

As Introduced

136th General Assembly

Regular Session

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H. B. No. 667

Representative Abrams

**Cosponsors: Representatives Johnson, Robb Blasdel, Hall, T., John, White, A.,
Ray, Miller, K., Bird, Schmidt, Sigrist, Ghanbari**

To amend sections 2929.141, 2929.34, 2935.10,	1
2935.11, 5120.021, 5120.038, 5589.21, and	2
5589.211 of the Revised Code to enact the Reagan	3
Tokes and Patrick Heringer Act to require	4
certain warrants to be entered into LEADS, to	5
require GPS monitoring of offenders released	6
from prison, and to modify T-CAP requirements.	7

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

Section 1. That sections 2929.141, 2929.34, 2935.10,	8
2935.11, 5120.021, 5120.038, 5589.21, and 5589.211 of the	9
Revised Code be amended to read as follows:	10

Sec. 2929.141. (A) Upon the conviction of or plea of	11
guilty to a felony by a person on post-release control at the	12
time of the commission of the felony, the court may terminate	13
the term of post-release control, and the court may do either of	14
the following regardless of whether the sentencing court or	15
another court of this state imposed the original prison term for	16
which the person is on post-release control:	17

(1) In addition to any prison term for the new felony,	18
impose a prison term for the post-release control violation. The	19

maximum prison term for the violation shall be the greater of 20
twelve months or the period of post-release control for the 21
earlier felony ~~minus any time that remains on the date that the~~ 22
~~person has spent under post-release control for the earlier-~~ 23
~~committed the new~~ felony. In all cases, any prison term imposed 24
for the violation shall be reduced by any prison term that is 25
administratively imposed by the parole board as a post-release 26
control sanction. A prison term imposed for the violation shall 27
be served consecutively to any prison term imposed for the new 28
felony. The imposition of a prison term for the post-release 29
control violation shall terminate the period of post-release 30
control for the earlier felony. 31

(2) Impose a sanction under sections 2929.15 to 2929.18 of 32
the Revised Code for the violation that shall be served 33
concurrently or consecutively, as specified by the court, with 34
any community control sanctions for the new felony. 35

(B) If a person on post-release control was acting 36
pursuant to division (B) (2) (b) of section 2925.11 or a related 37
provision under section 2925.12, 2925.14, or 2925.141 of the 38
Revised Code and in so doing violated the conditions of a post- 39
release control sanction based on a minor drug possession 40
offense, as defined in section 2925.11 of the Revised Code, or 41
violated section 2925.12, division (C) (1) of section 2925.14, or 42
section 2925.141 of the Revised Code, the court shall not impose 43
any of the penalties described in division (A) of this section 44
based on the violation. 45

(C) Upon the conviction of or plea of guilty to a felony 46
by a person on transitional control under section 2967.26 of the 47
Revised Code at the time of the commission of the felony, the 48
court may, in addition to any prison term for the new felony, 49

impose a prison term not exceeding twelve months for having 50
committed the felony while on transitional control. An 51
additional prison term imposed pursuant to this section shall be 52
served consecutively to any prison term imposed for the new 53
felony. The sentencing court may impose the additional prison 54
term authorized by this section regardless of whether the 55
sentencing court or another court of this state imposed the 56
original prison term for which the person is on transitional 57
control. 58

Sec. 2929.34. (A) A person who is convicted of or pleads 59
guilty to aggravated murder, murder, or an offense punishable by 60
life imprisonment and who is sentenced to a term of life 61
imprisonment or a prison term pursuant to that conviction shall 62
serve that term in an institution under the control of the 63
department of rehabilitation and correction. 64

(B) (1) A person who is convicted of or pleads guilty to a 65
felony other than aggravated murder, murder, or an offense 66
punishable by life imprisonment and who is sentenced to a term 67
of imprisonment or a prison term pursuant to that conviction 68
shall serve that term as follows: 69

(a) Subject to divisions (B) (1) (b), (B) (2), and (B) (3) of 70
this section, in an institution under the control of the 71
department of rehabilitation and correction if the term is a 72
prison term or as otherwise determined by the sentencing court 73
pursuant to section 2929.16 of the Revised Code if the term is 74
not a prison term; 75

