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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 338**  
**136<sup>th</sup> General Assembly**

## Bill Analysis

[Click here for H.B. 338's Fiscal Note](#)

**Version:** As Passed by the House

**Primary Sponsors:** Reps. Johnson and Plummer

Ashley F. Dean, Attorney

### SUMMARY

#### Andy's Law

- Names the act Andy's Law.

#### Aggravated murder

- Expands the offense of aggravated murder to prohibit causing the death of specific persons interacting with a correctional department, institution, or facility.
- Expands the offense of aggravated murder to prohibit causing the death of specific persons when it is the offender's specific purpose to kill those persons.
- Requires the trial court to impose a sentence of life imprisonment without parole when the offender commits the offense of aggravated murder, and the victim was a person interacting with a correctional department, institution, or facility.

#### Assault

- Increases the penalty for assault from a fifth degree felony to a third degree felony with a presumption for a prison term in specified circumstances involving an assault that occurs on or off the grounds of a state or local correctional facility or DYS institution.

#### Assault or felonious assault specification

- Creates a seven-year additional definite prison term for assault or felonious assault of a visitor, volunteer, employee, or contractor at a prison, jail, youth facility, or probation department.
- Requires the mandatory seven-year additional sentence to be served consecutively to the sentence for the underlying offense, and specifies that any other prison term previously or subsequently imposed must be served consecutively to the seven-year prison term.

## **Illegal conveyance of communications devices and drugs of abuse**

- Increases the penalty for a violation of “illegal conveyance of drugs of abuse onto the grounds of a specified governmental facility” to a first degree felony for offenders who are persons interacting with a correctional department, institution, or facility.
- Increases the penalties for a violation of “illegal conveyance of a communications device onto the grounds of a specified governmental facility” for offenders who are persons interacting with a correctional department, institution, or facility.
- Requires the court to impose a mandatory prison term for the offenders described above from the range of definite prison terms prescribed for a first degree felony.

## **Harassment by inmate**

- Requires the court to impose a mandatory prison term of at least three years but no more than four years on an offender who harasses another person or law enforcement officer with a bodily substance.
- Requires the court to impose a mandatory prison term of at least three years but no more than six years on an offender who harasses another with a bodily substance when the offender knows that the offender is a carrier of a specific virus.

## **Department of Rehabilitation and Correction (DRC) policies**

- Requires the person appointed to the position of DRC Director to have an employment history that includes being employed in a corrections role at any level of security for at least five years or at a high security correctional institution for at least three years.
- Requires the DRC Director to adopt rules for DRC, all state correctional institutions, and correctional officers to follow.
- Allows DRC to retain a third-party consultant firm to assist the Department in improving hiring and staff retention methods.
- Requires DRC to enter into a contract with each firm it hires and requires each contract to include terms requiring the firm to provide a specified scope of services for a specified number of years.

## **DRC registry of sex offenders**

- Requires the DRC Director to establish and maintain a DRC registry of sex offenders, listing inmates who violate DRC’s rules of behavior for sexual offenses.
- Requires the Director to supervise the registry and the collection and dissemination of data included in the registry.
- Allows the Director to enter into contracts or other agreements as necessary to maintain the registry.

- Requires the Director to publish and make the data collected by the registry available to the public online for ten years after an inmate’s final discharge.
- Provides that each employee of DRC who in good faith submits a report to the registry is not liable in any cause of action arising from the submission of the report.
- Requires the Director to publish the reporting requirements established on DRC’s website.

### **Surviving spouse health benefits**

- Requires the DRC Director to notify the Director of the Department of Administrative Services (DAS) when a corrections officer is killed in the line of duty and requires the DAS Director to enroll the surviving spouse in any health benefit DAS contracts.
- Provides that receiving benefits does not make the surviving spouse a state employee.
- Makes a surviving spouse ineligible to participate in health, medical, hospital, dental, surgical, or vision benefits under specific circumstances.
- Requires DRC to pay DAS for the total cost of a surviving spouse’s health, medical, hospital, dental, surgical, or vision benefit, plus any applicable administrative costs.
- Requires a surviving spouse who is receiving a health, medical, hospital, dental, surgical, or vision benefit to apply to the DAS Director to participate in any health, medical, hospital, dental, surgical, or vision benefit available as soon as practicable.

