

Sub. H. B. No. 96  
As Passed by the Senate  
DRCCD20

\_\_\_\_\_ moved to amend as follows:

After line 41913, insert:

**"Sec. 2967.14.** (A) As used in this section:

(1) "School" has the same meaning as in section 2925.01 of the Revised Code.

(2) "Child care center" has the same meaning as in section 5104.01 of the Revised Code.

(B) The department of rehabilitation and correction or the adult parole authority may require or allow a parolee, a releasee, or a prisoner otherwise released from a state correctional institution to reside in a halfway house or other suitable community residential center that has been licensed by the division of parole and community services pursuant to division ~~(C)~~ (D) of this section during a part or for the entire period of the offender's or parolee's conditional release or of the releasee's term of post-release control. The court of common pleas that placed an offender under a sanction consisting of a term in a halfway house or in an alternative residential sanction may require the offender to reside in a halfway house

or other suitable community residential center that is 19  
designated by the court and that has been licensed by the 20  
division pursuant to division ~~(C)~~ (D) of this section during a 21  
part or for the entire period of the offender's residential 22  
sanction. 23

~~(B)~~ (C) The division of parole and community services may 24  
negotiate and enter into agreements with any public or private 25  
agency or a department or political subdivision of the state 26  
that operates a halfway house, reentry center, or community 27  
residential center that has been licensed by the division 28  
pursuant to division ~~(C)~~ (D) of this section. An agreement under 29  
this division shall provide for the purchase of beds, shall set 30  
limits of supervision and levels of occupancy, and shall 31  
determine the scope of services for all eligible offenders, 32  
including those subject to a residential sanction, as defined in 33  
rules adopted by the director of rehabilitation and correction 34  
in accordance with Chapter 119. of the Revised Code, or those 35  
released from prison without supervision. The payments for beds 36  
and services shall not exceed the total operating costs of the 37  
halfway house, reentry center, or community residential center 38  
during the term of an agreement. The director of rehabilitation 39  
and correction shall adopt rules in accordance with Chapter 119. 40  
of the Revised Code for determining includable and excludable 41  
costs and income to be used in computing the agency's average 42  
daily per capita costs with its facility at full occupancy. 43

The director of rehabilitation and correction shall adopt 44  
rules providing for the use of no more than fifteen per cent of 45  
the amount appropriated to the department each fiscal year for 46  
the halfway house, reentry center, and community residential 47  
center program to pay for contracts with licensed halfway houses 48

for nonresidential services for offenders under the supervision 49  
of the adult parole authority, including but not limited to, 50  
offenders supervised pursuant to an agreement entered into by 51  
the adult parole authority and a court of common pleas under 52  
section 2301.32 of the Revised Code. The nonresidential services 53  
may include, but are not limited to, treatment for substance 54  
abuse, mental health counseling, counseling for sex offenders, 55  
electronic monitoring services, aftercare, and other 56  
nonresidential services that the director identifies by rule. 57

~~(C)~~ (D) The division of parole and community services may 58  
license a halfway house, reentry center, or community 59  
residential center as a suitable facility for the care and 60  
treatment of adult offenders, including offenders sentenced 61  
under section 2929.16 or 2929.26 of the Revised Code, only if 62  
the halfway house, reentry center, or community residential 63  
center does not operate within five hundred feet of a school or 64  
child care center, except as provided in division (F) of this 65  
section, and complies with the standards that the division 66  
adopts in accordance with Chapter 119. of the Revised Code for 67  
the licensure of halfway houses, reentry centers, and community 68  
residential centers. The division shall annually inspect each 69  
licensed halfway house, licensed reentry center, and licensed 70  
community residential center to determine if it is in compliance 71  
with the licensure standards. 72

~~(D)~~ (E) The division of parole and community services may 73  
expend up to one-half per cent of the annual appropriation made 74  
for halfway house programs, for goods or services that benefit 75  
those programs. 76

(F) The requirement in division (D) of this section that a 77  
halfway house, reentry center, or community residential center 78

not operate within five hundred feet of a school or child care 79  
center does not apply to either of the following: 80

(1) A halfway house, reentry center, or community 81  
residential center that, prior to the effective date of this 82  
amendment, has operated within five hundred feet of a school or 83  
child care center; 84

(2) A halfway house, reentry center, or community 85  
residential center that was licensed and operating prior to a 86  
school or child care center locating within five hundred feet of 87  
the halfway house, reentry center, or community residential 88  
center. 89

