

As Introduced

**130th General Assembly
Regular Session
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H. B. No. 635

Representatives Beck, Milkovich

Cosponsors: Representatives Rogers, Strahorn, Stebelton

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A B I L L

To amend sections 2929.12, 2929.16, 2929.17, 2929.22, 1
2929.26, 2929.27, and 2967.26 and to enact 2
sections 5119.16 and 5120.037 of the Revised Code 3
to require the Department of Mental Health and 4
Addiction Services to establish certain alcohol 5
and drug addiction treatment programs, to require 6
each state correctional institution to offer 7
alcohol and drug addiction treatment programs, and 8
to make an appropriation. 9

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

Section 1. That sections 2929.12, 2929.16, 2929.17, 2929.22, 10
2929.26, 2929.27, and 2967.26 be amended and sections 5119.16 and 11
5120.037 of the Revised Code be enacted to read as follows: 12

Sec. 2929.12. (A) Unless otherwise required by section 13
2929.13 or 2929.14 of the Revised Code, a court that imposes a 14
sentence under this chapter upon an offender for a felony has 15
discretion to determine the most effective way to comply with the 16
purposes and principles of sentencing set forth in section 2929.11 17
of the Revised Code. In exercising that discretion, the court 18
shall consider the factors set forth in divisions (B) and (C) of 19

this section relating to the seriousness of the conduct, the 20
factors provided in divisions (D) and (E) of this section relating 21
to the likelihood of the offender's recidivism, ~~and~~ the factors 22
set forth in division (F) of this section pertaining to the 23
offender's service in the armed forces of the United States, and 24
the factor set forth in division (G) of this section pertaining to 25
the offender's alcoholism or drug addiction with respect to the 26
felony and, in addition, may consider any other factors that are 27
relevant to achieving those purposes and principles of sentencing. 28

(B) The sentencing court shall consider all of the following 29
that apply regarding the offender, the offense, or the victim, and 30
any other relevant factors, as indicating that the offender's 31
conduct is more serious than conduct normally constituting the 32
offense: 33

(1) The physical or mental injury suffered by the victim of 34
the offense due to the conduct of the offender was exacerbated 35
because of the physical or mental condition or age of the victim. 36

(2) The victim of the offense suffered serious physical, 37
psychological, or economic harm as a result of the offense. 38

(3) The offender held a public office or position of trust in 39
the community, and the offense related to that office or position. 40

(4) The offender's occupation, elected office, or profession 41
obliged the offender to prevent the offense or bring others 42
committing it to justice. 43

(5) The offender's professional reputation or occupation, 44
elected office, or profession was used to facilitate the offense 45
or is likely to influence the future conduct of others. 46

(6) The offender's relationship with the victim facilitated 47
the offense. 48

(7) The offender committed the offense for hire or as a part 49

of an organized criminal activity. 50

(8) In committing the offense, the offender was motivated by 51
prejudice based on race, ethnic background, gender, sexual 52
orientation, or religion. 53

(9) If the offense is a violation of section 2919.25 or a 54
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 55
Code involving a person who was a family or household member at 56
the time of the violation, the offender committed the offense in 57
the vicinity of one or more children who are not victims of the 58
offense, and the offender or the victim of the offense is a 59
parent, guardian, custodian, or person in loco parentis of one or 60
more of those children. 61

(C) The sentencing court shall consider all of the following 62
that apply regarding the offender, the offense, or the victim, and 63
any other relevant factors, as indicating that the offender's 64
conduct is less serious than conduct normally constituting the 65
offense: 66

(1) The victim induced or facilitated the offense. 67

(2) In committing the offense, the offender acted under 68
strong provocation. 69

(3) In committing the offense, the offender did not cause or 70
expect to cause physical harm to any person or property. 71

(4) There are substantial grounds to mitigate the offender's 72
conduct, although the grounds are not enough to constitute a 73
defense. 74

(D) The sentencing court shall consider all of the following 75
that apply regarding the offender, and any other relevant factors, 76
as factors indicating that the offender is likely to commit future 77
crimes: 78

(1) At the time of committing the offense, the offender was 79

under release from confinement before trial or sentencing; was 80
under a sanction imposed pursuant to section 2929.16, 2929.17, or 81
2929.18 of the Revised Code; was under post-release control 82
pursuant to section 2967.28 or any other provision of the Revised 83
Code for an earlier offense or had been unfavorably terminated 84
from post-release control for a prior offense pursuant to division 85
(B) of section 2967.16 or section 2929.141 of the Revised Code; 86
was under transitional control in connection with a prior offense; 87
or had absconded from the offender's approved community placement 88
resulting in the offender's removal from the transitional control 89
program under section 2967.26 of the Revised Code. 90

(2) The offender previously was adjudicated a delinquent 91
child pursuant to Chapter 2151. of the Revised Code prior to 92
January 1, 2002, or pursuant to Chapter 2152. of the Revised Code, 93
or the offender has a history of criminal convictions. 94

(3) The offender has not been rehabilitated to a satisfactory 95
degree after previously being adjudicated a delinquent child 96
pursuant to Chapter 2151. of the Revised Code prior to January 1, 97
2002, or pursuant to Chapter 2152. of the Revised Code, or the 98
offender has not responded favorably to sanctions previously 99
imposed for criminal convictions. 100

(4) The offender has demonstrated a pattern of drug or 101
alcohol abuse that is related to the offense, and the offender 102
refuses to acknowledge that the offender has demonstrated that 103
pattern, or the offender refuses treatment for the drug or alcohol 104
abuse. 105

(5) The offender shows no genuine remorse for the offense. 106

(E) The sentencing court shall consider all of the following 107
that apply regarding the offender, and any other relevant factors, 108
as factors indicating that the offender is not likely to commit 109
future crimes: 110

(1) Prior to committing the offense, the offender had not
been adjudicated a delinquent child.

