

As Introduced

**127th General Assembly
Regular Session
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H. B. No. 203

Representative Boyd

Cosponsors: Representatives Skindell, Williams, S.

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A B I L L

To amend sections 5145.03, 5145.04, 5145.16, and 1
5145.161 and to enact section 5120.113 of the 2
Revised Code to require the Department of 3
Rehabilitation and Correction to establish and 4
maintain multifactored assessment programs for, 5
and to prepare individualized rehabilitation plans 6
for, specified inmates. 7

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

Section 1. That sections 5145.03, 5145.04, 5145.16, and 8
5145.161 be amended and section 5120.113 of the Revised Code be 9
enacted to read as follows: 10

Sec. 5120.113. (A) As used in this section: 11

(1) "Adaptive behavior" means the effectiveness with which an 12
individual copes with the natural and social demands of the 13
individual's environment, including the degree to which the 14
individual is able to function and maintain the individual's 15
person independently and the degree to which the individual meets 16
satisfactorily the culturally imposed demands of personal and 17
social responsibilities. 18

(2) "Another health impairment" means limited strength, 19

vitality, or alertness that is due to a chronic or acute heart 20
condition, tuberculosis, rheumatic fever, nephritis, asthma, 21
sickle cell anemia, hemophilia, epilepsy, lead poisoning, 22
leukemia, diabetes, or another health problem and that adversely 23
affects an individual's potential educational achievement, 24
vocational training achievement, or employment performance. 25

(3) "Certificate of high school equivalence" and "certificate 26
of adult basic education" have the same meanings as in section 27
5120.031 of the Revised Code. 28

(4) "Covered inmate" means a person who is sentenced on or 29
after the effective date of this section to serve a sentence of 30
imprisonment in a state correctional institution for an offense 31
other than aggravated murder for which the death penalty has been 32
imposed. 33

(5) "Deaf" means a hearing impairment that is so severe that 34
an individual is impaired in processing linguistic information 35
through hearing, with or without amplification, and that adversely 36
affects the individual's potential educational achievement, 37
vocational training achievement, or employment performance. 38

(6) "Developmentally disabled person," "mentally retarded 39
person," "mentally retarded person subject to institutionalization 40
by court order," and "a person who is at least moderately mentally 41
retarded" have the same meanings as in section 5123.01 of the 42
Revised Code. 43

(7) "Evaluation" means an observation, investigation, or 44
examination of, or a consultation with, a covered inmate by one or 45
more qualified officers or employees of the department of 46
rehabilitation and correction or of the adult parole authority or 47
by other qualified individuals in connection with a matter listed 48
in divisions (C)(1) to (4) of this section and the subsequent 49
appraisal of the results of the observation, investigation, 50

