As Introduced

136th General Assembly
Regular Session **H. B. No. 867**
2025-2026

Representatives Sims, Bryant Bailey
Cosponsors: Representatives Rader, White, E., Grim, Brownlee, Brewer

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

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

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

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

The department may designate correctional institutions by appropriate respective names.

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

and conditions that are agreed upon by the departments.

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

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

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

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

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

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

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

context.

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.

(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.

(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.

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

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

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

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

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

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

submitted pursuant to division (B) of section 2301.51 of the Revised Code;

(5) The distribution of funds made available to the division for purposes of assisting in the renovation, maintenance, and operation of community-based correctional facilities and programs and district community-based correctional facilities and programs in accordance with section 5120.112 of the Revised Code;

(6) The performance of the duty imposed upon the department of rehabilitation and correction in section 5149.31 of the Revised Code to establish and administer a program of subsidies to eligible municipal corporations, counties, and groups of contiguous counties for the development, implementation, and operation of community-based corrections programs;

(7) Licensing halfway houses and community residential centers for the care and treatment of adult offenders in accordance with section 2967.14 of the Revised Code;

(8) Contracting with a public or private agency or a department or political subdivision of the state that operates a licensed halfway house or community residential center for the provision of housing, supervision, and other services to parolees, releasees, persons placed under a residential sanction, persons under transitional control, and other eligible offenders in accordance with section 2967.14 of the Revised Code.

Other powers and duties may be assigned by the director of rehabilitation and correction to the division of parole and community services. This section does not apply to the

department of youth services or its institutions or employees.

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

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

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

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

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

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

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

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

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

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