(b) In a facility of a type described in division (G) (1) 76
of section 2929.13 of the Revised Code, if the offender is 77
sentenced pursuant to that division. 78

(2) If the term is a prison term, the person may be 79
imprisoned in a jail that is not a minimum security jail 80
pursuant to agreement under section 5120.161 of the Revised Code 81
between the department of rehabilitation and correction and the 82
local authority that operates the jail. 83

(3) (a) As used in divisions (B) (3) (a) to (d) of this 84
section, "voluntary county" means any county in which the board 85
of county commissioners of the county and the administrative 86
judge of the general division of the court of common pleas of 87
the county enter into an agreement of the type described in 88
division (B) (3) (b) of this section and in which the agreement 89
has not been terminated as described in that division. 90

(b) (i) In any voluntary county, the board of county 91
commissioners of the county and the administrative judge of the 92
general division of the court of common pleas of the county may 93
agree to having the county participate in the targeted community 94
alternatives to prison (T-CAP) program for prisoners who serve a 95
term in a facility pursuant to division (B) (3) (c) of this 96
section by submitting a memorandum of understanding, either as a 97
single county or jointly with other counties, to the department 98
of rehabilitation and correction for approval, pursuant to 99
section 5149.38 of the Revised Code. A board of county 100
commissioners and an administrative judge of a court of common 101
pleas that enter into an agreement of the type described in this 102
division may terminate the agreement, but a termination under 103
this division shall take effect only at the end of the state 104
fiscal biennium in which the termination decision is made. 105

(ii) The department of rehabilitation and correction shall 106
establish deadlines for a voluntary county to indicate the 107
voluntary county's participation in the targeted community 108

alternatives to prison (T-CAP) program before each state fiscal 109
biennium. 110

(iii) In reviewing a submitted memorandum of understanding 111
for approval, the department of rehabilitation and correction 112
shall prioritize a voluntary county that has previously been a 113
voluntary county. The department of rehabilitation and 114
correction may review a memorandum of understanding for a new 115
voluntary county if the general assembly has appropriated 116
sufficient funds for that purpose. 117

(c) Except as provided in division (B) (3) (d) of this 118
section, in any voluntary county, either division (B) (3) (c) (i) 119
or divisions (B) (3) (c) (i) and (ii) of this section shall apply: 120

(i) On and after July 1, 2018, no person sentenced by the 121
court of common pleas of a voluntary county to a prison term for 122
a felony of the fifth degree shall serve the term in an 123
institution under the control of the department of 124
rehabilitation and correction. The person shall instead serve 125
the sentence as a term of confinement in a facility of a type 126
described in division (C) or (D) of this section. 127

(ii) On and after September 1, 2022, no person sentenced 128
by the court of common pleas of a voluntary county to a prison 129
term for a felony of the fourth degree shall serve the term in 130
an institution under the control of the department of 131
rehabilitation and correction. The person shall instead serve 132
the sentence as a term of confinement in a facility of a type 133
described in division (C) or (D) of this section. 134

Nothing in this division relieves the state of its 135
obligation to pay for the cost of confinement of the person in a 136
community-based correctional facility under division (D) of this 137

section. 138

(d) Division (B) (3) (c) of this section does not apply to 139
any person to whom any of the following apply: 140

(i) The felony of the fourth or fifth degree was an 141
offense of violence, as defined in section 2901.01 of the 142
Revised Code, a sex offense under Chapter 2907. of the Revised 143
Code, a violation of section 2925.03 of the Revised Code, or any 144
offense for which a mandatory prison term is required. 145

(ii) The person previously has been convicted of or 146
pleaded guilty to any felony offense of violence, as defined in 147
section 2901.01 of the Revised Code, unless the felony of the 148
fifth degree for which the person is being sentenced is a 149
violation of division (I) (1) of section 2903.43 of the Revised 150
Code. 151

(iii) The person previously has been convicted of or 152
pleaded guilty to any felony sex offense under Chapter 2907. of 153
the Revised Code. 154

(iv) The person previously has been convicted of or 155
pleaded guilty to two or more felony offenses that were not 156
felony offenses of violence. 157

(v) The person previously was under a community control 158
sanction for a felony offense that was not a felony offense of 159
violence, and the person had the community control sanction for 160
that felony offense unfavorably terminated. 161