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## DETAILED ANALYSIS

### Andy’s Law

The bill is named Andy’s Law.<sup>1</sup>

### Aggravated murder

#### Expansion of offense

The bill expands the offense of aggravated murder to prohibit purposely causing the death of a person whom the offender knows or has reasonable cause to know is any of the following: a visitor, a volunteer, a person on the grounds of a state correctional institution or local correctional facility, an employee of the Department of Rehabilitation and Correction (DRC), the Department of Youth Services (DYS), or a probation department, or a contractor providing services to DRC or DYS when either of the following applies:<sup>2</sup>

- The victim, at the time of the commission of the offense, is a visitor, volunteer, or person on the grounds of a state correctional institution or local correctional facility.
- It is the offender’s specific purpose to kill a visitor, volunteer, or person on the grounds of a state correctional institution or local correctional facility, an employee of DRC or DYS, or a probation department, or a contractor providing services to DRC or DYS.

#### Imposition of sentence for aggravated murder

The bill requires the trial court to impose a sentence of life imprisonment without parole with the offender serving the sentence at a high security prison for at least ten years when the offender commits the offense of aggravated murder, and the victim was one of the following: a visitor, a volunteer, or person on the grounds of a state correctional institution or local correctional facility, an employee of DRC or a probation department, or a contractor providing services to DRC.<sup>3</sup>

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<sup>1</sup> Section 3.

<sup>2</sup> R.C. 2903.01(E)(1) and (2).

<sup>3</sup> R.C. 2929.03(A)(1)(f).

## Assault

Under continuing law, unchanged by the bill, assault is a third degree felony if the offense occurs in or on the grounds of a state correctional institution or a DYS institution, the victim of the offense is a DRC or DYS employee, and the offense is committed by a person incarcerated in the state correctional institution or institutionalized in the DYS institution. The bill adds a presumption for a prison term to this circumstance.<sup>4</sup>

Also under existing law, assault is a fifth degree felony if committed in any of the following circumstances:<sup>5</sup>

1. The offense occurs in or on the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department or is on the premises of the facility for business purposes or as a visitor, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person being charged with or convicted of any crime, or subsequent to the person being alleged to be or adjudicated a delinquent child.
2. The offense occurs off the grounds of a state correctional institution or DYS institution, the victim of the offense is an employee of DRC, DYS, or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person incarcerated in a state correctional institution or DYS institution who temporarily is outside of the institution for any purpose, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.
3. The offense occurs off the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person being charged with or convicted of any crime, or subsequent to the person being alleged to be or adjudicated a delinquent child and who temporarily is outside of the facility for any purpose or by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.

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<sup>4</sup> R.C. 2903.13(C)(3)(a).

<sup>5</sup> R.C. 2903.13(C)(3) (b), (c), and (d).

The bill increases the penalty for assault under the three circumstances listed above to a third degree felony and adds a presumption for a prison term under those circumstances.<sup>6</sup>

### **Assault or felonious assault specification**

The bill creates a specification that requires a seven-year additional definite prison term relating to the assault or felonious assault of a “visitor, volunteer, or person on the grounds of a state correctional institution or local correctional facility, DRC employee, DYS employee, or probation department employee, or a contractor providing services to DRC or DYS” (a defined term, see “**Definition**,” below). The bill provides that the imposition of the mandatory seven-year prison term is precluded unless the offender is convicted of or pleads guilty to an assault or a felonious assault and unless the indictment, count in the indictment, or information charging the offense specifies that the victim of the offense was a “visitor, volunteer, or person on the grounds of a state correctional institution or local correctional facility, DRC employee, DYS employee, or probation department employee, or a contractor providing services to DRC or DYS.” The bill requires the specification to be stated at the end of the body of the indictment, count, or information and must be stated in substantially the following form:<sup>7</sup>

SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT).

The Grand Jurors (or insert the person’s or prosecuting attorney’s name when appropriate) further find and specify that (set forth that the victim of the offense was a visitor, volunteer, or person on the grounds of a state correctional institution or local correctional facility, an employee of the department of rehabilitation and correction, the department of youth services, or a probation department, or a contractor providing services to the department of rehabilitation and correction or the department of youth services).

The bill requires the mandatory seven-year additional sentence described above to be served consecutively to the sentence for the underlying assault or felonious assault, and specifies that any other prison term or mandatory prison term previously or subsequently imposed upon the offender must be served consecutively to that seven-year prison term.<sup>8</sup>

### **Definition**

The bill defines “visitor, volunteer, or person on the grounds of a state correctional institution or local correctional facility, DRC employee, DYS employee, or probation department employee, or a contractor providing services to DRC or DYS” as either of the following:<sup>9</sup>

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<sup>6</sup> R.C. 2903.13(C).

