

As Introduced

131st General Assembly

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H. B. No. 82

Representative Hambley

**Cosponsors: Representatives Amstutz, Becker, Ginter, Johnson, T., Koehler,
Maag, Thompson**

A BILL

To amend sections 9.06, 307.93, 341.35, and 753.03 1
of the Revised Code to permit a county, a group 2
of counties, or a group of counties and 3
municipalities to contract for the private 4
operation and management of a correctional 5
facility that houses felon inmates. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 9.06, 307.93, 341.35, and 753.03 7
of the Revised Code be amended to read as follows: 8

Sec. 9.06. (A) (1) The department of rehabilitation and 9
correction may contract for the private operation and management 10
pursuant to this section of the initial intensive program prison 11
established pursuant to section 5120.033 of the Revised Code, if 12
one or more intensive program prisons are established under that 13
section, and may contract for the private operation and 14
management of any other facility under this section. Counties 15
and municipal corporations to the extent authorized in sections 16
307.93, 341.35, 753.03, and 753.15 of the Revised Code may 17
contract for the private operation and management of a facility 18

under this section. A contract entered into under this section 19
shall be for an initial term specified in the contract with an 20
option to renew for additional periods of two years. 21

(2) The department of rehabilitation and correction, by 22
rule, shall adopt minimum criteria and specifications that a 23
person or entity, other than a person or entity that satisfies 24
the criteria set forth in division (A) (3) (a) of this section and 25
subject to division (I) of this section, must satisfy in order 26
to apply to operate and manage as a contractor pursuant to this 27
section the initial intensive program prison established 28
pursuant to section 5120.033 of the Revised Code, if one or more 29
intensive program prisons are established under that section. 30

(3) Subject to division (I) of this section, any person or 31
entity that applies to operate and manage a facility as a 32
contractor pursuant to this section shall satisfy one or more of 33
the following criteria: 34

(a) The person or entity, at the time of the application, 35
operates and manages one or more facilities accredited by the 36
American correctional association. 37

(b) The person or entity satisfies all of the minimum 38
criteria and specifications adopted by the department of 39
rehabilitation and correction pursuant to division (A) (2) of 40
this section, provided that this alternative shall be available 41
only in relation to the initial intensive program prison 42
established pursuant to section 5120.033 of the Revised Code, if 43
one or more intensive program prisons are established under that 44
section. 45

(4) Subject to division (I) of this section, before a 46
public entity may enter into a contract under this section, the 47

contractor shall convincingly demonstrate to the public entity 48
that it can operate the facility with the inmate capacity 49
required by the public entity and provide the services required 50
in this section and realize at least a five per cent savings 51
over the projected cost to the public entity of providing these 52
same services to operate the facility that is the subject of the 53
contract. No out-of-state prisoners may be housed in any 54
facility that is the subject of a contract entered into under 55
this section. 56

(B) Subject to division (I) of this section, any contract 57
entered into under this section shall include all of the 58
following: 59

(1) A requirement that, if the contractor applied pursuant 60
to division (A) (3) (b) of this section, the contractor continue 61
complying with the applicable criteria and specifications 62
adopted by the department of rehabilitation and correction 63
pursuant to division (A) (2) of this section; 64

(2) A requirement that all of the following conditions be 65
met: 66

(a) The contractor begins the process of accrediting the 67
facility with the American correctional association no later 68
than sixty days after the facility receives its first inmate. 69

(b) The contractor receives accreditation of the facility 70
within twelve months after the date the contractor applies to 71
the American correctional association for accreditation. 72

(c) Once the accreditation is received, the contractor 73
maintains it for the duration of the contract term. 74

(d) If the contractor does not comply with divisions (B) 75
(2) (a) to (c) of this section, the contractor is in violation of 76

the contract, and the public entity may revoke the contract at 77
its discretion. 78

