The period of a prison term that is imposed as a post-release 1282  
control sanction under this division shall not exceed nine months, 1283  
and the maximum cumulative prison term for all violations under 1284  
this division shall not exceed one-half of the stated prison term 1285  
originally imposed upon the offender as part of this sentence. The 1286  
period of a prison term that is imposed as a post-release control 1287  
sanction under this division shall not count as, or be credited 1288  
toward, the remaining period of post-release control. 1289

(4) A parolee or releasee who has violated any condition of 1290  
parole, any post-release control sanction, or any conditions 1291  
described in division (A) of section 2967.131 of the Revised Code 1292  
that are imposed upon the releasee by committing a felony may be 1293  
prosecuted for the new felony, and, upon conviction, the court 1294  
shall impose sentence for the new felony. In addition to the 1295  
sentence imposed for the new felony, the court may impose a prison 1296  
term for the violation, and the term imposed for the violation 1297  
shall be reduced by any prison term that is administratively 1298  
imposed by the parole board or adult parole authority as a 1299  
post-release control sanction. If the person is a releasee, the 1300  
maximum prison term for the violation shall be either the maximum 1301  
period of post-release control for the earlier felony under 1302  
division (B) or (C) of this section minus any time the releasee 1303  
has spent under post-release control for the earlier felony or 1304  
twelve months, whichever is greater. A prison term imposed for the 1305  
violation shall be served consecutively to any prison term imposed 1306  
for the new felony. If the person is a releasee, a prison term 1307  
imposed for the violation, and a prison term imposed for the new 1308

felony, shall not count as, or be credited toward, the remaining 1309  
period of post-release control imposed for the earlier felony. 1310

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(5) Any period of post-release control shall commence upon an 1312  
offender's actual release from prison. If an offender is serving 1313  
an indefinite prison term or a life sentence in addition to a 1314  
stated prison term, the offender shall serve the period of 1315  
post-release control in the following manner: 1316

(a) If a period of post-release control is imposed upon the 1317  
offender and if the offender also is subject to a period of parole 1318  
under a life sentence or an indefinite sentence, and if the period 1319  
of post-release control ends prior to the period of parole, the 1320  
offender shall be supervised on parole. The offender shall receive 1321  
credit for post-release control supervision during the period of 1322  
parole. The offender is not eligible for final release under 1323  
section 2967.16 of the Revised Code until the post-release control 1324  
period otherwise would have ended. 1325

(b) If a period of post-release control is imposed upon the 1326  
offender and if the offender also is subject to a period of parole 1327  
under an indefinite sentence, and if the period of parole ends 1328  
prior to the period of post-release control, the offender shall be 1329  
supervised on post-release control. The requirements of parole 1330  
supervision shall be satisfied during the post-release control 1331  
period. 1332

(c) If an offender is subject to more than one period of 1333  
post-release control, the period of post-release control for all 1334  
of the sentences shall be the period of post-release control that 1335  
expires last, as determined by the parole board. Periods of 1336  
post-release control shall be served concurrently and shall not be 1337  
imposed consecutively to each other. 1338

(d) The period of post-release control for a releasee who 1339  
commits a felony while under post-release control for an earlier 1340

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

**Sec. 3101.05.** (A) The parties to a marriage shall make an  
application for a marriage license. Each of the persons seeking a  
marriage license shall personally appear in the probate court  
within the county where either resides, or, if neither is a  
resident of this state, where the marriage is expected to be  
solemnized. If neither party is a resident of this state, the  
marriage may be solemnized only in the county where the license is  
obtained. Each party shall make application and shall state upon  
oath, the party's name, age, residence, place of birth,  
occupation, father's name, and mother's maiden name, if known, and  
the name of the person who is expected to solemnize the marriage.  
If either party has been previously married, the application shall  
include the names of the parties to any previous marriage and of  
any minor children, and if divorced the jurisdiction, date, and  
case number of the decree. If either applicant is under the age of  
eighteen years, the judge shall require the applicants to state  
that they received marriage counseling satisfactory to the court.  
Except as otherwise provided in this division, the application  
also shall include each party's social security number. In lieu of  
requiring each party's social security number on the application,  
the court may obtain each party's social security number, retain  
the social security numbers in a separate record, and allow a  
number other than the social security number to be used on the  
application for reference purposes. If a court allows the use of a  
number other than the social security number to be used on the  
application for reference purposes, the record containing the  
social security number is not a public record, except that, in any

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of the circumstances set forth in divisions (A)(1) to (4) of 1373  
section 3101.051 of the Revised Code, the record containing the 1374  
social security number shall be made available for inspection 1375  
under section 149.43 of the Revised Code. 1376

Immediately upon receipt of an application for a marriage 1377  
license, the court shall place the parties' record in a book kept 1378  
for that purpose. If the probate judge is satisfied that there is 1379  
no legal impediment and if one or both of the parties are present, 1380  
the probate judge shall grant the marriage license. 1381

