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OHIO CRIMINAL SENTENCING COMMISSION MEETING

November 21, 2024, 10:00 am—12:00 pm

Ohio Judicial Center, Room 101

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| I. | Call to Order | Chair Chief Justice Sharon L. Kennedy |
| II. | Roll Call | Director Melissa A. Knopp, Esq. |
| III. | Approval of Minutes from September 12, 2024 | |
| IV. | Committee Reports | |
| | A. Adult Criminal Justice Committee | Director Annette Chamber-Smith |
| | B. Juvenile Justice Committee | Judge Helen Wallace |
| | C. Data Committee | Chief Justice Sharon L. Kennedy
Todd Ives/Michael Crofford |
| | 1. Monitoring Report (Vote Needed) | |
| | D. Personnel Committee | Chief Justice Sharon L. Kennedy |
| | 1. Executive Session on Personnel Matters (Vote Needed) | |
| V. | Case Law Update | Will Davies, Esq. |
| VI. | Legislative Update | Alex T. Jones, Esq. |
| VII. | Old Business | |
| VIII. | New Business | |
| IX. | Adjourn | |

2025 Full Commission Meeting Dates

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

Thursday, March 6, 2025, at 10am, Room 281

Thursday, May 8, 2025, at 10am, Room 101

Thursday, September 25, 2025, 10am, Room 101

Thursday, December 18, 2025, 10am, Room 101



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OHIO CRIMINAL SENTENCING COMMISSION MEETING

September 12, 2024, 10am-12pm
Ohio Judicial Center, Room 101

MEMBERS PRESENT

Sharon L. Kennedy, Chief Justice, Chair
Nick Selvaggio, Judge, Common Pleas Court, Vice-Chair
Amy Ast, Director, Department of Youth Services
Brooke Burns, Ohio Public Defender, Juvenile Department
Annette Chambers-Smith, Director, Department of Rehabilitation and Corrections
Charles Chandler, Peace Officer
Robert DeLamatre, Judge, Juvenile Court
Julia Dorrian, Judge, 10th District Court of Appeals
Kyle Erdeljac, Lieutenant, Columbus Police Department, FOP
Timothy France, Judge, Municipal Court
Marianne Hemmeter, Judge Municipal Court
John Hinton, Sheriff
Gwen Howe-Gebers, County Prosecutor, Juvenile
Kristen Johnson, Judge, Probate and Juvenile Court
Robert Krapenc, Attorney, Criminal Defense
Teri LaJeunesse, Victim Representative
Nathan Manning, Ohio Senate
Stephen McIntosh, Judge, Common Pleas Court
Elizabeth Miller, Ohio Public Defender
Jennifer Muench-McElfresh, Judge, Common Pleas Court
Robert Sellers, Lieutenant, State Highway Patrol
Darren Shulman, Municipal Prosecutor
Vernon Sykes, Ohio Senate
Helen Wallace, Judge, Juvenile Court
Tyrone Yates, Judge, Municipal Court

MEMBERS ABSENT

Latyna Humphrey, House of Representatives
Charles McConville, County Prosecutor
Josh Williams, House of Representatives
Donnie Willis, County Commissioner

STAFF PRESENT

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



Call to order and Roll Call

1. Chief Justice Kennedy called the meeting to order at 10:00 AM. Director Melissa Knopp took roll call, and a quorum was present.

Approval of minutes from May 16, 2024

2. Chief Justice Kennedy asked if there were any changes needed for the May 16th, 2024, meeting minutes. None were noted. Judge Muench-McElfresh moved to approve the minutes from the May 16, 2024, Meeting. Director Chambers-Smith seconded, and the motion passed unanimously.

2025 Full Commission Meeting Dates Discussion – Proposed Dates

3. Chief Justice Kennedy stated that a survey had gone out to Commission members asking for the best dates for next year's full Commission meetings. She stated that the 2025 dates listed on the agenda (March 6th, May 8th, September 25th, December 18th all from 10:00am – 12:00pm) were the dates most members had available and avoided various trainings, conferences, and other obligations. Judge Yates made a motion to approve the 2025 dates and Defense Attorney Krapenc seconded. The motion was approved unanimously.

Committee Reports

Adult Criminal Justice Committee

4. Director Chambers-Smith gave an update on the work of the Adult Criminal Justice Committee. She discussed the violent offender database and the reference guide that had been developed to help navigate it. She made a motion for the Commission to approve the publishing and distribution of the Violent Offender Database Reference Guide. The motion was seconded by Municipal Prosecutor Shulman and passed unanimously. Criminal Justice Counsel Davies shared that the reference guide will be posted on the Commission website and distributed via OJC.
5. Director Chambers-Smith then shared the work the committee had done in developing/updating a Felony Sentencing Bench Card. She stated that OPD had requested the addition of a section on juvenile sentencing. State Public Defender Miller explained the addition relating to § 2929.19(B)(1) and there was a brief discussion. Director Chambers-Smith then made a motion for the Commission to approve sending the Sentencing Bench Card to PIO for finalization and then publish and distribute. Judge McIntosh seconded the motion, and it was approved unanimously.



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6. The director then discussed the recommendations centered around PSIs. The committee is looking to review the requirements for what is included in a PSI and work towards a list or template for use. She stated that judges have expressed wanting to use their own templates but are willing to add additional elements. She then asked that if anyone had notes on suggestions on this topic, to send those to Criminal Justice Counsel Davies to bring to the adult committee.
7. The director then gave a brief update on OJC reviewing the common concerns and questions on Reagan Tokes which they will then bring back to the committee for discussion.
8. Director Chambers-Smith then gave an update on the subcommittee on confinement credit. She shared that the chair and vice-chair are Judge Christen Finley and Judge Matthew Reger respectively and discussed the work that had been done thus far as part of the subcommittee. She mentioned that the Chief Justice is working with a group to develop training for judges on the topic of confinement credit both as a stand-alone review and as part of the Judicial College's training. They will continue to look at other topics that should be included in new judges training.
9. The director then gave a brief update that staff and the committee continue to work on reviewing sentencing appeals but that there was nothing new to report at this time.

Juvenile Justice Committee

10. Judge Wallace then presented on the work of the Juvenile Justice Committee. She shared that the committee has now been added back into statute and thanked all of those that contributed to the process. She then shared that the committee had been discussing bindover and that Representative Williams had presented his bill to eliminate mandatory bindover and further utilize SYO status at the last committee meeting. She stated that they had lots more to discuss on this topic and will continue to consider various factors and details at future meetings of the committee.
11. Judge Wallace then discussed the results of Governor DeWine's Juvenile Justice Working Group and the report that was issued. She stated that the committee will review the recommendations closely, including Recommendation #10 which requested that the Commission's juvenile justice committee review Ohio's bindover statutes. Other recommendations were made relating to breaking up larger DYS facilities in favor of utilizing smaller facilities to better tailor treatment needs of youth. She shared that DYS currently runs 11 CCF facilities and will be looking to open more. Director Ast later clarified that the new location of this smaller facility had not yet been determined.



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12. Judge Wallace shared that the next meeting of the juvenile justice committee will be on October 31st, and they will be continuing the discussion of mandatory bindovers and the other recommendations from the taskforce's report.

Data Committee

13. Chief Justice Kennedy then presented on the work of the Data Committee. She shared a list of the agencies and partners who had presented for the committee and shared the Agency and Available Data Flowchart (Data Map) that had been created to illustrate what information these agencies held. She explained that they will be creating memorandums of understanding (MOU) for partners that required them in order to share certain data. She thanked Research Specialists Ives and Crofford for their work on the flowchart and asked if they had anything to add. Mr. Ives and Mr. Crofford shared that this was designed to be a one-page overview of available criminal justice data and a living document that could be updated as needed. They shared that further detailed sheets of each agency could be developed for more specific information to supplement the flowchart. State Public Defender Miller made a motion for the Commission to approve the Data Map for public release. Judge Hemmeter seconded the motion. Director Chambers-Smith shared that DRC will be changing some of their reported data relating to recidivism and Mr. Crofford asked that any changes be sent to the Research Specialists in email, and they could incorporate those changes. Chief Justice Kennedy also requested that the Sentencing Commission heading be added to the top of the page rather than the bottom. With these requested changes, the motion was approved unanimously.
14. Chief Justice Kennedy gave a brief update on the prosecutor appeals data that had been requested and the current response rate. Mr. Crofford added that they were working with counties, including those with the largest populations, to get their data which would increase the response rate and percentage of the state population represented dramatically.
15. Chief Justice Kennedy gave a brief update on the Monitoring Report. A section on juvenile data will be added to this report and the plan is for that section to be ready for review prior to the next committee meeting. The full report would then be presented at the full commission meeting in November.

Personnel Committee

Executive Session on Personnel Matters

16. Chief Justice Kennedy then motioned to enter executive session to discuss personnel matters. The motion was seconded by Chief Chandler and was approved unanimously.



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17. Upon completion of discussion, the Commission returned from executive session. Chief Justice Kennedy motioned to leave executive session. Judge Hemmeter seconded and the motion was passed unanimously.
18. Municipal Prosecutor Shulman made a motion to recommend the hiring of Angela Kay Garvey for the Program Coordinator position and offering her a salary of \$65,208.00 and for Chief Justice Kennedy to notify the other applicants thanking them for their application and notifying them immediately. Director Chambers-Smith seconded the motion, and it passed unanimously.
19. Mr. Shulman made a motion to create a new full time Criminal Justice Counsel position with a background and focus on juvenile justice issues. Director Ast seconded, and the motion passed unanimously. Chief Justice Kennedy then made a motion to post the position for 30 days and to authorize the Personnel Committee to screen resumes, hold interviews, and make recommendations by November 21st. Judge Johnson seconded the motion, and it passed unanimously.
20. Mr. Shulman made a motion to adopt the new organizational chart dated September 12th, 2024. Director Chambers-Smith seconded the motion, and it passed unanimously.
21. Mr. Shulman then motioned to approve Commission staff across the board receive a 5% raise for cost of living backdated to July 1st, 2024 for FY2025, for FY2026 a cost of living increase of 4.5%, and FY2027 a cost of living increase of 3%. The Chief Justice asked if there was any discussion. Mr. Shulman shared that the percentages were aligned with the Department of Administrative Services (DAS) contracts. Director Chambers-Smith seconded. The motion passed with 24 members voting in favor, one opposed (Chief Chandler), and no abstentions.
22. There was a brief discussion about the content and language of the next motion relating to DAS steps and longevity. Director Chambers-Smith made a motion to adopt the DAS annual step increases and begin to do longevity calculations for staff in alignment with DAS starting at 0.5% at year five, ending at year 20 with a maximum of 10% for longevity. Chief Chandler seconded the motion, and it passed unanimously.
23. Mr. Shulman made a motion that the Personnel Committee be authorized to create a request for proposals to bid for an outside human resources firm to verify job descriptions, do a compensation study, create salary bands, and to create an employee evaluation system with the caveat that we will also approach DAS to see if they can do this through their class and comp group. The motion was seconded by State Public Defender Miller and passed unanimously.



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24. Mr. Shulman made a motion to approve Todd Ives and one other individual to attend an out of state conference in November. State Public Defender Miller seconded, and the motion was approved unanimously.
25. There was a brief discussion on the budget and the changes to salaries that had been approved and questions about any other adjustments that needed made. Director Knopp responded that there was room in the current budget if an outside HR firm was hired in accordance with previous approved motions. Chief Chandler made a motion to accept the budget that was presented for the 2025/2026 budget with the adjustments for the change to the 5%, 4.5%, and 3% as previously approved. Chief Justice Kennedy seconded, and the motion passed unanimously.

Legislative Update

26. Criminal Justice Counsel Jones then discussed the legislative update. He discussed the bill tracking legislative update materials that had been provided including proponents and opponents and the upcoming legislative sessions. He thanked Senator Manning and his staff for their help with the amendment to HB301 which reestablished the statutory juvenile justice committee. He then briefly discussed the work Commission staff, and the juvenile justice committee have done in working with Representative Williams on the topic of bindover. He then offered that if anyone was interested in additional details on specific legislation, he would be happy to provide that.
27. Director Knopp then shared that she had submitted testimony and testified in front of the Sunset Review Committee on August 28th. They had been able to answer all the committee's questions and direct them to the resources and tools that the Sentencing Commission has created.

Old Business/New Business

28. Chief Justice Kennedy then reviewed the rest of the agenda and stated that votes had already been completed on the listed topics.

Adjourn

29. Chief Justice Kennedy reviewed the next Commission meeting date was scheduled for November 21st at 10:00am and the meeting was adjourned at 11:17am.



TO: Ohio Criminal Sentencing Commission
FROM: Melissa A. Knopp, Esq., Director
RE: End of Year Report – A Season of Change – October 2023 to November 2024
DATE: November 21, 2024

A Season of Change

Introduction

Since the fall of 2023 and under the new leadership of Chair Chief Justice Sharon L. Kennedy, the Ohio Criminal Sentencing Commission has experienced a transformative year. In October of 2023, the Commission hired a new Executive Director, Melissa A. Knopp, Esq., who immediately set to the task at the direction of the Commission to refocus and return its work to the statutory mandates outlined in Ohio Revised Code Sections 181.21 through 181.27. The following report outlines the work of the Ohio Criminal Sentencing Commission, its committees, and staff during 2024.

Monitoring Report

After a 12-year absence of the formal Monitoring Report required under R.C. 181.25(A)(2), staff completed the 2023 Monitoring Report in February with the Commission approving the report in May due to the lack of a quorum at the February Commission meeting. Upon approval by the Commission, the report was published in June. Immediately upon completion of the 2023 Monitoring Report, the research team—Todd Ives, who serves as lead author, and Michael Crofford—began crafting the biennial Monitoring Report due January 1, 2025. New editions to the 2025 report include an analysis of the cost of sentencing-based appeals and post-conviction relief proceedings among Ohio’s County Prosecutor Offices, pursuant to R.C. 181.25(A)(5), as well as a section monitoring the juvenile justice system in concurrence with the Commission’s new R.C. 181.26(B)(2) reporting requirements.

House Bill 1 Report

The General Assembly passed House Bill (H.B.) 1 in 2021 and per R.C. 181.27(B)(1) the Commission is to create a biennial report monitoring the impact of H.B. 1 on Ohio. The first report in 2021, was created to provide a baseline for future reports. Staff created the 2023 version of the H.B. 1 report, which was approved by the Commission at its November 16, 2023, meeting. Work on the 2025 edition of this report will begin in the new year to be approved by the Commission for publication by December 31, 2025.

Unconstitutional Code Sections

Initially as part of the Sentencing Roundtable Workgroup, which met between October 2021 and December 2022, several Ohio Revised Code Sections were identified as having been found



unconstitutional by the Supreme Court, but still existing in statute. Staff undertook an extensive analysis of the entire Ohio Revised Code, with the help of the Supreme Court of Ohio Law Library, to identify any additional unconstitutional code sections. Through the work of the Adult Criminal Justice Committee and the Juvenile Justice Committee, two memos were drafted identifying the code sections, highlighting the Supreme Court rulings, and explaining the problem for the legislature to review and decide what policy decisions should ultimately be implemented to make the code sections constitutionally valid. At the May meeting, the Commission voted to forward both memos identifying adult and juvenile unconstitutional code sections to the 135th General Assembly, which was done by staff.

Sunset Review

The Ohio Criminal Sentencing Commission is one of over 150 state entities that is subject to review every four years by the Sunset Review Committee. The Sunset Review Committee is a joint legislative-executive committee that is statutorily tasked with reviewing the statutes that create and empower each entity subject to review and determine which of those entities shall be retained and which shall expire. In fulfilling its statutory responsibilities, the Sunset Review Committee holds hearings and receives testimony. The committee uses these hearings to determine the usefulness, performance, and effectiveness of each entity. The Sunset Review Committee then proposes legislation to be voted on by the full House and Senate.

The 135th General Assembly's Sunset Review Committee is chaired by Senator Shane Wilkin. Senator Wilkin invited Director Melissa A. Knopp, Esq., to testify before the committee on August 28, 2024, and requested that written testimony and a questionnaire be submitted prior to testifying. In her testimony, Director Knopp focused on the statutory mission under R.C. 181.23 through R.C. 181.27 that charges the Commission with recommending and assisting the general assembly with developing, evaluating, implementing, and reviewing existing sentencing guidelines, processes, and procedures to create a sentencing structure and policy for Ohio that is designed to achieve fairness in sentencing and to enhance public safety by attaining certainty in sentencing, deterrence, and a reasonable use of correctional facilities, programs, and services. Director Knopp also highlighted the statutorily required reports and sentencing resource tools created by the Commission and requested reauthorization of the Ohio Criminal Sentencing Commission.

The Sunset Review Committee's proposed legislation is anticipated to be released in November.

Juvenile Justice Committee Statutory Reinstatement

The Commission voted to re-establish a standing Juvenile Justice Committee (JJC) on May 18, 2023. The chair of the JJC is Judge Helen Wallace of Montgomery County Common Pleas Court, Juvenile Division, and the vice-chair is Judge Robert DeLamatre of Erie County Common Pleas Court, Juvenile Division.

The work of the JJC began in earnest in the Fall of 2023, with the committee initially establishing a priorities list and inviting statewide juvenile justice partners to present baseline information. The JJC began 2024 by writing and approving draft language to statutorily reestablish the standing



juvenile committee. At the May Commission meeting, this new draft language was presented to and unanimously approved by the Commission and sent to the General Assembly with the recommendation that it be reinserted back into the Commission’s enabling statutes. Senator Nathan Manning submitted an amendment with this proposed statutory language to House Bill 301, which was passed by the General Assembly on June 24, 2024. New R.C. 181.21 and 181.26 became effective on October 24, 2024, reestablishing a standing statutory juvenile committee within the Commission.

The JJC additionally prioritized drafting, approving, and voting to refer the juvenile unconstitutional code section memorandum to the Commission. As outlined above, the full Commission voted to send the memorandum to the General Assembly. Legislative action on the outlined unconstitutional juvenile code section, R.C. 2152.86, has not yet been introduced.

The JJC has been consistently working with Representative Josh Williams on informing the creation of his draft legislative proposal that would modify the existing mandatory bindover and Serious Youthful Offender statutory schemes. Data and information from the Supreme Court of Ohio, the Department of Youth Services, the Children’s Law Center, the Ohio Judicial Conference, and other agencies has been presented to the JJC to assist in their efforts to explore the efficacy of the existing mandatory bindover and Serious Youthful Offender statutory provisions.

Governor Mike DeWine convened a Juvenile Justice Working Group in November of 2023. In September of 2024, among an exhaustive list of twenty-six recommendations, the working group officially recommended that “the Juvenile Justice Committee of the Ohio Sentencing Commission...evaluate Ohio’s statutes on bindover...and determine the appropriateness of eliminating...mandatory bindover...” This recommendation overlaps with the work that the JJC was already independently undertaking. The Governor’s Juvenile Justice Working Group Report is available on the Ohio Department of Youth Services website and physical copies were made available to Commission members at the September 12, 2024, meeting.

Adult Criminal Justice Committee (ACJC)

The Adult Criminal Justice Committee was created by the Commission in May of 2023. The chair of the ACJC is Director Annette Chambers-Smith, Director of the Ohio Department of Rehabilitation and Correction (ODRC), and the vice-chair is Senator Nathan Manning, Ohio 13TH District.

Throughout late 2023 and 2024, the ACJC met and discussed numerous topics. The unconstitutional code memorandum for the legislature was revised and vetted at several meetings before being sent to the Commission for a vote. The ACJC plunged into post-conviction release issues at the request of the Commission, the Supreme Court of Ohio, and Ohio Representative Dontavius L. Jarrells. The ACJC has been maintaining regular updates on sentencing appeals and spent time reviewing the issue of dementia in the prison population.



With the transfer of the Sentencing Entry Form to the Supreme Court of Ohio website, the ACJC was tasked with reviewing court decisions and watching for legislation that would require updates to the entry. The entry is currently hosted on the Supreme Court of Ohio website and is available to all judges and the public. The ACJC continues to monitor changes in the law, whether by legislation or Supreme Court rulings, to update the Uniform Sentencing Entry Form. The ACJC has been creating and revising reference guides and working with the Confinement Credit Subcommittee to make certain that judges have access to a current and accurate sentencing entry as well as needed resources to implement sentencing in Ohio.

The ACJC finalized the reference guide regarding Not Guilty by Reason of Insanity (NGRI Guide). As part of a previous ad hoc committee the Commission had created reference guides regarding Adult Competency and Juvenile Competency, but the work on the NGRI Guide had been ongoing. The ACJC refined the guide into its current form and the Commission approved the NGRI Guide for publication and distribution at its May meeting.

The ACJC also updated the Violent Offender Database Reference Guide. The initial guide had been created when Sierrah's Law, S.B. 231 (2019), was enacted. The reference guide was reworked to include more information, i.e., Prosecutor Filing to Extend Enrollment, as well as organizing the existing information into a chart. The ACJC submitted the finished guide to the Commission for approval and distribution at its September meeting. The Commission unanimously approved the guide.

At the request of trial judges, the ACJC undertook the task of updating a Felony Sentencing Bench Card that the Commission had created in 2011. After extensive work, the ACJC, with the help of the Supreme Court of Ohio Public Information Office, has fit felony sentencing onto an eight-page bench card. The Felony Sentencing Bench Card was approved by the Commission for publication and distribution at its September meeting.

As part of the ongoing charge from the Commission for the ACJC to look at work from the Sentencing Roundtable Workgroup report, the Committee has discussed Presentence Investigations from the perspective of standardizing the elements that are in all PSI reports and the practicality of sharing those reports among jurisdictions with the same offender.

A group of judges had an ongoing email chain discussing various issues within the Reagan Tokes Act, S.B. 201 (effective 2019). The ACJC was tasked with working alongside the Ohio Judicial Conference (OJC) to analyze the issues that were being discussed and determine if there were any issues to be addressed by the Commission. The ACJC worked with the OJC and Stephen Gray, Chief Legal Counsel at Ohio Department of Rehabilitation and Correction, to streamline the issues that were being discussed. The ACJC referred the Reagan Tokes Act issues back to the OJC, who accepted for further discussion.

The ACJC is reviewing and analyzing appeals cases from the twelve districts of Ohio that concern sentencing. As such, at each meeting they are updated as to the ongoing progress and if any issues



are arising. Currently, the number one issue across appellate districts is the reading of the notifications regarding the Reagan Tokes Act indefinite sentencing. Prior to the Supreme Court deciding the constitutionality of the act, some courts were not imposing indefinite sentences.

Confinement Credit Subcommittee

The Adult Criminal Justice Committee and the Juvenile Justice Committee both were discussing confinement credit issues and decided to form a Subcommittee comprised of members of both committees to further investigate the confinement credit issue. The chair of the Subcommittee is Judge Christin Finley of the Lawrence County Common Pleas Court, and the vice-chair is Judge Matt Reger of the Wood County Common Pleas Court.

The Subcommittee met in June and August and decided that instead of pursuing a legislative solution that it would make more sense to approach the issue through the education of the judges. The Department of Youth Services staff and Judge Kristen Johnson, Hancock County Common Pleas Court, Probate and Juvenile Divisions, conducted a presentation for the juvenile judges on this issue. Judge Finley and Judge Reger reached out to the Ohio Common Pleas Judges Association and secured a time slot for presenting on the confinement credit issue at the Winter 2024 meeting. Will Davies, Tyler Brown (DRC) and Judge Stephen McIntosh of Franklin County Common Pleas Court are presenting “Credit Where Credit is Due: Addressing Confinement Credit Issues.”

Data Committee

The Data Committee, chaired by Chief Justice Sharon L. Kennedy, held its first meeting on September 12, 2023. The Committee began by reviewing the existing contract with the University of Cincinnati School of Information Technology to develop the Uniform Sentencing Entry. The contract was slated to expire June 30, 2024. The Committee was informed that only two judges were using the entry on a consistent basis, which did not align with the high cost of the contract. The Committee decided that it would be more cost-effective to host the form through the Supreme Court of Ohio, so that any judge and the public could easily access it. The data collection component of the sentencing entry was never implemented, and no data had been collected through the project.

At the May 9, 2024, Data Committee meeting, the Committee voted to recommended to the Commission not to extend the contract with the University of Cincinnati. The Commission voted to accept this recommendation and let the contract expire at the May 16, 2024, Commission meeting. The Commission also voted to host the Uniform Sentencing Entry at the Supreme Court of Ohio.

The Data Committee continued to meet throughout the end of 2023 and 2024, shifting its focus to level-setting on the state of criminal justice data availability in Ohio. The Committee received many presentations from various agencies at the state and local level that collect criminal justice data. The mission of the Committee has been determining what data is available in Ohio to fulfill the Commission’s statutory duties. To that end, the Committee created a map of agency-level data in the state, which identifies the entities that hold data and how that data can be analyzed for Commission reports and products. This data map was approved by the Commission at the



September 12, 2024, meeting. Commission staff continue to expand on the map and are in the process of creating deep dive informational sheets on the individual agencies who hold data in the state. These future products will work through the Data Committee before being presented to the full Commission for votes.

Research Collaborative

In 2024, in partnership with the Ohio Office of Criminal Justice Services (OCJS), the Criminal Justice Research Collaborative was created to bring together researchers among Ohio's state agencies working on criminal justice related data projects. Because of its broad and diverse membership, the Commission is well positioned to bridge the information gap among criminal justice system partners with the Ohio Criminal Sentencing Commission serving as a resource to bring together those who do research, policy, and/or data work in the criminal justice system.

The Criminal Justice Research Collaborative has evolved from earlier groups with similar missions, such as the Ohio Strategic Multiagency Research Team (OSMART), which was run by OCJS. The purpose of the Criminal Justice Research Collaborative is to bring together members of state government agencies who research, study, or evaluate policies and impact on adult and juvenile criminal justice related matters. Often research of this nature is siloed and disconnected among state partners. By bringing everyone together, this collaborative facilitates opportunities for knowledge sharing, networking, collaboration, and coordination. The mission of the collaborative is to share the work that the respective agencies are doing, potentially generate ideas for future work, and close gaps in knowledge and research areas. The Collaborative is staffed by Ohio Criminal Sentencing Commission staff and has no chair.

The Criminal Justice Research Collaborative is comprised of the following agencies:

- Office of Criminal Justice Services
- Office of Governor Mike DeWine
- Office of the Ohio Public Defender
- Ohio Attorney General's Office
- Ohio Criminal Sentencing Commission
- Ohio Department of Children and Youth
- Ohio Department of Education and Workforce
- Ohio Department of Health
- Ohio Department of Mental Health and Addiction Services
- Ohio Department of Rehabilitation and Correction
- Ohio Department of Youth Services
- Ohio Legislative Service Commission
- Supreme Court of Ohio - Case Management Section

Legislative Engagement

Consistent with R.C. 181.23 and 181.25, the Commission staff regularly monitors, analyzes, and summarizes all bills that are introduced in the Ohio 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, Commission staff monitors, analyzes, and summarizes all bills that impact the provisions outlined in R.C. 181.27. For each of the Commission's meetings, a Legislative Update containing this information is prepared and distributed for review.

Commission staff regularly engage and meet with legislators and legislative staff and attend committee hearings. These meetings serve the interests of the Commission's statutory responsibilities and offer insight and context into the legislative priorities of each chamber. Director Melissa A. Knopp and both Criminal Justice Counsels, Alex T. Jones, Esq. and Will Davies, Esq., are registered with the Joint Legislative Ethics Committee as lobbyists. Most of the legislation that is pertinent to the Commission's statutory responsibilities are introduced in the House Criminal Justice Committee or the Senate Judiciary Committee. Consequently, the majority of the Commission's legislative engagements are with members of these committees.

Fiscal Year 2026-2027 Biennium Budget

In the fiscal year (FY) 2026/2027 biennium budget, the Commission in addition to meeting its statutory obligations will strive to provide more sentencing focused resources to criminal justice constituencies at a cost savings to Ohio taxpayers. The Commission is requesting almost \$1 million dollars (\$986,927) a year less as a result of its vote to move the sentencing entry form in-house instead of contracting with an outside entity to maintain it. Another result of this vote is that the Commission only plans to add one of the six additional new staff approved in the FY 2024/2025 budget.

Appearances/Partner Meetings/Collaborative Work

To support the Commission in refocusing its work back to its statutory mandates and to re-establish relationships with criminal justice entities, Commission staff participated in the following throughout the year:

- The Ohio Department of Mental Health and Addiction Services Forensic Regional Stakeholder Meetings. The purpose of these meetings was to develop a shared understanding of the current issues with the competency to stand trial process and discuss practical solutions.
- Ohio Stepping Up and the Ohio Attorney General's Criminal Justice and Mental Health Task Force. These two groups are focused on addressing individuals in the criminal justice system with mental health issues. Commission staff regularly met with Retired Justice Evelyn Lundberg Stratton and participates on several subcommittees of these groups.
- At the request of Senator Michelle Reynolds, Will Davies, Esq., presented background information on Ohio Sentencing laws for the Council of State Governments Regional Legislative Conference breakfast discussion in July entitled "*Legislating Life: A Weighty Discussion of State Sentencing Laws and the Policymakers' Role in Addressing Mortality in Prisons and Jails.*"



- Director Melissa A. Knopp, Esq., and Will Davies, Esq., attended the Delaware County Peer Support fair located in Delaware County at the Stockhands Horses for Healing. Will served as one of the three keynote speakers for the event.
- Director Melissa A. Knopp, Esq., and Michael Crofford are serving as grant reviewers for the Justice Assistance Grants offered through the Ohio Office of Criminal Justice Services.
- Director Melissa A. Knopp, Esq., served on the Reentry Task Force of the Supreme Court of Ohio.
- Todd Ives and Angela Kay Garvey attended the 2024 American Society of Criminology Annual Conference

Personnel Updates

With the focus of the Commission's work this year back to its statutory mandates, the Commission reviewed its staffing needs and internal operations. At its May meeting, the Commission voted to allow the Personnel Committee to accept resignations, post new positions, and identify and interview candidates to make recommendations to the full Commission for hiring purposes. Additionally, at its May and September meetings, the Commission approved new organizational charts which eliminated the position of deputy director, re-established the position of program coordinator, and created a new criminal justice counsel position with a subject matter expertise in juvenile issues.

Professional development opportunities were also made available to Commission staff through the new membership to The Ohio State University, John Glenn College of Public Affairs, Management Advancement for the Public Service (MAPS) program. Additionally, Commission staff achieved the following:

- Michael Crofford earned his Professional Counselor license from the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.
- Will Davies applied and was accepted through a selective process into the Court Management Program (CMP) Class of 2027. CMP is a three-year court administration certification program of the National Center for State Courts designed to develop knowledge and skills in various areas of court management. Courses are held twice a year and begin April 2025.
- Todd Ives has enrolled in the State of Ohio Data Analytics Learning Center Data Professionals Program. He will be completing the Bronze Badge for Data Analysts certification in the Winter 2024 cohort.

Interns/Externs

During the Spring semester of 2024, the Commission welcomed Ty Kiatathikom from The Ohio State University College of Law. Ty worked on the Sentencing Appeals Project as well as drafting memos on various legal questions.

During the Fall semester of 2024, the Commission welcomed Ben Prochaska from The Ohio State University. Ben is working with our researchers preparing the Monitoring Report that is due January 1, 2025.



LEGISLATIVE UPDATE

November 2024

UPCOMING LEGISLATIVE SESSIONS:

House: Dec 3rd (if needed), Dec. 4th, Dec. 10th, Dec. 11th, Dec 18th, Dec. 19th
(if needed)

Senate: Nov. 20th, Dec. 4th, Dec. 11th, Dec. 18th



Legislative Update November 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](#).

135th 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)

Proponents: Ohio Chamber of Commerce, Ohio Credit Union League, Ohio Bankers League

Opponents:

[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 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

Proponents:

Opponents:

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 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: Reported by House Committee

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

Proponents: Mothers Against Drunk Driving, Ohio Alcohol Monitoring Systems, Safety and Advocacy for Empowerment

Opponents:

[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 bill was reported by the House Criminal Justice Committee on May 8, 2024 and referred to the Senate Judiciary committee on June 11, 2024. The first hearing in the Judiciary Committee was on June 26, 2024. 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),
- 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 st offense in 10 years	\$375-\$1,075
2 nd offense in 10 years	\$525-\$1,625
3 rd 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 st offense in 10 years	\$750-\$1,250
2 nd offense in 10 years	\$1,200-\$2,000
3 rd offense in 10 years	\$2,000-\$2,750
Felony OVI Offense	\$2,300-\$10,500

The bill also creates a new notification judges may give at an OVI sentencing. The court may “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: Amended, Enrolled, and Signed by the Governor

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

Proponents: Ohio Prosecuting Attorneys Association, Ohio Association of Chiefs of Police, National Insurance Crime Bureau

Opponents:

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 passed by the General Assembly, with amendments, and signed by the governor, with an effective date of October 24, 2024. 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 stunt driving and street takeover, and requires law 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: stunt driving and street takeover, both misdemeanors of the first degree. Stunt driving means to perform or engage in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating the vehicle. Street takeover means to block or impede the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.

