



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Jeff Hobday

Sub. S.B. 231

132nd General Assembly
(As Passed by the General Assembly)

- Sens.** Gardner, Balderson, Burke, Eklund, Hackett, Hoagland, Hottinger, Huffman, Kunze, Lehner, Manning, McColley, O'Brien, Oelslager, Terhar, Thomas, Uecker, Wilson, Yuko
- Reps.** Manning, Gavarone, Anielski, Antani, Antonio, Arndt, Blessing, Boggs, Brenner, Brown, Butler, Carfagna, Celebrezze, Dever, Duffey, Edwards, Faber, Fedor, Ginter, Gonzales, Green, Greenspan, Hagan, Hambley, Holmes, Hoops, Householder, Hughes, T. Johnson, Kent, Landis, LaTourette, Leland, McClain, Merrin, Miller, O'Brien, Patterson, Patton, Reineke, Riedel, Roegner, Rogers, Romanchuk, Ryan, Schaffer, Scherer, Schuring, Sheehy, Slaby, T. Smith, Sprague, Stein, Strahorn, Thompson, West, Wilkin, Young, R. Smith

Effective date: March 20, 2019

ACT SUMMARY

- Provides for creation of a Violent Offender Database, establishes a presumption that violent offenders will be required to enroll in it, and provides procedures for violent offenders to rebut the presumption and not be subjected to enrollment.
- Generally requires a violent offender to enroll in the database for ten years, subject to possible extension on motion by the prosecutor and an order issued by a court.
- Permits a violent offender whose enrollment period is extended to request a court to terminate the extended period and enrollment duty.
- Requires an offender who has a duty to enroll in the database annually to re-enroll and to provide notice of a change in address.
- Names the act's database-related provisions "Sierah's Law."
- Requires that the notice of release from prison of specified serious offense offenders that is given to sheriffs be the same as that provided to prosecuting attorneys.
- Eliminates the previously required notice to sheriffs regarding pardons, commutations, paroles, and transitional control transfers of offenders.

- Modifies the membership and duties of the Ex-Offender Reentry Coalition and eliminates the repeal of the Coalition, previously scheduled for December 31, 2019.
- Requires halfway houses to use the single validated risk assessment tool for adult offenders that the Department of Rehabilitation and Correction has selected.

TABLE OF CONTENTS

Violent offender database	3
In general	3
Determination of violent offenders' duties	3
Presumption and notice of database duties	3
Filing of motion	4
If violent offender does not file a motion contesting presumption	4
If violent offender files a motion contesting presumption	4
Notice form and acknowledgment of VOD duties	5
Determination of qualifying out-of-state violent offenders' duties	6
Presumption of duties	6
Filing of motion contesting presumption	6
Enrollment duties	7
Duty of violent offenders	7
Duty of out-of-state violent offenders	8
Manner of enrollment	8
Re-enrollment duty and manner of re-enrollment	9
Termination of VOD duties	9
Duty to notify sheriff of change of address	10
Official's notice to AG of offender's confinement	10
Sheriff's duties	10
Access to information provided to sheriff	10
Establishment of, and access to, database	11
Attorney General forms, procedures, and rules	11
Prohibition and penalty for failure to enroll or re-enroll	12
Termination of extended re-enrollment duty	12
Filing of motion requesting termination	12
Procedures upon filing of a motion	13
Court's decision	13
Court's duties upon deciding a motion	14
Sierah's Law	15
Notice to sheriff of offenders' release from prison	15
Ex-Offender Reentry Coalition	16
In general	16
Coalition membership	16
Coalition duties	17
Elimination of Coalition's repeal	18
Risk assessment tool for adult offenders	18



CONTENT AND OPERATION

Violent offender database

In general

The act establishes a Violent Offender Database (VOD) for persons convicted of certain violent offenses, subjects those offenders to certain enrollment duties, and names its database-related provisions "Sierah's Law." .

