

As Reported by the Senate Criminal Justice Committee

**130th General Assembly
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Sub. 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 a specified 3
local law enforcement agency for entry into the 4
appropriate National Crime Information Center file 5
if the court approves the conditional release of a 6
person found incompetent to stand trial or not 7
guilty by reason of insanity or orders a person 8
convicted of an offense of violence to receive a 9
mental health evaluation or treatment for a mental 10
illness and to name this act the Deputy Suzanne 11
Hopper Act. 12

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

Section 1. That section 2945.402 be amended and section 13
2929.44 of the Revised Code be enacted to read as follows: 14

Sec. 2929.44. (A) As used in this section: 15

(1) "Local law enforcement agency" means the police 16
department of a municipal corporation in which an offense occurred 17
or, if the offense did not occur in a municipal corporation, the 18

sheriff of the county in which the offense occurred. 19

(2) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code. 20
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(3) "Offense of violence" has the same meaning as in section 2901.01 of the Revised Code. 22
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(B) If a court orders a person who pleads guilty to or who is convicted of an offense of violence to receive a mental health evaluation or treatment for a mental illness, the court shall report the conviction and required evaluation or 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: 24
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(1) The name of the court providing the information; 33

(2) The offense or offenses of violence to which the offender pleaded guilty or of which the offender was convicted; 34
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(3) Any other information required for the entry of information into the national crime information center supervised release file. 36
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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 further order of the court. 39
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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 reinstatement of the previous placement or reinstitutionalization 42
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at any time the conditions of the release have not been satisfied, 49
provided that the revocation shall be in accordance with this 50
section. 51

(B) A conditional release is a commitment. The hearings on 52
continued commitment as described in section 2945.401 of the 53
Revised Code apply to a defendant or person on conditional 54
release. 55

(C) A person, agency, or facility that is assigned to monitor 56
a defendant or person on conditional release immediately shall 57
notify the trial court on learning that the defendant or person 58
being monitored has violated the terms of the conditional release. 59
Upon learning of any violation of the terms of the conditional 60
release, the trial court may issue a temporary order of detention 61
or, if necessary, an arrest warrant for the defendant or person. 62
Within ten court days after the defendant's or person's detention 63
or arrest, the trial court shall conduct a hearing to determine 64
whether the conditional release should be modified or terminated. 65
At the hearing, the defendant or person shall have the same rights 66
as are described in division (C) of section 2945.40 of the Revised 67
Code. The trial court may order a continuance of the ten-court-day 68
period for no longer than ten days for good cause shown or for any 69
period on motion of the defendant or person. If the trial court 70
fails to conduct the hearing within the ten-court-day period and 71
does not order a continuance in accordance with this division, the 72
defendant or person shall be restored to the prior conditional 73
release status. 74

(D) The trial court shall give all parties reasonable notice 75
of a hearing conducted under this section. At the hearing, the 76
prosecutor shall present the case demonstrating that the defendant 77
or person violated the terms of the conditional release. If the 78
court finds by a preponderance of the evidence that the defendant 79
or person violated the terms of the conditional release, the court 80

may continue, modify, or terminate the conditional release and 81
shall enter its order accordingly. 82

(E)(1) If a court approves a conditional release, the court 83
shall report the approval and information pertaining to the 84
release to the local law enforcement agency. The local law 85
enforcement agency shall enter the approval and information into 86
the national crime information center supervised release file 87
through the law enforcement automated data system. The information 88
required by divisions (E)(1)(c) and (d) of this section shall be 89
entered into the file's miscellaneous field. The information 90
reported and entered shall include all of the following: 91

(a) The name of the court providing the information; 92

(b) The offense or offenses with which the defendant or 93
person was charged; 94

(c) Whether the person was found not guilty by reason of 95
insanity or incompetent to stand trial with no substantial 96
probability of becoming competent even with a course of treatment; 97

(d) The reason for the conditional release; 98

(e) Any other information required for the entry of 99
information into the national crime information center supervised 100
release file. 101

(2) Information entered into the national crime information 102
center supervised release file pursuant to this section shall 103
remain in the file until the termination of the conditional 104
release or commitment. 105

(3) If a defendant or person about whom information is 106
entered into the national crime information center supervised 107
release file pursuant to division (E)(1) of this section has 108
contact with a law enforcement agency after the information is 109
entered, the agency shall report the contact to the department of 110

mental health and, if the terms of the release require the 111
defendant or person to receive mental health treatment, to the 112
person, office, or agency providing the treatment. 113

(4) As used in division (E) of this section, "local law 114
enforcement agency" means the police department of a municipal 115
corporation in which the offense with which a releasee was charged 116
allegedly occurred or, if the offense did not allegedly occur in a 117
municipal corporation, the sheriff of the county in which the 118
offense allegedly occurred. 119

Section 2. That existing section 2945.402 of the Revised Code 120
is hereby repealed. 121

Section 3. This act shall be known as the Deputy Suzanne 122
Hopper Act. 123