

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 117**

**Representatives Huffman, Brenner**

**Cosponsors: Representatives Sprague, Butler, Vitale, Seitz, Manning, Antani,  
Slaby, Arndt, Johnson, T., Rezabek, West**

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**A BILL**

To amend sections 2929.16 and 2929.26 and to enact 1  
sections 341.43, 753.34, and 5145.33 of the 2  
Revised Code to establish a statewide pilot 3  
program for the provision of long-acting opioid 4  
antagonist therapy for offenders convicted of an 5  
opioid-related offense who will be released from 6  
confinement on supervised release, and to 7  
specify that the therapy is to be provided 8  
during both their confinement and their 9  
supervised release. 10

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2929.16 and 2929.26 be amended 11  
and sections 341.43, 753.34, and 5145.33 of the Revised Code be 12  
enacted to read as follows: 13

**Sec. 341.43.** (A) As used in this section: 14

(1) "County correctional facility" has the same meaning as 15  
in section 341.42 of the Revised Code. 16

(2) "Opioid-related offense" has the same meaning as in 17

section 5145.33 of the Revised Code. 18

(B) Section 5145.33 of the Revised Code applies with 19  
respect to all offenders confined in a county correctional 20  
facility under a sentence of not less than thirty days imposed 21  
for an opioid-related offense. 22

**Sec. 753.34.** (A) As used in this section: 23

(1) "Municipal correctional facility" has the same meaning 24  
as in section 753.32 of the Revised Code. 25

(2) "Opioid-related offense" has the same meaning as in 26  
section 5145.33 of the Revised Code. 27

(B) Section 5145.33 of the Revised Code applies with 28  
respect to all offenders confined in a municipal correctional 29  
facility under a sentence of not less than thirty days imposed 30  
for an opioid-related offense. 31

**Sec. 2929.16.** (A) Except as provided in this division, the 32  
court imposing a sentence for a felony upon an offender who is 33  
not required to serve a mandatory prison term may impose any 34  
community residential sanction or combination of community 35  
residential sanctions under this section. The court imposing a 36  
sentence for a fourth degree felony OVI offense under division 37  
(G) (1) or (2) of section 2929.13 of the Revised Code or for a 38  
third degree felony OVI offense under division (G) (2) of that 39  
section may impose upon the offender, in addition to the 40  
mandatory term of local incarceration or mandatory prison term 41  
imposed under the applicable division, a community residential 42  
sanction or combination of community residential sanctions under 43  
this section, and the offender shall serve or satisfy the 44  
sanction or combination of sanctions after the offender has 45  
served the mandatory term of local incarceration or mandatory 46

prison term required for the offense. Community residential 47  
sanctions include, but are not limited to, the following: 48

(1) A term of up to six months at a community-based 49  
correctional facility that serves the county; 50

(2) Except as otherwise provided in division (A) (3) of 51  
this section and subject to division (D) of this section, a term 52  
of up to six months in a jail; 53

(3) If the offender is convicted of a fourth degree felony 54  
OVI offense and is sentenced under division (G) (1) of section 55  
2929.13 of the Revised Code, subject to division (D) of this 56  
section, a term of up to one year in a jail less the mandatory 57  
term of local incarceration of sixty or one hundred twenty 58  
consecutive days of imprisonment imposed pursuant to that 59  
division; 60

(4) A term in a halfway house; 61

(5) A term in an alternative residential facility. 62

(B) The court that assigns any offender convicted of a 63  
felony to a residential sanction under this section may 64  
authorize the offender to be released so that the offender may 65  
seek or maintain employment, receive education or training, or 66  
receive treatment. A release pursuant to this division shall be 67  
only for the duration of time that is needed to fulfill the 68  
purpose of the release and for travel that reasonably is 69  
necessary to fulfill the purposes of the release. 70

