

As Introduced

**130th General Assembly
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S. B. No. 7

Senators Widener, Beagle

**Cosponsors: Senators Lehner, Hughes, LaRose, Eklund, Hite, Coley, Jones,
Faber, Peterson**

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A B I L L

To amend section 2945.402 and to enact section 1
2929.44 of the Revised Code to require that a 2
court report certain information to the local law 3
enforcement agency for entry into the appropriate 4
National Crime Information Center file if the 5
court approves the conditional release of a person 6
found incompetent to stand trial or not guilty by 7
reason of insanity or orders a person convicted of 8
an offense of violence to receive mental health 9
treatment and to name this act the Deputy Suzanne 10
Hopper Act. 11

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

Section 1. That section 2945.402 be amended and section 12
2929.44 of the Revised Code be enacted to read as follows: 13

Sec. 2929.44. (A) As used in this section, "local law 14
enforcement agency" means the police department of a municipal 15
corporation in which an offense occurred or, if the offense did 16
not occur in a municipal corporation, the sheriff of the county in 17
which the offense occurred. 18

(B) If a court orders a person who pleads guilty to or who is convicted of an offense of violence to receive mental health treatment, the court shall report the conviction and required treatment to the local law enforcement agency. The local law enforcement agency shall enter the conviction and required treatment into the national crime information center supervised release file through the law enforcement automated data system. The information reported and entered shall include all of the following: 19
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(1) The name of the court providing the information; 28

(2) The offense or offenses of violence to which the offender pleaded guilty or of which the offender was convicted; 29
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(3) Any other information required for the entry of information into the national crime information center supervised release file. 31
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(C) Information entered into the national crime information center supervised release file pursuant to this section shall remain in the file until the time expires for which the court ordered the treatment. 34
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(D) If a person about whom information is entered into the national crime information center supervised release file pursuant to this section has contact with a law enforcement agency after the information is entered, the agency shall report the contact to the court that ordered the treatment. 38
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Sec. 2945.402. (A) In approving a conditional release, the trial court may set any conditions on the release with respect to the treatment, evaluation, counseling, or control of the defendant or person that the court considers necessary to protect the public safety and the welfare of the defendant or person. The trial court may revoke a defendant's or person's conditional release and order 43
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reinstatement of the previous placement or reinstitutionalization 49
at any time the conditions of the release have not been satisfied, 50
provided that the revocation shall be in accordance with this 51
section. 52

(B) A conditional release is a commitment. The hearings on 53
continued commitment as described in section 2945.401 of the 54
Revised Code apply to a defendant or person on conditional 55
release. 56

(C) A person, agency, or facility that is assigned to monitor 57
a defendant or person on conditional release immediately shall 58
notify the trial court on learning that the defendant or person 59
being monitored has violated the terms of the conditional release. 60
Upon learning of any violation of the terms of the conditional 61
release, the trial court may issue a temporary order of detention 62
or, if necessary, an arrest warrant for the defendant or person. 63
Within ten court days after the defendant's or person's detention 64
or arrest, the trial court shall conduct a hearing to determine 65
whether the conditional release should be modified or terminated. 66
At the hearing, the defendant or person shall have the same rights 67
as are described in division (C) of section 2945.40 of the Revised 68
Code. The trial court may order a continuance of the ten-court-day 69
period for no longer than ten days for good cause shown or for any 70
period on motion of the defendant or person. If the trial court 71
fails to conduct the hearing within the ten-court-day period and 72
does not order a continuance in accordance with this division, the 73
defendant or person shall be restored to the prior conditional 74
release status. 75

(D) The trial court shall give all parties reasonable notice 76
of a hearing conducted under this section. At the hearing, the 77
prosecutor shall present the case demonstrating that the defendant 78
or person violated the terms of the conditional release. If the 79
court finds by a preponderance of the evidence that the defendant 80

or person violated the terms of the conditional release, the court 81
may continue, modify, or terminate the conditional release and 82
shall enter its order accordingly. 83

(E)(1) If a court approves a conditional release, the court 84
shall report the approval and information pertaining to the 85
release to the local law enforcement agency. The local law 86
enforcement agency shall enter the approval and information into 87
the national crime information center supervised release file 88
through the law enforcement automated data system. The information 89
required by divisions (E)(1)(c) and (d) of this section shall be 90
entered into the file's miscellaneous field. The information 91
reported and entered shall include all of the following: 92

(a) The name of the court providing the information; 93

(b) The offense or offenses with which the defendant or 94
person was charged; 95

(c) Whether the person was found not guilty by reason of 96
insanity or incompetent to stand trial with no substantial 97
probability of becoming competent even with a course of treatment; 98

(d) The reason for the conditional release; 99

(e) Any other information required for the entry of 100
information into the national crime information center supervised 101
release file. 102

(2) Information entered into the national crime information 103
center supervised release file pursuant to this section shall 104
remain in the file until the termination of the conditional 105
release or commitment. 106

(3) If a defendant or person about whom information is 107
entered into the national crime information center supervised 108
release file pursuant to this section has contact with a law 109
enforcement agency after the information is entered, the agency 110

shall report the contact to the court that approved the 111
conditional release, to the department of mental health, and if 112
the terms of the release require the defendant or person to 113
receive mental health treatment, to the person, office, or agency 114
providing the treatment. 115

(4) As used in division (E) of this section, "local law 116
enforcement agency" means the police department of a municipal 117
corporation in which the offense with which a releasee was charged 118
allegedly occurred or, if the offense did not allegedly occur in a 119
municipal corporation, the sheriff of the county in which the 120
offense allegedly occurred. 121

Section 2. That existing section 2945.402 of the Revised Code 122
is hereby repealed. 123

Section 3. This act shall be known as the Deputy Suzanne 124
Hopper Act. 125