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Substitute Bill Comparative Synopsis

Sub. H.B. 196

135th General Assembly

House Criminal Justice

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

H.B. 196 (As Introduced)	Sub. H.B. 196 (I_135_1722-1)
Duration of community control sanctions	
Requires the duration of community control sanctions imposed on an offender to not exceed five years for any first or second degree felony, three years for any third degree felony, or two years for any fourth or fifth degree felony (<i>R.C. 2929.15(A)(1), 2929.20(K), 2951.02(B)(5), and 2951.07</i>).	Subject to certain exceptions, requires the duration of community control sanctions imposed on an offender to not exceed five years for any first or second degree felony, or three years for any third, fourth, or fifth degree felony (<i>R.C. 2929.15(A)(1), 2929.20(K), 2951.02(B)(5), and 2951.07</i>).

H.B. 196 (As Introduced)	Sub. H.B. 196 (I_135_1722-1)
Violation of the conditions of a community control sanction – felony	
<p>Specifies that if the conditions of a community control sanction imposed for a felony are violated or if the offender violates a law or leaves the state without the permission of the court or the offender’s probation officer, the sentencing court may impose on the violator one or more of the following penalties (<i>R.C. 2929.15(B)(1)</i>):</p> <ol style="list-style-type: none"> 1. As under existing law but subject to the provisions in R.C. 2929.15(B)(1)(d) described below, a longer time under the same sanction if the total time under the sanctions does not exceed the applicable limit for the offense specified above (<i>R.C. 2929.15(B)(1)(a)</i>); 	<p>Specifies that if the conditions of a community control sanction imposed for a felony are violated, if the offender violates a law or leaves the state without the permission of the court or the offender’s probation officer, or if the offender consistently demonstrates a willful refusal to pay restitution, the sentencing court may impose on the violator one or more of the following penalties (<i>R.C. 2929.15(B)(1)</i>):</p> <ol style="list-style-type: none"> 1. Same provision, but subject to the provisions in R.C. 2929.15(B)(1)(g) described below (<i>R.C. 2929.15(B)(1)(a)</i>);
<ol style="list-style-type: none"> 2. As under existing law but subject to the provisions in R.C. 2929.15(B)(1)(d) described below, a more restrictive sanction, including but not limited to, a new term in a community-based correctional facility, halfway house, or jail (<i>R.C. 2929.15(B)(1)(b)</i>); 	<ol style="list-style-type: none"> 2. Same provision, but subject to the provisions in R.C. 2929.15(B)(1)(g) described below (<i>R.C. 2929.15(B)(1)(b)</i>);
<ol style="list-style-type: none"> 3. No provision. 	<ol style="list-style-type: none"> 3. Subject to the provisions in R.C. 2929.15(B)(1)(g) described below, a term of not more than one year under the same sanction if the total time under the sanction does not exceed five years, and if the court finds all of the following (<i>R.C. 2929.15(B)(1)(c)(i)</i>): <ul style="list-style-type: none"> ▪ The offender is serving the community control sanction for any felony of the third, fourth, or fifth degree (<i>R.C. 2929.15(B)(1)(c)(i)(I)</i>).

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	<ul style="list-style-type: none"> ▪ The offender, while serving the projected last six months of the offender’s community control sanction, violates the conditions of that sanction, other than a technical violation (<i>R.C. 2929.15(B)(1)(c)(i)(II)</i>). ▪ The imposition of the term is necessary so that the offender may participate in a specialized docket program, counseling, or programming in a community-based correctional facility or halfway house (<i>R.C. 2929.15(B)(1)(c)(i)(III)</i>). ▪ The duration of the specialized docket program, counseling, or program described above exceeds the remaining period of community control at the time of the violation, and the duration of the specialized docket program, counseling, or programming cannot be reduced so that it can be completed within the remaining period of community control (<i>R.C. 2929.15(B)(1)(c)(i)(IV)</i>). ▪ The imposition of the term will reduce the risk of the offender reoffending (<i>R.C. 2929.15(B)(1)(c)(i)(V)</i>). <p>Provides that a court is not limited in the number of times it may sentence an offender to a term described above, if the total time under the sanction does not exceed five years and if the court makes the findings required above (<i>R.C. 2929.15(B)(1)(c)(ii)</i>).</p>
4. No provision.	4. Subject to the provisions in R.C. 2929.15(B)(1)(g) described below, a term of not more than one year under the same sanction if the total time under the sanction does not exceed five years and the court conducts a hearing and finds all of the following (<i>R.C. 2929.15(B)(1)(d)(i)</i>):