If the judge is satisfied from the affidavit of a reputable 1382  
physician in active practice and residing in the county where the 1383  
probate court is located, that one of the parties is unable to 1384  
appear in court, by reason of illness or other physical 1385  
disability, a marriage license may be granted upon application and 1386  
oath of the other party to the contemplated marriage; but in that 1387  
case the person who is unable to appear in court, at the time of 1388  
making application for a marriage license, shall make and file in 1389  
that court, an affidavit setting forth the information required of 1390  
applicants for a marriage license. 1391

If one of the parties is unable to appear in court by reason 1392  
of the party's confinement in a state correctional institution, 1393  
the judge may grant a marriage license upon application and oath 1394  
of the other party to the contemplated marriage who is not so 1395  
confined. The person who is unable to appear in court shall make 1396  
and have filed in that court at the time of applying for the 1397  
marriage license an affidavit setting forth the information 1398  
required of applicants for a marriage license. 1399

A probate judge may grant a marriage license under this 1400  
section at any time after the application is made. 1401

A marriage license issued shall not display the social 1402  
security number of either party to the marriage. 1403

(B) An applicant for a marriage license who knowingly makes a false statement in an application or affidavit prescribed by this section is guilty of falsification under section 2921.13 of the Revised Code.

(C) No licensing officer shall issue a marriage license if the officer has not received the application, affidavit, or other statements prescribed by this section or if the officer has reason to believe that any of the statements in a marriage license application or in an affidavit prescribed by this section are false.

(D) Any fine collected for violation of this section shall be paid to the use of the county together with the costs of prosecution.

**Sec. 5120.01.** The director of rehabilitation and correction is the executive head of the department of rehabilitation and correction. All duties conferred on the various divisions and institutions of the department by law or by order of the director shall be performed under ~~such the~~ rules and regulations ~~as he~~ that the director prescribes, and shall be under ~~his~~ the director's control. The inmates committed to the department of rehabilitation and correction shall be under the legal custody of the director or the director's designee, and the director or the director's designee shall have power to control transfers of inmates between the several state institutions included under section 5120.05 of the Revised Code.

**Sec. 5120.21.** (A) The department of rehabilitation and correction shall keep in its office, accessible only to its employees, except by the consent of the department or the order of the judge of a court of record, and except as provided in division (C) of this section, a record showing the name, residence, sex,

age, nativity, occupation, condition, and date of entrance or 1434  
commitment of every inmate in the several institutions governed by 1435  
it. The record also shall include the date, cause, and terms of 1436  
discharge and the condition of such person at the time of leaving, 1437  
a record of all transfers from one institution to another, and, if 1438  
such inmate is dead, the date and cause of death. These and other 1439  
facts that the department requires shall be furnished by the 1440  
managing officer of each institution within ten days after the 1441  
commitment, entrance, death, or discharge of an inmate. 1442

(B) In case of an accident or injury or peculiar death of an 1443  
inmate, the managing officer shall make a special report to the 1444  
department within twenty-four hours thereafter, giving the 1445  
circumstances as fully as possible. 1446

(C)(1) As used in this division, "medical record" means any 1447  
document or combination of documents that pertains to the medical 1448  
history, diagnosis, prognosis, or medical condition of a patient 1449  
and that is generated and maintained in the process of medical 1450  
treatment. 1451

(2) A separate medical record of every inmate in an 1452  
institution governed by the department shall be compiled, 1453  
maintained, and kept apart from and independently of any other 1454  
record pertaining to the inmate. Upon the signed written request 1455  
of the inmate to whom the record pertains together with the 1456  
written request of either a licensed attorney at law or a licensed 1457  
physician designated by the inmate, the department shall make the 1458  
inmate's medical record available to the designated attorney or 1459  
physician. The record may be inspected or copied by the inmate's 1460  
designated attorney or physician. The department may establish a 1461  
reasonable fee for the copying of any medical record. If a 1462  
physician concludes that presentation of all or any part of the 1463  
medical record directly to the inmate will result in serious 1464  
medical harm to the inmate, the physician shall so indicate on the 1465

medical record. An inmate's medical record shall be made available 1466  
to a physician or to an attorney designated in writing by the 1467  
inmate not more than once every twelve months. 1468

(D) Except as otherwise provided by a law of this state or 1469  
the United States, the department and the officers of its 1470  
institutions shall keep confidential and accessible only to its 1471  
employees, except by the consent of the department or the order of 1472  
a judge of a court of record, all of the following: 1473

(1) Architectural, engineering, or construction diagrams, 1474  
drawings, or plans of a correctional institution; 1475

(2) Plans for hostage negotiation, for disturbance control, 1476  
for the control and location of keys, and for dealing with 1477  
escapes; 1478

(3) Statements made by inmate informants; 1479

(4) Records that are maintained by the department of youth 1480  
services, that pertain to children in its custody, and that are 1481  
released to the department of rehabilitation and correction by the 1482  
department of youth services pursuant to section 5139.05 of the 1483  
Revised Code; 1484

(5) Victim impact statements and information provided by 1485  
victims of crimes that the department considers when determining 1486  
the security level assignment, program participation, and release 1487  
eligibility of inmates; 1488

(6) Information and data of any kind or medium pertaining to 1489  
groups that pose a security threat; 1490