(vi) The person was under post-release control at the time 162
the person committed the felony of the fourth or fifth degree. 163

(vii) The person's sentence is required to be served 164
concurrently to any other sentence imposed upon the person for a 165

felony that is required to be served in an institution under the 166
control of the department of rehabilitation and correction. 167

(C) A person who is convicted of or pleads guilty to one 168
or more misdemeanors and who is sentenced to a jail term or term 169
of imprisonment pursuant to the conviction or convictions shall 170
serve that term in a county, multicounty, municipal, municipal- 171
county, or multicounty-municipal jail or workhouse; in a 172
community alternative sentencing center or district community 173
alternative sentencing center when authorized by section 307.932 174
of the Revised Code; or, if the misdemeanor or misdemeanors are 175
not offenses of violence, in a minimum security jail. 176

(D) Nothing in this section prohibits the commitment, 177
referral, or sentencing of a person who is convicted of or 178
pleads guilty to a felony to a community-based correctional 179
facility. 180

Sec. 2935.10. (A) As used in this section: 181

(1) "Detention" has the same meaning as in section 2921.01 182
of the Revised Code. 183

(2) "Public safety answering point" has the same meaning 184
as in section 128.01 of the Revised Code. 185

(3) "Targeted violent offender" means an offender to whom 186
both of the following apply: 187

(a) The offender is subject to the supervision of the 188
adult parole authority. 189

(b) The offender has been determined to have a higher risk 190
of reoffending and a higher risk of committing a violent offense 191
upon reoffending based on the adult parole authority's use of 192
the Ohio risk assessment system, the state correctional 193

institutional classification tool, the violence predictor risk 194
assessment, or another tool that assesses the offender's risk of 195
reoffending or committing a violent offense upon reoffending. 196

(B) Upon the filing of an affidavit or complaint as 197
provided by section 2935.09 of the Revised Code, if it charges 198
the commission of a felony, such judge, clerk, or magistrate, 199
unless the judge, clerk, or magistrate has reason to believe 200
that it was not filed in good faith, or the claim is not 201
meritorious, shall forthwith issue a warrant for the arrest of 202
the person charged in the affidavit, and directed to a peace 203
officer; otherwise the judge, clerk, or magistrate shall 204
forthwith refer the matter to the prosecuting attorney or other 205
attorney charged by law with prosecution for investigation prior 206
to the issuance of warrant. 207

~~(B)~~ (C) If the offense charged is a misdemeanor or 208
violation of a municipal ordinance, such judge, clerk, or 209
magistrate may: 210

(1) Issue a warrant for the arrest of such person, 211
directed to any officer named in section 2935.03 of the Revised 212
Code but in cases of ordinance violation only to a police 213
officer or marshal or deputy marshal of the municipal 214
corporation; 215

(2) Issue summons, to be served by a peace officer, 216
bailiff, or court constable, commanding the person against whom 217
the affidavit or complaint was filed to appear forthwith, or at 218
a fixed time in the future, before such court or magistrate. 219
Such summons shall be served in the same manner as in civil 220
cases. 221

~~(C)~~ (D) If the affidavit is filed by, or the complaint is 222

filed pursuant to an affidavit executed by, a peace officer who 223
has, at the officer's discretion, at the time of commission of 224
the alleged offense, notified the person to appear before the 225
court or magistrate at a specific time set by such officer, no 226
process need be issued unless the defendant fails to appear at 227
the scheduled time. 228

~~(D)~~ (E) Any person charged with a misdemeanor or violation 229
of a municipal ordinance may give bail as provided in sections 230
2937.22 to 2937.46 of the Revised Code, for the person's 231
appearance, regardless of whether a warrant, summons, or notice 232
to appear has been issued. 233

~~(E)~~ (F) Any warrant, summons, or any notice issued by the 234
peace officer shall state the substance of the charge against 235
the person arrested or directed to appear. 236

~~(F)~~ (G) When the offense charged is a misdemeanor, and the 237
warrant or summons issued pursuant to this section is not served 238
within two years of the date of issue, a judge or magistrate may 239
order such warrant or summons withdrawn and the case closed, 240
when it does not appear that the ends of justice require keeping 241
the case open. 242

