

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

126th General Assembly

Regular Session

2005-2006

Sub. H. B. No. 162

**Representatives Peterson, Latta, D. Evans, Hughes, Seitz, Yuko, Bulp,
Buehrer, Carano, Cassell, Collier, Core, DeBose, Domenick, C. Evans,
Flowers, Gilb, Hartnett, Key, Martin, McGregor, Otterman, T. Patton, Raussen,
Reidelbach, Seaver, G. Smith, Williams**

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A B I L L

To amend sections 2152.20, 2301.51, 2301.52, 2301.55, 1
2301.56, 2301.57, 2744.01, 2929.01, 2929.34, 2
2929.37, 2929.38, 5120.031, 5120.111, 5120.112, 3
and 5149.34, to enact new section 2301.58 and 4
section 2301.571, and to repeal sections 2301.53, 5
2301.54, and 2301.58 of the Revised Code to revise 6
the law governing community-based correctional 7
facilities and district community-based 8
correctional facilities. 9

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

Section 1. That sections 2152.20, 2301.51, 2301.52, 2301.55, 10
2301.56, 2301.57, 2744.01, 2929.01, 2929.34, 2929.37, 2929.38, 11
5120.031, 5120.111, 5120.112, and 5149.34 be amended and new 12
section 2301.58 and section 2301.571 of the Revised Code be 13
enacted to read as follows: 14

Sec. 2152.20. (A) If a child is adjudicated a delinquent 15
child or a juvenile traffic offender, the court may order any of 16

the following dispositions, in addition to any other disposition	17
authorized or required by this chapter:	18
(1) Impose a fine in accordance with the following schedule:	19
(a) For an act that would be a minor misdemeanor or an	20
unclassified misdemeanor if committed by an adult, a fine not to	21
exceed fifty dollars;	22
(b) For an act that would be a misdemeanor of the fourth	23
degree if committed by an adult, a fine not to exceed one hundred	24
dollars;	25
(c) For an act that would be a misdemeanor of the third	26
degree if committed by an adult, a fine not to exceed one hundred	27
fifty dollars;	28
(d) For an act that would be a misdemeanor of the second	29
degree if committed by an adult, a fine not to exceed two hundred	30
dollars;	31
(e) For an act that would be a misdemeanor of the first	32
degree if committed by an adult, a fine not to exceed two hundred	33
fifty dollars;	34
(f) For an act that would be a felony of the fifth degree or	35
an unclassified felony if committed by an adult, a fine not to	36
exceed three hundred dollars;	37
(g) For an act that would be a felony of the fourth degree if	38
committed by an adult, a fine not to exceed four hundred dollars;	39
(h) For an act that would be a felony of the third degree if	40
committed by an adult, a fine not to exceed seven hundred fifty	41
dollars;	42
(i) For an act that would be a felony of the second degree if	43
committed by an adult, a fine not to exceed one thousand dollars;	44
(j) For an act that would be a felony of the first degree if	45

committed by an adult, a fine not to exceed one thousand five
hundred dollars;

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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.

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(2) Require the child to pay costs;

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(3) Unless 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, 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.

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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

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combination of the previously described forms of restitution. 77

If the court requires restitution under this division, the 78
court may base the restitution order on an amount recommended by 79
the victim or survivor of the victim, the delinquent child, the 80
juvenile traffic offender, a presentence investigation report, 81
estimates or receipts indicating the cost of repairing or 82
replacing property, and any other information, provided that the 83
amount the court orders as restitution shall not exceed the amount 84
of the economic loss suffered by the victim as a direct and 85
proximate result of the delinquent act or juvenile traffic 86
offense. If the court decides to order restitution under this 87
division and the amount of the restitution is disputed by the 88
victim or survivor or by the delinquent child or juvenile traffic 89
offender, the court shall hold a hearing on the restitution. If 90
the court requires restitution under this division, the court 91
shall determine, or order the determination of, the amount of 92
restitution to be paid by the delinquent child or juvenile traffic 93
offender. All restitution payments shall be credited against any 94
recovery of economic loss in a civil action brought by or on 95
behalf of the victim against the delinquent child or juvenile 96
traffic offender or the delinquent child's or juvenile traffic 97
offender's parent, guardian, or other custodian. 98

If the court requires restitution under this division, the 99
court may order that the delinquent child or juvenile traffic 100
offender pay a surcharge, in an amount not exceeding five per cent 101
of the amount of restitution otherwise ordered under this 102
division, to the entity responsible for collecting and processing 103
the restitution payments. 104

The victim or the survivor of the victim may request that the 105
prosecuting authority file a motion, or the delinquent child or 106
juvenile traffic offender may file a motion, for modification of 107
the payment terms of any restitution ordered under this division. 108

If the court grants the motion, it may modify the payment terms as
it determines appropriate.

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

(a) All or part of the costs of implementing any community
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 140
children who are adjudicated or could be adjudicated by a juvenile 141
court to be delinquent children for an act that, if committed by 142
an adult, would be a felony drug abuse offense. Subject to 143
division (B) of section 2925.42 and division (E) of section 144
2925.43 of the Revised Code, a delinquent child of that nature 145
loses any right to the possession of, and forfeits to the state 146
any right, title, and interest that the delinquent child may have 147
in, property as defined in section 2925.41 of the Revised Code and 148
further described in section 2925.42 or 2925.43 of the Revised 149
Code. 150

(3) Sections 2923.44 to 2923.47 of the Revised Code apply to 151
children who are adjudicated or could be adjudicated by a juvenile 152
court to be delinquent children for an act in violation of section 153
2923.42 of the Revised Code. Subject to division (B) of section 154
2923.44 and division (E) of section 2923.45 of the Revised Code, a 155
delinquent child of that nature loses any right to the possession 156
of, and forfeits to the state any right, title, and interest that 157
the delinquent child may have in, property as defined in section 158
2923.41 of the Revised Code and further described in section 159
2923.44 or 2923.45 of the Revised Code. 160

(C) The court may hold a hearing if necessary to determine 161
whether a child is able to pay a sanction under this section. 162

(D) If a child who is adjudicated a delinquent child is 163
indigent, the court shall consider imposing a term of community 164
service under division (A) of section 2152.19 of the Revised Code 165
in lieu of imposing a financial sanction under this section. If a 166
child who is adjudicated a delinquent child is not indigent, the 167
court may impose a term of community service under that division 168
in lieu of, or in addition to, imposing a financial sanction under 169
this section. The court may order community service for an act 170
that if committed by an adult would be a minor misdemeanor. 171

If a child fails to pay a financial sanction imposed under 172
this section, the court may impose a term of community service in 173
lieu of the sanction. 174

(E) The clerk of the court, or another person authorized by 175
law or by the court to collect a financial sanction imposed under 176
this section, may do any of the following: 177

(1) Enter into contracts with one or more public agencies or 178
private vendors for the collection of the amounts due under the 179
financial sanction, which amounts may include interest from the 180
date of imposition of the financial sanction; 181

(2) Permit payment of all, or any portion of, the financial 182
sanction in installments, by credit or debit card, by another type 183
of electronic transfer, or by any other reasonable method, within 184
any period of time, and on any terms that the court considers 185
just, except that the maximum time permitted for payment shall not 186
exceed five years. The clerk may pay any fee associated with 187
processing an electronic transfer out of public money and may 188
charge the fee to the delinquent child. 189

(3) To defray administrative costs, charge a reasonable fee 190
to a child who elects a payment plan rather than a lump sum 191
payment of a financial sanction. 192

Sec. 2301.51. (A)(1) ~~The court of common pleas of any~~ Any 193
county that has a population of two hundred thousand or more ~~may~~ 194
is eligible to formulate a community-based correctional proposal 195
pursuant to this section that, upon implementation, would provide 196
a community-based correctional facility and program for the use of 197
that county's court of common pleas in accordance with sections 198
2301.51 to ~~2301.56~~ 2301.58 of the Revised Code. ~~Upon the approval~~ 199
~~of the director of rehabilitation and correction, the court of~~ 200
~~common pleas of any~~ Any county that has a population of two 201

hundred thousand or more ~~may~~ is eligible to formulate more than 202
one community-based correctional proposal pursuant to this section 203
upon approval of the director of rehabilitation and correction. In 204
determining whether to grant approval to ~~a court to~~ formulate more 205
than one proposal, the director shall consider the rate at which 206
the county ~~served by the court~~ commits felony offenders to the 207
state correctional system. If a ~~court~~ county formulates more than 208
one proposal, each proposal shall be for a separate 209
community-based correctional facility and program. 210

~~For each community based correctional proposal formulated 211
under this division, the fact that the proposal has been 212
formulated and the fact of any subsequent establishment of a 213
community based correctional facility and program pursuant to the 214
proposal shall be entered upon the journal of the court. A 215
county's community based correctional facilities and programs 216
shall be administered by a judicial corrections board. The 217
presiding judge of the court or, if the presiding judge is not a 218
judge of the general division of the court, the administrative 219
judge of the general division shall designate the members of the 220
board, who shall be judges of the court. The total number of 221
members of the board shall not exceed eleven. The judge who is 222
authorized to designate the members of the board shall serve as 223
chairperson of the board. 224~~

(2) ~~The courts of common pleas of two~~ Two or more adjoining 225
or neighboring counties that have an aggregate population of two 226
hundred thousand or more ~~may form a judicial corrections board and~~ 227
~~proceed to organize a district and~~ are eligible to formulate a 228
district community-based correctional proposal pursuant to this 229
section that, upon implementation, would provide a district 230
community-based correctional facility and program for the use of 231
~~the member~~ those counties' courts of common pleas in accordance 232
with sections 2301.51 to ~~2301.56~~ 2301.58 of the Revised Code. ~~Upon~~ 233

~~the approval of the director of rehabilitation and correction, a~~ 234
~~judicial corrections board may~~ Two or more adjoining or 235
neighboring counties that have an aggregate population of two 236
hundred thousand or more are eligible to formulate more than one 237
district community-based correctional proposal upon approval of 238
the director of rehabilitation and correction. In determining 239
whether to grant approval ~~to a judicial corrections board to~~ 240
~~formulate~~ for more than one proposal, the director shall consider 241
the rate at which the counties ~~that formed the board~~ commit felony 242
offenders to the state correctional system. If ~~a judicial~~ 243
~~corrections board formulates~~ two or more adjoining or neighboring 244
counties formulate more than one proposal, each proposal shall be 245
for a separate district community-based correctional facility and 246
program. ~~The judicial corrections board shall consist of not more~~ 247
~~than eleven judges of the member courts of common pleas, and each~~ 248
~~member court shall be represented on the board by at least one~~ 249
~~judge. The presiding judge of the court of common pleas of the~~ 250
~~county with the greatest population or, if that presiding judge is~~ 251
~~not a judge of the general division of that court, the~~ 252
~~administrative judge of the general division of that court shall~~ 253
~~serve as chairperson of the board. The fact of the formation of a~~ 254
~~board and district, and, for each district community-based~~ 255
~~correctional proposal formulated under this division, the fact~~ 256
~~that the proposal has been formulated and the fact of any~~ 257
~~subsequent establishment of a district community-based~~ 258
~~correctional facility and program shall be entered upon the~~ 259
~~journal of each member court of common pleas.~~ 260

(3)(a) The formulation of a proposal for a community-based 261
correctional facility or a district community-based correctional 262
facility shall begin by the establishment of a judicial advisory 263
board by judgment entry. The judicial advisory board shall consist 264
of not less than three judges. Each general division judge of the 265
court of common pleas in the county or counties wishing to 266

formulate a proposal or to continue operation of an existing 267
facility is eligible to become a member of the judicial advisory 268
board but is not required to do so. In addition, a judicial 269
advisory board may invite a non-general division judge of a court 270
of common pleas from within the county or counties proposing the 271
creation of a community-based correctional facility or district 272
community-based correctional facility or a general division judge 273
of a court of common pleas from outside the county or counties 274
proposing the creation of a community-based correctional facility 275
or district community-based correctional facility who regularly 276
sends offenders to its facility to become a member of that 277
judicial advisory board. 278

(b) A judge shall not receive any additional compensation for 279
service on a judicial advisory board, but a judge may be 280
reimbursed for reasonable and necessary expenses incurred as a 281
result of service on the board. Service of a judge on a judicial 282
advisory board pursuant to this section is a judicial function. 283

(c) There shall be a facility governing board for each 284
community-based correctional facility and program or district 285
community-based correctional facility and program, whose members 286
shall be appointed in accordance with division (E) of this 287
section. 288

The judicial advisory board shall meet at least once a year 289
to provide advice to the facility governing board regarding the 290
public safety needs of the community, admission criteria for any 291
community-based correctional facility and program or district 292
community-based correctional facility and program, and the general 293
requirements of the community-based correctional facility and 294
program or district community-based correctional facility and 295
program. The judicial advisory board may meet as often as 296
considered necessary by its members, may communicate directly with 297
the division of parole and community services of the department of 298

rehabilitation and correction, and may provide advice to the 299
facility governing board specifically regarding the agreement 300
entered into between the facility governing board and the division 301
of parole and community services pursuant to section 5120.112 of 302
the Revised Code. 303

(4) A facility governing board shall formulate the proposal 304
for a community-based correctional facility and program or 305
district community-based correctional facility and program and 306
shall govern the facility. 307

(5) Chapter 2744. of the Revised Code applies to the county 308
or counties served by a community-based correctional facility and 309
program or district community-based correctional facility and 310
program established and operated under sections 2301.51 to 2301.58 311
of the Revised Code, to the community-based correctional facility 312
and program or district community-based correctional facility and 313
program so established and operated, and to the facility governing 314
board of the community-based correctional facility and program or 315
district community-based correctional facility and program so 316
established and operated. 317

