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H.B. 667
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Bill Analysis

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Version: As Reported by House Public Safety

Primary Sponsor: Rep. Abrams

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SUMMARY

- Requires a law enforcement agency to enter a warrant into the Law Enforcement Automated Database System (LEADS) and the National Crime Information Center (NCIC) database if a person escapes from detention, is on community control, and has either committed a tier one offense or is a targeted violent offender.
- Requires a law enforcement agency to notify the public safety answering point of the above warrant.
- Requires the Department of Rehabilitation and Correction (DRC) to contract with a single vendor for GPS monitoring of GPS-monitored offenders.
- Requires each GPS monitor that is used for GPS-monitored offenders to specify restrictions for each offender, including inclusionary zones and exclusionary zones.
- Requires DRC to establish system requirements for GPS monitoring of GPS-monitored offenders.
- Repeals current law regarding a DRC study on contracting with a third-party contract administrator for GPS monitoring of GPS-monitored offenders.
- Clarifies that the maximum prison term that a court may impose for a violation of a post-release control violation if the offender commits a new felony is the greater of 12 months or the period of post-release control for the earlier felony that remains on the date that the person committed the new felony.
- Specifies the circumstances in which a person who is convicted of or pleads guilty to a fourth or fifth degree felony is not eligible for the Targeted Community Alternatives to Prison (T-CAP) program.
- Names the bill's provisions the Regan Tokes and Patrick Heringer Act.

DETAILED ANALYSIS

Warrants in LEADS and NCIC for person who escapes detention

A warrant issued for any of the following must be entered into the Law Enforcement Automated Database System (LEADS) and the appropriate database of the National Crime Information Center (NCIC) maintained by the Federal Bureau of Investigation:

1. Under current law, a "tier one offense";
2. Under the bill, a person who is under "detention" and breaks detention or fails to return to detention and who is under a community control sanction for committing a tier one offense;
3. Under the bill, a person who is under detention and breaks detention or fails to return to detention, who is under a community control sanction or a residential sanction, and who is a "targeted violent offender."

A warrant must be entered into LEADS and NCIC by the law enforcement agency requesting the warrant within 48 hours of receipt of the warrant.[1] A warrant with a nationwide extradition warrant must be entered into LEADS by the law enforcement agency receiving the warrant.[2]

The bill provides that if a warrant is issued under (2) or (3) above, the law enforcement agency requesting the warrant must notify the "public safety answering point" of the warrant within 48 hours of receipt of the warrant.[3]

Under current law, if a law enforcement agency discovers that a warrant is entered into LEADS or NCIC in error, the law enforcement agency must remove the warrant from the LEADS or NCIC within 48 hours of the discovery of the error.[4] Additionally, a law enforcement agency must remove the warrant from LEADS and NCIC within 48 hours of warrant service, dismissal, or recall by the issuing court.[5]

GPS monitoring of GPS-monitored offenders

DRC contract with single party vendor

The bill requires the Department of Rehabilitation and Correction (DRC) to contract with a single vendor for global positioning system (GPS) monitoring of GPS-monitored offenders. On or after the effective date of the bill, the bill requires each GPS monitor that is used to monitor a GPS-monitored offender to specify and monitor restrictions for the offender. The restrictions

[1] R.C. 2935.10(H)(1).

[2] R.C. 2935.10(H)(2).

[3] R.C. 2935.10(H)(3).

[4] R.C. 2935.10(H)(4).

[5] R.C. 2935.10(H)(5).

must include for the offender inclusionary zones and exclusionary zones, and may include for the offender a curfew specifying times of required presence in the inclusionary zones and any other reasonable restrictions.[6]

On or after the effective date of the amendment, the bill requires DRC to contract with a single vendor for GPS monitoring of GPS-monitored offenders. Any contract that DRC enters into with a vendor for GPS monitoring of GPS-monitored offenders must require all of the following:[7]

- That the GPS used by the vendor to perform the actual monitoring of the offender include a crime scene correlation program;
- That the crime scene correlation program included in the vendor's GPS to perform the actual monitoring of the offender will allow local law enforcement representatives or their 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 that is 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;
- That the GPS used by the vendor to perform the actual monitoring of the offender be monitored continuously and that the access described above be afforded 24 hours a day and seven days a week.

