

As Introduced

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H. B. No. 407

Representative Butler

**Cosponsors: Representatives Adams, J., Amstutz, Beck, Becker, Fedor, Hill,
Lynch, Retherford, Roegner, Smith, Terhar, Thompson**

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A B I L L

To amend section 2929.13 and to enact sections 1
5120.037, 5120.0371, and 5120.038 of the Revised 2
Code to require the Department of Rehabilitation 3
and Correction to establish a pilot work program 4
for offenders, to establish and operate the 5
program at repayment, retraining, and reclamation 6
factories that are not in or on the grounds of a 7
prison or jail and permit the Department to 8
establish and operate the program in prisons, to 9
permit counties to establish and operate local 10
repayment, retraining, and reclamation factories 11
for certain offenders, to provide for the 12
manufacture of goods and the sale of the goods 13
manufactured by the pilot work program or local 14
pilot work program on the open market or the 15
assembly, processing, manufacture, or repair of 16
components for goods pursuant to contract, to 17
grant a nonviolent participant one day of credit 18
off the participant's prison term or jail term for 19
each day the participant productively participates 20
in the program at a repayment, retraining, and 21
reclamation factory or a local repayment, 22

retraining, and reclamation factory, and to name 23
this act the "Repayment, Retraining, and 24
Reclamation Act." 25

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

Section 1. That section 2929.13 be amended and sections 26
5120.037, 5120.0371, and 5120.038 of the Revised Code be enacted 27
to read as follows: 28

Sec. 2929.13. (A) Except as provided in division (E), (F), or 29
(G) of this section and unless a specific sanction is required to 30
be imposed or is precluded from being imposed pursuant to law, a 31
court that imposes a sentence upon an offender for a felony may 32
impose any sanction or combination of sanctions on the offender 33
that are provided in sections 2929.14 to 2929.18 of the Revised 34
Code. 35

If the offender is eligible to be sentenced to community 36
control sanctions, the court shall consider the appropriateness of 37
imposing a financial sanction pursuant to section 2929.18 of the 38
Revised Code or a sanction of community service pursuant to 39
section 2929.17 of the Revised Code as the sole sanction for the 40
offense. Except as otherwise provided in this division, if the 41
court is required to impose a mandatory prison term for the 42
offense for which sentence is being imposed, the court also shall 43
impose any financial sanction pursuant to section 2929.18 of the 44
Revised Code that is required for the offense and may impose any 45
other financial sanction pursuant to that section but may not 46
impose any additional sanction or combination of sanctions under 47
section 2929.16 or 2929.17 of the Revised Code. 48

If the offender is being sentenced for a fourth degree felony 49
OVI offense or for a third degree felony OVI offense, in addition 50

to the mandatory term of local incarceration or the mandatory 51
prison term required for the offense by division (G)(1) or (2) of 52
this section, the court shall impose upon the offender a mandatory 53
fine in accordance with division (B)(3) of section 2929.18 of the 54
Revised Code and may impose whichever of the following is 55
applicable: 56

(1) For a fourth degree felony OVI offense for which sentence 57
is imposed under division (G)(1) of this section, an additional 58
community control sanction or combination of community control 59
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 60
the court imposes upon the offender a community control sanction 61
and the offender violates any condition of the community control 62
sanction, the court may take any action prescribed in division (B) 63
of section 2929.15 of the Revised Code relative to the offender, 64
including imposing a prison term on the offender pursuant to that 65
division. 66

(2) For a third or fourth degree felony OVI offense for which 67
sentence is imposed under division (G)(2) of this section, an 68
additional prison term as described in division (B)(4) of section 69
2929.14 of the Revised Code or a community control sanction as 70
described in division (G)(2) of this section. 71

(B)(1)(a) Except as provided in division (B)(1)(b) of this 72
section, if an offender is convicted of or pleads guilty to a 73
felony of the fourth or fifth degree that is not an offense of 74
violence or that is a qualifying assault offense, the court shall 75
sentence the offender to a community control sanction of at least 76
one year's duration if all of the following apply: 77

(i) The offender previously has not been convicted of or 78
pleaded guilty to a felony offense. 79

(ii) The most serious charge against the offender at the time 80
of sentencing is a felony of the fourth or fifth degree and the 81

offender is convicted of or pleads guilty to not more than one 82
felony of the fourth or fifth degree listed in the indictment, 83
information, or complaint. 84

(iii) If the court made a request of the department of 85
rehabilitation and correction pursuant to division (B)(1)(c) of 86
this section, the department, within the forty-five-day period 87
specified in that division, provided the court with the names of, 88
contact information for, and program details of one or more 89
community control sanctions of at least one year's duration that 90
are available for persons sentenced by the court. 91

(iv) The offender previously has not been convicted of or 92
pleaded guilty to a misdemeanor offense of violence that the 93
offender committed within two years prior to the offense for which 94
sentence is being imposed. 95

(b) The court has discretion to impose a prison term upon an 96
offender who is convicted of or pleads guilty to a felony of the 97
fourth or fifth degree that is not an offense of violence or that 98
is a qualifying assault offense if any of the following apply: 99

(i) The offender committed the offense while having a firearm 100
on or about the offender's person or under the offender's control. 101

(ii) If the offense is a qualifying assault offense, the 102
offender caused serious physical harm to another person while 103
committing the offense, and, if the offense is not a qualifying 104
assault offense, the offender caused physical harm to another 105
person while committing the offense. 106

(iii) The offender violated a term of the conditions of bond 107
as set by the court. 108

(iv) The court made a request of the department of 109
rehabilitation and correction pursuant to division (B)(1)(c) of 110
this section, and the department, within the forty-five-day period 111
specified in that division, did not provide the court with the 112

name of, contact information for, and program details of any 113
community control sanction of at least one year's duration that is 114
available for persons sentenced by the court. 115

(v) The offense is a sex offense that is a fourth or fifth 116
degree felony violation of any provision of Chapter 2907. of the 117
Revised Code. 118

(vi) In committing the offense, the offender attempted to 119
cause or made an actual threat of physical harm to a person with a 120
deadly weapon. 121

(vii) In committing the offense, the offender attempted to 122
cause or made an actual threat of physical harm to a person, and 123
the offender previously was convicted of an offense that caused 124
physical harm to a person. 125

(viii) The offender held a public office or position of 126
trust, and the offense related to that office or position; the 127
offender's position obliged the offender to prevent the offense or 128
to bring those committing it to justice; or the offender's 129
professional reputation or position facilitated the offense or was 130
likely to influence the future conduct of others. 131

(ix) The offender committed the offense for hire or as part 132
of an organized criminal activity. 133

(x) The offender at the time of the offense was serving, or 134
the offender previously had served, a prison term. 135

(xi) The offender committed the offense while under a 136
community control sanction, while on probation, or while released 137
from custody on a bond or personal recognizance. 138

(c) If a court that is sentencing an offender who is 139
convicted of or pleads guilty to a felony of the fourth or fifth 140
degree that is not an offense of violence or that is a qualifying 141
assault offense believes that no community control sanctions are 142

available for its use that, if imposed on the offender, will 143
adequately fulfill the overriding principles and purposes of 144
sentencing, the court shall contact the department of 145
rehabilitation and correction and ask the department to provide 146
the court with the names of, contact information for, and program 147
details of one or more community control sanctions of at least one 148
year's duration that are available for persons sentenced by the 149
court. Not later than forty-five days after receipt of a request 150
from a court under this division, the department shall provide the 151
court with the names of, contact information for, and program 152
details of one or more community control sanctions of at least one 153
year's duration that are available for persons sentenced by the 154
court, if any. Upon making a request under this division that 155
relates to a particular offender, a court shall defer sentencing 156
of that offender until it receives from the department the names 157
of, contact information for, and program details of one or more 158
community control sanctions of at least one year's duration that 159
are available for persons sentenced by the court or for forty-five 160
days, whichever is the earlier. 161

If the department provides the court with the names of, 162
contact information for, and program details of one or more 163
community control sanctions of at least one year's duration that 164
are available for persons sentenced by the court within the 165
forty-five-day period specified in this division, the court shall 166
impose upon the offender a community control sanction under 167
division (B)(1)(a) of this section, except that the court may 168
impose a prison term under division (B)(1)(b) of this section if a 169
factor described in division (B)(1)(b)(i) or (ii) of this section 170
applies. If the department does not provide the court with the 171
names of, contact information for, and program details of one or 172
more community control sanctions of at least one year's duration 173
that are available for persons sentenced by the court within the 174
forty-five-day period specified in this division, the court may 175

impose upon the offender a prison term under division 176
(B)(1)(b)(iv) of this section. 177

(d) A sentencing court may impose an additional penalty under 178
division (B) of section 2929.15 of the Revised Code upon an 179
offender sentenced to a community control sanction under division 180
(B)(1)(a) of this section if the offender violates the conditions 181
of the community control sanction, violates a law, or leaves the 182
state without the permission of the court or the offender's 183
probation officer. 184

(2) If division (B)(1) of this section does not apply, except 185
as provided in division (E), (F), or (G) of this section, in 186
determining whether to impose a prison term as a sanction for a 187
felony of the fourth or fifth degree, the sentencing court shall 188
comply with the purposes and principles of sentencing under 189
section 2929.11 of the Revised Code and with section 2929.12 of 190
the Revised Code. 191

(C) Except as provided in division (D), (E), (F), or (G) of 192
this section, in determining whether to impose a prison term as a 193
sanction for a felony of the third degree or a felony drug offense 194
that is a violation of a provision of Chapter 2925. of the Revised 195
Code and that is specified as being subject to this division for 196
purposes of sentencing, the sentencing court shall comply with the 197
purposes and principles of sentencing under section 2929.11 of the 198
Revised Code and with section 2929.12 of the Revised Code. 199

(D)(1) Except as provided in division (E) or (F) of this 200
section, for a felony of the first or second degree, for a felony 201
drug offense that is a violation of any provision of Chapter 202
2925., 3719., or 4729. of the Revised Code for which a presumption 203
in favor of a prison term is specified as being applicable, and 204
for a violation of division (A)(4) or (B) of section 2907.05 of 205
the Revised Code for which a presumption in favor of a prison term 206
is specified as being applicable, it is presumed that a prison 207

term is necessary in order to comply with the purposes and 208
principles of sentencing under section 2929.11 of the Revised 209
Code. Division (D)(2) of this section does not apply to a 210
presumption established under this division for a violation of 211
division (A)(4) of section 2907.05 of the Revised Code. 212

(2) Notwithstanding the presumption established under 213
division (D)(1) of this section for the offenses listed in that 214
division other than a violation of division (A)(4) or (B) of 215
section 2907.05 of the Revised Code, the sentencing court may 216
impose a community control sanction or a combination of community 217
control sanctions instead of a prison term on an offender for a 218
felony of the first or second degree or for a felony drug offense 219
that is a violation of any provision of Chapter 2925., 3719., or 220
4729. of the Revised Code for which a presumption in favor of a 221
prison term is specified as being applicable if it makes both of 222
the following findings: 223

