

As Introduced

133rd General Assembly

Regular Session

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S. B. No. 270

Senator Antonio

Cosponsors: Senators Thomas, Williams, Yuko

A BILL

To amend section 5120.10 and to enact section 1
5120.101 of the Revised Code to adopt several 2
jail reform procedures related to compliance 3
with the Minimum Standards for Jails in Ohio. 4

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

Section 1. That section 5120.10 be amended and section 5
5120.101 of the Revised Code be enacted to read as follows: 6

Sec. 5120.10. (A) (1) The director of rehabilitation and 7
correction, by rule, shall promulgate minimum standards for 8
jails in Ohio, including minimum security jails dedicated under 9
section 341.34 or 753.21 of the Revised Code. Whenever the 10
director files a rule or an amendment to a rule in final form 11
with both the secretary of state and the director of the 12
legislative service commission pursuant to section 111.15 of the 13
Revised Code, the director of rehabilitation and correction 14
promptly shall send a copy of the rule or amendment, if the rule 15
or amendment pertains to minimum jail standards, by ordinary 16
mail to the political subdivisions or affiliations of political 17
subdivisions that operate jails to which the standards apply. 18

(2) The rules promulgated in accordance with division (A) 19
(1) of this section shall serve as criteria for the 20
investigative and supervisory powers and duties vested by 21
division (D) of this section in the division of parole and 22
community services of the department of rehabilitation and 23
correction or in another division of the department to which 24
those powers and duties are assigned. 25

(3) The division of parole and community services, or 26
another division of the department assigned by the director to 27
perform this duty, shall inspect the jails in Ohio to determine 28
whether the particular jail being inspected is in compliance 29
with the minimum standards for jails in Ohio adopted under 30
authority of division (A)(1) of this section that apply to that 31
jail. If the division of parole and community services, as a 32
result of such an inspection, has reason to believe that a 33
particular jail in Ohio is not in compliance with the minimum 34
standards for jails in Ohio adopted under authority of division 35
(A)(1) of this section that apply to that jail, the division, or 36
another division of the department assigned by the director to 37
perform this duty, shall investigate the possible noncompliance. 38

(B) (1) The director may initiate an action in the court of 39
common pleas of the county in which a facility that is subject 40
to the rules promulgated under division (A)(1) of this section 41
is situated to enjoin compliance with the minimum standards for 42
jails or with the minimum standards and minimum renovation, 43
modification, and construction criteria for jails. 44

(2) If the division of parole and community services, as a 45
result of an inspection or investigation described in division 46
(A)(3) of this section, determines that a jail in Ohio is not in 47
compliance with the minimum standards for jails in Ohio adopted 48

under authority of division (A) (1) of this section that apply to 49
that jail and if the director does not initiate an action as 50
described in division (B) (1) of this section, the director shall 51
provide the jail with a written notice of noncompliance and 52
required compliance, as specified in section 5120.101 of the 53
Revised Code. 54

(C) Upon the request of an administrator of a jail 55
facility, the chief executive of a municipal corporation, or a 56
board of county commissioners, the director of rehabilitation 57
and correction or the director's designee shall grant a variance 58
from the minimum standards for jails in Ohio for a facility that 59
is subject to one of those minimum standards when the director 60
determines that strict compliance with the minimum standards 61
would cause unusual, practical difficulties or financial 62
hardship, that existing or alternative practices meet the intent 63
of the minimum standards, and that granting a variance would not 64
seriously affect the security of the facility, the supervision 65
of the inmates, or the safe, healthful operation of the 66
facility. If the director or the director's designee denies a 67
variance, the applicant may appeal the denial pursuant to 68
section 119.12 of the Revised Code. 69

(D) The following powers and duties shall be exercised by 70
the division of parole and community services unless assigned to 71
another division by the director: 72

(1) The investigation and supervision of county and 73
municipal jails, workhouses, minimum security jails, and other 74
correctional institutions and agencies, including the 75
inspections and investigations required under division (A) (3) of 76
this section; 77