(6) The members of the judicial advisory board and of the 318
facility governing board of a community-based correctional 319
facility and program or district community-based correctional 320
facility and program established and operated under sections 321
2301.51 to 2301.58 of the Revised Code shall be considered to be 322
public officials or employees for purposes of Chapter 102. of the 323
Revised Code and public officials or public servants for purposes 324
of sections 2921.42 and 2921.43 of the Revised Code. 325

(7) Each member of a facility governing board of a 326
community-based correctional facility and program or district 327
community-based correctional facility and program established and 328
operated under sections 2301.51 to 2301.58 of the Revised Code 329

shall attend orientation training developed by the judicial 330
advisory board of the community-based correctional facility and 331
program or district community-based correctional facility and 332
program, as well as annual ethics training developed by the 333
judicial advisory board in consultation with the Ohio ethics 334
commission or provided by the Ohio ethics commission. 335

(8) A community-based correctional facility and program or a 336
district community-based correctional facility and program 337
established by a judicial corrections board under a prior version 338
of this section shall continue to exist under its existing 339
contractual arrangements but, on and after the effective date of 340
this amendment, shall be governed by a facility governing board 341
and advised by a judicial advisory board created according to this 342
section. Appointments to the facility governing board shall be 343
made in accordance with the appointment procedure set forth in 344
division (E) of this section. The judicial advisory board and the 345
board or boards of county commissioners of the member counties 346
shall make their respective appointments within thirty days after 347
the effective date of this amendment. 348

(B)(1) Each proposal for the establishment of a 349
community-based correctional facility and program or district 350
community-based correctional facility and program that is 351
formulated pursuant to division (A) of this section shall be 352
submitted by the ~~judicial corrections~~ facility governing board to 353
the division of parole and community services for its approval 354
under section 5120.10 of the Revised Code. 355

(2) No person shall be sentenced to or placed in a 356
community-based correctional facility and program or to a district 357
community-based correctional facility and program by a court 358
pursuant to section 2929.16 or 2929.17 of the Revised Code or by 359
the parole board pursuant to section 2967.28 of the Revised Code, 360
or otherwise committed or admitted to a facility and program of 361

that type until after the proposal for the establishment of the 362
facility and program has been approved by the division of parole 363
and community services under section 5120.10 of the Revised Code. 364
A person shall be sentenced to a facility and program of that type 365
only pursuant to a sanction imposed by a court pursuant to section 366
2929.16 or 2929.17 of the Revised Code as the sentence or as any 367
part of the sentence of the person or otherwise shall be committed 368
or referred to a facility and program of that type only when 369
authorized by law. 370

(C) Upon the approval by the division of parole and community 371
services of a proposal for the establishment of a community-based 372
correctional facility and program or district community-based 373
correctional facility and program submitted to it under division 374
(B) of this section, the ~~judicial-corrections~~ facility governing 375
board that submitted the proposal may establish and operate the 376
facility and program addressed by the proposal in accordance with 377
the approved proposal and division (B)(2) of this section. The 378
~~judicial-corrections~~ facility governing board may submit a request 379
for funding of some or all of its community-based correctional 380
facilities and programs or district community-based correctional 381
facilities and programs to the board of county commissioners of 382
the county, if the ~~judicial-corrections~~ facility governing board 383
serves a community-based correctional facility and program, or to 384
the boards of county commissioners of all of the member counties, 385
if the ~~judicial-corrections~~ facility governing board serves a 386
district community-based correctional facility and program. The 387
board or boards may appropriate, but are not required to 388
appropriate, a sum of money for funding all aspects of each 389
facility and program as outlined in sections 2301.51 to ~~2301.56~~ 390
2301.58 of the Revised Code. The ~~judicial-corrections~~ facility 391
governing board has no recourse against a board or boards of 392
county commissioners, ~~either under Chapter 2731. of the Revised~~ 393

~~Code, under its contempt power, or under any other authority, if~~ 394
the board or boards of county commissioners do not appropriate 395
money for funding any facility ~~or~~ and program or if they 396
appropriate money for funding a facility and program in an amount 397
less than the total amount of the submitted request for funding. 398

(D)(1) If a court of common pleas that is being served by ~~any~~ 399
a community-based correctional facility and program established 400
pursuant to division (C) of this section determines that it no 401
longer wants to be served by the facility and program, the ~~court~~ 402
facility governing board, upon the advice of the judicial advisory 403
board, may dissolve the facility and program by ~~entering upon the~~ 404
~~journal of the court the fact of the determination to dissolve the~~ 405
~~facility and program and by~~ notifying, in writing, the division of 406
parole and community services of the determination to dissolve the 407
facility and program. If the court is served by more than one 408
community-based correctional facility and program, ~~it~~ the facility 409
governing board, upon the advice of the judicial advisory board, 410
may dissolve some or all of the facilities and programs and, if it 411
does not dissolve all of the facilities and programs, ~~it~~ the 412
facility governing board shall continue the operation of the 413
remaining facilities and programs. 414

(2) If all of the courts of common pleas being served by any 415
district community-based correctional facility and program 416
established pursuant to division (C) of this section determine 417
that they no longer want to be served by the facility and program, 418
the ~~courts~~ facility governing board, upon the advice of the 419
judicial advisory board, may dissolve the facility and program by 420
~~entering upon the journal of each court the fact of the~~ 421
~~determination to dissolve the facility and program and by the~~ 422
~~judge who serves as chairperson of the judicial corrections board~~ 423
notifying, in writing, the division of parole and community 424
services of the determination to dissolve the facility and 425

program. If the courts are served by more than one district 426
community-based correctional facility and program, ~~they~~ the 427
facility governing board, upon the advice of the judicial advisory 428
board, may dissolve some or all of the facilities and programs, 429
and, if ~~they do~~ it does not dissolve all of the facilities and 430
programs, ~~they~~ it shall continue the operation of the remaining 431
facilities and programs. 432

(3) If at least one, but not all, of the courts of common 433
pleas being served by one or more district community-based 434
correctional facilities and programs established pursuant to 435
division (C) of this section determines that it no longer wants to 436
be served by the facilities and programs, the court may terminate 437
its involvement with each of the facilities and programs by 438
entering upon the journal of the court the fact of the 439
determination to terminate its involvement with the facilities and 440
programs and by the court notifying, in writing, the division of 441
parole and community services of the determination to terminate 442
its involvement with the facilities and programs. 443

If at least one, but not all, of the courts of common pleas 444
being served by one or more district community-based correctional 445
facilities and programs terminates its involvement with each of 446
the facilities and programs in accordance with this division, the 447
other courts of common pleas being served by the facilities and 448
programs may continue to be served by each of the facilities and 449
programs ~~if the other counties are adjoining or neighboring~~ 450
~~counties and have an aggregate population of two hundred thousand~~ 451
~~or more. A court may use a facility and program by remaining as a~~ 452
member county of the district community-based correctional 453
facility and program or by making a written service agreement with 454
the facility governing board without remaining as a member county. 455

(E) A facility governing board of a community-based 456
correctional facility and program shall consist of at least six 457

members, each member serving a three-year term. A facility 458
governing board of a district community-based correctional 459
facility and program shall consist of at least six members, each 460
member serving a three-year term, except that not more than 461
one-half of the members shall be from any one county. 462

The judicial advisory board shall appoint two-thirds of the 463
members, and the board or boards of county commissioners of the 464
member counties shall appoint the remaining one-third, or portion 465
thereof, of the members. Of the initial appointments, one-third of 466
the members shall be appointed for a one-year term, one-third of 467
the members shall be appointed for a two-year term, and the 468
remaining one-third or portion thereof of the members shall be 469
appointed for a three-year term. Thereafter, terms of persons 470
appointed to the facility governing board shall be for a 471
three-year term, with each term ending on the same day of the same 472
month of the year as did the term it succeeds. 473

(F) Any member of a facility governing board may be 474
reappointed to serve additional terms. Vacancies on the board 475
shall be filled in the same manner as provided for original 476
appointments. Any member of the board who is appointed to fill a 477
vacancy occurring before the expiration of the term for which the 478
member's predecessor was appointed shall hold office for the 479
remainder of the predecessor's term. Members of the board shall 480
not receive compensation for their services but may be reimbursed 481
for reasonable and necessary expenses incurred as a result of 482
service on the board. 483

(G) Nothing in this section, sections 2301.52 to ~~2301.56~~ 484
2301.58, or section 5120.10, 5120.111, or 5120.122 of the Revised 485
Code modifies or affects or shall be interpreted as modifying or 486
affecting sections 5149.30 to 5149.37 of the Revised Code. 487

Sec. 2301.52. Each proposal for a community-based 488

correctional facility and program or a district community-based 489
correctional facility and program shall provide for or contain at 490
least the following: 491

(A) The designation of a physical facility that will be used 492
for the confinement of persons sentenced to the facility and 493
program by a court pursuant to section 2929.16 or 2929.17 of the 494
Revised Code or persons otherwise committed or admitted pursuant 495
to law to the facility and program. The ~~designate~~ designated 496
facility shall satisfy all of the following: 497

(1) Be a secure facility that contains lockups and other 498
measures sufficient to ensure the safety of the surrounding 499
community; 500

(2) Provide living space and accommodations that are suitable 501
and adequate for the housing ~~upon release, sentencing, or other~~ 502
~~commitment or admission of the following number~~ of persons: 503

~~(a) For a facility that became operational prior to July 1,~~ 504
~~1993, at least twenty, but not more than two hundred, persons;~~ 505

~~(b) For a facility that becomes operational on or after July~~ 506
~~1, 1993, at least fifty, but not more than two hundred, persons.~~ 507
sentenced, or otherwise admitted with the consent of the facility 508
governing board, to the facility and program; 509

(3) Be constructed or modified, and maintained and operated, 510
so that it complies with the rules adopted pursuant to Chapter 511
119. of the Revised Code by the division of parole and community 512
services ~~in~~ of the department of rehabilitation and correction for 513
community-based correctional facilities and programs and district 514
community-based correctional facilities and programs. 515

(B) The designation of a ~~general treatment~~ program that will 516
be applied individually to each person sentenced to the facility 517
and program by a court pursuant to section 2929.16 or 2929.17 of 518
the Revised Code or otherwise committed or admitted pursuant to 519

law to the facility and program. The designated ~~general treatment~~ 520
program shall not be limited to, but at a minimum shall include, 521
~~provisions to ensure that:~~ 522

~~(1) Each~~ but not be limited to, education, treatment, or work 523
release. 524

~~(C) A provision that each~~ person sentenced ~~by a court,~~ or 525
otherwise ~~committed or~~ admitted with the consent of the facility 526
governing board, to a facility ~~is~~ shall be provided an orientation 527
period of at least thirty days, during which period the person is 528
not permitted to leave the facility and is evaluated in relation 529
to the person's placement in rehabilitative programs; 530

~~(2) Each person sentenced by a court or otherwise committed~~ 531
~~or admitted to a facility is placed in a release program whereby~~ 532
~~the person will be released temporarily for the purpose of~~ 533
~~employment in a manner consistent with the applicable work release~~ 534
~~program established under section 5147.28 of the Revised Code, for~~ 535
~~vocational training, or for other educational or rehabilitative~~ 536
~~programs;~~ 537

~~(3) All suitable community resources that are available are~~ 538
~~utilized in the treatment of each person sentenced by a court or~~ 539
~~otherwise committed or admitted to the facility.~~ 540

~~(C)(D) Provisions to ensure that the facility and program~~ 541
will be staffed and ~~operated by persons who satisfy the minimum~~ 542
~~educational and experience requirements that are prescribed by~~ 543
~~rule by the department of rehabilitation and correction~~ to ensure 544
security and the effective delivery of services; 545

~~(D) Provisions for an intake officer to screen each felony~~ 546
~~offender who is sentenced by the court or courts that the facility~~ 547
~~and program serve and to make recommendations to the sentencing~~ 548
~~court concerning the admission or referral of each felony offender~~ 549
~~to the facility and program within fourteen days after~~ 550

~~notification of sentencing;~~

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~~(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
a court pursuant to section 2929.16 or 2929.17 of the Revised Code
or by the parole board pursuant to section 2967.28 of the Revised
Code;~~

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

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

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~~(1) The judicial corrections Upon the advice of the judicial
advisory board, the facility governing board of a community-based
correctional facility and program or district community-based
correctional facility and program shall appoint a director who, or
enter into a contract with a nonprofit or private entity that,
shall control, manage, operate, and have general charge of the~~

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facility and program and shall have custody of its property, 582
files, and records. When a facility governing board, upon the 583
advice of the judicial advisory board, enters into a contract for 584
the management, operation, and control of a facility and program, 585
an agreement that includes, at a minimum, terms and conditions 586
established by the department of rehabilitation and correction 587
shall be in effect with the chosen contractor. When a facility 588
governing board, upon the advice of the judicial advisory board, 589
appoints a director, the facility governing board shall appoint 590
and fix or approve the compensation of the director of the 591
facility and program and other professional, technical, and 592
clerical employees who are necessary to properly maintain and 593
operate the facility and program. 594

~~The director, under the supervision of the judicial~~ 595
~~corrections board and subject to the rules of the judicial~~ 596
~~corrections board that are prescribed under division (B) of this~~ 597
~~section, shall control, manage, operate, and have general charge~~ 598
~~of the facility and program, and shall have the custody of its~~ 599
~~property, files, and records.~~ 600

(2) All of the following shall be considered to be public 601
officials or employees for purposes of Chapter 102. of the Revised 602
Code and public officials or public servants for purposes of 603
Chapter 2921. of the Revised Code and to be within the authority 604
of the Ohio ethics commission: 605

(a) The director and employees of a community-based 606
correctional facility and program or district community-based 607
correctional facility and program appointed by its facility 608
governing board under division (A)(1) of this section; 609

