



# OHIO

## CRIMINAL SENTENCING COMMISSION

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65 SOUTH FRONT STREET • 5TH FLOOR • COLUMBUS, OHIO 43215-3431 • TELEPHONE: 614.387.9305 • FAX: 614.387.9309

# COMMISSION MEMBER GUIDEBOOK





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## OHIO CRIMINAL SENTENCING COMMISSION 2017 ROSTER

**Member****District/Designation****CHIEF JUSTICE MAUREEN O’CONNOR** (*Chair*)

Chief Justice

Supreme Court of Ohio  
Thomas J. Moyer Ohio Judicial Center  
Columbus, OH 43215  
Term Expires: Upon Leaving Office

**JUDGE NICK A. SELVAGGIO** (*Vice Chair*)

Common Pleas Court Judge

Champaign County Court of Common Pleas  
Urbana, OH 43078  
Term Expires: 02/16/19

**STATE SENATOR JOHN EKLUND**

State Senator

Statehouse  
Columbus, OH 43215  
Term Expires: 12/31/18

**STATE SENATOR CECIL THOMAS**

State Senator

Statehouse  
Columbus, OH 43215  
Term Expires: 12/31/18

**STATE REPRESENTATIVE JEFFREY REZABEK**

State Representative

Ohio House of Representative  
Columbus, OH 43215  
Term Expires: 12/31/18

**STATE REPRESENTATIVE HEARCEL CRAIG**

State Representative

Ohio House of Representatives  
Columbus, OH 43215  
Term Expires: 12/31/16

**JUDGE THOMAS M. MARCELAIN**

Common Pleas Court Judge

Licking County Court of Common Pleas  
Newark, OH 43055  
Term Expires: 02/16/19

## 2017 COMMISSION ROSTER - CONTINUED

Member	District/Designation
<b>JUDGE ROBERT C. DeLAMATRE</b> Erie County Domestic Relations & Juvenile Court Sandusky, OH 44870 Term Expires: 02/16/21	Juvenile Court Judge
<b>JUDGE GARY DUMM</b> Circleville Municipal Court Circleville, OH 43113 Term Expires: 02/17/19	Municipal Court Judge
<b>JUDGE CARL DiFRANCO</b> Conneaut Municipal Court Conneaut, OH 44030 Term Expires: 02/16/21	Municipal Court Judge
<b>JUDGE W. SCOTT GWIN</b> Fifth District Court of Appeals Canton, OH 44702 Term Expires: 02/16/21	Appellate Court Judge
<b>JUDGE KENNETH SPANAGEL</b> Parma Municipal Court Parma, OH 44129 Term Expires: 02/16/21	Municipal Court Judge
<b>JUDGE STEVE MCINTOSH</b> Franklin Court of Common Pleas Columbus, OH 43215 Term Expires: 02/16/19	Common Pleas Court Judge
<b>JUDGE TERRI JAMISON</b> Franklin County Domestic Relations & Juvenile Court Columbus, OH 43215 Term Expires: 05/08/19	Juvenile Court Judge
<b>JUDGE ROBERT D. FRAGALE</b> Marion County Family Court Marion, OH 43302 Term Expires: 06/22/19	Juvenile Court Judge

**Member****District/Designation****CHRYSTAL ALEXANDER**

Office of Victim Services  
Ohio Department of Rehabilitation & Correction  
Columbus, OH 43222  
Term Expires: 08/21/19

Victim Representative

**PAULA BROWN, ESQ.**

Kravitz, Brown & Dortch, LLC  
Columbus, OH 43215-4277  
Term Expires: 01/31/18

OSBA Representative

**RONALD L. BURKITT**

Hilliard Police Department  
Hilliard, OH 43026  
Term Expires: 08/21/16

Juvenile Peace Officer

**DEREK W. DEVINE**

Seneca County Prosecutor  
Tiffin, OH 44883  
Term Expires: 08/21/17

County Prosecutor

**FREDERICK BENTON, JR., ESQ.**

Carpenter, Lipps & Leland  
Columbus, OH 43215  
Term Expires: 08/22/17

Defense Attorney

**KATHLEEN M. HAMM**

Wood County Public Defender  
Bowling Green, OH 43402  
Term Expires: 08/21/16

Public Defender

**MAYOR AARON MONTZ**

City of Tiffin  
Tiffin, OH 44883

Mayor

Vacant

Law Enforcement

Vacant

County Commissioner

## 2017 COMMISSION ROSTER - CONTINUED

Member	District/Designation
Vacant	County Prosecutor, Juvenile
<b>SHERIFF ALBERT J. RODENBERG</b> Clermont County Sheriff's Office Batavia, OH 45103 Term Expires: 08/21/17	Sheriff
<b>LARA N. BAKER-MORRISH</b> Chief Prosecutor Columbus City Attorney's Office Columbus, OH 43215 Term Expires: 08/21/18	Municipal Prosecutor
<b>COLONEL PAUL PRIDE</b> Ohio State Highway Patrol Columbus, OH 43218-2074 Term Expires: Upon Leaving Office Designee: S/Lt. Ed Mejia	Ohio State Highway Patrol Superintendent
<b>DIRECTOR HARVEY REED</b> Department of Youth Services Columbus, OH 43215 Term Expires: Upon Leaving Office Designee: Justin Stanek, Legislative Liaison	Director of Youth Services
<b>TIMOTHY YOUNG</b> Ohio Public Defender Columbus, OH 43215 Term Expires: Upon Leaving Office Designee: Kari Bloom, Legislative Liaison	Ohio Public Defender
<b>DIRECTOR GARY MOHR</b> Department of Rehabilitation & Correction Columbus, OH 43222 Term Expires: Upon Leaving Office Designee: Kyle Petty, Legislative Liaison	Director of Rehabilitation & Correction