Determination of violent offenders' duties

Presumption and notice of database duties

For each person who is classified a violent offender, the act creates a rebuttable presumption that the violent offender is required to enroll in the violent offender database (VOD) with respect to the offense that so classifies the person. A violent offender is a person who (1) on or after the act's effective date (March 20, 2019) is convicted of aggravated murder, murder, voluntary manslaughter, kidnapping, abduction when it is a second degree felony, or any attempt or conspiracy to commit or complicity in committing any of those offenses, or (2) on that date has been convicted of any of those offenses and is serving a term of confinement for the offense.¹

A violent offender is also presumed to have a duty to enroll, duty to re-enroll, and duty to provide notice of a change of address (VOD duties) with respect to the qualifying offense for ten years after the offender initially enrolls.² Each violent offender must be informed of the following:

- (1) The presumption of VOD duties;
- (2) The offender's right to file a motion to rebut the presumption;
- (3) The procedure and criteria for rebutting the presumption; and
- (4) The effect of a rebuttal and the post-rebuttal hearing procedures and possible outcome.

The entity responsible for making the notification varies, depending on the date of conviction. If the person is classified a violent offender on the basis of a conviction that occurs on or after the act's effective date (March 20, 2019), the sentencing court

¹ R.C. 2903.41(A).

² R.C. 2903.41(H) and 2903.42(A)(1).



must inform the offender before sentencing. If the person is classified a violent offender on the basis of a conviction preceding that date, the official in charge of the institution in which the offender is confined, or the official's designee, must provide that information in writing a reasonable period of time before the offender is released.³

Filing of motion

A violent offender who wishes to rebut the presumption must file a motion asserting that the offender was not the principal offender in the commission of the offense that classifies the person a violent offender, and requesting an exemption from all VOD duties with respect to that offense. The violent offender must file the motion with the sentencing court and serve a copy of the motion on the prosecutor. If the person is classified a violent offender on the basis of a conviction that occurs on or after the act's effective date (March 20, 2019), the motion must be filed prior to or at the time of sentencing. If the person is classified a violent offender on the basis of a conviction preceding that date, the motion must be filed prior to the person's release from confinement.⁴

If violent offender does not file a motion contesting presumption

If a violent offender does not file a motion to rebut the registration presumption, the violent offender will be required to enroll in the VOD and will have all VOD duties with respect to the offense that classifies the person a violent offender for ten years after initially enrolling. If the person is classified a violent offender on the basis of a conviction that occurs on or after the act's effective date, the sentencing court must provide the offender notice of the duties. If the person is classified a violent offender on the basis of a conviction preceding that date, the official or designee of the institution of confinement must provide notice of the duties.⁵ The notices are to be provided in the manner described below in "**Notice form and acknowledgment of VOD duties.**"

If violent offender files a motion contesting presumption

If a violent offender files a motion to rebut the registration presumption, the offender has the burden of proving to the court, by a preponderance of the evidence, that the offender was not the principal offender in the commission of the offense that classifies the person a violent offender.

³ R.C. 2903.42(A)(1).

⁴ R.C. 2903.42(A)(2).

⁵ R.C. 2903.42(A)(3) and (B).

If the violent offender proves to the court that the offender was not the principal offender, the presumption is rebutted. The court must continue the hearing for the purpose of determining whether the offender, notwithstanding the rebuttal, should be required to enroll in the VOD and have all VOD duties with respect to that offense. The court must consider (a) whether the offender has any convictions for any offense of violence prior to the offense at issue, and whether those prior convictions indicate that the offender has a propensity for violence, (b) the results of a risk assessment conducted through use of the single validated risk assessment tool established under the Corrections Law,⁶ (c) the offender's degree of culpability or involvement in the offense at issue, and (d) the public interest and safety.