(a) A community control sanction or a combination of 224
community control sanctions would adequately punish the offender 225
and protect the public from future crime, because the applicable 226
factors under section 2929.12 of the Revised Code indicating a 227
lesser likelihood of recidivism outweigh the applicable factors 228
under that section indicating a greater likelihood of recidivism. 229

(b) A community control sanction or a combination of 230
community control sanctions would not demean the seriousness of 231
the offense, because one or more factors under section 2929.12 of 232
the Revised Code that indicate that the offender's conduct was 233
less serious than conduct normally constituting the offense are 234
applicable, and they outweigh the applicable factors under that 235
section that indicate that the offender's conduct was more serious 236
than conduct normally constituting the offense. 237

(E)(1) Except as provided in division (F) of this section, 238
for any drug offense that is a violation of any provision of 239

Chapter 2925. of the Revised Code and that is a felony of the 240
third, fourth, or fifth degree, the applicability of a presumption 241
under division (D) of this section in favor of a prison term or of 242
division (B) or (C) of this section in determining whether to 243
impose a prison term for the offense shall be determined as 244
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 245
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 246
Revised Code, whichever is applicable regarding the violation. 247

(2) If an offender who was convicted of or pleaded guilty to 248
a felony violates the conditions of a community control sanction 249
imposed for the offense solely by reason of producing positive 250
results on a drug test, the court, as punishment for the violation 251
of the sanction, shall not order that the offender be imprisoned 252
unless the court determines on the record either of the following: 253

(a) The offender had been ordered as a sanction for the 254
felony to participate in a drug treatment program, in a drug 255
education program, or in narcotics anonymous or a similar program, 256
and the offender continued to use illegal drugs after a reasonable 257
period of participation in the program. 258

(b) The imprisonment of the offender for the violation is 259
consistent with the purposes and principles of sentencing set 260
forth in section 2929.11 of the Revised Code. 261

(3) A court that sentences an offender for a drug abuse 262
offense that is a felony of the third, fourth, or fifth degree may 263
require that the offender be assessed by a properly credentialed 264
professional within a specified period of time. The court shall 265
require the professional to file a written assessment of the 266
offender with the court. If the offender is eligible for a 267
community control sanction and after considering the written 268
assessment, the court may impose a community control sanction that 269
includes treatment and recovery support services authorized by 270
section 3793.02 of the Revised Code. If the court imposes 271

treatment and recovery support services as a community control 272
sanction, the court shall direct the level and type of treatment 273
and recovery support services after considering the assessment and 274
recommendation of treatment and recovery support services 275
providers. 276

(F) Notwithstanding divisions (A) to (E) of this section, the 277
court shall impose a prison term or terms under sections 2929.02 278
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 279
of the Revised Code and except as specifically provided in section 280
2929.20, divisions (C) to (I) of section 2967.19, or section 281
2967.191 of the Revised Code or when parole is authorized for the 282
offense under section 2967.13 of the Revised Code shall not reduce 283
the term or terms pursuant to section 2929.20, section 2967.19, 284
section 2967.193, or any other provision of Chapter 2967. or 285
Chapter 5120. of the Revised Code for any of the following 286
offenses: 287

(1) Aggravated murder when death is not imposed or murder; 288

(2) Any rape, regardless of whether force was involved and 289
regardless of the age of the victim, or an attempt to commit rape 290
if, had the offender completed the rape that was attempted, the 291
offender would have been guilty of a violation of division 292
(A)(1)(b) of section 2907.02 of the Revised Code and would be 293
sentenced under section 2971.03 of the Revised Code; 294

(3) Gross sexual imposition or sexual battery, if the victim 295
is less than thirteen years of age and if any of the following 296
applies: 297

(a) Regarding gross sexual imposition, the offender 298
previously was convicted of or pleaded guilty to rape, the former 299
offense of felonious sexual penetration, gross sexual imposition, 300
or sexual battery, and the victim of the previous offense was less 301
than thirteen years of age; 302

(b) Regarding gross sexual imposition, the offense was 303
committed on or after August 3, 2006, and evidence other than the 304
testimony of the victim was admitted in the case corroborating the 305
violation. 306

(c) Regarding sexual battery, either of the following 307
applies: 308

(i) The offense was committed prior to August 3, 2006, the 309
offender previously was convicted of or pleaded guilty to rape, 310
the former offense of felonious sexual penetration, or sexual 311
battery, and the victim of the previous offense was less than 312
thirteen years of age. 313

(ii) The offense was committed on or after August 3, 2006. 314

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 315
2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code 316
if the section requires the imposition of a prison term; 317

(5) A first, second, or third degree felony drug offense for 318
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 319
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 320
4729.99 of the Revised Code, whichever is applicable regarding the 321
violation, requires the imposition of a mandatory prison term; 322

(6) Any offense that is a first or second degree felony and 323
that is not set forth in division (F)(1), (2), (3), or (4) of this 324
section, if the offender previously was convicted of or pleaded 325
guilty to aggravated murder, murder, any first or second degree 326
felony, or an offense under an existing or former law of this 327
state, another state, or the United States that is or was 328
substantially equivalent to one of those offenses; 329

(7) Any offense that is a third degree felony and either is a 330
violation of section 2903.04 of the Revised Code or an attempt to 331
commit a felony of the second degree that is an offense of 332
violence and involved an attempt to cause serious physical harm to 333

a person or that resulted in serious physical harm to a person if 334
the offender previously was convicted of or pleaded guilty to any 335
of the following offenses: 336

(a) Aggravated murder, murder, involuntary manslaughter, 337
rape, felonious sexual penetration as it existed under section 338
2907.12 of the Revised Code prior to September 3, 1996, a felony 339
of the first or second degree that resulted in the death of a 340
person or in physical harm to a person, or complicity in or an 341
attempt to commit any of those offenses; 342

(b) An offense under an existing or former law of this state, 343
another state, or the United States that is or was substantially 344
equivalent to an offense listed in division (F)(7)(a) of this 345
section that resulted in the death of a person or in physical harm 346
to a person. 347

(8) Any offense, other than a violation of section 2923.12 of 348
the Revised Code, that is a felony, if the offender had a firearm 349
on or about the offender's person or under the offender's control 350
while committing the felony, with respect to a portion of the 351
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 352
of the Revised Code for having the firearm; 353

(9) Any offense of violence that is a felony, if the offender 354
wore or carried body armor while committing the felony offense of 355
violence, with respect to the portion of the sentence imposed 356
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 357
Code for wearing or carrying the body armor; 358

(10) Corrupt activity in violation of section 2923.32 of the 359
Revised Code when the most serious offense in the pattern of 360
corrupt activity that is the basis of the offense is a felony of 361
the first degree; 362

(11) Any violent sex offense or designated homicide, assault, 363
or kidnapping offense if, in relation to that offense, the 364

offender is adjudicated a sexually violent predator; 365

(12) A violation of division (A)(1) or (2) of section 2921.36 366
of the Revised Code, or a violation of division (C) of that 367
section involving an item listed in division (A)(1) or (2) of that 368
section, if the offender is an officer or employee of the 369
department of rehabilitation and correction; 370

(13) A violation of division (A)(1) or (2) of section 2903.06 371
of the Revised Code if the victim of the offense is a peace 372
officer, as defined in section 2935.01 of the Revised Code, or an 373
investigator of the bureau of criminal identification and 374
investigation, as defined in section 2903.11 of the Revised Code, 375
with respect to the portion of the sentence imposed pursuant to 376
division (B)(5) of section 2929.14 of the Revised Code; 377

(14) A violation of division (A)(1) or (2) of section 2903.06 378
of the Revised Code if the offender has been convicted of or 379
pleaded guilty to three or more violations of division (A) or (B) 380
of section 4511.19 of the Revised Code or an equivalent offense, 381
as defined in section 2941.1415 of the Revised Code, or three or 382
more violations of any combination of those divisions and 383
offenses, with respect to the portion of the sentence imposed 384
pursuant to division (B)(6) of section 2929.14 of the Revised 385
Code; 386

(15) Kidnapping, in the circumstances specified in section 387
2971.03 of the Revised Code and when no other provision of 388
division (F) of this section applies; 389

(16) Kidnapping, abduction, compelling prostitution, 390
promoting prostitution, engaging in a pattern of corrupt activity, 391
illegal use of a minor in a nudity-oriented material or 392
performance in violation of division (A)(1) or (2) of section 393
2907.323 of the Revised Code, or endangering children in violation 394
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 395

the Revised Code, if the offender is convicted of or pleads guilty 396
to a specification as described in section 2941.1422 of the 397
Revised Code that was included in the indictment, count in the 398
indictment, or information charging the offense; 399

(17) A felony violation of division (A) or (B) of section 400
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 401
that section, and division (D)(6) of that section, require the 402
imposition of a prison term; 403

(18) A felony violation of section 2903.11, 2903.12, or 404
2903.13 of the Revised Code, if the victim of the offense was a 405
woman that the offender knew was pregnant at the time of the 406
violation, with respect to a portion of the sentence imposed 407
pursuant to division (B)(8) of section 2929.14 of the Revised 408
Code. 409

(G) Notwithstanding divisions (A) to (E) of this section, if 410
an offender is being sentenced for a fourth degree felony OVI 411
offense or for a third degree felony OVI offense, the court shall 412
impose upon the offender a mandatory term of local incarceration 413
or a mandatory prison term in accordance with the following: 414

(1) If the offender is being sentenced for a fourth degree 415
felony OVI offense and if the offender has not been convicted of 416
and has not pleaded guilty to a specification of the type 417
described in section 2941.1413 of the Revised Code, the court may 418
impose upon the offender a mandatory term of local incarceration 419
of sixty days or one hundred twenty days as specified in division 420
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 421
not reduce the term pursuant to section 2929.20, 2967.193, or any 422
other provision of the Revised Code. The court that imposes a 423
mandatory term of local incarceration under this division shall 424
specify whether the term is to be served in a jail, a 425
community-based correctional facility, a halfway house, or an 426
alternative residential facility, and the offender shall serve the 427

term in the type of facility specified by the court. A mandatory 428
term of local incarceration imposed under division (G)(1) of this 429
section is not subject to any other Revised Code provision that 430
pertains to a prison term except as provided in division (A)(1) of 431
this section. 432

(2) If the offender is being sentenced for a third degree 433
felony OVI offense, or if the offender is being sentenced for a 434
fourth degree felony OVI offense and the court does not impose a 435
mandatory term of local incarceration under division (G)(1) of 436
this section, the court shall impose upon the offender a mandatory 437
prison term of one, two, three, four, or five years if the 438
offender also is convicted of or also pleads guilty to a 439
specification of the type described in section 2941.1413 of the 440
Revised Code or shall impose upon the offender a mandatory prison 441
term of sixty days or one hundred twenty days as specified in 442
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 443
if the offender has not been convicted of and has not pleaded 444
guilty to a specification of that type. Subject to divisions (C) 445
to (I) of section 2967.19 of the Revised Code, the court shall not 446
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 447
any other provision of the Revised Code. The offender shall serve 448
the one-, two-, three-, four-, or five-year mandatory prison term 449
consecutively to and prior to the prison term imposed for the 450
underlying offense and consecutively to any other mandatory prison 451
term imposed in relation to the offense. In no case shall an 452
offender who once has been sentenced to a mandatory term of local 453
incarceration pursuant to division (G)(1) of this section for a 454
fourth degree felony OVI offense be sentenced to another mandatory 455
term of local incarceration under that division for any violation 456
of division (A) of section 4511.19 of the Revised Code. In 457
addition to the mandatory prison term described in division (G)(2) 458
of this section, the court may sentence the offender to a 459
community control sanction under section 2929.16 or 2929.17 of the 460