(2) The review and approval of plans submitted to the 78

department of rehabilitation and correction pursuant to division	79
(E) of this section;	80
(3) The management and supervision of the adult parole	81
authority created by section 5149.02 of the Revised Code;	82
(4) The review and approval of proposals for community-	83
based correctional facilities and programs and district	84
community-based correctional facilities and programs that are	85
submitted pursuant to division (B) of section 2301.51 of the	86
Revised Code;	87
(5) The distribution of funds made available to the	88
division for purposes of assisting in the renovation,	89
maintenance, and operation of community-based correctional	90
facilities and programs and district community-based	91
correctional facilities and programs in accordance with section	92
5120.112 of the Revised Code;	93
(6) The performance of the duty imposed upon the	94
department of rehabilitation and correction in section 5149.31	95
of the Revised Code to establish and administer a program of	96
subsidies to eligible municipal corporations, counties, and	97
groups of contiguous counties for the development,	98
implementation, and operation of community-based corrections	99
programs;	100
(7) Licensing halfway houses and community residential	101
centers for the care and treatment of adult offenders in	102
accordance with section 2967.14 of the Revised Code;	103
(8) Contracting with a public or private agency or a	104
department or political subdivision of the state that operates a	105
licensed halfway house or community residential center for the	106
provision of housing, supervision, and other services to	107

parolees, releasees, persons placed under a residential 108
sanction, persons under transitional control, and other eligible 109
offenders in accordance with section 2967.14 of the Revised 110
Code. 111

Other powers and duties may be assigned by the director of 112
rehabilitation and correction to the division of parole and 113
community services. This section does not apply to the 114
department of youth services or its institutions or employees. 115

(E) No plan for any new jail, workhouse, or lockup, and no 116
plan for a substantial addition or alteration to an existing 117
jail, workhouse, or lockup, shall be adopted unless the 118
officials responsible for adopting the plan have submitted the 119
plan to the department of rehabilitation and correction for 120
approval, and the department has approved the plan as provided 121
in division (D) (2) of this section. 122

Sec. 5120.101. (A) As used in this section, "minimum 123
standards for jails in Ohio" means the minimum standards for 124
jails in Ohio adopted under authority of division (A) (1) of 125
section 5120.10 of the Revised Code. 126

(B) If the division of parole and community services or 127
another division of the department of rehabilitation and 128
correction assigned by the director of rehabilitation and 129
correction, as a result of an inspection or investigation 130
described in division (A) (3) of section 5120.10 of the Revised 131
Code, determines that a jail in Ohio is not in compliance with 132
the minimum standards for jails in Ohio that apply to that jail 133
and if the director does not initiate a court action as 134
described in division (B) (1) of that section, the director shall 135
send the jail written notice that does all of the following: 136

(1) Indicates that the division has determined that the 137
jail is not in compliance with the applicable minimum standards 138
for jails in Ohio; 139

(2) Specifies the areas in which the jail is not in 140
compliance with the applicable minimum standards; 141

(3) Orders that the jail obtain compliance with the 142
applicable minimum standards within the applicable period of 143
time specified by the rule adopted under division (C) of this 144
section; 145

(4) Provides contact information for one or more persons 146
at the department who can answer questions regarding the 147
noncompliance and work with the jail to obtain compliance and, 148
if an outside corrections expert is appointed under division (D) 149
of this section, for the outside corrections expert. 150

(C) The director of rehabilitation and correction, by 151
rule, shall specify a period of time within which jails that are 152
determined to not be in compliance with the applicable minimum 153
standards for jails in Ohio and that are sent a notice under 154
division (B) of this section must obtain compliance with the 155
applicable minimum standards. The rules may provide different 156
periods of time for different categories of jails and may 157
provide different periods of time for different types of 158
noncompliance. 159

(D) If a jail is determined to not be in compliance with 160
the applicable minimum standards for jails in Ohio and is sent a 161
notice under division (B) of this section ordering that the jail 162
obtain compliance with the applicable minimum standards within a 163
specified period of time, the department may appoint an outside 164
corrections expert to assist the jail in remediating the 165

noncompliance with the applicable minimum standards. An 166
appointment under this division is a temporary appointment, and 167
shall be in effect only for a period of time specified by the 168
department. 169

(E) If a jail is determined to not be in compliance with 170
the applicable minimum standards for jails in Ohio and is sent a 171
notice under division (B) of this section ordering that the jail 172
obtain compliance with the applicable minimum standards within a 173
specified period of time, and if the jail does not obtain 174
compliance with the applicable minimum standards within the 175
specified period of time, the director shall initiate an action 176
in the court of common pleas of the county in which the jail is 177
situated to obtain a court order that enjoins compliance with 178
the applicable minimum standards, orders the temporary 179
suspension of the operation of the jail until the jail obtains 180
compliance with the applicable minimum standards, or orders the 181
closure of the jail. 182

(F) (1) The attorney general shall establish and operate a 183
whistleblower hotline for the purpose of receiving information 184
from persons as specified in division (F) (2) of this section. 185
Upon establishing the hotline, the attorney general shall 186
publicize the fact that the hotline has been established, the 187
purpose of the hotline, contact information for the hotline, and 188
the fact that persons who make reports to the hotline are 189
protected as described in division (F) (3) of this section. 190