## OHIO CRIMINAL SENTENCING COMMISSION ADVISORY 2017 ROSTER

**JILL BEELER**

Chief Counsel, Appellate Division  
Office of the Ohio Public Defender  
Columbus, OH 43215

**PROFESSOR DOUGLAS A. BERMAN**

Moritz College of Law  
Robert J. Watkins/Procter & Gamble Prof. of Law  
Columbus, OH 43210

**JIM COLE**

Juvenile Court Administrator  
Montgomery County Juvenile Court  
Dayton, OH 45422-4240

**LORI CRISS**

Associate Director  
Ohio Council of Behavioral Health  
& Family Services Providers  
Columbus, OH 43215

**BETH CWALINA**

Chief Probation Officer  
Lorain County Court of Common Pleas  
Lorain, OH 44035

**PAUL DOBSON**

Wood County Prosecutor  
Ohio Prosecuting Attorney's Association  
Bowling Green, OH 43402

**STEVE GRAY**

Chief Legal Counsel  
Ohio Department of Rehabilitation & Correction  
Columbus, OH 43222

**JAMES LAWRENCE**

Oriana House, Inc.  
Ohio Community Corrections Association  
Akron, OH 44309

**JOHN LEUTZ**

Policy Analyst  
County Commissioners Association  
Columbus, OH 43215

**JASON MCGOWAN**

Chief Probation Officer  
Circleville Municipal Court  
Circleville, OH 43113

**BRIAN MARTIN**

Bureau of Research Chief  
Department of Rehabilitation & Correction  
Columbus, OH 43222

**MICHELLE MILLER**

Regional Director  
Ohio Department of Rehabilitation & Correction  
Columbus, OH 43222

**KARHLTON MOORE**

Director  
Office of Criminal Justice Services  
Columbus, OH 43218

**DAVID PICKEN**

Criminal Justice Section  
Ohio Attorney General's Office  
Columbus, OH 43215

## 2017 ADVISORY COMMITTEE ROSTER - CONTINUED

### **JUDGE KEITH SPAETH**

Butler County Court of Common Pleas  
OJACC  
Hamilton, OH 45011

### **JULIE SPOHN**

Ohio Department of Mental Health & Addiction Services  
Columbus, OH 43215

### **PAUL PFEIFER**

Executive Director  
Ohio Judicial Conference  
Columbus, OH 43215

### **CARY WILLIAMS**

Executive Director  
NorthWest Community Corrections Center CORJUS  
Bowling Green, OH 43402

### **MICHAEL WILLIAMS**

Chief Legal Counsel  
Ohio Department of Youth Services  
Columbus, OH 43215

## OHIO CRIMINAL SENTENCING COMMISSION STAFF CONTACT INFORMATION

### **MAIN LINE**

614.387.9305

### **SARA ANDREWS**

Director

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Research Specialist

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## **2017 COMMISSION MEETING SCHEDULE**

### **FULL COMMISSION**

Thursday, March 16, Room 101, Thomas J. Moyer Ohio Judicial Center

Thursday, May 18, Riffe Center, 31st Floor

Thursday, June 15, Room 101, Thomas J. Moyer Ohio Judicial Center

Thursday, Sept. 21, Room 101, Thomas J. Moyer Ohio Judicial Center

Thursday, Dec. 14, Room 101, Thomas J. Moyer Ohio Judicial Center

### **JUVENILE JUSTICE COMMITTEE**

Thursday, January 19, Room 281, Thomas J. Moyer Ohio Judicial Center

Thursday, February 16, Room 281, Thomas J. Moyer Ohio Judicial Center

Thursday, April 20, Room 281, Thomas J. Moyer Ohio Judicial Center

Thursday, July 20, Room 281, Thomas J. Moyer Ohio Judicial Center

Thursday, August 17, Room 281, Thomas J. Moyer Ohio Judicial Center

Thursday, October 19, Room 281, Thomas J. Moyer Ohio Judicial Center

Thursday, November 16, Thomas J. Moyer Ohio Judicial Center

### **SENTENCING AND CRIMINAL JUSTICE COMMITTEE**

At the call of the Chair

### **DATA COLLECTION AND SHARING COMMITTEE**

At the call of the Chair

## NARRATIVE OVERVIEW OF COMMISSION OPERATIONS

### Introduction

The purpose of this manual is to educate new members of the Ohio Criminal Sentencing Commission on aspects of their role in the Commission and its committees.

### Purpose of the Commission

Pursuant to Sections 181.21 through 181.26 of the Ohio Revised Code, the Ohio Criminal Sentencing Commission, an affiliated office of the Supreme Court of Ohio, routinely brings together judges, prosecuting and defense attorneys, behavioral health professionals, academics, corrections officials, law enforcement, victims' advocates, community corrections experts, and others with a direct interest in criminal sentencing and, therefore, is well-positioned to bridge the information gap among criminal justice partners. The Commission seeks bipartisan, meaningful, forward thinking, informed processes and outcomes through creative solutions. The Commission's work is to enhance justice and ensure fair sentencing in the State of Ohio.