(b) Any individual serving as director or in a substantially 610
equivalent capacity to director pursuant to a contract between a 611
nonprofit or private entity and a facility governing board entered 612
into under division (A)(1) of this section, in connection with the 613

performance of any duties of the director under the contract; 614

(c) Each trustee or member of the facility governing board; 615

(d) Each officer or board member of a nonprofit or private 616
entity with which a facility governing board contracts under 617
division (A)(1) of this section, in connection with the 618
performance of any duties of the officer or board member under the 619
contract. 620

(3) Nothing in Chapters 102. and 2921. of the Revised Code 621
shall prohibit a board member of a nonprofit or private entity 622
with which a facility governing board contracts under division 623
(A)(1) of this section, who is not serving the facility and 624
program as director or in a substantially equivalent capacity to 625
director, from also being a shareholder, director, or employee of, 626
or otherwise from having a financial interest in, a nonprofit or 627
private entity that contracts under division (A)(1) of this 628
section or from being a shareholder, director, officer, or 629
employee of, or otherwise from having a financial interest in, a 630
private entity that contracts to sell goods or services to a 631
nonprofit or private entity that contracts under division (A)(1) 632
of this section. 633

(4) Nothing in Chapters 102. and 2921. of the Revised Code 634
shall prohibit an officer of a nonprofit or private entity with 635
which a facility governing board contracts under division (A)(1) 636
of this section from: 637

(a) Having an interest in the profits or benefits of the 638
contract awarded by a facility governing board under division 639
(A)(1) of this section; 640

(b) Participating in negotiations for the renewal or 641
extension of an existing contract awarded under division (A)(1) of 642
this section; or 643

(c) Negotiating a new contract on behalf of that entity with 644
a facility governing board under division (A)(1) of this section. 645

(5)(a) Nothing in this section shall be construed to mean 646
that a nonprofit or private entity with which a facility governing 647
board contracts under division (A)(1) of this section is a public 648
agency as defined in division (C) of section 102.01 of the Revised 649
Code, a public body as defined in division (B)(1) of section 650
121.22 of the Revised Code, a political subdivision, public 651
employer, or public office, or otherwise a public entity. 652

(b) Nothing in division (A)(5)(a) of this section shall be 653
construed to prohibit the auditor of state from conducting audits, 654
as provided in division (D)(1) of section 2301.56 of the Revised 655
Code, of a nonprofit or private entity performing the day-to-day 656
operation of a community-based correctional facility and program 657
or district community-based correctional facility and program 658
pursuant to a contract under division (A)(1) of this section. 659

(B) The ~~judicial corrections~~ facility governing board may 660
enter into contracts with the board of county commissioners of the 661
county in which the facility and program is located or, in the 662
case of a district facility and program, with the county 663
commissioners of any county included in the district, whereby the 664
county is to provide buildings, goods, and services to the 665
facility and program. 666

~~(3)(C) The judicial corrections facility governing board,~~ 667
upon the advice of the judicial advisory board, 668
for the ~~sentencing or other~~ commitment or admission pursuant to 669
law of persons to, and the operation of, the facility and program. 670
The rules shall provide procedures that conform to sections 671
2301.51 to ~~2301.56~~ 2301.58, 5120.10, 5120.111, and 5120.112 of the 672
Revised Code. ~~The rules adopted under this division shall be~~ 673
~~entered upon the journal of the court of each member court of a~~ 674

~~district.~~ 675

~~(B)(D) A judicial corrections facility governing board that 676
establishes one or more community-based correctional facilities 677
and programs or district community-based correctional facilities 678
and programs may accept any gift, donation, devise, or bequest of 679
real or personal property made to it by any person, or any grant 680
or appropriation made to it by any federal, state, or local 681
governmental unit or agency, and use the gift, donation, devise, 682
bequest, grant, or appropriation in any manner that is consistent 683
with any conditions of the gift, donation, devise, bequest, grant, 684
or appropriation and that it considers to be in the interests of 685
the facility and program. The judicial corrections facility 686
governing board may sell, lease, convey, or otherwise transfer any 687
real or personal property that it accepts pursuant to this 688
division following the procedures specified in sections 307.09, 689
307.10, and 307.12 of the Revised Code. 690~~

~~(C) A judicial corrections board that establishes one or more 691
community based correctional facilities and programs or district 692
community based correctional facilities and programs shall provide 693
the citizens advisory board of the facilities and programs with 694
the staff assistance that the citizens advisory board requires to 695
perform the duties imposed by section 2301.54 of the Revised Code. 696~~

~~(E) A facility governing board of a community-based 697
correctional facility and program or district community-based 698
correctional facility and program may purchase liability insurance 699
to cover members of the facility governing board, the judicial 700
advisory board, and the community-based correctional facility 701
employees or district community-based correctional facility 702
employees when engaged in the performance of their duties. 703~~

~~(F)(1) A facility governing board of a community-based 704
correctional facility and program or district community-based 705
correctional facility and program may contract for legal services 706~~

for the facility governing board, the judicial advisory board, and 707
the community-based correctional facility employees or district 708
community-based correctional facility employees when engaged in 709
the performance of their duties. Except as otherwise provided in 710
division (F)(2) of this section, in the absence of a contract for 711
legal services, the prosecuting attorney of the county in which a 712
community-based correctional facility and program is located or 713
the prosecuting attorney of any county in which a district 714
community-based correctional facility and program is located shall 715
provide legal services to the facility governing board, the 716
judicial advisory board, and the community-based correctional 717
facility employees or district community-based correctional 718
facility employees when engaged in the performance of their 719
duties. The prosecuting attorney shall be reasonably reimbursed 720
for these legal services. 721

(2) Nothing in division (F)(1) of this section obligates a 722
prosecuting attorney to provide legal services to a nonprofit or 723
private entity that has entered into a contract with a facility 724
governing board to manage, operate, and control a community-based 725
correctional facility and program or a district community-based 726
correctional facility and program, or to provide legal services to 727
the employees of any such entity. 728

(G)(1) A facility governing board of a community-based 729
correctional facility and program or a district community-based 730
correctional facility and program may contract with a fiscal agent 731
that shall be responsible for the deposit of funds and compliance 732
with division (D)(1) of section 2301.56 of the Revised Code. 733
Except as otherwise provided in division (G)(2) of this section, 734
in the absence of a contract for a fiscal agent, the county 735
auditor of the county in which a community-based correctional 736
facility and program is located or the county auditor of any 737
county in which a district community-based correctional facility 738

and program is located shall provide fiscal services to the 739
facility governing board. The county auditor shall be reasonably 740
reimbursed for these fiscal services. 741

(2) Nothing in division (G)(1) of this section obligates a 742
county auditor to provide fiscal services to a nonprofit or 743
private entity that has entered into a contract with a facility 744
governing board to manage, operate, and control a community-based 745
correctional facility and program or a district community-based 746
correctional facility and program. 747

Sec. 2301.56. (A) A ~~judicial-corrections~~ facility governing 748
board that proposes or establishes one or more community-based 749
correctional facilities and programs or district community-based 750
correctional facilities and programs may apply to the division of 751
parole and community services of the department of rehabilitation 752
and correction for state financial assistance for the cost of 753
renovation, maintenance, and operation of any of the facilities 754
and programs. If the ~~judicial-corrections~~ facility governing board 755
has proposed or established more than one facility and program and 756
if it desires state financial assistance for more than one of the 757
facilities and programs, the board shall submit a separate 758
application for each facility and program for which it desires the 759
financial assistance. 760

An application for state financial assistance under this 761
section may be made when the ~~judicial-corrections~~ facility 762
governing board submits for ~~the~~ approval of the ~~section~~ division 763
of parole and community services its proposal for the 764
establishment of the facility and program in question ~~to the~~ 765
~~division of parole and community services~~ under division (B) of 766
section 2301.51 of the Revised Code, or at any time after the 767
~~section~~ division has approved the proposal. All applications for 768
state financial assistance for proposed or approved facilities and 769

programs shall be made on forms that are prescribed and furnished 770
by the department of rehabilitation and correction, and in 771
accordance with section 5120.112 of the Revised Code. 772

(B) The ~~judicial-corrections~~ facility governing board may 773
submit a request for funding of some or all of its community-based 774
correctional facilities and programs or district community-based 775
correctional facilities and programs to the board of county 776
commissioners of the county, if the ~~judicial-corrections~~ facility
governing board serves a community-based correctional facility and 777
program, or to the boards of county commissioners of all of the 778
member counties, if the ~~judicial-corrections~~ facility governing 779
board serves a district community-based correctional facility and 780
program. The board or boards may appropriate, but are not required 781
to appropriate, a sum of money for funding all aspects of each 782
facility and program as outlined in sections 2301.51 to ~~2301.56~~ 783
2301.58 of the Revised Code. The ~~judicial-corrections~~ facility
governing board has no recourse against a board or boards of 784
county commissioners, ~~either under Chapter 2731. of the Revised~~ 785
~~Code, under its contempt power, or under any other authority,~~ if 786
the board or boards of county commissioners do not appropriate 787
money for funding any facility ~~or~~ and program or if they 788
appropriate money for funding a facility and program in an amount 789
less than the total amount of the submitted request for funding. 790
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~~(B)~~(C) Pursuant to section 2929.37 of the Revised Code, a 793
board of county commissioners may require a person who was 794
convicted of an offense and who is confined in a community-based 795
correctional facility or district community-based correctional 796
facility as provided in sections 2301.51 to ~~2301.56~~ 2301.58 of the 797
Revised Code, to reimburse the county for its expenses incurred by 798
reason of the person's confinement. 799

~~(C)~~ Notwithstanding any contrary provision in this section or 800
section ~~2929.18, 2929.28, or 2929.37~~ of the Revised Code, the 801

~~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 834
specified in this division, to performance audits by the auditor 835
of state. The auditor of state shall conduct the performance 836
audits of a facility and program and of an entity required under 837
section 117.10 of the Revised Code and this division and, 838
notwithstanding the time period for audits specified in section 839
117.11 of the Revised Code, shall conduct the financial audits of 840
a facility and program and of an entity required under section 841
117.10 of the Revised Code and this division, in accordance with 842
the following criteria: 843

(a) For each facility and program and each entity, the 844
auditor of state shall conduct the initial financial audit within 845
two years after ~~the effective date of this amendment~~ March 31, 846
2003, or, if the facility and program in question is established 847
on or after ~~the effective date of this amendment~~ March 31, 2003, 848
within two years after the date on which it is established. 849

(b) After the initial financial audit described in division 850
(~~E~~)(D)(1)(a) of this section, for each facility and program and 851
each entity, the auditor of state shall conduct the financial 852
audits of the facility and program or the entity at least once 853
every two fiscal years. 854

(c) At any time after ~~the effective date of this amendment~~ 855
March 31, 2003, regarding a facility and program or regarding an 856
entity that performs the day-to-day operation of a facility and 857
program, the department of rehabilitation and correction or the 858
~~judicial corrections~~ facility governing board that established the 859
facility and program may request, or the auditor of state on its 860
own initiative may undertake, a performance audit of the facility 861
and program or the entity. Upon the receipt of the request, or 862
upon the auditor of state's own initiative as described in this 863
division, the auditor of state shall conduct a performance audit 864
of the facility and program or the entity. 865

(2) The department of rehabilitation and correction shall 866
prepare and provide to the auditor of state quarterly financial 867
reports for each community-based correctional facility and 868
program, for each district community-based correctional facility 869
and program, and, to the extent that information is available, for 870
each private or nonprofit entity that performs the day-to-day 871
operation of any community-based correctional facility and program 872
or district community-based correctional facility and program. 873
Each report shall cover a three-month period and shall be provided 874
to the auditor of state not later than fifteen days after the end 875
of the period covered by the report. 876

Sec. 2301.57. (A) For each person who is confined in a 877
community-based correctional facility or district community-based 878
correctional facility as provided in sections 2301.51 to ~~2301.56~~ 879
2301.58 of the Revised Code, the ~~county~~ facility may make a 880
determination as to whether the person is covered under a health 881
insurance or health care policy, contract, or plan and, if the 882
person has such coverage, what terms and conditions are imposed by 883
it for the filing and payment of claims. 884

(B) If, pursuant to division (A) of this section, it is 885
determined that the person is covered under a policy, contract, or 886
plan and, while that coverage is in force, the correctional 887
facility renders or arranges for the rendering of health care 888
services to the person in accordance with the terms and conditions 889
of the policy, contract, or plan, ~~then~~ the person, ~~county~~ 890
facility, or provider of the health care services, as appropriate 891
under the terms and conditions of the policy, contract, or plan, 892
shall promptly submit a claim for payment for the health care 893
services to the appropriate third-party payer and shall designate, 894
or make any other arrangement necessary to ensure, that payment of 895
any amount due on the claim be made to the ~~county~~ facility or 896

provider, as the case may be. 897

~~(C) Any payment made to the county pursuant to division (B) 898
of this section shall be paid into the treasury of the county that 899
incurred the expenses. 900~~

~~(D) This section also applies to any person who is under the 901
custody of a law enforcement officer, as defined in section 902
2901.01 of the Revised Code, prior to the person's confinement in 903
the correctional facility. 904~~

(D) Notwithstanding any contrary provision in this section or 905
section 2929.18, 2929.21, 2929.26, or 2929.37 of the Revised Code, 906
the facility governing board may establish a policy that complies 907
with section 2929.38 of the Revised Code and that requires any 908
person who is not indigent and who is confined in the 909
community-based correctional facility or district community-based 910
correctional facility to pay a reception fee. 911