<sup>7</sup> R.C. 2941.1427(B) and 2929.14(A) and (B)(12).

<sup>8</sup> R.C. 2929.14(C)(9).

<sup>9</sup> R.C. 2941.1427(A).

1. A victim of assault committed under any of the four circumstances described under “**Assault**,” above.
2. A victim of felonious assault committed against a visitor, volunteer, or person on the grounds of a state correctional institution or local correctional facility, DRC employee, DYS employee, or probation department employee, or a contractor providing services to DRC or DYS, if the offense is committed by a person incarcerated in the state correctional institution or by a person institutionalized in the DYS institution.

## **Illegal conveyance of communications devices and drugs of abuse**

The bill increases the penalties for a violation of “illegal conveyance of drugs of abuse onto the grounds of a specified governmental facility” from a third degree felony to a first degree felony for offenders who are visitors, volunteers, or persons on the grounds of a state correctional institution or local correctional facility, or contractors or employees of contractors providing services to DRC or DYS.<sup>10</sup> The bill also increases the penalties for a violation of “illegal conveyance of a communications device onto the grounds of a specified governmental facility” from a fifth degree felony to a first degree felony for offenders who are visitors, volunteers, or persons on the grounds of a state correctional institution or local correctional facility, or contractors or employees of contractors providing services to DRC or DYS.<sup>11</sup> The bill requires the court to impose a mandatory prison term for the offenders mentioned above from the range of definite prison terms prescribed for a first degree felony.<sup>12</sup>

## **Harassment by inmate**

The bill requires the court to impose a mandatory prison term of at least three but no more than four years on an offender who commits the offense of harassment with a bodily substance when the victim is another person or law enforcement officer.<sup>13</sup> The bill also requires the court to impose a mandatory prison term of at least three years but no more than six on an offender who commits the offense of harassment with a bodily substance when the offender knows that the offender is a carrier of the virus that causes acquired immunodeficiency syndrome (HIV/AIDS), a carrier of a hepatitis virus, or is infected with tuberculosis.<sup>14</sup>

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<sup>10</sup> R.C. 2921.36(G)(2)(b).

<sup>11</sup> R.C. 2921.36(G)(5)(b).

<sup>12</sup> R.C. 2921.36(G)(2)(b), and (G)(5)(b), and 2929.14(A)(1).

<sup>13</sup> R.C. 2921.38(A), (B), and (D).

<sup>14</sup> R.C. 2921.38(C) and (D).

## Department of Rehabilitation and Correction policies

The bill requires the person appointed as DRC Director to have an employment history that includes being employed in a corrections role at any level for at least five years or at a high security correctional institution for at least three years.<sup>15</sup>

The bill also requires the DRC Director to adopt rules for DRC, all state correctional institutions, and correctional officers to follow. The bill requires the Director to adopt rules in accordance with administrative procedure as seen below.<sup>16</sup>

### Police dogs

The bill requires the DRC Director to adopt rules that require all state correctional institutions to utilize a police dog to identify contraband in visitation and housing units. On and after the effective date of the bill, any police dog that is so assigned and that is trained for the purpose of identifying contraband must be assigned exclusively to a single state correctional institution and belong to a breed within a list provided by the State Highway Patrol. The list must be provided to DRC within 60 days of the effective date of the bill. The assignment of each police dog to high security correctional facilities is required to be completed within two years of the effective date of the bill and the Department is required to utilize the State Highway Patrol dog handling training and services and may contract for or provide those services if more police dog training is needed.<sup>17</sup>

“**Police dog**” means a dog that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties.<sup>18</sup>

### Entering correctional institutions

The rules must also include a requirement that the entering and exiting of contractual food workers to and from a state correctional institution be limited to the same rate and time allowed for correctional officers.<sup>19</sup>

All visitation at high security institutions must be no contact.<sup>20</sup> The bill also requires all visitors entering the grounds of any state correctional institution to complete a screening that includes the following:<sup>21</sup>

- Removal of coats and jackets;
- Storage of coats and jackets in a location not readily accessible to inmates;

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<sup>15</sup> R.C. 121.03 and 5120.01.

<sup>16</sup> R.C. 5120.012.

<sup>17</sup> R.C. 5120.012(A).

<sup>18</sup> R.C. 5120.01(A), by reference to R.C. 2921.321(H)(2), not in the bill.

<sup>19</sup> R.C. 5120.012(B).

<sup>20</sup> R.C. 5120.012(C)(2).