(2) Any person who is an employee of a jail in Ohio, or 191
who performs any work in or makes deliveries to a jail in Ohio, 192
and who is not confined in the jail and is not a family member 193
of or visitor to a person confined in the jail, may make a 194
report anonymously to the hotline established under division (F) 195

(1) of this section, that provides information regarding 196
conditions of the jail that the person making the report 197
reasonably believes do not comply with the minimum standards for 198
jails in Ohio that apply to that jail. A person making a report 199
under this division may not be required to provide the person's 200
name or other identifying information to make the report. 201

(3) (a) Except as otherwise provided in division (F) (3) (c) 202
of this section, no person involved in the operation of any jail 203
in Ohio shall take any disciplinary action against an employee 204
for making any report as authorized by division (F) (2) of this 205
section, including, without limitation, doing any of the 206
following: 207

(i) Removing or suspending the employee from employment; 208

(ii) Withholding from the employee salary increases or 209
employee benefits to which the employee is otherwise entitled; 210

(iii) Transferring or reassigning the employee; 211

(iv) Denying the employee promotion that otherwise would 212
have been received; 213

(v) Reducing the employee in pay or position. 214

(b) Except as otherwise provided in division (F) (3) (c) of 215
this section, no person involved in the operation of any jail in 216
Ohio shall take any retaliatory action against a person who 217
performs any work in or makes deliveries to a jail in Ohio for 218
making any report as authorized by division (F) (2) of this 219
section. 220

(c) An employee of a jail in Ohio, and a person who 221
performs any work in or makes deliveries to a jail in Ohio, 222
shall make a reasonable effort to determine the accuracy of any 223

information reported under division (F) (2) of this section. An 224
employee of a jail in Ohio is subject to disciplinary action, 225
including suspension or removal, as determined by the employee's 226
appointing authority, and a person who performs any work in or 227
makes deliveries to a jail in Ohio is subject to retaliatory 228
action, for purposely, knowingly, or recklessly reporting false 229
information under division (F) (2) of this section. 230

(d) As used in division (F) (3) (c) of this section, 231
"purposely," "knowingly," and "recklessly" have the same 232
meanings as in section 2901.22 of the Revised Code. 233

Section 2. That existing section 5120.10 of the Revised 234
Code is hereby repealed. 235

Section 3. (A) There is hereby established the jail system 236
improvement study commission. The commission shall consist of 237
five members. Two of the members shall be members of the senate, 238
with one of those members appointed by the senate president and 239
one appointed by the senate minority leader; two of the members 240
shall be members of the house of representatives, with one of 241
those members appointed by the speaker of the house of 242
representatives and one appointed by the minority leader of the 243
house of representatives; and one of the members shall be 244
appointed by the governor. All appointments shall be made to the 245
commission not later than thirty days after the effective date 246
of this section. 247

The commission shall meet initially not later than 248
fourteen days after the last of its members is appointed. At its 249
first meeting, the commission shall select joint chairpersons, 250
with one being a member appointed by either the president of the 251
senate or the speaker of the house of representatives, and one 252
being a member appointed by either the minority leader of the 253

senate or the minority leader of the house of representatives. 254
After its first meeting, the commission shall meet at the call 255
of the joint chairpersons. 256

The members of the commission shall serve without 257
compensation, but each member shall be reimbursed for the 258
member's actual and necessary expenses incurred in the 259
performance of the member's official duties on the commission. 260

(B) The jail system improvement study commission shall 261
study, investigate, and evaluate all aspects of the operation of 262
all jails in Ohio, including employee training, physical 263
facilities, the sufficiency of resources being supplied by the 264
state for the operation of these facilities, and the sufficiency 265
of the minimum standards for jails in Ohio then in effect. All 266
state agencies and jails shall cooperate with the commission in 267
its study, investigation, and evaluation performed under this 268
division. 269

(C) Not later than the date that is nine months after the 270
last member of the commission is appointed, the jail system 271
improvement study commission shall complete its study, 272
investigation, and evaluation under division (B) of this 273
section, prepare a report that contains its findings and its 274
recommendations for improvements needed in the jail system in 275
this state to ensure the efficient and safe operation of the 276
jails, and send a copy of the report to the governor, the 277
president and minority leader of the senate, and the speaker and 278
minority leader of the house of representatives. Upon the 279
presentation of its report, the commission shall cease to exist. 280