### Organization and Structure



## **Narrative Overview of Commission Operations - continued**

The General Assembly created the Ohio Criminal Sentencing Commission and the Criminal Sentencing Advisory Committee in R.C. 181.21–181.26 to, among other things:

- Study Ohio’s criminal laws, sentencing patterns, and juvenile offender dispositions;
- Recommend comprehensive plans to the General Assembly that encourage public safety, proportionality, uniformity, certainty, judicial discretion, deterrence, fairness, simplification, more sentencing options, victims’ rights, and other reasonable goals.

The Commission began meeting in 1991 and is the only long-standing state agency designed, by statute, to bring judges, prosecutors, and defense attorneys together with members of the General Assembly, state and local officials, victims, and law enforcement officers.

The Chief Justice of the Supreme Court of Ohio chairs the 31-member Commission and is aided by a Vice-Chair appointed by the Commission from its membership. The Commission is assisted by its Advisory Committee, and Advisory Committee members freely participate at all Commission meetings, which are open to the public. Detailed information about the Commission and its work activity is available at [www.supremecourt.ohio.gov/Boards/Sentencing](http://www.supremecourt.ohio.gov/Boards/Sentencing).

## **Officers and Duties**

### **Chairperson**

The Chief Justice of the Supreme Court of Ohio serves as chairperson of the Commission. The chairperson calls and presides at all meetings of the Commission and, in conjunction with the Executive Committee and Executive Director, prepares agendas and makes appointments to all committees.

### **Vice Chairperson**

The vice chairperson is chosen by a vote of the Commission every two years and, in the absence of or at the direction of the chairperson, performs any or all of the duties of the chairperson. The vice chairperson may also undertake specific tasks and responsibilities as requested by the chairperson.

### **Committees**

The Commission has established subject matter committees to facilitate its work. The subject matter committees are:

- Juvenile Justice - Reviews and recommends statutory changes and strategies to combat juvenile delinquency and recidivism.
- Sentencing and Criminal Justice - Studies criminal penalties and sentencing statutes and patterns in Ohio, recommends statutory change, and reviews national developments and trends on matters of sentencing. Addresses the future role of the Commission, responds and makes recommendations regarding more broad areas including probation, risk assessment, release programs, specialized dockets, community corrections and improving, as well as building, relationships and coordinating the work of the Commission with other justice partners — both state and federal.
- Data Collection and Sharing – Develops, coordinates and identifies ways to collect and develop methods for sharing appropriate data and information with justice system partners.

Each committee consists of a chair, a vice chair, and individual members. The committee chairs shall be a Commission or Advisory Committee member and shall be chosen by members of the committee. Committee chairs and vice-chairs shall serve no more than two consecutive terms of two years each. Committee membership may include individuals outside of the Commission and Advisory Committee members that have a vested interest in the Commission's work. Non-Commission and non-Advisory Committee members may vote on committee recommendations and proposals but will not vote on final recommendations of the Commission. The committees meet regularly, and the full Commission meets quarterly. Committees are assisted by the Criminal Sentencing Commission staff.

## **Meetings**

### **Agendas**

Final agendas shall be provided to all Commission members no later than five (5) days prior to any meeting of the Commission. Thereafter, additional agenda items requiring Commission action may not be added to the final agenda, except by an affirmative vote of a majority of the members. Meeting materials shall be posted on the Commission's website prior to each meeting.

### **Open Meetings**

All meetings of the Commission shall be open to the public pursuant to Section 121.22 of the Ohio Revised Code. Meeting dates will be posted on the Commission's website.

## **Narrative Overview of Commission Operations - continued**

### **Quorum**

Sixteen members of the combined membership of the Commission and Advisory Committee constitute a quorum for the transaction of business. The presence of a quorum must be established before any vote of the Commission can be taken.

### **Member Attendance**

For a fully effective Commission, a Commission member or Advisory Committee member shall make a good faith effort to attend, in person, each Commission meeting.

A Commission member or Advisory Committee member who is unable to attend a meeting due to an unavoidable conflict may request to participate by telephone or other electronic means available to the Commission. Should a Commission member or Advisory Committee member attend via telephone or other electronic means that member is not considered present for meeting attendance, establishing a quorum, or voting. A Commission member or Advisory Committee member may designate an alternate to attend meetings for informational purposes; however, except for replacement designees specifically identified in R.C. 181.22, members may not designate an alternate for voting at meetings.

If a Commission or Advisory Committee member misses three consecutive meetings, the Chairperson or Executive Director may recommend to the appointing authority that the member relinquish the member's position on the Commission or Advisory Committee.

### **Preparation and Participation**

Adequate preparation is a requisite for effective membership. Preparation includes attending committee meetings, reading materials provided by Commission staff prior to meetings, professional consideration of all viewpoints expressed, and open communication.

The Commission Chair or Vice-Chair shall allow for robust discussion and questioning of issues and proposals pending before the Commission by members at meetings. The Chair or Vice-Chair may limit discussion based upon time constraints or to efficiently and effectively accomplish the Commission's agenda.

Members are designated to represent various criminal justice partners and should do so, to the extent possible, in both their meeting participation and voting. Members' personally held beliefs should be expressed within their organizations when formulating member organization positions.



## **Voting**

Commission members and Advisory Committee members in attendance at a Commission meeting may vote on any motion properly before the Commission. Members may abstain from a vote if they have a conflict, noting their abstention for the record. Any question submitted to a vote of the Commission shall be determined by a simple majority of the quorum present.

Replacement designees specifically identified in R.C. 181.22 may vote on behalf of a statutory Commission member; however, any other individual attending for a Commission member is not eligible to vote for that member. If a replacement designee attends along with the statutory Commission member, only the statutory member may vote.

