As Introduced

132nd General Assembly Regular Session 2017-2018

S. B. No. 202

Senators Bacon, O'Brien

Cosponsors: Senators Kunze, Gardner, Manning, Hoagland, Lehner

A BILL

ГО	amend sections 2967.14, 5120.021, 5120.113, and	1
	5149.04 and to enact section 5120.038 of the	2
	Revised Code to require the Department of	3
	Rehabilitation and Correction to establish a	4
	reentry program for all offenders released from	5
	prison who it intends to have reside in a	6
	halfway house or similar facility but who are	7
	not accepted by any such facility; to require	8
	the Adult Parole Authority to establish maximum	9
	work-load and case-load standards for its parole	10
	and field officers and have enough trained	11
	officers to comply with the standards; to	12
	require that GPS monitoring used for offenders	13
	released from prison under such monitoring	14
	specify restrictions, including inclusionary	15
	zones and necessary exclusionary zones; to	16
	require the Department to establish system	17
	requirements for GPS monitoring of such	18
	offenders by the Department or third-party	19
	contract administrators; to require the	20
	Department to operate a statewide database for	21
	law enforcement use containing specified	22
	information about such offenders; to require	23

S. B. No. 202
As Introduced

that third-party administrators for GPS	24
monitoring under a new contract with the	25
Department provide and use a law enforcement-	26
accessible crime scene correlation program; and	27
to name the act's provisions the Reagan Tokes	28
Law.	29

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

Section 1. That sections 2967.14, 5120.021, 5120.113, and	30
5149.04 be amended and section 5120.038 of the Revised Code be	31
enacted to read as follows:	32
Sec. 2967.14. (A) The department of rehabilitation and	33
correction or the adult parole authority may require or allow a	34
parolee, a releasee, or a prisoner otherwise released from a	35
state correctional institution to reside in a halfway house or	36
other suitable community residential center that has been	37
licensed by the division of parole and community services	38
pursuant to division (C) of this section or, in the	39
circumstances described in division (E) of section 5120.113 of	40
the Revised Code, in the reentry program and facility	41
established under that division, during a part or for the entire	42
period of the offender's or parolee's conditional release or of	43
the releasee's term of post-release control. The court of common	44
pleas that placed an offender under a sanction consisting of a	45
term in a halfway house or in an alternative residential	46
sanction may require the offender to reside in a halfway house	47
or other suitable community residential center that is	48
designated by the court and that has been licensed by the	49
division pursuant to division (C) of this section during a part	50

51

72

73

74

75

76

77

78

79

80

81

or for the entire period of the offender's residential sanction.

(B) The division of parole and community services may 52 negotiate and enter into agreements with any public or private 53 agency or a department or political subdivision of the state 54 that operates a halfway house, reentry center, or community 55 residential center that has been licensed by the division 56 pursuant to division (C) of this section. An agreement under 57 this division shall provide for the purchase of beds, shall set 58 limits of supervision and levels of occupancy, and shall 59 determine the scope of services for all eligible offenders, 60 including those subject to a residential sanction, as defined in 61 rules adopted by the director of rehabilitation and correction 62 in accordance with Chapter 119. of the Revised Code, or those 63 released from prison without supervision. The payments for beds 64 and services shall not exceed the total operating costs of the 65 halfway house, reentry center, or community residential center 66 during the term of an agreement. The director of rehabilitation 67 and correction shall adopt rules in accordance with Chapter 119. 68 of the Revised Code for determining includable and excludable 69 costs and income to be used in computing the agency's average 70 daily per capita costs with its facility at full occupancy. 71

The director of rehabilitation and correction shall adopt rules providing for the use of no more than fifteen per cent of the amount appropriated to the department each fiscal year for the halfway house, reentry center, and community residential center program to pay for contracts with licensed halfway houses for nonresidential services for offenders under the supervision of the adult parole authority, including but not limited to, offenders supervised pursuant to an agreement entered into by the adult parole authority and a court of common pleas under section 2301.32 of the Revised Code. The nonresidential services