If the court, after considering those factors, determines that the offender should be required to enroll in the VOD with respect to that offense, the court must issue an order to that effect. The court must provide the offender notice of the duties and provide a copy of the order to the prosecutor and to the Bureau of Criminal Identification and Investigation (BCII). Absent such a determination, the court must issue an order specifying that the offender is not required to enroll in the VOD and has no VOD duties with respect to that offense.⁷ If the violent offender fails to prove that the offender was not the principal offender, the court must issue an order specifying that the offender is required to enroll in the VOD and has all VOD duties with respect to that offense, and provide a copy of the order to the prosecutor and BCII.⁸

Notice form and acknowledgment of VOD duties

The judge, official, or official's designee providing notice to a violent offender of VOD duties must require the offender to read and sign a form stating that the offender has received and understands the notice. If the violent offender is unable to read, the judge, official, or designee must inform the offender of the offender's duties and certify on the form that the violent offender was informed of the violent offender's duties and indicated an understanding of those duties.

The Attorney General (AG) must prescribe the notice and the form. The notice must inform the offender that, to satisfy the duty to enroll, the violent offender must enroll personally with the sheriff of the county in which the offender resides or that sheriff's designee, and it must include notice of the offender's duties to re-enroll annually and when the offender has a change of address.

⁶ R.C. 5120.114.

⁷ R.C. 2903.42(A)(4)(a).

⁸ R.C. 2903.42(A)(4)(b).



The person providing the notice must provide a copy of the notice and signed form to the violent offender, must determine the county in which the offender intends to reside, and must provide a copy of the signed form to the sheriff of that county, in accordance with rules adopted by the AG, and to BCII.

These notice provisions also apply with respect to notices to be provided to qualifying out-of-state violent offenders, as described below.⁹

Determination of qualifying out-of-state violent offenders' duties

Presumption of duties

The act also applies to certain out-of-state violent offenders. An out-of-state violent offender is a person who has been convicted of a violation of any existing or former municipal ordinance or law of another state or the United States, or any existing or former law applicable in a military court or in an Indian tribal court, that is or was substantially equivalent to any offense specified in the definition of violent offender. A "qualifying out-of-state violent offender" is an out-of-state violent offender who is aware of the existence of the violent offender database.¹⁰

For each qualifying out-of-state violent offender, the act creates a rebuttable presumption that the offender is required to enroll in the VOD with respect to the offense that so classifies the person. The person is also presumed to have all VOD duties with respect to that offense for ten years after the offender initially enrolls.¹¹

Filing of motion contesting presumption

A qualifying out-of-state violent offender who wishes to rebut the presumption must file a motion with the court of common pleas of the county in which the offender resides or occupies a dwelling and serve a copy of the motion on the prosecutor.¹²

The motion must assert that the offender was not the principal offender in the commission of that offense and request that the court not require the offender to enroll in the VOD and not have all VOD duties with respect to that offense. The motion must be filed at any time before the offender's initial enrollment in the VOD.¹³

⁹ R.C. 2903.42(C).

¹⁰ R.C. 2903.41(C) and (D).

¹¹ R.C. 2903.421(A).

¹² R.C. 2903.41(K) and 2903.421(B).

¹³ R.C. 2903.421(B).



If a qualifying out-of-state violent offender does not file a motion to rebut the registration presumption, the offender will be required to enroll in the VOD and will have all VOD duties with respect to that offense for ten years after the offender initially enrolls.¹⁴ If a qualifying out-of-state violent offender files a motion to rebut the registration presumption, the offender has the burden of proving, by a preponderance of the evidence, that the offender was not the principal offender in the commission of the offense that classifies the person an out-of-state violent offender.¹⁵

If the qualifying out-of-state violent offender proves to the court that the offender was not the principal offender, the presumption is rebutted. The court must continue the hearing to determine whether the offender, notwithstanding the rebuttal, should be required to enroll in the VOD and have all VOD duties with respect to that offense. In making that determination, the court must consider all of the factors identified above in **"If violent offender files a motion contesting presumption."** If the court, after considering those factors, determines that the offender should be required to enroll in the VOD and have all VOD duties with respect to that offense, the court must issue an order to that effect and provide a copy to the prosecutor and BCII. This duty commences when the court issues the order. Absent such a determination, the court must issue an order specifying that the offender is not required to enroll in the VOD and has no VOD duties with respect to the offense that classifies the person an out-of-state violent offender.