<sup>21</sup> R.C. 5120.012(C)(1).

- Entrance only after walking through a security screening system.

### **Correctional officer training**

The rules must require the corrections training academy to train all incoming correctional officers to detain a contractor, visitor, or other person entering or seeking to enter a state correctional institution while in possession of contraband.<sup>22</sup> DRC must allow certified correctional officers trained through the DRC training academy to detain a contractor, visitor, or person otherwise entering or attempting to enter a state correctional institution when items are discovered on the person that are prohibited inside the state correctional institution until the State Highway Patrol takes custody of the person.<sup>23</sup>

### **Correctional institution operations and higher education programs**

The rules must require state correctional institution operations to be managed in accordance with what is necessary for the inmate population that is assigned to the institution. It is the intent of the General Assembly that the Department not change the security classification system to meet the capacities of current facilities but instead manage the bed space to align with the established capacity guidelines of the security classification system.<sup>24</sup>

The rules must also require the elimination of all higher education programs at high security state correctional institutions.<sup>25</sup>

### **DRC rules of behavior and inmate sanctions**

The bill requires the rules require adherence with any sanctions imposed by the Department's rules infraction board.<sup>26</sup> The rules must also require an inmate to forfeit the inmate's assigned tablet for a minimum of 30 days if the inmate violates the Department's rules of behavior imposed by the Department's rules infraction board that include rules prohibiting offenses of violence, threats, sexual misconduct, gang activity, and disturbances, resisting authority, disrespect, unauthorized relationships, escape and related conduct, weapons, drugs, and other related matters.<sup>27</sup>

The rules must also require high security institutions to not assign tablets to inmates for personal use. Inmates who are at high security institutions may only use tablets during limited time frames and on a shared basis.<sup>28</sup> Inmates at a state correctional institution who have been remanded to restrictive housing cannot be assigned a tablet for personal use and inmates who have been remanded to restrictive housing may only use tablets during limited time frames on a

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<sup>22</sup> R.C. 5120.012(D)(1).

<sup>23</sup> R.C. 5120.012(D)(2).

<sup>24</sup> R.C. 5120.012(E).

<sup>25</sup> R.C. 5120.012(F).

<sup>26</sup> R.C. 5120.012(G)(1)(a).

<sup>27</sup> R.C. 5120.012(G)(1)(b).

<sup>28</sup> R.C. 5120.012(G)(1)(c).

shared basis.<sup>29</sup> The bill provides that it is the intent of the General Assembly to prohibit a reduction of sanctions on an inmate imposed by the rules infraction board due to limitations of space in restrictive housing or limited privilege housing.<sup>30</sup>

### **Attorney General duties**

DRC and DYS must respond to requests for information by cooperating with the Office of the Attorney General to the fullest extent possible. DRC and DYS must also allow the Office of the Attorney General to obtain and view all requested documents.<sup>31</sup>

### **Incarceration extension annual report and warden employment history**

The rules must also require the Department to publish a detailed annual report listing every instance where the Department extends an offender's incarceration in each calendar year. The report must be sent to the Office of the Attorney General by March 1 of each year.<sup>32</sup> All persons appointed to the position of warden are required to have an employment history that includes being employed in a security or custody role for at least three years at DRC.<sup>33</sup>

### **Vocational programming**

High security state correctional institutions must offer vocational programming only to the following inmates:<sup>34</sup>

- Inmates who have not committed a "serious violation" (a defined term, see below) of the inmate rules of conduct during the six months immediately prior to the beginning of the program, if the inmate has been incarcerated six consecutive months or longer;
- Inmates who have not committed a "serious violation" of the inmate rules of conduct since being taken into custody for the inmate's current period of incarceration, if the inmate has been incarcerated less than six months.

The Department must draft internal policies determining which violations are to be considered "serious violations," which must include all violations of the inmate rules of conduct that are violent or of a sexual nature.<sup>35</sup> The Department must require that inmates who join a program refrain from committing a serious violation of the inmate rules of conduct for the duration of the program or be automatically removed from the program.<sup>36</sup> DRC must perform a

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<sup>29</sup> R.C. 5120.012(G)(1)(d).

<sup>30</sup> R.C. 5120.012(G)(2).

<sup>31</sup> R.C. 5120.012(K)(1) and (2).

<sup>32</sup> R.C. 5120.012(H).

<sup>33</sup> R.C. 5120.012(I).

<sup>34</sup> R.C. 5120.012(J)(1).