S. B. No. 202 Page 4 As Introduced

may include, but are not limited to, treatment for substance	82
abuse, mental health counseling, counseling for sex offenders,	83
electronic monitoring services, aftercare, and other	84
nonresidential services that the director identifies by rule.	85
(C) The division of parole and community services may	86
license a halfway house, reentry center, or community	87
residential center as a suitable facility for the care and	88
treatment of adult offenders, including offenders sentenced	89
under section 2929.16 or 2929.26 of the Revised Code, only if	90
the halfway house, reentry center, or community residential	91
center complies with the standards that the division adopts in	92
accordance with Chapter 119. of the Revised Code for the	93
licensure of halfway houses, reentry centers, and community	94
residential centers. The division shall annually inspect each	95
licensed halfway house, licensed reentry center, and licensed	96
community residential center to determine if it is in compliance	97
with the licensure standards.	98
(D) The division of parole and community services may	99
expend up to one-half per cent of the annual appropriation made	100
for halfway house programs, for goods or services that benefit	101
those programs.	102
Sec. 5120.021. (A) The provisions of Chapter 5120. of the	103
Revised Code, as they existed prior to July 1, 1996, and that	104
address the duration or potential duration of incarceration or	105
parole or other forms of supervised release, apply to all	106
persons upon whom a court imposed a term of imprisonment prior	107
to July 1, 1996, and all persons upon whom a court, on or after	108
July 1, 1996, and in accordance with law existing prior to July	109
1, 1996, imposed a term of imprisonment for an offense that was	110

111

committed prior to July 1, 1996.

(B) $\underline{(1)}$ The provisions of Chapter 5120. of the Revised	112
Code, as they exist on or after July 1, 1996, and that address	113
the duration or potential duration of incarceration or	114
supervised release, apply to all persons upon whom a court	115
imposed a stated prison term for an offense committed on or	116
after July 1, 1996.	117
(2) The provisions of Chapter 5120. of the Revised Code,	118
as they exist on or after the effective date of this amendment,	119
apply to an offender who is released from confinement in a state	120
correctional institution on or after that date.	121
(C) Nothing in this section limits or affects the	122
applicability of any provision in Chapter 5120. of the Revised	123
Code, as amended or enacted on or after July 1, 1996, that	124
pertains to an issue other than the duration or potential	125
duration of incarceration or supervised release, to persons in	126
custody or under the supervision of the department of	127
rehabilitation and correction.	128
Sec. 5120.038. (A) As used in this section, "GPS-monitored	129
offender" means an offender who, on or after the effective date	130
of this section, is released from confinement in a state	131
correctional institution under a conditional pardon, parole,	132
other form of authorized release, or transitional control that	133
includes global positioning system monitoring as a condition of	134
the person's release, or who, on or after that date, is placed	135
under post-release control that includes global positioning	136
system monitoring as a condition under the post-release control.	137
(B) (1) On and after the effective date of this section,	138
each global positioning system monitor that is used to monitor a	139
GPS-monitored offender shall specify and monitor restrictions	140
for the offender. The restrictions shall include for the	141

offender inclusionary zones and, to the extent necessary,	142
exclusionary zones, and may include for the offender a curfew	143
specifying times of required presence in the inclusionary zone	144
and any other reasonable restrictions.	145
(2) Each contract that the department of rehabilitation	146
and correction enters into on or after the effective date of	147
this section with a third-party contract administrator for	148
global position system monitoring of GPS-monitored offenders	149
shall require all of the following:	150
(a) That the global positioning system used by the	151
administrator include a crime scene correlation program that can	152
interface by link with the database established under division	153
(D) of this section and to which access can be obtained by a	154
<pre>link included in that database;</pre>	155
(b) That the crime scene correlation program included in	156
the administrator's system will allow local law enforcement	157
representatives to obtain, without need for a subpoena or	158
warrant, real-time access or active global positioning system	159
access to information contained in the program about a GPS-	160
monitored offender's location at that time and, to the extent	161
that it is available, at other previous points in time	162
identified by the representative or designee, about the location	163
of recent criminal activity in or near the offender's	164
inclusionary or exclusionary zones, and about any possible	165
connection between the offender's location and that recent	166
<pre>criminal activity;</pre>	167
(c) That the administrator allow access to the crime scene	168
<pre>correlation program included in the administrator's system to</pre>	169
law enforcement representatives as described in division (D) of	170
this section	171

(C) (1) On and after the effective date of this section,	172
any third-party contract administrator used for global	173
positioning system monitoring of a GPS-monitored offender shall	174
comply in the monitoring of the offender with system	175
requirements of the department of rehabilitation and correction	176
that exist on that date for global positioning system monitoring	177
of such offenders.	178
(2) If, on the effective date of this section, the	179
department of rehabilitation and correction has not established	180
system requirements of the type described in division (C)(1) of	181
this section, within a reasonable period of time after that	182
effective date, the department shall establish system	183
requirements for global positioning system monitoring of GPS-	184
monitored offenders. After establishment of the requirements,	185
the department, and any third-party contract administrator used	186
for global positioning system monitoring, shall comply with the	187
established system requirements in the monitoring of a GPS-	188
monitored offender.	189
(D)(1) Not later than twelve months after the effective	190
date of this section, the department of rehabilitation and	191
correction shall establish and operate on the internet a	192
statewide database that contains the information specified in	193
division (D)(3) of this section for GPS-monitored offenders. At	194
any point in time, the database shall contain the specified	195
information for each GPS-monitored offender who then is subject	196
to global positioning system monitoring. The database shall	197
enable local law enforcement representatives to remotely search	198
by electronic means the content of the database, and shall	199
contain a link to the crime scene correlation program described	200
in division (B)(2) of this section for third-party contract	201
administrators required by that division to include such a	202