(3) A requirement that the contractor comply with all 79
rules promulgated by the department of rehabilitation and 80
correction that apply to the operation and management of 81
correctional facilities, including the minimum standards for 82
jails in Ohio and policies regarding the use of force and the 83
use of deadly force, although the public entity may require more 84
stringent standards, and comply with any applicable laws, rules, 85
or regulations of the federal, state, and local governments, 86
including, but not limited to, sanitation, food service, safety, 87
and health regulations. The contractor shall be required to send 88
copies of reports of inspections completed by the appropriate 89
authorities regarding compliance with rules and regulations to 90
the director of rehabilitation and correction or the director's 91
designee and, if contracting with a local public entity, to the 92
governing authority of that entity. 93

(4) A requirement that the contractor report for 94
investigation all crimes in connection with the facility to the 95
public entity, to all local law enforcement agencies with 96
jurisdiction over the place at which the facility is located, 97
and, for a crime committed at a state correctional institution, 98
to the state highway patrol; 99

(5) A requirement that the contractor immediately report 100
all escapes from the facility, and the apprehension of all 101
escapees, by telephone and in writing to all local law 102
enforcement agencies with jurisdiction over the place at which 103
the facility is located, to the prosecuting attorney of the 104
county in which the facility is located, to the state highway 105
patrol, to a daily newspaper having general circulation in the 106

county in which the facility is located, and, if the facility is 107
a state correctional institution, to the department of 108
rehabilitation and correction. The written notice may be by 109
either facsimile transmission or mail. A failure to comply with 110
this requirement regarding an escape is a violation of section 111
2921.22 of the Revised Code. 112

(6) A requirement that, if the facility is a state 113
correctional institution, the contractor provide a written 114
report within specified time limits to the director of 115
rehabilitation and correction or the director's designee of all 116
unusual incidents at the facility as defined in rules 117
promulgated by the department of rehabilitation and correction 118
or, if the facility is a local correctional institution, that 119
the contractor provide a written report of all unusual incidents 120
at the facility to the governing authority of the local public 121
entity; 122

(7) A requirement that the contractor maintain proper 123
control of inmates' personal funds pursuant to rules promulgated 124
by the department of rehabilitation and correction for state 125
correctional institutions or pursuant to the minimum standards 126
for jails along with any additional standards established by the 127
local public entity for local correctional institutions and that 128
records pertaining to these funds be made available to 129
representatives of the public entity for review or audit; 130

(8) A requirement that the contractor prepare and 131
distribute to the director of rehabilitation and correction or, 132
if contracting with a local public entity, to the governing 133
authority of the local entity annual budget income and 134
expenditure statements and funding source financial reports; 135

(9) A requirement that the public entity appoint and 136

supervise a full-time contract monitor, that the contractor 137
provide suitable office space for the contract monitor at the 138
facility, and that the contractor allow the contract monitor 139
unrestricted access to all parts of the facility and all records 140
of the facility except the contractor's financial records; 141

(10) A requirement that if the facility is a state 142
correctional institution designated department of rehabilitation 143
and correction staff members be allowed access to the facility 144
in accordance with rules promulgated by the department; 145

(11) A requirement that the contractor provide internal 146
and perimeter security as agreed upon in the contract; 147

(12) If the facility is a state correctional institution, 148
a requirement that the contractor impose discipline on inmates 149
housed in the facility only in accordance with rules promulgated 150
by the department of rehabilitation and correction; 151

(13) A requirement that the facility be staffed at all 152
times with a staffing pattern approved by the public entity and 153
adequate both to ensure supervision of inmates and maintenance 154
of security within the facility and to provide for programs, 155
transportation, security, and other operational needs. In 156
determining security needs, the contractor shall be required to 157
consider, among other things, the proximity of the facility to 158
neighborhoods and schools. 159

(14) If the contract is with a local public entity, a 160
requirement that the contractor provide services and programs, 161
consistent with the minimum standards for jails promulgated by 162
the department of rehabilitation and correction under section 163
5120.10 of the Revised Code; 164

(15) A clear statement that no immunity from liability 165

granted to the state, and no immunity from liability granted to 166
political subdivisions under Chapter 2744. of the Revised Code, 167
shall extend to the contractor or any of the contractor's 168
employees; 169

(16) A statement that all documents and records relevant 170
to the facility shall be maintained in the same manner required 171
for, and subject to the same laws, rules, and regulations as 172
apply to, the records of the public entity; 173

