

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**H. B. No. 727**

**Representatives Fischer, Plummer**

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To amend sections 5139.36 and 5139.41 of the 1  
Revised Code to modify the formula for grants to 2  
counties from the department of youth services 3  
to operate community corrections facilities for 4  
felony delinquents. 5

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

**Section 1.** That sections 5139.36 and 5139.41 of the 6  
Revised Code be amended to read as follows: 7

**Sec. 5139.36.** (A) In accordance with this section and the 8  
rules adopted under it and from funds appropriated to the 9  
department of youth services for the purposes of this section, 10  
the department shall make grants that provide financial 11  
resources to operate community corrections facilities for felony 12  
delinquents. 13

(B) (1) Each community corrections facility that intends to 14  
seek a grant under this section shall file an application with 15  
the department of youth services at the time and in accordance 16  
with the procedures that the department shall establish by rules 17  
adopted in accordance with Chapter 119. of the Revised Code. In 18  
addition to other items required to be included in the 19  
application, a plan that satisfies both of the following shall 20

be included:	21
(a) It reduces the number of felony delinquents committed to the department from the county or counties associated with the community corrections facility.	22 23 24
(b) It ensures equal access for minority felony delinquents to the programs and services for which a potential grant would be used.	25 26 27
(2) The department of youth services shall review each application submitted pursuant to division (B)(1) of this section to determine whether the plan described in that division, the community corrections facility, and the application comply with this section and the rules adopted under it.	28 29 30 31 32 33
(C) To be eligible for a grant under this section and for continued receipt of moneys comprising a grant under this section, a community corrections facility shall satisfy at least all of the following requirements:	34 35 36 37
(1) Be constructed, reconstructed, or improved, and be financed by the treasurer of state pursuant to section 307.021 of the Revised Code and Chapter 154. of the Revised Code, for the use of the department of youth services and be designated as a community corrections facility;	38 39 40 41 42
(2) Have written standardized criteria governing the types of felony delinquents that are eligible for the programs and services provided by the facility;	43 44 45
(3) Have a written standardized intake screening process and an intake committee that at least performs both of the following tasks:	46 47 48

(a) Screens all eligible felony delinquents who are being considered for admission to the facility in lieu of commitment to the department;

(b) Notifies, within ten days after the date of the referral of a felony delinquent to the facility, the committing court whether the felony delinquent will be admitted to the facility.

(4) Comply with all applicable fiscal and program rules that the department adopts in accordance with Chapter 119. of the Revised Code and demonstrate that felony delinquents served by the facility have been or will be diverted from a commitment to the department.

(D) The department of youth services shall determine the method of distribution of the funds appropriated for grants under this section to community corrections facilities.

(E) (1) The department of youth services shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the minimum occupancy threshold of community corrections facilities.

(2) A child in the custody of the department of youth services may be placed in a community corrections facility in accordance with either division (E) (2) (a) or (b) of this section. A child placed in a community corrections facility pursuant to either division shall remain in the legal custody of the department of youth services during the period in which the child is in the community corrections facility. ~~The department shall charge bed days to the county in accordance with sections 5139.41 to 5139.43 of the Revised Code.~~

(a) The department may make referrals for the placement of

children in its custody to a community corrections facility. At 78  
least forty-five days prior to the referral of a child or within 79  
any shorter period prior to the referral of the child that the 80  
committing court may allow, the department shall notify the 81  
committing court of its intent to place the child in a community 82  
corrections facility. The court shall have thirty days after the 83  
receipt of the notice to approve or disapprove the placement. If 84  
the court does not respond to the notice of the placement within 85  
that thirty-day period, the department shall proceed with the 86  
placement. 87

(b) The department may, with the consent of the juvenile 88  
court with jurisdiction over the Montgomery county center for 89  
adolescent services, establish a single unit within the 90  
community corrections facility for female felony delinquents 91  
committed to the department's custody. If the unit is 92  
established under this division, the department may place a 93  
female felony delinquent committed to the department's custody 94  
into the unit in the community corrections facility. 95

(3) Counties that are not associated with a community 96  
corrections facility may refer children to a community 97  
corrections facility with the consent of the facility. The 98  
department of youth services shall debit the county that makes 99  
the referral in accordance with sections 5139.41 to 5139.43 of 100  
the Revised Code. 101

(F) The board or other governing body of a community 102  
corrections facility shall meet not less often than once per 103  
quarter. A community corrections facility may reimburse the 104  
members of the board or other governing body of the facility and 105  
the members of an advisory board created by the board or other 106  
governing body of the facility for their actual and necessary 107

expenses incurred in the performance of their official duties. 108  
The members of the board or other governing body of the facility 109  
and the members of an advisory board created by the board or 110  
other governing body of the facility shall serve without 111  
compensation. 112