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	<ul style="list-style-type: none"> ▪ The offender is serving the community control sanction for any felony of the third, fourth, or fifth degree <i>(R.C. 2929.15(B)(1)(d)(i)(I))</i>. ▪ The offender is required to comply with mental or behavioral health treatment imposed as a condition of the community control sanction <i>(R.C. 2929.15(B)(1)(d)(i)(II))</i>. ▪ The offender, in the six months prior to the hearing, has consistently demonstrated a willful refusal to comply with mental or behavioral health treatment imposed as a condition of the community control sanction <i>(R.C. 2929.15(B)(1)(d)(i)(III))</i>. ▪ The court cannot appropriately respond to the offender's willful refusal to comply with mental or behavioral health treatment imposed as a condition of the community control sanction in the remaining period of the community control sanction <i>(R.C. 2929.15(B)(1)(d)(i)(IV))</i>. <p>Provides that a court is not limited in the number of times it may sentence an offender to a term described above, if the total time under the sanction does not exceed five years and if the court makes the findings required above <i>(R.C. 2929.15(B)(1)(d)(ii))</i>.</p> <p>If a court imposes a term described above, specifies that the offender is not subject to any conditions of supervision under the community control sanction, except for complying with mental or behavioral health treatment during the extended term <i>(R.C. 2929.15(B)(1)(d)(iii))</i>.</p>

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<p>5. No provision.</p>	<p>5. Subject to the provisions in R.C. 2929.15(B)(1)(g) described below, a longer time under the same sanction if the total time under the sanction does not exceed the time required for the offender to complete the restitution payments or five years, whichever is less, if the court conducts a hearing and finds all of the following <i>(R.C. 2929.15(B)(1)(e)(i))</i>:</p> <ul style="list-style-type: none"> ▪ The offender is serving the community control sanction for any felony of the third, fourth, or fifth degree <i>(R.C. 2929.15(B)(1)(e)(i)(I))</i>. ▪ The offender is required to pay restitution <i>(R.C. 2929.15(B)(1)(e)(i)(II))</i>. ▪ The offender has consistently demonstrated a willful refusal to pay restitution imposed as a condition of the community control sanction <i>(R.C. 2929.15(B)(1)(e)(i)(III))</i>. ▪ The offender has the ability to pay restitution without suffering an undue financial burden <i>(R.C. 2929.15(B)(1)(e)(i)(IV))</i>. ▪ The civil remedies and procedures established under the Restitution Law are insufficient to allow the victim to recover restitution after the period of the community control sanction has terminated <i>(R.C. 2929.15(B)(1)(e)(i)(V))</i>. <p>Provides that a court is not limited in the number of times it may sentence an offender to a term described above, if the total time under the sanction does not exceed five years and if the court makes the findings required above <i>(R.C. 2929.15(B)(1)(e)(ii))</i>.</p>

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	If a court imposes a term described above, specifies that the offender is not subject to any conditions of supervision under the community control sanction, except for payment of restitution during the extended term (<i>R.C. 2929.15(B)(1)(e)(iii)</i>).
6. As under existing law but subject to the provisions in R.C. 2929.15(B)(1)(d) described below, a prison term pursuant to Ohio's felony sentencing laws, subject to specified limitations and rules (<i>R.C. 2929.15(B)(1)(c)</i>);	6. Same provision, but subject to the provisions in R.C. 2929.15(B)(1)(g) described below (<i>R.C. 2929.15(B)(1)(f)</i>);
<p>7. Provides that if the conditions of the community control sanction imposed for a felony are violated by a technical violation, one or more of the following applies (<i>R.C. 2929.15(B)(1)(d)</i>):</p> <ul style="list-style-type: none"> ▪ A more restrictive sanction (<i>R.C. 2929.15(B)(1)(d)(i)</i>); ▪ A temporary incarceration sanction consisting of whichever of the following is applicable (<i>R.C. 2929.15(B)(1)(d)(ii)</i>): <ul style="list-style-type: none"> ▫ For a first technical violation during the period of community control that includes the violated sanction, a sanction of jail incarceration of not more than 15 days (<i>R.C. 2929.15(B)(1)(d)(ii)(I)</i>); ▫ For a second technical violation during the period of community control that includes the violated sanction, a sanction of jail incarceration of not more than 30 days (<i>R.C. 2929.15(B)(1)(d)(ii)(II)</i>); 	<p>7. Provides that if the conditions of the community control sanction imposed for a felony are violated by a technical violation, one or more of the following applies (<i>R.C. 2929.15(B)(1)(g)(i)</i>):</p> <ul style="list-style-type: none"> ▪ Same provision (<i>R.C. 2929.15(B)(1)(g)(i)(I)</i>); ▪ A temporary incarceration sanction consisting of whichever of the following is applicable (<i>R.C. 2929.15(B)(1)(g)(i)(II)</i>): <ul style="list-style-type: none"> ▫ For a first technical violation during the period of community control that includes the violated sanction, a sanction of jail incarceration of not more than 15 days or a term in a community-based correctional facility, halfway house, or alternative residential facility of not more than 30 days; ▫ For a second technical violation during the period of community control that includes the violated sanction, a sanction of jail incarceration of not more than 30 days or a term in a community-based correctional facility, halfway house, or alternative residential facility of not more than 45 days;

