OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

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132nd General Assembly
(As Passed by the General Assembly)

Sens. Eklund and Tavares, Schiavoni, Terhar, Thomas, Coley, Williams, Brown, Hoagland, Huffman, Kunze, LaRose, Lehner, McColley, Obhof, O'Brien, Oelslager, Skindell, Sykes, Wilson

Reps. Manning, Celebrezze, Rogers, Anielski, Barnes, Craig, Dever, Green, Hambley, Holmes, Howse, T. Johnson, Lang, Lepore-Hagan, O'Brien, Perales, Ramos, Rezabek, Seitz, Sheehy, West

Effective date: October 29, 2018

ACT SUMMARY

Sentencing

- Expands the overriding purposes of felony sentencing to include the promotion of the effective rehabilitation of the offender.
- Removes the one-year minimum that applied when a court sentenced an offender to a community control sanction for a fourth or fifth degree felony and expressly authorizes the court to impose a combination of community control sanctions.
- Authorizes a court to impose a new term of up to six months in a community-based correctional facility, halfway house, or jail as a penalty for a felony offender who violates a community control sanction condition.
- Allows a sentencing court to place an offender who is subject to community control sanctions under the supervision of any entity authorized, by contract, to provide probation and supervisory services to the county when there is no county probation department.
- Modifies the manners in which a sentencing court calculates the confinement credit by which the prison term of a felony offender must be reduced and in which the Department of Rehabilitation and Correction (DRC) uses the credit.

- Eliminates a requirement that the court sentencing a felony offender to prison require that the offender not ingest or be injected with a drug of abuse, submit to random drug testing while incarcerated, and have negative test results.

Intervention in lieu of conviction and pretrial diversion

- Modifies the criteria that a person must satisfy to be eligible for intervention in lieu of conviction (ILC).

- Expands eligibility for pretrial diversion under a prosecutor-operated program to include persons charged with certain minor drug offenses when the prosecutor permits their participation.

Sealing of convictions

- Expands the categories of offenders who are "eligible offenders" under Ohio's Conviction Record Sealing Law to include persons convicted of one or more offenses, but not more than five felonies.

Final release and post-release control

- Modifies the procedures for the Adult Parole Authority to grant a final release or terminate post-release control.

- Modifies the criteria for considering a prison term sanction for a post-release control violation.

Employer failure to remit state income taxes

- Modifies the penalty for an employer's failure to remit state income taxes withheld from an employee.

Validated risk assessment tool

- Allows halfway houses and the Department of Mental Health and Addiction Services to use the validated risk assessment tool selected by DRC.

- Allows authorized users of the validated risk assessment tool to disclose risk assessment reports to qualified persons and research organizations for research, evaluative, and statistical purposes, subject to written agreements.

Northeast Ohio Correctional Center

- Extends to the Northeast Ohio Correctional Center the authority of the State Highway Patrol's Superintendent and troopers to enforce criminal laws.

Land conveyances – DRC water plants

- Authorizes the conveyance for $1 each of state-owned real estate in Madison and Scioto counties under DRC's jurisdiction to the board of county commissioners of the respective counties.

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CONTENT AND OPERATION

The act modifies numerous aspects of the law governing sentencing, corrections, and conviction record sealing, the law regarding State Highway Patrol law enforcement authority, and the law regarding an employer's failure to remit state income taxes withheld from an employee, and authorizes the conveyance of certain state-owned real estate in Madison and Scioto counties.