Revised Code, but the offender shall serve the prison term prior 461
to serving the community control sanction. The department of 462
rehabilitation and correction may place an offender sentenced to a 463
mandatory prison term under this division in an intensive program 464
prison established pursuant to section 5120.033 of the Revised 465
Code if the department gave the sentencing judge prior notice of 466
its intent to place the offender in an intensive program prison 467
established under that section and if the judge did not notify the 468
department that the judge disapproved the placement. Upon the 469
establishment of the initial intensive program prison pursuant to 470
section 5120.033 of the Revised Code that is privately operated 471
and managed by a contractor pursuant to a contract entered into 472
under section 9.06 of the Revised Code, both of the following 473
apply: 474

(a) The department of rehabilitation and correction shall 475
make a reasonable effort to ensure that a sufficient number of 476
offenders sentenced to a mandatory prison term under this division 477
are placed in the privately operated and managed prison so that 478
the privately operated and managed prison has full occupancy. 479

(b) Unless the privately operated and managed prison has full 480
occupancy, the department of rehabilitation and correction shall 481
not place any offender sentenced to a mandatory prison term under 482
this division in any intensive program prison established pursuant 483
to section 5120.033 of the Revised Code other than the privately 484
operated and managed prison. 485

(H) If an offender is being sentenced for a sexually oriented 486
offense or child-victim oriented offense that is a felony 487
committed on or after January 1, 1997, the judge shall require the 488
offender to submit to a DNA specimen collection procedure pursuant 489
to section 2901.07 of the Revised Code. 490

(I) If an offender is being sentenced for a sexually oriented 491
offense or a child-victim oriented offense committed on or after 492

January 1, 1997, the judge shall include in the sentence a summary 493
of the offender's duties imposed under sections 2950.04, 2950.041, 494
2950.05, and 2950.06 of the Revised Code and the duration of the 495
duties. The judge shall inform the offender, at the time of 496
sentencing, of those duties and of their duration. If required 497
under division (A)(2) of section 2950.03 of the Revised Code, the 498
judge shall perform the duties specified in that section, or, if 499
required under division (A)(6) of section 2950.03 of the Revised 500
Code, the judge shall perform the duties specified in that 501
division. 502

(J)(1) Except as provided in division (J)(2) of this section, 503
when considering sentencing factors under this section in relation 504
to an offender who is convicted of or pleads guilty to an attempt 505
to commit an offense in violation of section 2923.02 of the 506
Revised Code, the sentencing court shall consider the factors 507
applicable to the felony category of the violation of section 508
2923.02 of the Revised Code instead of the factors applicable to 509
the felony category of the offense attempted. 510

(2) When considering sentencing factors under this section in 511
relation to an offender who is convicted of or pleads guilty to an 512
attempt to commit a drug abuse offense for which the penalty is 513
determined by the amount or number of unit doses of the controlled 514
substance involved in the drug abuse offense, the sentencing court 515
shall consider the factors applicable to the felony category that 516
the drug abuse offense attempted would be if that drug abuse 517
offense had been committed and had involved an amount or number of 518
unit doses of the controlled substance that is within the next 519
lower range of controlled substance amounts than was involved in 520
the attempt. 521

(K) As used in this section: 522

(1) "Drug abuse offense" has the same meaning as in section 523
2925.01 of the Revised Code. 524

(2) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C)(8)(b) or (C)(9)(b) of that section applies.

(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.

Sec. 5120.037. (A) As used in this section and section 5120.0371 of the Revised Code:

(1) "Goods" means materials, merchandise, products, and components of other goods that are designed, manufactured, constructed, or assembled, in whole or in part. "Goods" does not include agricultural products.

(2) "Community-based correctional facility," "community control sanction," "jail," "jail term," "offender," "prison," "prison term," and "stated prison term" have the same meanings as in section 2929.01 of the Revised Code.

(3) "Local repayment, retraining, and reclamation factory" means a repayment, retraining, and reclamation factory established and operated under section 5120.0371 of the Revised Code.

(4) "Repayment, retraining, and reclamation factory" means a repayment, retraining, and reclamation factory established and operated under division (J) of this section.

(5) "Repayment, retraining, and reclamation prison" means a prison where a pilot work program is operated by the department of

rehabilitation and correction. 555

(6) "School district" means a city, exempted village, local, 556
or joint vocational school district. 557

(7) "Senior staff" means a staff member at a repayment, 558
retraining, and reclamation factory, pilot work program 559
established at a repayment, retraining, and reclamation prison, or 560
local repayment, retraining, and reclamation factory, who is not 561
covered by an employee collective bargaining agreement, who is 562
hired by, and is an employee at will of, the manager of a 563
repayment, retraining, and reclamation factory, pilot work program 564
operated at a repayment, retraining, and reclamation prison, or 565
local repayment, retraining, and reclamation factory, and whom the 566
manager has made responsible in part for the operation of the 567
pilot work program at the repayment, retraining, and reclamation 568
factory, repayment, retraining, and reclamation prison, or local 569
repayment, retraining, and reclamation factory. 570

(8) "State agency" means any department, board, office, 571
commission, agency, college, university, institution, or other 572
instrumentality of this or another state. 573

(9) "State and local governments" includes all of the 574
following: 575

(a) A state, county, township, city, or village; 576

(b) A state agency; 577

(c) The office of an elected officer of a county, township, 578
city, or village; 579

(d) A department, board, office, commission, agency, 580
institution, or other instrumentality of a county, township, city, 581
or village; 582

(e) A school district. 583

(B)(1) The department of rehabilitation and correction shall 584

establish and operate a pilot work program within two years after 585
the effective date of this section. For a period beginning at the 586
time the department establishes and begins to operate the pilot 587
work program and ending not later than four years after the 588
effective date of this section, the department shall operate a 589
pilot work program that is capable of accommodating a minimum of 590
fifty per cent of all eligible offenders who apply to participate 591
in the pilot work program. Not later than four years after the 592
effective date of this section, the department shall operate a 593
pilot work program that is capable of accommodating a minimum of 594
eighty per cent of all eligible offenders who apply to participate 595
in the pilot work program. The department shall not establish or 596
operate the pilot work program as a work program under sections 597
5145.16 to 5145.163 of the Revised Code or under any other work 598
program for offenders that is in operation on the effective date 599
of this section. The department may appoint a trustee or board of 600
directors to supervise the operation of the pilot work program. 601

(2) The pilot work program shall have the following goals: 602

(a) To reduce state spending on the costs of incarcerating 603
offenders in detention facilities without affecting public safety 604
by using revenue obtained from the work of pilot work program 605
participants for the costs of incarceration; 606

(b) To provide job training to pilot work program 607
participants and assist pilot work program participants in 608
obtaining occupational and professional licenses and certificates 609
in order to improve pilot work program participants' employability 610
following their release from confinement and reduce participants' 611
rate of recidivism; 612

(c) To reclaim the production of goods not made in the United 613
States in order to reduce the nation's trade deficit; 614

(d) To create, directly and indirectly, manufacturing jobs in 615

this state. 616

(C)(1)(a) An offender who is sentenced to a prison term for 617
one or more felonies of the third, fourth, or fifth degree, none 618
of which is an offense of violence, is an eligible offender and 619
may participate in the pilot work program at a repayment, 620
retraining, and reclamation factory established and operated under 621
division (J) of this section if the offender has more than two 622
months remaining on the offender's prison term or remaining on the 623
offender's prison term in combination with any remaining term in a 624
community-based correctional facility imposed on the offender by a 625
sentencing court as part of a community residential sanction. 626

(b) An offender who is sentenced to a community control 627
sanction under division (B) of section 2929.13 of the Revised Code 628
for a felony of the fourth or fifth degree that is not an offense 629
of violence is not eligible to participate in the pilot work 630
program. 631

(2) An offender who is sentenced to a prison term for one or 632
more felonies is an eligible offender and may participate in a 633
pilot work program established at a repayment, retraining, and 634
reclamation prison under division (K) of this section if the 635
offender has more than two months remaining on the offender's 636
prison term or remaining on the offender's prison term in 637
combination with any remaining term in a community-based 638
correctional facility imposed on the offender by a sentencing 639
court as part of a community residential sanction. 640

(3) The department may, based on documented safety, behavior, 641
and performance concerns, designate an offender who is eligible to 642
participate in the pilot work program under division (C)(1) or (2) 643
of this section as an ineligible offender, but shall not 644
unreasonably withhold an offender's eligibility. 645

(D)(1) An eligible offender is not required to participate in 646

the pilot work program. 647

(2) An eligible offender serving a sentence in a prison who 648
wishes to participate in the pilot work program shall submit an 649
application to participate in the pilot work program to the 650
department of rehabilitation and correction. The department shall 651
adopt rules pursuant to Chapter 119. of the Revised Code governing 652
the application process under this division. 653

(3) An offender who wishes to participate in the pilot work 654
program may submit an application to participate in the pilot work 655
program to the department of rehabilitation and correction prior 656
to sentencing. The department shall adopt rules pursuant to 657
Chapter 119. of the Revised Code governing the application process 658
under this division. 659

(4) The rules adopted under divisions (D)(2) and (3) of this 660
section shall include provisions that ensure that all offenders 661
are made aware of the pilot work program at least forty-eight 662
hours prior to the deadline for submitting an application prior to 663
sentencing and receive notice that the sentencing court may 664
include as part of the offender's sentence a sentence of up to 665
one-half of the stated prison term, subject to the limits set 666
forth in division (E)(1)(b)(ii) of this section, that the court 667
may require the offender to serve if the department removes the 668
offender from the pilot work program. 669

(E)(1)(a) The department of rehabilitation and correction 670
shall review all applications submitted to the department pursuant 671
to division (D)(2) of this section. The department shall adopt 672
rules pursuant to Chapter 119. of the Revised Code governing the 673
department's review of applications and the department's 674
identification of those applicants who are best suited to 675
participate in the pilot work program. The department shall give 676
all applicants who are eligible offenders equal access to the 677
pilot work program and shall not differentiate between applicants 678

based on educational level, chronic physical or mental illness, or 679
gender. The department shall select participants for the pilot 680
work program from those eligible offenders identified as best 681
suited to participate in the pilot work program and place those 682
participants in the pilot work program in available vacancies in 683
repayment, retraining, and reclamation factories and pilot work 684
programs established at repayment, retraining, and reclamation 685
prisons in accordance with divisions (C), (D), and (E) of this 686
section. The department shall adopt rules pursuant to Chapter 119. 687
of the Revised Code governing the department's selection of 688
eligible offenders to participate in the pilot work program from 689
those identified as best suited to participate in the pilot work 690
program. The department may use a variety of means to determine an 691
offender's suitability to participate in the pilot work program, 692
including, but not limited to, Ohio risk assessment system tools 693
and scores. 694