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<ul style="list-style-type: none"> ▫ For a third technical violation during the period of community control that includes the violated sanction, a sanction of jail incarceration of not more than 45 days <i>(R.C. 2929.15(B)(1)(d)(ii)(III))</i>; ▫ For a fourth or subsequent technical violation during the period of community control that includes the violated sanction, any sanction of temporary incarceration described above <i>(R.C. 2929.15(B)(1)(d)(ii)(IV))</i>. 	<ul style="list-style-type: none"> ▫ For a third technical violation during the period of community control that includes the violated sanction, a sanction of jail incarceration of not more than 45 days or a term in a community-based correctional facility, halfway house, or alternative residential facility of not more than 60 days; ▫ Same provision.
No provision.	<p>If a court imposes a sanction of jail incarceration described above, the sanction may be served in intermittent confinement, overnight, on weekends, or at any other time or times that will allow the offender to continue at the offender’s occupation or care for the offender’s family <i>(R.C. 2929.15(B)(1)(g)(ii))</i>.</p>
No provision.	<p>If the court imposes a sanction of jail incarceration described above, the court may suspend the sanction if the offender knowingly and voluntarily agrees to comply with inpatient or outpatient mental or behavioral health treatment, including substance abuse treatment, for a period of 30 to 180 days, as determined by the court. If the offender successfully completes the inpatient or outpatient mental or behavioral health treatment, the sanction will be terminated; if the offender does not successfully complete the mental or behavioral health treatment, the sanction must be reimposed. <i>(R.C. 2929.15(B)(1)(g)(iii).)</i></p>

H.B. 196 (As Introduced)	Sub. H.B. 196 (I_135_1722-1)
Violation of the conditions of a community control sanction – misdemeanor	
<p>Maintains existing law, which states that if an offender violates any condition of a community control sanction imposed for a misdemeanor, the sentencing court may impose upon the offender any of the following: (a) a longer time under the same community control sanction if the total time under all of the offender’s community control sanctions does not exceed the two-year limit, (b) a more restrictive community control sanction, or (c) a definite jail term (R.C. 2929.25(A)(3)):</p>	<p>Maintains the existing law provisions regarding violations of any condition of a community control sanction imposed for a misdemeanor, but expands the options for a court to additionally include the following penalties (R.C. 2929.25(A)(3)):</p>
<p>1. No provision.</p>	<p>1. A term of not more than one year under the same sanction if the total time under the sanction does not exceed two years and the court conducts a hearing and finds all of the following (R.C. 2929.25(A)(3)(d)(i) and (D)(2)(d)):</p> <ul style="list-style-type: none"> ▪ The offender is serving the community control sanction for any misdemeanor (R.C. 2929.25(A)(3)(d)(i)(I)). ▪ The offender is required to comply with mental or behavioral health treatment imposed as a condition of the community control sanction (R.C. 2929.25(A)(3)(d)(i)(II)). ▪ The offender, in the six months prior to the hearing, has consistently demonstrated a willful refusal to comply with mental or behavioral health treatment imposed as a condition of the community control sanction (R.C. 2929.25(A)(3)(d)(i)(III)). ▪ The court cannot appropriately respond to the offender’s willful refusal to comply with mental or behavioral health treatment imposed as a condition of the community control

