

As Introduced

**126th General Assembly
Regular Session
2005-2006**

H. B. No. 162

Representative Peterson

—

A BILL

To amend sections 2152.20, 2301.51, 2301.52, 2301.55, 1
2301.56, 2301.57, 2929.01, 2929.34, 5120.031, 2
5120.111, 5120.112, and 5149.34, to enact new 3
section 2301.58, and to repeal sections 2301.53, 4
2301.54, and 2301.58 of the Revised Code to revise 5
the law governing community-based correctional 6
facilities. 7

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

Section 1. That sections 2152.20, 2301.51, 2301.52, 2301.55, 8
2301.56, 2301.57, 2929.01, 2929.34, 5120.031, 5120.111, 5120.112, 9
and 5149.34 be amended and new section 2301.58 of the Revised Code 10
be enacted to read as follows: 11

Sec. 2152.20. (A) If a child is adjudicated a delinquent 12
child or a juvenile traffic offender, the court may order any of 13
the following dispositions, in addition to any other disposition 14
authorized or required by this chapter: 15

(1) Impose a fine in accordance with the following schedule: 16

(a) For an act that would be a minor misdemeanor or an 17
unclassified misdemeanor if committed by an adult, a fine not to 18
exceed fifty dollars; 19

(b) For an act that would be a misdemeanor of the fourth degree if committed by an adult, a fine not to exceed one hundred dollars; 20
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(c) For an act that would be a misdemeanor of the third degree if committed by an adult, a fine not to exceed one hundred fifty dollars; 23
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(d) For an act that would be a misdemeanor of the second degree if committed by an adult, a fine not to exceed two hundred dollars; 26
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(e) For an act that would be a misdemeanor of the first degree if committed by an adult, a fine not to exceed two hundred fifty dollars; 29
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(f) For an act that would be a felony of the fifth degree or an unclassified felony if committed by an adult, a fine not to exceed three hundred dollars; 32
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(g) For an act that would be a felony of the fourth degree if committed by an adult, a fine not to exceed four hundred dollars; 35
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(h) For an act that would be a felony of the third degree if committed by an adult, a fine not to exceed seven hundred fifty dollars; 37
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(i) For an act that would be a felony of the second degree if committed by an adult, a fine not to exceed one thousand dollars; 40
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(j) For an act that would be a felony of the first degree if committed by an adult, a fine not to exceed one thousand five hundred dollars; 42
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(k) For an act that would be aggravated murder or murder if committed by an adult, a fine not to exceed two thousand dollars. 45
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(2) Require the child to pay costs; 47

(3) Unless the child's delinquent act or juvenile traffic 48

offense would be a minor misdemeanor if committed by an adult or
could be disposed of by the juvenile traffic violations bureau
serving the court under Traffic Rule 13.1 if the court has
established a juvenile traffic violations bureau, require the
child to make restitution to the victim of the child's delinquent
act or juvenile traffic offense or, if the victim is deceased, to
a survivor of the victim in an amount based upon the victim's
economic loss caused by or related to the delinquent act or
juvenile traffic offense. The court may not require a child to
make restitution pursuant to this division if the child's
delinquent act or juvenile traffic offense would be a minor
misdemeanor if committed by an adult or could be disposed of by
the juvenile traffic violations bureau serving the court under
Traffic Rule 13.1 if the court has established a juvenile traffic
violations bureau. If the court requires restitution under this
division, the restitution shall be made directly to the victim in
open court or to the probation department that serves the
jurisdiction or the clerk of courts on behalf of the victim.

If the court requires restitution under this division, the
restitution may be in the form of a cash reimbursement paid in a
lump sum or in installments, the performance of repair work to
restore any damaged property to its original condition, the
performance of a reasonable amount of labor for the victim or
survivor of the victim, the performance of community service work,
any other form of restitution devised by the court, or any
combination of the previously described forms of restitution.

If the court requires restitution under this division, the
court may base the restitution order on an amount recommended by
the victim or survivor of the victim, the delinquent child, the
juvenile traffic offender, a presentence investigation report,
estimates or receipts indicating the cost of repairing or
replacing property, and any other information, provided that the

amount the court orders as restitution shall not exceed the amount 81
of the economic loss suffered by the victim as a direct and 82
proximate result of the delinquent act or juvenile traffic 83
offense. If the court decides to order restitution under this 84
division and the amount of the restitution is disputed by the 85
victim or survivor or by the delinquent child or juvenile traffic 86
offender, the court shall hold a hearing on the restitution. If 87
the court requires restitution under this division, the court 88
shall determine, or order the determination of, the amount of 89
restitution to be paid by the delinquent child or juvenile traffic 90
offender. All restitution payments shall be credited against any 91
recovery of economic loss in a civil action brought by or on 92
behalf of the victim against the delinquent child or juvenile 93
traffic offender or the delinquent child's or juvenile traffic 94
offender's parent, guardian, or other custodian. 95

If the court requires restitution under this division, the 96
court may order that the delinquent child or juvenile traffic 97
offender pay a surcharge, in an amount not exceeding five per cent 98
of the amount of restitution otherwise ordered under this 99
division, to the entity responsible for collecting and processing 100
the restitution payments. 101

The victim or the survivor of the victim may request that the 102
prosecuting authority file a motion, or the delinquent child or 103
juvenile traffic offender may file a motion, for modification of 104
the payment terms of any restitution ordered under this division. 105
If the court grants the motion, it may modify the payment terms as 106
it determines appropriate. 107

(4) Require the child to reimburse any or all of the costs 108
incurred for services or sanctions provided or imposed, including, 109
but not limited to, the following: 110

(a) All or part of the costs of implementing any community 111

control imposed as a disposition under section 2152.19 of the Revised Code, including a supervision fee;

(b) All or part of the costs of confinement in a residential facility described in section 2152.19 of the Revised Code or in a department of youth services institution, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment provided, and the costs of repairing property the delinquent child damaged while so confined. The amount of reimbursement ordered for a child under this division shall not exceed the total amount of reimbursement the child is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement. The court may collect any reimbursement ordered under this division. If the court does not order reimbursement under this division, confinement costs may be assessed pursuant to a repayment policy adopted under section 2929.37 of the Revised Code and division (D) of section 307.93, division (A) of section 341.19, division (C) of section 341.23 or 753.16, division (C) of section 2301.56, or division (B) of section 341.14, 753.02, 753.04, ~~2301.56~~, or 2947.19 of the Revised Code.

(B)(1) If a child is adjudicated a delinquent child for violating section 2923.32 of the Revised Code, the court shall enter an order of criminal forfeiture against the child in accordance with divisions (B)(3), (4), (5), and (6) and (C) to (F) of section 2923.32 of the Revised Code.

(2) Sections 2925.41 to 2925.45 of the Revised Code apply to children who are adjudicated or could be adjudicated by a juvenile court to be delinquent children for an act that, if committed by an adult, would be a felony drug abuse offense. Subject to division (B) of section 2925.42 and division (E) of section 2925.43 of the Revised Code, a delinquent child of that nature loses any right to the possession of, and forfeits to the state

any right, title, and interest that the delinquent child may have 144
in, property as defined in section 2925.41 of the Revised Code and 145
further described in section 2925.42 or 2925.43 of the Revised 146
Code. 147

(3) Sections 2923.44 to 2923.47 of the Revised Code apply to 148
children who are adjudicated or could be adjudicated by a juvenile 149
court to be delinquent children for an act in violation of section 150
2923.42 of the Revised Code. Subject to division (B) of section 151
2923.44 and division (E) of section 2923.45 of the Revised Code, a 152
delinquent child of that nature loses any right to the possession 153
of, and forfeits to the state any right, title, and interest that 154
the delinquent child may have in, property as defined in section 155
2923.41 of the Revised Code and further described in section 156
2923.44 or 2923.45 of the Revised Code. 157

(C) The court may hold a hearing if necessary to determine 158
whether a child is able to pay a sanction under this section. 159

(D) If a child who is adjudicated a delinquent child is 160
indigent, the court shall consider imposing a term of community 161
service under division (A) of section 2152.19 of the Revised Code 162
in lieu of imposing a financial sanction under this section. If a 163
child who is adjudicated a delinquent child is not indigent, the 164
court may impose a term of community service under that division 165
in lieu of, or in addition to, imposing a financial sanction under 166
this section. The court may order community service for an act 167
that if committed by an adult would be a minor misdemeanor. 168

If a child fails to pay a financial sanction imposed under 169
this section, the court may impose a term of community service in 170
lieu of the sanction. 171

(E) The clerk of the court, or another person authorized by 172
law or by the court to collect a financial sanction imposed under 173
this section, may do any of the following: 174

(1) Enter into contracts with one or more public agencies or private vendors for the collection of the amounts due under the financial sanction, which amounts may include interest from the date of imposition of the financial sanction;

(2) Permit payment of all, or any portion of, the financial sanction in installments, by credit or debit card, by another type of electronic transfer, or by any other reasonable method, within any period of time, and on any terms that the court considers just, except that the maximum time permitted for payment shall not exceed five years. The clerk may pay any fee associated with processing an electronic transfer out of public money and may charge the fee to the delinquent child.

(3) To defray administrative costs, charge a reasonable fee to a child who elects a payment plan rather than a lump sum payment of a financial sanction.

Sec. 2301.51. (A)(1) ~~The court of common pleas of any~~ Any county that has a population of two hundred thousand or more ~~may~~ is eligible to formulate a community-based correctional proposal pursuant to this section that, upon implementation, would provide a community-based correctional facility and program for the use of that county's court of common pleas in accordance with sections 2301.51 to ~~2301.56~~ 2301.58 of the Revised Code. ~~Upon the approval of the director of rehabilitation and correction, the court of common pleas of any~~ Any county that has a population of two hundred thousand or more ~~may~~ is eligible to formulate more than one community-based correctional proposal pursuant to this section, upon approval of the director of rehabilitation and correction. In determining whether to grant approval to ~~a court to~~ formulate more than one proposal, the director shall consider the rate at which the county ~~served by the court~~ commits felony offenders to the state correctional system. If a ~~court~~ county

formulates more than one proposal, each proposal shall be for a separate community-based correctional facility and program.