Rehabilitation as a purpose of felony sentencing

The act expands the overriding purposes of felony sentencing stated in the Felony Sentencing Law to include, in addition to the previously stated purposes, the promotion of the offender's effective rehabilitation. The previously stated purposes, which are retained by the act without change, are protecting the public from future crime by the offender and others and punishing the offender, using the minimum sanctions that the court determines accomplish those purposes without imposing an unnecessary burden on state or local government resources. The act adds the new rehabilitation-related purpose after the two previously specified purposes and before the "use of minimum sanctions" criterion.[1]

Continuing law links the overriding purposes to felony sentencing in several ways. First, it requires a court that sentences an offender for a felony to be guided by the overriding purposes. Second, it specifies that, to achieve those purposes, the court must consider the need for incapacitating the offender, deterring the offender and others from future crime, rehabilitating the offender, and making restitution to the victim of the offense, the public, or both. Third, it requires that a felony sentence be reasonably calculated to achieve those purposes, commensurate with and not demeaning to the seriousness of the offender's conduct and its impact upon the victim, and consistent with sentences for similar crimes committed by similar offenders.[2] The act's rehabilitation expansion to the overriding purposes will be within the scope of these provisions.

Presumptive fourth or fifth degree felony community control sanction

Sanction details

The act modifies the details of a sanction imposed under the presumption for community control sanctions that applies, in most cases, when a court sentences an offender for a fourth or fifth degree felony. Specifically, the act (1) removes the requirement that a community control sanction imposed under this presumption be at least one year's duration and (2) expressly authorizes the court to impose a combination of community control sanctions.[3]

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[1] R.C. 2929.11(A) and (B); also see R.C. 2929.13(B) to (E) and 2967.28(E), and R.C. 2925.01(CC), 2929.12(A), and 2967.19(B), not in the act.

[2] R.C. 2929.11(A) and (B).

[3] R.C. 2929.13(B)(1)(a), (b)(iv), and (c).

Background

Under the presumption (subject to an exception not further described in this analysis[4]), if an offender is convicted of a fourth or fifth degree felony that is not an "offense of violence" or that is a "qualifying assault offense" (both defined terms), the court must sentence the offender to a community control sanction (which, prior to the act, had to be of at least one year's duration) if all of the following apply:[5]

(1) The offender previously has not been convicted of a felony offense;

(2) The most serious charge against the offender at the time of sentencing is a fourth or fifth degree felony;

(3) The offender previously has not been convicted of a misdemeanor offense of violence committed within two years prior to the offense for which sentence is being imposed;

(4) If the court requested the Department of Rehabilitation and Correction (DRC) to provide specified information regarding one or more community control sanctions of that are available for persons sentenced by the court, the Department provided the information within 45 days.

Under the act, retained from preexisting law, if the presumption does not apply, in determining whether to impose a prison term, the sentencing court must comply with the purposes and principles of sentencing.[6]

Sanction for violation of felony community control sanction

The act expands the sanctions that a sentencing court may impose as a penalty for violating a community control sanction imposed for a felony, to also include a new term of up to six months in a community-based correctional facility, halfway house, or jail.[7]

Under preexisting law retained by the act, if a felony offender sentenced to a community control sanction (i.e., a residential sanction, a nonresidential sanction, or a

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[4] R.C. 2929.13(B)(1)(b) and (c).

[5] R.C. 2929.13(B)(1)(a) and (c).

[6] R.C. 2929.13(B)(2).

[7] R.C. 2929.15(B)(1)(b) and 2929.16(A)(6).

financial sanction) violates the conditions of the sanction, violates a law, or leaves the state without the permission of the court or the offender's probation officer, the sentencing court may impose one or more of the following penalties:[8]

(1) A longer time under the same sanction, if the total time under the sanctions does not exceed the five-year limit for community control sanctions;

(2) A more restrictive community control sanction (expanded as described below); or

(3) A prison term (subject to specified restrictions, unchanged by the act).

