

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 867**

**Representatives Sims, Bryant Bailey**

**Cosponsors: Representatives Rader, White, E., Grim, Brownlee, Brewer**

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To amend sections 5120.05 and 5120.10 and to enact 1  
sections 5120.052 and 5120.101 of the Revised 2  
Code to establish minimum standards for jails 3  
and state correctional institutions. 4

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

**Section 1.** That sections 5120.05 and 5120.10 be amended 5  
and sections 5120.052 and 5120.101 of the Revised Code be 6  
enacted to read as follows: 7

**Sec. 5120.05.** ~~The~~ Subject to section 5120.052 of the 8  
Revised Code, the department of rehabilitation and correction 9  
may maintain, operate, manage, and govern all state institutions 10  
for the custody, control, training, and rehabilitation of 11  
persons convicted of crime and sentenced to correctional 12  
institutions. 13

The department may designate correctional institutions by 14  
appropriate respective names. 15

The department may receive from the department of youth 16  
services any children in the custody of the department of youth 17  
services, committed to the department of rehabilitation and 18  
correction by the department of youth services, upon the terms 19

and conditions that are agreed upon by the departments. 20

Sec. 5120.052. The minimum standards for correctional 21  
institutions maintained, operated, managed, and governed by the 22  
department of rehabilitation and correction shall include the 23  
following: 24

(A) All inmates shall be served a minimum of three meals 25  
daily at regularly scheduled intervals, not to exceed fourteen 26  
hours between meals, consisting of at least two thousand 27  
calories and a reasonable amount of fruit, vegetables, and 28  
protein, as to meet the recommendations of the United States 29  
department of agriculture. 30

(B) All inmates shall be provided reasonable access to 31  
religious materials, time to engage in religious activities as 32  
each inmate's religion demands, and food that is acceptable 33  
under any religion-based dietary restrictions, as is requested 34  
by inmates. 35

(C) All inmates shall be provided with a bed, blankets, 36  
and temperature-appropriate clothing. 37

(D) All inmates shall be provided quality, accessible, and 38  
timely health and mental health services. 39

(E) All inmates shall be provided reasonable access to 40  
communicate with the inmate's family and the inmate's legal 41  
representative. Such access shall not be unduly burdensome in 42  
regard to expense. Conditions under which visitation may be 43  
denied shall be defined in writing and the policy provided to 44  
inmates. 45

(F) Any additional actions necessary to preserve an 46  
inmate's fundamental rights, reasonable quality of life, and 47  
opportunity for rehabilitation as is applicable in the criminal 48

context.

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**Sec. 5120.10.** (A) (1) Except as provided in this division\_ and subject to section 5120.101 of the Revised Code, the director of rehabilitation and correction, by rule, shall promulgate minimum standards for jails in Ohio, including minimum security jails dedicated under section 341.34 or 753.21 of the Revised Code. Whenever the director files a rule or an amendment to a rule in final form with both the secretary of state and the director of the legislative service commission pursuant to section 111.15 of the Revised Code, the director of rehabilitation and correction promptly shall send a copy of the rule or amendment, if the rule or amendment pertains to minimum jail standards, by ordinary mail to the political subdivisions or affiliations of political subdivisions that operate jails to which the standards apply. The director shall not adopt any rule requiring support staff in a jail to obtain an occupational license as defined in section 4798.01 of the Revised Code.

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(2) The rules promulgated in accordance with division (A) (1) of this section shall serve as criteria for the investigative and supervisory powers and duties vested by division (D) of this section in the division of parole and community services of the department of rehabilitation and correction or in another division of the department to which those powers and duties are assigned.

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(B) The director may initiate an action in the court of common pleas of the county in which a facility that is subject to the rules promulgated under division (A) (1) of this section is situated to enjoin compliance with the minimum standards for jails or with the minimum standards and minimum renovation, modification, and construction criteria for jails.