(E) If a person who has been convicted of or pleaded guilty 912
to an offense is confined in a community-based correctional 913
facility or district community-based correctional facility, the 914
person in charge of the facility's operation may cause the 915
offender, at the time of reception and at other times the person 916
in charge of the operation of the facility determines to be 917
appropriate, to be examined and tested for tuberculosis, HIV 918
infection, hepatitis, including, but not limited to, hepatitis A, 919
B, and C, and other contagious diseases. The person in charge of 920
the facility's operation may cause an offender in the facility who 921
refuses to be tested or treated for tuberculosis, HIV infection, 922
hepatitis, including, but not limited to, hepatitis A, B, and C, 923
or another contagious disease to be tested and treated 924
involuntarily. 925

Sec. 2301.571. (A) A person who has been convicted of or 926
pleaded guilty to an offense and who is confined in a 927

community-based correctional facility or district community-based 928
correctional facility, unless indigent, is financially responsible 929
for the payment of any medical expense or service requested by and 930
provided to that person. 931

(B) Notwithstanding any contrary provision of section 2929.38 932
of the Revised Code, the facility governing board of a 933
community-based correctional facility or district community-based 934
correctional facility shall establish a policy that requires any 935
person who is not indigent and who is confined in the correctional 936
facility to pay for any medical treatment or service requested by 937
and provided to that person. The fee for the medical treatment or 938
service shall not exceed the actual cost of the treatment or 939
service provided. No person confined in a community-based 940
correctional facility or district community-based correctional 941
facility shall be denied any necessary medical care because of 942
inability to pay for medical treatment or service. 943

(C) Any fee paid by a person under this section shall be 944
deducted from any medical or dental costs that the person is 945
ordered to reimburse under a financial sanction imposed pursuant 946
to section 2929.28 of the Revised Code or to repay under a policy 947
adopted under section 2929.37 of the Revised Code. 948

Sec. 2301.58. (A) Upon approval of the facility governing 949
board, the director of the community-based correctional facility 950
or district community-based correctional facility may establish a 951
resident program fund. The director shall deposit in the fund all 952
revenues received by the facility from commissions on telephone 953
systems, commissary operations, reimbursable costs such as per 954
diem and medical services, and similar services. The money in the 955
fund shall only be used to pay for the costs of the following 956
expenses: 957

(1) The purchase of materials, supplies, and equipment used 958
in any library program, educational program, vocational program, 959
rehabilitative program, religious program, medical services 960
program, or recreational program operated by the facility for the 961
benefit of the residents; 962

(2) The construction, alteration, repair, or reconstruction 963
of a facility under the control of the facility governing board 964
for use in any library program, educational program, vocational 965
program, rehabilitative program, religious program, medical 966
services program, or recreational program operated by the facility 967
for the benefit of the residents; 968

(3) The payment of salaries, wages, and other compensation to 969
employees of the facility who are employed in any library program, 970
educational program, vocational program, rehabilitative program, 971
religious program, medical services program, or recreational 972
program operated by the facility for the benefit of the residents; 973

(4) The compensation of vendors that contract with the 974
facility for the provision of services for any library program, 975
educational program, vocational program, rehabilitative program, 976
religious program, medical services program, or recreational 977
program for the benefit of the residents; 978

(5) The purchase of other goods and the payment of other 979
services that are determined, at the discretion of the director, 980
to be goods and services that may provide additional benefit to 981
the residents; 982

(6) The costs for the auditing of the resident program fund. 983

(B) If a commissary is established by the community-based 984
correctional facility or the district community-based correctional 985
facility, all persons confined in the facility shall receive 986
commissary privileges, and the commissary shall provide for the 987
distribution of necessary hygiene articles and writing materials 988

to indigent residents. 989

(C) The director shall establish rules, to be approved by the 990
facility governing board, for the operation of the resident 991
program fund that follow guidelines established by the auditor of 992
state. 993

Sec. 2744.01. As used in this chapter: 994

(A) "Emergency call" means a call to duty, including, but not 995
limited to, communications from citizens, police dispatches, and 996
personal observations by peace officers of inherently dangerous 997
situations that demand an immediate response on the part of a 998
peace officer. 999

(B) "Employee" means an officer, agent, employee, or servant, 1000
whether or not compensated or full-time or part-time, who is 1001
authorized to act and is acting within the scope of the officer's, 1002
agent's, employee's, or servant's employment for a political 1003
subdivision. "Employee" does not include an independent contractor 1004
and does not include any individual engaged by a school district 1005
pursuant to section 3319.301 of the Revised Code. "Employee" 1006
includes any elected or appointed official of a political 1007
subdivision. "Employee" also includes a person who has been 1008
convicted of or pleaded guilty to a criminal offense and who has 1009
been sentenced to perform community service work in a political 1010
subdivision whether pursuant to section 2951.02 of the Revised 1011
Code or otherwise, and a child who is found to be a delinquent 1012
child and who is ordered by a juvenile court pursuant to section 1013
2152.19 or 2152.20 of the Revised Code to perform community 1014
service or community work in a political subdivision. 1015

(C)(1) "Governmental function" means a function of a 1016
political subdivision that is specified in division (C)(2) of this 1017
section or that satisfies any of the following: 1018

(a) A function that is imposed upon the state as an obligation of sovereignty and that is performed by a political subdivision voluntarily or pursuant to legislative requirement;	1019 1020 1021
(b) A function that is for the common good of all citizens of the state;	1022 1023
(c) A function that promotes or preserves the public peace, health, safety, or welfare; that involves activities that are not engaged in or not customarily engaged in by nongovernmental persons; and that is not specified in division (G)(2) of this section as a proprietary function.	1024 1025 1026 1027 1028
(2) A "governmental function" includes, but is not limited to, the following:	1029 1030
(a) The provision or nonprovision of police, fire, emergency medical, ambulance, and rescue services or protection;	1031 1032
(b) The power to preserve the peace; to prevent and suppress riots, disturbances, and disorderly assemblages; to prevent, mitigate, and clean up releases of oil and hazardous and extremely hazardous substances as defined in section 3750.01 of the Revised Code; and to protect persons and property;	1033 1034 1035 1036 1037
(c) The provision of a system of public education;	1038
(d) The provision of a free public library system;	1039
(e) The regulation of the use of, and the maintenance and repair of, roads, highways, streets, avenues, alleys, sidewalks, bridges, aqueducts, viaducts, and public grounds;	1040 1041 1042
(f) Judicial, quasi-judicial, prosecutorial, legislative, and quasi-legislative functions;	1043 1044
(g) The construction, reconstruction, repair, renovation, maintenance, and operation of buildings that are used in connection with the performance of a governmental function, including, but not limited to, office buildings and courthouses;	1045 1046 1047 1048

(h) The design, construction, reconstruction, renovation,	1049
repair, maintenance, and operation of jails, places of juvenile	1050
detention, workhouses, or any other detention facility, as defined	1051
in section 2921.01 of the Revised Code;	1052
(i) The enforcement or nonperformance of any law;	1053
(j) The regulation of traffic, and the erection or	1054
nonerection of traffic signs, signals, or control devices;	1055
(k) The collection and disposal of solid wastes, as defined	1056
in section 3734.01 of the Revised Code, including, but not limited	1057
to, the operation of solid waste disposal facilities, as	1058
"facilities" is defined in that section, and the collection and	1059
management of hazardous waste generated by households. As used in	1060
division (C)(2)(k) of this section, "hazardous waste generated by	1061
households" means solid waste originally generated by individual	1062
households that is listed specifically as hazardous waste in or	1063
exhibits one or more characteristics of hazardous waste as defined	1064
by rules adopted under section 3734.12 of the Revised Code, but	1065
that is excluded from regulation as a hazardous waste by those	1066
rules.	1067
(l) The provision or nonprovision, planning or design,	1068
construction, or reconstruction of a public improvement,	1069
including, but not limited to, a sewer system;	1070
(m) The operation of a job and family services department or	1071
agency, including, but not limited to, the provision of assistance	1072
to aged and infirm persons and to persons who are indigent;	1073
(n) The operation of a health board, department, or agency,	1074
including, but not limited to, any statutorily required or	1075
permissive program for the provision of immunizations or other	1076
inoculations to all or some members of the public, provided that a	1077
"governmental function" does not include the supply, manufacture,	1078
distribution, or development of any drug or vaccine employed in	1079

any such immunization or inoculation program by any supplier,	1080
manufacturer, distributor, or developer of the drug or vaccine;	1081
(o) The operation of mental health facilities, mental	1082
retardation or developmental disabilities facilities, alcohol	1083
treatment and control centers, and children's homes or agencies;	1084
(p) The provision or nonprovision of inspection services of	1085
all types, including, but not limited to, inspections in	1086
connection with building, zoning, sanitation, fire, plumbing, and	1087
electrical codes, and the taking of actions in connection with	1088
those types of codes, including, but not limited to, the approval	1089
of plans for the construction of buildings or structures and the	1090
issuance or revocation of building permits or stop work orders in	1091
connection with buildings or structures;	1092
(q) Urban renewal projects and the elimination of slum	1093
conditions;	1094
(r) Flood control measures;	1095
(s) The design, construction, reconstruction, renovation,	1096
operation, care, repair, and maintenance of a township cemetery;	1097
(t) The issuance of revenue obligations under section 140.06	1098
of the Revised Code;	1099
(u) The design, construction, reconstruction, renovation,	1100
repair, maintenance, and operation of any school athletic	1101
facility, school auditorium, or gymnasium or any recreational area	1102
or facility, including, but not limited to, any of the following:	1103
(i) A park, playground, or playfield;	1104
(ii) An indoor recreational facility;	1105
(iii) A zoo or zoological park;	1106
(iv) A bath, swimming pool, pond, water park, wading pool,	1107
wave pool, water slide, or other type of aquatic facility;	1108

(v) A golf course;	1109
(vi) A bicycle motocross facility or other type of recreational area or facility in which bicycling, skating, skate boarding, or scooter riding is engaged;	1110 1111 1112
(vii) A rope course or climbing walls;	1113
(viii) An all-purpose vehicle facility in which all-purpose vehicles, as defined in section 4519.01 of the Revised Code, are contained, maintained, or operated for recreational activities.	1114 1115 1116
(v) The provision of public defender services by a county or joint county public defender's office pursuant to Chapter 120. of the Revised Code;	1117 1118 1119
(w)(i) At any time before regulations prescribed pursuant to 49 U.S.C.A 20153 become effective, the designation, establishment, design, construction, implementation, operation, repair, or maintenance of a public road rail crossing in a zone within a municipal corporation in which, by ordinance, the legislative authority of the municipal corporation regulates the sounding of locomotive horns, whistles, or bells;	1120 1121 1122 1123 1124 1125 1126
(ii) On and after the effective date of regulations prescribed pursuant to 49 U.S.C.A. 20153, the designation, establishment, design, construction, implementation, operation, repair, or maintenance of a public road rail crossing in such a zone or of a supplementary safety measure, as defined in 49 U.S.C.A 20153, at or for a public road rail crossing, if and to the extent that the public road rail crossing is excepted, pursuant to subsection (c) of that section, from the requirement of the regulations prescribed under subsection (b) of that section.	1127 1128 1129 1130 1131 1132 1133 1134 1135 1136
(x) A function that the general assembly mandates a political subdivision to perform.	1137 1138

(D) "Law" means any provision of the constitution, statutes, 1139
or rules of the United States or of this state; provisions of 1140
charters, ordinances, resolutions, and rules of political 1141
subdivisions; and written policies adopted by boards of education. 1142
When used in connection with the "common law," this definition 1143
does not apply. 1144

(E) "Motor vehicle" has the same meaning as in section 1145
4511.01 of the Revised Code. 1146

(F) "Political subdivision" or "subdivision" means a 1147
municipal corporation, township, county, school district, or other 1148
body corporate and politic responsible for governmental activities 1149
in a geographic area smaller than that of the state. "Political 1150
subdivision" includes, but is not limited to, a county hospital 1151
commission appointed under section 339.14 of the Revised Code, 1152
board of hospital commissioners appointed for a municipal hospital 1153
under section 749.04 of the Revised Code, board of hospital 1154
trustees appointed for a municipal hospital under section 749.22 1155
of the Revised Code, regional planning commission created pursuant 1156
to section 713.21 of the Revised Code, county planning commission 1157
created pursuant to section 713.22 of the Revised Code, joint 1158
planning council created pursuant to section 713.231 of the 1159
Revised Code, interstate regional planning commission created 1160
pursuant to section 713.30 of the Revised Code, port authority 1161
created pursuant to section 4582.02 or 4582.26 of the Revised Code 1162
or in existence on December 16, 1964, regional council established 1163
by political subdivisions pursuant to Chapter 167. of the Revised 1164
Code, emergency planning district and joint emergency planning 1165
district designated under section 3750.03 of the Revised Code, 1166
joint emergency medical services district created pursuant to 1167
section 307.052 of the Revised Code, fire and ambulance district 1168
created pursuant to section 505.375 of the Revised Code, joint 1169
interstate emergency planning district established by an agreement 1170

entered into under that section, county solid waste management 1171
district and joint solid waste management district established 1172
under section 343.01 or 343.012 of the Revised Code, ~~and~~ community 1173
school established under Chapter 3314. of the Revised Code, the 1174
county or counties served by a community-based correctional 1175
facility and program or district community-based correctional 1176
facility and program established and operated under sections 1177
2301.51 to 2301.58 of the Revised Code, a community-based 1178
correctional facility and program or district community-based 1179
correctional facility and program that is so established and 1180
operated, and the facility governing board of a community-based 1181
correctional facility and program or district community-based 1182
correctional facility and program that is so established and 1183
operated. 1184

(G)(1) "Proprietary function" means a function of a political 1185
subdivision that is specified in division (G)(2) of this section 1186
or that satisfies both of the following: 1187

(a) The function is not one described in division (C)(1)(a) 1188
or (b) of this section and is not one specified in division (C)(2) 1189
of this section; 1190

(b) The function is one that promotes or preserves the public 1191
peace, health, safety, or welfare and that involves activities 1192
that are customarily engaged in by nongovernmental persons. 1193

(2) A "proprietary function" includes, but is not limited to, 1194
the following: 1195

(a) The operation of a hospital by one or more political 1196
subdivisions; 1197

(b) The design, construction, reconstruction, renovation, 1198
repair, maintenance, and operation of a public cemetery other than 1199
a township cemetery; 1200

(c) The establishment, maintenance, and operation of a utility, including, but not limited to, a light, gas, power, or heat plant, a railroad, a busline or other transit company, an airport, and a municipal corporation water supply system;

(d) The maintenance, destruction, operation, and upkeep of a sewer system;

(e) The operation and control of a public stadium, auditorium, civic or social center, exhibition hall, arts and crafts center, band or orchestra, or off-street parking facility.