## **Procedure**

Matters of parliamentary procedure are governed by Robert's Rules of Order, Newly Revised in cases in which they are applicable and in which they do not conflict with state law and regulations; the Commission Operating Guidelines; and any rules, procedures, or official action the Commission may adopt.

## **Public Participation in Meetings**

Upon prior written request to the Commission, any person who desires to present a statement on a matter that is on the agenda shall be afforded an opportunity to present an oral statement to the Commission at an open meeting. The chairperson may, depending on the circumstances, afford any person who desires to present a statement on a matter that is on the agenda an opportunity to be heard absent a prior written request to the Commission. The chairperson may limit the time and manner of any such statements at any open meeting.

## **Minutes/Meeting Notes**

Minutes or meeting notes shall be kept at every Commission and committee meeting and distributed to the members for review and approval at the next meeting. Minutes shall, at a minimum, record any votes taken on motions by the Commission, including a notation of those members in opposition to and abstaining from such motion.

## **Term Expiration and Reappointment**

Generally, Commission members serve four-year terms. When a mid-term vacancy occurs, the replacement fills the remainder of the unexpired term. Commission members are permitted to serve multiple terms. However, a review is conducted before a reappointment is extended. The appointing authority makes the final decision on all appointments and reappointments. As the term expiration date nears, be prepared to notify the Executive Director and the appointing authority if you would like to continue your Commission service.

## **Narrative Overview of Commission Operations - continued**

### **External Relations**

#### **Public Testimony**

The Commission Chair, Vice-Chair, and/or the Executive Director may offer testimony on behalf of the Ohio Criminal Sentencing Commission on any issue arising out of or directly related to the work of the Commission. Members of the Executive committee may offer testimony on behalf of the Commission at the request of the Chair. Other members of the Commission may also testify as to their personal or organizational positions on Commission recommendations under consideration by the Ohio General Assembly and note their participation in the Commission process.

#### **General Presentations**

The Commission Chair, Vice-Chair, Executive Director or their designee may provide information regarding the Commission's operations, pending issues, and recommendations to any organization or group requesting such information. Any designee providing such presentation shall confine their remarks to the Commission's position and recommendations.

### **Finance**

#### **Compensation**

Pursuant to R.C. 181.21 and R.C. 181.22 Commission members and Advisory Committee members shall serve without compensation, but each member shall be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official duties on the commission. Committee members who are not members of the Commission or Advisory Committee shall be reimbursed their actual and necessary expenses for attendance at committee and Commission meetings.

Commission members should refer to the Supreme Court of Ohio's Guidelines for Travel by Court Appointees (<http://www.supremecourtofohio.gov/Boards/TravelGuidelines.pdf>).

Travel expense forms can be obtained from Commission staff or on the Supreme Court of Ohio website (<http://www.supremecourtofohio.gov/JCS/judicialSvcs/default.asp>).

#### **Ethics**

Commission members are responsible for any required filings with the Ohio Ethics Commission, the Joint Legislative Ethics Committee, or other entity. Members should also refer to the Supreme Court of Ohio's Code of Ethics for Court Appointees (<http://www.supremecourtofohio.gov/Boards/EthicsCode.pdf>).

## COMMISSION OPERATING GUIDELINES

These Operating Guidelines are issued by the Ohio Criminal Sentencing Commission (“Commission”) pursuant to R.C. 181.21(B) and apply to the operation of the Commission to assist in exercising the responsibilities established for the Commission under sections 181.21 through 181.26 of the Ohio Revised Code. These guidelines are intended to establish consistent standards and expectations in undertaking its duties and responsibilities.

### I. General Provisions

(A) **Officers.** The Commission shall select a Vice-Chairperson and any other necessary officers. In the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson.

(B) **Commission Meetings.** The full Commission shall meet at least once per calendar quarter, at the call of the Chair or on the written request of eight or more of its members.

(C) **Commission Actions.** Members of the Commission shall strive for consensus on recommendations concerning criminal justice policy, procedure or legislative proposals. Official actions of the Commission will be recorded by roll call vote and dissenting opinion(s) noted.

(D) **Meetings Open.** Meetings of the Commission and any committees shall be open to the public pursuant to R.C. 121.22.

(E) **Advisory Committee.** Pursuant to R.C. 181.22, the Advisory Committee serves as an advisory body to the Commission and Advisory Committee members freely participate at all Commission meetings.

### II. Member Attendance

(A) **Requirement.** For a fully effective Commission, a Commission member or Advisory Committee member shall make a good faith effort to attend, in person, each Commission meeting.

(B) **Participation by telephone or other electronic means.** A Commission member or Advisory Committee member who is unable to attend a meeting due to an unavoidable conflict may request to participate by telephone or other electronic means available to the Commission. A Commission member or Advisory Committee member participating in this manner is not considered present for meeting attendance, quorum, and voting purposes.

### Commission Operating Guidelines - continued

(C) **Replacement designee.** Designees for the individual Commission members specified in R.C.181.21 shall be treated as Commission members for purposes of attendance, quorum, and voting. Other Commission and Advisory Committee members may request for an alternate individual to attend meetings; however, those alternates will not be take the place of actual member for purposes of attendance, quorum, or voting.

(D) **Nonattendance.** If a Commission or Advisory Committee member misses three consecutive meetings of the full Commission pursuant to R.C. 3.17, the chairperson or executive director may recommend to the appointing authority that the member relinquish the member's position on the Commission or Advisory Committee.