**Sec. 2967.26.** (A) (1) The department of rehabilitation and 90  
correction, by rule, may establish a transitional control 91  
program for the purpose of closely monitoring a prisoner's 92  
adjustment to community supervision during the final one hundred 93  
eighty days of the prisoner's confinement. If the department 94  
establishes a transitional control program under this division, 95  
the division of parole and community services of the department 96  
of rehabilitation and correction may transfer eligible prisoners 97  
to transitional control status under the program during the 98  
final one hundred eighty days of their confinement and under the 99  
terms and conditions established by the department, shall 100  
provide for the confinement as provided in this division of each 101  
eligible prisoner so transferred, and shall supervise each 102  
eligible prisoner so transferred in one or more community 103  
control sanctions. Each eligible prisoner who is transferred to 104  
transitional control status under the program shall be confined 105  
in a suitable facility that is licensed pursuant to division ~~(C)~~ 106  
(D) of section 2967.14 of the Revised Code, or shall be confined 107  
in a residence the department has approved for this purpose and 108

be monitored pursuant to an electronic monitoring device, as 109  
defined in section 2929.01 of the Revised Code. If the 110  
department establishes a transitional control program under this 111  
division, the rules establishing the program shall include 112  
criteria that define which prisoners are eligible for the 113  
program, criteria that must be satisfied to be approved as a 114  
residence that may be used for confinement under the program of 115  
a prisoner that is transferred to it and procedures for the 116  
department to approve residences that satisfy those criteria, 117  
and provisions of the type described in division (C) of this 118  
section. At a minimum, the criteria that define which prisoners 119  
are eligible for the program shall provide all of the following: 120

(a) That a prisoner is eligible for the program if the 121  
prisoner is serving a prison term or term of imprisonment for an 122  
offense committed prior to March 17, 1998, and if, at the time 123  
at which eligibility is being determined, the prisoner would 124  
have been eligible for a furlough under this section as it 125  
existed immediately prior to March 17, 1998, or would have been 126  
eligible for conditional release under former section 2967.23 of 127  
the Revised Code as that section existed immediately prior to 128  
March 17, 1998; 129

(b) That no prisoner who is serving a mandatory prison 130  
term is eligible for the program until after expiration of the 131  
mandatory term; 132

(c) That no prisoner who is serving a prison term or term 133  
of life imprisonment without parole imposed pursuant to section 134  
2971.03 of the Revised Code is eligible for the program. 135

(2) At least sixty days prior to transferring to 136  
transitional control under this section a prisoner who is 137  
serving a definite term of imprisonment or definite prison term 138

of less than one year for an offense committed on or after July 139  
1, 1996, or who is serving a minimum term of less than one year 140  
under a non-life felony indefinite prison term, on or after 141  
April 4, 2023, the division of parole and community services of 142  
the department of rehabilitation and correction shall give 143  
notice of the pendency of the transfer to transitional control 144  
to the court of common pleas of the county in which the 145  
indictment against the prisoner was found and of the fact that 146  
the court may disapprove the transfer of the prisoner to 147  
transitional control and shall include the institutional summary 148  
report prepared by the head of the state correctional 149  
institution in which the prisoner is confined. The head of the 150  
state correctional institution in which the prisoner is 151  
confined, upon the request of the division of parole and 152  
community services, shall provide to the division for inclusion 153  
in the notice sent to the court under this division an 154  
institutional summary report on the prisoner's conduct in the 155  
institution and in any institution from which the prisoner may 156  
have been transferred. The institutional summary report shall 157  
cover the prisoner's participation in school, vocational 158  
training, work, treatment, and other rehabilitative activities 159  
and any disciplinary action taken against the prisoner. If the 160  
court disapproves of the transfer of the prisoner to 161  
transitional control, the court shall notify the division of the 162  
disapproval within thirty days after receipt of the notice. If 163  
the court timely disapproves the transfer of the prisoner to 164  
transitional control, the division shall not proceed with the 165  
transfer. If the court does not timely disapprove the transfer 166  
of the prisoner to transitional control, the division may 167  
transfer the prisoner to transitional control. 168

(3) (a) If the victim of an offense for which a prisoner 169

was sentenced to a prison term or term of imprisonment has 170  
requested notification under section 2930.16 of the Revised Code 171  
and has provided the department of rehabilitation and correction 172  
with the victim's name and address or if division (A) (3) (b) of 173  
this section applies, the division of parole and community 174  
services, at least sixty days prior to transferring the prisoner 175  
to transitional control pursuant to this section, shall notify 176  
the victim and the victim's representative, if applicable, of 177  
the pendency of the transfer and of the victim's and victim's 178  
representative's right to submit a statement to the division 179  
regarding the impact of the transfer of the prisoner to 180  
transitional control. If the victim or victim's representative's 181  
subsequently submits a statement of that nature to the division, 182  
the division shall consider the statement in deciding whether to 183  
transfer the prisoner to transitional control. 184

