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## OHIO CRIMINAL SENTENCING COMMISSION MEETING

February 15, 2024 10am-12pm  
Ohio Judicial Center, Room 101 or Zoom

- I. Call to Order Chair Chief Justice Sharon Kennedy
- II. Roll Call Director Melissa Knopp
- III. Approval of Minutes from November 16, 2023
- IV. Niki Hotchkiss Resignation
- V. Committee Reports
  - A. Personnel Committee Chief Justice Sharon Kennedy
  - B. Adult Criminal Justice Committee Director Annette Chamber-Smith
  - C. Juvenile Justice Committee Judge Robert DeLamatre
  - D. Data Committee Chief Justice Sharon Kennedy
- VI. Legislative Update Alex T. Jones
- VII. Old Business
  - A. Monitoring Report **(VOTE NEEDED)** Todd Ives
- VIII. New Business
  - A. Commission Staff Organizational Charts & Commission Coordinator Position **(VOTE NEEDED)** Director Melissa Knopp
  - B. Unconstitutional Ohio Revised Code Sections **(VOTES NEEDED)**
    - 1. Adult Statutory Changes Will Davies
    - 2. Juvenile Statutory Changes Alex T. Jones
  - C. Proposed Juvenile Committee Language for ORC §181.21 **(VOTE NEEDED)** Alex T. Jones
  - D. Proposed Language to Commission Duties Regarding Juveniles for ORC §181.26 **(VOTE NEEDED)** Alex T. Jones
  - E. Senator Vernon Sykes Letter Chief Justice Sharon Kennedy
- IX. Adjourn

### 2024 Full Commission Meeting Dates

*All meetings will be at the Ohio Judicial Center unless otherwise indicated:*

Thursday, May 16, 2024 at 10am, Dining Room, 2<sup>nd</sup> Floor

Thursday, September 12, 2024 at 10am, Room 101

Thursday, November 21, 2024 at 10am, Room 101



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## **OHIO CRIMINAL SENTENCING COMMISSION MEETING**

November 16, 2023, 10am-12pm

Ohio Judicial Center, Room 281

### **MEMBERS PRESENT**

Sharon L. Kennedy, Chief Justice, Chair  
Nick Selvaggio, Common Pleas Court Judge, Vice-Chair  
Amy Ast, Director, Department of Youth Services  
Brooke Burns, Ohio Public Defender, Juvenile Department  
Beth Cappelli, Judge, Municipal Court  
Charles Chandler, Peace Officer  
Sean Gallagher, Judge, Appellate Court  
Joe Grubers, Ohio Department of Rehabilitation and Correction  
Latyna Humphrey, House of Representatives  
Kristen Johnson, Judge, Probate and Juvenile Court  
Nathan Manning, Ohio Senate  
Jennifer Muench-McElfresh, Judge, Common Pleas Court  
Charles Jones, State Highway Patrol  
Larry Sims, Sheriff  
Helen Wallace, Judge, Juvenile Court  
Donnie Willis, County Commissioner  
Tim Young, Ohio Public Defender  
Vernon Sykes, Ohio Senate

### **MEMBERS ATTENDING BY ZOOM**

Nicole Condrey, Mayor  
Gwen Howe-Gebbers, County Prosecutor, Juvenile  
Darren Shulman, Municipal Prosecutor  
Kenneth Spanagel, Judge, Municipal Court  
Josh Williams, House of Representatives  
Tyrone Yates, Judge, Municipal Court

### **MEMBERS ABSENT**

Robert DeLamatre, Judge, Juvenile Court  
Robert Krapenc, Attorney, Criminal Defense  
Charles McConville, County Prosecutor  
Stephen McIntosh, Judge, Common Pleas Court

### **STAFF PRESENT**

Melissa Knopp, Executive Director  
Michael Crofford, Research Specialist  
Will Davies, Criminal Justice Counsel  
Niki Hotchkiss, Assistant Director  
Todd Ives, Research Specialist  
Alex Jones, Criminal Justice Counsel



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## Call to order and Roll Call

1. Chief Justice Kennedy called the meeting to order. Director Melissa Knopp took roll call; a quorum was present.

## Approval of minutes from September 21, 2023

2. Chief Justice Kennedy asked the Commissioners if there were any amendments to the minutes of the September 21, 2023, meeting. Judge Cappelli wanted to clarify that she suggested under personnel matters that hiring the executive director follow the same process as other positions. This is reflected in the Operating Guidelines but not in the minutes. This change was confirmed to be made to the draft minutes. Judge Cappelli moved to accept the minutes with this change, Judge Johnson seconded. Minutes passed unanimously.

## Introduction of Executive Director Melissa Knopp

3. Chief Justice Kennedy welcomed Melissa Knopp as the new Executive Director of the Sentencing Commission. Ms. Knopp introduced herself, including her background and past experience and mentioned that she will be reaching out to members individually to discuss priorities for the Commission.

## Committee Reports

4. Joe Gruber, designee for Director Annette Chambers-Smith of the Department of Rehabilitation and Correction, gave a brief overview of the matters discussed at the first meeting of the adult criminal justice committee. On October 19, the committee met over Zoom and discussed unconstitutional code sections that are present in the Ohio Revised Code, jail time credit and the Uniform Sentencing Entry, and SB201 Reagan Tokes Law. The committee will next meet in January 2024.
5. Judge Helen Wallace reported that the juvenile justice committee met on September 21 and November 2 and created a list of priorities they would like to address, though with some current issues and legislation pending, the priorities are fluid. The committee will meet next on December 7, 2023, via zoom.
6. Chief Justice Kennedy reported that data committee co-chair Lori Criss will be moving from her position at Ohio Mental Health and Addiction Services (Ohio MHAS) to the Ohio State University and therefore will no longer serve as Co-Chair of the data committee. The data committee met September 21 and on October 26 and focused on what the statutory language reflects about data. In October, the Chief Data Officer from



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Ohio MHAS discussed matters key to effective Data Governance and Supreme Court of Ohio Information Technology Director, Robert Stuart, discussed information contained in the Ohio Courts Network. The Chief Justice is planning to visit the Bureau of Criminal Investigation with Robert to understand what information they store and what can be used. The committee will continue on this path, understanding what information is collected and where and what information is necessary for the Commission to fulfill its responsibilities. The next meeting has not yet been set.

### Legislative Update

7. Alex Jones briefly went over the legislative update included in the meeting materials. He specifically discussed HB56, HB111, HB122, and HB139 as of particular interest to Commission members as they create a new criminal offense, modify existing penalties, and/or modify special victim classifications. HB67 includes specific duties for the Sentencing Commission, namely creating a sample application form and to notify certain entities if new legislation provides for a reduction in penalty.
8. Chief Justice Kennedy asked about why the statutory language regarding the juvenile committee was eliminated from the Sentencing Commission enabling legislation. There are few documents that can be found about why it was eliminated. Chief Justice Kennedy is planning to ask Judge Wallace to investigate this and to look for records about this request.

### Old Business

9. Revisions to the Commission Operating Guidelines were presented at the September 21 meeting. No members proposed additional modifications. Judge Cappelli moved to accept the guidelines as distributed with meeting materials and Judge Muench-McElfresh seconded. The motion passed unanimously through a roll call vote.
10. With the passage of the Operating Guidelines, there needs to be a formation of a personnel committee for the Commission. Chief Justice Kennedy clarified that the Supreme Court of Ohio's Human Resources department will continue to assist and support the activities of the personnel committee, but the committee will do the primary work when needed. Chief Justice Kennedy, Darren Shulman, Chief Chandler, and Gwen Howe-Gebbers volunteered to serve on the personnel committee. Judge Johnson moved to accept these four members as the personnel committee, seconded by Judge Cappelli. The motion is passed unanimously through a voice vote.

### New Business



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11. Chief Justice Sharon Kennedy updated the Commission on the status of appointments and that the Governor's Office was already in the process of appointing members whose term will expire on January 1. She asked Commission Members whose terms are expiring soon to contact her by letter, if it is a judicial appointment, letting her know if they wish to renew their terms or not. She then stated that if it was a Governor appointment, they should contact Hailey Dunahay from the Governor's office to express the same.

### Wrongful Conviction and Postconviction Relief

12. Director Knopp introduced Representative Jarrells, who is sponsoring a to-be-introduced bill to speed up the process of a new trial if there is new evidence. This issue goes hand in hand with the letter from the Supreme Court regarding Criminal Rule 33. Representative Jarrells mentioned that he is trying to talk to as many stakeholders as possible to get feedback to improve the bill prior to introduction. There was brief discussion about if this makes sense for criminal matters in municipal court, since the sentence may be completed by the time the proposed process occurs. There was extensive discussion about whether the Commission should comment on the bill since it has not yet been introduced. There was a discussion about the role of the Commission committees in such a matter and whether this was something that could be considered for them.
13. Chief Justice Kennedy made a motion to consider this bill in conjunction with the Supreme Court of Ohio letter to the Commission regarding Rule 33.1, seconded by Senator Sykes. Judge Selvaggio asked for clarification on the motion and after a brief discussion the motion was withdrawn. Tim Young made a motion to examine the bill from Representative Jarrells prior to its introduction, which was seconded by Brooke Burns. A voice vote was taken and due to there not being a unanimous opinion, a roll call vote taken, four votes in favor of the motion and fourteen opposed. Those voting against the motion were: Chief Justice Kennedy, Judge Selvaggio, Director Ast, Judge Cappelli, Joe Gruber, Chief Chandler, Judge Gallagher, Judge Johnson, Senator Manning, Colonel Jones, Sheriff Sims, Judge Wallace, Judge Muench-McElfresh, and Commissioner Willis. The "YES" votes were Brooke Burns, Representative Humphries, Senator Sykes, and Tim Young.
14. Judge Johnson moved that the adult criminal justice committee examine the issue of postconviction relief pursuant to the letter by the Supreme Court of Ohio and was seconded by Representative Humphrey. After short discussion, the motion was amended by Judge Johnson, that the adult criminal justice committee consider the statutory scheme for postconviction relief, seconded by Representative Humphrey. A



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short discussion followed where it was concluded that the Commission does not need to vote on what committees consider. The motion was then withdrawn.

### House Bill 1 Report

15. Research Specialist Todd Ives reviewed the draft of the biennial House Bill 1 Impact Study report that was included in the meeting materials. A final version of the report is due to the Governor and the General Assembly by December 31, 2023. Todd reviewed the results and recommendations. There were no questions or discussion. Tim Young moved to accept the report, Chief Justice Kennedy seconded. Motion passed unanimously.

### Monitoring report

16. Chief Justice Kennedy informed the Commission that ORC section 181.25 requires a biennial monitoring report due to the General Assembly and Governor on January 1<sup>st</sup>, 2023. She suggested that the Commission send a letter to the General Assembly and the Governor that the staff will begin updating the report and the Commission will approve it at the February meeting. Although late, the Commission will comply with statutory requirements.

### Announcements and Adjournments

17. Vice-Chair Judge Selvaggio wanted to say thank you to those Commission members who may be at their last Commission meeting including Judge Gallagher, Judge Cappelli, and Tim Young. Representative Humphrey moved to adjourn, seconded by Sheriff Sims. Motion passed unanimously. Meeting adjourned at 11:42am.



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**TO:** Ohio General Assembly

**FROM:** Ohio Criminal Sentencing Commission

**DATE:** February 15, 2024

**RE:** Adult Unconstitutional Ohio Revised Code Sections

[R.C. 181.25\(A\)\(4\)](#) directs the Ohio Criminal Sentencing Commission (the Commission) to study the existing sentencing structure of the state and recommend necessary changes. Consistent with the Commission's statutory mandate, this memorandum is notification to the General Assembly that legislative action may be necessary, as the Supreme Court of Ohio has held the following criminal code sections unconstitutional in whole or in part. While the commission does not offer specific corrections or fixes, the legislature will need to evaluate the purpose of these code sections and decide whether they need to be repealed, modified or rewritten in some way.

### **2901.08(A)**

R.C. 2901.08(A) allows a court to use an adjudication of delinquency or juvenile traffic offender as a conviction when considering appropriate charges or sentence of the person now that they have attained adulthood. The Supreme Court found that it was unconstitutional to use that juvenile record against an adult.

The Supreme Court in [State v Hand, 149 Ohio St.3d 94, 2016-Ohio-5504](#) found that R.C. 2901.08(A) violates the Due Process Clauses of Article I, Section 16 of the Ohio Constitution and the Fourteenth Amendment to the United States Constitution because it is fundamentally unfair to treat a juvenile adjudication as a previous conviction that enhances either the degree of or the sentence for a subsequent offense committed as an adult. A juvenile adjudication cannot be used to increase a sentence beyond a statutory maximum or mandatory minimum.

### **2907.03(A)(13)**

R.C. 2907.03 is the offense of Sexual Battery. For the offense of Sexual Battery, only subsection (13) is unconstitutional. Subsection (13) applies strict liability to police officers regardless of the relationship with the victim. This is an instance where the legislature must decide whether the underlying principles of holding a police officer strictly liable necessitates a rewrite of this statute, a repeal of the statute or some other resolution.

The Supreme Court in [State v. Mole, 149 Ohio St.3d 215, 2016-Ohio-5124](#) found that R.C. 2907.03 is generally a valid scheme insofar as it imposes strict liability for sexual conduct on various classes of offenders who exploit their victims through established authoritarian relationships. But subdivision (A)(13) irrationally imposes that same strict liability on peace officers even when there is no occupation-based relationship between the officer and the victim. The Court concluded that R.C. 2907.03(A)(13) is an





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arbitrarily disparate treatment of peace officers that violates equal protection under the Ohio Constitution and the United States Constitution.

### **2953.73(E)(1)/2953.72(A)(8)**

The sentence at issue is found in R.C. 2953.73(E)(1) and states, "If the offender was sentenced to death for the offense for which the offender claims to be an eligible offender and is requesting DNA testing, the offender may seek leave of the supreme court to appeal the rejection to the supreme court \* \* \*." By severing the phrase "seek leave of the supreme court to," the court removed the offending discretionary-review process. The statute then permissibly reads, "If the offender was sentenced to death for the offense for which the offender claims to be an eligible offender and is requesting DNA testing, the offender may appeal the rejection to the supreme court."

With regards to 2953.72(A)(8) by severing the text that reads "seek leave of the supreme court to" and "to that court if the offender was sentenced to death for the offense for which the offender is requesting the DNA testing and, if the offender was not sentenced to death for that offense, may appeal the rejection to the court of appeals," the section is left with the direction that "the offender may appeal the rejection."

The Supreme Court's solution was to sever the offending language to make the statutes constitutional. Until the legislature makes a decision and adopts or changes the severance that the Supreme Court decided, then the language remains in the Ohio Revised Code.

The Supreme Court in [\*State v. Noling\*, 149 Ohio St.3d 321, 2016-Ohio-8252](#) found that R.C. 2953.73(E)(1), which denies appeals of right from rejections of applications for DNA testing in cases in which the death penalty is imposed, is unconstitutional. The court held that unconstitutional portions of R.C. 2953.73 are severed. After severance, R.C. 2953.73 entitles capital offenders to appeals of right to the Supreme Court. Further the Court held that the same analysis applies equally to 2953.72(A)(8).

### **2950.031 and 2950.032**

R.C. 2950.031 allowed the Ohio Attorney General to reclassify registered sex offenders into the new Tier classification system. R.C. 2950.032 required the same reclassification, except for incarcerated sex offenders. The Supreme Court held that the legislature could not give the executive branch a function that is for the judicial branch. Judges had already made the findings and ordered registrations, so the executive could not be given the authority to undo that decision and reclassify.

The Supreme Court in [\*State v. Bodyke\*, 126 Ohio St.3d 266, 2010-Ohio-2424](#), found that R.C. 2950.031 and 2950.032 violate separation of powers by requiring executive branch to reclassify sex offenders already classified by court order. Only appellate courts are constitutionally permitted to review or modify court judgments. The Executive branch may not reopen final judgments.

For further information or inquiry please contact Melissa A. Knopp, Esq., Director of the Ohio Criminal Sentencing Commission, at [Melissa.Knopp@sc.ohio.gov](mailto:Melissa.Knopp@sc.ohio.gov) or (614) 378-9311.





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**TO:** Ohio General Assembly

**FROM:** Ohio Criminal Sentencing Commission

**DATE:** February 15, 2024

**RE:** Juvenile Unconstitutional Ohio Revised Code Section

[R.C. 181.25\(A\)\(4\)](#) directs the Ohio Criminal Sentencing Commission (the Commission) to study the existing sentencing structure of the state and recommend necessary changes. Consistent with the Commission's statutory mandate, this memorandum is notification to the General Assembly that legislative action may be necessary, as the Supreme Court of Ohio has held that a portion of the state's juvenile sentencing structure, [R.C. 2152.86](#), is unconstitutional.

R.C. 2152.86 imposes an automatic, lifetime requirement of sex-offender registration and notification on qualifying juvenile offenders who have been adjudicated delinquent for committing certain sex offenses. The juveniles who are subject to this mandatory registration are Public Registry-Qualified Juvenile Offender Registrants. They are 14 years of age or older, have been subject to a serious youthful offender dispositional sentence, and have been adjudicated delinquent for committing, attempting or conspiring to commit, or complicity in committing one of the delineated sex offenses outlined in R.C. 2152.86(A)(1)(a)-(c).

In 2012, the Supreme Court of Ohio, in *In re C.P.*, [131 Ohio St.3d 513](#), [2012-Ohio-1446](#), held that the R.C. 2152.86 automatic, lifetime registration and notification penalty constitutes cruel and unusual punishment and, therefore, violates both the Eighth Amendment to the United States Constitution and the Ohio Constitution, Article I, Section 9. Additionally, the Court found that the procedure for the imposition of the penalty violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution and the Ohio Constitution, Article I, Section 16.

Despite the unconstitutional findings, the text of R.C. 2152.86 has remained, unchanged, in the Ohio Revised Code. As a result, numerous appellate courts have had to intervene to correct trial court orders that have erroneously been issued under R.C. 2152.86.

The Commission's suggestion to the General Assembly is that R.C. 2152.86 either be repealed in its entirety or be amended to conform with the decision in *In Re C.P.*

For further information or inquiry please contact Melissa A. Knopp, Esq., Director of the Ohio Criminal Sentencing Commission, at [Melissa.Knopp@sc.ohio.gov](mailto:Melissa.Knopp@sc.ohio.gov) or (614) 378-9311.



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# LEGISLATIVE UPDATE

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February 15, 2024



# OHIO

## CRIMINAL SENTENCING COMMISSION

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### UPCOMING LEGISLATIVE SESSIONS:

House: April 10, April 24, May 8, May 22, June 12, June 26

Senate: April 10, April 24, May 8, May 22, June 12, June 26



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### Legislative Update February 2024

Consistent with [R.C. 181.23](#) and [181.25](#), the Commission staff regularly monitors, analyzes, and summarizes all bills that are introduced in the General Assembly that provide for new criminal offenses, change the penalty of any criminal offense, impact the sentencing structure in Ohio, and impact the number and type of offenders who are imprisoned. Additionally, the Commission staff monitors, analyzes, and summarizes all bills that impact the provisions outlined in [R.C. 181.27](#).

#### 135<sup>th</sup> General Assembly

The bills outlined below are listed in the order of their introduction. Bills that provide for new criminal offenses, change the penalty for existing criminal offenses, or impact sentencing are listed first, followed by an “Other Bills of Interest” section. Special attention should be given to House Bill 67, which directly impacts the work of the Commission. If passed, HB 67 would enact a new section (R.C. 181.26) requiring the Commission to perform additional duties.

#### **Bills Providing for New Criminal Offenses** **Bills That Change the Penalty for Existing Criminal Offenses** **Bills Impacting Sentencing**

**House Bill 20 (Swearingen)**  
**Enact the Computer Crimes Act**  
**Status: In House Committee**  
**Commission Interest: New Criminal Offense(s)**

[House Bill 20](#) (HB 20) was introduced on February 15, 2023, and was referred to the House Criminal Justice Committee on February 16, 2023. The fourth hearing was held on March 28, 2023. The bill creates new criminal offenses that cover crimes committed using, or involving, computers.

- The bill creates the new felony of the fifth, fourth, third or second-degree offense of computer trespass, which means to knowingly and without authorization gain access to, or cause access to be gained to, a computer, computer system, or computer network under delineated circumstances.
- The bill creates the new felony of the fourth-degree offense of electronic computer services interference which prohibits an offender from knowingly and without authorization causing the transmission of data, a computer program, or an electronic command that interrupts or suspends



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access to or the use of a computer network or computer service with the intent to impair the functioning of a computer network or computer service.

- The bill creates the new felony of the fourth-degree offense of electronic data tampering which, under delineated circumstances, prohibits an offender from knowingly and without authorization altering data as it travels between two computer systems over an open or unsecure network or introducing malware into an electronic data, computer, computer system, or computer network.
- The bill creates the new felony of the fourth-degree offense of electronic data manipulation which prohibits an offender from knowingly and without authorization altering data as it travels between two computer systems over an open or unsecure network or introducing malware into any electronic data, computer, computer system, or computer network under circumstances that do not constitute the offense of electronic data tampering.
- The bill creates the new felony of the fourth-degree offense of electronic data theft which prohibits an offender from knowingly and without authorization obtaining electronic data with the intent to defraud, deceive, extort, or commit any crime OR to wrongfully control or obtain property or wrongfully gain access to electronic data.
- Finally, the bill creates the new felony of the fourth-degree offense of unauthorized data disclosure which prohibits an offender from knowingly and without authorization making or causing to be made a display, use, disclosure, or copy of data residing in, communicated by, or produced by a computer, computer system, or computer network. This new offense also prohibits an offender from knowingly and without authorization disclosing a password, identifying code, personal identification number, or other confidential information that is used as a means of access to a computer, computer system, computer network, or computer service.

The bill makes several other changes to the Ohio Revised Code related to computer crimes. Notably, the bill adds the crime of “electronic computer service interference” to the list of offenses that, if committed by reason of the race, color, religion, or national origin of another person or group of persons, constitute the crime of ethnic intimidation.

### **House Bill 33 (Edwards)**

**Establishes operating appropriations for fiscal years 2024-2025**

**Status: Enrolled and Signed by the Governor**

**Commission Interest: R.C. 181.27**

**House Bill 33** (HB 33) was this biennium’s budget bill. The bill was introduced on February 15, 2023, and was signed by the Governor on July 4, 2023. The bill modified many aspects of the revised code. Notably, HB 33 clarified that, for purposes of R.C. 2953.32 expungements, all entities other than the bureau of criminal identification and investigation must destroy, delete, and erase the official records so that the records are permanently irretrievable. The bill also modified the sealing and



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expungement eligibility criteria for offenders who have multiple F3 convictions and made fourth-degree misdemeanor domestic violence convictions eligible for sealing.

### **House Bill 37 (Johnson, Miller, K.)**

#### **Increase penalties for OVI and aggravated vehicular homicide**

#### **Status: In House Committee**

#### **Commission Interest: Change in Penalty for Existing Criminal Offense(s)**

**House Bill 37** (HB 37) was introduced on February 15, 2023, and was referred to the House Criminal Justice Committee on February 16, 2023. The fourth hearing was held on December 12, 2023. The bill makes changes to 2903.06 (Aggravated Vehicular Homicide) and to 4511.19 (Operating a Vehicle Under the Influence of Alcohol or Drugs). The changes are best summarized by first examining existing law and then analyzing how the proposed changes differ from existing law.

#### *2903.06 Aggravated Vehicular Homicide (OVI at the time of offense)*

For F1 offenses, the bill makes modifications to the criteria necessary for the imposition of one of the two available mandatory prison terms.

Under current law, an offender being sentenced on an aggravated vehicular homicide offense (involving an OVI) is subject to a mandatory prison term of ten, eleven, twelve, thirteen, fourteen, or fifteen years if the offender has previously been convicted of:

- three or more OVI offenses within the previous ten years,
- three or more aggravated vehicular homicide offenses (involving an OVI) within the previous ten years,
- three or more aggravated vehicular assault offenses (involving an OVI) within the previous ten years,
- three or more involuntary manslaughter offenses (involving an OVI) within the previous ten years,
- a combination of three or more of the preceding offenses within the previous ten years, or
- two or more felony OVI offenses.

Under the bill, an offender being sentenced on an aggravated vehicular homicide offense (involving an OVI) committed after the effective date of the amendment is subject to a mandatory prison term of fifteen, sixteen, seventeen, eighteen, nineteen, or twenty years if the offender has previously been convicted of:

- one OVI offense within the previous ten years,
- one aggravated vehicular homicide offense (involving an OVI),
- one aggravated vehicular assault offense (involving an OVI),



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- one involuntary manslaughter offense (involving an OVI), or
- one felony OVI offense.

The bill states that the fine for the offense of aggravated vehicular homicide (involving an OVI) is mandatory and shall not exceed \$25,000.

### *4511.19 OVI*

The bill increases both the mandatory minimum and possible maximum fines for OVI offenses. Under current law, an offender convicted of an OVI offense is fined as follows:

Type of Offense	Fine
1 <sup>st</sup> offense in 10 years	\$375-\$1,075
2 <sup>nd</sup> offense in 10 years	\$525-\$1,625
3 <sup>rd</sup> offense in 10 years	\$850-\$2,750
Felony OVI Offense	\$1,350-\$10,500

Under the bill, an offender convicted of an OVI offense is fined as follows:

Type of Offense	Fine
1 <sup>st</sup> offense in 10 years	\$750-\$1,250
2 <sup>nd</sup> offense in 10 years	\$1,200-\$2,000
3 <sup>rd</sup> offense in 10 years	\$2,000-\$2,750
Felony OVI Offense	\$2,300-\$10,500

The bill also creates a new notification judges must give at an OVI sentencing. The court must “warn” a person convicted of an OVI that any subsequent OVI conviction that results in the death of another/another’s unborn could result in the person being convicted of aggravated vehicular homicide. The judge must also “warn” the person of the possible penalties for an aggravated vehicular homicide (involving an OVI) offense.

### **House Bill 56 (Plummer, White)**

**Increase penalty-fleeing police; regards motor vehicle pursuit**

**Status: Reported by House Committee**

**Commission Interest: New Criminal Offense(s); Change in Penalty for Existing Criminal Offense(s)**

**House Bill 56** (HB 56) was introduced on February 16, 2023, and was referred to the House Criminal Justice Committee on February 21, 2023. The bill was reported out of Committee on October 18, 2023. HB 56 increases the penalties for the offense of failure to comply with an order or signal of a police officer, creates the new offenses of hooning and complicity to hooning, and requires law





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enforcement entities to adopt a written policy governing the pursuit of a motor vehicle based on statutorily delineated criteria.

For the offense of failure to comply, the bill increases the 2921.331(B) offense level from a first-degree misdemeanor to a fourth-degree felony if the offender willfully eludes or flees police after receiving a visible or audible signal to stop. Under these circumstances, if the offender was fleeing immediately after the commission of a felony, the bill increases the offense level from a fourth-degree felony to a third-degree felony. The bill also states that, if an offender is sentenced to prison for violating 2921.331(B), the prison term shall be served consecutively to any other prison term.

The bill also creates two new offenses: hooning, and hooning complicity. Hooning, a misdemeanor of the first degree, means operating a motor vehicle in a reckless or dangerous manner to provoke a reaction from spectators by speeding, street racing, performing doughnuts, performing burnouts, drifting, rapid acceleration, squealing tires, engine revving, or allowing passengers to ride partially or fully outside of a motor vehicle. Hooning complicity, an unclassified misdemeanor, means being a spectator at a hooning event.

#### **House Bill 83 (Humphrey)**

#### **Remove criminal penalties for certain drug offenses**

#### **Status: In House Committee**

#### **Commission Interest: Change in Penalty for Existing Criminal Offense(s)**

**House Bill 83** (HB 83) was introduced on February 27, 2023, and was referred to the House Criminal Justice Committee on February 28, 2023. The bill changes the offense of possession of drug abuse instruments (R.C. 2925.12) to the offense of making drug abuse instruments. Current law states that it is a criminal offense for a person to “knowingly make, obtain, possess, or use any instrument, article or thing the...primary purpose of which is for the administration or use of a dangerous drug...when the instrument involved is a hypodermic or syringe...” Under the bill, it is only a criminal offense if a person knowingly makes such an instrument, article, or thing.