(b)(i) The department shall set a uniform deadline for an 695
offender's submission of an application pursuant to division 696
(D)(3) of this section. If an offender submits the application 697
prior to the deadline set by the department, the department shall 698
review the offender's application prior to the offender's 699
sentencing. The department shall determine the offender's 700
suitability to participate in the pilot work program and provide 701
written notice to the offender and the sentencing court of the 702
department's determination by a time prior to the offender's 703
sentencing that is adequate for the offender's and court's 704
consideration of the notice. The department may use a variety of 705
means to determine an offender's suitability to participate in the 706
pilot work program, including, but not limited to, Ohio risk 707
assessment system tools and scores. The deadline set by the 708
department for an offender's submission of an application pursuant 709
to division (D)(3) of this section shall be a minimum number of 710
days prior to the offender's sentencing that is sufficient to 711

allow the department to review the application, determine the 712
offender's suitability to participate in the pilot work program, 713
and provide written notification of the department's determination 714
of the offender's suitability to participate in the pilot work 715
program to the offender and the sentencing court by a time prior 716
to the offender's sentencing that is adequate for the offender's 717
and court's consideration of the notice. The department shall 718
adopt rules pursuant to Chapter 119. of the Revised Code governing 719
the department's review of the applications submitted pursuant to 720
division (D)(3) of the section, the means used to determine the 721
offender's suitability to participate in the pilot work program, 722
and for the provision of the written notification to the offender 723
and sentencing court. 724

(ii) The sentencing court shall consider the written notice 725
received from the department when sentencing the offender. If the 726
court sentences the offender to a prison term of more than two 727
months, the offender is an eligible offender under division (C) of 728
this section, the department has determined both that the offender 729
is suitable to participate in the pilot work program and that the 730
department has an available vacancy in a pilot work program 731
established at a repayment, retraining, and reclamation prison or 732
at a repayment, retraining, and reclamation factory, and the 733
department has provided written notification of the department's 734
determination to the sentencing court, the court may order the 735
department to accept the offender as a participant in the pilot 736
work program. The sentencing court may include as part of the 737
offender's sentence an additional sentence of up to one-half of 738
the stated prison term that the court may require the offender to 739
serve if the offender's participation in the pilot work program is 740
ended under division (M) of this section. The additional sentence 741
shall not exceed in combination with the stated prison term the 742
maximum prison term that the court may impose for the offense 743
under Chapter 2929. of the Revised Code. The department shall 744

place these offenders in available vacancies in repayment, 745
retraining, and reclamation factories and pilot work programs 746
established at repayment, retraining, and reclamation prisons, 747
subject to the offender being an eligible offender under division 748
(C) of this section at the time that a vacancy becomes available. 749
The court retains jurisdiction over these offenders for purposes 750
of imposing penalties under division (M) of this section if the 751
offender's participation in the pilot work program is ended. If 752
the court does not order the department to accept the offender as 753
a participant in the pilot work program, the offender may submit 754
one application to participate in the pilot work program under 755
division (D)(2) of this section while serving the offender's 756
sentence in prison. 757

(2) The department shall prioritize the placement of the 758
offenders whom the department has selected to participate in the 759
pilot work program. The department shall place the participants in 760
the following order of priority: 761

(a) Participants who applied to participate in the pilot work 762
program prior to the participant's sentencing in a county where a 763
repayment, retraining, and reclamation factory is in operation; 764

(b) Participants who applied to participate in the pilot work 765
program prior to the participant's sentencing in a county adjacent 766
to a county where a repayment, retraining, and reclamation factory 767
is in operation; 768

(c) Participants who applied to participate in the pilot work 769
program prior to the participant's sentencing in a county other 770
than a county where a repayment, retraining, and reclamation 771
factory is in operation or a county adjacent to a county where a 772
repayment, retraining, and reclamation factory is in operation; 773

(d) Participants confined in a prison. 774

(3) A sentencing court may consider an offender's submission 775

prior to sentencing of an application to participate in the pilot work program in determining the sentence to be imposed on an offender. 776
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(F)(1) Participants in the pilot work program shall manufacture goods at repayment, retraining, and reclamation factories and repayment, retraining, and reclamation prisons. 779
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(2)(a) The department of rehabilitation and correction shall pay a participant in the pilot work program for the participant's work in the pilot work program at the same rate paid to participants in work programs established under section 5145.16 of the Revised Code. The department shall designate a financial manager for the pilot work program. 782
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(b) The net earnings of a participant in the pilot work program shall be allocated in the same manner as the earnings of participants in work programs under section 5145.16 of the Revised Code. Twenty-five per cent of the earnings allocated to the account of the participant shall be held by a financial manager in accordance with divisions (F)(2)(c) and (d) of this section. 788
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(c) The financial manager shall hold the earnings surrendered by a participant on behalf of the participant, place the earnings surrendered by each participant in a separate account, and provide a monthly account statement to the participant. The financial manager shall place a participant's earnings in an interest-bearing savings account at a savings bank or in a bond account invested in bonds issued by the United States treasury, this state, or a political subdivision of this state that is chosen by the participant. 794
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(d) The financial manager shall pay out the total funds held on behalf of a participant to the participant upon the participant's release from incarceration. The financial manager shall maintain complete and accurate records with respect to all 803
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money received from and paid out to participants. 807

(G)(1) The director of rehabilitation and correction or the 808
director's designee shall determine the goods to be manufactured 809
by the participants in the pilot work program at each repayment, 810
retraining, and reclamation factory and repayment, retraining, and 811
reclamation prison. If required by division (G)(2)(d) or (3)(f) of 812
this section, the department shall discontinue the pilot work 813
program's manufacture of the good, and the director or the 814
director's designee shall determine a different good to be 815
manufactured at the repayment, retraining, and reclamation 816
factories and repayment, retraining, and reclamation prisons that 817
had been manufacturing the discontinued good. 818

(2)(a) Subject to division (G)(2)(c) of this section, in 819
determining the goods to be manufactured at each repayment, 820
retraining, and reclamation factory and repayment, retraining, and 821
reclamation prison, the director or the director's designee shall 822
consider only those goods that the director or the director's 823
designee determines can be produced by participants and sold for 824
profit on the open market on a competitive basis. The director or 825
the director's designee shall consider all of the following 826
factors in determining the goods to be manufactured: 827

(i) The potential for the department to make the most profit 828
from the good among the goods being considered, based on all 829
business factors and projections and the skills that participants 830
must have in order to produce the good; 831

(ii) The likelihood that the department will be required to 832
end the production of the good; 833

(iii) The potential that the production of the good will 834
provide the greatest opportunity for participants engaged in the 835
good's production to obtain transferable skills and professional 836
or occupational certificates and licenses. 837

(b) The department shall determine whether a good under consideration for manufacture by the pilot work program, or a substantially similar good, is being manufactured in the United States, and, if the good under consideration or a substantially similar good is being manufactured in the United States, the percentage of the world's total production of the good and any substantially similar good that is being manufactured in the United States. Goods manufactured in the United States by criminal offenders participating in other federal, state, and local work programs shall not be included in the determination of the percentage of the world's total production of a good and any substantially similar good being manufactured in the United States for purposes of this division. 838
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(c) In determining the goods to be manufactured by the pilot work program, except as otherwise provided in this division, the director or the director's designee shall choose goods that are not being manufactured, and that are not substantially similar to goods being manufactured, in the United States. However, the director or the director's designee may choose a good that is being manufactured in the United States or that is substantially similar to a good that is being manufactured in the United States if not more than one-half of one per cent of the world's total production of the good was manufactured in the United States over the preceding three years if the director has reason to believe that one or more manufacturers are manufacturing the good in the United States with the intent of preventing the pilot work program from manufacturing the good and any substantially similar good due to the restriction in this division on the choice of a good that is being manufactured in the United States. In making a determination under this division, the director or the director's designee shall examine the following factors: 851
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(i) The ownership, parent, affiliates and subsidiaries, and 869

<u>management of the manufacturers;</u>	870
(ii) <u>The source of capital of the manufacturers;</u>	871
(iii) <u>The net profits and projected net profits of the manufacturers;</u>	872 873
(iv) <u>The date manufacturing began;</u>	874
(v) <u>The relationship of the manufacturers to the world's large foreign manufacturers;</u>	875 876
(vi) <u>The independence of the manufacturers;</u>	877
(vii) <u>Other factors and circumstances relevant to the determination.</u>	878 879
(d) <u>Every ten years after the manufacture of a good by participants in the pilot work program begins at a repayment, retraining, and reclamation factory or repayment, retraining, and reclamation prison, the department shall determine whether more than one per cent of the world's total production of the good and substantially similar goods are being profitably manufactured in the United States. If more than one per cent of the world's total production of the good and substantially similar goods are being profitably manufactured in the United States at that time, the department shall discontinue the pilot work program's manufacture of that good, and the director or the director's designee shall determine in accordance with division (G)(2)(c) of this section a different good to be manufactured at the repayment, retraining, and reclamation factories and repayment, retraining, and reclamation prisons that had been manufacturing the discontinued good.</u>	880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895
(e) <u>In any legal proceeding challenging the department's determination of a good to be manufactured by the participants in the pilot work program, a court shall use objective market data to determine the percentage of the good and substantially similar</u>	896 897 898 899

goods that are being manufactured in the United States. The court shall make its determination in an expeditious manner but shall not issue an injunction against the pilot work program's manufacture of the selected good prior to the court's determination. 900
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(3)(a) The department may contract with a private individual, corporation, partnership, or association for work for participants in the pilot work program that involves the assembly, processing, manufacture, or repair of parts or components for goods being manufactured or produced by the contracting party if the director or the director's designee determines that the pilot work program is unable or is not likely to produce a good that can be sold for profit on the open market on a competitive basis or determines that such a contract would better meet the needs and obtain the goals of the pilot work program. All contracts shall be made in writing. The department shall use any profits resulting from the contract to pay the expenses of the pilot work program. The contract shall comply with the Revised Code and federal law. 905
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(b) The department shall advertise for written contract offers in a newspaper of general circulation in the county where the participants would be engaged in the assembly, processing, manufacture, or repair of the parts or components. The department shall adopt rules under Chapter 119. of the Revised Code pertaining to the advertisement for and receipt of contract offers. 918
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(c) The director or the director's designee shall consider only work that will meet the needs and obtain the goals of the pilot work program. The director or the director's designee, and any other person involved in reviewing contract offers, shall consider all of the following factors prior to entering into the contract: 925
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(i) The amount of profit the department would make from 931

entering into and participating in the contract; 932

(ii) The skills that participants must have in order to 933
assemble, process, manufacture, or repair the parts or components 934
that would be assembled, processed, manufactured, or repaired 935
under the contract; 936

(iii) The likelihood that the department will be required to 937
end the assembly, processing, manufacture, or repair of the parts 938
or components for the contracting party; 939

(iv) The opportunity for participants engaged in the 940
assembly, processing, manufacture, or repair of the parts or 941
components to obtain transferable skills and professional or 942
occupational certificates and licenses. 943