~~(G)~~ ~~(1)~~ (H) (1) Any warrant issued for ~~a tier one offense~~ any 243
of the following shall be entered, by the law enforcement agency 244
requesting the warrant and within forty-eight hours of receipt 245
of the warrant, into the law enforcement automated data system 246
created by section 5503.10 of the Revised Code, and known as 247
LEADS, and the appropriate database of the national crime 248
information center (NCIC) maintained by the federal bureau of 249
investigation: 250

(a) A tier one offense; 251

(b) A person who is under detention and breaks detention 252
or fails to return to detention and who is under a community 253
control sanction or a residential sanction for committing a tier 254
one offense; 255

(c) A person who is under detention and breaks detention 256
or fails to return to detention, who is under a community 257
control sanction or a residential sanction, and who is a 258
targeted violent offender. 259

(2) All warrants issued ~~for tier one offenses~~ under 260
division (H) (1) of this section shall be entered, by the law 261
enforcement agency that receives the warrant with a nationwide 262
extradition radius, into the law enforcement automated data 263
system created by section 5503.10 of the Revised Code, and known 264
as LEADS. 265

(3) If a warrant is issued under division (H) (1) (b) or (c) 266
of this section, the law enforcement agency requesting the 267
warrant, within forty-eight hours of receipt of the warrant, 268
shall notify the public safety answering point of the warrant. 269

(4) If a law enforcement agency discovers that a warrant 270
entered pursuant to section ~~(G) (1)~~ (H) (1) of this section into 271
the law enforcement automated data system and the appropriate 272
database of the national crime information center (NCIC) 273
maintained by the federal bureau of investigation was entered in 274
error, the law enforcement agency shall remove the warrant from 275
the law enforcement automated data system and the appropriate 276
database of the national crime information center (NCIC) 277
maintained by the federal bureau of investigation within forty- 278
eight hours following the discovery of the error. 279

~~(4)~~ (5) If a warrant is entered pursuant to division ~~(G) (1)~~ 280

(H) (1) of this section into the law enforcement automated data 281
system and the national crime information center (NCIC) 282
maintained by the federal bureau of investigation, a law 283
enforcement agency shall remove the warrant from the system and 284
center within forty-eight hours of warrant service or dismissal 285
or recall by the issuing court. 286

Sec. 2935.11. If the person summoned to appear as provided 287
in division ~~(B)~~ (C) of section 2935.10 of the Revised Code fails 288
to appear without just cause and personal service of the summons 289
was had upon ~~him~~ the person, ~~he~~ the person may be found guilty of 290
contempt of court, and may be fined not to exceed twenty dollars 291
for such contempt. Upon failure to appear the court or 292
magistrate may forthwith issue a warrant for ~~his~~ the person's 293
arrest. 294

Sec. 5120.021. (A) The provisions of Chapter 5120. of the 295
Revised Code, as they existed prior to July 1, 1996, and that 296
address the duration or potential duration of incarceration or 297
parole or other forms of supervised release, apply to all 298
persons upon whom a court imposed a term of imprisonment prior 299
to July 1, 1996, and all persons upon whom a court, on or after 300
July 1, 1996, and in accordance with law existing prior to July 301
1, 1996, imposed a term of imprisonment for an offense that was 302
committed prior to July 1, 1996. 303

(B) (1) The provisions of Chapter 5120. of the Revised 304
Code, as they exist on or after July 1, 1996, and that address 305
the duration or potential duration of incarceration or 306
supervised release, apply to all persons upon whom a court 307
imposed a stated prison term for an offense committed on or 308
after July 1, 1996. 309

(2) The provisions of Chapter 5120. of the Revised Code, 310

as they exist on or after ~~the effective date of this amendment,~~ 311
March 22, 2019, and prior to the effective date of this 312
amendment, apply to an offender who is released from confinement 313
in a state correctional institution on or after ~~that date~~ March 314
22, 2019, and prior to the effective date of this amendment. 315

(3) The provisions of Chapter 5120. of the Revised Code, 316
as they exist on or after the effective date of this amendment, 317
apply to an offender who is released from confinement in a state 318
correctional institution on or after that date. 319

