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# OHIO LEGISLATIVE SERVICE COMMISSION

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**H.B. 556**  
**136<sup>th</sup> General Assembly**

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. A. Matthews and Williams

Sarah A. Maki, Attorney

### SUMMARY

- Except as provided in the below dot points, shortens the duration of a community control sanction for a third, fourth, and fifth degree felony from five years to three years.
- Allows the court to impose a community control sanction of up to five years for a third, fourth, or fifth degree felony to allow the offender to participate in a specialized docket program, comply with mental or behavioral health treatment, or pay restitution.
- Modifies the definition of “technical violation” and allows the court to impose a more restrictive sanction or a temporary incarceration sanction on an offender for a technical violation of a community control sanction.
- Except as provided in the below dot points, shortens the duration of a community control sanction for a misdemeanor from five years to three years.
- Extends the duration of a community control sanction for a misdemeanor for up to five years to allow the offender to comply with mental or behavioral health treatment or pay restitution.
- Allows the court to terminate a community control sanction for a third, fourth, or fifth degree felony or a misdemeanor if the offender meets certain criteria and the termination will not present a serious risk of physical harm to persons.

### DETAILED ANALYSIS

#### Duration of community control

##### Felony

Except as provided below, the bill shortens the duration of a community control sanction for third, fourth, and fifth degree felonies to three years. Under the bill, the duration of a community control sanction for a first or second degree felony is five years and three years for a

third, fourth, or fifth degree felony. Under current law, the duration for a community control sanction for all felonies is five years.<sup>1</sup>

## **Misdemeanor**

Except as provided below, the bill shortens the duration of a community control sanction for all misdemeanors to three years. Currently, the duration for a community control sanction for all misdemeanors is five years.<sup>2</sup>

## **Violations of community control**

### **Felony**

If the conditions of a community control sanction imposed for a felony are violated or if the offender violates a law or leaves the state without the permission of the court or the offender's probation officer, the sentencing court may impose on the violator certain penalties.<sup>3</sup>

The bill creates three new penalties for violations of community control. First, the court may impose a term of not more than one year under the same sanction if the offender is serving the community control sanction for a felony of the third, fourth, or fifth degree, the total time under the sanction does not exceed five years, and the court finds all of the following:<sup>4</sup>

- The offender, while serving the projected last 12 months of the offender's community control sanction, violates the conditions of the sanction, other than a "technical violation";
- The imposition of the term is necessary so that the offender may participate in a specialized docket program, programming in a community-based correctional facility or halfway house, or other specified program, the duration of which is longer than the remaining time on community control;
- The imposition of the term will reduce the risk of the offender reoffending.

Second, the court may impose a term of not more than one year under the same sanction if the offender is serving the community control sanction for any felony of the third, fourth, or fifth degree, the total time under the sanction does not exceed five years, and the court conducts a hearing and finds either of the following:<sup>5</sup>

- In the six months prior to the hearing, the offender has consistently demonstrated a willful refusal to comply with required mental or behavioral health treatment imposed as

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<sup>1</sup> R.C. 2929.15(A)(1) and (B)(1)(a) and (2), 2929.20(K)(1), (N)(1)(b) and (O)(6), and 2951.07(A).

<sup>2</sup> R.C. 2929.25(A)(2) and (3), 2951.02(B)(5), and 2951.07(B).

<sup>3</sup> R.C. 2929.15(B)(1).

<sup>4</sup> R.C. 2929.15(B)(1)(c).

<sup>5</sup> R.C. 2929.15(B)(1)(d).

a condition of the community control sanction, and the court cannot appropriately respond in the remaining period of the community control sanction;

- The offender is required to complete programming as a condition of the community control sanction, and has not completed the programming at the conclusion of the initial supervision term.

If the court imposes a sanction term as described above, the offender must not be subject to any conditions of supervision under the community control sanction except for complying with mental or behavioral health treatment or completing required programming during the extended term.<sup>6</sup>

Third, the court may impose a longer time under the same sanction if the offender is serving the community control sanction for any felony of the third, fourth, or fifth degree and is required to pay restitution, the total time under the sanction does not exceed the time required for the offender to complete the restitution payments or five years, whichever is less, if the court conducts a hearing and finds all of the following:<sup>7</sup>

- The offender has consistently demonstrated a willful refusal to pay restitution imposed as a condition of the community control sanction;
- The offender has the ability to pay restitution without suffering an undue financial burden;
- The civil remedies and procedures in the Restitution Law are insufficient to allow the victim of the offender's criminal offense or the victim's estate to recover restitution after the period of the community control sanction has terminated.

