

Sub. H.B. 365
LSC 132 1563-2

Topic: Criminal Sentencing Commission -- Offender Supervision Study
Committee

_____ moved to amend as follows:

In line 1 of the title, after "149.43," insert "181.21,
181.26," 1
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In line 49 of the title, after the semicolon insert "to
require the Ohio Criminal Sentencing Commission to appoint an
Offender Supervision Study Committee;" 3
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In line 51, after "149.43," insert "181.21, 181.26," 6

Between lines 1407 and 1408, insert: 7

"**Sec. 181.21.** (A) There is hereby created within the supreme 8
court the state criminal sentencing commission, consisting of 9
thirty-one members. One member shall be the chief justice of the 10
supreme court, who shall be the chairperson of the commission. The 11
following ten members of the commission, no more than six of whom 12
shall be members of the same political party, shall be appointed 13
by the chief justice: one judge of a court of appeals, three 14
judges of courts of common pleas who are not juvenile court 15
judges, three judges of juvenile courts, and three judges of 16
municipal courts or county courts. Four members shall be the 17
superintendent of the state highway patrol, the state public 18

defender, the director of youth services, and the director of 19
rehabilitation and correction, or their individual designees. The 20
following twelve members, no more than seven of whom shall be 21
members of the same political party, shall be appointed by the 22
governor after consulting with the appropriate state associations, 23
if any, that are represented by these members: one sheriff; two 24
county prosecuting attorneys, at least one of whom shall be 25
experienced in the prosecution of cases in juvenile court 26
involving alleged delinquent children, unruly children, and 27
juvenile traffic offenders; two peace officers of a municipal 28
corporation or township, at least one of whom shall be experienced 29
in the investigation of cases involving juveniles; one former 30
victim of a violation of Title XXIX of the Revised Code; one 31
attorney whose practice of law primarily involves the 32
representation of criminal defendants; one member of the Ohio 33
state bar association; one attorney whose practice of law 34
primarily involves the representation in juvenile court of alleged 35
delinquent children, unruly children, and juvenile traffic 36
offenders; one full-time city prosecuting attorney; one county 37
commissioner; and one mayor, city manager, or member of a 38
legislative authority of a municipal corporation. Two members 39
shall be members of the senate, one appointed by the president of 40
the senate and one appointed by the minority leader of the senate. 41
Two members shall be members of the house of representatives, one 42
appointed by the speaker of the house of representatives and one 43
appointed by the minority leader of the house of representatives. 44

The chief justice shall become a member of the commission on 45
August 22, 1990, and the chief justice's successors in office 46
shall become members of the commission on the day that they assume 47
the office of chief justice. The term of office of the chief 48
justice as a member of the commission shall continue for as long 49

as that person holds the office of chief justice. The term of
office of the member who is an attorney whose practice of law
primarily involves the representation of criminal defendants, the
term of office of the member who is an attorney whose practice of
law primarily involves the representation in juvenile court of
alleged delinquent children, unruly children, and juvenile traffic
offenders, and the term of office of the former victim of a
violation of Title XXIX of the Revised Code shall be four years.
The term of office of the superintendent of the state highway
patrol, the state public defender, the director of youth services,
and the director of rehabilitation and correction, or their
individual designees, as members of the commission shall continue
for as long as they hold the office of superintendent of the state
highway patrol, state public defender, director of youth services,
or director of rehabilitation and correction. The term of office
of a municipal corporation or township peace officer as a member
of the commission shall be the lesser of four years or until that
person ceases to be a peace officer of a municipal corporation or
township. Unless the full-time city prosecuting attorney is an
elected official, the term of office of the full-time city
prosecuting attorney shall be the lesser of four years or until
the full-time city prosecuting attorney ceases to be a full-time
city prosecuting attorney. All of the members of the commission
who are elected officials shall serve the lesser of four years or
until the expiration of their term of office. Any vacancy on the
commission shall be filled in the same manner as the original
appointment.

When the chief justice and governor make their appointments
to the commission, they shall consider adequate representation by
race and gender.