### III. Commission Meeting Voting

(A) **Procedure.** Commission members in attendance at a Commission meeting may vote on any motion properly before the Commission. The Advisory Committee members in attendance may vote if the Commission adopts a motion that allows for it. Members may abstain from a vote if they have a conflict, noting their abstention for the record.

(B) **Quorum.** Sixteen members of the combined membership of the Commission and Advisory Committee constitute a quorum, and the votes of a majority of the quorum present shall be required to validate any action of the Commission.

(C) **Proxy voting.** Pursuant to Operating Guideline II(C), a Commission member may not vote by proxy unless the proxy vote is cast by a replacement designee specified under R.C. 181.21(A). If the statutory member and the replacement designee both attend a meeting, only the statutory member may vote. Advisory Committee members do not have designees.

### IV. Minutes

(A) Minutes shall be kept at every Commission meeting and distributed to the members for review and approval at the next meeting.

(B) Minutes shall, at a minimum, record any votes taken on motions by the Commission, including a notation of those members in opposition to and abstaining from such motion.

### V. Parliamentary Authority

(A) The rules contained in the current edition of Robert's Rules of Order Newly Revised (<http://www.robertsrules.com>) shall govern the Commission in all cases in which they

are applicable and in which they do not conflict with State law and regulations; these Operating Guidelines; and any rules, procedures, or official action the Commission may adopt.

## VI. Ethics

(A) **Compensation.** Pursuant to R.C. 181.21 and R.C. 181.22 Commission members and Advisory Committee members shall serve without compensation, but each member shall be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official duties on the commission. In order for non-Commission and Advisory Committee members serving on standing or ad hoc committees to receive reimbursement, they must be appointed by the Commission Chair, Vice-Chair, or standing committee chair and they must appear on the standing or ad hoc committee roster.

(B) **Ethics.** Commission and Advisory Committee members have the duty to file any disclosures required of them.

## VII. Standing and Ad Hoc Committees

(A) **Creation.** In addition to the juvenile committee required pursuant to R.C. 181.21(D), the Commission hereby creates the following standing committees: Sentencing and Criminal Justice committee; Data Collection and Sharing committee. The Commission may form additional standing committees by formal vote. The Commission may also form ad hoc committees it believes necessary to complete its work. Ad Hoc committees shall be created by the Commission by formal vote and will also be dissolved by the Commission by formal vote when the Commission determines the Ad Hoc committee has completed its work and/or at the time final recommendations are presented to the Commission.

(B) **Chairpersons.** Each standing committee shall select a Chairperson and Vice-Chairperson who shall be Commission or Advisory Committee members. Chairpersons and Vice-Chairpersons shall serve in their capacity for a term not exceeding two years. Chairpersons and Vice-Chairpersons shall be permitted to serve no more than two consecutive terms in their respective capacities. Ad Hoc committees created will select a chairperson in consultation with the Standing Committee Chairperson, Vice-Chairperson or Director of the Commission.

(C) **Membership.** Any standing or ad hoc committee created should consist of Commission members, Advisory Committee members and other persons who the Standing Committee Chairperson, Vice-Chairperson, or Director of the Commission believe will assist in a full exploration and vetting of the specific issues under the review

### **Commission Operating Guidelines - continued**

of the committee. Standing committee members and Ad Hoc committee members must be appointed by the Commission's Chair, Vice-Chair, or the Standing Committee Chairperson. The Commission will maintain member rosters for all Standing Committee and Ad Hoc committees.

(D) **Voting.** All appointed members to a standing and/or ad hoc committee including non-Commission or non-Advisory Committee members, may vote on any motion properly before the (standing or ad hoc) committee.

### **VIII. Amendment of Operating Guidelines**

(A) The Operating Guidelines may be amended at any full meeting of the Commission by the votes of a majority of the quorum present, provided that the amendment was submitted in writing at the last previous full Commission meeting or in advance of the full Commission meeting as approved by the chairperson, vice-chair person or executive director.

### **IX. Effective Date**

(A) These Operating Guidelines are effective upon adoption.

## COMMISSION VISION & MISSION STATEMENTS

**Vision: To enhance justice**

**Mission: To ensure fair sentencing in the State of Ohio**

To fulfill its vision, the Ohio Criminal Sentencing Commission will develop and recommend sentencing policy to the General Assembly that is designed to:

- Advance public safety
- Realize fairness in sentencing
- Preserve meaningful judicial discretion
- Distinguish the most efficient and effective use of correctional resources
- Provide a meaningful array of sentencing options

The Ohio Criminal Sentencing Commission will achieve its mission by:

- Analyzing current adult and juvenile criminal statutes and law in Ohio and other states
- Studying sentencing patterns and outcomes and balancing the needs of criminal sentencing and available correctional resources
- Researching and recommending evidence based approaches to reducing recidivism
- Recommending reasonable and specific criminal justice reforms