If the qualifying out-of-state violent offender fails to prove to the court that the offender was not the principal offender, the court must issue an order specifying that the offender is required to enroll in the VOD and has all VOD duties with respect to that offense, and provide a copy of the order to the prosecutor and BCII.¹⁶

Enrollment duties

Duty of violent offenders

The act requires each violent offender who has VOD duties to enroll in the VOD personally with the sheriff of the county in which the offender resides or that sheriff's designee. A violent offender who receives notice before release from confinement must enroll within ten days after release, unless the offender is being transferred to the custody of another confinement institution. The violent offender is not required to

¹⁴ R.C. 2903.421(C).

¹⁵ R.C. 2903.421(D).

¹⁶ R.C. 2903.421(D)



enroll prior to release. A violent offender with VOD duties who is not sentenced to a term of confinement must enroll within ten days after the sentencing hearing.¹⁷

Duty of out-of-state violent offenders

Each qualifying out-of-state violent offender who has VOD duties must enroll in the VOD personally with the sheriff of the county in which the out-of-state violent offender resides or that sheriff's designee within ten days after residing in Ohio for either (1) more than three consecutive days after the offender becomes aware of the VOD and has the duty, or (2) an aggregate period of 14 or more days in a calendar year, after becoming aware of the VOD and having the duty.¹⁸

Manner of enrollment

An offender who has VOD duties must obtain from the sheriff or sheriff's designee a copy of an enrollment form prescribed by the AG, complete and sign the form, and return it together with fingerprints, palm prints, and a photograph.¹⁹

The VOD enrollment form must include all of the following information:²⁰

- (1) The offender's full name, any alias used, and residence address;
- (2) The offender's Social Security number;
- (3) Any driver's license number, commercial driver's license number, or state identification card number issued to the offender by Ohio or another state;
- (4) The offense of which the offender was convicted;
- (5) The name and address of any place where the offender is employed and of any school or institution of higher education that the offender is attending;
- (6) The identification license plate number of each vehicle owned or operated by the offender or registered in the offender's name, the vehicle identification number of each vehicle, and a description of each vehicle;
- (7) A description of any scars, tattoos, or other distinguishing marks on the offender.

¹⁷ R.C. 2903.43(A).

¹⁸ R.C. 2903.43(B).

¹⁹ R.C. 2903.43(C)(1) and (3).

²⁰ R.C. 2903.43(C)(2).



Re-enrollment duty and manner of re-enrollment

Each offender who has VOD duties must re-enroll in the VOD annually, in person, with the sheriff of the county in which the offender resides, or with that sheriff's designee, within ten days prior to the anniversary of the calendar date on which the offender initially enrolled. The duty to re-enroll remains in effect for the entire ten-year enrollment period of the offender. The enrollee must re-enroll by completing, signing, and returning to the sheriff or designee a copy of the enrollment form prescribed by the AG, amending any information that has changed since the last enrollment, and providing any additional enrollment information required by the AG. The sheriff or designee with whom the offender re-enrolls must obtain a new photograph of the offender annually at re-enrollment. Additionally, if the offender's most recent enrollment or re-enrollment was in a different county, the offender must provide written notice of the change of address to the sheriff or designee where the offender previously resided.²¹

Termination of VOD duties

VOD duties terminate on the expiration of an offender's ten-year enrollment period. The enrollment period may be extended, but only if the prosecutor files a motion for extension with the common pleas court of the county in which the offender resides. The court may extend the offender's ten-year enrollment period only if the sentencing court finds that the offender has violated a term or condition of a sanction imposed under the offender's sentence or has committed another felony or any misdemeanor offense of violence during that ten-year period. For a qualifying out-of-state offender, the court may extend the offender's ten-year enrollment period only if the court finds that the offender has violated a term or condition of a sanction imposed under the offender's sentence by the court of the other jurisdiction or has committed another felony or any misdemeanor offense of violence during that ten-year period. If the court makes either of the specified findings, the court must issue an order that extends the offender's VOD duties indefinitely. If the court extends an offender's VOD duties, the court promptly must forward a copy of the order to BCII and the prosecutor. Upon receiving the order, BCII must update all records pertaining to the offender to reflect the extended enrollment period and must provide notice of the order to every sheriff with whom the offender has most recently enrolled or re-enrolled.²²

²¹ R.C. 2903.43(D)(1).

