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SUMMARY

Penalties for technical violations of community control sanctions

- Permits a more restrictive nonresidential sanction or temporary incarceration to be used as additional penalties for technical violations of community control sanctions by a felony offender.
- Permits a court to allow temporary incarceration as ordered above to be served on nights or weekends or at any other time that will allow the offender to continue at the offender's occupation or care for the offender's family.
- Permits a court to suspend a period of temporary incarceration ordered above for an offender who knowingly and voluntarily agrees to comply with inpatient or outpatient mental or behavioral treatment and to terminate the temporary incarceration upon compliance.
- Modifies the definition of technical violation to apply to all felonies rather than only to fifth degree felonies and fourth degree felonies that are not offenses of violence or sexually oriented offenses.

Maximum periods of community control sanctions

- Specifies that the duration of all community control sanctions imposed on a felony offender must not exceed five years for any first or second degree felony and, unless extended, three years for any third, fourth, or fifth degree felony.
- Specifies that the duration of all community control sanctions imposed on a misdemeanor offender and in effect for an offender at any time must not exceed three years unless extended as provided in the bill.
- Specifies that the period of community control sanctions imposed on an offender who is granted judicial release must be no longer than as follows:

- Five years if the most serious offense from which the judicial release is granted is a first or second degree felony;
- Three years if the most serious offense from which judicial release is granted is a third, fourth, or fifth degree felony.

Extension of community control sanctions

- Allows for a community control sanction for a third, fourth, or fifth degree felony or any misdemeanor to be extended up to one year if the total time under the sanction does not exceed five years and if the court makes additional findings.
- Allows for a community control sanction for a third, fourth, or fifth degree felony or any misdemeanor to be extended up to the time it takes to pay the restitution if the total time under the sanction does not exceed five years and the court makes additional findings.

Early termination of felony community control sanctions

- Requires a court, within 60 days after an offender completes two years of the conditions of a felony community control sanction, to determine whether the community control sanction must be terminated.
- Requires the court, upon determining that all conditions for early termination are met, to terminate the offender's community control without a hearing.
- Requires the court, if the court does not determine that all conditions for early termination are met, to hold a hearing to determine whether to terminate the offender's community control.

DETAILED ANALYSIS

Penalties for technical violations of community control sanctions

Penalties

Under current law, a court that sentences an offender to a community control sanction for a felony may impose on an offender who violates the conditions of the sanction, violates a law, or leaves the state without the permission of the court or the offender's probation officer one or more of three types of penalties. The bill retains the three penalties and adds a fourth type of penalty for technical violations as follows:¹

¹ R.C. 2929.15(B)(1).

1. Under current law and subject to the bill's additional penalties described in (4) below, a longer time under the same sanction if the total time under the sanction does not exceed the applicable limit for the offense;²
2. Under current law and subject to the bill's additional penalties described in (4) below, a more restrictive sanction, including but not limited to, a new term in a community-based correctional facility, halfway house, or jail;³
3. Under current law and subject to the bill's additional penalties described in (4) below, a prison term provided that a prison term is subject to the following limitations and rules, as applicable:⁴
 - a. If the prison term is imposed under the authority of the bill's additional penalties described in (4) below for any technical violation of the conditions of a community control sanction imposed for a fifth degree felony, the prison term must not exceed 90 days, provided that if the remaining period of community control at the time of the violation of the remaining period of the reserved prison sentence at the time is less than 90 days, the prison term must not exceed the length of the remaining period of community control or the remaining period of the reserved prison sentence;
 - b. If the prison term is imposed under authority of the bill's additional penalties described in (4) below for any technical violation of the conditions of a community control sanction imposed for a fourth degree felony that is not an offense of violence and is not a sexually oriented offense, the prison term must not exceed 180 days, provided that if the remaining period of the community control at the time of the violation or the remaining period of the reserved prison sentence at that time is less than 180 days, the prison term must not exceed the length of the remaining period of community control or the remaining period of the reserved prison sentence;
 - c. A court is not limited in the number of times it may sentence an offender to a prison term for violating the conditions of a community control sanction, violating a law, or leaving the state without permission. If an offender violates the conditions of a community control sanction, violates a law, or leaves the state without permission, is sentenced to a prison term for the violation or conduct, is released from the term after serving it, and subsequently violates the conditions of the community control sanction, violates a law, or leaves the state without permission, the court may impose a new prison term penalty on the offender for the subsequent violation or conduct.