examination, or consultation. 51

(8) "Hard of hearing" means a permanent or fluctuating hearing impairment that adversely affects an individual's potential educational achievement, vocational training achievement, or employment performance and that is not a hearing impairment described in division (A)(5) of this section. 52
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(9) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code. 57
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(10) "Multifactored assessment" means the assessment of a covered inmate that consists of the evaluations described in divisions (C)(1) to (4) of this section. 60
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(11) "Orthopedically handicapped" means a severe orthopedic impairment that adversely affects an individual's potential educational achievement, vocational training achievement, or employment performance, including, but not limited to, an impairment caused by a congenital anomaly, disease, amputation, fracture, burn, or other cause. 63
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(12) "Speech handicapped" means stuttering, impaired articulation, a language or voice impairment, or another communicative disorder that adversely affects an individual's potential educational achievement, vocational training achievement, or employment performance. 69
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(13) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code. 74
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(14) "Visually handicapped" means a visual impairment that, even with correction, adversely affects an individual's potential educational achievement, vocational training achievement, or employment performance, including, but not limited to, partial sight and blindness. 76
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(B) The director of rehabilitation and correction shall adopt rules pursuant to Chapter 119. of the Revised Code to implement a multifactored assessment program for covered inmates that includes the evaluations described in division (C) of this section, that is designed to achieve the objectives specified in division (D)(1) of this section, and that is maintained and otherwise operated in the manner specified in division (E) of this section. 81
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(C) Subject to division (F) of this section, the department of rehabilitation and correction shall conduct or cause to be conducted in accordance with the rules adopted pursuant to division (B) of this section a multifactored assessment of each covered inmate within one year after the inmate begins serving the inmate's sentence of imprisonment under the jurisdiction and control of the department. The multifactored assessment of each covered inmate shall consist of all of the following: 88
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(1) An evaluation of the general intelligence of the inmate, the educational, vocational training, and employment history of the inmate, and the need of the inmate to acquire additional education, vocational training, or employment skills in order to become the type of citizen described in division (D)(1(b) of this section. The evaluation shall include, but is not limited to, a determination as to whether the inmate possesses, desires to acquire, or should be permitted or required to pursue a course of study designed to acquire a high school diploma, a certificate of high school equivalence, a certificate of adult basic education, or an undergraduate or postgraduate college or university degree. 96
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(2) A sociological, psychological, and psychiatric evaluation of the inmate, including, but not limited to, an evaluation of the inmate's adaptive behavior, a determination of the inmate's need to receive social skills training or psychological or psychiatric treatment, and a determination as to whether the inmate is a developmentally disabled person, a mentally retarded person, a 107
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person who is at least moderately mentally retarded, or a person 113
who has a mental illness. The department shall make the evaluation 114
required by division (C)(2) of this section in conjunction with 115
the examination required to be conducted under section 5120.11 of 116
the Revised Code, and the department shall notify the sentencing 117
court in writing if the evaluation results in the determination 118
that the inmate appears to be a mentally ill person subject to 119
hospitalization by court order or a mentally retarded person 120
subject to institutionalization by court order. Division (C)(2) of 121
this section does not affect the ability of the managing officer 122
of a state correctional institution under section 5120.17 of the 123
Revised Code to file an affidavit with a probate court alleging 124
that a prisoner confined in that institution is a mentally ill 125
person subject to hospitalization by court order or is a mentally 126
retarded person subject to institutionalization by court order. 127

(3) An evaluation of other aspects of the physical and mental 128
health of the inmate that are not described in division (C)(2) of 129
this section. The evaluation shall include, but is not limited to, 130
a determination as to whether the inmate is deaf, hard of hearing, 131
orthopedically handicapped, speech handicapped, or visually 132
handicapped, has another health impairment, is a drug dependent 133
person, should be permitted or required to receive substance abuse 134
education or treatment, or is at high risk of infection with the 135
human immunodeficiency virus. 136

(4) Any other evaluation of the inmate that the director of 137
rehabilitation and correction considers necessary to achieve the 138
objectives specified in division (D)(1) of this section or for 139
another purpose, including, but not limited to, background 140
investigation or classification purposes under section 5120.16 of 141
the Revised Code. 142

(D)(1) The objectives of the multifactored assessment program 143
for covered inmates shall be as follows: 144

(a) To promote to the extent practicable the rehabilitation of covered inmates; 145
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(b) To provide, to the extent practicable and considering eligibility criteria and factors specified in other applicable sections of the Revised Code or in rules of the department of rehabilitation and correction, each covered inmate with an opportunity to acquire education, vocational training, employment skills, social skills, psychological or psychiatric care, and substance abuse education or treatment that may permit the inmate to live as a productive, socially adjusted, physically and mentally healthy, and law abiding citizen when the inmate is released from confinement in a state correctional institution upon the expiration of the inmate's stated prison term, upon the inmate's parole, or upon the inmate's other lawful release. 147
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(2) The department of rehabilitation and correction, a managing officer of a state correctional institution, and the adult parole authority, in order to achieve the objectives specified in division (D)(1) of this section and in addition to considering the eligibility criteria or other factors specified in other applicable sections of the Revised Code or in rules of the department, shall consider the evaluations of a covered inmate described in division (C) of this section when making the following determinations: 159
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(a) A determination whether the inmate is an eligible offender and, with the approval of the sentencing judge, will serve the inmate's sentence as a sentence of shock incarceration under section 5120.031 of the Revised Code; 168
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(b) A determination whether the inmate will serve the inmate's sentence of imprisonment pursuant to section 5120.032 of the Revised Code in an intensive program prison that focuses on educational achievement, vocational training, alcohol and other drug of abuse treatment, community service and conservation work, 172
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or another intensive regimen or combination of regimens; 177

