



## R.C. 181.27 Impact Report

Effective April 12, 2021, Ohio House Bill 1 (133<sup>rd</sup> General Assembly) modified key statutes in the criminal code and statutorily requires the Ohio Criminal Sentencing Commission, under R.C. 181.27, to study the impact of the sections relevant to the act and report to the General Assembly on a biennial basis. The 2025 R.C. 181.27 Impact Report is the third edition of the biennial report and continues to monitor modifications to the Attorney General reimbursement fund, intervention in lieu of conviction, sealing of a record of conviction, community control sanctions and technical violations, and involuntary commitment to treatment in the probate courts.

**Ohio Criminal Sentencing Commission**

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## Acknowledgements

This report is built upon the foundation of the first report on the impact of House Bill 1 (133rd General Assembly),<sup>1</sup> which was guided by input of the House Bill 1 Workgroup. The Commission would like to acknowledge the past contributions of that workgroup as well as members of the Commission's Data Committee for its thoughtful guidance and review of this report.

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Ohio Attorney General's Office

Stepmobile | ezJustice – Ohio Community Supervision System

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1 Ohio Criminal Sentencing Commission, HB1 Impact Study Report, (January 2022), available at <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/HB1/impactStudyReport.pdf>.

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## Introduction

Governor DeWine signed House Bill 1 (“HB1”) (133<sup>rd</sup> General Assembly) into law on January 7, 2021.<sup>1</sup> The law modified the following statutes:

- R.C. 109.11: Attorney General Reimbursement Fund.
- R.C. 2929.15: Community Control Sanctions; felony.
- R.C. 2951.041: Intervention in Lieu of Conviction.
- R.C. 2953.31 & 2953.32: Sealing of record of conviction or bail forfeiture; definitions and exceptions.
- R.C. 5119.93 & 5119.94: Initiation of proceedings and Examination of petitioner; hearing; notification of respondent; dispositions [Involuntary commitment to treatment in probate courts]

Additionally, the bill required the Ohio Criminal Sentencing Commission (“Commission”) to biennially “study the impact” of these statutory changes and submit “a report that contains the results of the study and recommendations.”<sup>2</sup>

In January 2021, the commission assembled a workgroup (“2021 HB1 Workgroup”) composed of judges, prosecutors, defense attorneys, court administrators, probation officers, and state agency officials to design a study of the impact of HB1.<sup>3</sup> The initial HB1 Impact Study Report, [submitted in early 2022](#), was designed to serve as the foundational report to establish the continuity of evaluation for future reports. Continuing this reporting structure, the Commission published the second impact study of HB1 in 2023.<sup>4</sup>

## Report Structure

This impact analysis of HB1 is organized into five parts, based on the topics of the statutes addressed in the bill: (1) attorney general reimbursement fund,<sup>5</sup> (2) community control sanctions and technical violations,<sup>6</sup> (3) intervention in lieu of conviction (“ILC”),<sup>7</sup> (4) sealing of a record of conviction,<sup>8</sup> and (5) involuntary commitment to treatment for alcohol or drug abuse in probate courts.<sup>9</sup> Preceding these sections is a summary of recommendations and a discussion of the limitations of this study.

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1 Am.Sub.H.B. No.1, 133 Ohio Laws.

2 R.C. 181.27(B)

3 See page 4 of HB1 Impact Study Report (January 2022) for a list of individuals on the workgroup and involved in the work of the report. <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/HB1/impactStudyReport.pdf>

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

5 R.C. 109.11

6 R.C. 2929.15

7 R.C. 2951.041

8 R.C. 2953.31 and 2953.32

9 R.C. 5119.93 and 5119.94



This report utilizes the framework set out by the original workgroup to approach the study of impact as consistent and standardized as possible to allow for the most direct comparison across study years that is practically achievable with the information available. As such, each of the five sections begins with a brief review of how HBI changed each of the statutes. Following this information is a discussion of how the 2021 HBI Workgroup defined the impact of these changes. The source(s) of information used to evaluate that impact is then discussed, followed by analysis of the available information, and recommendations where applicable.

### Methodology

This report relies on information and data that is already collected and available at the statewide level. For the first time, this report relied solely on data that is readily available at the statewide level for the evaluation of record sealing and ILC, instead of collecting it at the individual court level. Notably, the analysis of aggregate data on the utilization of ILC statewide has made policy evaluation more accurate, complete, and effective. This marks the first time this report has published data on the statewide use of ILC, provided by the Ohio Community Supervision System. The Attorney General's Office continues to provide data on statewide record sealing orders and the Attorney General's Reimbursement Fund. This report represents the best effort to evaluate the policy impact of HBI, given the data available. It also relies on findings from the previous reports to inform conclusions.



## R.C. 109.11 Attorney General Reimbursement Fund

### **Modifications to Ohio Revised Code Sections 109.11 from Ohio House Bill 1 (133<sup>rd</sup> General Assembly)**

**R.C. 109.11:** Creates an attorney general reimbursement fund within the state treasury to be used for the expenses of the Attorney General (AG) to provide legal services and other services to the state. Also specifies that a portion of funds, as specified in R.C. 2953.32 go to the Bureau of Criminal Investigation for expenses related to sealing or expungement of records.

#### **What changed?**

\$15 of every \$50 record sealing application fee is earmarked to BCI for expenses related to the sealing or expungement of records. This represents a decrease in the amount of money that is routed to BCI (previously it was \$20 of every application fee), however this statute clarifies that the \$15 goes directly to BCI. Previously, the money was allocated to the GRF and then funded back to BCI, so it was not possible to track. This fund should help to offset expenses for the labor-intensive record sealing process.

#### **Impact**

The intended impact of this statutory change is evident, to create a separate fund for the Bureau of Criminal Investigation (BCI) to help in the record-sealing process. Therefore, after HB1 we would expect to see a stable, independent fund at BCI exist year after year.

#### **Data & Analysis**

The Bureau of Criminal Investigation provided numbers on funds received related to the sealing of records. It is important to note that the finance report follows the fiscal year, rather than the calendar year. Beginning in late 2021, BCI started using a separate agency code to track record sealing funds. Figure 1 displays the BCI funds received from the record sealing application fee by fiscal year, from 2022 through 2025. Note that 2025 represents partial year data.



Figure 1. Record Sealing Funds Received by BCI by Fiscal Year.



*Source: Attorney General's Office Bureau of Criminal Investigation*

## Conclusions

Given that, prior to HBI, the portion of the record sealing fee that BCI received went directly into the General Revenue Fund (GRF), these statutory changes did have the intended impact. Beginning in fiscal year 2021, there is a separate, stable fund within BCI to assist with the process of sealing and expungement of criminal convictions. Regarding this determination of impact, there are no further recommendations.



## R.C. 2929.15 Community Control Sanctions and Technical Violations

### Modifications to Ohio Revised Code 2929.15 from Ohio House Bill 1 (133<sup>rd</sup> General Assembly)

R.C. 2929.15: House Bill 1 modified provisions of law that capped the maximum prison sentence available for “technical violations” of community control for felonies of the fourth<sup>10</sup> and fifth degree at 180/90 days respectively. The bill mandates that a prison term imposed for a technical violation may not exceed the time the offender has left to serve on community control or the “suspended”<sup>11</sup> prison sentence. Further, the time spent in prison must be credited against the offender’s remaining time under community control and against the “suspended” prison term in the case.

HB 1 also specifies that the court is not limited in the number of times it may sentence an offender to a prison term as a penalty for violation of a community control sanction or condition, violating a law, or leaving the state without permission. This provision applies to all levels of felonies and for both technical and non-technical violations, allowing for community control violators to be returned to community control after imposition of a prison term at the sentencing court’s discretion. Offenders sentenced for a technical violation of community control for a fourth-degree felony or fifth degree felony must remain under community control supervision upon the defendant’s release from prison, if any time remains on the supervision period.<sup>12</sup>

The budget bill passed June 30, 2021<sup>13</sup> included amendments to clarify parts HB 1. The suspended sentence language was amended to reserved sentence to be consistent with existing statutes. The Substitute bill also clarified that the length of time in prison was limited to the length of community control remaining if it was less than 180/90 days for fourth and fifth degree felonies respectively.