² R.C. 2929.15(A)(1) and (B)(1)(a).

³ R.C. 2929.15(B)(1)(b).

⁴ R.C. 2929.15(B)(1)(f).

4. Under the bill, if the conditions of the community control sanction imposed for a felony are violated by a “technical violation,” (a defined term – see below) one or more of the following penalties:⁵
 - a. A more restrictive nonresidential sanction;
 - b. A temporary incarceration sanction consisting of whichever of the following is applicable;
 - i. For a first technical violation during the period of community control that includes the violated sanction, a sanction of jail incarceration of not more than 15 days or a sanction of a term in a community-based correctional facility, halfway house, or alternative residential facility of not more than 180 days;
 - ii. For a second technical violation during the period of community control that includes the violated sanction, a sanction of jail incarceration of not more than 30 days or a sanction of a term in a community-based correctional facility, halfway house, or alternative residential facility of not more than 180 days;
 - iii. For a third technical violation during the period of community control that includes the violated sanction, a sanction of jail incarceration of not more than 45 days or a sanction of a term in a community-based correctional facility, halfway house, or alternative residential facility of not more than 180 days;
 - iv. For a fourth or subsequent technical violation during a period of community control that includes the violated sanction, any sanction of⁶ temporary incarceration described in (1) to (3) above.

Jail time for technical violations

If the court imposes a jail sanction for a technical violation, the bill allows the sanction to be served in intermittent confinement, overnight, on weekends, or at any other time that will allow the offender to continue at the offender’s occupation or care for the offender’s family. The court may suspend the sanction if the offender knowingly and voluntarily agrees to comply with inpatient or outpatient mental or behavioral treatment, including substance abuse treatment, for 30-180 days, as determined by the court. If the offender successfully completes the inpatient or outpatient mental or behavioral health treatment, the sanction is terminated. If the offender does not complete the mental or behavioral health treatment, the sanction must be reimposed.⁷

⁵ R.C. 2929.15(B)(2)(g) and (4).

⁶ This language may have been intended to cover any sanction *or* temporary incarceration prescribed in current law for a community control violation as the referenced language covers both temporary incarceration and other sanctions (such as extension of the period of community control).

⁷ R.C. 2929.15(B)(2)(c) and (d).

Definition of technical violation

The bill modifies the definition of “technical violation” to apply to all felonies rather than only to fifth degree felonies and fourth degree felonies that are not offenses of violence or sexually oriented offenses. Under the bill, “technical violation” means a violation of the conditions of a community control sanction imposed for a felony and to which neither of the following applies: (1) the violation consists of a new criminal offense that is a felony or that is a misdemeanor, other than a minor misdemeanor, and the violation is committed while under the community control sanction, and (2) the violation consists of or includes the offender’s articulated or demonstrated refusal to participate in the community control sanction imposed on the offender or any of its conditions, and the refusal demonstrates to the court that the offender has abandoned the objects of the community control sanction or condition.⁸

Extension of community control sanction

Extension up to one year

The bill allows for a community control sanction for a third, fourth, or fifth degree felony or any misdemeanor to be extended up to one year if the total time under the sanction does not exceed five years and if the court finds any of the following.

For a felony sanction only

Nontechnical violation, extension necessary

On a felony community control sanction, the offender, while serving the projected last 12 months of the offender’s sanction, violates the conditions of the sanction and that violation is not a technical violation; the imposition of the term is necessary so that the offender may participate in a specialized docket program, programming in a community-based correctional facility or halfway house, or other specified program, the duration of which is longer than the remaining time on community control; and imposition of the term will reduce the risk of the offender reoffending.⁹

For a felony or misdemeanor sanction

Treatment noncompliance

In the six months prior to the hearing, the offender has consistently demonstrated a willful refusal to comply with required mental or behavioral health treatment imposed as a condition of the community control sanction, and the court cannot appropriately respond in the remaining period of the community control sanction.¹⁰

⁸ R.C. 2929.15(F).