(c) A determination whether the inmate will be assigned to 178
perform labor on any public work of this state or will be employed 179
in penal manufacturing and service industries or agriculture, in 180
private industry or agriculture located within or outside the 181
department's institutions, in institutional jobs necessary for the 182
proper maintenance or operation of the department's institutions, 183
or in other appropriate forms of labor pursuant to section 5120.04 184
or Chapter 5145. of the Revised Code; 185

(d) A determination whether the inmate should be permitted or 186
required to participate in the educational programs of the Ohio 187
central school system described in section 5145.06 of the Revised 188
Code, other educational programs, other vocational training, 189
substance abuse education or treatment, employment skills 190
training, or social skills training; 191

(e) A determination whether to transfer an inmate pursuant to 192
section 2967.26 of the Revised Code to transitional control for 193
the purpose of employment, vocational training, or education, or a 194
determination whether to release an inmate pursuant to division 195
(B)(4) of section 5145.16 of the Revised Code on transitional 196
control to gain employment in private industry or agriculture. 197

(E) The department of rehabilitation and correction shall 198
maintain and otherwise operate the multifactored assessment 199
program for covered inmates as follows: 200

(1) The department shall cause each evaluation of a covered 201
inmate that is described in division (C) of this section to be in 202
writing, and the department shall cause all of the written 203
evaluations pertaining to a covered inmate to be placed together 204
in the inmate's records held by the state correctional institution 205
in which the inmate is confined. 206

(2) The department shall prepare for each covered inmate a 207

written rehabilitation plan that specifies an individualized 208
education, vocational training, employment skills training, social 209
skills training, psychological or psychiatric care, and substance 210
abuse education or treatment regimen and that specifies the manner 211
in which the evaluations of the inmate described in division (C) 212
of this section were considered in formulating that regimen and 213
making the determinations listed in divisions (D)(2)(a) to (e) of 214
this section. The department shall cause the written 215
rehabilitation plan to be placed in the inmate's records held by 216
the state correctional institution in which the inmate is confined 217
together with the written evaluations described in division (E)(1) 218
of this section. 219

(3) The department periodically shall review the needs of 220
each covered inmate for education, vocational training, employment 221
skills training, social skills training, psychological or 222
psychiatric care, and substance abuse education or treatment and 223
shall assess the progress of the inmate in each of those areas 224
under the individualized rehabilitation plan described in division 225
(E)(2) of this section. The department shall prepare a written 226
report that sets forth the findings of the periodic review and 227
place the report in the inmate's records held by the state 228
correctional institution in which the inmate is confined together 229
with the written evaluations described in division (E)(1) of this 230
section and the individualized rehabilitation plan described in 231
division (E)(2) of this section. Following each periodic review, 232
the department shall modify the inmate's immediately prior regimen 233
as set forth in the individualized rehabilitation plan described 234
in division (E)(2) of this section if the department considers a 235
modification to be reasonably necessary to achieve the objectives 236
described in division (D)(1) of this section. 237

(4) Immediately prior to a covered inmate's release from 238
confinement in a state correctional institution, upon the 239

expiration of the inmate's stated prison term, upon the inmate's 240
parole or upon the inmate's other lawful release, the department 241
shall prepare and provide the inmate with a copy of a report that 242
cumulates the information contained in the written evaluations 243
described in division (E)(1) of this section, the individualized 244
rehabilitation plan described in division (E)(2) of this section, 245
and the periodic reports and modifications to the individualized 246
rehabilitation plan described in division (E)(3) of this section 247
and that the inmate may present to a prospective employer to 248
establish the inmate's progress and status in the areas of 249
education, vocational training, employment skills, social skills, 250
psychological or psychiatric health, and substance abuse education 251
or treatment. 252