(d) The director or the director's designee may reject any or 944
all of the initial contract offers. If the director or the 945
director's designee rejects all of the initial contract offers, 946
the department shall readvertise for contract offers and may 947
continue to readvertise for contract offers until the director or 948
the director's designee enters into a contract for work under 949
division (G)(3) of this section or elects to proceed under 950
division (G)(2) of this section. 951

(e) No person involved in the selection of a contract for a 952
work project for participants in the pilot work program shall have 953
any interest, directly or indirectly, in any contract or lease 954
entered into by the department. 955

(f) If the contracting party ends the manufacture or 956
production of the goods or components that were the subject of the 957
contract or at the end of the contract unless the contract is 958
renewed, the department shall discontinue the pilot work program's 959
manufacture of the parts or components, and the director or the 960
director's designee shall determine a different good to be 961
manufactured at the repayment, retraining, and reclamation 962

factories and repayment, retraining, and reclamation prisons that 963
had been manufacturing the parts or components. 964

(H)(1) If the department of rehabilitation and correction 965
manufactures a good selected pursuant to division (G)(2) of this 966
section, the department shall sell the goods manufactured by the 967
pilot work program on the open market in this state for the 968
greatest possible profit. The department shall use any profit 969
resulting to pay the expenses of the pilot work program. The 970
department shall pay any expenses of the pilot work program that 971
are not paid from the profit resulting from the operation of the 972
pilot work program. 973

(2) The department may actively market the goods manufactured 974
by the pilot work program pursuant to division (G)(2) of this 975
section to the federal government, the state and local governments 976
of this state, state and local governments of other states, the 977
District of Columbia, and all not-for-profit organizations in the 978
United States or elsewhere. 979

(3) The department shall not transport or arrange for the 980
transportation of the goods in interstate commerce in violation of 981
18 U.S.C. 1761. The department shall attempt to obtain a waiver 982
from the federal government from the provisions of 18 U.S.C. 1761 983
or find an alternative method for legally transporting and selling 984
the goods manufactured by the pilot work program on the open 985
market in other states and countries. If the department obtains a 986
waiver from the federal government, the department may sell the 987
goods manufactured by the pilot work program on the open market in 988
other states and countries. 989

(4) The department may acquire or develop intellectual 990
property of any kind in connection with the operation of the pilot 991
work program, including, but not limited to, patents, inventions, 992
discoveries, processes, or ideas, subject to the discretion of the 993
director or the director's designee, and may apply for and secure 994

patents from the United States patent and trademark office. The 995
department may protect the department's patent rights in 996
accordance with Title 35 of the United States Code. 997

(I)(1) The department of rehabilitation and correction, to 998
the extent consistent with the operation of the pilot work 999
program, shall assist participants in learning a trade or in 1000
obtaining a certificate or license to engage in an occupation or 1001
profession. 1002

(2) The department shall maintain records of a participant's 1003
work history in the pilot work program, including, but not limited 1004
to, the department's monthly performance ratings of the 1005
participant, and shall provide these records to an employer at the 1006
request of the participant. 1007

(J)(1)(a) Each county in which a repayment, retraining, and 1008
reclamation factory is established and operated shall have a 1009
population in excess of five hundred thousand. Each repayment, 1010
retraining, and reclamation factory shall be designed to 1011
accommodate at least one thousand participants. 1012

(b) The department shall not operate a repayment, retraining, 1013
and reclamation factory in or on the grounds of a prison or jail. 1014
The department shall locate the repayment, retraining, and 1015
reclamation factories in a variety of urban, suburban, and rural 1016
locations that are at least one mile from a prison. 1017

(c) The department shall construct, renovate, or acquire 1018
housing near each repayment, retraining, and reclamation factory 1019
that is within walking distance from the repayment, retraining, 1020
and reclamation factory. Participants residing in the housing 1021
shall be under the custody of the department. The housing and 1022
repayment, retraining, and reclamation factory shall have minimal 1023
security and maximum flexibility to achieve maximum productivity. 1024

(2)(a) The department shall appoint or hire managers who 1025

shall be responsible for the operation of each repayment, 1026
retraining, and reclamation factory and each pilot work program 1027
established at a repayment, retraining, and reclamation prison. 1028
The department shall set the salary of the managers. The manager 1029
of a repayment, retraining, and reclamation factory shall have the 1030
authority to hire and fire the senior staff at the repayment, 1031
retraining, and reclamation factory at the manager's discretion. 1032
The manager of a pilot work program at a repayment, retraining, 1033
and reclamation prison shall have the authority to hire and fire 1034
the pilot work program senior staff at the manager's discretion. 1035
The manager shall set the salaries of the senior staff. The 1036
salaries shall not exceed the manager's salary. If the department 1037
objects to any of the salaries set by the manager for senior 1038
staff, the salary must be approved by the controlling board. 1039

(b) The department shall award a bonus to the manager and 1040
senior staff of a repayment, retraining, and reclamation factory 1041
or a pilot work program operated at a repayment, retraining, and 1042
reclamation prison based on the net profit resulting from the 1043
operation of that repayment, retraining, and reclamation factory 1044
or that pilot work program. Twenty per cent of the net profit 1045
shall be awarded to the manager and senior staff, weighted based 1046
on salary. 1047

(3)(a) The department shall be responsible for the 1048
construction and renovation of manufacturing facilities at 1049
repayment, retraining, and reclamation factories, as needed. The 1050
department may enter into any contracts and perform any other 1051
functions necessary for the construction of repayment, retraining, 1052
and reclamation factories or may require the department of 1053
administrative services to enter into a lease-purchase plan under 1054
division (A)(10) of section 123.01 of the Revised Code providing 1055
for the construction of a repayment, retraining, and reclamation 1056
factory and the lease of the factory to the department of 1057

rehabilitation and correction. 1058

(b) The department may enter into any contracts and perform any other functions necessary for the operation and maintenance of repayment, retraining, and reclamation factories and for the renovation of manufacturing facilities at repayment, retraining, and reclamation factories as needed. 1059
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(c) At the discretion of the director, a participant in the pilot work program may assist in the construction or renovation of a repayment, retraining, and reclamation factory. To the extent practical, participants in the pilot work program shall provide maintenance, cleaning, and dietary services at repayment, retraining, and reclamation factories and at repayment, retraining, and reclamation prisons to make repayment, retraining, and reclamation factories and repayment, retraining, and reclamation prisons as self-sufficient as possible, unless the director determines it is more profitable, on a per-participant basis, to contract for services. The director's determination shall be included in the written report distributed to each member of the general assembly under division (N)(1) of this section. 1064
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(4) A repayment, retraining, and reclamation factory qualifies as a community-based correctional facility and program and may receive awards from the local government innovation fund as a local government innovation project. 1077
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(5) A repayment, retraining, and reclamation factory qualifies as a state correctional institution for purposes of section 103.73 of the Revised Code. 1081
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(6) The state highway patrol shall investigate any criminal offense that allegedly has been committed in or on the grounds of, or in connection with, a repayment, retraining, and reclamation factory. 1084
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(7) The department shall provide security at repayment, 1088

retraining, and reclamation factories. 1089

(K) The department of rehabilitation and correction, with the 1090
authorization of the director of the department, may establish and 1091
operate the pilot work program in any prison. The director shall 1092
not authorize the operation of a pilot work program at a prison 1093
unless the director determines that the pilot work program can be 1094
operated profitably at the prison and a sufficient number of 1095
participants and qualified applicants are available as necessary 1096
for the operation of the pilot work program. 1097

(L) Subject to section 2929.14 of the Revised Code or any 1098
other section of the Revised Code that prohibits the reduction of 1099
a prison term, a participant serving a prison term for one or more 1100
offenses shall earn one day of credit as a deduction from the 1101
participant's prison term for each day during which the 1102
participant productively participates in the pilot work program at 1103
a repayment, retraining, and reclamation factory. The department 1104
of rehabilitation and correction shall adopt rules pursuant to 1105
Chapter 119. of the Revised Code defining what constitutes 1106
productive participation and setting procedures for determining 1107
whether a participant is productively participating in the pilot 1108
work program. 1109

(M)(1)(a) If a participant at a repayment, retraining, and 1110
reclamation factory or repayment, retraining, and reclamation 1111
prison violates any of the rules adopted by the department of 1112
rehabilitation and correction for the operation of the pilot work 1113
program, the director of the department or, if authorized by the 1114
director, the manager of the participant's repayment, retraining, 1115
and reclamation factory or pilot work program at a repayment, 1116
retraining, and reclamation prison, may end the offender's 1117
participation in the pilot work program. The director may end any 1118
offender's participation in the pilot work program, at the 1119
director's discretion, at any time. A participant has no property 1120

right in the participant's selection to or participation in the 1121
pilot work program. 1122

(b) A participant may resign from the pilot work program at 1123
any time by submitting notice of the participant's resignation to 1124
the department of rehabilitation and correction or the manager of 1125
the participant's repayment, retraining, and reclamation factory 1126
or pilot work program at a repayment, retraining, and reclamation 1127
prison. The participant's resignation may be considered by the 1128
department if the offender applies to participate in the pilot 1129
work program at a later date. 1130

(2) The department shall return a participant who resigns 1131
from the pilot work program to prison to serve the remainder of 1132
the offender's prison term. If the director or the manager of a 1133
participant's repayment, retraining, and reclamation factory or 1134
pilot work program at a repayment, retraining, and reclamation 1135
prison ends an offender's participation in the pilot work program 1136
and the offender was selected to participate in the pilot work 1137
program under division (E)(1) of this section, the department 1138
shall return the offender to prison to serve the remainder of the 1139
offender's prison term except as provided in division (M)(3) of 1140
this section. 1141

(3) If the director or the manager of a participant's 1142
repayment, retraining, and reclamation factory or pilot work 1143
program at a repayment, retraining, and reclamation prison ends an 1144
offender's participation in the pilot work program due to the 1145
offender's violation of the rules adopted by the department under 1146
division (O) of this section, the department shall notify the 1147
offender's sentencing court, and the sentencing court shall return 1148
the offender to prison to serve the remainder of the offender's 1149
prison term and may impose any additional prison term that the 1150
court included in the offender's sentence under division 1151
(E)(1)(b)(ii) of this section. 1152

(N)(1) Each fifth year after the establishment of the pilot work program, the director of rehabilitation and correction shall prepare a written report on the operation of the pilot work program. The report shall contain the director's recommendations for the operation of the pilot work program. The department shall distribute a copy of the director's report to each member of the general assembly. 1153
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(2) Annually after the establishment of the pilot work program, the director of rehabilitation and correction shall prepare a written report on the effectiveness of the pilot work program, the condition of the finances of the pilot work program, the impact of the pilot work program on the rate of recidivism of those participants in the pilot work program who did not resign from and were not removed from the pilot work program, and all direct and indirect financial savings that result from the operation of the pilot work program. 1160
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(O) The department of rehabilitation and correction may adopt pursuant to Chapter 119. of the Revised Code any rules not otherwise required by this section that are necessary to implement and operate the pilot work program. Rules adopted by the department pursuant to section 5145.03 of the Revised Code shall not apply to the pilot work program. 1169
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(P) All records pertaining to the establishment and operation of the pilot work program kept by any public office are public records as defined in section 149.43 of the Revised Code. 1175
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Sec. 5120.0371. (A)(1) At any time after two years after the effective date of this section, a board of county commissioners, by resolution, may establish a local pilot work program and establish and operate a local repayment, retraining, and reclamation factory or may enter into a contract with one or more counties to establish a local pilot work program and establish and 1178
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operate a local repayment, retraining, and reclamation factory, if 1184
the county, or the counties that have entered into such an 1185
agreement determine that the county or counties will be able to do 1186
both of the following: 1187

