

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 202

Senators Bacon, O'Brien

Cosponsors: Senators Kunze, Gardner, Manning, Hoagland, Lehner

A BILL

To amend sections 2967.14, 5120.021, 5120.113, and 1
5149.04 and to enact section 5120.038 of the 2
Revised Code to require the Department of 3
Rehabilitation and Correction to establish a 4
reentry program for all offenders released from 5
prison who it intends to have reside in a 6
halfway house or similar facility but who are 7
not accepted by any such facility; to require 8
the Adult Parole Authority to establish maximum 9
work-load and case-load standards for its parole 10
and field officers and have enough trained 11
officers to comply with the standards; to 12
require that GPS monitoring used for offenders 13
released from prison under such monitoring 14
specify restrictions, including inclusionary 15
zones and necessary exclusionary zones; to 16
require the Department to establish system 17
requirements for GPS monitoring of such 18
offenders by the Department or third-party 19
contract administrators; to require the 20
Department to operate a statewide database for 21
law enforcement use containing specified 22
information about such offenders; to require 23

that third-party administrators for GPS 24
monitoring under a new contract with the 25
Department provide and use a law enforcement- 26
accessible crime scene correlation program; and 27
to name the act's provisions the Reagan Tokes 28
Law. 29

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

Section 1. That sections 2967.14, 5120.021, 5120.113, and 30
5149.04 be amended and section 5120.038 of the Revised Code be 31
enacted to read as follows: 32

Sec. 2967.14. (A) The department of rehabilitation and 33
correction or the adult parole authority may require or allow a 34
parolee, a releasee, or a prisoner otherwise released from a 35
state correctional institution to reside in a halfway house or 36
other suitable community residential center that has been 37
licensed by the division of parole and community services 38
pursuant to division (C) of this section or, in the 39
circumstances described in division (E) of section 5120.113 of 40
the Revised Code, in the reentry program and facility 41
established under that division, during a part or for the entire 42
period of the offender's or parolee's conditional release or of 43
the releasee's term of post-release control. The court of common 44
pleas that placed an offender under a sanction consisting of a 45
term in a halfway house or in an alternative residential 46
sanction may require the offender to reside in a halfway house 47
or other suitable community residential center that is 48
designated by the court and that has been licensed by the 49
division pursuant to division (C) of this section during a part 50

or for the entire period of the offender's residential sanction. 51

(B) The division of parole and community services may 52
negotiate and enter into agreements with any public or private 53
agency or a department or political subdivision of the state 54
that operates a halfway house, reentry center, or community 55
residential center that has been licensed by the division 56
pursuant to division (C) of this section. An agreement under 57
this division shall provide for the purchase of beds, shall set 58
limits of supervision and levels of occupancy, and shall 59
determine the scope of services for all eligible offenders, 60
including those subject to a residential sanction, as defined in 61
rules adopted by the director of rehabilitation and correction 62
in accordance with Chapter 119. of the Revised Code, or those 63
released from prison without supervision. The payments for beds 64
and services shall not exceed the total operating costs of the 65
halfway house, reentry center, or community residential center 66
during the term of an agreement. The director of rehabilitation 67
and correction shall adopt rules in accordance with Chapter 119. 68
of the Revised Code for determining includable and excludable 69
costs and income to be used in computing the agency's average 70
daily per capita costs with its facility at full occupancy. 71

The director of rehabilitation and correction shall adopt 72
rules providing for the use of no more than fifteen per cent of 73
the amount appropriated to the department each fiscal year for 74
the halfway house, reentry center, and community residential 75
center program to pay for contracts with licensed halfway houses 76
for nonresidential services for offenders under the supervision 77
of the adult parole authority, including but not limited to, 78
offenders supervised pursuant to an agreement entered into by 79
the adult parole authority and a court of common pleas under 80
section 2301.32 of the Revised Code. The nonresidential services 81

may include, but are not limited to, treatment for substance 82
abuse, mental health counseling, counseling for sex offenders, 83
electronic monitoring services, aftercare, and other 84
nonresidential services that the director identifies by rule. 85

(C) The division of parole and community services may 86
license a halfway house, reentry center, or community 87
residential center as a suitable facility for the care and 88
treatment of adult offenders, including offenders sentenced 89
under section 2929.16 or 2929.26 of the Revised Code, only if 90
the halfway house, reentry center, or community residential 91
center complies with the standards that the division adopts in 92
accordance with Chapter 119. of the Revised Code for the 93
licensure of halfway houses, reentry centers, and community 94
residential centers. The division shall annually inspect each 95
licensed halfway house, licensed reentry center, and licensed 96
community residential center to determine if it is in compliance 97
with the licensure standards. 98