(2) Prior to committing the offense, the offender had not
been convicted of or pleaded guilty to a criminal offense.

(3) Prior to committing the offense, the offender had led a
law-abiding life for a significant number of years.

(4) The offense was committed under circumstances not likely
to recur.

(5) The offender shows genuine remorse for the offense.

(F) The sentencing court shall consider the offender's
military service record and whether the offender has an emotional,
mental, or physical condition that is traceable to the offender's
service in the armed forces of the United States and that was a
contributing factor in the offender's commission of the offense or
offenses.

(G) The sentencing court shall consider whether the offender
suffered from alcoholism or drug addiction at the time the offense
was committed and, if the court determines that the offender
suffered from alcoholism or drug addiction at that time, whether
the alcoholism or drug addiction was a contributing factor in the
offender's commission of the offense.

Sec. 2929.16. (A) Except as provided in this division, the
court imposing a sentence for a felony upon an offender who is not
required to serve a mandatory prison term may impose any community
residential sanction or combination of community residential
sanctions under this section. The court imposing a sentence for a
fourth degree felony OVI offense under division (G)(1) or (2) of
section 2929.13 of the Revised Code or for a third degree felony
OVI offense under division (G)(2) of that section may impose upon
the offender, in addition to the mandatory term of local

incarceration or mandatory prison term imposed under the 141
applicable division, a community residential sanction or 142
combination of community residential sanctions under this section, 143
and the offender shall serve or satisfy the sanction or 144
combination of sanctions after the offender has served the 145
mandatory term of local incarceration or mandatory prison term 146
required for the offense. Community residential sanctions include, 147
but are not limited to, the following: 148

(1) A term of up to six months at a community-based 149
correctional facility that serves the county; 150

(2) Except as otherwise provided in division (A)(3) of this 151
section and subject to division (D) of this section, a term of up 152
to six months in a jail; 153

(3) If the offender is convicted of a fourth degree felony 154
OVI offense and is sentenced under division (G)(1) of section 155
2929.13 of the Revised Code, subject to division (D) of this 156
section, a term of up to one year in a jail less the mandatory 157
term of local incarceration of sixty or one hundred twenty 158
consecutive days of imprisonment imposed pursuant to that 159
division; 160

(4) A term in a halfway house; 161

(5) A term in an alternative residential facility; 162

(6) If the court determines that the offender suffered from 163
alcoholism or drug addiction at the time the offense was committed 164
and that the alcoholism or drug addiction was a contributing 165
factor in the offender's commission of the offense, a term in an 166
alcohol and drug addiction treatment program established under 167
section 5119.16 of the Revised Code that is a residential program 168
and that is a secure facility. 169

(B) The court that assigns any offender convicted of a felony 170

to a residential sanction under this section may authorize the 171
offender to be released so that the offender may seek or maintain 172
employment, receive education or training, or receive treatment. A 173
release pursuant to this division shall be only for the duration 174
of time that is needed to fulfill the purpose of the release and 175
for travel that reasonably is necessary to fulfill the purposes of 176
the release. 177

(C) If the court assigns an offender to a county jail that is 178
not a minimum security misdemeanor jail in a county that has 179
established a county jail industry program pursuant to section 180
5147.30 of the Revised Code, the court shall specify, as part of 181
the sentence, whether the sheriff of that county may consider the 182
offender for participation in the county jail industry program. 183
During the offender's term in the county jail, the court shall 184
retain jurisdiction to modify its specification upon a 185
reassessment of the offender's qualifications for participation in 186
the program. 187

(D) If a court sentences an offender to a term in jail under 188
division (A)(2) or (3) of this section and if the sentence is 189
imposed for a felony of the fourth or fifth degree that is not an 190
offense of violence, the court may specify that it prefers that 191
the offender serve the term in a minimum security jail established 192
under section 341.34 or 753.21 of the Revised Code. If the court 193
includes a specification of that type in the sentence and if the 194
administrator of the appropriate minimum security jail or the 195
designee of that administrator classifies the offender in 196
accordance with section 341.34 or 753.21 of the Revised Code as a 197
minimal security risk, the offender shall serve the term in the 198
minimum security jail established under section 341.34 or 753.21 199
of the Revised Code. Absent a specification of that type and a 200
finding of that type, the offender shall serve the term in a jail 201
other than a minimum security jail established under section 202

341.34 or 753.21 of the Revised Code. 203

(E) If a person who has been convicted of or pleaded guilty 204
to a felony is sentenced to a community residential sanction as 205
described in division (A) of this section, at the time of 206
reception and at other times the person in charge of the operation 207
of the community-based correctional facility, jail, halfway house, 208
alternative residential facility, or other place at which the 209
offender will serve the residential sanction determines to be 210
appropriate, the person in charge of the operation of the 211
community-based correctional facility, jail, halfway house, 212
alternative residential facility, or other place may cause the 213
convicted offender to be examined and tested for tuberculosis, HIV 214
infection, hepatitis, including but not limited to hepatitis A, B, 215
and C, and other contagious diseases. The person in charge of the 216
operation of the community-based correctional facility, jail, 217
halfway house, alternative residential facility, or other place at 218
which the offender will serve the residential sanction may cause a 219
convicted offender in the community-based correctional facility, 220
jail, halfway house, alternative residential facility, or other 221
place who refuses to be tested or treated for tuberculosis, HIV 222
infection, hepatitis, including but not limited to hepatitis A, B, 223
and C, or another contagious disease to be tested and treated 224
involuntarily. 225