Lastly, HB 1 defined “technical violation” as a violation of the condition of community control sanction imposed for a felony of the fifth degree, or for a felony of the fourth degree that is not an offense of violence and is not a sexually oriented offense, and to which neither of the following apply:

- (1) The violation consists of a new criminal offense that is a felony or that is a misdemeanor other than a minor misdemeanor, and the violation is committed while under a community control sanction.

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10 Fourth degree felony offenses of violence and sexually oriented offenses are not subject to the technical violator caps under the bill.

11 When an offender is placed on community control the trial court must select a “reserved” prison term from the range available for the offense; the term “suspended” has no meaning under the post-SB2 sentencing scheme. As passed by the Senate, Am.Sub Bill 110 replaces “suspended” with “reserved” prison term.

12 HB1 also created RC 2929.15(B)(2)(c)(ii), which references an offender serving a community-control sanction as part of a “suspended prison sentence.” As current law does not provide for any type of “suspended” prison sentence, that provision is amended in Am.Sub. HB 110 as passed by the Senate to instead reference “residential community control” sanctions – which include terms in jail, CBCF, alternative residential facilities, or halfway houses.

13 Am.Sub.H.B. No 110, 134 Ohio Laws 627.



(2) The violation consists of or includes the offender's articulated or demonstrated refusal to participate in the community control sanction imposed on the offender or any of its conditions, and the refusal demonstrates to the court that the offender has abandoned the objective of the community control sanction or condition.

### **What Changed?**

R.C. 2929.15 provided a definition of “technical violations,” the absence of which led to a number of appeals and two Supreme Court of Ohio<sup>14</sup> decisions attempting to define the term. R.C. 2929.15 mandated a return to community control for those technical violators released from prison and provided courts with the option to do the same for both technical and nontechnical community control violators at all other felony levels. Historically, case law interpretations have held that prison sentences and community control are mutually exclusive options at the time of sentencing.

### **Impact**

As identified by the 2021 workgroup, the changes to R.C. 2929.15 in HB1 (and subsequently in the 2021 budget bill) were intended to:

- Define and clarify what constitutes a technical violation of community control.
- Increase discretion regarding sanctions for community control violators by giving judges the ability to return an offender to community control.

Therefore, if these statutory changes had the intended impact, we would expect a decrease in the number of appeals that address the classification of a community control violation as technical or non-technical because the definition is clarified in the statute. Regarding the intention to increase discretion, which is difficult to measure, however it can be assumed that if the statute gave judges more choices in what to do with a community control violator that it had the intended impact.

### **Data & Analysis**

As analyzed in past reports, we tracked appellate cases in each of Ohio's twelve appellate courts. Original tracking terms asked for cases involving “technical violations,” “technical violator” or consideration of divisions of R.C. 2929.15(B). Figure 2 has been updated to include two cases from 2024 and zero cases from 2025 (as well as two cases from 2023 not previously included). As was concluded in the 2023 Report, few cases have been appealed since the enactment of HB 1 that have argued the violations of community control have been technical violations. In these few cases, the appellate courts have used the statutory definition and have found that the violations were non-technical violations.<sup>15</sup>

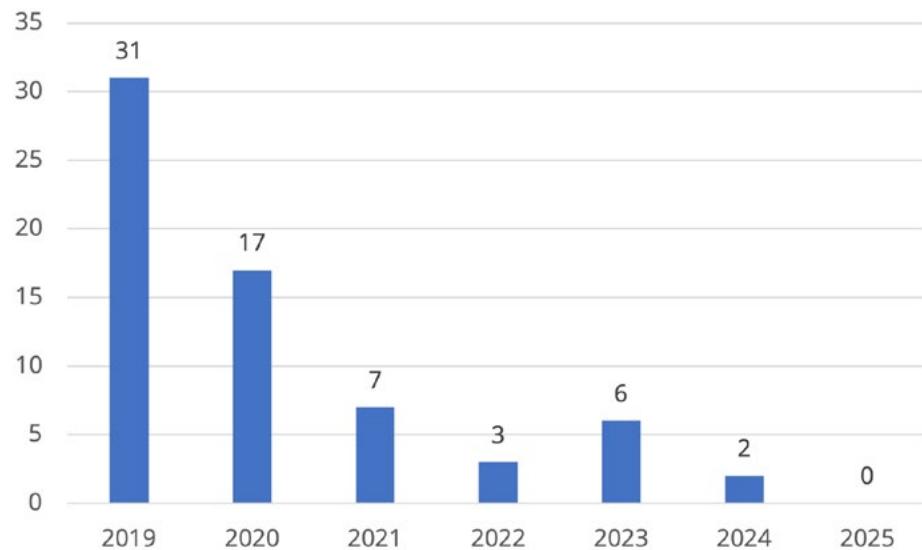
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<sup>14</sup> State v. Castner, 163 Ohio St. 3d 19, 2020-Ohio-4590, 167 N.E.3d 939; State v. Nelson 162 Ohio St. 3d 338, 2020-Ohio-3690, 165 N.E.3d 1110.

<sup>15</sup> For details on the post-HB1 appellate cases summarized by appellate district, please see Appendix A.



Figure 2. Ohio Appellate Decisions Involving the Definition of "Technical Violations," by Year



## Conclusions

As concluded in the 2023 version of this report, there are no recommendations regarding these changes. The statutory definition of "Technical Violations" has significantly reduced appeals and what few appeals discuss the definition, the cases are not being reversed. Therefore, we can conclude that the codification of the definition has had the intended impact of providing clarification for what constitutes a technical violation.



## R.C. 2951.041 Intervention in Lieu of Conviction

### **Modifications to Ohio Revised Code Section 2951.041 from Ohio House Bill 1 (133<sup>rd</sup> General Assembly)**

R.C. 2951.041: If the court has reason to believe that a person charged with a crime had: drug or alcohol usage, mental illness, intellectual disability, victim of trafficking or compelling prostitution, the court may accept a request for ILC before a guilty plea. The bill grants a presumption of eligibility for intervention in lieu of conviction (ILC) to offenders alleging that drug or alcohol abuse was a factor in the commission of a crime. If an offender alleges that drug or alcohol usage was a factor leading to the offense, then the court must hold a hearing to determine if the offender is eligible for ILC. The bill requires the court to grant the request for ILC unless the court finds specific reasons why it would be inappropriate, and, if the court denies the request, the court is required to state the reasons in a written entry. If granted, the offender is placed under control of local probation, the Adult Parole Authority, other appropriate agency. The offender must, abstain from illegal drugs and alcohol, participate in treatment and recovery, submit to drug/alcohol testing, and other conditions imposed by the court.

#### **What changed?**

The bill broadens the scope of ILC, requiring that the court must, at a minimum, hold an eligibility hearing for each applicant that alleges drug or alcohol usage as a leading factor to the underlying criminal offense. Along with the presumption of ILC eligibility, the court must state the reasons for denial in a written entry. The bill also caps mandatory terms of an ILC plan at 5 years. The bill narrows ILC eligibility in one new way, making an offender charged with a felony sex offense ineligible for ILC (a violation of a section contained in Chapter 2907 of the Ohio Revised Code that is a felony). The court can continue to reject an ILC hearing if the offender does not allege alcohol or substance abuse was a leading factor to the criminal offense. F1-F3 offenses and offenses of violence remain ineligible for ILC.

