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124th General Assembly

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Sub. H. B. No. 510

REPRESENTATIVES Womer Benjamin, Latta, Willamowski, Coates,

Otterman, Schmidt

SENATORS Oelslager, Carnes

A B I L L

To amend sections 1901.33, 2151.421, 2301.27, 2301.54, 1
2301.56, 2907.03, 2921.36, 2933.41, 2951.03, 2
2967.14, 2967.26, 2967.27, 2967.28, 5120.01, 3
5120.21, 5120.30, 5120.38, 5120.421, 5120.48, 4
5120.60, 5139.251, 5145.06, 5149.02, 5149.04, 5
5149.05, 5149.06, 5149.10, and 5149.12, to enact 6
sections 5120.173 and 5145.163, and to repeal 7
section 5120.43 of the Revised Code relative to the 8
Department of Rehabilitation and Correction and to 9
auditing of community-based correctional 10
facilities. 11

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

Section 1. That sections 1901.33, 2151.421, 2301.27, 2301.54, 12
2301.56, 2907.03, 2921.36, 2933.41, 2951.03, 2967.14, 2967.26, 13
2967.27, 2967.28, 5120.01, 5120.21, 5120.30, 5120.38, 5120.421, 14
5120.48, 5120.60, 5139.251, 5145.06, 5149.02, 5149.04, 5149.05, 15
5149.06, 5149.10, and 5149.12 be amended and sections 5120.173 and 16
5145.163 of the Revised Code be enacted to read as follows: 17

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Sec. 1901.33. (A) The judge or judges of a municipal court 19
may appoint one or more interpreters, one or more mental health 20
professionals, one or more probation officers, an assignment 21
commissioner, deputy assignment commissioners, and other court 22
aides on a full-time, part-time, hourly, or other basis. Each 23
appointee shall receive the compensation out of the city treasury 24
that the legislative authority prescribes, except that in a 25
county-operated municipal court they shall receive the 26
compensation out of the treasury of the county in which the court 27
is located that the board of county commissioners prescribes. 28
Probation officers have all the powers of regular police officers 29
and shall perform any duties that are designated by the judge or 30
judges of the court. Assignment commissioners shall assign cases 31
for trial and perform any other duties that the court directs. 32

The judge or judges may appoint one or more typists, 33
stenographers, statistical clerks, and official court reporters, 34
each of whom shall be paid the compensation out of the city 35
treasury that the legislative authority prescribes, except that in 36
a county-operated municipal court they shall be paid the 37
compensation out of the treasury of the county in which the court 38
is located that the board of county commissioners prescribes. 39

(B) If a municipal court appoints one or more probation 40
officers, those officers shall constitute the municipal court 41
department of probation unless the court designates other 42
employees as the department of probation for the court. 43

(C) The chief probation officer may grant permission to a 44
probation officer to carry firearms when required in the discharge 45
of the probation officer's official duties, ~~provided that any if~~ 46
~~the~~ probation officer who is granted permission to carry firearms 47
~~in the discharge of the probation officer's official duties,~~ 48
~~within six months of receiving permission to carry a firearm,~~ 49
~~shall~~ has successfully ~~complete~~ completed a basic firearm training 50

~~program that is conducted at a training school approved by the~~ 51
~~executive director of the Ohio peace officer training commission~~ 52
~~and that is substantially similar to the basic firearm training~~ 53
~~program for peace officers conducted at the Ohio peace officer~~ 54
~~training academy and receive a certificate of satisfactory~~ 55
~~completion of that program from the executive director of the Ohio~~ 56
~~peace officer training commission. Any probation officer who does~~ 57
~~not successfully complete a basic firearm training program within~~ 58
~~the six-month period after receiving permission to carry a firearm~~ 59
~~shall not carry, after the expiration of that six-month period, a~~ 60
~~firearm in the discharge of the probation officer's official~~ 61
~~duties until the probation officer has successfully completed a~~ 62
~~basic firearm training program. A probation officer who has~~ 63
~~received a certificate of satisfactory completion of a basic~~ 64
~~firearm training program, to maintain the right been granted~~ 65
~~permission to carry a firearm in the discharge of the probation~~ 66
~~officer's official duties, annually shall successfully complete a~~ 67
~~firearms requalification program in accordance with section~~ 68
~~109.801 of the Revised Code.~~ 69

(D) The judge or judges of a municipal court in which the 70
clerk of the court is elected as provided in division (A)(1)(a) or 71
(d) or (A)(2)(b) of section 1901.31 of the Revised Code may 72
appoint an administrative assistant. The administrative assistant 73
shall have charge of personnel related matters of the court and 74
shall perform any other administrative duties assigned by the 75
court. The administrative assistant shall receive the compensation 76
out of the city treasury that the court prescribes, except that, 77
in a county-operated municipal court, the administrative assistant 78
shall receive the compensation out of the treasury of the county 79
in which the court is located that the court prescribes. 80

Sec. 2151.421. (A)(1)(a) No person described in division 82

(A)(1)(b) of this section who is acting in an official or 83
professional capacity and knows or suspects that a child under 84
eighteen years of age or a mentally retarded, developmentally 85
disabled, or physically impaired child under twenty-one years of 86
age has suffered or faces a threat of suffering any physical or 87
mental wound, injury, disability, or condition of a nature that 88
reasonably indicates abuse or neglect of the child, shall fail to 89
immediately report that knowledge or suspicion to the entity or 90
persons specified in this division. Except as provided in section 91
5120.173 of the Revised Code, the person making the report shall 92
make it to the public children services agency or a municipal or 93
county peace officer in the county in which the child resides or 94
in which the abuse or neglect is occurring or has occurred. In the 95
circumstances described in section 5120.173 of the Revised Code, 96
the person making the report shall make it to the entity specified 97
in that section. 98

(b) Division (A)(1)(a) of this section applies to any person 99
who is an attorney; physician, including a hospital intern or 100
resident; dentist; podiatrist; practitioner of a limited branch of 101
medicine as specified in section 4731.15 of the Revised Code; 102
registered nurse; licensed practical nurse; visiting nurse; other 103
health care professional; licensed psychologist; licensed school 104
psychologist; speech pathologist or audiologist; coroner; 105
administrator or employee of a child day-care center; 106
administrator or employee of a residential camp or child day camp; 107
administrator or employee of a certified child care agency or 108
other public or private children services agency; school teacher; 109
school employee; school authority; person engaged in social work 110
or the practice of professional counseling; or a person rendering 111
spiritual treatment through prayer in accordance with the tenets 112
of a well-recognized religion. 113

(2) An attorney or a physician is not required to make a 114

report pursuant to division (A)(1) of this section concerning any
communication the attorney or physician receives from a client or
patient in an attorney-client or physician-patient relationship,
if, in accordance with division (A) or (B) of section 2317.02 of
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, 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 147
entity or persons specified in this division. Except as provided 148
in section 5120.173 of the Revised Code, a person making a report 149
or causing a report to be made under this division shall make it 150
or cause it to be made to the public children services agency or 151
to a municipal or county peace officer. In the circumstances 152
described in section 5120.173 of the Revised Code, a person making 153
a report or causing a report to be made under this division shall 154
make it or cause it to be made to the entity specified in that 155
section. 156

(C) Any report made pursuant to division (A) or (B) of this 157
section shall be made forthwith either by telephone or in person 158
and shall be followed by a written report, if requested by the 159
receiving agency or officer. The written report shall contain: 160

(1) The names and addresses of the child and the child's 161
parents or the person or persons having custody of the child, if 162
known; 163

(2) The child's age and the nature and extent of the child's 164
known or suspected injuries, abuse, or neglect or of the known or 165
suspected threat of injury, abuse, or neglect, including any 166
evidence of previous injuries, abuse, or neglect; 167

(3) Any other information that might be helpful in 168
establishing the cause of the known or suspected injury, abuse, or 169
neglect or of the known or suspected threat of injury, abuse, or 170
neglect. 171

Any person, who is required by division (A) of this section 172
to report known or suspected child abuse or child neglect, may 173
take or cause to be taken color photographs of areas of trauma 174
visible on a child and, if medically indicated, cause to be 175
performed radiological examinations of the child. 176

(D)(1) ~~Upon the receipt of~~ When a municipal or county peace 177

officer receives a report concerning the possible abuse or neglect 178
of a child or the possible threat of abuse or neglect of a child, 179
upon receipt of the report, the municipal or county peace officer 180
who receives the report shall refer the report to the appropriate 181
public children services agency. 182

(2) ~~On receipt of~~ When a public children services agency 183
receives a report pursuant to this division or division (A) or (B) 184
of this section, upon receipt of the report, the public children 185
services agency shall comply with section 2151.422 of the Revised 186
Code. 187

(E) No township, municipal, or county peace officer shall 188
remove a child about whom a report is made pursuant to this 189
section from the child's parents, stepparents, or guardian or any 190
other persons having custody of the child without consultation 191
with the public children services agency, unless, in the judgment 192
of the officer, and, if the report was made by physician, the 193
physician, immediate removal is considered essential to protect 194
the child from further abuse or neglect. The agency that must be 195
consulted shall be the agency conducting the investigation of the 196
report as determined pursuant to section 2151.422 of the Revised 197
Code. 198

(F)(1) Except as provided in section 2151.422 of the Revised 199
Code, the public children services agency shall investigate, 200
within twenty-four hours, each report of known or suspected child 201
abuse or child neglect and of a known or suspected threat of child 202
abuse or child neglect that is referred to it under this section 203
to determine the circumstances surrounding the injuries, abuse, or 204
neglect or the threat of injury, abuse, or neglect, the cause of 205
the injuries, abuse, neglect, or threat, and the person or persons 206
responsible. The investigation shall be made in cooperation with 207
the law enforcement agency and in accordance with the memorandum 208
of understanding prepared under division (J) of this section. A 209

failure to make the investigation in accordance with the
memorandum is not grounds for, and shall not result in, the
dismissal of any charges or complaint arising from the report or
the suppression of any evidence obtained as a result of the report
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. The public children services agency shall report each case
to a central registry which the department of job and family
services shall maintain in order to determine whether prior
reports have been made in other counties concerning the child or
other principals in the case. The public children services agency
shall submit a report of its investigation, in writing, to the law
enforcement agency.

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

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

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(b) Notwithstanding section 4731.22 of the Revised Code, the
physician-patient privilege shall not be a ground for excluding
evidence regarding a child's injuries, abuse, or neglect, or the

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cause of the injuries, abuse, or neglect in any judicial 242
proceeding resulting from a report submitted pursuant to this 243
section. 244

(2) In any civil or criminal action or proceeding in which it 245
is alleged and proved that participation in the making of a report 246
under this section was not in good faith or participation in a 247
judicial proceeding resulting from a report made under this 248
section was not in good faith, the court shall award the 249
prevailing party reasonable attorney's fees and costs and, if a 250
civil action or proceeding is voluntarily dismissed, may award 251
reasonable attorney's fees and costs to the party against whom the 252
civil action or proceeding is brought. 253

(H)(1) Except as provided in divisions (H)(4), (M), and (N) 254
of this section, a report made under this section is confidential. 255
The information provided in a report made pursuant to this section 256
and the name of the person who made the report shall not be 257
released for use, and shall not be used, as evidence in any civil 258
action or proceeding brought against the person who made the 259
report. In a criminal proceeding, the report is admissible in 260
evidence in accordance with the Rules of Evidence and is subject 261
to discovery in accordance with the Rules of Criminal Procedure. 262

(2) No person shall permit or encourage the unauthorized 263
dissemination of the contents of any report made under this 264
section. 265

(3) A person who knowingly makes or causes another person to 266
make a false report under division (B) of this section that 267
alleges that any person has committed an act or omission that 268
resulted in a child being an abused child or a neglected child is 269
guilty of a violation of section 2921.14 of the Revised Code. 270

(4) If a report is made pursuant to division (A) or (B) of 271
this section and the child who is the subject of the report dies 272

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.
On the request of the review board, the agency or peace officer
may, at its discretion, make the report available to the review
board.

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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.

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(I) Any report that is required by this section, other than a
report that is made to the state highway patrol as described in
section 5120.173 of the Revised Code, 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.