(17) Authorization for the public entity to impose a fine 174
on the contractor from a schedule of fines included in the 175
contract for the contractor's failure to perform its contractual 176
duties or to cancel the contract, as the public entity considers 177
appropriate. If a fine is imposed, the public entity may reduce 178
the payment owed to the contractor pursuant to any invoice in 179
the amount of the imposed fine. 180

(18) A statement that all services provided or goods 181
produced at the facility shall be subject to the same 182
regulations, and the same distribution limitations, as apply to 183
goods and services produced at other correctional institutions; 184

(19) If the facility is a state correctional institution, 185
authorization for the department to establish one or more prison 186
industries at the facility; 187

(20) A requirement that, if the facility is an intensive 188
program prison established pursuant to section 5120.033 of the 189
Revised Code, the facility shall comply with all criteria for 190
intensive program prisons of that type that are set forth in 191
that section; 192

(21) If the facility is a state correctional institution, 193
a requirement that the contractor provide clothing for all 194

inmates housed in the facility that is conspicuous in its color, 195
style, or color and style, that conspicuously identifies its 196
wearer as an inmate, and that is readily distinguishable from 197
clothing of a nature that normally is worn outside the facility 198
by non-inmates, that the contractor require all inmates housed 199
in the facility to wear the clothing so provided, and that the 200
contractor not permit any inmate, while inside or on the 201
premises of the facility or while being transported to or from 202
the facility, to wear any clothing of a nature that does not 203
conspicuously identify its wearer as an inmate and that normally 204
is worn outside the facility by non-inmates. 205

(C) No contract entered into under this section may 206
require, authorize, or imply a delegation of the authority or 207
responsibility of the public entity to a contractor for any of 208
the following: 209

(1) Developing or implementing procedures for calculating 210
inmate release and parole eligibility dates and recommending the 211
granting or denying of parole, although the contractor may 212
submit written reports that have been prepared in the ordinary 213
course of business; 214

(2) Developing or implementing procedures for calculating 215
and awarding earned credits, approving the type of work inmates 216
may perform and the wage or earned credits, if any, that may be 217
awarded to inmates engaging in that work, and granting, denying, 218
or revoking earned credits; 219

(3) For inmates serving a term imposed for a felony 220
offense committed prior to July 1, 1996, or for a misdemeanor 221
offense, developing or implementing procedures for calculating 222
and awarding good time, approving the good time, if any, that 223
may be awarded to inmates engaging in work, and granting, 224

denying, or revoking good time;	225
(4) Classifying an inmate or placing an inmate in a more or a less restrictive custody than the custody ordered by the public entity;	226 227 228
(5) Approving inmates for work release;	229
(6) Contracting for local or long distance telephone services for inmates or receiving commissions from those services at a facility that is owned by or operated under a contract with the department.	230 231 232 233
(D) A contractor that has been approved to operate a facility under this section, and a person or entity that enters into a contract for specialized services, as described in division (I) of this section, relative to an intensive program prison established pursuant to section 5120.033 of the Revised Code to be operated by a contractor that has been approved to operate the prison under this section, shall provide an adequate policy of insurance specifically including, but not limited to, insurance for civil rights claims as determined by a risk management or actuarial firm with demonstrated experience in public liability for state governments. The insurance policy shall provide that the state, including all state agencies, and all political subdivisions of the state with jurisdiction over the facility or in which a facility is located are named as insured, and that the state and its political subdivisions shall be sent any notice of cancellation. The contractor may not self- insure.	234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250
A contractor that has been approved to operate a facility under this section, and a person or entity that enters into a contract for specialized services, as described in division (I)	251 252 253

of this section, relative to an intensive program prison 254
established pursuant to section 5120.033 of the Revised Code to 255
be operated by a contractor that has been approved to operate 256
the prison under this section, shall indemnify and hold harmless 257
the state, its officers, agents, and employees, and any local 258
government entity in the state having jurisdiction over the 259
facility or ownership of the facility, shall reimburse the state 260
for its costs in defending the state or any of its officers, 261
agents, or employees, and shall reimburse any local government 262
entity of that nature for its costs in defending the local 263
government entity, from all of the following: 264

