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Bill Analysis

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Primary Sponsors: Reps. Boggs and Carfagna

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SUMMARY

- Expands the existing "Reagan Tokes Law" designation to changes made in the bill.
- Regarding indefinite prison terms created in S.B. 201 of the 132nd General Assembly:
  - Generally describes the "maximum term" as an additional portion of the indefinite 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.
  - Makes several changes to continuing law to clarify and standardize language pertaining to nonlife felony indefinite sentences.
  - Requires an appellate court that reverses a conviction for a felony of the first or second degree subject to a nonlife felony indefinite prison term to remand the case for resentencing if the reversal would affect the maximum prison term imposed.
  - Coordinates the order in which portions of nonlife felony indefinite prison terms are served.
  - Excludes from eligibility for judicial release any person who on or after the bill's effective date is serving a stated prison term for a nonlife felony indefinite prison term.
  - 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.
- Makes the following changes applicable to appellate review of criminal sentencing:
  - Defines a sentence that is "contrary to law" for purposes of appellate review.
  - Excludes those sentences imposed on a defendant that are authorized by law and consistent with a sentence, sentence range, minimum aggregate term of

imprisonment, or maximum aggregate term of imprisonment that has been recommended as part of a negotiated plea agreement.

- 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.

- Regarding global positioning system (GPS) monitoring used for offenders released from prison under such monitoring:
  - Replaces the purposes of a GPS-related study that the Department of Rehabilitation and Correction (DRC) is required to conduct so that the study's purpose will be to analyze the use of GPS monitoring as a supervision tool and changes the date by which the study must be completed to December 31, 2022;
  - Requires that the monitoring specify restrictions, including inclusionary zones and necessary exclusionary zones and authorizes the restrictions to include an inclusionary zone curfew and other reasonable restrictions;
  - Requires that contracts that DRC enters into with third-party contract administrators for monitoring mandate that the GPS used include a crime scene correlation program with continuous monitoring under which law enforcement personnel may obtain access to information regarding such an offender's location;
  - Requires DRC to establish system requirements for GPS monitoring of such offenders by DRC, third-party contract administrators, or secondary entities under contract with such an administrator to perform the actual monitoring;
  - Requires that specified information about such offenders be entered into the Law Enforcement Automated Data System (LEADS) for access by law enforcement personnel; and
  - Requires that DRC, third-party administrators, and secondary entities performing actual monitoring under a contract provide law enforcement personnel upon request with information regarding a supervised offender's current and, if available, prior locations and recent criminal activity possibly related to the offender's location.

- Requires DRC to establish a reentry program for all offenders released from prison who it intends to have reside in, but who are not accepted by, a halfway house or similar facility.

- Requires the Adult Parole Authority to establish maximum workload and caseload standards for its parole and field officers and have enough trained officers to comply with the standards.

- Requires the State Criminal Sentencing Commission to appoint an Offender Supervision Study Committee to study and review all issues related to the supervision of offenders.

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DETAILED ANALYSIS

Reagan Tokes Law

S.B. 201 of the 132nd General Assembly named all of its provisions relating to Felony Sentencing Law, the DRC study of GPS monitoring, and prioritized use of the Community Programs Fund the "Reagan Tokes Law." The bill includes all amendments to those laws under that designation.[1]

Felony sentencing under the Reagan Tokes Law

Overview

The bill modifies and clarifies procedures for and calculations of indefinite prison terms for offenders who are sentenced to a prison term for a first or second degree felony committed on or after the effective date of S.B. 201 of the 132nd General Assembly (March 22, 2019). Primarily, the bill describes the "maximum prison term" as the portion of an indefinite prison term to be served after termination of the minimum term, rather than as the potential length of the total term including both the underlying minimum and required maximum portions. Under the bill, an indefinite sentence of "10 to 15 years," would encompass both a minimum prison term of 10 years, as well as the subsequent "maximum prison term" portion of five years. Under current law the "maximum prison term" description would encompass the longest available term of imprisonment, or 15 years. The changes allow for the bill to coordinate the order in which portions of nonlife felony indefinite prison terms are served.

The bill also excludes any person who is serving a stated prison term for a nonlife felony indefinite prison term from eligibility for judicial release.