(C) If the court assigns an offender to a county jail that 71  
is not a minimum security misdemeanor jail in a county that has 72  
established a county jail industry program pursuant to section 73  
5147.30 of the Revised Code, the court shall specify, as part of 74  
the sentence, whether the sheriff of that county may consider 75

the offender for participation in the county jail industry 76  
program. During the offender's term in the county jail, the 77  
court shall retain jurisdiction to modify its specification upon 78  
a reassessment of the offender's qualifications for 79  
participation in the program. 80

(D) If a court sentences an offender to a term in jail 81  
under division (A) (2) or (3) of this section and if the sentence 82  
is imposed for a felony of the fourth or fifth degree that is 83  
not an offense of violence, the court may specify that it 84  
prefers that the offender serve the term in a minimum security 85  
jail established under section 341.34 or 753.21 of the Revised 86  
Code. If the court includes a specification of that type in the 87  
sentence and if the administrator of the appropriate minimum 88  
security jail or the designee of that administrator classifies 89  
the offender in accordance with section 341.34 or 753.21 of the 90  
Revised Code as a minimal security risk, the offender shall 91  
serve the term in the minimum security jail established under 92  
section 341.34 or 753.21 of the Revised Code. Absent a 93  
specification of that type and a finding of that type, the 94  
offender shall serve the term in a jail other than a minimum 95  
security jail established under section 341.34 or 753.21 of the 96  
Revised Code. 97

(E) If a person who has been convicted of or pleaded 98  
guilty to a felony is sentenced to a community residential 99  
sanction as described in division (A) of this section, at the 100  
time of reception and at other times the person in charge of the 101  
operation of the community-based correctional facility, jail, 102  
halfway house, alternative residential facility, or other place 103  
at which the offender will serve the residential sanction 104  
determines to be appropriate, the person in charge of the 105  
operation of the community-based correctional facility, jail, 106

halfway house, alternative residential facility, or other place 107  
may cause the convicted offender to be examined and tested for 108  
tuberculosis, HIV infection, hepatitis, including but not 109  
limited to hepatitis A, B, and C, and other contagious diseases. 110  
The person in charge of the operation of the community-based 111  
correctional facility, jail, halfway house, alternative 112  
residential facility, or other place at which the offender will 113  
serve the residential sanction may cause a convicted offender in 114  
the community-based correctional facility, jail, halfway house, 115  
alternative residential facility, or other place who refuses to 116  
be tested or treated for tuberculosis, HIV infection, hepatitis, 117  
including but not limited to hepatitis A, B, and C, or another 118  
contagious disease to be tested and treated involuntarily. 119

(F) (1) As used in division (F) (2) of this section, 120  
"opioid-related offense" and "supervised release" have the same 121  
meanings as in section 5145.33 of the Revised Code. 122

(2) Section 5145.33 of the Revised Code applies with 123  
respect to all offenders who are sentenced to a community 124  
residential sanction under this section and to supervised 125  
release upon their release from that community residential 126  
sanction. 127

**Sec. 2929.26.** (A) Except when a mandatory jail term is 128  
required by law, the court imposing a sentence for a 129  
misdemeanor, other than a minor misdemeanor, may impose upon the 130  
offender any community residential sanction or combination of 131  
community residential sanctions under this section. Community 132  
residential sanctions include, but are not limited to, the 133  
following: 134

(1) A term of up to one hundred eighty days in a halfway 135  
house or community-based correctional facility or a term in a 136

halfway house or community-based correctional facility not to 137  
exceed the longest jail term available for the offense, 138  
whichever is shorter, if the political subdivision that would 139  
have responsibility for paying the costs of confining the 140  
offender in a jail has entered into a contract with the halfway 141  
house or community-based correctional facility for use of the 142  
facility for misdemeanor offenders; 143

(2) If the offender is an eligible offender, as defined in 144  
section 307.932 of the Revised Code, a term in a community 145  
alternative sentencing center or district community alternative 146  
sentencing center established and operated in accordance with 147  
that section, in the circumstances specified in that section, 148  
with one of the conditions of the sanction being that the 149  
offender successfully complete the portion of the sentence to be 150  
served in the center. 151