(1) Any claims or losses for services rendered by the 265
contractor, person, or entity performing or supplying services 266
in connection with the performance of the contract; 267

(2) Any failure of the contractor, person, or entity or 268
its officers or employees to adhere to the laws, rules, 269
regulations, or terms agreed to in the contract; 270

(3) Any constitutional, federal, state, or civil rights 271
claim brought against the state related to the facility operated 272
and managed by the contractor; 273

(4) Any claims, losses, demands, or causes of action 274
arising out of the contractor's, person's, or entity's 275
activities in this state; 276

(5) Any attorney's fees or court costs arising from any 277
habeas corpus actions or other inmate suits that may arise from 278
any event that occurred at the facility or was a result of such 279
an event, or arise over the conditions, management, or operation 280
of the facility, which fees and costs shall include, but not be 281
limited to, attorney's fees for the state's representation and 282

for any court-appointed representation of any inmate, and the 283
costs of any special judge who may be appointed to hear those 284
actions or suits. 285

(E) Private correctional officers of a contractor 286
operating and managing a facility pursuant to a contract entered 287
into under this section may carry and use firearms in the course 288
of their employment only after being certified as satisfactorily 289
completing an approved training program as described in division 290
(A) of section 109.78 of the Revised Code. 291

(F) Upon notification by the contractor of an escape from, 292
or of a disturbance at, the facility that is the subject of a 293
contract entered into under this section, the department of 294
rehabilitation and correction and state and local law 295
enforcement agencies shall use all reasonable means to recapture 296
escapees or quell any disturbance. Any cost incurred by the 297
state or its political subdivisions relating to the apprehension 298
of an escapee or the quelling of a disturbance at the facility 299
shall be chargeable to and borne by the contractor. The 300
contractor shall also reimburse the state or its political 301
subdivisions for all reasonable costs incurred relating to the 302
temporary detention of the escapee following recapture. 303

(G) Any offense that would be a crime if committed at a 304
state correctional institution or jail, workhouse, prison, or 305
other correctional facility shall be a crime if committed by or 306
with regard to inmates at facilities operated pursuant to a 307
contract entered into under this section. 308

(H) A contractor operating and managing a facility 309
pursuant to a contract entered into under this section shall pay 310
any inmate workers at the facility at the rate approved by the 311
public entity. Inmates working at the facility shall not be 312

considered employees of the contractor. 313

(I) In contracting for the private operation and 314
management pursuant to division (A) of this section of any 315
intensive program prison established pursuant to section 316
5120.033 of the Revised Code, the department of rehabilitation 317
and correction may enter into a contract with a contractor for 318
the general operation and management of the prison and may enter 319
into one or more separate contracts with other persons or 320
entities for the provision of specialized services for persons 321
confined in the prison, including, but not limited to, security 322
or training services or medical, counseling, educational, or 323
similar treatment programs. If, pursuant to this division, the 324
department enters into a contract with a contractor for the 325
general operation and management of the prison and also enters 326
into one or more specialized service contracts with other 327
persons or entities, all of the following apply: 328

(1) The contract for the general operation and management 329
shall comply with all requirements and criteria set forth in 330
this section, and all provisions of this section apply in 331
relation to the prison operated and managed pursuant to the 332
contract. 333

(2) Divisions (A) (2), (B), and (C) of this section do not 334
apply in relation to any specialized services contract, except 335
to the extent that the provisions of those divisions clearly are 336
relevant to the specialized services to be provided under the 337
specialized services contract. Division (D) of this section 338
applies in relation to each specialized services contract. 339

(J) If, on or after ~~the effective date of this amendment~~ 340
June 30, 2011, a contractor enters into a contract with the 341
department of rehabilitation and correction under this section 342

for the operation and management of any facility described in 343
Section 753.10 of the act in which this amendment was adopted, 344
if the contract provides for the sale of the facility to the 345
contractor, if the facility is sold to the contractor subsequent 346
to the execution of the contract, and if the contractor is 347
privately operating and managing the facility, notwithstanding 348
the contractor's private operation and management of the 349
facility, all of the following apply: 350

