



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Jeff Hobday

H.B. 457

132nd General Assembly
(As Introduced)

Rep. Antani

BILL SUMMARY

- Requires an offender serving community control, parole, or post-release control who is subject to random drug testing to be held in jail or admitted to a residential treatment program for up to 30 days if the person fails a drug test due to ingesting or being injected with heroin, fentanyl, or carfentanil.
 - Requires the state to pay the cost of an offender's participation in the residential treatment program for up to 30 days.
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CONTENT AND OPERATION

The bill requires temporary confinement or treatment for an offender who is subject to random drug testing as a condition of community control, parole, or post-release control and who fails a required drug test due to use of certain illegal drugs. Under the bill, if the results of a required drug test indicate that the offender has ingested or was injected with heroin, fentanyl, or carfentanil, one of the following actions must occur:¹

(1) If the random drug testing is a condition of a community control sanction, the offender must be arrested and held in jail or admitted into a residential treatment program for 30 days, or until the court before whom the original cause was pending determines the appropriate punishment, whichever occurs first.

¹ R.C. 2951.08(E) and 2967.131(B)(5).

(2) If the random drug testing is a condition of parole or post-release control, an Adult Parole Authority field officer must first arrest and confine the offender in the county jail. Then the offender must be held in jail or admitted into a residential treatment program for 30 days, or until the Adult Parole Authority determines whether to impose a prison term for the offender's violation of the conditions of parole or post-release control, whichever occurs first.

Regarding the parolees and releasees described in (2), the bill creates an exception to the rule that a person who is arrested for violating the conditions of parole or post-release control must remain in the county jail until a determination is made regarding the person's release status. The person may enter treatment instead of remaining in jail. Also, under current law, if the Adult Parole Authority fails to make a determination within a reasonable time, the parolee or releasee is released from custody under the original terms and conditions of parole or release. The bill requires the person to remain in jail or the residential treatment program for at least 30 days before release.²

The bill requires the state to pay the costs of the residential treatment program if an offender enters treatment before the court's or Adult Parole Authority's determination.³

HISTORY

ACTION	DATE
Introduced	12-28-17

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² R.C. 2967.15(A) and (B).

³ R.C. 2951.08(E) and 2967.131(B)(5).