The act retains these provisions, but specifies that the more restrictive community control sanctions that a sentencing court may impose on a violator of a condition of a community control sanction include a new term of up to six months in a community-based correctional facility that serves the county, in a halfway house, or in a jail. The term imposed will be in addition to any community control sanction previously imposed on the offender. As under continuing law with respect to a jail term imposed as a community control sanction for a fourth or fifth degree felony that is not an offense of violence, the court may specify that it prefers that the offender serve the term in a minimum security jail.[9]

Supervision of offenders serving community control sanctions

The act authorizes a sentencing court to place offenders subject to community control sanctions under the supervision of any entity authorized to provide probation and supervisory services in the county if the county lacks a probation department and the county, under a preexisting statutory authorization that is not in the act, has contracted with the entity for the services. Under continuing law, when a county has a probation department, the court must place the offender under the department's general control and supervision for purposes of reporting to the court any violation of a condition of the sanctions, any condition of release, a violation of state law, or the offender's departure from the state without the permission of the court or probation officer.[10]

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[8] R.C. 2929.15(B)(1) and (3).

[9] R.C. 2929.15(B)(1)(b) and 2929.16(A)(1), (2), and (6) and (D).

[10] R.C. 2929.15(A)(2) and (D), and R.C. 2301.27, not in the act.

Formerly, the only option (retained by the act), when there was no probation department in the county that served the court imposing the sentence, was for the court to place the offender under the supervision of the Adult Parole Authority (the APA). However, the preexisting statutory authorization referred to above already authorizes counties to contract with any nonprofit, public or private agency, association, or organization for probation and supervisory services for persons placed under community control sanctions; therefore, the act appears to remedy an inconsistency in preexisting law.[11]

Calculation and use of felony confinement credit

The act modifies the manners in which a sentencing court calculates the confinement credit by which the prison term of a felony offender must be reduced and in which DRC uses the credit in reducing the offender's term.[12]

Calculation of credit

A court sentencing an offender for a felony must perform several tasks if it decides to impose a prison term. One task is to determine, notify the offender of, and include in the sentencing entry the number of days that the offender was confined for any reason arising out of the offense for which the offender is being sentenced and by which DRC must reduce the stated prison term.

The act modifies this requirement in two ways. First, it specifies that the number of days must include the sentencing date but exclude "conveyance time" (not defined in the act). Second, the court's calculation may not include the number of days, if any, that the offender served in DRC's custody arising out of any prior offense for which the prisoner was convicted and sentenced. Prior law had required the court to exclude time that the offender had served in DRC's custody for the same offense, not for any prior offense.[13]

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[11] R.C. 2301.27, not in the act, and 2929.15(A)(2) and (D).

[12] R.C. 2929.19(B)(2)(f)(i) and (v).

[13] R.C. 2929.19(B)(2)(f)(i) and 2967.191.

Use of credit in reducing prison term

Under continuing law, DRC must reduce the stated prison term, the minimum and maximum term, or the parole eligibility date, whichever applies, of a prisoner in its custody by the following:[14]

(1) The total number of days that the prisoner previously served in DRC's custody arising out of the offense for which the prisoner was convicted and sentenced; and

(2) The total number of days that the prisoner was otherwise confined for any reason arising out of that offense, including several expressly stated types of confinement.

The expressly stated types of confinement are confinement in a juvenile facility, confinement in lieu of bail while awaiting trial, confinement for examination to determine competence to stand trial or sanity, and confinement while awaiting transportation to prison, as determined by the sentencing court.[15]

The act specifies that, in determining the total days of local confinement for purposes of this reduction, DRC must rely upon the latest journal entry of the sentencing court in determining those total days of confinement, as described above.[16]

Requirements imposed at sentencing regarding drug abuse

The act eliminates a provision specifying that a court sentencing an offender to a prison term for a felony had to require that the offender not ingest or be injected with a drug of abuse, submit to random drug testing, and require that the tests be negative for drug abuse during the period of incarceration.[17] Under continuing law, unchanged by the act, DRC randomly drug tests all inmates in state correctional institutions, and jails contract with laboratories and other entities to drug test prisoners.[18]

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[14] R.C. 2967.191.

[15] R.C. 2967.191.

[16] R.C. 2929.19(B)(2)(f)(v).

[17] Repeal of R.C. 2929.19(B)(2)(f).