On or after the effective date of the bill, if DRC has established system requirements for GPS monitoring of GPS-monitored offenders, the bill requires the single vender to comply with those system requirements.[8] If, on the effective date of the bill, DRC has not established system requirements, DRC must establish system requirements for GPS monitoring of GPS-monitored offenders within a reasonable period of time after the effective date of the bill. In accordance with R.C. Chapter 119, DRC may adopt rules prescribing procedures for implementing the GPS monitoring of a GPS-monitored offender.[9] After the establishment of those system requirements, DRC and the single vendor must comply with the established system requirements in the monitoring of the GPS-monitored offender.[10]

The provisions of the bill as they exist on or after the effective date of the amendment, apply to an offender who is released from confinement in a state correctional institution on or after that date.[11]

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[6] R.C. 5120.038(B)(1).

[7] R.C. 5120.038(B)(2).

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

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

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

[11] R.C. 5120.021(B)(2) and (3).

DRC study contract with third-party contract administrator

The bill repeals existing law regarding a DRC study regarding contracting with a third-party contract administrator for GPS monitoring of GPS-monitored offenders. Under current law, not later than June 30, 2019, DRC must 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 also must analyze the use of GPS monitoring as a supervision tool. In conducting the study, DRC must consider all of the following factors:[12]

- 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;
- 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;
- 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;
- 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;
- The ability of law enforcement representatives to obtain, without a warrant or subpoena, information about a GPS-monitored offender from either a DRC employee or a third-party contract administrator who is monitoring the offender, including information of the types listed in the prior bullet point;
- The types of offenders for whom GPS monitoring would be beneficial, the appropriate length for monitoring, and the costs related to GPS monitoring.

Under current law, upon completion of the study, DRC must submit copies of the study to the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the Governor.[13]

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

[13] R.C. 5120.038(C).

Commission of a felony by a person on post-release control

Under current law, upon the conviction of or plea of guilty to a felony by a person on post-release control, the court may terminate the term of post-release control. The court may also do either of the following:[14]

- First, under current law, in addition to any prison term for the new felony, the court may impose a prison term for the new post-release control violation. Under the bill, the maximum prison term for the violation must be the greater of 12 months or the period of post-release control for the earlier felony that remains on the date that the person committed the new felony. Under current law, the maximum prison term for the violation must be the greater of 12 months or the period of post-release control for the earlier felony minus any time the person has spent under the post-release control for the earlier felony.

  Under continuing law, in all cases, any prison term imposed for the violation must be reduced by any prison term that is administratively imposed by the parole board as a post-release control sanction. A prison term imposed for the violation must be served consecutively to any prison term imposed for the new felony. The imposition of a prison term for the post-release control violation must terminate the period of post-release control for the earlier felony.[15]

- Second, under current law, the court may impose a community control sanction for the violation that must be served concurrently or consecutively, as specified with any community control sanctions for the new felony.[16]

Targeted community alternatives to prison (T-CAP)

Under current law, a person who is convicted of or pleads guilty to a felony other than aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a prison term must generally serve that term in an institution under the control of the DRC.[17] A person who is convicted of or pleads guilty to a fourth or fifth degree felony in a voluntary county that participates in a Targeted Community Alternatives to Prison (T-CAP) program must generally serve that term in a specified local facility.[18] The bill expands the exceptions to this provision as follows:[19]

[14] R.C. 2929.141(A).

[15] R.C. 2929.141(A)(1).

[16] R.C. 2929.141(A)(2).

[17] R.C. 2929.34(B)(1).

[18] R.C. 2929.34(B)(3)(c), (C) and (D).

[19] R.C. 2929.34(B)(3)(d).