## OHIO REVISED CODE §§ 181.21 THROUGH 181.26

### 181.21 State criminal sentencing commission - juvenile committee.

(A) There is hereby created within the supreme court the state criminal sentencing commission, consisting of thirty-one members. One member shall be the chief justice of the supreme court, who shall be the chairperson of the commission. The following ten members of the commission, no more than six of whom shall be members of the same political party, shall be appointed by the chief justice: one judge of a court of appeals, three judges of courts of common pleas who are not juvenile court judges, three judges of juvenile courts, and three judges of municipal courts or county courts. Four members shall be the superintendent of the state highway patrol, the state public defender, the director of youth services, and the director of rehabilitation and correction, or their individual designees. The following twelve members, no more than seven of whom shall be members of the same political party, shall be appointed by the governor after consulting with the appropriate state associations, if any, that are represented by these members: one sheriff; two county prosecuting attorneys, at least one of whom shall be experienced in the prosecution of cases in juvenile court involving alleged delinquent children, unruly children, and juvenile traffic offenders; two peace officers of a municipal corporation or township, at least one of whom shall be experienced in the investigation of cases involving juveniles; one former victim of a violation of Title XXIX [29] of the Revised Code; one attorney whose practice of law primarily involves the representation of criminal defendants; one member of the Ohio state bar association; one attorney whose practice of law primarily involves the representation in juvenile court of alleged delinquent children, unruly children, and juvenile traffic offenders; one full-time city prosecuting attorney; one county commissioner; and one mayor, city manager, or member of a legislative authority of a municipal corporation. Two members shall be members of the senate, one appointed by the president of the senate and one appointed by the minority leader of the senate. Two members shall be members of the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives.

The chief justice shall become a member of the commission on August 22, 1990, and the chief justice's successors in office shall become members of the commission on the day that they assume the office of chief justice. The term of office of the chief justice as a member of the commission shall continue for as long as that person holds the office of chief justice. The term of office of the member who is an attorney whose practice of law primarily involves the representation of criminal defendants, the term of office of the member who is an attorney whose practice of law primarily involves the representation in juvenile court of alleged delinquent children, unruly children, and juvenile traffic offenders, and the term of office of the former victim of a violation of Title XXIX [29] of the Revised Code shall be four years. The term of office of the superintendent of the state highway patrol, the state public defender, the director of youth services, and the director of rehabilitation and correction, or their individual designees, as members of the commission shall continue for as long as they hold the office of superintendent of the state highway patrol, state public defender, director of youth services, or director of rehabilitation and correction. The term of office of a municipal corporation or township peace

### Ohio Revised Code - continued

officer as a member of the commission shall be the lesser of four years or until that person ceases to be a peace officer of a municipal corporation or township. Unless the full-time city prosecuting attorney is an elected official, the term of office of the full-time city prosecuting attorney shall be the lesser of four years or until the full-time city prosecuting attorney ceases to be a full-time city prosecuting attorney. All of the members of the commission who are elected officials shall serve the lesser of four years or until the expiration of their term of office. Any vacancy on the commission shall be filled in the same manner as the original appointment.

When the chief justice and governor make their appointments to the commission, they shall consider adequate representation by race and gender.

(B) The commission shall select a vice-chairperson and any other necessary officers and adopt rules to govern its proceedings. The commission shall meet as necessary at the call of the chairperson or on the written request of eight or more of its members. Sixteen members of the commission constitute a quorum, and the votes of a majority of the quorum present shall be required to validate any action of the commission. All business of the commission shall be conducted in public meetings.

The members of the commission shall serve without compensation, but each member shall be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official duties on the commission. In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson.

(C) The commission shall establish an office and shall appoint and fix the compensation of a project director and any other employees necessary to assist the commission in the execution of its authority under sections 181.21 to 181.26 of the Revised Code. The project director shall have a thorough understanding of the criminal laws of this state and experience in committee-oriented research. The other employees may include a research coordinator with experience and training in policy-oriented research; professional staff employees with backgrounds in criminal law, criminal justice, political science, or related fields of expertise; administrative assistants; and secretaries. The commission also may appoint and fix the compensation of part-time data collectors, clerical employees, and other temporary employees as needed to enable the commission to execute its authority under sections 181.21 to 181.26 of the Revised Code.

(D) The sentencing commission shall establish a standing juvenile committee. The committee shall consist of the following commission members: the chief justice of the supreme court or the chief justice's designee, the director of youth services, the three juvenile court judges, one court of common pleas judge who is not a juvenile court judge, one county prosecuting attorney who is experienced in the prosecution of cases in juvenile court involving alleged delinquent children, unruly children, and juvenile traffic offenders, the attorney whose practice of law primarily involves the representation in juvenile court of alleged delinquent children, unruly children, and juvenile traffic offenders, the former victim of a violation of Title XXIX [29] of the Revised

Code, the county commissioner, one legislator from each political party, the sheriff, and one municipal corporation or township peace officer who is experienced in the investigation of cases involving juveniles. The members of the commission may serve on the committee by designation of the chief justice. The chief justice shall designate a member to serve as chairperson of the committee. The committee shall meet as necessary at the call of the chairperson or on the written request of four or more of the committee's members. A majority of the members of the committee shall constitute a quorum, and the votes of a majority of the quorum present shall be required to validate any action of the committee, including recommendations to the commission. The committee and the commission shall comply with section 181.26 of the Revised Code.

*Effective Date: 03-23-2000.*

#### **181.22 Criminal sentencing advisory committee.**

There is hereby created the criminal sentencing advisory committee. The committee shall be comprised of the chairperson of the parole board, the staff representative assigned by the correctional institution inspection committee, a juvenile detention facility operator, a provider of juvenile probation or community control services, a provider of juvenile parole or aftercare services, a superintendent of a state institution operated by the department of youth services, a community-based juvenile services provider, a person who is a member of a youth advocacy organization, a victim of a violation of Title XXIX of the Revised Code that was committed by a juvenile offender, a representative of community corrections programming appointed by the governor, and any other members appointed by the chairperson of the state criminal sentencing commission upon the advice of the commission. The committee shall serve as an advisory body to the state criminal sentencing commission and to the commission's standing juvenile committee. The members of the committee shall serve without compensation, but each member shall be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official duties.