(B) A sentence to a community residential sanction under 152  
division (A)(2) of this section shall be in accordance with 153  
section 307.932 of the Revised Code. In all other cases, the 154  
court that sentences an offender to a community residential 155  
sanction under this section may do either or both of the 156  
following: 157

(1) Permit the offender to serve the offender's sentence 158  
in intermittent confinement, overnight, on weekends or at any 159  
other time or times that will allow the offender to continue at 160  
the offender's occupation or care for the offender's family; 161

(2) Authorize the offender to be released so that the 162  
offender may seek or maintain employment, receive education or 163  
training, receive treatment, perform community service, or 164  
otherwise fulfill an obligation imposed by law or by the court. 165  
A release pursuant to this division shall be only for the 166

duration of time that is needed to fulfill the purpose of the 167  
release and for travel that reasonably is necessary to fulfill 168  
the purposes of the release. 169

(C) The court may order that a reasonable portion of the 170  
income earned by the offender upon a release pursuant to 171  
division (B) of this section be applied to any financial 172  
sanction imposed under section 2929.28 of the Revised Code. 173

(D) No court shall sentence any person to a prison term 174  
for a misdemeanor or minor misdemeanor or to a jail term for a 175  
minor misdemeanor. 176

(E) If a court sentences a person who has been convicted 177  
of or pleaded guilty to a misdemeanor to a community residential 178  
sanction as described in division (A) of this section, at the 179  
time of reception and at other times the person in charge of the 180  
operation of the halfway house, community alternative sentencing 181  
center, district community alternative sentencing center, or 182  
other place at which the offender will serve the residential 183  
sanction determines to be appropriate, the person in charge of 184  
the operation of the halfway house, community alternative 185  
sentencing center, district community alternative sentencing 186  
center, or other place may cause the convicted offender to be 187  
examined and tested for tuberculosis, HIV infection, hepatitis, 188  
including, but not limited to, hepatitis A, B, and C, and other 189  
contagious diseases. The person in charge of the operation of 190  
the halfway house, community alternative sentencing center, 191  
district community alternative sentencing center, or other place 192  
at which the offender will serve the residential sanction may 193  
cause a convicted offender in the halfway house, community 194  
alternative sentencing center, district community alternative 195  
sentencing center, or other place who refuses to be tested or 196

treated for tuberculosis, HIV infection, hepatitis, including, 197  
but not limited to, hepatitis A, B, and C, or another contagious 198  
disease to be tested and treated involuntarily. 199

(F) A political subdivision may enter into a contract with 200  
a halfway house for use of the halfway house to house 201  
misdemeanor offenders under a sanction imposed under division 202  
(A) (1) of this section. 203

(G) (1) As used in division (G) (2) of this section, 204  
"opioid-related offense" and "supervised release" have the same 205  
meanings as in section 5145.33 of the Revised Code. 206

(2) Section 5145.33 of the Revised Code applies with 207  
respect to all offenders who are sentenced to a community 208  
residential sanction of not less than thirty days under this 209  
section and to supervised release upon their release from that 210  
community residential sanction. 211

**Sec. 5145.33. (A) As used in this section:** 212

(1) "Board of alcohol, drug addiction, and mental health 213  
services" has the same meaning as in section 5119.90 of the 214  
Revised Code. 215

(2) "Chief community residential facility official" means 216  
the person responsible for the operation of a community 217  
residential facility. 218

(3) "Chief corrections official" means the person 219  
responsible for the operation of a state or local correctional 220  
facility, whichever is applicable. 221

(4) "Community residential facility" means a community- 222  
based correctional facility, a jail, a halfway house, or an 223  
alternative residential facility to which an offender has been 224



sentenced under a community residential sanction imposed under 225  
section 2929.16 or 2929.26 of the Revised Code. 226

(5) "County correctional facility" has the same meaning as 227  
in section 341.42 of the Revised Code. 228

(6) "Eligible offender" means an offender to whom either 229  
of the following applies: 230