Calculation of indefinite prison terms

For purposes of indefinite prison terms for offenders who are sentenced to a prison term for a first or second degree felony committed on or after March 22, 2019 (hereafter "nonlife felony indefinite prison terms"), the bill describes the "maximum 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, rather than as the length of the total term including both the underlying minimum and required maximum portions under current law.[2] This fundamental recharacterization results in significant conforming changes,[3] allows for standardization of the terms "minimum prison

[1] R.C. 2901.011.

[2] R.C. 2929.14(A)(1)(a).

[3] R.C. 2152.14(F) and (G), 2929.01(FF)(2) and (GGG), 2945.37(A)(6)(b) and (A)(9), 2945.401(J)(1)(b), 2949.08(C)(2) and (E), and 2967.191(B)(2).

term" and "maximum prison term" as they apply to nonlife felony indefinite prison terms,[4] and allows for additional clarification in sentencing for nonlife felony indefinite prison terms.

Calculating the maximum portion

The bill requires a single maximum portion as part of a nonlife felony indefinite prison term.[5] That single maximum portion must be calculated under continuing law, with some modifications. While current law requires the court imposing a nonlife felony indefinite prison term on an offender for a qualifying felony (a first or second degree felony offense committed on or after March 22, 2019, that is subject to a nonlife felony indefinite prison term)[6] to determine the maximum prison term that is part of the sentence, and has various procedures for calculating maximum terms depending on whether the terms imposed are to be served consecutively or concurrently, the bill requires a court imposing a nonlife felony indefinite prison term on an offender *for one or more qualifying felonies contained in a single indictment, information, or complaint* to determine the *single* maximum prison term that is part of the sentence *for all of the qualifying felonies of the first or second degree contained in the indictment, information, or complaint.* These changes require a court sentencing an offender for multiple felonies subject to a nonlife felony indefinite prison term to calculate and assign a single maximum prison term as part of that sentence.

If the offender is being sentenced for one felony and that felony is a qualifying felony, the maximum prison term, consistent with the changes to "**Calculation of indefinite prison terms**," above, is equal to 50% of the minimum prison term imposed on the offender. If the offender is being sentenced for more than one felony and if one or more of the felonies is a qualifying felony, the maximum prison term is equal to 50% of the longest minimum prison term for the most serious qualifying felony being sentenced. The "most serious qualifying felony being sentenced" is the qualifying felony carrying the highest degree of felony of all of the qualifying felonies contained in an indictment, information, or complaint for which the sentence is being imposed.[7] The bill clarifies that under continuing law, any mandatory prison term imposed on an offender is to be imposed separately from a nonlife felony indefinite prison term.

Coordination of indefinite prison terms

The bill modifies the coordination of nonlife felony indefinite prison terms and definite prison terms previously, subsequently, or contemporaneously imposed on an offender. Current law requires any definite prison term or mandatory prison term imposed on an offender and required to be served consecutively to an indefinite sentence previously or subsequently imposed on the offender to be served *prior* to the indefinite sentence. The bill expands that coordination to mandatory and definite prison terms imposed *contemporaneously with* nonlife

[4] R.C. 2929.01(X)(1), (BB)(2), (FF)(2), (HHH), and (III); 2929.14; and 2929.144(C).

[5] R.C. 2929.14(A)(1)(a).

[6] R.C. 2929.144(A)(2).

[7] R.C. 2929.144(A)(1).

felony indefinite prison terms and uses standardized terms to refer to the various prison terms.[8]

Aggregation

If a court sentences an offender to a nonlife felony indefinite prison term, to be served consecutively with another nonlife felony indefinite prison term previously, subsequently, or contemporaneously imposed on the offender in another case for an offense committed on or after March 22, 2019, the bill requires the minimum portions of the nonlife felony indefinite prison term to be aggregated and treated as one aggregate minimum prison term and the maximum prison term portions to be aggregated and treated as one aggregate maximum prison term to be served in accordance with "**DRC determination on maximum portion of nonlife felony indefinite prison term**," below.[9]

The bill also coordinates nonlife felony indefinite prison terms sentenced to be served consecutively to an indefinite prison term for an offense committed before July 1, 1996. The nonlife felony indefinite prison term for the offense committed after March 22, 2019, must be served prior to the older indefinite prison term.[10]