(b) If a prisoner is incarcerated for the commission of 185  
aggravated murder, murder, or an offense of violence that is a 186  
felony of the first, second, or third degree or under a sentence 187  
of life imprisonment, except as otherwise provided in this 188  
division, the notice described in division (A) (3) (a) of this 189  
section shall be given regardless of whether the victim has 190  
requested the notification. The notice described in division (A) 191  
(3) (a) of this section shall not be given under this division to 192  
a victim if the victim has requested pursuant to division (B) (2) 193  
of section 2930.03 of the Revised Code that the victim not be 194  
provided the notice. If notice is to be provided to a victim 195  
under this division, the authority may give the notice by any 196  
reasonable means, including regular mail, telephone, and 197  
electronic mail, in accordance with division (D) (1) of section 198  
2930.16 of the Revised Code. If the notice is based on an 199  
offense committed prior to March 22, 2013, the notice also shall 200

include the opt-out information described in division (D)(1) of 201  
section 2930.16 of the Revised Code. The authority, in 202  
accordance with division (D)(2) of section 2930.16 of the 203  
Revised Code, shall keep a record of all attempts to provide the 204  
notice, and of all notices provided, under this division. 205

Division (A)(3)(b) of this section, and the notice-related 206  
provisions of divisions (E)(2) and (K) of section 2929.20, 207  
division (D)(1) of section 2930.16, division (H) of section 208  
2967.12, division (E)(1)(b) of section 2967.19 as it existed 209  
prior to April 4, 2023, division (D)(1) of section 2967.28, and 210  
division (A)(2) of section 5149.101 of the Revised Code enacted 211  
in the act in which division (A)(3)(b) of this section was 212  
enacted, shall be known as "Roberta's Law." 213

(4) The department of rehabilitation and correction, at 214  
least sixty days prior to transferring a prisoner to 215  
transitional control pursuant to this section, shall post on the 216  
database it maintains pursuant to section 5120.66 of the Revised 217  
Code the prisoner's name and all of the information specified in 218  
division (A)(1)(c)(iv) of that section. In addition to and 219  
independent of the right of a victim to submit a statement as 220  
described in division (A)(3) of this section or to otherwise 221  
make a statement and in addition to and independent of any other 222  
right or duty of a person to present information or make a 223  
statement, any person may send to the division of parole and 224  
community services at any time prior to the division's transfer 225  
of the prisoner to transitional control a written statement 226  
regarding the transfer of the prisoner to transitional control. 227  
In addition to the information, reports, and statements it 228  
considers under divisions (A)(2) and (3) of this section or that 229  
it otherwise considers, the division shall consider each 230



statement submitted in accordance with this division in deciding 231  
whether to transfer the prisoner to transitional control. 232

(B) Each prisoner transferred to transitional control 233  
under this section shall be confined in the manner described in 234  
division (A) of this section during any period of time that the 235  
prisoner is not actually working at the prisoner's approved 236  
employment, engaged in a vocational training or another 237  
educational program, engaged in another program designated by 238  
the director, or engaged in other activities approved by the 239  
department. 240

(C) The department of rehabilitation and correction shall 241  
adopt rules for transferring eligible prisoners to transitional 242  
control, supervising and confining prisoners so transferred, 243  
administering the transitional control program in accordance 244  
with this section, and using the moneys deposited into the 245  
transitional control fund established under division (E) of this 246  
section. 247

(D) The department of rehabilitation and correction may 248  
adopt rules for the issuance of passes for the limited purposes 249  
described in this division to prisoners who are transferred to 250  
transitional control under this section. If the department 251  
adopts rules of that nature, the rules shall govern the granting 252  
of the passes and shall provide for the supervision of prisoners 253  
who are temporarily released pursuant to one of those passes. 254  
Upon the adoption of rules under this division, the department 255  
may issue passes to prisoners who are transferred to 256  
transitional control status under this section in accordance 257  
with the rules and the provisions of this division. All passes 258  
issued under this division shall be for a maximum of forty-eight 259  
hours and may be issued only for the following purposes: 260

- (1) To visit a relative in imminent danger of death; 261
- (2) To have a private viewing of the body of a deceased 262  
relative; 263
- (3) To visit with family; 264
- (4) To otherwise aid in the rehabilitation of the 265  
prisoner. 266
- (E) The division of parole and community services may 267  
require a prisoner who is transferred to transitional control to 268  
pay to the division the reasonable expenses incurred by the 269  
division in supervising or confining the prisoner while under 270  
transitional control. Inability to pay those reasonable expenses 271  
shall not be grounds for refusing to transfer an otherwise 272  
eligible prisoner to transitional control. Amounts received by 273  
the division of parole and community services under this 274  
division shall be deposited into the transitional control fund, 275  
which is hereby created in the state treasury and which hereby 276  
replaces and succeeds the furlough services fund that formerly 277  
existed in the state treasury. All moneys that remain in the 278  
furlough services fund on March 17, 1998, shall be transferred 279  
on that date to the transitional control fund. The transitional 280  
control fund shall be used solely to pay costs related to the 281  
operation of the transitional control program established under 282  
this section. The director of rehabilitation and correction 283  
shall adopt rules in accordance with section 111.15 of the 284  
Revised Code for the use of the fund. 285
- (F) A prisoner who violates any rule established by the 286  
department of rehabilitation and correction under division (A), 287  
(C), or (D) of this section may be transferred to a state 288  
correctional institution pursuant to rules adopted under 289

division (A), (C), or (D) of this section, but the prisoner 290  
shall receive credit towards completing the prisoner's sentence 291  
for the time spent under transitional control. 292