(7) Conversations recorded from the monitored inmate 1491  
telephones that involve non-privileged communications; 1492

(8) The addresses and names of family members of department 1493  
employees. 1494

(E) Except as otherwise provided by a law of this state or 1495

the United States, the department of rehabilitation and correction 1496  
may release inmate records to the department of youth services or 1497  
a court of record, and the department of youth services or the 1498  
court of record may use those records for the limited purpose of 1499  
carrying out the duties of the department of youth services or the 1500  
court of record. Inmate records released by the department of 1501  
rehabilitation and correction to the department of youth services 1502  
or a court of record shall remain confidential and shall not be 1503  
considered public records as defined in section 149.43 of the 1504  
Revised Code. 1505

(F) Except as otherwise provided in division (C) of this 1506  
section, records of inmates committed to the department of 1507  
rehabilitation and correction as well as records of persons under 1508  
the supervision of the adult parole authority shall not be 1509  
considered public records as defined in section 149.43 of the 1510  
Revised Code. 1511

**Sec. 5120.38.** Subject to the rules of the department of 1512  
rehabilitation and correction, each institution under the 1513  
department's jurisdiction other than an institution operated 1514  
pursuant to a contract entered into under section 9.06 of the 1515  
Revised Code shall be under the control of a managing officer 1516  
known as a warden or other appropriate title. The managing officer 1517  
shall be appointed by the director of the department of 1518  
rehabilitation and correction and shall be in the unclassified 1519  
service and serve at the pleasure of the director. Appointment to 1520  
the position of managing officer shall be made from persons who 1521  
have criminal justice experience. 1522

A person who is appointed to the position of managing officer 1523  
from a position in the classified service shall retain the right 1524  
to resume the status that the person held in the classified 1525  
service immediately prior to the appointment. Upon being relieved 1526

of the person's duties as managing officer, the person shall be 1527  
reinstated to the position in the classified service that the 1528  
person held immediately prior to the appointment to the position 1529  
of managing officer or to another position that the director, with 1530  
approval of the state department of administrative services, 1531  
certifies as being substantially equal to that prior position. 1532  
Service as a managing officer shall be counted as service in the 1533  
position in the classified service held by the person immediately 1534  
preceding the person's appointment as managing officer. A person 1535  
who is reinstated to a position in the classified service, as 1536  
provided in this section, shall be entitled to all rights and 1537  
emoluments accruing to the position during the time of the 1538  
person's service as managing officer. 1539

The managing officer, under the director, shall have entire 1540  
executive charge of the institution for which the managing officer 1541  
is appointed. Subject to civil service rules and regulations, the 1542  
managing officer shall appoint the necessary employees and the 1543  
managing officer or the director may remove such employees for 1544  
cause. A report of all appointments, resignations, and discharges 1545  
shall be filed with the director at the close of each month. 1546

~~After conference with the managing officer of each 1547  
institution, the director shall determine the number of employees 1548  
to be appointed to the various institutions. 1549~~

**Sec. 5120.421.** (A) As used in this section: 1550

(1) "Body cavity search" means an inspection of the anal or 1551  
vaginal cavity of a person that is conducted visually, manually, 1552  
by means of any instrument, apparatus, or object, or in any other 1553  
manner. 1554

(2) "Deadly weapon" and "dangerous ordnance" have the same 1555  
meanings as in section 2923.11 of the Revised Code. 1556

(3) "Drug of abuse" has the same meaning as in section 1557  
3719.011 of the Revised Code. 1558

(4) "Intoxicating liquor" has the same meaning as in section 1559  
4301.01 of the Revised Code. 1560

(5) "Strip search" means an inspection of the genitalia, 1561  
buttocks, breasts, or undergarments of a person that is preceded 1562  
by the removal or rearrangement of some or all of the person's 1563  
clothing that directly covers the person's genitalia, buttocks, 1564  
breasts, or undergarments and that is conducted visually, 1565  
manually, by means of any instrument, apparatus, or object, or in 1566  
any other manner. 1567

(B) For purposes of determining whether visitors to an 1568  
institution under the control of the department of rehabilitation 1569  
and correction are knowingly conveying, or attempting to convey, 1570  
onto the grounds of the institution any deadly weapon, dangerous 1571  
ordnance, drug of abuse, ~~or~~ intoxicating liquor, or electronic 1572  
communications device in violation of section 2921.36 of the 1573  
Revised Code, the department may adopt rules, pursuant to Chapter 1574  
119. of the Revised Code, that are consistent with this section. 1575

(C) For the purposes described in division (B) of this 1576  
section, visitors who are entering or have entered an institution 1577  
under the control of the department of rehabilitation and 1578  
correction may be searched by the use of a magnetometer or similar 1579  
device, by a pat-down of the visitor's person that is conducted by 1580  
a person of the same sex as that of the visitor, and by an 1581  
examination of the contents of pockets, bags, purses, packages, 1582  
and other containers proposed to be conveyed or already conveyed 1583  
onto the grounds of the institution. Searches of visitors 1584  
authorized by this division may be conducted without cause, but 1585  
shall be conducted uniformly or by automatic random selection. 1586  
Discriminatory or arbitrary selection searches of visitors are 1587  
prohibited under this division. 1588

(D) For the purposes described in division (B) of this section, visitors who are entering or have entered an institution under the control of the department of rehabilitation and correction may be searched by a strip or body cavity search, but only under the circumstances described in this division. In order for a strip or body cavity search to be conducted of a visitor, the highest officer present in the institution shall expressly authorize the search on the basis of a reasonable suspicion, based on specific objective facts and reasonable inferences drawn from those facts in the light of experience, that a visitor proposed to be so searched possesses, and intends to convey or already has conveyed, a deadly weapon, dangerous ordnance, drug of abuse, or intoxicating liquor, or electronic communications device onto the grounds of the institution in violation of section 2921.36 of the Revised Code.