Sentencing hearings

If the sentencing court determines at the sentencing hearing that a prison term is necessary or required, and if the prison term is a nonlife felony indefinite prison term, the bill requires the sentencing court 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 a maximum prison term.[11]

Judicial release from nonlife felony indefinite prison term

The bill excludes from eligibility for judicial release any person who on or after the effective date of the bill is serving a stated prison term for a nonlife felony indefinite prison term.[12]

"Good time" credit

Existing law allows for a person confined in a state correctional institution or placed in the substance use disorder treatment program to earn credit toward satisfaction of the person's stated prison term by participating in education programs, vocational training, employment in prison industries, treatment for substance abuse, or other constructive programs developed by DRC. While the bill maintains current law that requires that credit to be awarded toward "the minimum and maximum terms of a prisoner serving" a nonlife felony

[8] R.C. 2929.14(C)(10)(a).

[9] R.C. 2929.14(C)(10)(b).

[10] R.C. 2929.14(C)(10)(c).

[11] R.C. 2929.19(B)(2)(c)(i).

[12] R.C. 2929.20(A)(1)(b) and (A)(6).

indefinite prison term, the changes made in the bill to the characterization of "maximum prison term" (See "**Calculation of indefinite prison terms**," above) effectively increase the weight of this credit. Because the "maximum prison term" under existing law refers to the total potential length of imprisonment, it is necessary to credit both the minimum and maximum term one day for each one day the sentence should be reduced. Under the bill, crediting the minimum and maximum term would reduce two distinct portions of the same sentence and would effectively double the reduction for prisoners serving nonlife felony indefinite sentences.[13]

DRC determination on maximum portion of nonlife felony indefinite prison term

In applying the continuing law presumption for release upon expiration of an offender's minimum prison term, the bill requires DRC to consider an offender's aggregate minimum prison term and makes changes to the procedures governing the presumption to reflect the bill's separate treatment of the minimum and maximum portions of the nonlife felony indefinite sentence in the context of the presumption for release and presumptive earned early release.[14] To this end, the bill defines "offender's aggregate maximum prison term" for purposes of applying the presumption for release referenced above as the sum of all maximum 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.

Ultimately the changes require an offender serving multiple nonlife felony indefinite prison terms to serve the aggregate minimum prison term, before being subject to the continuing law presumption for release. The presumption for release may be rebutted as in existing law, resulting in continued DRC confinement, but those extensions are capped by the offender's aggregate maximum prison term. Additionally, the presumption must be rebutted at least once before commencing each portion of the aggregate maximum prison term that is attributable to an individual maximum prison term that was aggregated in the same order that the corresponding minimum portions of the minimum aggregate prison term are served.[15]

Effective date of sentencing changes

The bill specifies that the changes in the bill 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.[16]

[13] R.C. 2967.193(F)(2).

[14] R.C. 2967.271(B), (C), and (D).

[15] R.C. 2967.271(D)(3).

[16] Section 3.

Appellate review changes

The bill also makes several changes to the law governing appellate review of felony sentencing. Broadly, the bill eliminates the authority of an appellate court to increase, reduce, or otherwise modify a felony sentence appealed under existing law, allowing the appellate court only to vacate such a sentence and to remand the matter to the sentencing court for resentencing.[17] Similarly, the bill requires the appellate court to remand for resentencing if a conviction for a qualifying felony is reversed and the reversal would affect the maximum prison term imposed.[18]

The bill also defines "contrary to law" for purposes of felony sentencing appeals as a sentence that "fails to comport with all mandatory, definite, or indefinite sentencing provisions or is not otherwise within the statutory range of prison terms for the applicable degree of felony," as provided in the existing Felony Sentencing Law. Continuing law allows the appellate court to act on a sentence that is contrary to law, though the court would be limited to vacating and remanding under the bill as discussed above.[19]

The bill also modifies existing law provisions that prohibit appellate review of felony sentences subject to certain negotiated pleas to exclude those sentences from review only when all of the following apply:[20]

- The sentence is authorized by law;
- The sentence, a sentencing range, a minimum aggregate term of imprisonment, or a maximum aggregate term of imprisonment has been recommended jointly by the defendant and prosecution in the case;
- The sentence imposed on the defendant is consistent with that recommendation.