~~For each community based correctional proposal formulated under this division, the fact that the proposal has been formulated and the fact of any subsequent establishment of a community based correctional facility and program pursuant to the proposal shall be entered upon the journal of the court. A county's community based correctional facilities and programs shall be administered by a judicial corrections board. The presiding judge of the court or, if the presiding judge is not a judge of the general division of the court, the administrative judge of the general division shall designate the members of the board, who shall be judges of the court. The total number of members of the board shall not exceed eleven. The judge who is authorized to designate the members of the board shall serve as chairperson of the board.~~

(2) ~~The courts of common pleas of two~~ Two or more adjoining or neighboring counties that have an aggregate population of two hundred thousand or more ~~may form a judicial corrections board and proceed to organize a district and are eligible to~~ formulate a district community-based correctional proposal pursuant to this section that, upon implementation, would provide a district community-based correctional facility and program for the use of ~~the member~~ those counties' courts of common pleas in accordance with sections 2301.51 to ~~2301.56~~ 2301.58 of the Revised Code. ~~Upon the approval of the director of rehabilitation and correction, a judicial corrections board may~~ Two or more adjoining or neighboring counties that have an aggregate population of two hundred thousand or more are eligible to formulate more than one district community-based correctional proposal upon approval of the director of rehabilitation and correction. In determining whether to grant approval ~~to a judicial corrections board to~~

~~formulate for more than one proposal, the director shall consider 238~~
~~the rate at which the counties that formed the board commit felony 239~~
~~offenders to the state correctional system. If a judicial 240~~
~~corrections board formulates two or more adjoining or neighboring 241~~
~~counties formulate more than one proposal, each proposal shall be 242~~
~~for a separate district community-based correctional facility and 243~~
~~program. The judicial corrections board shall consist of not more 244~~
~~than eleven judges of the member courts of common pleas, and each 245~~
~~member court shall be represented on the board by at least one 246~~
~~judge. The presiding judge of the court of common pleas of the 247~~
~~county with the greatest population or, if that presiding judge is 248~~
~~not a judge of the general division of that court, the 249~~
~~administrative judge of the general division of that court shall 250~~
~~serve as chairperson of the board. The fact of the formation of a 251~~
~~board and district, and, for each district community based 252~~
~~correctional proposal formulated under this division, the fact 253~~
~~that the proposal has been formulated and the fact of any 254~~
~~subsequent establishment of a district community based 255~~
~~correctional facility and program shall be entered upon the 256~~
~~journal of each member court of common pleas. 257~~

(3) The formulation of a proposal for a community-based 258
correctional facility or a district community-based correctional 259
facility shall begin by the establishment of a judicial advisory 260
board by judgment entry. The judicial advisory board shall consist 261
of not less than three judges. Each general division judge of the 262
court of common pleas in the county or counties wishing to 263
formulate a proposal or to continue operation of an existing 264
facility is eligible to become a member of the judicial advisory 265
board but is not required to do so. In addition, a judicial 266
advisory board may invite a non-general division judge of a court 267
of common pleas from within the county or counties proposing the 268
creation of a community-based correctional facility or district 269
community-based correctional facility or a general division judge 270

of a court of common pleas from outside the county or counties 271
proposing the creation of a community-based correctional facility 272
or district community-based correctional facility who regularly 273
sends offenders to its facility to become a member of that 274
judicial advisory board. A judge shall not receive any additional 275
compensation for service on a judicial advisory board, but a judge 276
may be reimbursed for reasonable and necessary expenses incurred 277
as a result of service on the board. Service of a judge on a 278
judicial advisory board pursuant to this section is a judicial 279
function. The judicial advisory board shall meet at least once a 280
year to make necessary appointments of members to the facility 281
governing board as described in division (A)(4) of this section 282
and to provide advice to the facility governing board regarding 283
the public safety needs of the community, admission criteria for 284
any community-based correctional facility or program or district 285
community-based correctional facility or program, and the general 286
requirements of the community-based correctional facility or 287
program or district community-based correctional facility or 288
program. The judicial advisory board may meet as often as 289
considered necessary by its members, may communicate directly with 290
the division of parole and community services, and may provide 291
advice to the facility governing board specifically regarding the 292
agreement entered into between the facility governing board and 293
the division of parole and community services pursuant to section 294
5120.112 of the Revised Code. 295

(4)(a) A facility governing board shall formulate the 296
proposal for a community-based correctional facility and program 297
or a district community-based correctional facility and program 298
and shall govern the facility. A facility governing board shall 299
consist of at least six members, each member serving a three-year 300
term. The judicial advisory board shall appoint two-thirds of the 301
members, and the board or boards of county commissioners of the 302

member counties shall appoint the remaining one-third, or portion 303
thereof, of the members. If a facility governing board is 304
responsible for a district community-based correctional facility, 305
not more than one-half of the members shall be from any one 306
county. Of the initial appointments, one-third of the members 307
shall be appointed for a one-year term, one-third of the members 308
shall be appointed for a two-year term, and the remaining 309
one-third, or portion thereof, of the members shall be appointed 310
for a three-year term. Thereafter, terms of persons appointed to 311
the facility governing board shall be for a three-year term, with 312
each term ending on the same day of the same month of the year as 313
did the term that it succeeds. A member may be reappointed to the 314
board. Vacancies on the board shall be filled in the same manner 315
as provided for original appointments. Any member of the facility 316
governing board who is appointed to fill a vacancy occurring prior 317
to the expiration of the term for which the member's predecessor 318
was appointed shall hold office for the remainder of the 319
predecessor's term. Members of the board shall not receive 320
compensation for their services but may be reimbursed for 321
reasonable and necessary expenses incurred as a result of service 322
on the board. 323

(b) A member of a facility governing board is not liable in 324
damages in a civil action for injury, death, or loss to person or 325
property that arises from the member's service on the facility 326
governing board, unless the action or omission of the member 327
constitutes willful or wanton misconduct or intentionally tortious 328
conduct. 329

(5) A community-based correctional facility or program or a 330
district community-based correctional facility or program 331
established by a judicial corrections board under a prior version 332
of this section shall continue to exist under its existing 333
contractual arrangements but, on and after the effective date of 334

this amendment, shall be governed by a facility governing board 335
and advised by a judicial advisory board created according to this 336
section. 337

(B)(1) Each proposal for the establishment of a 338
community-based correctional facility and program or district 339
community-based correctional facility and program that is 340
formulated pursuant to division (A) of this section shall be 341
submitted by the ~~judicial corrections~~ facility governing board to 342
the division of parole and community services for its approval 343
under section 5120.10 of the Revised Code. 344

(2) No person shall be sentenced to or placed in a 345
community-based correctional facility and program or to a district 346
community-based correctional facility and program by a court 347
pursuant to section 2929.16 or 2929.17 of the Revised Code or by 348
the parole board pursuant to section 2967.28 of the Revised Code, 349
or otherwise committed or admitted to a facility and program of 350
that type until after the proposal for the establishment of the 351
facility and program has been approved by the division of parole 352
and community services under section 5120.10 of the Revised Code. 353
A person shall be sentenced to a facility and program of that type 354
only pursuant to a sanction imposed by a court pursuant to section 355
2929.16 or 2929.17 of the Revised Code as the sentence or as any 356
part of the sentence of the person or otherwise shall be committed 357
or referred to a facility and program of that type only when 358
authorized by law. 359

(C) Upon the approval by the division of parole and community 360
services of a proposal for the establishment of a community-based 361
correctional facility and program or district community-based 362
correctional facility and program submitted to it under division 363
(B) of this section, the ~~judicial corrections~~ facility governing 364
board that submitted the proposal may establish and operate the 365
facility and program addressed by the proposal in accordance with 366

the approved proposal and division (B)(2) of this section. The 367
~~judicial corrections~~ facility governing board may submit a request 368
for funding of some or all of its community-based correctional 369
facilities and programs or district community-based correctional 370
facilities and programs to the board of county commissioners of 371
the county, if the ~~judicial corrections~~ facility governing board 372
serves a community-based correctional facility and program, or to 373
the boards of county commissioners of all of the member counties, 374
if the ~~judicial corrections~~ facility governing board serves a 375
district community-based correctional facility and program. The 376
board or boards may appropriate, but are not required to 377
appropriate, a sum of money for funding all aspects of each 378
facility and program as outlined in sections 2301.51 to ~~2301.56~~ 379
2301.58 of the Revised Code. The ~~judicial corrections~~ facility 380
governing board has no recourse against a board or boards of 381
county commissioners, ~~either under Chapter 2731. of the Revised~~ 382
~~Code, under its contempt power, or under any other authority,~~ if 383
the board or boards of county commissioners do not appropriate 384
money for funding any facility or program or if they appropriate 385
money for funding a facility and program in an amount less than 386
the total amount of the submitted request for funding. 387

(D)(1) If a court of common pleas that is being served by ~~any~~ 388
a community-based correctional facility and program established 389
pursuant to division (C) of this section determines that it no 390
longer wants to be served by the facility and program, the ~~court~~ 391
facility governing board, upon the advice of the judicial advisory 392
board, may dissolve the facility and program by ~~entering upon the~~ 393
~~journal of the court the fact of the determination to dissolve the~~ 394
~~facility and program and by~~ notifying, in writing, the division of 395
parole and community services of the determination to dissolve the 396
facility and program. If the court is served by more than one 397
community-based correctional facility and program, ~~it~~ the facility 398
governing board, upon the advice of the judicial advisory board, 399

may dissolve some or all of the facilities and programs and, if it 400
does not dissolve all of the facilities and programs, ~~it~~ the 401
facility governing board shall continue the operation of the 402
remaining facilities and programs. 403

(2) If all of the courts of common pleas being served by any 404
district community-based correctional facility and program 405
established pursuant to division (C) of this section determine 406
that they no longer want to be served by the facility and program, 407
the ~~courts~~ facility governing board, upon the advice of the 408
judicial advisory board, may dissolve the facility and program by 409
~~entering upon the journal of each court the fact of the~~ 410
~~determination to dissolve the facility and program and by the~~ 411
~~judge who serves as chairperson of the judicial corrections board~~ 412
notifying, in writing, the division of parole and community 413
services of the determination to dissolve the facility and 414
program. If the courts are served by more than one district 415
community-based correctional facility and program, ~~they~~ the 416
facility governing board, upon the advice of the judicial advisory 417
board, may dissolve some or all of the facilities and programs 418
and, if they do not dissolve all of the facilities and programs, 419
they shall continue the operation of the remaining facilities and 420
programs. 421

(3) If at least one, but not all, of the courts of common 422
pleas being served by one or more district community-based 423
correctional facilities and programs established pursuant to 424
division (C) of this section determines that it no longer wants to 425
be served by the facilities and programs, the court may terminate 426
its involvement with each of the facilities and programs by 427
entering upon the journal of the court the fact of the 428
determination to terminate its involvement with the facilities and 429
programs and by the court notifying, in writing, the division of 430
parole and community services of the determination to terminate 431

its involvement with the facilities and programs.