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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:

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(a) If there is only one juvenile judge in the county, the

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juvenile judge of the county or the juvenile judge's
representative; 305
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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; 307
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(c) The county peace officer; 312

(d) All chief municipal peace officers within the county; 313

(e) Other law enforcement officers handling child abuse and
neglect cases in the county; 314
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(f) The prosecuting attorney of the county; 316

(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. 317
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(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 320
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and does not give, and shall not be construed as giving, any 336
rights or any grounds for appeal or post-conviction relief to any 337
person. 338

(3) A memorandum of understanding shall include all of the 339
following: 340

(a) The roles and responsibilities for handling emergency and 341
nonemergency cases of abuse and neglect; 342

(b) Standards and procedures to be used in handling and 343
coordinating investigations of reported cases of child abuse and 344
reported cases of child neglect, methods to be used in 345
interviewing the child who is the subject of the report and who 346
allegedly was abused or neglected, and standards and procedures 347
addressing the categories of persons who may interview the child 348
who is the subject of the report and who allegedly was abused or 349
neglected. 350

(K)(1) Except as provided in division (K)(4) of this section, 351
a person who is required to make a report pursuant to division (A) 352
of this section may make a reasonable number of requests of the 353
public children services agency that receives or is referred the 354
report to be provided with the following information: 355

(a) Whether the agency has initiated an investigation of the 357
report; 358

(b) Whether the agency is continuing to investigate the 359
report; 360

(c) Whether the agency is otherwise involved with the child 361
who is the subject of the report; 362

(d) The general status of the health and safety of the child 363
who is the subject of the report; 364

(e) Whether the report has resulted in the filing of a 365

complaint in juvenile court or of criminal charges in another court. 366
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(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report. 368
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When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to 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. 372
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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. 381
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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. 390
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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 393
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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 which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

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(N) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes

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a disposition of an investigation involving a report of alleged
child abuse or child neglect, or a report of an alleged threat of
child abuse or child neglect, that allegedly occurred in or
involved an out-of-home care entity, the agency shall send written
notice of the disposition of the investigation to the
administrator, director, or other chief administrative officer and
the owner or governing board of the out-of-home care entity. The
agency shall not provide witness statements or police or other
investigative reports.

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Sec. 2301.27. (A)(1) The court of common pleas may establish
a county department of probation. The establishment of the
department shall be entered upon the journal of the court, and the
clerk of the court of common pleas shall certify a copy of the
journal entry establishing the department to each elective officer
and board of the county. The department shall consist of a chief
probation officer and the number of other probation officers and
employees, clerks, and stenographers that is fixed from time to
time by the court. The court shall appoint those individuals, fix
their salaries, and supervise their work. The court shall not
appoint as a probation officer any person who does not possess the
training, experience, and other qualifications prescribed by the
adult parole authority created by section 5149.02 of the Revised
Code. Probation officers have all the powers of regular police
officers and shall perform any duties that are designated by the
judge or judges of the court. All positions within the department
of probation shall be in the classified service of the civil
service of the county.

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(2) If two or more counties desire to jointly establish a
probation department for those counties, the judges of the courts
of common pleas of those counties may establish a probation
department for those counties. If a probation department is
established pursuant to division (A)(2) of this section to serve

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more than one county, the judges of the courts of common pleas
that established the department shall designate the county
treasurer of one of the counties served by the department as the
treasurer to whom probation fees paid under section 2951.021 of
the Revised Code are to be appropriated and transferred under
division (A)(2) of section 321.44 of the Revised Code for deposit
into the multicounty probation services fund established under
division (B) of section 321.44 of the Revised Code.

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The cost of the administration and operation of a probation
department established for two or more counties shall be prorated
to the respective counties on the basis of population.

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(3) Probation officers shall receive, in addition to their
respective salaries, their necessary and reasonable travel and
other expenses incurred in the performance of their duties. Their
salaries and expenses shall be paid monthly from the county
treasury in the manner provided for the payment of the
compensation of other appointees of the court.

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(B)(1) In lieu of establishing a county department of
probation under division (A) of this section and in lieu of
entering into an agreement with the adult parole authority as
described in division (B) of section 2301.32 of the Revised Code,
the court of common pleas may request the board of county
commissioners to contract with, and upon that request the board
may contract with, any nonprofit, public or private agency,
association, or organization for the provision of probation
services and supervisory services for persons placed under
community control sanctions. The contract shall specify that each
individual providing the probation services and supervisory
services shall possess the training, experience, and other
qualifications prescribed by the adult parole authority. The
individuals who provide the probation services and supervisory
services shall not be included in the classified or unclassified

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civil service of the county.

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(2) In lieu of establishing a county department of probation under division (A) of this section and in lieu of entering into an agreement with the adult parole authority as described in division (B) of section 2301.32 of the Revised Code, the courts of common pleas of two or more adjoining counties jointly may request the boards of county commissioners of those counties to contract with, and upon that request the boards of county commissioners of two or more adjoining counties jointly may contract with, any nonprofit, public or private agency, association, or organization for the provision of probation services and supervisory services for persons placed under community control sanctions for those counties. The contract shall specify that each individual providing the probation services and supervisory services shall possess the training, experience, and other qualifications prescribed by the adult parole authority. The individuals who provide the probation services and supervisory services shall not be included in the classified or unclassified civil service of any of those counties.

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(C) The chief probation officer may grant permission to a probation officer to carry firearms when required in the discharge of official duties, ~~provided that any~~ if the probation officer ~~who is granted permission to carry firearms in the discharge of official duties, within six months of receiving permission to carry a firearm, shall~~ has successfully ~~complete~~ completed a basic firearm training program that is ~~conducted at a training school approved by the executive director of the Ohio peace officer training commission and that is substantially similar to the basic firearm training program for peace officers conducted at the Ohio peace officer training academy and receive a certificate of satisfactory completion of that program from the executive director of the Ohio peace officer training commission. Any~~

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~~probation officer who does not successfully complete a basic~~ 525
~~firearm training program within the six-month period after~~ 526
~~receiving permission to carry a firearm shall not carry, after the~~ 527
~~expiration of that six-month period, a firearm in the discharge of~~ 528
~~official duties until the probation officer has successfully~~ 529
~~completed a basic firearm training program. A probation officer~~ 530
~~who has received a certificate of satisfactory completion of a~~ 531
~~basic firearm training program, to maintain the right been granted~~ 532
~~permission to carry a firearm in the discharge of official duties,~~ 533
annually shall successfully complete a firearms requalification 534
program in accordance with section 109.801 of the Revised Code. 535

(D) As used in this section, "community control sanction" has 536
the same meaning as in section 2929.01 of the Revised Code. 537

Sec. 2301.54. Each citizens advisory board appointed under 538
section 2301.53 of the Revised Code shall do all of the following, 539
for each community-based correctional facility and program or 540
district community-based correctional facility and program that 541
was contained in a proposal submitted by the judicial corrections 542
board that appointed it and that was approved by the ~~section on~~ 543
~~probation development and supervision of the adult parole~~ 544
~~authority division of parole and community services:~~ 545

(A) Recommend physical facilities for the use and operation 546
of the facility and program; 547

(B) Provide community relations services for the facility and 548
program; 549

(C) Regularly conduct public meetings in the communities that 550
are served by the facility and program, accept recommendations 551
from the public that are offered at the meetings and that relate 552
to the operation of the facility and program, and refer the 553
recommendations to the judicial corrections board; 554

(D) Encourage the provision of community services by persons, 555

agencies, organizations, or groups in the area served by the 556
facility and program, and seek out persons, agencies, 557
organizations, or groups to provide community services, to the 558
facility and program; 559

(E) Perform other duties relating to the operation of the 560
facility and program that are prescribed by the judicial 561
corrections board. 562

Sec. 2301.56. (A) A judicial corrections board that proposes 563
or establishes one or more community-based correctional facilities 564
and programs or district community-based correctional facilities 565
and programs may apply to the division of parole and community 566
services for state financial assistance for the cost of 567
renovation, maintenance, and operation of any of the facilities 568
and programs. If the judicial corrections board has proposed or 569
established more than one facility and program and if it desires 570
state financial assistance for more than one of the facilities and 571
programs, the board shall submit a separate application for each 572
facility and program for which it desires the financial 573
assistance. 574

An application for state financial assistance under this 575
section may be made when the judicial corrections board submits 576
for the approval of the section its proposal for the establishment 577
of the facility and program in question to the division of parole 578
and community services under division (B) of section 2301.51 of 579
the Revised Code, or at any time after the section has approved 580
the proposal. All applications for state financial assistance for 581
proposed or approved facilities and programs shall be made on 582
forms that are prescribed and furnished by the department of 583
rehabilitation and correction, and in accordance with section 584
5120.112 of the Revised Code. 585

The judicial corrections board may submit a request for 586

funding of some or all of its community-based correctional 587
facilities and programs or district community-based correctional 588
facilities and programs to the board of county commissioners of 589
the county, if the judicial corrections board serves a 590
community-based correctional facility and program, or to the 591
boards of county commissioners of all of the member counties, if 592
the judicial corrections board serves a district community-based 593
correctional facility and program. The board or boards may 594
appropriate, but are not required to appropriate, a sum of money 595
for funding all aspects of each facility and program as outlined 596
in sections 2301.51 to 2301.56 of the Revised Code. The judicial 597
corrections board has no recourse against a board or boards of 598
county commissioners, either under Chapter 2731. of the Revised 599
Code, under its contempt power, or under any other authority, if 600
the board or boards of county commissioners do not appropriate 601
money for funding any facility or program or if they appropriate 602
money for funding a facility and program in an amount less than 603
the total amount of the submitted request for funding. 604

(B) Pursuant to section 2929.37 of the Revised Code, a board 605
of county commissioners may require a person who was convicted of 606
an offense and who is confined in a community-based correctional 607
facility or district community-based correctional facility as 608
provided in sections 2301.51 to 2301.56 of the Revised Code, to 609
reimburse the county for its expenses incurred by reason of the 610
person's confinement. 611

(C) Notwithstanding any contrary provision in this section or 612
section 2929.18, 2929.21, 2929.36, or 2929.37 of the Revised Code, 613
the judicial corrections board may establish a policy that 614
complies with section 2929.38 of the Revised Code and that 615
requires any person who is not indigent and who is confined in the 616
community-based correctional facility or district community-based 617
correctional facility to pay a reception fee or a fee for any 618

medical treatment or service requested by and provided to that
person.

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

(E)(1) Community-based correctional facilities and programs
and district community-based correctional facilities and programs
are public offices under section 117.01 of the Revised Code and
are subject to audit under section 117.10 of the Revised Code. The
audits of the facilities and programs shall include financial
audits and, in addition, in the circumstances specified in this
division, performance audits by the auditor of state. If a private
or nonprofit entity performs the day-to-day operation of any
community-based correctional facility and program or district
community-based correctional facility and program, the private or
nonprofit entity also is subject to financial audits under section
117.10 of the Revised Code, and, in addition, in the circumstances
specified in this division, to performance audits by the auditor
of state. The auditor of state shall conduct the performance
audits of a facility and program and of an entity required under
section 117.10 of the Revised Code and this division and,

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notwithstanding the time period for audits specified in section 117.11 of the Revised Code, shall conduct the financial audits of a facility and program and of an entity required under section 117.10 of the Revised Code and this division, in accordance with the following criteria:

(a) For each facility and program and each entity, the auditor of state shall conduct the initial financial audit within two years after the effective date of this amendment or, if the facility and program in question is established on or after the effective date of this amendment, within two years after the date on which it is established.

(b) After the initial financial audit described in division (E)(1)(a) of this section, for each facility and program and each entity, the auditor of state shall conduct the financial audits of the facility and program or the entity at least once every two fiscal years.

(c) At any time after the effective date of this amendment regarding a facility and program or regarding an entity that performs the day-to-day operation of a facility and program, the department of rehabilitation and correction or the judicial corrections board that established the facility and program may request, or the auditor of state on its own initiative may undertake, a performance audit of the facility and program or the entity. Upon the receipt of the request, or upon the auditor of state's own initiative as described in this division, the auditor of state shall conduct a performance audit of the facility and program or the entity.

(2) The department of rehabilitation and correction shall prepare and provide to the auditor of state quarterly financial reports for each community-based correctional facility and program, for each district community-based correctional facility and program, and, to the extent that information is available, for

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each private or nonprofit entity that performs the day-to-day 683
operation of any community-based correctional facility and program 684
or district community-based correctional facility and program. 685
Each report shall cover a three-month period and shall be provided 686
to the auditor of state not later than fifteen days after the end 687
of the period covered by the report. 688

Sec. 2907.03. (A) No person shall engage in sexual conduct 689
with another, not the spouse of the offender, when any of the 690
following apply: 691

(1) The offender knowingly coerces the other person to submit 692
by any means that would prevent resistance by a person of ordinary 693
resolution. 694

(2) The offender knows that the other person's ability to 695
appraise the nature of or control the other person's own conduct 696
is substantially impaired. 697

(3) The offender knows that the other person submits because 698
the other person is unaware that the act is being committed. 699

(4) The offender knows that the other person submits because 700
the other person mistakenly identifies the offender as the other 701
person's spouse. 702

(5) The offender is the other person's natural or adoptive 703
parent, or a stepparent, or guardian, custodian, or person in loco 704
parentis of the other person. 705

(6) The other person is in custody of law or a patient in a 706
hospital or other institution, and the offender has supervisory or 707
disciplinary authority over the other person. 708

(7) The offender is a teacher, administrator, coach, or other 709
person in authority employed by or serving in a school for which 710
the state board of education prescribes minimum standards pursuant 711
to division (D) of section 3301.07 of the Revised Code, the other 712

person is enrolled in or attends that school, and the offender is
not enrolled in and does not attend that school.