SB 288, enacted in 2023, made a further change to R.C. 2951.041. This change allows for courts to use community-based correctional facilities for ILC.<sup>16</sup> Research conducted for the initial HBI Impact Study Report suggests this is a codification of current practice, though respondents indicated it is rarely used—only used as a sanction of last resort or based on a high risk assessment score.<sup>17</sup> This bill also incorporated expungement of records for those successfully completing ILC as an option for courts.

#### **Impact**

As identified by the 2021 workgroup, the changes to R.C. 2951.041 in HBI were intended to broaden the scope of ILC by presuming eligibility if drug or alcohol abuse was a factor in the offense and by requiring a written reason for denial. Therefore, if these statutory changes had the intended impact, after HBI went into effect, we would expect an increase in ILC placements and a decrease in ILC denials.

16 Am.Sub.S.B. No. 288, 134 Ohio Laws 267.

17 See p. 58 of the HBI Impact Study Report, (January 2022).

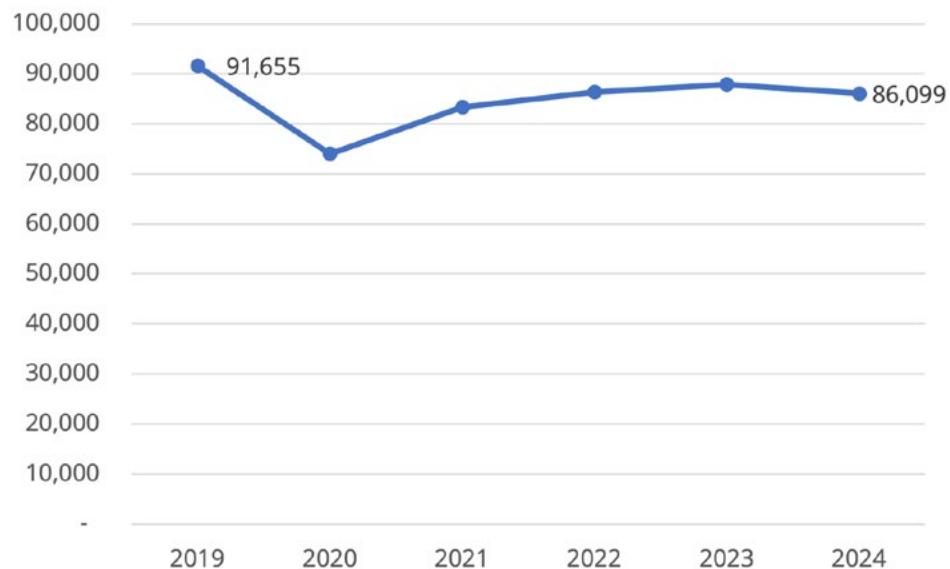


## Data and Analysis

For the first time, this report employs data from the Ohio Community Supervision System (OCSS), provided by StepMobile, to show a more complete picture of ILC usage in the state. While the previous report was able to analyze data from only five reporting courts, this analysis is able to show data on up to 126 courts which use ILC.<sup>18</sup> Data from OCSS dates back to 2016, during which only five probation departments used the system. This report looks at 2019 through 2024, where 84 probation departments reported data through all five years. In 2025, 126 probation departments are using the system. In the future, the data will be more robust as more probation departments use the system.

First, for context, Figure 3 shows incoming cases among courts of common pleas. Figure 4 displays incoming cases among municipal and county courts. This gives an idea of case flow in the trial courts to inform the patterns in ILC usage.

Figure 3. Incoming Criminal Cases, Courts of Common Pleas, 2019-2024

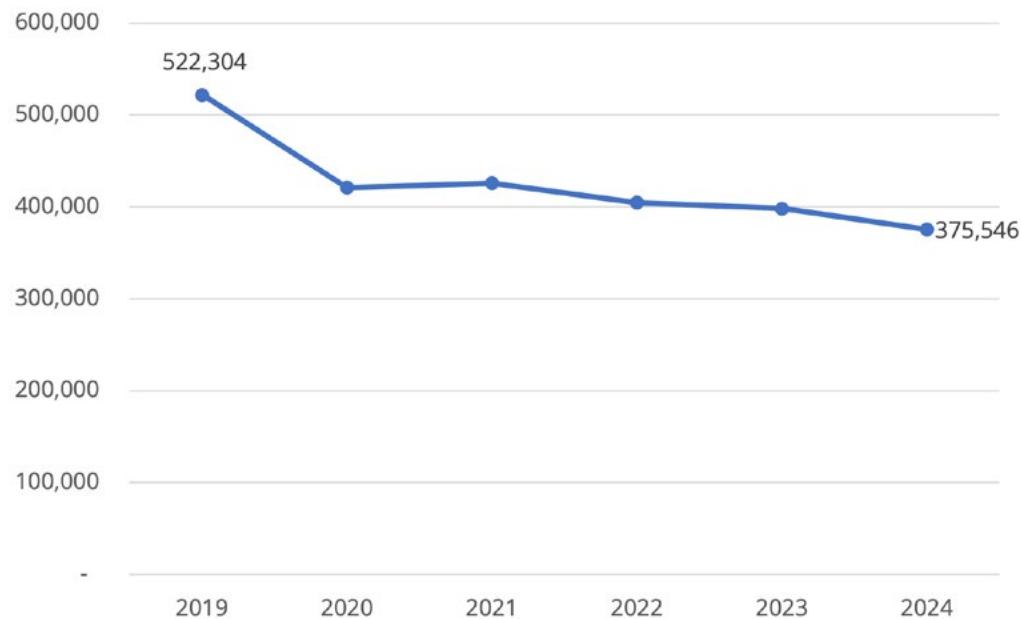


*Source: Supreme Court of Ohio Case Management Section, State of Ohio Court Statistics*

18 See Appendix D: Jurisdictions Reporting ILC Data in the OCSS Probation Repository



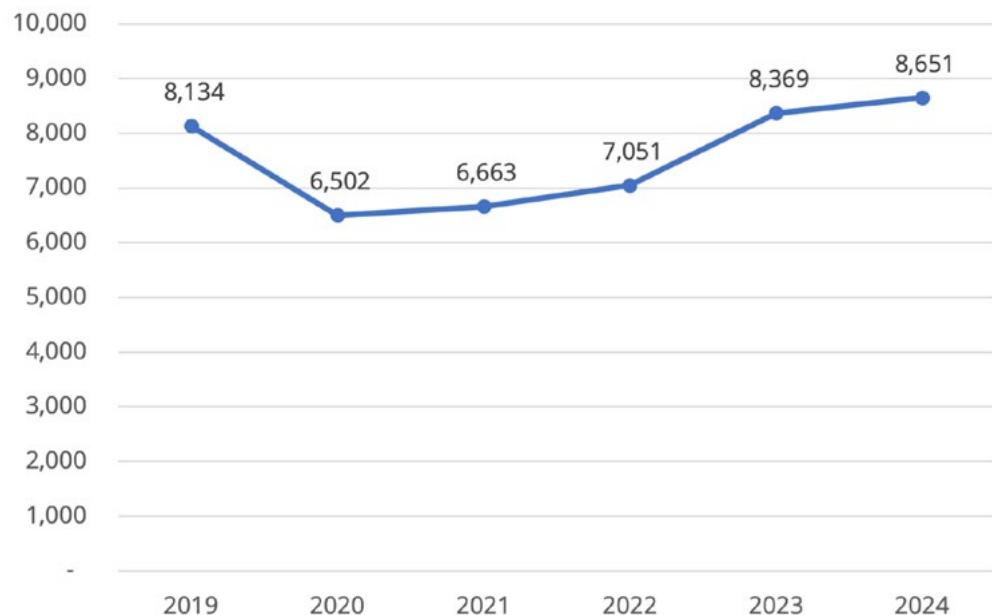
Figure 4. Incoming Criminal Cases, Municipal and County Courts, 2019-2024



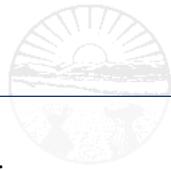
*Source: Supreme Court of Ohio Case Management Section, State of Ohio Court Statistics*

Incoming criminal cases at the common pleas level remain slightly below pre-pandemic levels, while incoming cases at the municipal and county court level remain dramatically below pre-pandemic levels. Figure 5 displays the number of ILC cases started in each year, from 2019-2024.