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)

Proponents:

Opponents:

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.)



House Bill 91 (Patton)

Prohibit tracking without consent

Status: In House Committee

Commission Interest: New Criminal Offense(s)

Proponents: Ohio Association of Security and Investigation Services

Opponents:

[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 fifth hearing was held on April 16, 2024. 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: Passed by House; In Senate Committee

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

Proponents: Ohio Prosecuting Attorneys Association, Ohio Domestic Violence Network

Opponents:

[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's third hearing in the Senate Judiciary Committee was on November 13, 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.



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

Proponents: Ohio Judicial Conference

Opponents:

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 first hearing in the Judiciary Committee was held on June 26, 2024. 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

Proponents: Utility Union Workers of America (Local 270), CWA Local 4340, Gas Workers Union Local G-555

Opponents:

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: Passed by House; In Senate Committee

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

Proponents: Professional Soccer Referees Association, National Association of Sports Officials, Ohio High School Athletic Association

Opponents: Ohio Prosecuting Attorneys Association

[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's first hearing in the Senate Judiciary Committee was on May 7, 2024. 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 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

Proponents: Ohio Public Defender, Ohio Justice & Policy Center, Ohio Innocence Project, Catholic Conference of Ohio, ACLU, League of Women Voters, Ohio Council of Churches

Opponents:

[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 third hearing was held on November 13, 2024. [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

Proponents: CPAC, Americans for Prosperity, Ohio Public Defender, Justice Action Network, Alliance for Safety and Justice

Opponents:

House Bill 196 (HB 196) was introduced on May 31, 2023. The second hearing was held on April 3, 2024. 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
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: Passed by the House; In Senate Committee

Commission Interest: New Criminal Offense(s)

Proponents: Ohio Prosecuting Attorneys Association, Fraternal Order of Police of Ohio, Buckeye State Sheriff's Association, Ohio Association of Chiefs of Police, Ohio State Highway Patrol, Hamilton County Prosecutor's Office, Greater Warren County Sheriff's Office and Drug Task Force, America First Policy Institute

Opponents: ACLU of Ohio, HEAL Ohio

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 passed by the House on April 24, 2024 and referred to the Senate Judiciary Committee on May 8, 2024. The first hearing in the Judiciary Committee was on June 12, 2024. 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, 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: Passed by House

Commission Interest: Impacts Sentencing

Proponents: Ohio Public Defender, Americans for Prosperity

Opponents:

House Bill 234 (HB 234) was introduced on June 30, 2023. The bill was passed by the House on May 8, 2024. The bill was referred to the Senate Judiciary Committee on May 22, 2024. The second hearing in the Judiciary Committee was on November 13, 2024. 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)

Proponents: Office of the Attorney General, Ohio Prosecuting Attorneys Association, Center for Christian Virtue, Catholic Conference of Ohio, Women’s Liberation Front

Opponents: ACLU

[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 fourth hearing was held on May 21, 2024. 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.

House Bill 322 (Seitz, Abrams)
Regards childhood sexual abuse registrants, offense of grooming

Status: Passed by House; In Senate Committee

Commission Interest: New Offense(s)

Proponents: Ohio Prosecuting Attorneys Association, Ohioans for Child Protection, CHILD USA Advocacy

Opponents:

[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 bill was passed in the House on April 24, 2024 and referred to the Senate Judiciary Committee on May 8, 2024. The first hearing in the Judiciary Committee was on June 12, 2024.

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 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, or solicit the minor to engage in sexual activity when the offender’s purpose is to entice, coerce, or solicit the minor to engage in sexual activity. That same conduct is also prohibited if the offender engages in the pattern of conduct to prepare the minor to engage in sexual activity when the sexual activity would be



the offense of Rape, Sexual Battery, Unlawful Sexual Conduct with a Minor, Gross Sexual Imposition, Sexual Imposition, or Importuning.

A violation of division (B) of this new section is a misdemeanor of the second degree except when:

- The offender supplied alcohol or a drug of abuse to the minor or the minor is under the age of thirteen, the offense is a felony of the fifth degree.
- The victim is under the age of thirteen and the offender has delineated prior convictions or supplied the victim alcohol or a drug of abuse, the offense is a felony of the fourth degree.
- The offender with a delineated prior conviction supplied alcohol or a drug of abuse to the minor, the offense is 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).

A violation of division (C) of this new section is a misdemeanor of the first degree except when:

- The offender supplied alcohol or a drug of abuse to the victim, the offense is a felony of the fifth degree.
- The victim of the offense is under the age of thirteen or if the offender has a delineated prior conviction, the offense is a felony of the fourth degree.
- The victim is under the age of thirteen and the defendant either supplied the victim with alcohol or a drug of abuse or has a delineated prior conviction, the offense is a felony of the third degree.

"Pattern of conduct" is defined in R.C. 2903.211(D)(1). "Sexual activity" is defined in R.C. 2907.01(A).

House Bill 346 (Dell'Aquila)

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

Status: In House Committee

Commission Interest: New Offense(s)

Proponents:

Opponents:

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.



House Bill 366 (Ghanbari)

Senate Bill 223 (Lang, Rulli)

Enact FORCE Act re: organized retail theft

Status: In House Committee; In Senate Committee

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

Proponents: Ohio Council of Retail Merchants, Ohio Chamber of Commerce, Ohio Grocers Association

Opponents: Office of the Ohio Public Defender

[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. HB 366 was heard for the fourth time on June 25, 2024 and SB 223 was heard for the second time on May 22, 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)

Proponents:

Opponents:

[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 first hearing in committee was on May 22, 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)

Proponents:

Opponents:

[House Bill 377](#) (HB 377) was introduced on January 16, 2024, and was referred to the House Criminal Justice Committee on February 6, 2024. The bill’s first hearing in committee was on June 5, 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.

Senate Bill 217 (Blessing III, Johnson)

Regards AI-generated products, simulated porn, identify fraud

Status: In Senate Committee

Commission Interest: New Offense(s)

Proponents: Office of the Ohio Attorney General, Center for Christian Virtue

Opponents:

[Senate Bill 217](#) (SB 217) was introduced on January 24, 2024. The second hearing was held in the Senate Judiciary Committee on May 22, 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

Proponents: Office of the Ohio Attorney General, Ohio Prosecuting Attorneys Association

Opponents:

[House Bill 392](#) (HB 392) was introduced on February 1, 2024, and was referred to the House Government Oversight Committee on February 6, 2024. The second hearing in the House Government Oversight Committee was on May 21, 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: In House Committee

Commission Interest: New Offense(s)

Proponents:

Opponents:

[House Bill 401](#) (HB 401) was introduced on February 6, 2024. The first hearing in the House Criminal Justice Committee was on May 7, 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.

House Bill 450 (Lampton, Young)

Prohibit certain offenses with an unmanned aerial vehicle system

Status: In House Committee

Commission Interest: New Offense(s)

Proponents:

Opponents:

House Bill 450 (HB 450) was introduced on March 20, 2024. The bill was referred to the House Criminal Justice Committee on April 2, 2024. The first hearing was held on May 14, 2024. The bill modifies the existing criminal offenses of Voyeurism (R.C. 2907.08), Criminal Trespass (R.C. 2911.21), Aggravated Trespass (R.C. 2911.211), and Criminal Trespass on Place of Public Amusement (R.C. 2911.23). The bill prohibits a person from committing any of those offenses by means of an “unmanned aerial vehicle system”. The bill defines an “unmanned aerial vehicle system” as a powered, aerial vehicle that does not carry a human operator and is operated without the possibility of direct human intervention from within or on the vehicle, uses aerodynamic forces to provide lift, and can fly autonomously or be piloted remotely.

House Bill 460 (Hillyer, Seitz)

Enact the Getting Rehabilitated Ohioans Working Act

Status: In House Committee

Commission Interest: R.C. 2953.32

Proponents: CPAC, Alliance for Safety and Justice, Ohio Chamber of Commerce, Faith & Freedom Coalition, Catholic Conference of Ohio, Ohio Business Roundtable, Legal Aid of Southeast and Central Ohio

Opponents: Ohio Prosecuting Attorneys Association

House Bill 460 (HB 460) was introduced on March 27, 2024. The bill was referred to the House Criminal Justice Committee on April 2, 2024. The third hearing was held on June 11, 2024. The bill requires the automatic sealing of eligible criminal records under section R.C. 2953.32. The bill requires the Bureau of Criminal Identification and Investigation to identify eligible records on a monthly basis and to provide each court and prosecuting attorney with a list of those eligible cases. The bill allows for BCII or a prosecuting attorney to object to the automatic sealing of eligible records for 3 delineated reasons: after review it is determined that the records are not eligible records, the offender has not paid court-ordered restitution to the victim, or there is a reasonable belief that the offender is continuing to engage in criminal activity. The bill states that if there is no objection within 45 days after notification,



the court shall order the records automatically sealed. Under the bill, if there is an objection, the records shall not be automatically sealed.

House Bill 498 (Carruthers)

Remove criminal offense related to donating blood with AIDS virus

Status: In House Committee

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

Proponents:

Opponents:

House Bill 498 (HB 498) was introduced on April 22, 2024. The bill was referred to the House Criminal Justice Committee on April 30, 2024. The bill repeals R.C. 2927.13 (selling or donating contaminated blood) in its entirety. Currently, R.C. 2927.13 creates the fourth degree felony offense of selling or donating contaminated blood – prohibiting persons who have knowledge that they are a carrier of a virus that causes acquired immune deficiency syndrome (AIDS) from selling or donating that person’s blood, plasma, or a product of the person’s blood, if the person has knowledge that their blood or plasma, or a product of their blood, is being accepted for the purpose of transfusion to another individual.

House Bill 513 (Carruthers)

Revise criminal and disciplinary provisions relating to HIV, AIDS

Status: In House Committee

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

Proponents:

Opponents:

House Bill 513 (HB 513) was introduced on April 30, 2024, and was referred to the House Criminal Justice Committee on May 7, 2024. Among other changes, the bill eliminates the offenses of R.C. 2903.11 Felonious Assault (sexual conduct by a person knowingly carrying a virus that causes AIDS), R.C. 2907.24 Engaging in Solicitation After a Positive HIV Test, R.C. 2907.241 Loitering to Engage in Solicitation After a Positive HIV Test, R.C. 2907.25 Engaging in Prostitution After a Positive HIV Test, and R.C. 2921.38 Harassment with a Bodily Substance (by a person knowingly carrying a virus that causes AIDS). The bill also creates the new offense of Intentional Transmission of HIV, a misdemeanor of the first degree. Intentional Transmission of HIV prohibits a person, with knowledge that the person has HIV, from transmitting HIV to another person by purposely: failing to disclose that the person has HIV, engaging in conduct that poses a substantial risk of transmission of HIV, failing to take or attempt to take means to prevent the transmission of HIV, and transmitting HIV to the other person.



House Bill 522 (Willis, Williams)

Enact the Repeat Offender Act

Status: In House Committee

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

Proponents:

Opponents:

House Bill 522 (HB 522) was introduced on May 21, 2024, and was referred to the House Criminal Justice Committee on May 21, 2024. The bill modifies the penalty for convictions under R.C. 2923.13, Having Weapons While Under Disability. The bill lowers the felony level from the felony of the third-degree level to the felony of the fourth-degree level for convictions under sections (A)(1), (3), (4), and (5). The bill maintains the felony of the third-degree level for convictions under section (A)(2) and adds a presumption for prison term for convictions under that section. The bill also provides penalty enhancements for offenders with prior convictions. The bill also provides for Second Amendment rights restoration by allowing delineated disability holders to apply to their court of common pleas for relief from their disability. The bill also increases the mandatory prison sentence ranges for firearm specification convictions and creates a “repeat offender” definition and classification, requiring mandatory prison terms for offenders convicted of a repeat offender specification.

House Bill 525 (Brennan, Pizzuli)

Regards assault when the victim is a school employee or volunteer

Status: In House Committee

Commission Interest: New Offense(s)

Proponents:

Opponents:

House Bill 525 (HB 525) was introduced on May 15, 2024. The first hearing was held in the House Criminal Justice Committee on June 25, 2024. The bill adds “other school” employees or volunteers to the list of special victims for the offense of R.C. 2903.13 Assault. Under the bill, if the victim of an assault offense is a school employee or volunteer, the offense is a felony of the fifth degree. The bill defines “school employee or volunteer” to include any person employed by or serving as a volunteer or any contractor or person hired by a contractor while engaging in providing services.



House Bill 528 (Troy)

Increase penalty for intimidating an election officer

Status: Introduced

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

Proponents:

Opponents:

House Bill 528 (HB 528) was introduced on May 15, 2024. The bill modifies R.C. 3599.24 (Interference with conduct of election) by increasing the penalty for attempting to intimidate an election officer or preventing an election official from performing the official's duties. Current law states that an offense of that type is a misdemeanor of the first degree, the bill increases the penalty level to a felony of the fifth degree.

House Bill 531 (Lear, Lorenz)

Enact Braden's Law to prohibit sexual extortion

Status: Passed by House; In Senate Committee

Commission Interest: New Offense(s)

Proponents: Buckeye State Sheriffs Association, Ohio Prosecuting Attorneys Association, Ohio Alliance to End Sexual Violence, Lt. Governor Jon Husted

Opponents:

House Bill 531 (HB 531) was introduced on May 15, 2024. The bill amends R.C. 2905.11 (Extortion) to create the new offenses of sexual extortion and aggravated sexual extortion. The bill was passed by the House on June 26, 2024, and was introduced in the Senate on July 2, 2024. The first hearing in the Senate Judiciary Committee was on November 13, 2024.

The new offense of sexual extortion under the bill prohibits persons from threatening to release, exhibit, or distribute private images of another with the purpose of: compelling or attempting to compel the other person, against the other person's will, from performing any act or refrain from performing any act; inducing the other person to commit an offense; obtaining additional private images from the other person; or obtaining anything of value from the other person. This new offense ranges from a felony of the third degree to a felony of the first degree.

The new offense of aggravated sexual extortion involves the same elements as the new offense of sexual extortion but includes circumstances where the sexual extortion caused great bodily harm to a victim or causes the victim's death. Under the bill, aggravated sexual extortion ranges from a felony of the third degree with the possibility of an additional prison term of up to ten years to a felony of the first degree with the possibility of an additional prison term of up to ten years.



House Bill 532 (Lorenz)

Expand “peace officer” to include bailiffs and probation officers

Status: In House Committee

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

Proponents:

Opponents:

House Bill 532 (HB 532) was introduced on May 15, 2024. Among other changes, the bill increases the penalty for assault of justice system personnel under R.C. 2903.13 (Assault). The bill was referred to the House Criminal Justice Committee on May 21, 2024. The second hearing in the House Criminal Justice Committee was held on June 25, 2024. Under current law, assault of justice system personnel is a misdemeanor of the first degree on a first offense and a felony of the fifth degree if the offender has a prior conviction for an offense of that type. The bill increases the penalty to a felony of the fifth degree on a first offense and offenders with prior convictions of that type are subject to a felony of the fourth degree penalty.

House Bill 551 (Wiggam)

Prohibit firearm possession by persons unlawfully present in U.S.

Status: Introduced

Commission Interest: New Offense(s)

Proponents:

Opponents:

House Bill 551 (HB 551) was introduced on May 15, 2024. The bill was referred to the House Government Oversight Committee on May 21, 2024. The bill’s first hearing in committee was held on June 25, 2024. The bill modifies R.C. 2923.13 (Having weapons under disability) by adding persons who are aliens and illegally or unlawful in the United States to the list of persons prohibited from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance.

House Bill 589 (Abdullahi, Miller, A.)

Prohibit executing death sentence by nitrogen gas administration

Status: Introduced

Commission Interest: Impacts Sentencing

Proponents:

Opponents:

House Bill 589 (HB 589) was introduced on May 15, 2024. The bill prohibits the administration of nitrogen gas as a manner of execution for the imposition of the death penalty.



House Bill 639 (Williams)

Regards offenses committed while wearing a mask or disguise

Status: In House Committee

Commission Interest: New Offense(s); Impacts Sentencing

Proponents:

Opponents:

[House Bill 639](#) (HB 639) was introduced on July 9, 2024. The bill was referred to the House Criminal Justice Committee on November 12, 2024. The bill modifies the offense of aggravated riot by creating a felony of the fifth-degree offense when the offender participates in an aggravated riot and is wearing a mask or disguise. The bill also creates a new specification of wearing a mask or disguise and requires an additional one-year prison term for offenders convicted of a felony offense and that new specification.

House Bill 671 (Click, Santucci)

Enact the America First Act

Status: In House Committee

Commission Interest: New Offense(s)

Proponents:

Opponents:

[House Bill 671](#) (HB 671) was introduced on October 8, 2024. The bill was referred to the House Criminal Justice Committee on November 12, 2024. The bill creates the new offense of Unlawful Presence in the State. The new offense prohibits persons who are unlawfully present in the United States from knowingly being present in, entering, or attempting to enter the State of Ohio. Generally, the offense is a felony of the fifth degree. Offenders with prior convictions under this section or prior exclusions, deportations, or removals from the United States are subject to an elevated felony of the fourth-degree offense level. Regardless of offense level, a mandatory prison term of 12 months is required, and offenders are not eligible for community control sanctions, community residential sanctions, or nonresidential sanctions. Under the bill, courts are also required to issue an order requiring the offender to exit the state not later than 72 hours after the entry of the order or not later than 72 hours after the completion of the term of confinement or imprisonment, whichever is later.



Senate Bill 326 (Huffman)

Prohibit sale of intoxicating hemp products

Status: Introduced

Commission Interest: New Offense(s)

Proponents:

Opponents:

[Senate Bill 326](#) (SB 326) was introduced on November 6, 2024. The bill defines “intoxicating hemp product” and prohibits any person from selling such a product. Generally, the offense is a misdemeanor of the first degree. If an offender has a prior conviction under this new section or sells the intoxicating hemp product to a person under the age of twenty-one, the offense is a felony of the fifth degree.

Other Bills of Interest

House Bill 50 (Humphrey, Seitz)

Create mechanism to allow relief-collateral sanction for housing

Status: Enacted; Signed by Governor DeWine on June 21, 2024; Effective September 20th, 2024

Proponents: Ohio Justice & Policy Center, Prison Fellowship, Ohio Real Estate Investors Association, Catholic Conference of Ohio

Opponents: Ohio School Boards Association, Buckeye Association of School Administrators, Ohio Association of School Business Officials

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 bill was modified in Senate committee on April 23, 2024. The amendment modifies portions of the tax code relative to property tax exemptions for improvements to certain residential development property. The original 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

Proponents:

Opponents:

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 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

Proponents: Ohio Public Defender, Judicial Action Network, Alliance for Safety and Justice, Americans for Prosperity

Opponents:

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 third hearing was held on June 11, 2024. 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

Proponents:

Opponents:

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.



House Bill 301 (Swearingen)

Regards nonprofit corporation law and dissolving corporations

Status: Enacted; Signed by Governor DeWine; Effective October 24, 2024

Proponents:

Opponents:

[House Bill 301](#) (HB 301) was passed on June 26, 2024. Senator Manning introduced an amendment to the bill that implemented the Ohio Criminal Sentencing Commission's recommendation to the General Assembly that the juvenile committee be statutorily reestablished.

House Bill 314 (Bird, Williams)

Regards juvenile court transfer to juvenile's home county

Status: In House Committee

Proponents:

Opponents: Ohio Judicial Conference

[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 third hearing was held on May 14, 2024. 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.

Senate Bill 198 (Lang, Manning)

Provide inmates with state ID cards, education documentation

Status: In Senate Committee

Proponents: Ohio Chamber of Commerce, Americans for Prosperity, Ohio Community Corrections Association, Ohio Justice & Policy Center, Catholic Conference of Ohio, ACLU, Policy Matters Ohio

Opponents:

[Senate Bill 198](#) (SB 198) was introduced on November 29, 2023. It was referred to the Senate Small Business and Economic Opportunity Committee on December 6, 2023. The fourth hearing was held on June 12, 2024. The bill modifies existing law to allow for individuals in the custody of the Department of Youth Services or Department of Rehabilitation and Correction to obtain a free state issued ID. Additionally, the bill proscribes that DRC and DYS must make available and submit completed applications for these ID cards on behalf of an individual in their custody. The bill also requires DRC to provide every inmate who is released from a term of imprisonment for a felony offense and who intends to reside in Ohio with assistance in creating a resume and conducting a practice job interview. Upon release, the bill requires DRC to provide each inmate (if eligible or obtainable) with: a copy of the vocational record of the inmate, a copy of the work record of the inmate, a certified copy of the inmate's birth certificate, a social security card or replacement social security card, a state ID as described above, a resume, documentation that the inmate has completed a practice job interview, and



a notification to the inmate to apply for a license from a state entity charged with oversight of an occupation license or certification.

House Bill 608 (Williams)

Reduce sealing, expungement requirements in certain cases

Status: In House Committee

Proponents:

Opponents:

[House Bill 608](#) (HB 608) was introduced on May 20, 2024. The bill was referred to the House Criminal Justice Committee on May 21, 2024. HB 608 expands sealing and expungement eligibility in cases where the defendant was found not guilty. Chiefly, under those circumstances, the bill allows persons who have been found not guilty to immediately request sealing or expungement.

House Bill 678 (Fischer)

Revise “companion animal” for companion animal cruelty law.

Status: In House Committee

Proponents:

Opponents:

[House Bill 678](#) (HB 678) was introduced on October 16, 2024, and was referred to the House Agriculture Committee on November 12, 2024. The bill modifies the definition of companion animal to include “any dog” and “any cat”.



Monitoring Sentencing Reform

2025

An Ohio Criminal Sentencing Commission Report

January 2025

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Ohio Criminal Sentencing Commission

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Ohio Criminal Sentencing Commission

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- Ohio Prosecuting Attorneys Association
- Ohio Office of Criminal Justice Services
- Ohio Department of Youth Services
- Supreme Court of Ohio Office of Court Services, Case Management Section

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Executive Summary

Overview

The Ohio Criminal Sentencing Commission is statutorily required to produce a biennial Monitoring Report as prescribed by R.C. 181.25(A)(2)(a)-(c). The 2023 edition of the report, published in June 2024, was the first Monitoring Report since 2011. That edition of the report was the first to fully address all provisions of the Commission's R.C. 181.25(A)(2) responsibilities and set a framework for future reports.

The Commission's enabling statutes were designed around the creation and enactment of Senate Bill 2 (121st 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, including the 2023 edition, the Commission has consistently recommended clarifying the measures on monitoring the impact of Senate Bill 2, and criminal justice law and policy more generally. This report continues to echo 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 necessarily useful, relevant, or informative for the General Assembly and stakeholders who wish to understand the effect of current 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. Therefore, the Commission and General Assembly should consider modernization of the Commission's statutory duty to monitor sentencing reform, 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.

For the 2025 edition of the Monitoring Report, several new and notable changes have been implemented. First, pursuant to the Commission's R.C. 181.25(A)(5) duty to collect and maintain data that pertains to the cost to counties of sentencing-based appeals and postconviction relief proceedings, the Commission has collected and analyzed data from county prosecutor's offices. This data has been designed to match similar data from the Office of the Ohio Public Defender to allow a more comprehensive understanding of the costs to the counties. Second, with the re-establishment of the Commission's juvenile duties pursuant to R.C. 181.26(B)(2) the Commission is now required to monitor the operation of statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions and to report on their impact. As such, a new section on Monitoring the Juvenile Justice System has been included in this edition of the Monitoring Report.

Findings

This report contains similar findings to the previous monitoring reports, which is Senate Bill 2 generally met its goals. Among the Ohio Department of Rehabilitation and Correction 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 2.60 years from 2010 to 2023. 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. These numbers have begun to see a return to pre-2020 levels over the last few years.

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. Data from the Office of the Ohio Public Defender and newly collected data from the county prosecutors indicate a consistent level of appeals costs over the last two fiscal years. Currently, the data does not support that Senate Bill 2 ever led to an increase in the costs of sentencing-based appeals or post-conviction relief proceedings. The Commission will continue to monitor the current sentencing structure in this regard, but the data indicates that the cost of appeals has not disproportionately increased.

As part of the Commission's new 181.26(B)(2) duty to monitor the operation of statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions and to report on their impact, the new juvenile section of this report intends to level-set on what data is available at the juvenile level and how it can be used to understand the impacts of policy. As with the adult section of this report, the goal of this new section of the report is to set a baseline, with the hope to more acutely analyze the impact of policy in the future.

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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 121st General Assembly) on state and local government and report on it biennially. With the enactment of House Bill 301 (135th General Assembly), the Commission is now required to report on statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions, pursuant to R.C. 181.26(B)(2). 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) in addition to R.C. 181.26(B)(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.
5. **R.C. 181.26(B)(2)**: Monitor the operation of statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions in this state, periodically report to the general assembly on the statutes' operation and the statutes' impact on resources used in delinquent child, unruly child, and juvenile traffic offender dispositions, and recommend necessary changes in the statutes to the general assembly in the biennial monitoring report described in section 181.25 of the Revised Code.

This monitoring report is organized in five 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. For this report, the Commission has, for the first time, collected and produced a dataset on the cost of sentencing-based appeals and post-conviction relief proceedings to county prosecutor offices. 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.¹ 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 sources of information to illustrate the potential impact of Senate Bill 2 on Ohio’s sentencing structure.

With the new reporting requirements established in R.C. 181.26(B)(2), the Commission staff have embarked on a similar endeavor to the 2023 Monitoring Report to establish a baseline of information on juveniles involved in the criminal justice system. To that end, Commission staff have worked closely with partners and stakeholders, including the Supreme Court of Ohio Case Management Section, Ohio’s juvenile court judges, and the Department of Youth Services, to understand and report on the key topics in juvenile criminal sentencing. Because the juvenile reporting requirements are intentionally broad, that section of the report is driven by what the Commission and its stakeholders identify as important topics.

Historically, the Commission has suggested clarifying the measures for monitoring the impact of Senate Bill 2.² 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 2022-2023, as required by the biennial reporting guidelines under R.C. 181.25(A)(2). Where possible, longer-term trends are shown and more up-to-date data is used. Note that because the previous iteration of this report was published in June of 2024, some graphics remain the same as they contain the most current data. 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.

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

² See for example, the Sixth Monitoring Report (2005), https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/monitorRpts/monitoring_report_2005.pdf

Background

History of Sentencing in Ohio³

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 199,⁴ 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 258.⁵ 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.

³ 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)

⁴ 1982 Am.Sub.S.B. No. 199.

⁵ 1990 Am.Sub.S.B. No. 258

The truth in sentencing scheme in Ohio, known as Senate Bill 2,⁶ 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 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 decisions⁷ 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).⁸ With the assistance of JRI, and many other policy makers, the General Assembly enacted House Bill 86⁹, House Bill 487¹⁰ and Senate Bill 337¹¹. 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 added the 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 201¹² 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 1¹³ 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.¹⁴ The main operating budget bill for Fiscal Year 2022, House Bill 110¹⁵, addressed “technical violations” of community control and altered periods of post release control (PRC).

⁶ 1996 Am.Sub.S.B. No. 2

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

⁸ 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.

⁹ 2011 Am.Sub.H.B. No. 86.

¹⁰ 2012 Am.Sub.H.B. No. 487.

¹¹ 2012 Am.Sub.S.B. No. 337.

¹² 2018 Am. Sub. S.B. No. 201.

¹³ 2020 Am.Sub.H.B. No. 1.

¹⁴ 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/>

¹⁵ 2021 Am.Sub.H.B. No. 110.

As 2022 came to a close, and the 134TH General Assembly finished its biennium, Senate Bill 288¹⁶ 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 marijuana 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.¹⁷

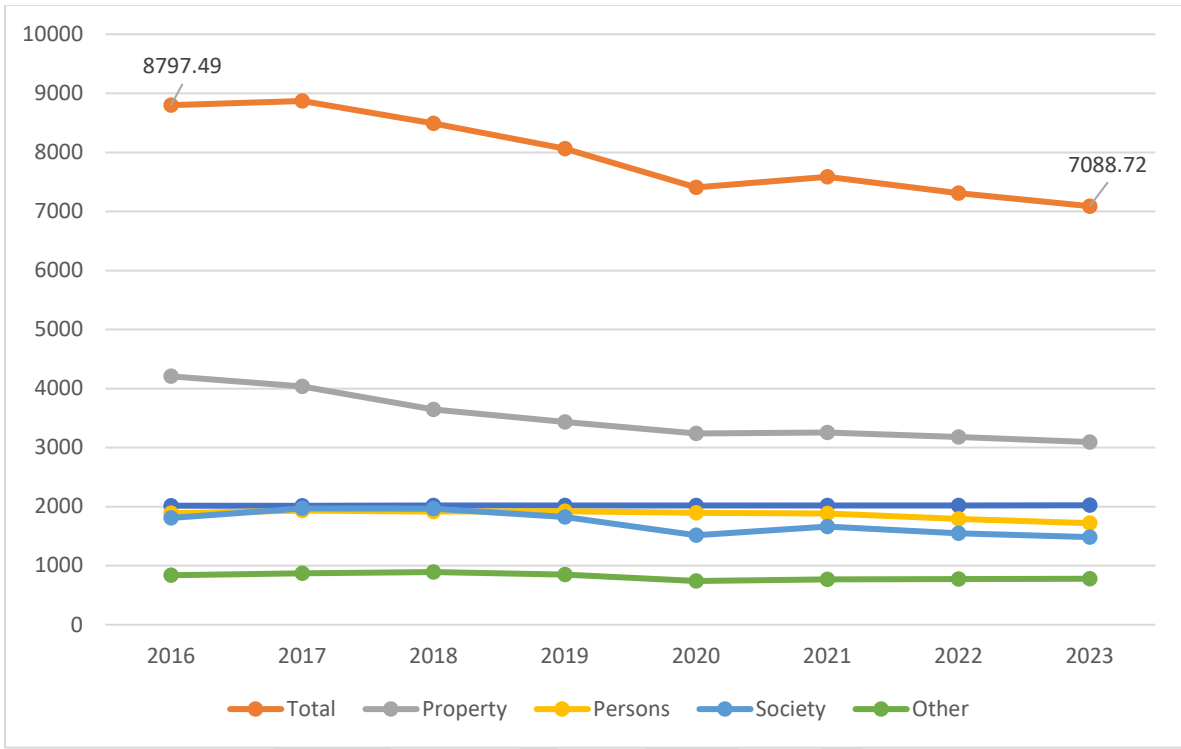
Crime and Case Filings in Ohio

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.

¹⁶ 2022 Am.Sub.S.B. No. 288.

¹⁷ 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/>

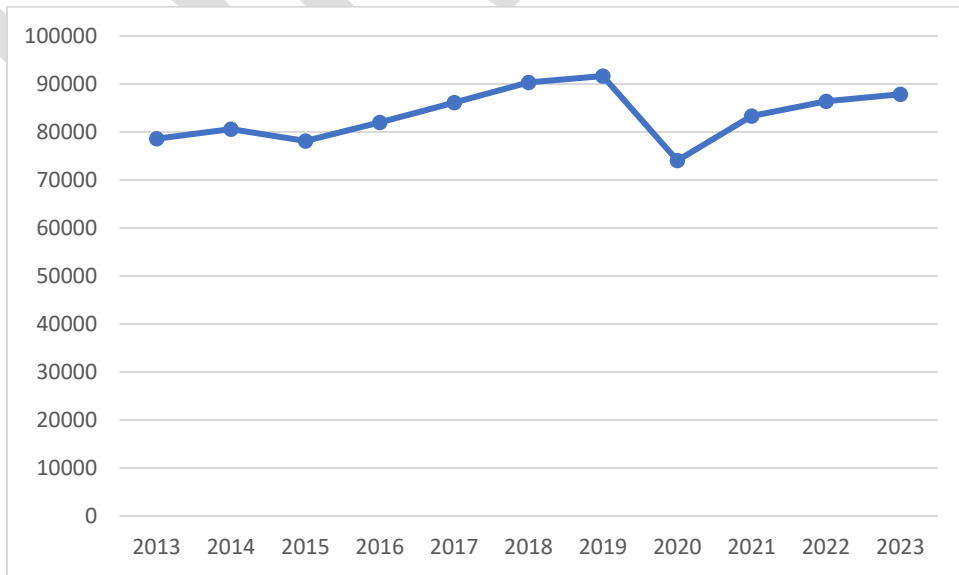
Figure 1. OIBRS Index Crime Rate, 2016-2023



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

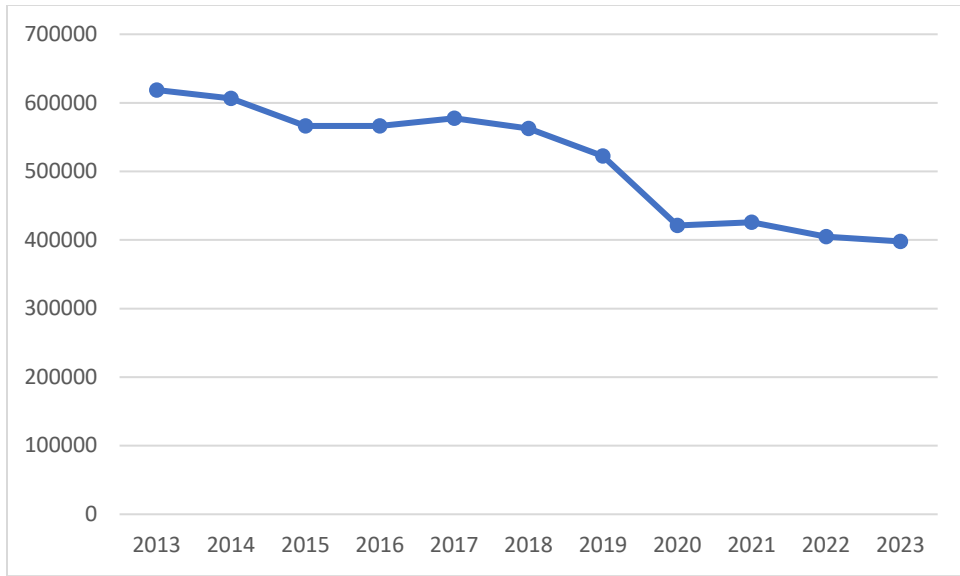
As illustrated, the index crime rate in Ohio has gradually decreased in the past seven years, with property crimes representing the largest decrease and crimes against persons and society largely holding steady.