program in their systems. The database is not a public record	203
subject to inspection or copying under section 149.43 of the	204
Revised Code and shall be available only to local law	205
enforcement representatives as described in this division.	206
Information obtained by local law enforcement representatives	207
through use of this database is not open to inspection or	208
copying under section 149.43 of the Revised Code.	209
(2) (a) If the database established under division (D) (1)	210
of this section includes a link to a crime scene correlation	211
program described in division (B)(2) of this section that is	212
included in the global positioning system used by a third-party	213
contract administrator, a local law enforcement representative	214
may use that link to obtain information contained in the program	215
about a GPS-monitored offender and recent criminal activity, as	216
described in division (B)(2) of this section.	217
(b) Separate from the authority described in division (D)	218
(2) (a) of this section, if a local law enforcement	219
representative, through use of the database established under	220
division (D)(1) of this section or in any other manner learns	221
the identity of, and contact information for, an employee of the	222
department who is monitoring a GPS-monitored offender or the	223
identity of, and contact information for, a third-party contract	224
administrator that is being used for global positioning system	225
monitoring of a GPS-monitored offender, the representative or	226
another law enforcement officer designated by the representative	227
may contact the employee or the administrator and, without need	228
for a subpoena or warrant, request real-time access or active	229
global positioning system access to information about the	230
offender's location at that time and at other previous points in	231
time identified by the representative or designee. Upon receipt	232
of a request as described in this division, the employee of the	233

S. B. No. 202 Page 9
As Introduced

department or the third-party contract administrator, without	234
need for a subpoena or warrant, shall provide the representative	235
or designee with the requested information regarding the	236
offender's location at that time and, to the extent that it is	237
available, at the other identified previous points in time. A	238
request under this division also may request information that	239
the employee or administrator has obtained about the location of	240
recent criminal activity in or near the GPS-monitored offender's	241
inclusionary or exclusionary zones, and about any possible	242
connection between the offender's location and that recent	243
criminal activity, and, upon receipt of such a request, the	244
employee or administrator, without need for a subpoena or	245
warrant, shall provide the representative or designee with that	246
information to the extent that it is available.	247
(3) The information contained in the database required	248
under division (D)(1) of this section shall include, for each	249
GPS-monitored offender to be included within the database, all	250
of the following:	251
(a) The offender's name;	252
(b) The offense or offenses for which the offender is	253
subject to global positioning system monitoring and the	254
offender's other criminal history;	255
(c) The offender's residence address;	256
(d) The monitoring parameters and restrictions for the	257
offender, including all inclusionary zones, exclusionary zones,	258
and inclusionary zone curfews for the offender and all other	259
restrictions placed on the offender;	260
(e) If an employee of the department is monitoring the	261
offender, the identity of, and contact information for, the	262

S. B. No. 202 Page 10 As Introduced

employee, and if a third-party contract administrator is being	263
used for global positioning system monitoring of the offender,	264
the identity of, and contact information for, the third-party	265
<pre>contract administrator;</pre>	266
(f) All previous violations of the monitoring parameters	267
and restrictions applicable to the offender under the global	268
positioning system monitoring that then is in effect for the	269
offender.	270
(E) The amendments to sections 2967.14, 5120.021,	271
5120.113, and 5149.04 and the enactment of this section of the	272
Revised Code by B of the 132nd general assembly	273
constitute the Reagan Tokes Law.	274
Sec. 5120.113. (A) For each inmate committed to the	275
department of rehabilitation and correction, except as provided	276
in division (B) of this section, the department shall prepare a	277
written reentry plan for the inmate to help guide the inmate's	278
rehabilitation program during imprisonment, to assist in the	279
inmate's reentry into the community, and to assess the inmate's	280
needs upon release.	281
(B) Division (A) of this section does not apply to an	282
inmate who has been sentenced to life imprisonment without	283
parole or who has been sentenced to death. Division (A) of this	284
section does not apply to any inmate who is expected to be	285
imprisoned for thirty days or less, but the department may	286
prepare a written reentry plan of the type described in that	287
division if the department determines that the plan is needed.	288
(C) The department may collect, if available, any social	289
and other information that will aid in the preparation of	290
reentry plans under this section.	291