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

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(9) The other person is a minor, and the offender is the
other person's athletic or other type of coach, is the other
person's instructor, is the leader of a scouting troop of which
the other person is a member, or is a person with temporary or
occasional disciplinary control over the other person.

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(10) The offender is a mental health professional, the other
person is a mental health client or patient of the offender, and
the offender induces the other person to submit by falsely
representing to the other person that the sexual conduct is
necessary for mental health treatment purposes.

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

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

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

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(1) "Detention facility" has the same meaning as in section
2921.01 of the Revised Code.

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(2) "Institution of higher education" means a state
institution of higher education defined in section 3345.011 of the
Revised Code, a private nonprofit college or university located in
this state that possesses a certificate of authorization issued by
the Ohio board of regents pursuant to Chapter 1713. of the Revised
Code, or a school certified under Chapter 3332. of the Revised
Code.

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Sec. 2921.36. (A) No person shall knowingly convey, or 743
attempt to convey, onto the grounds of a detention facility or of 744
an institution that is under the control of the department of 745
mental health or the department of mental retardation and 746
developmental disabilities, any of the following items: 747

(1) Any deadly weapon or dangerous ordnance, as defined in 748
section 2923.11 of the Revised Code, or any part of or ammunition 749
for use in such a deadly weapon or dangerous ordnance; 750

(2) Any drug of abuse, as defined in section 3719.011 of the 751
Revised Code; 752

(3) Any intoxicating liquor, as defined in section 4301.01 of 753
the Revised Code. 754

(B) Division (A) of this section does not apply to any person 755
who conveys or attempts to convey an item onto the grounds of a 756
detention facility or of an institution under the control of the 757
department of mental health or the department of mental 758
retardation and developmental disabilities pursuant to the written 759
authorization of the person in charge of the detention facility or 760
the institution and in accordance with the written rules of the 761
detention facility or the institution. 762

(C) No person shall knowingly deliver, or attempt to deliver, 763
to any person who is confined in a detention facility or to any 764
patient in an institution under the control of the department of 765
mental health or the department of mental retardation and 766
developmental disabilities, any item listed in division (A)(1), 767
(2), or (3) of this section. 768

(D) No person shall knowingly deliver, or attempt to deliver, 769
cash to any person who is confined in a detention facility. 770

(E) No person shall knowingly deliver, or attempt to deliver, 772

to any person who is confined in a detention facility a cellular 773
telephone, two-way radio, or other electronic communications 774
device. 775

(F)(1) It is an affirmative defense to a charge under 776
division (A)(1) of this section that the weapon or dangerous 777
ordnance in question was being transported in a motor vehicle for 778
any lawful purpose, that it was not on the actor's person, and, if 779
the weapon or dangerous ordnance in question was a firearm, that 780
it was unloaded and was being carried in a closed package, box, or 781
case or in a compartment that can be reached only by leaving the 782
vehicle. 783

(2) It is an affirmative defense to a charge under division 784
(C) of this section that the actor was not otherwise prohibited by 785
law from delivering the item to the confined person or the patient 786
and that either of the following applies: 787

(a) The actor was permitted by the written rules of the 788
detention facility or the institution to deliver the item to the 789
confined person or the patient. 790

(b) The actor was given written authorization by the person 791
in charge of the detention facility or the institution to deliver 792
the item to the confined person or the patient. 793

~~(F)~~(G)(1) Whoever violates division (A)(1) of this section or 794
commits a violation of division (C) of this section involving an 795
item listed in division (A)(1) of this section is guilty of 796
illegal conveyance of weapons onto the grounds of a detention 797
facility or a mental health or mental retardation and 798
developmental disabilities institution, a felony of the fourth 799
degree. If the offender is an officer or employee of the 800
department of rehabilitation and correction, the court shall 801
impose a mandatory prison term. 802

(2) Whoever violates division (A)(2) of this section or 803

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
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

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forfeited under sections 2923.44 to 2923.47 or 2925.41 to 2925.45 835
of the Revised Code, other than a vehicle that is criminally 836
forfeited under an order issued under section 4503.233 or 4503.234 837
of the Revised Code and that is to be disposed of under section 838
4503.234 of the Revised Code, other than property that has been 839
lawfully seized under sections 2933.71 to 2933.75 of the Revised 840
Code in relation to a medicaid fraud offense, and other than 841
property that has been lawfully seized in relation to a violation 842
of section 2923.32 of the Revised Code, that has been lost, 843
abandoned, stolen, seized pursuant to a search warrant, or 844
otherwise lawfully seized or forfeited, and that is in the custody 845
of a law enforcement agency shall be kept safely pending the time 846
it no longer is needed as evidence and shall be disposed of 847
pursuant to this section. Each law enforcement agency that has 848
custody of any property that is subject to this section shall 849
adopt a written internal control policy that addresses the keeping 850
of detailed records as to the amount of property taken in by the 851
agency, that addresses the agency's disposition of the property 852
under this section, that provides for the keeping of detailed 853
records of the disposition of the property, and that provides for 854
the keeping of detailed financial records of the amount and 855
disposition of any proceeds of a sale of the property under 856
division (D)(8) of this section and of the general types of 857
expenditures made out of the proceeds retained by the agency and 858
the specific amount expended on each general type of expenditure. 859
The policy shall not provide for or permit the identification of 860
any specific expenditure that is made in an ongoing investigation. 861
The policy is a public record open for inspection under section 862
149.43 of the Revised Code. 863

(2)(a) Every law enforcement agency that has any lost, 864
abandoned, stolen, seized, or forfeited property as described in 865
division (A)(1) of this section in its custody shall comply with 866
its written internal control policy adopted under that division 867

relative to the property. Each agency that has any such property 868
in its custody, except for property to be disposed of under 869
division (D)(4) of this section, shall maintain an accurate 870
record, in accordance with its written internal control policy, of 871
each item of the property. The record shall include the date on 872
which each item of property came into the agency's custody, the 873
manner in which it was disposed of, the date of its disposition, 874
the name of the person who received the property if it was not 875
destroyed, and all other information required by the agency's 876
written internal control policy; however, the record shall not 877
identify or enable the identification of the individual officer 878
who seized any item of property. The record of any property that 879
no longer is needed as evidence, and all financial records of the 880
amount and disposition of any proceeds of a sale under division 881
(D)(8) of this section and of the general types of expenditures 882
made out of the proceeds retained by the agency and the specific 883
amount of each general type of expenditure, shall be open to 884
public inspection during the agency's regular business hours. 885

Each law enforcement agency that, during any calendar year, 886
has any seized or forfeited property as described in division 887
(A)(1) of this section in its custody shall prepare a report 888
covering the calendar year that cumulates all of the information 889
contained in all of the records kept by the agency pursuant to 890
this division for that calendar year and shall send a copy of the 891
cumulative report, no later than the first day of March in the 892
calendar year following the calendar year covered by the report, 893
to the attorney general. Each report received by the attorney 894
general is a public record open for inspection under section 895
149.43 of the Revised Code. 896

(b) Each law enforcement agency that receives in any calendar 897
year any proceeds of a sale under division (D)(8) of this section 898
shall prepare a report covering the calendar year that cumulates 899

all of the information contained in all of the public financial records kept by the agency pursuant to division (D)(2)(a) of this section for that calendar year and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. Each report received by the attorney general is a public record open for inspection under section 149.43 of the Revised Code.

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

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

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property to them at the earliest possible time. In the absence of 931
evidence identifying persons entitled to possession, it is 932
sufficient notice to advertise in a newspaper of general 933
circulation in the county, briefly describing the nature of the 934
property in custody and inviting persons to view and establish 935
their right to it. 936

(C) A person loses any right that the person may have to the 937
possession, or the possession and ownership, of property if any of 938
the following applies: 939

(1) The property was the subject, or was used in a conspiracy 940
or attempt to commit, or in the commission, of an offense other 941
than a traffic offense, and the person is a conspirator, 942
accomplice, or offender with respect to the offense. 943

(2) A court determines that the property should be forfeited 944
because, in light of the nature of the property or the 945
circumstances of the person, it is unlawful for the person to 946
acquire or possess the property. 947

(D) Unclaimed or forfeited property in the custody of a law 948
enforcement agency, other than contraband that is subject to the 949
provisions of section 2913.34 or 2933.43 of the Revised Code, 950
other than property forfeited under sections 2923.44 to 2923.47 or 951
2925.41 to 2925.45 of the Revised Code, and other than property 952
that has been lawfully seized in relation to a violation of 953
section 2923.32 of the Revised Code, shall be disposed of on 954
application to and order of any court of record that has 955
territorial jurisdiction over the political subdivision in which 956
the law enforcement agency has jurisdiction to engage in law 957
enforcement activities, as follows: 958

(1) Drugs shall be disposed of pursuant to section 3719.11 of 959
the Revised Code or placed in the custody of the secretary of the 960
treasury of the United States for disposal or use for medical or 961

scientific purposes under applicable federal law. 962

(2) Firearms and dangerous ordnance suitable for police work 963
may be given to a law enforcement agency for that purpose. 964
Firearms suitable for sporting use or as museum pieces or 965
collectors' items may be sold at public auction pursuant to 966
division (D)(8) of this section. Other firearms and dangerous 967
ordnance shall be destroyed by the agency or shall be sent to the 968
bureau of criminal identification and investigation for 969
destruction by the bureau. 970

(3) Obscene materials shall be destroyed. 971

(4) Beer, intoxicating liquor, or alcohol seized from a 972
person who is not the holder of a permit issued under Chapters 973
4301. and 4303. of the Revised Code or is an offender and 974
forfeited to the state under section 4301.45 or 4301.53 of the 975
Revised Code either shall be sold by the division of liquor 976
control, if the division determines that the beer, intoxicating 977
liquor, or alcohol is fit for sale, or shall be placed in the 978
custody of the investigations unit in the department of public 979
safety and be used for training relating to law enforcement 980
activities. The department, with the assistance of the division of 981
liquor control, shall adopt rules in accordance with Chapter 119. 982
of the Revised Code to provide for the distribution of such beer, 983
intoxicating liquor, or alcohol to state or local law enforcement 984
agencies upon their request. If any tax imposed under Title XLIII 985
of the Revised Code has not been paid in relation to the beer, 986
intoxicating liquor, or alcohol, the proceeds of the sale shall 987
first be used to pay the tax. All other money collected under 988
division (D)(4) of this section shall be paid into the state 989
treasury. Any such beer, intoxicating liquor, or alcohol that the 990
division determines to be unfit for sale shall be destroyed. 991

(5) Money received by an inmate of a correctional institution 992
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from an unauthorized source or in an unauthorized manner shall be 994
returned to the sender, if known, or deposited in the inmates' 995
industrial and entertainment fund if the sender is not known. 996

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(6) Vehicles and vehicle parts forfeited under sections 998
4549.61 to 4549.63 of the Revised Code may be given to a law 999
enforcement agency for use in the performance of its duties. Those 1000
parts may be incorporated into any other official vehicle. Parts 1001
that do not bear vehicle identification numbers or derivatives of 1002
them may be sold or disposed of as provided by rules of the 1003
director of public safety. Parts from which a vehicle 1004
identification number or derivative of it has been removed, 1005
defaced, covered, altered, or destroyed and that are not suitable 1006
for police work or incorporation into an official vehicle shall be 1007
destroyed and sold as junk or scrap. 1008

(7)(a) Computers, computer networks, computer systems, and 1009
computer software suitable for police work may be given to a law 1010
enforcement agency for that purpose. Other computers, computer 1011
networks, computer systems, and computer software shall be 1012
disposed of pursuant to division (D)(8) of this section. 1013

(b) As used in this section, "computers," "computer 1014
networks," "computer systems," and "computer software" have the 1015
same meanings as in section 2913.01 of the Revised Code. 1016

(8) Other unclaimed or forfeited property, including personal 1017
property that is abandoned or relinquished by an inmate of a state 1018
correctional institution, with the approval of the court, may be 1019
used by the law enforcement agency that has possession of it. If 1020
the other unclaimed or forfeited property is not used by the law 1021
enforcement agency, it may be sold, without appraisal, at a public 1022
auction to the highest bidder for cash, or, in the case of other 1023
unclaimed or forfeited moneys, disposed of in another manner that 1024
the court considers proper in the circumstances. 1025