(1) Except as expressly provided to the contrary in this 351
section, the facility being privately operated and managed by 352
the contractor shall be considered for purposes of the Revised 353
Code as being under the control of, or under the jurisdiction 354
of, the department of rehabilitation and correction. 355

(2) Any reference in this section to "state correctional 356
institution," any reference in Chapter 2967. of the Revised Code 357
to "state correctional institution," other than the definition 358
of that term set forth in section 2967.01 of the Revised Code, 359
or to "prison," and any reference in Chapter 2929., 5120., 360
5145., 5147., or 5149. or any other provision of the Revised 361
Code to "state correctional institution" or "prison" shall be 362
considered to include a reference to the facility being 363
privately operated and managed by the contractor, unless the 364
context makes the inclusion of that facility clearly 365
inapplicable. 366

(3) Upon the sale and conveyance of the facility, the 367
facility shall be returned to the tax list and duplicate 368
maintained by the county auditor, and the facility shall be 369
subject to all real property taxes and assessments. No exemption 370
from real property taxation pursuant to Chapter 5709. of the 371
Revised Code shall apply to the facility conveyed. The gross 372

receipts and income of the contractor to whom the facility is 373
conveyed that are derived from operating and managing the 374
facility under this section shall be subject to gross receipts 375
and income taxes levied by the state and its subdivisions, 376
including the taxes levied pursuant to Chapters 718., 5747., 377
5748., and 5751. of the Revised Code. Unless exempted under 378
another section of the Revised Code, transactions involving a 379
contractor as a consumer or purchaser are subject to any tax 380
levied under Chapters 5739. and 5741. of the Revised Code. 381

(4) After the sale and conveyance of the facility, all of 382
the following apply: 383

(a) Before the contractor may resell or otherwise transfer 384
the facility and the real property on which it is situated, any 385
surrounding land that also was transferred under the contract, 386
or both the facility and real property on which it is situated 387
plus the surrounding land that was transferred under the 388
contract, the contractor first must offer the state the 389
opportunity to repurchase the facility, real property, and 390
surrounding land that is to be resold or transferred and must 391
sell the facility, real property, and surrounding land to the 392
state if the state so desires, pursuant to and in accordance 393
with the repurchase clause included in the contract. 394

(b) Upon the default by the contractor of any financial 395
agreement for the purchase of the facility and the real property 396
on which it is situated, any surrounding land that also was 397
transferred under the contract, or both the facility and real 398
property on which it is situated plus the surrounding land that 399
was transferred under the contract, upon the default by the 400
contractor of any other term in the contract, or upon the 401
financial insolvency of the contractor or inability of the 402

contractor to meet its contractual obligations, the state may 403
repurchase the facility, real property, and surrounding land, if 404
the state so desires, pursuant to and in accordance with the 405
repurchase clause included in the contract. 406

(c) If the contract entered into under this section for 407
the operation and management of a state correctional institution 408
is terminated, both of the following apply: 409

(i) The operation and management responsibilities of the 410
state correctional institution shall be transferred to another 411
contractor under the same terms and conditions as applied to the 412
original contractor or to the department of rehabilitation and 413
correction. 414

(ii) The department of rehabilitation and correction or 415
the new contractor, whichever is applicable, may enter into an 416
agreement with the terminated contractor to purchase the 417
terminated contractor's equipment, supplies, furnishings, and 418
consumables. 419

(K) Any action asserting that section 9.06 of the Revised 420
Code or ~~section~~ Section 753.10 of the act in which this 421
amendment was adopted violates any provision of the Ohio 422
~~constitution~~ Constitution and any claim asserting that any 423
action taken by the governor or the department of administrative 424
services or the department of rehabilitation and correction 425
pursuant to section 9.06 of the Revised Code or ~~section~~ Section 426
753.10 of the act in which this amendment was adopted violates 427
any provision of the Ohio ~~constitution~~ Constitution or any 428
provision of the Revised Code shall be brought in the court of 429
common pleas of Franklin county. The court shall give any action 430
filed pursuant to this division priority over all other civil 431
cases pending on its docket and expeditiously make a 432

determination on the claim. If an appeal is taken from any final 433
order issued in a case brought pursuant to this division, the 434
court of appeals shall give the case priority over all other 435
civil cases pending on its docket and expeditiously make a 436
determination on the appeal. 437