- Under current law, the fourth or fifth degree felony was an offense of violence, a sex offense, a drug trafficking offense, or any offense for which a mandatory prison term is required;
- Under current law, the person previously has been convicted of or pleaded guilty to any felony offense of violence, unless the fifth degree felony for which the defendant is being sentenced is a violation of failure to comply with duties under the Violent Offender Law;
- Under current law, the person previously has been convicted of or pleaded guilty to any felony sex offense;
- Under the bill, the person previously has been convicted of or pleaded guilty to two or more felony offenses that were not felony offenses of violence;
- Under the bill, the person previously was under a community control sanction for a felony offense that was not a felony offense of violence, and the person's period of community control was terminated because of the revocation of community control or unsuccessful completion of the period of community control;
- Under the bill, the person was under post-release control at the time the person committed the fourth or fifth degree felony;
- Under current law, the person's sentence is required to be served concurrently to any other sentence imposed upon the person for a felony that is required to be served in an institution under the control of DRC.

Reagan Tokes and Patrick Heringer Act

The name of the bill is the Reagan Tokes and Patrick Heringer Act.[20]

Definitions

The bill creates the definition of "**targeted violent offender**" meaning an offender to whom both of the following apply: (1) the offender is subject to the supervision of the Adult Parole Authority (APA), and (2) the offender has been determined to have a higher risk of reoffending and a higher risk of committing a violent offense upon reoffending based on the APA's use of the Ohio Risk Assessment System, the State Correctional Institutional Classification Tool, the Violence Predictor Risk Assessment, or another tool that assesses the offender's risk of reoffending or committing a violent offense upon reoffending.[21]

The bill uses the following existing definitions:

- "**Detention**" means arrest; confinement in any vehicle subsequent to an arrest; confinement in any public or private facility for custody of persons charged with or convicted of crime in Ohio or another state or under U.S. laws or alleged or found to be a delinquent child or unruly child in Ohio or another state or under the U.S. laws;

[20] Section 3.

[21] R.C. 2935.10(A)(3).

hospitalization, institutionalization, or confinement in any public or private facility that is ordered under the Competency to Stand Trial or Not Guilty by Reason of Insanity Law; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation; supervision by any employee of any facility of any of those natures that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; supervision by an employee of DRC of a person on any type of release from a state correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of Ohio into Ohio by a private person or entity pursuant to a specified contract; and for a person confined in a county jail who participates in a county jail industry program, time spent at an assigned work site and going to and from the work site.[22]

- "**GPS-monitored offender**" means an offender who is released from confinement in a state correctional institution 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 the effective date of the bill, is placed under post-release control that includes GPS monitoring as a condition under the post-release control.[23]
- "**Public safety answering point**" means an entity responsible for receiving requests for emergency services sent by dialing 9-1-1 within a specified territory and processing those requests for emergency services according to a specific operational policy that includes directly dispatching the appropriate emergency service provider, relaying a message to the appropriate emergency service provider, or transferring the request for emergency services to the appropriate emergency service provider. A public safety answering point may be either of the following:[24]
  - Located in a specific facility;
  - Virtual, if telecommunicators are geographically dispersed and do not work from the same facility. The virtual workplace may be a logical combination of physical facilities, an alternate work environment such as a satellite facility, or a combination of the two. Workers may be connected and interoperate via internet-protocol connectivity.
- "**Tier one offense**" means a violation of the offense of aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, aggravated vehicular homicide, vehicular homicide, vehicular manslaughter, felonious assault, aggravated assault, aggravated menacing, menacing by stalking, kidnapping, abduction, trafficking in persons, rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, pandering obscenity involving a minor or impaired person, pandering sexually oriented matter involving a minor or impaired person, illegal use of a minor or impaired person in a nudity-oriented material or performance, aggravated arson, arson, terrorism,

[22] R.C. 2935.10(A)(1), by reference to R.C. 2921.01, not in the bill.

[23] R.C. 5120.038(A).

[24] R.C. 2935.10(A)(2) , by reference to R.C. 128.01, not in the bill.

aggravated robbery, robbery, aggravated burglary, domestic violence, escape, improperly discharging a firearm at or into a habitation, in a school safety zone, or with the intent to cause harm or panic to persons in a school, in a school building, or at a school function or the evacuation of a school function, or failure to comply with duties under the Sexual Offender Registration and Notification Law.[25]

Cross references

The bill makes necessary cross reference changes.[26]

HISTORY

Action	Date
Introduced	01-29-26
Reported, H. Public Safety	06-03-26

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[25] R.C. 2935.01(E).

[26] R.C. 2935.11, 5589.21(E), and 5589.211.