Figure 2. Total Incoming Criminal Cases, Common Pleas Courts, 2013-2023



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

Figure 3. Total Incoming Criminal Cases, Municipal and County Courts, 2013-2023



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 2 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.¹⁸

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.¹⁹ 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.

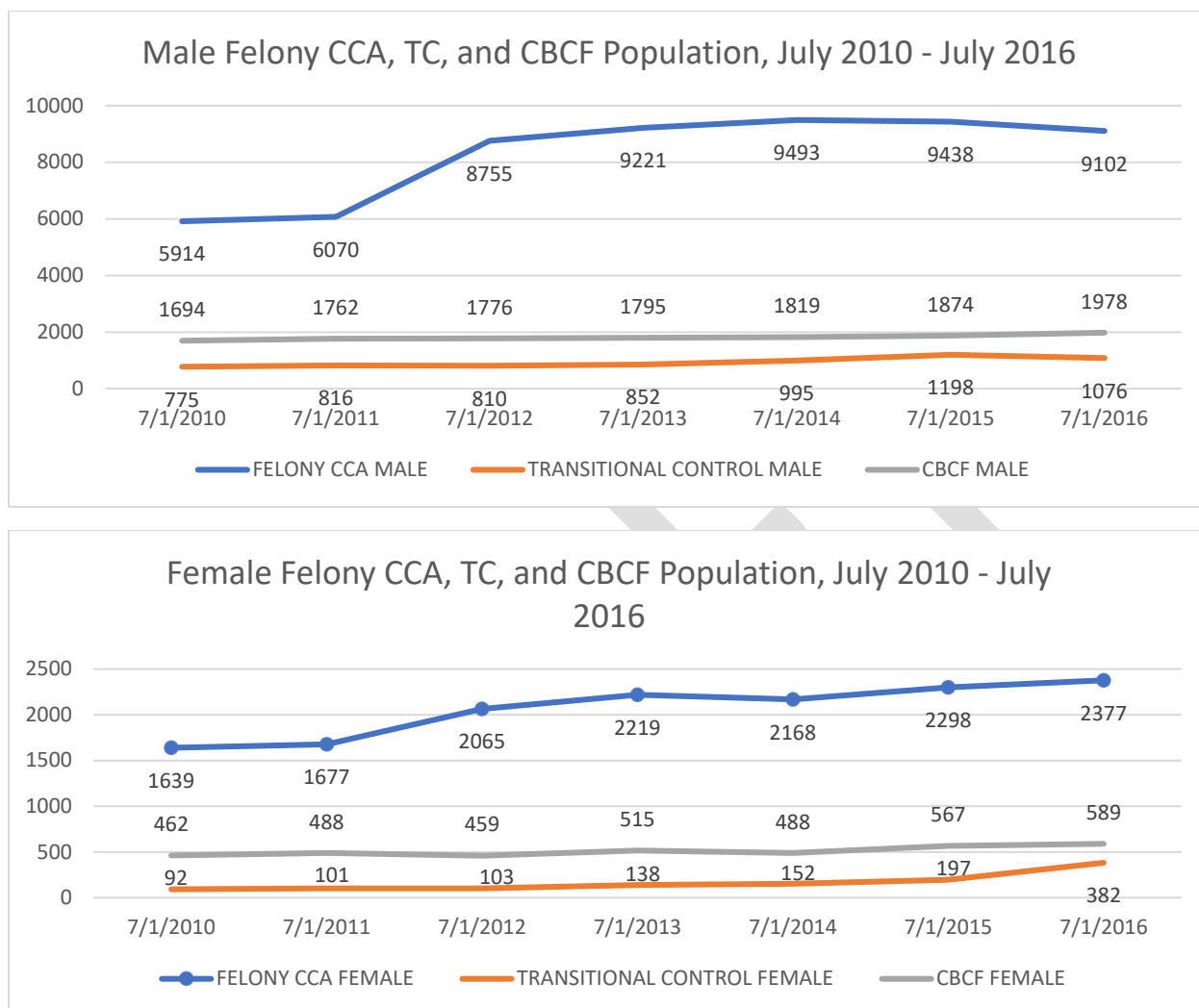
¹⁸ See for example, the Sixth Monitoring Report (2005).

https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/monitorRpts/monitoring_report_2005.pdf

¹⁹ 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

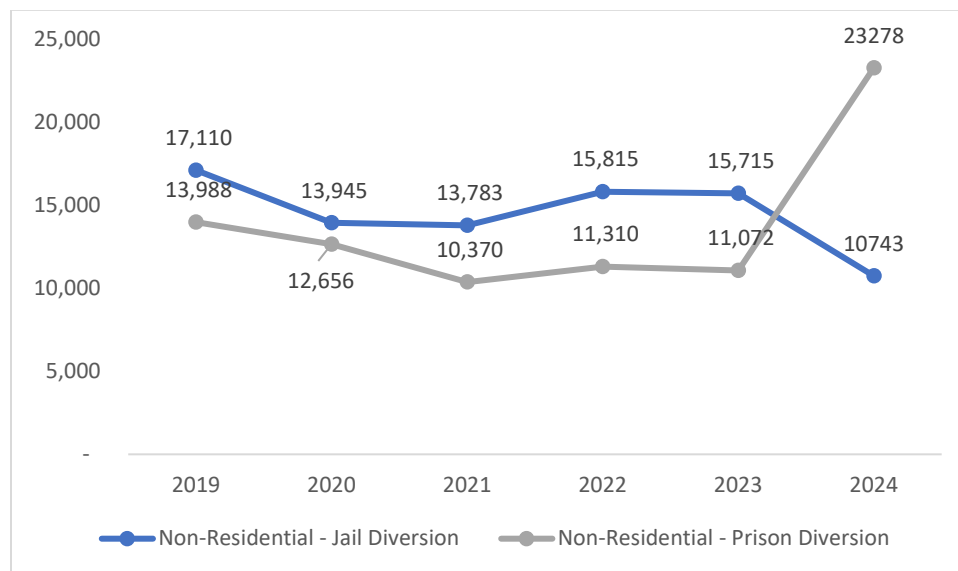
Figure 4, provided by ODRC, illustrates a population count on Ohio Community Correction Act (CCA) jail and prison diversion programs, Transitional Control (TC), and Community Based Correctional Facility (CBCF) participants from 2010-2016. The figures show participation rising in each of these programs 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 2024. 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

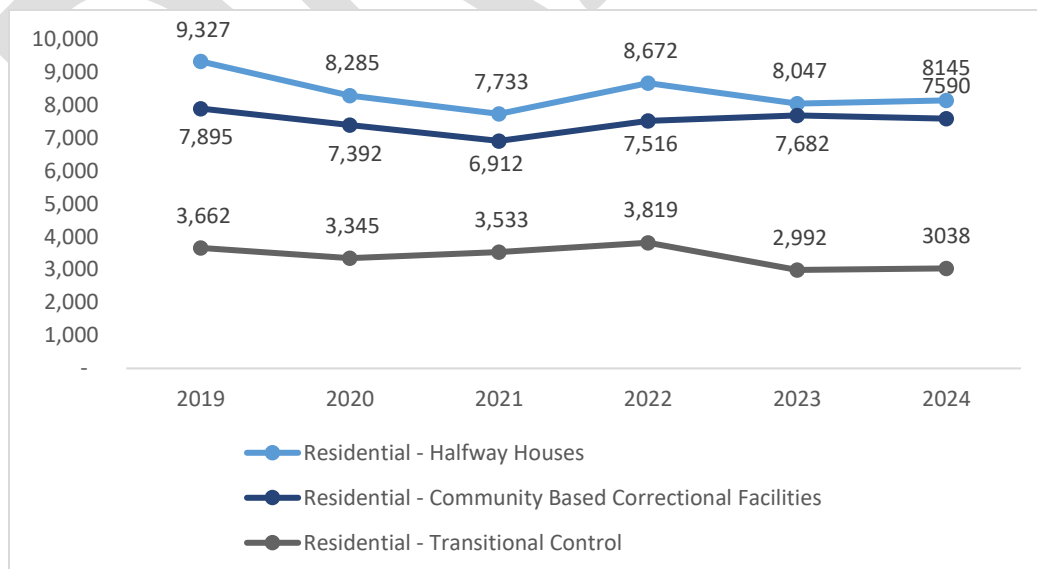
levels. In 2024, the prison diversion population more than doubled while the jail diversion population fell by 5,000 participants. Figure 6 displays similar trends for halfway houses and community based correctional facilities. Participation in transitional control held steady through COVID but experienced a slight dip in admissions from 2022 onward.

Figure 5: Non-Residential CCA Grants, Annual Participants Admitted, 2019-2024



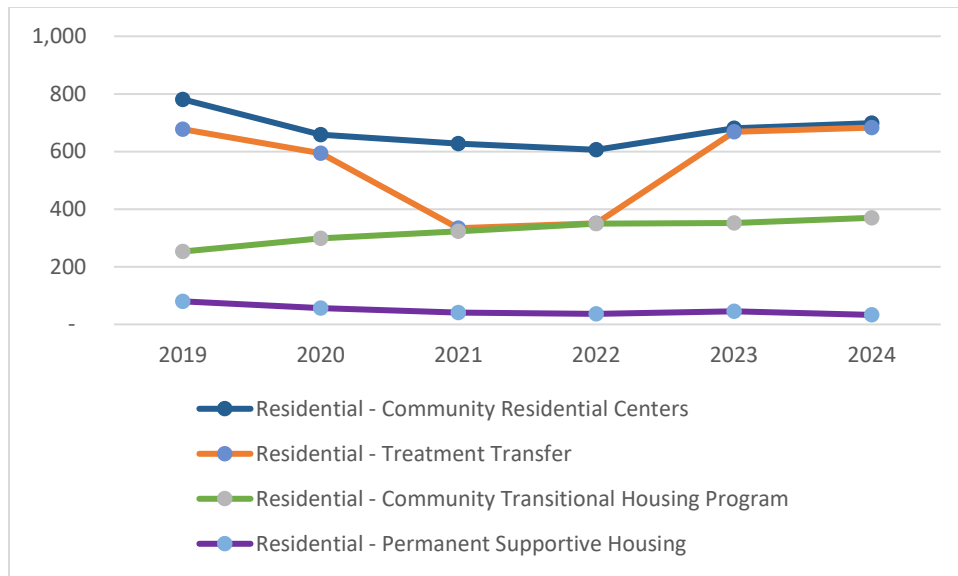
Source: ODRC Bureau of Community Sanctions, Annual Reports (2019-2024)

Figure 6. Residential BCS Grants, Annual Participants Admitted, 2019-2024 (HFH, CBCF, TC)



Source: ODRC Bureau of Community Sanctions, Annual Reports (2019-2024)

Figure 7. Residential BCS Grants, Annual Participants Admitted, 2019-2024 (CRC, TT, CTHP, PSH)



Source: ODRC Bureau of Community Sanctions, Annual Reports (2019-2024)

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, 2010-2024

Year	Time Served (years) Until First Release (CY; exc. Parole)	Percent Of New Commitments - Nonviolent/Non-Sex Offender F4/F5
2010	1.62	0.427
2011	1.78	
2012	1.88	
2013	1.93	
2014	1.96	
2015	2.01	0.373
2016	2.07	
2017	2.14	
2018	2.24	
2019	2.35	
2020	2.49	
2021	2.73	
2022	2.61	0.245
2023	2.60	
2024	2.61	

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

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 2024 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 2022-2024

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 2022-24, Ohio House Bill 35 (135th General Assembly) and House Bill 56 (135th General Assembly). A quick summary of each these local impact statements is contained below.²⁰

Ohio House Bill 35 (135th General Assembly)

The Bill allows resentencing for certain sex offenders who were originally sentenced between 2008 and 2011 in order to reclassify them. LSC has concluded that the number of additional hearings this will trigger is uncertain. This may increase court hearings, and thus workload, but it will be limited in that this reclassification can only take place during a one-year window.

Ohio Senate Bill 56 (135th General Assembly)

The Bill is intended to increase the penalties for fleeing a police officer and street racing. The Bill shifts the general penalty for willfully eluding or fleeing a police officer from a first-degree misdemeanor to a

²⁰ See Fiscal Note & Local Impact Statement – H.B. 35 135th General Assembly. <https://www.legislature.ohio.gov/legislation/135/hb35> and Fiscal Note and Local Impact Statement H.B. 56 – 135th General Assembly. <https://www.legislature.ohio.gov/legislation/135/hb56> for further details.

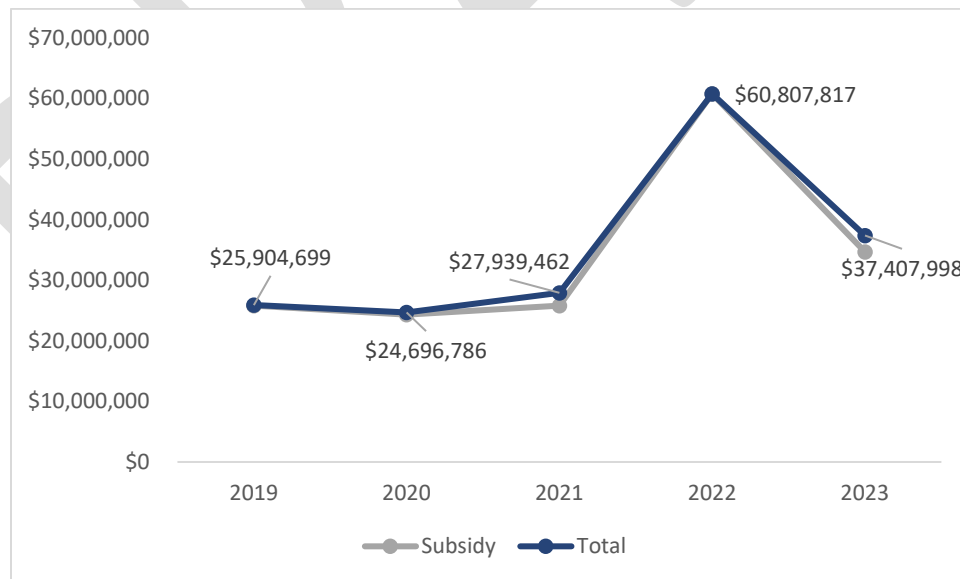
fourth-degree felony, and if the flight was immediately after the commission of a felony, the general penalty increases from a fourth degree to third degree felony. These crimes generally occur in urban and suburban areas compared to rural areas, so those areas will be most affected.

This may cause more cases to fall under the jurisdiction of a court of common pleas, the court with jurisdiction over felony-level cases. Therefore, municipal and county courts may experience a minimal reduction in their annual criminal justice expenditures, while county courts of common pleas may experience an increase in their annual criminal justice expenditures. Fourth- and fifth-degree felonies generally carry a presumption in favor of community control rather than a prison term. Because the penalty for these crimes increase, there may be a small increase in the number of persons sentenced to a state prison and those serving longer terms of incarceration.

State Funding by County

Every year the LSC produces a *State Spending by County* report²¹ 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.

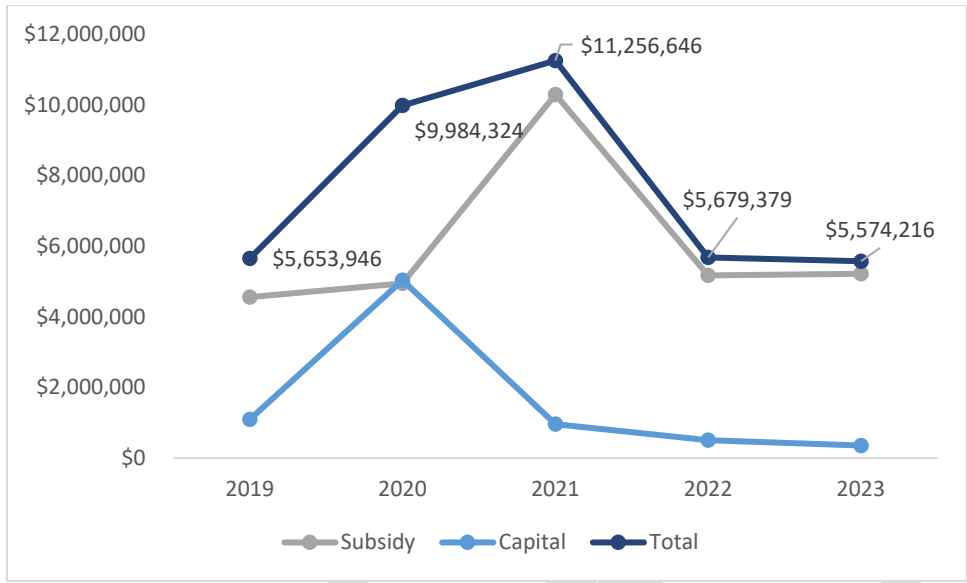
Figure 8. State Spending by County, Attorney General, FY 2019-2023



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

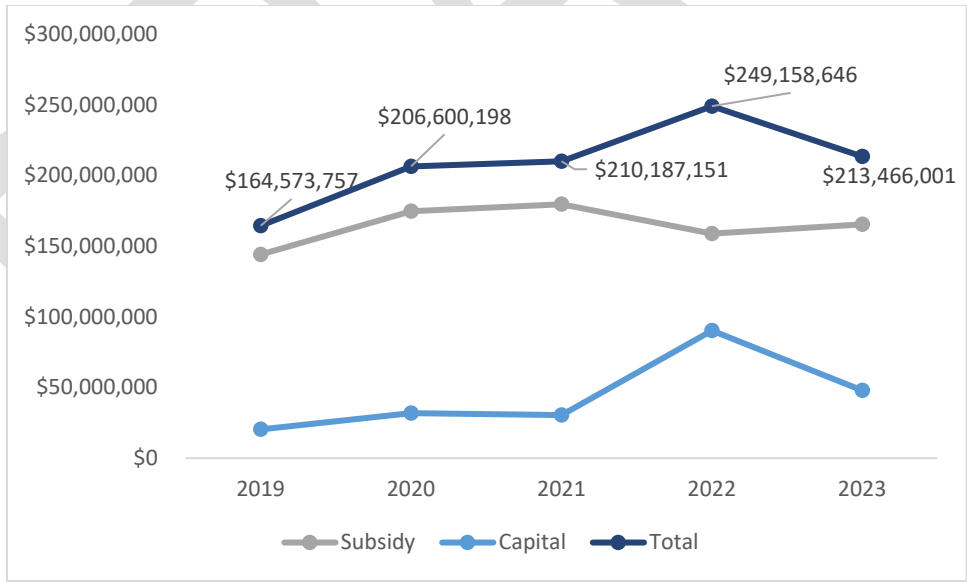
²¹ See <https://www.lsc.ohio.gov/budget/state-spending-by-county>

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



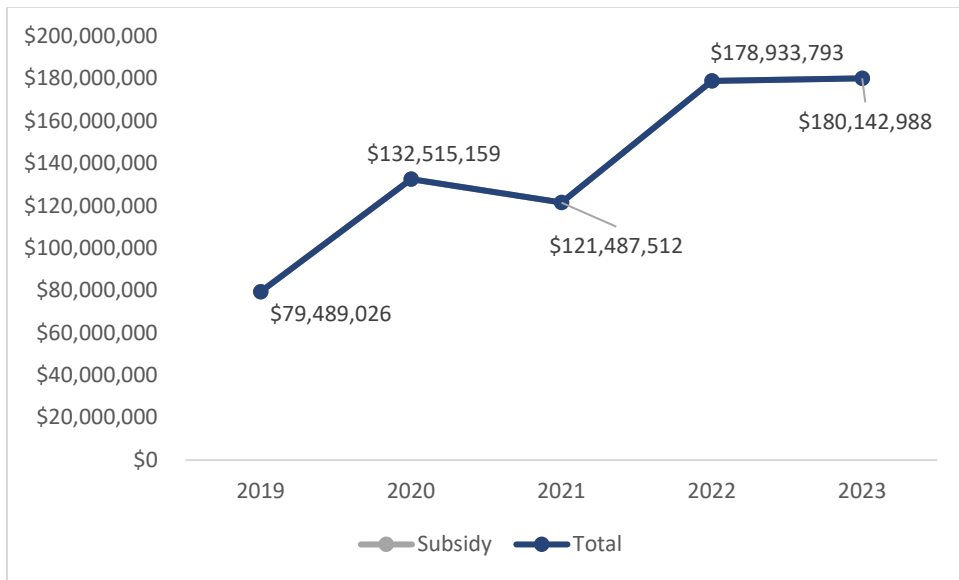
Source: Legislative Service Commission, State Spending by County Report, 2019-2023

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



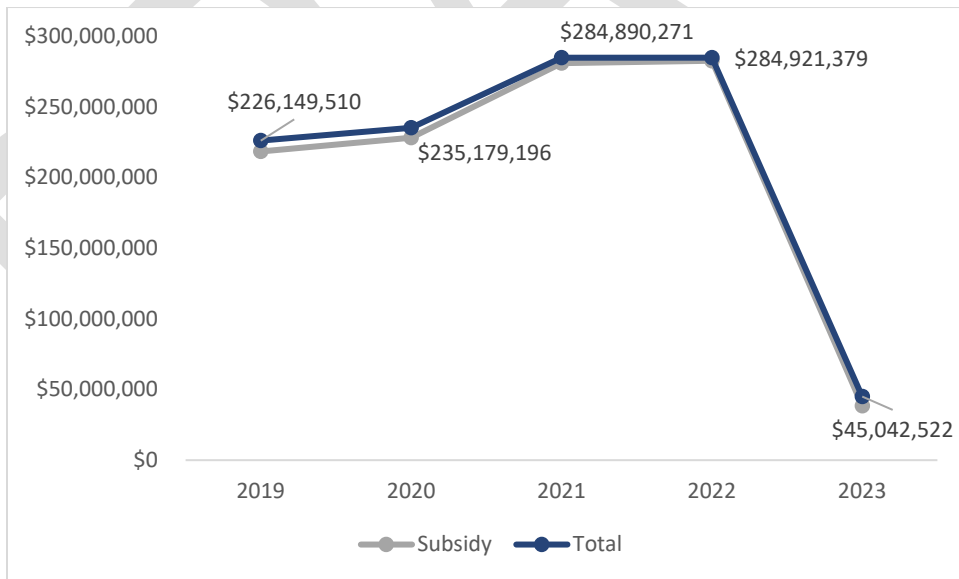
Source: Legislative Service Commission, State Spending by County Report, 2019-2023

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



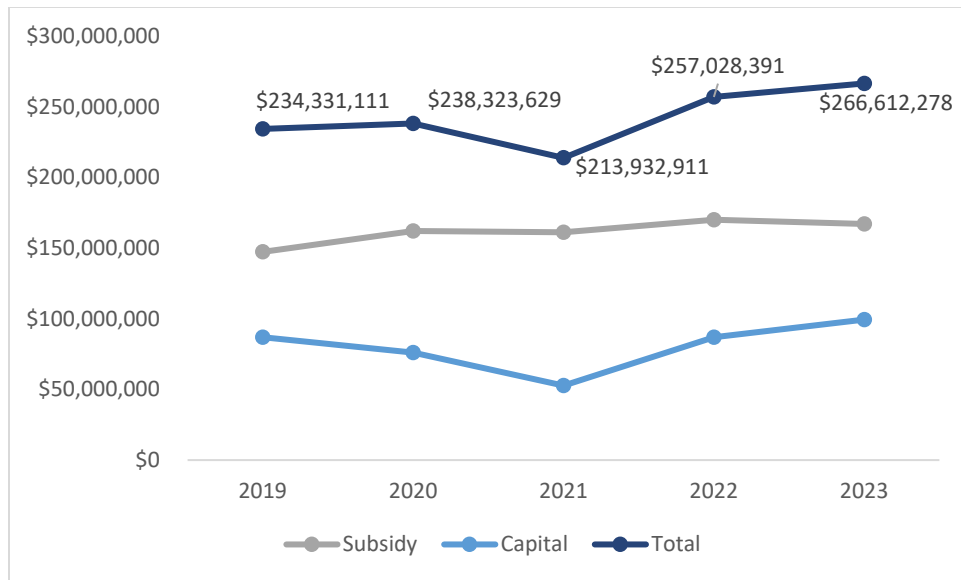
Source: Legislative Service Commission, State Spending by County Report, 2019-2023

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

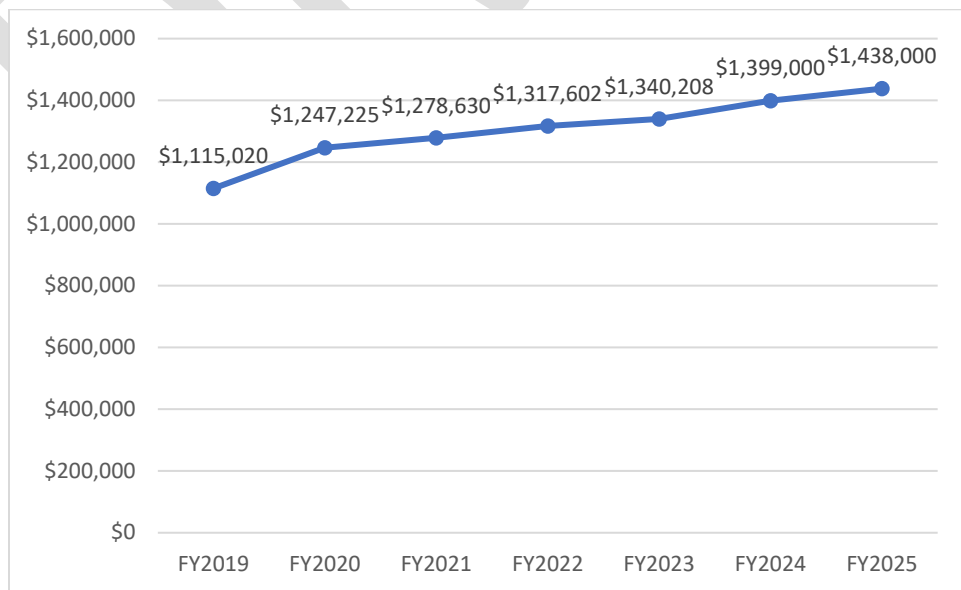


Source: Legislative Service Commission, State Spending by County Report, 2019-2023

State of Ohio – Budget Line Items

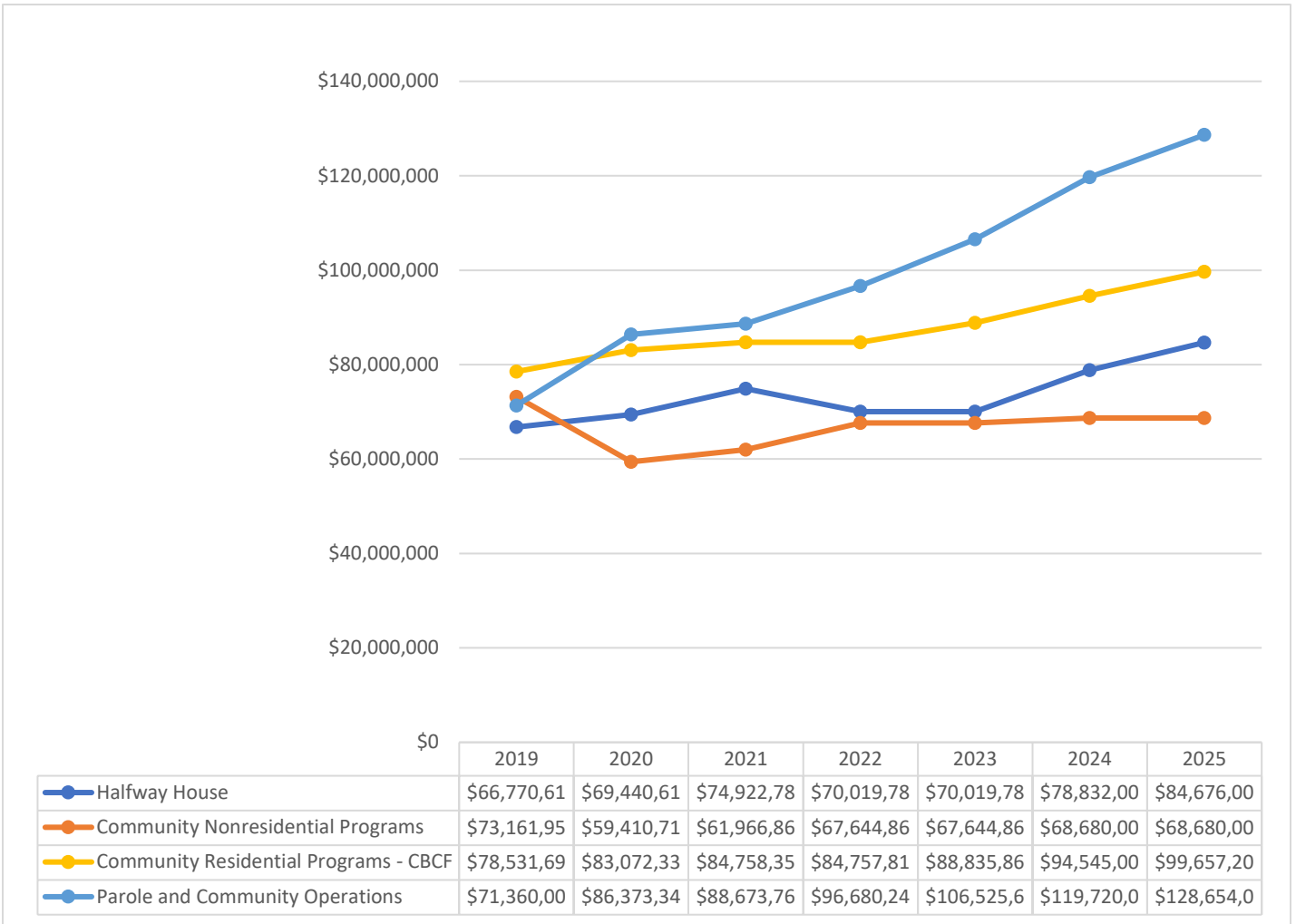
State agency budgetary documents often contain line items for funding to the counties. The following tables illustrate some of these funding items to provide more detail on the state spending by county charts. Note that these figures are already captured in the state spending by county report and are 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 14. Attorney General's Office County Pay Supplements, FY 2019-FY2025