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If at least one, but not all, of the courts of common pleas being served by one or more district community-based correctional facilities and programs terminates its involvement with each of the facilities and programs in accordance with this division, the other courts of common pleas being served by the facilities and programs may continue to be served by each of the facilities and programs ~~if the other counties are adjoining or neighboring counties and have an aggregate population of two hundred thousand or more.~~ A court may use a facility and program by remaining as a member county of the district community-based correctional facility and program or by making a written service agreement with the facility governing board without remaining as a member county.

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(E) Nothing in this section, sections 2301.52 to ~~2301.56~~ 2301.58, or section 5120.10, 5120.111, or 5120.122 of the Revised Code modifies or affects or shall be interpreted as modifying or affecting sections 5149.30 to 5149.37 of the Revised Code.

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

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

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

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

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

~~(b) For a facility that becomes operational on or after July 1, 1993, at least fifty, but not more than two hundred, persons.~~
sentenced, or otherwise admitted with the consent of the facility governing board, to the facility and program;

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

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

~~(1) Each~~ but not be limited to, education, treatment, or work release.

(C) A provision that each person sentenced ~~by a court,~~ or otherwise ~~committed or~~ admitted with the consent of the facility governing board, to a facility ~~is~~ shall be provided an orientation period ~~of at least thirty days,~~ during which period the person is not permitted to leave the facility and is evaluated in relation to the person's placement in rehabilitative programs;

~~(2) Each person sentenced by a court or otherwise committed or admitted to a facility is placed in a release program whereby the person will be released temporarily for the purpose of employment in a manner consistent with the applicable work release program established under section 5147.28 of the Revised Code, for vocational training, or for other educational or rehabilitative programs;~~

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

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

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

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

screening and admission of each felony offender who is referred by 523
a court pursuant to section 2929.16 or 2929.17 of the Revised Code 524
or by the parole board pursuant to section 2967.28 of the Revised 525
Code; 526

(F) A statement that a good faith effort will be made to 527
ensure that the persons who staff and operate the facility and 528
program proportionately represent the racial, ethnic, and cultural 529
diversity of the persons released, sentenced, or otherwise 530
committed or admitted to the facility and program+. 531

~~Sec. 2301.55. (A) If a judicial corrections board establishes~~ 532
~~one or more community based correctional facilities and programs~~ 533
~~or district community based correctional facilities and programs,~~ 534
~~all of the following apply, for each facility and program so~~ 535
~~established:~~ 536

~~(1) The facility governing board of a community-based~~ 537
~~correctional facility or program or a district community-based~~ 538
~~correctional facility or program may appoint a director who, or~~ 539
~~enter into a contract with a nonprofit or private entity that,~~ 540
~~shall control, manage, operate, and have general charge of the~~ 541
~~facility or program and shall have custody of its property, files,~~ 542
~~and records. If a facility governing board chooses to contract the~~ 543
~~operation of a facility or program, an agreement that includes, at~~ 544
~~a minimum, terms and conditions established by the department of~~ 545
~~rehabilitation and correction, shall be in effect with the chosen~~ 546
~~contractor. The judicial corrections facility governing board~~ 547
~~shall appoint and fix or approve the compensation of the director~~ 548
~~of the facility and program and other professional, technical, and~~ 549
~~clerical employees who are necessary to properly maintain and~~ 550
~~operate the facility and program.~~ 551

~~The director, under the supervision of the judicial~~ 552
~~corrections board and subject to the rules of the judicial~~ 553

~~corrections board that are prescribed under division (B) of this section, shall control, manage, operate, and have general charge of the facility and program, and shall have the custody of its property, files, and records.~~ 554
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~~(2)(B) The judicial corrections facility governing board may enter into contracts with the board of county commissioners of the county in which the facility and program is located or, in the case of a district facility and program, with the county commissioners of any county included in the district, whereby the county is to provide buildings, goods, and services to the facility and program.~~ 558
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~~(3)(C) The judicial corrections facility governing board, upon the advice of the judicial advisory board, shall adopt rules for the ~~sentencing or other~~ commitment or admission pursuant to law of persons to, and the operation of, the facility and program. The rules shall provide procedures that conform to sections 2301.51 to ~~2301.56~~ 2301.58, 5120.10, 5120.111, and 5120.112 of the Revised Code. ~~The rules adopted under this division shall be entered upon the journal of the court of each member court of a district.~~ 565
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~~(B)(D) A judicial corrections facility governing board that establishes one or more community-based correctional facilities and programs or district community-based correctional facilities and programs may accept any gift, donation, devise, or bequest of real or personal property made to it by any person, or any grant or appropriation made to it by any federal, state, or local governmental unit or agency, and use the gift, donation, devise, bequest, grant, or appropriation in any manner that is consistent with any conditions of the gift, donation, devise, bequest, grant, or appropriation and that it considers to be in the interests of the facility and program. The judicial corrections facility governing board may sell, lease, convey, or otherwise transfer any~~ 574
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real or personal property that it accepts pursuant to this 586
division following the procedures specified in sections 307.09, 587
307.10, and 307.12 of the Revised Code. 588

~~(C) A judicial corrections board that establishes one or more 589
community based correctional facilities and programs or district 590
community based correctional facilities and programs shall provide 591
the citizens advisory board of the facilities and programs with 592
the staff assistance that the citizens advisory board requires to 593
perform the duties imposed by section 2301.54 of the Revised Code 594~~

(E) A facility governing board of a community-based correctional 595
facility or program or a district community-based correctional 596
facility or program may purchase liability insurance to cover 597
members of the facility governing board, the judicial advisory 598
board, and the community-based correctional facility employees or 599
district community-based correctional facility employees when 600
engaged in the performance of their duties. 601

(F) A facility governing board of a community-based 602
correctional facility or program or a district community-based 603
correctional facility or program may contract for legal services 604
for the facility governing board, the judicial advisory board, and 605
the community-based correctional facility employees or district 606
community-based correctional facility employees when engaged in 607
the performance of their duties. In the absence of a contract for 608
legal services, the prosecuting attorney of the county in which a 609
community-based correctional facility or a district 610
community-based correctional facility is located shall provide 611
legal services to the facility governing board, the judicial 612
advisory board, and the community-based correctional facility 613
employees or district community-based correctional facility 614
employees when engaged in the performance of their duties. The 615
prosecuting attorney shall be reasonably reimbursed for these 616
legal services. 617

(G) A facility of a community-based correctional facility or a district community-based correctional facility governing board may contract with a fiscal agent that shall be responsible for the deposit of funds and compliance with division (C)(1) of section 2301.56 of the Revised Code. In the absence of a contract for a fiscal agent, the county auditor of the county in which a community-based correctional facility or a district community-based correctional facility is located shall provide fiscal services to the facility governing board. The county auditor shall be reasonably reimbursed for these fiscal services.

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

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

prescribed and furnished by the department of rehabilitation and 649
correction, and in accordance with section 5120.112 of the Revised 650
Code. 651

(B) The ~~judicial corrections facility governing~~ board may 652
submit a request for funding of some or all of its community-based 653
correctional facilities and programs or district community-based 654
correctional facilities and programs to the board of county 655
commissioners of the county, if the ~~judicial corrections facility~~ 656
governing board serves a community-based correctional facility and 657
program, or to the boards of county commissioners of all of the 658
member counties, if the ~~judicial corrections facility governing~~ 659
board serves a district community-based correctional facility and 660
program. The board or boards may appropriate, but are not required 661
to appropriate, a sum of money for funding all aspects of each 662
facility and program as outlined in sections 2301.51 to ~~2301.56~~ 663
2301.58 of the Revised Code. The ~~judicial corrections facility~~ 664
governing board has no recourse against a board or boards of 665
county commissioners, ~~either under Chapter 2731. of the Revised~~ 666
~~Code, under its contempt power, or under any other authority,~~ if 667
the board or boards of county commissioners do not appropriate 668
money for funding any facility or program or if they appropriate 669
money for funding a facility and program in an amount less than 670
the total amount of the submitted request for funding. 671

~~(B)~~(C) Pursuant to section 2929.37 of the Revised Code, a 672
board of county commissioners may require a person who was 673
convicted of an offense and who is confined in a community-based 674
correctional facility or district community-based correctional 675
facility as provided in sections 2301.51 to ~~2301.56~~ 2301.58 of the 676
Revised Code, ~~to reimburse the county for its expenses incurred by~~ 677
reason of the person's confinement. 678

~~(C)~~ Notwithstanding any contrary provision in this section or 679
section ~~2929.18, 2929.28, or 2929.37~~ of the Revised Code, the 680

~~judicial corrections board may establish a policy that complies with section 2929.38 of the Revised Code and that requires any person who is not indigent and who is confined in the community based correctional facility or district community based correctional facility to pay a reception fee or a fee for any 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 713
specified in this division, to performance audits by the auditor 714
of state. The auditor of state shall conduct the performance 715
audits of a facility and program and of an entity required under 716
section 117.10 of the Revised Code and this division and, 717
notwithstanding the time period for audits specified in section 718
117.11 of the Revised Code, shall conduct the financial audits of 719
a facility and program and of an entity required under section 720
117.10 of the Revised Code and this division, in accordance with 721
the following criteria: 722

(a) For each facility and program and each entity, the 723
auditor of state shall conduct the initial financial audit within 724
two years after ~~the effective date of this amendment~~ March 31, 725
2003, or, if the facility and program in question is established 726
on or after ~~the effective date of this amendment~~ March 31, 2003, 727
within two years after the date on which it is established. 728

(b) After the initial financial audit described in division 729
(~~E~~)(D)(1)(a) of this section, for each facility and program and 730
each entity, the auditor of state shall conduct the financial 731
audits of the facility and program or the entity at least once 732
every two fiscal years. 733

(c) At any time after ~~the effective date of this amendment~~ 734
March 31, 2003, regarding a facility and program or regarding an 735
entity that performs the day-to-day operation of a facility and 736
program, the department of rehabilitation and correction or the 737
~~judicial corrections~~ facility governing board that established the 738
facility and program may request, or the auditor of state on its 739
own initiative may undertake, a performance audit of the facility 740
and program or the entity. Upon the receipt of the request, or 741
upon the auditor of state's own initiative as described in this 742
division, the auditor of state shall conduct a performance audit 743
of the facility and program or the entity. 744