1026
(E)(1)(a) If the property was in the possession of the law 1027
enforcement agency in relation to a delinquent child proceeding in 1028
a juvenile court, ten per cent of the proceeds from property 1029
disposed of pursuant to this section shall be applied to one or 1030
more alcohol and drug addiction treatment programs that are 1031
certified by the department of alcohol and drug addiction services 1032
under section 3793.06 of the Revised Code and that are specified 1033
by the court in its order issued under division (D) of this 1034
section. A juvenile court shall not specify an alcohol or drug 1035
addiction treatment program in the order unless the program is a 1036
certified alcohol and drug addiction treatment program and, except 1037
as provided in division (E)(1)(a) of this section, unless the 1038
program is located in the county in which the court that issues 1039
the orders is located or in a contiguous county. If no certified 1040
alcohol and drug addiction treatment program is located in any of 1041
those counties, the juvenile court may specify in the order a 1042
certified alcohol and drug addiction treatment program located 1043
anywhere within this state. The remaining ninety per cent of the 1044
proceeds shall be applied as provided in division (E)(1)(b) of 1045
this section. 1046

If the property was in the possession of the law enforcement 1047
agency other than in relation to a delinquent child proceeding in 1048
a juvenile court, all of the proceeds from property disposed of 1049
pursuant to this section shall be applied as provided in division 1050
(E)(1)(b) of this section. 1051

(b) Except as provided in divisions (D)(4), (5), and (E)(2) 1052
of this section and after compliance with division (E)(1)(a) of 1053
this section when that division is applicable, the proceeds from 1054
property disposed of pursuant to this section shall be placed in 1055
the general fund of the state, the county, the township, or the 1056
municipal corporation, of which the law enforcement agency 1057

involved is an agency. 1058

(2) Each board of county commissioners that recognizes a 1059
citizens' reward program as provided in section 9.92 of the 1060
Revised Code shall notify each law enforcement agency of that 1061
county and each law enforcement agency of a township or municipal 1062
corporation wholly located in that county of the official 1063
recognition of the citizens' reward program by filing a copy of 1064
its resolution conferring that recognition with each of those law 1065
enforcement agencies. When the board of county commissioners of a 1066
county recognizes a citizens' reward program and the county 1067
includes a part, but not all, of the territory of a municipal 1068
corporation, the board shall so notify the law enforcement agency 1069
of that municipal corporation of the official recognition of the 1070
citizens' reward program only if the county contains the highest 1071
percentage of the municipal corporation's population. Upon receipt 1072
of a notice described in this division, each law enforcement 1073
agency shall pay twenty-five per cent of the proceeds from each 1074
sale of property disposed of pursuant to this section to the 1075
citizens' reward program for use exclusively for the payment of 1076
rewards. No part of those funds may be used to pay for the 1077
administrative expenses or any other expenses associated with a 1078
citizens' reward program. If a citizens' reward program that 1079
operates in more than one county or in another state or states in 1080
addition to this state receives funds pursuant to this section, 1081
the funds shall be used to pay rewards only for tips and 1082
information to law enforcement agencies concerning felonies, 1083
offenses of violence, or misdemeanors that have been committed in 1084
the county from which the funds were received. 1085

(F) This section does not apply to the collection, storage, 1086
or disposal of abandoned junk motor vehicles. This section shall 1087
not be construed to rescind or restrict the authority of a 1088
municipal law enforcement agency to keep and dispose of lost, 1089

abandoned, stolen, seized, or forfeited property under an 1090
ordinance of the municipal corporation or under sections 737.29 to 1091
737.33 of the Revised Code, provided that, when a municipal 1092
corporation that has received notice as provided in division 1093
(E)(2) of this section disposes of property under an ordinance, it 1094
shall pay twenty-five per cent of the proceeds from any sale or 1095
auction to the citizens' reward program as provided under that 1096
division. 1097

(G) The receipt of funds by a citizens' reward program 1098
pursuant to division (E) of this section does not make it a 1099
governmental unit for purposes of section 149.43 of the Revised 1100
Code and does not subject it to the disclosure provisions of that 1101
section. 1102

(H) This section does not apply to the disposal of stolen or 1103
other property recovered by township law enforcement agencies 1104
pursuant to sections 505.105 to 505.109 of the Revised Code. 1105

(I)(1) Subject to divisions (D)(1) to (7) of this section, 1106
and otherwise notwithstanding the provisions of this section, 1107
personal property that is subject to this section and that is 1108
abandoned or relinquished by an inmate of a state correctional 1109
institution may be destroyed or used by order of the warden of the 1110
institution, if either of the following apply: 1111

(a) The value of the item is one hundred dollars or less, the 1112
state correctional institution has attempted to contact or 1113
identify the owner of the personal property, and those attempts 1114
have been unsuccessful. 1115

(b) The inmate who owns the personal property agrees in 1116
writing to the disposal of the personal property in question. 1117

(2) The department of rehabilitation and correction shall 1118
record the seizure and disposition of any personal property 1119
pursuant to division (I)(1) of this section, any attempts to 1120

contact or identify the owner of the personal property pursuant to 1121
division (I)(1)(a) of this section, and any agreement made 1122
pursuant to division (I)(1)(b) of this section. 1123

(J) For purposes of this section, "law enforcement agency" 1124
includes correctional institutions, and "citizens' reward program" 1125
has the same meaning as in section 9.92 of the Revised Code. As 1126
used in division (H) of this section, "township law enforcement 1127
agencies" means an organized police department of a township, a 1128
township police district, a joint township police district, or the 1129
office of a township constable. 1130

Sec. 2951.03. (A)(1) No person who has been convicted of or 1131
pleaded guilty to a felony shall be placed under a community 1132
control sanction until a written presentence investigation report 1133
has been considered by the court. If a court orders the 1134
preparation of a presentence investigation report pursuant to this 1135
section, section 2947.06 of the Revised Code, or Criminal Rule 1136
32.2, the officer making the report shall inquire into the 1137
circumstances of the offense and the criminal record, social 1138
history, and present condition of the defendant, all information 1139
available regarding any prior adjudications of the defendant as a 1140
delinquent child and regarding the dispositions made relative to 1141
those adjudications, and any other matters specified in Criminal 1142
Rule 32.2. Whenever the officer considers it advisable, the 1143
officer's investigation may include a physical and mental 1144
examination of the defendant. A physical examination of the 1145
defendant may include a drug test consisting of a chemical 1146
analysis of a blood or urine specimen of the defendant to 1147
determine whether the defendant ingested or was injected with a 1148
drug of abuse. If, pursuant to section 2930.13 of the Revised 1149
Code, the victim of the offense of which the defendant has been 1150
convicted wishes to make a statement regarding the impact of the 1151
offense for the officer's use in preparing the presentence 1152

investigation report, the officer shall comply with the 1153
requirements of that section. 1154

(2) If a defendant is committed to any institution, the 1155
presentence investigation report shall be sent to the institution 1156
with the entry of commitment. If a defendant is committed to any 1157
institution and a presentence investigation report is not prepared 1158
regarding that defendant pursuant to this section, section 2947.06 1159
of the Revised Code, or Criminal Rule 32.2, the director of the 1160
department of rehabilitation and correction or the director's 1161
designee may order that an offender background investigation and 1162
report be conducted and prepared regarding the defendant pursuant 1163
to section 5120.16 of the Revised Code. An offender background 1164
investigation report prepared pursuant to this section shall be 1165
considered confidential information and is not a public record 1166
under section 149.43 of the Revised Code. 1167

(3) The department of rehabilitation and correction may use 1168
any presentence investigation report and any offender background 1169
investigation report prepared pursuant to this section for 1170
penological and rehabilitative purposes. The department may 1171
disclose any presentence investigation report and any offender 1172
background investigation report to courts, law enforcement 1173
agencies, community-based correctional facilities, halfway houses, 1174
and medical, mental health, and substance abuse treatment 1175
providers. The department shall make the disclosure in a manner 1176
calculated to maintain the report's confidentiality. Any 1177
presentence investigation report or offender background 1178
investigation report that the department discloses to a 1179
community-based correctional facility, a halfway house, or a 1180
medical, mental health, or substance abuse treatment provider 1181
shall not include a victim impact section or information 1182
identifying a witness. 1183

(B)(1) If a presentence investigation report is prepared 1184

pursuant to this section, section 2947.06 of the Revised Code, or 1185
Criminal Rule 32.2, the court, at a reasonable time before 1186
imposing sentence, shall permit the defendant or the defendant's 1187
counsel to read the report, except that the court shall not permit 1188
the defendant or the defendant's counsel to read any of the 1189
following: 1190

(a) Any recommendation as to sentence; 1191

(b) Any diagnostic opinions that, if disclosed, the court 1192
believes might seriously disrupt a program of rehabilitation for 1193
the defendant; 1194

(c) Any sources of information obtained upon a promise of 1195
confidentiality; 1196

(d) Any other information that, if disclosed, the court 1197
believes might result in physical harm or some other type of harm 1198
to the defendant or to any other person. 1199

(2) Prior to sentencing, the court shall permit the defendant 1200
and the defendant's counsel to comment on the presentence 1201
investigation report and, in its discretion, may permit the 1202
defendant and the defendant's counsel to introduce testimony or 1203
other information that relates to any alleged factual inaccuracy 1204
contained in the report. 1205

(3) If the court believes that any information in the 1206
presentence investigation report should not be disclosed pursuant 1207
to division (B)(1) of this section, the court, in lieu of making 1208
the report or any part of the report available, shall state orally 1209
or in writing a summary of the factual information contained in 1210
the report that will be relied upon in determining the defendant's 1211
sentence. The court shall permit the defendant and the defendant's 1212
counsel to comment upon the oral or written summary of the report. 1213

(4) Any material that is disclosed to the defendant or the 1214
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defendant's counsel pursuant to this section shall be disclosed to 1216
the prosecutor who is handling the prosecution of the case against 1217
the defendant. 1218

(5) If the comments of the defendant or the defendant's 1219
counsel, the testimony they introduce, or any of the other 1220
information they introduce alleges any factual inaccuracy in the 1221
presentence investigation report or the summary of the report, the 1222
court shall do either of the following with respect to each 1223
alleged factual inaccuracy: 1224

(a) Make a finding as to the allegation; 1225

(b) Make a determination that no finding is necessary with 1226
respect to the allegation, because the factual matter will not be 1227
taken into account in the sentencing of the defendant. 1228

(C) A court's decision as to the content of a summary under 1229
division (B)(3) of this section or as to the withholding of 1230
information under division (B)(1)(a), (b), (c), or (d) of this 1231
section shall be considered to be within the discretion of the 1232
court. No appeal can be taken from either of those decisions, and 1233
neither of those decisions shall be the basis for a reversal of 1234
the sentence imposed. 1235

(D)(1) The contents of a presentence investigation report 1236
prepared pursuant to this section, section 2947.06 of the Revised 1237
Code, or Criminal Rule 32.2 and the contents of any written or 1238
oral summary of a presentence investigation report or of a part of 1239
a presentence investigation report described in division (B)(3) of 1240
this section are confidential information and are not a public 1241
record. The court, an appellate court, authorized probation 1242
officers, investigators, and court personnel, the defendant, the 1243
defendant's counsel, the prosecutor who is handling the 1244
prosecution of the case against the defendant, and authorized 1245
personnel of an institution to which the defendant is committed 1246

may inspect, receive copies of, retain copies of, and use a
presentence investigation report or a written or oral summary of a
presentence investigation only for the purposes of or only as
authorized by Criminal Rule 32.2 or this section, division (F)(1)
of section 2953.08, section 2947.06, or another section of the
Revised Code.

