



Ohio Revised Code

Section 5149.38 Memorandum of understanding regarding local confinement.

Effective: October 3, 2023

Legislation: House Bill 33

(A) In each voluntary county, subject to division (B) of this section and not later than the deadlines established by the department of rehabilitation and correction in division (B)(3)(b)(ii) of section 2929.34 of the Revised Code, a county commissioner representing the board of county commissioners of the county, the administrative judge of the general division of the court of common pleas of the county, the sheriff of the county, and an official from any municipality operating a local correctional facility in the county to which courts of the county sentence offenders shall agree to, sign, and submit to the department of rehabilitation and correction for its approval a memorandum of understanding that does all of the following:

(1) Sets forth the plans by which the county will use grant money provided to the county in the state fiscal years within the specified state fiscal biennium under the targeted community alternatives to prison (T-CAP) program;

(2) Specifies the manner in which the county will address a per diem reimbursement of local correctional facilities for prisoners who serve a prison term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem reimbursement rate shall be the rate determined in division (F)(1) of this section and shall be specified in the memorandum;

(3) Specifies whether the memorandum of understanding will apply to prison terms for felonies of the fifth degree or prison terms for felonies of the fourth and fifth degree pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code.

(B) Two or more voluntary counties may join together to jointly establish a memorandum of understanding of the type described in division (A) of this section. Not later than the deadlines established by the department of rehabilitation and correction in division (B)(3)(b)(ii) of section 2929.34 of the Revised Code, a county commissioner from each of the affiliating voluntary counties representing the county's board of county commissioners, the administrative judge of the general division of the court of common pleas of each affiliating voluntary county, the sheriff of each



affiliating voluntary county, and an official from any municipality operating a local correctional facility in the affiliating voluntary counties to which courts of the counties sentence offenders shall agree to, sign, and submit to the department of rehabilitation and correction for its approval the memorandum of understanding. The memorandum of understanding shall set forth the plans by which, and specify the manner in which, the affiliating counties will complete the tasks identified in divisions (A)(1) to (3) of this section.

(C) The department of rehabilitation and correction shall adopt rules establishing standards for approval of memorandums of understanding submitted to it under division (A) or (B) of this section. The department shall review the memorandums of understanding submitted to it and may require the county or counties that submit a memorandum to modify the memorandum. The director of rehabilitation and correction shall approve memorandums of understanding submitted to it under division (A) or (B) of this section that the director determines satisfy the standards adopted by the department within thirty days after receiving each memorandum submitted.

(D) Any person responsible for agreeing to, signing, and submitting a memorandum of understanding under division (A) or (B) of this section may delegate the person's authority to do so to an employee of the agency, entity, or office served by the person.

(E) The persons signing a memorandum of understanding under division (A) or (B) of this section, or their successors in office, may revise the memorandum as they determine necessary. Any revision of the memorandum shall be signed by the parties specified in division (A) or (B) of this section and submitted to the department of rehabilitation and correction for its approval under division (C) of this section within thirty days after the beginning of the state fiscal year.

(F)(1) In each county, commencing in calendar year 2023, on or before the first day of February of each calendar year the sheriff shall determine the per diem costs for the preceding calendar year for each of the local correctional facilities for the housing in the facility of prisoners who serve a term in it pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem cost so determined shall apply in the calendar year in which the determination is made.

(2) For each county, the per diem cost determined under division (F)(1) of this section that applies with respect to a facility in a specified calendar year shall be the per diem rate of reimbursement in



that calendar year, under the targeted community alternatives to prison (T-CAP) program, for prisoners who serve a term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code.

(3) The per diem costs of housing determined under division (F)(1) of this section for a facility shall be the actual costs of housing the specified prisoners in the facility, on a per diem basis.

(G) As used in this section:

(1) "Local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code.

(2) "Voluntary county" has the same meanings as in section 2929.34 of the Revised Code.