

Sub. S. B. No. 231
As Passed by the Senate

Topic: T-CAP applicable to failure to comply with VOD duties 1

_____ moved to amend as follows:

In line 1 of the title, after "sections" insert "2929.34," 2

In line 25, after "sections" insert "2929.34," 3

After line 796, insert: 4

"**Sec. 2929.34.** (A) A person who is convicted of or pleads 5
guilty to aggravated murder, murder, or an offense punishable by 6
life imprisonment and who is sentenced to a term of life 7
imprisonment or a prison term pursuant to that conviction shall 8
serve that term in an institution under the control of the 9
department of rehabilitation and correction. 10

(B) (1) A person who is convicted of or pleads guilty to a 11
felony other than aggravated murder, murder, or an offense 12
punishable by life imprisonment and who is sentenced to a term 13
of imprisonment or a prison term pursuant to that conviction 14
shall serve that term as follows: 15

(a) Subject to divisions (B) (1) (b), (B) (2), and (B) (3) of 16



this section, in an institution under the control of the department of rehabilitation and correction if the term is a prison term or as otherwise determined by the sentencing court pursuant to section 2929.16 of the Revised Code if the term is not a prison term;

(b) In a facility of a type described in division (G) (1) of section 2929.13 of the Revised Code, if the offender is sentenced pursuant to that division.

(2) If the term is a prison term, the person may be imprisoned in a jail that is not a minimum security jail pursuant to agreement under section 5120.161 of the Revised Code between the department of rehabilitation and correction and the local authority that operates the jail.

(3) (a) As used in divisions (B) (3) (a) to (d) of this section:

(i) "Target county" means Franklin county, Cuyahoga county, Hamilton county, Summit county, Montgomery county, Lucas county, Butler county, Stark county, Lorain county, and Mahoning county.

(ii) "Voluntary county" means any county in which the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county enter into an agreement of the type described in division (B) (3) (b) of this section and in which the agreement has not been terminated as described in that division.

(b) In any county other than a target county, the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county may agree to having the county participate in the

procedures regarding local and state confinement established 46
under division (B) (3) (c) of this section. A board of county 47
commissioners and an administrative judge of a court of common 48
pleas that enter into an agreement of the type described in this 49
division may terminate the agreement, but a termination under 50
this division shall take effect only at the end of the state 51
fiscal biennium in which the termination decision is made. 52

(c) Except as provided in division (B) (3) (d) of this 53
section, on and after July 1, 2018, no person sentenced by the 54
court of common pleas of a target county or of a voluntary 55
county to a prison term that is twelve months or less for a 56
felony of the fifth degree shall serve the term in an 57
institution under the control of the department of 58
rehabilitation and correction. The person shall instead serve 59
the sentence as a term of confinement in a facility of a type 60
described in division (C) or (D) of this section. Nothing in 61
this division relieves the state of its obligation to pay for 62
the cost of confinement of the person in a community-based 63
correctional facility under division (D) of this section. 64

(d) Division (B) (3) (c) of this section does not apply to 65
any person to whom any of the following apply: 66

(i) The felony of the fifth degree was an offense of 67
violence, as defined in section 2901.01 of the Revised Code, a 68
sex offense under Chapter 2907. of the Revised Code, a violation 69
of section 2925.03 of the Revised Code, or any offense for which 70
a mandatory prison term is required. 71

(ii) The person previously has been convicted of or 72
pleaded guilty to any felony offense of violence, as defined in 73
section 2901.01 of the Revised Code, unless the felony of the 74
fifth degree for which the person is being sentenced is a 75

<u>violation of division (I) (1) of section 2903.43 of the Revised</u>	76
<u>Code.</u>	77
(iii) The person previously has been convicted of or	78
pleaded guilty to any felony sex offense under Chapter 2907. of	79
the Revised Code.	80
(iv) The person's sentence is required to be served	81
concurrently to any other sentence imposed upon the person for a	82
felony that is required to be served in an institution under the	83
control of the department of rehabilitation and correction.	84
(C) A person who is convicted of or pleads guilty to one	85
or more misdemeanors and who is sentenced to a jail term or term	86
of imprisonment pursuant to the conviction or convictions shall	87
serve that term in a county, multicounty, municipal, municipal-	88
county, or multicounty-municipal jail or workhouse; in a	89
community alternative sentencing center or district community	90
alternative sentencing center when authorized by section 307.932	91
of the Revised Code; or, if the misdemeanor or misdemeanors are	92
not offenses of violence, in a minimum security jail.	93
(D) Nothing in this section prohibits the commitment,	94
referral, or sentencing of a person who is convicted of or	95
pleads guilty to a felony to a community-based correctional	96
facility."	97
In line 988, after "sections" insert "2929.34,"	98

The motion was _____ agreed to.