Sec. 2929.17. Except as provided in this section, the court 226
imposing a sentence for a felony upon an offender who is not 227
required to serve a mandatory prison term may impose any 228
nonresidential sanction or combination of nonresidential sanctions 229
authorized under this section. If the court imposes one or more 230
nonresidential sanctions authorized under this section, the court 231
shall impose as a condition of the sanction that, during the 232
period of the nonresidential sanction, the offender shall abide by 233
the law and shall not leave the state without the permission of 234

the court or the offender's probation officer. 235

The court imposing a sentence for a fourth degree felony OVI 236
offense under division (G)(1) or (2) of section 2929.13 of the 237
Revised Code or for a third degree felony OVI offense under 238
division (G)(2) of that section may impose upon the offender, in 239
addition to the mandatory term of local incarceration or mandatory 240
prison term imposed under the applicable division, a 241
nonresidential sanction or combination of nonresidential sanctions 242
under this section, and the offender shall serve or satisfy the 243
sanction or combination of sanctions after the offender has served 244
the mandatory term of local incarceration or mandatory prison term 245
required for the offense. The court shall not impose a term in a 246
drug treatment program as described in division (D) of this 247
section until after considering an assessment by a properly 248
credentialed treatment professional, if available. Nonresidential 249
sanctions include, but are not limited to, the following: 250

(A) A term of day reporting; 251

(B) A term of house arrest with electronic monitoring or 252
continuous alcohol monitoring or both electronic monitoring and 253
continuous alcohol monitoring, a term of electronic monitoring or 254
continuous alcohol monitoring without house arrest, or a term of 255
house arrest without electronic monitoring or continuous alcohol 256
monitoring; 257

(C) A term of community service of up to five hundred hours 258
pursuant to division (B) of section 2951.02 of the Revised Code 259
or, if the court determines that the offender is financially 260
incapable of fulfilling a financial sanction described in section 261
2929.18 of the Revised Code, a term of community service as an 262
alternative to a financial sanction; 263

(D) A term in a drug treatment program with a level of 264
security for the offender as determined by the court; 265

(E) A term of intensive probation supervision;	266
(F) A term of basic probation supervision;	267
(G) A term of monitored time;	268
(H) A term of drug and alcohol use monitoring, including random drug testing;	269 270
(I) A curfew term;	271
(J) A requirement that the offender obtain employment;	272
(K) A requirement that the offender obtain education or training;	273 274
(L) Provided the court obtains the prior approval of the victim, a requirement that the offender participate in victim-offender mediation;	275 276 277
(M) A license violation report;	278
(N) If the offense is a violation of section 2919.25 or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, if the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and if the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children, a requirement that the offender obtain counseling. This division does not limit the court in requiring the offender to obtain counseling for any offense or in any circumstance not specified in this division.	279 280 281 282 283 284 285 286 287 288 289
<u>(O) If the court determines that the offender suffered from alcoholism or drug addiction at the time the offense was committed and that the alcoholism or drug addiction was a contributing factor in the offender's commission of the offense, a term in an alcohol and drug addiction treatment program established under section 5119.16 of the Revised Code that is not a residential</u>	290 291 292 293 294 295

program. 296

Sec. 2929.22. (A) Unless a mandatory jail term is required to 297
be imposed by division (G) of section 1547.99, division (B) of 298
section 4510.14, division (G) of section 4511.19 of the Revised 299
Code, or any other provision of the Revised Code a court that 300
imposes a sentence under this chapter upon an offender for a 301
misdemeanor or minor misdemeanor has discretion to determine the 302
most effective way to achieve the purposes and principles of 303
sentencing set forth in section 2929.21 of the Revised Code. 304

Unless a specific sanction is required to be imposed or is 305
precluded from being imposed by the section setting forth an 306
offense or the penalty for an offense or by any provision of 307
sections 2929.23 to 2929.28 of the Revised Code, a court that 308
imposes a sentence upon an offender for a misdemeanor may impose 309
on the offender any sanction or combination of sanctions under 310
sections 2929.24 to 2929.28 of the Revised Code. The court shall 311
not impose a sentence that imposes an unnecessary burden on local 312
government resources. 313

(B)(1) In determining the appropriate sentence for a 314
misdemeanor, the court shall consider all of the following 315
factors: 316

(a) The nature and circumstances of the offense or offenses; 317

(b) Whether the circumstances regarding the offender and the 318
offense or offenses indicate that the offender has a history of 319
persistent criminal activity and that the offender's character and 320
condition reveal a substantial risk that the offender will commit 321
another offense; 322

(c) Whether the circumstances regarding the offender and the 323
offense or offenses indicate that the offender's history, 324
character, and condition reveal a substantial risk that the 325

offender will be a danger to others and that the offender's 326
conduct has been characterized by a pattern of repetitive, 327
compulsive, or aggressive behavior with heedless indifference to 328
the consequences; 329

(d) Whether the victim's youth, age, disability, or other 330
factor made the victim particularly vulnerable to the offense or 331
made the impact of the offense more serious; 332

(e) Whether the offender is likely to commit future crimes in 333
general, in addition to the circumstances described in divisions 334
(B)(1)(b) and (c) of this section; 335

(f) Whether the offender has an emotional, mental, or 336
physical condition that is traceable to the offender's service in 337
the armed forces of the United States and that was a contributing 338
factor in the offender's commission of the offense or offenses; 339

(g) The offender's military service record; 340

(h) Whether the offender suffered from alcoholism or drug 341
addiction at the time the offense was committed and, if the court 342
determines that the offender suffered from alcoholism or drug 343
addiction at that time, whether the alcoholism or drug addiction 344
was a contributing factor in the offender's commission of the 345
offense. 346

(2) In determining the appropriate sentence for a 347
misdemeanor, in addition to complying with division (B)(1) of this 348
section, the court may consider any other factors that are 349
relevant to achieving the purposes and principles of sentencing 350
set forth in section 2929.21 of the Revised Code. 351

(C) Before imposing a jail term as a sentence for a 352
misdemeanor, a court shall consider the appropriateness of 353
imposing a community control sanction or a combination of 354
community control sanctions under sections 2929.25, 2929.26, 355
2929.27, and 2929.28 of the Revised Code. A court may impose the 356

longest jail term authorized under section 2929.24 of the Revised Code only upon offenders who commit the worst forms of the offense or upon offenders whose conduct and response to prior sanctions for prior offenses demonstrate that the imposition of the longest jail term is necessary to deter the offender from committing a future crime.