²² R.C. 2903.43(D)(2).



Duty to notify sheriff of change of address

Each offender who has VOD duties must notify the sheriff with whom the offender most recently enrolled or re-enrolled or that sheriff's designee within three business days of a change to the offender's residence address, employment address, or school or institution of higher education address.²³

Official's notice to AG of offender's confinement

The official in charge of a jail, workhouse, state correctional institution, or other institution must notify the AG, in accordance with rules adopted by the AG, if a violent offender or qualifying out-of-state violent offender is confined in the institution.²⁴

Sheriff's duties

After an offender who has VOD duties enrolls or re-enrolls in the VOD, the sheriff or a designee must forward the offender's signed, written enrollment form, photograph, fingerprints, palm prints, and other materials to BCII in accordance with forwarding procedures adopted by the AG, as described below. BCII must include the forwarded information and materials in the VOD.²⁵

Access to information provided to sheriff

Except as described in the next paragraph, any statements, information, photographs, fingerprints, or materials provided by an offender who has VOD duties that are in the sheriff's possession are public records open to public inspection under Ohio's Public Records Law.²⁶

However, any Social Security number, driver's license number, or state identification number provided to the county sheriff by a violent offender or qualifying out-of-state offender is not a public record. In addition, an offender who has VOD duties may file a motion with the common pleas court in the county in which the offender resides stating that the offender fears for the offender's safety if the information or materials provided by the offender and in the sheriff's possession are open for public inspection, and requesting the court to issue an order to ban or restrict access to the information and materials. The motion must expressly state the reasons for the offender's fear, identify each county in which the offender has enrolled or re-

²³ R.C. 2903.43(E).

²⁴ R.C. 2903.43(D)(3).

²⁵ R.C. 2903.43(F)(1).

²⁶ R.C. 2903.43(F)(3)(a).

enrolled, and provide information and materials in support of the motion. The court may decide on the motion with or without a hearing. Upon review of the motion, the supporting information and materials, and any additional information provided at a hearing, the court may grant the motion if it determines that the offender's fears for the offender's safety are valid and that the interests of justice and the offender's safety require that the motion be granted. If the court grants the motion, the statements, information, photographs, fingerprints, or materials provided by the offender that are in the possession of a county sheriff are not public records open to public inspection under Ohio's Public Records Law. The court must issue an order to that effect, and the court must notify the sheriff in each county in which the offender has enrolled or re-enrolled of the order. Each sheriff so notified must comply with the order.²⁷

Establishment of, and access to, database

The act requires BCII to establish and maintain a Violent Offender Database (VOD) and to include in the database the information and materials that the bureau receives from the county sheriffs. BCII must make the VOD available to federal, state, and local law enforcement officers, but the VOD is not a public record under Ohio's Public Records Law.²⁸

Attorney General forms, procedures, and rules

The act requires the AG to: (1) prescribe the forms to be used by violent offenders and qualifying out-of-state violent offenders who have VOD duties to enroll, re-enroll, and provide notice of a change of address, and (2) adopt procedures for sheriffs to use to forward information, photographs, fingerprints, palm prints, and other materials to BCII.²⁹

The act authorizes the AG to adopt rules regarding enrollment dates different than those the act prescribes, as described above in "**Enrollment duties**" and "**Re-enrollment duty and manner of re-enrollment**," for any offender who has VOD duties and who also is an arson offender, as defined³⁰ with respect to the Arson

²⁷ R.C. 2903.43(F)(3)(b) and (c).

²⁸ R.C. 2903.43(F)(1) and (2); also R.C. 2903.41(G).

²⁹ R.C. 2903.43(G).

³⁰ R.C. 2909.13, not in the act.