(2) The department of rehabilitation and correction shall 745
prepare and provide to the auditor of state quarterly financial 746
reports for each community-based correctional facility and 747
program, for each district community-based correctional facility 748
and program, and, to the extent that information is available, for 749
each private or nonprofit entity that performs the day-to-day 750
operation of any community-based correctional facility and program 751
or district community-based correctional facility and program. 752
Each report shall cover a three-month period and shall be provided 753
to the auditor of state not later than fifteen days after the end 754
of the period covered by the report. 755

Sec. 2301.57. (A) For each person who is confined in a 756
community-based correctional facility or district community-based 757
correctional facility as provided in sections 2301.51 to ~~2301.56~~ 758
2301.58 of the Revised Code, the ~~county~~ facility may make a 759
determination as to whether the person is covered under a health 760
insurance or health care policy, contract, or plan and, if the 761
person has such coverage, what terms and conditions are imposed by 762
it for the filing and payment of claims. 763

(B) If, pursuant to division (A) of this section, it is 764
determined that the person is covered under a policy, contract, or 765
plan and, while that coverage is in force, the correctional 766
facility renders or arranges for the rendering of health care 767
services to the person in accordance with the terms and conditions 768
of the policy, contract, or plan, then the person, ~~county~~ 769
facility, or provider of the health care services, as appropriate 770
under the terms and conditions of the policy, contract, or plan, 771
shall promptly submit a claim for payment for the health care 772
services to the appropriate third-party payer and shall designate, 773
or make any other arrangement necessary to ensure, that payment of 774
any amount due on the claim be made to the ~~county~~ facility or 775

provider, as the case may be. 776

~~(C) Any payment made to the county pursuant to division (B) 777
of this section shall be paid into the treasury of the county that 778
incurred the expenses. 779~~

~~(D) This section also applies to any person who is under the 780
custody of a law enforcement officer, as defined in section 781
2901.01 of the Revised Code, prior to the person's confinement in 782
the correctional facility. 783~~

(D) Notwithstanding any contrary provision in this section or 784
section 2929.18, 2929.21, 2929.26, or 2929.37 of the Revised Code, 785
the facility governing board may establish a policy that complies 786
with section 2929.38 of the Revised Code and that requires any 787
person who is not indigent and who is confined in the 788
community-based correctional facility or district community-based 789
correctional facility to pay a reception fee or a fee for any 790
medical treatment or service requested by and provided to that 791
person. 792

(E) If a person who has been convicted of or pleaded guilty 793
to an offense is confined in a community-based correctional 794
facility or district community-based correctional facility, the 795
person in charge of the operation of the facility may cause the 796
offender, at the time of reception and at other times the person 797
in charge of the operation of the facility determines to be 798
appropriate, to be examined and tested for tuberculosis, HIV 799
infection, hepatitis, including, but not limited to, hepatitis A, 800
B, and C, and other contagious diseases. The person in charge of 801
the operation of the facility may cause an offender in the 802
facility who refuses to be tested or treated for tuberculosis, HIV 803
infection, hepatitis, including, but not limited to, hepatitis A, 804
B, and C, or another contagious disease to be tested and treated 805
involuntarily. 806

Sec. 2301.58. (A) Upon approval of the facility governing board, the director of the community-based correctional facility or district community-based correctional facility may establish a resident program fund. The director shall deposit in the fund all revenues received by the facility from commissions on telephone systems, commissary operations, reimbursable costs such as per diem and medical services, and similar services. The money in the fund shall only be used to pay for the costs of the following expenses: 807
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(1) The purchase of materials, supplies, and equipment used in any library program, educational program, vocational program, rehabilitative program, religious program, medical services program, or recreational program operated by the facility for the benefit of the residents; 816
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(2) The construction, alteration, repair, or reconstruction of a facility under the control of the facility governing board for use in any library program, educational program, vocational program, rehabilitative program, religious program, medical services program, or recreational program operated by the facility for the benefit of the residents; 821
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(3) The payment of salaries, wages, and other compensation to employees of the facility who are employed in any library program, educational program, vocational program, rehabilitative program, religious program, medical services program, or recreational program operated by the facility for the benefit of the residents; 827
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(4) The compensation of vendors that contract with the facility for the provision of services for any library program, educational program, vocational program, rehabilitative program, religious program, medical services program, or recreational program for the benefit of the residents; 832
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(5) The purchase of other goods and the payment of other services that are determined, at the discretion of the director, to be goods and services that may provide additional benefit to the residents; 837
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(6) The costs for the auditing of the resident program funds. 841

(B) If a commissary is established by the community-based correctional facility or the district community-based correctional facility, all persons incarcerated in the facility shall receive commissary privileges, and the commissary shall provide for the distribution of necessary hygiene articles and writing materials to indigent residents. 842
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(C) The director shall establish rules, to be approved by the facility governing board, for the operation of the resident program fund that follow guidelines established by the auditor of state. 848
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Sec. 2929.01. As used in this chapter: 852

(A)(1) "Alternative residential facility" means, subject to division (A)(2) of this section, any facility other than an offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria: 853
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(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation. 857
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(b) It has received the appropriate license or certificate for any specialized education, training, treatment, habilitation, or other service that it provides from the government agency that is responsible for licensing or certifying that type of education, training, treatment, habilitation, or service. 860
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(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or 865
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prison. 867

(B) "Bad time" means the time by which the parole board 868
administratively extends an offender's stated prison term or terms 869
pursuant to section 2967.11 of the Revised Code because the parole 870
board finds by clear and convincing evidence that the offender, 871
while serving the prison term or terms, committed an act that is a 872
criminal offense under the law of this state or the United States, 873
whether or not the offender is prosecuted for the commission of 874
that act. 875

(C) "Basic probation supervision" means a requirement that 876
the offender maintain contact with a person appointed to supervise 877
the offender in accordance with sanctions imposed by the court or 878
imposed by the parole board pursuant to section 2967.28 of the 879
Revised Code. "Basic probation supervision" includes basic parole 880
supervision and basic post-release control supervision. 881

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 882
"unit dose" have the same meanings as in section 2925.01 of the 883
Revised Code. 884

(E) "Community-based correctional facility" means a 885
community-based correctional facility and program or district 886
community-based correctional facility and program developed 887
pursuant to sections 2301.51 to ~~2301.56~~ 2301.58 of the Revised 888
Code. 889

(F) "Community control sanction" means a sanction that is not 890
a prison term and that is described in section 2929.15, 2929.16, 891
2929.17, or 2929.18 of the Revised Code or a sanction that is not 892
a jail term and that is described in section 2929.26, 2929.27, or 893
2929.28 of the Revised Code. "Community control sanction" includes 894
probation if the sentence involved was imposed for a felony that 895
was committed prior to July 1, 1996, or if the sentence involved 896
was imposed for a misdemeanor that was committed prior to January 897

1, 2004. 898

(G) "Controlled substance," "marihuana," "schedule I," and 899
"schedule II" have the same meanings as in section 3719.01 of the 900
Revised Code. 901

(H) "Curfew" means a requirement that an offender during a 902
specified period of time be at a designated place. 903

(I) "Day reporting" means a sanction pursuant to which an 904
offender is required each day to report to and leave a center or 905
other approved reporting location at specified times in order to 906
participate in work, education or training, treatment, and other 907
approved programs at the center or outside the center. 908

(J) "Deadly weapon" has the same meaning as in section 909
2923.11 of the Revised Code. 910

(K) "Drug and alcohol use monitoring" means a program under 911
which an offender agrees to submit to random chemical analysis of 912
the offender's blood, breath, or urine to determine whether the 913
offender has ingested any alcohol or other drugs. 914

(L) "Drug treatment program" means any program under which a 915
person undergoes assessment and treatment designed to reduce or 916
completely eliminate the person's physical or emotional reliance 917
upon alcohol, another drug, or alcohol and another drug and under 918
which the person may be required to receive assessment and 919
treatment on an outpatient basis or may be required to reside at a 920
facility other than the person's home or residence while 921
undergoing assessment and treatment. 922

(M) "Economic loss" means any economic detriment suffered by 923
a victim as a direct and proximate result of the commission of an 924
offense and includes any loss of income due to lost time at work 925
because of any injury caused to the victim, and any property loss, 926
medical cost, or funeral expense incurred as a result of the 927

commission of the offense. "Economic loss" does not include 928
non-economic loss or any punitive or exemplary damages. 929

(N) "Education or training" includes study at, or in 930
conjunction with a program offered by, a university, college, or 931
technical college or vocational study and also includes the 932
completion of primary school, secondary school, and literacy 933
curricula or their equivalent. 934

(O) "Firearm" has the same meaning as in section 2923.11 of 935
the Revised Code. 936

(P) "Halfway house" means a facility licensed by the division 937
of parole and community services of the department of 938
rehabilitation and correction pursuant to section 2967.14 of the 939
Revised Code as a suitable facility for the care and treatment of 940
adult offenders. 941

(Q) "House arrest" means a period of confinement of an 942
offender that is in the offender's home or in other premises 943
specified by the sentencing court or by the parole board pursuant 944
to section 2967.28 of the Revised Code and during which all of the 945
following apply: 946

(1) The offender is required to remain in the offender's home 947
or other specified premises for the specified period of 948
confinement, except for periods of time during which the offender 949
is at the offender's place of employment or at other premises as 950
authorized by the sentencing court or by the parole board. 951

(2) The offender is required to report periodically to a 952
person designated by the court or parole board. 953

(3) The offender is subject to any other restrictions and 954
requirements that may be imposed by the sentencing court or by the 955
parole board. 956

(R) "Intensive probation supervision" means a requirement 957

that an offender maintain frequent contact with a person appointed 958
by the court, or by the parole board pursuant to section 2967.28 959
of the Revised Code, to supervise the offender while the offender 960
is seeking or maintaining necessary employment and participating 961
in training, education, and treatment programs as required in the 962
court's or parole board's order. "Intensive probation supervision" 963
includes intensive parole supervision and intensive post-release 964
control supervision. 965

(S) "Jail" means a jail, workhouse, minimum security jail, or 966
other residential facility used for the confinement of alleged or 967
convicted offenders that is operated by a political subdivision or 968
a combination of political subdivisions of this state. 969

(T) "Jail term" means the term in a jail that a sentencing 970
court imposes or is authorized to impose pursuant to section 971
2929.24 or 2929.25 of the Revised Code or pursuant to any other 972
provision of the Revised Code that authorizes a term in a jail for 973
a misdemeanor conviction. 974