Existing law more broadly excludes all sentences that are authorized by law and recommended jointly by the defendant and prosecution and imposed by a sentencing judge.[21]

Global positioning system monitoring changes

In general

The bill enacts provisions that address the use of GPS monitoring for GPS-monitored offenders. As used in the provisions, "GPS-monitored offender" means an offender who, on or after the bill's effective date, is released from confinement in a state prison under a conditional pardon, parole, other form of authorized release, or transitional control that includes GPS monitoring as a condition of the person's release, or who, on or after that date, is placed under

[17] R.C. 2953.08(H)(2).

[18] R.C. 2953.08(I).

[19] R.C. 2953.08(A)(2).

[20] R.C. 2953.08(E)(1).

[21] R.C. 2953.08(E)(1).

post-release control (PRC) that includes GPS monitoring as a condition under the post-release control.[22]

DRC study of GPS-related issues

Conduct and purpose of study, and submission to legislative leadership and Governor

Existing law, which was enacted in Am. Sub. S.B. 201 of the 132nd General Assembly (the Reagan Tokes Law) and took effect on March 22, 2019, requires DRC to study the feasibility of contracting with a third-party contract administrator for GPS monitoring that would include a crime scene correlation program that could interface by link with a statewide database for GPS-monitored offenders. The study must be completed not later than June 30, 2019. The study also must analyze the use of GPS monitoring as a supervision tool. DRC is required to consider specified factors (described below) in conducting the study. Upon completion of the study, DRC must submit copies of the study to the Senate President and Minority Leader, the House of Representatives Speaker and Minority Leader, and the Governor.[23]

The bill amends the requirement that DRC conduct a GPS-related study so that the study is required by December 31, 2022, but it repeals the currently specified purposes of the study and the listing of factors that DRC must consider in conducting the study. Under the bill, DRC must conduct the study to analyze the use of GPS monitoring as a supervision tool. As under existing law, upon completion of the study, DRC must submit copies of the study to the specified legislative leaders and the Governor.[24]

Factors that DRC currently must consider

Currently, DRC must consider a list of factors in conducting the study described above. The bill repeals the list of factors, but, as described in succeeding parts of this analysis, addresses some of the issues to which the factors pertain in other substantive provisions. The factors that currently must be considered are:[25]

1. The ability of DRC or another state entity to establish and operate a statewide Internet database of GPS-monitored offenders and the specific information that such a database could include.
2. The capability for a GPS monitoring system run by a third-party contract administrator to include a crime scene correlation program that interfaces by link with a statewide database of GPS-monitored offenders.

[22] R.C. 5120.038(A); also R.C. 5120.021(B)(3).

[23] R.C. 5120.038(B) and redesignated (C).

[24] R.C. 5120.038(B).

[25] R.C. 5120.038(B)(1) to (6), repealed by the bill.

3. The ability of local law enforcement representatives to remotely search a statewide Internet database of GPS-monitored offenders that is linked with a crime scene correlation program.
4. The capability for a GPS monitoring system with crime scene correlation features to allow local law enforcement representatives without a subpoena or warrant to access information contained in the crime scene correlation program about a GPS-monitored offender, including the offender's current location, the offender's location at previous points in time, the location of recent criminal activity in or near the offender's inclusionary or exclusionary zones included as restrictions under the offender's supervision, and any possible connection between the offender's location and that recent criminal activity.
5. The ability of law enforcement representatives to obtain, without a warrant or subpoena, information about a GPS-monitored offender from either an employee of DRC or a third-party contract administrator who is monitoring the offender, including information of the types listed above in paragraph (4).
6. The types of offenders for whom GPS monitoring would be beneficial, the appropriate length for monitoring, and the costs related to GPS monitoring.