Except as otherwise provided in this division, prior to the conduct of the strip or body cavity search, the highest officer present in the institution shall cause the visitor to be provided with a written statement that sets forth the specific objective facts upon which the proposed search is based. In the case of an emergency under which time constraints make it impossible to prepare the written statement before the conduct of the proposed search, the highest officer in the institution instead shall cause the visitor to be orally informed of the specific objective facts upon which the proposed search is based prior to its conduct, and shall cause the preparation of the written statement and its provision to the visitor within twenty-four hours after the conduct of the search. Both the highest officer present in the institution and the visitor shall retain a copy of a written statement provided in accordance with this division.

Any strip or body cavity search conducted pursuant to this division shall be conducted in a private setting by a person of

the same sex as that of the visitor. Any body cavity search 1621  
conducted under this division additionally shall be conducted by 1622  
medical personnel. 1623

This division does not preclude, and shall not be construed 1624  
as precluding, a less intrusive search as authorized by division 1625  
(C) of this section when reasonable suspicion as described in this 1626  
division exists for a strip or body cavity search. 1627

**Sec. 5120.48.** (A) If a prisoner escapes from a state 1628  
correctional institution, the managing officer of the institution, 1629  
after consultation with and upon the advice of appropriate law 1630  
enforcement officials, shall assign and deploy into the community 1631  
appropriate staff persons necessary to apprehend the prisoner. 1632  
Correctional officers and officials may carry firearms when 1633  
required in the discharge of their duties in apprehending, taking 1634  
into custody, or transporting to a place of confinement a prisoner 1635  
who has escaped from a state correctional institution. 1636

(B) If a prisoner is released from a state correctional 1637  
institution prior to the lawful end of the person's prison term or 1638  
term of imprisonment, whether by error, inadvertence, fraud, or 1639  
any other cause except a lawful parole, the managing officer of 1640  
the institution, after consulting with the bureau of sentence 1641  
computation, shall notify the chief of the adult parole authority, 1642  
the office of victim services of the division of parole and 1643  
community services, and the sentencing court of the mistaken 1644  
release. Upon the direction of the chief, or the chief's designee, 1645  
field officers of the authority may arrest the prisoner without a 1646  
warrant and return the prisoner to the state correctional 1647  
institution to complete the balance of the prisoner's sentence. 1648  
The chief of the adult parole authority, or the chief's designee, 1649  
may require the assistance of any peace officer or law enforcement 1650  
officer in the apprehension of a prisoner of that nature. 1651

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**Sec. 5120.60.** (A) There is hereby created in the division of parole and community services the office of victims' services.

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(B) The office shall provide assistance to victims of crime, victims' representatives designated under section 2930.02 of the Revised Code, and members of the victim's family. The assistance shall include, but not be limited to, providing information about the policies and procedures of the department of rehabilitation and correction and the status of offenders under the department's jurisdiction.

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(C) The office shall also make available publications that will assist victims in contacting staff of the department about problems with offenders under the supervision of the adult parole authority or confined in state correctional institutions under the department's jurisdiction.

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(D) The office shall employ a victims coordinator who shall administer the office's functions. The victims coordinator shall be in the unclassified civil service and report directly to the chief of the division.

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(E) The office shall also employ at least three persons in the unclassified civil service whose primary duties shall be to help parole board hearing officers identify victims' issues and to make recommendations to the parole board in accordance with rules adopted by the department. The member of the parole board appointed pursuant to division (B) of section 5149.10 of the Revised Code shall approve the hiring of the employees of the office.

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(F) The office shall coordinate its activities with the member of the parole board appointed pursuant to division (B) of section 5149.10 of the Revised Code. The victims coordinator and other employees of the office shall have full access to records of

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prisoners under the department's jurisdiction. 1683

(G) Information provided to the office of victim services by 1684  
victims of crime or a victim representative designated under 1685  
section 2930.02 of the Revised Code for the purpose of program 1686  
participation, of receiving services, or to communicate acts of an 1687  
inmate or person under the supervision of the adult parole 1688  
authority that threaten the safety and security of the victim 1689  
shall be confidential and is not a public record under section 1690  
149.43 of the Revised Code. 1691

(H) As used in this section, "crime," "member of the victim's 1692  
family," and "victim" have the meanings given in section 2930.01 1693  
of the Revised Code. 1694