(B) The commission shall select a vice-chairperson and any

other necessary officers and adopt rules to govern its
 proceedings. The commission shall meet as necessary at the call of
 the chairperson or on the written request of eight or more of its
 members. Sixteen members of the commission constitute a quorum,
 and the votes of a majority of the quorum present shall be
 required to validate any action of the commission. All business of
 the commission shall be conducted in public meetings.

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The members of the commission shall serve without
 compensation, but each member shall be reimbursed for the member's
 actual and necessary expenses incurred in the performance of the
 member's official duties on the commission. In the absence of the
 chairperson, the vice-chairperson shall perform the duties of the
 chairperson.

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(C) The commission shall establish an office and shall
 appoint and fix the compensation of a project director and any
 other employees necessary to assist the commission in the
 execution of its authority under sections 181.21 to 181.26 of the
 Revised Code. The project director shall have a thorough
 understanding of the criminal laws of this state and experience in
 committee-oriented research. The other employees may include a
 research coordinator with experience and training in
 policy-oriented research; professional staff employees with
 backgrounds in criminal law, criminal justice, political science,
 or related fields of expertise; administrative assistants; and
 secretaries. The commission also may appoint and fix the
 compensation of part-time data collectors, clerical employees, and
 other temporary employees as needed to enable the commission to
 execute its authority under sections 181.21 to 181.26 of the
 Revised Code.

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(D) The sentencing commission shall establish a standing

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juvenile committee. The committee shall consist of the following
 commission members: the chief justice of the supreme court or the
 chief justice's designee, the director of youth services, the
 three juvenile court judges, one court of common pleas judge who
 is not a juvenile court judge, one county prosecuting attorney who
 is experienced in the prosecution of cases in juvenile court
 involving alleged delinquent children, unruly children, and
 juvenile traffic offenders, the attorney whose practice of law
 primarily involves the representation in juvenile court of alleged
 delinquent children, unruly children, and juvenile traffic
 offenders, the former victim of a violation of Title XXIX of the
 Revised Code, the county commissioner, one legislator from each
 political party, the sheriff, and one municipal corporation or
 township peace officer who is experienced in the investigation of
 cases involving juveniles. The members of the commission may serve
 on the committee by designation of the chief justice. The chief
 justice shall designate a member to serve as chairperson of the
 committee. The committee shall meet as necessary at the call of
 the chairperson or on the written request of four or more of the
 committee's members. A majority of the members of the committee
 shall constitute a quorum, and the votes of a majority of the
 quorum present shall be required to validate any action of the
 committee, including recommendations to the commission. The
 committee and the commission shall comply with section 181.26 of
 the Revised Code.

(E)(1) The sentencing commission shall establish an ad hoc,
 standing offender supervision study committee. The committee shall
 consist of one member who is a person appointed by the governor
 and the following twelve members appointed by the commission: one
 active parole line officer; one active probation officer; two
 members of the house of representatives who shall not be members

of the same political party; two members of the senate who shall 142
not be members of the same political party; one judge of a court 143
of common pleas; one representative of the Ohio community 144
corrections association; the director of rehabilitation and 145
corrections or the director's representative; one county 146
prosecuting attorney; the state public defender, the state public 147
defender's representative, or a county public defender; and one 148
sheriff. The members of the commission may serve on the committee 149
by designation of the chief justice, to the extent that the 150
members satisfy the criteria for service on the committee. The 151
chief justice shall designate a member to serve as chairperson of 152
the committee. The committee shall select a vice-chairperson. The 153
committee shall meet as necessary at the call of the chairperson 154
or on the written request of four or more of the committee's 155
members. In the absence of the chairperson, the vice-chairperson 156
shall perform the duties of the chairperson. A majority of the 157
members of the committee shall constitute a quorum, and the votes 158
of a majority of the quorum present shall be required to validate 159
any action of the committee, including the content of reports and 160
recommendations to the commission. 161

The members of the committee who are not members of the 162
commission shall serve without compensation, but each such member 163
shall be reimbursed for the member's actual and necessary expenses 164
incurred in the performance of the member's official duties on the 165
commission. Section 181.21 of the Revised Code applies to the 166
members of the committee who are members of the commission. 167