(L) As used in this section: 438

(1) "Public entity" means the department of rehabilitation 439
and correction, or a county or municipal corporation or a 440
combination of counties and municipal corporations, that has 441
jurisdiction over a facility that is the subject of a contract 442
entered into under this section. 443

(2) "Local public entity" means a county or municipal 444
corporation, or a combination of counties and municipal 445
corporations, that has jurisdiction over a jail, workhouse, or 446
other correctional facility ~~used only for misdemeanants~~ that is 447
the subject of a contract entered into under this section. 448

(3) "Governing authority of a local public entity" means, 449
for a county, the board of county commissioners; for a municipal 450
corporation, the legislative authority; for a combination of 451
counties and municipal corporations, all the boards of county 452
commissioners and municipal legislative authorities that joined 453
to create the facility. 454

(4) "Contractor" means a person or entity that enters into 455
a contract under this section to operate and manage a jail, 456
workhouse, or other correctional facility. 457

(5) "Facility" means any of the following: 458

(a) The specific county, multicounty, municipal, 459
municipal-county, or multicounty-municipal jail, workhouse, 460
prison, or other type of correctional institution or facility 461

~~used only for misdemeanants~~ that is the subject of a contract 462
entered into under this section; 463

(b) Any state correctional institution that is the subject 464
of a contract entered into under this section, including any 465
facility described in Section 753.10 of the act in which this 466
amendment was adopted at any time prior to or after any sale to 467
a contractor of the state's right, title, and interest in the 468
facility, the land situated thereon, and specified surrounding 469
land. 470

(6) "Person or entity" in the case of a contract for the 471
private operation and management of a state correctional 472
institution, includes an employee organization, as defined in 473
section 4117.01 of the Revised Code, that represents employees 474
at state correctional institutions. 475

Sec. 307.93. (A) The boards of county commissioners of two 476
or more adjacent counties may contract for the joint 477
establishment of a multicounty correctional center, and the 478
board of county commissioners of a county or the boards of two 479
or more counties may contract with any municipal corporation or 480
municipal corporations located in that county or those counties 481
for the joint establishment of a municipal-county or 482
multicounty-municipal correctional center. The center shall 483
augment county and, where applicable, municipal jail programs 484
and facilities by providing custody and rehabilitative programs 485
for those persons under the charge of the sheriff of any of the 486
contracting counties or of the officer or officers of the 487
contracting municipal corporation or municipal corporations 488
having charge of persons incarcerated in the municipal jail, 489
workhouse, or other correctional facility who, in the opinion of 490
the sentencing court, need programs of custody and 491

rehabilitation not available at the county or municipal jail and 492
by providing custody and rehabilitative programs in accordance 493
with division (C) of this section, if applicable. The contract 494
may include, but need not be limited to, provisions regarding 495
the acquisition, construction, maintenance, repair, termination 496
of operations, and administration of the center. The contract 497
shall prescribe the manner of funding of, and debt assumption 498
for, the center and the standards and procedures to be followed 499
in the operation of the center. Except as provided in division 500
(H) of this section, the contracting counties and municipal 501
corporations shall form a corrections commission to oversee the 502
administration of the center. Members of the commission shall 503
consist of the sheriff of each participating county, a member of 504
the board of county commissioners of each participating county, 505
the chief of police of each participating municipal corporation, 506
and the mayor or city manager of each participating municipal 507
corporation. Any of the foregoing officers may appoint a 508
designee to serve in the officer's place on the corrections 509
commission. The standards and procedures shall be formulated and 510
agreed to by the commission and may be amended at any time 511
during the life of the contract by agreement of the parties to 512
the contract upon the advice of the commission. The standards 513
and procedures formulated by the commission shall include, but 514
need not be limited to, designation of the person in charge of 515
the center, designation of a fiscal agent, the categories of 516
employees to be employed at the center, the appointing authority 517
of the center, and the standards of treatment and security to be 518
maintained at the center. The person in charge of, and all 519
persons employed to work at, the center shall have all the 520
powers of police officers that are necessary for the proper 521
performance of the duties relating to their positions at the 522
center. 523