(a) The offender is confined in a state correctional 231  
facility or a community residential facility for felons, under a 232  
sentence imposed for an opioid-related offense that is a felony. 233

(b) The offender is confined in a local correctional 234  
facility or a community residential facility for misdemeanants, 235  
under a sentence of not less than thirty days imposed for an 236  
opioid-related offense that is a misdemeanor. 237

(7) "Local correctional facility" means a county 238  
correctional facility or a municipal correctional facility. 239

(8) "Long-acting opioid antagonist therapy" means 240  
treatment through the use of naltrexone or another opioid 241  
receptor antagonist and the provision of therapy components. 242

(9) "Municipal correctional facility" has the same meaning 243  
as in section 753.32 of the Revised Code. 244

(10) "Opiate" has the same meaning as in section 3719.01 245  
of the Revised Code. 246

(11) "Opioid-related offense" means any of the following 247  
offenses that an offender is convicted of or pleads guilty to 248  
committing: 249

(a) An offense that the sentencing court indicates in the 250  
record of conviction relates to, or was committed as a result 251

<u>of, the offender's addiction to an opiate or opioid;</u>	252
<u>(b) An offense for which the sentencing court indicates in</u>	253
<u>the record of conviction that the offender's addiction to an</u>	254
<u>opiate or opioid was a factor leading to the offender's</u>	255
<u>commission of the offense.</u>	256
<u>(c) An offense for which the offender is sentenced to</u>	257
<u>confinement in a state or local correctional facility, if the</u>	258
<u>chief corrections official of the facility determines that the</u>	259
<u>offender's addiction to an opiate or opioid was a factor leading</u>	260
<u>to the offender's commission of the offense.</u>	261
<u>(12) "Pilot program" means the pilot program established</u>	262
<u>under division (B) of this section for the provision of long-</u>	263
<u>acting opioid antagonist therapy to eligible offenders who are</u>	264
<u>convicted of or plead guilty to an opioid-related offense.</u>	265
<u>(13) "State correctional facility" means a state</u>	266
<u>correctional institution, as defined in section 2967.01 of the</u>	267
<u>Revised Code.</u>	268
<u>(14) "Supervised release" means the release of an eligible</u>	269
<u>offender confined for an opioid-related offense to which both of</u>	270
<u>the following apply:</u>	271
<u>(a) The offender's release is under post-release control</u>	272
<u>or transitional control, is granted under section 2929.20 or</u>	273
<u>2967.19 of the Revised Code, is under a community nonresidential</u>	274
<u>sanction imposed under section 2929.17 or 2929.27 of the Revised</u>	275
<u>Code as part of a sentence including a community residential</u>	276
<u>sanction imposed under section 2929.16 or 2929.26 of the Revised</u>	277
<u>Code or in substitution for a jail term under division (H) of</u>	278
<u>section 2929.24 of the Revised Code, is under parole or</u>	279
<u>conditional probation, or is another type of release other than</u>	280

final release. 281

(b) The release requires the offender to report to or be supervised by a parole officer, a probation officer, a field officer, or another type of supervising officer. 282  
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(15) "Supervising authority" means the entity or person that administers and supervises the supervised release of an eligible offender. 285  
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(B) There is hereby established, on July 1, 2018, a statewide pilot program for the provision of long-acting opioid antagonist therapy to eligible offenders who are confined for an opioid-related offense in a state correctional facility, a local correctional facility, or a community residential program and who will be released from confinement on supervised release. The pilot program shall operate with regard to those offenders while they are confined in the state or local correctional facility or the community residential facility under that sentence and upon their release. The pilot program shall operate at least until December 31, 2020, and not later than June 30, 2023, determined as provided in division (H) of this section. 288  
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(C) A court that sentences an offender for an offense and that determines either of the following shall indicate the determination in the record of conviction for the offender: 300  
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(1) That the offense relates to, or was committed as a result of, the offender's addiction to an opiate or opioid; 303  
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(2) That the offender's addiction to an opiate or opioid was a factor leading to the offender's commission of the offense. 305  
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(D) After the establishment of the pilot program, the chief corrections official of each state or local correctional 308  
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facility or the official's designee, and the chief community 310  
residential facility official of each community residential 311  
facility or the official's designee, shall inform each eligible 312  
offender who is confined in the official's facility and who will 313  
be released from the confinement on supervised release of the 314  
program and its benefits. Each of those offenders shall be 315  
offered, prior to the release, the opportunity to participate in 316  
the program. An offender who is offered the opportunity to 317  
participate in the pilot program may elect to participate or may 318  
decline participation in the program. In informing an offender 319  
of the program and its benefits, the chief corrections official 320  
or designee, or the chief community residential facility 321  
official or designee, whichever is applicable, shall provide the 322  
offender with detailed information about the specifics of long- 323  
acting opioid antagonist therapy, including the manner in which 324  
the therapy and treatment under it works and the expected 325  
results of the therapy. 326