(H) "Public roads" means public roads, highways, streets, avenues, alleys, and bridges within a political subdivision. "Public roads" does not include berms, shoulders, rights-of-way, or traffic control devices unless the traffic control devices are mandated by the Ohio manual of uniform traffic control devices.

(I) "State" means the state of Ohio, including, but not limited to, the general assembly, the supreme court, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, colleges and universities, institutions, and other instrumentalities of the state of Ohio. "State" does not include political subdivisions.

Sec. 2929.01. As used in this chapter:

(A)(1) "Alternative residential facility" means, subject to division (A)(2) of this section, any facility other than an offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria:

(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation.

(b) It has received the appropriate license or certificate for any specialized education, training, treatment, habilitation,

or other service that it provides from the government agency that 1231
is responsible for licensing or certifying that type of education, 1232
training, treatment, habilitation, or service. 1233

(2) "Alternative residential facility" does not include a 1234
community-based correctional facility, jail, halfway house, or 1235
prison. 1236

(B) "Bad time" means the time by which the parole board 1237
administratively extends an offender's stated prison term or terms 1238
pursuant to section 2967.11 of the Revised Code because the parole 1239
board finds by clear and convincing evidence that the offender, 1240
while serving the prison term or terms, committed an act that is a 1241
criminal offense under the law of this state or the United States, 1242
whether or not the offender is prosecuted for the commission of 1243
that act. 1244

(C) "Basic probation supervision" means a requirement that 1245
the offender maintain contact with a person appointed to supervise 1246
the offender in accordance with sanctions imposed by the court or 1247
imposed by the parole board pursuant to section 2967.28 of the 1248
Revised Code. "Basic probation supervision" includes basic parole 1249
supervision and basic post-release control supervision. 1250

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 1251
"unit dose" have the same meanings as in section 2925.01 of the 1252
Revised Code. 1253

(E) "Community-based correctional facility" means a 1254
community-based correctional facility and program or district 1255
community-based correctional facility and program developed 1256
pursuant to sections 2301.51 to ~~2301.56~~ 2301.58 of the Revised 1257
Code. 1258

(F) "Community control sanction" means a sanction that is not 1259
a prison term and that is described in section 2929.15, 2929.16, 1260
2929.17, or 2929.18 of the Revised Code or a sanction that is not 1261

a jail term and that is described in section 2929.26, 2929.27, or 2929.28 of the Revised Code. "Community control sanction" includes probation if the sentence involved was imposed for a felony that was committed prior to July 1, 1996, or if the sentence involved was imposed for a misdemeanor that was committed prior to January 1, 2004.

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

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

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

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

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

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

(M) "Economic loss" means any economic detriment suffered by 1292
a victim as a direct and proximate result of the commission of an 1293
offense and includes any loss of income due to lost time at work 1294
because of any injury caused to the victim, and any property loss, 1295
medical cost, or funeral expense incurred as a result of the 1296
commission of the offense. "Economic loss" does not include 1297
non-economic loss or any punitive or exemplary damages. 1298

(N) "Education or training" includes study at, or in 1299
conjunction with a program offered by, a university, college, or 1300
technical college or vocational study and also includes the 1301
completion of primary school, secondary school, and literacy 1302
curricula or their equivalent. 1303

(O) "Firearm" has the same meaning as in section 2923.11 of 1304
the Revised Code. 1305

(P) "Halfway house" means a facility licensed by the division 1306
of parole and community services of the department of 1307
rehabilitation and correction pursuant to section 2967.14 of the 1308
Revised Code as a suitable facility for the care and treatment of 1309
adult offenders. 1310

(Q) "House arrest" means a period of confinement of an 1311
offender that is in the offender's home or in other premises 1312
specified by the sentencing court or by the parole board pursuant 1313
to section 2967.28 of the Revised Code and during which all of the 1314
following apply: 1315

(1) The offender is required to remain in the offender's home 1316
or other specified premises for the specified period of 1317
confinement, except for periods of time during which the offender 1318
is at the offender's place of employment or at other premises as 1319
authorized by the sentencing court or by the parole board. 1320

(2) The offender is required to report periodically to a 1321
person designated by the court or parole board. 1322

(3) The offender is subject to any other restrictions and 1323
requirements that may be imposed by the sentencing court or by the 1324
parole board. 1325

(R) "Intensive probation supervision" means a requirement 1326
that an offender maintain frequent contact with a person appointed 1327
by the court, or by the parole board pursuant to section 2967.28 1328
of the Revised Code, to supervise the offender while the offender 1329
is seeking or maintaining necessary employment and participating 1330
in training, education, and treatment programs as required in the 1331
court's or parole board's order. "Intensive probation supervision" 1332
includes intensive parole supervision and intensive post-release 1333
control supervision. 1334

(S) "Jail" means a jail, workhouse, minimum security jail, or 1335
other residential facility used for the confinement of alleged or 1336
convicted offenders that is operated by a political subdivision or 1337
a combination of political subdivisions of this state. 1338

(T) "Jail term" means the term in a jail that a sentencing 1339
court imposes or is authorized to impose pursuant to section 1340
2929.24 or 2929.25 of the Revised Code or pursuant to any other 1341
provision of the Revised Code that authorizes a term in a jail for 1342
a misdemeanor conviction. 1343

(U) "Mandatory jail term" means the term in a jail that a 1344
sentencing court is required to impose pursuant to division (G) of 1345
section 1547.99 of the Revised Code, division (E) of section 1346
2903.06 or division (D) of section 2903.08 of the Revised Code, 1347
division (E) of section 2929.24 of the Revised Code, division (B) 1348
of section 4510.14 of the Revised Code, or division (G) of section 1349
4511.19 of the Revised Code or pursuant to any other provision of 1350
the Revised Code that requires a term in a jail for a misdemeanor 1351
conviction. 1352

(V) "Delinquent child" has the same meaning as in section 1353

2152.02 of the Revised Code.

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(W) "License violation report" means a report that is made by a sentencing court, or by the parole board pursuant to section 2967.28 of the Revised Code, to the regulatory or licensing board or agency that issued an offender a professional license or a license or permit to do business in this state and that specifies that the offender has been convicted of or pleaded guilty to an offense that may violate the conditions under which the offender's professional license or license or permit to do business in this state was granted or an offense for which the offender's professional license or license or permit to do business in this state may be revoked or suspended.

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

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

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(1) Subject to division (Y)(2) of this section, the term in prison that must be imposed for the offenses or circumstances set forth in divisions (F)(1) to (8) or (F)(12) to (14) of section

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2929.13 and division (D) of section 2929.14 of the Revised Code. 1385
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 1386
and 2925.11 of the Revised Code, unless the maximum or another 1387
specific term is required under section 2929.14 of the Revised 1388
Code, a mandatory prison term described in this division may be 1389
any prison term authorized for the level of offense. 1390

(2) The term of sixty or one hundred twenty days in prison 1391
that a sentencing court is required to impose for a third or 1392
fourth degree felony OVI offense pursuant to division (G)(2) of 1393
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 1394
of the Revised Code or the term of one, two, three, four, or five 1395
years in prison that a sentencing court is required to impose 1396
pursuant to division (G)(2) of section 2929.13 of the Revised 1397
Code. 1398

(3) The term in prison imposed pursuant to section 2971.03 of 1399
the Revised Code for the offenses and in the circumstances 1400
described in division (F)(11) of section 2929.13 of the Revised 1401
Code and that term as modified or terminated pursuant to section 1402
2971.05 of the Revised Code. 1403

(Z) "Monitored time" means a period of time during which an 1404
offender continues to be under the control of the sentencing court 1405
or parole board, subject to no conditions other than leading a 1406
law-abiding life. 1407

(AA) "Offender" means a person who, in this state, is 1408
convicted of or pleads guilty to a felony or a misdemeanor. 1409

(BB) "Prison" means a residential facility used for the 1410
confinement of convicted felony offenders that is under the 1411
control of the department of rehabilitation and correction but 1412
does not include a violation sanction center operated under 1413
authority of section 2967.141 of the Revised Code. 1414

(CC) "Prison term" includes any of the following sanctions 1415

for an offender:	1416
(1) A stated prison term;	1417
(2) A term in a prison shortened by, or with the approval of,	1418
the sentencing court pursuant to section 2929.20, 2967.26,	1419
5120.031, 5120.032, or 5120.073 of the Revised Code;	1420
(3) A term in prison extended by bad time imposed pursuant to	1421
section 2967.11 of the Revised Code or imposed for a violation of	1422
post-release control pursuant to section 2967.28 of the Revised	1423
Code.	1424
(DD) "Repeat violent offender" means a person about whom both	1425
of the following apply:	1426
(1) The person has been convicted of or has pleaded guilty	1427
to, and is being sentenced for committing, for complicity in	1428
committing, or for an attempt to commit, aggravated murder,	1429
murder, involuntary manslaughter, a felony of the first degree	1430
other than one set forth in Chapter 2925. of the Revised Code, a	1431
felony of the first degree set forth in Chapter 2925. of the	1432
Revised Code that involved an attempt to cause serious physical	1433
harm to a person or that resulted in serious physical harm to a	1434
person, or a felony of the second degree that involved an attempt	1435
to cause serious physical harm to a person or that resulted in	1436
serious physical harm to a person.	1437
(2) Either of the following applies:	1438
(a) The person previously was convicted of or pleaded guilty	1439
to, and previously served or, at the time of the offense was	1440
serving, a prison term for, any of the following:	1441
(i) Aggravated murder, murder, involuntary manslaughter,	1442
rape, felonious sexual penetration as it existed under section	1443
2907.12 of the Revised Code prior to September 3, 1996, a felony	1444
of the first or second degree that resulted in the death of a	1445

person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

(ii) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed under division (DD)(2)(a)(i) of this section and that resulted in the death of a person or in physical harm to a person.

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

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

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

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

(HH) "Victim-offender mediation" means a reconciliation or mediation program that involves an offender and the victim of the

offense committed by the offender and that includes a meeting in 1477
which the offender and the victim may discuss the offense, discuss 1478
restitution, and consider other sanctions for the offense. 1479

(II) "Fourth degree felony OVI offense" means a violation of 1480
division (A) of section 4511.19 of the Revised Code that, under 1481
division (G) of that section, is a felony of the fourth degree. 1482

(JJ) "Mandatory term of local incarceration" means the term 1483
of sixty or one hundred twenty days in a jail, a community-based 1484
correctional facility, a halfway house, or an alternative 1485
residential facility that a sentencing court may impose upon a 1486
person who is convicted of or pleads guilty to a fourth degree 1487
felony OVI offense pursuant to division (G)(1) of section 2929.13 1488
of the Revised Code and division (G)(1)(d) or (e) of section 1489
4511.19 of the Revised Code. 1490

(KK) "Designated homicide, assault, or kidnapping offense," 1491
"violent sex offense," "sexual motivation specification," 1492
"sexually violent offense," "sexually violent predator," and 1493
"sexually violent predator specification" have the same meanings 1494
as in section 2971.01 of the Revised Code. 1495

(LL) "Habitual sex offender," "sexually oriented offense," 1496
"sexual predator," "registration-exempt sexually oriented 1497
offense," "child-victim oriented offense," "habitual child-victim 1498
offender," and "child-victim predator" have the same meanings as 1499
in section 2950.01 of the Revised Code. 1500

(MM) An offense is "committed in the vicinity of a child" if 1501
the offender commits the offense within thirty feet of or within 1502
the same residential unit as a child who is under eighteen years 1503
of age, regardless of whether the offender knows the age of the 1504
child or whether the offender knows the offense is being committed 1505
within thirty feet of or within the same residential unit as the 1506
child and regardless of whether the child actually views the 1507

commission of the offense. 1508

(NN) "Family or household member" has the same meaning as in 1509
section 2919.25 of the Revised Code. 1510

(OO) "Motor vehicle" and "manufactured home" have the same 1511
meanings as in section 4501.01 of the Revised Code. 1512

(PP) "Detention" and "detention facility" have the same 1513
meanings as in section 2921.01 of the Revised Code. 1514

(QQ) "Third degree felony OVI offense" means a violation of 1515
division (A) of section 4511.19 of the Revised Code that, under 1516
division (G) of that section, is a felony of the third degree. 1517

(RR) "Random drug testing" has the same meaning as in section 1518
5120.63 of the Revised Code. 1519

(SS) "Felony sex offense" has the same meaning as in section 1520
2967.28 of the Revised Code. 1521

(TT) "Body armor" has the same meaning as in section 1522
2941.1411 of the Revised Code. 1523

(UU) "Electronic monitoring" means monitoring through the use 1524
of an electronic monitoring device. 1525

(VV) "Electronic monitoring device" means any of the 1526
following: 1527

(1) Any device that can be operated by electrical or battery 1528
power and that conforms with all of the following: 1529