Restrictions imposed on a GPS-monitored offender

On and after the bill's effective date, each GPS monitor that is used to monitor a GPS-monitored offender must specify and monitor restrictions for the offender, which restrictions must include for the offender inclusionary zones and, to the extent necessary, exclusionary zones, and may include for the offender a curfew specifying times of required presence in the inclusionary zone and any other reasonable restrictions.[26]

Specifications for contract with GPS third-party contract administrator

Each contract that DRC enters into on or after the bill's effective date with a third-party contract administrator for GPS monitoring of GPS-monitored offenders must require all of the following specifications:[27]

First, the GPS used by the administrator, or by any "secondary entity" (see "**Definition of "secondary entity"**," below) under contract with the administrator to perform the actual monitoring of the offender, must include a "crime scene correlation program" to which access can be obtained under provisions of the bill (see below).

Second, the crime scene correlation program included in the administrator's system, or in the system of a secondary entity under contract with the administrator to perform the actual monitoring of the offender, must allow local law enforcement representatives or their

[26] R.C. 5120.038(C)(1).

[27] R.C. 5120.038(C)(2).

designees to obtain, without need for a subpoena or warrant, real-time access or active GPS access to information contained in the program about a GPS-monitored offender's location at that time and, to the extent available, at other previous points in time identified by the representative or designee, about the location of recent criminal activity in or near the offender's inclusionary or exclusionary zones, and about any possible connection between the offender's location and that recent criminal activity.

Third, the administrator, or the secondary entity under contract with the administrator to perform the actual monitoring of the offender, must allow access to the crime scene correlation program included in the administrator's or secondary entity's system to law enforcement representatives as described below.

Fourth, the GPS used by the administrator, or by any secondary entity under contract with the administrator to perform the actual monitoring of the offender, must be monitored continuously and the access described in the preceding and second preceding paragraphs must be afforded 24 hours a day and seven days a week.

Compliance with and DRC enactment of GPS system requirements

On and after the bill's effective date, any third-party contract administrator used for GPS monitoring of a GPS-monitored offender, and any secondary entity under contract with such a third-party contract administrator to perform the actual monitoring of a GPS-monitored offender, must comply in the monitoring of the offender with DRC's system requirements that exist on that date for GPS monitoring of such offenders. If, on the bill's effective date, DRC has not established any such system requirements, within a reasonable period of time after that effective date, DRC must establish system requirements for GPS monitoring of GPS-monitored offenders. After establishment of the requirements, DRC, any third-party contract administrator used for GPS monitoring, and any secondary entity under contract with such a third-party contract administrator to perform the actual monitoring of a GPS-monitored offender, must comply with the established system requirements in the monitoring of a GPS-monitored offender.[28]

Inclusion in LEADS of information regarding GPS-monitored offenders

As soon as possible after, but not later than 12 months after, the bill's effective date, DRC must adopt procedures that DRC and third-party contract administrators that are being used for GPS monitoring of a GPS-monitored offender must use to provide to the Bureau of Criminal Identification and Investigation (BCII) specified information (see the third succeeding paragraph) for each GPS-monitored offender being monitored by DRC or the administrator.

On and after the date on which DRC adopts the procedures, DRC must provide to BCII the specified information to be added to LEADS for each GPS-monitored offender that DRC is monitoring, and each third-party contract administrator that is being used for GPS monitoring

[28] R.C. 5120.038(D).

of a GPS-monitored offender must provide to BCII the specified information to be added to LEADS for each GPS-monitored offender that the administrator is monitoring. If the third-party contract administrator has contracted with a secondary entity to perform the actual monitoring of a GPS-monitored offender, the information the administrator provides to BCII also must include the specified information to be added to LEADS for each GPS-monitored offender that the secondary entity is monitoring. DRC and each third-party administrator must provide the information in accordance with the procedures adopted by DRC, as described above. Upon receipt of the information, BCII immediately must enter the information into LEADS. The Superintendent of the State Highway Patrol must ensure that LEADS is so configured as to permit the entry into, and transmission through, the system of that information.