If the court imposes a sanction term as described above, the offender must not be subject to any conditions of supervision under the community control sanction except the payment of restitution during the extended term.<sup>8</sup>

The court is not limited in the number of times it may sentence an offender to any of the terms described above if the total time under the sanction does not exceed five years and if the court makes the required findings.<sup>9</sup>

Under current law, the court may impose on the violator any of the following penalties:<sup>10</sup>

- A longer time under the same sanction if the total time under the sanctions does not exceed the five-year limit;<sup>11</sup>

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<sup>6</sup> R.C. 2929.15(B)(2)(b).

<sup>7</sup> R.C. 2929.15(B)(1)(e) and 2929.18 and 2929.281, not in the bill.

<sup>8</sup> R.C. 2929.15(B)(2)(b).

<sup>9</sup> R.C. 2929.15(B)(2)(a).

<sup>10</sup> R.C. 2929.15(B)(1).

<sup>11</sup> R.C. 2929.15(A)(1) and (B)(1)(a).

- A more restrictive sanction, including a new term in a community-based control correctional facility, halfway house, or jail.<sup>12</sup>

## **Misdemeanor**

If the conditions of a community control sanction imposed for a misdemeanor are violated, the sentencing court may impose on the violator certain penalties.<sup>13</sup>

The bill creates two new penalties for violations of community control. First, the court may impose a term of not more than one year under the same sanction if the total time under the sanction does not exceed five years and the court conducts a hearing and finds either of the following:<sup>14</sup>

- In the six months prior to the hearing, the offender has consistently demonstrated a willful refusal to comply with required mental or behavioral health treatment imposed as a condition of the community control sanction, and the court cannot appropriately respond in the remaining period of the community control sanction;
- The offender is required to complete programming as a condition of the community control sanction, and has not completed the programming at the conclusion of the initial supervision term.

If the court imposes a sanction term as described above, the offender must not be subject to any conditions of supervision under the community control sanction except for complying with mental or behavioral health treatment or completing required programming during the extended term.<sup>15</sup>

Second, the court may impose a longer time under the same sanction if the offender is required to pay restitution under the Restitution Law, the total time under the sanction does not exceed the time required for the offender to complete the restitution payments or five years, whichever is less, if the court conducts a hearing and finds all of the following:<sup>16</sup>

- The offender has consistently demonstrated a willful refusal to pay restitution imposed as a condition of the community control sanction;
- The offender has the ability to pay restitution without suffering an undue financial burden;
- The civil remedies and procedures that provide that the offender subject to the financial sanction is the judgment debtor are insufficient to allow the victim of the offender's

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<sup>12</sup> R.C. 2929.15(B)(1)(b) and (g)(i).

<sup>13</sup> R.C. 2929.25(D)(2).

<sup>14</sup> R.C. 2929.25(D)(2)(d).

<sup>15</sup> R.C. 2929.25(D)(3)(b).

<sup>16</sup> R.C. 2929.25(D)(2)(e) and 2929.18 and 2929.281, not in the bill.

criminal offense or the victim's estate to recover restitution after the period of the community control sanction has terminated.

If the court imposes a sanction term as described above, the offender must not be subject to any conditions of supervision under the community control sanction except the payment of restitution during the extended term.<sup>17</sup>

The court is not limited in the number of times it may sentence an offender to a term described above if the total time under the sanction does not exceed five years.<sup>18</sup>

Under current law, the court may impose on the violator any of the following penalties:<sup>19</sup>

- A longer time under the same sanction if the total time under the sanctions does not exceed the five-year limit;<sup>20</sup>
- A more restrictive community control sanction;<sup>21</sup>
- A combination of community control sanctions, including a jail term.<sup>22</sup>

## Technical violations

### Felony

If the conditions of a community control sanction imposed for a felony are violated by a technical violation, the sentencing court may impose on the violator certain penalties.<sup>23</sup>

The bill creates two new penalties for technical violations of community control. First, the court may impose a more restrictive sanction.<sup>24</sup>

Second, the court may impose a temporary incarceration sanction consisting of whichever of the following is applicable:<sup>25</sup>

- For a first technical violation during the period of community control that includes the violated sanction, a sanction of jail incarceration of not more than 15 days or a sanction of a term in a community-based correctional facility, halfway house, or alternative residential facility of not more than 180 days;<sup>26</sup>

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<sup>17</sup> R.C. 2929.25(D)(3)(b).