<sup>35</sup> R.C. 5120.012(J)(2).

<sup>36</sup> R.C. 5120.012(J)(3).

cost-benefit analysis of vocational programs at all high security institutions. The analysis must be submitted to the Office of the Attorney General by July 30, 2026.<sup>37</sup>

DRC and DYS must also post a notice in a conspicuous location within juvenile and adult correctional facilities informing juvenile offenders and inmates of mandatory minimum prison terms for assaulting or harassing correctional officers in all facilities and update the notice as needed.<sup>38</sup>

## **Consultant firm**

The bill allows DRC to retain a third-party consultant firm as is reasonably necessary to assist DRC in improving hiring and staff retention methods.<sup>39</sup> DRC must enter into a contract with each firm it hires and each contract must include terms requiring that the firm agrees to provide a specified scope of services to DRC for a specified number of hours per week for a specified number of years.<sup>40</sup>

## **DRC registry of sex offenders**

The bill requires DRC to establish and maintain a registry of sex offenders, listing inmates who violate DRC's rules of behavior for sexual offenses.<sup>41</sup> The bill also requires the Director to supervise the registry and the collection and dissemination of data included in the registry. The bill allows the Director to enter into contracts or other agreements as necessary to maintain the registry, including data sharing contracts with data reporting entities. Under the bill, the Director is required to publish and make the data collected by the registry available to the public online for ten years after an inmate's final discharge.<sup>42</sup>

The bill provides that each DRC employee who in good faith submits a report to the registry is not liable in any cause of action arising from the submission of the report.<sup>43</sup> The Director is required under bill to publish the reporting requirements established on DRC's website.<sup>44</sup>

## **Surviving spouse health benefits**

The bill requires the DRC Director to notify the DAS Director when a correction officer is killed in the line of duty and requires the DAS Director to enroll the surviving spouse of the deceased correction officer in any health, medical, hospital, dental, surgical, or vision benefit DAS contracts for or provides for the benefit of state employees who are paid directly by warrant of

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<sup>37</sup> R.C. 5120.012(J)(4).

<sup>38</sup> R.C. 5120.012(L).

<sup>39</sup> R.C. 5120.361(A).

<sup>40</sup> R.C. 5120.361(B).

<sup>41</sup> R.C. 5120.491(A).

<sup>42</sup> R.C. 5120.491(B).

<sup>43</sup> R.C. 5120.491(C).

<sup>44</sup> R.C. 5120.491(D).

the Director of Budget and Management (OBM). The bill provides that receiving benefits does not make the surviving spouse a state employee.<sup>45</sup> The bill also makes a surviving spouse ineligible to participate in a health, medical, hospital, dental, surgical, or vision benefit if the spouse is either of the following:<sup>46</sup>

- An employee paid directly by warrant of the OBM Director who is eligible to participate in those benefits.
- Eligible to enroll in the Medicare program established by Title XVIII of the “Social Security Act.”

The bill requires DRC to pay DAS for the total cost of a surviving spouse’s health, medical, hospital, dental, surgical, or vision benefit, plus any applicable administrative costs.<sup>47</sup> A surviving spouse who is receiving a health, medical, hospital, dental, surgical, or vision benefit must apply to the DAS Director to participate in any health, medical, hospital, dental, surgical, or vision benefit available as soon as practicable after the spouse’s application for a death benefit is approved by the board of trustees of the Ohio Police and Fire Pension Fund.<sup>48</sup>

### Definitions – surviving spouse health benefits

The bill defines the following terms:

- **“Correction officer”** means a correction officer, corporal, sergeant, lieutenant, or captain, and the equivalents of all such persons, at an institution under DRC’s control.<sup>49</sup>
- **“Killed in the line of duty”** means either of the following:<sup>50</sup>
  - Death in the line of duty;
  - Death from injury sustained in the line of duty, including heart attack or other fatal injury or illness caused while in the line of duty.

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## HISTORY

Action	Date
Introduced	06-10-25
Reported, H. Judiciary	11-19-25
Passed House (82-3)	11-19-25

ANHB0338PH-136/ar

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<sup>45</sup> R.C. 5120.85(B)(1).

<sup>46</sup> R.C. 5120.85(B)(2).

<sup>47</sup> R.C. 5120.85(C).

<sup>48</sup> R.C. 5120.85(D).

<sup>49</sup> R.C. 5120.85(A)(1).

<sup>50</sup> R.C. 5120.85(A)(2), by reference to R.C. 742.63(A)(12), not in the bill.