

As Introduced

131st General Assembly

Regular Session

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H. B. No. 497

Representatives Brenner, Huffman

**Cosponsors: Representatives Fedor, Rezabek, Hood, Thompson, Hambley,
Koehler, Arndt, Sprague, Grossman**

A BILL

To amend sections 2929.16 and 2929.26 and to enact 1
sections 341.43, 753.34, and 5145.33 of the 2
Revised Code to establish a statewide pilot 3
program for the provision of long-acting opioid 4
antagonist therapy for offenders confined in a 5
state or local correctional facility or a 6
community residential facility under a sentence 7
imposed for a felony opioid-related offense or a 8
sentence of at least 30 days for a misdemeanor 9
opioid-related offense who will be released on 10
supervised release, and to specify that the 11
therapy is to be provided during both their 12
confinement and their supervised release. 13

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2929.16 and 2929.26 be amended 14
and sections 341.43, 753.34, and 5145.33 of the Revised Code be 15
enacted to read as follows: 16

Sec. 341.43. (A) As used in this section: 17

(1) "County correctional facility" has the same meaning as 18
in section 341.42 of the Revised Code. 19

(2) "Opioid-related offense" has the same meaning as in 20
section 5145.33 of the Revised Code. 21

(B) Section 5145.33 of the Revised Code applies with 22
respect to all offenders confined in a county correctional 23
facility under a sentence of not less than thirty days imposed 24
for an opioid-related offense. 25

Sec. 753.34. (A) As used in this section: 26

(1) "Municipal correctional facility" has the same meaning 27
as in section 753.32 of the Revised Code. 28

(2) "Opioid-related offense" has the same meaning as in 29
section 5145.33 of the Revised Code. 30

(B) Section 5145.33 of the Revised Code applies with 31
respect to all offenders confined in a municipal correctional 32
facility under a sentence of not less than thirty days imposed 33
for an opioid-related offense. 34

Sec. 2929.16. (A) Except as provided in this division, the 35
court imposing a sentence for a felony upon an offender who is 36
not required to serve a mandatory prison term may impose any 37
community residential sanction or combination of community 38
residential sanctions under this section. The court imposing a 39
sentence for a fourth degree felony OVI offense under division 40
(G) (1) or (2) of section 2929.13 of the Revised Code or for a 41
third degree felony OVI offense under division (G) (2) of that 42
section may impose upon the offender, in addition to the 43
mandatory term of local incarceration or mandatory prison term 44
imposed under the applicable division, a community residential 45
sanction or combination of community residential sanctions under 46

this section, and the offender shall serve or satisfy the 47
sanction or combination of sanctions after the offender has 48
served the mandatory term of local incarceration or mandatory 49
prison term required for the offense. Community residential 50
sanctions include, but are not limited to, the following: 51

(1) A term of up to six months at a community-based 52
correctional facility that serves the county; 53

(2) Except as otherwise provided in division (A) (3) of 54
this section and subject to division (D) of this section, a term 55
of up to six months in a jail; 56

(3) If the offender is convicted of a fourth degree felony 57
OVI offense and is sentenced under division (G) (1) of section 58
2929.13 of the Revised Code, subject to division (D) of this 59
section, a term of up to one year in a jail less the mandatory 60
term of local incarceration of sixty or one hundred twenty 61
consecutive days of imprisonment imposed pursuant to that 62
division; 63

(4) A term in a halfway house; 64

(5) A term in an alternative residential facility. 65

(B) The court that assigns any offender convicted of a 66
felony to a residential sanction under this section may 67
authorize the offender to be released so that the offender may 68
seek or maintain employment, receive education or training, or 69
receive treatment. A release pursuant to this division shall be 70
only for the duration of time that is needed to fulfill the 71
purpose of the release and for travel that reasonably is 72
necessary to fulfill the purposes of the release. 73

(C) If the court assigns an offender to a county jail that 74
is not a minimum security misdemeanor jail in a county that has 75

established a county jail industry program pursuant to section 76
5147.30 of the Revised Code, the court shall specify, as part of 77
the sentence, whether the sheriff of that county may consider 78
the offender for participation in the county jail industry 79
program. During the offender's term in the county jail, the 80
court shall retain jurisdiction to modify its specification upon 81
a reassessment of the offender's qualifications for 82
participation in the program. 83