(B) (1) Upon the establishment of a corrections commission 524
under division (A) of this section, the judges specified in this 525
division shall form a judicial advisory board for the purpose of 526
making recommendations to the corrections commission on issues 527
of bed allocation, expansion of the center that the corrections 528
commission oversees, and other issues concerning the 529
administration of sentences or any other matter determined to be 530
appropriate by the board. The judges who shall form the judicial 531
advisory board for a corrections commission are the 532
administrative judge of the general division of the court of 533
common pleas of each county participating in the corrections 534
center, the presiding judge of the municipal court of each 535
municipal corporation participating in the corrections center, 536
and the presiding judge of each county court of each county 537
participating in the corrections center. If the number of the 538
foregoing members of the board is even, the county auditor or 539
the county auditor of the most populous county if the board 540
serves more than one county shall also be a member of the board. 541
Any of the foregoing judges may appoint a designee to serve in 542
the judge's place on the judicial advisory board, provided that 543
the designee shall be a judge of the same court as the judge who 544
makes the appointment. The judicial advisory board for a 545
corrections commission shall meet with the corrections 546
commission at least once each year. 547

(2) Each board of county commissioners that enters a 548
contract under division (A) of this section may appoint a 549
building commission pursuant to section 153.21 of the Revised 550
Code. If any commissions are appointed, they shall function 551
jointly in the construction of a multicounty or multicounty- 552
municipal correctional center with all the powers and duties 553
authorized by law. 554

(C) Prior to the acceptance for custody and rehabilitation 555
into a center established under this section of any persons who 556
are designated by the department of rehabilitation and 557
correction, who plead guilty to or are convicted of a felony of 558
the fourth or fifth degree, and who satisfy the other 559
requirements listed in section 5120.161 of the Revised Code, the 560
corrections commission of a center established under this 561
section shall enter into an agreement with the department of 562
rehabilitation and correction under section 5120.161 of the 563
Revised Code for the custody and rehabilitation in the center of 564
persons who are designated by the department, who plead guilty 565
to or are convicted of a felony of the fourth or fifth degree, 566
and who satisfy the other requirements listed in that section, 567
in exchange for a per diem fee per person. Persons incarcerated 568
in the center pursuant to an agreement entered into under this 569
division shall be subject to supervision and control in the 570
manner described in section 5120.161 of the Revised Code. This 571
division does not affect the authority of a court to directly 572
sentence a person who is convicted of or pleads guilty to a 573
felony to the center in accordance with section 2929.16 of the 574
Revised Code. 575

(D) Pursuant to section 2929.37 of the Revised Code, each 576
board of county commissioners and the legislative authority of 577
each municipal corporation that enters into a contract under 578
division (A) of this section may require a person who was 579
convicted of an offense, who is under the charge of the sheriff 580
of their county or of the officer or officers of the contracting 581
municipal corporation or municipal corporations having charge of 582
persons incarcerated in the municipal jail, workhouse, or other 583
correctional facility, and who is confined in the multicounty, 584
municipal-county, or multicounty-municipal correctional center 585

as provided in that division, to reimburse the applicable county 586
or municipal corporation for its expenses incurred by reason of 587
the person's confinement in the center. 588

(E) Notwithstanding any contrary provision in this section 589
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 590
corrections commission of a center may establish a policy that 591
complies with section 2929.38 of the Revised Code and that 592
requires any person who is not indigent and who is confined in 593
the multicounty, municipal-county, or multicounty-municipal 594
correctional center to pay a reception fee, a fee for medical 595
treatment or service requested by and provided to that person, 596
or the fee for a random drug test assessed under division (E) of 597
section 341.26 of the Revised Code. 598