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

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

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(E) In inquiring into the information available regarding any
prior adjudications of the defendant as a delinquent child and
regarding the dispositions made relative to those adjudications,
the officer making the report shall consider all information that
is relevant, including, but not limited to, the materials
described in division (B) of section 2151.14, division (C)(3) of
section 2152.18, division (D)(3) of section 2152.19, and division

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| (E) of section 2152.71 of the Revised Code. | 1279 |
| (F) As used in this section: | 1280 |
| (1) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. | 1281 1282 |
| (2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. | 1283 1284 |
| (3) "Public record" has the same meaning as in section 149.43 of the Revised Code. | 1285 1286 |
| Sec. 2967.14. (A) The adult parole authority may require a parolee or releasee to reside in a halfway house or other suitable community residential center that has been licensed by the division of parole and community services pursuant to division (C) of this section during a part or for the entire period of the parolee's conditional release or of the releasee's term of post-release control. The court of common pleas that placed an offender under a sanction consisting of a term in a halfway house or in an alternative residential sanction may require the offender to reside in a halfway house or other suitable community residential center that is designated by the court and that has been licensed by the division pursuant to division (C) of this section during a part or for the entire period of the offender's residential sanction. | 1287 1288 1289 1290 1291 1292 1293 1294 1295 1296 1297 1298 1299 1300 |
| (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 housing, supervision, and other services that are required for persons who have been assigned to a halfway house or community | 1301 1302 1303 1304 1305 1306 1307 1308 |

~~residential center, including parolees, releasees, persons placed~~ 1309
~~under a residential sanction, persons under transitional control,~~ 1310
~~and other eligible offenders the purchase of beds, shall set~~ 1311
~~limits of supervision and levels of occupancy, and shall determine~~ 1312
~~the scope of services for all eligible offenders, including those~~ 1313
~~subject to a residential sanction, as defined in rules adopted by~~ 1314
the director of rehabilitation and correction in accordance with 1315
Chapter 119. of the Revised Code. ~~An agreement under this division~~ 1316
~~shall provide for per diem payments to the agency, department, or~~ 1317
~~political subdivision on behalf of each parolee and releasee~~ 1318
~~assigned to and each person placed under a residential sanction in~~ 1319
~~a halfway house or community residential center that is operated~~ 1320
~~by the agency, department, or political subdivision and that has~~ 1321
~~been licensed by the division. The per diem payments for beds and~~ 1322
~~services shall be equal to the halfway house's or community~~ 1323
residential center's average daily per capita costs with its 1324
facility at full occupancy. The ~~per diem payments for beds and~~ 1325
~~services shall not exceed the total operating costs of the halfway~~ 1326
house or community residential center during the term of an 1327
agreement. The director of rehabilitation and correction shall 1328
adopt rules in accordance with Chapter 119. of the Revised Code 1329
for determining includable and excludable costs and income to be 1330
used in computing the agency's average daily per capita costs with 1331
its facility at full occupancy. 1332

The department of rehabilitation and correction may use a 1333
~~portion no more than ten per cent~~ of the amount appropriated to 1334
the department each fiscal year for the halfway house and 1335
community residential center program to pay for contracts for 1336
nonresidential services for offenders under the supervision of the 1337
adult parole authority. The nonresidential services may include, 1338
but are not limited to, treatment for substance abuse, mental 1339
health counseling, and counseling for sex offenders. 1340

(C) The division of parole and community services may license 1341
a halfway house or community residential center as a suitable 1342
facility for the care and treatment of adult offenders only if the 1343
halfway house or community residential center complies with the 1344
standards that the division adopts in accordance with Chapter 119. 1345
of the Revised Code for the licensure of halfway houses and 1346
community residential centers. The division shall annually inspect 1347
each licensed halfway house and licensed community residential 1348
center to determine if it is in compliance with the licensure 1349
standards. 1350

Sec. 2967.26. (A)(1) The department of rehabilitation and 1351
correction, by rule, may establish a transitional control program 1352
for the purpose of closely monitoring a prisoner's adjustment to 1353
community supervision during the final one hundred eighty days of 1354
the prisoner's confinement. If the department establishes a 1355
transitional control program under this division, the adult parole 1356
authority may transfer eligible prisoners to transitional control 1357
status under the program during the final one hundred eighty days 1358
of their confinement and under the terms and conditions 1359
established by the department, shall provide for the confinement 1360
as provided in this division of each eligible prisoner so 1361
transferred, and shall supervise each eligible prisoner so 1362
transferred in one or more community control sanctions. Each 1363
eligible prisoner who is transferred to transitional control 1364
status under the program shall be confined in a suitable facility 1365
that is licensed pursuant to division (C) of section 2967.14 of 1366
the Revised Code, or shall be confined in a residence the 1367
department has approved for this purpose and be monitored pursuant 1368
to an electronic monitoring device, as defined in section 2929.23 1369
of the Revised Code. If the department establishes a transitional 1370
control program under this division, the rules establishing the 1371
program shall include criteria that define which prisoners are 1372

eligible for the program, criteria that must be satisfied to be 1373
approved as a residence that may be used for confinement under the 1374
program of a prisoner that is transferred to it and procedures for 1375
the department to approve residences that satisfy those criteria, 1376
and provisions of the type described in division (C) of this 1377
section. At a minimum, the criteria that define which prisoners 1378
are eligible for the program shall provide all of the following: 1379

(a) That a prisoner is eligible for the program if the 1380
prisoner is serving a prison term or term of imprisonment for an 1381
offense committed prior to ~~the effective date of this amendment~~ 1382
March 17, 1998, and if, at the time at which eligibility is being 1383
determined, the prisoner would have been eligible for a furlough 1384
under this section as it existed immediately prior to ~~the~~ 1385
~~effective date of this amendment~~ March 17, 1998, or would have 1386
been eligible for conditional release under former section 2967.23 1387
of the Revised Code as that section existed immediately prior to 1388
~~the effective date of this amendment~~ March 17, 1998; 1389

(b) That no prisoner who is serving a mandatory prison term 1390
is eligible for the program until after expiration of the 1391
mandatory term; 1392

(c) That no prisoner who is serving a prison term or term of 1393
life imprisonment without parole imposed pursuant to section 1394
2971.03 of the Revised Code is eligible for the program. 1395

(2) At least three weeks prior to transferring to 1396
transitional control under this section a prisoner who is serving 1397
a term of imprisonment or prison term for an offense committed on 1398
or after July 1, 1996, the adult parole authority shall give 1399
notice of the pendency of the transfer to transitional control to 1400
the court of common pleas of the county in which the indictment 1401
against the prisoner was found and of the fact that the court may 1402
disapprove the transfer of the prisoner to transitional control 1403
and shall include a report prepared by the head of the state 1404

correctional institution in which the prisoner is confined. The 1405
head of the state correctional institution in which the prisoner 1406
is confined, upon the request of the adult parole authority, shall 1407
provide to the authority for inclusion in the notice sent to the 1408
court under this division a report on the prisoner's conduct in 1409
the institution and in any institution from which the prisoner may 1410
have been transferred. The report shall cover the prisoner's 1411
participation in school, vocational training, work, treatment, and 1412
other rehabilitative activities and any disciplinary action taken 1413
against the prisoner. If the court disapproves of the transfer of 1414
the prisoner to transitional control, the court shall notify the 1415
authority of the disapproval within thirty days after receipt of 1416
the notice. If the court timely disapproves the transfer of the 1417
prisoner to transitional control, the authority shall not proceed 1418
with the transfer. If the court does not timely disapprove the 1419
transfer of the prisoner to transitional control, the authority 1420
may transfer the prisoner to transitional control. 1421

(3) If the victim of an offense for which a prisoner was 1422
sentenced to a prison term or term of imprisonment has requested 1423
notification under section 2930.16 of the Revised Code and has 1424
provided the department of rehabilitation and correction with the 1425
victim's name and address, the adult parole authority, at least 1426
three weeks prior to transferring the prisoner to transitional 1427
control pursuant to this section, shall notify the victim of the 1428
pendency of the transfer and of the victim's right to submit a 1429
statement to the authority regarding the impact of the transfer of 1430
the prisoner to transitional control. If the victim subsequently 1431
submits a statement of that nature to the authority, the authority 1432
shall consider the statement in deciding whether to transfer the 1433
prisoner to transitional control. 1434

(B) Each prisoner transferred to transitional control under 1435
this section shall be confined in the manner described in division 1436

(A) of this section during any period of time that the prisoner is 1437
not actually working at the prisoner's approved employment, 1438
engaged in a vocational training or another educational program, 1439
engaged in another program designated by the director, or engaged 1440
in other activities approved by the department. 1441

(C) The department of rehabilitation and correction shall 1442
adopt rules for transferring eligible prisoners to transitional 1443
control, supervising and confining prisoners so transferred, 1444
administering the transitional control program in accordance with 1445
this section, and using the moneys deposited into the transitional 1446
control fund established under division (E) of this section. 1447

(D) The department of rehabilitation and correction may adopt 1448
rules for the issuance of passes for the limited purposes 1449
described in this division to prisoners who are transferred to 1450
transitional control under this section. If the department adopts 1451
rules of that nature, the rules shall govern the granting of the 1452
passes and shall provide for the supervision of prisoners who are 1453
temporarily released pursuant to one of those passes. Upon the 1454
adoption of rules under this division, the department may issue 1455
passes to prisoners who are transferred to transitional control 1456
status under this section in accordance with the rules and the 1457
provisions of this division. All passes issued under this division 1458
shall be for a maximum of forty-eight hours and may be issued only 1459
for the following purposes: 1460

(1) To visit a ~~dying~~ relative in imminent danger of death; 1461

(2) To ~~attend the funeral of a~~ have a private viewing of the 1462
body of a deceased relative; 1463

(3) To visit with family; 1464

(4) To otherwise aid in the rehabilitation of the prisoner. 1465

(E) The adult parole authority may require a prisoner who is 1466
transferred to transitional control to pay to the division of 1467

parole and community services the reasonable expenses incurred by 1468
the division in supervising or confining the prisoner while under 1469
transitional control. Inability to pay those reasonable expenses 1470
shall not be grounds for refusing to transfer an otherwise 1471
eligible prisoner to transitional control. Amounts received by the 1472
division of parole and community services under this division 1473
shall be deposited into the transitional control fund, which is 1474
hereby created in the state treasury and which hereby replaces and 1475
succeeds the furlough services fund that formerly existed in the 1476
state treasury. All moneys that remain in the furlough services 1477
fund on ~~the effective date of this amendment~~ March 17, 1998, shall 1478
be transferred on that date to the transitional control fund. The 1479
transitional control fund shall be used solely to pay costs 1480
related to the operation of the transitional control program 1481
established under this section. The director of rehabilitation and 1482
correction shall adopt rules in accordance with section 111.15 of 1483
the Revised Code for the use of the fund. 1484

(F) A prisoner who violates any rule established by the 1485
department of rehabilitation and correction under division (A), 1486
(C), or (D) of this section may be transferred to a state 1487
correctional institution pursuant to rules adopted under division 1488
(A), (C), or (D) of this section, but the prisoner shall receive 1489
credit towards completing the prisoner's sentence for the time 1490
spent under transitional control. 1491

If a prisoner is transferred to transitional control under 1492
this section, upon successful completion of the period of 1493
transitional control, the prisoner may be released on parole or 1494
under post-release control pursuant to section 2967.13 or 2967.28 1495
of the Revised Code and rules adopted by the department of 1496
rehabilitation and correction. If the prisoner is released under 1497
post-release control, the duration of the post-release control, 1498
the type of post-release control sanctions that may be imposed, 1499

the enforcement of the sanctions, and the treatment of prisoners 1500
who violate any sanction applicable to the prisoner are governed 1501
by section 2967.28 of the Revised Code. 1502

Sec. 2967.27. (A)(1) The department of rehabilitation and 1503
correction may grant escorted visits to prisoners confined in any 1504
state correctional facility for the limited purpose of visiting a 1505
~~dying~~ relative in imminent danger of death or ~~attending the~~ 1506
~~funeral of a~~ having a private viewing of the body of a deceased 1507
relative. 1508

(2) Prior to granting any prisoner an escorted visit for the 1509
limited purpose of visiting a ~~dying~~ relative in imminent danger of 1510
death or ~~attending the funeral of a~~ having a private viewing of 1511
the body of a deceased relative under this section, the department 1512
shall notify its office of victims' services so that the office 1513
may provide assistance to any victim or victims of the offense 1514
committed by the prisoner and to members of the family of the 1515
victim. 1516

(B) The department of rehabilitation and correction shall 1517
adopt rules for the granting of escorted visits under this section 1518
and for supervising prisoners on an escorted visit. 1519

(C) No prisoner shall be granted an escorted visit under this 1520
section if the prisoner is likely to pose a threat to the public 1521
safety or has a record of more than two felony commitments 1522
(including the present charge), not more than one of which may be 1523
for a crime of an assaultive nature. 1524

(D) The procedure for granting an escorted visit under this 1525
section is separate from, and independent of, the transitional 1526
control program described in section 2967.26 of the Revised Code. 1527