(D) The division of parole and community services may 99
expend up to one-half per cent of the annual appropriation made 100
for halfway house programs, for goods or services that benefit 101
those programs. 102

Sec. 5120.021. (A) The provisions of Chapter 5120. of the 103
Revised Code, as they existed prior to July 1, 1996, and that 104
address the duration or potential duration of incarceration or 105
parole or other forms of supervised release, apply to all 106
persons upon whom a court imposed a term of imprisonment prior 107
to July 1, 1996, and all persons upon whom a court, on or after 108
July 1, 1996, and in accordance with law existing prior to July 109
1, 1996, imposed a term of imprisonment for an offense that was 110
committed prior to July 1, 1996. 111

(B) (1) The provisions of Chapter 5120. of the Revised 112
Code, as they exist on or after July 1, 1996, and that address 113
the duration or potential duration of incarceration or 114
supervised release, apply to all persons upon whom a court 115
imposed a stated prison term for an offense committed on or 116
after July 1, 1996. 117

(2) The provisions of Chapter 5120. of the Revised Code, 118
as they exist on or after the effective date of this amendment, 119
apply to an offender who is released from confinement in a state 120
correctional institution on or after that date. 121

(C) Nothing in this section limits or affects the 122
applicability of any provision in Chapter 5120. of the Revised 123
Code, as amended or enacted on or after July 1, 1996, that 124
pertains to an issue other than the duration or potential 125
duration of incarceration or supervised release, to persons in 126
custody or under the supervision of the department of 127
rehabilitation and correction. 128

Sec. 5120.038. (A) As used in this section, "GPS-monitored 129
offender" means an offender who, on or after the effective date 130
of this section, is released from confinement in a state 131
correctional institution under a conditional pardon, parole, 132
other form of authorized release, or transitional control that 133
includes global positioning system monitoring as a condition of 134
the person's release, or who, on or after that date, is placed 135
under post-release control that includes global positioning 136
system monitoring as a condition under the post-release control. 137

(B) (1) On and after the effective date of this section, 138
each global positioning system monitor that is used to monitor a 139
GPS-monitored offender shall specify and monitor restrictions 140
for the offender. The restrictions shall include for the 141

offender inclusionary zones and, to the extent necessary, 142
exclusionary zones, and may include for the offender a curfew 143
specifying times of required presence in the inclusionary zone 144
and any other reasonable restrictions. 145

(2) Each contract that the department of rehabilitation 146
and correction enters into on or after the effective date of 147
this section with a third-party contract administrator for 148
global position system monitoring of GPS-monitored offenders 149
shall require all of the following: 150

(a) That the global positioning system used by the 151
administrator include a crime scene correlation program that can 152
interface by link with the database established under division 153
(D) of this section and to which access can be obtained by a 154
link included in that database; 155

(b) That the crime scene correlation program included in 156
the administrator's system will allow local law enforcement 157
representatives to obtain, without need for a subpoena or 158
warrant, real-time access or active global positioning system 159
access to information contained in the program about a GPS- 160
monitored offender's location at that time and, to the extent 161
that it is available, at other previous points in time 162
identified by the representative or designee, about the location 163
of recent criminal activity in or near the offender's 164
inclusionary or exclusionary zones, and about any possible 165
connection between the offender's location and that recent 166
criminal activity; 167

(c) That the administrator allow access to the crime scene 168
correlation program included in the administrator's system to 169
law enforcement representatives as described in division (D) of 170
this section. 171

(C) (1) On and after the effective date of this section, 172
any third-party contract administrator used for global 173
positioning system monitoring of a GPS-monitored offender shall 174
comply in the monitoring of the offender with system 175
requirements of the department of rehabilitation and correction 176
that exist on that date for global positioning system monitoring 177
of such offenders. 178

(2) If, on the effective date of this section, the 179
department of rehabilitation and correction has not established 180
system requirements of the type described in division (C) (1) of 181
this section, within a reasonable period of time after that 182
effective date, the department shall establish system 183
requirements for global positioning system monitoring of GPS- 184
monitored offenders. After establishment of the requirements, 185
the department, and any third-party contract administrator used 186
for global positioning system monitoring, shall comply with the 187
established system requirements in the monitoring of a GPS- 188
monitored offender. 189