(E) If an eligible offender elects to participate in the 327  
pilot program, the offender shall be provided long-acting opioid 328  
antagonist therapy for at least thirty days before the 329  
offender's release from the state or local correctional facility 330  
or community residential facility. The naltrexone or another 331  
opioid receptor antagonist used in the therapy shall be provided 332  
to the offender by injection, in pill form, or in other 333  
medically acceptable means not later than thirty days prior to 334  
the offender's release. The cost of the long-acting opioid 335  
antagonist therapy provided to offenders while they are confined 336  
in the facility shall be paid by the state. 337

(F) If an eligible offender confined in a state or local 338  
correctional facility or in a community residential facility 339  
that is operated by a governmental entity elects to participate 340

in the pilot program, the chief corrections official or chief 341  
community residential facility official of the applicable 342  
facility, or the official's designee, shall comply with 343  
divisions (F) (1) to (5) of this section. If an offender confined 344  
in a community residential facility that is not operated by a 345  
governmental entity elects to participate in the pilot program, 346  
the chief community residential facility official of the 347  
applicable facility or the official's designee shall notify the 348  
court that sentenced the offender of that election and the court 349  
shall comply with divisions (F) (1) to (5) of this section. An 350  
official or court required to comply with divisions (F) (1) to 351  
(5) of this section shall do all of the following prior to the 352  
offender's release from confinement: 353

(1) In consultation with the entity or person that will be 354  
the supervising authority for the offender, establish terms and 355  
conditions for the offender's participation in the program. The 356  
terms and conditions for participation in the program shall 357  
include, but are not limited to, a schedule for the offender to 358  
receive upon release treatment with naltrexone or another opioid 359  
receptor antagonist by injection, in pill form, or in other 360  
medically acceptable means and the therapy components of the 361  
long-acting opioid antagonist therapy, and a requirement that 362  
the offender receive the treatment with naltrexone or another 363  
opioid receptor antagonist and the therapy components in 364  
accordance with that schedule. The terms and conditions for 365  
participation in the program shall serve as terms and conditions 366  
of the offender's supervised release and shall apply to the 367  
offender for the period of that supervised release. 368

(2) Inform the offender about the medicaid program and the 369  
possibility of obtaining treatment with naltrexone or another 370  
opioid receptor antagonist through the program after release; 371

(3) Determine if the offender was a medicaid recipient 372  
immediately prior to being confined in the facility and, based 373  
on the determination, do whichever of the following is 374  
applicable: 375

(a) If the offender was a medicaid recipient, inform the 376  
offender about the operation of section 5163.45 of the Revised 377  
Code; 378

(b) If the offender was not a medicaid recipient, refer 379  
the offender to either or both of the following as appropriate: 380

(i) The department of medicaid if the department accepts 381  
medicaid applications under section 5160.30 of the Revised Code; 382

(ii) The agency, if any, authorized by an agreement 383  
entered into under division (B) of section 5160.30 of the 384  
Revised Code to accept applications for the medicaid program. 385