In addition, the bill also makes a change to R.C. 2925.14. Under current law, it is a criminal offense for a person to knowingly use, or possess with the purpose to use, drug paraphernalia. The bill removes this prohibition in its entirety. Thus, under HB 67, R.C. 2925.14 only prohibits a person from dealing in drug paraphernalia (i.e., to knowingly sell, or manufacture with the purpose to sell, drug paraphernalia.)



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### **House Bill 91 (Patton)**

#### **Prohibit tracking without consent**

#### **Status: In House Committee**

#### **Commission Interest: New Criminal Offense(s)**

[House Bill 91](#) (HB 91) was introduced on March 7, 2023, and was referred to the House Criminal Justice Committee on March 14, 2023. The fourth hearing was held on October 17, 2023. The bill creates the new misdemeanor of the first-degree offense of illegal use of a tracking device or application. The new offense prohibits a person from knowingly installing a tracking device or tracking application on another person's property without the other person's consent. If the victim had previously consented to the installation of a tracking device or tracking application, the bill delineates circumstances that constitute a presumptive revocation of that original consent. The offense does not apply to:

- law enforcement use as part of a criminal investigation,
- parental use in order to track a minor child (under certain circumstances),
- the caregiver of an elder person or disable adult if the tracking is necessary to ensure the safety of the elderly person or disable adult,
- any person acting in good faith on behalf of a business entity for a legitimate business purpose (under certain circumstances), or
- the owner or lessee of a motor vehicle (under certain circumstances).

### **House Bill 111 (LaRe, Miller, K.)**

#### **Increase sentencing range for third degree felony domestic violence**

#### **Status: In Senate Committee**

#### **Commission Interest: Change in Penalty for Existing Criminal Offense(s)**

[House Bill 111](#) (HB 111) was introduced on March 14, 2023, and was referred to the House Criminal Justice Committee on March 22, 2023. The bill was passed by the House on December 13, 2023. HB 111 was introduced in the Senate on December 19, 2023, and was referred to the Senate Judiciary Committee on January 24, 2024. The bill increases the penalty range for third-degree felony domestic violence and creates a presumption in favor of a prison term for the offense. Third-degree domestic violence still requires two or more prior convictions, but the sentencing range increases from the normal third-degree felony range (12 to 36 months) to the higher-level third-degree sentencing range (12 to 60 months) with a presumption in favor of the imposition of a prison term. The bill also increases the mandatory minimum definite prison term for third-degree felony domestic violence convictions involving pregnant victims from 6 months to 12 months and increases the mandatory minimum definite prison term for third-degree felony domestic violence convictions resulting in serious physical harm to a woman's unborn or termination of the pregnant woman's pregnancy from 12 months to 18 months.



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### **House Bill 122 (Pavliga, Miller, A.)**

**Expand intimidation offenses to include guardians ad litem**

**Status: Passed by House; In Senate Committee**

**Commission Interest: New Criminal Offense(s); Impacts Sentencing**

[House Bill 122](#) (HB 122) was introduced on March 21, 2023. HB 122 was passed by the House on June 21, 2023. The bill was introduced in the Senate on September 12, 2023, and was referred to the Senate Judiciary Committee on September 13, 2023. The bill modifies both R.C. 2921.04 (Intimidation of attorney, victim, or witness in criminal case or delinquent child action proceeding) and R.C. 2921.03 (Intimidation). The bill adds guardians ad litem to the list of special victim classes for these offenses. Additionally, the bill expands the prohibited behaviors to include attempts to abuse, threaten, or harass the victim (in addition to the existing prohibitions against attempts to influence, intimidate, or hinder.) Under the bill, when the victim of the offense is a guardian ad litem the violation is a misdemeanor of the first degree.

### **Senate Bill 88 (Smith, Cirino)**

**Expand offense of aggravated menacing for utility workers**

**Status: In Senate Committee**

**Commission Interest: New Criminal Offense(s); Impacts Sentencing**

[Senate Bill 88](#) (SB 88) was introduced on March 21, 2023, and was referred to the Senate Judiciary Committee on March 23, 2023. The second hearing was held on May 9, 2023. SB 88 expands the offense of aggravated menacing to include a new special victim class for utility workers, cable operators, and broadband workers. The bill states that a violation of this section is a first-degree misdemeanor. Subsequent violations are felonies of the fifth degree.

### **House Bill 139 (Roemer, Miller, J.)**

**Increase assault penalties if the victim is a sports official**

**Status: Reported by House Committee**

**Commission Interest: New Criminal Offense(s); Impacts Sentencing**

[House Bill 139](#) (HB 139) was introduced on March 28, 2023. HB 139 was referred to the House Criminal Justice Committee on April 18, 2023. The bill was passed by the House on November 29, 2023. HB 139 was introduced in the Senate on December 5, 2023, and was referred to the Senate Judiciary Committee on December 6, 2023. The bill adds sports officials to the list of special victim classes for assault offenses. To qualify as a special victim, the sports official must be engaged in their official duties



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at the time of the offense, or the offense must be committed in retaliation for an action taken by the sports official when they were engaged in their official duties. Under the bill, assaults of this type are misdemeanors of the first degree and require courts to impose mandatory fines of \$1,500 and 40 hours of community service, in addition to other penalties allowed by law. When the offender has previously been convicted of assault with a qualifying sports official as the victim, the offense is a felony of the fifth degree. The bill also creates statutory definitions for “sports official” and “sports event”.

**Senate Bill 101 (Antonio, Huffman)**

**House Bill 259 (Schmidt, Miller, A.)**

**Abolish death penalty; modify juror challenges in certain cases**

**Status: Senate Bill 101 – In Senate Committee; House Bill 259 -In House Committee**

**Commission Interest: Impacts Sentencing**

[Senate Bill 101](#) (SB 101) was introduced on March 29, 2023. SB 101 was referred to the Senate Judiciary Committee on April 19, 2023. The second hearing was held on November 15, 2023. [House Bill 259](#) (HB 259) was introduced on September 12, 2023, and was referred to the House Finance Committee on September 26, 2023. The second hearing was on October 11, 2023.

The bills abolish the death penalty in Ohio and, accordingly, modify many aspects of the revised code related to the death penalty. The bills also modify the sentencing structures for the existing offenses that allow for a death penalty sentence. Under the bills, a person convicted of aggravated murder would be sentenced in one of three ways: life imprisonment with parole eligibility after 20 years, life imprisonment with parole eligibility after 30 years, or life imprisonment without parole. HB 259 includes a \$10 million appropriation for the Attorney General’s Victim Compensation Program.

**House Bill 196 (Williams, Seitz)**

**Change maximum periods of community control sanctions**

**Status: In House Committee**

**Commission Interest: Impacts Sentencing**

[House Bill 196](#) (HB 196) was introduced on May 31, 2023. The first hearing was held on October 17, 2023. The bill adds a fourth category of available sanctions for technical community control violations. Under the bill, offenders who commit a technical community control violation would be subject to the imposition of a more restrictive nonresidential sanction or a term of temporary incarceration. The available terms of temporary incarceration are:

First technical violation	Jail incarceration of not more than 15 days
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Second technical violation	Jail incarceration of not more than 30 days
Third technical violation	Jail incarceration of not more than 45 days
Fourth or subsequent technical violation	Any sanction of temporary incarceration described in divisions (B)(1)(a) to (c) of R.C. 2929.15

HB 196 also modifies the definition of “technical violation” to apply to all felony offense levels, rather than only fourth degree and fifth degree felony offenses that are not offenses of violence or sexually oriented offenses.

In addition to the technical violation changes as described above, HB 196 modifies the available durations of community control sanctions:

<i>Offense Level</i>	<i>Max. Community Control Duration</i>
Misdemeanor (except minor misd.)	2 Years (current max: 5 years)
Fourth or Fifth Degree Felony	2 Years (current max: 5 years)
Third Degree Felony	3 Years (current max: 5 years)
First or Second Degree Felony	5 Years (current max: 5 years)

### **House Bill 230 (Abrams, Swearingen)**

**Regards drug trafficking, organized trafficking of persons**

**Status: In House Committee**

**Commission Interest: New Criminal Offense(s)**

[House Bill 230](#) (HB 230) was introduced on June 27, 2023. HB 230 was referred to the House Homeland Security Committee on September 12, 2023. The bill was reported by committee on December 6, 2023. The bill creates the new offense of participating in an organization or operation for trafficking in persons, a felony of the first degree. The bill modifies R.C. 2925.03 (Trafficking, aggravated trafficking in drugs) in several ways. The bill increases the existing third-degree felony offense level for trafficking in cocaine to the second-degree felony offense level and increases the existing second-degree felony offense level for trafficking in cocaine to the first-degree felony offense level. The bill increases the existing fourth-degree felony offense level for trafficking in heroin to the second-degree felony offense level, increases the existing third-degree felony offense level for trafficking in heroin to the first-degree felony offense level, and increases the existing second-degree felony offense level for trafficking in heroin to the first-degree felony offense level. The bill increases the existing fifth-degree felony offense level trafficking in a fentanyl-related compound to the second-degree felony offense level,



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increases the existing fourth-degree felony offense level for trafficking in a fentanyl-related compound to the first-degree felony offense level, increases the existing third-degree felony offense level for trafficking in a fentanyl-related compound to the first-degree felony offense level, and increases the existing second-degree felony offense level for trafficking in a fentanyl-related compound to the first-degree felony offense level. The bill creates the new offense of trafficking in methamphetamine. The bill creates a new specification applicable to indictments for R.C. 2903.04 (Involuntary manslaughter) when the victim's death was consistent with opioid overdose or when a fentanyl-related compound was present in the victim's body in lethal amounts.

### **House Bill 234 (Williams, Rogers)**

**Regards imposing sentence on offender who entered an Alford plea**

**Status: In House Committee**

**Commission Interest: Impacts Sentencing**

**House Bill 234** (HB 234) was introduced on June 30, 2023. The third hearing was held on November 14, 2023. HB 234 modifies R.C. 2929.12 (Seriousness of crime and recidivism factors) and R.C. 2929.22 (Determining appropriate sentence for misdemeanors) by prohibiting courts from considering an offender's Alford plea when determining whether the offender shows genuine remorse for the offense. The bill also adds that "[t]he general assembly...hereby declares the purpose of the amendment is to address that Alford pleas are generally disfavored by courts of this state because Alford pleas do not determine the guilt or innocence of the offender."

### **House Bill 295 (Demetriou)**

**Enact the Innocence Act**

**Status: In House Committee**

**Commission Interest: New Offense(s)**

**House Bill 295** (HB 295) was introduced on October 10, 2023, and was referred to the House Criminal Justice Committee on October 24, 2023. The bill amends two sections of the revised code and enacts three new sections. The bill creates three new offenses: failure to verify age of person accessing materials that are obscene or harmful to juveniles, use of false identifying information to access materials that are obscene or harmful to juveniles, and nonconsensual dissemination of fabricated sexual images.



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### **House Bill 322 (Seitz, Abrams)**

**Regards childhood sexual abuse registrants, offense of grooming**

**Status: In House Committee**

**Commission Interest: New Offense(s)**

[House Bill 322](#) (HB 322) was introduced on November 8, 2023 and was referred to the House Civil Justice Committee on November 14, 2023. The third hearing was held on February 6, 2024. HB 322 modifies the statute of limitations for R.C. 2151.421 (reporting child abuse or neglect) to provide that any prosecution for a violation of that section is barred unless it is commenced within four years after the violation is committed. Additionally, HB 322 creates the new offense of grooming. Under the bill, new R.C. 2907.071(B) prohibits someone eighteen years or older from engaging in a pattern of conduct with a minor, who is thirteen years of age but less than sixteen years of age and at least four or more years younger than the offender, when the pattern of conduct would cause a reasonable adult person to believe that the person is communicating with the minor with the purpose to entice, coerce, solicit, or prepare the minor to engage in sexual activity when the offender's purpose is to entice, coerce, solicit, or prepare the minor to engage in sexual activity. Generally, a violation of division (B) of this new section is a misdemeanor of the second degree. If the offender supplied alcohol or a drug of abuse to the minor, the violation is a felony of the fifth degree. Offenders with prior convictions would be charged with a felony of the fourth degree and, if an offender with a prior conviction supplied alcohol or a drug of abuse to the minor, a felony of the third degree. Division (C) of R.C. 2907.071 would prohibit someone eighteen years or older who is in a relationship described in divisions (A)(5) to (13) of R.C. 2907.03 (generally, authority persons in the minor's life) from engaging in the pattern of behavior as described in division (B). Generally, a violation of division (C) of this new section is a misdemeanor of the first degree, and offenders who supply alcohol, victimize children under the age of 13, or have prior convictions are subject to the enhanced felony levels as described above.

### **House Bill 346 (Dell'Aquila)**

**Create offense – manufacture, purchase, or sale of an auto sear**

**Status: In House Committee**

**Commission Interest: New Offense(s)**

[House Bill 346](#) (HB 346) was introduced on November 30, 2023, and was referred to the House Criminal Justice Committee on December 6, 2023. The bill creates the new offense of unlawful manufacture, purchase, or sale of an auto sear, a felony of the fifth degree. The bill also creates the definition of "auto sear", which is any part or combination of parts designed to convert a weapon to automatically discharge more than one round without manual reloading, by a single function of the trigger.





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### **House Bill 366 (Ghanbari)**

#### **Senate Bill 223 (Lang, Rulli)**

#### **Enact FORCE Act re: organized retail theft**

#### **Status: In House Committee; Introduced in Senate**

#### **Commission Interest: New Offense(s); Change in Penalty for Existing Criminal Offense(s)**

[House Bill 366](#) (HB 366) was introduced on December 19, 2023, and was referred to the House Criminal Justice Committee on January 9, 2024. Companion bill, Senate Bill 223 (SB 223) was introduced on February 7, 2024. Among other changes, the bills create a new felony of the third-degree criminal mischief offense when the property involved is a retail pump or meter of an electric vehicle charging station, create the new felony of the fifth degree offense of theft of mail, and create the new offense of organized theft of retail property. Under the bills, organized theft of retail property is either a felony of the third, second, or first degree depending on the value amount of the stolen property.

### **Senate Bill 209 (Hicks-Hudson, Ingram)**

#### **Regards lost or stolen firearms**

#### **Status: In Senate Committee**

#### **Commission Interest: Change in Penalty for Existing Criminal Offense(s)**

[Senate Bill 209](#) (SB 209) was introduced on December 27, 2023, and was referred to the Senate Veterans and Public Safety Committee on January 24, 2024. The bill increases the penalty for failure to report a lost or stolen firearm from a misdemeanor of the fourth degree to a misdemeanor of the first degree and changes the level of culpability for the offense from “knowingly” to “recklessly”.

### **House Bill 377 (Williams, Santucci)**

#### **Enact Human Trafficking Prevention Act**

#### **Status: In House Committee**

#### **Commission Interest: Change in Penalty for Existing Criminal Offense(s)**

[House Bill 377](#) (HB 377) was introduced on January 16, 2024, and was referred to the House Criminal Justice Committee on February 6, 2024. Among other changes, the bill increases the special victim class under kidnapping to include all persons under the age of eighteen, modifies the penalty for kidnapping offenses committed under circumstances where the victim was kidnapped for the purpose of engaging in sexual activity, modifies the penalty for abduction offenses committed under circumstances where the victim was abducted and held in a condition of involuntary servitude, and modifies the penalty for trafficking in persons offenses.



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### **Senate Bill 217 (Blessing III, Johnson)**

**Regards AI-generated products, simulated porn, identify fraud**

**Status: Introduced**

**Commission Interest: New Offense(s)**

[Senate Bill 209](#) (SB 209) was introduced on January 24, 2024. The bill adds making or transmitting simulated obscene material and buying, procuring, possessing, or controlling any simulated obscene material to the list of prohibited behaviors for pandering obscenity involving a minor or impaired person offenses. If the offender makes or transmits any such obscene material the offense is a felony of the third degree. If the offender buys, procures, possesses or controls any such obscene material the offense is a felony of the fourth degree. The bill also creates the definition of “simulated obscene material”.

### **House Bill 392 (Stewart, Plummer)**

**Add nitrogen hypoxia as a method of execution**

**Status: In House Committee**

**Commission Interest: Impacts Sentencing**

[House Bill 392](#) (HB 392) was introduced on February 1, 2024, and was referred to the House Government Oversight Committee on February 6, 2024. Among other related changes, the bill adds nitrogen hypoxia as a method of execution for persons upon whom a death sentence was imposed.

### **House Bill 401 (Miller, K., Demetriou)**

**Create the offense of nonconsensual distribution of a deepfake**

**Status: Introduced**

**Commission Interest: New Offense(s)**

[House Bill 401](#) (HB 401) was introduced on February 6, 2024. The bill creates the new offense of nonconsensual distribution of a deepfake, a misdemeanor of the first degree on a first offense and a felony of the fifth degree on subsequent offenses. The bill creates the definition of a “deepfake”, which is an image or recording that has been convincingly altered or manipulated to misrepresent a person as performing an action or making a statement that the person did not, in fact, perform or make. The bill prohibits an offender, without consent, from creating a deepfake with intent to distribute, distributing a deepfake, or soliciting the creation of a deepfake with intent to distribute, under circumstances where the offender intends to harass, extort, threaten or cause physical, emotional, reputational, or economic harm to the individual falsely depicted.



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### Other Bills of Interest

#### **House Bill 50 (Humphrey, Seitz)**

**Status: Passed by House; In Senate Committee**

**Create mechanism to allow relief-collateral sanction for housing**

[House Bill 50](#) (HB 50) was introduced on February 15, 2023, and was referred to the House Criminal Justice Committee on February 16, 2023. The bill passed the House on May 24, 2023, was introduced in the Senate on May 30, 2023, and was referred to the Senate Community Revitalization Committee on May 31, 2023. The third hearing was held on December 6, 2023. The bill creates a mechanism by which persons previously convicted of a criminal offense may seek relief from the collateral sanctions for housing of that conviction by applying for a Certificate of Qualification for Housing (CQH).

The CQH may be granted by the common pleas court if the court finds by a preponderance that: 1) granting the petition will materially assist the individual in obtaining housing; 2) the individual has a substantial need for the requested relief in order to live a law-abiding life and; 3) the granting of the petition would not pose an unreasonable risk to the safety of the public or any individual.

- If convicted of a felony, an offender may petition the court for the CQH at least 1 year after the offender's release from incarceration and all periods of supervision imposed after that release have ended or, if the offender was not incarcerated, at least 1 year after the offender's final release from all other sanctions imposed for the offense.
- If convicted of a misdemeanor, the offender may petition the court for the CQH at least 6 months after the offender's release from incarceration and all periods of supervision after that release have ended or, if the offender was not incarcerated, at least 6 months after the offender's final release from all other sanctions imposed for that offense.

#### **House Bill 62 (Humphrey)**

**Limit the locations at which a person has no duty to retreat**

**Status: In House Committee**

[House Bill 62](#) (HB 62) was introduced on February 21, 2023, and was referred to the House Government Oversight Committee on February 28, 2023. The first hearing was held on June 13, 2023. Current law states that a person does not have a duty to retreat before using force in self-defense when that person is in any place in which they have a lawful right to be. The bill limits the locations at which a person has no duty to retreat before using force in self-defense to the person's residence, the person's vehicle, or the vehicle of the person's immediate family member, provided the person is lawfully in their residence or the vehicle. The bill also removes language stating that the trier of fact shall not consider



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the possibility of retreat as a factor in determining whether or not a person who used force in self-defense reasonably believed that the force was necessary to prevent injury, loss, or risk to life or safety.

#### **House Bill 67 (Seitz, Williams)**

##### **Regards subsequent reduction in penalties for prior offenses**

##### **Status: In House Committee**

[House Bill 67](#) (HB 67) was introduced on February 27, 2023, and was referred to the House Criminal Justice Committee on February 28, 2023. The second hearing was held on October 24, 2023. The bill states that a qualifying offender who has been sentenced for an offense may apply to the court in which the original penalty, forfeiture, or punishment was imposed if, after the original imposition, the penalty, forfeiture, or punishment for the offense is reduced by a change to the Ohio Revised Code or the Ohio Constitution. This relief is not available to offenders sentenced on an offense of violence. After application is made, the court shall grant the application and make the reduction if the court finds that the change in law is a reduction in a penalty, forfeiture, or punishment for an offense, that the offense is not an offense of violence, that the offender was sentenced for that offense, and that the penalty, forfeiture, or punishment was not imposed pursuant to a negotiated plea agreement.

HB 67 further provides that the Ohio Criminal Sentencing Commission shall prescribe a sample application form that may be used to make the application as described above. The bill also requires the Commission to review all enrolled acts enacted by the general assembly to determine whether the act may provide for a penalty, forfeiture, or punishment reduction. If an enrolled act may provide for one of these reductions, the Commission shall notify the state public defender, each county public defender, and the correctional institution inspection committee. This notification shall include all of the possible reductions in a penalty, forfeiture, or punishment for an offense and a sample application form.

#### **House Bill 124 (Galonksi, Miranda)**

##### **Eliminate period of limitation – rape prosecution or civil action**

##### **Status: In House Committee**

[House Bill 124](#) (HB 124) was introduced on March 21, 2023, and was referred to the House Criminal Justice Committee on March 28, 2023. The first hearing was held on October 17, 2023. The bill modifies R.C. 2901.13(A)(2) by adding R.C. 2907.02 (Rape) to the list of offenses with no statute of limitations for criminal prosecution.



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### **House Bill 314 (Bird, Williams)**

**Regards juvenile court transfer to juvenile's home county**

**Status: Introduced**

[House Bill 314](#) (HB 314) was introduced on October 30, 2023, and was referred to the House Criminal Justice Committee on November 14, 2023. The second hearing was held on December 4, 2023. The bill repeals R.C. 2151.271, eliminating the option for juvenile courts to transfer proceedings against a juvenile to the county where the juvenile resides.



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# Monitoring Sentencing Reform 2023

An Ohio Criminal Sentencing Commission Report

February 2024

DRAFT

**Ohio Criminal Sentencing Commission**

Chief Justice Sharon L. Kennedy, Chair  
Melissa A. Knopp, Esq., Executive Director

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## Ohio Criminal Sentencing Commission

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- County Commissioners Association of Ohio
- Ohio Chief Probation Officers Association
- ODRC Bureau of Adult Detention
- Ohio Prosecuting Attorneys Association
- Office of Criminal Justice Services
- Ohio Legislative Services Commission

## Executive Summary

### Overview

At the November 16, 2023, Ohio Criminal Sentencing Commission (Commission) meeting, it was brought to the Commission's attention that the biennial monitoring report required by Ohio Revised Code Section 181.25(A)(2) was due on January 1, 2023, and was not completed or submitted as required. The Commission directed staff to immediately begin working on the 2023 monitoring report for the Commission's review and potential adoption at the February 16, 2024, meeting. As required by R.C. 181.25(A)(2), Commission staff constructed this report to fully align with the reporting duties as prescribed by R.C. 181.25(A)(2)(a)-(c).

The Commission's enabling statutes were designed around the creation and enactment of Senate Bill 2 (121<sup>st</sup> General Assembly). The statutory language has largely remained unchanged and continues to reflect the intent to monitor the impact of Senate Bill 2 which was passed nearly 30 years ago. Due in large part to ever-changing criminal law and policy in Ohio, Commission monitoring reports dating back to the 1999 report note the difficulty of evaluating the impact of Senate Bill 2 in a vacuum. By showing trends over time, this monitoring report adopts the model of previous reports. The information contained in this report will serve as a baseline for future analysis by comprehensively collating the best available information to address the reporting requirements of R.C. 181.25(A)(2), thereby illuminating what can and cannot be comprehensively studied based on the practical availability of information.

This report relies on publicly available, readily analyzable information at the federal, state, and local levels. Because Ohio is a "home rule" state, for many of the topic areas covered by this report, statewide standardized and comprehensive data is not available to conduct a more detailed analysis on relevant political subdivisions. Throughout previous monitoring reports, the Commission has repeatedly recommended clarifying the measures on monitoring the impact of Senate Bill 2, and criminal justice law and policy more generally. This report echoes those calls. While the general trends and information presented here offer an overview of what data exists and how it can be understood, it is not particularly useful, relevant, or informative for the General Assembly and stakeholders who wish to understand the effect of policy change on the criminal justice system. Further, with the bevy of changes to Ohio's Criminal Code since July 1, 1996, the study of Senate Bill 2 in a vacuum may no longer be viable or useful. Therefore, the Commission and General Assembly should consider modernization of the Commission's enabling statutes, with an emphasis on reporting that will be impactful and functional for policymaking purposes. Any changes to the reporting requirements of the Commission should also consider what data is practically available, particularly at the local level, and harmonize the availability of that data with the duties to evaluate policy.

### Findings

In general, this report contains similar findings to the previous monitoring reports. Among the Ohio Department of Rehabilitation and Corrections prison population, there has been a decreasing percentage of non-violent, non-sex offender F4 and F5 commitments over the last decade. Further, the time served until first release among the prison population has gradually grown from 1.62 years to 2.61 years from 2010 to 2022. This has been paired with a generally increased usage of community control sanctions since 2010. Many of the numbers presented in this report were significantly impacted by the governmental response to COVID-19, which generally led to fewer felony dispositions, felony appeals, prison commitments, and usage of community control sanctions. Further, since the enactment of Senate

Bill 2, criminal appeals did not exponentially increase. These appeals have largely remained stagnant and even decreased in 2020 before increasing slightly in 2021 and 2022. The number of appeals does not account for time and resources spent on each appeal, which is not uniformly tracked by the appellate courts.

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## Contents

Introduction .....	1
Background .....	3
History of Sentencing in Ohio .....	3
Crime and Case Filings in Ohio .....	5
R.C. 181.25(A)(2)(a)(i) Offenders Serving a Term of Community Control post-S.B.2. ....	8
Overview .....	8
Impact on Community Corrections .....	8
R.C. 181.25(A)(2)(a)(ii) Fiscal and other impact on political subdivisions and other relevant aspects of local government .....	13
Overview .....	13
The Fiscal Impact of Major Criminal Justice Legislation from Fiscal Years 2021-2023 .....	13
State Funding by County .....	14
State of Ohio – Budget Line Items .....	17
US Census Bureau: Annual Survey of Local Government Finances .....	22
US Bureau of Labor Statistics, Occupational Employment and Wage Statistics .....	24
Jail Population Metrics .....	27
R.C. 181.25(A)(2)(b) The Impact on State Correctional Institutions .....	30
Overview .....	30
R.C. 181.25(A)(2)(c) The Impact on Appellate Courts .....	37
Overview .....	37
Incoming Criminal Appeals Among Ohio’s Appellate Courts .....	37
Court Statistics Caseload Performance Metrics .....	39
Ohio Public Defender Appeals Statistics .....	40

## Introduction

Ohio Revised Code 181.25(A)(2) requires the Sentencing Commission (Commission) to monitor the impact of the sentencing structure on and after July 1, 1996 (Senate Bill 2 of the 121<sup>st</sup> General Assembly) on state and local government and report on it biennially. The aspects of the sentencing structure that the Commission is to report on are contained in four parts of R.C.181.25(A)(2):

1. **R.C. 181.25(A)(2)(a)(i)**: The number and type of offenders who were being imprisoned in a state correctional institution under the law in effect prior to July 1, 1996, but who are being punished under a community control sanction, as defined in section 2929.01 of the Revised Code, under the law in effect on and after July 1, 1996;
2. **R.C. 181.25(A)(2)(a)(ii)**: The fiscal and other impact of the law in effect on and after July 1, 1996, on political subdivisions and other relevant aspects of local government in this state, including law enforcement agencies, the court system, prosecutors, as defined in section 2935.01 of the Revised Code, the public defender and assigned counsel system, jails and workhouses, probation departments, the drug and alcohol abuse intervention and treatment system, and the mental health intervention and treatment system.
3. **R.C. 181.25(A)(2)(b)**: The impact of the sentencing structure in effect on and after July 1, 1996, on the population of state correctional institutions, including information regarding the number and types of offenders who are being imprisoned under the law in effect on and after July 1, 1996, and the amount of space in state correctional institutions that is necessary to house those offenders;
4. **R.C. 181.25(A)(2)(c)**: The impact of the sentencing structure and the sentence appeal provisions in effect on and after July 1, 1996, on the appellate courts of this state, including information regarding the number of sentence-based appeals, the cost of reviewing appeals of that nature, whether a special court should be created to review sentences, and whether changes should be made to ensure that sentence-based appeals are conducted expeditiously.