If a prisoner is transferred to transitional control under 293  
this section, upon successful completion of the period of 294  
transitional control, the prisoner may be released on parole or 295  
under post-release control pursuant to section 2967.13 or 296  
2967.28 of the Revised Code and rules adopted by the department 297  
of rehabilitation and correction. If the prisoner is released 298  
under post-release control, the duration of the post-release 299  
control, the type of post-release control sanctions that may be 300  
imposed, the enforcement of the sanctions, and the treatment of 301  
prisoners who violate any sanction applicable to the prisoner 302  
are governed by section 2967.28 of the Revised Code. 303

**Sec. 2967.271.** (A) As used in this section: 304

(1) "Offender's minimum prison term" means the minimum 305  
prison term imposed on an offender under a non-life felony 306  
indefinite prison term, diminished as provided in section 307  
2967.191 or 2967.193 of the Revised Code or in any other 308  
provision of the Revised Code, other than division (F) of this 309  
section, that provides for diminution or reduction of an 310  
offender's sentence. 311

(2) "Offender's presumptive earned early release date" 312  
means the date that is determined under the procedures described 313  
in division (F) of this section by the reduction, if any, of an 314  
offender's minimum prison term by the sentencing court and the 315  
crediting of that reduction toward the satisfaction of the 316  
minimum term. 317

(3) "Rehabilitative programs and activities" means 318

education programs, vocational training, employment in prison 319  
industries, treatment for substance abuse, or other constructive 320  
programs developed by the department of rehabilitation and 321  
correction with specific standards for performance by prisoners. 322

(4) "Security level" means the security level in which an 323  
offender is classified under the inmate classification level 324  
system of the department of rehabilitation and correction that 325  
then is in effect. 326

(5) "Sexually oriented offense" has the same meaning as in 327  
section 2950.01 of the Revised Code. 328

(B) When an offender is sentenced to a non-life felony 329  
indefinite prison term, there shall be a presumption that the 330  
person shall be released from service of the sentence on the 331  
expiration of the offender's minimum prison term or on the 332  
offender's presumptive earned early release date, whichever is 333  
earlier. 334

(C) The presumption established under division (B) of this 335  
section is a rebuttable presumption that the department of 336  
rehabilitation and correction may rebut as provided in this 337  
division. Unless the department rebuts the presumption, the 338  
offender shall be released from service of the sentence on the 339  
expiration of the offender's minimum prison term or on the 340  
offender's presumptive earned early release date, whichever is 341  
earlier. The department may rebut the presumption only if the 342  
department determines, at a hearing, that one or more of the 343  
following applies: 344

(1) Regardless of the security level in which the offender 345  
is classified at the time of the hearing, both of the following 346  
apply: 347

(a) During the offender's incarceration, the offender 348  
committed institutional rule infractions that involved 349  
compromising the security of a state correctional institution, 350  
compromising the safety of the staff of a state correctional 351  
institution or its inmates, or physical harm or the threat of 352  
physical harm to the staff of a state correctional institution 353  
or its inmates, or committed a violation of law that was not 354  
prosecuted, and the infractions or violations demonstrate that 355  
the offender has not been rehabilitated. 356

(b) The offender's behavior while incarcerated, including, 357  
but not limited to the infractions and violations specified in 358  
division (C)(1)(a) of this section, demonstrate that the 359  
offender continues to pose a threat to society. 360

(2) Regardless of the security level in which the offender 361  
is classified at the time of the hearing, the offender has been 362  
placed by the department in extended restrictive housing at any 363  
time within the year preceding the date of the hearing. 364

(3) At the time of the hearing, the offender is classified 365  
by the department as a security level three, four, or five, or 366  
at a higher security level. 367

(D)(1) If the department of rehabilitation and correction, 368  
pursuant to division (C) of this section, rebuts the presumption 369  
established under division (B) of this section, the department 370  
may maintain the offender's incarceration in a state 371  
correctional institution under the sentence after the expiration 372  
of the offender's minimum prison term or, for offenders who have 373  
a presumptive earned early release date, after the offender's 374  
presumptive earned early release date. The department may 375  
maintain the offender's incarceration under this division for an 376  
additional period of incarceration determined by the department. 377

