

AN ACT

To amend section 2921.44 and to enact sections 9.08, 341.42, 753.32, 5120.62, and 5145.31 of the Revised Code to prohibit prisoners in state, county, and municipal and privately operated correctional facilities from having access to the Internet except in specified circumstances.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2921.44 be amended and sections 9.08, 341.42, 753.32, 5120.62, and 5145.31 of the Revised Code be enacted to read as follows:

Sec. 9.08. (A) As used in this section:

(1) "Computer," "computer network," "computer system," "computer services," "telecommunications service," and "information service" have the same meanings as in section 2913.01 of the Revised Code.

(2) "Contractor" means either of the following:

(a) A person who enters into a contract under section 9.06 of the Revised Code.

(b) A person who enters into a contract under section 9.07 of the Revised Code to operate and manage a correctional facility in this state for out-of-state prisoners.

(3) "Private correctional facility" means a correctional facility that is operated by a contractor under a contract pursuant to section 9.06 or 9.07 of the Revised Code.

(4) "Internet" has the same meaning as in section 341.42 of the Revised Code.

(B) No officer or employee of a contractor who is operating and managing a private correctional facility shall provide a prisoner in the private correctional facility access to or permit a prisoner in the private correctional facility to have access to the internet through the use of a computer, computer network, computer system, computer services, telecommunications service, or information service unless both of the following apply:

(1) THE PRISONER IS PARTICIPATING IN AN APPROVED

EDUCATIONAL PROGRAM WITH DIRECT SUPERVISION THAT REQUIRES THE USE OF THE INTERNET FOR TRAINING OR RESEARCH PURPOSES.

(2) THE PROVISION OF AND ACCESS TO THE INTERNET IS IN ACCORDANCE WITH RULES PROMULGATED BY THE DEPARTMENT OF REHABILITATION AND CORRECTION PURSUANT TO SECTION 5120.62 OF THE REVISED CODE.

(C)(1) NO PRISONER IN A PRIVATE CORRECTIONAL FACILITY SHALL ACCESS THE INTERNET THROUGH THE USE OF A COMPUTER, COMPUTER NETWORK, COMPUTER SYSTEM, computer services, telecommunications service, or Information service unless both of the following apply:

(a) THE PRISONER IS PARTICIPATING IN AN APPROVED EDUCATIONAL PROGRAM WITH DIRECT SUPERVISION THAT REQUIRES THE USE OF THE INTERNET FOR TRAINING OR RESEARCH PURPOSES.

(b) THE PROVISION OF AND ACCESS TO THE INTERNET IS IN ACCORDANCE WITH RULES PROMULGATED BY THE DEPARTMENT OF REHABILITATION AND CORRECTION PURSUANT TO SECTION 5120.62 OF THE Revised Code.

(2) WHOEVER VIOLATES DIVISION (C)(1) OF THIS SECTION IS GUILTY OF IMPROPER INTERNET ACCESS, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 341.42. (A) As used in this section:

(1) "County correctional officer" has the same meaning as in section 341.41 of the Revised Code.

(2) "Computer," "computer network," "computer system," "computer services," "telecommunications service," and "information service" have the same meanings as in section 2913.01 of the Revised Code.

(3) "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the world wide web.

(4) "County correctional facility" means a county jail, county workhouse, minimum security jail, joint city and county workhouse, municipal-county correctional center, multicounty-municipal correctional center, municipal-county jail or workhouse, or multicounty-municipal jail or workhouse.

(B) No county correctional officer shall provide a prisoner access to or permit a prisoner to have access to the internet through the use of a computer, computer network, computer system, computer services,

telecommunications service, or information service unless both of the following apply:

(1) THE PRISONER IS PARTICIPATING IN AN APPROVED EDUCATIONAL PROGRAM WITH DIRECT SUPERVISION THAT REQUIRES THE USE OF THE INTERNET FOR TRAINING OR RESEARCH PURPOSES.

(2) THE PROVISION OF AND ACCESS TO THE INTERNET IS IN ACCORDANCE WITH RULES PROMULGATED BY THE DEPARTMENT OF REHABILITATION AND CORRECTION PURSUANT TO SECTION 5120.62 OF THE REVISED CODE.