[18] R.C. 341.26, 753.33, and 5120.63, not in the act.

Intervention in lieu of conviction

The act modifies the criteria that a person must satisfy to be eligible for intervention in lieu of conviction (ILC), and changes the phrasing of a provision specifying what a court must do after a hearing held to determine whether to grant ILC.[19]

Introduction

Under the preexisting ILC mechanism, a person charged with a criminal offense may request ILC in either of two circumstances. The first circumstance is that the person's drug or alcohol usage was a factor leading to the criminal offense. The second circumstance is that, at the time of committing that offense, the person had a mental illness, was a person with an intellectual disability, or was a victim of a "trafficking in persons" offense and the mental illness, intellectual disability, or victimization was a factor leading to the person's criminal behavior.

The person must satisfy specified criteria (modified by the act -- see below) to be eligible for ILC. If the court makes certain findings at a hearing (modified by the act – see below), it may grant the person ILC. If the court grants ILC and the person successfully completes the intervention plan, the criminal proceeding is dismissed; if not, the court must impose a sanction.[20]

Eligibility criteria

There are ten eligibility criteria that a person must satisfy to be eligible for ILC, and the act modifies six of them. The act also changes references to *eligibility* with respect to ILC to *program eligibility*.[21]

Criteria modified by the act

The six eligibility criteria modified by the act, and the changes it makes in those criteria are as follows:[22]

(1) The act streamlines the first criterion to specify simply that, to be eligible for ILC, the offender previously must not have been convicted of any felony offense of

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[19] R.C. 2951.041.

[20] R.C. 2951.041.

[21] R.C. 2951.041(B).

[22] R.C. 2951.041(B)(1) to (5) and (B)(8).

violence. Under prior law, this criterion specified that, to be eligible for ILC, an offender had to satisfy all of the following conditions:

(a) The offender previously had not been convicted of a felony offense of violence;

(b) The offender previously had been convicted of any felony that was not an offense of violence and the prosecuting attorney recommended that the offender be found eligible for ILC participation;

(c) The offender previously had not been through ILC or any similar regimen, and was charged with a felony for which the court, upon conviction, would impose a community control sanction on the offender or with a misdemeanor.

(2) The act modifies a second criterion to eliminate offenses for which a mandatory term of local incarceration or mandatory term of imprisonment in a jail is required from disqualifying a person for ILC. Under continuing law, this criterion specifies that, for the offender to be eligible, the offense must not be a first, second, or third degree felony, an offense of violence, "aggravated vehicular homicide" or "aggravated vehicular assault," a state OVI or a violation of a substantially similar municipal ordinance, or an offense for which a mandatory prison term is required.

(3) The act modifies a third criterion to eliminate third degree felony controlled substance possession offenses under R.C. 2925.11 as disqualifying offenses. Under continuing law, the criterion specifies that, for the offender to be eligible, the person must not be charged with "corrupting another with drugs," "illegal manufacture of drugs," "illegal cultivation of marihuana," or "illegal administration or distribution of anabolic steroids," not be charged with a first, second, third, or fourth degree felony controlled substance trafficking offense, and not be charged with a first or second degree felony controlled substance possession offense under R.C. 2925.11.

(4) The act modifies a fourth criterion to eliminate a requirement that, for the offender to be eligible, the person must not previously have been treated for drug abuse, if the person is charged with "tampering with drugs" and the alleged violation did not result in physical harm to any person.

(5) Finally, the act modifies fifth and sixth criteria to refer to a determination of the person's *program eligibility* for ILC, instead of referring to the person's *eligibility* for

ILC (the act makes a similar language change in two other provisions containing general language regarding ILC[23]). The act does not otherwise change either criterion.