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(C) Upon the request of an administrator of a jail 79  
facility, the chief executive of a municipal corporation, or a 80  
board of county commissioners, the director of rehabilitation 81  
and correction or the director's designee shall grant a variance 82  
from the minimum standards for jails in Ohio for a facility that 83  
is subject to one of those minimum standards when the director 84  
determines that strict compliance with the minimum standards 85  
would cause unusual, practical difficulties or financial 86  
hardship, that existing or alternative practices meet the intent 87  
of the minimum standards, and that granting a variance would not 88  
seriously affect the security of the facility, the supervision 89  
of the inmates, or the safe, healthful operation of the 90  
facility. If the director or the director's designee denies a 91  
variance, the applicant may appeal the denial pursuant to 92  
section 119.12 of the Revised Code. 93

(D) The following powers and duties shall be exercised by 94  
the division of parole and community services unless assigned to 95  
another division by the director: 96

(1) The investigation and supervision of county and 97  
municipal jails, workhouses, minimum security jails, and other 98  
correctional institutions and agencies; 99

(2) The review and approval of plans submitted to the 100  
department of rehabilitation and correction pursuant to division 101  
(E) of this section; 102

(3) The management and supervision of the adult parole 103  
authority created by section 5149.02 of the Revised Code; 104

(4) The review and approval of proposals for community- 105  
based correctional facilities and programs and district 106  
community-based correctional facilities and programs that are 107

submitted pursuant to division (B) of section 2301.51 of the	108
Revised Code;	109
(5) The distribution of funds made available to the	110
division for purposes of assisting in the renovation,	111
maintenance, and operation of community-based correctional	112
facilities and programs and district community-based	113
correctional facilities and programs in accordance with section	114
5120.112 of the Revised Code;	115
(6) The performance of the duty imposed upon the	116
department of rehabilitation and correction in section 5149.31	117
of the Revised Code to establish and administer a program of	118
subsidies to eligible municipal corporations, counties, and	119
groups of contiguous counties for the development,	120
implementation, and operation of community-based corrections	121
programs;	122
(7) Licensing halfway houses and community residential	123
centers for the care and treatment of adult offenders in	124
accordance with section 2967.14 of the Revised Code;	125
(8) Contracting with a public or private agency or a	126
department or political subdivision of the state that operates a	127
licensed halfway house or community residential center for the	128
provision of housing, supervision, and other services to	129
parolees, releasees, persons placed under a residential	130
sanction, persons under transitional control, and other eligible	131
offenders in accordance with section 2967.14 of the Revised	132
Code.	133
Other powers and duties may be assigned by the director of	134
rehabilitation and correction to the division of parole and	135
community services. This section does not apply to the	136

department of youth services or its institutions or employees. 137

(E) No plan for any new jail, workhouse, or lockup, and no 138  
plan for a substantial addition or alteration to an existing 139  
jail, workhouse, or lockup, shall be adopted unless the 140  
officials responsible for adopting the plan have submitted the 141  
plan to the department of rehabilitation and correction for 142  
approval, and the department has approved the plan as provided 143  
in division (D) (2) of this section. 144

Sec. 5120.101. The minimum standards for jails in Ohio 145  
promulgated under section 5120.10 of the Revised Code shall 146  
include the following: 147

(A) All inmates shall be served a minimum of three meals 148  
daily at regularly scheduled intervals, not to exceed fourteen 149  
hours between meals, consisting of at least two thousand 150  
calories and a reasonable amount of fruit, vegetables, and 151  
protein, as to meet the recommendations of the United States 152  
department of agriculture. 153

(B) All inmates shall be provided reasonable access to 154  
religious materials, time to engage in religious activities as 155  
each inmate's religion demands, and food that is acceptable 156  
under any religion-based dietary restrictions, as is requested 157  
by inmates. 158

(C) All inmates shall be provided with a bed, blankets, 159  
and temperature-appropriate clothing. 160

(D) All inmates shall be provided quality, accessible, and 161  
timely health and mental health services. 162

(E) All inmates shall be provided reasonable access to 163  
communicate with the inmate's family and the inmate's legal 164  
representative. Such access shall not be unduly burdensome in 165

regard to expense. Conditions under which visitation may be 166  
denied shall be defined in writing and the policy provided to 167  
inmates. 168

(F) Any additional actions necessary to preserve an 169  
inmate's fundamental rights, reasonable quality of life, and 170  
opportunity for rehabilitation as is applicable in the criminal 171  
context. 172

**Section 2.** That existing sections 5120.05 and 5120.10 of 173  
the Revised Code are hereby repealed. 174