(D) (1) Not later than twelve months after the effective 190
date of this section, the department of rehabilitation and 191
correction shall establish and operate on the internet a 192
statewide database that contains the information specified in 193
division (D) (3) of this section for GPS-monitored offenders. At 194
any point in time, the database shall contain the specified 195
information for each GPS-monitored offender who then is subject 196
to global positioning system monitoring. The database shall 197
enable local law enforcement representatives to remotely search 198
by electronic means the content of the database, and shall 199
contain a link to the crime scene correlation program described 200
in division (B) (2) of this section for third-party contract 201
administrators required by that division to include such a 202

program in their systems. The database is not a public record 203
subject to inspection or copying under section 149.43 of the 204
Revised Code and shall be available only to local law 205
enforcement representatives as described in this division. 206
Information obtained by local law enforcement representatives 207
through use of this database is not open to inspection or 208
copying under section 149.43 of the Revised Code. 209

(2) (a) If the database established under division (D) (1) 210
of this section includes a link to a crime scene correlation 211
program described in division (B) (2) of this section that is 212
included in the global positioning system used by a third-party 213
contract administrator, a local law enforcement representative 214
may use that link to obtain information contained in the program 215
about a GPS-monitored offender and recent criminal activity, as 216
described in division (B) (2) of this section. 217

(b) Separate from the authority described in division (D) 218
(2) (a) of this section, if a local law enforcement 219
representative, through use of the database established under 220
division (D) (1) of this section or in any other manner learns 221
the identity of, and contact information for, an employee of the 222
department who is monitoring a GPS-monitored offender or the 223
identity of, and contact information for, a third-party contract 224
administrator that is being used for global positioning system 225
monitoring of a GPS-monitored offender, the representative or 226
another law enforcement officer designated by the representative 227
may contact the employee or the administrator and, without need 228
for a subpoena or warrant, request real-time access or active 229
global positioning system access to information about the 230
offender's location at that time and at other previous points in 231
time identified by the representative or designee. Upon receipt 232
of a request as described in this division, the employee of the 233

department or the third-party contract administrator, without 234
need for a subpoena or warrant, shall provide the representative 235
or designee with the requested information regarding the 236
offender's location at that time and, to the extent that it is 237
available, at the other identified previous points in time. A 238
request under this division also may request information that 239
the employee or administrator has obtained about the location of 240
recent criminal activity in or near the GPS-monitored offender's 241
inclusionary or exclusionary zones, and about any possible 242
connection between the offender's location and that recent 243
criminal activity, and, upon receipt of such a request, the 244
employee or administrator, without need for a subpoena or 245
warrant, shall provide the representative or designee with that 246
information to the extent that it is available. 247

(3) The information contained in the database required 248
under division (D)(1) of this section shall include, for each 249
GPS-monitored offender to be included within the database, all 250
of the following: 251

(a) The offender's name; 252

(b) The offense or offenses for which the offender is 253
subject to global positioning system monitoring and the 254
offender's other criminal history; 255

(c) The offender's residence address; 256

(d) The monitoring parameters and restrictions for the 257
offender, including all inclusionary zones, exclusionary zones, 258
and inclusionary zone curfews for the offender and all other 259
restrictions placed on the offender; 260

(e) If an employee of the department is monitoring the 261
offender, the identity of, and contact information for, the 262

employee, and if a third-party contract administrator is being 263
used for global positioning system monitoring of the offender, 264
the identity of, and contact information for, the third-party 265
contract administrator; 266

(f) All previous violations of the monitoring parameters 267
and restrictions applicable to the offender under the global 268
positioning system monitoring that then is in effect for the 269
offender. 270

(E) The amendments to sections 2967.14, 5120.021, 271
5120.113, and 5149.04 and the enactment of this section of the 272
Revised Code by ... B... of the 132nd general assembly 273
constitute the Reagan Tokes Law. 274

Sec. 5120.113. (A) For each inmate committed to the 275
department of rehabilitation and correction, except as provided 276
in division (B) of this section, the department shall prepare a 277
written reentry plan for the inmate to help guide the inmate's 278
rehabilitation program during imprisonment, to assist in the 279
inmate's reentry into the community, and to assess the inmate's 280
needs upon release. 281

(B) Division (A) of this section does not apply to an 282
inmate who has been sentenced to life imprisonment without 283
parole or who has been sentenced to death. Division (A) of this 284
section does not apply to any inmate who is expected to be 285
imprisoned for thirty days or less, but the department may 286
prepare a written reentry plan of the type described in that 287
division if the department determines that the plan is needed. 288

(C) The department may collect, if available, any social 289
and other information that will aid in the preparation of 290
reentry plans under this section. 291

(D) In the event the department does not prepare a written reentry plan as specified in division (A) of this section, or makes a decision to not prepare a written reentry plan under division (B) of this section or to not collect information under division (C) of this section, that fact does not give rise to a claim for damages against the state, the department, the director of the department, or any employee of the department.