If any information DRC provides to BCII under the provisions described above becomes inaccurate, DRC immediately must update the information so that it is current and accurate and immediately provide the updated information to BCII. If any information a third-party contract administrator provides to BCII under those provisions, including any information with respect to a secondary entity under contract with the administrator, becomes inaccurate, the administrator similarly must update the information and provide the updated information to BCII. Upon receipt of such updated information, BCII immediately must enter the updated information into LEADS.[29]

The information the bill requires to be entered into LEADS must include, for each GPS-monitored offender for whom the information is required, all of the following: (1) the offender's name, (2) the offense or offenses for which the offender is subject to GPS monitoring and the offender's other criminal history, (3) the offender's residence address, (4) the monitoring parameters and restrictions for the offender, including all inclusionary zones, exclusionary zones, and inclusionary zone curfews for the offender and all other restrictions placed on the offender, (5) all previous violations of the monitoring parameters and restrictions applicable to the offender under the GPS monitoring that then is in effect for the offender, and (6) the identity of, and contact information for, whichever of the following is applicable: (a) if a DRC employee is monitoring the offender, the employee, (b) if a third-party contract administrator is being used for GPS monitoring of the offender, the third-party contract administrator, and (c) if a secondary entity under contract with a third-party contract administrator is performing the actual monitoring of a GPS-monitored offender, the secondary entity.[30]

Real-time access or active GPS access to information about GPS-monitored offender's location

If a local law enforcement representative, through use of LEADS or in any other manner, learns the identity of, and contact information for, a DRC employee who is monitoring a GPS-monitored offender, the identity of, and contact information for, a third-party contract

[29] R.C. 5120.038(E)(1); also division (A)(2).

[30] R.C. 5120.038(E)(3).

administrator that is being used for GPS monitoring of a GPS-monitored offender, or the identity of, and contact information for, a secondary entity under contract with a third-party contract administrator to perform the actual monitoring of a GPS-monitored offender, the representative or another law enforcement officer designated by the representative may contact the employee, the administrator, or the secondary entity and, without need for a subpoena or warrant, request real-time access or active GPS access to information about the offender's location at that time and at other previous points in time identified by the representative or designee. Upon receipt of such a request, the DRC employee, the third-party contract administrator, or the secondary entity, without need for a subpoena or warrant, must provide the representative or designee with the requested information regarding the offender's location at that time and, to the extent available, at the other identified previous points in time. A request under this provision also may request information that the employee, administrator, or secondary entity has obtained about the location of recent criminal activity in or near the GPS-monitored offender's inclusionary or exclusionary zones, and about any possible connection between the offender's location and that recent criminal activity, and, upon receipt of such a request, the employee, administrator, or secondary entity, without need for a subpoena or warrant, must provide the representative or designee with that information to the extent that it is available.[31]

Definition of "secondary entity"

As used in the bill's GPS-related provisions described above, a "secondary entity" is an entity under contract with a third-party contract administrator with which DRC has entered into a contract for GPS monitoring of GPS-monitored offenders.[32]

Reentry programs of the Department of Rehabilitation and Correction

The bill enacts provisions that address reentry programs for "target offenders" released from a state prison. For purposes of the provisions, a "target offender" is a parolee, a releasee, or a prisoner otherwise released from a state prison with respect to whom both of the following apply: (1) DRC or the APA intends to require the parolee, releasee, or prisoner to reside in a halfway house, reentry center, or community residential center that has been licensed by DRC's Division of Parole and Community Services during a part or for the entire period of the prisoner's or parolee's conditional release or of the releasee's term of post-release control, and (2) no halfway house, reentry center, or community residential center that has been licensed as described in clause (1) will accept the prisoner, parolee, or releasee to reside in the facility.

The bill requires that, not later than 24 months after its effective date, DRC, through the APA, must establish and implement a reentry program, including a facility, for all target offenders. The program and facility must satisfy all the standards that DRC's Division of Parole

[31] R.C. 5120.038(E)(2).

[32] R.C. 5120.038(A)(3).

and Community Services adopts by rule for the licensure of halfway houses, reentry centers, and community residential centers. Upon the establishment and implementation of the program and facility, DRC or the APA must require that all target offenders reside in the program's facility during a part or for the entire period of the target offender's conditional release or term of post-release control.[33]

Adult Parole Authority parole and field officer caseloads and workloads

The bill requires the APA, not later than one year after the bill's effective date, to establish supervision standards for parole and field officers of the APA's Field Services Section. The standards must include a specification of a "caseload" and a "workload" for parole and field officers. The caseload and workload specified in the standards must comport with industry standards set forth by the American Probation and Parole Association. Not later than two years after establishing the standards, DRC must ensure that the Field Services Section has enough parole and field officers to comply with the standards and that the officers have been trained to the extent required to comply with the standards.