Criteria not changed by the act

The four eligibility criteria not modified by the act relate to whether ILC would demean the seriousness of the offense and the likelihood of ILC reducing future criminal activity; to the age, disability, and occupation of the victim; to the person's willingness to comply with all terms and conditions imposed by the court; and to whether the charge would result in sanctions under the Commercial Driver's License Law.[24]

Hearing determination

The act changes the phrasing of a provision that specifies what a court must do at the conclusion of a hearing held to determine whether to grant ILC. Under the act, at the conclusion of the hearing, the court must enter its determination as to whether the person will be granted ILC. Formerly, the provision stated that, at the conclusion of the hearing, the court was required to enter its determination as to whether the person was eligible for ILC and as to whether to grant the person's request.[25]

Eligibility for pretrial diversion

The act permits persons accused of certain minor drug offenses to participate in a pretrial diversion program operated by a prosecuting attorney, with the prosecuting attorney's consent. Formerly, persons accused of any drug offense in violation of R.C. Chapter 2925. or 3719. were ineligible for a pretrial diversion program operated by a prosecuting attorney. The act creates an exception for persons accused of any of the following when the prosecuting attorney permits their participation:[26]

(1) A drug possession offense under R.C. 2925.11 when the offense is a misdemeanor, fifth degree felony, or fourth degree felony;

(2) Possessing drug abuse instruments, permitting drug abuse, or illegal use or possession of drug paraphernalia when the offense is a misdemeanor.

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[23] R.C. 2951.041(A)(1).

[24] R.C. 2951.041(B)(6), (7), (9), and (10).

[25] R.C. 2951.041(C).

[26] R.C. 2935.36(A)(3).

Eligibility for conviction record sealing

The act expands the categories of offenders who are "eligible offenders"[27] under Ohio's Conviction Record Sealing Law.[28] That Law prescribes a mechanism for an "eligible offender" to apply for the sealing of the offender's record of conviction.

Eligible offender expansion

The act's new category of "eligible offenders" comprises anyone who has been convicted of one or more offenses, but not more than five felonies, in Ohio or any other jurisdiction, if the following apply:[29]

(1) All of the Ohio offenses are fourth or fifth degree felonies or misdemeanors and none are an offense of violence or a felony sex offense; and

(2) All of the offenses in another jurisdiction, if committed in Ohio, would be fourth or fifth degree felonies or misdemeanors and none would be an offense of violence or a felony sex offense.

When application may be made

If an offender in the act's new category of "eligible offenders" has been convicted of two felonies, the offender may apply to seal the record four years after final discharge. If the offender has been convicted of three to five felonies, the offender may apply five years after final discharge. Under continuing law, an offender convicted of one felony may apply for record sealing three years after final discharge and an offender convicted of a misdemeanor may apply for record sealing one year after final discharge.[30]

Related provisions

The category of offenders who are "eligible offenders" under preexisting law remains in effect for offenders who do not fall within the act's new category. For example, a person who has been convicted of an offense in Ohio or another jurisdiction is an eligible offender if the person has not more than one felony conviction, not more

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[27] R.C. 2953.31 and 2953.32(A).

[28] R.C. 2953.31 to 2953.36.

[29] R.C. 2953.31(A)(1)(a).

[30] R.C. 2953.32(A)(1).

than two misdemeanor convictions, or not more than one felony conviction and one misdemeanor conviction.

Regarding that preexisting category, the law specifies that when two or more convictions result from or are connected with the same act, or result from offenses committed at the same time, they are counted as one conviction. When two or three convictions result from the same charging document, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts committed within a three-month period but not from the same act or from offenses committed at the same time, they are counted as one conviction, provided that a court may decide that it is not in the public interest for the convictions to be counted as one. A conviction for a minor misdemeanor or for a specified state or municipal traffic law violation generally is not a conviction, except that a conviction for certain specified state or municipal traffic law violations, including state or municipal OVI, is considered a conviction.