(a) Establish and operate a local repayment, retraining, and 1188
reclamation factory that can accommodate a minimum of five hundred 1189
participants; 1190

(b) Fill a minimum of eighty per cent of the local repayment, 1191
retraining, and reclamation factory's positions for a minimum 1192
period of ten years. 1193

(2) The state shall fund all local repayment, retraining, and 1194
reclamation factories established under this division from the 1195
same line item appropriation amount in each biennial operating 1196
appropriation act that funds community-based correctional 1197
facilities, if the county or counties substantiate that the county 1198
or counties are able to establish and operate a local repayment, 1199
retraining, and reclamation factory in accordance with division 1200
(A)(1) of this section. All profits resulting from the operation 1201
of a local repayment, retraining, and reclamation factory shall be 1202
deposited into the state treasury to the credit of the fund that 1203
funds community-based correctional facilities. 1204

(3) The sheriff of the county in which the local repayment, 1205
retraining, and reclamation factory is located shall supervise the 1206
local pilot work program and the operation of the local repayment, 1207
retraining, and reclamation factory. 1208

(B) A local pilot work program shall have the following 1209
goals: 1210

(1) To reduce county spending on the costs of incarcerating 1211
misdemeanants in jails without affecting public safety; 1212

(2) To provide job training to local pilot work program 1213
participants and assist local pilot work program participants in 1214

obtaining occupational and professional licenses and certificates 1215
in order to improve a local pilot work program participant's 1216
employability following the participant's release from jail or 1217
completion of the participant's period of community control 1218
sanctions; 1219

(3) To reclaim the production of goods not made in the United 1220
States in order to reduce the nation's trade deficit; 1221

(4) To create, directly and indirectly, manufacturing jobs in 1222
the state. 1223

(C)(1) If an offender is convicted of or pleads guilty to a 1224
felony of the fourth or fifth degree that is not an offense of 1225
violence and has been sentenced to a community control sanction 1226
under section 2929.13 of the Revised Code or submits an 1227
application to participate in the local pilot work program prior 1228
to sentencing, or is convicted of or pleads guilty to one or more 1229
misdemeanors none of which is an offense of violence, the offender 1230
is eligible to participate in a local pilot work program at a 1231
local repayment, retraining, and reclamation factory established 1232
and operated under this section if the offender has not less than 1233
two months remaining on the term of the offender's community 1234
control sanction or jail term. 1235

(2) The sheriff may, based on documented safety, behavior, 1236
and performance concerns, designate an offender who is an eligible 1237
offender under division (C)(1) of this section as an ineligible 1238
offender, but shall not unreasonably withhold an offender's 1239
eligibility. 1240

(D)(1) An eligible offender is not required to participate in 1241
the local pilot work program. 1242

(2) An eligible offender serving a sentence in a jail or 1243
serving a community control sanction who wishes to participate in 1244
a local pilot work program shall submit an application to 1245

participate in the local pilot work program to the sheriff of the 1246
county in which a local repayment, retraining, and reclamation 1247
factory is established and operating. The sheriff shall adopt 1248
rules governing the application process under this division. 1249

(3) An eligible offender who wishes to participate in a local 1250
pilot work program may submit an application to participate in the 1251
local pilot work program to the sheriff of the county in which a 1252
local repayment, retraining, and reclamation factory is 1253
established and operating prior to sentencing. The sheriff shall 1254
adopt rules governing the application process under this division. 1255

(4) The rules adopted under division (D)(3) of this section 1256
shall include provisions that ensure that all eligible offenders 1257
are made aware of the local pilot work program at least 1258
forty-eight hours prior to the deadline for submitting an 1259
application prior to sentencing. The rules also shall include 1260
provisions that ensure that all eligible misdemeanants receive 1261
notice that the sentencing court may include as part of the 1262
misdemeanant's sentence a sentence of up to one-half of the 1263
offender's jail term, subject to the limits set forth in division 1264
(E)(1)(b)(iii) of this section, that the court may require the 1265
offender to serve if the sheriff removes the offender from the 1266
local pilot work program and that all eligible offenders sentenced 1267
to a community control sanction receive notice that the offender 1268
shall be required to serve the remainder of the offender's 1269
community control sanction if the sheriff removes the offender 1270
from the local pilot work program. The sheriff of the county in 1271
which an eligible offender will be sentenced shall provide the 1272
notices required by this division. 1273

(E)(1)(a)(i) The sheriff shall review all applications 1274
submitted to the sheriff pursuant to division (D)(2) of this 1275
section. The sheriff shall adopt rules governing the sheriff's 1276
review of the applications and the sheriff's identification of 1277

those applicants who are best suited to participate in the local 1278
pilot work program. The sheriff shall give all applicants who are 1279
eligible offenders equal access to the local pilot work program 1280
and shall not differentiate between applicants based on 1281
educational level, chronic physical or mental illness, or gender. 1282
The sheriff, with the written consent of the presiding or 1283
sentencing judge or magistrate of the court where the offender's 1284
sentence was imposed, may place those applicants who the sheriff 1285
identified as best suited to participate in the local pilot work 1286
program in available vacancies in local repayment, retraining, and 1287
reclamation factories in accordance with divisions (C), (D), and 1288
(E) of this section. The sheriff may use a variety of means to 1289
determine an offender's suitability to participate in the local 1290
pilot work program, including, but not limited to, Ohio risk 1291
assessment system tools and scores. 1292

(ii) The sheriff shall adopt rules governing the sheriff's 1293
selection of eligible offenders to participate in the local pilot 1294
work program from those identified as best suited to participate 1295
in the local pilot work program and for obtaining the written 1296
consent of the sentencing court. 1297

(b)(i) The sheriff shall set a uniform deadline for an 1298
offender's submission of an application pursuant to division 1299
(D)(3) of this section. If an offender submits the application 1300
prior to the deadline set by the sheriff, the sheriff or sheriff's 1301
designee shall review the offender's application prior to the 1302
offender's sentencing. The sheriff or sheriff's designee shall 1303
determine the offender's suitability to participate in the local 1304
pilot work program and provide written notice to the offender and 1305
the sentencing court of the sheriff's or sheriff designee's 1306
determination by a time prior to the offender's sentencing that is 1307
adequate for the offender's and court's consideration of the 1308
notice. The sheriff may use a variety of means to determine an 1309

offender's suitability to participate in the local pilot work 1310
program, including, but not limited to, Ohio risk assessment 1311
system tools and scores. The deadline set by the sheriff for the 1312
offender's submission of an application pursuant to division 1313
(D)(3) of this section shall be a minimum number of days prior to 1314
the offender's sentencing that is sufficient to allow the sheriff 1315
or sheriff's designee to review the application, determine the 1316
offender's suitability to participate in the local pilot work 1317
program, and provide written notification of the sheriff's or 1318
sheriff designee's determination of the offender's suitability to 1319
participate in the local pilot work program to the offender and 1320
the sentencing court prior to the offender's sentencing that is 1321
adequate for the offender's and court's consideration of the 1322
notice. 1323

(ii) The sheriff shall adopt rules governing the sheriff's or 1324
sheriff designee's review of the applications submitted pursuant 1325
to division (D)(3) of this section, the means used to determine 1326
the offender's eligibility to participate in the local pilot work 1327
program, and for the provision of the written notification to the 1328
offender and the sentencing court. 1329

(iii) The sentencing court shall consider the written 1330
notification received from the sheriff when sentencing the 1331
offender. If the court sentences the offender to a community 1332
control sanction or a jail term of more than two months, the 1333
offender is eligible to participate in a local pilot work program 1334
under division (C) of this section, the sheriff has determined 1335
both that the offender is suitable to participate in the local 1336
pilot work program and that the local repayment, retraining, and 1337
reclamation factory has an available vacancy, and the sheriff has 1338
provided written notification of the sheriff's determination to 1339
the sentencing court, the court may order the sheriff to accept 1340
the offender as a participant in the local pilot work program. The 1341

sentencing court may include as part of an offender's jail term an 1342
additional jail term of up to one-half of the stated jail term 1343
that the court may require the offender to serve if the offender's 1344
participation in the local pilot work program is ended under 1345
division (M) of this section. The additional sentence shall not 1346
exceed in combination with the stated jail term the maximum jail 1347
term that the court may impose for the offenses under Chapter 1348
2929. of the Revised Code. The sheriff or sheriff's designee shall 1349
place these offenders in available vacancies in the local 1350
repayment, retraining, and reclamation factory, subject to the 1351
offender being an eligible offender under division (C) of this 1352
section at the time that a vacancy becomes available. The court 1353
retains jurisdiction over these offenders for purposes of imposing 1354
penalties under division (M) of this section if the offender's 1355
participation in the local pilot work program is ended. If the 1356
court does not order the sheriff or sheriff's designee to accept 1357
the offender as a participant in the local pilot work program, the 1358
offender may submit one application to participate in the local 1359
pilot work program under division (D)(2) of this section while the 1360
offender is serving a jail term or community control sanction. 1361

(2) The sheriff shall prioritize the placement of the 1362
offenders whom the sheriff has selected to participate in the 1363
local pilot work program. The sheriff shall place the participants 1364
in the following order of priority: 1365

(a) Participants who applied to participate in the local 1366
pilot work program prior to the participant's sentencing in a 1367
county operating, or under contract with one or more other 1368
counties for the operation of, a local pilot work program and 1369
local repayment, retraining, and reclamation factory; 1370

(b) Participants confined in a jail located in a county 1371
operating, or under contract with one or more other counties for 1372
the operation of, a local pilot work program and local repayment, 1373

retraining, and reclamation factory; 1374

(c) Participants who applied to participate in the local pilot work program prior to the participant's sentencing in a county adjacent to a county operating, or under contract with one or more other counties for the operation of, a local pilot work program; 1375
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(d) Participants confined in a jail located in a county adjacent to a county operating, or under contract with one or more other counties for the operation of, a local pilot work program; 1380
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(e) Participants who applied to participate in the local pilot work program prior to the participant's sentencing in a county other than those identified in divisions (E)(2)(a) and (c) of this section; 1383
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(f) Participants confined in a jail or serving a community control sanction in a county other than those identified in divisions (E)(2)(b) and (d) of this section. 1387
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(3) A sentencing court may consider an offender's submission prior to sentencing of an application to participate in the local pilot work program in determining the sentence to be imposed on an offender. 1390
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(F)(1) Participants in a local pilot work program shall manufacture goods at the local repayment, retraining, and reclamation factory. 1394
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(2)(a) The sheriff shall pay a participant in the local pilot work program for the participant's work in the local pilot work program at the same rate paid to participants in work programs established under section 5145.16 of the Revised Code. The sheriff shall designate a financial manager for the local pilot work program. 1397
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(b) The net earnings of a participant in the local pilot work 1403

program shall be allocated in the same manner as the earnings of 1404
participants in work programs under section 5145.16 of the Revised 1405
Code. Twenty-five per cent of the earnings allocated to the 1406
account of the participant shall be surrendered to and held by a 1407
financial manager in accordance with divisions (F)(2)(c) and (d) 1408
of this section. 1409