Figure 5: Total ILC Cases Started 2019-2024 (n=84)

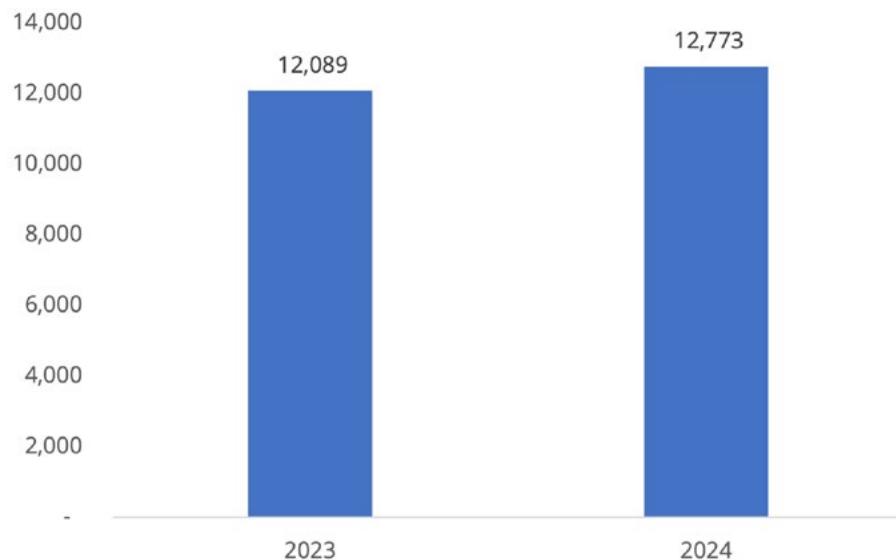


*Source: Ohio Community Supervision System | StepMobile*



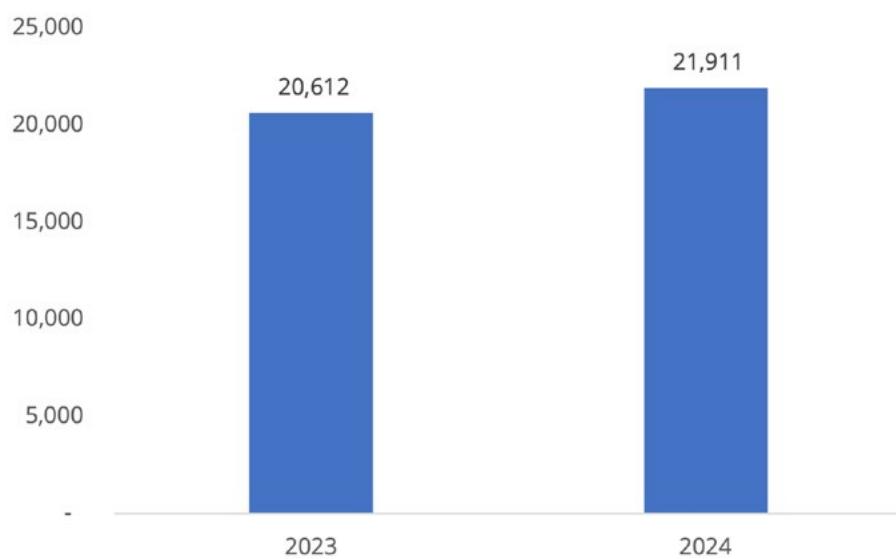
For 2023 and 2024, there were 92 probation departments reporting data, which gives a more complete picture of ILC usage, at the sacrifice of trends. Figure 6 displays the number of cases started from 2023 to 2024. Figure 7 shows the total number of active cases each year, from 2023 to 2024.

Figure 6. Total ILC Cases Started, 2023-2024 (n=92)



*Source: Ohio Community Supervision System | StepMobile*

Figure 7. Total ILC Cases Active in Given Year, 2023-2024 (n=92)



*Source: Ohio Community Supervision System | StepMobile*



## Conclusions

The number of new ILC cases started to decline from 2019 to 2020 and slowly rebounded to pre-pandemic levels in 2023. 2024 saw the number of new ILC cases eclipse 2019 levels for the first time. This is notable as the number of incoming criminal cases for both municipal/county courts and courts of common pleas remains below 2019 levels. While court case flow has plateaued or decreased since 2020, ILC cases have steadily risen, indicating that it is possible HB1 contributed to increased use of ILC. It is worth noting, however, that qualitative research in the 2021 HB1 Report found that barriers still exist for utilizing ILC, even after the enactment of the bill.<sup>19</sup> Barriers noted from the qualitative analysis of the previous report include the time and resource-intensive nature of ILC, defendants' criminal histories rendering them unsuitable candidates for ILC, lack of treatment providers and assessors for ILC placement, and the existence of other robustly funded diversion programs that may be more tailored to a defendant's needs.

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19 See HB1 Impact Study Report (2022). Pgs. 49-74. <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/HB1/impactStudyReport.pdf>



## R.C. 2953.31 & 2953.32 Sealing of a Record of Conviction

### Modifications to Ohio Revised Code Sections 2953.31 and 2953.32 from Ohio House Bill 1 (133<sup>rd</sup> General Assembly)

**2953.31:** Outlines definitions for terms found in ORC 2953.31 through 2953.36, on the topic of the sealing of records of conviction, including specifying “eligible offender” for the purposes of record sealing. Eligible offenders may only seal eligible offenses, as listed in [2953.36](#).

**2953.32:** Identifies the timeline for offender eligibility, the considerations of courts and prosecutors, and the process of the courts for sealing a conviction or bail forfeiture record.

### What changed?

#### 2953.31:

Record Sealing offender eligibility expanded to include: (1) Unlimited sealing of convictions if all are felony four (F4), felony five (F5), or misdemeanors if none are offenses of violence or sex offenses; (2) up to two felony convictions, up to four misdemeanor convictions, or exactly two felonies and two misdemeanors.

#### 2953.32:

Application for record sealing can now be made at the following times: The expiration of three years after final discharge of a felony three (F3); the expiration of one year after final discharge for an eligible F4, F5 or misdemeanor.

In late 2022, the General Assembly passed the “Revise the Criminal Law” Bill (SB288),<sup>20</sup> which modified Revised Code sections 2953.31 and 2953.32. These sections were further modified in the Biennial Budget Bill (HB33).<sup>21 22</sup>

### Impact

In the 2021 HB1 Impact Study Report, the work group identified the following as intended outcomes from the legislative changes to R.C. 2953.31 and 2953.32:

- Increase the number of individuals eligible for record sealing and to decrease the amount of time between the conclusion of their sanctions and eligibility in order to decrease barriers to employment.
- Reduce harm done by the “collateral consequences” of conviction, specifically regarding the access to employment, housing, public assistance, and education.

Therefore, if the changes in statute made by HB1 had the intended impact, we would expect an increase in record sealing motions after the enactment of HB1. Likewise, an increase in eligibility should also result in an increase in record sealing motions granted by the court. At this time there is no way to evaluate if these changes resulted in a reduction in harm of collateral consequences.

<sup>20</sup> Am. Sub.S.B. No. 288, 134 Ohio Laws 278.

<sup>21</sup> Am.Sub.H.B. No. 33, 135 Ohio Laws 876.