**Sec. 5139.251.** (A) As used in this section: 1695

(1) "Body cavity search" and "strip search" have the same 1696  
meanings as in section 5120.421 of the Revised Code. 1697

(2) "Deadly weapon" and "dangerous ordnance" have the same 1698  
meanings as in section 2923.11 of the Revised Code. 1699

(3) "Drug of abuse" has the same meaning as in section 1700  
3719.011 of the Revised Code. 1701

(4) "Intoxicating liquor" has the same meaning as in section 1702  
4301.01 of the Revised Code. 1703

(B) For purposes of determining whether visitors to an 1704  
institution under the control of the department of youth services 1705  
are knowingly conveying, or attempting to convey, onto the grounds 1706  
of the institution any deadly weapon, dangerous ordnance, drug of 1707  
abuse, ~~or~~ intoxicating liquor, or electronic communications device 1708  
in violation of section 2921.36 of the Revised Code, the 1709  
department may adopt rules, pursuant to Chapter 119. of the 1710  
Revised Code, that are consistent with this section. 1711

(C) For the purposes described in division (B) of this 1712  
section, visitors who are entering or have entered an institution 1713  
under the control of the department of youth services may be 1714  
searched by the use of a magnetometer or similar device, by a 1715  
pat-down of the visitor's person that is conducted by a person of 1716  
the same sex as that of the visitor, and by an examination of the 1717  
contents of pockets, bags, purses, packages, and other containers 1718  
proposed to be conveyed or already conveyed onto the grounds of 1719  
the institution. Searches of visitors authorized by this division 1720  
may be conducted without cause, but shall be conducted uniformly 1721  
or by automatic random selection. Discriminatory or arbitrary 1722  
selection searches of visitors are prohibited under this division. 1723

(D) For the purposes described in division (B) of this 1724  
section, visitors who are entering or have entered an institution 1725  
under the control of the department of youth services may be 1726  
searched by a strip or body cavity search, but only under the 1727  
circumstances described in this division. In order for a strip or 1728  
body cavity search to be conducted of a visitor, the highest 1729  
officer present in the institution shall expressly authorize the 1730  
search on the basis of a reasonable suspicion, based on specific 1731  
objective facts and reasonable inferences drawn from those facts 1732  
in the light of experience, that a visitor proposed to be so 1733  
searched possesses, and intends to convey or already has conveyed, 1734  
a deadly weapon, dangerous ordnance, drug of abuse, ~~or~~ 1735  
intoxicating liquor, or electronics communication device onto the 1736  
grounds of the institution in violation of section 2921.36 of the 1737  
Revised Code. 1738

Except as otherwise provided in this division, prior to the 1739  
conduct of the strip or body cavity search, the highest officer 1740  
present in the institution shall cause the visitor to be provided 1741  
with a written statement that sets forth the specific objective 1742  
facts upon which the proposed search is based. In the case of an 1743

emergency under which time constraints make it impossible to 1744  
prepare the written statement before the conduct of the proposed 1745  
search, the highest officer in the institution instead shall cause 1746  
the visitor to be orally informed of the specific objective facts 1747  
upon which the proposed search is based prior to its conduct, and 1748  
shall cause the preparation of the written statement and its 1749  
provision to the visitor within twenty-four hours after the 1750  
conduct of the search. Both the highest officer present in the 1751  
institution and the visitor shall retain a copy of a written 1752  
statement provided in accordance with this division. 1753

Any strip or body cavity search conducted pursuant to this 1754  
division shall be conducted in a private setting by a person of 1755  
the same sex as that of the visitor. Any body cavity search 1756  
conducted under this division additionally shall be conducted by 1757  
medical personnel. 1758

This division does not preclude, and shall not be construed 1759  
as precluding, a less ~~intrusive~~ intrusive search as authorized by 1760  
division (C) of this section when reasonable suspicion as 1761  
described in this division exists for a strip or body cavity 1762  
search. 1763

**Sec. 5145.06.** (A) The department of rehabilitation and 1764  
correction shall establish and operate a school system that is 1765  
approved and chartered by the department of education and 1766  
designated as the Ohio central school system to serve all of the 1767  
correctional institutions under its control. The Ohio central 1768  
school system shall provide educational programs for prisoners to 1769  
allow them to complete adult basic education courses, earn Ohio 1770  
certificates of high school equivalence, or pursue vocational 1771  
training. To that end, the department may employ appropriately 1772  
certified teachers, administrators, and support staff. The 1773  
department shall provide classrooms, shops, and other appropriate 1774

facilities and necessary furniture, books, stationery, supplies, 1775  
and equipment. 1776

(B)(1) The department of rehabilitation and correction shall 1777  
require each prisoner who has not obtained a high school diploma 1778  
to take courses leading toward an Ohio certificate of high school 1779  
equivalence, an Ohio high school diploma pursuant to section 1780  
3313.61 of the Revised Code, or courses that provide vocational 1781  
training. If a prisoner has obtained a high school diploma, the 1782  
department shall encourage the prisoner to participate in a 1783  
program of advanced studies or training for a skilled trade. 1784