The additional period of incarceration shall be a reasonable 378  
period determined by the department, shall be specified by the 379  
department, and shall not exceed the offender's maximum prison 380  
term. 381

(2) If the department maintains an offender's 382  
incarceration for an additional period under division (D)(1) of 383  
this section, there shall be a presumption that the offender 384  
shall be released on the expiration of the offender's minimum 385  
prison term plus the additional period of incarceration 386  
specified by the department as provided under that division or, 387  
for offenders who have a presumptive earned early release date, 388  
on the expiration of the additional period of incarceration to 389  
be served after the offender's presumptive earned early release 390  
date that is specified by the department as provided under that 391  
division. The presumption is a rebuttable presumption that the 392  
department may rebut, but only if it conducts a hearing and 393  
makes the determinations specified in division (C) of this 394  
section, and if the department rebuts the presumption, it may 395  
maintain the offender's incarceration in a state correctional 396  
institution for an additional period determined as specified in 397  
division (D)(1) of this section. Unless the department rebuts 398  
the presumption at the hearing, the offender shall be released 399  
from service of the sentence on the expiration of the offender's 400  
minimum prison term plus the additional period of incarceration 401  
specified by the department or, for offenders who have a 402  
presumptive earned early release date, on the expiration of the 403  
additional period of incarceration to be served after the 404  
offender's presumptive earned early release date as specified by 405  
the department. 406

The provisions of this division regarding the 407

establishment of a rebuttable presumption, the department's 408  
rebuttal of the presumption, and the department's maintenance of 409  
an offender's incarceration for an additional period of 410  
incarceration apply, and may be utilized more than one time, 411  
during the remainder of the offender's incarceration. If the 412  
offender has not been released under division (C) of this 413  
section or this division prior to the expiration of the 414  
offender's maximum prison term imposed as part of the offender's 415  
non-life felony indefinite prison term, the offender shall be 416  
released upon the expiration of that maximum term. 417

(E) The department shall provide notices of hearings to be 418  
conducted under division (C) or (D) of this section in the same 419  
manner, and to the same persons, as specified in section 2967.12 420  
and Chapter 2930. of the Revised Code with respect to hearings 421  
to be conducted regarding the possible release on parole of an 422  
inmate. 423

(F) (1) The director of the department of rehabilitation 424  
and correction may notify the sentencing court in writing that 425  
the director is recommending that the court grant a reduction in 426  
the minimum prison term imposed on a specified offender who is 427  
serving a non-life felony indefinite prison term and who is 428  
eligible under division (F) (8) of this section for such a 429  
reduction, due to the offender's exceptional conduct while 430  
incarcerated or the offender's adjustment to incarceration. If 431  
the director wishes to recommend such a reduction for an 432  
offender, the director shall send the notice to the court not 433  
earlier than ninety days prior to the date on which the director 434  
wishes to credit the reduction toward the satisfaction of the 435  
offender's minimum prison term. If the director recommends such 436  
a reduction for an offender, there shall be a presumption that 437

the court shall grant the recommended reduction to the offender. 438  
The presumption established under this division is a rebuttable 439  
presumption that may be rebutted as provided in division (F)(4) 440  
of this section. 441

The director shall include with the notice sent to a court 442  
under this division an institutional summary report that covers 443  
the offender's participation while confined in a state 444  
correctional institution in rehabilitative programs and 445  
activities and any disciplinary action taken against the 446  
offender while so confined, and any other documentation 447  
requested by the court, if available. 448

The notice the director sends to a court under this 449  
division shall do all of the following: 450

(a) Identify the offender; 451

(b) Specify the length of the recommended reduction, which 452  
shall be for five to fifteen per cent of the offender's minimum 453  
term determined in accordance with rules adopted by the 454  
department under division (F)(7) of this section; 455

(c) Specify the reason or reasons that qualify the 456  
offender for the recommended reduction; 457

(d) Inform the court of the rebuttable presumption and 458  
that the court must either approve or, if the court finds that 459  
the presumption has been rebutted, disapprove of the recommended 460  
reduction, and that if it approves of the recommended reduction, 461  
it must grant the reduction; 462

(e) Inform the court that it must notify the department of 463  
its decision as to approval or disapproval not later than sixty 464  
days after receipt of the notice from the director. 465



(2) When the director, under division (F)(1) of this section, submits a notice to a sentencing court that the director is recommending that the court grant a reduction in the minimum prison term imposed on an offender serving a non-life felony indefinite prison term, the department promptly shall provide to the prosecuting attorney of the county in which the offender was indicted a copy of the written notice, a copy of the institutional summary report described in that division, and any other information provided to the court.