(D) If a court sentences an offender to a term in jail 84
under division (A) (2) or (3) of this section and if the sentence 85
is imposed for a felony of the fourth or fifth degree that is 86
not an offense of violence, the court may specify that it 87
prefers that the offender serve the term in a minimum security 88
jail established under section 341.34 or 753.21 of the Revised 89
Code. If the court includes a specification of that type in the 90
sentence and if the administrator of the appropriate minimum 91
security jail or the designee of that administrator classifies 92
the offender in accordance with section 341.34 or 753.21 of the 93
Revised Code as a minimal security risk, the offender shall 94
serve the term in the minimum security jail established under 95
section 341.34 or 753.21 of the Revised Code. Absent a 96
specification of that type and a finding of that type, the 97
offender shall serve the term in a jail other than a minimum 98
security jail established under section 341.34 or 753.21 of the 99
Revised Code. 100

(E) If a person who has been convicted of or pleaded 101
guilty to a felony is sentenced to a community residential 102
sanction as described in division (A) of this section, at the 103
time of reception and at other times the person in charge of the 104
operation of the community-based correctional facility, jail, 105
halfway house, alternative residential facility, or other place 106

at which the offender will serve the residential sanction 107
determines to be appropriate, the person in charge of the 108
operation of the community-based correctional facility, jail, 109
halfway house, alternative residential facility, or other place 110
may cause the convicted offender to be examined and tested for 111
tuberculosis, HIV infection, hepatitis, including but not 112
limited to hepatitis A, B, and C, and other contagious diseases. 113
The person in charge of the operation of the community-based 114
correctional facility, jail, halfway house, alternative 115
residential facility, or other place at which the offender will 116
serve the residential sanction may cause a convicted offender in 117
the community-based correctional facility, jail, halfway house, 118
alternative residential facility, or other place who refuses to 119
be tested or treated for tuberculosis, HIV infection, hepatitis, 120
including but not limited to hepatitis A, B, and C, or another 121
contagious disease to be tested and treated involuntarily. 122

(F) (1) As used in division (F) (2) of this section, 123
"opioid-related offense" and "supervised release" have the same 124
meanings as in section 5145.33 of the Revised Code. 125

(2) Section 5145.33 of the Revised Code applies with 126
respect to all offenders who are sentenced to a community 127
residential sanction under this section and to supervised 128
release upon their release from that community residential 129
sanction. 130

Sec. 2929.26. (A) Except when a mandatory jail term is 131
required by law, the court imposing a sentence for a 132
misdemeanor, other than a minor misdemeanor, may impose upon the 133
offender any community residential sanction or combination of 134
community residential sanctions under this section. Community 135
residential sanctions include, but are not limited to, the 136

following: 137

(1) A term of up to one hundred eighty days in a halfway 138
house or community-based correctional facility or a term in a 139
halfway house or community-based correctional facility not to 140
exceed the longest jail term available for the offense, 141
whichever is shorter, if the political subdivision that would 142
have responsibility for paying the costs of confining the 143
offender in a jail has entered into a contract with the halfway 144
house or community-based correctional facility for use of the 145
facility for misdemeanor offenders; 146

(2) If the offender is an eligible offender, as defined in 147
section 307.932 of the Revised Code, a term in a community 148
alternative sentencing center or district community alternative 149
sentencing center established and operated in accordance with 150
that section, in the circumstances specified in that section, 151
with one of the conditions of the sanction being that the 152
offender successfully complete the portion of the sentence to be 153
served in the center. 154

(B) A sentence to a community residential sanction under 155
division (A) (2) of this section shall be in accordance with 156
section 307.932 of the Revised Code. In all other cases, the 157
court that sentences an offender to a community residential 158
sanction under this section may do either or both of the 159
following: 160

(1) Permit the offender to serve the offender's sentence 161
in intermittent confinement, overnight, on weekends or at any 162
other time or times that will allow the offender to continue at 163
the offender's occupation or care for the offender's family; 164

(2) Authorize the offender to be released so that the 165

offender may seek or maintain employment, receive education or 166
training, receive treatment, perform community service, or 167
otherwise fulfill an obligation imposed by law or by the court. 168
A release pursuant to this division shall be only for the 169
duration of time that is needed to fulfill the purpose of the 170
release and for travel that reasonably is necessary to fulfill 171
the purposes of the release. 172

(C) The court may order that a reasonable portion of the 173
income earned by the offender upon a release pursuant to 174
division (B) of this section be applied to any financial 175
sanction imposed under section 2929.28 of the Revised Code. 176

(D) No court shall sentence any person to a prison term 177
for a misdemeanor or minor misdemeanor or to a jail term for a 178
minor misdemeanor. 179