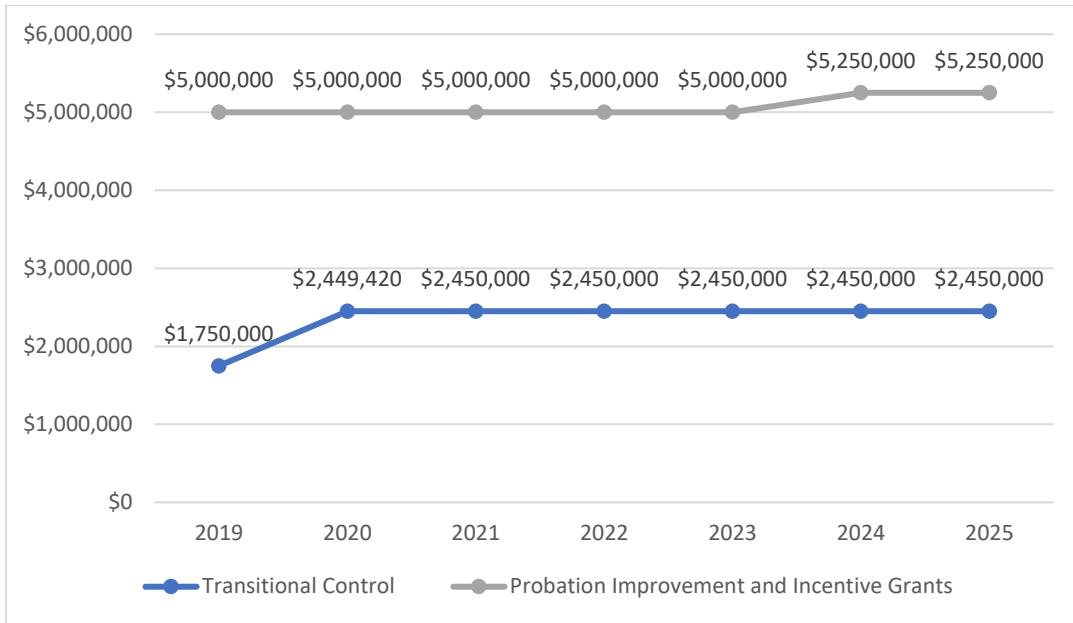
Source: Legislative Budget Office, Greenbook

Figure 15. ODRC GRF Appropriations Parole and Community Services, FY 2019-2025



Source: Legislative Budget Office, Greenbook

Figure 16. ODRC DPF Appropriations Parole and Community Services, FY 2019-2025



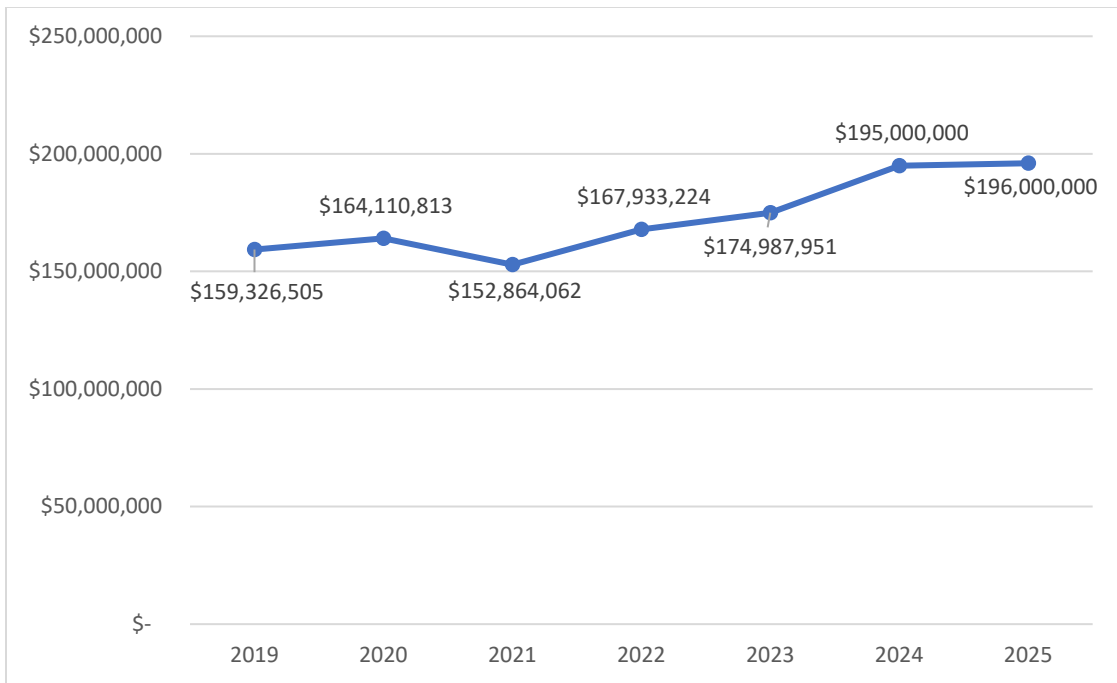
Source: Legislative Budget Office, Greenbook

Figure 17. DYS Total Appropriation, FY 2019-2025



Source: Legislative Budget Office, Greenbook

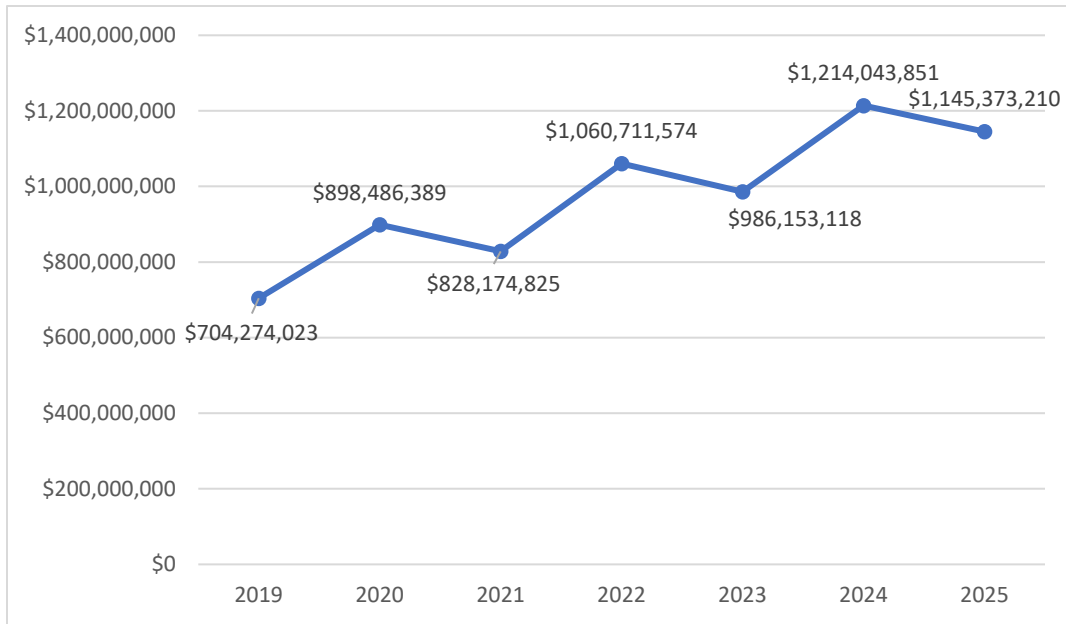
Figure 18. DYS GRF RECLAIM Ohio, FY 2019-2025



Source: Legislative Budget Office, Greenbook

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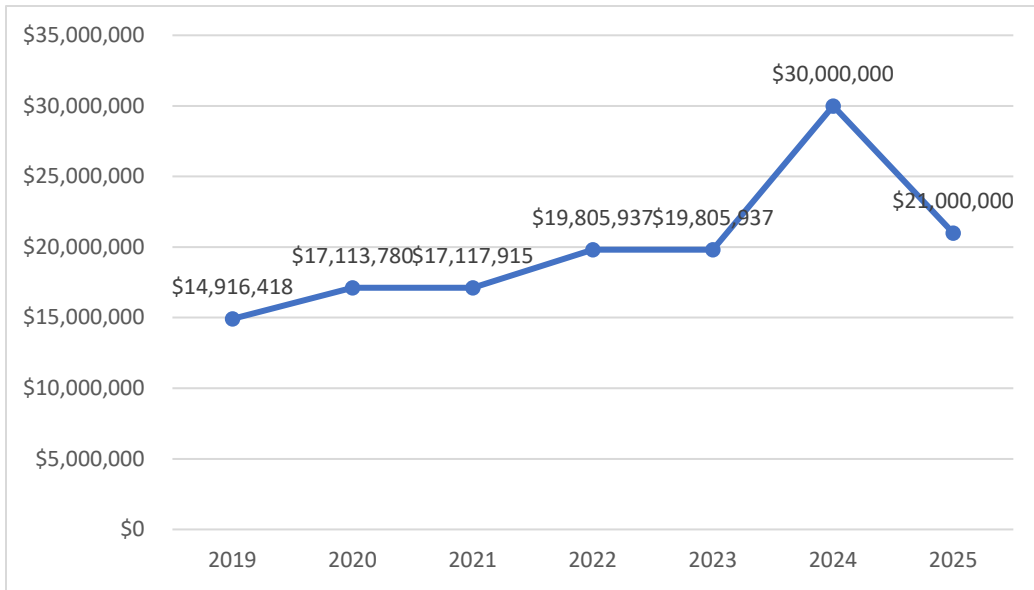
Figure 19. OMHAS Total Appropriation, FY 2019-2025²²



Source: Legislative Budget Office, Greenbook

²² 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 20. OMHAS Criminal Justice Services Funding FY 2019-FY2025



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.

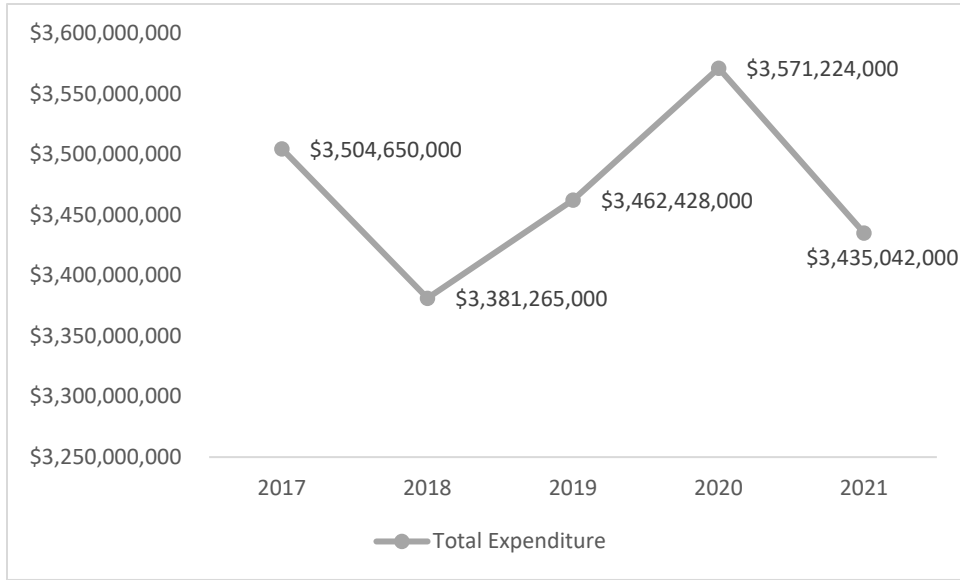
Table 2. Capital Improvement Funding for Jails and Local Correctional Facilities, FY 2019-2024

Project Description	2017-2019 (132nd GA – HB 529)	2019-2020 (133rd GA – SB 310)	2021-2022 (134th GA – HB687)	2023-2024 (135th GA – HB33)
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](#)

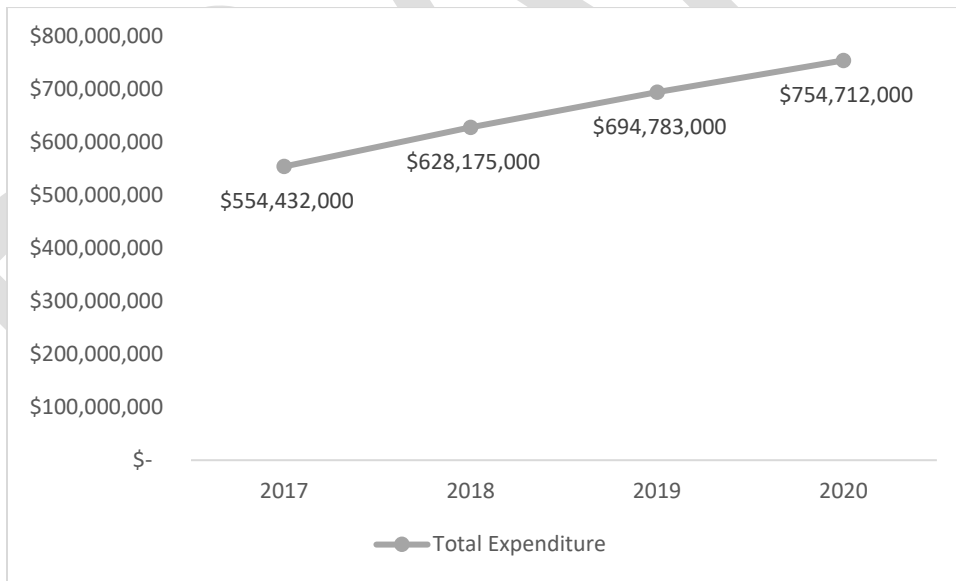
The U.S. Census Bureau’s Annual Survey of Local Government Finances is the only known comprehensive source of state and local government finance data collected on a national scale using uniform definitions, concepts, and procedures. The survey obtains data on revenues, expenditures, debt and assets of 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 21. Local Government Expenditures, Police Protection, 2017-2021



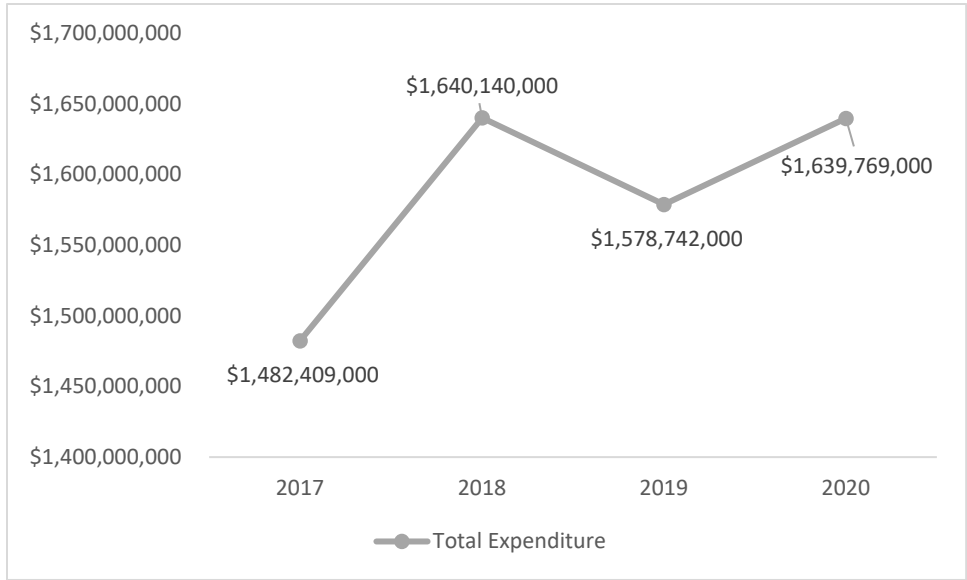
Source: US Census Bureau State and Local Government Finance Historical Datasets and Tables

Figure 22. Local Government Expenditures, Corrections, 2017-2021



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

Figure 23. Local Government Expenditures, Judicial and Legal System, 2017-2021

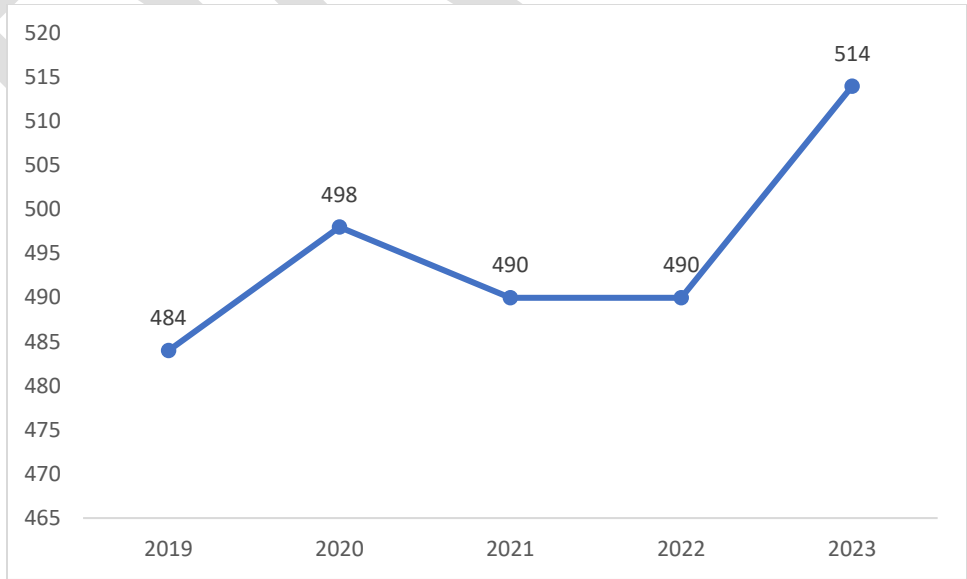


Source: US Census Bureau State and Local Government Finance Historical Datasets and Tables

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

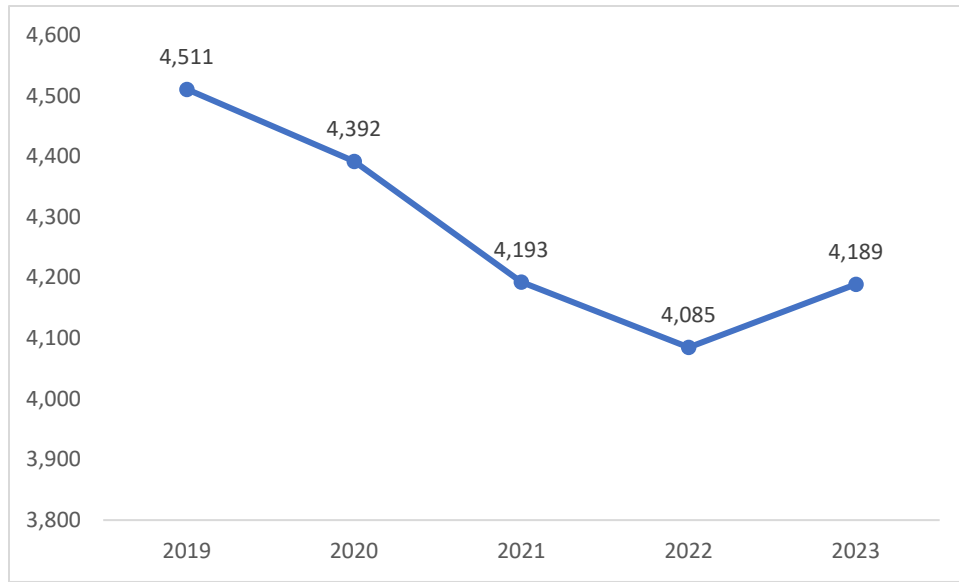
The Occupational Employment and Wage Statistics (OEWS) program provides wage and employment estimates by state and industry. The following tables show employment statistics for select categories at the local government level, statewide, except for the mental health and substance abuse treatment workers, 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 24. Average Annual Employment, Local Parole and Probation Offices, 2019-2023



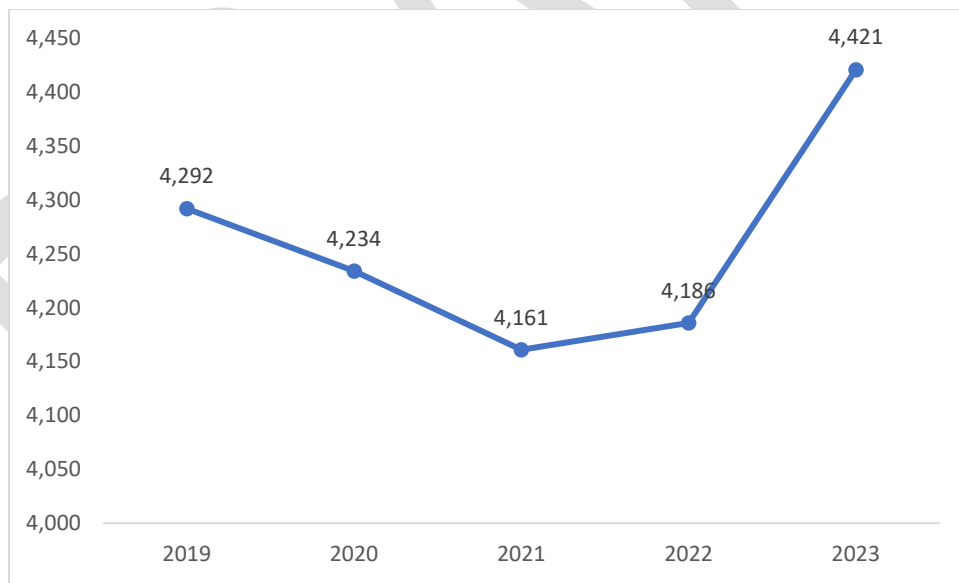
Source: US Bureau of Labor Statistics, Occupational Employment and Wage Statistics

Figure 25. Average Annual Employment, Local Correctional Institutions, 2019-2023



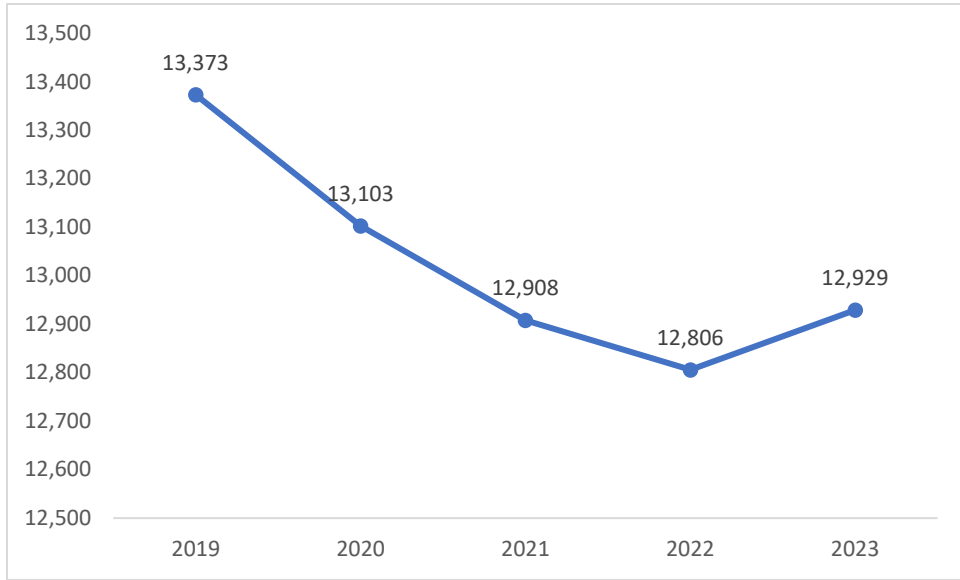
Source: US Bureau of Labor Statistics, Occupational Employment and Wage Statistics

Figure 26. Average Annual Employment, Local Legal Counsel and Prosecution, 2019-2023



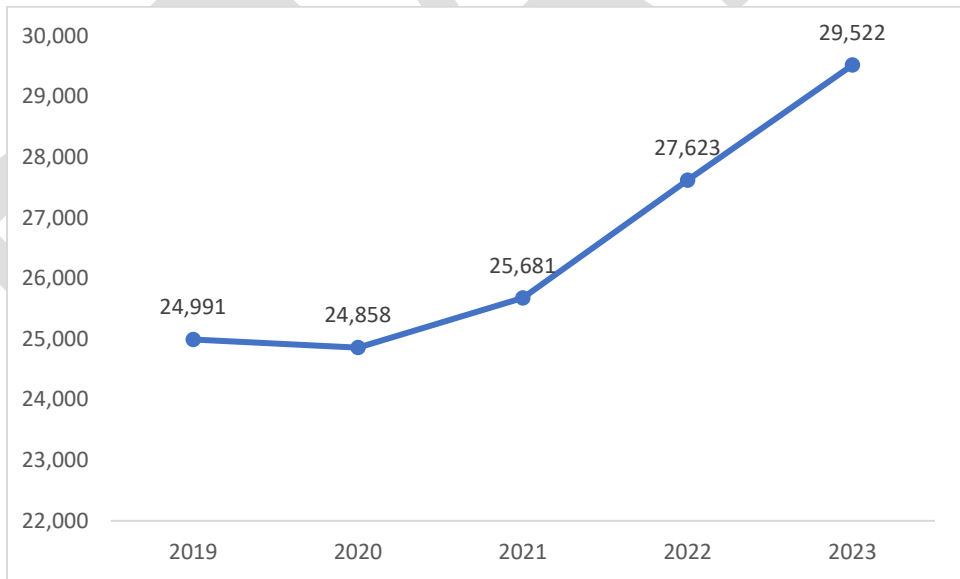
Source: US Bureau of Labor Statistics, Occupational Employment and Wage Statistics

Figure 27. Average Annual Employment, Local Courts, 2019-2023



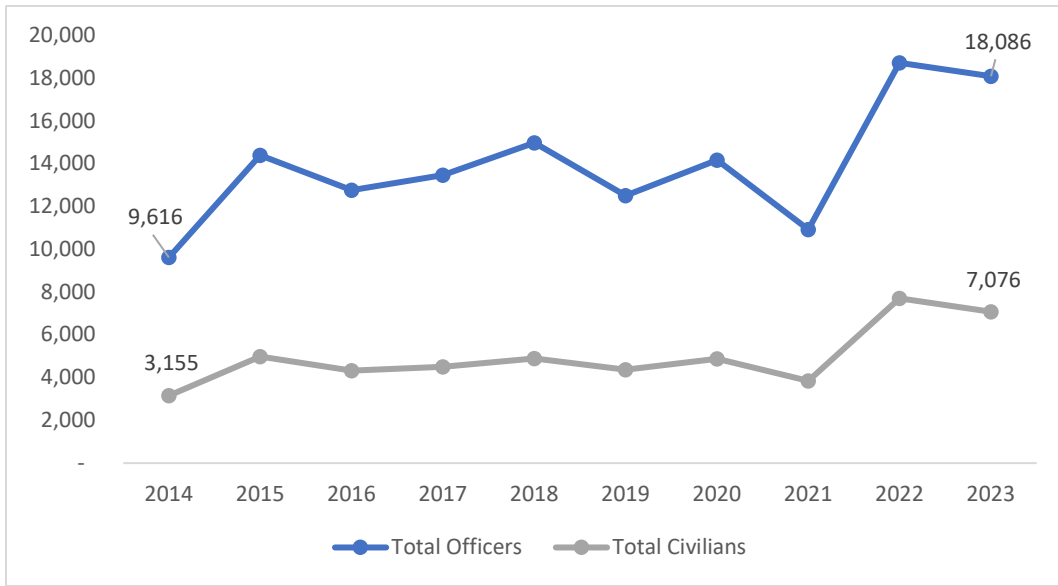
Source: US Bureau of Labor Statistics, Occupational Employment and Wage Statistics

Figure 28. Average Annual Employment, Residential, Outpatient, and Hospital Mental Health and Substance Abuse Providers, 2019-2023



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

Figure 29. Sworn Law Enforcement Employees, Civilian and Officer, 2014-2023



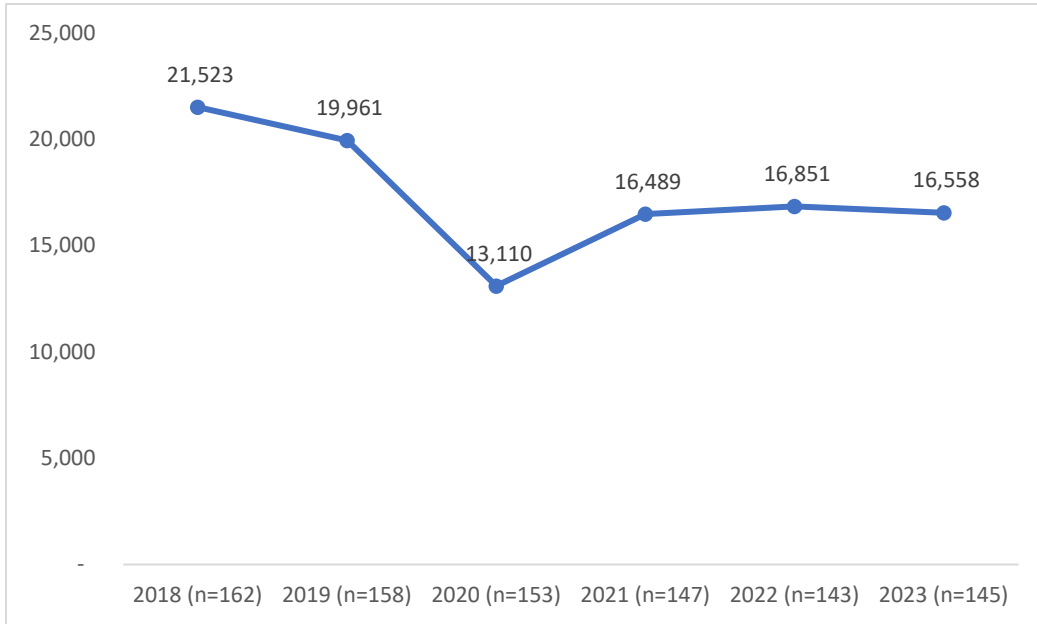
Source: Federal Bureau of Investigation, Uniform Crime Reporting, Police Employee Data

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 2018-2023.²³

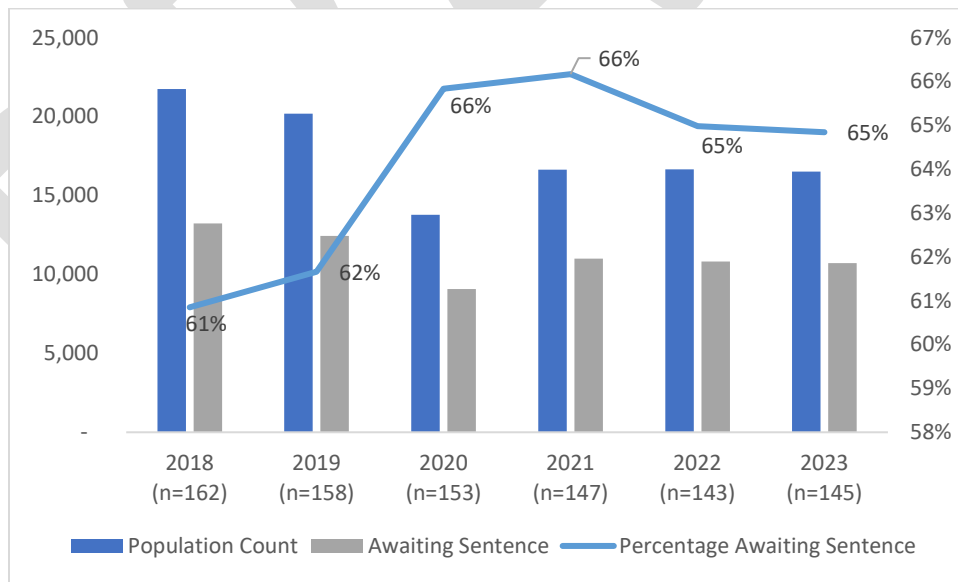
²³ Please note: The data listed in these figures is solely determined and self-reported by the listed jails. DRC has not evaluated the accuracy of any of these figures and reserves the opportunity to analyze and confirm their accuracy.

Figure 30: Average Daily Jail Inmate Count, 2018-2023 (Number of Jails in Parentheses)



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

Figure 31. 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

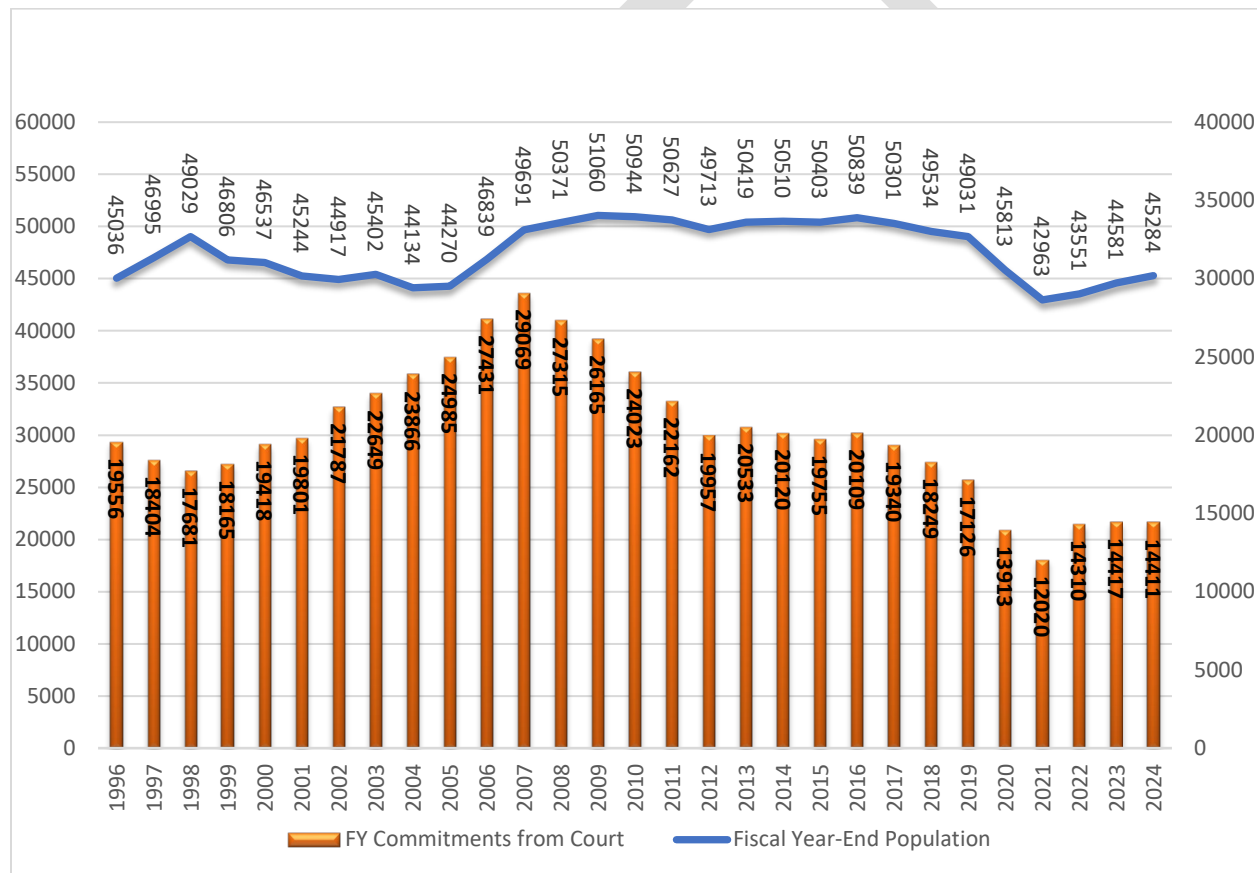
R.C. 181.25(A)(2)(b) The Impact on State Correctional Institutions

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 33 displays the prison population over time as well as the number of new commitments from courts.

