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Substitute Bill Comparative Synopsis

Sub. H.B. 215

133rd General Assembly

House Criminal Justice

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (I_133_1253-2)	Latest Version (I_133_1253-4)
Reagan Tokes Law	
Continuing law designates various amendments to sections of the Revised Code made by S.B. 201 of the 132 nd General Assembly the Reagan Tokes Law (<i>R.C. 2901.011</i>).	Expands the Reagan Tokes Law designation to amendments to those sections made by the bill (<i>R.C. 2901.011</i>).
Nonlife felony indefinite sentencing	
For purposes of indefinite prison terms created in S.B. 201 of the 132 nd General Assembly (hereafter “nonlife felony indefinite prison terms”), generally describes the “maximum term” as an additional portion of	Same, but refers to the “minimum term” as the “minimum prison term,” refers to the additional portion of the indefinite prison term to be served after termination of the minimum prison term as the

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<p>the indefinite prison term to be served after termination of the minimum term, rather than as the length of the total term including both the underlying minimum and required maximum portions (R.C. 2929.144(B)(1) to (3) and 2929.14(A)(1) and (2)).</p>	<p>“auxiliary term,” and makes corresponding changes to the calculation of credit against those terms to prevent the credit from being applied twice (R.C. 2929.14(A)(1) and (2), 2929.144(B)(1) to (3), 2929.19(B)(2)(g), 2967.191, and 2967.193 with conforming changes in R.C. 2152.14(F) and (G), 2929.01(X), (BB), and (FF), 2929.14(C)(10) and (11), 2929.144(C), 2945.37(A), 2945.401(J), 2949.08(C)(2), and 2953.08(I)).</p>
<p>No provision.</p>	<p>Defines “minimum prison term” as the minimum term of years imposed as part of a nonlife felony indefinite prison term.</p> <p>Defines “auxiliary prison term” as the potential additional prison term imposed as part of a nonlife felony indefinite prison term that must be served by the offender at the conclusion of the offender’s minimum prison term or aggregate minimum prison term, to the extent that the presumption of release under continuing law has been rebutted.</p> <p>Defines “aggregate minimum prison term” for purposes of nonlife felony indefinite prison terms as the sum of all minimum prison terms and definite terms sentenced to be served consecutively to one another or combined (R.C. 2929.01(HHH) to (JJJ), 2945.37(A), 2949.08(E), 2953.08(A), and 2967.271(A)(3)).</p>
<p>For multiple nonlife felony indefinite prison terms sentenced to be served consecutively, requires the court to aggregate the nonlife felony indefinite prison terms as follows:</p> <ul style="list-style-type: none"> ▪ The minimum portion of each nonlife felony indefinite prison term must be aggregated and treated as one aggregate minimum portion. ▪ The maximum portion of each nonlife felony indefinite prison term must be aggregated and treated as one aggregate maximum portion to be served after the aggregate minimum 	<p>Clarifies that the aggregation occurs only for multiple nonlife felony indefinite prison terms sentenced to be served consecutively and imposed on the offender <i>in multiple cases</i> (R.C. 2929.14(C)(10)(b)).</p>

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<p>portion in the same order as the corresponding minimum prison term portions (<i>R.C. 2929.14(C)(10)(b) and 2967.271(D)(3)</i>).</p> <p>For nonlife felony indefinite prison terms, to be served consecutively with any nonlife felony indefinite prison term for an offense committed prior to July 1, 1996 (old indefinite prison terms), requires the nonlife felony indefinite prison terms to be served prior to the old indefinite prison terms (<i>R.C. 2929.14(C)(10)(c)</i>).</p>	<p>Clarifies references to old indefinite prison terms (“indefinite prison terms”) and new indefinite prison terms (“nonlife felony indefinite prison terms”) (<i>R.C. 2929.14(C)(10)(c)</i>).</p>
<p>Clarifies that the “most serious felony being sentenced” in the context of nonlife felony indefinite prison terms, refers to the felony offense carrying the highest degree of felony of all the offenses contained in an indictment, information, or complaint. Under continuing law, the maximum prison term applicable to an indictment, information, or complaint is calculated based on the longest minimum term for the “most serious qualifying felony being sentenced” (<i>R.C. 2929.144(A)(1)</i>.)</p>	<p>Amends references to the “most serious felony being sentenced” to the “most serious <i>qualifying</i> felony being sentenced” to further clarify that no consideration will be made of any felony committed prior to March 22, 2019, for purposes of calculating the auxiliary prison term (<i>R.C. 2929.144(A) and (B)</i>).</p>
<p>Standardizes references to “nonlife felony indefinite prison terms” and clarifies that a court sentencing an offender for one or more first or second degree felonies contained in a single indictment, information, or complaint and subject to a nonlife felony indefinite prison term must determine a single maximum prison term that is applicable to all of those qualifying felonies (<i>R.C. 2929.14(A) and 2929.144(B)</i>).</p>	<p>Removes duplicative and confusing language regarding the calculation of the auxiliary term for an offender being sentenced for one or more first or second degree felonies contained in a single indictment, information, or complaint and subject to a nonlife felony indefinite prison term (<i>R.C. 2929.144(B)</i>).</p>
<p>No provision.</p>	<p>Requires a sentencing court imposing a nonlife felony indefinite prison term to notify the offender that the nonlife felony indefinite prison term to which the offender is subject consists of a minimum prison term followed by an auxiliary prison term (<i>R.C. 2929.19(B)(2)(c)</i>).</p>