<sup>22</sup> For a summary of changes to R.C. 2953.31 and 2953.32 from SB288 and HB33, please see Appendix B

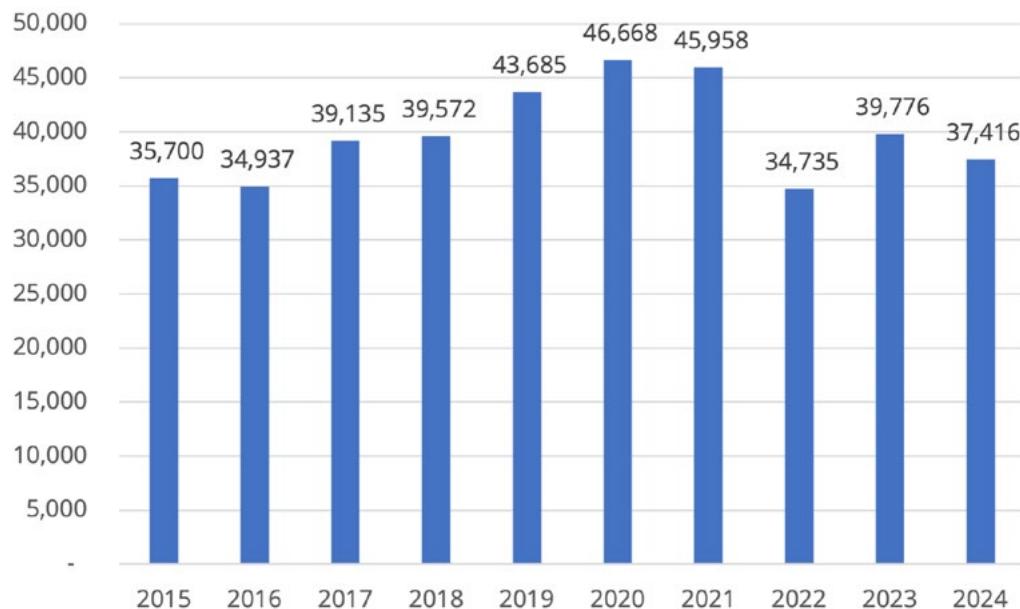


## Data and Analysis

Currently, there is no central source in the state for tracking the number of requests for record sealing or, consequently, the number of motions filed for sealing that were granted or denied each year. This report relies on the Attorney General's Bureau of Criminal Investigation (BCI) to inform the number of orders to seal records each year.

The Attorney General's Bureau of Criminal Investigation serves as Ohio's crime lab and criminal-records keeper. Their office provided calendar year totals for record sealing/expungement orders it received from 2015-2024. Figure 8 reflects the number of requests received by BCI from local courts to seal/expunge records. These requests are submitted with a sealing order signed by a judge.

Figure 8. Number of Orders to Seal/Expunge Records Received by BCI, 2015-2024



*Source: Attorney General's Office Bureau of Criminal Investigation*

## Conclusions

It is not immediately clear why record sealing/expunging orders are down from 2019-2021 levels. Without additional data from the courts, including information on applications and denials, it is difficult to draw conclusions. Both the 2022 and 2023 versions of this report found through quantitative and qualitative analysis that the expansion of record sealing through HB1 was achieving its goals.



## R.C. 5119.93 & 5119.94 Involuntary Commitment to Treatment in Probate Courts

### **Modifications to Ohio Revised Code Sections 5119.93 and 5119.94 from Ohio House Bill 1 (133<sup>rd</sup> General Assembly)**

**5119.93:** The process by which a spouse, relative, or guardian may file a petition in probate court to initiate proceedings for treatment of an individual suffering from alcohol and other drug abuse.

**5119.94:** Outlines the initiation of proceedings by the court after receiving a petition for involuntary commitment to treatment, including the respondent's right to a hearing and the requirement for the court to make an evidentiary finding on the necessity of treatment. Also includes consequences if a respondent fails to comply with court orders.

### **What changed?**

#### **5119.93:**

The new legislation included more funding options for petitioners, including documentation that insurance would cover these costs, or other documentation that the petitioner or respondent will be able to cover some of the costs rather than the original requirement to pay the court 50 percent of treatment and exam costs. The legislation also removed the requirement of the petitioner to pay a filing fee under Sec. 5122.11.

The bill included the requirement that the petition be kept confidential. If the petition includes belief that respondent is suffering from opioid/opiate abuse, the petition shall include evidence of overdose and revival by opioid antagonist, overdose in a vehicle, or overdosing in presence of minor.<sup>23</sup> A physician who is responsible for admitting persons to treatment may complete the certificate, if they examine the respondent.

#### **5119.94:**

If evidence of an opioid use disorder is presented at the hearing in the form of overdose and revival by opioid antagonist, overdose in a vehicle, or overdosing in presence of minor, this satisfies the court's evidentiary requirement of clear and convincing evidence that the respondent may reasonably benefit from treatment. If treatment is ordered, the court must specify type of treatment, type of aftercare required, and the duration of aftercare (between three and six months). The court may order periodic mental health examinations to determine if treatment is necessary. HBI removed the requirement that the respondent be given a physical examination by a physician within 24 hours of the hearing date. If a respondent does not complete treatment, they are in contempt of court and a summons may be issued. If the respondent fails to appear as directed in the summons, they may be transported to the previously ordered treatment facility or hospital for treatment. Costs of this transport are to be added to the costs of treatment.

### **Impact**

As identified by the 2021 workgroup, the changes to R.C. 5119.93 and 5119.94 in HBI were intended to enable family members to get help for those with substance-use disorders when a respondent is in imminent danger. Largely, the changes hoped to accomplish

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<sup>23</sup> R.C. 5119.93(B)(7).



this by making the options more financially accessible. The changes also gave courts enforcement power if the respondent did not complete ordered treatment.

Therefore, if these statutory changes had the intended impact, we would expect an increase in the number of individuals involuntarily committed to treatment.

## Data & Analysis

The original statute allowing for involuntary commitment to treatment went into effect September 29, 2013.<sup>24</sup> In 2021, discussions with those in probate courts and members of the treatment community estimated that the total number of cases from this original statute were extremely low, ranging from five to fifteen total cases statewide in the preceding eight years.

The original report identified several barriers contributing to the limited use of involuntary commitment to treatment statutes. In sum, from the report, “the three most-discussed barriers were lack of available facilities, the effectiveness of involuntary treatment, and the cost of treatment.”<sup>25</sup> While statutory changes in HB1 improved accessibility to involuntary commitment to treatment in several ways, notably: (1) allowing proof of insurance as payment for treatment and (2) the ability for judges to issue a warrant for those who leave treatment were identified as improvements by respondents, most of practitioners interviewed “saw the barriers to utilizing the statute as still too large to make an impact in substance use.”<sup>26</sup>

In the 2023 report, an email correspondence was sent out to all probate judges soliciting feedback on their experience with the statute. In total, seven probate judges responded to the inquiry. Of those that responded, two judges stated that they had used the statute a combined total of three times since the passage of House Bill 1. The remaining five judges responded that the statute had not been used at all. Two of those judges had indicated that they had seen no filings before HB1.

For the 2025 report, another letter was issued to Ohio’s probate judges, requesting information on the usage of involuntary commitment to treatment since the passage of HB1.<sup>27</sup> The Commission received responses from four probate courts. Due to the low number of petitions for involuntary commitment within counties, the statistics presented are kept anonymous to preserve confidentiality. Of the four responding courts, one provided data on involuntary commitments, but it could not be disaggregated for the usage of 5119.93 and 5119.94 commitments specifically. For the three reporting counties, 17 total petitions for involuntary commitment were filed since 2021. Of those, eight were issued, three were withdrawn, and six were dismissed. One county provided data ten years prior to HB1, reporting that there were seven applications from 2012 to 2021, with five dismissed, one withdrawn, and one issued. This county anecdotally reported that the HB1 changes likely helped address the issue of cost with involuntary commitment to treatment.