(D)(1) A sentencing court shall consider any relevant oral or written statement made by the victim, the defendant, the defense attorney, or the prosecuting authority regarding sentencing for a misdemeanor. This division does not create any rights to notice other than those rights authorized by Chapter 2930. of the Revised Code.

(2) At the time of sentencing for a misdemeanor or as soon as possible after sentencing, the court shall notify the victim of the offense of the victim's right to file an application for an award of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code.

Sec. 2929.26. (A) Except when a mandatory jail term is required by law, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, may impose upon the offender any community residential sanction or combination of community residential sanctions under this section. Community residential sanctions include, but are not limited to, the following:

(1) A term of up to one hundred eighty days in a halfway house or community-based correctional facility or a term in a halfway house or community-based correctional facility not to exceed the longest jail term available for the offense, whichever is shorter, if the political subdivision that would have responsibility for paying the costs of confining the offender in a jail has entered into a contract with the halfway house or community-based correctional facility for use of the facility for

misdemeanor offenders; 388

(2) If the offender is an eligible offender, as defined in 389
section 307.932 of the Revised Code, a term in a community 390
alternative sentencing center or district community alternative 391
sentencing center established and operated in accordance with that 392
section, in the circumstances specified in that section, with one 393
of the conditions of the sanction being that the offender 394
successfully complete the portion of the sentence to be served in 395
the center; 396

(3) If the court determines that the offender suffered from 397
alcoholism or drug addiction at the time the offense was committed 398
and that the alcoholism or drug addiction was a contributing 399
factor in the offender's commission of the offense, a term in an 400
alcohol and drug addiction treatment program established under 401
section 5119.16 of the Revised Code that is a residential program 402
and that is a secure facility. 403

(B) A sentence to a community residential sanction under 404
division (A)(2) of this section shall be in accordance with 405
section 307.932 of the Revised Code. In all other cases, the court 406
that sentences an offender to a community residential sanction 407
under this section may do either or both of the following: 408

(1) Permit the offender to serve the offender's sentence in 409
intermittent confinement, overnight, on weekends or at any other 410
time or times that will allow the offender to continue at the 411
offender's occupation or care for the offender's family; 412

(2) Authorize the offender to be released so that the 413
offender may seek or maintain employment, receive education or 414
training, receive treatment, perform community service, or 415
otherwise fulfill an obligation imposed by law or by the court. A 416
release pursuant to this division shall be only for the duration 417
of time that is needed to fulfill the purpose of the release and 418

for travel that reasonably is necessary to fulfill the purposes of 419
the release. 420

(C) The court may order that a reasonable portion of the 421
income earned by the offender upon a release pursuant to division 422
(B) of this section be applied to any financial sanction imposed 423
under section 2929.28 of the Revised Code. 424

(D) No court shall sentence any person to a prison term for a 425
misdemeanor or minor misdemeanor or to a jail term for a minor 426
misdemeanor. 427

(E) If a court sentences a person who has been convicted of 428
or pleaded guilty to a misdemeanor to a community residential 429
sanction as described in division (A) of this section, at the time 430
of reception and at other times the person in charge of the 431
operation of the halfway house, community alternative sentencing 432
center, district community alternative sentencing center, or other 433
place at which the offender will serve the residential sanction 434
determines to be appropriate, the person in charge of the 435
operation of the halfway house, community alternative sentencing 436
center, district community alternative sentencing center, or other 437
place may cause the convicted offender to be examined and tested 438
for tuberculosis, HIV infection, hepatitis, including, but not 439
limited to, hepatitis A, B, and C, and other contagious diseases. 440
The person in charge of the operation of the halfway house, 441
community alternative sentencing center, district community 442
alternative sentencing center, or other place at which the 443
offender will serve the residential sanction may cause a convicted 444
offender in the halfway house, community alternative sentencing 445
center, district community alternative sentencing center, or other 446
place who refuses to be tested or treated for tuberculosis, HIV 447
infection, hepatitis, including, but not limited to, hepatitis A, 448
B, and C, or another contagious disease to be tested and treated 449
involuntarily. 450

(F) A political subdivision may enter into a contract with a halfway house for use of the halfway house to house misdemeanor offenders under a sanction imposed under division (A)(1) of this section.

Sec. 2929.27. (A) Except when a mandatory jail term is required by law, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, may impose upon the offender any nonresidential sanction or combination of nonresidential sanctions authorized under this division. Nonresidential sanctions include, but are not limited to, the following:

(1) A term of day reporting;

(2) A term of house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, a term of electronic monitoring or continuous alcohol monitoring without house arrest, or a term of house arrest without electronic monitoring or continuous alcohol monitoring;

(3) A term of community service of up to five hundred hours for a misdemeanor of the first degree or two hundred hours for a misdemeanor of the second, third, or fourth degree;

(4) A term in a drug treatment program with a level of security for the offender as determined necessary by the court;

(5) A term of intensive probation supervision;

(6) A term of basic probation supervision;

(7) A term of monitored time;

(8) A term of drug and alcohol use monitoring, including random drug testing;

(9) A curfew term;