(a) The device has a transmitter that can be attached to a 1530
person, that will transmit a specified signal to a receiver of the 1531
type described in division (VV)(1)(b) of this section if the 1532
transmitter is removed from the person, turned off, or altered in 1533
any manner without prior court approval in relation to electronic 1534
monitoring or without prior approval of the department of 1535
rehabilitation and correction in relation to the use of an 1536

electronic monitoring device for an inmate on transitional control 1537
or otherwise is tampered with, that can transmit continuously and 1538
periodically a signal to that receiver when the person is within a 1539
specified distance from the receiver, and that can transmit an 1540
appropriate signal to that receiver if the person to whom it is 1541
attached travels a specified distance from that receiver. 1542

(b) The device has a receiver that can receive continuously 1543
the signals transmitted by a transmitter of the type described in 1544
division (VV)(1)(a) of this section, can transmit continuously 1545
those signals by telephone to a central monitoring computer of the 1546
type described in division (VV)(1)(c) of this section, and can 1547
transmit continuously an appropriate signal to that central 1548
monitoring computer if the receiver is turned off or altered 1549
without prior court approval or otherwise tampered with. 1550

(c) The device has a central monitoring computer that can 1551
receive continuously the signals transmitted by telephone by a 1552
receiver of the type described in division (VV)(1)(b) of this 1553
section and can monitor continuously the person to whom an 1554
electronic monitoring device of the type described in division 1555
(VV)(1)(a) of this section is attached. 1556

(2) Any device that is not a device of the type described in 1557
division (VV)(1) of this section and that conforms with all of the 1558
following: 1559

(a) The device includes a transmitter and receiver that can 1560
monitor and determine the location of a subject person at any 1561
time, or at a designated point in time, through the use of a 1562
central monitoring computer or through other electronic means. 1563

(b) The device includes a transmitter and receiver that can 1564
determine at any time, or at a designated point in time, through 1565
the use of a central monitoring computer or other electronic means 1566
the fact that the transmitter is turned off or altered in any 1567

manner without prior approval of the court in relation to the 1568
electronic monitoring or without prior approval of the department 1569
of rehabilitation and correction in relation to the use of an 1570
electronic monitoring device for an inmate on transitional control 1571
or otherwise is tampered with. 1572

(3) Any type of technology that can adequately track or 1573
determine the location of a subject person at any time and that is 1574
approved by the director of rehabilitation and correction, 1575
including, but not limited to, any satellite technology, voice 1576
tracking system, or retinal scanning system that is so approved. 1577

(WW) "Non-economic loss" means nonpecuniary harm suffered by 1578
a victim of an offense as a result of or related to the commission 1579
of the offense, including, but not limited to, pain and suffering; 1580
loss of society, consortium, companionship, care, assistance, 1581
attention, protection, advice, guidance, counsel, instruction, 1582
training, or education; mental anguish; and any other intangible 1583
loss. 1584

(XX) "Prosecutor" has the same meaning as in section 2935.01 1585
of the Revised Code. 1586

(YY) "Continuous alcohol monitoring" means the ability to 1587
automatically test and periodically transmit alcohol consumption 1588
levels and tamper attempts at least every hour, regardless of the 1589
location of the person who is being monitored. 1590

(ZZ) A person is "adjudicated a sexually violent predator" if 1591
the person is convicted of or pleads guilty to a violent sex 1592
offense and also is convicted of or pleads guilty to a sexually 1593
violent predator specification that was included in the 1594
indictment, count in the indictment, or information charging that 1595
violent sex offense or if the person is convicted of or pleads 1596
guilty to a designated homicide, assault, or kidnapping offense 1597
and also is convicted of or pleads guilty to both a sexual 1598

motivation specification and a sexually violent predator 1599
specification that were included in the indictment, count in the 1600
indictment, or information charging that designated homicide, 1601
assault, or kidnapping offense. 1602

Sec. 2929.34. (A) A person who is convicted of or pleads 1603
guilty to aggravated murder, murder, or an offense punishable by 1604
life imprisonment and who is sentenced to a term of life 1605
imprisonment or a prison term pursuant to that conviction shall 1606
serve that term in an institution under the control of the 1607
department of rehabilitation and correction. 1608

(B)(1) A person who is convicted of or pleads guilty to a 1609
felony other than aggravated murder, murder, or an offense 1610
punishable by life imprisonment and who is sentenced to a term of 1611
imprisonment or a prison term pursuant to that conviction shall 1612
serve that term as follows: 1613

(a) Subject to divisions (B)(1)(b) and (B)(2) of this 1614
section, in an institution under the control of the department of 1615
rehabilitation and correction if the term is a prison term or as 1616
otherwise determined by the sentencing court pursuant to section 1617
2929.16 of the Revised Code if the term is not a prison term; 1618

(b) In a facility of a type described in division (G)(1) of 1619
section 2929.13 of the Revised Code, if the offender is sentenced 1620
pursuant to that division. 1621

(2) If the term is a prison term, the person may be 1622
imprisoned in a jail that is not a minimum security jail pursuant 1623
to agreement under section 5120.161 of the Revised Code between 1624
the department of rehabilitation and correction and the local 1625
authority that operates the jail. 1626

(C) A person who is convicted of or pleads guilty to one or 1627
more misdemeanors and who is sentenced to a jail term or term of 1628

imprisonment pursuant to the conviction or convictions shall serve 1629
that term in a county, multicounty, municipal, municipal-county, 1630
or multicounty-municipal jail or workhouse or, if the misdemeanor 1631
or misdemeanors are not offenses of violence, in a minimum 1632
security jail. 1633

(D) Nothing in this section prohibits the commitment, 1634
referral, or sentencing of a person who is convicted of or pleads 1635
guilty to a felony to a community-based correctional facility ~~and~~ 1636
~~program or district community-based correctional facility and~~ 1637
~~program in accordance with sections 2301.51 to 2301.56 of the~~ 1638
Revised Code. 1639

Sec. 2929.37. (A) A board of county commissioners, in an 1640
agreement with the sheriff, a legislative authority of a municipal 1641
corporation, a corrections commission, a ~~judicial corrections~~ 1642
facility governing board, or any other public or private entity 1643
that operates a local detention facility at which a prisoner who 1644
is convicted of an offense and who is confined in the facility 1645
under a sanction or term of imprisonment imposed under section 1646
2929.16, sections 2929.21 to 2929.28, or any other provision of 1647
the Revised Code may adopt, pursuant to section 307.93, 341.14, 1648
341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 1649
2947.19 of the Revised Code, a policy that requires the prisoner 1650
to pay all or part of the costs of confinement in that facility. 1651
If a board of county commissioners, legislative authority, 1652
corrections commission, ~~judicial corrections~~ facility governing 1653
board, or other entity adopts a policy for a facility pursuant to 1654
one of those sections, the person in charge of that facility shall 1655
appoint a reimbursement coordinator to administer the facility's 1656
policy. 1657

The costs of confinement may include, but are not limited to, 1658
the costs of repairing property damaged by the prisoner while 1659

confined, a per diem fee for room and board, medical and dental
treatment costs, the fee for a random drug test assessed under
division (E) of section 341.26 and division (E) of section 753.33
of the Revised Code, and a one-time reception fee for the costs of
processing the prisoner into the facility at the time of the
prisoner's initial entry into the facility under the confinement
in question, minus any fees deducted under section 2929.38 of the
Revised Code. Any policy adopted under this section shall be used
when a court does not order reimbursement of confinement costs
under section 2929.18 or 2929.28 of the Revised Code. The amount
assessed under this section shall not exceed the total amount that
the prisoner is able to pay.

(B)(1) Each prisoner covered by a repayment policy adopted as
described in division (A) of this section shall receive at the end
of the prisoner's confinement an itemized bill of the expenses to
be reimbursed. The policy shall allow periodic payments on a
schedule to be implemented upon a prisoner's release. The bill
also shall state that payment shall be made to the person
identified in the bill as the reimbursement coordinator and
include a notice that specifies that the prisoner has thirty days
in which to dispute the bill by filing a written objection with
the reimbursement coordinator and that if the prisoner does not
dispute the bill in that manner within that period, the prisoner
is required to pay the bill and a certificate of judgment may be
obtained against the prisoner for the amount of the unpaid
expenses. The prisoner shall sign a copy of the bill, and the
reimbursement coordinator shall retain that copy. If the prisoner
disputes an item on the bill within thirty days after receiving
the bill, the reimbursement coordinator may either concede the
disputed item or proceed to a hearing under division (B)(2) of
this section.

(2) If the prisoner disputes an item on an itemized bill

presented to the prisoner under division (B)(1) of this section 1692
and the reimbursement coordinator does not concede the item, the 1693
reimbursement coordinator shall submit the bill to the court, and 1694
the court shall hold a hearing on the disputed items in the bill. 1695
At the end of the hearing, the court shall determine how much of 1696
the disputed expenses the prisoner shall reimburse the legislative 1697
authority or managing authority and shall issue a judgment in 1698
favor of the legislative authority or managing authority for any 1699
undisputed expenses and the amount of the disputed expenses for 1700
which the prisoner must reimburse the legislative authority or 1701
managing authority. The reimbursement coordinator shall not seek 1702
to enforce the judgment until at least ninety days after the court 1703
issues the judgment. 1704

(C) If a prisoner does not dispute the itemized bill 1705
presented to the prisoner under division (B) of this section and 1706
does not pay the bill within ninety days, the reimbursement 1707
coordinator shall send by mail a notice to the prisoner requesting 1708
payment of the expenses as stated in the bill. If the prisoner 1709
does not respond to the notice by paying the expenses in full 1710
within thirty days of the date the notice was mailed, the 1711
reimbursement coordinator shall send by mail a second notice to 1712
the prisoner requesting payment of the expenses. If one hundred 1713
eighty days elapse from the date that the reimbursement 1714
coordinator provides the bill and if the prisoner has not paid the 1715
full amount of the expenses pursuant to the bill and the notices, 1716
the reimbursement coordinator may notify the clerk of the 1717
appropriate court of those facts, and the clerk may issue a 1718
certificate of judgment against the prisoner for the balance of 1719
the expenses remaining unpaid. 1720

(D) The reimbursement coordinator may collect any amounts 1721
remaining unpaid on an itemized bill and any costs associated with 1722
the enforcement of the judgment and may enter into a contract with 1723

one or more public agencies or private vendors to collect any 1724
amounts remaining unpaid. For enforcing a judgment issued under 1725
this section, the reimbursement coordinator may assess an 1726
additional poundage fee of two per cent of the amount remaining 1727
unpaid and may collect costs associated with the enforcement of 1728
the judgment. 1729

(E) Neither the reimbursement coordinator nor the legislative 1730
authority or the managing authority shall enforce any judgment 1731
obtained under this section by means of execution against the 1732
prisoner's homestead. Any reimbursement received under this 1733
section shall be credited to the general fund of the treasury of 1734
the political subdivision that incurred the expense, to be used 1735
for general fund purposes. 1736

Sec. 2929.38. (A) A board of commissioners of a county, in an 1737
agreement with the sheriff, a legislative authority of a municipal 1738
corporation, a corrections commission, a ~~judicial corrections~~ 1739
facility governing board, or any other public or private entity 1740
that operates a local detention facility described in division (A) 1741
of section 2929.37 of the Revised Code, may establish a policy 1742
that requires any prisoner who is confined in the facility as a 1743
result of pleading guilty to or having been convicted of an 1744
offense to pay a one-time reception fee for the costs of 1745
processing the prisoner into the facility at the time of the 1746
prisoner's initial entry into the facility under the confinement 1747
in question, to pay a reasonable fee for any medical or dental 1748
treatment or service requested by and provided to that prisoner, 1749
and to pay the fee for a random drug test assessed under division 1750
(E) of section 341.26~~7~~ and division (E) of section 753.33 of the 1751
Revised Code. The fee for the medical treatment or service shall 1752
not exceed the actual cost of the treatment or service provided. 1753
No prisoner confined in the local detention facility shall be 1754

denied any necessary medical care because of inability to pay the 1755
fees. 1756

(B) Upon assessment of a one-time reception fee as described 1757
in division (A) of this section, the provision of the requested 1758
medical treatment or service, or the assessment of a fee for a 1759
random drug test, payment of the required fee may be automatically 1760
deducted from the prisoner's inmate account in the business office 1761
of the local detention facility in which the prisoner is confined. 1762
If there is no money in the account, a deduction may be made at a 1763
later date during the prisoner's confinement if the money becomes 1764
available in the account. If, after release, the prisoner has an 1765
unpaid balance of those fees, the sheriff, legislative authority 1766
of the municipal corporation, corrections commission, ~~judicial~~ 1767
~~corrections~~ facility governing board, or other entity that 1768
operates the local detention facility described in division (A) of 1769
section 2929.37 of the Revised Code may bill the prisoner for the 1770
payment of the unpaid fees. Fees received for medical or dental 1771
treatment or services shall be paid to the commissary fund or 1772
resident program fund of a community-based correctional facility, 1773
if one exists for the facility, or if no commissary fund or 1774
resident program fund exists, to the general fund of the treasury 1775
of the political subdivision that incurred the expenses, in the 1776
same proportion as those expenses were borne by the political 1777
subdivision. Fees received for medical treatment or services that 1778
are placed in the commissary fund or resident program fund under 1779
this division shall be used for the same purposes as profits from 1780
the commissary fund or resident program fund, except that they 1781
shall not be used to pay any salary or benefits of any person who 1782
works in or is employed for the sole purpose of providing service 1783
to the commissary. 1784

(C) Any fee paid by a person under this section shall be 1785
deducted from any medical or dental costs that the person is 1786

ordered to reimburse under a financial sanction imposed pursuant 1787
to section 2929.28 of the Revised Code or to repay under a policy 1788
adopted under section 2929.37 of the Revised Code. 1789