This monitoring report is organized in four major sections corresponding to each of the above statutorily mandated study requirements.

### Methodology

This monitoring report is not an academic impact evaluation. By showing trends over time, it attempts to gauge the impact of the sentencing structure on and after July 1, 1996, on the various political subdivisions as mandated by the statute. This monitoring report relies upon publicly available data and administrative data provided by state and local agencies. As noted in the Commission's House Bill 1 Impact Report, required by R.C. 181.27, Ohio is a "home rule" state and, as such, local governments are expected to establish their own data collection methods and reporting systems based on their financial situations and preferences.<sup>1</sup> For many of the topic areas covered, statewide aggregated data does not exist, prohibiting a complete study of the impact of Senate Bill 2 on many political subdivisions. Nevertheless, this monitoring report analyzes existing

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<sup>1</sup> <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/HB1/ISR2023.pdf>

sources of information to illustrate the potential impact of Senate Bill 2 on Ohio's sentencing structure.

Historically, the Commission has suggested clarifying the measures for monitoring the impact of Senate Bill 2.<sup>2</sup> Nearly three decades since the passing of Senate Bill 2, it is difficult to isolate the impacts of the 1996 legislation. This report analyzes the trends of the criminal justice system in relation to the totality of the sentencing structure post- Senate Bill 2. This report focuses on calendar years 2021-2022, as required by the biennial reporting guidelines under R.C. 181.25(A)(2). Where possible, longer-term trends are shown. For future reports, the Commission and the General Assembly should consider what data is collected and available for reporting by state agencies and local political subdivisions when determining which areas of analysis the biennial monitoring reports should focus on. Nearly 30 years since the passage of Senate Bill 2, the statutory elements of these biennial monitoring reports may no longer be relevant or informative. The intent is for this report to serve as a baseline for future analysis and allow for the honing of the reports' structure.

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<sup>2</sup> See for example, the Sixth Monitoring Report (2005), [https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/monitorRpts/monitoring\\_report\\_2005.pdf](https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/monitorRpts/monitoring_report_2005.pdf)

## Background

### History of Sentencing in Ohio<sup>3</sup>

#### 1970's

In 1974, Ohio's criminal code was significantly rewritten based upon the Model Penal Code. It retained indeterminate sentencing with the judge selecting the minimum term from a range set by statute for each of four felony levels. The "tough on crime" era began in the late '70s with the enactment of compulsory sentences for certain drug offenses.

#### 1980's

In the '80s, the General Assembly added mandatory prison terms for a broader array of criminal offenses. The signature bill of the era, Senate Bill 199,<sup>4</sup> mandated longer prison terms for high level "aggravated" felonies, especially on repeat offenses, and for those having firearms while committing felony offenses. Longer mandatory terms were added to misdemeanor law, with increased penalties for impaired drivers. The end result was that eight new sentencing ranges were added to the original four that were contained in the 1974 criminal code.

In the mid '80s, based on the "Governor's Committee on Prison Crowding" report and recommendations, the General Assembly enacted several pieces of legislation that created earned credit programs, fostered more use of halfway houses, encouraged the adoption of parole guidelines, expanded community-based correctional facilities (CBCF's) and enacted provisions to govern sentencing reductions if a prison overcrowding emergency occurs.

#### 1990's

In the '90s, the General Assembly increased the penalties for a number of criminal offenses and reclassified former misdemeanor offenses as felony offenses (such as, domestic violence, nonsupport and impaired driving). In addition, the General Assembly created new mandatory prison terms for sexual offenders. This was also the time of the "Crack Era".

A second Governor's committee, titled the "Governor's Committee on Prison and Jail Crowding", determined systemic change to the state's sentencing structure was needed. Acting on the Committee's recommendations, the General Assembly created the Ohio Criminal Sentencing Commission with the enactment of Senate Bill 258.<sup>5</sup> The Commission was created to develop a comprehensive plan to deal with crowding and a range of other sentencing goals including public safety, consistency, and proportionality.

The truth in sentencing scheme in Ohio, known as Senate Bill 2,<sup>6</sup> arose out of the Commission's first report from 1993, "A Plan for Felony Sentencing in Ohio". Senate Bill 2 established a type of determinate

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<sup>3</sup> Historical information from David Diroll, *Prison Crowding: The Long View* (2011), available at <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/sentencingRecs/MonitoringReport2011.pdf> (accessed Dec. 22, 2023) and Sara Andrews, *Criminal Justice Reform in Ohio* (2019), available at <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/general/CJReformOhioCupp2019.pdf> (accessed Dec. 22, 2023)

<sup>4</sup> 1982 Am.Sub.S.B. No. 199.

<sup>5</sup> 1990 Am.Sub.S.B. No. 258

<sup>6</sup> 1996 Am.Sub.S.B. No. 2



sentencing structure, called a presumptive system, which required minimum sentences from a range of possible penalties. Shortly after its enactment, concerns about the ranges authorized for sexual assaults led to the enactment of follow-up legislation which culminated in lengthy, indeterminate sentences for certain high-level offenders.

### **2000's**

A series of federal Supreme Court decisions<sup>7</sup> led to two 2006 decisions by the Supreme Court of Ohio, *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856 and *State v. Mathis*, 109 Ohio St.3d 54, 2006-Ohio-855. *Foster* and *Mathis* changed the guidance given to judges by Senate Bill 2. These decisions held that the statutory guidelines were merely advisory and that trial court judges have the discretion to impose any sentence that falls within the statutory range for an offense.

By 2006, a decade into the implementation of Senate Bill 2, prisons were crowded, there was a push for broader use of indeterminate sentences for high-level felons, and there was a resounding recognition that the felony sentencing structure had become more complex. As a result, Ohio, along with 28 other states, joined the Justice Reinvestment Initiative (JRI).<sup>8</sup> With the assistance of JRI, and many other policy makers, the General Assembly enacted House Bill 86<sup>9</sup>, House Bill 487<sup>10</sup> and Senate Bill 337<sup>11</sup>. Among other statutory changes, these bills raised the dollar amount thresholds for felony theft offenses, eliminated disparities in the available penalties for crack and powder cocaine offenses, capped sentence lengths for mid-level felony property and drug offenses, eliminated certain sentence enhancements for drug offenders, created “risk reduction” sentence options, expanded judicial release policies, and the addition of a requirement that courts use validated risk assessment tools.

### **2015 - Present**

Over the course of the last 9 years, the General Assembly has enacted legislation that has expanded criminalization while also expanding opportunities for both non-prison sanctions and sealing or expungements of records. Senate Bill 201<sup>12</sup> required qualifying felony offenses of the first and second degree committed on or after the bill’s effective date to include indeterminate sentences. House Bill 1<sup>13</sup> created a presumption of eligibility for intervention in lieu of conviction (ILC) for offenders alleging that drug or alcohol abuse was a factor leading to the commission of an F4 or F5 level offense. The bill also expanded opportunities for lower-level offenders to seal their conviction.<sup>14</sup> The main operating budget bill for Fiscal Year 2022, House Bill 110<sup>15</sup>, addressed “technical violations” of community control and altered periods of post release control (PRC).

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<sup>7</sup> *Blakely v. Washington*, 542 U.S. 296 (2004) and *United States v. Booker*, 543 U.S. 220 (2005)

<sup>8</sup> JRI is a public-private partnership that included the U.S. Justice Department’s Bureau of Justice Assistance, Pew Charitable Trusts, Arnold Ventures, Council of State Governments Justice Institute at Community Resources for Justice, Vera Institute of Justice, and the Crime and Justice Institute.

<sup>9</sup> 2011 Am.Sub.H.B. No. 86.

<sup>10</sup> 2012 Am.Sub.H.B. No. 487.

<sup>11</sup> 2012 Am.Sub.S.B. No. 337.

<sup>12</sup> 2018 Am. Sub. S.B. No. 201.

<sup>13</sup> 2020 Am.Sub.H.B. No. 1.

<sup>14</sup> For a detailed review of the impacts of HB1, see the Commission’s biennial House Bill 1 Impact Reports: <https://www.supremecourt.ohio.gov/criminal-br-sentencing/publications-information/>

<sup>15</sup> 2021 Am.Sub.H.B. No. 110.

As 2022 came to a close, and the 134<sup>TH</sup> General Assembly finished its biennium, Senate Bill 288<sup>16</sup> was enacted to address numerous criminal justice issues, including the creation of the offense of strangulation, the repeal of certain sanctions for illegal use or possession of marihuana drug paraphernalia, the removal of the statute of limitations for murder, a requirement that courts impose mandatory prison terms for repeat OVI offenders, and a further expansion of sealing and expungement eligibilities.

It is important to note that the totality of policy changes to Ohio's sentencing structure post- Senate Bill 2 will have an impact on the political subdivisions analyzed in this report. In other words, Senate Bill 2 cannot be evaluated in a vacuum.<sup>17</sup>

### Crime and Case Filings in Ohio

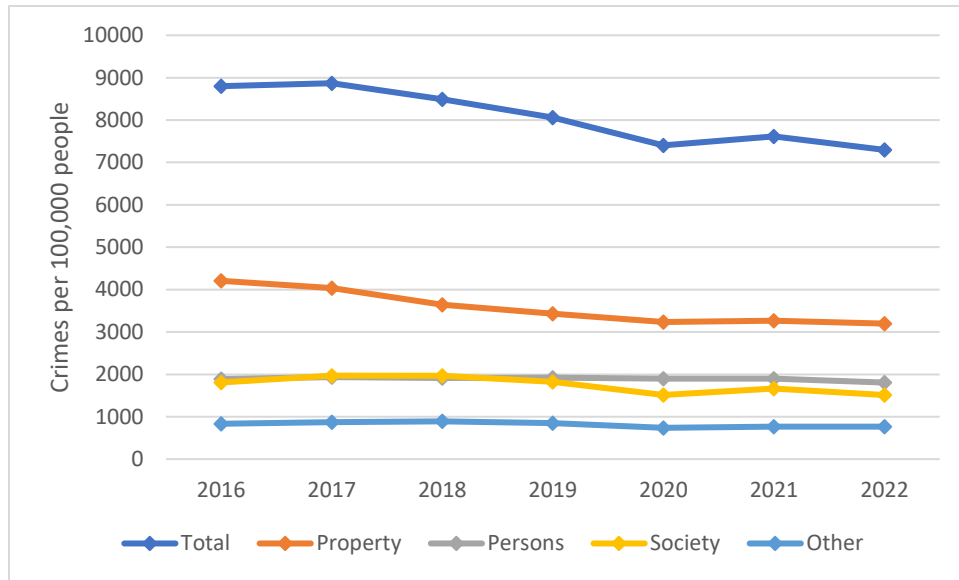
Much of this report focuses on the population and fiscal impact on Ohio's prisons and- on those serving a community sanction. R.C. 181.25(A)(2)(a)(ii) requires this report to assess the fiscal and other impact on local subdivisions such as law enforcement, jails, and the mental health system. In order to provide a baseline context to the figures presented throughout this report, some basic statistics on crime and court filings are presented here. Index crime rate and criminal case filings are common variables used to control or contextualize findings on the impact of laws and policy. Acknowledging that the statutory sentencing structure impacts the crime rate and criminal case loads, these baseline metrics aim to provide a key contextualization for what is happening throughout the criminal justice system. Therefore, these statistics on caseload help ground the analysis on topics like the prison population and those offenders diverted to a community sanction. They also help provide context for the fiscal figures throughout the report.

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<sup>16</sup> 2022 Am.Sub.S.B. No. 288.

<sup>17</sup> For a lengthier discussion of the history of Ohio's sentencing structure see: Felony Sentencing in Ohio: Then, Now, and Now What? (2022), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/Materials/2022/December/SentencingRoundtableReport.pdf> ; The Commission's previous Monitoring Reports also discuss at length the intended outcomes of Senate Bill 2 and the impact at each reports period of publication: <https://www.supremecourt.ohio.gov/criminal-br-sentencing/publications-information/>

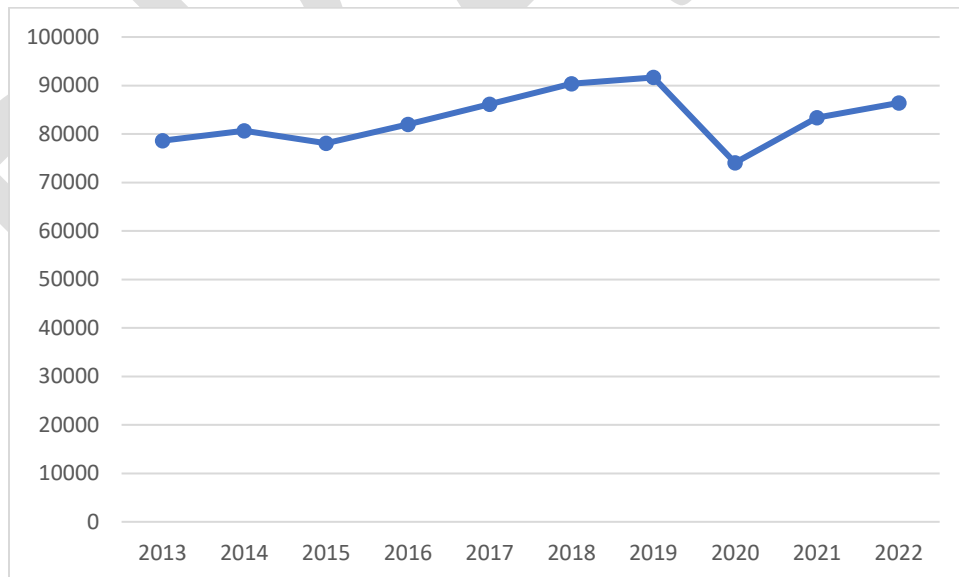
**Figure 1. OIBRS Index Crime Rate, 2016-2022**



*Source: Ohio Office of Criminal Justice Services, Crime in Ohio*

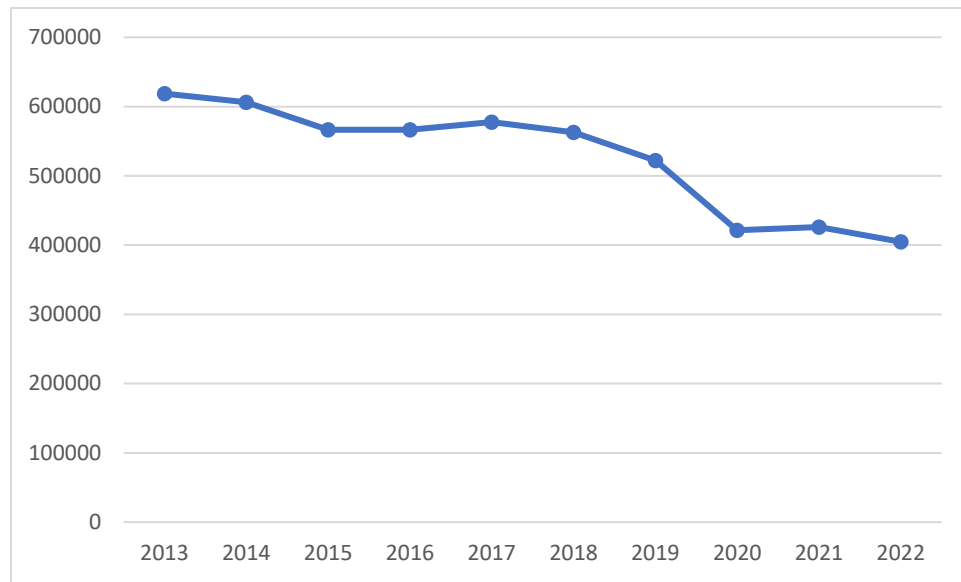
As illustrated, the index crime rate in Ohio has gradually decreased in the past six years, with property crimes representing the largest decrease and crimes against persons and society largely holding steady.

**Figure 2. Total Incoming Criminal Cases, Common Pleas Courts, 2013-2022**



*Source: Office of Court Services, State of Ohio Court Statistics*

**Figure 3. Total Incoming Criminal Cases, Municipal and County Courts, 2013-2022**



*Source: Office of Court Services, State of Ohio Court Statistics*

From 2015 through 2019, common pleas courts in Ohio experienced a steady uptick in criminal caseloads. During the COVID-19 pandemic, which began to impact courts in early 2020, the common pleas courts had a drastically reduced incoming caseload. Caseloads began to rebound in 2021 to pre-COVID levels. Throughout the 2010s, municipal and county courts in Ohio experienced a steady decline in incoming criminal cases, with a drastic decrease in cases during COVID. Since 2020, the number of incoming cases has largely remained the same.

As stated, criminal law and policy impacts crime and case load statistics. Further, the crime rate and number of criminal cases that reach Ohio's trial courts also impacts the metrics discussed in the following sections of this report. While the index crime rate has slightly decreased, the felony caseload has slightly increased. This, matched with a steady decline in incoming municipal and county court cases, suggests that the common pleas courts are processing felony-level crimes consistent with the index crime rate, while the decrease in property crime may explain the decrease in municipal and county court caseloads.

## R.C. 181.25(A)(2)(a)(i) Offenders Serving a Term of Community Control post-S.B.2.

### Overview

The statute requires a report on “The number and type of offenders who were being imprisoned in a state correctional institution under the law in effect prior to July 1, 1996, but who are being punished under a community control sanction, as defined in section 2929.01 of the Revised Code, under the law in effect on and after July 1, 1996.” Previous Monitoring Reports have interpreted this section of the statute as assessing the impact of offenders who normally would have received a prison sentence prior to Senate Bill 22 but who are now sentenced to a term of community control. As noted in previous Monitoring Reports, an intended outcome of Senate Bill 2 was to divert more nonviolent felony offenders away from prison to CBCFs and other community control sanctions.<sup>18</sup>

### Impact on Community Corrections

The following graphics are constructed from data or extant figures provided by the Ohio Department of Rehabilitation and Corrections (ODRC). These trends are intended to illustrate the population diverted to community control sanctions rather than terms of prison incarceration. A full analysis of ODRC’s prison population is highlighted in the third section of this report.

The Bureau of Community Sanctions (BCS) supports community corrections programs in Ohio through the administration of grant and contract funds to local jurisdictions that offer non-residential and residential community supervision programs for adults who may otherwise be incarcerated in local jails or state prisons.<sup>19</sup> Residential programs funded by BCS include Community Based Correctional Facilities (CBCF), Halfway Houses (HWH), Community Residential Centers (CRC), Community Transitional Housing Program (CTHP) and Permanent Supportive Housing (PSH). Nonresidential Community Corrections Act grant funded programs include Probation, Prosecutorial Diversion, Treatment Programs, Electronic Monitoring, and Community Work Service. Additional grant programs administered through BCS include Justice Reinvestment and Incentive Grants (JRIG), Targeted Community Alternatives to Prison (T-CAP) and Probation Services Grants (PSG). Among other duties, BCS is responsible for monitoring these grant and contract expenditures and program utilization. BCS reports on the number of participants served through these programs annually.

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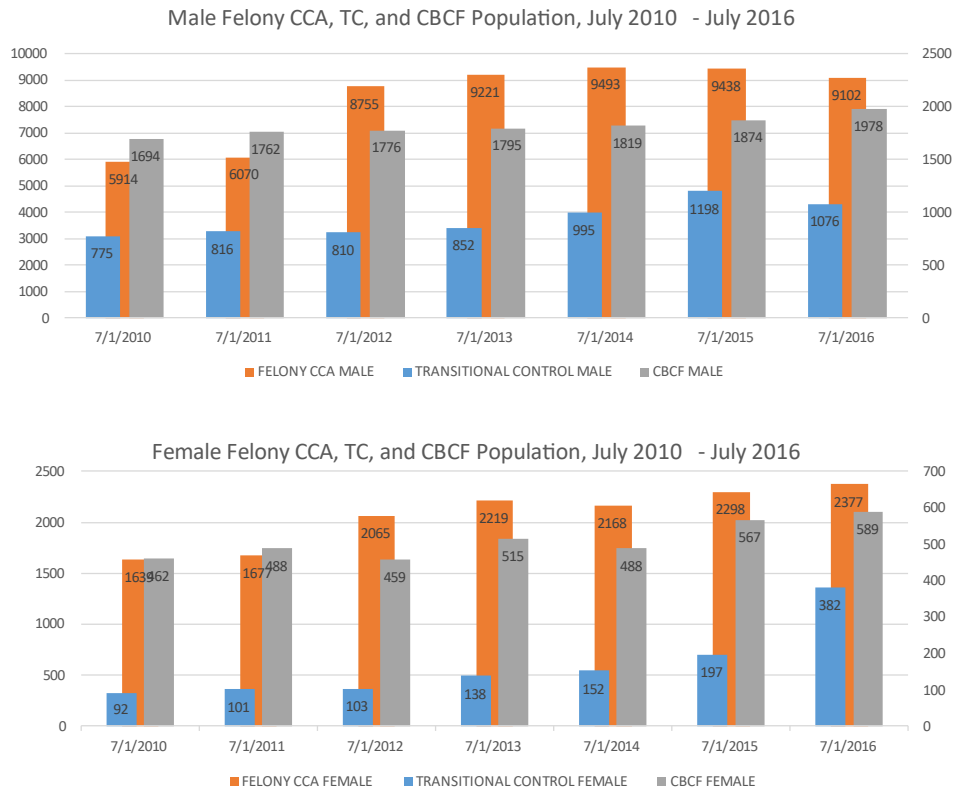
<sup>18</sup> See for example, the Sixth Monitoring Report (2005).

[https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/monitorRpts/monitoring\\_report\\_2005.pdf](https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/monitorRpts/monitoring_report_2005.pdf)

<sup>19</sup> Ohio Department of Rehabilitation and Correction, Bureau of Community Sanctions 2022 Annual Report.

<https://drc.ohio.gov/about/resource/reports/community-sanction-reports/bcs-annual-fy-2022>

**Figure 4: ODRC CCA, TC, and CBCF Population, July 2010 – July 2016**



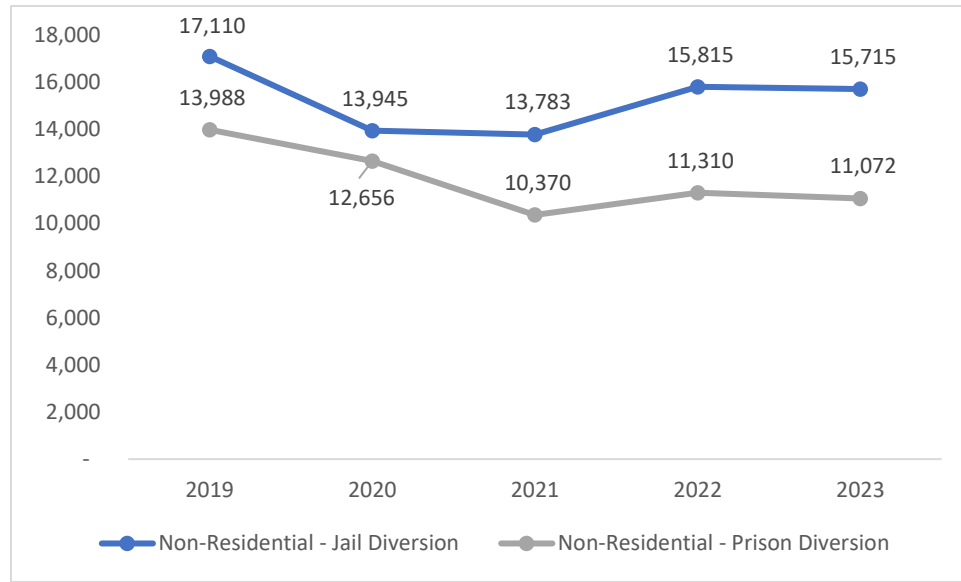
*Source: Ohio Department of Rehabilitation and Correction, Bureau of Research and Evaluation*

Figure 4, provided by ODRC, illustrates a population count on CCA, TC, and CBC participants from 2010-2016. The figures show participation rising in each of these programs over the six-year time period. This increase in participation suggests an increased use of community control sanctions rather than incarceration, an intended outcome of Senate Bill 2 and other key legislation passed since 1996.

Figures 5, 6, and 7 illustrate the total admissions to BCS programs from 2019 through 2023. Note that Figures 5, 6, and 7 are total admissions over a year, rather than a point-in-time population count displayed in Figure 4.

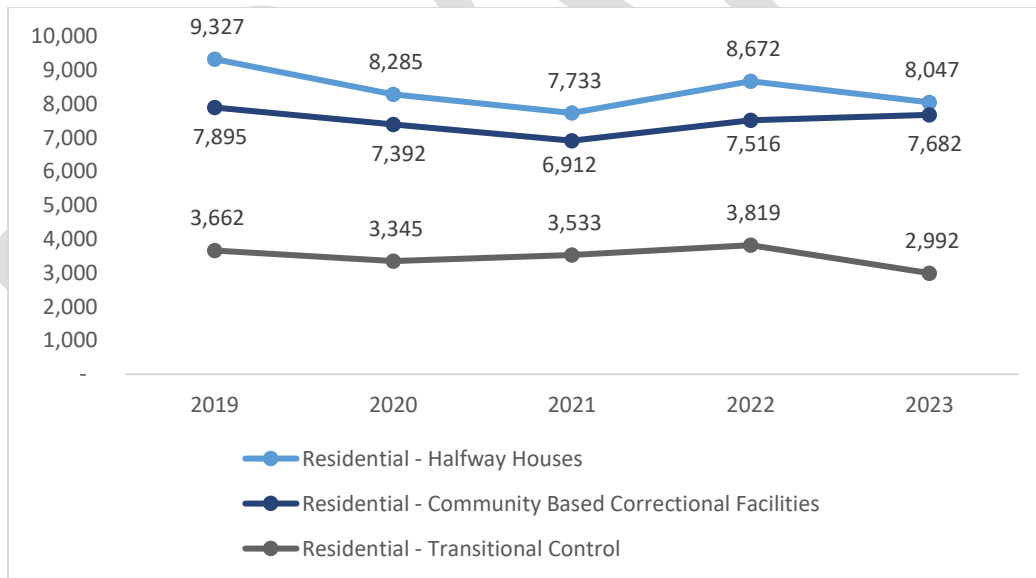
As demonstrated in Figure 5, admissions to the non-residential grant programs for jail and prison diversion decreased slightly during COVID, rebounding post-2020 to slightly below their pre-COVID levels. Figure 6 displays similar trends for halfway houses and community based correctional facilities. Participation in transitional control held steady through COVID but experienced a slight dip in admissions in 2023.