(F)(1) The director of rehabilitation and correction may 253
extend, in the director's discretion, the multifactored assessment 254
program for covered inmates or aspects of that program to persons 255
who were sentenced prior to the effective date of this section to 256
serve a sentence of imprisonment in a state correctional 257
institution for an offense other than aggravated murder for which 258
the death penalty has been imposed. 259

(2) Except as otherwise specifically provided in the Revised 260
Code, this section does not affect an evaluation, assessment, 261
observation, examination, investigation, study, identification, 262
policy, classification, periodic review, rule, report, or other 263
record that the department of rehabilitation and correction is 264
required or permitted to conduct, make, or prepare or cause to be 265
conducted, made, or prepared in connection with a covered inmate 266
under this chapter or Chapter 5145. of the Revised Code. 267

(G) If an evaluation described in division (C)(2) or (3) of 268
this section results in the determination that a covered inmate 269
may have severe psychological or psychiatric problems but does not 270
appear to be a mentally ill person subject to hospitalization by 271

court order or a mentally retarded person subject to 272
institutionalization by court order, the department shall confine 273
the inmate in a state correctional institution, or a portion of a 274
state correctional institution, exclusively devoted to the 275
confinement of inmates who have severe psychological or 276
psychiatric problems but who do not appear to be mentally ill 277
persons subject to hospitalization by court order or mentally 278
retarded persons subject to institutionalization by court order. 279

Sec. 5145.03. (A) The department of rehabilitation and 280
correction, subject to the approval of the governor, shall make 281
~~any~~ rules for the government of prisoners that tend to promote 282
their reformation and that are consistent with section 5120.113 of 283
the Revised Code when that section is applicable, ~~or be~~ and rules 284
that are necessary for the purpose of sections 5145.01 to 5145.27 285
of the Revised Code, except that ~~any~~ rules that govern penal 286
manufacturing and service industries and agriculture or labor 287
performed by prisoners and that do not govern security shall be 288
adopted pursuant to division (B) of this section. The department 289
shall make provisions for the separation or classification of 290
prisoners, for their division into different grades with promotion 291
or degradation according to merit or demerit, and, consistent with 292
section 5120.113 of the Revised Code when that section is 293
applicable, for their instruction in industrial pursuits, and 294
their education. 295

(B) The director of ~~the department of~~ rehabilitation and 296
correction shall adopt rules for the administration of the 297
department's program for employment of prisoners that is 298
established pursuant to section 5145.16 of the Revised Code. The 299
rules shall be consistent with section 5120.113 of the Revised 300
Code when applied to covered inmates as defined in that section. 301
The rules shall be adopted, amended, and rescinded pursuant to 302
Chapter 119. of the Revised Code, except that rules governing 303

security shall not be adopted pursuant to that chapter and except 304
that no prisoner who is in the custody of the department and who 305
is incarcerated has any legal right to attend any hearing that is 306
held on the rules pursuant to that chapter and that is held 307
outside the institution in which the prisoner is incarcerated; 308
however, the attorney for any prisoner may attend the hearing on 309
behalf of the prisoner. The director may hold hearings on the 310
rules pursuant to that chapter at any of the department's 311
correctional institutions to receive comment from prisoners, which 312
hearings may be attended by prisoners incarcerated at the 313
institution at which any of the hearings is held. The rules shall 314
provide for the following: 315

(1) A procedure for seeking the employment of prisoners in 316
penal industries and agriculture, in private industry and 317
agriculture located within or outside the department's 318
institutions, in public works, in institutional jobs necessary for 319
the proper maintenance or operation of the department's 320
institutions, and in other appropriate forms of labor; 321