<sup>18</sup> R.C. 2929.25(D)(3)(a).

<sup>19</sup> R.C. 2929.25(D)(2).

<sup>20</sup> R.C. 2929.25(D)(2)(a).

<sup>21</sup> R.C. 2929.25(D)(2)(b).

<sup>22</sup> R.C. 2929.25(D)(2)(c).

<sup>23</sup> R.C. 2929.15(B)(1)(f) and (g).

<sup>24</sup> R.C. 2929.15(B)(1)(b) and (g)(i).

<sup>25</sup> R.C. 2929.15(B)(1)(g)(ii).

<sup>26</sup> R.C. 2929.15(B)(1)(g)(ii)(I).

- For a second violation during the period of community control that includes the violated sanction, a sanction of jail incarceration of not more than 30 days or a sanction of a term in a community-based correctional facility, halfway house, or alternative residential facility of not more than 180 days;<sup>27</sup>
- For a third technical violation during the period of community control that includes the violated sanction, a sanction of jail incarceration of not more than 45 days or a sanction of a term in a community-based correctional facility, halfway house, or alternative residential facility of not more than 180 days;<sup>28</sup>
- For a fourth or subsequent technical violation during the period of community control that includes the violated sanction, any applicable sanction described above.<sup>29</sup>

If the court imposes a sanction of jail incarceration described above, the sanction may be served in intermittent confinement, overnight, on weekends, or at any other time that will allow the offender to continue at the offender's occupation or care for the offender's family.<sup>30</sup>

Additionally, the court may suspend the sanction if the offender knowingly and voluntarily agrees to comply with inpatient or outpatient mental or behavioral health treatment, including substance abuse treatment, for a period of 30 to 180 days as determined by the court. If the offender successfully completes the inpatient or outpatient mental or behavioral health treatment, the sanction is terminated. If the offender does not successfully complete the mental or behavioral health treatment, the sanction is reimposed.<sup>31</sup>

Under the bill, the court may impose on the violator one of the following sanctions as a sanction for a fourth or subsequent technical violation described above. Under current law, the court may impose on the violator one of the following sanctions if the offender is serving the community control sanction for a fifth degree felony or certain fourth degree felonies:<sup>32</sup>

- A prison term not to exceed 90 days, provided that if the remaining period of community control at the time of the violation or the remaining period of the reserved prison sentence at that time is less than 90 days. The prison term must not exceed the length of the remaining period of community control or the remaining period of the reserved prison sentence.<sup>33</sup>
- A prison term not to exceed 180 days, provided that if the remaining period of the community control at the time of the violation or the remaining period of the reserved

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<sup>27</sup> R.C. 2929.15(B)(1)(g)(ii)(II).

<sup>28</sup> R.C. 2929.15(B)(1)(g)(ii)(III).

<sup>29</sup> R.C. 2929.15(B)(1)(g)(ii)(I)(V).

<sup>30</sup> R.C. 2929.15(B)(2)(c).

<sup>31</sup> R.C. 2929.15(B)(2)(d).

<sup>32</sup> R.C. 2929.15(B)(1)(f) and (g).

<sup>33</sup> R.C. 2929.15(B)(1)(f)(i).

prison sentence at that time is less than 180 days. The prison term must not exceed the length of the remaining period of community control or the remaining period of the reserved prison sentence.<sup>34</sup>

Under current law, a court is not limited in the number of times it may sentence an offender to one of the above prison terms for a violation of the conditions of a community control sanction or for a violation of a law or leaving the state without the permission of the court or the offender's probation officer.<sup>35</sup>

## **Termination of community control sanction**

### **Felony**

Within 60 days after an offender completes two years of the conditions of a community control sanction imposed for a felony, the bill requires the court to determine whether the following apply:<sup>36</sup>

- The offender is serving the community control sanction for any felony of the third, fourth, or fifth degree;
- The offender has not violated the conditions of the community control sanction in the six months prior to the court's determination;
- The offender has completed all programs required as a condition of the community control sanction.