(U) "Mandatory jail term" means the term in a jail that a 975
sentencing court is required to impose pursuant to division (G) of 976
section 1547.99 of the Revised Code, division (E) of section 977
2903.06 or division (D) of section 2903.08 of the Revised Code, 978
division (E) of section 2929.24 of the Revised Code, division (B) 979
of section 4510.14 of the Revised Code, or division (G) of section 980
4511.19 of the Revised Code or pursuant to any other provision of 981
the Revised Code that requires a term in a jail for a misdemeanor 982
conviction. 983

(V) "Delinquent child" has the same meaning as in section 984
2152.02 of the Revised Code. 985

(W) "License violation report" means a report that is made by 986
a sentencing court, or by the parole board pursuant to section 987
2967.28 of the Revised Code, to the regulatory or licensing board 988

or agency that issued an offender a professional license or a 989
license or permit to do business in this state and that specifies 990
that the offender has been convicted of or pleaded guilty to an 991
offense that may violate the conditions under which the offender's 992
professional license or license or permit to do business in this 993
state was granted or an offense for which the offender's 994
professional license or license or permit to do business in this 995
state may be revoked or suspended. 996

(X) "Major drug offender" means an offender who is convicted 997
of or pleads guilty to the possession of, sale of, or offer to 998
sell any drug, compound, mixture, preparation, or substance that 999
consists of or contains at least one thousand grams of hashish; at 1000
least one hundred grams of crack cocaine; at least one thousand 1001
grams of cocaine that is not crack cocaine; at least two thousand 1002
five hundred unit doses or two hundred fifty grams of heroin; at 1003
least five thousand unit doses of L.S.D. or five hundred grams of 1004
L.S.D. in a liquid concentrate, liquid extract, or liquid 1005
distillate form; or at least one hundred times the amount of any 1006
other schedule I or II controlled substance other than marihuana 1007
that is necessary to commit a felony of the third degree pursuant 1008
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 1009
Code that is based on the possession of, sale of, or offer to sell 1010
the controlled substance. 1011

(Y) "Mandatory prison term" means any of the following: 1012

(1) Subject to division (Y)(2) of this section, the term in 1013
prison that must be imposed for the offenses or circumstances set 1014
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 1015
2929.13 and division (D) of section 2929.14 of the Revised Code. 1016
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 1017
and 2925.11 of the Revised Code, unless the maximum or another 1018
specific term is required under section 2929.14 of the Revised 1019
Code, a mandatory prison term described in this division may be 1020

any prison term authorized for the level of offense. 1021

(2) The term of sixty or one hundred twenty days in prison 1022
that a sentencing court is required to impose for a third or 1023
fourth degree felony OVI offense pursuant to division (G)(2) of 1024
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 1025
of the Revised Code or the term of one, two, three, four, or five 1026
years in prison that a sentencing court is required to impose 1027
pursuant to division (G)(2) of section 2929.13 of the Revised 1028
Code. 1029

(3) The term in prison imposed pursuant to section 2971.03 of 1030
the Revised Code for the offenses and in the circumstances 1031
described in division (F)(11) of section 2929.13 of the Revised 1032
Code and that term as modified or terminated pursuant to section 1033
2971.05 of the Revised Code. 1034

(Z) "Monitored time" means a period of time during which an 1035
offender continues to be under the control of the sentencing court 1036
or parole board, subject to no conditions other than leading a 1037
law-abiding life. 1038

(AA) "Offender" means a person who, in this state, is 1039
convicted of or pleads guilty to a felony or a misdemeanor. 1040

(BB) "Prison" means a residential facility used for the 1041
confinement of convicted felony offenders that is under the 1042
control of the department of rehabilitation and correction but 1043
does not include a violation sanction center operated under 1044
authority of section 2967.141 of the Revised Code. 1045

(CC) "Prison term" includes any of the following sanctions 1046
for an offender: 1047

(1) A stated prison term; 1048

(2) A term in a prison shortened by, or with the approval of, 1049
the sentencing court pursuant to section 2929.20, 2967.26, 1050

5120.031, 5120.032, or 5120.073 of the Revised Code; 1051

(3) A term in prison extended by bad time imposed pursuant to 1052
section 2967.11 of the Revised Code or imposed for a violation of 1053
post-release control pursuant to section 2967.28 of the Revised 1054
Code. 1055

(DD) "Repeat violent offender" means a person about whom both 1056
of the following apply: 1057

(1) The person has been convicted of or has pleaded guilty 1058
to, and is being sentenced for committing, for complicity in 1059
committing, or for an attempt to commit, aggravated murder, 1060
murder, involuntary manslaughter, a felony of the first degree 1061
other than one set forth in Chapter 2925. of the Revised Code, a 1062
felony of the first degree set forth in Chapter 2925. of the 1063
Revised Code that involved an attempt to cause serious physical 1064
harm to a person or that resulted in serious physical harm to a 1065
person, or a felony of the second degree that involved an attempt 1066
to cause serious physical harm to a person or that resulted in 1067
serious physical harm to a person. 1068

(2) Either of the following applies: 1069

(a) The person previously was convicted of or pleaded guilty 1070
to, and previously served or, at the time of the offense was 1071
serving, a prison term for, any of the following: 1072

(i) Aggravated murder, murder, involuntary manslaughter, 1073
rape, felonious sexual penetration as it existed under section 1074
2907.12 of the Revised Code prior to September 3, 1996, a felony 1075
of the first or second degree that resulted in the death of a 1076
person or in physical harm to a person, or complicity in or an 1077
attempt to commit any of those offenses; 1078

(ii) An offense under an existing or former law of this 1079
state, another state, or the United States that is or was 1080

substantially equivalent to an offense listed under division 1081
(DD)(2)(a)(i) of this section and that resulted in the death of a 1082
person or in physical harm to a person. 1083

(b) The person previously was adjudicated a delinquent child 1084
for committing an act that if committed by an adult would have 1085
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 1086
section, the person was committed to the department of youth 1087
services for that delinquent act. 1088

(EE) "Sanction" means any penalty imposed upon an offender 1089
who is convicted of or pleads guilty to an offense, as punishment 1090
for the offense. "Sanction" includes any sanction imposed pursuant 1091
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 1092
2929.28 of the Revised Code. 1093

(FF) "Sentence" means the sanction or combination of 1094
sanctions imposed by the sentencing court on an offender who is 1095
convicted of or pleads guilty to an offense. 1096

(GG) "Stated prison term" means the prison term, mandatory 1097
prison term, or combination of all prison terms and mandatory 1098
prison terms imposed by the sentencing court pursuant to section 1099
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 1100
includes any credit received by the offender for time spent in 1101
jail awaiting trial, sentencing, or transfer to prison for the 1102
offense and any time spent under house arrest or house arrest with 1103
electronic monitoring imposed after earning credits pursuant to 1104
section 2967.193 of the Revised Code. 1105

(HH) "Victim-offender mediation" means a reconciliation or 1106
mediation program that involves an offender and the victim of the 1107
offense committed by the offender and that includes a meeting in 1108
which the offender and the victim may discuss the offense, discuss 1109
restitution, and consider other sanctions for the offense. 1110

(II) "Fourth degree felony OVI offense" means a violation of 1111

division (A) of section 4511.19 of the Revised Code that, under 1112
division (G) of that section, is a felony of the fourth degree. 1113

(JJ) "Mandatory term of local incarceration" means the term 1114
of sixty or one hundred twenty days in a jail, a community-based 1115
correctional facility, a halfway house, or an alternative 1116
residential facility that a sentencing court may impose upon a 1117
person who is convicted of or pleads guilty to a fourth degree 1118
felony OVI offense pursuant to division (G)(1) of section 2929.13 1119
of the Revised Code and division (G)(1)(d) or (e) of section 1120
4511.19 of the Revised Code. 1121

(KK) "Designated homicide, assault, or kidnapping offense," 1122
"violent sex offense," "sexual motivation specification," 1123
"sexually violent offense," "sexually violent predator," and 1124
"sexually violent predator specification" have the same meanings 1125
as in section 2971.01 of the Revised Code. 1126

(LL) "Habitual sex offender," "sexually oriented offense," 1127
"sexual predator," "registration-exempt sexually oriented 1128
offense," "child-victim oriented offense," "habitual child-victim 1129
offender," and "child-victim predator" have the same meanings as 1130
in section 2950.01 of the Revised Code. 1131

(MM) An offense is "committed in the vicinity of a child" if 1132
the offender commits the offense within thirty feet of or within 1133
the same residential unit as a child who is under eighteen years 1134
of age, regardless of whether the offender knows the age of the 1135
child or whether the offender knows the offense is being committed 1136
within thirty feet of or within the same residential unit as the 1137
child and regardless of whether the child actually views the 1138
commission of the offense. 1139

(NN) "Family or household member" has the same meaning as in 1140
section 2919.25 of the Revised Code. 1141

(OO) "Motor vehicle" and "manufactured home" have the same 1142

meanings as in section 4501.01 of the Revised Code. 1143

(PP) "Detention" and "detention facility" have the same 1144
meanings as in section 2921.01 of the Revised Code. 1145

(QQ) "Third degree felony OVI offense" means a violation of 1146
division (A) of section 4511.19 of the Revised Code that, under 1147
division (G) of that section, is a felony of the third degree. 1148

(RR) "Random drug testing" has the same meaning as in section 1149
5120.63 of the Revised Code. 1150

(SS) "Felony sex offense" has the same meaning as in section 1151
2967.28 of the Revised Code. 1152

(TT) "Body armor" has the same meaning as in section 1153
2941.1411 of the Revised Code. 1154

(UU) "Electronic monitoring" means monitoring through the use 1155
of an electronic monitoring device. 1156

(VV) "Electronic monitoring device" means any of the 1157
following: 1158

(1) Any device that can be operated by electrical or battery 1159
power and that conforms with all of the following: 1160

(a) The device has a transmitter that can be attached to a 1161
person, that will transmit a specified signal to a receiver of the 1162
type described in division (VV)(1)(b) of this section if the 1163
transmitter is removed from the person, turned off, or altered in 1164
any manner without prior court approval in relation to electronic 1165
monitoring or without prior approval of the department of 1166
rehabilitation and correction in relation to the use of an 1167
electronic monitoring device for an inmate on transitional control 1168
or otherwise is tampered with, that can transmit continuously and 1169
periodically a signal to that receiver when the person is within a 1170
specified distance from the receiver, and that can transmit an 1171
appropriate signal to that receiver if the person to whom it is 1172

attached travels a specified distance from that receiver. 1173

(b) The device has a receiver that can receive continuously 1174
the signals transmitted by a transmitter of the type described in 1175
division (VV)(1)(a) of this section, can transmit continuously 1176
those signals by telephone to a central monitoring computer of the 1177
type described in division (VV)(1)(c) of this section, and can 1178
transmit continuously an appropriate signal to that central 1179
monitoring computer if the receiver is turned off or altered 1180
without prior court approval or otherwise tampered with. 1181