Figure 32. FY Custody Population Count and New Court Commitments, 1996 - 2024



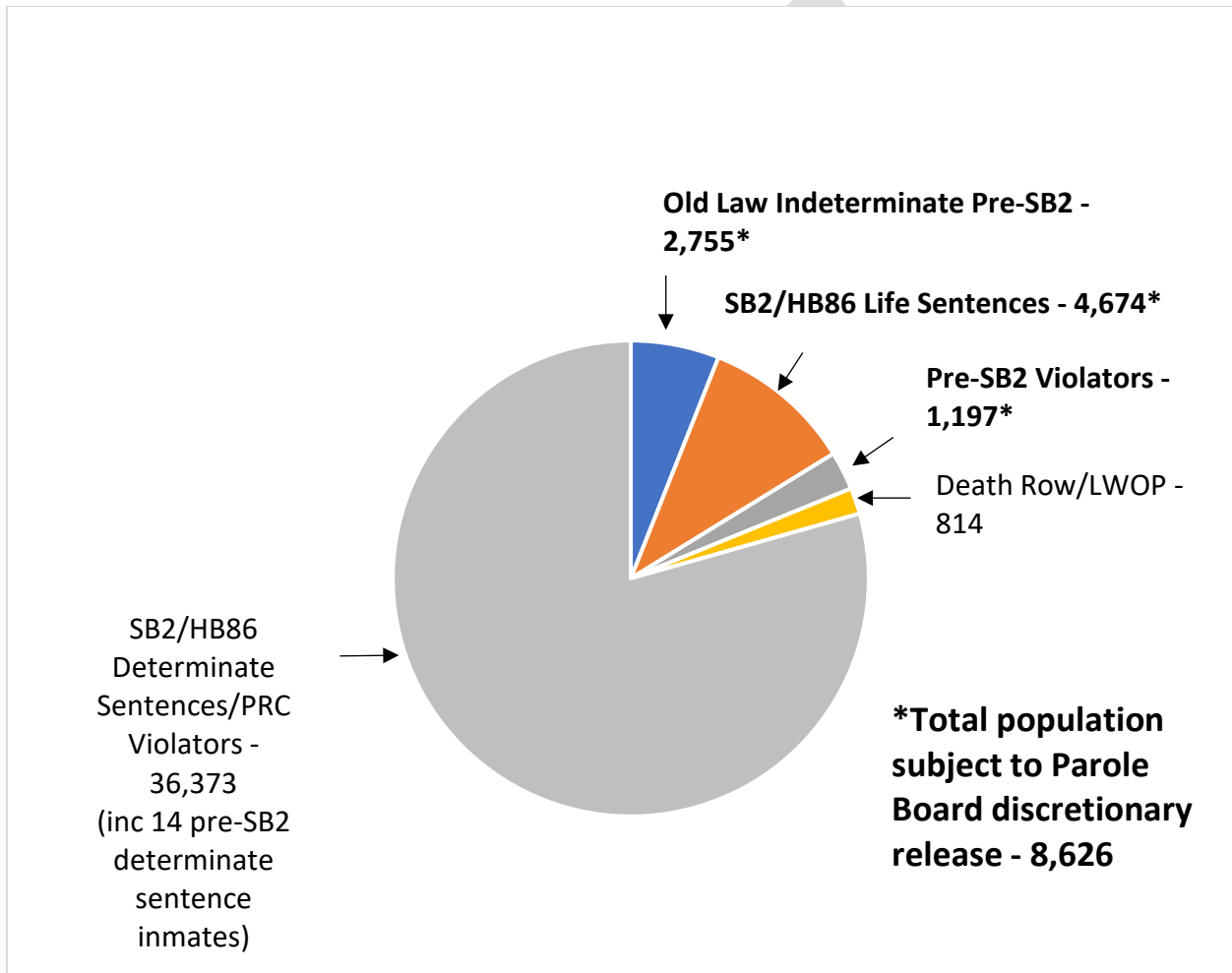
Source: Ohio Department of Rehabilitation and Correction, Bureau of Research and Evaluation

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 2022-24, new commitments and prison population have picked up, but each remain well below pre-pandemic levels.

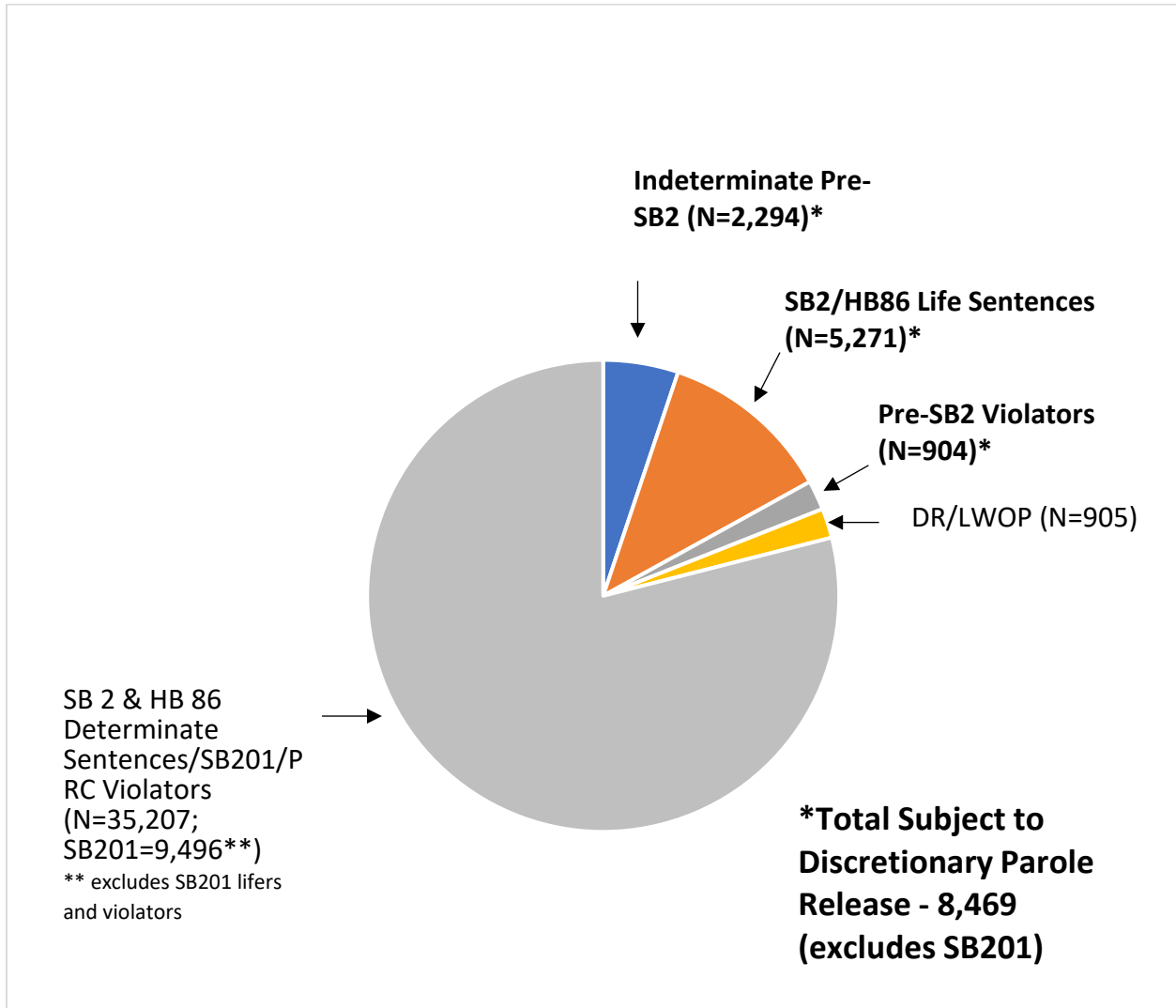
The next set of figures focuses on ODRC inmates by old law and new law status as well as sentence type, from 2020 to 2023.

Figure 33. 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

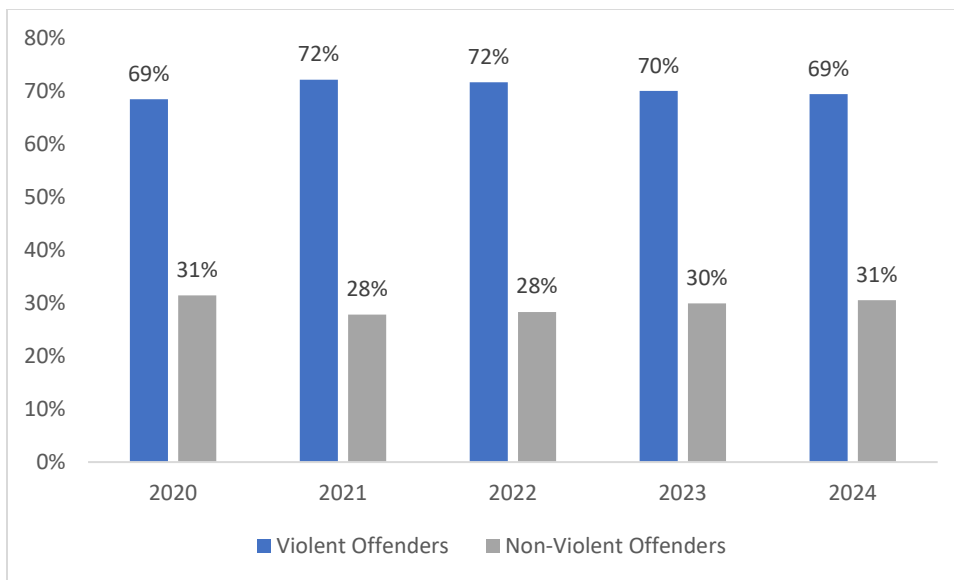
Figure 34. Distribution of DRC Custody Population by Sentence Type and Old Law/New Law Status, July 1, 2023 (N=44,581)



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

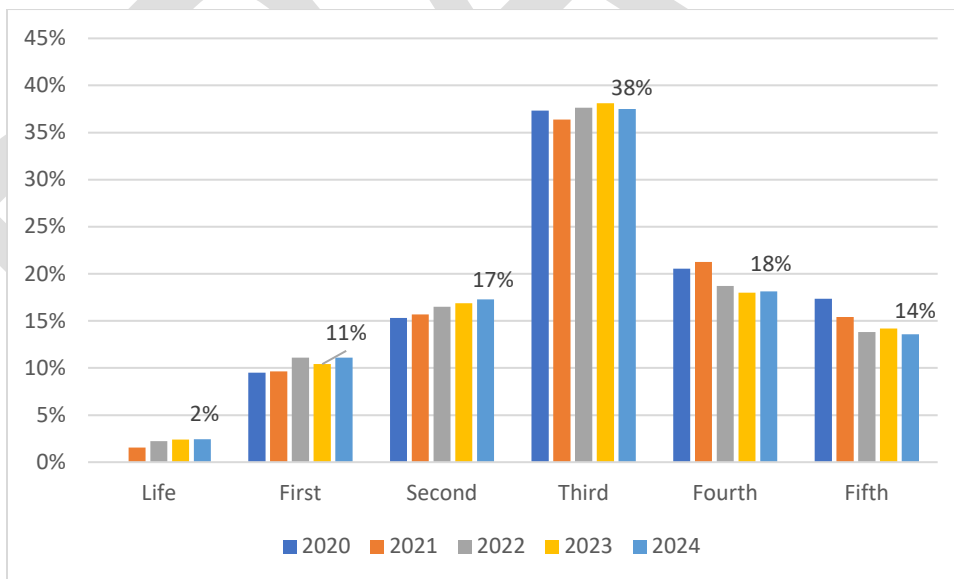
The next set of figures illustrate the trends of the ODRC custody population by violent/nonviolent status, felony level of most serious offense, and the most serious offense type, from calendar year 2020 to 2024.

Figure 35. Percentage of Violent vs Nonviolent Offenders in ODRC Custody Population, 2020-2024



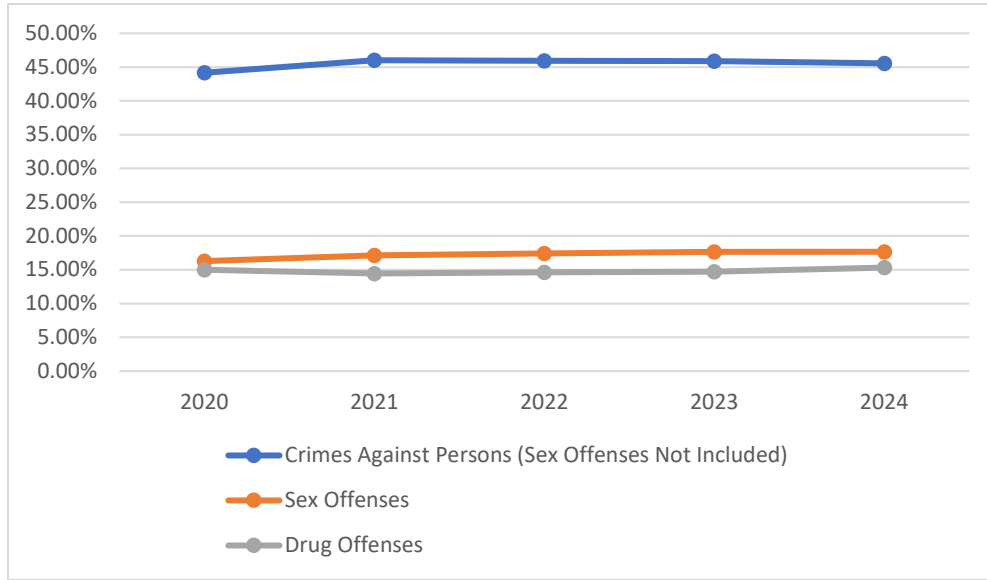
Source: Ohio Department of Rehabilitation and Correction, Annual Reports

Figure 36. Percentage of Annual Commitments by Felony Level of Most Serious Offense, 2020-2024



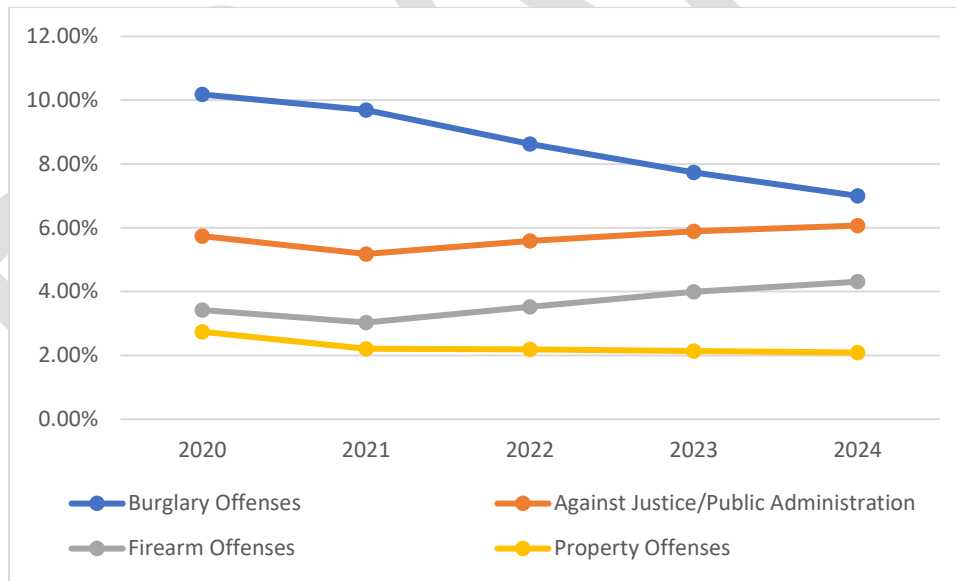
Source: Ohio Department of Rehabilitation and Correction, Annual Reports

Figure 37. Percentage of ODRC Inmates by Most Serious Offense Type, 2020-2024



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

Figure 38. Percentage of ODRC Inmates by Most Serious Offense Type, 2020-2024



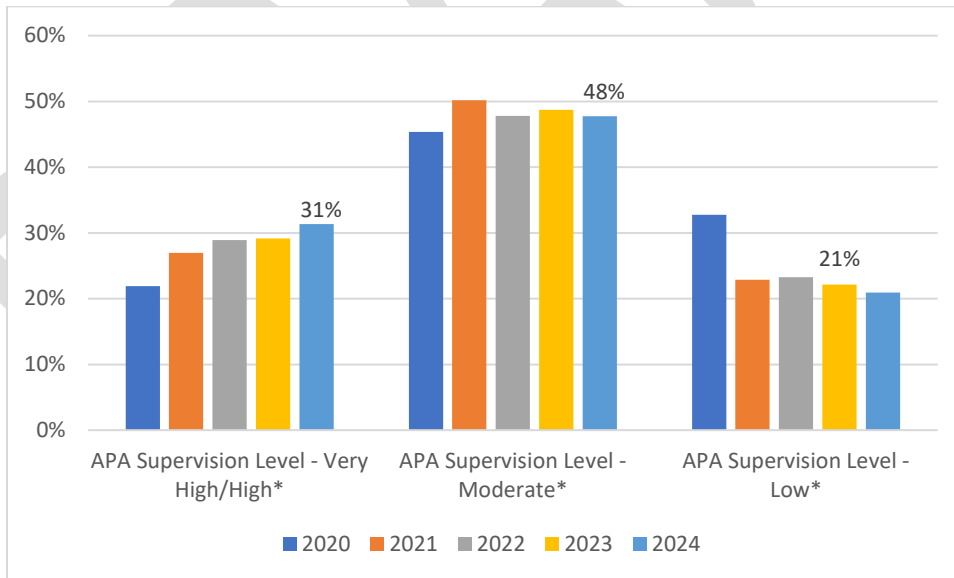
Source: Ohio Department of Rehabilitation and Correction, Institutional Census Reports

The next set of figures illustrate the trends of the ODRC supervision population by supervision type and level from 2020 to 2024.

Table 3. Individuals under Adult Parole Authority Supervision, 2020-2024

	FY2020	FY2021	FY2022	FY2023	FY2024
Total Individuals under APA Supervision*	31,735	29,631	27,956	25,037	22,536
Individuals under APA Supervision - Risk Reduction	88	64	48	39	27
Individuals under APA Supervision - Treatment in Lieu	730	605	410	310	271
Individuals under APA Supervision - Compact Parole	960	909	586	733	696
Individuals under APA Supervision - IPP/Probation		39	25	19	14
Individuals under APA Supervision - Judicial Release	786	618	381	247	216
Individuals under APA Supervision - Compact Probation	2,877	2,539	3,091	3,160	3,005
Individuals under APA Supervision - Parole	553	595	592	563	553
Individuals under APA Supervision - Community Control	4,821	4,004	3,122	2,513	2,275
Individuals under APA Supervision - Post Release Control	20,920	20,258	19,586	17,406	15,454

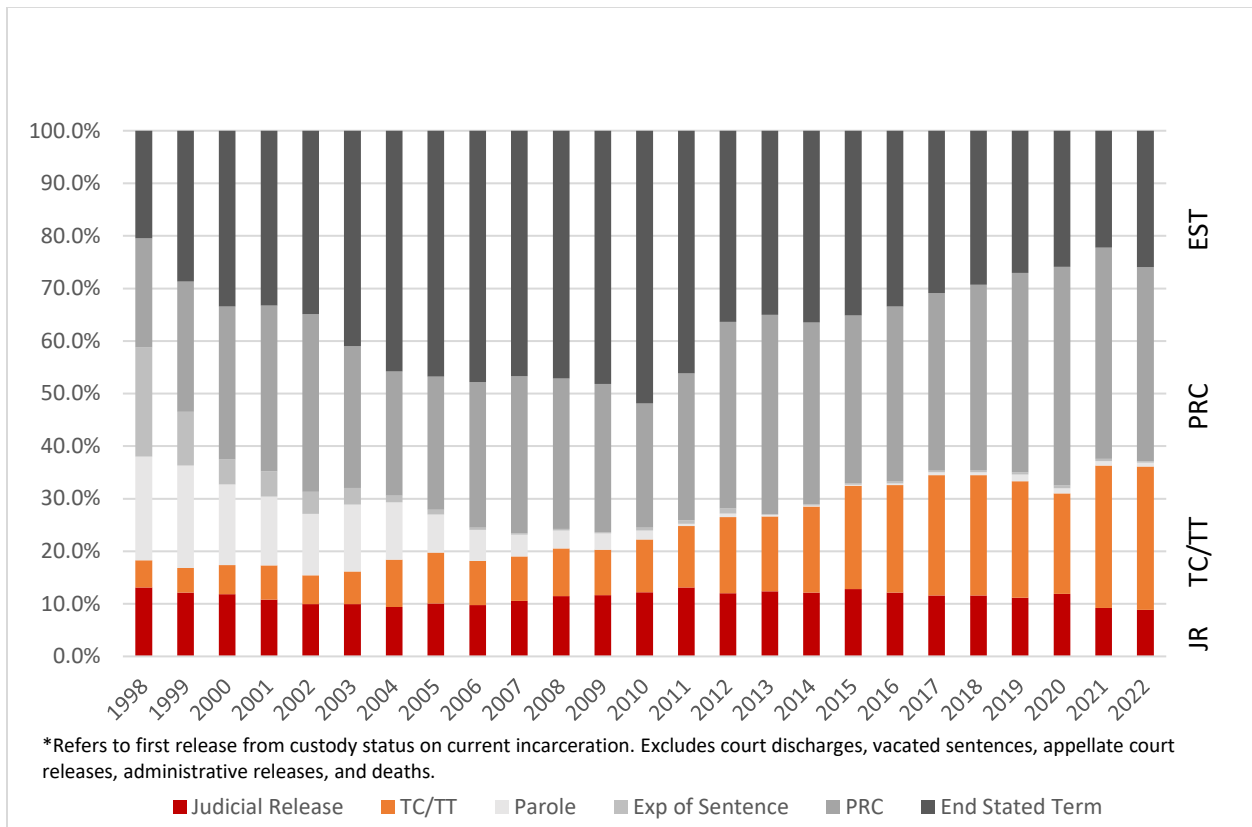
Figure 39. Percentage of Individuals Under Adult Parole Authority Supervision Among Very High/High, Moderate, and Low supervision levels, 2020-2024



Source, Ohio Department of Rehabilitation and Correction, Annual Reports

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

Figure 40. 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).²⁴ 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

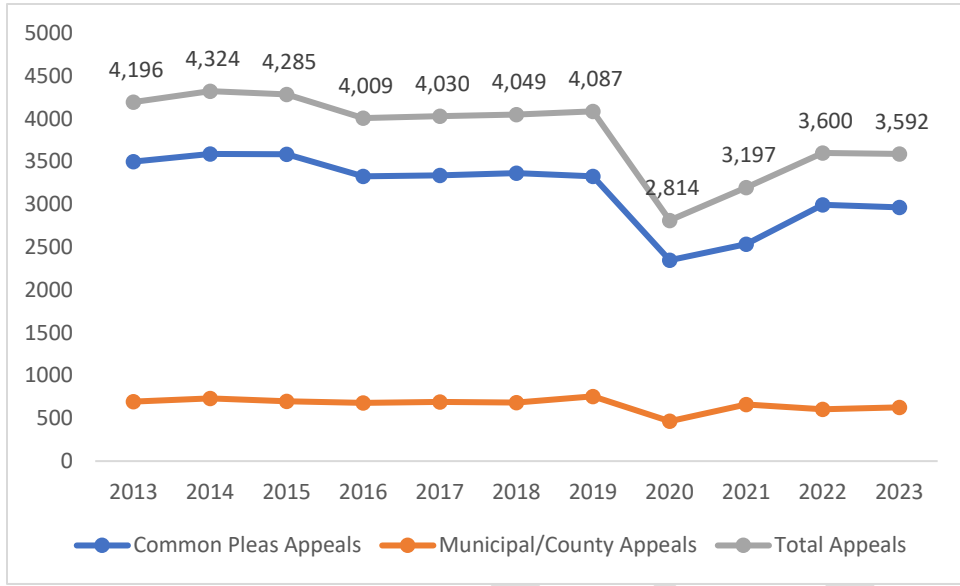
The below graphics present trends on criminal appeals in Ohio’s appellate courts. The statute calls for evaluating the number of sentence-based appeals. This number is difficult to isolate for a variety of reasons. An offender could initially file an appeal intending to challenge the trial court’s sentence, 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.

²⁴ See the Sixth Monitoring Report (2005).

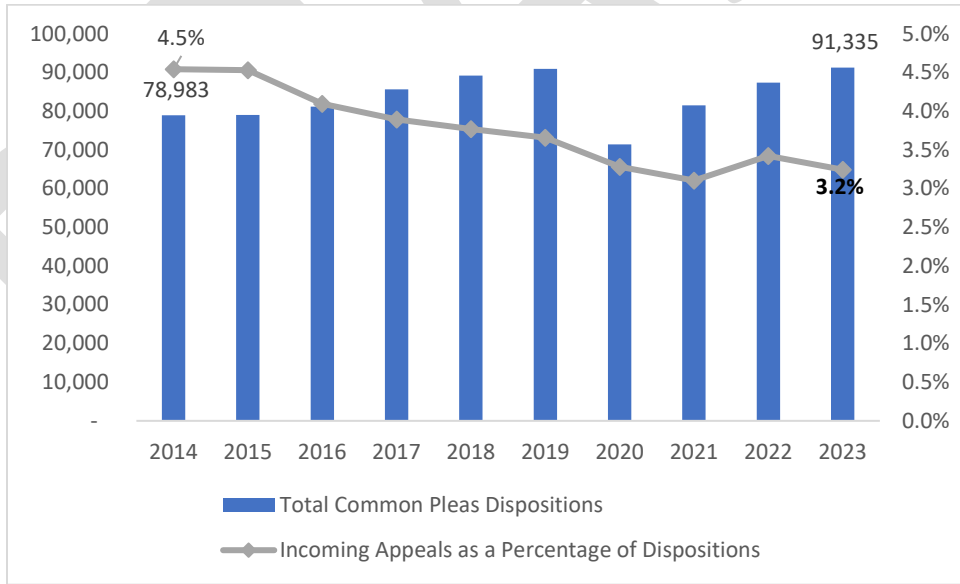
https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/monitorRpts/monitoring_report_2005.pdf

Figure 41. Incoming Criminal Appeals, Common Pleas and Municipal/County Courts, 2013-2023



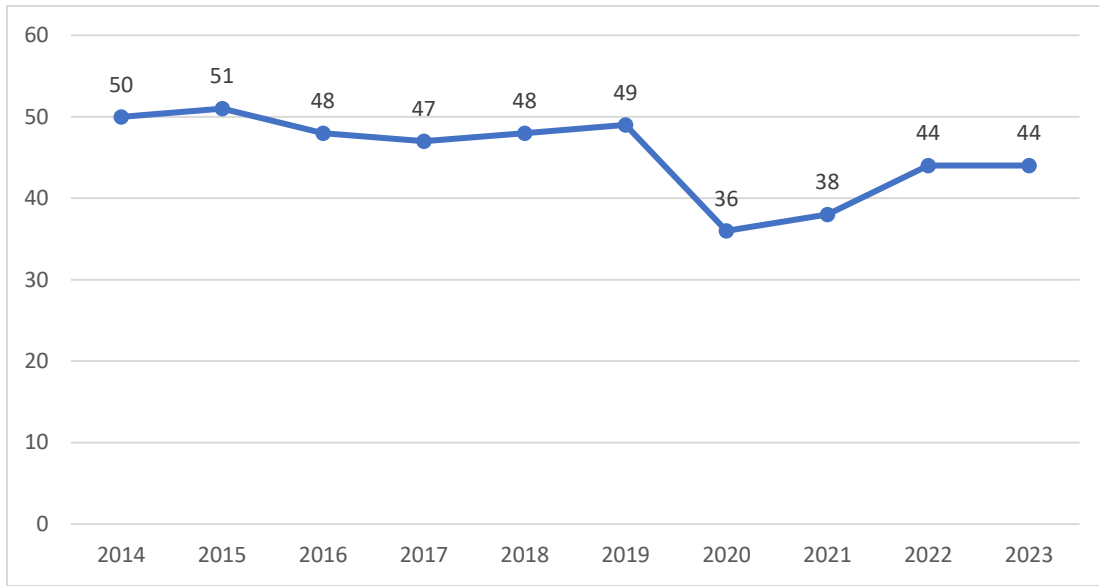
Source: Supreme Court of Ohio Case Management Section, State of Ohio Court Statistics

Figure 42. Incoming Appeals of Common Pleas Courts, as a Percentage of Common Pleas Dispositions, 2013-2023



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

Figure 43. Average Incoming Appeals of Common Pleas Courts per Appellate Judge, 2013-2023



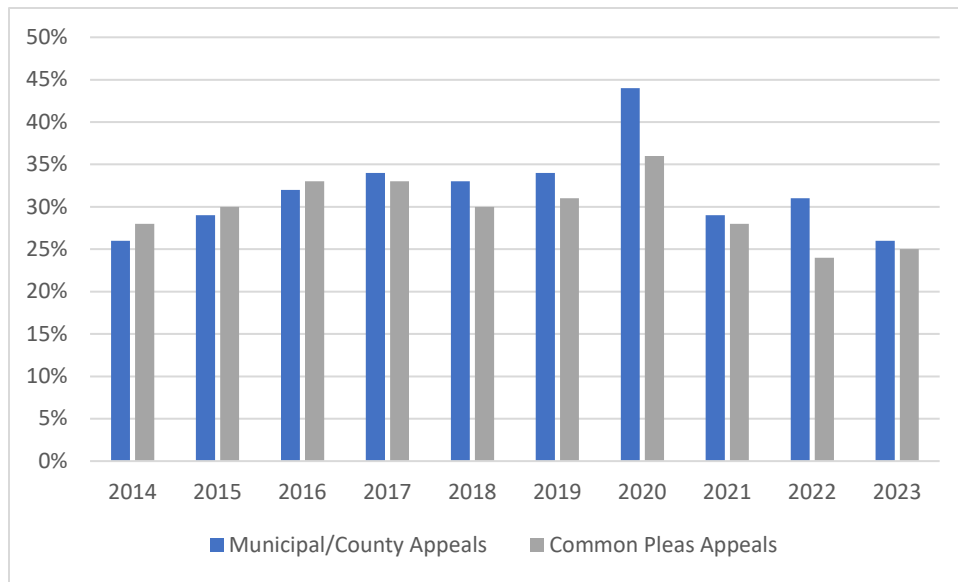
Source: Supreme Court of Ohio Case Management Section, State of Ohio Court Statistics

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.”²⁵

²⁵ 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 44. Overage Rates for Municipal/County and Common Pleas Court Appeals, 2013-2023

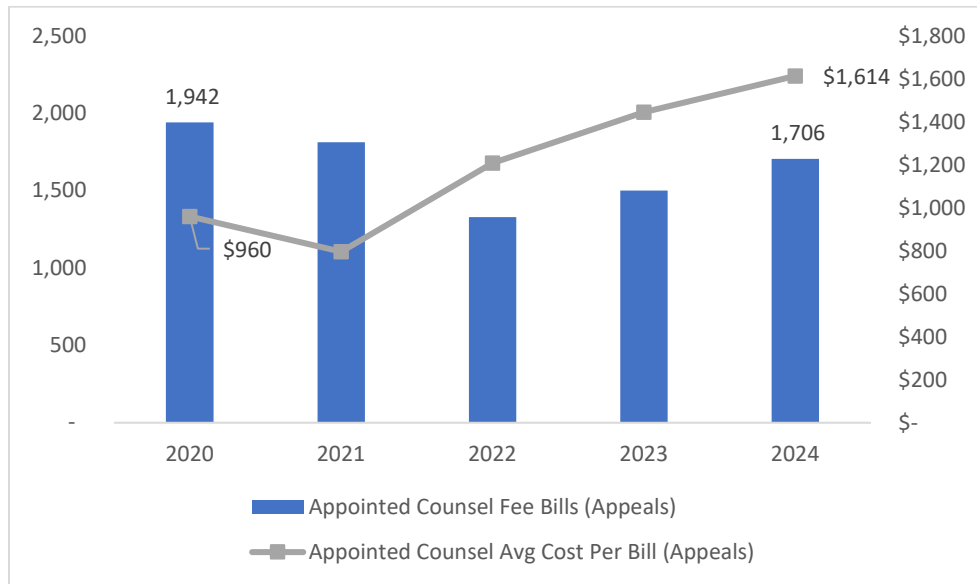


Source: Supreme Court of Ohio Case Management Section, State of Ohio Court Statistics

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.