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DRC determination on auxiliary portion of nonlife felony indefinite prison term	
<p>For multiple nonlife felony indefinite prison terms sentenced to be served consecutively, requires the court to aggregate the nonlife felony indefinite prison terms so that the minimum portion of each nonlife felony indefinite prison term is aggregated and treated as one aggregate minimum portion and the <i>maximum</i> portion of each nonlife felony indefinite prison term is aggregated and treated as one aggregate maximum portion to be served after the aggregate minimum.</p> <p>For an offender who is incarcerated for a <i>maximum</i> prison term resulting from an aggregation of <i>maximum</i> prison terms under the bill, requires the Department of Rehabilitation and Correction (DRC) to rebut the continuing law presumption of release at least once during each portion of the maximum prison term attributable to a maximum prison term that was aggregated and requires the offender to serve those maximum prison term portions in the same order as the corresponding minimum prison term portions (<i>R.C. 2929.14(C)(10)(b) and 2967.271(D)(3)</i>).</p> <p>No provision.</p>	<p>Further clarifies that DRC, in applying the continuing law presumption for release upon expiration of an offender’s minimum prison term, must consider an offender’s aggregate minimum prison term if the offender is subject to an aggregate minimum prison term and makes conforming changes to reflect the bill’s separate treatment of the minimum and auxiliary portions of the nonlife felony indefinite sentence in the context of the presumption for release and presumptive earned early release (<i>R.C. 2967.271(B), (C), and (D) with conforming changes in R.C. 2930.16(C)(1) and 5120.66(A)(1)(c)</i>).</p> <p>Defines “offender’s aggregate minimum prison term” for purposes of applying the presumption for release referenced above, as the sum of all minimum prison terms imposed on an offender under a nonlife felony indefinite prison term and all definite terms imposed on the offender, and that are sentenced to be served consecutively to one another or combined under as part of a nonlife felony indefinite prison term diminished under continuing law that provides for diminution or reduction of an offender’s sentence, other than any reduction as part of a presumptive earned early release under continuing law.</p>

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	Defines “offender’s aggregate auxiliary prison term” for purposes of applying the presumption for release referenced above as the sum of all auxiliary prison terms imposed on an offender and sentenced to be served consecutively to one another or combined as part of a nonlife felony indefinite sentence (<i>R.C. 2967.271(A)</i>).
Appellate review of felony sentencing	
No provision.	Eliminates the authority of the appellate court to increase, reduce, or otherwise modify a felony sentence appealed under existing law, allowing the appellate court only to vacate a sentence so appealed and to remand the matter to the sentencing court for resentencing (<i>R.C. 2935.08(H)(2)</i>).
Application of nonlife felony indefinite sentencing changes	
No provision.	Specifies that the bill’s amendments relating to the application of nonlife felony indefinite sentencing are intended to be remedial in nature and apply to any individual sentenced for an offense committed on or after March 22, 2019 (<i>Section 3</i>).
DRC GPS study	
Retains in part an existing law requirement that the DRC conduct a study involving the use of GPS monitoring as a supervision tool by June 30, 2019 (<i>R.C. 5120.038</i>).	Retains the narrowed requirement but changes the date for completion to December 31, 2022 (<i>R.C. 5120.038</i>).

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Criminal Sentencing Commission	
<p>Requires the Criminal Sentencing Commission (CSC) to establish an ad hoc, standing offender supervision study committee consisting of one member appointed by the Governor and 12 members appointed by the CSC, including one member who is an active parole line officer (<i>R.C. 181.21(E)(1)</i>).</p> <p>No provision.</p> <p>No provision.</p>	<p>Specifies that the active parole line officer member must be a member of the exclusive representative and recommended by the exclusive representative (<i>R.C. 181.21(E)(1)</i>).</p> <p>Designates the CSC as a criminal justice agency authorized to access computerized and other databases administered by state and local agencies for the administration of criminal justice (<i>R.C. 181.27</i>).</p> <p>Requires the CSC, within 90 days after the bill's effective date, to study the impact of the Reagan Tokes Law and to report the results of the study and recommendations to the General Assembly and Governor on December 31 of every even-numbered year, beginning December 31, 2022 (<i>R.C. 181.27</i>).</p>