**Figure 5: Non-Residential CCA Grants, Annual Participants Admitted, 2019-2023**



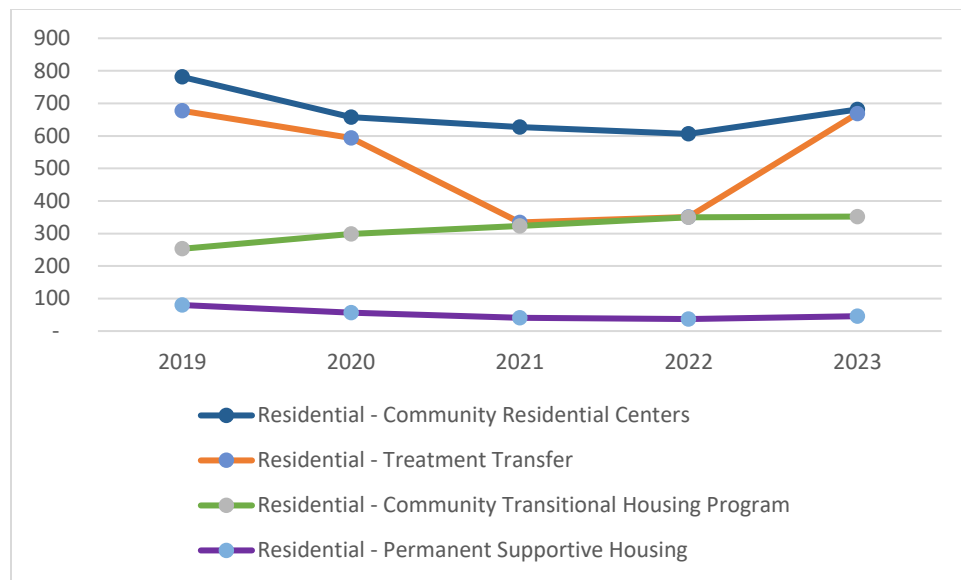
*Source: ODRC Bureau of Community Sanctions, Annual Reports (2019-2023)*

**Figure 6. Residential BCS Grants, Annual Participants Admitted, 2019-2023 (HFH, CBCF, TC)**



*Source: ODRC Bureau of Community Sanctions, Annual Reports (2019-2023)*

**Figure 7. Residential BCS Grants, Annual Participants Admitted, 2019-2023 (CRC, TT, CTHP, PSH)**



*Source: ODRC Bureau of Community Sanctions, Annual Reports (2019-2023)*

Table 1 displays changes in average time served among ODRC's prison population, and the percentage of new commitments who are non-violent, non-sex offender F4s and F5s.

**Table 1: Change in Selected ODRC Population Metrics, 2010-2022**

	Time Served (years) Until First Release (CY; exc. Parole)	Percent Of New Commitments - Nonviolent/Non- Sex Offender F4/F5
<b>2010</b>	1.62	<b>0.427</b>
<b>2011</b>	1.78	
<b>2012</b>	1.88	
<b>2013</b>	1.93	
<b>2014</b>	1.96	
<b>2015</b>	2.01	<b>0.373</b>
<b>2016</b>	2.07	
<b>2017</b>	2.14	
<b>2018</b>	2.24	
<b>2019</b>	2.35	
<b>2020</b>	2.49	
<b>2021</b>	2.73	
<b>2022</b>	2.61	<b>0.245</b>



## Conclusion

In the long term, the trends of increased usage of community control sanctions, COVID notwithstanding, have been paired with longer time-served and fewer non-violent/non-sex offender inmates in the prison population. As displayed in Table 1, the average time served from 2010 to 2022 increased by nearly a year. At the same time, the percentage of new commitments of nonviolent/non-sex offender F4s and F5s decreased from 42.7% in 2010 to just 24.5% in 2022. This suggests that Ohio's sentencing structure post-Senate Bill 2 has diverted more non-violent, low-level offenders from prison to a community control sanction.

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## R.C. 181.25(A)(2)(a)(ii) Fiscal and other impact on political subdivisions and other relevant aspects of local government

### Overview

This provision requires a report on “The fiscal and other impact of the law in effect on and after July 1, 1996, on political subdivisions and other relevant aspects of local government in this state, including law enforcement agencies, the court system, prosecutors, as defined in section 2935.01 of the Revised Code, the public defender and assigned counsel system, jails and workhouses, probation departments, the drug and alcohol abuse intervention and treatment system, and the mental health intervention and treatment system.”

Previous Monitoring Reports have largely avoided showing direct trends of the sentencing structures impact on budgetary and fiscal trends. This report will show general trends as it relates to financial impacts of Ohio’s sentencing structure on local governments. Due to Ohio’s complex and ever-changing sentencing structure post-Senate Bill 2, and the variety of intertwined inputs that affect local budgets, it is challenging to assign specific impacts to local fiscal measures. Further, local governments and political subdivisions are funded through a variety of federal, state, and local sources. Because there is no standardized, analyzable repository of local spending and revenues, this report relies on information gathered from a variety of sources including the U.S. Census Bureau, U.S. Bureau of Labor Statistics, and the state budget, among others. These sources can illustrate high level trends in how funds are spent across the state by the relevant political subdivisions.

### The Fiscal Impact of Major Criminal Justice Legislation from Fiscal Years 2021-2023

R.C. 103.143 requires the Legislative Budget Office (LBO), located within the Legislative Service Commission (LSC), to determine whether a local impact statement is required for each bill introduced and referred to a House or Senate committee. The LBO provides a detailed fiscal note analyzing a bill’s fiscal impact on state and local government. To that end, two major criminal justice bills were enacted from fiscal years 2021-23, Ohio House Bill 1 (133<sup>rd</sup> General Assembly) and Senate Bill 288 (134<sup>th</sup> General Assembly). A quick summary of each these local impact statements is contained below.<sup>20</sup>

#### Ohio House Bill 1 (133<sup>rd</sup> General Assembly)

The bill generally broadened intervention in lieu of conviction (ILC), which may have increased the workload and operating expenses of county and municipal criminal justice systems, including courts, prosecutors, and indigent defense. The LBO concluded that the magnitude of this change was indeterminate. The Commission’s analysis of House Bill 1 in 2021 and 2023 concluded that the bill may not have significantly broadened usage of ILC.<sup>21</sup> The LBO also determined that thousands of additional offenders may become eligible for record sealing, which could increase associated costs for courts, prosecutors, and probation departments. The Commission’s analysis of House Bill 1 found that record sealing applications appeared to be increasing, but also that it is difficult to assess the impact to localities

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<sup>20</sup> See Fiscal Note & Local Impact Statement – H.B. 1 133<sup>rd</sup> General Assembly.

<https://www.legislature.ohio.gov/download?key=15430&format=pdf> and Fiscal Note and Local Impact Statement S.B. 288 – 134<sup>th</sup> General Assembly. <https://www.legislature.ohio.gov/download?key=20284&format=pdf> for further details.

<sup>21</sup> See HB1 Impact Study Report (2022 and 2023). <https://www.supremecourt.ohio.gov/criminal-br-sentencing/publications-information/>

because record sealing information is not readily analyzable at the local level. House Bill 1 also sought to expand involuntary commitment to treatment, but the Commission found that this statute is still scarcely used.

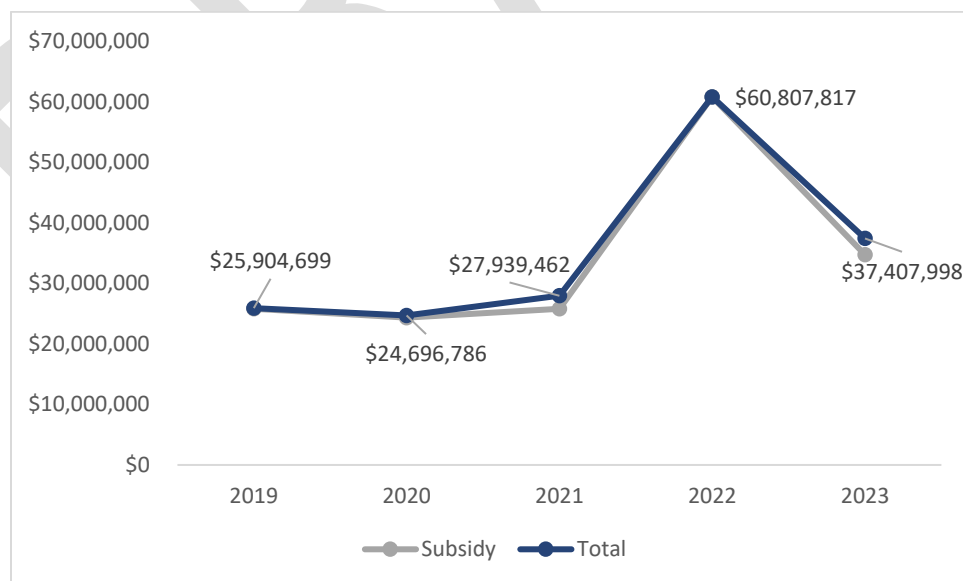
### Ohio Senate Bill 288 (134<sup>th</sup> General Assembly)

This bill further expanded opportunities for sealing a record of conviction, which may result in an increase in the workloads and operating costs of courts, prosecutors, and probation departments. Because the bill went into effect midway through 2023, its current impact is still indeterminate. The bill also contained a new strangulation offense that will largely function as a penalty enhancement, as certain misdemeanor domestic violence offenses can instead be charged as a felony offense. This may shift the costs and caseload of processing such cases from the municipal and county court to common pleas level.

### State Funding by County

Every year the LSC produces a *State Spending by County* report<sup>22</sup> using data from state agencies and the Ohio Administrative Knowledge System (OAKS). This report attempts to show how state funds are distributed among the 88 counties. The report provides details for two types of expenditures, subsidy and capital. Subsidy includes state payments for supplementing the costs of public services. Capital consists of state disbursements for the acquisition, construction, or improvement of physical assets such as land, buildings, and infrastructure. The State Spending by County report summarizes statewide spending to all of the counties as a whole on relevant functional categories, namely Mental Health and Addiction services, and Justice and Corrections. All of the graphics presented below exclude federal COVID relief funding.

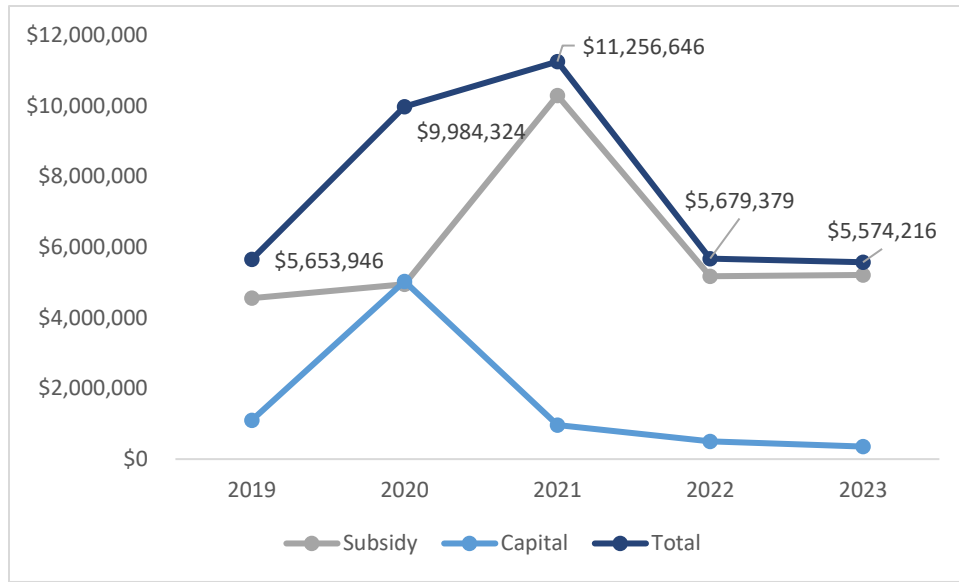
**Figure 8. State Spending by County, Attorney General, FY 2019-2023**



Source: Legislative Service Commission, *State Spending by County Report, 2019-2023*

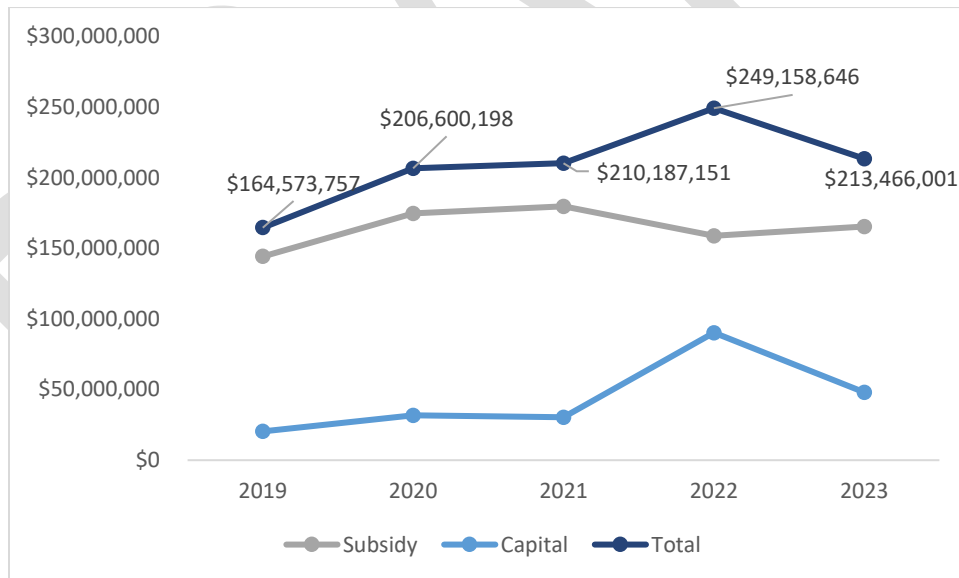
<sup>22</sup> See <https://www.lsc.ohio.gov/budget/state-spending-by-county>

**Figure 9. State Spending by County, Judiciary/Supreme Court, FY 2019-2023**



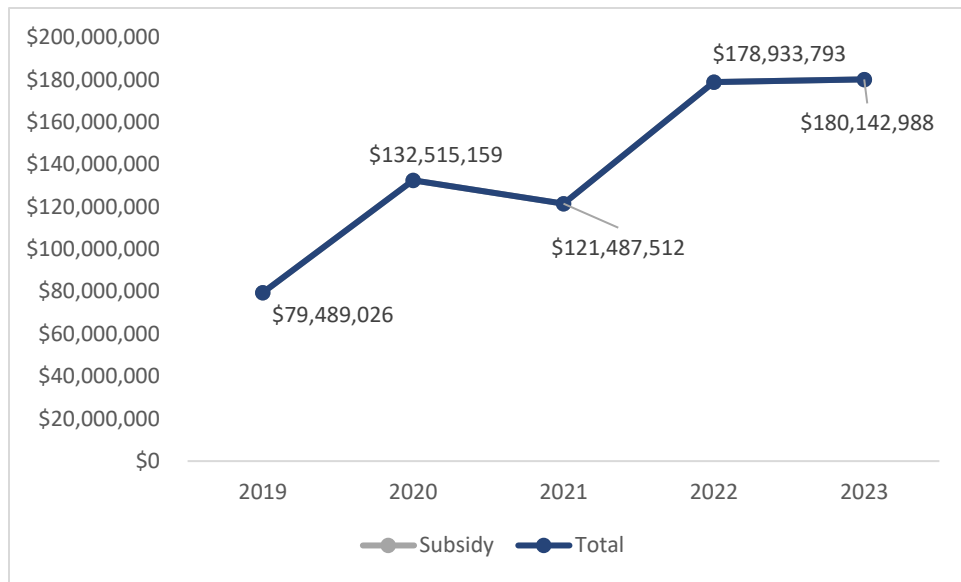
Source: Legislative Service Commission, State Spending by County Report, 2019-2023

**Figure 10. State Spending by County, Mental Health and Addiction Services, FY 2019-2023**



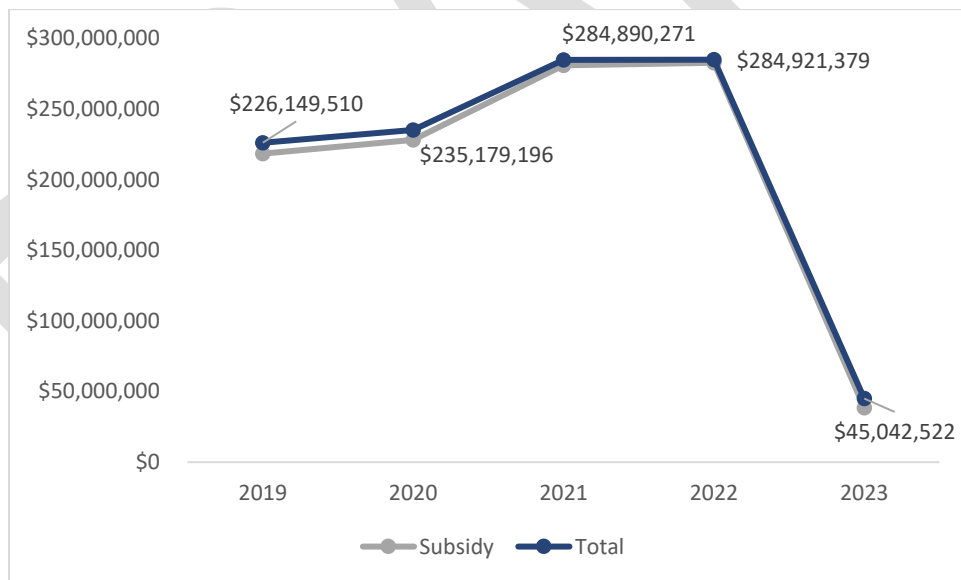
Source: Legislative Service Commission, State Spending by County Report, 2019-2023

**Figure 11. State Spending by County, Public Defender, FY 2019-2023**



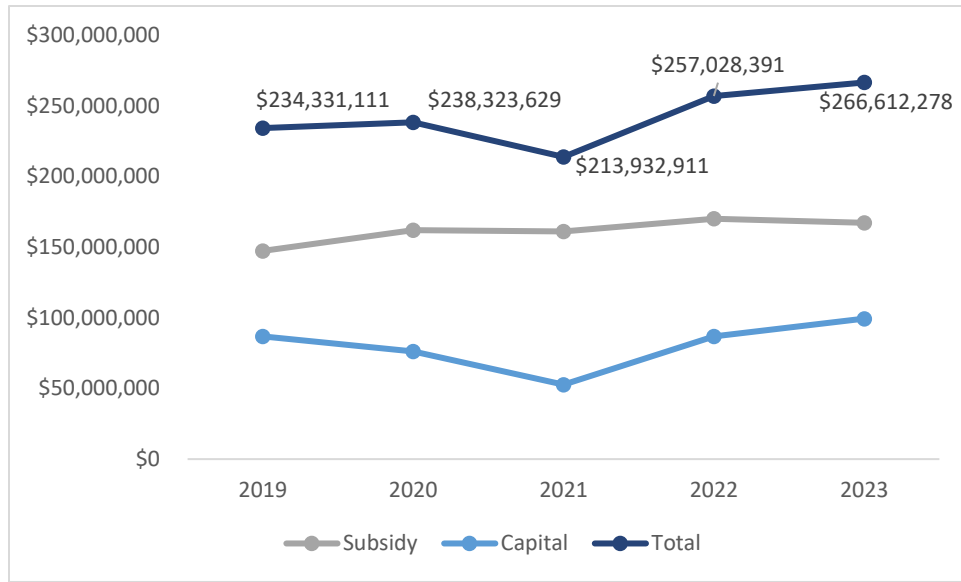
Source: Legislative Service Commission, State Spending by County Report, 2019-2023

**Figure 12. State Spending by County, Public Safety, FY 2019-2023**



Source: Legislative Service Commission, State Spending by County Report, 2019-2023

**Figure 13. State Spending by County, Rehabilitation and Correction, FY 2019-2023**

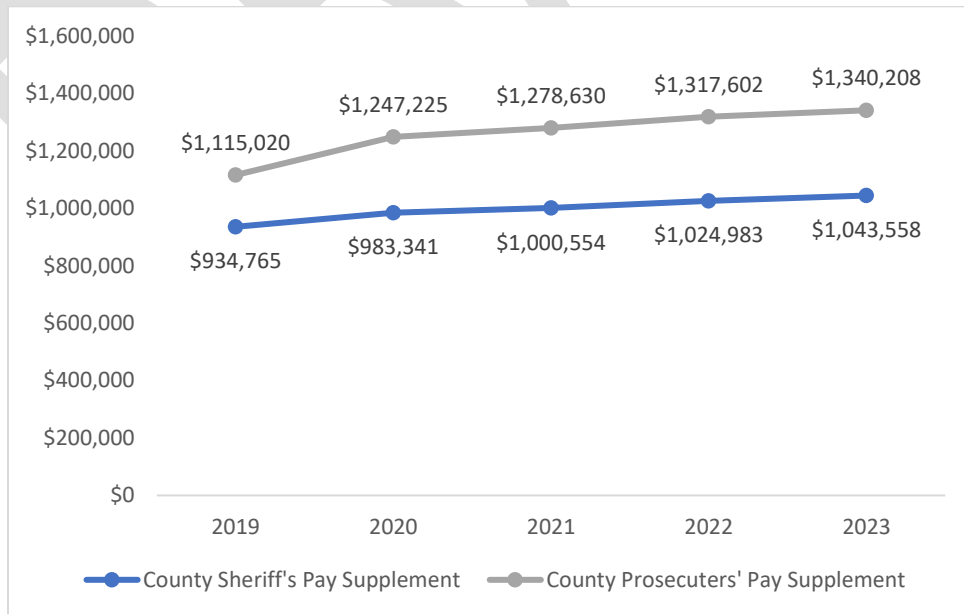


Source: Legislative Service Commission, State Spending by County Report, 2019-2023

### State of Ohio – Budget Line Items

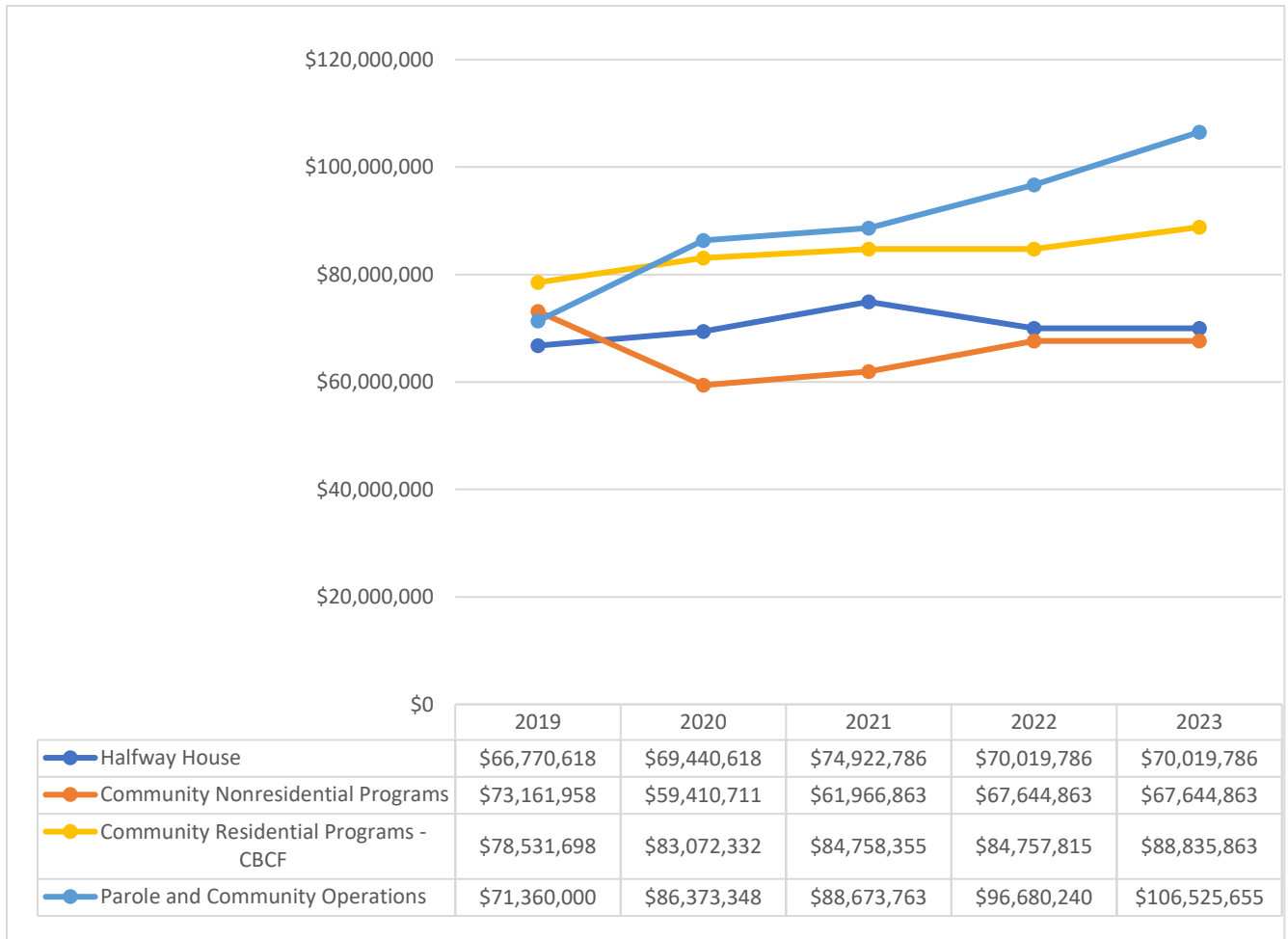
State agency budgetary documents often contain line items for funding to the counties. The following tables illustrate some of these funding items to provide more detail on the state spending by county charts. Note that these figures are already captured in the state spending by county report and are illustrated here to provide a finer detail of that funding. This grouping of charts is not comprehensive and is intended to capture slices of funding to the statutorily mandated political subdivisions to study.