(10) A requirement that the offender obtain employment;

(11) A requirement that the offender obtain education or training; 480
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(12) Provided the court obtains the prior approval of the victim, a requirement that the offender participate in victim-offender mediation; 482
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(13) If authorized by law, suspension of the offender's privilege to operate a motor vehicle, immobilization or forfeiture of the offender's motor vehicle, a requirement that the offender obtain a valid motor vehicle operator's license, or any other related sanction; 485
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(14) A requirement that the offender obtain counseling if the offense is a violation of section 2919.25 or a violation of section 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, if the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and if the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children. This division does not limit the court in requiring that the offender obtain counseling for any offense or in any circumstance not specified in this division. 490
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(15) If the court determines that the offender suffered from alcoholism or drug addiction at the time the offense was committed and that the alcoholism or drug addiction was a contributing factor in the offender's commission of the offense, a term in an alcohol and drug addiction treatment program established under section 5119.16 of the Revised Code that is not a residential program. 501
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(B) If the court imposes a term of community service pursuant to division (A)(3) of this section, the offender may request that the court modify the sentence to authorize the offender to make a 508
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reasonable contribution, as determined by the court, to the 511
general fund of the county, municipality, or other local entity 512
that provides funding to the court. The court may grant the 513
request if the offender demonstrates a change in circumstances 514
from the date the court imposes the sentence or that the 515
modification would otherwise be in the interests of justice. If 516
the court grants the request, the offender shall make a reasonable 517
contribution to the court, and the clerk of the court shall 518
deposit that contribution into the general fund of the county, 519
municipality, or other local entity that provides funding to the 520
court. If more than one entity provides funding to the court, the 521
clerk shall deposit a percentage of the reasonable contribution 522
equal to the percentage of funding the entity provides to the 523
court in that entity's general fund. 524

(C) In addition to the sanctions authorized under division 525
(A) of this section, the court imposing a sentence for a 526
misdemeanor, other than a minor misdemeanor, upon an offender who 527
is not required to serve a mandatory jail term may impose any 528
other sanction that is intended to discourage the offender or 529
other persons from committing a similar offense if the sanction is 530
reasonably related to the overriding purposes and principles of 531
misdemeanor sentencing. 532

(D) The court imposing a sentence for a minor misdemeanor may 533
impose a term of community service in lieu of all or part of a 534
fine. The term of community service imposed for a minor 535
misdemeanor shall not exceed thirty hours. After imposing a term 536
of community service, the court may modify the sentence to 537
authorize a reasonable contribution, as determined by the court, 538
to the appropriate general fund as provided in division (B) of 539
this section. 540

Sec. 2967.26. (A)(1) The department of rehabilitation and 541

correction, by rule, ~~may~~ shall establish a transitional control 542
program for the purpose of closely monitoring a prisoner's 543
adjustment to community supervision during the final one hundred 544
eighty days of the prisoner's confinement, and, in the case of a 545
prisoner who is an alcoholic or drug addicted offender, for the 546
purposes of providing the prisoner with alcoholism or drug 547
addiction treatment and of monitoring the prisoner's adjustment to 548
community supervision during the final two years of the prisoner's 549
confinement. ~~If~~ After the department establishes a transitional 550
control program under this division, the division of parole and 551
community services of the department of rehabilitation and 552
correction may transfer eligible prisoners to transitional control 553
status under the program during the final one hundred eighty days 554
of their confinement ~~and~~ or, in the case of alcoholic or drug 555
addicted offenders, during the final two years of their 556
confinement, under the terms and conditions established by the 557
department, the division shall provide for the confinement as 558
provided in this division of each eligible prisoner so 559
transferred, and the division shall supervise as provided in this 560
division each eligible prisoner so transferred ~~in one or more~~ 561
~~community control sanctions.~~ Each eligible prisoner who is 562
transferred to transitional control status under the program shall 563
be confined in a secure alcohol and drug addiction treatment 564
program if the prisoner is an alcoholic or drug addicted offender 565
or, if the eligible prisoner is not an alcoholic or drug addicted 566
offender, either shall be confined in a suitable facility that is 567
licensed pursuant to division (C) of section 2967.14 of the 568
Revised Code, or shall be confined in a residence the department 569
has approved for this purpose and be monitored pursuant to an 570
electronic monitoring device, as defined in section 2929.01 of the 571
Revised Code. ~~If the department establishes a transitional control~~ 572
~~program under this division, the~~ The division shall supervise each 573
eligible prisoner who is so transferred to transitional control 574

under the program in a community control sanction that is a secure 575
alcohol and drug addiction treatment program if the prisoner is an 576
alcoholic or drug addicted offender or, if the eligible prisoner 577
is not an alcoholic or drug addicted offender, in one or more 578
community control sanctions. The rules establishing the program 579
shall include criteria that define which prisoners are eligible 580
for the program, criteria that must be satisfied to be approved as 581
a residence that may be used for confinement under the program of 582
a prisoner ~~that is~~ transferred to it who is not an alcoholic or 583
drug addicted offender and procedures for the department to 584
approve residences that satisfy those criteria, and provisions of 585
the type described in division (C) of this section. At a minimum, 586
the criteria that define which prisoners are eligible for the 587
program shall provide all of the following: 588

(a) That a prisoner is eligible for the program if the 589
prisoner is serving a prison term or term of imprisonment for an 590
offense committed prior to March 17, 1998, and if, at the time at 591
which eligibility is being determined, the prisoner would have 592
been eligible for a furlough under this section as it existed 593
immediately prior to March 17, 1998, or would have been eligible 594
for conditional release under former section 2967.23 of the 595
Revised Code as that section existed immediately prior to March 596
17, 1998; 597