Offender Registry, or a sex offender or child-victim offender, as defined³¹ with respect to the Sex Offender Registration and Notification Law.³²

Prohibition and penalty for failure to enroll or re-enroll

The act prohibits an offender who has VOD duties from recklessly failing to enroll, re-enroll, or notify the sheriff or sheriff's designee of a change of address during the ten-year enrollment period or extended enrollment period. A violation of the prohibition is a fifth degree felony. If an offender who violates the prohibition is on parole or subject to a community control sanction, one or more post-release control sanctions, or any other type of supervised release at the time of the violation, the violation constitutes a violation of the terms and conditions of the community control sanction, parole, post-release control sanction, or other type of supervised release.³³

The act specifies that an offender being sentenced for failure to comply with VOD duties is eligible for the Targeting Community Alternatives to Prison (T-CAP) program, meaning that any term of confinement imposed for the offense would be served in a local correctional facility. Generally, a person convicted of a fifth degree felony otherwise is ineligible for T-CAP if previously convicted of a felony offense of violence.³⁴

Termination of extended re-enrollment duty

Filing of motion requesting termination

If an offender has VOD duties and a court has extended the offender's ten-year enrollment period, the offender may file a motion in the common pleas court of the county in which the offender resides requesting that the court terminate the extended enrollment period and VOD duties (a "termination motion"). An offender may file the motion at any time during the offender's extended enrollment period, but may not file more than one motion in any five-year period.³⁵

An offender who files a termination motion must include the following with it:³⁶

³¹ R.C. 2950.01, not in the act.

³² R.C. 2903.43(H).

³³ R.C. 2903.43(I).

³⁴ R.C. 2929.34(B)(3)(d).

³⁵ R.C. 2903.44(A).

³⁶ R.C. 2903.44(B).



(1) A certified copy of the judgment entry and any other documentation of the sentence or disposition given for the offense for which the offender was enrolled in the VOD;

(2) Documentation of the date of the offender's discharge from supervision or release;

(3) A statement asserting that the offender has not been convicted of any other felony or any misdemeanor offense of violence during the offender's enrollment period;

(4) Evidence that the offender has paid all previously imposed financial sanctions.

Procedures upon filing of a motion

Upon the filing of a termination motion, the offender must serve a copy of the motion on the prosecutor. The court must set a tentative date for a hearing on the motion that is not later than 90 days after the motion is filed, but the court may set a later date for good cause. The court must notify the offender and the prosecutor of the date, time, and place of the hearing. The court must forward a copy of the motion and its supporting documentation to the court's probation department or another appropriate agency to investigate the merits of the motion. The department or agency must submit a written report detailing its investigation to the court within 60 days after receiving the motion and documentation. The court upon receipt of the report must forward a copy of the motion, the documentation, and the report to the prosecutor.³⁷

After the prosecutor is served with a copy of the motion and notice of the hearing, at least seven days before the hearing date, the prosecutor may file an objection to the motion with the court and serve a copy of the objection to the motion to the offender or the offender's attorney.³⁸

Court's decision

In determining whether to grant a termination motion, the court must consider the evidence that accompanies the motion and the written report submitted by the probation department or other agency.³⁹

³⁷ R.C. 2903.44(C).

³⁸ R.C. 2903.44(D).

³⁹ R.C. 2903.44(E).

The court, without a hearing, may issue an order denying the motion if, after considering the evidence, materials, and information, it finds that the offender's extended enrollment period and VOD duties should not be terminated. If the court denies the motion, the offender may file another termination motion, but may not file more than one such motion in any five-year period.

If the prosecutor does not file an objection to the offender's motion, the court, without a hearing, may issue an order that grants the motion and terminates the offender's extended enrollment period and VOD duties if, after considering the evidence, materials, and information, it finds that the offender's extended enrollment period and VOD duties should be terminated.

If the court does not issue an order under the circumstances described above, it must hold a hearing. At the hearing, the Rules of Civil Procedure apply, except to the extent that by their nature they clearly would not apply. At the hearing, the offender has the burden of proof by a preponderance of the evidence that the extended enrollment period and VOD duties should be terminated. If the prosecutor files an objection to the motion that includes an allegation that the offender has been convicted of any other felony or any misdemeanor offense of violence during the offender's enrollment period, the prosecutor has the burden of proving that allegation.