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24 See R.C. 5119.93 and 5119.94

25 HB1 Impact Study Report, (January 2022) p. 86.

26 HB1 Impact Study Report, (January 2022) p. 89.

27 See Appendix C: Letter to Ohio’s Probate Judges Concerning Involuntary Commitment to Treatment



## Conclusions

Including responses from the 2023 report, successful petitions for involuntary commitment to treatment since 2021 total to eleven. Without a baseline from pre-HB1, it is difficult to establish an impact. Based on anecdotal reports from before 2021, it appears the usage of this statute has increased in the last four years. Although the effect size is small, it is possible that these changes have had their intended impact. Without uniform data reporting on involuntary commitment to treatment, it is difficult to formally evaluate.



## Overall Conclusions and Recommendations

This report marks the third study of the impacts of House Bill 1 (133<sup>rd</sup> General Assembly), enacted in 2021, as required by R.C. 181.27(B). These reports utilize a form of policy evaluation termed, “impact evaluation,” where the objective is to determine whether or not a given public policy has achieved the intended set of objectives as envisioned by policymakers.<sup>28</sup> On July 22, 2025, an email correspondence was sent from the Office of Chief Justice Sharon Kennedy to all probate judges in Ohio. The email requested feedback on the probate courts’ usage of involuntary commitment to treatment, with a requested response deadline of August 29, 2025. These responses are collated and summarized in the report. This letter is included as Appendix C: Letter to Ohio’s Probate Judges Concerning Involuntary Commitment to Treatment, to detail the methodology of gathering data from the probate courts concerning involuntary commitment to treatment.

Analyses over the last four years have determined that the majority of the portions of the original bill have achieved their desired impact or have had limited impact, and therefore no longer require future study. Under the impact evaluation framework, the effect of the original House Bill 1 legislation has been demonstrated. There are portions of the bill that the General Assembly has continued to modify or may continue to alter in the future – namely record sealing and intervention in lieu of conviction (ILC). State policymakers can benefit from the Commission’s ongoing monitoring of these policy changes.

The 2023 edition of this report recommended that, “The Commission should work with the General Assembly to clarify and provide guidance to the nature and structure of this report moving forward.” In order to keep the Commission’s statutory reports succinct, relevant, and impactful, we recommend that the reporting requirements in 181.27(B) be aligned with the needs of the General Assembly and existing reports the Commission already produces. To that end, we recommend sunsetting the impact analysis of the following provisions outlined in 181.27(B):

### **1. R.C. 109.11: Attorney General Reimbursement Fund**

House Bill 1 succeeded in creating the Attorney General’s reimbursement fund, and the Commission has reported on the amount collected each fiscal year. Beginning in fiscal year 2021, there has been a separate, stable fund within the Bureau of Criminal Investigation (BCI) to assist with the process of sealing and expungement of criminal convictions. This portion of the law had the intended impact, and the Attorney General maintains a record of the total amount of funds collected each year. There are no further impacts to be evaluated for this section of the report.

### **2. R.C. 2929.15 Community Control Sanctions and Technical Violations**

R.C. 2929.15 provided a definition of “technical violations,” the absence of which led to a number of appeals and two Supreme Court of Ohio decisions attempting to define the term. It also mandated a return to community control for those technical violators released from prison and provided courts with the option to do the same for both technical and non-technical community control violators at all other felony levels. Historically, case law interpretations have held that prison sentences and community control are mutually exclusive options at the time of sentencing.

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28 Theodoulou, S. Z., & Kofinis, C. (2004). *The art of the game : understanding American public policy making*. Wadsworth/Thomson Learning.



There have been few cases appealed since the enactment of House Bill 1 that have argued the violations of community control have been technical violations. In those cases, the appellate courts have used the statutory definition and, in most cases, have found that the defendants' violations were non-technical violations. Based on the low number of appeals after the statutory changes, it appears that the codification of the definition of "technical violation" has had the intended impact of providing clarification for what constitutes a technical violation. There are no further recommendations regarding these changes or evaluating the impact of this statute.

### **3. R.C. 5119.93 & 5119.94 Involuntary Commitment to Treatment in Probate Courts**

The changes to R.C. 5119.93 and 5119.94 in House Bill 1 were intended to enable family members to get help for those with substance-use disorders when a respondent is in imminent danger. Largely, the changes intended to accomplish this by making the options more financially accessible. The changes also gave courts enforcement power if the respondent did not complete ordered treatment.

The usage of involuntary commitment to treatment is not formally tracked by the probate courts. In previous reports, the Commission has relied on a survey of probate judges asking them about their use of the statute. Qualitative analysis found that the statutory changes to involuntary commitment in House Bill 1 largely did not address the barriers to the statute's usage. The Commission found that this statute has only been used a handful of times, both pre- and post- House Bill 1. The analysis of this statute is settled, and no impact has been found. Without further modifications to this statute, there is unlikely to be major impacts. If the Commission is to keep studying this statute, we recommend formal tracking of the usage of involuntary commitment to treatment.

#### **Record Sealing and Intervention in Lieu of Conviction**

The remaining portions of the R.C. 181.27(B) duties to study include monitoring R.C. 2951.041 – ILC and R.C. 2953.31/R.C. 2953.32 – sealing of a record of conviction. With data on record sealing readily available from the Attorney General's Office and intervention in lieu of conviction available from the Ohio Community Supervision System, reporting on these topics is achievable and of direct interest to policymakers in Ohio. We recommend that the Commission continue to monitor and report on both record sealing and ILC. Parallel to a formal policy impact analysis, monitoring the trends of these two policy topics can inform policymakers on the big picture view of how they operate. If major changes are enacted for record sealing or ILC, the Commission could study the specific impacts of this hypothetical legislation.

The Commission is statutorily required to produce a biennial Monitoring Report, as outlined in R.C. 181.25(A)(2), to monitor and report on the operation of the sentencing structure on the state. Monitoring the impact of changes to record sealing and ILC falls under the purview of the Commission's duties to study the sentencing structure. For this reason, we recommend that these two provisions of the Commission's 181.27(B) reporting duties could be included in the biennial Monitoring Report in lieu of a separate report.



## Appendix A. Summary of Appellate Cases for the definition of "Technical Violations," 2022-2023

### First District Court of Appeals

[State v. Elliot, 2023-Ohio-1459](#). Decided May 3, 2023. Defendant was found guilty of nontechnical violations for failing to comply with court-ordered treatment and failing to pay restitution. The conditions were found to be nontechnical as they were tailored to address the defendant's misconduct. Therefore, the court was not limited by R.C. 2929.15(B)(1)(c)(ii) that it imposes a sentence of not more than 180 days.

[State v. Collier-Green, 2023-Ohio-2143](#). While this decision was released in 2023, the Appellate court analyzed this case as the definition of technical violation not being in statute. However, the Supreme Court had provided a definition that was eventually codified in HB1, the Court analyzed the case and found that the violations were not technical violations and therefore, the sentencing court was not limited by 2929.15(B).

[State v. Stroud, 2024-Ohio-933](#). Decided March 15, 2024. Defendant pled guilty to having violated his terms of community control. The violations included technical and non-technical violations. Because the violations included non-technical violations the sentencing court was not limited by R.C. 2929.15(B).

### Second District Court of Appeals

[State v. Parker, 2022-Ohio-1115](#). Decided April 1, 2022. Defendant was placed on community control for F4 Trespass in a Habitation and a misdemeanor count of criminal damaging and given conditions that included assessments and counseling for substance abuse, anger management, and mental health, as well as a requirement they adhere to state and federal law. The defendant was revoked and sent to prison after violations were filed for a domestic violence incident, failing to pay court costs, and failing to complete the required assessments. The Court found the violations were not technical in nature, finding the defendant's refusal to participate and new criminal offenses.

### Third District Court of Appeals

[State v. Everett, 2023-Ohio-1243](#). Decided April 17, 2023. Defendant was placed on community control for F5 Aggravated Possession of Drugs. Defendant absconded after only two weeks on community control. Defendant also refused to complete requested drug screen and had previous drug convictions in Michigan, where he absconded. Defendant's overall pattern of behavior and the cumulative effect of the violations demonstrated a failure to participate in his community control sanction as a whole.