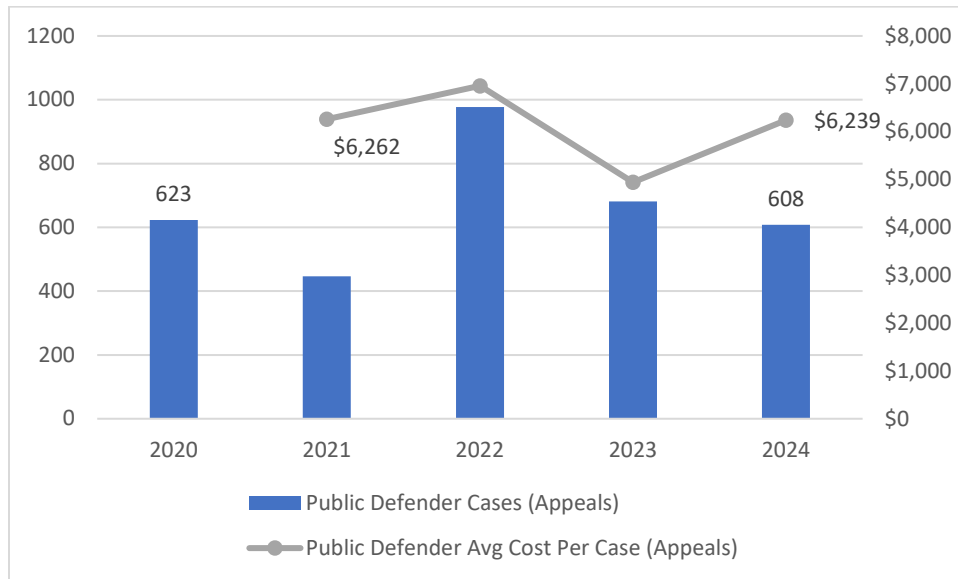
Figure 45. The Number of Appointed Counsel Fee Bills by the Average Cost per Bill for Appellate Cases, 2020-2024²⁶



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

²⁶ 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 46. The Number of Public Defender Cases by Average Cost per Case for Appellate Cases, 2020-2024²⁷



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

Count Prosecutor Appeals Statistics

R.C. 181.25(A)(5) instructs the Commission to

(5) Collect and maintain data that pertains to the cost to counties of the felony sentence appeal provisions set forth in section [2953.08](#) of the Revised Code, of the postconviction relief proceeding provisions set forth in division (A)(2) of section [2953.21](#) of the Revised Code, and of appeals from judgments entered in such postconviction relief proceedings. The data so collected and maintained shall include, but shall not be limited to, the increase in expenses that counties experience as a result of those provisions and those appeals and the number of felony sentence appeals made, postconviction relief proceedings filed, and appeals of postconviction relief proceeding judgments made in each county under those provisions.

The statute does not instruct the Commission to report on this data or otherwise make it available to any entity. Nevertheless, the Commission staff, for the first time, have collected data pertaining to the cost to local county prosecutors related to sentencing based appeals and post-conviction relief proceedings. The Commission asked each of Ohio’s 88 county prosecutor offices to provide data for fiscal years 2024 and 2025 on the number of R.C. 2953.08 sentencing-based appeals and post-conviction relief proceedings as

²⁷ 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.

well as an estimate of approximate cost related these proceedings. The format of the data requested was designed to closely match the Ohio Public Defender’s appeals cost data, for the best comparison.

Prosecutor’s offices are not required to formally track this data, and the statistics presented in this report are self-reported. Caution is urged in interpreting these numbers as the data represents only two fiscal years and the cost estimates are self-reported. Of the 88 counties, 27 prosecutors’ offices submitted data for fiscal years 2023 and 2024. The counties who submitted data represent 51% of Ohio’s population. All data presented below represents the counties who submitted fully useable data for both years.

Figures 47 and 48 illustrate the number of R.C. 2953.08 sentencing appeals received by prosecutor’s offices as well as the estimated full-time equivalent (FTE) staff time spent on those cases.

Figure 47. The Number of R.C. 2953.08 Appeals Cases, 2023-2024

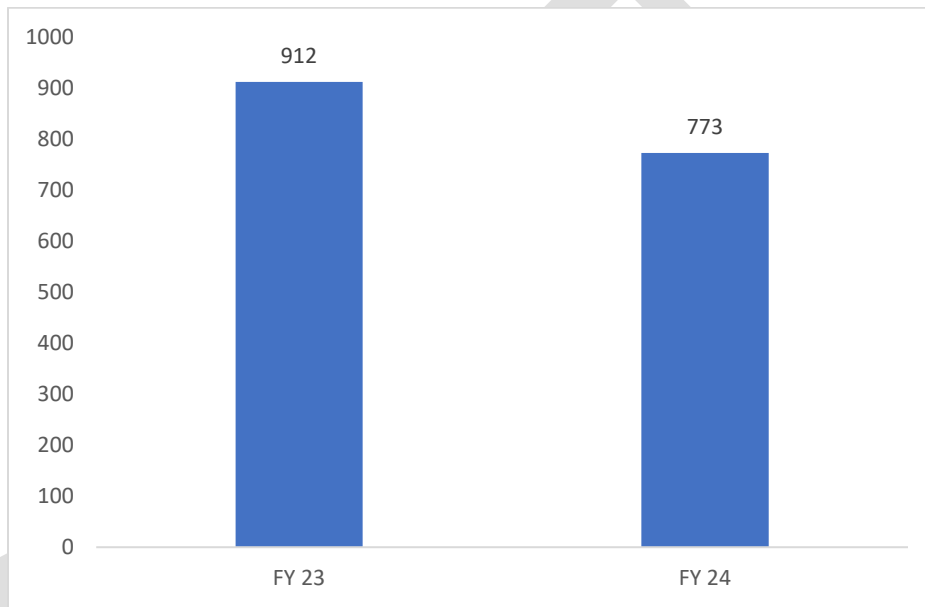


Figure 48. Estimated FTE Staff Time Spent on R.C. 2953.08 Appeals Cases, 2023-2024

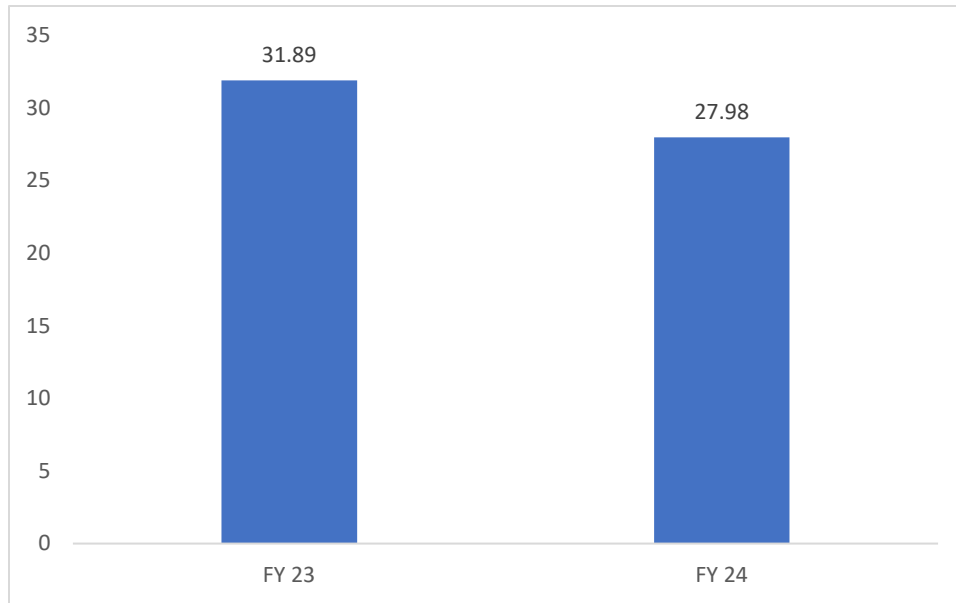
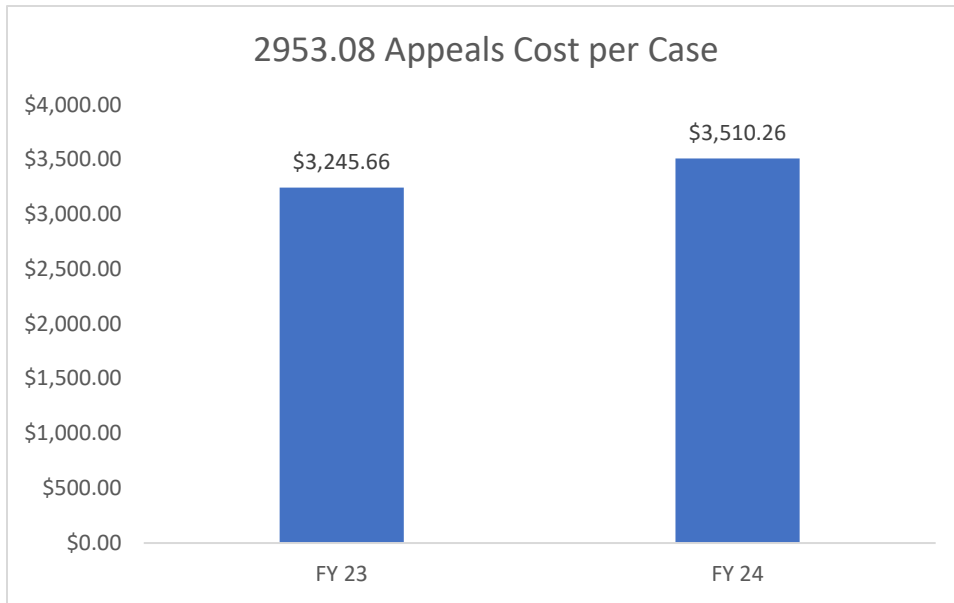


Figure 49 shows the estimated total cost of sentencing-based appeals among the reporting counties, and Figure 50 shows the estimated cost per case of sentencing-based appeals.

Figure 49. Total Cost of R.C. 2953.08 Appeals Cases, 2023-2024



Figure 50. R.C. 2953.08 Appeals Cost per Case, 2023-2024



Figures 51-54 illustrate the same data points, but for R.C. 2953.21 post-conviction relief cases.

Figure 51. The Number of R.C. 2953.21 Post-Conviction Relief Cases, 2023-2024

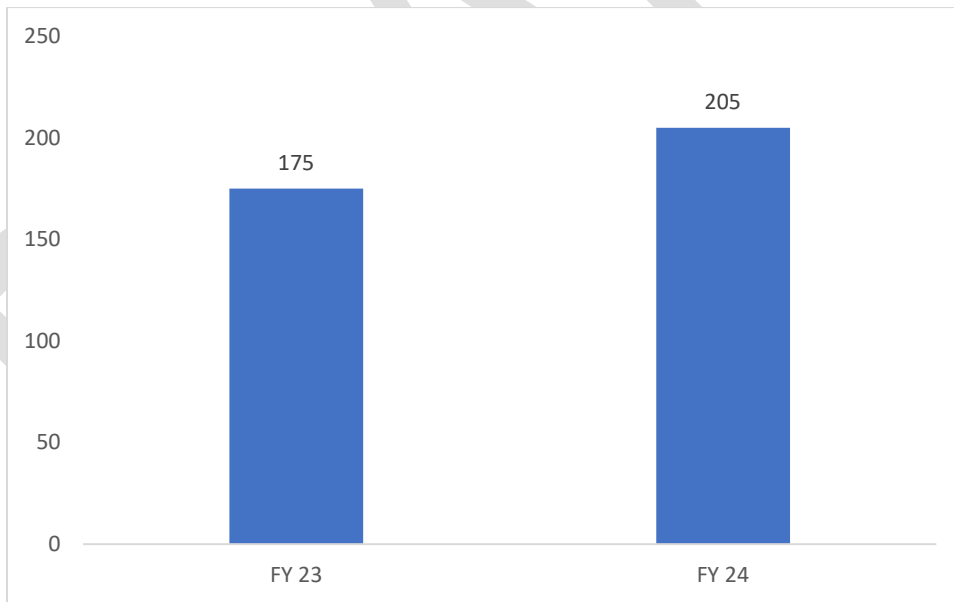


Figure 52. Estimated FTE Staff Time Spent on R.C. 2953.21 Post-Conviction Relief Cases, 2023-2024

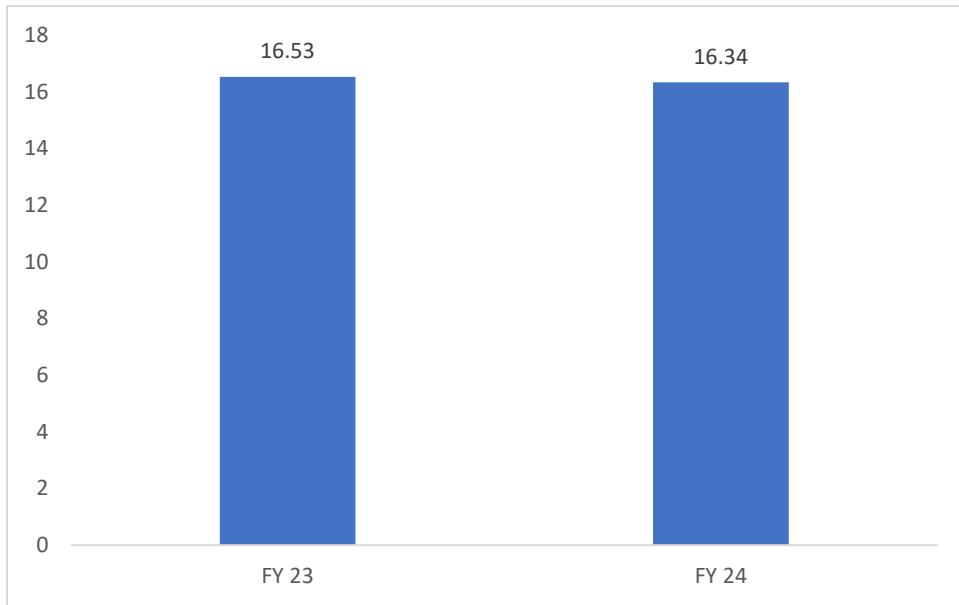


Figure 53. Total Cost of R.C. 2953.21 Post-Conviction Relief Cases, 2023-2024

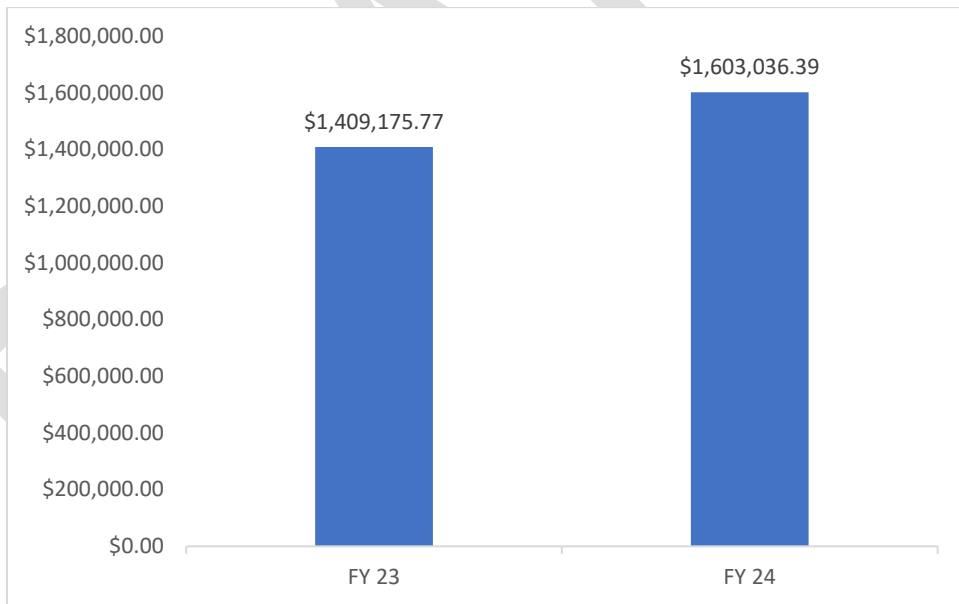
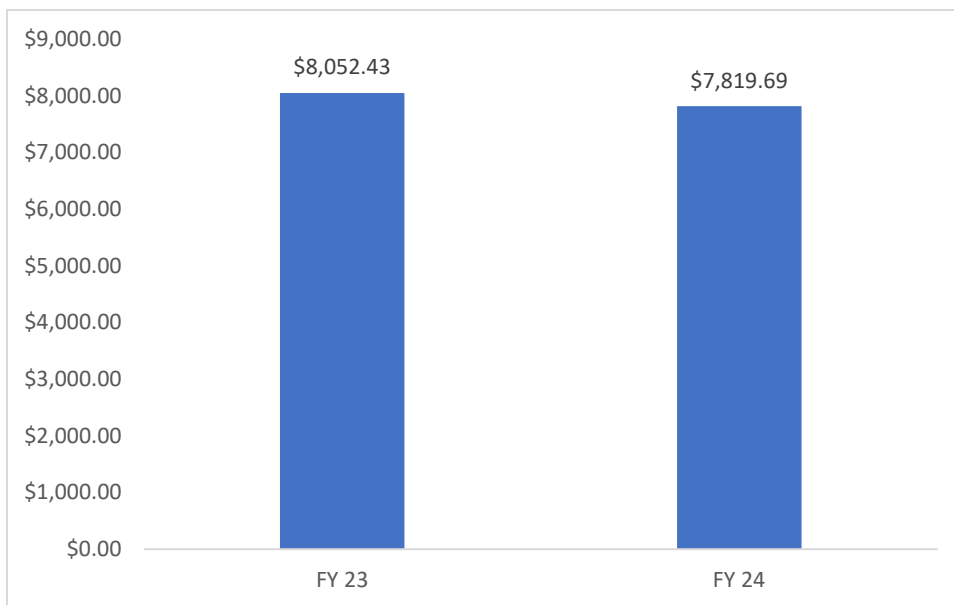


Figure 54. R.C. 2953.21 Post-Conviction Relief Cost per Case



These results are intended to set a baseline for future analysis. Two years of data is not enough to show important trends. Importantly, the cost per case metrics of Ohio’s prosecutors is lower than the Ohio Public Defender. The costs have also remained stable year over year. If the Ohio General Assembly is interested in the cost of appeals and post-conviction relief proceedings, it should consider a more formal tracking mechanism, similar to what the Ohio Public Defender reports. Having more than 27 counties reporting will strengthen this data.

Conclusion

Overall, criminal appeals largely held steady over the past decade, dropping significantly during the COVID-19 pandemic. The criminal appeals for 2022-23 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. The prosecutors’ appeals costs illustrate a similar story to the Ohio Public Defender’s appeals data. In total, this evidence points to the conclusion that Ohio’s appeals costs have not abnormally increased as a result of Senate Bill 2, or subsequent legislation. If the Ohio General Assembly is interested in the cost of appeals, or appellate data more generally, it should consider uniform tracking of metrics that do not currently exist.

R.C. 181.26(B)(2) Monitoring the Juvenile Justice System

History and Overview

The Ohio Criminal Sentencing Commission's first standing statutory juvenile committee was established in 1997 with the enactment of House Bill 591, which tasked this original juvenile committee with: reviewing statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions; reviewing State and local resources; recommending a comprehensive plan; assisting in managing resources; fostering rehabilitation, public safety, sanctions, accountability, and other reasonable goals; providing greater certainty, proportionality, uniformity, fairness, and simplicity, while retaining reasonable judicial discretion; helping to restore victims of juvenile offenses; and assisting the General Assembly in implementing these proposals and monitor them to see if they work.

Ultimately, in October of 1999, the Commission approved the juvenile committee's recommendations contained in its final report, "A Plan for Juvenile Sentencing", and those recommendations and plan were submitted to the General Assembly. The General Assembly passed Senate Bill 179 later that year, which incorporated most of the Commission's recommendations and served as a major overhaul of the juvenile justice system. With continued assistance from the juvenile committee, the General Assembly passed Sub. H.B. 393 in March of 2002 which served as clean-up legislation for issues that were identified with SB 179, prior to its effective date.

While the original task of overhauling the juvenile justice system in Ohio was completed in the early 2000s, the juvenile committee continued to serve as a valuable resource. The juvenile committee crafted many statutory recommendations that were adopted by the Commission and introduced in the General Assembly. Late in December of 2020, in the final days of the 133rd General Assembly, an amendment was introduced to Senate Bill 331 which removed the statutory requirement that the Commission maintain a standing juvenile committee.

On May 18, 2023, under the leadership of the new chair of the Commission, Chief Justice Sharon L. Kennedy, the Commission voted to reestablish a standing Juvenile Justice Committee. The work of the reestablished Juvenile Justice Committee began in earnest in the Fall of 2023, with the committee initially establishing a priorities list and inviting statewide juvenile justice partners to present baseline information.

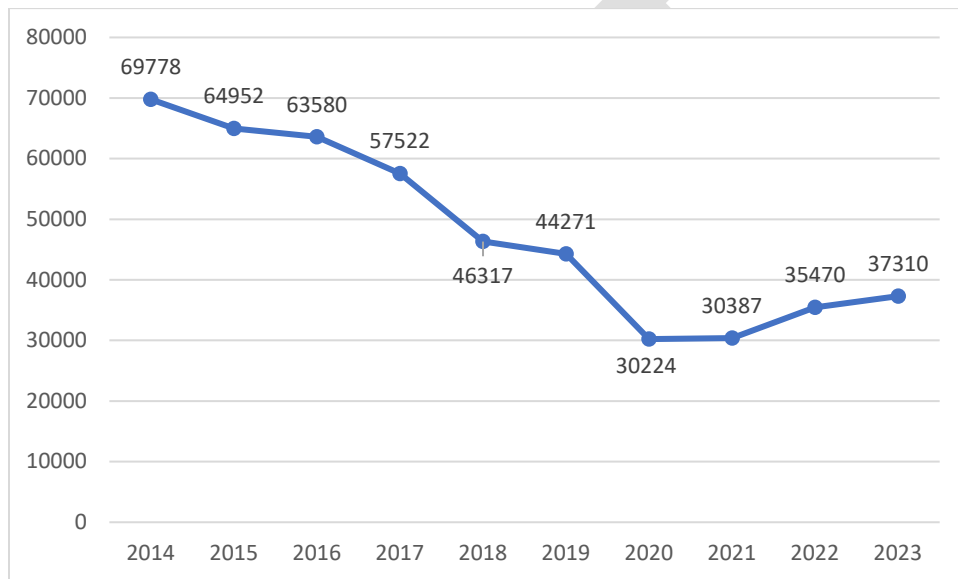
The Juvenile Justice Committee began 2024 by writing and approving draft language to statutorily reestablish a standing juvenile committee. In May of 2024, this new draft language was presented to the Commission, was unanimously approved by the Commission, and was sent to the General Assembly with the recommendation that it be reinserted into the Commission's enabling statutes. Senator Nathan Manning submitted an amendment with this proposed statutory language to House Bill 301, which was passed by the 135th General Assembly on June 24, 2024. New R.C. 181.21 and 181.26 became effective on October 24, 2024, reestablishing a standing statutory juvenile committee within the Commission.

With the advent of the statutory requirement that the Commission study, monitor, and report on the impact of Ohio's juvenile justice statutes, the Commission worked diligently to include relevant analysis of those statutes in this biennial Monitoring Report. The purpose of the information in this report is to fulfill the requirements of the newly enacted statute and establish a baseline landscape of juvenile justice in Ohio.

Impact on the Juvenile Justice System

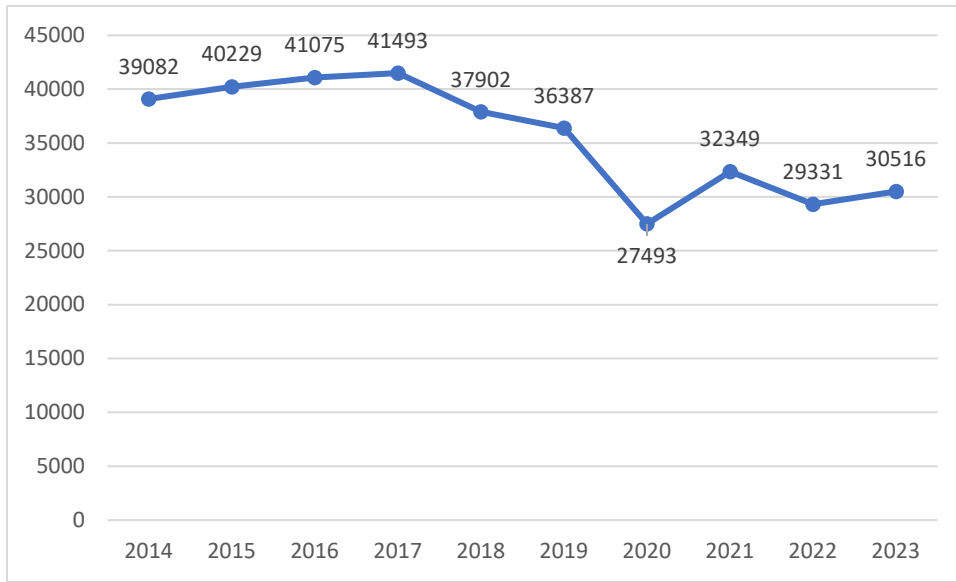
The following graphics are constructed from data or extant figures provided by the Ohio Department of Youth Services (DYS) either through publicly available data on the Innovate Ohio Platform (IOP)/Data Ohio or directly provided by DHS for this report. The graphs look at cases, adjudications, commitments, admissions, and demographic trends (Figures 55-73). A second group of graphs focuses on trends specifically for youth who have been transferred to adult court (Figures 74-83). These are intended to illustrate the population in DHS facilities, Community Correctional Facilities (CCF), youth on parole, and those that have been transferred to adult court. Currently a full analysis of the outcomes of transferred youth is not available leaving room for further study.

Figure 55. Incoming Delinquency Cases, Courts of Common Pleas, Juvenile Division, 2014-2023



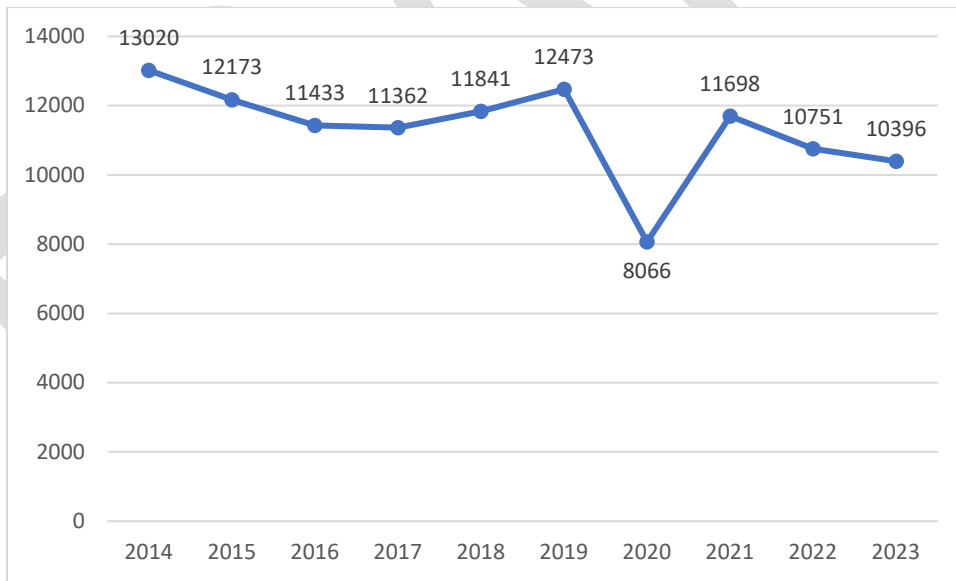
Source: Office of Court Services, State of Ohio Court Statistics

Figure 56. Incoming Traffic Cases, Courts of Common Pleas, Juvenile Division, 2014-2023



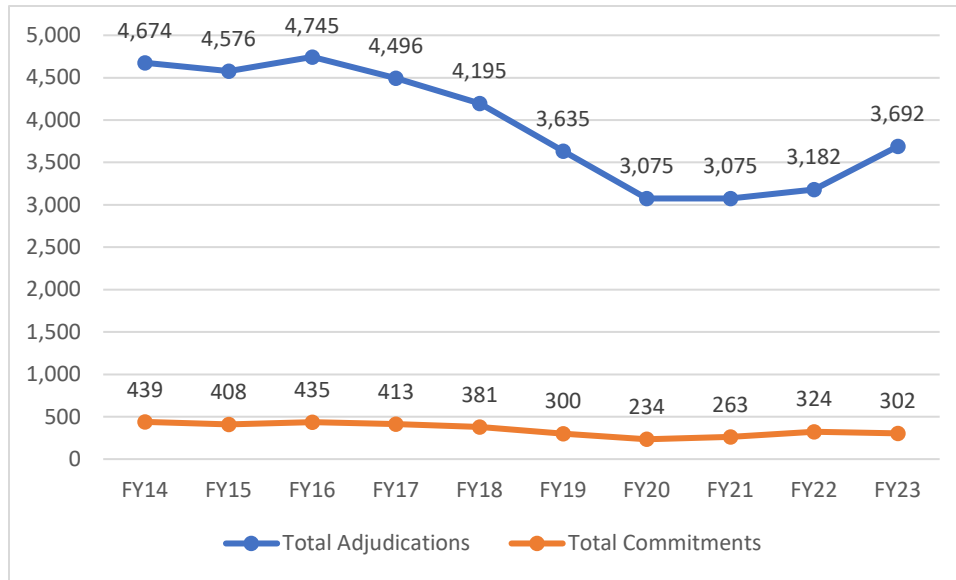
Source: Office of Court Services, State of Ohio Court Statistics

Figure 57. Incoming Unruly Cases, Courts of Common Pleas, Juvenile Division, 2014-2023



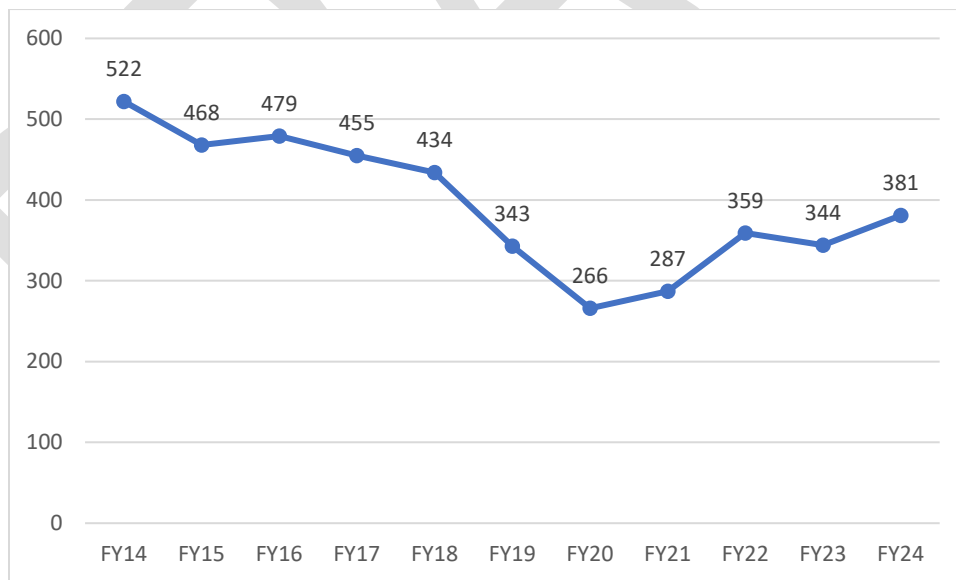
Source: Office of Court Services, State of Ohio Court Statistics

