

As Passed by the House

**127th General Assembly
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Sub. H. B. No. 351

Representative Brinkman

**Cosponsors: Representatives Raussen, Schneider, Blessing, Jones,
Mecklenborg, Flowers, Adams, Aslanides, Brinkman, Domenick, Driehaus,
Mandel, McGregor, J., Uecker, Wachtmann**

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A BILL

To amend sections 341.12, 341.13, 341.14, 341.15, and 1
2725.27, to enact section 341.141, and to repeal 2
section 2725.25 of the Revised Code to permit the 3
transfer of county jail inmates to contiguous 4
counties in adjoining states. 5

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

Section 1. That sections 341.12, 341.13, 341.14, 341.15, and 6
2725.27 be amended and section 341.141 of the Revised Code be 7
enacted to read as follows: 8

Sec. 341.12. In a county not having a sufficient jail or 9
staff, the sheriff shall convey any person charged with the 10
commission of an offense, sentenced to imprisonment in the county 11
jail, or in custody upon civil process, to a jail in any county 12
~~which~~ the sheriff considers most convenient and secure. In the 13
case of a person who has been charged with an offense and is being 14
held pending trial, any county includes a contiguous county in an 15
adjoining state. 16

The sheriff may call such aid as is necessary in guarding, 17

~~transporting~~ transporting, or returning such person. Whoever 18
neglects or refuses to render such aid, when so called upon, shall 19
forfeit and pay the sum of ten dollars, to be recovered by an 20
action in the name and for the use of the county. 21

Such sheriff and his assistants shall receive such 22
compensation for their services as the county auditor of the 23
county from which such person was removed considers reasonable. 24
The compensation shall be paid from the county treasury on the 25
warrant of the auditor. 26

The receiving sheriff shall not, pursuant to this section, 27
convey the person received to any county other than the one from 28
which the person was removed. 29

Sec. 341.13. The sheriff of ~~the~~ a county in this state to 30
which a prisoner has been removed as provided by section 341.12 of 31
the Revised Code, shall, on being furnished a copy of the process 32
or commitment, receive ~~such the~~ prisoner into ~~his~~ custody, ~~and~~. 33
The sheriff of a contiguous county of an adjoining state to which 34
a prisoner has been removed as provided in section 341.12 of the 35
Revised Code may, on being furnished a copy of the commitment, 36
receive the prisoner into the sheriff's custody. Each receiving 37
sheriff shall be liable for escapes or other neglect of duty in 38
relation to ~~such the~~ prisoner, as in other cases, ~~and neither the~~ 39
conveying sheriff nor any county commissioner of the county that 40
employs the conveying sheriff is liable in damages in a civil 41
action for any injury, death, or loss to person or property 42
suffered or caused by the prisoner while the prisoner is in the 43
custody of the receiving sheriff. ~~Such~~ Each receiving sheriff 44
shall receive from the treasury of the county from which the 45
prisoner was removed, such fees as are allowed in other cases. 46

Sec. 341.14. (A) The sheriff of an adjoining county in this 47

state shall not receive prisoners as provided by section 341.12 of 48
the Revised Code unless there is deposited weekly with the sheriff 49
an amount equal to the actual cost of keeping and feeding each 50
prisoner so committed for the use of the jail of that county, and 51
the same amount for a period of time less than one week. If a 52
prisoner is discharged before the expiration of the term for which 53
the prisoner was committed, the excess of the amount advanced 54
shall be refunded. 55

(B) Pursuant to section 2929.37 of the Revised Code, the 56
board of county commissioners of the county of this state that 57
receives pursuant to section 341.12 of the Revised Code for 58
confinement in its jail, a prisoner who was convicted of an 59
offense, may require the prisoner to reimburse the county for its 60
expenses incurred by reason of the prisoner's confinement. 61

(C) Notwithstanding any contrary provision in this section or 62
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 63
board of county commissioners in this state may establish a policy 64
that complies with section 2929.38 of the Revised Code and that 65
requires any prisoner who is not indigent and who is confined in 66
the county's jail under this section to pay a reception fee, a fee 67
for medical treatment or service requested by and provided to that 68
prisoner, or the fee for a random drug test assessed under 69
division (E) of section 341.26 of the Revised Code. 70

(D) If a county in this state receives pursuant to section 71
341.12 of the Revised Code for confinement in its jail a person 72
who has been convicted of or pleaded guilty to an offense and has 73
been sentenced to a term in a jail or a person who has been 74
arrested for an offense, who has been denied bail or has had bail 75
set and has not been released on bail, and who is confined in jail 76
pending trial, at the time of reception and at other times the 77
sheriff or other person in charge of the operation of the jail 78
determines to be appropriate, the sheriff or other person in 79

charge of the operation of the jail may cause the convicted or 80
accused offender to be examined and tested for tuberculosis, HIV 81
infection, hepatitis, including but not limited to hepatitis A, B, 82
and C, and other contagious diseases. The sheriff or other person 83
in charge of the operation of the jail may cause a convicted or 84
accused offender in the jail who refuses to be tested or treated 85
for tuberculosis, HIV infection, hepatitis, including but not 86
limited to hepatitis A, B, and C, or another contagious disease to 87
be tested and treated involuntarily. 88

Sec. 341.141. (A) The sheriff of a county in this state shall 89
not transfer a prisoner to a contiguous county in an adjoining 90
state as provided in section 341.12 of the Revised Code unless 91
there is deposited weekly with the sheriff of the contiguous 92
county an amount equal to the actual cost of keeping and feeding 93
each prisoner committed to the custody of that sheriff for the use 94
of the jail of that county, and the same amount for a period of 95
time less than one week. If a prisoner is discharged before the 96
expiration of a week for which the cost of keeping and feeding the 97
prisoner has been deposited, the excess of the amount shall be 98
refunded. 99

(B) The minimum standards for jails that are applicable for 100
jails in the adjoining state shall apply to a jail in that 101
adjoining state that receives prisoners as provided in section 102
341.13 of the Revised Code. 103

(C) All other terms of the transfer of a prisoner from a 104
county in this state to a contiguous county in an adjoining state 105
shall be as agreed upon by the board of county commissioners, any 106
applicable governmental entity in the receiving county, and the 107
sheriffs involved in the transfer. 108

Sec. 341.15. At the end of each quarter, of each calendar 109

year, ~~the~~ a sheriff in this state shall account for and pay to the 110
county treasurer all money received by ~~him~~ the sheriff as provided 111
by sections 341.13 and 341.14 of the Revised Code. 112

Sec. 2725.27. The forfeitures mentioned in sections 2725.21 113
to 2725.24, ~~inclusive,~~ of the Revised Code, may be recovered by 114
the party aggrieved or ~~his~~ the executors or administrators of the 115
party aggrieved against the offender or ~~his~~ the offender's 116
executors or administrators by civil action in a court having 117
cognizance thereof. 118

Actions for violations of sections 2725.21 to ~~2725.25,~~ 119
~~inclusive,~~ 2725.24 of the Revised Code, shall be brought within 120
two years after the offense is committed, except in cases of 121
imprisonment of the party aggrieved, when action may be brought 122
within two years after ~~his~~ the delivery of the party aggrieved out 123
of prison, or after ~~his~~ decease death if ~~he~~ the party aggrieved 124
dies in prison. 125

Section 2. That existing sections 341.12, 341.13, 341.14, 126
341.15, and 2725.27 and section 2725.25 of the Revised Code are 127
hereby repealed. 128