

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 117

Representatives Huffman, Brenner

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

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

of, the offender's addiction to an opiate or opioid; 252

(b) An offense for which the sentencing court indicates in 253
the record of conviction that the offender's addiction to an 254
opiate or opioid was a factor leading to the offender's 255
commission of the offense. 256

(c) An offense for which the offender is sentenced to 257
confinement in a state or local correctional facility, if the 258
chief corrections official of the facility determines that the 259
offender's addiction to an opiate or opioid was a factor leading 260
to the offender's commission of the offense. 261

(12) "Pilot program" means the pilot program established 262
under division (B) of this section for the provision of long- 263
acting opioid antagonist therapy to eligible offenders who are 264
convicted of or plead guilty to an opioid-related offense. 265

(13) "State correctional facility" means a state 266
correctional institution, as defined in section 2967.01 of the 267
Revised Code. 268

(14) "Supervised release" means the release of an eligible 269
offender confined for an opioid-related offense to which both of 270
the following apply: 271

(a) The offender's release is under post-release control 272
or transitional control, is granted under section 2929.20 or 273
2967.19 of the Revised Code, is under a community nonresidential 274
sanction imposed under section 2929.17 or 2929.27 of the Revised 275
Code as part of a sentence including a community residential 276
sanction imposed under section 2929.16 or 2929.26 of the Revised 277
Code or in substitution for a jail term under division (H) of 278
section 2929.24 of the Revised Code, is under parole or 279
conditional probation, or is another type of release other than 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