The court must issue an order denying the offender's motion if the prosecutor proves an allegation that the offender has been convicted of any other felony or any misdemeanor offense of violence during the offender's enrollment. If, after considering the evidence, materials, and information provided, the court finds that the prosecutor has not objected or proven such an allegation, the court must do one of the following:

(1) If the court finds that the offender has satisfied the burden of proof that the extended enrollment period and VOD duties should be terminated, the court must grant the motion.

(2) If the court finds that the offender has not satisfied the burden of proof, the court must deny the motion. If the court denies the motion, the offender may file another termination motion, but not more than one in any five-year period.⁴⁰

Court's duties upon deciding a motion

Upon its issuance of an order denying or granting a termination motion, the court must provide prompt notice of the order to the offender or the offender's attorney. A court that grants the offender's motion and terminates the offender's extended

⁴⁰ R.C. 2903.44(F)(1) to (4).

enrollment period and VOD duties must promptly forward a copy of the order to BCII and the prosecutor.

Upon receiving the termination order, BCII must update all records pertaining to the offender to reflect the order and provide notice of the order to every sheriff with whom the offender has most recently enrolled or re-enrolled. The prosecutor, upon receipt of the termination order, must notify the victim of any offense for which the offender is enrolled in the VOD that the offender's extended enrollment period and VOD duties have been terminated.⁴¹

Sierah's Law

The act specifies that all of its provisions described above are to be known as "Sierah's Law."⁴²

Notice to sheriff of offenders' release from prison

The act changes the notice of offenders' release from prison that is given to sheriffs to be the same as that provided to prosecuting attorneys, and eliminates certain notices to sheriffs regarding pardons, commutations, paroles, and transitional control transfers of offenders.

Under the act, subject to certain exceptions, at least two weeks before the release of any convict who is serving a sentence for aggravated murder, murder, or a first, second, or third degree felony or who is serving a sentence of life imprisonment, the Adult Parole Authority (APA) must provide notice of the release to the sheriff of the county in which the convict was indicted. Continuing law requires a notice of this nature to be provided to the prosecuting attorney of the county in which the convict was indicted. The notice to sheriffs and prosecutors may be contained in a weekly list of all convicts who are serving a sentence for any of the specified offenses or a sentence of life imprisonment and who are scheduled for release.⁴³ Notice of an offender's release from confinement is not required if, upon admission to prison, the offender has less than 14 days to serve on the sentence. The notice provisions also do not apply to the release of a convict serving a prison term under the Sexually Violent Predator Sentencing Law, when the release is granted by a court. In that situation, the court promptly must provide written notice of the release to the offender, the Department of

⁴¹ R. C. 2903.44(F)(5).

⁴² Section 3 of the bill.

⁴³ R.C. 2967.121(A).



Rehabilitation and Correction (DRC), the prosecuting attorney, and any state agency or political subdivision affected by the order.⁴⁴

The notices sent to the sheriff must contain: (1) the name of the convict being released, the date of the release, and the address at which the convict will reside, (2) the offense for the violation of which the convict was convicted and incarcerated, the date of that conviction, and the sentence imposed for that conviction, (3) the length of any supervision the convict will be under, and (4) the name, business address, and business phone number of the convict's supervising officer.⁴⁵

Related to the changes above, the act eliminates certain notices to sheriffs regarding lower-level felony offenders' release from prison and pardons, commutations, paroles, and transitional control transfers of offenders. Previously, at least two weeks before the release of *any* offender who was serving a prison term for a felony, the APA was required to notify the sheriff of the county in which the offender was convicted, and the sheriff of the county in which the offender would reside, of the release. Similar notice was required at least 60 days before the APA recommended a pardon or commutation of sentence for an offender or conducted a hearing regarding a grant of parole to an offender, and at least 60 days before an offender was transferred to transitional control. However, the notice requirements did not apply if, upon admission to prison, the offender had less than 14 days to serve on the sentence.⁴⁶

Ex-Offender Reentry Coalition

In general

The act modifies the membership and duties of the Ex-Offender Reentry Coalition and eliminates its previously scheduled repeal.