(b) That no prisoner who is serving a mandatory prison term 598
is eligible for the program until after expiration of the 599
mandatory term; 600

(c) That no prisoner who is serving a prison term or term of 601
life imprisonment without parole imposed pursuant to section 602
2971.03 of the Revised Code is eligible for the program; 603

(d) That, subject to divisions (A)(1)(a), (b), and (c) of 604
this section, prisoners who are serving a prison term or term of 605
imprisonment and who are alcoholic or drug addicted offenders are 606

eligible for the program during the final two years of their 607
confinement and that no prisoner who is serving a prison term or 608
term of imprisonment who is not an alcoholic or drug addicted 609
offender is eligible for the program except during the final one 610
hundred eighty days of the prisoner's confinement. 611

(2) At least sixty days prior to transferring to transitional 612
control under this section a prisoner who is serving a term of 613
imprisonment or prison term of two years or less for an offense 614
committed on or after July 1, 1996, the division of parole and 615
community services of the department of rehabilitation and 616
correction shall give notice of the pendency of the transfer to 617
transitional control to the court of common pleas of the county in 618
which the indictment against the prisoner was found and of the 619
fact that the court may disapprove the transfer of the prisoner to 620
transitional control and shall include the institutional summary 621
report prepared by the head of the state correctional institution 622
in which the prisoner is confined. The head of the state 623
correctional institution in which the prisoner is confined, upon 624
the request of the division of parole and community services, 625
shall provide to the division for inclusion in the notice sent to 626
the court under this division an institutional summary report on 627
the prisoner's conduct in the institution and in any institution 628
from which the prisoner may have been transferred. The 629
institutional summary report shall cover the prisoner's 630
participation in school, vocational training, work, treatment, and 631
other rehabilitative activities and any disciplinary action taken 632
against the prisoner. If the court disapproves of the transfer of 633
the prisoner to transitional control, the court shall notify the 634
division of the disapproval within thirty days after receipt of 635
the notice. If the court timely disapproves the transfer of the 636
prisoner to transitional control, the division shall not proceed 637
with the transfer. If the court does not timely disapprove the 638
transfer of the prisoner to transitional control, the division may 639

transfer the prisoner to transitional control. 640

(3)(a) If the victim of an offense for which a prisoner was 641
sentenced to a prison term or term of imprisonment has requested 642
notification under section 2930.16 of the Revised Code and has 643
provided the department of rehabilitation and correction with the 644
victim's name and address or if division (A)(3)(b) of this section 645
applies, the division of parole and community services, at least 646
sixty days prior to transferring the prisoner to transitional 647
control pursuant to this section, shall notify the victim of the 648
pendency of the transfer and of the victim's right to submit a 649
statement to the division regarding the impact of the transfer of 650
the prisoner to transitional control. If the victim subsequently 651
submits a statement of that nature to the division, the division 652
shall consider the statement in deciding whether to transfer the 653
prisoner to transitional control. 654

(b) If a prisoner is incarcerated for the commission of 655
aggravated murder, murder, or an offense of violence that is a 656
felony of the first, second, or third degree or under a sentence 657
of life imprisonment, except as otherwise provided in this 658
division, the notice described in division (A)(3)(a) of this 659
section shall be given regardless of whether the victim has 660
requested the notification. The notice described in division 661
(A)(3)(a) of this section shall not be given under this division 662
to a victim if the victim has requested pursuant to division 663
(B)(2) of section 2930.03 of the Revised Code that the victim not 664
be provided the notice. If notice is to be provided to a victim 665
under this division, the authority may give the notice by any 666
reasonable means, including regular mail, telephone, and 667
electronic mail, in accordance with division (D)(1) of section 668
2930.16 of the Revised Code. If the notice is based on an offense 669
committed prior to March 22, 2013, the notice also shall include 670
the opt-out information described in division (D)(1) of section 671

2930.16 of the Revised Code. The authority, in accordance with 672
division (D)(2) of section 2930.16 of the Revised Code, shall keep 673
a record of all attempts to provide the notice, and of all notices 674
provided, under this division. 675

Division (A)(3)(b) of this section, and the notice-related 676
provisions of divisions (E)(2) and (K) of section 2929.20, 677
division (D)(1) of section 2930.16, division (H) of section 678
2967.12, division (E)(1)(b) of section 2967.19, division (D)(1) of 679
section 2967.28, and division (A)(2) of section 5149.101 of the 680
Revised Code enacted in the act in which division (A)(3)(b) of 681
this section was enacted, shall be known as "Roberta's Law." 682

(4) The department of rehabilitation and correction, at least 683
sixty days prior to transferring a prisoner to transitional 684
control pursuant to this section, shall post on the database it 685
maintains pursuant to section 5120.66 of the Revised Code the 686
prisoner's name and all of the information specified in division 687
(A)(1)(c)(iv) of that section. In addition to and independent of 688
the right of a victim to submit a statement as described in 689
division (A)(3) of this section or to otherwise make a statement 690
and in addition to and independent of any other right or duty of a 691
person to present information or make a statement, any person may 692
send to the division of parole and community services at any time 693
prior to the division's transfer of the prisoner to transitional 694
control a written statement regarding the transfer of the prisoner 695
to transitional control. In addition to the information, reports, 696
and statements it considers under divisions (A)(2) and (3) of this 697
section or that it otherwise considers, the division shall 698
consider each statement submitted in accordance with this division 699
in deciding whether to transfer the prisoner to transitional 700
control. 701

(B) Each prisoner transferred to transitional control under 702
this section shall be confined in the manner described in division 703

(A) of this section during any period of time that the prisoner is 704
not actually working at the prisoner's approved employment, 705
engaged in a vocational training or another educational program, 706
engaged in another program designated by the director, or engaged 707
in other activities approved by the department. 708