(E) If a court sentences a person who has been convicted 180
of or pleaded guilty to a misdemeanor to a community residential 181
sanction as described in division (A) of this section, at the 182
time of reception and at other times the person in charge of the 183
operation of the halfway house, community alternative sentencing 184
center, district community alternative sentencing center, or 185
other place at which the offender will serve the residential 186
sanction determines to be appropriate, the person in charge of 187
the operation of the halfway house, community alternative 188
sentencing center, district community alternative sentencing 189
center, or other place may cause the convicted offender to be 190
examined and tested for tuberculosis, HIV infection, hepatitis, 191
including, but not limited to, hepatitis A, B, and C, and other 192
contagious diseases. The person in charge of the operation of 193
the halfway house, community alternative sentencing center, 194
district community alternative sentencing center, or other place 195

at which the offender will serve the residential sanction may 196
cause a convicted offender in the halfway house, community 197
alternative sentencing center, district community alternative 198
sentencing center, or other place who refuses to be tested or 199
treated for tuberculosis, HIV infection, hepatitis, including, 200
but not limited to, hepatitis A, B, and C, or another contagious 201
disease to be tested and treated involuntarily. 202

(F) A political subdivision may enter into a contract with 203
a halfway house for use of the halfway house to house 204
misdemeanor offenders under a sanction imposed under division 205
(A) (1) of this section. 206

(G) (1) As used in division (G) (2) of this section, 207
"opioid-related offense" and "supervised release" have the same 208
meanings as in section 5145.33 of the Revised Code. 209

(2) Section 5145.33 of the Revised Code applies with 210
respect to all offenders who are sentenced to a community 211
residential sanction of not less than thirty days under this 212
section and to supervised release upon their release from that 213
community residential sanction. 214

Sec. 5145.33. (A) As used in this section: 215

(1) "Board of alcohol, drug addiction, and mental health 216
services" has the same meaning as in section 5119.90 of the 217
Revised Code. 218

(2) "Chief community residential facility official" means 219
the person responsible for the operation of a community 220
residential facility. 221

(3) "Chief corrections official" means the person 222
responsible for the operation of a state or local correctional 223
facility, whichever is applicable. 224

(4) "Community residential facility" means a community-based correctional facility, a jail, a halfway house, or an alternative residential facility to which an offender has been sentenced under a community residential sanction imposed under section 2929.16 or 2929.26 of the Revised Code.

(5) "County correctional facility" has the same meaning as in section 341.42 of the Revised Code.

(6) "Eligible offender" means an offender to whom either of the following applies:

(a) The offender is confined in a state correctional facility or a community residential facility for felons, under a sentence imposed for an opioid-related offense that is a felony.

(b) The offender is confined in a local correctional facility or a community residential facility for misdemeanants, under a sentence of not less than thirty days imposed for an opioid-related offense that is a misdemeanor.

(7) "Local correctional facility" means a county correctional facility or a municipal correctional facility.

(8) "Long-acting opioid antagonist therapy" means treatment through the use of naltrexone or another opioid receptor antagonist and the provision of therapy components.

(9) "Municipal correctional facility" has the same meaning as in section 753.32 of the Revised Code.

(10) "Opiate" has the same meaning as in section 3719.01 of the Revised Code.

(11) "Opioid-related offense" means any of the following offenses that an offender is convicted of or pleads guilty to committing:

(a) An offense that the sentencing court indicates in the record of conviction relates to, or was committed as a result of, the offender's addiction to an opiate or opioid; 253
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(b) An offense for which the sentencing court indicates in the record of conviction that the offender's addiction to an opiate or opioid was a factor leading to the offender's commission of the offense. 256
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(c) An offense for which the offender is sentenced to confinement in a state or local correctional facility, if the chief corrections official of the facility determines that the offender's addiction to an opiate or opioid was a factor leading to the offender's commission of the offense. 260
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(12) "Pilot program" means the pilot program established under division (B) of this section for the provision of long-acting opioid antagonist therapy to eligible offenders who are convicted of or plead guilty to an opioid-related offense. 265
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(13) "State correctional facility" means a state correctional institution, as defined in section 2967.01 of the Revised Code. 269
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(14) "Supervised release" means the release of an eligible offender confined for an opioid-related offense to which both of the following apply: 272
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(a) The offender's release is under post-release control or transitional control, is granted under section 2929.20 or 2967.19 of the Revised Code, is under a community nonresidential sanction imposed under section 2929.17 or 2929.27 of the Revised Code as part of a sentence including a community residential sanction imposed under section 2929.16 or 2929.26 of the Revised Code or in substitution for a jail term under division (H) of 275
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section 2929.24 of the Revised Code, is under parole or 282
conditional probation, or is another type of release other than 283
final release. 284

