

As Introduced

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Regular Session

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H. B. No. 727

Representatives Fischer, Plummer

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

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

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

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

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

be included: 21

(a) It reduces the number of felony delinquents committed 22
to the department from the county or counties associated with 23
the community corrections facility. 24

(b) It ensures equal access for minority felony 25
delinquents to the programs and services for which a potential 26
grant would be used. 27

(2) The department of youth services shall review each 28
application submitted pursuant to division (B)(1) of this 29
section to determine whether the plan described in that 30
division, the community corrections facility, and the 31
application comply with this section and the rules adopted under 32
it. 33

(C) To be eligible for a grant under this section and for 34
continued receipt of moneys comprising a grant under this 35
section, a community corrections facility shall satisfy at least 36
all of the following requirements: 37

(1) Be constructed, reconstructed, or improved, and be 38
financed by the treasurer of state pursuant to section 307.021 39
of the Revised Code and Chapter 154. of the Revised Code, for 40
the use of the department of youth services and be designated as 41
a community corrections facility; 42

(2) Have written standardized criteria governing the types 43
of felony delinquents that are eligible for the programs and 44
services provided by the facility; 45

(3) Have a written standardized intake screening process 46
and an intake committee that at least performs both of the 47
following tasks: 48

(a) Screens all eligible felony delinquents who are being 49
considered for admission to the facility in lieu of commitment 50
to the department; 51

(b) Notifies, within ten days after the date of the 52
referral of a felony delinquent to the facility, the committing 53
court whether the felony delinquent will be admitted to the 54
facility. 55

(4) Comply with all applicable fiscal and program rules 56
that the department adopts in accordance with Chapter 119. of 57
the Revised Code and demonstrate that felony delinquents served 58
by the facility have been or will be diverted from a commitment 59
to the department. 60

(D) The department of youth services shall determine the 61
method of distribution of the funds appropriated for grants 62
under this section to community corrections facilities. 63

(E) (1) The department of youth services shall adopt rules 64
in accordance with Chapter 119. of the Revised Code to establish 65
the minimum occupancy threshold of community corrections 66
facilities. 67

(2) A child in the custody of the department of youth 68
services may be placed in a community corrections facility in 69
accordance with either division (E) (2) (a) or (b) of this 70
section. A child placed in a community corrections facility 71
pursuant to either division shall remain in the legal custody of 72
the department of youth services during the period in which the 73
child is in the community corrections facility. ~~The department~~ 74
~~shall charge bed days to the county in accordance with sections~~ 75
~~5139.41 to 5139.43 of the Revised Code.~~ 76

(a) The department may make referrals for the placement of 77

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.~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(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

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