



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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S.B. 202

132nd General Assembly
(As Introduced)

Sens. Bacon and O'Brien, Kunze, Gardner, Manning, Hoagland, Lehner

BILL SUMMARY

- Regarding global positioning system (GPS) monitoring used for offenders released from prison under such monitoring:
 - Requires that the monitoring specify restrictions, including inclusionary zones and necessary exclusionary zones;
 - Requires the Department of Rehabilitation and Correction (DRC) to establish system requirements for GPS monitoring of such offenders by the Department or third-party contract administrators;
 - Requires DRC to operate a statewide database for law enforcement use containing specified information about such offenders; and
 - Requires that third-party administrators for GPS monitoring under a new contract with DRC provide and use a law enforcement-accessible crime scene correlation program.
- 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 work-load and case-load standards for its parole and field officers and have enough trained officers to comply with the standards.
- Names the act's provisions the Reagan Tokes Law.

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CONTENT AND OPERATION

Overview

The bill modifies the law regarding certain release terms and supervision of felony offenders released from prison by requiring DRC to establish a reentry program for such offenders who are not accepted for intended residence in a halfway house or similar facility. Additionally, the bill requires the Adult Parole Authority to adopt maximum work-load and case-load standards for parole and field officers and establish criteria for global positioning system (GPS) monitoring used for such offenders (including inclusionary and necessary exclusionary zones and a law enforcement-accessible crime scene correlation program). The bill also mandates a statewide database for law enforcement use containing specified information about such offenders.

The bill names its provisions the Reagan Tokes Law.

Global positioning system monitoring changes

In general

The bill enacts provisions that address the use of global positioning system (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 post-release control (PRC) that includes GPS monitoring as a condition under the post-release control.¹

¹ R.C. 5120.038(A); also R.C. 5120.021.



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 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.²

Specifications for contract with GPS third-party contract administrator

Each contract that the Department of Rehabilitation and Correction (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 several specifications. First, the GPS system used by the administrator must include a "crime scene correlation program" that can interface by link with the database established under the bill (see below) and to which access can be obtained by a link included in that database. Second, the crime scene correlation program included in the administrator's system must allow local law enforcement representatives 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 must allow access to the crime scene correlation program included in the administrator's system to law enforcement representatives as described below.³

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 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, and any third-party contract administrator

² R.C. 5120.038(B)(1).

³ R.C. 5120.038(B)(2).



used for GPS monitoring, must comply with the established system requirements in the monitoring of a GPS-monitored offender.⁴

Statewide database regarding GPS-monitored offenders

Not later than 12 months after the bill's effective date, DRC must establish and operate on the Internet a statewide database that contains specified information (see below) for GPS-monitored offenders. At any point in time, the database must contain the specified information for each GPS-monitored offender who then is subject to GPS monitoring. The database must enable local law enforcement representatives to remotely search by electronic means the content of the database, and must contain a link to the crime scene correlation program described above for third-party contract administrators required to include such a program in their systems. The database is not a public record subject to inspection or copying under the state's Public Records Law and will be available only to local law enforcement representatives as described in this paragraph. Information obtained by local law enforcement representatives through use of the database is not open to inspection or copying under the state's Public Records Law. If the database includes a link to a crime scene correlation program as described above in "**Specifications for contract with GPS third-party contract administrator**" that is included in the GPS used by a third-party contract administrator, a local law enforcement representative may use that link to obtain information contained in the program about a GPS-monitored offender and recent criminal activity.

Separate from the authority described in the preceding paragraph, if a local law enforcement representative, through use of the database described in that paragraph or in any other manner learns the identity of, and contact information for, a DRC employee who is monitoring a GPS-monitored offender or the identity of, and contact information for, a third-party contract administrator that is being used for GPS monitoring of a GPS-monitored offender, the representative or another law enforcement officer designated by the representative may contact the employee or the administrator 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 or third-party contract administrator, 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 or administrator has obtained about the location of recent criminal activity in or near the GPS-monitored offender's inclusionary or

⁴ R.C. 5120.038(C).



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 or administrator, without need for a subpoena or warrant, must provide the representative or designee with that information to the extent that it is available.

The information contained in the database described above must include, for each GPS-monitored offender to be included within the database, 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) if a DRC employee is monitoring the offender, the identity of, and contact information for, the employee, and if a third-party contract administrator is being used for GPS monitoring of the offender, the identity of, and contact information for, the third-party contract administrator, and (6) 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.⁵

Reentry programs of the Department of Rehabilitation and Correction

The bill enacts provisions that address reentry programs for "target offenders" released from DRC. 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 DRC's Adult Parole Authority (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 PRC, 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 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

⁵ R.C. 5120.038(D).



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.⁶

Adult Parole Authority parole and field officer case-loads and work-loads.

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 "case-load" and a "work-load" for parole and field officers. The case-load and work-load 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) "case-load" 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 work load of the officer for each of those persons, and (2) "work-load" 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.⁷

Reagan Tokes Law

The bill names all of its provisions described above the "Reagan Tokes Law."⁸

HISTORY

ACTION	DATE
Introduced	09-27-17

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⁶ R.C. 5120.113 and 2967.14(A); also R.C. 5120.021.

⁷ R.C. 5149.04(E).

⁸ R.C. 5120.038(E).

