



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

Substitute Bill Comparative Synopsis

Sub. H.B. 338

136th General Assembly

House Judiciary

Shalanda R. Plowden, Attorney

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

Previous Version (As Introduced)	Latest Version (I_136_0306 -5)
Assault penalties and sentencing	
Provides that assault is a third degree felony if the offense occurs in or on the grounds of a state correctional institution or a Department of Youth Services (DYS) institution, the victim of the offense is a Department of Rehabilitation and Correction (DRC) or DYS employee, and the offense is committed by a person incarcerated in the state correctional institution or institutionalized in the DYS institution (<i>R.C. 2903.13(C)(3)(a)</i>).	Same provision but adds a presumption for a prison term (<i>R.C. 2903.13(C)(3)</i>).
Provides that assault is a third degree felony if the offense occurs in or on the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department or is on the premises of the facility for business purposes or as a visitor, and the offense is committed by a person who is under custody in the facility following the person's arrest for any crime or delinquent act, following the person being charged with or convicted of any crime, or following the person	Same provision but adds a presumption for a prison term (<i>R.C. 2903.13(C)(3)</i>).

Previous Version (As Introduced)	Latest Version (I_136_0306 -5)
being alleged to be or adjudicated a delinquent child (<i>R.C. 2903.13(C)(3)(b)</i>). Provides that assault is a third degree felony if the offense occurs off the grounds of a state correctional institution and off the grounds of an institution of DYS, the victim of the offense is an employee of DRC, DYS, or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person incarcerated in a state correctional institution or institutionalized in DYS who is temporarily outside of the institution for any purpose, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency (<i>R.C. 2903.13(C)(3)(c)</i>). Provides that assault is a third degree felony if the offense occurs off the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person who is under custody in the facility following the person's arrest for any crime or delinquent act, following the person being charged with or convicted of any crime, or subsequent to the person being alleged to be or adjudicated a delinquent child and who temporarily is outside of the facility for any purpose or by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency (<i>R.C. 2903.13(C)(3)(d)</i>). No provision.	Same provision but adds a presumption for a prison term (<i>R.C. 2903.13(C)(3)</i>). Same provision but adds a presumption for a prison term (<i>R.C. 2903.13(C)(3)</i>). Requires the mandatory seven-year additional sentence imposed for assault or felonious assault

Previous Version (As Introduced)	Latest Version (I_136_0306 -5)
	of a visitor, volunteer, employee, or contractor at a prison, jail, youth facility, or probation department to be served consecutively to and prior to the sentence for the underlying assault or felonious assault, specifies that any other prison term or mandatory prison term previously or subsequently imposed upon the offender must be served consecutively to that seven-year prison term, and specifies that the prison term to be served is the aggregate of all of the imposed terms (<i>R.C. 2929.14(C)(9) and (10)</i>).
Aggravated murder sentencing	
Requires the trial court to impose a sentence of life imprisonment without parole with the offender serving the sentence at a high security prison for at least ten years when the offender commits the offense of aggravated murder, and the victim was a visitor, a volunteer, or person on the grounds of a state correctional institution or local correctional facility, an employee of DRC, DYS, or a probation department, or a contractor providing services to DRC or DYS (<i>R.C. 2929.03(A)(1)(f)</i>).	Same provision but removes an employee and contractor of DYS from the list of victims (<i>R.C. 2929.03(A)(1)(f)</i>).
Mental health services	
Requires any public employee benefit plan delivered or issued for delivery, modified, or renewed on or after January 1, 2026, to provide coverage for the full cost of mental health services for a covered person who is any of the following (<i>R.C. 3923.283(B)</i>): ▪ An employee of DRC or a local correctional facility; ▪ The spouse or dependent of an employee of DRC or a local correctional facility; ▪ The surviving spouse of a deceased former employee of DRC or a local correctional facility or the dependent of the surviving spouse.	No provision.