**Sec. 5139.41.** The appropriation made to the department of 113  
youth services for care and custody of felony delinquents shall 114  
be expended in accordance with the following procedure that the 115  
department shall use for each year of a biennium. The procedure 116  
shall be consistent with sections 5139.41 to 5139.43 of the 117  
Revised Code and shall be developed in accordance with the 118  
following guidelines: 119

(A) The line item appropriation for the care and custody 120  
of felony delinquents shall provide funding for operational 121  
costs for the following: 122

(1) Institutions and the diagnosis, care, or treatment of 123  
felony delinquents at facilities pursuant to contracts entered 124  
into under section 5139.08 of the Revised Code; 125

(2) Community corrections facilities constructed, 126  
reconstructed, improved, or financed as described in section 127  
5139.36 of the Revised Code for the purpose of providing 128  
alternative placement and services for felony delinquents who 129  
have been diverted from care and custody in institutions; 130

(3) County juvenile courts that administer programs and 131  
services for prevention, early intervention, diversion, 132  
treatment, and rehabilitation services and programs that are 133  
provided for alleged or adjudicated unruly or delinquent 134  
children or for children who are at risk of becoming unruly or 135  
delinquent children; 136

(4) Administrative expenses the department incurs in 137  
connection with the felony delinquent care and custody programs 138  
described in section 5139.43 of the Revised Code. 139

(B) From the appropriated line item for the care and 140  
custody of felony delinquents, the department, with the advice 141  
of the RECLAIM advisory committee established under section 142  
5139.44 of the Revised Code, shall allocate annual operational 143  
funds for county juvenile programs, institutional care and 144  
custody, community corrections facilities care and custody, and 145  
administrative expenses incurred by the department associated 146  
with felony delinquent care and custody programs. The 147  
department, with the advice of the RECLAIM advisory committee, 148  
shall adjust these allocations, when modifications to this line 149  
item are made by legislative or executive action. 150

(C) The department shall divide county juvenile program 151  
allocations among county juvenile courts that administer 152  
programs and services for prevention, early intervention, 153  
diversion, treatment, and rehabilitation that are provided for 154  
alleged or adjudicated unruly or delinquent children or for 155  
children who are at risk of becoming unruly or delinquent 156  
children. The department shall base funding on the county's 157  
previous year's ratio of ~~the department's institutional and~~ 158  
~~community corrections facilities commitments to that county's~~ 159  
~~average of felony adjudications~~ felony delinquency proceedings, 160  
as specified in the following formula: 161

~~(1) The department shall give to each county a~~ 162  
~~proportional allocation of commitment credits. The proportional~~ 163  
~~allocation of commitment credits shall be calculated by the~~ 164  
~~following procedures:~~ 165

~~(a) The department shall determine for each county and for~~ 166

~~the state an average of felony adjudications. Beginning July 1, 2012, the average shall include felony adjudications for fiscal year 2007 and for each subsequent fiscal year through fiscal year 2016. Beginning July 1, 2017, the most recent felony adjudication data shall be included and the oldest fiscal year data shall be removed so that a ten-year average of felony adjudication data will be maintained.~~ 167  
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~~(b) The department shall determine for each county and for the state the number of charged bed days, for both the department and community corrections facilities, from the previous year.~~ 174  
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~~(c) The department shall divide the statewide total number of charged bed days by the statewide total number of felony adjudications, which quotient shall then be multiplied by a factor determined by the department.~~ 178  
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~~(d) The department shall calculate the county's allocation of credits by multiplying the number of adjudications for each court by the result determined pursuant to division (C)(1)(c) of this section.~~ 182  
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~~(2) The department shall subtract from the allocation determined pursuant to division (C)(1) of this section a credit for every chargeable bed day while a youth is in the department's custody and two-thirds of credit for every chargeable bed day a youth stays in a community corrections facility, except for public safety beds. At the end of the year, the department shall divide the amount of remaining credits of that county's allocation by the total number of remaining credits to all counties, to determine the county's percentage, which shall then be applied to the total county allocation to determine the county's payment for the fiscal year.~~The 186  
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department shall determine for each county the number of felony 197  
delinquency proceedings brought in the county for the preceding 198  
year and shall determine the number of felony delinquency 199  
proceedings brought in the state during the same period. 200

(2) A county's allocation shall be proportional to the 201  
county's share of felony delinquency proceedings brought in the 202  
preceding year. 203

(3) The department shall pay counties three times during 204  
the fiscal year to allow for ~~credit reporting and audit~~ 205  
~~adjustments, and modifications~~ to the appropriated line item for 206  
the care and custody of felony delinquents, as described in this 207  
section. The department shall pay fifty per cent of the payment 208  
by the fifteenth of July of each fiscal year, twenty-five per 209  
cent by the fifteenth of January of that fiscal year, and 210  
twenty-five per cent of the payment by the fifteenth of June of 211  
that fiscal year. 212

**Section 2.** That existing sections 5139.36 and 5139.41 of 213  
the Revised Code are hereby repealed. 214