(b) The release requires the offender to report to or be 285
supervised by a parole officer, a probation officer, a field 286
officer, or another type of supervising officer. 287

(15) "Supervising authority" means the entity or person 288
that administers and supervises the supervised release of an 289
eligible offender. 290

(B) There is hereby established, on July 1, 2017, a 291
statewide pilot program for the provision of long-acting opioid 292
antagonist therapy to eligible offenders who are confined for an 293
opioid-related offense in a state correctional facility, a local 294
correctional facility, or a community residential program and 295
who will be released from confinement on supervised release. The 296
pilot program shall operate with regard to those offenders while 297
they are confined in the state or local correctional facility or 298
the community residential facility under that sentence and upon 299
their release. The pilot program shall operate at least until 300
December 31, 2019, and not later than June 30, 2022, determined 301
as provided in division (H) of this section. 302

(C) A court that sentences an offender for an offense and 303
that determines either of the following shall indicate the 304
determination in the record of conviction for the offender: 305

(1) That the offense relates to, or was committed as a 306
result of, the offender's addiction to an opiate or opioid; 307

(2) That the offender's addiction to an opiate or opioid 308
was a factor leading to the offender's commission of the 309
offense. 310

(D) After the establishment of the pilot program, the 311
chief corrections official of each state or local correctional 312
facility or the official's designee, and the chief community 313
residential facility official of each community residential 314
facility or the official's designee, shall inform each eligible 315
offender who is confined in the official's facility and who will 316
be released from the confinement on supervised release of the 317
program and its benefits. Each of those offenders shall be 318
offered, prior to the release, the opportunity to participate in 319
the program. An offender who is offered the opportunity to 320
participate in the pilot program may elect to participate or may 321
decline participation in the program. In informing an offender 322
of the program and its benefits, the chief corrections official 323
or designee, or the chief community residential facility 324
official or designee, whichever is applicable, shall provide the 325
offender with detailed information about the specifics of long- 326
acting opioid antagonist therapy, including the manner in which 327
the therapy and treatment under it works and the expected 328
results of the therapy. 329

(E) If an eligible offender elects to participate in the 330
pilot program, the offender shall be provided long-acting opioid 331
antagonist therapy for at least thirty days before the 332
offender's release from the state or local correctional facility 333
or community residential facility. The naltrexone or another 334
opioid receptor antagonist used in the therapy shall be provided 335
to the offender by injection, in pill form, or in other 336
medically acceptable means not later than thirty days prior to 337
the offender's release. The cost of the long-acting opioid 338
antagonist therapy provided to offenders while they are confined 339
in the facility shall be paid by the state. 340

(F) If an eligible offender confined in a state or local 341

correctional facility or in a community residential facility 342
that is operated by a governmental entity elects to participate 343
in the pilot program, the chief corrections official or chief 344
community residential facility official of the applicable 345
facility, or the official's designee, shall comply with 346
divisions (F) (1) to (5) of this section. If an offender confined 347
in a community residential facility that is not operated by a 348
governmental entity elects to participate in the pilot program, 349
the chief community residential facility official of the 350
applicable facility or the official's designee shall notify the 351
court that sentenced the offender of that election and the court 352
shall comply with divisions (F) (1) to (5) of this section. An 353
official or court required to comply with divisions (F) (1) to 354
(5) of this section shall do all of the following prior to the 355
offender's release from confinement: 356

(1) In consultation with the entity or person that will be 357
the supervising authority for the offender, establish terms and 358
conditions for the offender's participation in the program. The 359
terms and conditions for participation in the program shall 360
include, but are not limited to, a schedule for the offender to 361
receive upon release treatment with naltrexone or another opioid 362
receptor antagonist by injection, in pill form, or in other 363
medically acceptable means and the therapy components of the 364
long-acting opioid antagonist therapy, and a requirement that 365
the offender receive the treatment with naltrexone or another 366
opioid receptor antagonist and the therapy components in 367
accordance with that schedule. The terms and conditions for 368
participation in the program shall serve as terms and conditions 369
of the offender's supervised release and shall apply to the 370
offender for the period of that supervised release. 371

(2) Inform the offender about the medicaid program and the 372

possibility of obtaining treatment with naltrexone or another 373
opioid receptor antagonist through the program after release; 374

(3) Determine if the offender was a medicaid recipient 375
immediately prior to being confined in the facility and, based 376
on the determination, do whichever of the following is 377
applicable: 378