(D) As used in this section, "inmate account" has the same 1790
meaning as in section 2969.21 of the Revised Code. 1791

Sec. 5120.031. (A) As used in this section: 1792

(1) "Certificate of high school equivalence" means a 1793
statement that is issued by the state board of education or an 1794
equivalent agency of another state and that indicates that its 1795
holder has achieved the equivalent of a high school education as 1796
measured by scores obtained on the tests of general educational 1797
development published by the American council on education. 1798

(2) "Certificate of adult basic education" means a statement 1799
that is issued by the department of rehabilitation and correction 1800
through the Ohio central school system approved by the state board 1801
of education and that indicates that its holder has achieved a 6.0 1802
grade level, or higher, as measured by scores of nationally 1803
standardized or recognized tests. 1804

(3) "Deadly weapon" and "firearm" have the same meanings as 1805
in section 2923.11 of the Revised Code. 1806

(4) "Eligible offender" means a person, other than one who is 1807
ineligible to participate in an intensive program prison under the 1808
criteria specified in section 5120.032 of the Revised Code, who 1809
has been convicted of or pleaded guilty to, and has been sentenced 1810
for, a felony. 1811

(5) "Shock incarceration" means the program of incarceration 1812
that is established pursuant to the rules of the department of 1813
rehabilitation and correction adopted under this section. 1814

(B)(1) The director of rehabilitation and correction, by 1815
rules adopted under Chapter 119. of the Revised Code, shall 1816

establish a pilot program of shock incarceration that may be used 1817
for offenders who are sentenced to serve a term of imprisonment 1818
under the custody of the department of rehabilitation and 1819
correction, whom the department determines to be eligible 1820
offenders, and whom the department, subject to the approval of the 1821
sentencing judge, may permit to serve their sentence as a sentence 1822
of shock incarceration in accordance with this section. 1823

(2) The rules for the pilot program shall require that the 1824
program be established at an appropriate state correctional 1825
institution designated by the director and that the program 1826
consist of both of the following for each eligible offender whom 1827
the department, with the approval of the sentencing judge, permits 1828
to serve the eligible offender's sentence as a sentence of shock 1829
incarceration: 1830

(a) A period of imprisonment at that institution of ninety 1831
days that shall consist of a military style combination of 1832
discipline, physical training, and hard labor and substance abuse 1833
education, employment skills training, social skills training, and 1834
psychological treatment. During the ninety-day period, the 1835
department may permit an eligible offender to participate in a 1836
self-help program. Additionally, during the ninety-day period, an 1837
eligible offender who holds a high school diploma or a certificate 1838
of high school equivalence may be permitted to tutor other 1839
eligible offenders in the shock incarceration program. If an 1840
eligible offender does not hold a high school diploma or 1841
certificate of high school equivalence, the eligible offender may 1842
elect to participate in an education program that is designed to 1843
award a certificate of adult basic education or an education 1844
program that is designed to award a certificate of high school 1845
equivalence to those eligible offenders who successfully complete 1846
the education program, whether the completion occurs during or 1847
subsequent to the ninety-day period. To the extent possible, the 1848

department shall use as teachers in the education program persons 1849
who have been issued a license pursuant to sections 3319.22 to 1850
3319.31 of the Revised Code, who have volunteered their services 1851
to the education program, and who satisfy any other criteria 1852
specified in the rules for the pilot project. 1853

(b) Immediately following the ninety-day period of 1854
imprisonment, and notwithstanding any other provision governing 1855
the early release of a prisoner from imprisonment or the transfer 1856
of a prisoner to transitional control, one of the following, as 1857
determined by the director: 1858

(i) An intermediate, transitional type of detention for the 1859
period of time determined by the director and, immediately 1860
following the intermediate, transitional type of detention, a 1861
release under a post-release control sanction imposed in 1862
accordance with section 2967.28 of the Revised Code. The period of 1863
intermediate, transitional type of detention imposed by the 1864
director under this division may be in a halfway house, in a 1865
community-based correctional facility and program or district 1866
community-based correctional facility and program established 1867
under sections 2301.51 to ~~2301.56~~ 2301.58 of the Revised Code, or 1868
in any other facility approved by the director that provides for 1869
detention to serve as a transition between imprisonment in a state 1870
correctional institution and release from imprisonment. 1871

(ii) A release under a post-release control sanction imposed 1872
in accordance with section 2967.28 of the Revised Code. 1873

(3) The rules for the pilot program also shall include, but 1874
are not limited to, all of the following: 1875

(a) Rules identifying the locations within the state 1876
correctional institution designated by the director that will be 1877
used for eligible offenders serving a sentence of shock 1878
incarceration; 1879

(b) Rules establishing specific schedules of discipline, 1880
physical training, and hard labor for eligible offenders serving a 1881
sentence of shock incarceration, based upon the offender's 1882
physical condition and needs; 1883

(c) Rules establishing standards and criteria for the 1884
department to use in determining which eligible offenders the 1885
department will permit to serve their sentence of imprisonment as 1886
a sentence of shock incarceration; 1887

(d) Rules establishing guidelines for the selection of 1888
post-release control sanctions for eligible offenders; 1889

(e) Rules establishing procedures for notifying sentencing 1890
courts of the performance of eligible offenders serving their 1891
sentences of imprisonment as a sentence of shock incarceration; 1892

(f) Any other rules that are necessary for the proper conduct 1893
of the pilot program. 1894

(C)(1) If an offender is sentenced to a term of imprisonment 1895
under the custody of the department, if the sentencing court 1896
either recommends the offender for placement in a program of shock 1897
incarceration under this section or makes no recommendation on 1898
placement of the offender, and if the department determines that 1899
the offender is an eligible offender for placement in a program of 1900
shock incarceration under this section, the department may permit 1901
the eligible offender to serve the sentence in a program of shock 1902
incarceration, in accordance with division (K) of section 2929.14 1903
of the Revised Code, with this section, and with the rules adopted 1904
under this section. If the sentencing court disapproves placement 1905
of the offender in a program of shock incarceration, the 1906
department shall not place the offender in any program of shock 1907
incarceration. 1908

If the sentencing court recommends the offender for placement 1909
in a program of shock incarceration and if the department 1910

subsequently places the offender in the recommended program, the
department shall notify the court of the offender's placement in
the recommended program and shall include with the notice a brief
description of the placement.

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

If the sentencing court does not make a recommendation on the
placement of an offender in a program of shock incarceration and
if the department determines that the offender is an eligible
offender for placement in a program of that nature, the department
shall screen the offender and determine if the offender is suited
for the program of shock incarceration. If the offender is suited
for the program of shock incarceration, at least three weeks prior
to permitting an eligible offender to serve the sentence in a
program of shock incarceration, the department shall notify the
sentencing court of the proposed placement of the offender in the
program and shall include with the notice a brief description of
the placement. The court shall have ten days from receipt of the
notice to disapprove the placement. If the sentencing court
disapproves of the placement, the department shall not permit the
eligible offender to serve the sentence in a program of shock
incarceration. If the judge does not timely disapprove of
placement of the offender in the program of shock incarceration,
the department may proceed with plans for placement of the
offender.

If the department determines that the offender is not
eligible for placement in a program of shock incarceration, the
department shall not place the offender in any program of shock

incarceration. 1943

(2) If the department permits an eligible offender to serve 1944
the eligible offender's sentence of imprisonment as a sentence of 1945
shock incarceration and the eligible offender does not 1946
satisfactorily complete the entire period of imprisonment 1947
described in division (B)(2)(a) of this section, the offender 1948
shall be removed from the pilot program for shock incarceration 1949
and shall be required to serve the remainder of the offender's 1950
sentence of imprisonment imposed by the sentencing court as a 1951
regular term of imprisonment. If the eligible offender commences a 1952
period of post-release control described in division (B)(2)(b) of 1953
this section and violates the conditions of that post-release 1954
control, the eligible offender shall be subject to the provisions 1955
of sections 2929.141, 2967.15, and 2967.28 of the Revised Code 1956
regarding violation of post-release control sanctions. 1957

(3) If an eligible offender's stated prison term expires at 1958
any time during the eligible offender's participation in the shock 1959
incarceration program, the adult parole authority shall terminate 1960
the eligible offender's participation in the program and shall 1961
issue to the eligible offender a certificate of expiration of the 1962
stated prison term. 1963

(D) The director shall keep sentencing courts informed of the 1964
performance of eligible offenders serving their sentences of 1965
imprisonment as a sentence of shock incarceration, including, but 1966
not limited to, notice of eligible offenders who fail to 1967
satisfactorily complete their entire sentence of shock 1968
incarceration or who satisfactorily complete their entire sentence 1969
of shock incarceration. 1970

(E) Within a reasonable period of time after November 20, 1971
1990, the director shall appoint a committee to search for one or 1972
more suitable sites at which one or more programs of shock 1973

incarceration, in addition to the pilot program required by 1974
division (B)(1) of this section, may be established. The search 1975
committee shall consist of the director or the director's 1976
designee, as chairperson; employees of the department of 1977
rehabilitation and correction appointed by the director; and any 1978
other persons that the director, in the director's discretion, 1979
appoints. In searching for such sites, the search committee shall 1980
give preference to any site owned by the state or any other 1981
governmental entity and to any existing structure that reasonably 1982
could be renovated, enlarged, converted, or remodeled for purposes 1983
of establishing such a program. The search committee shall prepare 1984
a report concerning its activities and, on the earlier of the day 1985
that is twelve months after the first day on which an eligible 1986
offender began serving a sentence of shock incarceration under the 1987
pilot program or January 1, 1992, shall file the report with the 1988
president and the minority leader of the senate, the speaker and 1989
the minority leader of the house of representatives, the members 1990
of the senate who were members of the senate judiciary committee 1991
in the 118th general assembly or their successors, and the members 1992
of the house of representatives who were members of the select 1993
committee to hear drug legislation that was established in the 1994
118th general assembly or their successors. Upon the filing of the 1995
report, the search committee shall terminate. The report required 1996
by this division shall contain all of the following: 1997

(1) A summary of the process used by the search committee in 1998
performing its duties under this division; 1999

(2) A summary of all of the sites reviewed by the search 2000
committee in performing its duties under this division, and the 2001
benefits and disadvantages it found relative to the establishment 2002
of a program of shock incarceration at each such site; 2003

(3) The findings and recommendations of the search committee 2004
as to the suitable site or sites, if any, at which a program of 2005

shock incarceration, in addition to the pilot program required by 2006
division (B)(1) of this section, may be established. 2007

(F) The director periodically shall review the pilot program 2008
for shock incarceration required to be established by division 2009
(B)(1) of this section. The director shall prepare a report 2010
relative to the pilot program and, on the earlier of the day that 2011
is twelve months after the first day on which an eligible offender 2012
began serving a sentence of shock incarceration under the pilot 2013
program or January 1, 1992, shall file the report with the 2014
president and the minority leader of the senate, the speaker and 2015
the minority leader of the house of representatives, the members 2016
of the senate who were members of the senate judiciary committee 2017
in the 118th general assembly or their successors, and the members 2018
of the house of representatives who were members of the select 2019
committee to hear drug legislation that was established in the 2020
118th general assembly or their successors. The pilot program 2021
shall not terminate at the time of the filing of the report, but 2022
shall continue in operation in accordance with this section. The 2023
report required by this division shall include all of the 2024
following: 2025

(1) A summary of the pilot program as initially established, 2026
a summary of all changes in the pilot program made during the 2027
period covered by the report and the reasons for the changes, and 2028
a summary of the pilot program as it exists on the date of 2029
preparation of the report; 2030

(2) A summary of the effectiveness of the pilot program, in 2031
the opinion of the director and employees of the department 2032
involved in its operation; 2033

(3) An analysis of the total cost of the pilot program, of 2034
its cost per inmate who was permitted to serve a sentence of shock 2035
incarceration and who served the entire sentence of shock 2036

incarceration, and of its cost per inmate who was permitted to	2037
serve a sentence of shock incarceration;	2038
(4) A summary of the standards and criteria used by the	2039
department in determining which eligible offenders were permitted	2040
to serve their sentence of imprisonment as a sentence of shock	2041
incarceration;	2042
(5) A summary of the characteristics of the eligible	2043
offenders who were permitted to serve their sentence of	2044
imprisonment as a sentence of shock incarceration, which summary	2045
shall include, but not be limited to, a listing of every offense	2046
of which any such eligible offender was convicted or to which any	2047
such eligible offender pleaded guilty and in relation to which the	2048
eligible offender served a sentence of shock incarceration, and	2049
the total number of such eligible offenders who were convicted of	2050
or pleaded guilty to each such offense;	2051
(6) A listing of the number of eligible offenders who were	2052
permitted to serve a sentence of shock incarceration and who did	2053
not serve the entire sentence of shock incarceration, and, to the	2054
extent possible, a summary of the length of the terms of	2055
imprisonment served by such eligible offenders after they were	2056
removed from the pilot program;	2057
(7) A summary of the effect of the pilot program on	2058
overcrowding at state correctional institutions;	2059
(8) To the extent possible, an analysis of the rate of	2060
recidivism of eligible offenders who were permitted to serve a	2061
sentence of shock incarceration and who served the entire sentence	2062
of shock incarceration;	2063
(9) Recommendations as to legislative changes to the pilot	2064
program that would assist in its operation or that could further	2065
alleviate overcrowding at state correctional institutions, and	2066
recommendations as to whether the pilot program should be	2067

expanded.