(3) Upon receipt of a notice submitted by the director under division (F)(1) of this section, the court shall schedule a hearing to consider whether to grant the reduction in the minimum prison term imposed on the specified offender that was recommended by the director or to find that the presumption has been rebutted and disapprove the recommended reduction. Upon scheduling the hearing, the court promptly shall give notice of the hearing to the prosecuting attorney of the county in which the offender was indicted and to the department. The notice shall inform the prosecuting attorney that the prosecuting attorney may submit to the court, prior to the date of the hearing, written information relevant to the recommendation and may present at the hearing written information and oral information relevant to the recommendation.

Upon receipt of the notice from the court, the prosecuting attorney shall notify the victim of the offender or the victim's representative of the recommendation by the director, the date, time, and place of the hearing, the fact that the victim may submit to the court, prior to the date of the hearing, written information relevant to the recommendation, and the address and procedure for submitting the information.

(4) At the hearing scheduled under division (F)(3) of this section, the court shall afford the prosecuting attorney an opportunity to present written information and oral information relevant to the director's recommendation. In making its determination as to whether to grant or disapprove the reduction in the minimum prison term imposed on the specified offender that was recommended by the director, the court shall consider any report and other documentation submitted by the director, any information submitted by a victim, any information submitted or presented at the hearing by the prosecuting attorney, and all of the factors set forth in divisions (B) to (D) of section 2929.12 of the Revised Code that are relevant to the offender's offense and to the offender.

Unless the court, after considering at the hearing the specified reports, documentation, information, and relevant factors, finds that the presumption that the recommended reduction shall be granted has been rebutted and disapproves the recommended reduction, the court shall grant the recommended reduction. The court may disapprove the recommended reduction only if, after considering at the hearing the specified reports, documentation, information, and relevant factors, it finds that the presumption that the reduction shall be granted has been rebutted. The court may find that the presumption has been rebutted and disapprove the recommended reduction only if it determines at the hearing that one or more of the following applies:

(a) Regardless of the security level in which the offender is classified at the time of the hearing, during the offender's incarceration, the offender committed institutional rule infractions that involved compromising the security of a state

correctional institution, compromising the safety of the staff 526  
of a state correctional institution or its inmates, or physical 527  
harm or the threat of physical harm to the staff of a state 528  
correctional institution or its inmates, or committed a 529  
violation of law that was not prosecuted, and the infractions or 530  
violations demonstrate that the offender has not been 531  
rehabilitated. 532

(b) The offender's behavior while incarcerated, including, 533  
but not limited to, the infractions and violations specified in 534  
division (F)(4)(a) of this section, demonstrates that the 535  
offender continues to pose a threat to society. 536

(c) At the time of the hearing, the offender is classified 537  
by the department as a security level three, four, or five, or 538  
at a higher security level. 539

(d) During the offender's incarceration, the offender did 540  
not productively participate in a majority of the rehabilitative 541  
programs and activities recommended by the department for the 542  
offender, or the offender participated in a majority of such 543  
recommended programs or activities but did not successfully 544  
complete a reasonable number of the programs or activities in 545  
which the offender participated. 546

(e) After release, the offender will not be residing in a 547  
halfway house, reentry center, or community residential center 548  
licensed under division ~~(C)~~ (D) of section 2967.14 of the 549  
Revised Code and, after release, does not have any other place 550  
to reside at a fixed residence address. 551

(5) If the court pursuant to division (F)(4) of this 552  
section finds that the presumption that the recommended 553  
reduction in the offender's minimum prison term has been 554

rebutted and disapproves the recommended reduction, the court 555  
shall notify the department of the disapproval not later than 556  
sixty days after receipt of the notice from the director. The 557  
court shall specify in the notification the reason or reasons 558  
for which it found that the presumption was rebutted and 559  
disapproved the recommended reduction. The court shall not 560  
reduce the offender's minimum prison term, and the department 561  
shall not credit the amount of the disapproved reduction toward 562  
satisfaction of the offender's minimum prison term. 563

If the court pursuant to division (F)(4) of this section 564  
grants the recommended reduction of the offender's minimum 565  
prison term, the court shall notify the department of the grant 566  
of the reduction not later than sixty days after receipt of the 567  
notice from the director, the court shall reduce the offender's 568  
minimum prison term in accordance with the recommendation 569  
submitted by the director, and the department shall credit the 570  
amount of the reduction toward satisfaction of the offender's 571  
minimum prison term. 572

Upon deciding whether to disapprove or grant the 573  
recommended reduction of the offender's minimum prison term, the 574  
court shall notify the prosecuting attorney of the decision and 575  
the prosecuting attorney shall notify the victim or victim's 576  
representative of the court's decision. 577

(6) If the court under division (F)(5) of this section 578  
grants the reduction in the minimum prison term imposed on an 579  
offender that was recommended by the director and reduces the 580  
offender's minimum prison term, the date determined by the 581  
department's crediting of the reduction toward satisfaction of 582  
the offender's minimum prison term is the offender's presumptive 583  
earned early release date. 584