The act specifies that these preexisting provisions do not apply with respect to a person who is an "eligible offender" under the act's expansion of that term as described above.[31]

Grant of final release, termination of post-release control

The act modifies the procedures for the APA to grant a final release to an offender or terminate an offender's post-release control.[32]

Grant of final release

Under the act, when a paroled prisoner, other than a prisoner in the shock incarceration program, has faithfully performed the conditions and obligations of the prisoner's parole and has obeyed the APA's rules and regulations, the APA may grant a final release. It thereupon must issue the prisoner a certificate of final release that serves as the minutes of the APA. However, it may not grant a final release earlier than one year after the prisoner is released on parole, or for a prisoner whose sentence is life imprisonment, earlier than five years after the prisoner is released on parole. The final release certificate serves as the official minutes of the APA, and it must consider those certificates as its official minutes.

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[31] R.C. 2953.31(A)(1)(b) and (2).

[32] R.C. 2967.16.

The law prior to the act was similar, except that a final release could be granted only on recommendation of the Superintendent of Parole Supervision, and the APA was expressly required to enter a final release upon its minutes.[33]

Termination of period of post-release control

Under the act, when a prisoner who has been released under a period of post-release control has faithfully performed the conditions and obligations of the prisoner's post-release control sanctions and has obeyed the APA's rules and regulations, or has the period of post-release control terminated by a court, the APA may terminate the period of post-release control and issue to the prisoner a certificate of termination, which serves as the minutes of the APA. However, the APA may not terminate post-release control for a prisoner whose period of post-release control is mandatory earlier than one year after the prisoner is released under post-release control, and may not terminate post-release control for a prisoner whose sentence is life imprisonment earlier than five years after the prisoner is released under post-release control. The APA must classify the termination as favorable or unfavorable depending on the offender's conduct and compliance with the conditions of supervision.

The law prior to the act was similar, except that it referred to a grant of a final release instead of termination of post-release control, a final release could be granted only on recommendation of the Superintendent of Parole Supervision, and the APA was expressly required to enter a final release upon its minutes.[34]

Restoration of rights and privileges

Under the act, a prisoner who has been granted a final release or termination of post-release control by the APA is restored to the rights and privileges forfeited by a conviction. Prior law was the same, except that it did not include the reference to termination of post-release control (since the comparable procedure under former law was designated a final release).[35]

Prison term as sanction for violation of post-release control sanction

The act eliminates one of the instances for which the Parole Board or common pleas court making joint decisions with the Board must consider a prison term as a

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[33] R.C. 2967.16(A), (D), and (E).

[34] R.C. 2967.16(B) and (E).

[35] R.C. 2967.16(C)(1)(b).

sanction for a violation of a post-release control sanction or condition imposed on a felony offender. Under the act, when the Parole Board or court holds a hearing and determines that a person on post-release control has violated a post-release control sanction or condition, the Board or court must consider a prison term as a sanction when the violation involves a deadly weapon or dangerous ordnance, physical harm or attempted serious physical harm to a person, or sexual misconduct.

Former law was similar, except that it included as an additional consideration that the person committed repeated violations of post-release control sanctions.[36]

Penalty for employer's failure to remit withheld state income taxes

The act modifies the penalty for an employer's failure to remit state income taxes withheld from an employee, such that: (1) except as described in clause (2), the penalty is a fine of not less than $100 nor more than $1,000, or imprisonment for up to 60 days, or both, or (2) if the offender previously has been convicted of a violation of that type, a fifth degree felony. Previously, the penalty for failing to remit income taxes withheld from an employee always was a fifth degree felony.[37]

Risk assessment

The act allows halfway houses and the Department of Mental Health and Addiction Services to use a validated risk assessment tool selected by DRC for adult offenders, in addition to the entities authorized under continuing law to use the tool. Continuing law authorizes trial courts, departments of probation, correctional institutions, the APA, and the Parole Board to use the tool.

The act also permits authorized users to disclose risk assessment reports generated under the tool to qualified persons and research organizations for research, evaluative, and statistical purposes. Use of the reports is subject to the terms of written agreements between the authorized user and the recipients of the reports. In any case, disclosure of reports generated by the tool must be done in a manner that ensures the security and confidentiality of information in the reports.[38]

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[36] R.C. 2967.28(F)(3).