Coalition membership

The act adds four members, two from the House of Representatives and two from the Senate, to the Coalition, expanding it from 17 to 21 members. The two House members are appointed by the Speaker, one of whom must be the chairperson of the House standing committee that primarily addresses criminal justice matters and the other of whom must be a member of the minority party in the House. The two Senate members are appointed by the Senate President, one of whom must be the chairperson of the Senate standing committee that primarily addresses criminal justice matters and

⁴⁴ R.C. 2967.121(D).

⁴⁵ R.C. 2967.121(C).

⁴⁶ R.C. 2967.122, repealed by the act.



the other of whom must a member of the minority party in the Senate. All members of the Coalition serve without compensation.

The other commission members are: (1) the Directors of Rehabilitation and Correction, Aging, Mental Health and Addiction Services, Development Services, Health, Job and Family Services, Developmental Disabilities, Public Safety, Youth Services, Commerce, and Veterans Services, (2) the Superintendent of Public Instruction, (3) the Chancellor of Higher Education, (4) a representative or member of the Governor's staff, (5) the Executive Director of the Opportunities for Ohioans with Disabilities Agency, (6) the executive director of a health care licensing board created under the Professional Licensing Law, as appointed by the chairperson of the coalition, and (7) an ex-offender appointed by the Director of Rehabilitation and Correction.⁴⁷

Coalition duties

The act modifies the Coalition's duties to specify that, in consultation with persons interested and involved in ex-offenders' reentry into the community, the members of the Coalition must meet periodically for the purpose of "formulating, discussing, and developing policies and practices that facilitate the expansion and improvement of reentry services provided by state and local agencies in the collaborative efforts of those agencies to reintegrate offenders into society while simultaneously maintaining public safety and reducing recidivism in this state." Previously, the law required the Coalition to consult specifically with services providers, community-based organizations, and local governments, to identify and examine social service barriers and other obstacles to the reentry of ex-offenders into the community.

Under law retained by the act, , the Coalition annually must submit a report to the Speaker of the House and the Senate President, including recommendations for legislative action, the Coalition's activities, and the barriers affecting the successful reentry of ex-offenders into the community. The report must analyze the effects of those barriers on ex-offenders and on their children and other family members in various areas, and must identify state appropriations for reentry programs and other funding sources for reentry programs that are not state-funded.⁴⁸

⁴⁷ R.C. 5120.07(A) and (B).

⁴⁸ R.C. 5120.07(C) and (D).



Elimination of Coalition's repeal

The act eliminates the repeal of the Coalition, previously scheduled for December 31, 2019.⁴⁹

Risk assessment tool for adult offenders

The act requires halfway houses to use the single validated risk assessment tool for adult offenders that DRC has selected. Continuing law, which the act applies to halfway houses, specifies that every employee of an entity required to use the tool who actually uses the tool must be trained and certified by a trainer certified by DRC and each entity utilizing the tool must develop policies and protocols regarding all of the following activities: (1) application and integration of the tool into operations, supervision, and case planning, (2) administrative oversight of the use of the assessment tool, (3) staff training, (4) quality assurance, and (5) data collection and sharing.

The entities that were already required to use the single validated risk assessment tool for adult offenders that DRC has selected are: (1) municipal courts, common pleas courts, and county courts, when the particular court orders an assessment of an offender for sentencing or another purpose, (2) municipal court departments of probation, county departments of probation, and multicounty probation departments, (3) state and local correctional institutions and private correctional facilities, (4) community-based correctional facilities, (5) the APA, and (6) the Parole Board.⁵⁰

HISTORY

ACTION	DATE
Introduced	11-14-17
Reported, S. Judiciary	04-10-18
Passed Senate (31-2)	04-11-18
Reported, H. Criminal Justice	12-05-18
Passed House (92-0)	12-05-18
Senate concurred in House amendments (24-3)	12-06-18

18-SB0231-132.docx/ts

⁴⁹ Repeal of R.C. 5120.07(E).

⁵⁰ R.C. 5120.114.