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	<p>sanction in the remaining period of the community control sanction <i>(R.C. 2929.25(A)(3)(d)(i)(IV))</i>.</p> <p>Provides that a court is not limited in the number of times it may sentence an offender to a term described above, if the total time under the sanction does not exceed two years and if the court makes the findings required above <i>(R.C. 2929.25(A)(3)(d)(ii))</i>.</p> <p>If a court imposes a term described above, specifies that the offender is not subject to any conditions of supervision under the community control sanction except for complying with mental or behavioral health treatment during the extended term <i>(R.C. 2929.25(A)(3)(d)(iii))</i>.</p>
2. No provision.	<p>2. A longer time under the same sanction if the total time under the sanction does not exceed the time required for the offender to complete the restitution payments or two years, whichever is less, if the court conducts a hearing and finds all of the following <i>(R.C. 2929.25(A)(3)(e)(i) and (D)(2)(e))</i>:</p> <ul style="list-style-type: none"> ▪ The offender is serving the community control sanction for any misdemeanor <i>(R.C. 2929.25(A)(3)(e)(i)(I))</i>. ▪ The offender is required to pay restitution <i>(R.C. 2929.25(A)(3)(e)(i)(II))</i>. ▪ The offender has consistently demonstrated a willful refusal to pay restitution imposed as a condition of the community control sanction <i>(R.C. 2929.25(A)(3)(e)(i)(III))</i>.

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<p>Requires that the prison term imposed on the violator, if any, be within a specified range of prison terms. The court may reduce the longer period of time that the offender is required to spend under the longer sanction, the more restrictive sanction, temporary sanction, or a prison term imposed by the time the offender successfully spent under the sanction that was initially imposed. (R.C. 2929.15(B)(3).)</p>	<ul style="list-style-type: none"> ▪ The offender has the ability to pay restitution without suffering an undue financial burden (R.C. 2929.25(A)(3)(e)(i)(IV)). ▪ The civil remedies and procedures established under the Restitution Law to collect restitution are insufficient to allow the victim to recover restitution after the period of the community control sanction has terminated (R.C. 2929.25(A)(3)(e)(i)(V)). <p>Provides that a court is not limited in the number of times it may sentence an offender to a term described above, if the total time under the sanction does not exceed two years and if the court makes the findings required above (R.C. 2929.25(A)(3)(e)(ii)).</p> <p>If a court imposes a term described above, specifies that the offender is not subject to any conditions of supervision under the community control sanction except for payment of restitution during the extended term (R.C. 2929.25(A)(3)(e)(iii)).</p> <p>Adds that the court may reduce the longer period of time that the offender is required to spend under the term of not more than one year by the time the offender successfully spent under the sanction that was initially imposed (R.C. 2929.15(B)(3)).</p>

H.B. 196 (As Introduced)	Sub. H.B. 196 (I_135_1722-1)
Early termination of community control – felony	
<p>No provision.</p> <ul style="list-style-type: none"> ▪ No provision. ▪ No provision. ▪ No provision. 	<p>Requires the court, within 60 days after an offender completes two years of the conditions of a community control sanction or an offender earns a qualifying diploma, degree, or license, to determine whether the following apply (<i>R.C. 2929.15(D)(1)</i>):</p> <ul style="list-style-type: none"> ▪ The offender is serving the community control sanction for any felony of the third, fourth, or fifth degree felony (<i>R.C. 2929.15(D)(1)(a)</i>). ▪ The offender has not violated the conditions of the community control sanction in the six months prior to the court’s determination (<i>R.C. 2929.15(D)(1)(b)</i>). ▪ The offender has completed all programs required as a condition of the community control sanction or, if applicable, the offender has successfully earned a qualifying diploma, degree, or license (<i>R.C. 2929.15(D)(1)(c)</i>).
<p>No provision.</p>	<p>Requires the court, if the court determines that all of the conditions listed above apply, to terminate the community control sanction, unless the court determines by clear and convincing evidence that termination will present a risk of serious physical harm to persons (<i>R.C. 2929.15(D)(2)</i>).</p>
<p>No provision.</p>	<p>Does not require the court to conduct a hearing if the court terminates the community control sanction. If the court does not terminate the community control sanction, the court must conduct a hearing and notify the offender and the prosecutor of the hearing. The prosecutor must provide timely notice of the hearing to the victim and the victim’s representative. The court must hold the hearing not less than 30 days</p>

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No provision.	from the date the court makes the determination described above. <i>(R.C. 2929.15(D)(2).)</i> Defines “qualifying diploma, degree, or license” as a high school diploma, certificate of high school equivalence, license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license, associate’s degree, bachelor’s degree, or master’s degree <i>(R.C. 2929.15(F)(1)).</i>