(c) The financial manager shall hold the earnings surrendered 1410
by a participant on behalf of the participant, place the earnings 1411
surrendered by each participant in a separate account, and provide 1412
a monthly account statement to the participant. The financial 1413
manager shall place a participant's earnings in an 1414
interest-bearing savings account at a savings bank or in a bond 1415
account invested in bonds issued by the United States treasury, 1416
this state, or a political subdivision of this state that is 1417
chosen by the participant. 1418

(d) The financial manager shall pay out the total funds held 1419
on behalf of a participant to the participant upon the 1420
participant's release from incarceration or completion of the 1421
participant's period of community control sanctions. The financial 1422
manager shall maintain complete and accurate records with respect 1423
to all money received from and paid out to participants. 1424

(G)(1) The sheriff or the sheriff's designee shall determine 1425
the goods to be manufactured by the participants in the local 1426
pilot work program at the local repayment, retraining, and 1427
reclamation factory. If required by division (G)(2)(d) or (3)(f) 1428
of this section, the sheriff shall discontinue the local pilot 1429
work program's manufacture of the good, and the sheriff or the 1430
sheriff's designee shall determine a different good to be 1431
manufactured at the local repayment, retraining, and reclamation 1432
factory that had been manufacturing the discontinued good. 1433

(2)(a) Subject to division (G)(2)(c) of this section, in 1434
determining the goods to be manufactured at the local repayment, 1435

retraining, and reclamation factory, the sheriff or the sheriff's 1436
designee shall consider only those goods that the sheriff or the 1437
sheriff's designee determines can be produced by participants and 1438
sold for profit on the open market on a competitive basis. The 1439
sheriff or the sheriff's designee shall consider all of the 1440
following factors in determining the goods to be manufactured: 1441

(i) The potential to make the most profit from the good among 1442
the goods being considered, based on all business factors and 1443
projections and the skills that participants must have in order to 1444
produce the good; 1445

(ii) The likelihood that the sheriff will be required to end 1446
the production of the good; 1447

(iii) The potential that the production of the good will 1448
provide the greatest opportunity for participants engaged in the 1449
good's production to obtain transferable skills and professional 1450
or occupational certificates and licenses. 1451

(b) The sheriff or sheriff's designee shall determine whether 1452
a good under consideration for manufacture by the local pilot work 1453
program, or a substantially similar good, is being manufactured in 1454
the United States, and, if the good under consideration or a 1455
substantially similar good is being manufactured in the United 1456
States, the percentage of the world's total production of the good 1457
and any substantially similar good that is being manufactured in 1458
the United States. Goods manufactured in the United States by 1459
criminal offenders participating in other federal, state, and 1460
local work programs shall not be included in the determination of 1461
the percentage of the world's total production of a good and any 1462
substantially similar good being manufactured in the United States 1463
for purposes of this division. 1464

(c) In determining the goods to be manufactured by the local 1465
pilot work program, except as otherwise provided in this division, 1466

the sheriff or the sheriff's designee shall choose goods that are 1467
not being manufactured, and that are not substantially similar to 1468
goods being manufactured, in the United States. However, the 1469
sheriff or the sheriff's designee may choose a good that is being 1470
manufactured in the United States or that is substantially similar 1471
to a good that is being manufactured in the United States if not 1472
more than one-half of one per cent of the world's total production 1473
of the good was manufactured in the United States over the 1474
preceding three years if the sheriff or sheriff's designee has 1475
reason to believe that one or more manufacturers are manufacturing 1476
the good in the United States with the intent of preventing the 1477
local pilot work program from manufacturing the good and any 1478
substantially similar good due to the restriction in this division 1479
on the choice of a good that is being manufactured in the United 1480
States. In making a determination under this division, the sheriff 1481
or the sheriff's designee shall examine the following factors: 1482

(i) The ownership, parent, affiliates and subsidiaries, and 1483
management of the manufacturers; 1484

(ii) The source of capital of the manufacturers; 1485

(iii) The net profits and projected net profits of the 1486
manufacturers; 1487

(iv) The date manufacturing began; 1488

(v) The relationship of the manufacturers to the world's 1489
large foreign manufacturers; 1490

(vi) The independence of the manufacturers; 1491

(vii) Other factors and circumstances relevant to the 1492
determination. 1493

(d) Every ten years after the manufacture of a good by 1494
participants in the local pilot work program begins at a local 1495
repayment, retraining, and reclamation factory, the sheriff or 1496

sheriff's designee shall determine whether more than one per cent 1497
of the world's total production of the good and substantially 1498
similar goods are being profitably manufactured in the United 1499
States. If more than one per cent of the world's total production 1500
of the good and substantially similar goods are being profitably 1501
manufactured in the United States at that time, the sheriff shall 1502
discontinue the local pilot work program's manufacture of that 1503
good, and the sheriff or the sheriff's designee shall determine in 1504
accordance with division (G)(2)(c) of this section a different 1505
good to be manufactured at the local repayment, retraining, and 1506
reclamation factory that had been manufacturing the discontinued 1507
good. 1508

(e) In any legal proceeding challenging the sheriff's or 1509
sheriff designee's determination of a good to be manufactured by 1510
the participants in the local pilot work program, a court shall 1511
use objective market data to determine the percentage of the good 1512
and substantially similar goods that are being manufactured in the 1513
United States. The court shall make its determination in an 1514
expeditious manner but shall not issue an injunction against the 1515
local pilot work program's manufacture of the selected good prior 1516
to the court's determination. 1517

(3)(a) The sheriff may contract with a private individual, 1518
corporation, partnership, or association for work for participants 1519
in the local pilot work program that involves the assembly, 1520
processing, manufacture, or repair of parts or components for 1521
goods being manufactured or produced by the contracting party if 1522
the sheriff or the sheriff's designee determines that the local 1523
pilot work program is unable or is not likely to produce a good 1524
that can be sold for profit on the open market on a competitive 1525
basis or determines that such a contract would better meet the 1526
needs and obtain the goals of the local pilot work program. All 1527
contracts shall be made in writing. The sheriff shall deposit all 1528

profits resulting from the contract into the state treasury to the 1529
credit of the fund that funds community-based correctional 1530
facilities. The contract shall comply with the Revised Code and 1531
federal law. 1532

(b) The sheriff shall advertise for written contract offers 1533
in a newspaper of general circulation in the county where the 1534
participants would be engaged in the assembly, processing, 1535
manufacture, or repair of the parts or components. The sheriff 1536
shall adopt rules pertaining to the advertisement for and receipt 1537
of contract offers. 1538

(c) The sheriff or the sheriff's designee shall consider only 1539
work that will meet the needs and obtain the goals of the local 1540
pilot work program. The sheriff or the sheriff's designee, and any 1541
other person involved in reviewing contract offers, shall consider 1542
all of the following factors prior to entering into the contract: 1543

(i) The amount of profit the local pilot work program would 1544
make from entering into and participating in the contract; 1545

(ii) The skills that participants must have in order to 1546
assemble, process, manufacture, or repair the parts or components 1547
that would be assembled, processed, manufactured, or repaired 1548
under the contract; 1549

(iii) The likelihood that the sheriff will be required to end 1550
the assembly, processing, manufacture, or repair of the parts or 1551
components for the contracting party; 1552

(iv) The opportunity for participants engaged in the 1553
assembly, processing, manufacture, or repair of the parts or 1554
components to obtain transferable skills and professional or 1555
occupational certificates and licenses. 1556

(d) The sheriff or the sheriff's designee may reject any or 1557
all of the initial contract offers. If the sheriff or the 1558
sheriff's designee rejects all of the initial contract offers, the 1559

sheriff shall readvertise for contract offers and may continue to 1560
readvertise for contract offers until the sheriff or the sheriff's 1561
designee enters into a contract for work under division (G)(3) of 1562
this section or elects to proceed under division (G)(2) of this 1563
section. 1564

(e) No person involved in the selection of a contract for a 1565
work project for participants in the local pilot work program 1566
shall have any interest, directly or indirectly, in any contract 1567
or lease entered into by the sheriff or the sheriff's designee. 1568

(f) If the contracting party ends the manufacture or 1569
production of the goods or components that were the subject of the 1570
contract or at the end of the contract unless the contract is 1571
renewed, the sheriff shall discontinue the local pilot work 1572
program's manufacture of the parts or components, and the sheriff 1573
or the sheriff's designee shall determine a different good to be 1574
manufactured at the local repayment, retraining, and reclamation 1575
factory that had been manufacturing the parts or components. 1576

(H)(1) If a local repayment, retraining, and reclamation 1577
factory manufactures a good selected pursuant to division (G)(2) 1578
of this section, the sheriff shall sell the goods manufactured by 1579
the local repayment, retraining, and reclamation factory on the 1580
open market in this state for the greatest possible profit. The 1581
sheriff shall deposit any profit resulting from the operation of 1582
the local repayment, retraining, and reclamation factory into the 1583
state treasury to the credit of the fund that funds 1584
community-based correctional facilities. 1585

(2) The sheriff may actively market the goods manufactured by 1586
the local pilot work program pursuant to division (G)(2) of this 1587
section to the federal government, the state and local governments 1588
of this state, state and local governments of other states, the 1589
District of Columbia, and all not-for-profit organizations in the 1590
United States or elsewhere. 1591

(3) The sheriff shall not transport or arrange for the transportation of the goods in interstate commerce in violation of 18 U.S.C. 1761. The sheriff shall attempt to obtain a waiver from the federal government from the provisions of 18 U.S.C. 1761 or find an alternative method for legally transporting and selling the goods manufactured by the local pilot work program on the open market in other states and countries. If the sheriff obtains a waiver from the federal government, the sheriff may sell the goods manufactured by the local pilot work program on the open market in other states and countries.

(4) The sheriff may acquire or develop intellectual property of any kind in connection with the operation of the local pilot work program, including, but not limited to, patents, inventions, discoveries, processes, or ideas, subject to the discretion of the sheriff or the sheriff's designee, and may apply for and secure patents from the United States patent and trademark office. The sheriff may protect the sheriff's patent rights in accordance with Title 35 of the United States Code.

(I)(1) The sheriff, to the extent consistent with the operation of the local pilot work program, shall assist participants in learning a trade or in obtaining a certificate or license to engage in an occupation or profession.

(2) The sheriff shall maintain records of a participant's work history in the local pilot work program, including, but not limited to, the sheriff's monthly performance ratings of the participant, and shall provide these records to an employer at the request of the participant.