(2) The offender supervision study committee shall study and 168
review all issues related to the supervision of offenders, 169
including issues related to parole, community control, probation, 170
community corrections, and transitional control, and issues 171
related to interstate compact policies. The committee shall submit 172

a report to the commission not later than the thirty-first day of 173
December in each even-numbered year that contains its findings 174
with respect to the issues it studies and reviews and 175
recommendations regarding possible changes in the law based on 176
those findings. 177

The commission shall comply with division (D) of section 178
181.26 of the Revised Code with respect to the reports submitted 179
to it under this division. 180

(3) The sentencing commission may appoint persons who are 181
experts in issues related to the supervision of offenders to 182
assist the committee in the performance of its duties under 183
division (E)(2) of this section. No person appointed in a capacity 184
under this division may vote on any action of the committee, 185
including the content of any report or recommendation to the 186
commission. 187

Sec. 181.26. (A) In addition to its duties set forth in 188
sections 181.23 to 181.25 of the Revised Code, the state criminal 189
sentencing commission shall do all of the following: 190

(1) Review all statutes governing delinquent child, unruly 191
child, and juvenile traffic offender dispositions in this state; 192

(2) Review state and local resources, including facilities 193
and programs, used for delinquent child, unruly child, and 194
juvenile traffic offender dispositions and profile the populations 195
of youthful offenders in the facilities and programs; 196

(3) Report to the general assembly no later than October 1, 197
1999, a comprehensive plan containing recommendations based on the 198
reviews required under divisions (A)(1) and (2) of this section. 199
The recommendations shall do all of the following: 200

(a) Assist in the managing of the number of persons in, and	201
costs of, the facilities, the programs, and other resources used	202
in delinquent child, unruly child, and juvenile traffic offender	203
dispositions;	204
(b) Foster rehabilitation, public safety, sanctions,	205
accountability, and other reasonable goals;	206
(c) Provide greater certainty, proportionality, uniformity,	207
fairness, and simplicity in delinquent child, unruly child, and	208
juvenile traffic offender dispositions while retaining reasonable	209
judicial discretion;	210
(d) Provide for the restoration of victims of juvenile	211
offenses.	212
(B) The commission shall project the impact of the	213
comprehensive plan recommended by the commission under <u>division</u>	214
<u>(A)</u> of this section on state and local resources used in	215
delinquent child, unruly child, and juvenile traffic offender	216
dispositions. The commission shall determine whether any	217
additional facilities, programs, or other resources are needed to	218
implement the comprehensive plan.	219
(C) If the general assembly enacts all or a substantial part	220
of the comprehensive plan recommended by the commission under	221
<u>division (A)</u> of this section, the commission shall do all of the	222
following:	223
(1) Assist in the implementation of the enacted plan;	224
(2) Monitor the operation of the plan, periodically report to	225
the general assembly on the plan's operation and the plan's impact	226
on resources used in delinquent child, unruly child, and juvenile	227
traffic offender dispositions, and periodically recommend changes	228
in the plan to the general assembly based on this monitoring;	229

(3) Review all bills that are introduced in the general assembly that relate to delinquent child, unruly child, and juvenile traffic offender dispositions and assist the general assembly in making legislation consistent with the plan.

(D) In addition to its duties set forth in sections 181.23 to 181.25 of the Revised Code and divisions (A) to (C) of this section, the state criminal sentencing commission shall review all reports submitted to it by the offender supervision study committee under division (E)(2) of section 181.21 of the Revised Code and, for each report so received, not later than ninety days after receiving the report, shall submit a report to the general assembly that contains the commission's recommendations regarding possible changes in the law based on the findings of the committee that are set forth in the report. In preparing its report to the general assembly, the commission shall consider all findings and recommendations of the committee contained in the report the committee submitted to the commission, and the commission's report to the general assembly may be, but is not required to be, the same as the report of the committee submitted to the commission.

In line 11910, after "149.43," insert "181.21, 181.26,"

The motion was _____ agreed to.