(D) In the event the department does not prepare a written	292
reentry plan as specified in division (A) of this section, or	293
makes a decision to not prepare a written reentry plan under	294
division (B) of this section or to not collect information under	295
division (C) of this section, that fact does not give rise to a	296
claim for damages against the state, the department, the	297
director of the department, or any employee of the department.	298
(E) (1) As used in this division, "target offender" means a	299
parolee, a releasee, or a prisoner otherwise released from a	300
state correctional institution with respect to whom both of the	301
<pre>following apply:</pre>	302
(a) The department of rehabilitation and correction or the	303
adult parole authority intends to require the parolee, releasee,	304
or prisoner to reside in a halfway house, reentry center, or	305
community residential center that has been licensed by the	306
division of parole and community services pursuant to division	307
(C) of section 2967.14 of the Revised Code during a part or for	308
the entire period of the prisoner's or parolee's conditional	309
release or of the releasee's term of post-release control.	310
(b) No halfway house, reentry center, or community	311
residential center that has been licensed as described in	312
division (E)(1) of this section will accept the prisoner,	313
parolee, or releasee to reside in the facility.	314
(2) Not later than twenty-four months after the effective	315
date of this amendment, the department, through the adult parole	316
authority, shall establish and implement a reentry program for	317
all target offenders. The program shall include a facility. The	318
program and facility shall satisfy all the standards that the	319
division of parole and community services adopts in accordance	320
with Chapter 119. of the Revised Code for the licensure of	321

S. B. No. 202 Page 12 As Introduced

halfway houses, reentry centers, and community residential	322
centers. Upon the establishment and implementation of the	323
program and facility, the department or authority shall require	324
that all target offenders reside in the program's facility	325
during a part or for the entire period of the target offender's	326
conditional release or term of post-release control.	327
Sec. 5149.04. (A) Persons paroled, conditionally pardoned,	328
or released to community supervision shall be under jurisdiction	329
of the adult parole authority and shall be supervised by the	330
field services section through its staff of parole and field	331
officers in such manner as to insure as nearly as possible the	332
offender's rehabilitation while at the same time providing	333
maximum protection to the general public. All state and local	334
officials shall furnish such information to officers of the	335
section as they may request in the performance of their duties.	336
(B) The superintendent, or superintendents, of the field	337
services section shall be a person, or persons, especially	338
qualified by training and experience in the field of	339
corrections. The superintendent, or superintendents, shall	340
supervise the work of the section and shall formulate and	341
execute an effective program of offender supervision. The	342
superintendent, or superintendents, shall collect and preserve	343
any records and statistics with respect to offenders that are	344
required by the chief of the authority. The section also shall	345
include other personnel who are necessary for the performance of	346
the section's duties.	347
No person shall be appointed as a superintendent who is	348
not qualified by education or experience in correctional work	349
including law enforcement, probation, or parole work, in law, in	350
social work, or in a combination of the three categories.	351

S. B. No. 202 Page 13 As Introduced

(C) The superintendent, or superintendents, of the field	352
services section, with the approval of the chief of the	353
authority, may establish district offices for the section and	354
may assign necessary parole and field officers and clerical	355
staff to the district offices.	356
(D) The field services section in the exercise of its	357
supervision over offenders and persons conditionally pardoned	358
shall carry out all lawful orders, terms, and conditions	359
prescribed by the authority, the chief of the division of parole	360
and community services, or the governor.	361
(E) (1) As used in division (E) of this section:	362
(a) "Case-load" means the maximum number of persons	363
paroled, conditionally pardoned, or released to community	364
supervision who should be under the supervision of any parole or	365
field officer, based on the aggregate of the work load of the	366
officer for each of those persons.	367
(b) "Parole or field officer" means a parole or field	368
officer of the field services section.	369
(c) "Work-load" means the minimum number of hours that a	370
parole or field officer is expected to dedicate to each person_	371
paroled, conditionally pardoned, or released to community	372
supervision who is under the officer's supervision, based on the	373
person's risk classification.	374
(2) Not later than one year after the effective date of	375
this amendment, the adult parole authority shall establish	376
supervision standards for parole and field officers. The	377
standards shall include a specification of a case-load and a	378
work-load for parole and field officers. The case-load and work-	379
load specified in the standards shall comport with industry	380

S. B. No. 202 As Introduced

standards set forth by the American probation and parole	381
association.	382
(3) Not later than two years after establishing the	383
standards required under division (E)(2) of this section, the	384
department of rehabilitation and correction shall ensure that	385
the field services section has enough parole and field officers	386
to comply with the standards and that the officers have been	387
trained to the extent required to comply with the standards.	388
Section 2. That existing sections 2967.14, 5120.021,	389
5120.113, and 5149.04 of the Revised Code are hereby repealed.	390