(C)(1) NO PRISONER IN A COUNTY CORRECTIONAL FACILITY UNDER THE CONTROL OF A COUNTY SHALL ACCESS THE INTERNET THROUGH THE USE OF A COMPUTER, COMPUTER NETWORK, COMPUTER SYSTEM, computer services, telecommunications service, or Information service unless both of the following apply:

(a) THE PRISONER IS PARTICIPATING IN AN APPROVED EDUCATIONAL PROGRAM WITH DIRECT SUPERVISION THAT REQUIRES THE USE OF THE INTERNET FOR TRAINING OR RESEARCH PURPOSES.

(b) THE PROVISION OF AND ACCESS TO THE INTERNET IS IN ACCORDANCE WITH RULES PROMULGATED BY THE DEPARTMENT OF REHABILITATION AND CORRECTION PURSUANT TO SECTION 5120.62 OF THE Revised Code.

(2) WHOEVER VIOLATES DIVISION (C)(1) OF THIS SECTION IS GUILTY OF IMPROPER INTERNET ACCESS, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 753.32. (A) As used in this section:

(1) "Municipal correctional officer" has the same meaning as in section 753.31 of the Revised Code.

(2) "Computer," "computer network," "computer system," "computer services," "telecommunications service," and "information service" have the same meanings as in section 2913.01 of the Revised Code.

(3) "Internet" has the same meaning as in section 341.42 of the Revised Code.

(4) "Municipal correctional facility" means a municipal jail, municipal workhouse, minimum security jail, joint city and county workhouse, municipal-county correctional center, multicounty-municipal correctional center, municipal-county jail or workhouse, or multicounty-municipal jail or workhouse.

(B) No municipal correctional officer shall provide a prisoner access to or permit a prisoner to have access to the internet through the use of a computer, computer network, computer system, computer services, telecommunications service, or information service unless both of the following apply:

(1) THE PRISONER IS PARTICIPATING IN AN APPROVED EDUCATIONAL PROGRAM WITH DIRECT SUPERVISION THAT REQUIRES THE USE OF THE INTERNET FOR TRAINING OR RESEARCH PURPOSES.

(2) THE PROVISION OF AND ACCESS TO THE INTERNET IS IN ACCORDANCE WITH RULES PROMULGATED BY THE DEPARTMENT OF REHABILITATION AND CORRECTION PURSUANT TO SECTION 5120.62 OF THE REVISED CODE.

(C)(1) NO PRISONER IN A MUNICIPAL CORRECTIONAL FACILITY UNDER THE CONTROL OF A MUNICIPAL CORPORATION SHALL ACCESS THE INTERNET THROUGH THE USE OF A COMPUTER, COMPUTER NETWORK, COMPUTER SYSTEM, computer services, telecommunications service, or Information service unless both of the following apply:

(a) THE PRISONER IS PARTICIPATING IN AN APPROVED EDUCATIONAL PROGRAM WITH DIRECT SUPERVISION THAT REQUIRES THE USE OF THE INTERNET FOR TRAINING OR RESEARCH PURPOSES.

(b) THE PROVISION OF AND ACCESS TO THE INTERNET IS IN ACCORDANCE WITH RULES PROMULGATED BY THE DEPARTMENT OF REHABILITATION AND CORRECTION PURSUANT TO SECTION 5120.62 OF THE Revised Code.

(2) WHOEVER VIOLATES DIVISION (C)(1) OF THIS SECTION IS GUILTY OF IMPROPER INTERNET ACCESS, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 2921.44. (A) No law enforcement officer shall negligently do any of the following:

(1) Fail to serve a lawful warrant without delay;

(2) Fail to prevent or halt the commission of an offense or to apprehend an offender, when it is in ~~his~~ the law enforcement officer's power to do so alone or with available assistance.

(B) No law enforcement, ministerial, or judicial officer shall negligently fail to perform a lawful duty in a criminal case or proceeding.

(C) No officer, having charge of a detention facility, shall negligently do any of the following:

- (1) Allow the detention facility to become littered or unsanitary;
- (2) Fail to provide persons confined in the detention facility with adequate food, clothing, bedding, shelter, and medical attention;
- (3) Fail to control an unruly prisoner, or to prevent intimidation of or physical harm to a prisoner by another;

(4) Allow a prisoner to escape;

(5) Fail to observe any lawful and reasonable regulation for the management of the detention facility.

(D) No public official of the state shall recklessly create a deficiency, incur a liability, or expend a greater sum than is appropriated by the general assembly for the use in any one year of the department, agency, or institution of the state with which the public official is connected.