[State v. Wallace, 2023-Ohio-676](#). Decided March 6, 2023. Defendant was placed on community control for F4 Corrupting Another With Drugs. Defendant was found to have violated his Community Control by absconding and was revoked and sentenced to prison for 9 months. The Court of Appeals held that absconding was proven and that it was a nontechnical violation. The Court sustained the imposition of 9 months in prison.

[State v. Crose, 2023-Ohio-880](#). Decided March 20, 2023. Crose was found to have violated her community control by not making herself available for supervision. The sentencing court found this to be a non-technical violation as did the Appellate Court. Due to the violation being non-technical, there was no R.C. 2929.15(B) limit.



### Fourth District Court of Appeals

[State v. Mehl, 2022-Ohio-1154](#). Decided March 29, 2022. Defendant was placed on community control for F2 burglary and was violated from community control several times, each with additional treatment conditions placed on the defendant. The defendant had community control revoked and a four-year prison term imposed, and while the defendant admitted the violations were not technical in nature, the Court engaged in a thorough analysis of the issue in the decision. Ultimately the sentence was upheld as not contrary to law.

### Sixth District Court of Appeals

[State v. Wodarski, 2022-Ohio-1428](#). Decided April 29, 2022. Defendant was placed on community control for 3 F5s – Unauthorized Use of Motor Vehicle, Identity Fraud and Receiving Stolen Property. Defendant's community control was revoked for technical violations and the court sentenced defendant to 90 days on each felony and that the time was to run concurrent for a total of 270 days. Appellate court held that nothing in the statute precluded consecutive sentences and that the 90-day cap applies to each underlying felony conviction.

### Eleventh District Court of Appeals

[State v. Hogya, 2024-Ohio-639](#). Decided February 20, 2024. Defendant violated his terms of community control by abandoning the objectives of community control. Therefore, the violations were not technical, and the sentencing court was not limited by 2929.15(B).

### Twelfth District Court of Appeals

[State v. Demangone, 2023-Ohio-2522](#). Decided July 24, 2023. Defendant pled guilty to F4 Trespass in a Habitation. Defendant's community control was revoked, and he was sentenced to 18 months in prison. Defendant's actions demonstrated his refusal to participate in a community control condition that had been specifically tailored to his misconduct. Defendant's conduct demonstrated his refusal to participate in the imposed community control condition and this refusal demonstrated the defendant had abandoned the objective of his community control.



## Appendix B: Statutory Changes in R.C. 2953.31 and 2953.32 Since HB1<sup>29</sup>

The most notable statutory changes since the inaugural HB1 report have been made to record sealing and record expungement. The bulk of these modifications were included in Senate Bill 288 (SB288),<sup>30</sup> which was signed at the end of 2022 and made effective in early 2023. However, further clarifications were made in House Bill 33, effective October 2023.<sup>31</sup> The sections below summarize the changes and specify the section or division of the revised code in which they are located.

For a more in-depth analysis of the current record sealing and expungement process, please see the [Adult Rights Restoration Guide](#).<sup>32</sup>

### Definitions

“Sealing” a record means that the record is kept in a separate file, but not permanently deleted. All index records are, however, to be deleted. The proceedings are deemed not to have occurred.

To “expunge” a record means that the record should be destroyed, deleted, and erased so that the record is permanently irretrievable. This definition is located in 2953.31(B).

### Fees

Filing fees for record sealing and expungement requests are capped at \$50, regardless of the number of offenses the application seeks to seal or expunge. Local courts may collect an additional fee for sealing and expungement, but these costs are limited to \$50.

There is also a change in how the funds are to be distributed: three-fifths of the fee collected are to be paid into the state treasury, with half of that amount going to the attorney general reimbursement fund. Two-fifths of the fee collected are to be paid into the general revenue fund of either the county or municipal corporation. These changes are found in R.C. 2953.32(D)(3).

### Expanded Eligibility

Eligibility for record sealing and expungement was expanded under these pieces of legislation. While the definition of “eligible offender” is removed,<sup>33</sup> there are still lists of offenses that are excluded from sealing and expungement (see “Prohibited Offenses” below).

Regardless of how many convictions an offender has and the makeup of those convictions, all offenders are eligible to have records sealed, as long as the offense is eligible. Offenders are now eligible to have up to two felonies of the third degree sealed.

29 Am.Sub.H.B. No. 1, 133 Ohio Laws. Effective April 12, 2021.

30 Am.Sub.S.B. No. 288, 134 Ohio Laws.

31 Am.Sub.H.B. No. 33, 135 Ohio Laws.

32 Ohio Criminal Sentencing Commission and the Ohio Judicial Conference, Adult Rights Restoration and Record Sealing, (October 2023). Available at: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/judPractitioner/adultRightsRestoration.pdf>.

33 Prior to the passage of SB288, this definition was located in R.C. 2953.31(A)(1).



The specific change with regard to the felonies of the third degree is found in R.C. 2953.32(A)(1)(g).

This legislation allows for any offender to request expungement of their sealed records. Minor misdemeanors are eligible to be expunged six months after final discharge. Misdemeanors are eligible to be expunged one year after final discharge. Felonies are eligible to be expunged ten years after the offense was eligible to be sealed. These changes are specified in R.C. 2953.32(B)(1).

### **Prohibited Offenses**

These laws modified the list of offenses that are ineligible to be sealed or expunged. Most notably, these changes are: lowering the threshold for ineligible offenses based on victim age (from 16 years old to 13 years old), removing misdemeanor offenses of violence from a list of ineligible offenses, and adding domestic violence and violating a protection order as ineligible offenses. The changes also streamline the list of sexually oriented offenses that are ineligible by removing specific crimes and now states that offenders who committed sexually oriented offenses and were subject to R.C. Chapter 2950 are ineligible. This list of ineligible offenses is now found in R.C. 2953.32(A)(1)(a) through (f).

### **Timing of Hearing**

After a request for sealing or expungement is made, courts are now required to set a hearing not less than forty-five days and not more than ninety days from the date the application was filed. This change is located in R.C. 2953.32(C).

When the request involves an offense with a victim, courts are now required to notify the prosecutor no less than 60 days prior to the hearing, as stated in R.C. 2930.171(A).

### **Prosecutor Requirements**

Under the changes made by SB288, prosecutors are required to file a written objection with the court no later than thirty days prior to the sealing or expungement hearing date. Prosecutors are also required to provide a notice of the application and the date of the hearing to the victim of the offense. These changes are found in 2953.32(C).

### **Hearing Changes**

Courts are now required to consider whether or not the victim objected and to consider the reasons against granting the application as specified by the victim in their objection. These are specified in R.C. 2953.32(D)(1)(3).

### **Governor's Pardons**

Though not a change to R.C. 2953.31 or 2953.31, SB288 added R.C. 2953.33(C), which allows for the sealing and expunging of governor pardons. An offender granted an absolute and entire pardon, a partial pardon, or a pardon upon conditions precedent or subsequent can now apply for an order to seal. The application may be filed at any time after the absolute and entire pardon or partial pardon, and at any time after the conditions of a pardon upon conditions precedent or subsequent have been met.



### **Prosecutor Initiated Sealing**

An additional change related to R.C. 2953.31 and R.C. 2953.32 now allows prosecutors to request sealing or expungement of a record. The prosecutor's request only applies to cases that pertain to a conviction of a low-level controlled substance offense (a fourth-degree or minor misdemeanor violation of Chapter 2925.). The procedures for this type of request, which are nearly identical to the procedures of an offender-initiated request (examples of differences include: addition of the option for an offender to object, allowing the court the discretion to waive the fee, and requirements for the prosecutor to notify the offender at their last known address or by any other means of contact) is found in R.C. 2953.39.