(C) Nothing in this section limits or affects the 320
applicability of any provision in Chapter 5120. of the Revised 321
Code, as amended or enacted on or after July 1, 1996, that 322
pertains to an issue other than the duration or potential 323
duration of incarceration or supervised release, to persons in 324
custody or under the supervision of the department of 325
rehabilitation and correction. 326

Sec. 5120.038. (A) As used in this section, "GPS-monitored 327
offender" means an offender who, on or after the effective date 328
of divisions (B) to (D) of this section, is released from 329
confinement in a state correctional institution under a 330
conditional pardon, parole, other form of authorized release, or 331
transitional control that includes global positioning system 332
monitoring as a condition of the person's release, or who, on or 333
after that date, is placed under post-release control that 334
includes global positioning system monitoring as a condition 335
under the post-release control. 336

~~(B) Not later than June 30, 2019, the department of~~ 337
~~rehabilitation and correction shall study the feasibility of~~ 338
~~contracting with a third-party contract administrator for global~~ 339
~~position system monitoring that would include a crime scene~~ 340

~~correlation program that could interface by link with a~~ 341
~~statewide database for GPS-monitored offenders. The study also~~ 342
~~shall analyze the use of GPS monitoring as a supervision tool.~~ 343
~~In conducting the study, the department shall consider all of~~ 344
~~the following factors:~~ 345

~~(1) The ability of the department or another state entity~~ 346
~~to establish and operate a statewide internet database of GPS-~~ 347
~~monitored offenders and the specific information that such a~~ 348
~~database could include.~~ 349

~~(2) The capability for a GPS monitoring system run by a~~ 350
~~third-party contract administrator to include a crime scene-~~ 351
~~correlation program that interfaces by link with a statewide~~ 352
~~database of GPS-monitored offenders.~~ 353

~~(3) The ability of local law enforcement representatives~~ 354
~~to remotely search a statewide internet database of GPS-~~ 355
~~monitored offenders that is linked with a crime scene~~ 356
~~correlation program.~~ 357

~~(4) The capability for a GPS monitoring system with crime-~~ 358
~~scene correlation features to allow local law enforcement~~ 359
~~representatives without a subpoena or warrant to access~~ 360
~~information contained in the crime scene correlation program~~ 361
~~about a GPS-monitored offender, including the offender's current~~ 362
~~location, the offender's location at previous points in time,~~ 363
~~the location of recent criminal activity in or near the~~ 364
~~offender's inclusionary or exclusionary zones included as~~ 365
~~restrictions under the offender's supervision, and any possible~~ 366
~~connection between the offender's location and that recent~~ 367
~~criminal activity.~~ 368

~~(5) The ability of law enforcement representatives to~~ 369

~~obtain, without a warrant or subpoena, information about a GPS-~~ 370
~~monitored offender from either an employee of the department or~~ 371
~~a third-party contract administrator who is monitoring the~~ 372
~~offender, including information of the types listed in division~~ 373
~~(B) (4) of this section.~~ 374

~~(6) The types of offenders for whom GPS monitoring would~~ 375
~~be beneficial, the appropriate length for monitoring, and the~~ 376
~~costs related to GPS monitoring.~~ 377

~~(C) Upon completion of the study specified in division (B)~~ 378
~~of this section, the department shall submit copies of the study~~ 379
~~to the president and minority leader of the senate, the speaker~~ 380
~~and minority leader of the house of representatives, and the~~ 381
~~governor.~~ 382

(B) (1) On and after the effective date of this amendment, 383
each global positioning system monitor that is used to monitor a 384
GPS-monitored offender shall specify and monitor restrictions 385
for the offender. The restrictions shall include for the 386
offender inclusionary zones and exclusionary zones, and may 387
include for the offender a curfew specifying times of required 388
presence in the inclusionary zone and any other reasonable 389
restrictions. 390

(2) On or after the effective date of this amendment, the 391
department of rehabilitation and correction shall contract with 392
a single vendor for global positioning system monitoring of GPS- 393
monitored offenders under this section. Any contract that the 394
department of rehabilitation and correction enters into on or 395
after the effective date of this amendment with a vendor for 396
global positioning system monitoring of GPS-monitored offenders 397
shall require all of the following: 398

