
DEPARTMENT OF REHABILITATION AND CORRECTION

Supervision of offenders serving community control sanctions

- Modifies the requirement that a court, in a county not served by a probation department, that sentences a felon to a community control sanction must place the offender under supervision of the Adult Parole Authority (APA), so that the requirement applies unless the court has entered into an agreement with the APA for its services.
- Modifies the requirement that specified violations by a felony offender sentenced to a community control sanction in a county not served by a probation department be reported to the APA, so that the requirement applies unless the court has entered into an agreement of a specified nature with the APA for its services.
- Allows the APA to offer a county funding for probation services if the county does not contract with the APA for specified types of those services under continuing law and as long as the General Assembly has appropriated sufficient funds for that purpose.
- Specifies that if a county accepts probation service funds from the APA, the APA is relieved of its duties to supervise offenders placed on community control by that county's courts under the supervision provisions described in the second and third preceding dot points.

Targeted community alternatives to prison

- Removes references in the targeted community alternatives to prison program to "target counties," continuing the program only for counties that elect to participate.

F4 and F5 presumption against prison sentence

- In the Felony Sentencing Law mechanism establishing a presumption in favor of a community control sanction, instead of a prison term, for most F4s and F5s, repeals a criterion for the presumption to apply that pertains to the Department of Rehabilitation and Correction (DRC) providing the court with a list of available community control sanctions.

Minimum standards for jails

- Modifies an action by the Director of DRC to enjoin compliance with the minimum standards and minimum renovation, modification, and construction criteria for minimum security jails by expanding the applicable standards and criteria to those for jails instead of only for minimum security jails.

DRC authority to provide laboratory services

- Repeals DRC's authority to provide laboratory services.

Community-based correctional facility awards

- Modifies the effectivity of financial award agreements between DRC and the governing board of a community-based correctional facility from a period of one year from the date of the agreement to not longer than the state fiscal biennium in which the assistance is to be awarded.

Ohio Penal Industries

- Requires the Office of Enterprise Development Advisory Board to solicit business proposals offering job training, apprenticeship, education programs, and employment opportunities for Ohio Penal Industries.

Supervision of offenders serving community control sanctions

(R.C. 2929.15)

The act modifies the circumstances under which certain sentencing courts must place felony offenders subject to community control sanctions under the supervision of the Adult Parole Authority (APA). Under the act, if a county lacks a probation department, the court must place offenders serving a community control sanction under the supervision of the APA unless the court has entered into an agreement with the APA under R.C. 2301.32 (see “**Probation funding from APA,**” below) for its services. Former law required the court in such a county to place offenders serving a community control sanction under the supervision of the APA, and did not mention any such agreement between the court and the APA.

Similarly, the act modifies the provisions regarding the reporting of specified violations by a felony offender sentenced to a community control sanction. Under the act, if there is no county or multicounty probation department supervising the offender and the offender violates a condition of a sanction, condition of release, or law, or leaves the state without permission, the violation or departure must be reported to the APA unless the court has entered into an agreement with the APA under R.C. 2301.32. Formerly, if there was no such probation department supervising the offender and the offender engaged in any of that conduct, the provision required that the violation or departure be reported to the APA, and did not mention any such agreement between the court and the APA.

Probation funding from APA

(R.C. 2301.32)

The act allows the APA to offer a county funding for probation services in lieu of entering an agreement for specified types of those services under continuing law, provided that the General Assembly has appropriated sufficient funds for that purpose. If a county accepts funds under the section that contains both the authorization and the provisions regarding agreements for the provision of the specified types of services under continuing law, the APA is relieved of its duties to supervise offenders placed on community control by that county’s courts under the supervision provisions described above.

The agreement provisions continued by the act allow: (1) in a county served by a probation department, the common pleas court to enter into an agreement with the APA under which the probation department may receive supplemental investigation and supervisory services from the APA, or (2) in a county not served by a probation department, the common pleas court to enter into an agreement with the APA to place defendants under a community control sanction in charge of the APA and for the court to pay the state in amounts provided for in the agreement.

Targeted community alternatives to prison

(R.C. 2929.34 and 5149.38)

The act eliminates a requirement that certain prison terms imposed for a fifth degree felony be served in a local correctional facility if the court that imposed the fifth degree felony term was a common pleas court of a “target county.” The “target counties” were: Franklin, Cuyahoga, Hamilton, Summit, Montgomery, Lucas, Butler, Stark, Lorain, and Mahoning.

Under continuing law, in any county, the board of county commissioners and the administrative judge of the general division of the common pleas court may agree to have the county participate in these local confinement provisions. These counties are referred to in continuing law as “voluntary counties.”

F4 and F5 presumption against prison sentence

(R.C. 2929.13)

A Felony Sentencing Law mechanism establishes a presumption in favor of a community control sanction, instead of a prison term, for an offender convicted of an F4 or F5. The presumption applies if four specified criteria are satisfied. The sentencing court may impose a prison term, notwithstanding the presumption, if any of 11 specified circumstances apply. Offenses of violence and a few assault offenses are exempt from the mechanism.

The act repeals one of the criteria that must be satisfied for the presumption to apply, and a related circumstance that authorizes a court to impose a prison term if that criterion is not satisfied. The repealed criterion and circumstance pertain to the Department of Rehabilitation and Correction (DRC) providing the court, upon its request, with a list of available community control sanctions. Specifically, the act repeals the provisions that: (1) require the sentencing court to request from DRC a detailed list of community control sanctions available for offenders it sentences, if it believes that no appropriate community control sanction is available, (2) require DRC to provide such a list to the requesting court within a specified period of time after the request, (3) specify that if DRC timely provides the requesting court with such a list, the presumption applies, and (4) specify that if DRC does not timely provide the requesting court with such a list, the court has discretion to impose a prison term.

Minimum standards for jails

(R.C. 5120.10 with conforming changes in R.C. 341.34 and 753.21)

The act modifies the DRC Director’s authority to initiate an action in the court of common pleas to enjoin compliance with the minimum standards for jails or with the minimum

standards and minimum renovation, modification, and construction criteria for jails by eliminating the specific reference to *minimum security* in regard to those minimum standards and minimum renovation, modification, and construction criteria, thus expanding those standards and criteria to apply for all jails. It makes conforming changes in the continuing laws that establish minimum security jails in municipal corporations and counties to references to minimum standards and minimum renovation, modification, and construction criteria for jails instead of for *minimum security* jails.

DRC authority to provide laboratory services

(R.C. 5120.135, repealed, with conforming changes in R.C. 5119.44)

The act repeals DRC's authority to provide laboratory services to certain state departments, federal, state, county, or local agencies, public or private entities, and private persons. Under former law, these "laboratory services" included medical laboratory analysis; professional laboratory and pathologist consultation; the procurement, storage, and distribution of laboratory supplies; and the performance of phlebotomy services.

Community-based correctional facility awards

(R.C. 5120.112)

The act modifies the effectivity of state financial agreements between DRC and a community-based correctional facility and program or a district community-based correctional facility and program from an annual basis, or a period of one year from the date of the agreement under former law, to not longer than the state fiscal biennium in which the financial assistance is to be awarded.

Ohio Penal Industries

(R.C. 5145.162)

The Office of Enterprise Development Advisory Board advises and assists DRC with the creation of training programs and jobs for inmates and releasees through partnerships with private sector businesses. Among the Board's duties is to solicit business proposals offering job training, apprenticeship, education programs, and employment opportunities. The act requires the Board to also solicit these business proposals for Ohio Penal Industries.