(C) The department of rehabilitation and correction shall 709
adopt rules for transferring eligible prisoners to transitional 710
control, supervising and confining prisoners so transferred, 711
administering the transitional control program in accordance with 712
this section, and using the moneys deposited into the transitional 713
control fund established under division (E) of this section. 714

(D) The department of rehabilitation and correction may adopt 715
rules for the issuance of passes for the limited purposes 716
described in this division to prisoners who are transferred to 717
transitional control under this section. If the department adopts 718
rules of that nature, the rules shall govern the granting of the 719
passes and shall provide for the supervision of prisoners who are 720
temporarily released pursuant to one of those passes. Upon the 721
adoption of rules under this division, the department may issue 722
passes to prisoners who are transferred to transitional control 723
status under this section in accordance with the rules and the 724
provisions of this division. All passes issued under this division 725
shall be for a maximum of forty-eight hours and may be issued only 726
for the following purposes: 727

(1) To visit a relative in imminent danger of death; 728

(2) To have a private viewing of the body of a deceased 729
relative; 730

(3) To visit with family; 731

(4) To otherwise aid in the rehabilitation of the prisoner. 732

(E) The division of parole and community services may require 733
a prisoner who is transferred to transitional control to pay to 734

the division the reasonable expenses incurred by the division in 735
supervising or confining the prisoner while under transitional 736
control. Inability to pay those reasonable expenses shall not be 737
grounds for refusing to transfer an otherwise eligible prisoner to 738
transitional control. Amounts received by the division of parole 739
and community services under this division shall be deposited into 740
the transitional control fund, which is hereby created in the 741
state treasury and which hereby replaces and succeeds the furlough 742
services fund that formerly existed in the state treasury. All 743
moneys that remain in the furlough services fund on March 17, 744
1998, shall be transferred on that date to the transitional 745
control fund. The transitional control fund shall be used solely 746
to pay costs related to the operation of the transitional control 747
program established under this section. The director of 748
rehabilitation and correction shall adopt rules in accordance with 749
section 111.15 of the Revised Code for the use of the fund. 750

(F) A prisoner who violates any rule established by the 751
department of rehabilitation and correction under division (A), 752
(C), or (D) of this section may be transferred to a state 753
correctional institution pursuant to rules adopted under division 754
(A), (C), or (D) of this section, but the prisoner shall receive 755
credit towards completing the prisoner's sentence for the time 756
spent under transitional control. 757

If a prisoner is transferred to transitional control under 758
this section, upon successful completion of the period of 759
transitional control, the prisoner may be released on parole or 760
under post-release control pursuant to section 2967.13 or 2967.28 761
of the Revised Code and rules adopted by the department of 762
rehabilitation and correction. If the prisoner is released under 763
post-release control, the duration of the post-release control, 764
the type of post-release control sanctions that may be imposed, 765
the enforcement of the sanctions, and the treatment of prisoners 766

who violate any sanction applicable to the prisoner are governed 767
by section 2967.28 of the Revised Code. 768

(G) As used in this section: 769

(1) "Alcoholic or drug addicted offender" means a prisoner 770
who was convicted of or pleaded guilty to a felony, who was 771
sentenced to a prison term or term of imprisonment for the 772
offense, and whose alcoholism or drug addiction, as determined by 773
the department of rehabilitation and correction, was a factor 774
leading to that offense. 775

(2) "Alcoholism" and "drug addiction" have the same meanings 776
as in section 5119.01 of the Revised Code. 777

(3) "Secure alcohol and drug addiction treatment program" 778
means an alcohol and drug addiction treatment program established 779
under section 5119.16 of the Revised Code that is a residential 780
program and that is a secure facility. 781

Sec. 5119.16. (A) The department of mental health and 782
addiction services shall establish two or three alcohol and drug 783
addiction treatment programs to serve rural and other underserved 784
regions of this state with high rates of alcoholism or drug 785
addiction. The department may contract with one or more persons to 786
operate the programs on the department's behalf. 787

If an alcohol and drug addiction treatment program 788
established under this section is a residential program, the 789
program may accept offenders sentenced to it pursuant to section 790
2929.17 or 2929.27 of the Revised Code and, if it is a residential 791
program that is a secure facility, it may accept offenders 792
sentenced to it pursuant to section 2929.16 or 2929.26 of the 793
Revised Code or referred to it under transitional control pursuant 794
to section 2967.26 of the Revised Code. A program established 795
under this section shall not accept offenders sentenced to it 796

pursuant to section 2929.17 or 2929.27 of the Revised Code unless 797
it is a residential program and shall not accept offenders 798
sentenced to it pursuant to section 2929.16 or 2929.26 of the 799
Revised Code or referred to it under transitional control pursuant 800
to section 2967.26 of the Revised Code unless it is a residential 801
program that is a secure facility. 802

(B)(1) An individual who is sentenced pursuant to section 803
2929.17 or 2929.27 of the Revised Code to an alcohol and drug 804
addiction treatment program that is a residential program shall be 805
enrolled in the program. An individual who is sentenced pursuant 806
to section 2929.16 or 2929.26 of the Revised Code to an alcohol 807
and drug addiction treatment program that is a residential program 808
that is a secure facility or who is referred pursuant to section 809
2967.26 of the Revised Code to the program under transitional 810
control shall be enrolled in the program. 811

(2) An individual who is not in any category described in 812
division (B)(1) of this section, who suffers from alcoholism or 813
drug addiction, who resides in a region served by one of the 814
alcohol and drug addiction treatment programs established under 815
this section, and who meets all other eligibility requirements 816
established in rules adopted under division (F) of this section 817
may enroll in the program. 818