(7) The department of rehabilitation and correction by 585  
rule shall specify both of the following for offenders serving a 586  
non-life felony indefinite prison term: 587

(a) The type of exceptional conduct while incarcerated and 588  
the type of adjustment to incarceration that will qualify an 589  
offender serving such a prison term for a reduction under 590  
divisions (F) (1) to (6) of this section of the minimum prison 591  
term imposed on the offender under the non-life felony 592  
indefinite prison term. 593

(b) The per cent of reduction that it may recommend for, 594  
and that may be granted to, an offender serving such a prison 595  
term under divisions (F) (1) to (6) of this section, based on the 596  
offense level of the offense for which the prison term was 597  
imposed, with the department specifying the offense levels used 598  
for purposes of this division and assigning a specific 599  
percentage reduction within the range of five to fifteen per 600  
cent for each such offense level. 601

(8) Divisions (F) (1) to (6) of this section do not apply 602  
with respect to an offender serving a non-life felony indefinite 603  
prison term for a sexually oriented offense, and no offender 604  
serving such a prison term for a sexually oriented offense is 605  
eligible to be recommended for or granted, or may be recommended 606  
for or granted, a reduction under those divisions in the 607  
offender's minimum prison term imposed under that non-life 608  
felony indefinite prison term. 609

(G) If an offender is sentenced to a non-life felony 610  
indefinite prison term, any reference in a section of the 611  
Revised Code to a definite prison term shall be construed as 612  
referring to the offender's minimum term under that sentence 613  
plus any additional period of time of incarceration specified by 614

the department under division (D) (1) or (2) of this section, 615  
except to the extent otherwise specified in the section or to 616  
the extent that that construction clearly would be 617  
inappropriate." 618

After line 115492, insert: 619

**"Sec. 5120.035.** (A) As used in this section: 620

(1) "Community treatment provider" means a program that 621  
provides substance use disorder assessment and treatment for 622  
persons and that satisfies all of the following: 623

(a) It is located outside of a state correctional 624  
institution. 625

(b) It shall provide the assessment and treatment for 626  
qualified prisoners referred and transferred to it under this 627  
section in a suitable facility that is licensed pursuant to 628  
division ~~(C)~~(D) of section 2967.14 of the Revised Code. 629

(c) All qualified prisoners referred and transferred to it 630  
under this section shall reside initially in the suitable 631  
facility specified in division (A) (1) (b) of this section while 632  
undergoing the assessment and treatment. 633

(2) "Electronic monitoring device" has the same meaning as 634  
in section 2929.01 of the Revised Code. 635

(3) "State correctional institution" has the same meaning 636  
as in section 2967.01 of the Revised Code. 637

(4) "Qualified prisoner" means a person who satisfies all 638  
of the following: 639

(a) The person is confined in a state correctional 640  
institution under a prison term imposed for a felony of the 641

third, fourth, or fifth degree that is not an offense of  
violence.

(b) The department of rehabilitation and correction  
determines, using a standardized assessment tool, that the  
person has a substance use disorder.

(c) The person has not more than twelve months remaining  
to be served under the prison term described in division (A) (4)  
(a) of this section.

(d) The person is not serving any prison term other than  
the term described in division (A) (4) (a) of this section.

(e) The person is eighteen years of age or older.

(f) The person does not show signs of drug or alcohol  
withdrawal and does not require medical detoxification.

(g) As determined by the department of rehabilitation and  
correction, the person is physically and mentally capable of  
uninterrupted participation in the substance use disorder  
treatment program established under division (B) of this  
section.

(B) The department of rehabilitation and correction shall  
establish and operate a program for community-based substance  
use disorder treatment for qualified prisoners. The purpose of  
the program shall be to provide substance use disorder  
assessment and treatment through community treatment providers  
to help reduce substance use relapses and recidivism for  
qualified prisoners while preparing them for reentry into the  
community and improving public safety.

(C) (1) The department shall determine which qualified  
prisoners in its custody should be placed in the substance use

disorder treatment program established under division (B) of 670  
this section. The department has full discretion in making that 671  
determination. If the department determines that a qualified 672  
prisoner should be placed in the program, the department may 673  
refer the prisoner to a community treatment provider the 674  
department has approved under division (E) of this section for 675  
participation in the program and transfer the prisoner from the 676  
state correctional institution to the provider's approved and 677  
licensed facility. Except as otherwise provided in division (C) 678  
(3) of this section, no prisoner shall be placed under the 679  
program in any facility other than a facility of a community 680  
treatment provider that has been so approved. If the department 681  
places a prisoner in the program, the prisoner shall receive 682  
credit against the prisoner's prison term for all time served in 683  
the provider's approved and licensed facility and may earn days 684  
of credit under section 2967.193 or 2967.194 of the Revised 685  
Code, but otherwise neither the placement nor the prisoner's 686  
participation in or completion of the program shall result in 687  
any reduction of the prisoner's prison term. 688