**Figure 15. Attorney General's Office County Pay Supplements, FY 2019-FY2023**



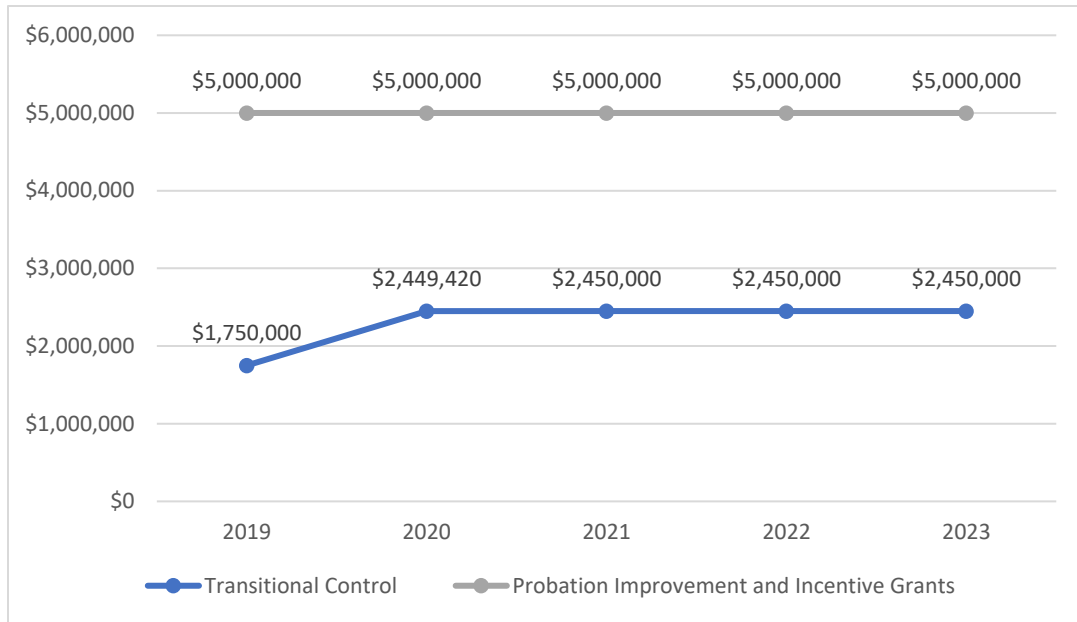
Source: Legislative Budget Office, Greenbooks

**Figure 16. ODRC GRF Appropriations Parole and Community Services, FY 2019-2023**



*Source: Legislative Budget Office, Greenbook*

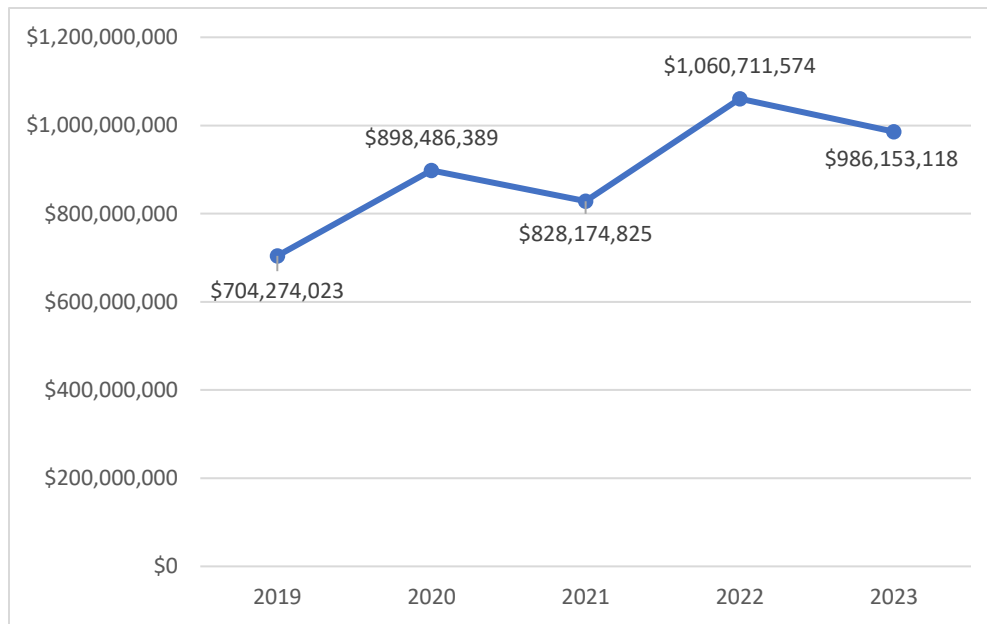
**Figure 17. ODRC DPF Appropriations Parole and Community Services, FY 2019-2023**



*Source: Legislative Budget Office, Greenbook*



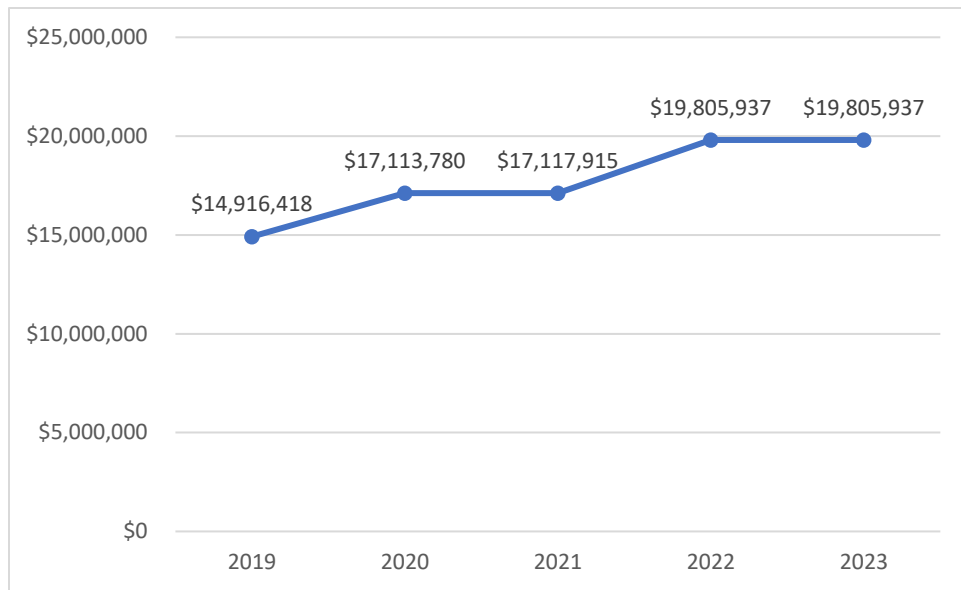
**Figure 18. OMHAS Total Appropriation, FY 2019-2023<sup>23</sup>**



*Source: Legislative Budget Office, Greenbook*

<sup>23</sup> The total appropriation for the Ohio Department of Mental Health and Addiction Services (OMHAS) includes a variety of line items used toward funding mental health and substance use treatment. Each year funding for certain programs or areas within this purview may change categories or be funded by different Appropriation Line Items (ALI). The largest portion of OMHAS funding comes from the GRF fund but also includes Dedicated Purpose Funds (DPF), Internal Service Activity (ISA), and Federal (FED) funding. Some of the highlighted areas for funding during the time frame of this report include: capital funding for community assistance projects such as recovery housing, medication-assisted treatment and drug court specialization docket programs, substance abuse stabilization centers and substance use disorder treatment, psychotropic drug reimbursement programs which reimburses county jails for psychotropic medication dispensed to inmates, hospital services, prevention services such as early identification of behavioral health disorders and suicide prevention, social services, mental health, and substance abuse grant funding, and many more general or specialized programs. The department also earmarks funds each year for criminal justice services. These are used in part to pay costs for forensic competency and not guilty by reason of insanity (NGRI) evaluations for common please courts. This line item also includes funding for forensic monitoring and tracking of individuals on conditional release, forensic training, specialized re-entry services, and grants for addiction services alternatives. This line item also funds medication-assisted treatment (MAT) programs for drug court specialized docket programs and support for mental health courts.

**Figure 19. OMHAS Criminal Justice Services Funding FY 2019-FY2023**



*Source: Legislative Budget Office, Greenbook*

In addition to the general funding shown above, there has been major capital improvement funding for local jails and correctional facilities across the past four General Assembly sessions. State funding for local jails and correctional facilities is listed in the following table.

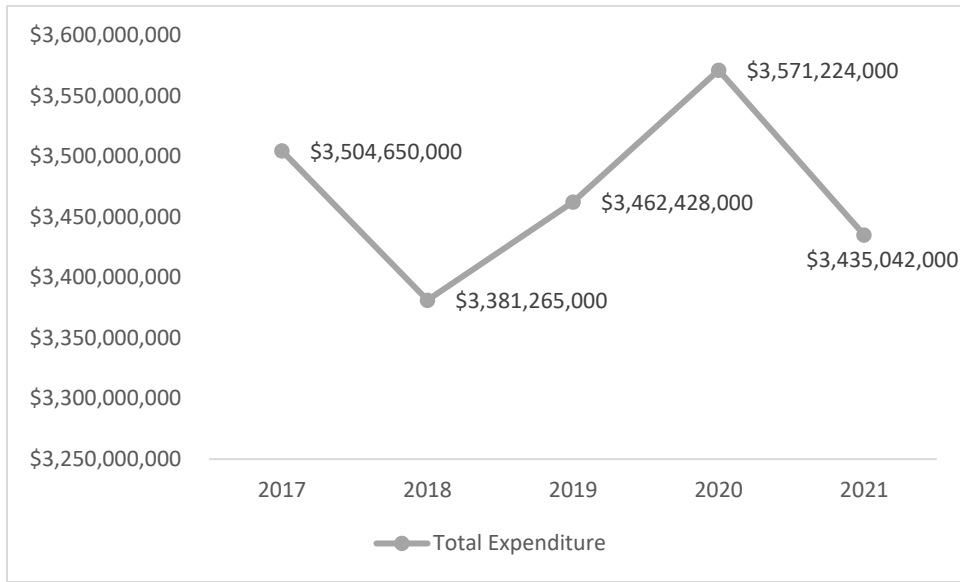
**Table 2. Capital Improvement Funding for Jails and Local Correctional Facilities, FY 2019-2024**

<b>Project Description</b>	<b>2017-2019 (132nd GA – HB 529)</b>	<b>2019-2020 (133rd GA – SB 310)</b>	<b>2021-2022 (134th GA – HB687)</b>	<b>2023-2024 (135th GA – HB33)</b>
Cuyahoga County Mental Health Jail Diversion Facility	\$700,000	\$700,000	\$700,000	
DRC Adult Correctional Building Fund - Local Jails	\$4,525,000	\$51,054,000	\$50,575,000	
DPF Local Jail Grants				\$75,000,000
DRC Adult Correctional Building Fund - CBCFs	\$14,000,000	\$5,400,000	\$6,323,500	
DRC Adult Correctional Building Fund - Community Residential Programs	\$782,000	\$2,950,000	\$4,561,000	
DRC Adult Correctional Building Fund - Ohio River Valley Jail Facility	\$1,250,000			
Hamilton County Justice Center Capacity and Recovery Expansion	\$2,500,000			
Warren County Jail Interceptor Center	\$750,000			
Barberton Municipal Jail	\$500,000			
Columbiana County Jail	\$250,000			
Fayette County Adult Detention Facility	\$225,000	\$65,000	\$65,000	
Tuscarawas County Jail	\$200,000			
Allen County Jail Facility/Justice Center	\$100,000	\$250,000		
Vinton County Justice Center		\$200,000	\$200,000	
Logan County Jail		\$139,000	\$139,000	
Holmes County Jail		\$100,000	\$100,000	
Medina County Jail		\$100,000	\$100,000	
Noble County Justice Center		\$100,000	\$100,000	
Wyandot County Jail		\$100,000	\$100,000	
Butler County Correctional Complex Medical Unit			\$500,000	
Crestline Jail Renovation			\$75,000	

### [US Census Bureau: Annual Survey of Local Government Finances](#)

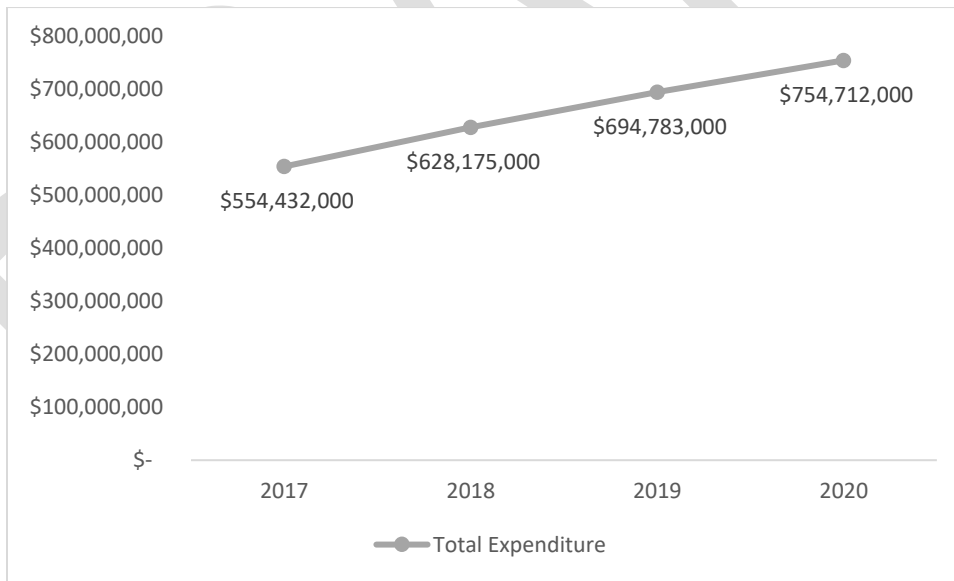
The U.S. Census Bureau's Annual Survey of Local Government Finances is the only known comprehensive source of state and local government finance data collected on a national scale using uniform definitions, concepts, and procedures. The survey obtains data on revenues, expenditures, debt and assets of counties, cities, township governments, special districts, and dependent agencies when information is not available elsewhere. The following tables show only local expenditures on relevant fiscal categories.

**Figure 20. Local Government Expenditures, Police Protection, 2017-2021**



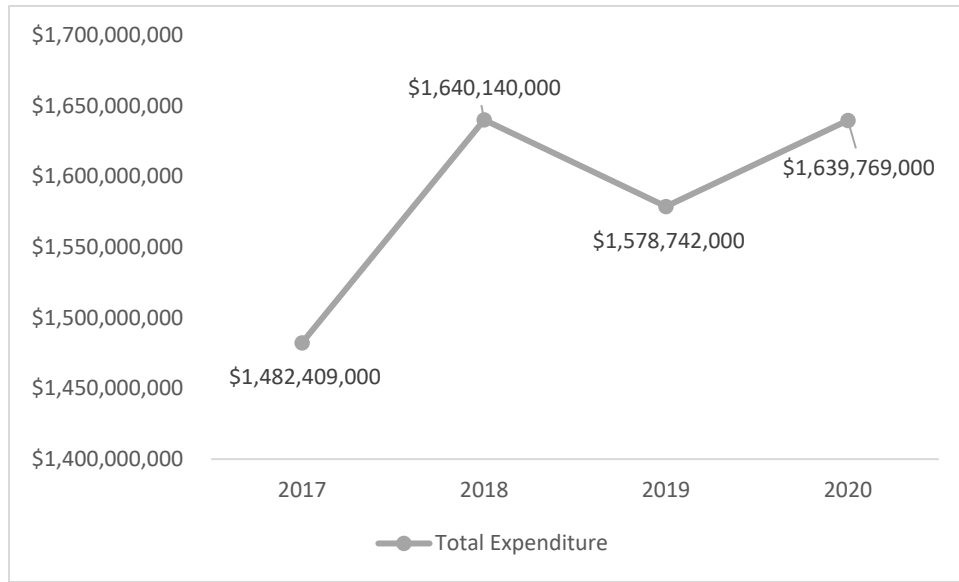
Source: US Census Bureau State and Local Government Finance Historical Datasets and Tables

**Figure 21. Local Government Expenditures, Corrections, 2017-2021**



Source: US Census Bureau State and Local Government Finance Historical Datasets and Tables

**Figure 22. Local Government Expenditures, Judicial and Legal System, 2017-2021**

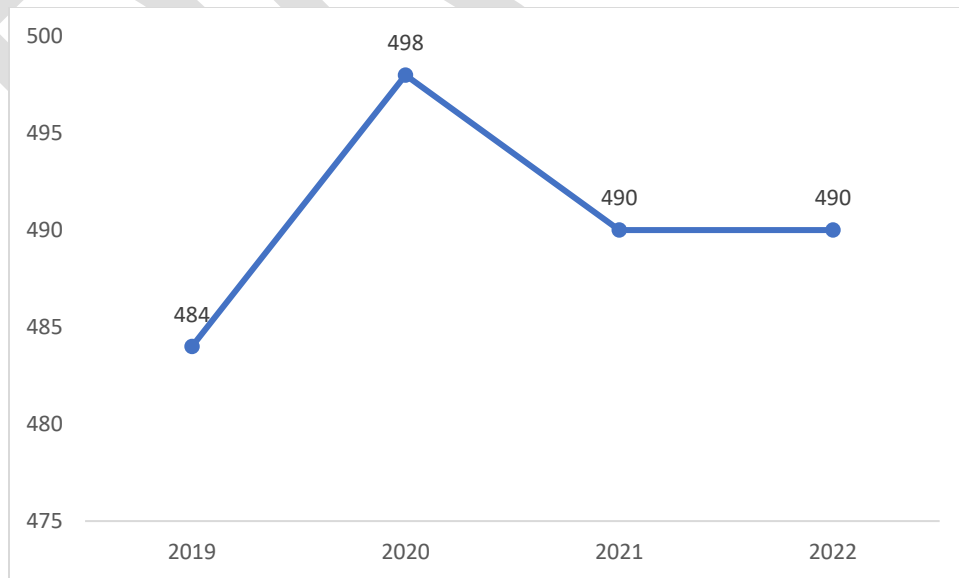


*Source: US Census Bureau State and Local Government Finance Historical Datasets and Tables*

#### [US Bureau of Labor Statistics, Occupational Employment and Wage Statistics](#)

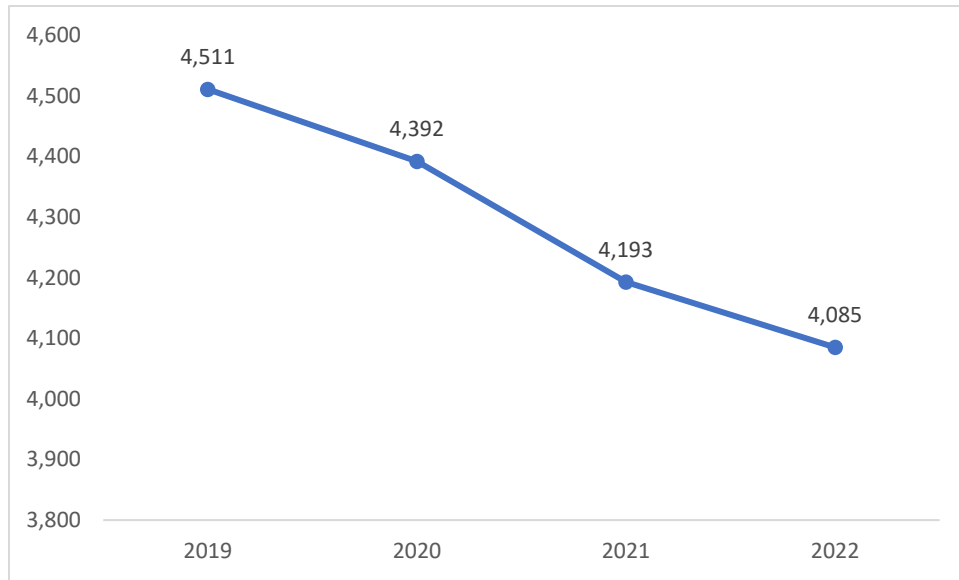
The Occupational Employment and Wage Statistics (OEWS) program provides wage and employment estimates by state and industry. The following tables show employment statistics for select categories at the local government level, statewide, except for the mental health and substance abuse treatment workers, which are displayed at the privately-owned industry level. Note that the law enforcement data comes from the Federal Bureau of Investigation's Uniform Crime Reporting, which tracks the number of sworn law enforcement officers each year.

**Figure 23. Average Annual Employment, Local Parole and Probation Offices, 2019-2022**



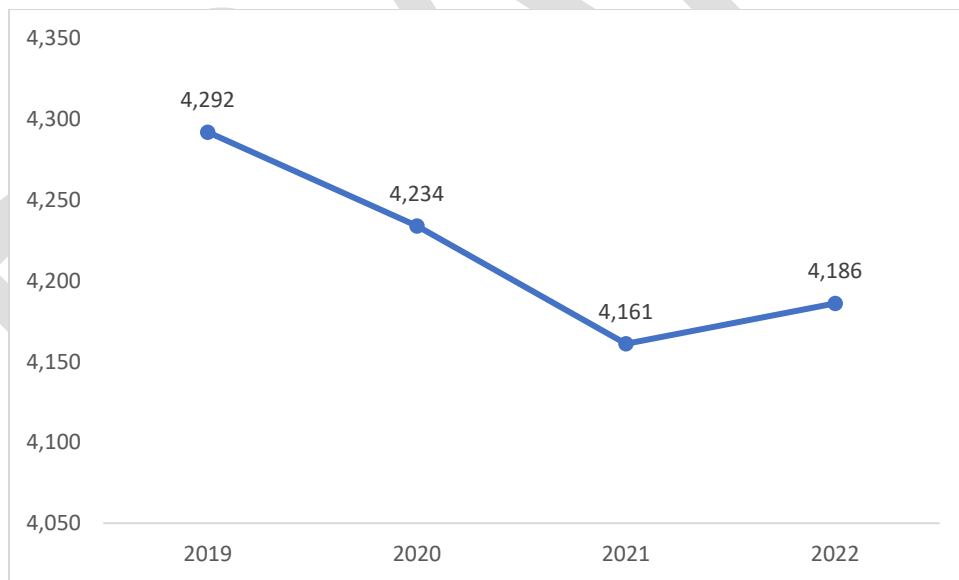
*Source: US Bureau of Labor Statistics, Occupational Employment and Wage Statistics*

**Figure 24. Average Annual Employment, Local Correctional Institutions, 2019-2022**



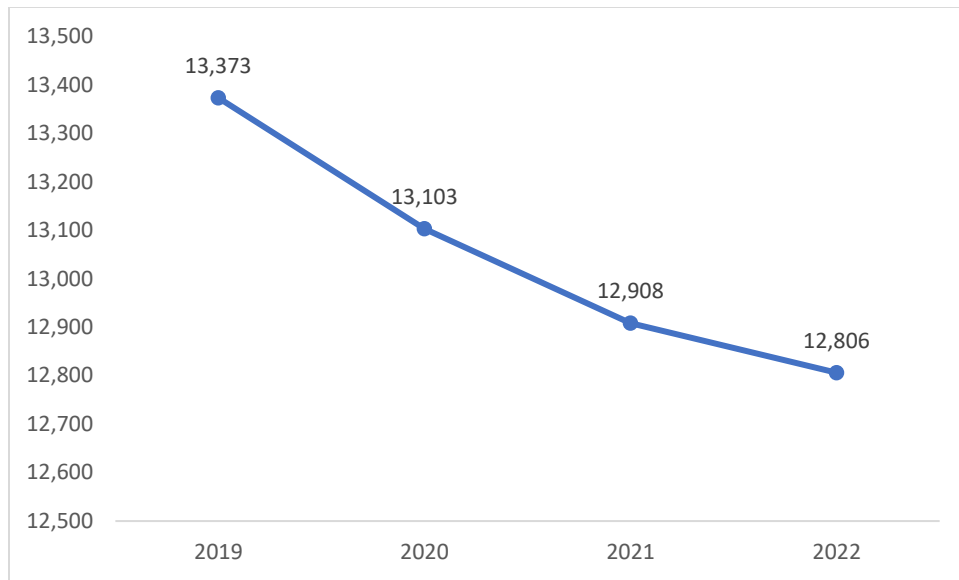
*Source: US Bureau of Labor Statistics, Occupational Employment and Wage Statistics*

**Figure 25. Average Annual Employment, Local Legal Counsel and Prosecution, 2019-2022**



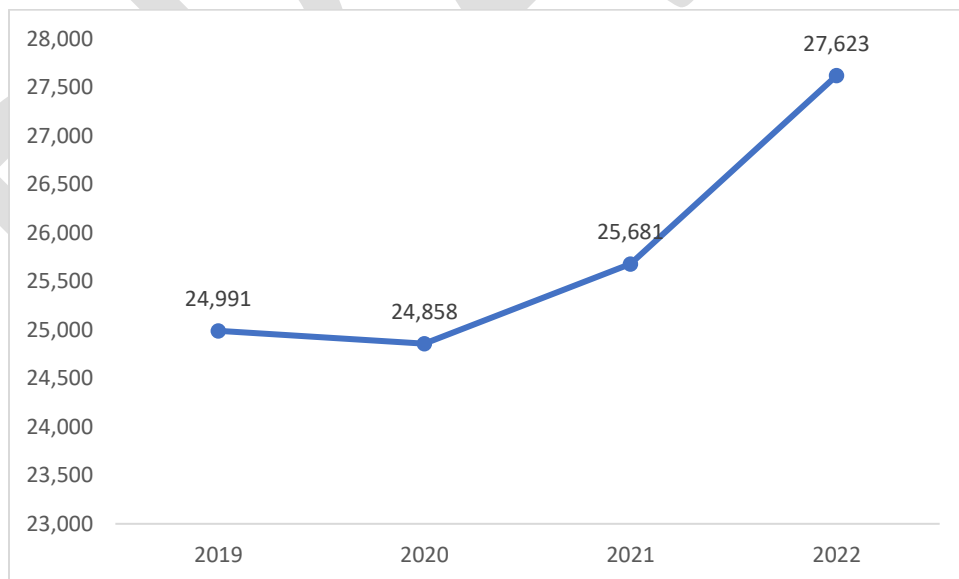
*Source: US Bureau of Labor Statistics, Occupational Employment and Wage Statistics*

**Figure 26. Average Annual Employment, Local Courts, 2019-2022**



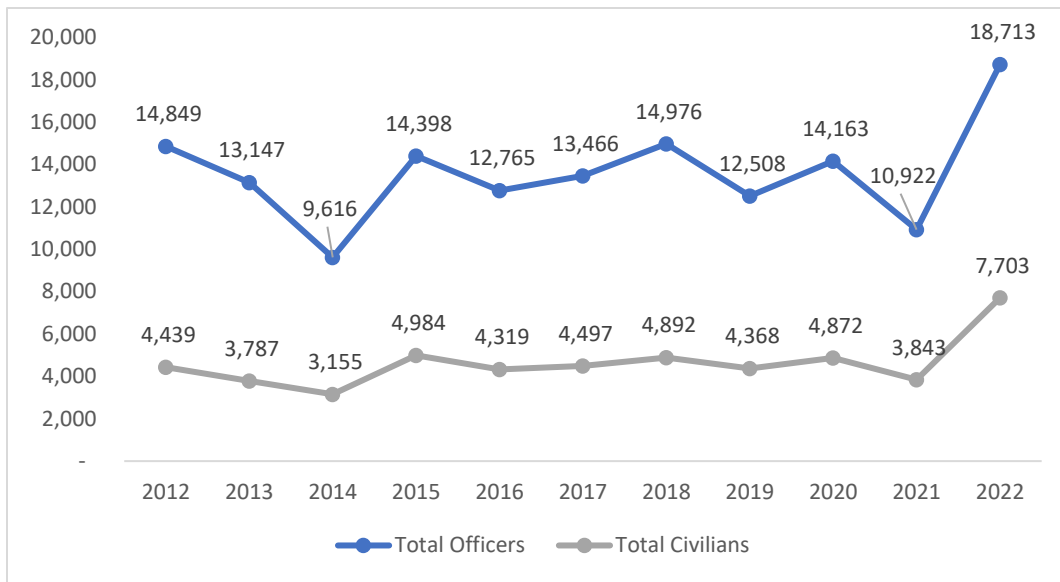
*Source: US Bureau of Labor Statistics, Occupational Employment and Wage Statistics*

**Figure 27. Average Annual Employment, Residential, Outpatient, and Hospital Mental Health and Substance Abuse Providers, 2019-2022**



*Source: US Bureau of Labor Statistics, Occupational Employment and Wage Statistics*

**Figure 28. Sworn Law Enforcement Employees, Civilian and Officer, 2012-2022**



*Source: Federal Bureau of Investigation, Uniform Crime Reporting, Police Employee Data*

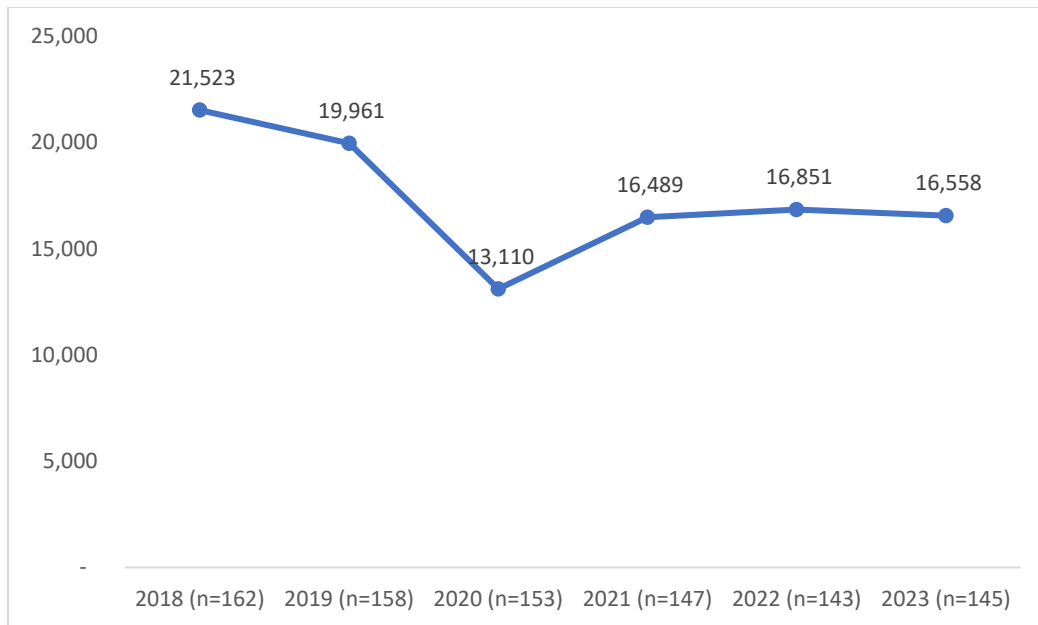
### Jail Population Metrics

The Ohio Department of Rehabilitation and Correction's Bureau of Adult Detention keeps annual data reports on jails across Ohio. The following graphic displays the average daily inmate count from years 2018-2023.<sup>24</sup>

<sup>24</sup> Please note: The data listed on this table is solely determined and self-reported by the listed jails. DRC has not evaluated the accuracy of any of these figures and reserves the opportunity to analyze and confirm their accuracy.