(3) Each individual enrolled in one of the programs 819
established under this section in any circumstance described in 820
division (B)(1) or (2) of this section shall undergo an assessment 821
to determine what type of treatment covered by the program the 822
individual needs for alcoholism or drug addiction. 823

(C) Each individual enrolled in an alcohol and drug addiction 824
treatment program established under this section in any 825
circumstance described in division (B)(1) or (2) of this section 826
may receive under the program the following treatments for 827
alcoholism or drug addiction as determined appropriate for the 828

individual pursuant to the assessment conducted under division 829
(B)(3) of this section: 830

(1) Counseling; 831

(2) Medication-assisted treatment, including long-acting 832
antagonist and partial agonist medications approved by the United 833
States food and drug administration for treatment of alcoholism or 834
drug addiction; 835

(3) Abstinence-based treatment; 836

(4) Accommodations, supervision, and personal care services 837
provided by a residential facility licensed under section 5119.34 838
of the Revised Code. 839

(D) No alcohol and drug addiction treatment program 840
established under this section shall cover methadone treatment. 841

(E) When an individual enrolled in an alcohol and drug 842
addiction treatment program established under this section in a 843
circumstance described in division (B)(2) of this section 844
completes the treatment the individual receives under the program 845
and when an individual enrolled in such a program in a 846
circumstance described in division (B)(1) of this section 847
completes the treatment the individual receives under the program 848
and serves the sentence to the program or the period of 849
transitional control in the program imposed on the individual, the 850
department or person under contract with the department to operate 851
the program shall offer to refer the individual to the board of 852
alcohol, drug addiction, and mental health services that serves 853
the county in which the individual resides or a community 854
addiction services provider. 855

(F) The director of mental health and addiction services 856
shall adopt rules in accordance with Chapter 119. of the Revised 857
Code as necessary to implement this section. The rules 858
establishing eligibility requirements for the alcohol and drug 859

addiction treatment programs established under this section shall 860
not exclude an individual on the basis that the individual has 861
served the entire sentence for an offense for which the individual 862
has been convicted or pleaded guilty, regardless of whether the 863
individual is under any type of supervised release. 864

(G) Not later than June 30, 2016, and the last day of June of 865
each year thereafter, the department shall complete a report about 866
the alcohol and drug addiction treatment programs established 867
under this section. The department shall submit the reports to the 868
governor, speaker and minority leader of the house of 869
representatives, and president and minority leader of the senate. 870
Each report shall include all of the following: 871

(1) The number of individuals who were enrolled in the 872
programs during the period the report covers; 873

(2) The ages, races, and diagnoses of the individuals; 874

(3) The amount of time the individuals were enrolled in the 875
programs as of the date the report is prepared; 876

(4) The progress that the individuals made in the programs; 877

(5) The locations where the individuals received the services 878
provided under the programs; 879

(6) Information about the programs' successes; 880

(7) Recommendations for any improvements in the programs; 881

(8) Other information the department determines appropriate. 882

Sec. 5120.037. (A) As used in this section, "alcoholism" and 883
"drug addiction" have the same meanings as in section 5119.01 of 884
the Revised Code. 885

(B) Each state correctional institution shall offer treatment 886
programs to prisoners who suffer from alcoholism or drug 887
addiction. 888

(C) Each individual enrolled in a program established under this section shall undergo an assessment to determine what type of treatment covered by the program the individual needs for alcoholism or drug addiction. 889
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(D) Each individual enrolled in a program established under this section may receive under the program the following treatments as determined appropriate for the individual pursuant to the assessment conducted under division (C) of this section: 893
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(1) Counseling; 897

(2) Medication-assisted treatment, including long-acting antagonist and partial agonist medications approved by the United States food and drug administration for treatment of alcoholism or drug addiction; 898
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(3) Abstinence-based treatment. 902

(E) No program established under this section shall cover methadone treatment. 903
904

(F) Not later than June 30, 2016, and the last day of June of each year thereafter, the department of rehabilitation and correction shall complete a report about the treatment programs established under this section. The department shall submit the reports to the governor, speaker and minority leader of the house of representatives, and president and minority leader of the senate. Each report shall include all of the following: 905
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(1) The number of individuals who were enrolled in the programs during the period the report covers; 912
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(2) The ages, races, and diagnoses of the individuals; 914

(3) The amount of time the individuals were enrolled in the programs as of the date the report is prepared; 915
916

(4) The progress that the individuals made in the programs; 917

(5) The locations where the individuals received the services 918

<u>provided under the programs;</u>	919
<u>(6) Information about the programs' successes;</u>	920
<u>(7) Recommendations for any improvements in the programs;</u>	921
<u>(8) Other information the department determines appropriate.</u>	922
Section 2. That existing sections 2929.12, 2929.16, 2929.17,	923
2929.22, 2929.26, 2929.27, and 2967.26 of the Revised Code are	924
hereby repealed.	925
Section 3. Prior to providing treatment to individuals	926
enrolled in the alcohol and drug addiction treatment programs	927
authorized under section 5119.16 of the Revised Code, the	928
Department of Mental Health and Addiction Services shall seek	929
Controlling Board approval of the level of funding the Department	930
may expend on the programs.	931
Section 4. The Department of Rehabilitation and Correction	932
shall seek Controlling Board approval to authorize the Director of	933
Budget and Management to transfer up to \$1,500,000 cash in fiscal	934
year 2015 from the Local Government Innovation Fund (Fund 5KN0) to	935
a fund in the Department of Rehabilitation and Correction, as	936
determined by the Director of Budget and Management.	937
The transferred amount is hereby appropriated to an	938
appropriation item in the Department of Rehabilitation and	939
Correction, as determined by the Director of Budget and	940
Management. The transferred amount shall be used to implement	941
treatment for prisoners under section 5120.037 of the Revised	942
Code.	943