



Ohio Department of Rehabilitation and Correction

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Ted Strickland, Governor

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Terry Collins, Director

Summary of Key Provisions Substitute Senate Bill 22 June 9, 2009

I. Provisions contained in Introduced Version:

Earned Credit

- Increases from 1 to 5 days per month, same as introduced version.
- All sex offenders excluded from any earned credit eligibility, same as introduced version.
- Language added to exclude most Felony 1 and 2 offenders from eligibility for expanded credits.
- Includes provision requiring GPS monitoring for the first 14 days following release for offenders who earn over 60 days of credits while incarcerated.
- Provisions of bill will be prospective (will not apply to those currently incarcerated).

Increase in theft threshold

- Increases from \$750 (introduced version) to \$1,000 threshold to determine felony for theft offenses, and certain elements of vandalism and engaging in a pattern of corrupt activity.
- Increases thresholds by 50% for other organized retail theft offenses.

Non Payment of Support

- Gives preference to sentencing non support offenders to alternative community sanctions.
- Substitute bill provides courts discretion to sentence offenders to prison when: (1) it is consistent with purposes and principles of sentencing, or (2) if offender was previously convicted of felony non support after the effective date of the amendment, and when either the offender was sentenced to a prior prison term, or was sentenced to prior community sanctions and failed to meet the conditions.

Absconding Supervision

- Authorizes Adult Parole Authority to utilize existing sanctioning authority including potential return to prison for offenders who fail to comply with their terms of supervision.
- Offenders who abscond for a period of greater than 9 months may be charged with an additional felony offense of "escape from detention" as under current law.

II. New Provisions Added in Substitute Bill:

DRC Petition for 85% Release

- Allows Director of DRC to petition sentencing court for judicial release of inmate who has a stated prison term longer than one year who has served at least 85% of their sentence.
- Petition can be filed with the court up to 90 days prior to an inmate's 85% date.
- Language in substitute bill requires DRC to supervise felony 1 and 2 offenders who are released on GPS monitoring for the remainder of their sentence.

Equalization of Crack and Powder Penalties

- Eliminates the distinction between criminal penalties for drug offenses involving crack and powder cocaine.
- Utilizes a blended sentencing approach. Raises powder penalties to the level of crack for felony 1, major drug offender possession and trafficking. Raises powder penalties for F1-F4 possession offenses, and lowers crack penalties for F1-F5 possession. Raises powder for F1-F3 trafficking offenses, and lowers crack penalties for F1-F5 crack trafficking offenses.
- Results in an annual prison bed savings of 345.

Treatment in Lieu of Conviction

- Expands eligibility to persons charged with specified theft and other offenses. Makes low level drug traffickers and felony 4 drug possession offenses eligible for TIL.
- Authorizes TIL for an offender whose mental illness or mental retardation contributed to their offense.
- Allows repeat offenders who have not committed a prior felony offense of violence to be considered for Treatment in Lieu.

Mandatory Drug Provisions

- Creates new categories and potentially shorter mandatory terms for trafficking in marijuana and hashish, and possession of hashish and marijuana.
- Based on proposal by David Diroll, Executive Director, Ohio Criminal Sentencing Commission.

Other Provisions

- Adds Director of Veteran's Services to State Agency Reentry Coalition.
- Changes membership of Parole Board required for full board hearing to majority instead of 7.
- Revises procedures for notification of victim's and other Office of Victim Services changes.
- Remove judges from membership of a correction's commission
- Establishes community alternative sentencing centers.
- Defines DRC reentry centers and modifies payment rules for residential facilities.
- Modifies membership of county local corrections planning boards.