Previous Version (As Introduced)	Latest Version (I_136_0306 -5)
Prohibits a public employee benefit plan from imposing a coverage limit, copayment, coinsurance, deductible, or other out-of-pocket expense requirement for required coverage and provides that if a public employee benefit plan's compliance would result in a covered person losing eligibility for the federal income tax deduction for a health savings account linked to a high-deductible plan, then the prohibition only applies after the covered person has met the minimum deductible required by federal law (<i>R.C. 3923.283(C)</i>). Defines the term "mental health services" as evaluations to identify and services to treat mental or emotional disorders or mental illness, or to improve mental health and well-being, including services performed by any of the following (<i>R.C. 3923.283(A)</i>): ▪ A licensed psychologist; ▪ A licensed professional clinical counselor, licensed professional counselor, independent social worker, or independent marriage and family therapist; ▪ A clinical nurse specialist or certified nurse practitioner.	No provision. No provision.
DRC policies	
Requires the person appointed as DRC Director to have an employment history that includes being employed in a security or custody role for at least five years at a state correctional institution and being employed in any position at a high security correctional institution for at least two years (<i>R.C. 121.03 and 5120.01</i>). Requires DRC's Director to adopt a rule that requires high security state correctional institutions to offer vocational programming only to inmates who did not violate the inmate rules	Same provision, but instead requires the appointed Director to have an employment history that includes being employed in a corrections role at any level of security for at least five years or at a high security correctional institution for at least three years (<i>R.C. 121.03 and 5120.01</i>). Modifies the provision by requiring the vocational programming be offered only to inmates who have not committed a serious violation of the inmate rules of conduct during the six months prior to the beginning of class if the offender has

Previous Version (As Introduced)	Latest Version (I_136_0306 -5)
of conduct for 12 months before the beginning of the program (<i>R.C. 5120.012(J)(1)</i>). No provision. Requires DRC's Director to adopt a rule that requires inmates who join a vocational program to refrain from violating the inmate rules of conduct for the duration of the program or be automatically removed from the program (<i>R.C. 5120.012(J)(1)</i>). No provision.	been incarcerated six consecutive months or longer, and to inmates who have been incarcerated for less than six months with no serious violations of the inmate rules of conduct since the offender arrived in the Department's custody (<i>R.C. 5120.012(J)(1)</i>). Requires the DRC Director to adopt a rule requiring DRC to draft internal policies determining which violations are to be considered "serious violations," which must include all violations of the inmate rules of conduct that are violent or of a sexual nature (<i>R.C. 5120.012(J)(2)</i>). Same provision, but requires inmates to refrain from committing serious violations of the inmate rules of conduct (<i>R.C. 5120.012(J)(3)</i>). Requires DRC's Director to adopt a rule that requires DRC and DYS post a notice in a conspicuous location within juvenile and adult correctional facilities informing juvenile offenders and inmates of mandatory minimum prison terms for assaulting or harassing correctional officers in all facilities and to update the notice as needed (<i>R.C. 5120.012(L)</i>).
Replacement of the Correctional Institution Inspection Committee	
Requires DRC's Director to adopt a rule that requires the Department to publish a detailed annual report sent to the Correctional Institution Inspection Committee (CIIC) by March 1 of each year, listing every instance where the Department extends an offender's incarceration in each calendar year (<i>R.C. 5120.012(H)</i>). Requires DRC's Director to adopt a rule requiring DRC perform a cost-benefit analysis of vocational programs at all high security institutions and requires the analysis to be submitted to CIIC by July 30, 2026 (<i>R.C. 5120.012(J)(2)</i>).	Same provision, but instead requires the annual report be sent to the Attorney General's office (<i>R.C. 5120.012(H)</i>). Same provision, but requires the analysis be submitted to the Attorney General's office (<i>R.C. 5120.012(J)(4)</i>).

Previous Version (As Introduced)	Latest Version (I_136_0306 -5)
Requires DRC's Director to adopt rules that requires DRC and DYS to respond to requests for information by cooperating with the CIIC to the fullest extent possible and allow the staff and legislators employed and appointed to the CIIC to obtain and view all requested documents <i>(R.C. 5120.012(K)(1) and (2))</i> .	Same provisions, but instead requires DRC and DYS to cooperate with the Attorney General's office and requires DRC and DYS to allow the Attorney General's office to obtain and view all requested documents <i>(R.C. 5120.012(K)(1) and (2))</i> .