(c) The device has a central monitoring computer that can 1182
receive continuously the signals transmitted by telephone by a 1183
receiver of the type described in division (VV)(1)(b) of this 1184
section and can monitor continuously the person to whom an 1185
electronic monitoring device of the type described in division 1186
(VV)(1)(a) of this section is attached. 1187

(2) Any device that is not a device of the type described in 1188
division (VV)(1) of this section and that conforms with all of the 1189
following: 1190

(a) The device includes a transmitter and receiver that can 1191
monitor and determine the location of a subject person at any 1192
time, or at a designated point in time, through the use of a 1193
central monitoring computer or through other electronic means. 1194

(b) The device includes a transmitter and receiver that can 1195
determine at any time, or at a designated point in time, through 1196
the use of a central monitoring computer or other electronic means 1197
the fact that the transmitter is turned off or altered in any 1198
manner without prior approval of the court in relation to the 1199
electronic monitoring or without prior approval of the department 1200
of rehabilitation and correction in relation to the use of an 1201
electronic monitoring device for an inmate on transitional control 1202
or otherwise is tampered with. 1203

(3) Any type of technology that can adequately track or 1204
determine the location of a subject person at any time and that is 1205
approved by the director of rehabilitation and correction, 1206
including, but not limited to, any satellite technology, voice 1207
tracking system, or retinal scanning system that is so approved. 1208

(WW) "Non-economic loss" means nonpecuniary harm suffered by 1209
a victim of an offense as a result of or related to the commission 1210
of the offense, including, but not limited to, pain and suffering; 1211
loss of society, consortium, companionship, care, assistance, 1212
attention, protection, advice, guidance, counsel, instruction, 1213
training, or education; mental anguish; and any other intangible 1214
loss. 1215

(XX) "Prosecutor" has the same meaning as in section 2935.01 1216
of the Revised Code. 1217

(YY) "Continuous alcohol monitoring" means the ability to 1218
automatically test and periodically transmit alcohol consumption 1219
levels and tamper attempts at least every hour, regardless of the 1220
location of the person who is being monitored. 1221

(ZZ) A person is "adjudicated a sexually violent predator" if 1222
the person is convicted of or pleads guilty to a violent sex 1223
offense and also is convicted of or pleads guilty to a sexually 1224
violent predator specification that was included in the 1225
indictment, count in the indictment, or information charging that 1226
violent sex offense or if the person is convicted of or pleads 1227
guilty to a designated homicide, assault, or kidnapping offense 1228
and also is convicted of or pleads guilty to both a sexual 1229
motivation specification and a sexually violent predator 1230
specification that were included in the indictment, count in the 1231
indictment, or information charging that designated homicide, 1232
assault, or kidnapping offense. 1233

Sec. 2929.34. (A) A person who is convicted of or pleads 1234
guilty to aggravated murder, murder, or an offense punishable by 1235
life imprisonment and who is sentenced to a term of life 1236
imprisonment or a prison term pursuant to that conviction shall 1237
serve that term in an institution under the control of the 1238
department of rehabilitation and correction. 1239

(B)(1) A person who is convicted of or pleads guilty to a 1240
felony other than aggravated murder, murder, or an offense 1241
punishable by life imprisonment and who is sentenced to a term of 1242
imprisonment or a prison term pursuant to that conviction shall 1243
serve that term as follows: 1244

(a) Subject to divisions (B)(1)(b) and (B)(2) of this 1245
section, in an institution under the control of the department of 1246
rehabilitation and correction if the term is a prison term or as 1247
otherwise determined by the sentencing court pursuant to section 1248
2929.16 of the Revised Code if the term is not a prison term; 1249

(b) In a facility of a type described in division (G)(1) of 1250
section 2929.13 of the Revised Code, if the offender is sentenced 1251
pursuant to that division. 1252

(2) If the term is a prison term, the person may be 1253
imprisoned in a jail that is not a minimum security jail pursuant 1254
to agreement under section 5120.161 of the Revised Code between 1255
the department of rehabilitation and correction and the local 1256
authority that operates the jail. 1257

(C) A person who is convicted of or pleads guilty to one or 1258
more misdemeanors and who is sentenced to a jail term or term of 1259
imprisonment pursuant to the conviction or convictions shall serve 1260
that term in a county, multicounty, municipal, municipal-county, 1261
or multicounty-municipal jail or workhouse or, if the misdemeanor 1262
or misdemeanors are not offenses of violence, in a minimum 1263

security jail. 1264

(D) Nothing in this section prohibits the commitment, 1265
referral, or sentencing of a person who is convicted of or pleads 1266
guilty to a felony to a community-based correctional facility ~~and~~ 1267
~~program or district community based correctional facility and~~ 1268
~~program in accordance with sections 2301.51 to 2301.56 of the~~ 1269
~~Revised Code.~~ 1270

Sec. 5120.031. (A) As used in this section: 1271

(1) "Certificate of high school equivalence" means a 1272
statement that is issued by the state board of education or an 1273
equivalent agency of another state and that indicates that its 1274
holder has achieved the equivalent of a high school education as 1275
measured by scores obtained on the tests of general educational 1276
development published by the American council on education. 1277

(2) "Certificate of adult basic education" means a statement 1278
that is issued by the department of rehabilitation and correction 1279
through the Ohio central school system approved by the state board 1280
of education and that indicates that its holder has achieved a 6.0 1281
grade level, or higher, as measured by scores of nationally 1282
standardized or recognized tests. 1283

(3) "Deadly weapon" and "firearm" have the same meanings as 1284
in section 2923.11 of the Revised Code. 1285

(4) "Eligible offender" means a person, other than one who is 1286
ineligible to participate in an intensive program prison under the 1287
criteria specified in section 5120.032 of the Revised Code, who 1288
has been convicted of or pleaded guilty to, and has been sentenced 1289
for, a felony. 1290

(5) "Shock incarceration" means the program of incarceration 1291
that is established pursuant to the rules of the department of 1292
rehabilitation and correction adopted under this section. 1293

(B)(1) The director of rehabilitation and correction, by 1294
rules adopted under Chapter 119. of the Revised Code, shall 1295
establish a pilot program of shock incarceration that may be used 1296
for offenders who are sentenced to serve a term of imprisonment 1297
under the custody of the department of rehabilitation and 1298
correction, whom the department determines to be eligible 1299
offenders, and whom the department, subject to the approval of the 1300
sentencing judge, may permit to serve their sentence as a sentence 1301
of shock incarceration in accordance with this section. 1302

(2) The rules for the pilot program shall require that the 1303
program be established at an appropriate state correctional 1304
institution designated by the director and that the program 1305
consist of both of the following for each eligible offender whom 1306
the department, with the approval of the sentencing judge, permits 1307
to serve the eligible offender's sentence as a sentence of shock 1308
incarceration: 1309

(a) A period of imprisonment at that institution of ninety 1310
days that shall consist of a military style combination of 1311
discipline, physical training, and hard labor and substance abuse 1312
education, employment skills training, social skills training, and 1313
psychological treatment. During the ninety-day period, the 1314
department may permit an eligible offender to participate in a 1315
self-help program. Additionally, during the ninety-day period, an 1316
eligible offender who holds a high school diploma or a certificate 1317
of high school equivalence may be permitted to tutor other 1318
eligible offenders in the shock incarceration program. If an 1319
eligible offender does not hold a high school diploma or 1320
certificate of high school equivalence, the eligible offender may 1321
elect to participate in an education program that is designed to 1322
award a certificate of adult basic education or an education 1323
program that is designed to award a certificate of high school 1324
equivalence to those eligible offenders who successfully complete 1325

the education program, whether the completion occurs during or
subsequent to the ninety-day period. To the extent possible, the
department shall use as teachers in the education program persons
who have been issued a license pursuant to sections 3319.22 to
3319.31 of the Revised Code, who have volunteered their services
to the education program, and who satisfy any other criteria
specified in the rules for the pilot project.

(b) Immediately following the ninety-day period of
imprisonment, and notwithstanding any other provision governing
the early release of a prisoner from imprisonment or the transfer
of a prisoner to transitional control, one of the following, as
determined by the director:

(i) An intermediate, transitional type of detention for the
period of time determined by the director and, immediately
following the intermediate, transitional type of detention, a
release under a post-release control sanction imposed in
accordance with section 2967.28 of the Revised Code. The period of
intermediate, transitional type of detention imposed by the
director under this division may be in a halfway house, in a
community-based correctional facility and program or district
community-based correctional facility and program established
under sections 2301.51 to ~~2301.56~~ 2301.58 of the Revised Code, or
in any other facility approved by the director that provides for
detention to serve as a transition between imprisonment in a state
correctional institution and release from imprisonment.

(ii) A release under a post-release control sanction imposed
in accordance with section 2967.28 of the Revised Code.

