



ENACTMENT NEWS

Senate Bill 66 **Community Corrections** Effective October 28, 2018

On July 30, 2018, the Governor signed into law Senate Bill 66 (Sens. Eklund, Tavares), which makes a variety of changes to community corrections policy:

- The bill includes the promotion of the effective rehabilitation of the offender as one of the overriding principles of sentencing. (RC 2929.11(A) and (B))
- The bill removes a one-year minimum for a community control sanction and authorizes the court to impose a combination of community control sanctions. (RC 2929.13(B)(1)(a)) The bill also specifies that in cases of violation of community control, one of the more restrictive sanctions a court can impose is a new sentence of 6 months in CBCF; any term imposed is in addition to any community control sanction previously imposed. (RC 2929.15(B)(1)(b), 2929.16(A)(6(D))
- The bill requires a sentencing entry to include jail-time credit in total days, including the sentencing date but excluding conveyance time that the offender has been confined. (RC 2929.19(B)(2)(f)) DRC must rely on the number on the latest journal entry. (RC 2929.19.19(B)(2)(g))
- The bill eliminates the requirement that a sentencing court must inform an offender that the offender is prohibited from using drugs in prison and may be subject to random drug tests in prison. (RC 2929.19(B)(2)(f))
- The bill expands eligibility requirements for ILC; the bill requires only that the offender not have a previous felony conviction of violence to be eligible for ILC, and previous participation in ILC or in treatment does not preclude ILC eligibility. A prosecutor's recommendation is not required for ILC. The offense for which a person is requesting ILC can be an offense with a mandatory jail or prison term and it can be an F3 drug possession offense. (RC 2951.041)
- The bill expands eligibility requirements for pre-trial diversion; the bill makes exceptions to the current law that persons accused of any drug offenses are not eligible for pre-trial diversion. The exceptions are: misdemeanor, F4, and F5 drug possession; misdemeanor possession of drug instruments; misdemeanor permitting drug abuse; misdemeanor illegal use or possession of drug paraphernalia. Pre-trial diversion still requires prosecutor consent. (RC 2935.36(A)(3))
- The bill expands the ability for a person to seal a criminal record. Without changing what types of offenses can be sealed or how long a person must wait to file for sealing, the bill lifts the numerical cap on the amount of misdemeanors that can be sealed. Without changing what types of offenses can be sealed, the bill sets the numerical cap at 5 for felonies that can be sealed; if an offender is petitioning to seal one felony, he may apply after 3 years; 2 felonies – after 4 years; and 3, 4, or

5 felonies – after 5 years. OVI convictions are not included in determining the total number of felonies to be sealed. The balancing test required of a judge is still the process by which the determination is made whether to seal a record or not. (RC 2953.31 – 2953.36)

- The bill modifies criteria for considering a prison term sanction for a PRC violation by removing consideration of repeated violations of PRC sanctions.

The bill takes effect in October 28, 2018.