## Appendix C: Letter to Ohio's Probate Judges Concerning Involuntary Commitment to Treatment

Dear Probate Judges:

In 2021, Ohio House Bill 1 (133<sup>rd</sup> GA) was enacted into law. Among other changes, the bill amended 5119.93 and 5119.94 to remove barriers to the use of involuntary commitment to treatment in probate courts. The original impact report, available [online](#), details the changes to the Involuntary Commitment to Treatment statute for your reference.

This bill also requires the Ohio Criminal Sentencing Commission to study and report on the new law's impact. As Chair of the Ohio Sentencing Committee I am writing to you to ask whether you have seen any changes in the numbers of petitions for treatment filed.

If you have had experience with R.C. 5119.93 and 5119.94 petitions for court-ordered treatment since 2021, the Commission, in compliance with its duty under the law, would like to hear from you. Please contact the Commission to share your experience with the changed law via phone or email at 614.387.9305 or [ocsc@sc.ohio.gov](mailto:ocsc@sc.ohio.gov).

Staff can set up a brief meeting to receive feedback over the phone or virtually at your convenience. If written feedback on your experience is more efficient, please feel free to send it via email. I ask that you respond to this request by Friday, August 29.

On behalf of the Commission, thank you for your time and attention to this matter.

Chief Justice Sharon L. Kennedy  
*The Supreme Court of Ohio*



## Appendix D: Jurisdictions Reporting ILC Data in the OCSS Probation Repository

Probation Department	County
Adams County Probation Department	Adams
Adult Parole Authority	ODRC - Multiple Counties
Allen County Adult Probation Department	Allen
Ashland County Adult Court Services	Ashland
Ashtabula County Common Pleas Adult Probation	Ashtabula
Ashtabula Eastern Western County Courts	Ashtabula
Ashtabula Municipal Court Probation	Ashtabula
Conneaut Municipal Court	Ashtabula
Athens County Municipal Court	Athens
Auglaize County Municipal Court	Auglaize
Belmont County Adult Probation	Belmont
Belmont County Eastern Division Probation	Belmont
Belmont County Northern Division Probation	Belmont
Belmont County Western Division Probation	Belmont
Brown County Court of Common Pleas	Brown
Brown County Municipal Court	Brown
Butler County Court of Common Pleas	Butler
Champaign County Common Pleas	Champaign
Champaign Municipal Adult Probation	Champaign
Clark County Common Pleas	Clark
Clark County Municipal Adult Probation	Clark
Columbiana County Adult Probation	Columbiana
Coshocton County Adult Probation	Coshocton
Crawford County Adult Probation	Crawford
Crawford County Municipal Court	Crawford
Lakewood Municipal Court	Cuyahoga
Rocky River Municipal Court	Cuyahoga
Darke County Adult Probation	Darke
Darke County Municipal Probation	Darke
Defiance County Adult Probation	Defiance



Probation Department	County
Defiance Municipal Court	Defiance
Delaware County Adult Probation	Delaware
Delaware County Municipal Court	Delaware
Sunbury Mayor's Court	Delaware
Erie County Adult Probation	Erie
Fairfield County Common Pleas Court	Fairfield
Fairfield County Municipal Court	Fairfield
Franklin County Adult Probation	Franklin
Franklin County Municipal Court	Franklin
Franklin Municipal Court	Franklin
Fulton County Adult Probation	Fulton
Gallia County Adult Probation	Gallia
Gallipolis Municipal Court	Gallia
Geauga County Adult Probation	Geauga
Fairborn Municipal Probation Department	Greene
Greene County Common Pleas	Greene
Xenia Municipal Adult Probation	Greene
Hamilton County Common Pleas Court	Hamilton
Findlay Municipal Court	Hancock
Hancock County Adult Probation Department	Hancock
Hardin County Community Corrections	Hardin
Hardin County Municipal Court	Hardin
Harrison County Community Corrections	Harrison
Napoleon Municipal Adult Probation	Henry
Highland County Probation Department	Highland
Holmes County Common Pleas	Holmes
Huron County Adult Probation	Huron
Jackson - Vinton County Adult Probation Department	Jackson
Jackson County Municipal Court	Jackson
Knox County Adult Court Services	Know
Mount Vernon Municipal Court	Know
Lake County Court of Common Pleas	Lake
Painesville Municipal Court	Lake



Probation Department	County
Willoughby Municipal Court Probation	Lake
Lawrence County Common Pleas	Lawrence
Licking County Adult Court Services	Licking
Licking County Municipal Court Adult Probation Department	Licking
Bellefontaine Municipal Court Probation	Logan
Logan County Pretrial Services	Logan
Elyria Municipal Court Probation	Lorain
Lorain County Adult Probation Department	Lorain
Lorain Municipal Court Probation	Lorain
Maumee Municipal Court	Lucas
Oregon Municipal Court Probation	Lucas
Sylvania Municipal Court Probation	Lucas
Toledo Municipal Court	Lucas
Mahoning County Common Pleas Court	Mahoning
Marion County Common Pleas Court	Marion
Marion County Sheriff	Marion
Marion Municipal Court	Marion
Marion Police Department	Marion
Medina County Adult Probation	Medina
Medina Municipal Court Adult Probation	Medina
Wadsworth Municipal Adult Probation	Medina
Meigs County Common Pleas	Meigs
Mercer County Adult Probation	Mercer
Miami County Court of Common Pleas	Miami
Miami County Municipal Court	Miami
Monroe County Adult Probation	Monroe
Monroe County Court Adult Probation	Monroe
Dayton Municipal Court	Montgomery
Kettering Municipal Court	Montgomery
Miamisburg Municipal Court	Montgomery
Montgomery County CPC	Montgomery
Montgomery County Municipal Courts, Eastern & Western Divisions	Montgomery
Vandalia Municipal Court	Montgomery



Probation Department	County
Morgan County Adult Probation	Morgan
Noble County Adult Probation	Noble
Circleville Municipal Court	Pickaway
Pickaway County Adult Probation	Pickaway
Pike County Common Pleas Court	Pike
Pike County Court 2 Probation	Pike
Portage County Adult Probation Department	Portage
Preble County Adult Probation	Preble
Putnam County Municipal	Putnam
Mansfield Municipal Court	Richland
Richland County Court Services	Richland
Chillicothe Municipal Court	Ross
Ross County Adult Probation	Ross
Fremont Municipal Court Probation	Sandusky
Sandusky County Court 1 Adult Probation	Sandusky
Sandusky County Court 2 Adult Probation	Sandusky
Scioto County Adult Probation	Scioto
Seneca County Common Pleas Court	Seneca
Tiffin-Fostoria Municipal Court	Seneca
Shelby Municipal Court	Shelby
Sidney Municipal Adult Probation	Shelby
Canton Municipal Court	Stark
Stark County Court Services	Stark
Trumbull County Adult Probation	Trumbull
New Philadelphia Municipal Adult Probation Department	Tuscarawas
Tuscarawas County Court of Common Pleas	Tuscarawas
Tuscarawas County Court Southern District	Tuscarawas
Marysville Municipal Court	Union
Union County Common Pleas	Union
Van Wert County Adult Probation Department	Van Wert
Van Wert Municipal Probation Department	Van Wert
Jackson - Vinton County Adult Probation Department	Vinton
Mason Municipal Adult Probation Department	Warren



Probation Department	County
Warren County Common Pleas Court Services	Warren
Warren Municipal Court	Warren
Marietta Municipal Court Probation	Washington
Washington County CPC Adult Probation	Washington
Wayne County Common Pleas Court	Wayne
Wayne County Courts	Wayne
Bryan Municipal Court Probation	Williams
Williams County Adult Probation	Williams
Bowling Green Municipal Court	Wood
Wood County Common Pleas Court	Wood
Upper Sandusky Municipal Court	Wyandot
Wyandot County Adult Probation	Wyandot