Figure 58. Youth Adjudicated or Committed for Felony Offense, 2014-2023



Source: Data Ohio, Department of Youth Services, Youth Adjudicated or Committed for Felony Offense

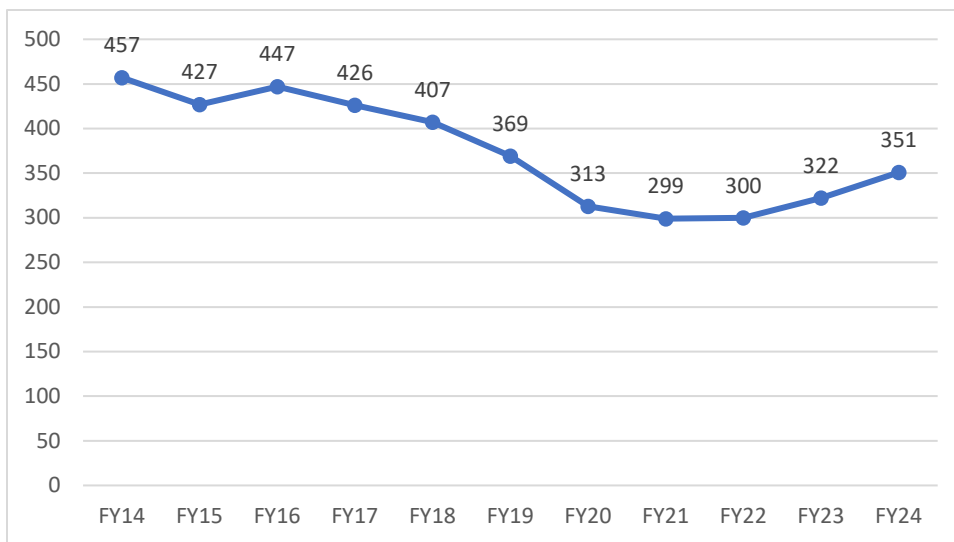
Figure 59. Youth Services Admissions, 2014-2023²⁸



Source: Data Ohio, Department of Youth Services, Youth Services Admissions

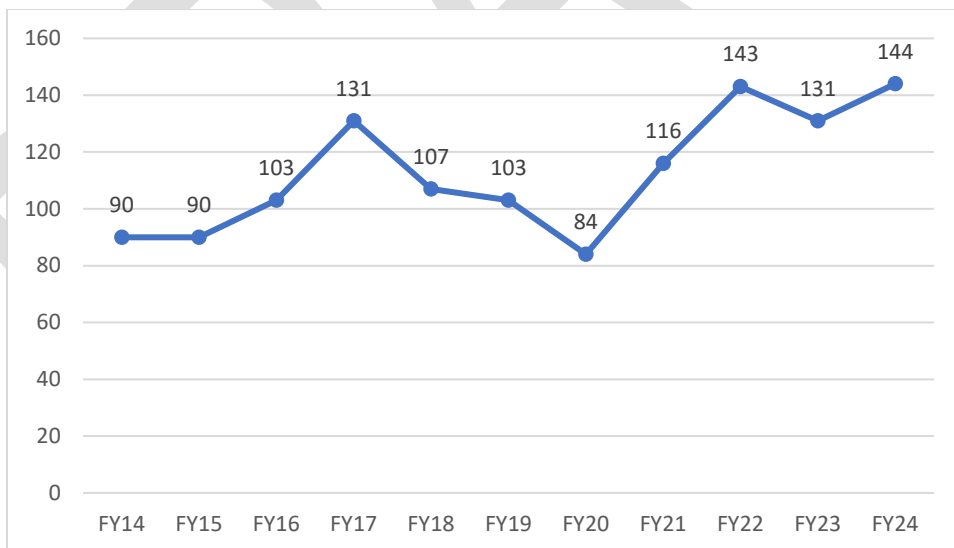
²⁸ Total admission to DYS include both youth committed on a felony offense and youth having their parole revoked. A youth may be admitted more than once. <https://data.ohio.gov/wps/portal/gov/data/view/youth-services-admissions?visualize=true>

Figure 60. Youth Services Community Correctional Facilities (CCF) Admissions, 2014-2023²⁹



Source: Data Ohio, Department of Youth Services, Youth Services Admissions

Figure 61. Youth Services Admissions with Gun Specifications, 2014-2023³⁰

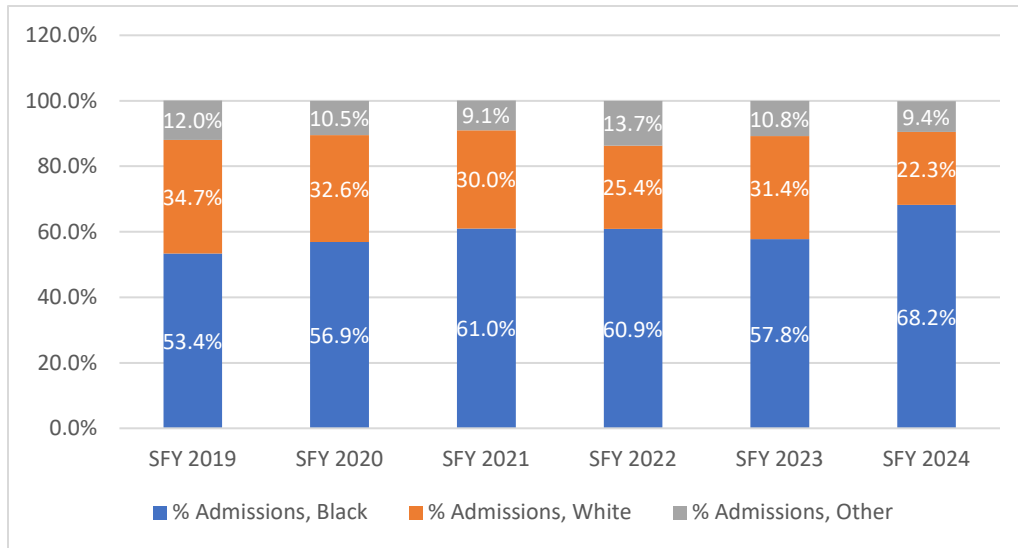


Source: Data Ohio, Department of Youth Services, Youth Services Gun Specification Population

²⁹ FY2012 admissions include 82 Montgomery County admissions to Montgomery CAS short-term corrections placement. FY2013 admissions include 42 Montgomery County admissions to Montgomery CAS short-term corrections placement. <https://data.ohio.gov/wps/portal/gov/data/view/youth-services-community-corrections-facilities-ccf-admissions?visualize=true>

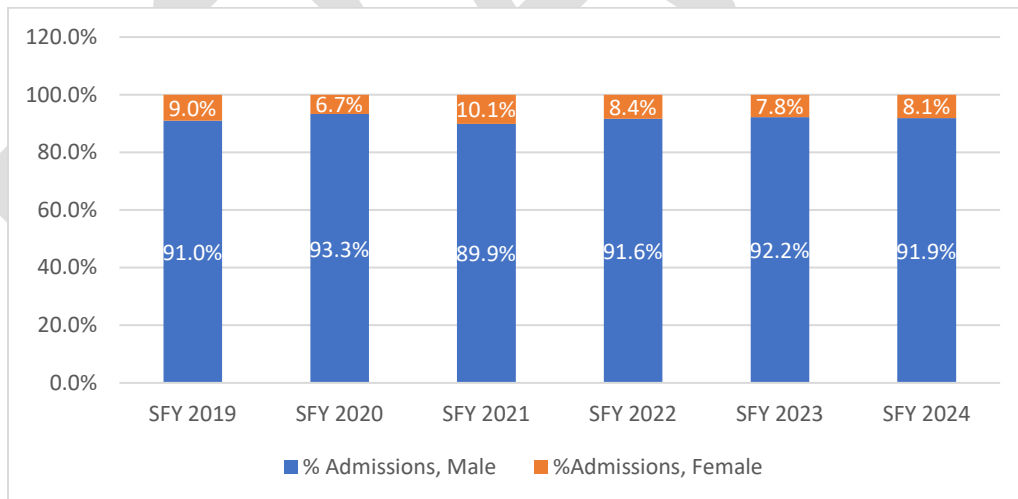
³⁰ As of 10/08/24.

Figure 62. Demographics at DYS, % Admissions, by Race³¹



Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

Figure 63. Demographics at DYS, % Admissions, by Sex³²

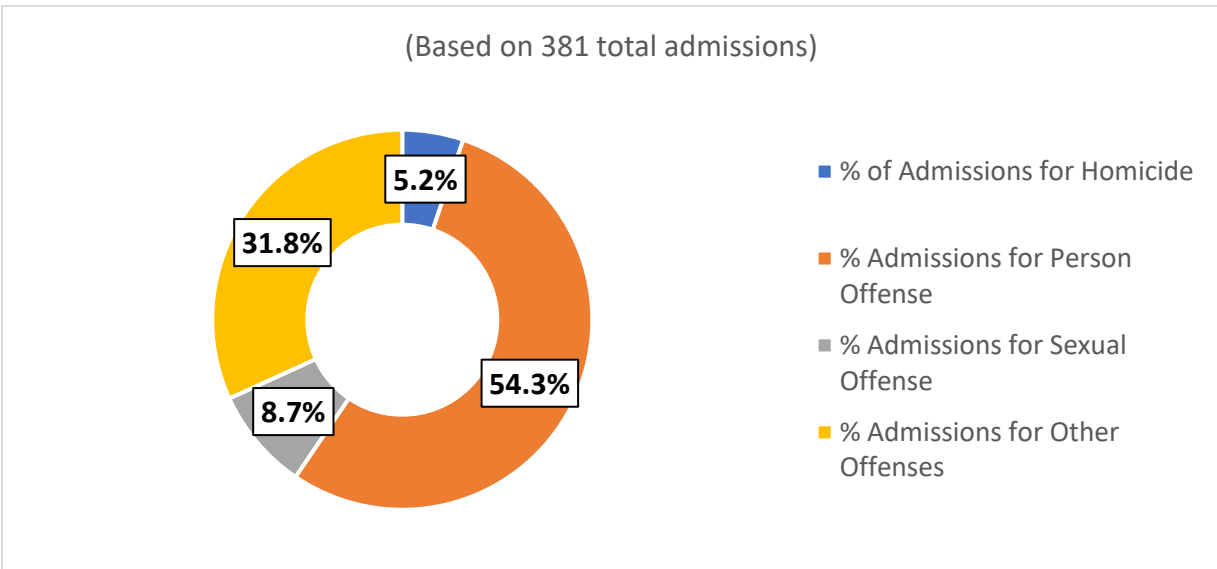


Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

³¹ Provided by DYS. DYS accepts commitments from Ohio’s juvenile courts. Changes in demographics come from the communities and the admissions practices at DYS. In SFY 2024, minority youth were committed to DYS at 1.2 times the rate as in SFY 2019.

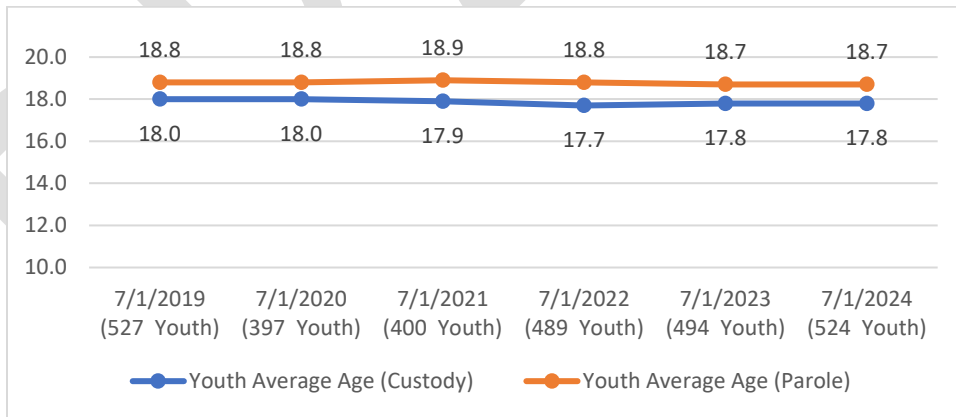
³² Provided by DYS. Consistent with national trends over decades, male youth routinely account for more than 90% of DYS’ custodial population.

Figure 64. Admissions by Most Serious Offense Type, SFY 2024³³



Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

Figure 65. Demographics at DYS, Average Age of Youth³⁴

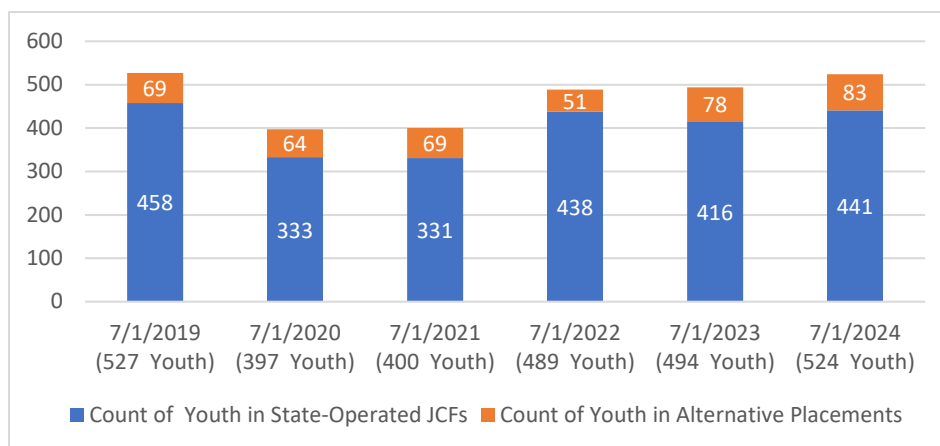


Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

³³ Provided by DYS. Nearly 7 out of 10 admissions in SFY 2024 was for a crime against a person.

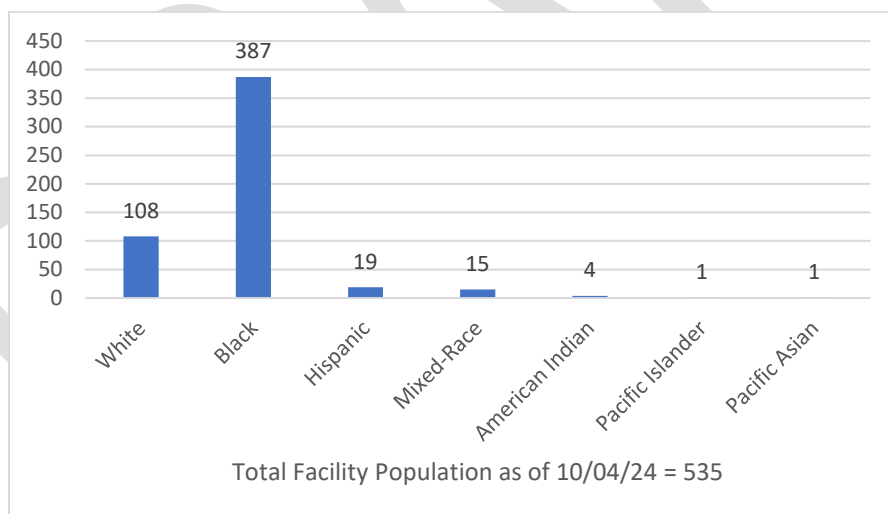
³⁴ Provided by DYS. Snapshot on July 1. Over the past twenty years, DYS' typical custodial population has gotten older. As of November 7, 2024, 1 in 5 youth in state-operated juvenile correctional facilities (JCFs) have earned a high school diploma or GED. DYS continues to invest in post-secondary activities through partnerships with Ohio's community colleges and community workforce development agencies. Additionally, DYS works to identify, adapt, and implement vocational training programs.

Figure 66. Demographics at DYS, Custodial Placement³⁵



Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

Figure 67. Current Facility Population by Race³⁶

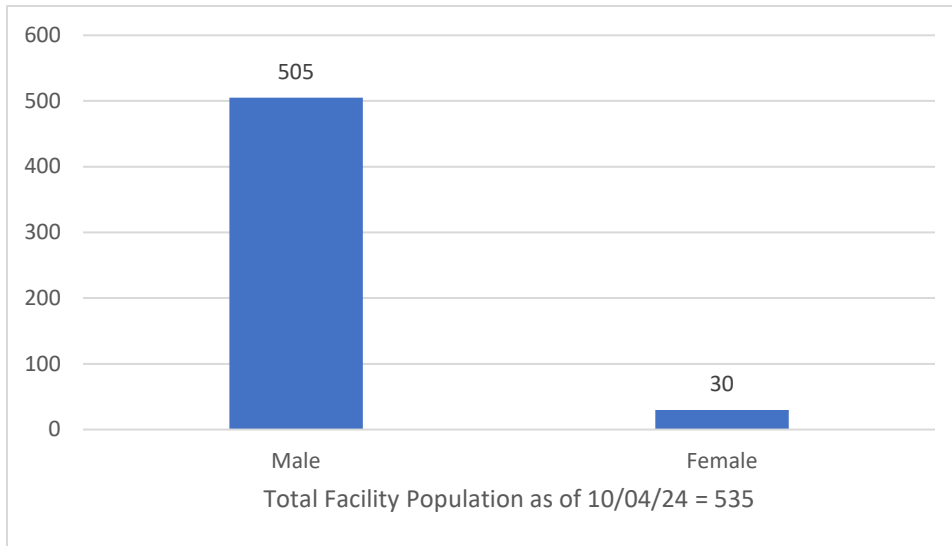


Source: Data Ohio, Department of Youth Services, Youth Services Current Facility Population

³⁵ Provided by DYS. Snapshot on July 1. DYS operates three JCFs which only house male youth. Female youth have secured placement contracted with a county provider in southwest Ohio. Both male and female youth who have consistently demonstrated positive behavioral change may qualify to step down to a county-operated community correctional facility (CCF). With the committing jurist’s approval, DYS may also place youth in unsecured settings that can address deeper clinical needs. Collectively, “alternative placement” in Figure 66 includes: all female secured placements, all female and male CCF stepdowns, and all female and male unsecured placements.

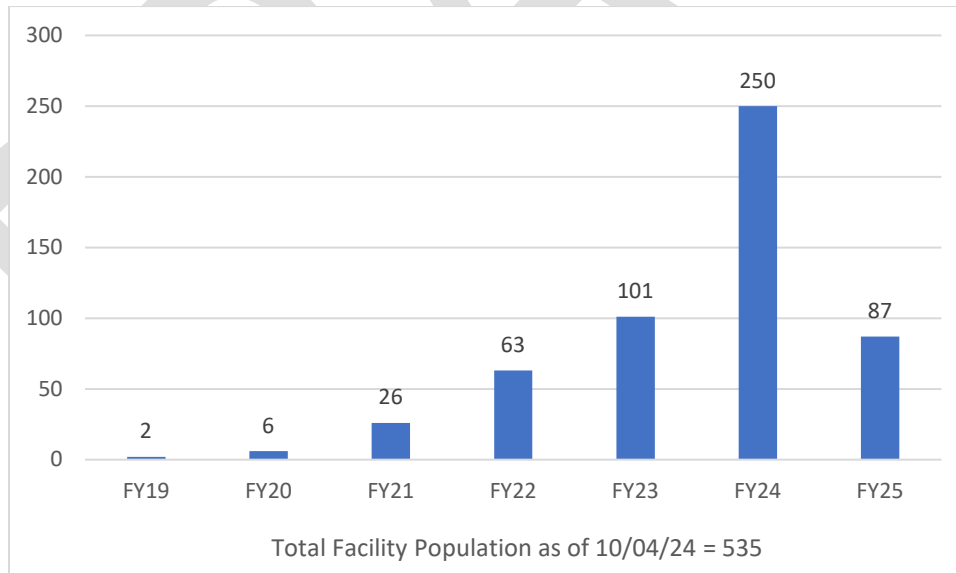
³⁶ As of 10/04/24.

Figure 68. Current Facility Population by Sex³⁷



Source: Data Ohio, Department of Youth Services, Youth Services Current Facility Population

Figure 69. Current Facility Population by Admission Date³⁸

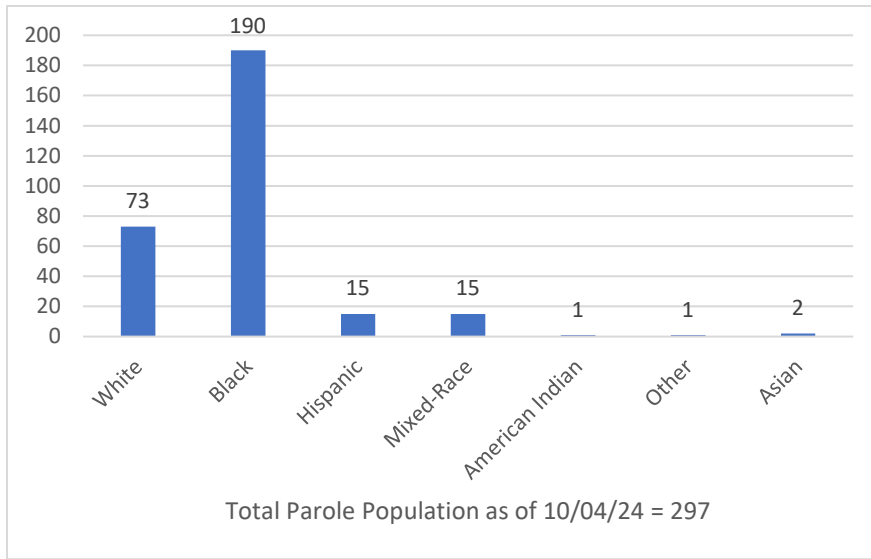


Source: Data Ohio, Department of Youth Services, Youth Services Current Facility Population

³⁷ As of 10/04/24.

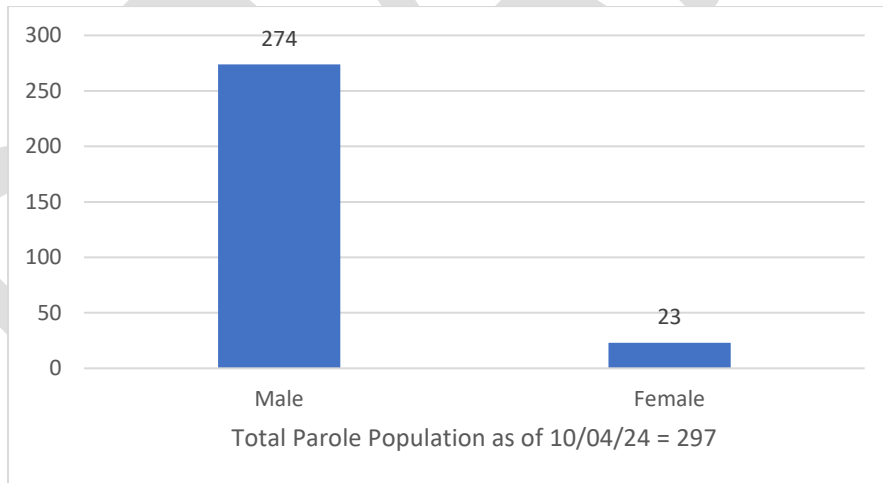
³⁸ As of 10/04/24. Data shown is admission date FOR the current population (i.e. the year of admission for the youth that are currently in DYS). <https://data.ohio.gov/wps/portal/gov/data/view/youth-services-current-facility-population?visualize=true>

Figure 70. Current Parole Population by Race³⁹



Source: Data Ohio, Department of Youth Services, Youth Services Current Parole Population

Figure 71. Current Parole Population by Sex⁴⁰



Source: Data Ohio, Department of Youth Services, Youth Services Current Parole Population

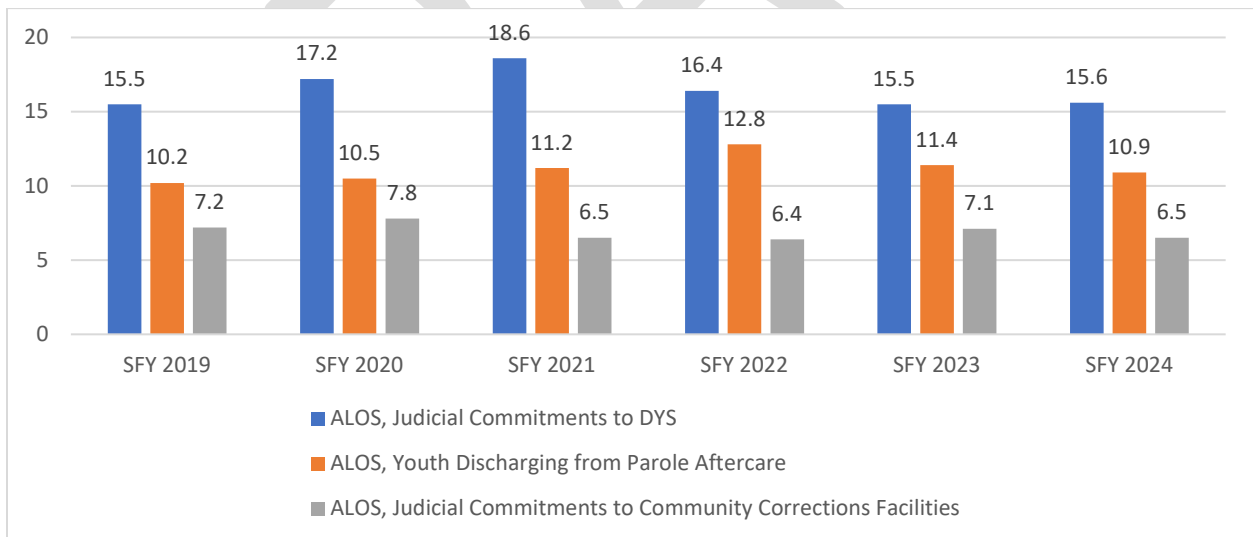
Figure 72 addresses the average length of stay (ALOS) of youth in DYS facilities, parole, and CCFs. ALOS is: “A figure that DYS has reported on for the past several years and is calculated using the following formula: The average of (# of months between Admission Date and Actual Release date), for all youth physically released during the prior state fiscal year. The issue with ALOS is

³⁹ As of 10/04/24.

⁴⁰ As of 10/04/24.

that it only accounts for releases which makes it an unstable number as there are not an equal number of admissions and releases in a year. As a calculation, it is further vulnerable to the ratio of annual releases that had short periods of commitment due to judicially-awarded confinement credit or due to short minimum sentence periods by their committing jurist. Accordingly, ALOS is not a good correlate for the actual population, as the actual population has been increasing as ALOS has been decreasing in recent years. In Figure [72], DYS introduces a more robust calculation that is a more effective method for describing changes in the population, “minimum judicial commitment” (MJC). Nearly all youth admitted to DYS are committed with an indefinite sentence consisting of a minimum period calculated as follows : [(actual sentence duration – days of confinement credit awarded by the jurist) + date of admission]. Under Ohio Revised Codes 5139.50 and 5139.51, DYS’ Release Authority serves as the Agency’s sole and final decision maker on release and discharge; however, the Release Authority can only approve a release to occur on or after the minimum sentence expiration date (MSED). Within this statutory framework, DYS cannot release youth earlier than the MSED, only the committing jurist can. It is prudent to note that ALOS is more influenced by short periods of commitment (arriving <1 year from MSED) than it is by an extraordinary volume of judicial early releases. As such, MJC is a better and more concise representation of the time that youth are serving in DYS custody as it balances youth with long stays that still have years left against those who are released weeks after admission pursuant to Ohio Administrative Codes 5139-68-04, 5139-68-05, and 5139-68-06.”⁴¹

Figure 72. Average Length of Stay (ALOS), in Months⁴²



Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

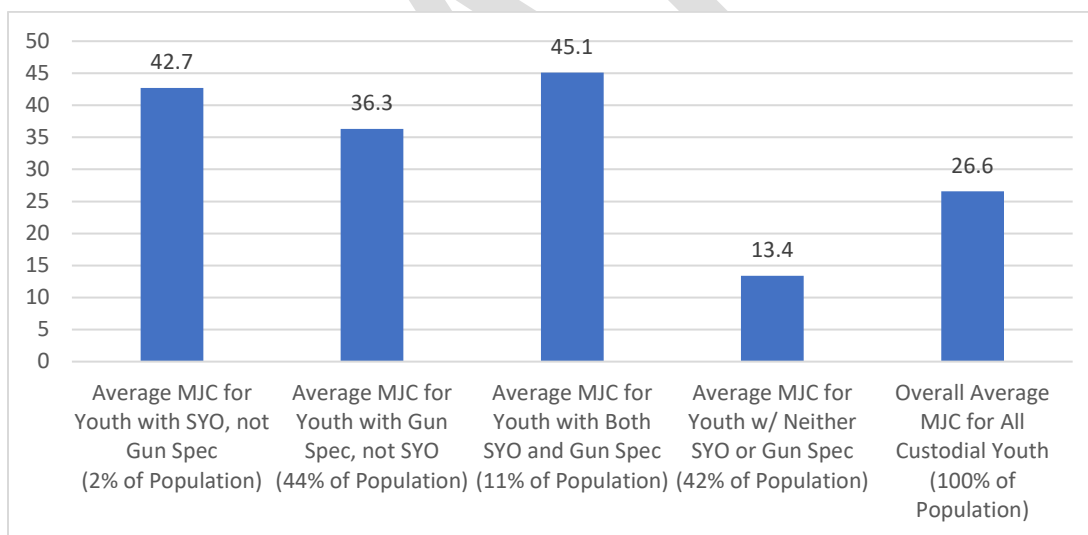
⁴¹ Provided by DYS. Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024.

⁴² Provided by DYS. Snapshot on July 1. Over the past twenty years, DYS’ typical custodial population has gotten older. As of November 7, 2024, 1 in 5 youth in state-operated juvenile correctional facilities (JCFs) have earned a high school diploma or GED. DYS continues to invest in post-secondary activities through partnerships with Ohio’s community colleges and community workforce development agencies. Additionally, DYS works to identify, adapt, and implement vocational training programs.

Figure 73 addresses the Minimum Judicial Commitment (MJC) for youth in DYS custody.

“Though the SFY 2024 ALOS was 15.6 months, a snapshot of MJC for this report is 26.6 months – nearly an additional year youth will physically be in DYS’ custody. Population size is influenced by three core factors: count of new admissions, count of releases, and the duration of the MJC as this controls when youth can be considered for release. Serious youthful offenders (SYOs) who were committed to DYS with a blended sentence (involving both a juvenile commitment to DYS, a stayed adult sentence to ODRC, and the expectation that continued misbehavior could result in the judge invoking the stayed adult sentence) generally have the longest MJCs of youth committed to DYS. They are followed by youth with a mandatory minimum firearm specification of 1-year, 2-years, 3-years, or 5-years which must be served first in addition to any other counts the jurist commits them to DYS on. Though youth are placed into 4 groups, they can be distilled to three (3) rounded groups: has firearm specification (55%), has SYO blended sentence without firearm specification (2%), and has neither SYO blended sentence nor firearm specification (42%). In short, youth with statutorily enhanced offenses of SYO or firearm specifications will spend on average, an additional 23 – 32 months in DYS’ custody at a minimum than their peers.”⁴³

Figure 73. Minimum Judicial Commitment (MJC) for Youth in DYS Custody⁴⁴



Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

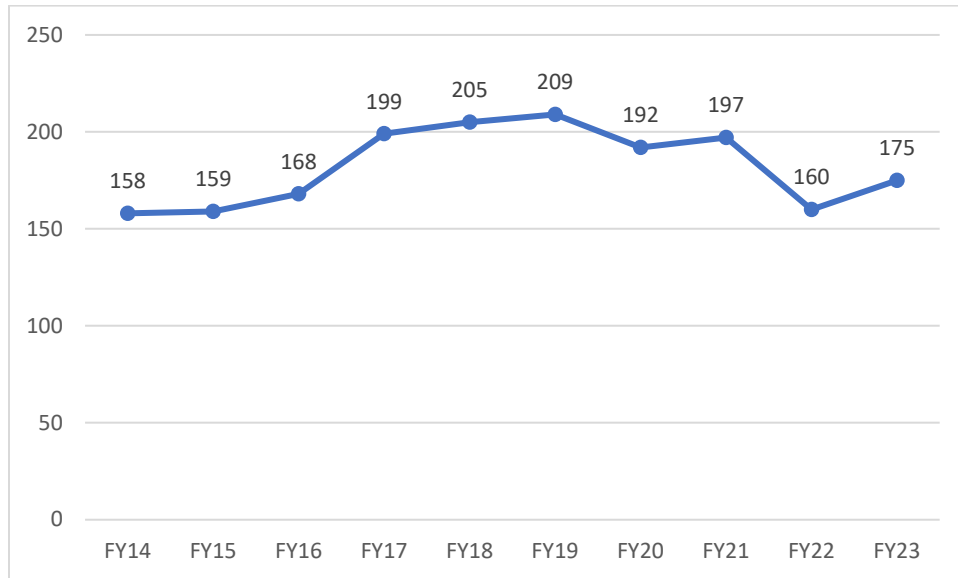
Figure 74 shows the total number of youth transfers to adult court reported while Figure 75 illustrates the percentage of reported transfers that were either mandatory, discretionary or could not be determined based upon the entry that was sent from the court. Figures 76-83 illustrate the trend lines,

⁴³ Provided by DYS. Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024.