⁹ R.C. 2929.15(B)(1)(c).

¹⁰ R.C. 2929.15(B)(1)(d)(i) and 2929.25(D)(2)(d)(i).

Required programming

The offender is required to complete programming as a condition of the community control sanction, and has not completed the programming at the conclusion of the initial supervision term.¹¹

Extension to pay restitution

The bill also allows a court to extend the time under a community control sanction imposed for a third, fourth, or fifth degree felony or a misdemeanor up to the time it takes for the offender to complete restitution if the total time under sanction does not exceed five years, whichever is less, and the court finds pursuant to a hearing that all of the following conditions apply:¹²

1. The offender has consistently demonstrated a willful refusal to pay restitution imposed as a condition of the community control sanction;
2. The offender has the ability to pay restitution without suffering an undue financial burden;
3. The civil remedies and procedures for collection of the restitution by the victim are insufficient to allow for recovery after the community control sanction has terminated.

Conditions on extended period of community control sanction

A court is not limited in the number of times it may sentence an offender to an extension of a community control sanction under the above provisions if the total time under the sanction does not exceed five years and if the court makes the required findings.¹³

If the court extends a community control sanction under “**Treatment noncompliance,**” or “**Required programming,**” above, the offender is not subject to any conditions of supervision under the community control sanction except for complying with mental or behavioral health treatment or completing required programming during the extended term. If the court extends a community control sanction under “**Conditions for extension to pay restitution,**” above, the offender is not subject to any condition of supervision except for payment of restitution.¹⁴

Under current law, if a court is sentencing an offender for a misdemeanor, other than a minor misdemeanor, the sentencing court may directly impose a sentence that consists of one or more community control sanctions.¹⁵ The bill provides that the duration of all community control sanctions, including any period of supervised community service work, imposed on a

¹¹ R.C. 2929.15(B)(1)(d)(ii) and 2929.25(D)(2)(d)(ii).

¹² R.C. 2929.15(B)(1)(e) and 2929.25(D)(2)(e).

¹³ R.C. 2929.15(B)(2)(a) and 2929.25(D)(3)(a).

¹⁴ R.C. 2929.15(B)(2)(b) and 2929.25(D)(3)(b).

¹⁵ R.C. 2929.25(A)(1)(a).

misdemeanor offender and in effect for an offender at any time must not exceed three years, unless extended as provided in “**Extension of community control sanction,**” above. Under current law, the duration of all community control sanctions imposed on an offender and in effect for an offender at any time must not exceed five years.¹⁶

The bill provides that a community control sanction imposed for an offense continues for the period that a judge or magistrate determines and, subject to the community control maximum that is applicable to the offense if it is a misdemeanor, may be extended as described above. Under current law, a community control sanction imposed for an offense continues for a period that a judge or magistrate determines and is subject to the five-year limit.¹⁷

Judicial release

Under current law, if the court grants a motion for judicial release for an eligible offender, a state of emergency-qualifying offender, or an 80%-qualifying offender, the court must place the offender under an appropriate community control sanction. The bill provides that the period of community control must be no longer than five years if the most serious offense from which the judicial release is granted is a first or second degree felony and no longer than three years if the most serious offense from which judicial release is granted is a third, fourth, or fifth degree felony. Under current law, the period of community control must be no longer than five years.¹⁸

Cross-reference changes

The bill makes necessary cross-reference changes.¹⁹

HISTORY

Action	Date
Introduced	10-14-25

ANSB0291IN-136/ar

¹⁶ R.C. 2929.25(A)(2) and (3) and (D)(2)(a) and 2951.02(B)(5).

¹⁷ R.C. 2951.07(B).

¹⁸ R.C. 2929.20(K)(1), (N)(5)(b), and (O)(6).

¹⁹ R.C. 2925.11 and 2929.15.