(F) (1) The corrections commission of a center established 599
under this section may establish a commissary for the center. 600
The commissary may be established either in-house or by another 601
arrangement. If a commissary is established, all persons 602
incarcerated in the center shall receive commissary privileges. 603
A person's purchases from the commissary shall be deducted from 604
the person's account record in the center's business office. The 605
commissary shall provide for the distribution to indigent 606
persons incarcerated in the center of necessary hygiene articles 607
and writing materials. 608

(2) If a commissary is established, the corrections 609
commission of a center established under this section shall 610
establish a commissary fund for the center. The management of 611
funds in the commissary fund shall be strictly controlled in 612
accordance with procedures adopted by the auditor of state. 613
Commissary fund revenue over and above operating costs and 614
reserve shall be considered profits. All profits from the 615

commissary fund shall be used to purchase supplies and equipment 616
for the benefit of persons incarcerated in the center and to pay 617
salary and benefits for employees of the center, or for any 618
other persons, who work in or are employed for the sole purpose 619
of providing service to the commissary. The corrections 620
commission shall adopt rules and regulations for the operation 621
of any commissary fund it establishes. 622

(G) In lieu of forming a corrections commission to 623
administer a multicounty correctional center or a municipal- 624
county or multicounty-municipal correctional center, the boards 625
of county commissioners and the legislative authorities of the 626
municipal corporations contracting to establish the center may 627
also agree to contract for the private operation and management 628
of the center as provided in section 9.06 of the Revised Code, ~~7-~~ 629
~~but only if the center houses only misdemeanor inmates.~~ In 630
order to enter into a contract under section 9.06 of the Revised 631
Code, all the boards and legislative authorities establishing 632
the center shall approve and be parties to the contract. 633

(H) If a person who is convicted of or pleads guilty to an 634
offense is sentenced to a term in a multicounty correctional 635
center or a municipal-county or multicounty-municipal 636
correctional center or is incarcerated in the center in the 637
manner described in division (C) of this section, or if a person 638
who is arrested for an offense, and who has been denied bail or 639
has had bail set and has not been released on bail is confined 640
in a multicounty correctional center or a municipal-county or 641
multicounty-municipal correctional center pending trial, at the 642
time of reception and at other times the officer, officers, or 643
other person in charge of the operation of the center determines 644
to be appropriate, the officer, officers, or other person in 645
charge of the operation of the center may cause the convicted or 646

accused offender to be examined and tested for tuberculosis, HIV 647
infection, hepatitis, including but not limited to hepatitis A, 648
B, and C, and other contagious diseases. The officer, officers, 649
or other person in charge of the operation of the center may 650
cause a convicted or accused offender in the center who refuses 651
to be tested or treated for tuberculosis, HIV infection, 652
hepatitis, including but not limited to hepatitis A, B, and C, 653
or another contagious disease to be tested and treated 654
involuntarily. 655

(I) As used in this section, "multicounty-municipal" means 656
more than one county and a municipal corporation, or more than 657
one municipal corporation and a county, or more than one 658
municipal corporation and more than one county. 659

Sec. 341.35. The board of county commissioners of a county 660
with a county jail, workhouse, minimum security misdemeanor 661
jail, or other correctional facility may enter into a contract 662
under section 9.06 of the Revised Code for the private operation 663
and management of that facility, ~~but only if the facility is~~ 664
~~used to house only misdemeanor inmates.~~ 665

Sec. 753.03. A municipal legislative authority may, by 666
ordinance, provide for the keeping of persons convicted and 667
sentenced for misdemeanors, during the term of their 668
imprisonment, at such place as the legislative authority 669
determines, provided that the place selected is in substantial 670
compliance with the minimum standards for jails in Ohio 671
promulgated by the department of rehabilitation and correction. 672
The legislative authority may enter into a contract under 673
section 9.06 of the Revised Code for the private operation and 674
management of any municipal correctional facility, but only if 675
the facility is used to house only misdemeanor inmates, except 676

as permitted under division (G) of section 307.93 of the Revised 677
Code for a municipal-county or multicounty-municipal correction 678
center. 679

Section 2. That existing sections 9.06, 307.93, 341.35, 680
and 753.03 of the Revised Code are hereby repealed. 681