As used in the provisions described in the preceding paragraph: (1) "caseload" means the maximum number of persons paroled, conditionally pardoned, or released to community supervision who should be under the supervision of any parole or field officer, based on the aggregate of the workload of the officer for each of those persons, and (2) "workload" means the minimum number of hours that a parole or field officer is expected to dedicate to each person paroled, conditionally pardoned, or released to community supervision who is under the officer's supervision, based on the person's risk classification.[34]

State Criminal Sentencing Commission's Offender Supervision Study Committee

The bill requires the State Criminal Sentencing Commission (SCSC) to establish an *ad hoc*, standing Offender Supervision Study Committee. The Committee will consist of one member who is a person appointed by the Governor and the following 12 members appointed by the SCSC: one active parole line officer who is a member of the exclusive representative with which the state has entered into a collective bargaining agreement that is in effect at the time of the appointment and who has been recommended by the exclusive representative; one active probation officer; two members of the House of Representatives who may not be members of the same political party; two members of the Senate who may not be members of the same political party; one common pleas court judge; one representative of the Ohio Community Corrections Association; DRC's Director or the Director's representative; one county prosecuting attorney; the State Public Defender, the State Public Defender's representative, or a county public defender; and one sheriff. SCSC members may serve on the Committee by designation of the Chief Justice, to the extent that they satisfy the criteria for service on the

[33] R.C. 5120.113(E) and 2967.14(A); also R.C. 5120.021.

[34] R.C. 5149.04(E).

Committee. The Chief Justice is to designate a member to serve as Committee Chairperson, and the Committee is to select a Vice-Chairperson. The Committee must meet as necessary at the call of the Chairperson or on the written request of four or more of the Committee's members. In the absence of the Chairperson, the Vice-Chairperson is to perform the Chairperson's duties. A majority of the Committee members will constitute a quorum, and the votes of a majority of the quorum present will be required to validate any Committee action, including the content of reports and recommendations to the SCSC.

The members of the Committee who are not members of the SCSC will serve without compensation, but each such member will be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official SCSC duties. Existing R.C. 181.21, which governs SCSC members, including the fact that they serve without compensation but are reimbursed for their actual and necessary expenses incurred in the performance of official SCSC duties, applies to the members of the Committee who are SCSC members.

The Committee will be required to study and review all issues related to the supervision of offenders, including issues related to parole, community control, probation, community corrections, and transitional control, and issues related to interstate compact policies. The Committee will be required to submit a report to the SCSC not later than December 31 in each even-numbered year that contains its findings with respect to the issues it studies and reviews and recommendations regarding possible changes in the law based on those findings.

The SCSC may appoint persons who are experts in issues related to the supervision of offenders to assist the Committee in the performance of its duties described above. No person appointed in a capacity under this division may vote on any action of the Committee, including the content of any report or recommendation to the SCSC.[35]

In addition to its other duties specified by law, the SCSC will be required to review all reports submitted to it by the Offender Supervision Study Committee under the provisions described above and, for each report so received, not later than 90 days after receiving the report, to submit a report to the General Assembly that contains the SCSC's recommendations regarding possible changes in the law based on the findings of the Committee that are set forth in the report. In preparing its report to the General Assembly, the SCSC will be required to consider all findings and recommendations of the Committee contained in the Committee's report submitted to the SCSC, and the SCSC's report to the General Assembly may be, but is not required to be, the same as the Committee's report submitted to the SCSC.[36]

The bill requires the SCSC, within 90 days after the bill's effective date, to study the impact of sections relevant to the Reagan Tokes Law, including those listed in continuing law as constituting the Reagan Tokes Law. SCSC must submit a report to the General Assembly and the

[35] R.C. 181.21(D).

[36] R.C. 181.26(A).

Governor that contains the results of the study and recommendations on December 31 in every even-numbered year beginning on December 31, 2022.[37]

Cross-reference changes

The bill also makes a number of cross-reference changes to account for reorganized or removed divisions in the bill.[38]

HISTORY

Action	Date
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[37] R.C. 181.26(B).

[38] R.C. 2930.16, 2152.13, 2951.03, 2953.07.