Amended by 131st General Assembly File No. TBD, HB 390, §101.01, eff. 9/28/2016.

*Effective Date: 01-01-2002.*

#### **181.23 Studies to recommend comprehensive criminal sentencing structure.**

(A) The state criminal sentencing commission shall study the existing criminal statutes and law of this state, sentencing patterns throughout the state, and available correctional resources. The commission shall use the results of its study to develop and recommend to the general assembly a comprehensive criminal sentencing structure. As part of its study, the commission shall do all of the following:

(1) Evaluate the effectiveness of the sentencing structure of the state;

### **Ohio Revised Code - continued**

- (2) Systematically review each criminal statute to determine if the penalty provided is proportional to the seriousness of the offense committed and to penalties provided for other offenses;
  - (3) Review any existing sentencing guidelines;
  - (4) Determine the number, capacity, and quality of all available state, regional, and local correctional facilities and resources, including, but not limited to, detention facilities, probation services, pretrial diversion programs, and other nonfacility correctional programs;
  - (5) Collect a profile of the populations of state, regional, and local correctional facilities, services, and programs;
  - (6) Coordinate available correctional facilities, services, and programs with the criminal sentencing goals of the state, including, but not limited to, punishment, deterrence, fairness, rehabilitation, and treatment;
  - (7) Identify any additional correctional resources that are necessary to balance the needs of criminal sentencing and the available correctional resources.
- (B) The commission shall develop a sentencing policy for the state that is based upon the findings and conclusions of its study under division (A) of this section. The policy shall be designed to enhance public safety by achieving certainty in sentencing, deterrence, and a reasonable use of correctional facilities, programs, and services and shall be designed to achieve fairness in sentencing.

*Effective Date: 03-23-2000.*

### **181.24 Comprehensive criminal sentencing structure.**

- (A) No later than July 1, 1993, the state criminal sentencing commission shall recommend to the general assembly a comprehensive criminal sentencing structure for the state that is consistent with the sentencing policy developed pursuant to division (B) of section 181.23 of the Revised Code and the conclusions of the study conducted pursuant to division (A) of that section. The sentencing structure shall be designed to enhance public safety, to assist in the management of prison overcrowding and correctional resources, to simplify the sentencing structure of the state that is in existence on August 22, 1990, and to result in a new sentencing structure that is readily understandable by the citizens of the state, to simplify the criminal code of the state, to assure proportionality, uniformity, and other fairness in criminal sentencing, and to provide increased certainty in criminal sentencing.

(B) The comprehensive criminal sentencing structure recommended by the commission shall provide for all of the following:

- (1) Proportionate sentences, with increased penalties for offenses based upon the seriousness of the offense and the criminal history of the offender;
- (2) Procedures for ensuring that the penalty imposed for a criminal offense upon similar offenders is uniform in all jurisdictions in the state;
- (3) Retention of reasonable judicial discretion within established limits that are consistent with the goals of the overall criminal sentencing structure;
- (4) Procedures for matching criminal penalties with the available correctional facilities, programs, and services;
- (5) A structure and procedures that control the use and duration of a full range of sentencing options that is consistent with public safety, including, but not limited to, long terms of imprisonment, probation, fines, and other sanctions that do not involve incarceration;
- (6) Appropriate reasons for judicial discretion in departing from the general sentencing structure.

(C) The commission shall project the impact of all aspects of the comprehensive criminal sentencing structure upon the capacities of existing correctional facilities. It also shall project the effect of parole release patterns and patterns of release from regional and local jails, workhouses, and other correctional facilities upon the sentencing structure. Additionally, the commission shall determine whether any additional correctional facilities are necessary to implement the sentencing structure.

(D) The commission shall determine whether any special appellate procedures are necessary for reviewing departures from, or the misapplication of, the general sentencing structure recommended pursuant to this section.

(E) The commission shall submit a draft version of the comprehensive criminal sentencing structure to selected judges, prosecuting attorneys, defense attorneys, law enforcement officials, correctional officials, bar associations, and other persons with experience or expertise in criminal sentencing and solicit their comments on the draft.

*Effective Date: 03-23-2000.*

**181.25 Commission duties - comprehensive criminal sentencing structure.**

(A) If the comprehensive criminal sentencing structure that it recommends to the general assembly pursuant to section 181.24 of the Revised Code or any aspects of that sentencing structure are enacted into law, the state criminal sentencing commission shall do all of the following:

(1) Assist the general assembly in the implementation of those aspects of the sentencing structure that are enacted into law;

(2) Monitor the operation of the aspects of the sentencing structure that are enacted into law and report to the general assembly no later than January 1, 1997, and biennially thereafter, on all of the following matters:

(a) The impact of the sentencing structure in effect on and after July 1, 1996, on political subdivisions and other relevant aspects of local government in this state, including all of the following information:

(i) The number and type of offenders who were being imprisoned in a state correctional institution under the law in effect prior to July 1, 1996, but who are being punished under a community control sanction, as defined in section 2929.01 of the Revised Code, under the law in effect on and after July 1, 1996;

(ii) The fiscal and other impact of the law in effect on and after July 1, 1996, on political subdivisions and other relevant aspects of local government in this state, including law enforcement agencies, the court system, prosecutors, as defined in section 2935.01 of the Revised Code, the public defender and assigned counsel system, jails and workhouses, probation departments, the drug and alcohol abuse intervention and treatment system, and the mental health intervention and treatment system.