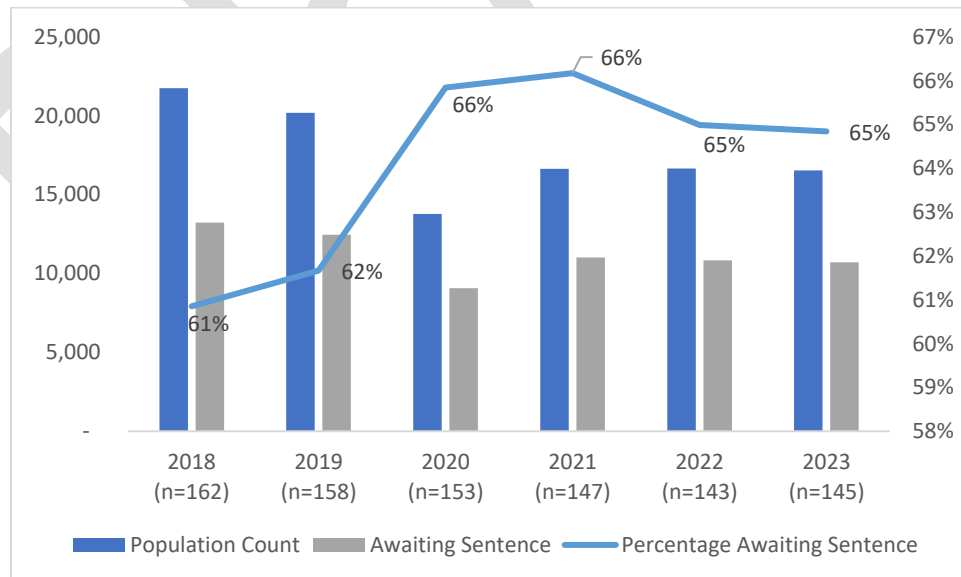


**Figure 29: Average Daily Jail Inmate Count, 2018-2023 (Number of Jails in Parentheses)**



Source: Ohio Department of Rehabilitation and Correction, Bureau of Adult Detention

**Figure 30. Jail Population Count on Inspection Day, Total Jail Population Compared to Inmates Awaiting a Sentence, 2018-2023 (Number of Jails in Parentheses)**



Source: Ohio Department of Rehabilitation and Correction, Bureau of Adult Detention

## Conclusion

This section of the report is intended to give a general overview of the fiscal state of the criminal justice system at the local level, using the best available aggregate data. It is impossible to analyze these trends in a vacuum, as budgetary and employment figures are influenced by factors beyond the sentencing structure of Ohio. Future iterations of this report should be guided by what data is actually available for reporting and also useful to the Commission and General Assembly. This could include narrowing in on topic areas, rather than the sentencing structure as a whole, or analyzing specific bills.

DRAFT

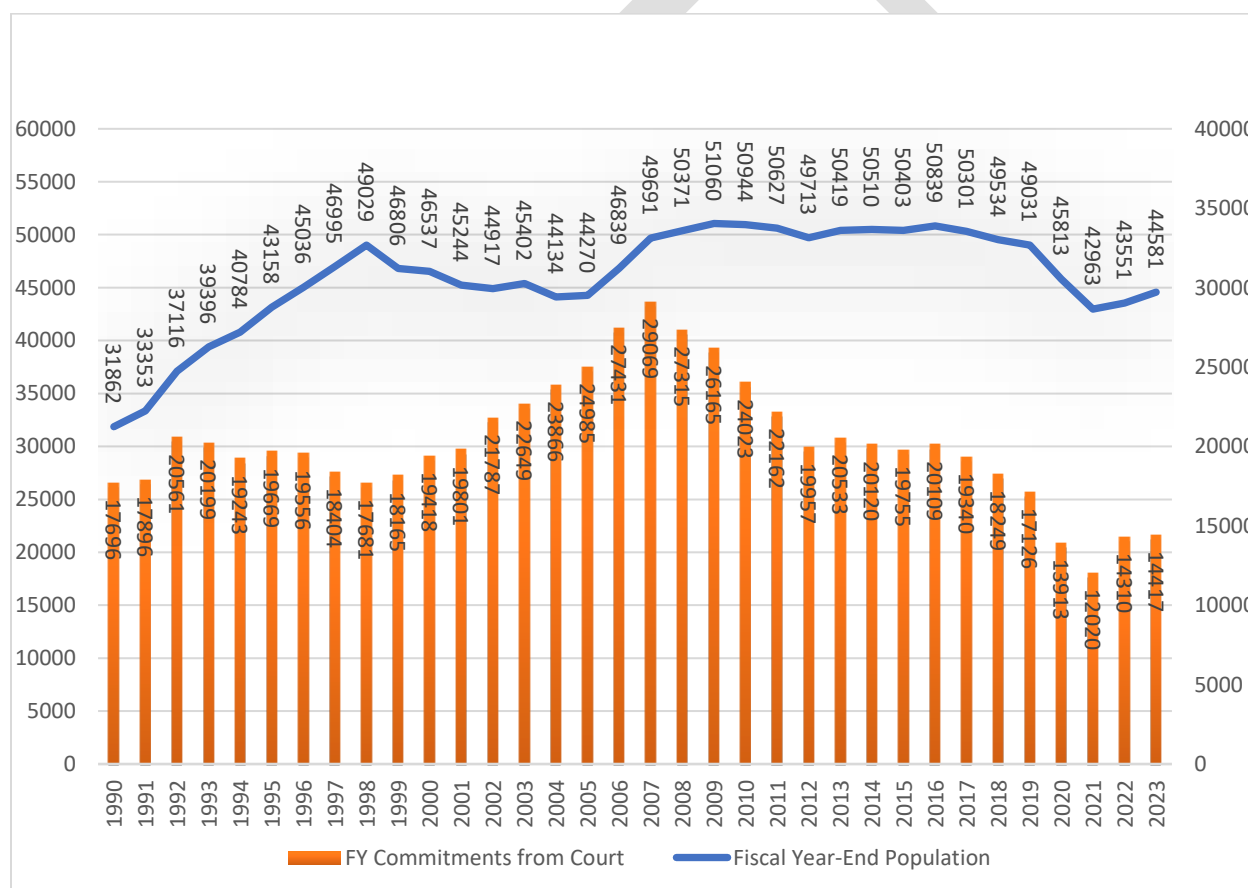
## R.C. 181.25(A)(2)(b) The Impact on State Correctional Institutions

### Overview

This provision requires a report on “The impact of the sentencing structure in effect on and after July 1, 1996, on the population of state correctional institutions, including information regarding the number and types of offenders who are being imprisoned under the law in effect on and after July 1, 1996, and the amount of space in state correctional institutions that is necessary to house those offenders.” The following graphics present a variety of trends concerning the population at state correctional facilities. The information contained in this section has been provided by the Ohio Department of Rehabilitation and Correction or has been gathered from its public reports.

Starting more generally, Figure 31 displays the prison population over time as well as the number of new commitments from courts.

**Figure 31. FY Custody Population Count and New Court Commitments, 1990 - 2023**



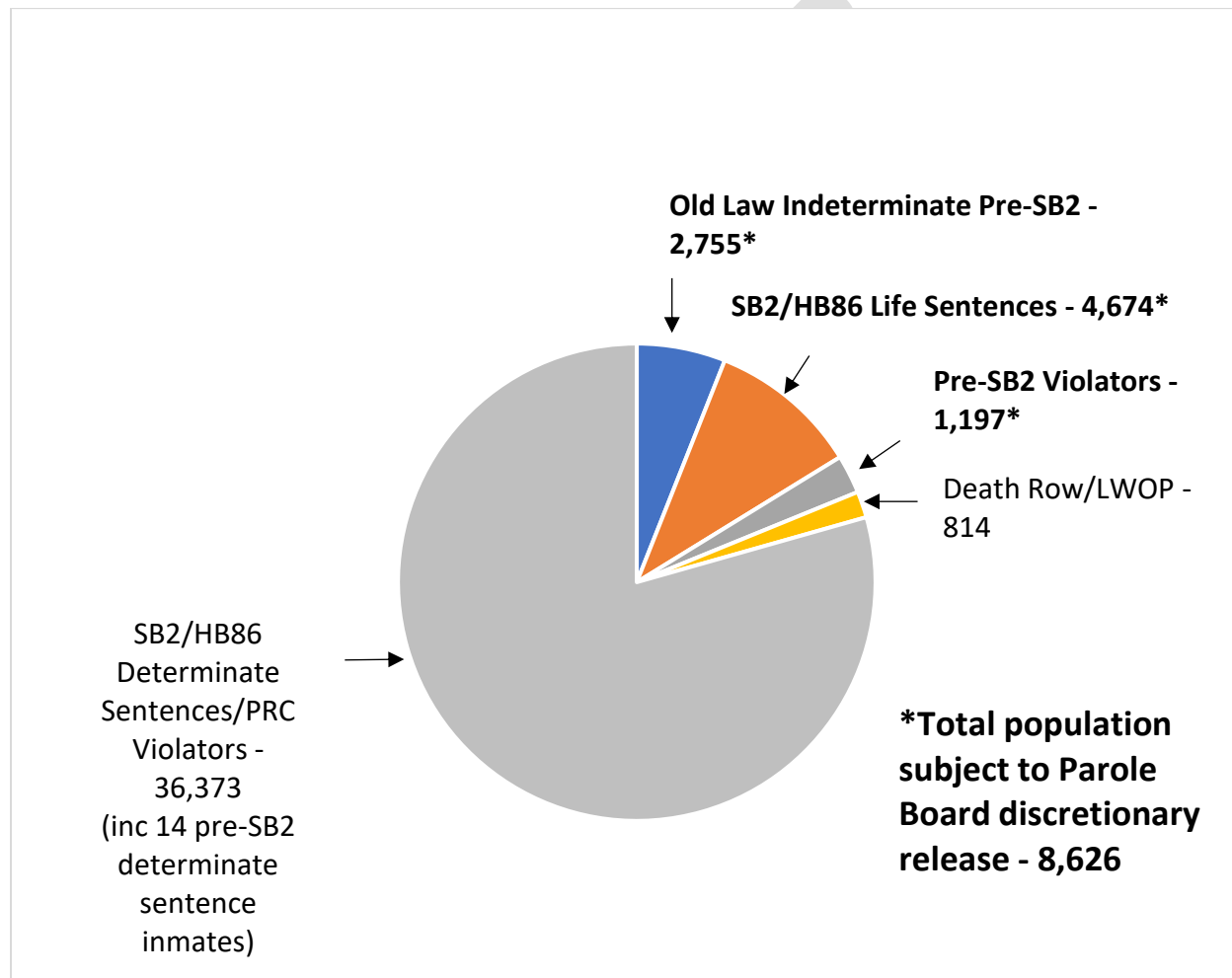
*Source: Ohio Department of Rehabilitation and Correction, Bureau of Research and Evaluation*

As previous monitoring reports of the Commission have commented on, the ODRC custody population began to steadily decrease following the passage of Senate Bill 2, until the *State v Foster* decision in 2006. *Foster* was accompanied by a rise in prison admissions and population. The number of new commitments from 2007 until 2019 gradually dropped, although the population remained relatively unchanged, except for a population decrease from 2017 to 2019 of over 1,000 inmates. The largest

decrease in the prison population in recent history came with the COVID-19 pandemic in 2020, where the prison population dropped to a low point of just under 43,000 in 2021. New commitments also reached a low point of 12,000 in 2021. From 2022-23, new commitments and prison population have picked up, but each remain well below pre-pandemic levels.

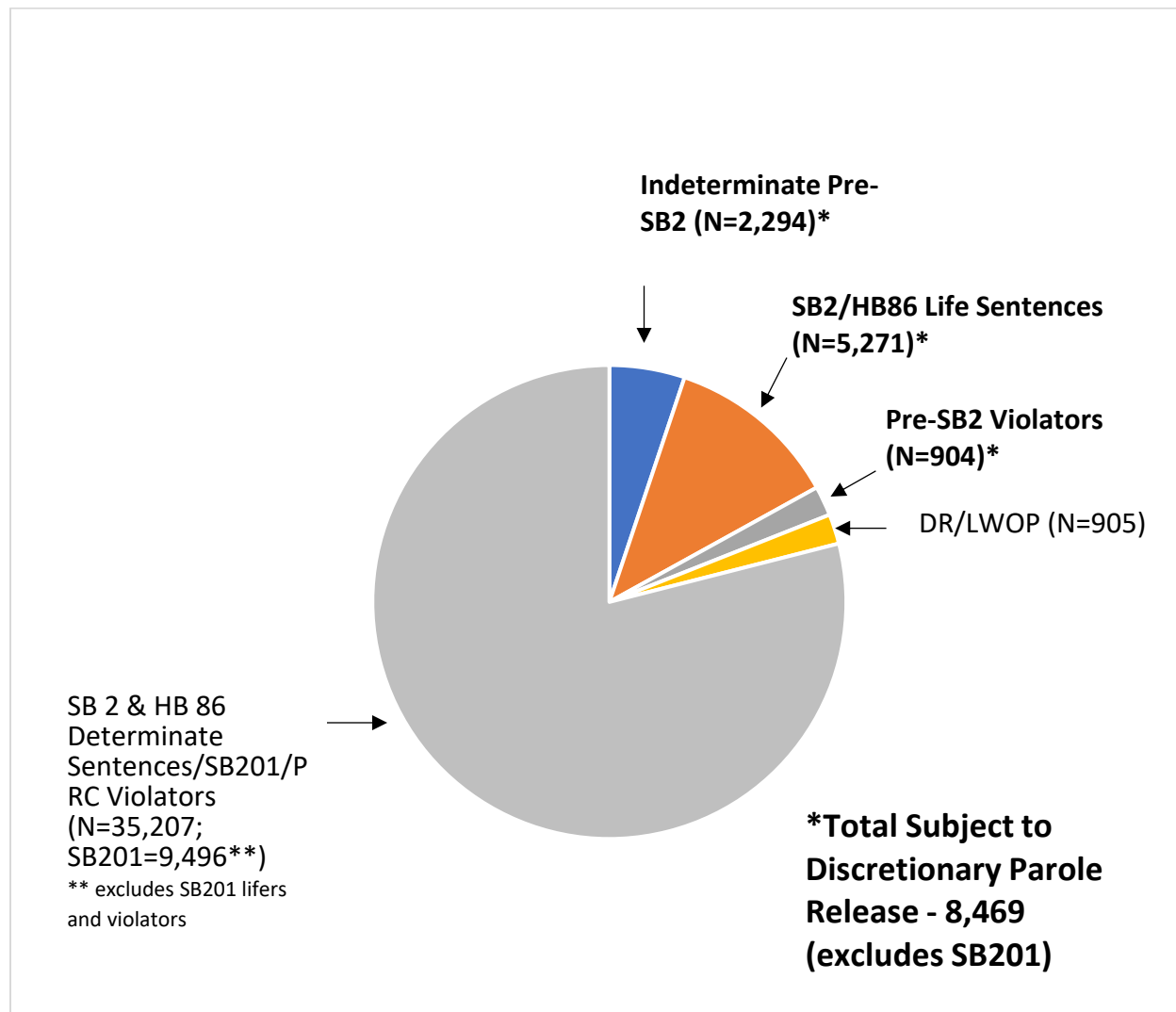
The next set of figures focuses on ODRC inmates by old law and new law status as well as sentence type, from 2020 to 2023.

**Figure 32. Distribution of DRC Custody Population by Sentence Type and Old Law/New Law Status, July 1, 2020 (N=45,813)**



*Source: Ohio Department of Rehabilitation and Correction, Bureau of Research and Evaluation*

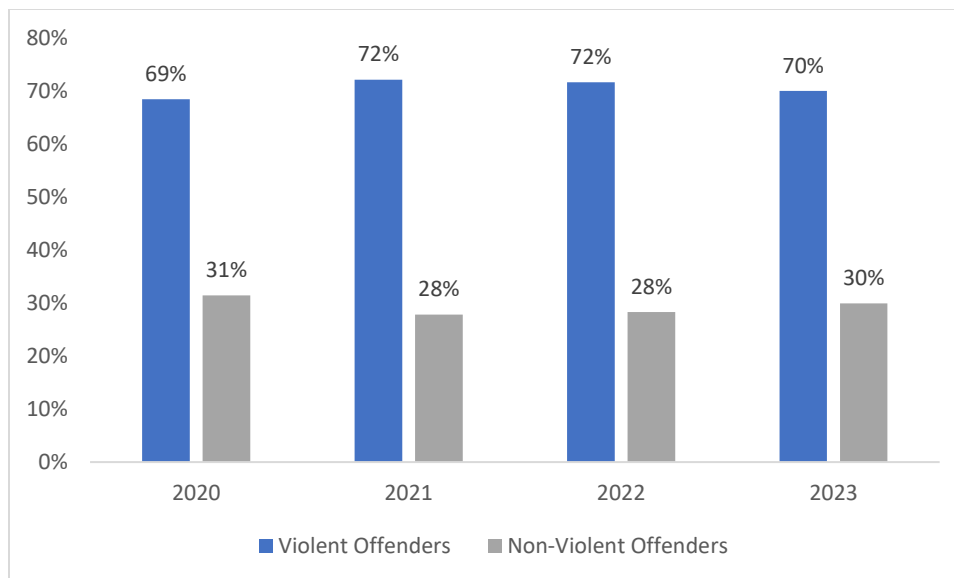
**Figure 33. Distribution of DRC Custody Population by Sentence Type and Old Law/New Law Status, July 1, 2023 (N=44,581)**



*Source: Ohio Department of Rehabilitation and Correction, Bureau of Research and Evaluation*

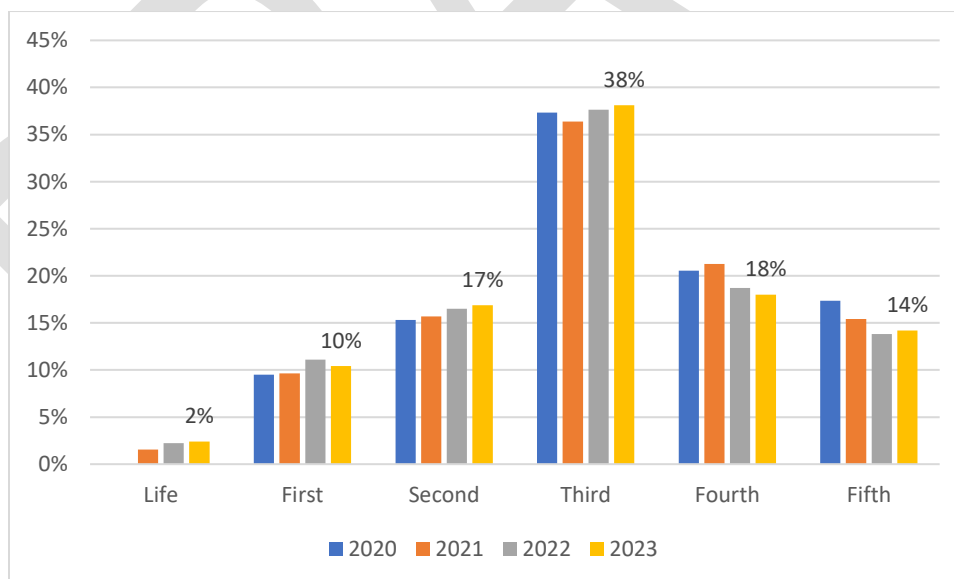
The next set of figures illustrate the trends of the ODRC custody population by violent/nonviolent status, felony level of most serious offense, and the most serious offense type, from calendar year 2020 to 2023.

**Figure 34. Percentage of Violent vs Nonviolent Offenders in ODRC Custody Population, 2020-2023**



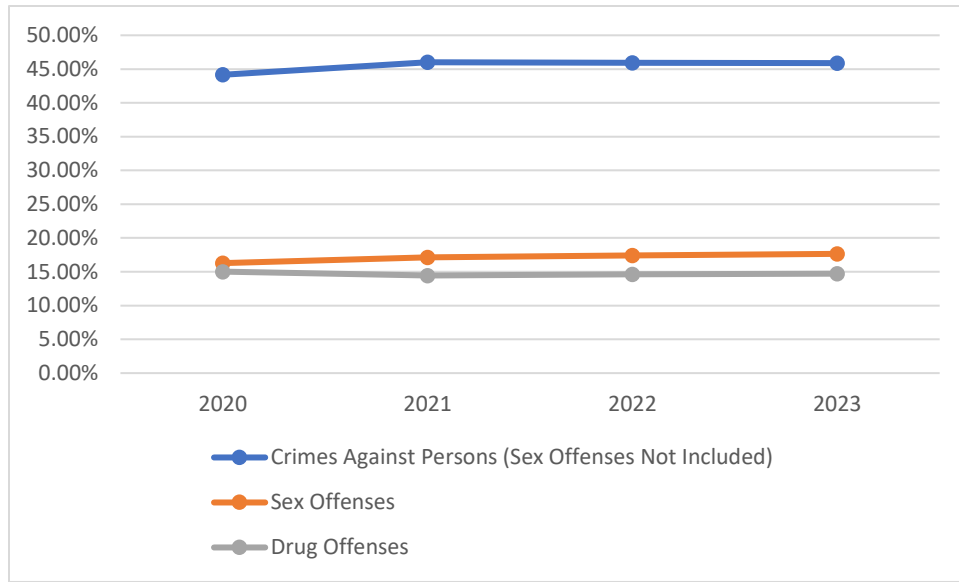
*Source: Ohio Department of Rehabilitation and Correction, Annual Reports*

**Figure 35. Percentage of Annual Commitments by Felony Level of Most Serious Offense, 2020-2023**



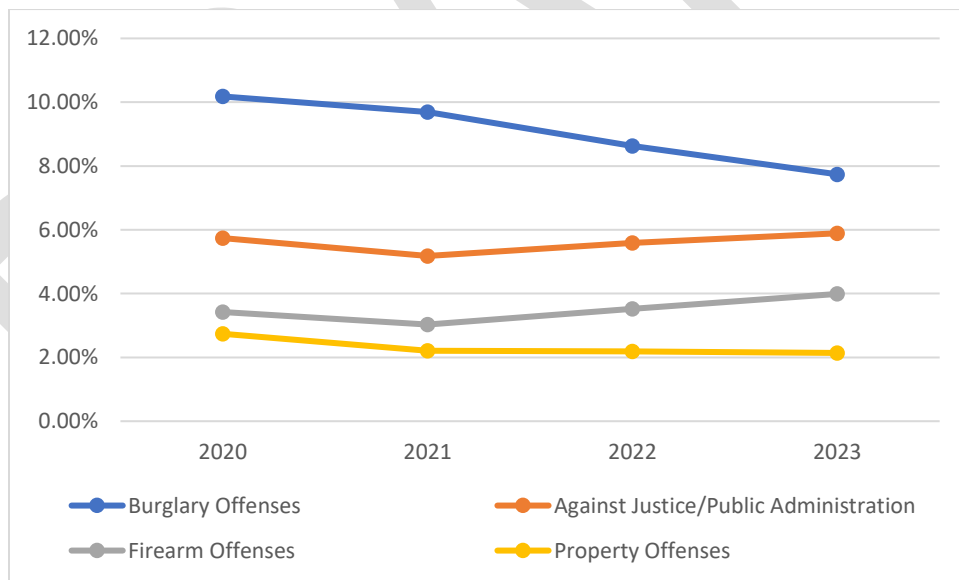
*Source: Ohio Department of Rehabilitation and Correction, Annual Reports*

**Figure 36. Percentage of ODRC Inmates by Most Serious Offense Type, 2020-2023**



Source: Ohio Department of Rehabilitation and Correction, Institutional Census Reports

**Figure 37. Percentage of ODRC Inmates by Most Serious Offense Type, 2020-2023**



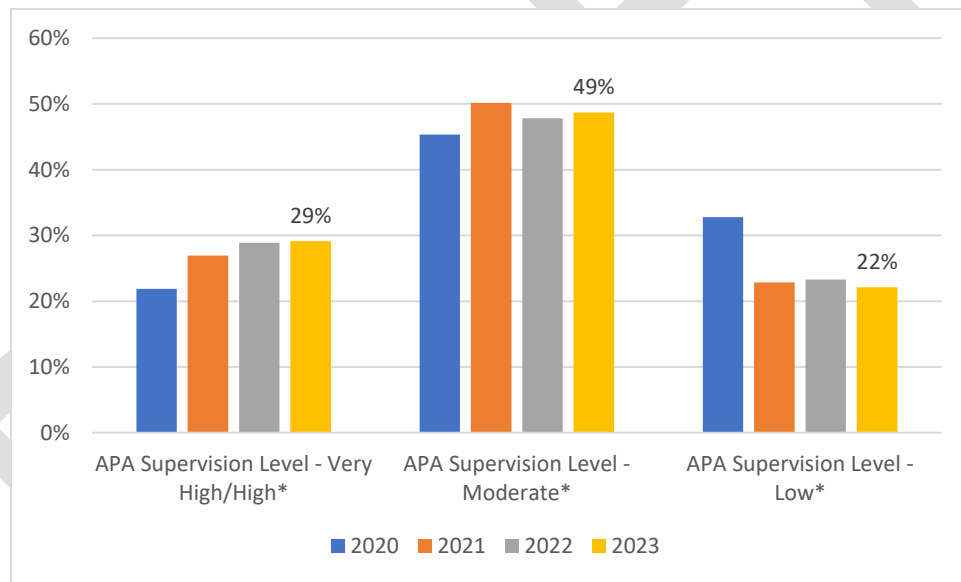
Source: Ohio Department of Rehabilitation and Correction, Institutional Census Reports

The next set of figures illustrate the trends of the ODRC supervision population by supervision type and level from 2020 to 2023.