(2) A system of compensation, allowances, hours, conditions 322
of employment, and advancement for prisoners who are employed in 323
any form of labor; 324

(3) The regulation of the working conditions for prisoners 325
who are employed in any form of labor; 326

(4) The categorization of all jobs performed by prisoners 327
into levels, grades within the levels, or other appropriate 328
categories based upon the skills required to perform the job, the 329
security required for the job, the location at which the job is 330
performed, and any other relevant characteristics of the job; 331

(5) A procedure for the assignment of prisoners to perform 332
jobs in correctional industries and agriculture, and in private 333
industry and agriculture, that are located in institutions under 334

the control of the department other than the institutions to which 335
the prisoners are committed; 336

(6) A procedure for the periodic review of each prisoner's 337
performance at ~~his~~ the prisoner's jobs and for the periodic 338
evaluation of the prisoner's qualifications for other jobs at 339
higher grades, levels, or categories, with different skill 340
requirements, with different career potential, with other training 341
potentials, or with other working conditions or schedules, that 342
shall be consistent with section 5120.113 of the Revised Code when 343
a prisoner is a covered inmate as defined in that section; 344

(7) An accounting system for the allocation of the earnings 345
of each prisoner; 346

(8) A procedure for the transportation of prisoners whenever 347
necessary between institutions and to and from private industry or 348
agriculture to perform jobs; 349

(9) A disciplinary procedure for violations of work or 350
security requirements; 351

(10) Any other rules on any subject that are otherwise 352
necessary to administer sections 5145.16 and 5145.161 of the 353
Revised Code or to provide employment for as many prisoners as 354
possible. 355

(C) The department shall keep a correct daily record of the 356
conduct of each prisoner and of ~~his~~ the prisoner's fidelity and 357
diligence in the performance of ~~his~~ the prisoner's work. The 358
department may use the daily records in the preparation of the 359
progress assessment portion of the periodic reports described in 360
division (E)(3) of section 5120.113 of the Revised Code. 361

Sec. 5145.04. The department of rehabilitation and correction 362
shall maintain the control over prisoners committed to its custody 363
that prevents them from committing crime, shall secure their 364

self-support, and, consistent with section 5120.113 of the Revised 365
Code when a prisoner is a covered inmate as defined in that 366
section, shall accomplish their reformation. 367

When a prisoner is received into a state correctional 368
institution upon direct sentence to the institution, the 369
department shall enter in a register the date of the admission, 370
the prisoner's name, age, nativity, and nationality, and other 371
facts as to the prisoner's parentage and early social influences 372
that might indicate the constitutional and acquired defects and 373
tendencies of the prisoner. Upon these entries in the register 374
~~shall be based on~~ and consistent with section 5120.113 of the 375
Revised Code when the prisoner is a covered inmate as defined in 376
that section, the department shall estimate ~~of~~ the condition of 377
the prisoner and the best probable plan ~~of his~~ for the prisoner's 378
treatment. 379

Sec. 5145.16. (A) The department of rehabilitation and 380
correction shall establish work programs in some form of labor for 381
as many prisoners as possible who are in the custody of the 382
department, except those prisoners who are not able to perform 383
labor because of illness or other health problems, security 384
requirements, routine processing, disciplinary action, or other 385
reasonable circumstances or, except as otherwise provided in an 386
individualized rehabilitation plan prepared pursuant to section 387
5120.113 of the Revised Code for a covered inmate as defined in 388
that section, because they are engaged in educational, vocational, 389
or other training. The labor may be in the department's 390
manufacturing and service industries and agriculture, in private 391
industry or agriculture that is located within or outside the 392
department's institutions, in public works, in institutional jobs 393
necessary for the proper maintenance and operation of the 394
institutions under the control of the department, or in any other 395
appropriate form of labor. The department, pursuant to the 396

program, shall attempt to engage in work programs as many 397
prisoners as possible who are in its custody and who are eligible 398
for the programs. The department is not required to engage every 399
eligible prisoner in a work program when sufficient money, 400
facilities, or jobs are not available for the program; however, 401
the department ~~shall~~ continuously shall seek sources of labor for 402
as many eligible prisoners as possible. 403