Sec. 2967.28. (A) As used in this section: 1528

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| (1) "Monitored time" means the monitored time sanction specified in section 2929.17 of the Revised Code. | 1529 1530 |
| (2) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code. | 1531 1532 |
| (3) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony. | 1533 1534 |
| (B) Each sentence to a prison term for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is not a felony sex offense and in the commission of which the offender caused or threatened to cause physical harm to a person shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. Unless reduced by the parole board pursuant to division (D) of this section when authorized under that division, a period of post-release control required by this division for an offender shall be of one of the following periods: | 1535 1536 1537 1538 1539 1540 1541 1542 1543 1544 1545 1546 |
| (1) For a felony of the first degree or for a felony sex offense, five years; | 1547 1548 |
| (2) For a felony of the second degree that is not a felony sex offense, three years; | 1549 1550 |
| (3) For a felony of the third degree that is not a felony sex offense and in the commission of which the offender caused or threatened physical harm to a person, three years. | 1551 1552 1553 |
| (C) Any sentence to a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (B)(1) or (3) of this section shall include a requirement that the offender be subject to a period of post-release control of up to three years after the offender's release from imprisonment, if the parole board, in accordance with division (D) of this section, | 1554 1555 1556 1557 1558 1559 |

determines that a period of post-release control is necessary for 1560
that offender. 1561

(D)(1) Before the prisoner is released from imprisonment, the 1562
parole board shall impose upon a prisoner described in division 1563
(B) of this section, may impose upon a prisoner described in 1564
division (C) of this section, and shall impose upon a prisoner 1565
described in division (B)(2)(b) of section 5120.031 or in division 1566
(B)(1) of section 5120.032 of the Revised Code, one or more 1567
post-release control sanctions to apply during the prisoner's 1568
period of post-release control. Whenever the board imposes one or 1569
more post-release control sanctions upon a prisoner, the board, in 1570
addition to imposing the sanctions, also shall include as a 1571
condition of the post-release control that the individual or felon 1572
not leave the state without permission of the court or the 1573
individual's or felon's parole or probation officer and that the 1574
individual or felon abide by the law. The board may impose any 1575
other conditions of release under a post-release control sanction 1576
that the board considers appropriate, and the conditions of 1577
release may include any community residential sanction, community 1578
nonresidential sanction, or financial sanction that the sentencing 1579
court was authorized to impose pursuant to sections 2929.16, 1580
2929.17, and 2929.18 of the Revised Code. Prior to the release of 1581
a prisoner for whom it will impose one or more post-release 1582
control sanctions under this division, the parole board shall 1583
review the prisoner's criminal history, all juvenile court 1584
adjudications finding the prisoner, while a juvenile, to be a 1585
delinquent child, and the record of the prisoner's conduct while 1586
imprisoned. The parole board shall consider any recommendation 1587
regarding post-release control sanctions for the prisoner made by 1588
the office of victims' services. After considering those 1589
materials, the board shall determine, for a prisoner described in 1590
division (B) of this section, division (B)(2)(b) of section 1591

5120.031, or division (B)(1) of section 5120.032 of the Revised Code, which post-release control sanction or combination of post-release control sanctions is reasonable under the circumstances or, for a prisoner described in division (C) of this section, whether a post-release control sanction is necessary and, if so, which post-release control sanction or combination of post-release control sanctions is reasonable under the circumstances. In the case of a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, the board shall presume that monitored time is the appropriate post-release control sanction unless the board determines that a more restrictive sanction is warranted. A post-release control sanction imposed under this division takes effect upon the prisoner's release from imprisonment.

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

for an offense described in division (B)(1) of this section, and
in no case shall the board permit the releasee to leave the state
without permission of the court or the releasee's parole or
probation officer.

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

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

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

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

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(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;

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

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

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

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

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

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

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

(F)(1) If a post-release control sanction is imposed upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the ~~parole supervision~~ field services 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 the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.

(2) If the adult parole authority determines that a releasee 1686
has violated a post-release control sanction or any conditions 1687
described in division (A) of section 2967.131 of the Revised Code 1688
imposed upon the releasee and that a more restrictive sanction is 1689
appropriate, the authority may impose a more restrictive sanction 1690
upon the releasee, in accordance with the standards established 1691
under division (E) of this section, or may report the violation to 1692
the parole board for a hearing pursuant to division (F)(3) of this 1693
section. The authority may not, pursuant to this division, 1694
increase the duration of the releasee's post-release control or 1695
impose as a post-release control sanction a residential sanction 1696
that includes a prison term, but the authority may impose on the 1697
releasee any other residential sanction, nonresidential sanction, 1698
or financial sanction that the sentencing court was authorized to 1699
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 1700
Revised Code. 1701

(3) The parole board may hold a hearing on any alleged 1702
violation by a releasee of a post-release control sanction or any 1703
conditions described in division (A) of section 2967.131 of the 1704
Revised Code that are imposed upon the releasee. If after the 1705
hearing the board finds that the releasee violated the sanction or 1706
condition, the board may increase the duration of the releasee's 1707
post-release control up to the maximum duration authorized by 1708
division (B) or (C) of this section or impose a more restrictive 1709
post-release control sanction. When appropriate, the board may 1710
impose as a post-release control sanction a residential sanction 1711
that includes a prison term. The board shall consider a prison 1712
term as a post-release control sanction imposed for a violation of 1713
post-release control when the violation involves a deadly weapon 1714
or dangerous ordnance, physical harm or attempted serious physical 1715
harm to a person, or sexual misconduct, or when the releasee 1716
committed repeated violations of post-release control sanctions. 1717

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

If an offender is imprisoned for a felony committed while under post-release control supervision and is again released on post-release control for a period of time determined by division (F)(4)(d) of this section, the maximum cumulative prison term for all violations under this division shall not exceed one-half of the total stated prison terms of the earlier felony, reduced by any prison term administratively imposed by the parole board, plus one-half of the total stated prison term of the new felony.

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

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

(b) If a period of post-release control is imposed upon the offender and if the offender also is subject to a period of parole

under an indefinite sentence, and if the period of parole ends
prior to the period of post-release control, the offender shall be
supervised on post-release control. The requirements of parole
supervision shall be satisfied during the post-release control
period.

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

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

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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.

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Sec. 5120.173. Any person who is required to report suspected 1780
abuse or neglect of a child under eighteen years of age pursuant 1781
to division (A) of section 2151.421 of the Revised Code, and any 1782
person who is permitted to report or cause a report to be made of 1783
suspected abuse or neglect of a child under eighteen years of age 1784
pursuant to division (B) of that section and who makes or causes 1785
the report to be made, shall direct that report to the state 1786
highway patrol if the child is an inmate in the custody of a state 1787
correctional institution. If the state highway patrol determines 1788
after receipt of the report that it is probable that abuse or 1789
neglect of the inmate occurred, the patrol shall report its 1790
findings to the department of rehabilitation and correction, to 1791
the court that sentenced the inmate for the offense for which the 1792
inmate is in the custody of the department, and to the chairman 1793
and vice-chairman of the correctional institution inspection 1794
committee established by section 103.71 of the Revised Code. 1795

Sec. 5120.21. (A) The department of rehabilitation and 1796
correction shall keep in its office, accessible only to its 1797
employees, except by the consent of the department or the order of 1798
the judge of a court of record, and except as provided in division 1799
(C) of this section, a record showing the name, residence, sex, 1800
age, nativity, occupation, condition, and date of entrance or 1801
commitment of every inmate in the several institutions governed by 1802
it. The record also shall include the date, cause, and terms of 1803
discharge and the condition of such person at the time of leaving, 1804
a record of all transfers from one institution to another, and, if 1805
such inmate is dead, the date and cause of death. These and other 1806
facts that the department requires shall be furnished by the 1807
managing officer of each institution within ten days after the 1808
commitment, entrance, death, or discharge of an inmate. 1809

(B) In case of an accident or injury or peculiar death of an 1810
inmate, the managing officer shall make a special report to the 1811

department within twenty-four hours thereafter, giving the 1812
circumstances as fully as possible. 1813

(C)(1) As used in this division, "medical record" means any 1814
document or combination of documents that pertains to the medical 1815
history, diagnosis, prognosis, or medical condition of a patient 1816
and that is generated and maintained in the process of medical 1817
treatment. 1818

(2) A separate medical record of every inmate in an 1819
institution governed by the department shall be compiled, 1820
maintained, and kept apart from and independently of any other 1821
record pertaining to the inmate. Upon the signed written request 1822
of the inmate to whom the record pertains together with the 1823
written request of either a licensed attorney at law or a licensed 1824
physician designated by the inmate, the department shall make the 1825
inmate's medical record available to the designated attorney or 1826
physician. The record may be inspected or copied by the inmate's 1827
designated attorney or physician. The department may establish a 1828
reasonable fee for the copying of any medical record. If a 1829
physician concludes that presentation of all or any part of the 1830
medical record directly to the inmate will result in serious 1831
medical harm to the inmate, the physician shall so indicate on the 1832
medical record. An inmate's medical record shall be made available 1833
to a physician or to an attorney designated in writing by the 1834
inmate not more than once every twelve months. 1835

(D) Except as otherwise provided by a law of this state or 1836
the United States, the department and the officers of its 1837
institutions shall keep confidential and accessible only to its 1838
employees, except by the consent of the department or the order of 1839
a judge of a court of record, all of the following: 1840

(1) Architectural, engineering, or construction diagrams, 1841
drawings, or plans of a correctional institution; 1842

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| (2) Plans for hostage negotiation, for disturbance control, | 1843 |
| for the control and location of keys, and for dealing with | 1844 |
| escapes; | 1845 |
| (3) Statements made by inmate informants; | 1846 |
| (4) Records that are maintained by the department of youth | 1847 |
| services, that pertain to children in its custody, and that are | 1848 |
| released to the department of rehabilitation and correction by the | 1849 |
| department of youth services pursuant to section 5139.05 of the | 1850 |
| Revised Code; | 1851 |
| <u>(5) Victim impact statements and information provided by</u> | 1852 |
| <u>victims of crimes that the department considers when determining</u> | 1853 |
| <u>the security level assignment, program participation, and release</u> | 1854 |
| <u>eligibility of inmates;</u> | 1855 |
| <u>(6) Information and data of any kind or medium pertaining to</u> | 1856 |
| <u>groups that pose a security threat;</u> | 1857 |
| <u>(7) Conversations recorded from the monitored inmate</u> | 1858 |
| <u>telephones that involve nonprivileged communications.</u> | 1859 |
| (E) Except as otherwise provided by a law of this state or | 1860 |
| the United States, the department of rehabilitation and correction | 1861 |
| may release inmate records to the department of youth services or | 1862 |
| a court of record, and the department of youth services or the | 1863 |
| court of record may use those records for the limited purpose of | 1864 |
| carrying out the duties of the department of youth services or the | 1865 |
| court of record. Inmate records released by the department of | 1866 |
| rehabilitation and correction to the department of youth services | 1867 |
| or a court of record shall remain confidential and shall not be | 1868 |
| considered public records as defined in section 149.43 of the | 1869 |
| Revised Code. | 1870 |
| (F) Except as otherwise provided in division (C) of this | 1871 |
| section, records of inmates committed to the department of | 1872 |
| rehabilitation and correction as well as records of persons under | 1873 |

the supervision of the adult parole authority shall not be 1874
considered public records as defined in section 149.43 of the 1875
Revised Code. 1876

Sec. 5120.30. The department of rehabilitation and correction 1877
may make ~~such~~ any investigations ~~as~~ that are necessary in the 1878
performance of its duties, and to that end the director of 1879
rehabilitation and correction shall have the same power as a judge 1880
of a county court to administer oaths and to enforce the 1881
attendance and testimony of witnesses and the production of books 1882
or papers. 1883

The department shall keep a record of ~~such~~ the investigations 1884
~~stating the time, place, charges or subject, witnesses summoned~~ 1885
~~and examined, and its conclusions~~ pursuant to the record retention 1886
schedule approved by the department of administrative services. 1887

~~In matters involving the conduct of an officer, a~~ 1888
~~stenographic report of the evidence shall be taken and a copy of~~ 1889
~~such report, with all documents introduced, kept on file at the~~ 1890
~~office of the department.~~ 1891

The fees of witnesses for attendance and travel shall be the 1892
same as in the court of common pleas, but no officer or employee 1893
of the institution under investigation is entitled to such fees. 1894

Any judge of the probate court or of the court of common 1895
pleas, upon application of the department, may compel the 1896
attendance of witnesses, the production of books or papers, and 1897
the giving of testimony before the department, by a judgment for 1898
contempt or otherwise, in the same manner as in cases before ~~said~~ 1899
courts of common pleas. 1900

Sec. 5120.38. Subject to the rules of the department of 1901
rehabilitation and correction, each institution under the 1902
department's jurisdiction other than an institution operated 1903

pursuant to a contract entered into under section 9.06 of the Revised Code shall be under the control of a managing officer known as a warden or other appropriate title. The managing officer shall be appointed by the director of the department of rehabilitation and correction and shall be in the unclassified service and serve at the pleasure of the director. Appointment to the position of managing officer shall be made from persons who have criminal justice experience.