(2) The department of rehabilitation and correction shall 1785  
adopt rules that prescribe disciplinary actions that the 1786  
department may take if a prisoner refuses to participate in an 1787  
educational program required under division (B)(1) of this 1788  
section. 1789

(3) The failure of the department of rehabilitation and 1790  
correction to provide, pursuant to division (B)(1) of this 1791  
section, an opportunity for any prisoner to participate in courses 1792  
that lead toward an Ohio certificate of high school equivalence or 1793  
an Ohio high school diploma, or that provide vocational training, 1794  
does not give rise to a claim for damages against the department. 1795

(C) The department of rehabilitation and correction may 1796  
exclude certain prisoners from the requirement to take courses 1797  
pursuant to division (B)(1) of this section for a clearly 1798  
established medical, mental health, or security reason. Any 1799  
exclusion under this division shall be only for a clearly 1800  
established medical, mental health, or security reason. Within six 1801  
months after the effective date of this amendment, the department 1802  
shall adopt rules pursuant to Chapter 119. of the Revised Code to 1803  
establish the criteria and procedures for an exclusion under this 1804  
division. 1805

Sec. 5145.163. (A) As used in this section: 1806

(1) "Inmate" includes any person who is committed to a 1807  
detention facility, who is in the custody of the department of 1808  
rehabilitation and correction, and who is participating in an 1809  
approved assignment under the federal prison industries 1810  
enhancement certification program. "Inmate" does not include a 1811  
prisoner confined within a detention facility operated by or for a 1812  
political subdivision. 1813

(2) "Federal prison industries enhancement certification 1814  
program" means the program authorized pursuant to 18 U.S.C. 1761. 1815

(B) Private employers who purchase goods made by inmates or 1816  
utilize inmate labor in the production of goods under the federal 1817  
prison industries enhancement certification program shall purchase 1818  
and be solely responsible to provide a policy of insurance for 1819  
inmates participating in the program. 1820

(C) The policy of insurance required by this section shall 1821  
provide benefit payments for any inmate who sustains a compensable 1822  
injury while participating in the program. The benefit payments 1823  
shall compensate the inmate for any temporary or permanent loss of 1824  
earning capacity that results from a compensable injury. The 1825  
benefits shall be awarded upon the inmate's release from prison by 1826  
parole or final discharge. The policy of insurance shall provide 1827  
coverage for injuries occurring during activities that are an 1828  
integral part of the inmate's participation in the program 1829  
production. The policy of insurance shall not pay benefits for 1830  
injuries occurring as the result of a fight, assault, horseplay, 1831  
or other activity that is prohibited by the department's or 1832  
institution's inmate conduct rules. 1833

(D) Private employers shall submit to the prison labor 1834  
advisory board as a requirement for participation in the federal 1835  
prison industries enhancement certification program proof of 1836

liability coverage that meets or exceeds the requirements set 1837  
forth in 18 U.S.C. 1761(c)(3). 1838

(E) Inmates covered under this section are not employees of 1839  
the department of rehabilitation and correction or the private 1840  
employer. Nothing in this section shall be construed as creating a 1841  
contract for hire between the inmate and any other entity. 1842

(F) Any inmate participating in the federal prison industries 1843  
enhancement certification program is ineligible to receive 1844  
compensation or benefits under Chapters 4121., 4123., 4127., or 1845  
4131. of the Revised Code for any injury, death, or occupational 1846  
disease received in the course of, and arising out of, 1847  
participation in that program. Any claim for an injury arising 1848  
from an inmate's participation in the program is specifically 1849  
excluded from the jurisdiction of the Ohio bureau of workers' 1850  
compensation and the industrial commission of Ohio. 1851

(G) Any liability benefit awarded for any injury under this 1852  
provision shall be the exclusive remedy against the private 1853  
employer and the state. 1854

(H) If any inmate awarded liability benefits under this 1855  
provision is recommitted to the custody of the department of 1856  
rehabilitation and correction, the benefits shall immediately 1857  
cease but shall resume upon the inmate's subsequent parole or 1858  
discharge from incarceration. 1859

**Sec. 5149.02.** There is hereby created in the division of 1860  
parole and community services of the department of rehabilitation 1861  
and correction at bureau level an adult parole authority. The 1862  
adult parole authority consists of its chief, a ~~parole supervision~~ 1863  
~~field services~~ section, a ~~probation development and supervision~~ 1864  
~~section~~, and a parole board. The director of rehabilitation and 1865  
correction shall appoint the chief of the adult parole authority, 1866  
~~the superintendent of the parole supervision section, the~~ 1867

~~superintendent~~ one or more superintendents of the ~~probation~~ 1868  
~~development and supervision~~ field services section, and the 1869  
~~chairman~~ chairperson of the parole board, all of whom shall serve 1870  
at the pleasure of the director and shall be in the unclassified 1871  
civil service. 1872

The authority is a regular administrative unit of the 1873  
department of rehabilitation and correction and shall operate 1874  
under rules adopted by the director. The chief of the division of 1875  
parole and community services may adopt supplemental rules 1876  
governing operation of the authority, assigning specific powers 1877  
and duties to the chief of the authority, and assigning specific 1878  
functions to sections within the authority. 1879