[37] R.C. 5747.99, by reference to R.C. 5747.06 and 5747.07, not in the act.

[38] R.C. 5120.114(A) and 5120.115(A).

State Highway Patrol authority in Northeast Ohio Correctional Center

Continuing law authorizes the State Highway Patrol's Superintendent and troopers to enforce the criminal laws on all state properties and state institutions owned or leased by the state. Further, when so ordered by the Governor in the event of riot, civil disorder, or insurrection, they may arrest offenders against the criminal laws wherever they may be found within the state if the violations occurred on, or resulted in injury to person or property on, state properties or state institutions, or under specified conditions with respect to a riot, civil disorder, or insurrection.

The act extends this authority to the Northeast Ohio Correctional Center (NOCC), to the same extent as if that prison were owned by the state. Preexisting law, unchanged by the act, similarly extends this authority to the Lake Erie Correctional Institution.[39] The NOCC is a privately operated prison located in Youngstown.[40]

Land conveyances – DRC water plants

The act authorizes the conveyance of state-owned real estate in Madison and Scioto counties under DRC's jurisdiction to the Madison County Board of County Commissioners and Scioto County Board of County Commissioners, respectively, through a negotiated real estate purchase agreement for $1 each. The authority expires October 29, 2021.

The property in Madison County contains water treatment plants and water towers that service the London Correctional Institution, London Correctional Training and Education Center, Madison Correctional Institution, and Bureau of Criminal Investigation facilities. The deed must contain a restriction that the plants and towers will continue to service those facilities and the Ohio Peace Officer Training Academy, so long as DRC or the Attorney General considers it necessary. It appears that the state is to be charged reasonable, negotiated user rates.

The property in Scioto County contains a water treatment plant that services the Southern Ohio Correctional Facility. The deed must contain a restriction that the plant will continue to service the facility, so long as DRC considers it necessary. It appears that the state is to be charged reasonable, negotiated user rates.

Each purchase agreement must include specified provisions. The Scioto County agreement must provide for the Scioto County Commissioners to improve the county's

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[39] R.C. 5503.02(A).

[40] http://www.drc.ohio.gov/institutions.

sewer infrastructure, particularly its sanitary sewer lines to eliminate storm water inflow and infiltration. The state must grant each county a perpetual easement for specified purposes. The Madison County easement must provide its Commissioners access for inspection, repair, maintenance, replacement or other improvement to any sanitary sewer and water lines and water wells located on the adjacent state-owned land. The Scioto County easement likewise must provide its Commissioners access, inspection, refurbishment, repair, maintenance, replacement, or other improvement to any sanitary sewer lines located on the adjacent state-owned land. If alternate access to the Scioto County wastewater treatment plant is needed, an easement that may be perpetual must be granted to the commissioners on the adjacent state-owned land.

If the Madison County Commissioners or Scioto County Commissioners later attempt to sell the real estate or the plants, the state has the first right of refusal and may repurchase the real estate, the plants, or both, for a price determined in a specified manner.

For each conveyance, the real estate must be sold as an entire tract and not in parcels. The counties must pay all costs associated with the purchase, closing and conveyance, including surveys, title evidence, title insurance, transfer costs and fees, recording costs and fees, taxes, and any other fees, assessments, and costs that may be imposed. The Scioto County Commissioners also must pay for a survey of the affected area and provide a legal description of the property in conformity with the access roads and sanitary sewer lines that exist on the act's effective date.[41]

HISTORY

ACTION	DATE
Introduced	02-21-17
Reported, S. Judiciary	02-28-18
Passed Senate (32-0)	02-28-18
Reported, H. Criminal Justice	05-23-18
Passed House (90-2)	06-27-18
Senate concurred in House amendments (30-0)	06-27-18

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[41] Sections 4 (Madison County) and 5 (Scioto County).