A person who is appointed to the position of managing officer from a position in the classified service shall retain the right to resume the status that the person held in the classified service immediately prior to the appointment. Upon being relieved of the person's duties as managing officer, the person shall be reinstated to the position in the classified service that the person held immediately prior to the appointment to the position of managing officer or to another position that the director, with approval of the state department of administrative services, certifies as being substantially equal to that prior position. Service as a managing officer shall be counted as service in the position in the classified service held by the person immediately preceding the person's appointment as managing officer. A person who is reinstated to a position in the classified service, as provided in this section, shall be entitled to all rights and emoluments accruing to the position during the time of the person's service as managing officer.

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

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

Sec. 5120.421. (A) As used in this section: 1939

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

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

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

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

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

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

(C) For the purposes described in division (B) of this 1965

section, visitors who are entering or have entered an institution 1966
under the control of the department of rehabilitation and 1967
correction may be searched by the use of a magnetometer or similar 1968
device, by a pat-down of the visitor's person that is conducted by 1969
a person of the same sex as that of the visitor, and by an 1970
examination of the contents of pockets, bags, purses, packages, 1971
and other containers proposed to be conveyed or already conveyed 1972
onto the grounds of the institution. Searches of visitors 1973
authorized by this division may be conducted without cause, but 1974
shall be conducted uniformly or by automatic random selection. 1975
Discriminatory or arbitrary selection searches of visitors are 1976
prohibited under this division. 1977

(D) For the purposes described in division (B) of this 1978
section, visitors who are entering or have entered an institution 1979
under the control of the department of rehabilitation and 1980
correction may be searched by a strip or body cavity search, but 1981
only under the circumstances described in this division. In order 1982
for a strip or body cavity search to be conducted of a visitor, 1983
the highest officer present in the institution shall expressly 1984
authorize the search on the basis of a reasonable suspicion, based 1985
on specific objective facts and reasonable inferences drawn from 1986
those facts in the light of experience, that a visitor proposed to 1987
be so searched possesses, and intends to convey or already has 1988
conveyed, a deadly weapon, dangerous ordnance, drug of abuse, ~~or~~ 1989
intoxicating liquor, or electronic communications device onto the 1990
grounds of the institution in violation of section 2921.36 of the 1991
Revised Code. 1992

Except as otherwise provided in this division, prior to the 1993
conduct of the strip or body cavity search, the highest officer 1994
present in the institution shall cause the visitor to be provided 1995
with a written statement that sets forth the specific objective 1996
facts upon which the proposed search is based. In the case of an 1997

emergency under which time constraints make it impossible to 1998
prepare the written statement before the conduct of the proposed 1999
search, the highest officer in the institution instead shall cause 2000
the visitor to be orally informed of the specific objective facts 2001
upon which the proposed search is based prior to its conduct, and 2002
shall cause the preparation of the written statement and its 2003
provision to the visitor within twenty-four hours after the 2004
conduct of the search. Both the highest officer present in the 2005
institution and the visitor shall retain a copy of a written 2006
statement provided in accordance with this division. 2007

Any strip or body cavity search conducted pursuant to this 2008
division shall be conducted in a private setting by a person of 2009
the same sex as that of the visitor. Any body cavity search 2010
conducted under this division additionally shall be conducted by 2011
medical personnel. 2012

This division does not preclude, and shall not be construed 2013
as precluding, a less intrusive search as authorized by division 2014
(C) of this section when reasonable suspicion as described in this 2015
division exists for a strip or body cavity search. 2016

Sec. 5120.48. (A) If a prisoner escapes from a state 2017
correctional institution, the managing officer of the institution, 2018
after consultation with and upon the advice of appropriate law 2019
enforcement officials, shall assign and deploy into the community 2020
appropriate staff persons necessary to apprehend the prisoner. 2021
Correctional officers and officials may carry firearms when 2022
required in the discharge of their duties in apprehending, taking 2023
into custody, or transporting to a place of confinement a prisoner 2024
who has escaped from a state correctional institution. 2025

(B) If a prisoner is released from a state correctional 2026
institution prior to the lawful end of the person's prison term or 2027
term of imprisonment, whether by error, inadvertence, fraud, or 2028

any other cause except a lawful parole or judicial release granted 2029
pursuant to section 2929.20 of the Revised Code, the managing 2030
officer of the institution, after consulting with the bureau of 2031
sentence computation, shall notify the chief of the adult parole 2032
authority, the office of victim services of the division of parole 2033
and community services, and the sentencing court of the mistaken 2034
release. Upon the direction of the chief, or the chief's designee, 2035
field officers of the authority may arrest the prisoner without a 2036
warrant and return the prisoner to the state correctional 2037
institution to complete the balance of the prisoner's sentence. 2038
The chief of the adult parole authority, or the chief's designee, 2039
may require the assistance of any peace officer or law enforcement 2040
officer in the apprehension of a prisoner of that nature. 2041
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Sec. 5120.60. (A) There is hereby created in the division of 2043
parole and community services the office of victims' services. 2044

(B) The office shall provide assistance to victims of crime, 2045
victims' representatives designated under section 2930.02 of the 2046
Revised Code, and members of the victim's family. The assistance 2047
shall include, but not be limited to, providing information about 2048
the policies and procedures of the department of rehabilitation 2049
and correction and the status of offenders under the department's 2050
jurisdiction. 2051

(C) The office shall also make available publications that 2052
will assist victims in contacting staff of the department about 2053
problems with offenders under the supervision of the adult parole 2054
authority or confined in state correctional institutions under the 2055
department's jurisdiction. 2056

(D) The office shall employ a victims coordinator who shall 2057
administer the office's functions. The victims coordinator shall 2058
be in the unclassified civil service and report directly to the 2059

chief of the division. 2060

(E) The office shall also employ at least three persons in 2061
the unclassified civil service whose primary duties shall be to 2062
help parole board hearing officers identify victims' issues and to 2063
make recommendations to the parole board in accordance with rules 2064
adopted by the department. The member of the parole board 2065
appointed pursuant to division (B) of section 5149.10 of the 2066
Revised Code shall approve the hiring of the employees of the 2067
office. 2068

(F) The office shall coordinate its activities with the 2069
member of the parole board appointed pursuant to division (B) of 2070
section 5149.10 of the Revised Code. The victims coordinator and 2071
other employees of the office shall have full access to records of 2072
prisoners under the department's jurisdiction. 2073

(G) Information provided to the office of victim services by 2074
victims of crime or a victim representative designated under 2075
section 2930.02 of the Revised Code for the purpose of program 2076
participation, of receiving services, or to communicate acts of an 2077
inmate or person under the supervision of the adult parole 2078
authority that threaten the safety and security of the victim 2079
shall be confidential and is not a public record under section 2080
149.43 of the Revised Code. 2081

(H) As used in this section, "crime," "member of the victim's 2082
family," and "victim" have the meanings given in section 2930.01 2083
of the Revised Code. 2084

Sec. 5139.251. (A) As used in this section: 2085

(1) "Body cavity search" and "strip search" have the same 2086
meanings as in section 5120.421 of the Revised Code. 2087

(2) "Deadly weapon" and "dangerous ordnance" have the same 2088
meanings as in section 2923.11 of the Revised Code. 2089

(3) "Drug of abuse" has the same meaning as in section 2090
3719.011 of the Revised Code. 2091

(4) "Intoxicating liquor" has the same meaning as in section 2092
4301.01 of the Revised Code. 2093

(B) For purposes of determining whether visitors to an 2094
institution under the control of the department of youth services 2095
are knowingly conveying, or attempting to convey, onto the grounds 2096
of the institution any deadly weapon, dangerous ordnance, drug of 2097
abuse, ~~or~~ intoxicating liquor, or electronic communications device 2098
in violation of section 2921.36 of the Revised Code, the 2099
department may adopt rules, pursuant to Chapter 119. of the 2100
Revised Code, that are consistent with this section. 2101

(C) For the purposes described in division (B) of this 2102
section, visitors who are entering or have entered an institution 2103
under the control of the department of youth services may be 2104
searched by the use of a magnetometer or similar device, by a 2105
pat-down of the visitor's person that is conducted by a person of 2106
the same sex as that of the visitor, and by an examination of the 2107
contents of pockets, bags, purses, packages, and other containers 2108
proposed to be conveyed or already conveyed onto the grounds of 2109
the institution. Searches of visitors authorized by this division 2110
may be conducted without cause, but shall be conducted uniformly 2111
or by automatic random selection. Discriminatory or arbitrary 2112
selection searches of visitors are prohibited under this division. 2113

(D) For the purposes described in division (B) of this 2114
section, visitors who are entering or have entered an institution 2115
under the control of the department of youth services may be 2116
searched by a strip or body cavity search, but only under the 2117
circumstances described in this division. In order for a strip or 2118
body cavity search to be conducted of a visitor, the highest 2119
officer present in the institution shall expressly authorize the 2120
search on the basis of a reasonable suspicion, based on specific 2121

objective facts and reasonable inferences drawn from those facts 2122
in the light of experience, that a visitor proposed to be so 2123
searched possesses, and intends to convey or already has conveyed, 2124
a deadly weapon, dangerous ordnance, drug of abuse, ~~or~~ 2125
intoxicating liquor, or electronic communication device onto the 2126
grounds of the institution in violation of section 2921.36 of the 2127
Revised Code. 2128

Except as otherwise provided in this division, prior to the 2129
conduct of the strip or body cavity search, the highest officer 2130
present in the institution shall cause the visitor to be provided 2131
with a written statement that sets forth the specific objective 2132
facts upon which the proposed search is based. In the case of an 2133
emergency under which time constraints make it impossible to 2134
prepare the written statement before the conduct of the proposed 2135
search, the highest officer in the institution instead shall cause 2136
the visitor to be orally informed of the specific objective facts 2137
upon which the proposed search is based prior to its conduct, and 2138
shall cause the preparation of the written statement and its 2139
provision to the visitor within twenty-four hours after the 2140
conduct of the search. Both the highest officer present in the 2141
institution and the visitor shall retain a copy of a written 2142
statement provided in accordance with this division. 2143

Any strip or body cavity search conducted pursuant to this 2144
division shall be conducted in a private setting by a person of 2145
the same sex as that of the visitor. Any body cavity search 2146
conducted under this division additionally shall be conducted by 2147
medical personnel. 2148

This division does not preclude, and shall not be construed 2149
as precluding, a less ~~intrusive~~ intrusive search as authorized by 2150
division (C) of this section when reasonable suspicion as 2151
described in this division exists for a strip or body cavity 2152
search. 2153

Sec. 5145.06. (A) The department of rehabilitation and 2154
correction shall establish and operate a school system that is 2155
approved and chartered by the department of education and 2156
designated as the Ohio central school system to serve all of the 2157
correctional institutions under its control. The Ohio central 2158
school system shall provide educational programs for prisoners to 2159
allow them to complete adult basic education courses, earn Ohio 2160
certificates of high school equivalence, or pursue vocational 2161
training. To that end, the department may employ appropriately 2162
certified teachers, administrators, and support staff. The 2163
department shall provide classrooms, shops, and other appropriate 2164
facilities and necessary furniture, books, stationery, supplies, 2165
and equipment. 2166

(B)(1) The department of rehabilitation and correction shall 2167
require each prisoner who has not obtained a high school diploma 2168
to take courses leading toward an Ohio certificate of high school 2169
equivalence, an Ohio high school diploma pursuant to section 2170
3313.61 of the Revised Code, or courses that provide vocational 2171
training. If a prisoner has obtained a high school diploma, the 2172
department shall encourage the prisoner to participate in a 2173
program of advanced studies or training for a skilled trade. 2174

(2) The department of rehabilitation and correction shall 2175
adopt rules that prescribe disciplinary actions that the 2176
department may take if a prisoner refuses to participate in an 2177
educational program required under division (B)(1) of this 2178
section. 2179

(3) The failure of the department of rehabilitation and 2180
correction to provide, pursuant to division (B)(1) of this 2181
section, an opportunity for any prisoner to participate in courses 2182
that lead toward an Ohio certificate of high school equivalence or 2183
an Ohio high school diploma, or that provide vocational training, 2184

does not give rise to a claim for damages against the department. 2185

(C) The department of rehabilitation and correction, for a 2186
clearly established medical, mental health, or security reason, 2187
may exclude certain prisoners from the requirement to take courses 2188
pursuant to division (B)(1) of this section. Any exclusion under 2189
this division shall be only for a clearly established medical, 2190
mental health, or security reason. Within six months after the 2191
effective date of this amendment, the department shall adopt rules 2192
pursuant to Chapter 119. of the Revised Code to establish the 2193
criteria and procedures for an exclusion under this division. 2194