(B) The department, in establishing and administering work 404
programs ~~established pursuant to~~ described in division (A) of this 405
section, shall do all of the following: 406

(1) Assign a level, grade within the level, or other category 407
for each job within the penal manufacturing and service industries 408
and agriculture, each job within private industry and agriculture, 409
each institutional job, each job in public works, and every other 410
job for which prisoners are eligible to perform labor. The level, 411
grade, and other categorization of each job shall be dependent 412
upon the skills required to perform the job, the security that is 413
present at the job, the salary and other compensation for the job, 414
and any other relevant characteristics of the job. 415

(2) Establish for each institution controlled by the 416
department a system for assigning prisoners to perform jobs, for 417
periodically evaluating the job performance of each prisoner, and 418
for periodically evaluating the qualifications of each prisoner 419
for other jobs, that shall be consistent with section 5120.113 of 420
the Revised Code when a prisoner is a covered inmate as defined in 421
that section; 422

(3) Transfer prisoners, whenever appropriate, to institutions 423
controlled by the department to enable a prisoner to be engaged in 424
a different job; 425

(4) Whenever appropriate, permit prisoners to be released on 426
transitional control, in addition to other authorized reasons for 427

transferring a prisoner to transitional control, to gain 428
post-release employment in private industry or agriculture; 429

(5) Attempt to provide jobs and job training for prisoners 430
that will be useful to the prisoners in obtaining employment when 431
released, except that institutional jobs at the institutions need 432
not be related to employment outside the institution; 433

(6) Establish an accounting system to administer and allocate 434
the earnings of the prisoners as provided by division (C)(8) of 435
this section; 436

(7) Require all persons in private industry or agriculture 437
who employ prisoners to meet all applicable work safety standards. 438

(C) The department, in establishing and administering the 439
work programs ~~required to be established by~~ described in division 440
(A) of this section, may do any of the following: 441

(1) Enter into contracts with private industry and 442
agriculture and receive grants to establish test work programs 443
within or outside institutions under the control of the 444
department; 445

(2) Enter into contracts with private industry for the 446
establishment of manufacturing and service industries within or 447
close to institutions under the control of the department for the 448
employment of prisoners; 449

(3) Enter into contracts with private industry and 450
agriculture to provide work programs for prisoners; 451

(4) Lease or sell state-owned land for the establishment of 452
private industry or agriculture upon the condition that the 453
majority of the industrial or agricultural jobs created by the 454
industry or agriculture be given to prisoners; 455

(5) Construct factories or shops to provide work programs for 456
prisoners; 457

(6) Enter into contracts with labor organizations, except 458
that the department shall not permit any prisoners to establish 459
their own labor organization and that a labor organization shall 460
not represent any prisoners employed within an institution 461
controlled by the department; 462

(7) Enter into any other contracts or perform any other 463
functions that are necessary to comply with division (A) of this 464
section or section 5145.161 of the Revised Code; 465

(8) Allocate the earnings of the prisoners as follows: 466

(a) Up to twenty-five per cent of the earnings to reimburse 467
the state for room and board and for the expense of providing 468
employment to the prisoner; ~~i~~ 469

(b) Up to twenty-five per cent of the earnings to be 470
distributed to one or both of the following: 471

(i) To the victims of the prisoner's offenses for restitution 472
if the prisoner voluntarily requests or is under court order to 473
make restitution payments; 474

(ii) To the reparations fund established pursuant to division 475
(A) of section 2743.191 of the Revised Code if the prisoner 476
voluntarily participates in an approved work and training program 477
under this section. 478

(c) Up to twenty-five per cent of the earnings to the 479
prisoner's dependents; ~~i~~ 480

(d) At least twenty-five per cent of the earnings to the 481
account of the prisoner. 482