(a) If the offender was a medicaid recipient, inform the 379
offender about the operation of section 5163.45 of the Revised 380
Code; 381

(b) If the offender was not a medicaid recipient, refer 382
the offender to either or both of the following as appropriate: 383

(i) The department of medicaid if the department accepts 384
medicaid applications under section 5160.30 of the Revised Code; 385

(ii) The agency, if any, authorized by an agreement 386
entered into under division (B) of section 5160.30 of the 387
Revised Code to accept applications for the medicaid program. 388

(4) Obtain from the offender the address of the offender's 389
expected future residence; 390

(5) Provide the offender with contact information for the 391
board of alcohol, drug addiction, and mental health services 392
that serves the county in which the offender's expected place of 393
residence is located, and inform the offender that upon release 394
the offender should be able to receive long-acting opioid 395
antagonist therapy required under the program at a facility 396
operated by the board or by an entity with which the board has 397
contracted. Contact information provided under this division 398
shall include at least the name and address of, and a telephone 399
number for, the board. 400

(G) (1) Each board of alcohol, drug addiction, and mental health services shall establish a procedure for providing long-acting opioid antagonist therapy to eligible offenders who are participating in the pilot program and who reside in the territory served by the board. 401
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(2) If an eligible offender elects to participate in the pilot program, after the offender is released from confinement in the state or local correctional facility or the community residential facility, the offender shall obtain the offender's long-acting opioid antagonist therapy from the board of alcohol, drug addiction, and mental health services that serves the county in which the offender resides. The therapy shall be obtained at a facility operated by the board or by an entity with which the board has contracted to provide the therapy under the program. The cost of the therapy shall be paid through the medicaid program or by other health insurance that covers the offender. 406
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(H) (1) If an eligible offender who elects to participate in the pilot program has not provided the address of the offender's expected future residence to the chief corrections official of the state or local correctional facility or chief community residential facility official, whichever is applicable, or the official's designee by the time of the offender's release from confinement in the facility, or if the offender changes the offender's residence address after that release, the offender promptly shall provide the offender's supervising authority and the facility with the offender's residence address and telephone number. 418
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(2) If an eligible offender elects to participate in the pilot program, a failure of the offender to comply with the 429
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terms and conditions established under division (F)(1) of this 431
section for the offender's participation in the program shall 432
constitute a violation of the offender's supervised release. 433

(I) During the pilot program's operation, commencing July 434
1, 2017, the department of rehabilitation and correction shall 435
evaluate the program and its rate of success. All county 436
correctional facilities, all municipal correctional facilities, 437
all chief corrections officials of such facilities, all 438
community residential facilities, all chief community 439
residential facility officials, and all legislative authorities 440
that pay the cost of operation of a county correctional 441
facility, a municipal correctional facility, or a community 442
residential facility shall cooperate with the department in its 443
evaluation of the pilot program. The department shall prepare a 444
report containing its evaluation, its findings, and 445
recommendations for changes in the program and, not later than 446
January 1, 2019, shall provide copies of the report to the 447
speaker and minority leader of the house of representatives, the 448
president and minority leader of the senate, and the governor. 449

Unless the general assembly, not later than July 1, 2019, 450
enacts legislation that extends the operation of the pilot 451
program for an additional thirty months, the pilot program shall 452
terminate on December 31, 2019. However, if the program 453
terminates on that date, notwithstanding that termination, any 454
offender who commenced participation in the program prior to 455
that date shall continue in the program under the terms and 456
conditions established under division (F)(1) of this section for 457
the offender's participation in the program. If the general 458
assembly, not later than July 1, 2019, enacts legislation that 459
extends the operation of the pilot program for an additional 460
thirty months, the pilot program shall continue until June 30, 461

2022. Notwithstanding the ending of the program, any eligible 462
offender who commenced participation in the program prior to 463
that date shall continue in the program under the terms and 464
conditions established under division (F) (1) of this section for 465
the offender's participation in the program. In enacting the 466
legislation, the general assembly may modify the provisions of 467
this section. Any modifications made shall apply to the pilot 468
program during the additional thirty-month period. 469

Section 2. That existing sections 2929.16 and 2929.26 of 470
the Revised Code are hereby repealed. 471

Section 3. Sections 341.43, 753.34, 2929.16, 2929.26, and 472
5145.33 of the Revised Code, as amended in Sections 1 and 2 of 473
this act or as enacted in Section 1 of this act, shall take 474
effect on January 1, 2017. 475