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Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Pavliga

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SUMMARY

Felony community control violations

- Requires a sheriff or deputy sheriff with jurisdiction over an offender to report violations of felony community control sanctions.
- Requires the sheriff or deputy sheriff to report violations to the sentencing court, the county or multicounty department of probation, the Adult Parole Authority, or an entity authorized to provide private probation and supervisory services to the county.
- If the sheriff or deputy sheriff reports a violation to the department of probation, the Adult Parole Authority, or any other entity authorized to provide private probation and supervisory services to the county, allows department's, Authority's, or other entity's officers to treat the offender as if the offender were on probation and in violation of probation and requires the officers to report the violation to the sentencing court.

Misdemeanor community control violations

- Requires the sheriff or deputy sheriff with jurisdiction over an offender to report violations of misdemeanor community control sanctions.
- Requires the sheriff or deputy sheriff to report violations to the sentencing court or the department of probation.
- If the sheriff or deputy sheriff reports a violation to the department of probation, requires the department to report the violation to the sentencing court.

DETAILED ANALYSIS

Sheriff required to report community control violations

Felony

The bill requires a sheriff or deputy sheriff with jurisdiction over an offender to report violations of felony community control sanctions. If the court imposes on an offender any felony community control sanction or combination of felony community control sanctions, and if the offender violates any condition of the sanctions, the bill requires the sheriff or deputy sheriff with jurisdiction over the offender to report the violation or departure. Under continuing law, the public or private person or entity that operates or administers the sanction or the program or activity the comprises the sanction must report the violation or departure.¹

Under continuing law, an offender violates felony community control sanctions by violating any condition of the sanction, by violating any condition of release under a community control sanction imposed by the court, by violating any law, or by departing the state without the permission of the court or the offender's probation officer.²

The bill requires the sheriff or deputy sheriff with jurisdiction over the offender to report the violation or departure directly to the following: (1) the sentencing court, (2) the county or multicounty department of probation with general control or supervision over the offender or the officer of that department who supervises that offender,³ (3) if there is no such department with general control or supervision over the offender as described in (2), the adult parole authority, unless the court has entered into an agreement with the authority,⁴ or (4) an entity authorized to provide private probation and supervisory services to the county.⁵ Under continuing law, the public or private entity that operates or administers the sanction or the program or activity that comprises the sanction must report the violation or departure to the above entities.

If the sheriff or deputy sheriff with jurisdiction over the offender reports the violation or departure to the county or multicounty department of probation, the Adult Parole Authority, or any other entity providing probation and supervisory services to the county, the department's, Authority's, or other entity's officers may treat the offender as if the offender were on probation and in violation of the probation and must report the violation or departure to the sentencing court. Under continuing law, if the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction reports the violation or departure to the county or multicounty department of probation, the Adult Parole Authority, or any other entity providing probation and supervisory services to the county, the department's,

¹ R.C. 2929.15(A)(2)(b); R.C. 2929.16, 2929.17, and 2929.18, not in the bill.

² R.C. 2929.15(A)(2)(b).

³ R.C. 2929.15(A)(2)(a) and (b).

⁴ R.C. 2929.15(A)(2)(a) and (b); R.C. 2301.32(B) and (C), not in the bill.

⁵ R.C. 2929.15(A)(2)(a); R.C. 2301.27(B), not in the bill.

Authority's, or other entity's officers may treat the offender as if the offender were on probation and in violation of probation and must report the violation or departure without the required permission from the sentencing court.⁶

Misdemeanor

The bill requires a sheriff or deputy sheriff with jurisdiction over an offender to report violations of misdemeanor community control sanctions. If the court imposes on an offender any misdemeanor community control sanction or combination of misdemeanor community control sanctions, and if the offender violates any condition of the sanctions, the bill requires the sheriff or deputy sheriff with jurisdiction over the offender to report the violation. Under continuing law, the public or private person or entity that supervises or administers the program or activity that comprises the sanction must report the violation.⁷

Under continuing law, an offender violates misdemeanor community control sanctions by violating any condition of the sanction, by violating the law, or by leaving the state without the permission of the court or the offender's probation officer.⁸

The bill requires the sheriff or deputy sheriff with jurisdiction over the offender to report the violation directly to the sentencing court or to the department of probation or the probation officer with general control and supervision over the offender. Under continuing law, the public or private person or entity that supervises or administers the program or activity that comprises the sanction must report the violation to the above entities.⁹

If the sheriff or deputy sheriff with jurisdiction over the offender reports the violation to the department of probation or the probation officer, the department or officer must report the violation to the sentencing court. Under continuing law, if the public or private person or entity that supervises or administers the program or activity that comprises the sanction reports the violation to the department of probation or probation officer, the department or officer must report the violation to the sentencing court.¹⁰

HISTORY

Action	Date
Introduced	05-20-24

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⁶ R.C. 2929.15(A)(2)(b).

⁷ R.C. 2929.25(D)(1); R.C. 2929.26, 2929.27, and 2929.28, not in the bill.

⁸ R.C. 2929.25(C)(2) and (D)(1).

⁹ R.C. 2929.25(D)(1).

¹⁰ R.C. 2929.25(D)(1).