(E) No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to ~~his~~ the public servant's office, or recklessly do any act expressly forbidden by law with respect to ~~his~~ the public servant's office.

(F) Whoever violates this section is guilty of dereliction of duty, a misdemeanor of the second degree.

(G) As used in this section, "public servant" includes an officer or employee of a contractor as defined in section 9.08 of the Revised Code.

Sec. 5120.62. THE DIRECTOR OF REHABILITATION AND CORRECTION SHALL ADOPT RULES UNDER CHAPTER 119. OF THE REVISED CODE THAT GOVERN THE ESTABLISHMENT AND OPERATION OF A SYSTEM THAT PROVIDES ACCESS TO THE INTERNET FOR PRISONERS WHO ARE PARTICIPATING IN AN APPROVED EDUCATIONAL PROGRAM WITH DIRECT SUPERVISION THAT REQUIRES THE USE OF THE INTERNET FOR TRAINING OR RESEARCH PURPOSES. THE RULES SHALL INCLUDE ALL OF THE FOLLOWING:

(A) CRITERIA BY WHICH INMATES MAY BE SCREENED AND APPROVED FOR ACCESS OR TRAINING INVOLVING THE INTERNET;

(B) DESIGNATION OF THE AUTHORITY TO APPROVE INTERNET SITES FOR AUTHORIZED USE;

(C) A REQUIREMENT THAT ONLY PRE-APPROVED SITES WILL BE ACCESSIBLE ON THE COMPUTERS USED BY PRISONERS IN THE EDUCATIONAL PROGRAM;

(D) A PROCESS FOR THE PERIODIC REVIEW OF THE OPERATION OF THE SYSTEM, INCLUDING USERS OF THE SYSTEM AND THE SITES ACCESSED BY THE SYSTEM;

(E) SANCTIONS THAT MUST BE IMPOSED AGAINST PRISONERS AND STAFF MEMBERS WHO VIOLATE DEPARTMENT RULES GOVERNING PRISONER ACCESS TO THE INTERNET.

Sec. 5145.31. (A) As used in this section:

(1) "Computer," "computer network," "computer system," "computer services," "telecommunications service," and "information service" have the same meanings as in section 2913.01 of the Revised Code.

(2) "Internet" has the same meaning as in section 341.42 of the Revised Code.

(B) No officer or employee of a correctional institution under the control or supervision of the department of rehabilitation and correction shall provide a prisoner access to or permit a prisoner to have access to the internet through the use of a computer, computer network, computer system, computer services, telecommunications service, or information service unless both of the following apply:

(1) THE PRISONER IS PARTICIPATING IN AN APPROVED EDUCATIONAL PROGRAM WITH DIRECT SUPERVISION THAT REQUIRES THE USE OF THE INTERNET FOR TRAINING OR RESEARCH PURPOSES.

(2) THE PROVISION OF AND ACCESS TO THE INTERNET IS IN ACCORDANCE WITH RULES PROMULGATED BY THE DEPARTMENT OF REHABILITATION AND CORRECTION PURSUANT TO SECTION 5120.62 OF THE REVISED CODE.

(C)(1) NO PRISONER IN A CORRECTIONAL INSTITUTION UNDER THE CONTROL OR SUPERVISION OF THE DEPARTMENT OF REHABILITATION AND CORRECTION SHALL ACCESS THE INTERNET THROUGH THE USE OF A COMPUTER, COMPUTER NETWORK, COMPUTER SYSTEM, computer services, telecommunications service, or Information service unless both of the following apply:

(a) THE PRISONER IS PARTICIPATING IN AN APPROVED EDUCATIONAL PROGRAM WITH DIRECT SUPERVISION THAT REQUIRES THE USE OF THE INTERNET FOR TRAINING OR RESEARCH PURPOSES.

(b) THE PROVISION OF AND ACCESS TO THE INTERNET IS IN ACCORDANCE WITH RULES PROMULGATED BY THE DEPARTMENT OF REHABILITATION AND CORRECTION PURSUANT TO SECTION 5120.62 OF THE Revised Code.

(2) WHOEVER VIOLATES DIVISION (C)(1) OF THIS SECTION IS GUILTY OF IMPROPER INTERNET ACCESS, A MISDEMEANOR OF

Am. Sub. S. B. No. 12

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THE FIRST DEGREE.

SECTION 2. That existing section 2921.44 of the Revised Code is hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____