No person shall be appointed as chief of the adult parole 1880  
authority who is not qualified by education or experience in 1881  
correctional work, including law enforcement, probation, or 1882  
parole, in law, in social work, or in a combination of the three 1883  
categories. 1884

**Sec. 5149.04.** (A) Persons paroled ~~or~~, conditionally pardoned, 1885  
or released to community supervision shall be under jurisdiction 1886  
of the adult parole authority and shall be supervised by the 1887  
~~parole supervision~~ field services section through its staff of 1888  
parole and field officers in such manner as to insure as nearly as 1889  
possible the ~~parolee's~~ offender's rehabilitation while at the same 1890  
time providing maximum protection to the general public. All state 1891  
and local officials shall furnish such information to officers of 1892  
the ~~parole supervision~~ section as ~~is requested by the~~ 1893  
~~superintendent of the section~~ they may request in the performance 1894  
of ~~his~~ their duties. 1895

(B) The superintendent, or superintendents, of the ~~parole~~ 1896  
~~supervision~~ field services section shall be a person, or persons, 1897  
especially qualified by training and experience in the field of 1898

~~correction~~ corrections. ~~He~~ The superintendent, or superintendents, 1899  
shall supervise the work of the section and shall formulate and 1900  
execute an effective program of ~~parole offender~~ supervision. ~~He~~ 1901  
The superintendent, or superintendents, shall collect and preserve 1902  
any records and statistics with respect to ~~parolees~~ offenders that 1903  
are required by the chief of the authority. The section also shall 1904  
include other personnel who are necessary for the performance of 1905  
the section's duties. 1906

No person shall be appointed as a superintendent who is not 1907  
qualified by education or experience in correctional work 1908  
(including law enforcement, probation, or parole) work, in law, in 1909  
social work, or in a combination of the three categories. 1910

(C) ~~The superintendent, or superintendents,~~ of the ~~parole~~ 1911  
~~supervision~~ field services section, with the approval of the chief 1912  
of the authority, may establish district offices for the section 1913  
and may assign necessary parole and field officers and clerical 1914  
staff to the district offices. 1915

(D) ~~The parole supervision~~ field services section in the 1916  
exercise of its supervision over ~~parolees~~ offenders and persons 1917  
conditionally pardoned shall carry out all lawful orders, terms, 1918  
and conditions prescribed by the authority, the chief of the 1919  
division of parole and community services, or the governor. 1920

**Sec. 5149.06.** (A) ~~The~~ One of the primary ~~duty~~ duties of the 1921  
field services section ~~on probation development and supervision~~ is 1922  
to assist the counties in developing their own probation services 1923  
on either a single-county or multiple-county basis. The section, 1924  
within limits of available personnel and funds, may supervise 1925  
selected probationers from local courts. 1926

~~The section consists of a superintendent of probation and~~ 1927  
~~other personnel who are necessary for performance of the section's~~ 1928  
~~duties. No person shall be appointed superintendent who is not~~ 1929

~~qualified by education or experience in correctional work,~~ 1930  
~~including law enforcement, probation, or parole work, in law, in~~ 1931  
~~social work, or in a combination of the three categories.~~ 1932

(B) The adult parole authority probation services fund shall 1933  
be created in the state treasury. The fund shall consist of all 1934  
moneys that are paid to the treasurer of any county under section 1935  
2951.021 of the Revised Code for deposit into the county's 1936  
probation services fund established under division (A)(1) of 1937  
section 321.44 of the Revised Code and that subsequently are 1938  
appropriated and transferred to the adult parole authority 1939  
probation services fund under division (A)(2) of that section. The 1940  
chief of the adult parole authority, with the approval of the 1941  
director of the department of rehabilitation and correction, shall 1942  
use the money contained in the adult parole authority probation 1943  
services fund for probation-related expenses in the counties for 1944  
which the authority provides probation services. Probation-related 1945  
expenses may include specialized staff, purchase of equipment, 1946  
purchase of services, reconciliation programs for victims and 1947  
offenders, other treatment programs, including alcohol and drug 1948  
addiction programs certified under section 3793.06 of the Revised 1949  
Code, determined to be appropriate by the chief of the authority, 1950  
and other similar probation-related expenses. 1951

**Sec. 5149.10.** (A) The parole board shall consist of up to 1952  
twelve members, one of whom shall be designated as chairperson by 1953  
the director of the department of rehabilitation and correction 1954  
and who shall continue as chairperson until a successor is 1955  
designated, and any other personnel that are necessary for the 1956  
orderly performance of the duties of the board. In addition to the 1957  
rules authorized by section 5149.02 of the Revised Code, the chief 1958  
of the adult parole authority, subject to the approval of the 1959  
chief of the division of parole and community services and subject 1960  
to this section, shall adopt rules governing the proceedings of 1961

the parole board. The rules shall provide for the convening of 1962  
full board hearings, the procedures to be followed in full board 1963  
hearings, and general procedures to be followed in other hearings 1964  
of the board and by the board's hearing officers. The rules also 1965  
shall require agreement by a majority of all the board members to 1966  
any recommendation of clemency transmitted to the governor. 1967