(3) The rules for the pilot program also shall include, but
are not limited to, all of the following:

(a) Rules identifying the locations within the state
correctional institution designated by the director that will be

used for eligible offenders serving a sentence of shock incarceration; 1357
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(b) Rules establishing specific schedules of discipline, physical training, and hard labor for eligible offenders serving a sentence of shock incarceration, based upon the offender's physical condition and needs; 1359
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(c) Rules establishing standards and criteria for the department to use in determining which eligible offenders the department will permit to serve their sentence of imprisonment as a sentence of shock incarceration; 1363
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(d) Rules establishing guidelines for the selection of post-release control sanctions for eligible offenders; 1367
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(e) Rules establishing procedures for notifying sentencing courts of the performance of eligible offenders serving their sentences of imprisonment as a sentence of shock incarceration; 1369
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1371

(f) Any other rules that are necessary for the proper conduct of the pilot program. 1372
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(C)(1) If an offender is sentenced to a term of imprisonment under the custody of the department, if the sentencing court either recommends the offender for placement in a program of shock incarceration under this section or makes no recommendation on placement of the offender, and if the department determines that the offender is an eligible offender for placement in a program of shock incarceration under this section, the department may permit the eligible offender to serve the sentence in a program of shock incarceration, in accordance with division (K) of section 2929.14 of the Revised Code, with this section, and with the rules adopted under this section. If the sentencing court disapproves placement of the offender in a program of shock incarceration, the department shall not place the offender in any program of shock incarceration. 1374
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If the sentencing court recommends the offender for placement 1388
in a program of shock incarceration and if the department 1389
subsequently places the offender in the recommended program, the 1390
department shall notify the court of the offender's placement in 1391
the recommended program and shall include with the notice a brief 1392
description of the placement. 1393

If the sentencing court recommends placement of the offender 1394
in a program of shock incarceration and the department for any 1395
reason does not subsequently place the offender in the recommended 1396
program, the department shall send a notice to the court 1397
indicating why the offender was not placed in the recommended 1398
program. 1399

If the sentencing court does not make a recommendation on the 1400
placement of an offender in a program of shock incarceration and 1401
if the department determines that the offender is an eligible 1402
offender for placement in a program of that nature, the department 1403
shall screen the offender and determine if the offender is suited 1404
for the program of shock incarceration. If the offender is suited 1405
for the program of shock incarceration, at least three weeks prior 1406
to permitting an eligible offender to serve the sentence in a 1407
program of shock incarceration, the department shall notify the 1408
sentencing court of the proposed placement of the offender in the 1409
program and shall include with the notice a brief description of 1410
the placement. The court shall have ten days from receipt of the 1411
notice to disapprove the placement. If the sentencing court 1412
disapproves of the placement, the department shall not permit the 1413
eligible offender to serve the sentence in a program of shock 1414
incarceration. If the judge does not timely disapprove of 1415
placement of the offender in the program of shock incarceration, 1416
the department may proceed with plans for placement of the 1417
offender. 1418

If the department determines that the offender is not 1419

eligible for placement in a program of shock incarceration, the 1420
department shall not place the offender in any program of shock 1421
incarceration. 1422

(2) If the department permits an eligible offender to serve 1423
the eligible offender's sentence of imprisonment as a sentence of 1424
shock incarceration and the eligible offender does not 1425
satisfactorily complete the entire period of imprisonment 1426
described in division (B)(2)(a) of this section, the offender 1427
shall be removed from the pilot program for shock incarceration 1428
and shall be required to serve the remainder of the offender's 1429
sentence of imprisonment imposed by the sentencing court as a 1430
regular term of imprisonment. If the eligible offender commences a 1431
period of post-release control described in division (B)(2)(b) of 1432
this section and violates the conditions of that post-release 1433
control, the eligible offender shall be subject to the provisions 1434
of sections 2929.141, 2967.15, and 2967.28 of the Revised Code 1435
regarding violation of post-release control sanctions. 1436

(3) If an eligible offender's stated prison term expires at 1437
any time during the eligible offender's participation in the shock 1438
incarceration program, the adult parole authority shall terminate 1439
the eligible offender's participation in the program and shall 1440
issue to the eligible offender a certificate of expiration of the 1441
stated prison term. 1442

(D) The director shall keep sentencing courts informed of the 1443
performance of eligible offenders serving their sentences of 1444
imprisonment as a sentence of shock incarceration, including, but 1445
not limited to, notice of eligible offenders who fail to 1446
satisfactorily complete their entire sentence of shock 1447
incarceration or who satisfactorily complete their entire sentence 1448
of shock incarceration. 1449

(E) Within a reasonable period of time after November 20, 1450

1990, the director shall appoint a committee to search for one or
more suitable sites at which one or more programs of shock
incarceration, in addition to the pilot program required by
division (B)(1) of this section, may be established. The search
committee shall consist of the director or the director's
designee, as chairperson; employees of the department of
rehabilitation and correction appointed by the director; and any
other persons that the director, in the director's discretion,
appoints. In searching for such sites, the search committee shall
give preference to any site owned by the state or any other
governmental entity and to any existing structure that reasonably
could be renovated, enlarged, converted, or remodeled for purposes
of establishing such a program. The search committee shall prepare
a report concerning its activities and, on the earlier of the day
that is twelve months after the first day on which an eligible
offender began serving a sentence of shock incarceration under the
pilot program or January 1, 1992, shall file the report with the
president and the minority leader of the senate, the speaker and
the minority leader of the house of representatives, the members
of the senate who were members of the senate judiciary committee
in the 118th general assembly or their successors, and the members
of the house of representatives who were members of the select
committee to hear drug legislation that was established in the
118th general assembly or their successors. Upon the filing of the
report, the search committee shall terminate. The report required
by this division shall contain all of the following:

(1) A summary of the process used by the search committee in
performing its duties under this division;

(2) A summary of all of the sites reviewed by the search
committee in performing its duties under this division, and the
benefits and disadvantages it found relative to the establishment
of a program of shock incarceration at each such site;

(3) The findings and recommendations of the search committee 1483
as to the suitable site or sites, if any, at which a program of 1484
shock incarceration, in addition to the pilot program required by 1485
division (B)(1) of this section, may be established. 1486

(F) The director periodically shall review the pilot program 1487
for shock incarceration required to be established by division 1488
(B)(1) of this section. The director shall prepare a report 1489
relative to the pilot program and, on the earlier of the day that 1490
is twelve months after the first day on which an eligible offender 1491
began serving a sentence of shock incarceration under the pilot 1492
program or January 1, 1992, shall file the report with the 1493
president and the minority leader of the senate, the speaker and 1494
the minority leader of the house of representatives, the members 1495
of the senate who were members of the senate judiciary committee 1496
in the 118th general assembly or their successors, and the members 1497
of the house of representatives who were members of the select 1498
committee to hear drug legislation that was established in the 1499
118th general assembly or their successors. The pilot program 1500
shall not terminate at the time of the filing of the report, but 1501
shall continue in operation in accordance with this section. The 1502
report required by this division shall include all of the 1503
following: 1504

(1) A summary of the pilot program as initially established, 1505
a summary of all changes in the pilot program made during the 1506
period covered by the report and the reasons for the changes, and 1507
a summary of the pilot program as it exists on the date of 1508
preparation of the report; 1509

(2) A summary of the effectiveness of the pilot program, in 1510
the opinion of the director and employees of the department 1511
involved in its operation; 1512

(3) An analysis of the total cost of the pilot program, of 1513

its cost per inmate who was permitted to serve a sentence of shock incarceration and who served the entire sentence of shock incarceration, and of its cost per inmate who was permitted to serve a sentence of shock incarceration;

(4) A summary of the standards and criteria used by the department in determining which eligible offenders were permitted to serve their sentence of imprisonment as a sentence of shock incarceration;

(5) A summary of the characteristics of the eligible offenders who were permitted to serve their sentence of imprisonment as a sentence of shock incarceration, which summary shall include, but not be limited to, a listing of every offense of which any such eligible offender was convicted or to which any such eligible offender pleaded guilty and in relation to which the eligible offender served a sentence of shock incarceration, and the total number of such eligible offenders who were convicted of or pleaded guilty to each such offense;

(6) A listing of the number of eligible offenders who were permitted to serve a sentence of shock incarceration and who did not serve the entire sentence of shock incarceration, and, to the extent possible, a summary of the length of the terms of imprisonment served by such eligible offenders after they were removed from the pilot program;

(7) A summary of the effect of the pilot program on overcrowding at state correctional institutions;

(8) To the extent possible, an analysis of the rate of recidivism of eligible offenders who were permitted to serve a sentence of shock incarceration and who served the entire sentence of shock incarceration;

(9) Recommendations as to legislative changes to the pilot program that would assist in its operation or that could further

alleviate overcrowding at state correctional institutions, and 1545
recommendations as to whether the pilot program should be 1546
expanded. 1547

Sec. 5120.111. With respect to community-based correctional 1548
facilities and programs and district community-based correctional 1549
facilities and programs authorized under section 2301.51 of the 1550
Revised Code, the department of rehabilitation and correction 1551
shall do all of the following: 1552

(A) Adopt rules, under Chapter 119. of the Revised Code, that 1553
serve as criteria for the operation of community-based 1554
correctional facilities and programs and district community-based 1555
correctional facilities and programs approved in accordance with 1556
sections 2301.51 and 5120.10 of the Revised Code; 1557

~~(B) Adopt rules, under Chapter 119. of the Revised Code,~~ 1558
~~prescribing the minimum educational and experience requirements~~ 1559
~~that must be satisfied by persons who staff and operate the~~ 1560
~~facilities and programs;~~ 1561

~~(C)~~ Adopt rules, under Chapter 119. of the Revised Code, 1562
governing the procedures for the submission of proposals for the 1563
establishment of community-based correctional facilities and 1564
programs and district community-based correctional facilities and 1565
programs to the division of parole and community services under 1566
division (B) of section 2301.51 of the Revised Code; 1567

~~(D)~~(C) Prescribe forms that are to be used by ~~judicial~~ 1568
~~corrections~~ facility governing boards of community-based 1569
correctional facilities and programs and district community-based 1570
correctional facilities and programs in making application for 1571
state financial assistance under section 2301.56 of the Revised 1572
Code ~~and that include a requirement that the applicant estimate~~ 1573
~~the number of offenders that will be committed or referred to a~~ 1574

~~facility and program and that the facility and program will serve~~ 1575
~~in the year of application;~~ 1576

~~(E)(D)~~ Adopt rules, under Chapter 119. of the Revised Code, 1577
that prescribe the standards of operation ~~and the training and~~ 1578
~~qualifications of persons who staff and operate for~~ the facilities 1579
and programs ~~and~~ that must be satisfied for the facilities and 1580
programs to be eligible for state financial assistance. ~~The~~ 1581
~~standards prescribed shall include, but shall not be limited to,~~ 1582
~~the minimum requirements that each proposal submitted for approval~~ 1583
~~to the division of parole and community services, as contained in~~ 1584
~~section 2301.52 of the Revised Code, must satisfy for approval.i~~ 1585

~~(F)(E)~~ Through the division of parole and community services, 1586
accept and review proposals for the establishment of the 1587
facilities and programs and approve those proposals that satisfy 1588
the minimum requirements contained in section 2301.52 of the 1589
Revised Code; and administer the program for state financial 1590
assistance to the facilities and programs in accordance with 1591
section 5120.112 of the Revised Code. 1592