(E) (1) As used in this division, "target offender" means a parolee, a releasee, or a prisoner otherwise released from a state correctional institution with respect to whom both of the following apply:

(a) The department of rehabilitation and correction or the adult parole authority intends to require the parolee, releasee, or prisoner to reside in a halfway house, reentry center, or community residential center that has been licensed by the division of parole and community services pursuant to division (C) of section 2967.14 of the Revised Code during a part or for the entire period of the prisoner's or parolee's conditional release or of the releasee's term of post-release control.

(b) No halfway house, reentry center, or community residential center that has been licensed as described in division (E) (1) of this section will accept the prisoner, parolee, or releasee to reside in the facility.

(2) Not later than twenty-four months after the effective date of this amendment, the department, through the adult parole authority, shall establish and implement a reentry program for all target offenders. The program shall include a facility. The program and facility shall satisfy all the standards that the division of parole and community services adopts in accordance with Chapter 119. of the Revised Code for the licensure of

halfway houses, reentry centers, and community residential 322
centers. Upon the establishment and implementation of the 323
program and facility, the department or authority shall require 324
that all target offenders reside in the program's facility 325
during a part or for the entire period of the target offender's 326
conditional release or term of post-release control. 327

Sec. 5149.04. (A) Persons paroled, conditionally pardoned, 328
or released to community supervision shall be under jurisdiction 329
of the adult parole authority and shall be supervised by the 330
field services section through its staff of parole and field 331
officers in such manner as to insure as nearly as possible the 332
offender's rehabilitation while at the same time providing 333
maximum protection to the general public. All state and local 334
officials shall furnish such information to officers of the 335
section as they may request in the performance of their duties. 336

(B) The superintendent, or superintendents, of the field 337
services section shall be a person, or persons, especially 338
qualified by training and experience in the field of 339
corrections. The superintendent, or superintendents, shall 340
supervise the work of the section and shall formulate and 341
execute an effective program of offender supervision. The 342
superintendent, or superintendents, shall collect and preserve 343
any records and statistics with respect to offenders that are 344
required by the chief of the authority. The section also shall 345
include other personnel who are necessary for the performance of 346
the section's duties. 347

No person shall be appointed as a superintendent who is 348
not qualified by education or experience in correctional work 349
including law enforcement, probation, or parole work, in law, in 350
social work, or in a combination of the three categories. 351

(C) The superintendent, or superintendents, of the field services section, with the approval of the chief of the authority, may establish district offices for the section and may assign necessary parole and field officers and clerical staff to the district offices.

(D) The field services section in the exercise of its supervision over offenders and persons conditionally pardoned shall carry out all lawful orders, terms, and conditions prescribed by the authority, the chief of the division of parole and community services, or the governor.

(E) (1) As used in division (E) of this section:

(a) "Case-load" means the maximum number of persons paroled, conditionally pardoned, or released to community supervision who should be under the supervision of any parole or field officer, based on the aggregate of the work load of the officer for each of those persons.

(b) "Parole or field officer" means a parole or field officer of the field services section.

(c) "Work-load" means the minimum number of hours that a parole or field officer is expected to dedicate to each person paroled, conditionally pardoned, or released to community supervision who is under the officer's supervision, based on the person's risk classification.

(2) Not later than one year after the effective date of this amendment, the adult parole authority shall establish supervision standards for parole and field officers. The standards shall include a specification of a case-load and a work-load for parole and field officers. The case-load and work-load specified in the standards shall comport with industry

standards set forth by the American probation and parole 381
association. 382

(3) Not later than two years after establishing the 383
standards required under division (E)(2) of this section, the 384
department of rehabilitation and correction shall ensure that 385
the field services section has enough parole and field officers 386
to comply with the standards and that the officers have been 387
trained to the extent required to comply with the standards. 388

Section 2. That existing sections 2967.14, 5120.021, 389
5120.113, and 5149.04 of the Revised Code are hereby repealed. 390