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When the board members sit as a full board, the chairperson 1969  
shall preside. The chairperson shall also allocate the work of the 1970  
parole board among the board members. The full board shall meet at 1971  
least once each month. In the case of a tie vote on the full 1972  
board, the chief of the adult parole authority shall cast the 1973  
deciding vote. The chairperson may designate a person to serve in 1974  
the chairperson's place. 1975

Except as otherwise provided in division (B) of this section, 1976  
no person shall be appointed a member of the board who is not 1977  
qualified by education or experience in correctional work, 1978  
including law enforcement, prosecution of offenses, advocating for 1979  
the rights of victims of crime, probation, or parole, in law, in 1980  
social work, or in a combination of the three categories. 1981

(B) The director of rehabilitation and correction, in 1982  
consultation with the governor, shall appoint one member of the 1983  
board, who shall be a person who has been a victim of crime or who 1984  
is a member of a victim's family or who represents an organization 1985  
that advocates for the rights of victims of crime. After 1986  
appointment, this member shall be an unclassified employee of the 1987  
department of rehabilitation and correction. 1988

The initial appointment shall be for a term ending four years 1989  
after the effective date of this amendment. Thereafter, the term 1990  
of office of the member appointed under this division shall be for 1991  
four years, with each term ending on the same day of the same 1992  
month as did the term that it succeeds. The member shall hold 1993

office from the date of appointment until the end of the term for  
which the member was appointed and may be reappointed. Vacancies  
shall be filled in the manner provided for original appointments.  
Any member appointed under this division to fill a vacancy  
occurring prior to the expiration date of the term for which the  
member's predecessor was appointed shall hold office as a member  
for the remainder of that term. The member appointed under this  
division shall continue in office subsequent to the expiration  
date of the member's term until the member's successor takes  
office or until a period of sixty days has elapsed, whichever  
occurs first.

The member appointed under this division shall be compensated  
in the same manner as other board members and shall be reimbursed  
for actual and necessary expenses incurred in the performance of  
the members' duties. The member may vote on all cases heard by the  
full board under section 5149.101 of the Revised Code, has such  
duties as are assigned by the chairperson of the board, and shall  
coordinate the member's activities with the office of victims'  
services created under section 5120.60 of the Revised Code.

As used in this division, "crime," "member of the victim's  
family," and "victim" have the meanings given in section 2930.01  
of the Revised Code.

(C) The chairperson shall submit all recommendations for or  
against clemency directly to the governor.

(D) The chairperson shall transmit to the chief of the adult  
parole authority all determinations for or against parole made by  
the board. Parole determinations are final and are not subject to  
review or change by the chief.

(E) In addition to its duties pertaining to parole and  
clemency, if an offender is sentenced to a prison term pursuant to

division (A)(3) of section 2971.03 of the Revised Code, the parole  
board shall have control over the ~~offenders~~ offender's service of  
the prison term during the entire term unless the board terminates  
its control in accordance with section 2971.04 of the Revised  
Code. The parole board may terminate its control over the  
offender's service of the prison term only in accordance with  
section 2971.04 of the Revised Code.

**Sec. 5149.12.** The adult parole authority shall exercise  
general supervision over the work of all probation and parole  
officers throughout the state, ~~including~~ excluding those appointed  
in county probation departments and those appointed by municipal  
judges.

~~The authority shall collect and publish statistical and other  
information and make recommendations as to the operation of the  
probation and parole system. It shall keep itself informed as to  
the work of probation and parole officers, and shall inquire into  
their conduct and efficiency. It may require reports from  
probation officers on blanks which it furnishes. It shall each  
year inform the courts and probation and parole officers of any  
legislation directly affecting probation or parole, and shall each  
year publish a list of all probation and parole officers. It shall  
endeavor, by such means as seem most suitable, to secure the  
effective application of the probation and parole system and  
enforcement of the probation and parole law in all parts of the  
state.~~

~~The authority shall make an annual report which shows the  
results of the state parole system and the probation system as  
administered in the various counties.~~

~~The authority, in discharge of its duties, shall have access  
to all offices and records of probation departments and officers  
within the state.~~

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**Section 2.** That existing sections 2151.421, 2301.54, 2907.03, 2056  
2921.36, 2933.41, 2949.06, 2951.03, 2967.14, 2967.27, 2967.28, 2057  
3101.05, 5120.01, 5120.21, 5120.38, 5120.421, 5120.48, 5120.60, 2058  
5139.251, 5145.06, 5149.02, 5149.04, 5149.06, 5149.10, and 5149.12 2059  
of the Revised Code are hereby repealed. 2060

**Section 3.** Section 5149.06 of the Revised Code is presented 2061  
in this act as a composite of the section as amended by both Am. 2062  
Sub. H.B. 406 and Am. Sub. H.B. 571 of the 120th General Assembly. 2063  
The General Assembly, applying the principle stated in division 2064  
(B) of section 1.52 of the Revised Code that amendments are to be 2065  
harmonized if reasonably capable of simultaneous operation, finds 2066  
that the composite is the resulting version of the section in 2067  
effect prior to the effective date of the section as presented in 2068  
this act. 2069