2068

Sec. 5120.111. With respect to community-based correctional 2069
facilities and programs and district community-based correctional 2070
facilities and programs authorized under section 2301.51 of the 2071
Revised Code, the department of rehabilitation and correction 2072
shall do all of the following: 2073

(A) Adopt rules, under Chapter 119. of the Revised Code, that 2074
serve as criteria for the operation of community-based 2075
correctional facilities and programs and district community-based 2076
correctional facilities and programs approved in accordance with 2077
sections 2301.51 and 5120.10 of the Revised Code; 2078

~~(B) Adopt rules, under Chapter 119. of the Revised Code,~~ 2079
~~prescribing the minimum educational and experience requirements~~ 2080
~~that must be satisfied by persons who staff and operate the~~ 2081
~~facilities and programs;~~ 2082

~~(C)~~ Adopt rules, under Chapter 119. of the Revised Code, 2083
governing the procedures for the submission of proposals for the 2084
establishment of community-based correctional facilities and 2085
programs and district community-based correctional facilities and 2086
programs to the division of parole and community services under 2087
division (B) of section 2301.51 of the Revised Code; 2088

~~(D)~~(C) Prescribe forms that are to be used by ~~judicial~~ 2089
~~corrections facility governing~~ boards of community-based 2090
correctional facilities and programs and district community-based 2091
correctional facilities and programs in making application for 2092
state financial assistance under section 2301.56 of the Revised 2093
Code ~~and that include a requirement that the applicant estimate~~ 2094
~~the number of offenders that will be committed or referred to a~~ 2095
~~facility and program and that the facility and program will serve~~ 2096
~~in the year of application;~~ 2097

~~(E)(D)~~ Adopt rules, under Chapter 119. of the Revised Code, 2098
that prescribe the standards of operation ~~and the training and~~ 2099
~~qualifications of persons who staff and operate~~ for the facilities 2100
and programs ~~and~~ that must be satisfied for the facilities and 2101
programs to be eligible for state financial assistance. ~~The~~ 2102
~~standards prescribed shall include, but shall not be limited to,~~ 2103
~~the minimum requirements that each proposal submitted for approval~~ 2104
~~to the division of parole and community services, as contained in~~ 2105
~~section 2301.52 of the Revised Code, must satisfy for approval.~~ 2106

~~(F)(E)~~ Through the division of parole and community services, 2107
accept and review proposals for the establishment of the 2108
facilities and programs and approve those proposals that satisfy 2109
the minimum requirements contained in section 2301.52 of the 2110
Revised Code; and administer the program for state financial 2111
assistance to the facilities and programs in accordance with 2112
section 5120.112 of the Revised Code. 2113

Sec. 5120.112. (A) The division of parole and community 2114
services shall accept applications for state financial assistance 2115
for the renovation, maintenance, and operation of proposed and 2116
approved community-based correctional facilities and programs and 2117
district community-based correctional facilities and programs that 2118
are filed in accordance with section 2301.56 of the Revised Code. 2119
The division, upon receipt of an application for a particular 2120
facility and program, shall determine whether the application is 2121
in proper form, whether the applicant satisfies the standards of 2122
operation ~~and training and qualifications of personnel~~ that are 2123
prescribed by the department of rehabilitation and correction 2124
under section 5120.111 of the Revised Code, whether the applicant 2125
has established the facility and program, and, if the applicant 2126
has not at that time established the facility and program, whether 2127
the proposal of the applicant sufficiently indicates that the 2128

standards will be satisfied upon the establishment of the facility 2129
and program. If the division determines that the application is in 2130
proper form and that the applicant has satisfied or will satisfy 2131
the standards of the department, the division shall notify the 2132
applicant that it is qualified to receive state financial 2133
assistance for the facility and program under this section from 2134
moneys made available to the division for purposes of providing 2135
assistance to community-based correctional facilities and programs 2136
and district community-based correctional facilities and programs. 2137

(B) The amount of state financial assistance that is ~~granted~~ 2138
awarded to a qualified applicant under this section shall be 2139
determined by the division of parole and community services in 2140
accordance with this division. ~~The division shall adopt a formula~~ 2141
~~to determine the allocation of state financial assistance to~~ 2142
~~qualified applicants. The formula shall provide for funding that~~ 2143
~~is based upon a set fee to be paid to an applicant per person~~ 2144
~~committed or referred in the year of application. In no case shall~~ 2145
~~the set fee~~ In determining the amount of state financial 2146
assistance to be awarded to a qualified applicant under this 2147
section, the division shall not calculate the cost of an offender 2148
incarcerated in a community-based correctional facility and 2149
program or district community-based correctional facility program 2150
to be greater than the average yearly cost of incarceration per 2151
inmate in all state correctional institutions, as defined in 2152
section 2967.01 of the Revised Code, as determined by the 2153
department of rehabilitation and correction. 2154

The times and manner of distribution of state financial 2155
assistance to be ~~granted~~ awarded to a qualified applicant under 2156
this section shall be determined by the division of parole and 2157
community services. 2158

(C) Upon approval of a proposal for a community-based 2159
correctional facility and program or a district community-based 2160

correctional facility and program by the division of parole and 2161
community services, the facility governing board, upon the advice 2162
of the judicial advisory board, shall enter into an award 2163
agreement with the department of rehabilitation and correction 2164
that outlines terms and conditions of the agreement on an annual 2165
basis. In the award agreement, the facility governing board shall 2166
identify a fiscal agent responsible for the deposit of funds and 2167
compliance with sections 2301.55 and 2301.56 of the Revised Code. 2168

(D) No state financial assistance shall be distributed to a 2169
qualified applicant until an agreement concerning the assistance 2170
has been entered into by the director of rehabilitation and 2171
correction and the deputy director of the division of parole and 2172
community services on the part of the state, and by the ~~chairman~~ 2173
chairperson of the ~~judicial corrections~~ facility governing board 2174
of the community-based correctional facility and program or 2175
district community-based correctional facility and program to 2176
receive the financial assistance, whichever is applicable. The 2177
agreement shall be effective for a period of one year from the 2178
date of the agreement and shall specify all terms and conditions 2179
that are applicable to the ~~granting~~ awarding of the assistance, 2180
including, but not limited to: 2181

(1) The total amount of assistance to be ~~granted~~ awarded for 2182
each community-based correctional facility and program or district 2183
community-based correctional facility and program, and the times 2184
and manner of the payment of the assistance; 2185

(2) How persons who will staff and operate the facility and 2186
program are to be utilized during the period for which the 2187
assistance is to be granted, including descriptions of their 2188
positions and duties, and their salaries and fringe benefits, ~~and~~ 2189
~~their job qualifications and classifications;~~ 2190

(3) A statement that none of the persons who will staff and 2191
operate the facility and program, including those who are 2192

receiving some or all of their salaries out of funds received by 2193
the facility and program as state financial assistance, are 2194
employees or are to be considered as being employees of the 2195
department of rehabilitation and correction, and a statement that 2196
the employees who will staff and operate that facility and program 2197
are employees of the facility and program; 2198

(4) A list of the type of expenses, other than salaries of 2199
persons who will staff and operate the facility and program, for 2200
which the state financial assistance can be used, and a 2201
requirement that purchases made with funds received as state 2202
financial assistance ~~be made through the use of competitive~~ 2203
~~bidding~~ follow established fiscal guidelines as determined by the 2204
division of parole and community services and any applicable 2205
sections of the Revised Code, including, but not limited to, 2206
sections 125.01 to 125.11 and Chapter 153. of the Revised Code; 2207

(5) The accounting procedures that are to be used by the 2208
facility and program in relation to the state financial 2209
assistance; 2210

(6) A requirement that the facility and program file 2211
~~quarterly~~ reports, during the period that it receives state 2212
financial assistance, with the division of parole and community 2213
services, which reports shall be statistical in nature and shall 2214
contain that information required under a research design agreed 2215
upon by all parties to the agreement, for purposes of evaluating 2216
the facility and program; 2217

(7) A requirement that the facility and program comply with 2218
~~all of the standards of operation and training and qualifications~~ 2219
~~of personnel~~ as prescribed by the department under section 2220
5120.111 of the Revised Code, and with all information submitted 2221
on its application; 2222

(8) ~~A statement that the facility and program will attempt to~~ 2223

~~accept and treat at least fifteen per cent of the eligible adult 2224
felony offenders sentenced in the county or counties it serves 2225
during the period that it receives state financial assistance; 2226~~

~~(9)~~ A statement that the facility and program will make a 2227
reasonable effort to augment the funding received from the state. 2228

~~(D)~~(E)(1) No state financial assistance shall be distributed 2229
to a qualified applicant until its proposal for a community-based 2230
correctional facility and program or district community-based 2231
correctional facility and program has been approved by the 2232
division of parole and community services. 2233

(2) State financial assistance may be denied to any applicant 2234
if it fails to comply with the terms of any agreement entered into 2235
pursuant to division ~~(C)~~(D) of this section. 2236

Sec. 5149.34. (A)(1) If a county desires to receive a subsidy 2237
from a subsidy program established under division (A) of section 2238
5149.31 of the Revised Code for community corrections programs as 2239
described in division (B) of that section, the board of county 2240
commissioners of the county shall establish, by a resolution as 2241
described in this division, and maintain a local corrections 2242
planning board that, except as provided in division (A)(2) of this 2243
section, shall include an administrator of a county, multicounty, 2244
municipal, municipal-county, or multicounty-municipal jail or 2245
workhouse located in the county, a county commissioner of that 2246
county, a judge of the court of common pleas of that county, a 2247
judge of a municipal court or county court of that county, an 2248
attorney whose practice of law primarily involves the 2249
representation of criminal defendants, the chief law enforcement 2250
officer of the largest municipal corporation located in the 2251
county, the county sheriff, one or more prosecutors, as defined in 2252
section 2935.01 of the Revised Code, one or more representatives 2253
of the public, one of whom shall be a victim of crime, one or more 2254

additional representatives of the law enforcement community, one 2255
or more additional representatives of the judiciary, one or more 2256
additional representatives of the field of corrections, and 2257
officials from the largest municipal corporation located in the 2258
county. A majority of the members of the board shall be employed 2259
in the adult criminal justice field. At least two members of the 2260
board shall be members of the largest racial minority population, 2261
if any, in the county, and at least two other members of the board 2262
shall be women. The resolution shall state the number and nature 2263
of the members, the duration of their terms, the manner of filling 2264
vacancies on the board, and the compensation, if any, that members 2265
are to receive. The board of county commissioners also may 2266
specify, as part of the resolution, any other duties the local 2267
corrections planning board is to assume. 2268

(2) If, for good cause shown, including, but not limited to, 2269
the refusal of a specified individual to serve on a local 2270
corrections planning board, a particular county is not able to 2271
satisfy the requirements specified in division (A)(1) of this 2272
section for the composition of such a board, the director of 2273
rehabilitation and correction may waive the requirements to the 2274
extent necessary and approve a composition for the board that 2275
otherwise is consistent with the requirements. 2276
2277

(B) Each local corrections planning board established 2278
pursuant to division (A) of this section shall adopt within 2279
eighteen months after its establishment, and from time to time 2280
shall revise, a comprehensive plan for the development, 2281
implementation, and operation of corrections services in the 2282
county. The plan shall be adopted and revised after consideration 2283
has been given to the impact that it will have or has had on the 2284
populations of state correctional institutions and county, 2285
multicounty, municipal, municipal-county, or multicounty-municipal 2286

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

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

Section 2. That existing sections 2152.20, 2301.51, 2301.52,
2301.55, 2301.56, 2301.57, 2744.01, 2929.01, 2929.34, 2929.37,
2929.38, 5120.031, 5120.111, 5120.112, and 5149.34 and sections
2301.53, 2301.54, and 2301.58 of the Revised Code are hereby
repealed.

Section 3. The amendment of sections 2301.51, 2301.52,
2301.55, 2301.56, and 2301.57, the repeal of sections 2301.53,
2301.54, and 2301.58, and the enactment of new section 2301.58 and
section 2301.571 of the Revised Code by this act do not change the
status of any officer or employee of a community-based
correctional facility and program or district community-based

correctional facility and program in the public employees 2317
retirement system. It is the intent of the General Assembly in 2318
amending sections 2301.51, 2301.52, 2301.55, 2301.56, and 2301.57, 2319
repealing sections 2301.53, 2301.54, and 2301.58, and enacting new 2320
section 2301.58 and section 2301.571 of the Revised Code to ensure 2321
membership in the public employees retirement system for officers 2322
and employees of publicly operated community-based correctional 2323
facilities and programs and district community-based correctional 2324
facilities and programs and not to add to the category of 2325
employees eligible for membership in the public employees 2326
retirement system. 2327

Section 4. This act does not affect, and shall not be 2328
construed as affecting, the authority, responsibility, or powers 2329
of the Ohio Ethics Commission under Chapters 102. and 2921. of the 2330
Revised Code, as those chapters existed immediately prior to the 2331
effective date of this act, with respect to the following: 2332

(A) Any trustee or member of the governing board and any 2333
officer of an entity that was or is under contract to control, 2334
manage, operate, and have general charge of a community-based 2335
correctional facility and program or district community-based 2336
correctional facility and program established under former 2337
sections 2301.51 to 2301.58 of the Revised Code; 2338

(B) Any individual who, pursuant to a contract with an entity 2339
to control, manage, operate, and have general charge of a 2340
community-based correctional facility and program or district 2341
community-based correctional facility and program established 2342
under former sections 2301.51 to 2301.58 of the Revised Code, was 2343
or is serving as director or in a substantially similar capacity 2344
to director of the facility and program. 2345

Section 5. Section 2301.56 of the Revised Code is presented 2346

in this act as a composite of the section as amended by both Am. 2347
Sub. H.B. 490 and Sub. H.B. 510 of the 124th General Assembly. The 2348
General Assembly, applying the principle stated in division (B) of 2349
section 1.52 of the Revised Code that amendments are to be 2350
harmonized if reasonably capable of simultaneous operation, finds 2351
that the composite is the resulting version of the section in 2352
effect prior to the effective date of the section as presented in 2353
this act. 2354