(a) That the global positioning system used by the vendor 399
to perform the actual monitoring of the offender include a crime 400
scene correlation program; 401

(b) That the crime scene correlation program included in 402
the vendor's global positioning system to perform the actual 403
monitoring of the offender will allow local law enforcement 404
representatives or their designees to obtain, without need for a 405
subpoena or warrant, real-time access or active global 406
positioning system access to information contained in the 407
program about a GPS-monitored offender's location at that time 408
and, to the extent that it is available, at other previous 409
points in time identified by the representative or designee, 410
about the location of recent criminal activity in or near the 411
offender's inclusionary or exclusionary zones, and about any 412
possible connection between the offender's location and that 413
recent criminal activity; 414

(c) That the global positioning system used by the vendor 415
to perform the actual monitoring of the offender be monitored 416
continuously and that the access described in division (B) (2) (b) 417
of this section be afforded twenty-four hours a day and seven 418
days a week. 419

(C) (1) On and after the effective date of this amendment, 420
the vendor used for global positioning system monitoring of a 421
GPS-monitored offender shall comply in the monitoring of the 422
offender with system requirements of the department of 423
rehabilitation and correction that exist on that date for global 424
positioning system monitoring of such offenders. 425

(2) If, on the effective date of this amendment, the 426
department of rehabilitation and correction has not established 427
system requirements of the type described in division (C) (1) of 428

this section, within a reasonable period of time after that 429
effective date, the department shall establish system 430
requirements for global positioning system monitoring of GPS- 431
monitored offenders. After establishment of the requirements, 432
the department and the vendor used for global positioning system 433
monitoring shall comply with the established system requirements 434
in the monitoring of a GPS-monitored offender. 435

(D) The department of rehabilitation and correction may, 436
in accordance with Chapter 119. of the Revised Code, adopt rules 437
prescribing procedures for implementing the global positioning 438
system monitoring of a GPS-monitored offender under this 439
section. 440

Sec. 5589.21. (A) No railroad company shall obstruct, or 441
permit or cause to be obstructed a public street, road, or 442
highway, by permitting a railroad car, locomotive, or other 443
obstruction to remain upon or across it for longer than five 444
minutes, to the hindrance or inconvenience of travelers or a 445
person passing along or upon such street, road, or highway. 446

(B) At the end of each five minute period of obstruction 447
of a public street, road, or highway, each railroad company 448
shall cause such railroad car, locomotive, or other obstruction 449
to be removed for sufficient time, not less than three minutes, 450
to allow the passage of persons and vehicles waiting to cross. 451

(C) This section does not apply to obstruction of a public 452
street, road, or highway by a continuously moving through train 453
or caused by circumstances wholly beyond the control of the 454
railroad company, but does apply to other obstructions, 455
including without limitation those caused by stopped trains and 456
trains engaged in switching, loading, or unloading operations. 457

(D) If a railroad car, locomotive, or other obstruction is obstructing a public street, road, or highway in violation of division (A) of this section and the violation occurs in the unincorporated area of one or more counties, or in one or more municipal corporations, the officers and employees of each affected county or municipal corporation may charge the railroad company with only one violation of the law arising from the same facts and circumstances and the same act.

(E) Upon the filing of an affidavit or complaint for violation of division (A) of this section, summons shall be issued to the railroad company pursuant to division ~~(B)~~(C) of section 2935.10 of the Revised Code, which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred.

Sec. 5589.211. No railroad company shall obstruct, or permit or cause to be obstructed, a public street, road, or highway, by permitting any part of a train whose crew has abandoned the locomotive to remain across it for longer than five minutes to the hindrance or inconvenience of travelers or a person passing along or upon the street, road, or highway, unless the safety of the train crew requires them to abandon the locomotive.

Upon the filing of an affidavit or complaint for violation of this section, summons shall be issued to the railroad company pursuant to division ~~(B)~~(C) of section 2935.10 of the Revised Code, which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred.

Section 2. That existing sections 2929.141, 2929.34, 2935.10, 2935.11, 5120.021, 5120.038, 5589.21, and 5589.211 of

the Revised Code are hereby repealed. 488

Section 3. This act shall be known as the Reagan Tokes and 489
Patrick Heringer Act. 490