



*Synopsis of Senate Committee Amendments**

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Legislative Service Commission

Sub. H.B. 259

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(S. Judiciary – Criminal Justice)

The Senate committee added provisions to the House-passed version of the bill that:

(1) Specify that, if an offender who is convicted of a felony of the first or second degree, a felony sex offense, or a felony of the third degree that is not a felony sex offense and in the commission of which the offender caused or threatened to cause physical harm to a person is sentenced on or after the bill's effective date to a prison term for the offense, the failure of the court to notify the offender that the offender will be supervised under mandatory post-release control after the offender leaves prison or to include a statement of that fact in the offender's sentence does not negate, limit, or otherwise affect the mandatory period of post-release control that is required for the offender (R.C. 2929.14(F)(1), 2929.19(B)(3)(c), and 2967.28(B)).

(2) Specify that, if an offender who is convicted of or pleads guilty to a felony is sentenced on or after the bill's effective date to a prison term for the offense, the failure of the court to notify the offender that, if the offender is subjected to a period of mandatory or discretionary post-release control after the offender's release from prison, the Parole Board may impose a prison term for a violation of supervision under the post-release control or to include a statement of that fact in the offender's sentence does not negate, limit, or otherwise affect the Parole Board's authority to so impose a prison term for a violation of that nature if the Board notifies the offender prior to the offender's release of the Board's authority to so impose a prison term (R.C. 2929.19(B)(3)(e)).

(3) Specify that a court that previously sentenced a felon and failed to include in the sentence a statement of mandatory or discretionary post-release control and the possibility of being sent back to prison for violating post-release control or failed to notify the felon of those facts may correct the sentence at a hearing to include the statement and place upon its journal an entry *nunc pro tunc* to record the correction, that the hearing may be conducted by video conferencing equipment if available and compatible, and that a court's placement upon the journal of such an entry *nunc pro tunc*

* This synopsis does not address amendments that may have been adopted on the Senate floor.

before the offender is released from imprisonment serves as if the court, at the time of original sentencing, had included the statement in the sentence and provided the notice to the offender (R.C. 2929.14(F)(1) and (2), 2929.19(B)(3)(c), (d), and (e), 2929.191, and 2967.28(B) and (C)).

(4) Require the Parole Board to notify each felon who is in prison under a sentence imposed prior to, on, or after the bill's effective date and who will be under post-release control, prior to the felon's release from prison, that the felon may be sent back to prison for violating the post-release control (R.C. 2967.28(D)).

(5) Declare an emergency, but specify that the provisions of the House-passed version of the bill take effect 90 days after the bill's effective date.

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