If the court determines that all the conditions listed above apply, the bill requires the court to terminate the community control sanction unless the court determines, by clear and convincing evidence, that termination will present a risk of serious physical harm to persons. If the court terminates the community control sanction, the court is not required to conduct a hearing.<sup>37</sup>

If the court does not terminate the community control sanction, the bill requires the court to schedule a hearing and notify the offender and the prosecutor for the case of the hearing. The prosecutor must provide timely notice of the hearing to the victim and victim's representative, if applicable. The court must hold the hearing not less than 30 days after the court makes the above determinations. At the hearing, the court must determine whether the above conditions apply and whether clear and convincing evidence exists that termination of the sanction presents a serious risk of physical harm to persons. If the court determines that the conditions apply, the court must terminate the community control sanction unless the court determines, by clear and

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<sup>34</sup> R.C. 2929.15(B)(1)(f)(ii).

<sup>35</sup> R.C. 2929.15(B)(1)(f)(iii).

<sup>36</sup> R.C. 2929.15(D)(1).

<sup>37</sup> R.C. 2929.15(D)(2)(a).

convincing evidence, that termination of the sanction would present a serious risk of physical harm to persons.<sup>38</sup>

### **Misdemeanor**

Within 60 days after an offender completes two years of the conditions of a community control sanction imposed for a misdemeanor, the bill requires the court to determine whether the following apply:<sup>39</sup>

- The offender is serving the community control sanction for any misdemeanor;
- The offender has not violated the conditions of the community control sanction in the six months prior to the court's determination;
- The offender has completed all programs required as a condition of the community control sanction.

If the court determines that all the conditions listed above apply, the bill requires the court to terminate the community control sanction unless the court determines, by clear and convincing evidence, that termination will present a risk of serious physical harm to persons. If the court terminates the community control sanction, the court is not required to conduct a hearing.<sup>40</sup>

If the court does not terminate the community control sanction, the bill requires the court to schedule a hearing and notify the offender and the prosecutor for the case of the hearing. The prosecutor must provide timely notice of the hearing to the victim and victim's representative, if applicable. The court must hold the hearing not less than 30 days after the court makes the above determinations. At the hearing, the court must determine whether the above conditions apply and whether clear and convincing evidence exists that termination of the sanction presents a serious risk of physical harm to persons. If the court determines that the conditions apply, the court must terminate the community control sanction unless the court determines, by clear and convincing evidence, that termination of the sanction would present a serious risk of physical harm to persons.<sup>41</sup>

### **Definition of technical violation**

The bill modifies the definition of "technical violation." Under the bill, a "**technical violation**" means either of the following:<sup>42</sup>

- A violation of the conditions of a community control sanction imposed for a felony and to which neither of the following applies:

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<sup>38</sup> R.C. 2929.15(D)(2)(b).

<sup>39</sup> R.C. 2929.25(F)(1).

<sup>40</sup> R.C. 2929.25(F)(2)(a).

<sup>41</sup> R.C. 2929.25(F)(2)(b).

<sup>42</sup> R.C. 2929.15(F).

- The violation consists of a new criminal offense that is a felony or that is a misdemeanor other than a minor misdemeanor, and the violation is committed while under the community control sanction.
- The violation consists of or includes the offender’s articulated or demonstrated refusal to participate in the community control sanction imposed on the offender or any of its conditions, and the refusal demonstrates to the court that the offender has abandoned the objects of the community control sanction or condition.
- Any of the following violations of the conditions of a community control sanction imposed for a felony:
  - A positive drug or alcohol test result;
  - Failure to report to the probation officer;
  - Failure to report a change in address or other required information;
  - Failure to attend a required class, treatment or counseling session, or meeting;
  - Failure to submit to a drug or alcohol test;
  - A violation of curfew;
  - Leaving the county without permission;
  - Failure to report a change in employment;
  - Associating with a person engaged in criminal activity.

Under current law, the definition of “**technical violation**” means:<sup>43</sup>

- A violation of the conditions of a community control sanction imposed for a fifth degree felony, or a fourth degree felony that is not an offense of violence and is not a sexually oriented offense, and to which neither of the following applies:
  - The violation consists of a new criminal offense that is a felony or that is a misdemeanor other than a minor misdemeanor, and the violation is committed while under the community control sanction.
  - The violation consists of or includes the offender’s articulated or demonstrated refusal to participate in the community control sanction imposed on the offender or any of its conditions, and the refusal demonstrates to the court that the offender has abandoned the objects of the community control sanction or condition.

## Cross references

The bill makes a cross references change.<sup>44</sup>

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<sup>43</sup> R.C. 2929.15(E).

<sup>44</sup> R.C. 2925.11.

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## HISTORY

Action	Date
Introduced	10-28-25

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