Sec. 5120.112. (A) The division of parole and community 1593
services shall accept applications for state financial assistance 1594
for the renovation, maintenance, and operation of proposed and 1595
approved community-based correctional facilities and programs and 1596
district community-based correctional facilities and programs that 1597
are filed in accordance with section 2301.56 of the Revised Code. 1598
The division, upon receipt of an application for a particular 1599
facility and program, shall determine whether the application is 1600
in proper form, whether the applicant satisfies the standards of 1601
operation ~~and training and qualifications of personnel~~ that are 1602
prescribed by the department of rehabilitation and correction 1603
under section 5120.111 of the Revised Code, whether the applicant 1604
has established the facility and program, and, if the applicant 1605

has not at that time established the facility and program, whether 1606
the proposal of the applicant sufficiently indicates that the 1607
standards will be satisfied upon the establishment of the facility 1608
and program. If the division determines that the application is in 1609
proper form and that the applicant has satisfied or will satisfy 1610
the standards of the department, the division shall notify the 1611
applicant that it is qualified to receive state financial 1612
assistance for the facility and program under this section from 1613
moneys made available to the division for purposes of providing 1614
assistance to community-based correctional facilities and programs 1615
and district community-based correctional facilities and programs. 1616

(B) The amount of state financial assistance that is ~~granted~~ 1617
awarded to a qualified applicant under this section shall be 1618
determined by the division of parole and community services in 1619
accordance with this division. ~~The division shall adopt a formula~~ 1620
~~to determine the allocation of state financial assistance to~~ 1621
~~qualified applicants. The formula shall provide for funding that~~ 1622
~~is based upon a set fee to be paid to an applicant per person~~ 1623
~~committed or referred in the year of application. In no case shall~~ 1624
~~the set fee~~ In determining the amount of state financial 1625
assistance to be awarded to a qualified applicant under this 1626
section, the division shall not calculate the cost of an offender 1627
incarcerated in a community-based correctional facility and 1628
program or district community-based correctional facility program 1629
to be greater than the average yearly cost of incarceration per 1630
inmate in all state correctional institutions, as defined in 1631
section 2967.01 of the Revised Code, as determined by the 1632
department of rehabilitation and correction. 1633

The times and manner of distribution of state financial 1634
assistance to be ~~granted~~ awarded to a qualified applicant under 1635
this section shall be determined by the division of parole and 1636
community services. 1637

(C) Upon approval of a proposal for a community-based 1638
correctional facility and program or a district community-based 1639
correctional facility and program by the division of parole and 1640
community services, the facility governing board, upon the advice 1641
of the judicial advisory board, shall enter into an award 1642
agreement with the department of rehabilitation and correction 1643
that outlines terms and conditions of the agreement on an annual 1644
basis. In the award agreement, the facility governing board shall 1645
identify a fiscal agent responsible for the deposit of funds and 1646
compliance with sections 2301.55 and 2301.56 of the Revised Code. 1647

(D) No state financial assistance shall be distributed to a 1648
qualified applicant until an agreement concerning the assistance 1649
has been entered into by the director of rehabilitation and 1650
correction and the deputy director of the division of parole and 1651
community services on the part of the state, and by the ~~chairman~~ 1652
chairperson of the ~~judicial corrections~~ facility governing board 1653
of the community-based correctional facility and program or 1654
district community-based correctional facility and program to 1655
receive the financial assistance, whichever is applicable. The 1656
agreement shall be effective for a period of one year from the 1657
date of the agreement and shall specify all terms and conditions 1658
that are applicable to the ~~granting~~ awarding of the assistance, 1659
including, but not limited to: 1660

(1) The total amount of assistance to be ~~granted~~ awarded for 1661
each community-based correctional facility and program or district 1662
community-based correctional facility and program, and the times 1663
and manner of the payment of the assistance; 1664

(2) How persons who will staff and operate the facility and 1665
program are to be utilized during the period for which the 1666
assistance is to be granted, including descriptions of their 1667
positions and duties, their salaries and fringe benefits, ~~and~~ 1668
~~their job qualifications and classifications;~~ 1669

(3) A statement that none of the persons who will staff and operate the facility and program, including those who are receiving some or all of their salaries out of funds received by the facility and program as state financial assistance, are employees or are to be considered as being employees of the department of rehabilitation and correction, and a statement that the employees who will staff and operate that facility and program are employees of the facility and program;

(4) A list of the type of expenses, other than salaries of persons who will staff and operate the facility and program, for which the state financial assistance can be used, and a requirement that purchases made with funds received as state financial assistance ~~be made through the use of competitive bidding~~ follow established fiscal guidelines as determined by the division of parole and community services and any applicable sections of the Revised Code;

(5) The accounting procedures that are to be used by the facility and program in relation to the state financial assistance;

(6) A requirement that the facility and program file ~~quarterly~~ reports, during the period that it receives state financial assistance, with the division of parole and community services, which reports shall be statistical in nature and shall contain that information required under a research design agreed upon by all parties to the agreement, for purposes of evaluating the facility and program;

(7) A requirement that the facility and program comply with ~~all of the standards of operation and training and qualifications of personnel~~ as prescribed by the department under section 5120.111 of the Revised Code, and with all information submitted on its application;

(8) ~~A statement that the facility and program will attempt to accept and treat at least fifteen per cent of the eligible adult felony offenders sentenced in the county or counties it serves during the period that it receives state financial assistance;~~

~~(9)~~ A statement that the facility and program will make a reasonable effort to augment the funding received from the state.

~~(D)~~(E)(1) No state financial assistance shall be distributed to a qualified applicant until its proposal for a community-based correctional facility and program or district community-based correctional facility and program has been approved by the division of parole and community services.

(2) State financial assistance may be denied to any applicant if it fails to comply with the terms of any agreement entered into pursuant to division ~~(C)~~(D) of this section.

Sec. 5149.34. (A)(1) If a county desires to receive a subsidy from a subsidy program established under division (A) of section 5149.31 of the Revised Code for community corrections programs as described in division (B) of that section, the board of county commissioners of the county shall establish, by a resolution as described in this division, and maintain a local corrections planning board that, except as provided in division (A)(2) of this section, shall include an administrator of a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse located in the county, a county commissioner of that county, a judge of the court of common pleas of that county, a judge of a municipal court or county court of that county, an attorney whose practice of law primarily involves the representation of criminal defendants, the chief law enforcement officer of the largest municipal corporation located in the county, the county sheriff, one or more prosecutors, as defined in section 2935.01 of the Revised Code, one or more representatives

of the public, one of whom shall be a victim of crime, one or more 1732
additional representatives of the law enforcement community, one 1733
or more additional representatives of the judiciary, one or more 1734
additional representatives of the field of corrections, and 1735
officials from the largest municipal corporation located in the 1736
county. A majority of the members of the board shall be employed 1737
in the adult criminal justice field. At least two members of the 1738
board shall be members of the largest racial minority population, 1739
if any, in the county, and at least two other members of the board 1740
shall be women. The resolution shall state the number and nature 1741
of the members, the duration of their terms, the manner of filling 1742
vacancies on the board, and the compensation, if any, that members 1743
are to receive. The board of county commissioners also may 1744
specify, as part of the resolution, any other duties the local 1745
corrections planning board is to assume. 1746

1747

(2) If, for good cause shown, including, but not limited to, 1748
the refusal of a specified individual to serve on a local 1749
corrections planning board, a particular county is not able to 1750
satisfy the requirements specified in division (A)(1) of this 1751
section for the composition of such a board, the director of 1752
rehabilitation and correction may waive the requirements to the 1753
extent necessary and approve a composition for the board that 1754
otherwise is consistent with the requirements. 1755

(B) Each local corrections planning board established 1756
pursuant to division (A) of this section shall adopt within 1757
eighteen months after its establishment, and from time to time 1758
shall revise, a comprehensive plan for the development, 1759
implementation, and operation of corrections services in the 1760
county. The plan shall be adopted and revised after consideration 1761
has been given to the impact that it will have or has had on the 1762
populations of state correctional institutions and county, 1763

multicounty, municipal, municipal-county, or multicounty-municipal 1764
jails or workhouses in the county, and shall be designed to unify 1765
or coordinate corrections services in the county and to reduce the 1766
number of persons committed, consistent with the standards adopted 1767
under division (B) of section 5149.31 of the Revised Code, from 1768
that county to state correctional institutions and to county, 1769
multicounty, municipal, municipal-county, or multicounty-municipal 1770
jails or workhouses. The plan and any revisions to the plan shall 1771
be submitted to the board of county commissioners of the county in 1772
which the local corrections planning board is located for 1773
approval. 1774

If a county has a community-based correctional facility and 1775
program established in accordance with sections 2301.51 to ~~2301.56~~ 1776
2301.58 of the Revised Code, the budgets of the facility and 1777
program shall not be subject to approval by the local corrections 1778
planning board, but instead shall continue to be determined in 1779
accordance with those sections. However, the local corrections 1780
planning board shall include the facility and program as part of 1781
the comprehensive plan adopted and revised pursuant to this 1782
division. 1783

Section 2. That existing sections 2152.20, 2301.51, 2301.52, 1784
2301.55, 2301.56, 2301.57, 2929.01, 2929.34, 5120.031, 5120.111, 1785
5120.112, and 5149.34 and sections 2301.53, 2301.54 and 2301.58 of 1786
the Revised Code are hereby repealed. 1787

Section 3. The amendment of sections 2301.51, 2301.52, 1788
2301.55, 2301.56, and 2301.57, the repeal of sections 2301.53, 1789
2301.54, and 2301.58, and the enactment of new section 2301.58 of 1790
the Revised Code by this act does not change the status of any 1791
officer or employee of a community-based correctional facility and 1792
program or district community-based correctional facility and 1793

program in the public employees retirement system. It is the 1794
intent of the General Assembly in amending sections 2301.51, 1795
2301.52, 2301.55, 2301.56, and 2301.57, repealing sections 1796
2301.53, 2301.54, and 2301.58, and enacting new section 2301.58 of 1797
the Revised Code to ensure membership in the public employees 1798
retirement system for officers and employees of publicly operated 1799
community-based correctional facilities and programs and district 1800
community-based correctional facilities and programs and not to 1801
add to the category of employees eligible for membership in the 1802
public employees retirement system. 1803

Section 4. Section 2301.56 of the Revised Code is presented 1804
in this act as a composite of the section as amended by both Am. 1805
Sub. H.B. 490 and Sub. H.B. 510 of the 124th General Assembly. 1806
Section 2929.01 of the Revised Code is presented in this act as a 1807
composite of the section as amended by both Sub. H.B. 52 and Am. 1808
Sub. H.B. 163 of the 125th General Assembly. The General Assembly, 1809
applying the principle stated in division (B) of section 1.52 of 1810
the Revised Code that amendments are to be harmonized if 1811
reasonably capable of simultaneous operation, finds that the 1812
composites are the resulting versions of the sections in effect 1813
prior to the effective date of the sections as presented in this 1814
act. 1815