**Table 3. Individuals under Adult Parole Authority Supervision, 2020-2023**

	2020	2021	2022	2023
Total Individuals under APA Supervision	31,735	29,631	27,956	25,037
Individuals under APA Supervision - Risk Reduction	88	64	48	39
Individuals under APA Supervision - Treatment in Lieu	730	605	410	310
Individuals under APA Supervision - Compact Parole	960	909	586	733
Individuals under APA Supervision - IPP/Probation		39	25	19
Individuals under APA Supervision - Judicial Release	786	618	381	247
Individuals under APA Supervision - Compact Probation	2,877	2,539	3,091	3,160
Individuals under APA Supervision - Parole	553	595	592	563
Individuals under APA Supervision - Community Control	4,821	4,004	3,122	2,513
Individuals under APA Supervision - Post Release Control	20,920	20,258	19,586	17,406
Individuals under APA Supervision - Not Reported			115	47

**Figure 38. Percentage of Individuals Under Adult Parole Authority Supervision Among Very High/High, Moderate, and Low supervision levels, 2020-2023**

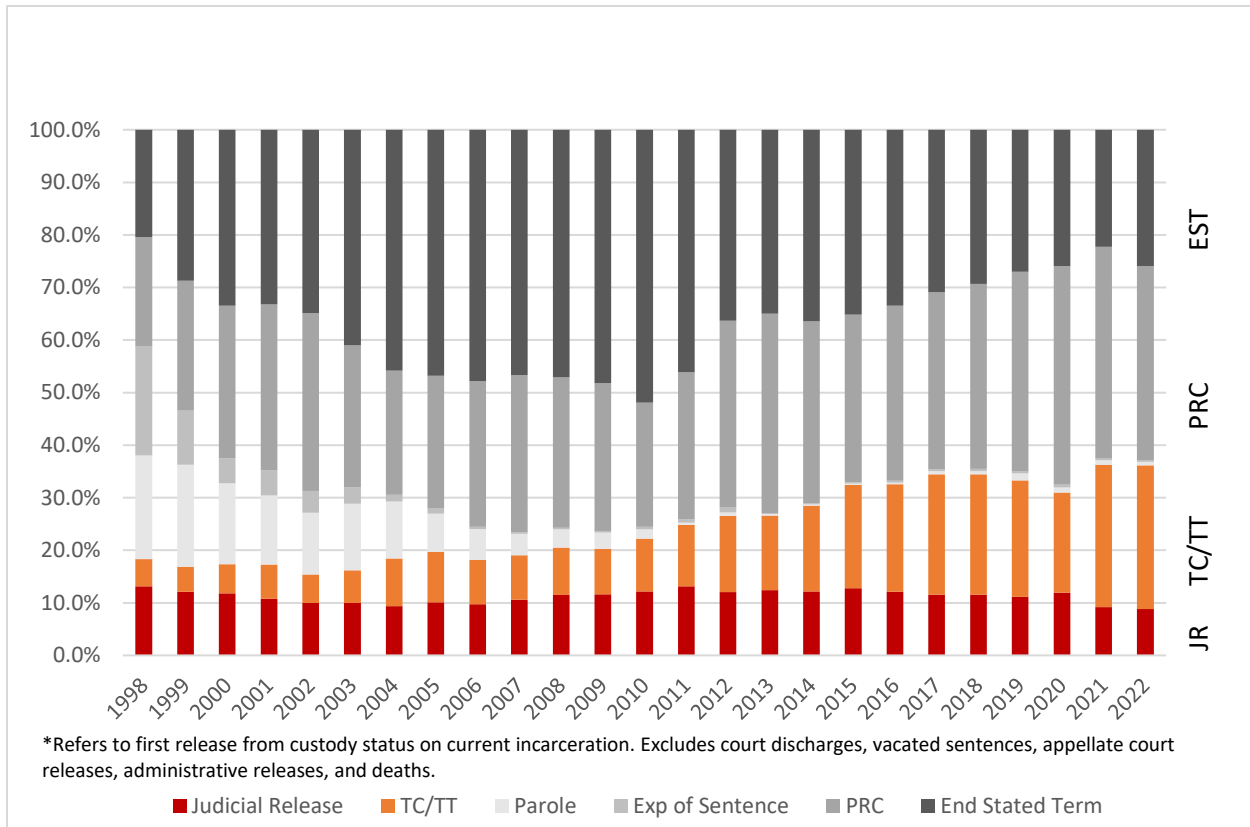


*Source, Ohio Department of Rehabilitation and Correction, Annual Reports*

The last figure presents the distribution of ODRC releases by release type.



**Figure 39. Percent Distribution of DRC Releases\* by Release Type, 1998 - 2022**



*Source: Ohio Department of Rehabilitation and Correction, Bureau of Research and Evaluation*

## Conclusion

The prison population was most dramatically impacted following the COVID-19 pandemic. The prison population remains well-below pre-pandemic levels, while those under Adult Parole Authority supervision have also decreased. As described in previous sections, Senate Bill 2 has generally met its intended effect. Over the last two decades, inmates in ODRC custody are more serious offenders serving longer sentences.

## R.C. 181.25(A)(2)(c) The Impact on Appellate Courts

### Overview

This final provision requires that the Commission assess, “The impact of the sentencing structure and the sentence appeal provisions in effect on and after July 1, 1996, on the appellate courts of this state, including information regarding the number of sentence-based appeals, the cost of reviewing appeals of that nature, whether a special court should be created to review sentences, and whether changes should be made to ensure that sentence-based appeals are conducted expeditiously.”

In review of the Commission’s past monitoring reports, a seemingly unintended consequence of Senate Bill 2 was an exponential increase in criminal appeals. After the passage of Senate Bill 2, which created a formal sentencing appeals mechanism, the legislature also created an “Appeals Cost Oversight Committee”. Part of the Commission’s statutory duties was to study the anticipated increase in appeals case filings, and any additional costs to Ohio’s appellate court system. The legislature allocated \$2 million to the Commission for reimbursement to courts for the expected increase in costs of appeals. While there was a spike in appeals in 1997, in 1998 the Commission concluded that the prediction of a dramatic increase in appellate cases would not happen, and the Oversight Committee abolished (after meeting only once) and the Commission returned the \$2 million to the General Revenue Fund (GRF).<sup>25</sup> The Commission continued to track criminal appeals, and over time, while criminal appeals have largely held steady over the last two decades, civil appeals have decreased. Therefore, the portion of criminal appeals as a percentage of overall appeals has slightly increased.

### Incoming Criminal Appeals Among Ohio’s Appellate Courts

The below graphics present trends on criminal appeals in Ohio’s appellate courts. The statute calls for evaluating the number of sentence-based appeals. This number is difficult to isolate for a variety of reasons. A An offender could initially file an appeal intending to challenge the trial court’s sentence, but, after reviewing the record, decide not to challenge the sentence. Likewise, a defendant could file an appeal intending to challenge an evidentiary ruling but, after reviewing the record, decide to also challenge the sentence. In summary, purely sentence-based appeals are not currently tracked and are challenging to isolate in the reporting. Below, metrics on criminal appeals are presented to give an overview of Ohio’s appellate caseload. This information is presented from the Office of Court Services, State of Ohio Court Statistics division.

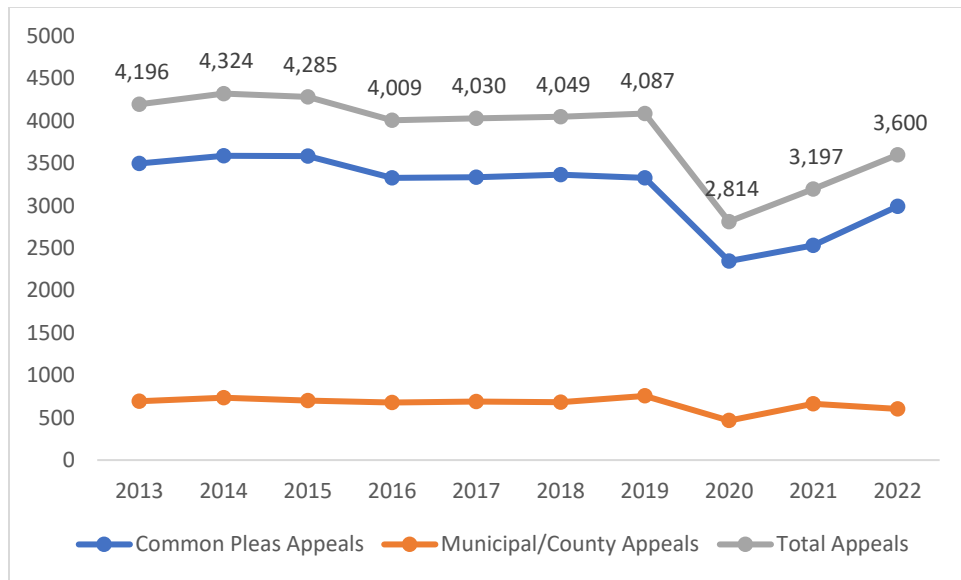
Note that these broad statistics give a general idea about caseloads at the appellate level. Appellate courts currently do not track cost or time spent on criminal appeals. While the number of criminal appeals may remain static, it is possible that courts are spending more time on each case. One such factor might be the proliferation of video evidence in criminal cases which may increase the time and resources needed to process a criminal appeal.

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<sup>25</sup> See the Sixth Monitoring Report (2005).

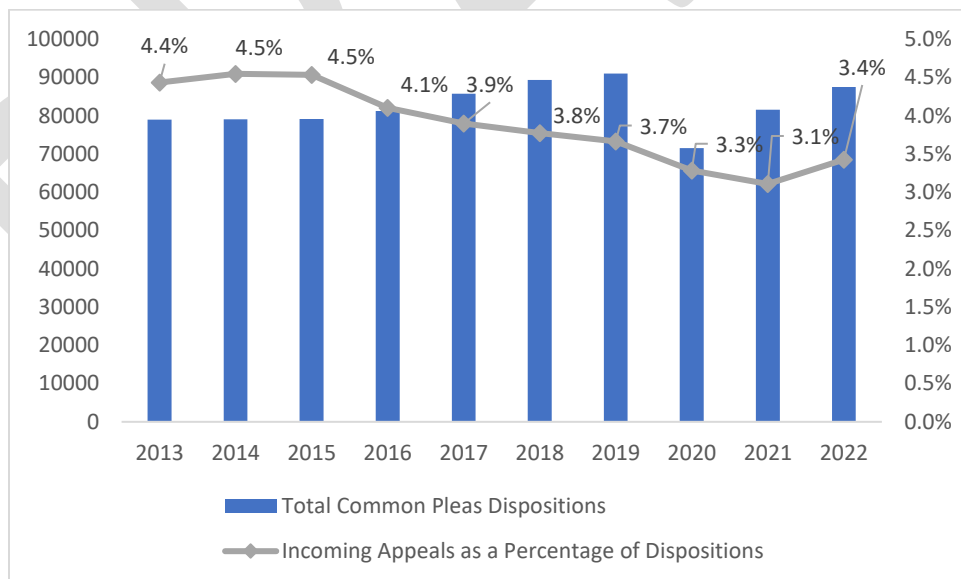
[https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/monitorRpts/monitoring\\_report\\_2005.pdf](https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/monitorRpts/monitoring_report_2005.pdf)

**Figure 40. Incoming Criminal Appeals, Common Pleas and Municipal/County Courts, 2013-2022**



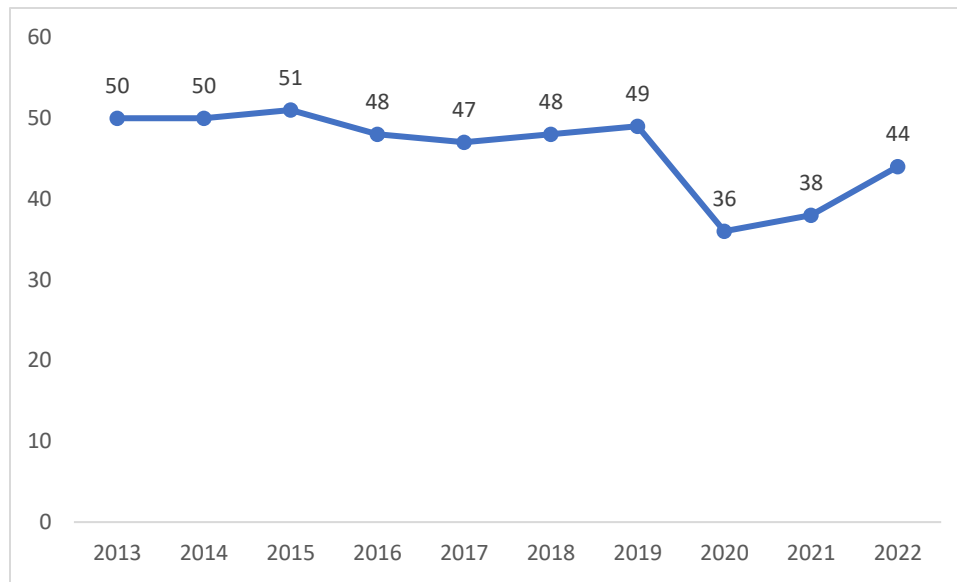
Source: Supreme Court of Ohio Case Management Section, State of Ohio Court Statistics

**Figure 41. Incoming Appeals of Common Pleas Courts, as a Percentage of Common Pleas Dispositions, 2013-2022**



Source: Supreme Court of Ohio Case Management Section, State of Ohio Court Statistics

**Figure 42. Average Incoming Appeals of Common Pleas Courts per Appellate Judge, 2013-2022**



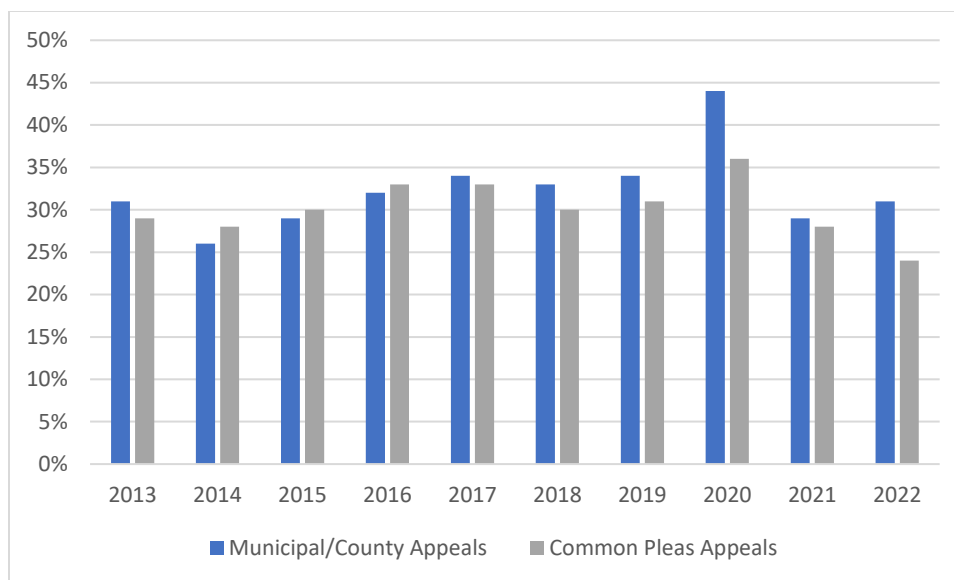
*Source: Supreme Court of Ohio Case Management Section, State of Ohio Court Statistics*

### Court Statistics Caseload Performance Metrics

The Supreme Court of Ohio's Case Management Section also publishes dashboards on the performance measures of Ohio's appellate courts. One of the performance measures is overage rate, defined as "the proportion of the court's active pending caseload that has been pending for longer than the applicable time standards. It is calculated by dividing the number of cases pending beyond the time guidelines at the end of a month by the total number of cases pending at the end of that same month."<sup>26</sup>

<sup>26</sup> See State of Ohio Court Statistics, Data Dictionary. <https://www.supremecourt.ohio.gov/courts/services-to-courts/court-services/dashboards/data-dictionary/> The overall time standard for all case types is 210 days from appeal filing to release of the opinion except for Administrative Appeals (200 days from appeal filing to release of the opinion) and Original Actions (180 days from filing of the application/petition to release of the opinion). Overage rates for 2020 may be impacted by the Supreme Court of Ohio's orders allowing for case aging to be tolled during the periods of March 9, 2020, through July 30, 2020, and December 16, 2020, through March 16, 2021.

**Figure 43. Overage Rates for Municipal/County and Common Pleas Court Appeals, 2013-2022**

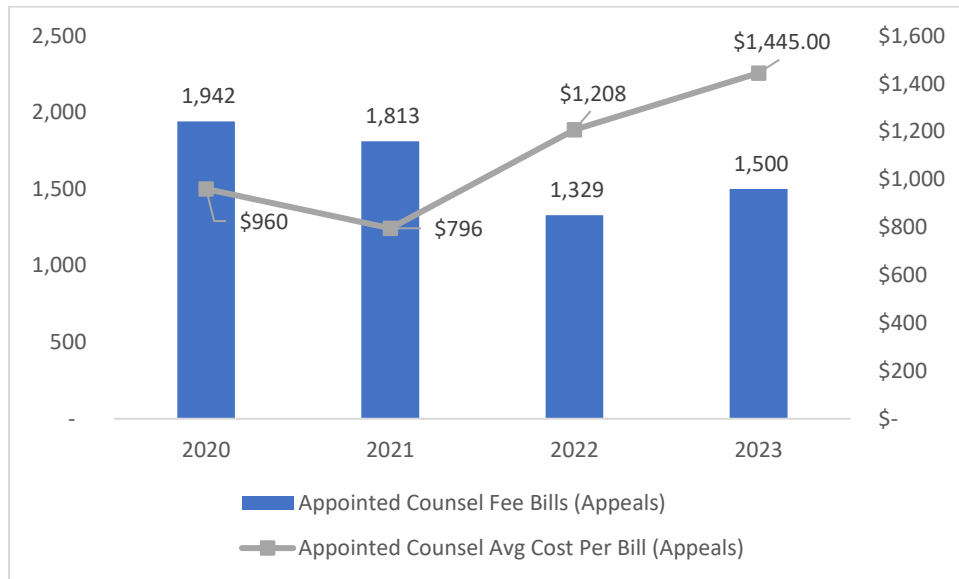


*Source: Supreme Court of Ohio Case Management Section, State of Ohio Court Statistics*

#### Ohio Public Defender Appeals Statistics

Every year, the Ohio Public Defender publishes data on appointed counsel and public defender caseloads and costs. The following graphics utilize this information to report on general trends on the cost of appeals to the public defender and appointed counsel system.

**Figure 44. The Number of Appointed Counsel Fee Bills by the Average Cost per Bill for Appellate Cases, 2020-2023<sup>27</sup>**

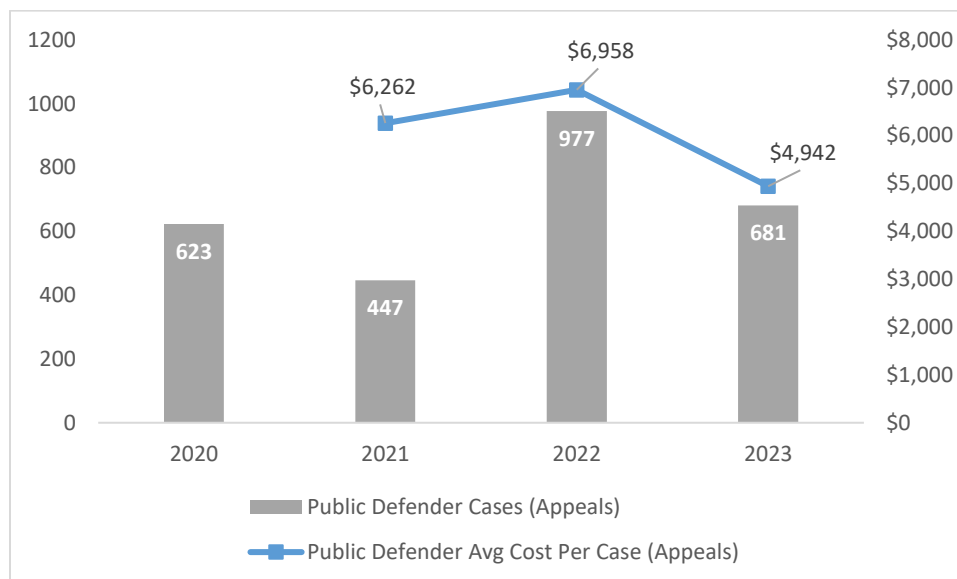


Source: The Office of the Ohio Public Defender, Appointed Counsel and Public Defender Cost and Expense Report

<sup>27</sup> Please note that the reimbursement rate for appointed counsel may change monthly. For a historical table of reimbursement rates, please see:

<https://opd.ohio.gov/static/County%20Resources/Reimbursement/Reimbursement-Percent-History-01-08-2024.pdf>

**Figure 45. The Number of Public Defender Cases by Average Cost per Case for Appellate Cases, 2020-2023<sup>28</sup>**



*Source: The Office of the Ohio Public Defender, Appointed Counsel and Public Defender Cost and Expense Report*

## Conclusion

Overall, criminal appeals largely held steady over the past decade, dropping significantly during the COVID-19 pandemic. The criminal appeals for 2021-22 remain below pre-pandemic levels. Felony appeals as a percentage of dispositions have also decreased, indicating that a smaller share of felony case terminations are being appealed. The number of appeals per judge is also at a decade low, but is slowly rebounding to pre-pandemic levels. Outside of the pandemic, overage rates for criminal appeals have remained in the 20-35% range. Public defender caseloads and costs have fluctuated over the past four years. Longer term trends should be tracked to better understand these numbers. Generally, these metrics suggests that the pre-Senate Bill 2 concerns about the rising costs of appeals still have yet to be realized. Crucially, appellate courts do not track the time spent on criminal appeals, which is necessary to assess whether they are spending more time and resources on criminal appeals, despite the downward trend of sentencing-based appeals reaching Ohio's appellate courts.

<sup>28</sup> The Public Defender's Office notes that, due to the COVID-19 pandemic the cost per case for county public defender offices may appear artificially high. This is due to the fact that the cost per case figures for public defender offices are based upon the total budget of an office. Most of these costs are fixed—salaries, benefits, facilities, and equipment. During this report period, some court operations were reduced and case filings reduced. As a result, while costs remained relatively flat, opened case counts for the time period were reduced to varying degrees across Ohio's 88 counties due to COVID.

**R.C. 181.21**

(D) The sentencing commission shall establish a standing juvenile committee. The committee ~~shall~~ may consist of the following ~~commission~~ members: the chief justice of the supreme court or the chief justice's designee, the director of youth services, the three juvenile court judges, one court of common pleas judge who is not a juvenile court judge, one county prosecuting attorney who is experienced in the prosecution of cases in juvenile court involving alleged delinquent children, unruly children, and juvenile traffic offenders, the attorney whose practice of law primarily involves the representation in juvenile court of alleged delinquent children, unruly children, and juvenile traffic offenders, the former victim of a violation of Title XXIX of the Revised Code, the county commissioner, one legislator from each political party, the sheriff, and one municipal corporation or township peace officer who is experienced in the investigation of cases involving juveniles, and any other person or persons that the chief justice or the chairperson of the committee designate. The members ~~of the commission~~ may serve on the committee by designation of the chief justice or the chairperson of the committee. The chief justice shall designate a member to serve as chairperson of the committee. The committee shall select a vice-chairperson and any other necessary officers and adopt rules to govern its proceedings. The committee shall meet as necessary at the call of the chairperson or on the written request of four or more of the committee's members. A majority of the members of the committee shall constitute a quorum, and the votes of a majority of the quorum present shall be required to validate any action of the committee, including recommendations to the commission. The committee and the commission shall comply with section 181.26 of the Revised Code.



**R.C. 181.26 – Additional duties of commission concerning juveniles**

(A) In addition to its duties set forth in sections 181.23 to 181.25 and 181.27 of the Revised Code, the state criminal sentencing commission shall do all of the following:

- (1) Review all statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions in this state;
- (2) Review state and local resources, including facilities and programs, used for delinquent child, unruly child, and juvenile traffic offender dispositions and profile the populations of youthful offenders in the facilities and programs;
- (3) ~~Report to the general assembly no later than, a comprehensive plan containing recommendations based on the reviews required under divisions (A)(1) and (2) of this section. The recommendations shall do all of the following~~ Develop a juvenile justice policy for the state. The policy shall be designed to:
  - (a) Assist in the managing of the number of persons in, operation of, and costs of, the facilities, the programs, and other resources used in delinquent child, unruly child, and juvenile traffic offender dispositions;
  - (b) ~~Foster rehabilitation, public safety, sanctions, accountability, and other reasonable goals;~~ Further the purposes for disposition under section 2152.01 of the Revised Code;
  - (c) Provide greater certainty, proportionality, uniformity, fairness, and simplicity in delinquent child, unruly child, and juvenile traffic offender dispositions while retaining reasonable judicial discretion;
  - (d) ~~Provide for the restoration of victims of juvenile offenses.~~

~~(B) The commission shall project the impact of the comprehensive plan recommended by the commission under this section on state and local resources used in delinquent child, unruly child, and juvenile traffic offender dispositions. The commission shall determine whether any additional facilities, programs, or other resources are needed to implement the comprehensive plan.~~

~~(B)(C) If the general assembly enacts all or a substantial part of the comprehensive plan recommended by the commission under this section, t~~The commission shall do all of the following:

- (1) Assist in the implementation of ~~the enacted plan~~ statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions in this state;
- (2) Monitor the operation of ~~the plan~~ statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions in this state, periodically report to the general assembly on the plan's statutes' operation and the plan's statutes' impact on resources used in delinquent child, unruly child, and juvenile traffic offender dispositions, and periodically recommend necessary changes in the plan statutes to the general assembly based on this monitoring in the biennial monitoring report described in section 181.25(A)(2) of the Revised Code;
- (3) Review all bills that are introduced in the general assembly that relate to delinquent child, unruly child, and juvenile traffic offender dispositions, determine if those bills are consistent with the juvenile justice policy adopted under division (A)(3) of this section, recommend to the general assembly amendments to those bills if necessary, and assist the general assembly in making legislation consistent with the plan juvenile justice policy adopted under division (A)(3) of this section.



**STATE SENATOR VERNON SYKES**  
28th District

December 1, 2023

Hon. Chief Justice Sharon Kennedy  
Supreme Court of Ohio  
65 S Front St.  
Columbus, OH 43215

Dear Chief Justice Kennedy,

I write to request that the Ohio Criminal Sentencing Commission include certain data in its upcoming monitoring report as required by its duties to “study criminal sentencing structures” under R.C. 181.25. Specifically, I request that the Commission collect and analyze statistical data for each county on offenders incarcerated or under state community control as follows:

- Offense
- Sentence type
- Sentence Length
- Number seeking postconviction relief
- Types of postconviction relief sought
- Average time waiting for postconviction relief
- Success rate by type of postconviction relief sought
- Race
- Age
- Gender

I believe this data would aid the Commission in doing its duty and be invaluable to the legislature in its consideration of current and future legislation. I appreciate your consideration of this request. Please feel free to contact me if you or Commission staff have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon Sykes", with a stylized flourish at the end.

Senator Vernon Sykes  
28th Senate District



CRIMINAL SENTENCING COMMISSION

65 SOUTH FRONT STREET • 5TH FLOOR • COLUMBUS, OHIO 43215-3431 • TELEPHONE: 614.387.9305 • FAX: 614.387.9309

## POSITION DESCRIPTION

### **POSITION TITLE:** Criminal Sentencing Commission Coordinator

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**Classification:** Staff Specialist III

**Pay Grade:** 106

**Office/Section:** Criminal Sentencing

**Division:** Affiliated Offices

**Reports to:** Director

**Position Control Number:**

**FLSA Status:** Exempt

**EEO Status:** Professional

**Date Created:** January 2024

**Date Revised:**

### **JOB PURPOSE**

Provides administrative support to the operations of the commission, the director, and staff in matters relating to the work of the Ohio Criminal Sentencing Commission and its committees, including tracking the status of relevant legislation, reviewing and editing summary materials developed, and assisting in identifying and obtaining relevant information and data necessary to fulfill the duties statutorily mandated to the commission.

### **ESSENTIAL DUTIES AND RESPONSIBILITIES OF THE POSITION**

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

Assists the director in preparing commission work product, facilitating commission and committee meetings and general duties of the office.

Monitors promising practices relative to criminal justice issues and disseminates pertinent information to the commission director, the commission and its committees, interested parties and justice system partners.

Assists in planning and implementing non-legal research, including monitoring the impact of changes in sentencing policy. Duties include managing outreach with key stakeholders across the criminal justice system and collating extant sources of information to produce original analysis.

Works with the director and criminal justice counsel to track the status of relevant legislation, including legislative calendar, bill introduction, bill committee hearing status, and bill passage.

Coordinates special projects and assignments for the director and commission. Serves as a liaison and/or represents the commission on relevant committees and task forces.

Monitors and updates the commission's website and supports the director in coordinating with the Supreme Court of Ohio Office of Public Information on website maintenance, meeting information and materials, announcements, and print materials to ensure materials are publicly available and current.

Works with research specialists to manage non-legal, undergraduate interns assigned to the commission.

Oversees and manages third party contracts regarding administrative office operations. Administers and manages successful grant applications.