(2) If the department places a prisoner in the substance 689  
use disorder treatment program, the prisoner does not 690  
satisfactorily participate in the program, and the prisoner has 691  
not served the prisoner's entire prison term, the department may 692  
remove the prisoner from the program and return the prisoner to 693  
a state correctional institution. 694

(3) If the department places a prisoner in the substance 695  
use disorder treatment program and the prisoner is 696  
satisfactorily participating in the program, the department may 697  
permit the prisoner to reside at a residence approved by the 698  
department if the department determines, with input from the 699



community treatment provider, that residing at the approved 700  
residence will help the prisoner prepare for reentry into the 701  
community and will help reduce substance use relapses and 702  
recidivism for the prisoner. If a prisoner is permitted under 703  
this division to reside at a residence approved by the 704  
department, the prisoner shall be monitored during the period of 705  
that residence by an electronic monitoring device. 706

(D) (1) When a prisoner has been placed in the substance 707  
use disorder treatment program established under division (B) of 708  
this section, before the prisoner is released from custody of 709  
the department upon completion of the prisoner's prison term, 710  
the department shall conduct and prepare an evaluation of the 711  
prisoner, the prisoner's participation in the program, and the 712  
prisoner's needs regarding substance use disorder treatment upon 713  
release. Before the prisoner is released from custody of the 714  
department upon completion of the prisoner's prison term, the 715  
parole board or the court acting pursuant to an agreement under 716  
section 2967.29 of the Revised Code shall consider the 717  
evaluation, in addition to all other information and materials 718  
considered, as follows: 719

(a) If the prisoner is a prisoner for whom post-release 720  
control is mandatory under section 2967.28 of the Revised Code, 721  
the board or court shall consider it in determining which post- 722  
release control sanction or sanctions to impose upon the 723  
prisoner under that section. 724

(b) If the prisoner is a prisoner for whom post-release 725  
control is not mandatory under section 2967.28 of the Revised 726  
Code, the board or court shall consider it in determining 727  
whether a post-release control sanction is necessary and, if so, 728  
which post-release control sanction or sanctions to impose upon 729

the prisoner under that section.

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(2) If the department determines that a prisoner it placed in the substance use disorder treatment program successfully completed the program and successfully completed a term of post-release control, if applicable, and if the prisoner submits an application under section 2953.32 or the prosecutor in the case submits an application under section 2953.39 of the Revised Code for sealing or expungement of the record of the conviction, the director may issue a letter to the court in support of the application.

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(E) (1) The department shall accept applications from community treatment providers that satisfy the requirement specified in division (E) (2) of this section and that wish to participate in the substance use disorder treatment program established under division (B) of this section, and shall approve for participation in the program at least four and not more than eight of the providers that apply. To the extent feasible, the department shall approve one or more providers from each geographical quadrant of the state.

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(2) Each community treatment provider that applies under division (E) (1) of this section to participate in the program shall have the provider's alcohol and drug addiction services that provide substance use disorder treatment certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. A community treatment provider is not required to have the provider's halfway house or residential treatment certified by the department of mental health and addiction services.

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(F) The department of rehabilitation and correction shall adopt rules for the operation of the substance use disorder

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treatment program it establishes under division (B) of this 760  
section and shall operate the program in accordance with this 761  
section and those rules. The rules shall establish, at a 762  
minimum, all of the following: 763

(1) Criteria that establish which qualified prisoners are 764  
eligible for the program; 765

(2) Criteria that must be satisfied to transfer a 766  
qualified prisoner to a residence pursuant to division (C) (3) of 767  
this section; 768

(3) Criteria for the removal of a prisoner from the 769  
program pursuant to division (C) (2) of this section; 770

(4) Criteria for determining when an offender has 771  
successfully completed the program for purposes of division (D) 772  
(2) of this section; 773

(5) Criteria for community treatment providers to provide 774  
assessment and treatment, including minimum standards for 775  
treatment." 776

Update the title, amend, enact, or repeal clauses accordingly 777

The motion was \_\_\_\_\_ agreed to.

#### SYNOPSIS

**Reentry housing near schools**

**R.C. 2967.14 with conforming changes in R.C. 2967.26,  
2967.271, and 5120.035**

Prohibits DRC's Division of Parole and Community Services

from licensing a halfway house, reentry center, or community 783  
residential center that operates within 500 feet of a school or 784  
child care center except for halfway houses, reentry centers, or 785  
community residential centers that operated in that proximity 786  
prior to the effective date of the change or for halfway houses, 787  
reentry centers, or community residential centers that operated 788  
prior to a school or child care center locating in that 789  
proximity. 790