(J) The sheriff shall not operate a local repayment, retraining, and reclamation factory in or on the grounds of a prison or jail. The sheriff shall construct, renovate, or acquire housing near each local repayment, retraining, and reclamation factory that is within walking distance from the local repayment,

retraining, and reclamation factory for those participants who are 1624
serving a jail term. Participants residing in the housing shall be 1625
under the custody of the sheriff. The housing and local repayment, 1626
retraining, and reclamation factory shall have minimal security 1627
and maximum flexibility to achieve maximum productivity. 1628

(K)(1) The sheriff shall appoint or hire a manager who shall 1629
be responsible for the operation of each local repayment, 1630
retraining, and reclamation factory. The sheriff shall set the 1631
salary of the manager. The manager of a local repayment, 1632
retraining, and reclamation factory shall have the authority to 1633
hire and fire the senior staff at the local repayment, retraining, 1634
and reclamation factory at the manager's discretion. The manager 1635
shall set the salaries of the senior staff. The salaries shall not 1636
exceed the manager's salary. If the sheriff objects to any of the 1637
salaries set by the manager for senior staff, the salary must be 1638
approved by the board of county commissioners. The sheriff shall 1639
award a bonus to the manager and senior staff of a local 1640
repayment, retraining, and reclamation factory based on the net 1641
profit resulting from the operation of that local repayment, 1642
retraining, and reclamation factory. Twenty per cent of the net 1643
profit shall be awarded to the manager and senior staff, weighted 1644
based on salary. 1645

(2)(a) The sheriff shall be responsible for the construction 1646
and renovation of manufacturing facilities at a local repayment, 1647
retraining, and reclamation factory, as needed. The sheriff may 1648
enter into any contracts and perform any other functions necessary 1649
for the construction of a local repayment, retraining, and 1650
reclamation factory. 1651

(b) The sheriff may enter into any contracts and perform any 1652
other functions necessary for the operation and maintenance of a 1653
local repayment, retraining, and reclamation factory and for the 1654
renovation of manufacturing facilities at a local repayment, 1655

retraining, and reclamation factory as needed. 1656

(c) At the discretion of the sheriff, a participant in the local pilot work program may assist in the construction or renovation of a local repayment, retraining, and reclamation factory. To the extent practical, participants in the local pilot work program shall provide maintenance, cleaning, and dietary services at the local repayment, retraining, and reclamation factory to make the local repayment, retraining, and reclamation factory as self-sufficient as possible, unless the sheriff determines it is more profitable, on a per-participant basis, to contract for services. The sheriff's determination shall be included in the written report distributed to each member of the general assembly under division (N)(1) of this section. 1657
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(3) A local repayment, retraining, and reclamation factory qualifies as a community-based correctional facility and program and may receive awards from the local government innovation fund as a local government innovation project. 1669
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(4) The sheriff shall investigate any criminal offense that allegedly has been committed in or on the grounds of, or in connection with, a local repayment, retraining, and reclamation factory. 1673
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(5) The sheriff shall provide security at the local repayment, retraining, and reclamation factory. 1677
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(L) Subject to section 2929.24 of the Revised Code or any other section of the Revised Code that prohibits the reduction of a jail term, a participant serving a jail term for one or more offenses shall earn one day of credit as a deduction from the participant's jail term for each day during which the participant productively participates in the local pilot work program at a local repayment, retraining, and reclamation factory. The sheriff shall adopt rules defining what constitutes productive 1679
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participation and setting procedures for determining whether a 1687
participant is productively participating in the local pilot work 1688
program. 1689

(M)(1)(a) If a participant at a local repayment, retraining, 1690
and reclamation factory violates any of the rules adopted by the 1691
sheriff for the operation of a local pilot work program, the 1692
sheriff or, if authorized by the sheriff, the manager of the 1693
participant's local repayment, retraining, and reclamation 1694
factory, may end the offender's participation in the local pilot 1695
work program. The sheriff may end any offender's participation in 1696
the local pilot work program, at the sheriff's discretion, at any 1697
time. A participant has no property right in the participant's 1698
selection to or participation in the local pilot work program. 1699

(b) A participant may resign from the local pilot work 1700
program at any time by submitting notice of the participant's 1701
resignation to the sheriff or the manager of the participant's 1702
local repayment, retraining, and reclamation factory. The 1703
participant's resignation may be considered by the sheriff if the 1704
offender applies to participate in the local pilot work program at 1705
a later date. 1706

(2) The sheriff shall return a participant who resigns from 1707
the local pilot work program to jail to serve the remainder of the 1708
offender's jail term or, if the offender was sentenced to a 1709
community control sanction, the sheriff shall return the 1710
participant to the control of the participant's supervising 1711
department of probation. If the sheriff or the manager of a 1712
participant's local repayment, retraining, and reclamation factory 1713
ends an offender's participation in the local pilot work program 1714
and the offender was selected to participate in the local pilot 1715
work program under division (E)(1) of this section, the sheriff 1716
shall return the offender to jail to serve the remainder of the 1717
offender's jail term or, if the offender was sentenced to a 1718

community control sanction, the sheriff shall return the 1719
participant to the control of the participant's supervising 1720
department of probation except as provided in division (M)(3) of 1721
this section. 1722

(3) If the sheriff or the manager of a participant's local 1723
repayment, retraining, and reclamation factory ends an offender's 1724
participation in the local pilot work program due to the 1725
offender's violation of the rules adopted under division (O) of 1726
this section, the sheriff shall notify the offender's sentencing 1727
court. If the offender was sentenced to a jail term, the 1728
sentencing court shall return the offender to jail to serve the 1729
remainder of the offender's jail term and may impose any 1730
additional jail term that the court included in the offender's 1731
sentence under division (E)(1)(b)(iii) of this section. If the 1732
offender was sentenced to a community control sanction, the 1733
sentencing court may impose an additional penalty under division 1734
(B) of section 2929.15 of the Revised Code as a violation of the 1735
conditions of the community control sanction. 1736

(N)(1) Each fifth year after the establishment of the local 1737
pilot work program, the sheriff shall prepare a written report on 1738
the operation of the local pilot work program. The report shall 1739
contain the sheriff's recommendations for the operation of the 1740
local pilot work program. The sheriff shall distribute a copy of 1741
the sheriff's report to each member of the general assembly and 1742
the board of county commissioners. 1743

(2) Annually after the establishment of the local pilot work 1744
program, the sheriff shall prepare a written report on the 1745
effectiveness of the local pilot work program, the condition of 1746
the finances of the local pilot work program, the impact of the 1747
local pilot work program on the rate of recidivism of those 1748
participants in the local pilot work program who did not resign 1749
from and were not removed from the local pilot work program, and 1750

all direct and indirect financial savings that result from the 1751
operation of the local pilot work program. 1752

(O) The sheriff may adopt any rules not otherwise required by 1753
this section that are necessary to implement and operate the local 1754
pilot work program. 1755

(P) All records pertaining to the establishment and operation 1756
of a local pilot work program kept by any public office are public 1757
records as defined in section 149.43 of the Revised Code. 1758

Sec. 5120.038. (A) The director of rehabilitation and 1759
correction, with the approval of the governor, may provide at one 1760
time or from time to time for the issuance of pilot work program 1761
revenue bonds of the state for the purpose of paying all or part 1762
of the cost of establishing and operating the pilot work program 1763
under section 5120.037 of the Revised Code. The principal of and 1764
interest on these bonds is payable solely from the revenues 1765
provided from the operation of the pilot work program under 1766
section 5120.037 of the Revised Code. The bonds shall recite an 1767
estimate by the director of the costs to be paid from the proceeds 1768
of the bond issue and provide for the issuance of bonds in an 1769
amount not in excess of the estimated cost. The bonds of each 1770
issue shall be dated, bear interest at a rate or rates not to 1771
exceed the rate provided in section 9.95 of the Revised Code, and 1772
mature at a time or times, not to exceed forty years from their 1773
date or dates, as determined by the director, and may be made 1774
redeemable before maturity, at the option of the director, at the 1775
price or prices and under the terms and conditions as fixed by the 1776
director prior to the issuance of the bonds. The director shall 1777
determine the form of the bonds, including the interest coupons to 1778
be attached to the bonds, and fix the denomination of the bonds 1779
and the place of payment of principal and interest of the bonds, 1780
which may be at any bank or trust company within or without the 1781

state. 1782

The bonds shall be signed by the governor, the secretary of 1783
state, and the director, provided that all but one of these 1784
signatures may be a facsimile, and shall have affixed the great 1785
seal of Ohio or a facsimile of the great seal of Ohio. Coupons 1786
attached to the bonds shall bear the facsimile signature of the 1787
director. The bonds shall contain a statement on their face that 1788
the state is not obligated to pay the face value of the bonds or 1789
the interest on the bonds and that they do not constitute a debt, 1790
or a pledge of the faith and credit, of the state or of any 1791
political subdivision of the state, but that the bonds and the 1792
interest on the bonds are payable solely from the revenues 1793
provided from the operation of the pilot work program under 1794
section 5120.037 of the Revised Code. If any of the officers whose 1795
signatures or facsimiles of their signatures appear on the bonds 1796
or coupons ceases to be such an officer before delivery of the 1797
bonds, the signatures or facsimiles are nevertheless valid and 1798
sufficient for all purposes as if they had remained in office 1799
until delivery. All the bonds shall have all the qualities and 1800
incidents of negotiable instruments under the applicable law of 1801
this state, and the bonds and the interest on the bonds are exempt 1802
from all taxation within this state. The bonds are lawful 1803
investments of banks, savings banks, trust companies, savings and 1804
loan associations, deposit guarantee associations, fiduciaries, 1805
trustees, and trustees of the sinking fund or officer in charge of 1806
the bond retirement fund of municipal corporations and other 1807
subdivisions of the state and of domestic insurance companies 1808
notwithstanding sections 3907.14 and 3925.08 of the Revised Code 1809
and are acceptable as security for deposit of public money. 1810

The bonds may be issued in coupon or registered form, or 1811
both, as the director determines, and provision may be made for 1812
the registration of any coupon bonds as to principal alone and for 1813

the exchange of coupon bonds for bonds registered as to both 1814
principal and interest, and for the reconversion into coupon bonds 1815
of any bonds registered as to both principal and interest. 1816

The director shall adopt rules for the refunding of 1817
outstanding revenue bonds. 1818

(B) The revenue bonds shall be sold by the director of 1819
rehabilitation and correction to the highest bidder therefor, but 1820
for not less than the par value of the bonds plus accrued interest 1821
on the bonds, after a notice of sale has been published once a 1822
week for three consecutive weeks in one newspaper in each of the 1823
three most populous counties in the state. The notice of sale 1824
shall state the day, hour, and place of sale, the total principal 1825
amount of the bonds to be sold, their denominations, date, and the 1826
dates and amounts of their maturities, whether or not they are 1827
callable, information relative to the rates of interest that the 1828
bonds shall bear, and the dates upon which interest is payable, 1829
and any other information the director determines advisable. 1830

(C) The proceeds of the bonds of each issue shall be used 1831
solely for the payment of the costs for which the bonds were 1832
issued. 1833

Section 2. That existing section 2929.13 of the Revised Code 1834
is hereby repealed. 1835

Section 3. This act shall be known as the "Repayment, 1836
Retraining, and Reclamation Act." 1837