Sec. 5145.163. (A) As used in this section: 2195

(1) "Inmate" includes any person who is committed to a 2196
detention facility, who is in the custody of the department of 2197
rehabilitation and correction, and who is participating in an 2198
approved assignment under the federal prison industries 2199
enhancement certification program. "Inmate" does not include a 2200
prisoner confined within a detention facility operated by or for a 2201
political subdivision. 2202

(2) "Federal prison industries enhancement certification 2203
program" means the program authorized pursuant to 18 U.S.C. 1761. 2204

(B) Private employers who purchase goods made by inmates or 2205
utilize inmate labor in the production of goods under the federal 2206
prison industries enhancement certification program shall purchase 2207
and be solely responsible to provide a policy of insurance for 2208
inmates participating in the program. 2209

(C) The policy of insurance required by this section shall 2210
provide benefit payments for any inmate who sustains a compensable 2211
injury while participating in the program. The benefit payments 2212
shall compensate the inmate for any temporary or permanent loss of 2213
earning capacity that results from a compensable injury and is 2214

present at the time of the inmate's release. The benefits shall be 2215
awarded upon the inmate's release from prison by parole or final 2216
discharge. The policy of insurance shall provide coverage for 2217
injuries occurring during activities that are an integral part of 2218
the inmate's participation in the program production. The policy 2219
of insurance shall not pay benefits for injuries occurring as the 2220
result of a fight, assault, horseplay, or other activity that is 2221
prohibited by the department's or institution's inmate conduct 2222
rules. 2223

(D) Private employers shall submit to the prison labor 2224
advisory board as a requirement for participation in the federal 2225
prison industries enhancement certification program proof of 2226
liability coverage that meets or exceeds the requirements set 2227
forth in 18 U.S.C. 1761(c)(3). 2228

(E) Inmates covered under this section are not employees of 2229
the department of rehabilitation and correction or the private 2230
employer. Nothing in this section shall be construed as creating a 2231
contract for hire between the inmate and any other entity. 2232

(F) Any inmate participating in the federal prison industries 2233
enhancement certification program is ineligible to receive 2234
compensation or benefits under Chapter 4121., 4123., 4127., or 2235
4131. of the Revised Code for any injury, death, or occupational 2236
disease received in the course of, and arising out of, 2237
participation in that program. Any claim for an injury arising 2238
from an inmate's participation in the program is specifically 2239
excluded from the jurisdiction of the Ohio bureau of workers' 2240
compensation and the industrial commission of Ohio. 2241

(G) Any liability benefit awarded for any injury under this 2242
provision shall be the exclusive remedy against the private 2243
employer and the state. 2244

(H) If any inmate awarded liability benefits under this 2245

provision is recommitted to the custody of the department of 2246
rehabilitation and correction, the benefits shall immediately 2247
cease but shall resume upon the inmate's subsequent parole or 2248
discharge from incarceration. 2249

Sec. 5149.02. There is hereby created in the division of 2250
parole and community services of the department of rehabilitation 2251
and correction at bureau level an adult parole authority. The 2252
adult parole authority consists of its chief, a ~~parole supervision~~ 2253
field services section, a ~~probation development and supervision~~ 2254
~~section~~, and a parole board. The director of rehabilitation and 2255
correction shall appoint the chief of the adult parole authority, 2256
the ~~superintendent of the parole supervision section~~, the 2257
~~superintendent~~ one or more superintendents of the ~~probation~~ 2258
~~development and supervision~~ field services section, and the 2259
~~chairman~~ chairperson of the parole board, all of whom shall serve 2260
at the pleasure of the director and shall be in the unclassified 2261
civil service. 2262

The authority is a regular administrative unit of the 2263
department of rehabilitation and correction and shall operate 2264
under rules adopted by the director. The chief of the division of 2265
parole and community services may adopt supplemental rules 2266
governing operation of the authority, assigning specific powers 2267
and duties to the chief of the authority, and assigning specific 2268
functions to sections within the authority. 2269

No person shall be appointed as chief of the adult parole 2270
authority who is not qualified by education or experience in 2271
correctional work, including law enforcement, probation, or 2272
parole, in law, in social work, or in a combination of the three 2273
categories. 2274

Sec. 5149.04. (A) Persons paroled ~~or~~ conditionally pardoned, 2275

or released to community supervision shall be under jurisdiction 2276
of the adult parole authority and shall be supervised by the 2277
~~parole supervision~~ field services section through its staff of 2278
parole and field officers in such manner as to insure as nearly as 2279
possible the ~~parolee's~~ offender's rehabilitation while at the same 2280
time providing maximum protection to the general public. All state 2281
and local officials shall furnish such information to officers of 2282
the ~~parole supervision~~ section as ~~is requested by the~~ 2283
~~superintendent of the section~~ they may request in the performance 2284
of ~~his~~ their duties. 2285

(B) The superintendent, or superintendents, of the ~~parole~~ 2286
~~supervision~~ field services section shall be a person, or persons, 2287
especially qualified by training and experience in the field of 2288
~~correction~~ corrections. ~~He~~ The superintendent, or superintendents, 2289
shall supervise the work of the section and shall formulate and 2290
execute an effective program of ~~parole~~ offender supervision. ~~He~~ 2291
The superintendent, or superintendents, shall collect and preserve 2292
any records and statistics with respect to ~~parolees~~ offenders that 2293
are required by the chief of the authority. The section also shall 2294
include other personnel who are necessary for the performance of 2295
the section's duties. 2296

No person shall be appointed as a superintendent who is not 2297
qualified by education or experience in correctional work 2298
(including law enforcement, probation, or parole) work, in law, in 2299
social work, or in a combination of the three categories. 2300

(C) The superintendent, or superintendents, of the ~~parole~~ 2301
~~supervision~~ field services section, with the approval of the chief 2302
of the authority, may establish district offices for the section 2303
and may assign necessary parole and field officers and clerical 2304
staff to the district offices. 2305

(D) The ~~parole supervision~~ field services section in the 2306
exercise of its supervision over ~~parolees~~ offenders and persons 2307

conditionally pardoned shall carry out all lawful orders, terms, 2308
and conditions prescribed by the authority, the chief of the 2309
division of parole and community services, or the governor. 2310

Sec. 5149.05. The chief of the adult parole authority may 2311
grant an employee permission to carry a firearm in the discharge 2312
of the employee's official duties, ~~provided that~~ if the employee 2313
has successfully completed a basic firearm training program that 2314
is approved by the executive director of the Ohio peace officer 2315
training commission ~~and that is administered by the department of~~ 2316
~~rehabilitation and correction.~~ In order to continue to carry a 2317
firearm in the discharge of the employee's official duties, the 2318
employee annually shall successfully complete a firearms 2319
requalification program in accordance with section 109.801 of the 2320
Revised Code. 2321

Sec. 5149.06. (A) ~~The~~ One of the primary ~~duty~~ duties of the 2322
field services section ~~on probation development and supervision~~ is 2323
to assist the counties in developing their own probation services 2324
on either a single-county or multiple-county basis. The section, 2325
within limits of available personnel and funds, may supervise 2326
selected probationers from local courts. 2327

~~The section consists of a superintendent of probation and~~ 2328
~~other personnel who are necessary for performance of the section's~~ 2329
~~duties. No person shall be appointed superintendent who is not~~ 2330
~~qualified by education or experience in correctional work,~~ 2331
~~including law enforcement, probation, or parole work, in law, in~~ 2332
~~social work, or in a combination of the three categories.~~ 2333

(B) The adult parole authority probation services fund shall 2334
be created in the state treasury. The fund shall consist of all 2335
moneys that are paid to the treasurer of any county under section 2336
2951.021 of the Revised Code for deposit into the county's 2337
probation services fund established under division (A)(1) of 2338

section 321.44 of the Revised Code and that subsequently are
appropriated and transferred to the adult parole authority
probation services fund under division (A)(2) of that section. The
chief of the adult parole authority, with the approval of the
director of the department of rehabilitation and correction, shall
use the money contained in the adult parole authority probation
services fund for probation-related expenses in the counties for
which the authority provides probation services. Probation-related
expenses may include specialized staff, purchase of equipment,
purchase of services, reconciliation programs for victims and
offenders, other treatment programs, including alcohol and drug
addiction programs certified under section 3793.06 of the Revised
Code, determined to be appropriate by the chief of the authority,
and other similar probation-related expenses.

Sec. 5149.10. (A) The parole board shall consist of up to
twelve members, one of whom shall be designated as chairperson by
the director of the department of rehabilitation and correction
and who shall continue as chairperson until a successor is
designated, and any other personnel that are necessary for the
orderly performance of the duties of the board. In addition to the
rules authorized by section 5149.02 of the Revised Code, the chief
of the adult parole authority, subject to the approval of the
chief of the division of parole and community services and subject
to this section, shall adopt rules governing the proceedings of
the parole board. The rules shall provide for the convening of
full board hearings, the procedures to be followed in full board
hearings, and general procedures to be followed in other hearings
of the board and by the board's hearing officers. The rules also
shall require agreement by a majority of all the board members to
any recommendation of clemency transmitted to the governor.

When the board members sit as a full board, the chairperson

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

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

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

The initial appointment shall be for a term ending four years
after the effective date of this amendment. Thereafter, the term
of office of the member appointed under this division shall be for
four years, with each term ending on the same day of the same
month as did the term that it succeeds. The member shall hold
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 2403
office or until a period of sixty days has elapsed, whichever 2404
occurs first. 2405

The member appointed under this division shall be compensated 2406
in the same manner as other board members and shall be reimbursed 2407
for actual and necessary expenses incurred in the performance of 2408
the members' duties. The member may vote on all cases heard by the 2409
full board under section 5149.101 of the Revised Code, has such 2410
duties as are assigned by the chairperson of the board, and shall 2411
coordinate the member's activities with the office of victims' 2412
services created under section 5120.60 of the Revised Code. 2413

As used in this division, "crime," "member of the victim's 2415
family," and "victim" have the meanings given in section 2930.01 2416
of the Revised Code. 2417

(C) The chairperson shall submit all recommendations for or 2418
against clemency directly to the governor. 2419

(D) The chairperson shall transmit to the chief of the adult 2420
parole authority all determinations for or against parole made by 2421
the board. Parole determinations are final and are not subject to 2422
review or change by the chief. 2423

(E) In addition to its duties pertaining to parole and 2424
clemency, if an offender is sentenced to a prison term pursuant to 2425
division (A)(3) of section 2971.03 of the Revised Code, the parole 2426
board shall have control over the ~~offenders~~ offender's service of 2427
the prison term during the entire term unless the board terminates 2428
its control in accordance with section 2971.04 of the Revised 2429
Code. The parole board may terminate its control over the 2430
offender's service of the prison term only in accordance with 2431
section 2971.04 of the Revised Code. 2432

Sec. 5149.12. The adult parole authority shall exercise 2433
general supervision over the work of all probation and parole 2434
officers throughout the state, ~~including~~ excluding those appointed 2435
in county probation departments and those appointed by municipal 2436
judges. 2437

~~The authority shall collect and publish statistical and other 2438
information and make recommendations as to the operation of the 2439
probation and parole system. It shall keep itself informed as to 2440
the work of probation and parole officers, and shall inquire into 2441
their conduct and efficiency. It may require reports from 2442
probation officers on blanks which it furnishes. It shall each 2443
year inform the courts and probation and parole officers of any 2444
legislation directly affecting probation or parole, and shall each 2445
year publish a list of all probation and parole officers. It shall 2446
endeavor, by such means as seem most suitable, to secure the 2447
effective application of the probation and parole system and 2448
enforcement of the probation and parole law in all parts of the 2449
state.~~ 2450

~~The authority shall make an annual report which shows the 2451
results of the state parole system and the probation system as 2452
administered in the various counties.~~ 2453

~~The authority, in discharge of its duties, shall have access 2454
to all offices and records of probation departments and officers 2455
within the state.~~ 2456

Section 2. That existing sections 1901.33, 2151.421, 2301.27, 2457
2301.54, 2301.56, 2907.03, 2921.36, 2933.41, 2951.03, 2967.14, 2458
2967.26, 2967.27, 2967.28, 5120.01, 5120.21, 5120.30, 5120.38, 2459
5120.421, 5120.48, 5120.60, 5139.251, 5145.06, 5149.02, 5149.04, 2460
5149.05, 5149.06, 5149.10, and 5149.12 and section 5120.43 of the 2461
Revised Code are hereby repealed. 2462

Section 3. Nothing in this act authorizes, or is intended to authorize, a private or nonprofit entity to operate any community-based correctional facility and program or district community-based correctional facility and program.

Section 4. Section 5149.06 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 406 and Am. Sub. H.B. 571 of the 120th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.