(4) Obtain from the offender the address of the offender's 386  
expected future residence; 387

(5) Provide the offender with contact information for the 388  
board of alcohol, drug addiction, and mental health services 389  
that serves the county in which the offender's expected place of 390  
residence is located, and inform the offender that upon release 391  
the offender should be able to receive long-acting opioid 392  
antagonist therapy required under the program at a facility 393  
operated by the board or by an entity with which the board has 394  
contracted. Contact information provided under this division 395  
shall include at least the name and address of, and a telephone 396  
number for, the board. 397

(G)(1) Each board of alcohol, drug addiction, and mental 398  
health services shall establish a procedure for providing long- 399  
acting opioid antagonist therapy to eligible offenders who are 400

participating in the pilot program and who reside in the 401  
territory served by the board. 402

(2) If an eligible offender elects to participate in the 403  
pilot program, after the offender is released from confinement 404  
in the state or local correctional facility or the community 405  
residential facility, the offender shall obtain the offender's 406  
long-acting opioid antagonist therapy from the board of alcohol, 407  
drug addiction, and mental health services that serves the 408  
county in which the offender resides. The therapy shall be 409  
obtained at a facility operated by the board or by an entity 410  
with which the board has contracted to provide the therapy under 411  
the program. The cost of the therapy shall be paid through the 412  
medicaid program or by other health insurance that covers the 413  
offender. 414

(H) (1) If an eligible offender who elects to participate 415  
in the pilot program has not provided the address of the 416  
offender's expected future residence to the chief corrections 417  
official of the state or local correctional facility or chief 418  
community residential facility official, whichever is 419  
applicable, or the official's designee by the time of the 420  
offender's release from confinement in the facility, or if the 421  
offender changes the offender's residence address after that 422  
release, the offender promptly shall provide the offender's 423  
supervising authority and the facility with the offender's 424  
residence address and telephone number. 425

(2) If an eligible offender elects to participate in the 426  
pilot program, a failure of the offender to comply with the 427  
terms and conditions established under division (F) (1) of this 428  
section for the offender's participation in the program shall 429  
constitute a violation of the offender's supervised release. 430

(I) During the pilot program's operation, commencing July 1, 2018, the department of rehabilitation and correction shall evaluate the program and its rate of success. All county correctional facilities, all municipal correctional facilities, all chief corrections officials of such facilities, all community residential facilities, all chief community residential facility officials, and all legislative authorities that pay the cost of operation of a county correctional facility, a municipal correctional facility, or a community residential facility shall cooperate with the department in its evaluation of the pilot program. The department shall prepare a report containing its evaluation, its findings, and recommendations for changes in the program and, not later than January 1, 2020, shall provide copies of the report to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the governor.

Unless the general assembly, not later than July 1, 2020, enacts legislation that extends the operation of the pilot program for an additional thirty months, the pilot program shall terminate on December 31, 2020. However, if the program terminates on that date, notwithstanding that termination, any offender who commenced participation in the program prior to that date shall continue in the program under the terms and conditions established under division (F) (1) of this section for the offender's participation in the program. If the general assembly, not later than July 1, 2020, enacts legislation that extends the operation of the pilot program for an additional thirty months, the pilot program shall continue until June 30, 2023. Notwithstanding the ending of the program, any eligible offender who commenced participation in the program prior to that date shall continue in the program under the terms and



conditions established under division (F) (1) of this section for 462  
the offender's participation in the program. In enacting the 463  
legislation, the general assembly may modify the provisions of 464  
this section. Any modifications made shall apply to the pilot 465  
program during the additional thirty-month period. 466

**Section 2.** That existing sections 2929.16 and 2929.26 of 467  
the Revised Code are hereby repealed. 468

**Section 3.** Sections 341.43, 753.34, 2929.16, 2929.26, and 469  
5145.33 of the Revised Code, as amended in Sections 1 and 2 of 470  
this act or as enacted in Section 1 of this act, shall take 471  
effect on January 1, 2018. 472