(D) A prisoner who is engaged in a work program that is 483
established under this section and in which the prisoner is 484
required to operate a motor vehicle, as defined in division (I) of 485
section 4509.01 of the Revised Code, is an "employee" of the state 486
for the sole purpose of liability insurance coverage pursuant to 487

section 9.83 of the Revised Code to cover the prisoner's required 488
operation of the motor vehicle. A prisoner enrolled in a work 489
program established by the department of rehabilitation and 490
correction shall not be considered as an employee of the state 491
under any other circumstance or for any other purpose. 492

Sec. 5145.161. (A) The program for the employment of 493
prisoners within the custody of the department of rehabilitation 494
and correction that the department is required to establish by 495
division (A) of section 5145.16 of the Revised Code shall be 496
administered in accordance with ~~any~~ rules adopted pursuant to 497
division (B) of section 5145.03 of the Revised Code, the rules 498
adopted pursuant to division (B) of section 5120.113 of the 499
Revised Code, and ~~with~~ the following requirements: 500

(1) The department shall consider the nature of the offense 501
committed by a prisoner, the availability of employment, the 502
security requirements for the prisoner, the prisoner's present 503
state of mind, the prisoner's record in the institution to which 504
the prisoner has been committed, and all other relevant factors 505
when assigning a prisoner to the prisoner's initial job 506
assignment. The department, when making a prisoner's initial job 507
assignment, shall attempt to develop the prisoner's work skills, 508
provide rehabilitation for the prisoner, consider the proximity to 509
the prisoner's family, and permit the prisoner to provide support 510
for the prisoner's dependents if the prisoner's earnings are 511
sufficient for that to be feasible. 512

(2)(a) Except as provided in division (A)(2)(b) of this 513
section, no prisoner shall be assigned to any job with the Ohio 514
penal industries, or to any other job level or job grade of 515
prisoner employment that the director of rehabilitation and 516
correction may designate, unless the prisoner has obtained a high 517
school diploma or a certificate of high school equivalence. 518

(b) Division (A)(2)(a) of this section does not apply to 519
either of the following: 520

(i) A prisoner who is determined, in accordance with a 521
procedure approved by the director, to be incapable of obtaining a 522
diploma or certificate of high school equivalence; 523

(ii) A prisoner working in the Ohio penal industries as of 524
February 1, 1999, who applied on or before May 1, 1999, for 525
enrollment in a program leading to a diploma or a certificate of 526
high school equivalence, and who has been enrolled in that program 527
for less than one year. 528

(3) Each prisoner shall be required to perform the prisoner's 529
job satisfactorily, be permitted to be absent from the prisoner's 530
job only for legitimate reasons, be required to comply with all 531
security requirements, and be required to comply with any other 532
reasonable job performance standards. 533

(4) A prisoner who advances from one job grade to the next 534
higher job grade within the job level, advances from one job level 535
to the next higher job level, or advances from one job category to 536
the next highest job category shall receive additional benefits in 537
accordance with the rules adopted pursuant to division (B) of 538
section 5145.03 of the Revised Code. 539

(5) A prisoner shall not be eligible for a job in private 540
industry or agriculture, unless the prisoner meets the 541
requirements of the department for private employment that are set 542
forth in rules adopted pursuant to division (B) of section 5145.03 543
of the Revised Code. 544

(6) A prisoner who violates the work requirements of any job 545
grade, level, or category shall be disciplined pursuant to the 546
disciplinary procedure adopted pursuant to division (B)(9) of 547
section 5145.03 of the Revised Code. 548

(B) The department of rehabilitation and correction may 549

administer the program that it is required to establish by 550
division (A) of section 5145.16 of the Revised Code in any manner 551
that is consistent with division (A) of this section, division (B) 552
of section 5145.03, and ~~section~~ sections 5120.113 and 5145.16 of 553
the Revised Code. 554

Section 2. That existing sections 5145.03, 5145.04, 5145.16, 555
and 5145.161 of the Revised Code are hereby repealed. 556