⁴⁴ Provided by DYS. Snapshot on 11/05/2024.

values, and/or percentages of the respective demographic data from FY2014 through FY2023. Percentages are shown as an aggregate of the stated timeframe.

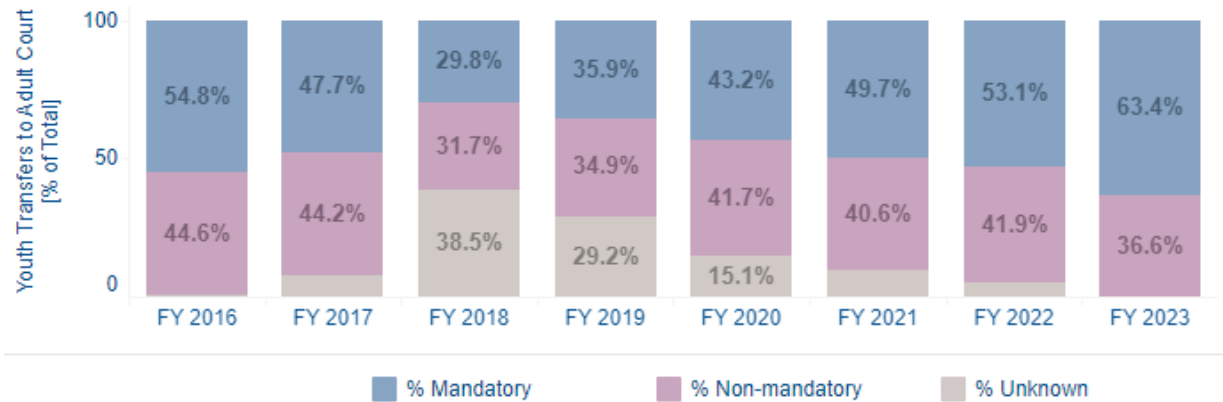
Figure 74. Total Youth Transferred to Adult Court by Year, 2014-2023⁴⁵



Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

Figure 75. Total Youth Transferred to Adult Court by Year, 2014-2023⁴⁶

Statewide Mandatory, Discretionary, and Unknown Youth Transfers to Adult Court

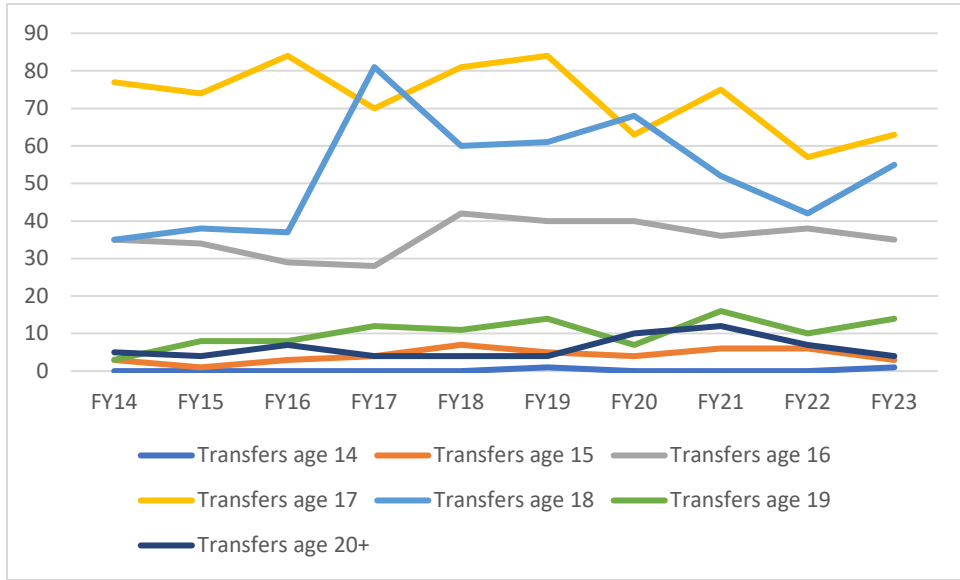


Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

⁴⁵ This data depicts youth cases that were transferred from juvenile court jurisdiction to adult court, including both mandatory and discretionary transfers. <https://data.ohio.gov/wps/portal/gov/data/view/youth-transferred-to-adult-court?visualize=true>

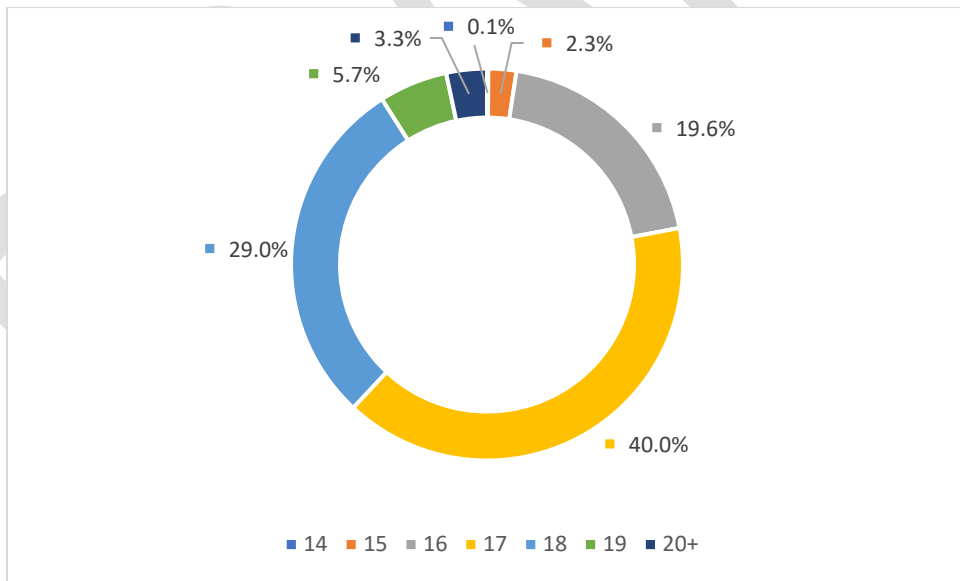
⁴⁶ This data depicts youth cases that were transferred from juvenile court jurisdiction to adult court, including both mandatory and discretionary transfers. <https://data.ohio.gov/wps/portal/gov/data/view/youth-transferred-to-adult-court?visualize=true>

Figure 76. Youth Transferred to Adult Court by Age, 2014-2023



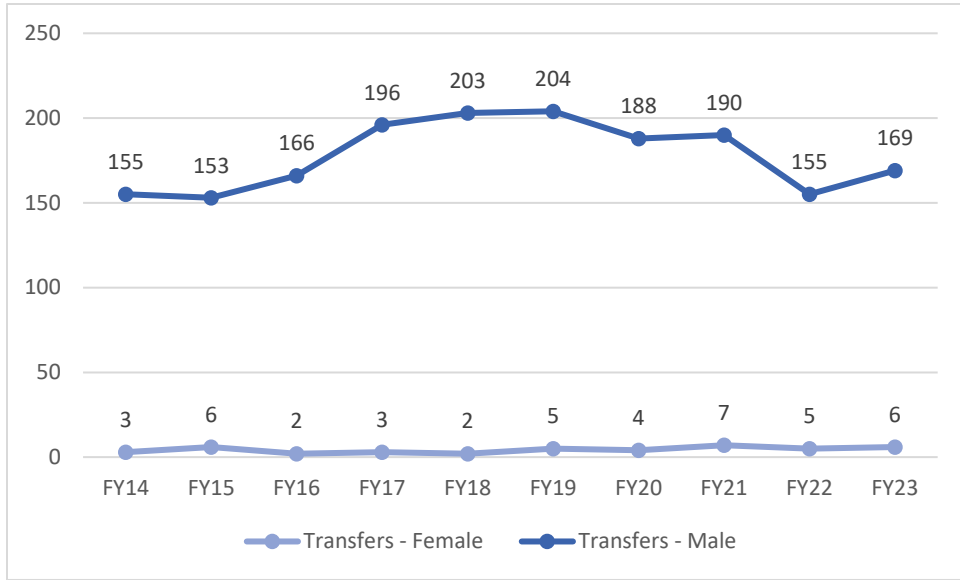
Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

Figure 77. Total Youth Transferred to Adult Court by Age from 2014-2023



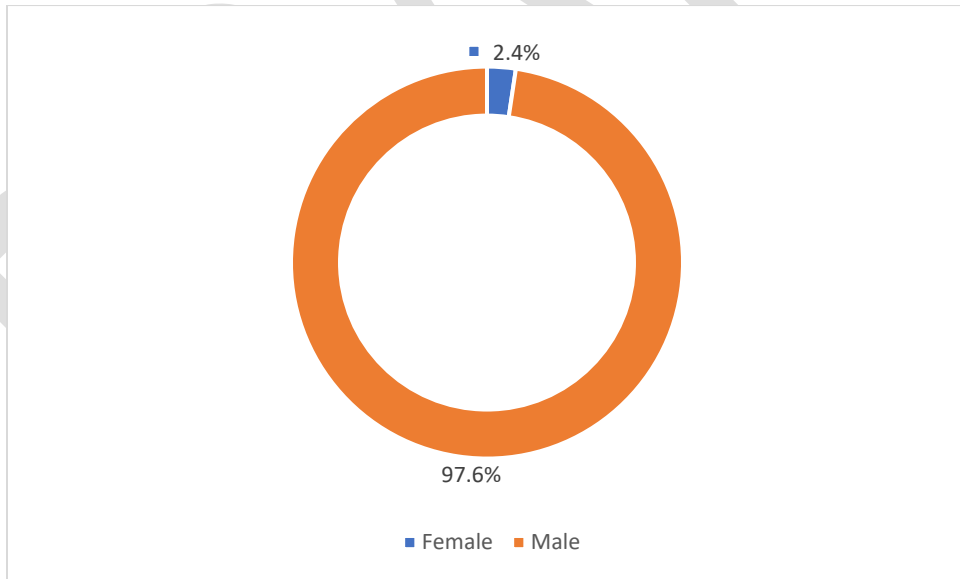
Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

Figure 78. Youth Transferred to Adult Court by Sex, 2014-2023



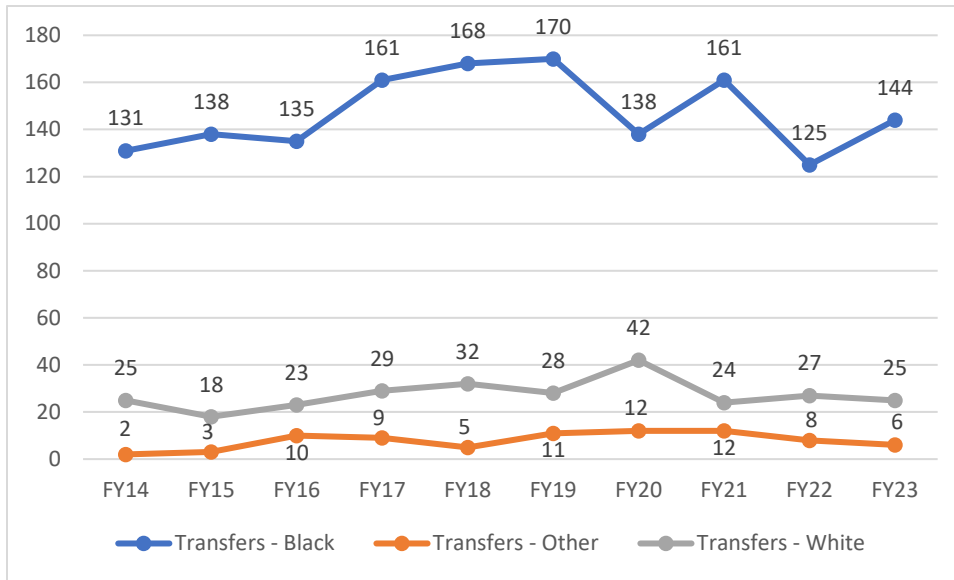
Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

Figure 79. Total Youth Transferred to Adult Court by Sex from 2014-2023



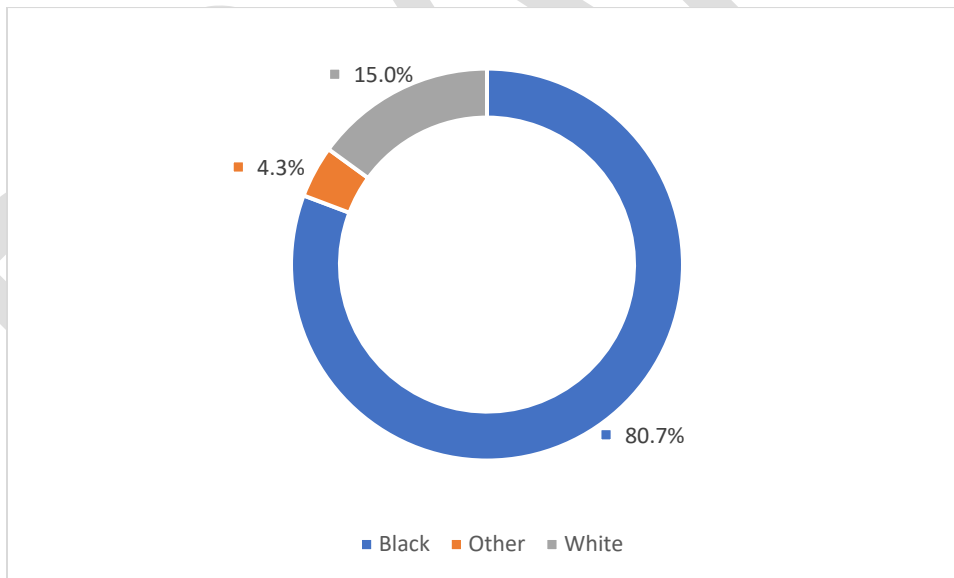
Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

Figure 80. Youth Transferred to Adult Court by Race, 2014-2023



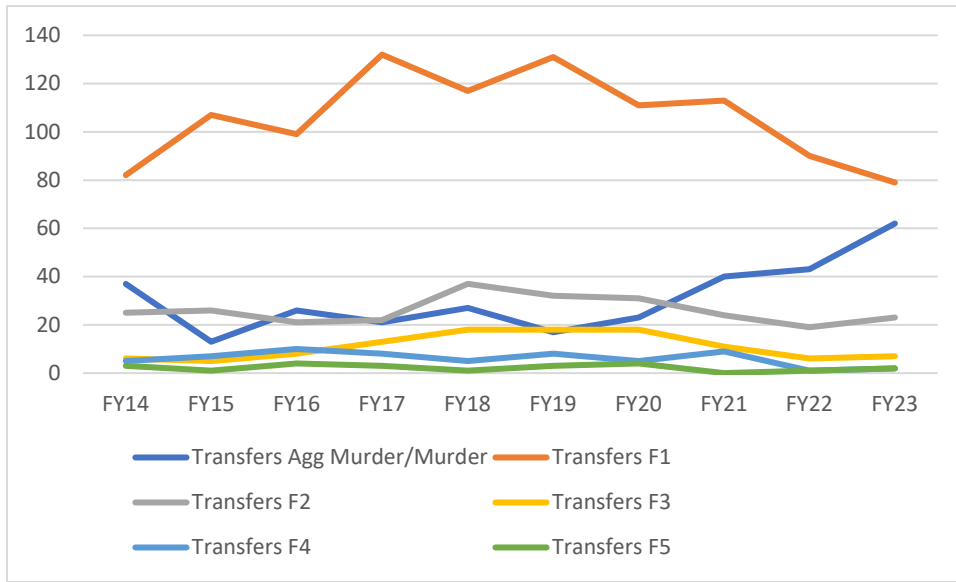
Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

Figure 81. Total Youth Transferred to Adult Court by Race from 2014-2023



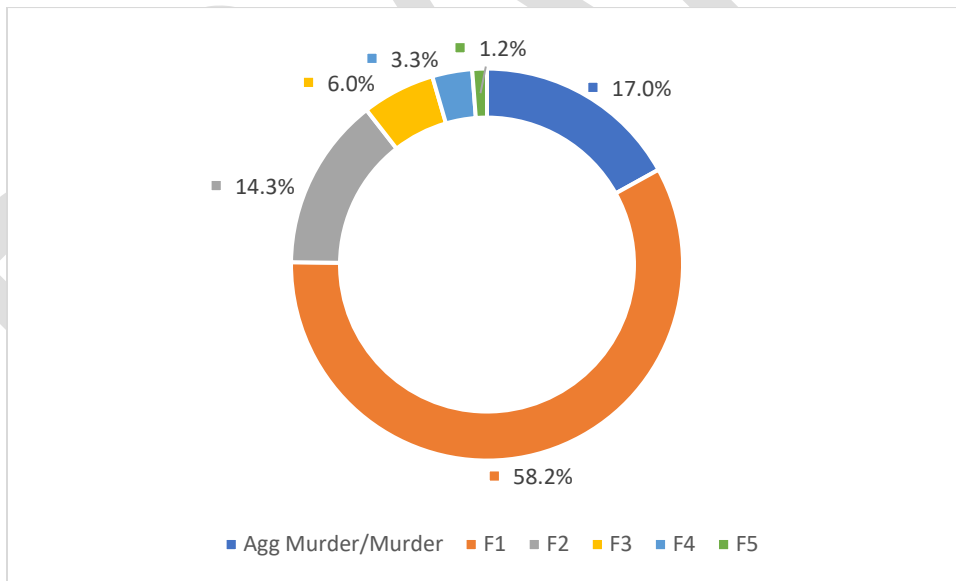
Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

Figure 82. Youth Transferred to Adult Court by Felony Degree, 2014-2023



Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

Figure 83. Total Youth Transferred to Adult Court by Felony Degree from 2014-2023



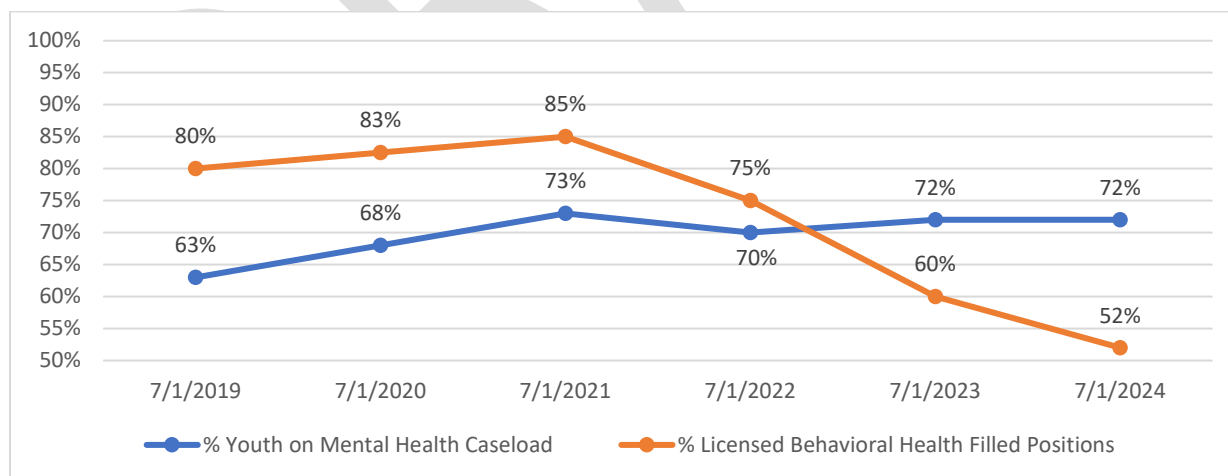
Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

DYS Services and Community Funding

Figures 84 and 85 discuss mental health and special education services for youth and the percentage of the applicable positions filled. Figure 86 shows secondary education completions by youth in DYS custody.

“As illuminated in several recent reports from the Council of State Governments – *Systems in Crisis*⁴⁷, *Mental Health Matters*⁴⁸ – there is a national shortage of behavioral health providers. Both community and congregate residential settings (like DYS) have been hit hard by the shortages. Clinical work with high need youth requires in person connection and many behavioral health providers have opted for positions that allow them to work remotely. Studies have found that almost all youth in juvenile correctional settings have experienced at least one form of trauma prior to incarceration – compared to 62% of teenagers in American high schools. Similar studies have also found that incarcerated teens have experienced more total traumatic events than their peers in the community. This survived trauma causes extreme complexity in congregate populations where youth have applied aggression to release their deep anxieties, depression, and anger. Clinicians help youth begin a process of restoration that continues into the community and throughout the rest of their lives. DYS continues to deepen relationships with Ohio’s colleges and universities, participate in career fairs, target its marketing, and test hiring and retention incentives within the scope of the collective bargaining agreement. DYS is one of eight (8) jurisdictions selected to work on this national crisis within the Reimagining Youth Justice Workforce Innovation Network – facilitated by Georgetown University’s Center for Juvenile Justice Reform, the Council of State Governments, and the University of Cincinnati Corrections Institute.”⁴⁹

Figure 84. Higher Need Youth and Filled Relevant Positions, Behavioral Health⁵⁰



Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

⁴⁷<https://projects.csgjusticecenter.org/systems-in-crisis/>

⁴⁸ <https://www.csg.org/2024/10/10/mental-health-matters-addressing-behavioral-health-workforce-shortages/>

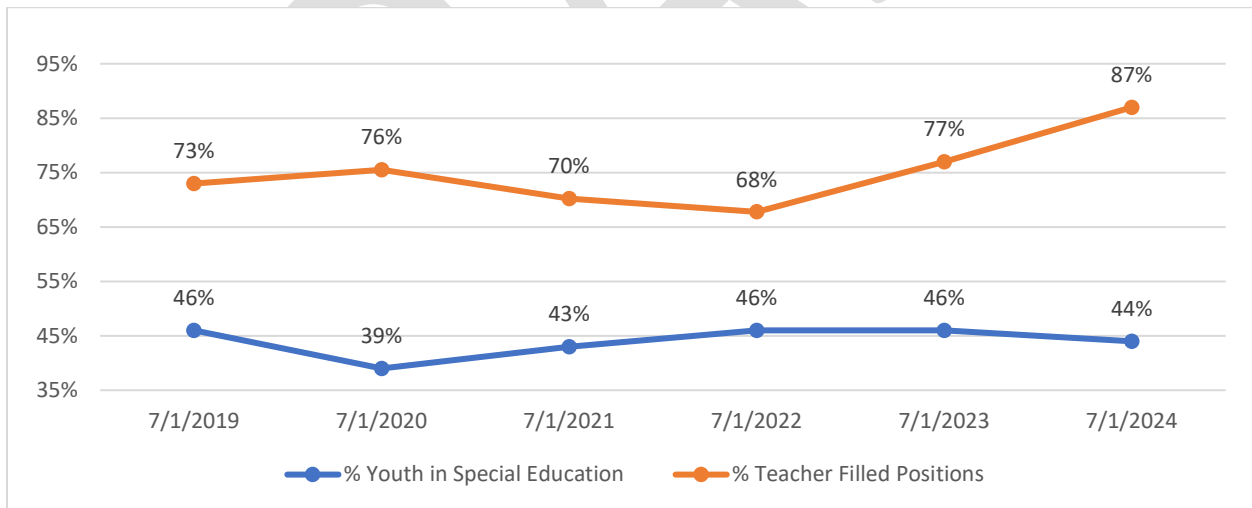
⁴⁹ Provided by DYS. Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024.

⁵⁰ Provided by DYS.

“Youth in need of special educational accommodations – individualized education plans (IEPs) and Section 504 plans – require holistic and comprehensive planning to serve effectively. At the point of admission to DYS, most of these youth arrive with academic performance that is several years below their age level. DYS’ Buckeye United School District meets all of the same requirements of high schools statewide. Getting youth caught up academically, particularly with profoundly low literacy, is an all hands effort in the schools. General education teachers, special education teachers, other school faculty, and facility administrators have embraced the Science of Reading as an important lever in helping youth recover lost time and motivation in pursuing their education.

As aforementioned, DYS’ average age in custody is just shy of 18 – the age of a typical high school senior or recent high school graduate. Compared against Ohio’s largest public school district, DYS has more than 2.4 times more youth per capita in special education services. The Agency’s efforts – parallel to those made to recruit and retain behavioral health professionals – have worked and DYS is tracking its highest filled rate of teacher positions in more than 5 years.”⁵¹

Figure 85. Higher Need Youth and Filled Relevant Positions, Special Education⁵²

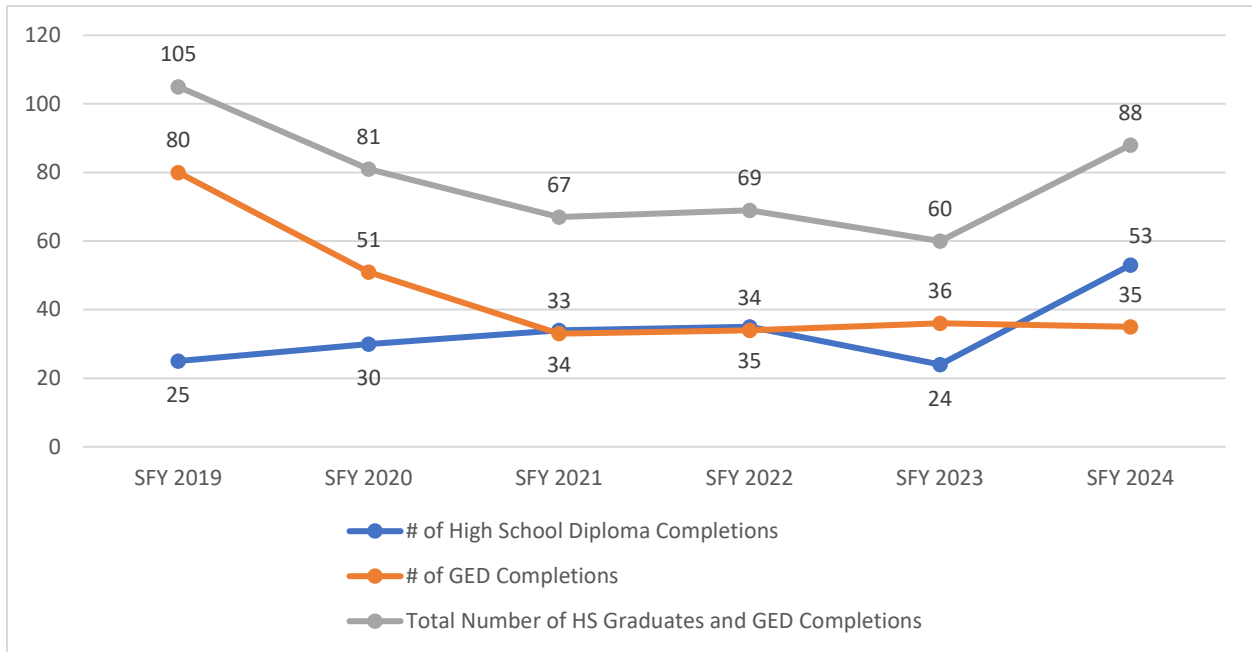


Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

⁵¹ Provided by DYS. Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024.

⁵² Provided by DYS.

Figure 86. DYS Custodial Secondary Education Completions⁵³



Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

Figure 87 discusses DYS expenditures for Ohio counties including funds for increased service availability, local programming and interventions, non-residential interventions, and other programs and interventions geared toward serving youth in their home counties and avoiding future involvement in the justice system.

“DYS Subsidy incorporates six categories (a census-based federal block grant called the “Youth Services Grant”, RECLAIM Ohio, Competitive RECLAIM, Targeted RECLAIM, BHJJ, and JDAI):

- **Youth Services Grant (\$16.7 Million)** This is a federal block grant that DYS disseminates according to the most recent census information, as defined by Ohio Revised Code.
 - All counties receive a minimum of \$50,000 annually and is then distributed using each increment of 25,000 residents in a county population.
- **RECLAIM Ohio (\$32.6 Million)** RECLAIM Ohio funds are used to develop and maintain safe and effective local programs, services, and interventions to prevent future involvement in the justice system.
 - Funds are distributed based on a formula specified in Ohio Revised Code.

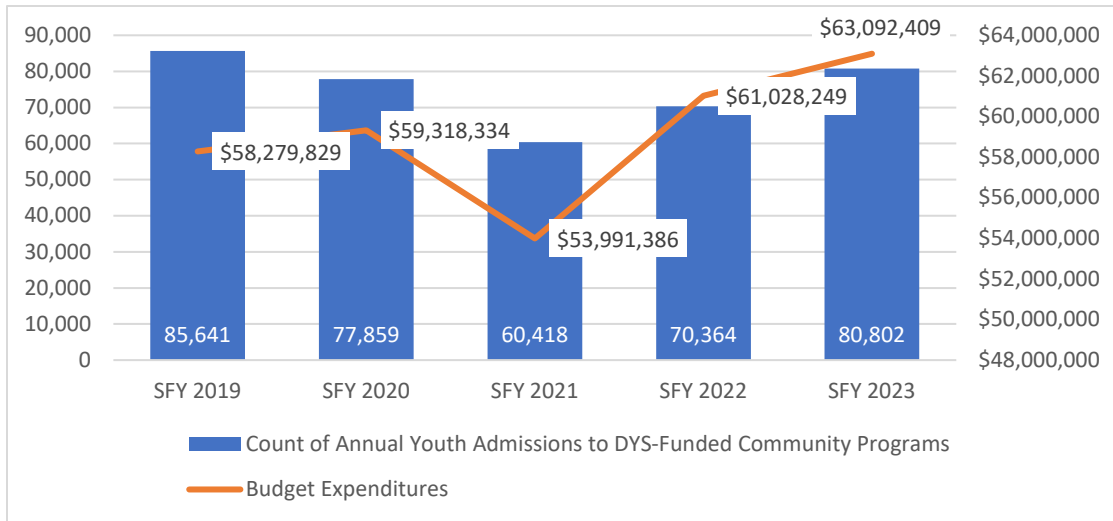
⁵³ Provided by DYS. DYS has recently hired a new superintendent of the Buckeye United School District. In collaboration across the Agency’s departments, the new superintendent has already implemented dynamic and effective leadership that has ushered in the highest count of high school graduates in many years.

- With Governor DeWine’s support, DYS was able to add \$2M to the \$30.6M RECLAIM budget in SFY 22 and funding has stayed at the increased level since that time.
 - This puts more resources in communities for courts to meet the changing needs of their students and families, while addressing public safety.
- **Competitive RECLAIM (\$3.3 Million)**
 - Competitive RECLAIM is designed to reduce out-of-home placements by advancing non-residential interventions.
 - Starting in SFY 23, the Competitive RECLAIM RFP has included a violence mitigation category which emphasizes collaborative efforts between courts, nonprofits, employers, and other governmental agencies like ADAMH boards.
- **Targeted RECLAIM (\$6.4 Million)**
 - The 15 largest committing courts in 2009 were awarded supplemental funding to implement evidence-based programming approved by a DYS university partner to prevent felony-adjudicated youth from being committed to DYS.
 - Targeted RECLAIM involves using a criminogenic risk tool (OYAS), quarterly workgroups, quality assurance standards, and ongoing monitoring and coaching.
- **Behavioral Health in Juvenile Justice – BHJJ (\$2.6 Million)**
 - BHJJ is designed to increase courts’ abilities to identify multi-need and multi-system youth, and to treat those youth and their families with evidence-based programming in their own communities.
 - Impact is substantiated through independent review of program data and outcomes through Case Western University.
 - There are now ten (10) BHJJ project sites that serve youth from fifteen (15) different counties.
- **Juvenile Detention Alternatives Initiative – JDAI (\$23,000)**
 - Helps to offset JDAI entry expenses related to travel, training, and materials.

Additionally, there is a provision in statute which allows for unused funds related to the three state-operated JCFs to be reallocated to DYS Subsidy (accounting for the variance in year to year spend beyond the \$2M increase to the Ohio RECLAIM initiative in SFY 2022). The COVID-19 pandemic decimated community providers’ capacity to do their in-person work. From SFY 2019 Q1 to SFY 2020 Q3, the state of Ohio was under normal operations. Starting with SFY 2020 Q4 and continuing through the end of SFY 2023 Q2, both DYS and most community providers were under modified operations due to COVID. The cost of services continues to increase and the availability of services has become more scarce among Post-COVID providers. These facts help to account for the lack of consistent ratio in costs and service.”⁵⁴

⁵⁴ Provided by DYS. Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024.

Figure 87. DYS Community Subsidy Funding, Annual Program Admissions and Expenditures⁵⁵



Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

⁵⁵ Provided by DYS. Youth may have more than one Program Admission in a year.