Assists the director and staff with scheduling meetings and preparing materials and/or coordinating arrangements for meetings and conferences; makes arrangements for meeting rooms, meals, and overnight accommodations; makes travel arrangements for director and staff as needed.

Responsible for reconciling daily and monthly fiscal reports, issues invoices, receipts, refunds, Inter-State Transfer of Funds, and properly account for payments. Researches and handles payment issues and commission member reimbursements. Prepares for audit and responds to Auditor inquiries for request for information. Works with third party processing entities, the Supreme Court of Ohio fiscal and technology departments to resolve payment issues.

Respond to inquires regarding public records, including researching and obtaining records for review by director.

Provides staff support for the commission and commission committees, including drafting comprehensive minutes.

Performs other related duties as assigned.

Regular, reliable, and punctual attendance is required.

### **QUALIFICATIONS & EXPERIENCE**

Requires a bachelor's degree or equivalent in criminal justice or related discipline and the ability to learn and understand complex policies and procedures. The degree may be substituted by six or more years of progressive and related experience with the Sentencing Commission or related area in the court system.

Requires the ability to handle sensitive information and meet various deadlines. Must be proficient in computer applications such as Microsoft Office products, excellent interpersonal communication, and problem-solving skills.

Skilled in performing technical, specialized, complex, and difficult office administrative work requiring the use of independent judgment; interpreting policies and procedures related to the office; analyzing and resolving office administrative and procedural problems.

Skilled in communicating effectively with co-workers, commission members, director, the general public, and private organizations and others sufficient to exchange or convey information.

**Special Requirements:** This position is regularly exposed to sensitive information and the employee is expected to keep any such information strictly confidential.

The intent of this job description is to provide a representative summary of the major duties and responsibilities performed by employees. It is not intended to be an exhaustive or all-inclusive list of all job-related duties that an employee may be requested to perform.

## **PHYSICAL REQUIREMENTS**

This position operates in a professional office environment and routinely uses standard office equipment, such as computers and phones.

This is a largely sedentary role; however, the employee may also be required to move about the office and building. Preparing and moving documents and files requires an ability to occasionally lift up to 20 pounds and may require bending, pushing, pulling, or reaching. While performing the duties of this job, the employee will regularly be required to communicate and exchange information.

## **COMMISSION EXPECTATIONS OF EMPLOYEE**

In completing the duties and responsibilities of the position, the Ohio Criminal Sentencing Commission expects the incumbent will adhere to all commission policies, guidelines, practices and procedures; act as a role model; exhibit a professional manner in dealing with others; and work to maintain constructive working relationships. In addition, the commission expects the incumbent to maintain a positive and respectful approach with superiors, colleagues, and individuals. Further, the commission expects the incumbent to demonstrate flexible and efficient time management, the ability to prioritize workload, the ability to perform duties in a timely, accurate and thorough manner, and to communicate regularly with the incumbent's supervisors about work-related issues.

## **AT-WILL EMPLOYMENT**

The Ohio Criminal Sentencing Commission is an affiliated office of the Supreme Court of Ohio and is an at-will employer that seeks to attract, employ, and retain highly skilled and motivated individuals, maintain staff continuity for the efficiency of its operation, and desires to foster and maintain an ethical, professional, and impartial work environment. Pursuant to the Supreme Court of Ohio Adm. P. 4 (At-Will Employment), no person shall be offered or denied a position of employment with the Ohio Criminal Sentencing Commission, and no employee shall have their employment terminated based solely upon political party affiliation, political activity permitted under the Supreme Court of Ohio Adm. P. 17 (Employee Code of Ethics), or other partisan considerations. Further, no employee shall have their employment terminated without cause, unless upon the concurrence of the Ohio Criminal Sentencing Commission.

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Employee Signature

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Date

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Supervisor Signature

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Date

**STATE OF OHIO (DAS)**  
CLASSIFICATION  
SPECIFICATION

**CLASSIFICATION SERIES**

Program Administrator

**SERIES NUMBER**

6312

**MAJOR AGENCIES**

All Agencies

**EFFECTIVE**

06/30/2013

**SERIES PURPOSE**

The purpose of the Program Administrator occupation is to provide program direction by relieving superior of administrative duties.

At the first level, incumbents relieve superior of non-routine administrative duties & formulates & implements program policy or does all of the proceeding & supervises assigned staff. At the second level, incumbents relieve superior of variety of difficult administrative duties & formulates & implements program policy or does all of the proceeding & supervises assigned staff. At the third level, incumbents relieve superior of most difficult administrative duties & formulates & implements program policy or does all of the proceeding & supervises assigned staff.

Note: In order to determine whether position is assigned duties of specified administrative nature, compare duties assigned to position in question with those assigned to immediate supervisory position, identify duties that have been delegated to subordinate & scope & impact of those duties on overall program activities of unit, section, division or bureau. The higher the class level, it is expected that there will be an increase in the knowledge of the technical policies & procedures of the operational unit to include training &/or academic background commensurate with the immediate supervisor's assigned program.

Note: This series may be used within agency/institution &/or in community setting.

This classification series may not be used to cover any functions currently described by another existing classification specifically designed for the function.

**JOB TITLE**

Program Administrator 1

**JOB CODE**

63122

**PAY GRADE**

10

**EFFECTIVE**

02/26/2012

**CLASS CONCEPT**

The advanced level class works under general supervision & requires considerable knowledge of management principles/techniques, supervisory principles/techniques & agency policies & procedures regarding program activities of unit, section, division or bureau in order to provide program direction by relieving superior of non-routine administrative duties & formulate & implement program policy, or to do all of preceding & supervise assigned staff.

**JOB TITLE**

Program Administrator 2

**JOB CODE**

63123

**PAY GRADE**

12

**EFFECTIVE**

02/26/2012

**CLASS CONCEPT**

The first administrative level class works under administrative direction & requires thorough knowledge of management principles/techniques, supervisory principles/techniques & agency policies & procedures regarding program activities of unit, section, division or bureau in order to provide program direction by relieving superior of variety of difficult administrative duties & formulate & implement program policy, or to do all of preceding & supervise assigned staff.

**JOB TITLE**

Program Administrator 3

**JOB CODE**

63124

**PAY GRADE**

14

**EFFECTIVE**

02/26/2012

**CLASS CONCEPT**

The second administrative level class works under administrative supervision & requires extensive knowledge of management principles/ techniques, supervisory principles/techniques & agency policies & procedures regarding program activities of unit, section, division or bureau in order to provide program direction by acting for superior & by relieving superior of most difficult administrative duties & formulate & implement program policy, or to do all of preceding & supervise assigned staff.

<b><u>JOB TITLE</u></b>	<b><u>JOB CODE</u></b>	<b><u>B. U.</u></b>	<b><u>EFFECTIVE</u></b>	<b><u>PAY GRADE</u></b>
Program Administrator 1	63122	EX	02/26/2012	10

**JOB DUTIES IN ORDER OF IMPORTANCE** (These duties are illustrative only. Incumbents may perform some or all of these duties or other job-related duties as assigned.)

Acts for administrator (e.g., independently answers complex &/or confidential correspondence; conducts staff meetings to discuss rules & operating procedures relating to assigned area; monitors manpower needs & insures sufficient number of personnel to complete special assignments/ projects), serves as liaison between administrator & subordinates, transmits decisions & directives, represents administrator at meetings & conferences, formulates & implements program policy & assumes responsibility & authority in administrator's absence, or does all of preceding & supervises staff (i.e., assigned clerical, maintenance, security &/or lower-level administrative employees).

Researches & analyzes programs, procedures & policies; develops project proposals & program plans; provides technical advice to aid administrators in decision making.

Manages business functions of administrator's office; prepares & administers budgets; oversees maintenance of fiscal controls, authorizes expenditures & purchases; administers special programs & projects; coordinates specific auxiliary functions falling under authority of supervisor.

Performs public relations duties; researches & responds to inquiries & complaints; furnishes information & explains programs to public; writes position papers & reports; makes speeches & gives lectures; prepares news releases.

**MAJOR WORKER CHARACTERISTICS**

Knowledge of supervisory principles/techniques; business administration, management science or public administration; employee training & development\*; interviewing\*; public relations; budgeting. Ability to handle sensitive telephone & face-to-face inquiries & contacts with public & government; write letters, papers, reports & speeches & deliver speeches before general public; develop complex reports & position papers; define problems, collect data, establish facts & draw valid conclusions; calculate fractions, decimals & percentages; gather, collate & classify information according to established methods; establish friendly atmosphere as supervisor of work unit.

(\*)Developed after employment.

**MINIMUM CLASS QUALIFICATIONS FOR EMPLOYMENT**

Completion of undergraduate core program in business administration, management science or public administration; 12 mos. trg. or 12 mos. exp. in supervisory, administrative &/or managerial position which involved limited research & public contact. If assigned to operate vehicles regulated by Section 4506.01 of Revised Code, applicants must also have valid commercial driver's license.

-Or completion of undergraduate core program in academic field commensurate with program area to be assigned per approved Position Description on file; 12 mos. trg. or 12 mos. exp. in supervisory, administrative, managerial &/or staff position which involved limited research & public contact. If assigned to operate vehicles regulated by Section 4506.01 of Revised Code, applicants must also have valid commercial driver's license.

-Or 36 mos. trg. or 36 mos. exp. in business administration, management science or public administration. If assigned to operate vehicles regulated by Section 4506.01 of Revised Code, applicants must also have valid commercial driver's license.

-Or equivalent of Minimum Class Qualifications For Employment noted above.

**TRAINING AND DEVELOPMENT REQUIRED TO REMAIN IN THE CLASSIFICATION AFTER EMPLOYMENT**

Not applicable.

**UNUSUAL WORKING CONDITIONS**

Not applicable.

<b><u>JOB TITLE</u></b>	<b><u>JOB CODE</u></b>	<b><u>B. U.</u></b>	<b><u>EFFECTIVE</u></b>	<b><u>PAY GRADE</u></b>
Program Administrator 2	63123	EX	02/26/2012	12

**JOB DUTIES IN ORDER OF IMPORTANCE** (These duties are illustrative only. Incumbents may perform some or all of these duties or other job-related duties as assigned.)

Acts for administrator (e.g., responds to programmatic issues/ needs of staff; leads/monitors task forces; plans, writes & implements departmental goals), serves as liaison between administrator & subordinates, transmits decisions & directives, represents administrator at meetings & conferences, assumes responsibility & authority in administrator's absence, interviews, hires, & counsels employees, manages office & auxiliary functions (e.g., maintenance, security, public information, personnel) & formulates & implements program policy, or does all of preceding & supervises assigned staff (i.e., clerical &/or lower-level administrative personnel).

Analyzes & evaluates programs, procedures & policies; provides technical advice to aid administrators in decision making.

Develops & coordinates public relations programs; researches & responds to inquiries & complaints; furnishes information & explains programs to public, legislators & news media; writes position papers & reports; makes speeches & gives lectures; prepares news releases.

Manages business function of administrator's office; prepares & administers budgets; establishes & oversees maintenance of fiscal controls; authorizes expenditures & purchases; develops & implements recruitment & training programs; develops & administers special programs & projects; prepares important documents, correspondence, directives & publications.

**MAJOR WORKER CHARACTERISTICS**

Knowledge of supervisory principles/techniques; business administration, management science or public administration; public relations; employee training & development; interviewing; public accounting. Ability to gather, collate & classify information about data, people or things; define problems, collect data, establish facts & draw valid conclusions; deliver speeches before government officials & general public; write, letters, papers & reports; handle sensitive telephone & face-to-face inquiries & contacts with general public; interview job applicants to determine work best suited to them.

**MINIMUM CLASS QUALIFICATIONS FOR EMPLOYMENT**

Completion of undergraduate core program in business administration, management science or public administration; 2 yrs. trg. or 2 yrs. exp. in supervisory, administrative &/or managerial position.

-Or completion of undergraduate core program in academic field commensurate with program area to be assigned per approved Position Description on file; 2 yrs. trg. or 2 yrs. exp. in supervisory, administrative &/or managerial position or staff position involving planning, research &/or policy/procedure development.

-Or 4 yrs. trg. or 4 yrs. exp. in business administration management science or public administration.

-Or 1 yr. exp. as Program Administrator 1, 63122.

-Or equivalent of Minimum Class Qualifications For Employment noted above.

**TRAINING AND DEVELOPMENT REQUIRED TO REMAIN IN THE CLASSIFICATION AFTER EMPLOYMENT**

Not applicable.

**UNUSUAL WORKING CONDITIONS**

Not applicable.



<b><u>JOB TITLE</u></b>	<b><u>JOB CODE</u></b>	<b><u>B. U.</u></b>	<b><u>EFFECTIVE</u></b>	<b><u>PAY GRADE</u></b>
Program Administrator 3	63124	EX	02/26/2012	14

**JOB DUTIES IN ORDER OF IMPORTANCE (These duties are illustrative only. Incumbents may perform some or all of these duties or other job-related duties as assigned.)**

Acts for administrator (e.g., provides program direction for staff; administers statewide agency programs; insures compliance with state & federal program requirements; advocates for legislation to enhance services/ programs related to assigned specialty), provides regular direction to division heads & other staff members, conducts staff meetings to discuss & execute policies & procedures, reviews proposals of division heads & other staff members & makes recommendations to administrator, assumes full responsibility & authority in administrator's absence, plans, directs & appraises work of administrator's office staff, including clerical & lower-level administrative employees, manages office auxiliary functions (e.g., maintenance, security, public information, personnel) & formulates & implements program policy, or does all of preceding & supervises assigned staff (i.e., clerical &/or lower-level administrative personnel).

Analyzes & evaluates programs, procedures & policies; develops & revises programs; provides technical advice to aid administrator in decision making.

Prepares & directs preparation of correspondence, reports, policy statements, legislative drafts; provides information on programs & policies to private organizations, government officials & general public.

Coordinates & monitors personnel & fiscal services of administrative unit; oversees & provides budget preparation & administration; orients & counsels new professional personnel; identifies staff training needs.

Represents administrator at meetings & conferences with state, federal & community agencies; speaks for administrator on policy matters.

**MAJOR WORKER CHARACTERISTICS**

Knowledge of business administration, management science or public administration; supervisory principles/techniques; public relations; employee training & development; budgeting. Ability to define problems, collect data, establish facts & draw valid conclusions; develop complex reports & position papers; handle sensitive face-to-face contacts with public & government officials; establish friendly atmosphere as supervisor of work unit.

**MINIMUM CLASS QUALIFICATIONS FOR EMPLOYMENT**

Completion of undergraduate core program in business administration, management or public administration; 36 mos. trg. or 36 mos. exp. in supervisory, administrative &/or managerial position.

-Or completion of undergraduate core program for academic field of study commensurate with program area to be assigned per approved Position Description on File; 36 mos. trg. or 36 mos. exp. in supervisory, administrative, managerial &/or staff position involving planning, research &/or policy/procedure development.

-Or 5 yrs. trg. or 5 yrs. exp. in business administration, management or public administration.

-Or 1 yr. exp. as Program Administrator 2, 63123.

-Or equivalent of Minimum Class Qualifications For Employment noted above.

**TRAINING AND DEVELOPMENT REQUIRED TO REMAIN IN THE CLASSIFICATION AFTER EMPLOYMENT**

Not applicable.

**UNUSUAL WORKING CONDITIONS**

Not applicable.

**Salary Bands***Effective July 1, 2022*

<b>Grade</b>	<b>Minimum</b>	<b>Mid-Point</b>	<b>Maximum</b>
101	\$35,630.40	\$41,849.60	\$48,068.80
102	\$39,187.20	\$46,030.40	\$52,873.60
103	\$43,097.60	\$50,627.20	\$58,177.60
104	\$47,382.40	\$55,702.40	\$64,001.60
105	\$52,145.60	\$61,256.00	\$70,387.20
106	\$57,324.80	\$67,392.00	\$77,417.60
107	\$63,065.60	\$74,110.40	\$85,155.20
108	\$69,388.80	\$81,515.20	\$93,641.60
109	\$76,315.20	\$89,689.60	\$103,043.20
110	\$83,948.80	\$98,654.40	\$113,339.20
111	\$92,352.00	\$108,513.60	\$124,675.20
112	\$101,587.20	\$119,350.40	\$137,134.40
113	\$111,758.40	\$131,289.60	\$150,841.60
114	\$122,907.20	\$144,393.60	\$165,900.80
115	\$135,179.20	\$158,849.60	\$182,499.20

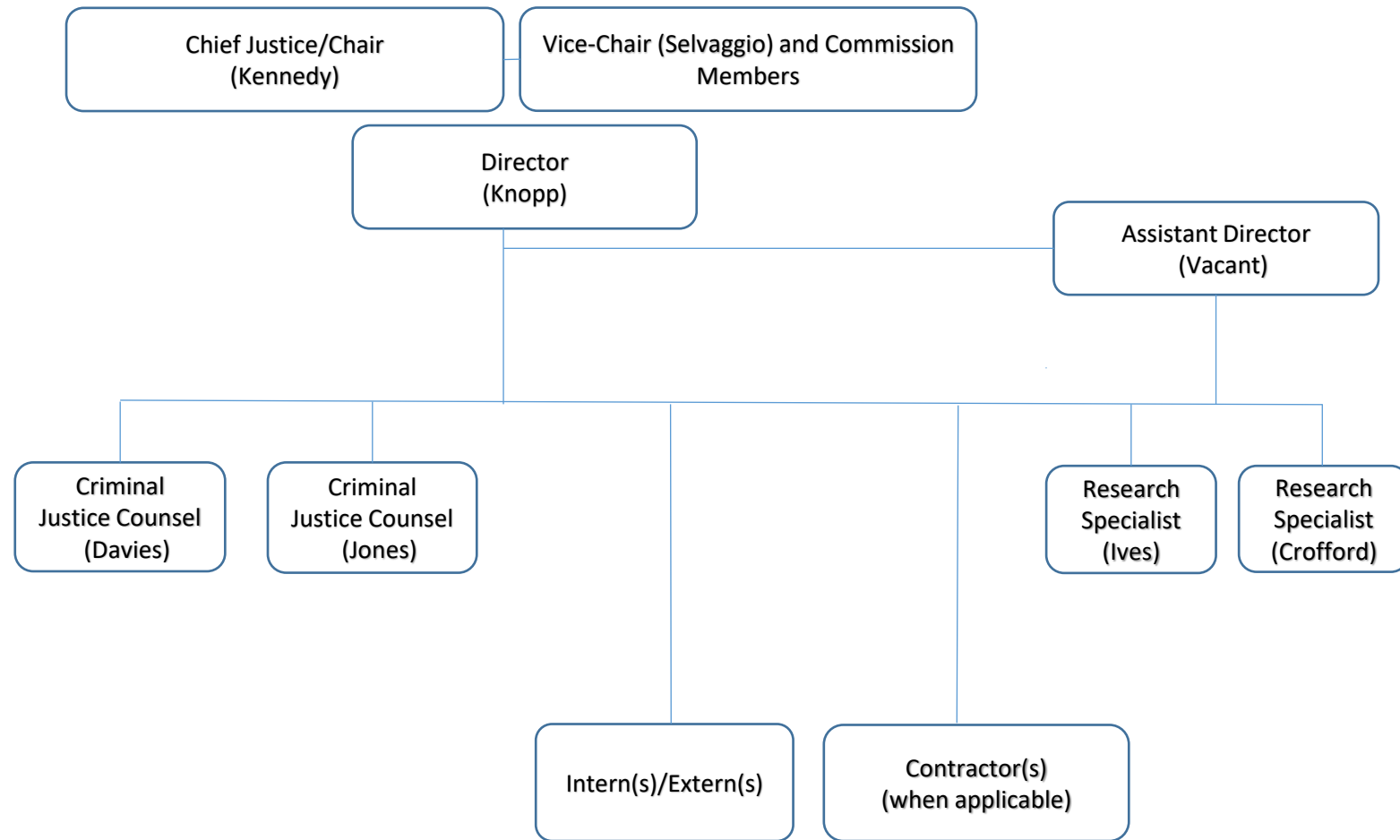
# E1 Exempt Pay Range Schedule

Rates Effective July 2023

Pay Range	Rate Type	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1	Hourly	\$12.88	\$13.46	\$14.02	\$14.64				
	Annual	\$26,790	\$27,996	\$29,161	\$30,451				
2	Hourly	\$15.63	\$16.29	\$16.98	\$17.74				
	Annual	\$32,510	\$33,883	\$35,318	\$36,899				
3	Hourly	\$16.38	\$17.11	\$17.87	\$18.63				
	Annual	\$34,070	\$35,588	\$37,169	\$38,750				
4	Hourly	\$17.19	\$17.96	\$18.83	\$19.64				
	Annual	\$35,755	\$37,356	\$39,166	\$40,851				
5	Hourly	\$18.04	\$18.86	\$19.64	\$20.51				
	Annual	\$37,523	\$39,228	\$40,851	\$42,660				
6	Hourly	\$19.00	\$19.80	\$20.65	\$21.51				
	Annual	\$39,520	\$41,184	\$42,952	\$44,740				
7	Hourly	\$20.17	\$20.92	\$21.79	\$22.55	\$23.41			
	Annual	\$41,953	\$43,513	\$45,323	\$46,904	\$48,692			
8	Hourly	\$21.33	\$22.28	\$23.24	\$24.29	\$25.43			
	Annual	\$44,366	\$46,342	\$48,339	\$50,523	\$52,894			
9	Hourly	\$22.75	\$23.94	\$25.11	\$26.37	\$27.70			
	Annual	\$47,320	\$49,795	\$52,228	\$54,849	\$57,616			
10	Hourly	\$24.53	\$25.89	\$27.28	\$28.86	\$30.39			
	Annual	\$51,022	\$53,851	\$56,742	\$60,028	\$63,211			
11	Hourly	\$26.74	\$28.28	\$29.92	\$31.61	\$33.40			
	Annual	\$55,619	\$58,822	\$62,233	\$65,748	\$69,472			
12	Hourly	\$29.49	\$31.15	\$32.82	\$34.63	\$36.55	\$38.55	\$40.12	\$42.01
	Annual	\$61,339	\$64,792	\$68,265	\$72,030	\$76,024	\$80,184	\$83,449	\$87,380
13	Hourly	\$32.51	\$34.29	\$36.16	\$38.11	\$40.26	\$42.43	\$44.17	\$46.25
	Annual	\$67,620	\$71,323	\$75,212	\$79,268	\$83,740	\$88,254	\$91,873	\$96,200
14	Hourly	\$35.74	\$37.78	\$39.81	\$41.97	\$44.34	\$46.81	\$48.75	\$51.03
	Annual	\$74,339	\$78,582	\$82,804	\$87,297	\$92,227	\$97,364	\$101,400	\$106,142
15	Hourly	\$39.27	\$41.48	\$43.82	\$46.23	\$48.79	\$51.47	\$53.58	\$56.10
	Annual	\$81,681	\$86,278	\$91,145	\$96,158	\$101,483	\$107,057	\$111,446	\$116,688
16	Hourly	\$43.29	\$45.70	\$48.21	\$50.92	\$53.71	\$56.79	\$59.12	\$61.89
	Annual	\$90,043	\$95,056	\$100,276	\$105,913	\$111,716	\$118,123	\$122,969	\$128,731
17	Hourly	\$47.70	\$50.33	\$53.15	\$56.08	\$59.23	\$62.53	\$65.97*	
	Annual	\$99,216	\$104,686	\$110,552	\$116,646	\$123,198	\$130,062	\$137,217*	
18	Hourly	\$52.57	\$55.48	\$58.61	\$61.83	\$65.25	\$68.90		
	Annual	\$109,345	\$115,398	\$121,908	\$128,606	\$135,720	\$143,312		
19	Hourly	\$57.83	\$61.03	\$64.47	\$68.01	\$71.78	\$75.79		
	Annual	\$120,286	\$126,942	\$134,097	\$141,460	\$149,302	\$157,643		

\* Pursuant to ORC 124.152 (D), Pay Grade 17, Step 7 is applicable only to Ohio State Highway Patrol Captains

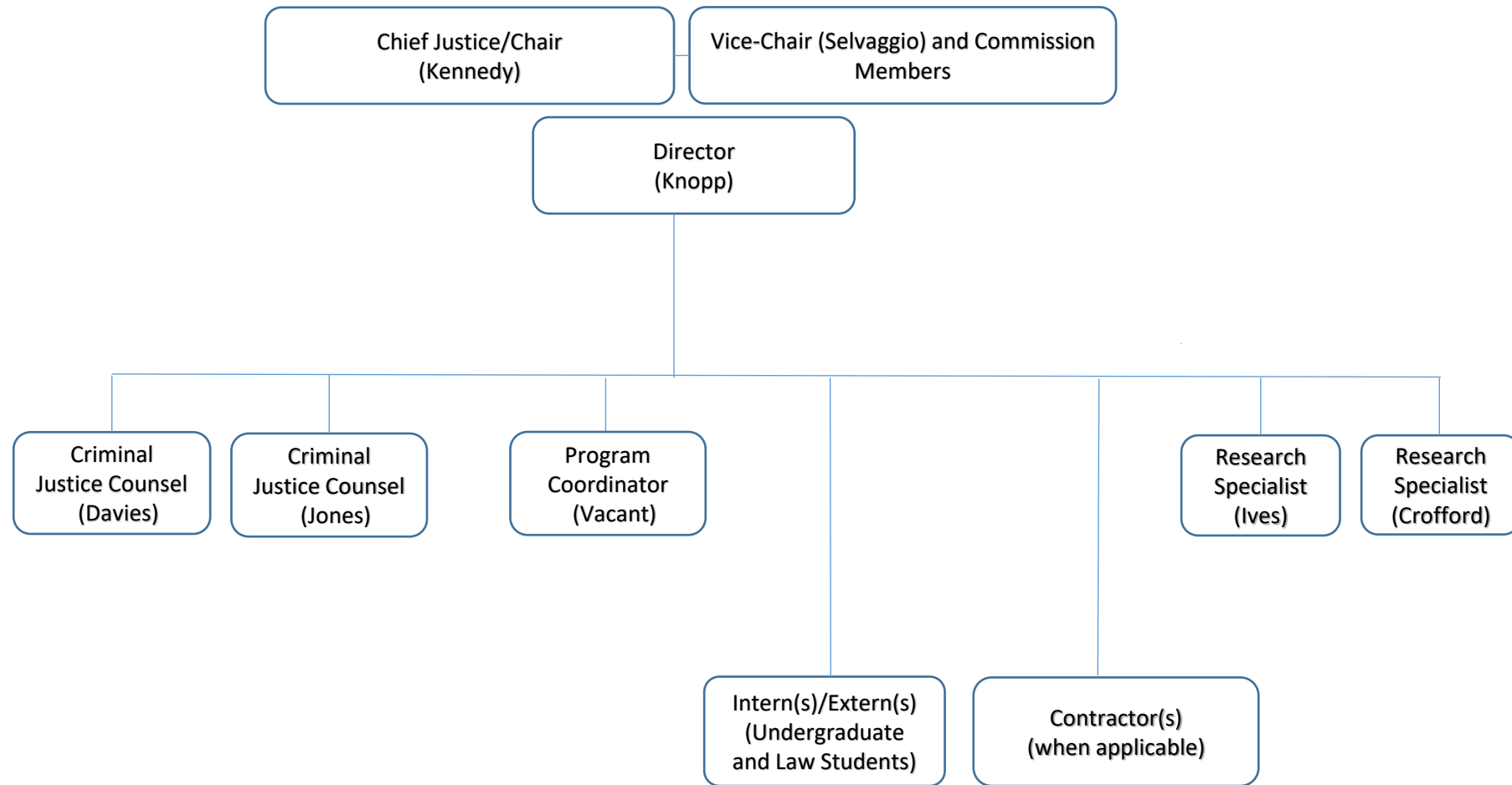
## Current Organizational Chart as of December 6, 2023



**OHIO**

CRIMINAL SENTENCING COMMISSION

## Proposed Organizational Chart as of February 15, 2024



**OHIO**

CRIMINAL SENTENCING COMMISSION