(b) The impact of the sentencing structure in effect on and after July 1, 1996, on the population of state correctional institutions, including information regarding the number and types of offenders who are being imprisoned under the law in effect on and after July 1, 1996, and the amount of space in state correctional institutions that is necessary to house those offenders;

(c) The impact of the sentencing structure and the sentence appeal provisions in effect on and after July 1, 1996, on the appellate courts of this state, including information regarding the number of sentence-based appeals, the cost of reviewing appeals of that nature, whether a special court should be created to review sentences, and whether changes should be made to ensure that sentence-based appeals are conducted expeditiously.

(3) Review all bills that are introduced in the general assembly that provide for new criminal offenses or that change the penalty for any criminal offense, determine if those bills are consistent with the sentencing policy adopted under division (B) of section 181.23 of the Revised Code,

determine the impact of those bills upon the correctional resources of the state, and recommend to the general assembly any necessary amendments to those bills. When the commission recommends any amendment for a bill before the general assembly, it shall do so in a manner that is consistent with the requirements of section 181.24 of the Revised Code.

(4) Study criminal sentencing structures in this state, other states, and the federal government, recommend necessary changes to the sentencing structure of the state, and determine the costs and effects of any proposed changes in the sentencing structure of the state;

(5) Collect and maintain data that pertains to the cost to counties of the felony sentence appeal provisions set forth in section 2953.08 of the Revised Code, of the postconviction relief proceeding provisions set forth in division (A)(2) of section 2953.21 of the Revised Code, and of appeals from judgments entered in such postconviction relief proceedings. The data so collected and maintained shall include, but shall not be limited to, the increase in expenses that counties experience as a result of those provisions and those appeals and the number of felony sentence appeals made, postconviction relief proceedings filed, and appeals of postconviction relief proceeding judgments made in each county under those provisions.

(B) In addition to its duties set forth in section 181.24 of the Revised Code and division (A) of this section, the state criminal sentencing commission shall review all forfeiture statutes in Titles XXIX and XLV of the Revised Code and, not later than July 1, 2002, recommend to the general assembly any necessary changes to those statutes.

Amended by 129th General Assembly File No. 169, HB 247, §1, eff. 3/22/2013.

*Effective Date: 07-08-2002.*

### **181.26 Additional duties concerning juveniles.**

(A) In addition to its duties set forth in sections 181.23 to 181.25 of the Revised Code, the state criminal sentencing commission shall do all of the following:

(1) Review all statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions in this state;

(2) Review state and local resources, including facilities and programs, used for delinquent child, unruly child, and juvenile traffic offender dispositions and profile the populations of youthful offenders in the facilities and programs;

(3) Report to the general assembly no later than October 1, 1999, a comprehensive plan containing recommendations based on the reviews required under divisions (A)(1) and (2) of this section. The recommendations shall do all of the following:



(a) Assist in the managing of the number of persons in, and costs of, the facilities, the programs, and other resources used in delinquent child, unruly child, and juvenile traffic offender dispositions;

(b) Foster rehabilitation, public safety, sanctions, accountability, and other reasonable goals;

(c) Provide greater certainty, proportionality, uniformity, fairness, and simplicity in delinquent child, unruly child, and juvenile traffic offender dispositions while retaining reasonable judicial discretion;

(d) Provide for the restoration of victims of juvenile offenses.

(B) The commission shall project the impact of the comprehensive plan recommended by the commission under this section on state and local resources used in delinquent child, unruly child, and juvenile traffic offender dispositions. The commission shall determine whether any additional facilities, programs, or other resources are needed to implement the comprehensive plan.

(C) If the general assembly enacts all or a substantial part of the comprehensive plan recommended by the commission under this section, the commission shall do all of the following:

(1) Assist in the implementation of the enacted plan;

(2) Monitor the operation of the plan, periodically report to the general assembly on the plan's operation and the plan's impact on resources used in delinquent child, unruly child, and juvenile traffic offender dispositions, and periodically recommend changes in the plan to the general assembly based on this monitoring;

(3) Review all bills that are introduced in the general assembly that relate to delinquent child, unruly child, and juvenile traffic offender dispositions and assist the general assembly in making legislation consistent with the plan.

*Effective Date: 03-18-1999.*



## CODE OF ETHICS FOR COURT APPOINTEES

This code of ethics is adopted by the Supreme Court and applies to all Court appointees to boards, commissions, advisory committees, and task forces created and staffed by the Court. It is intended to establish consistent standards and expectations regarding ethical behavior by Court appointees in meeting their duties and responsibilities through their appointment. It is intended to also ensure public trust and confidence that the important matters reviewed by boards, commissions, advisory committees, and task forces are considered in a fair and impartial manner.

This code of ethics has not been adopted as a rule pursuant to Article IV, Section 5 of the Ohio Constitution and should not be construed as requiring adoption.

### SECTION 1.0. DEFINITION.

#### 1.1. Definition.

As used in this code of ethics, a “Court appointee” means a person serving on a board, commission, advisory committee, or task force, as appointed by the Court, the Chief Justice of the Court, or a Justice of the Court, or serving on such a body by virtue of holding a position within or upon nomination of another group, association, or organization.

### SECTION 2.0. EXPECTATIONS AND PROHIBITIONS.

#### 2.1. Representative of the Court.

A Court appointee shall strive at all times to represent the Court in a professional and ethical manner. A Court appointee shall also avoid speaking or representing to others that the appointee is in a position to speak on behalf of or state the official position of the Court, unless authorized to do so.

#### 2.2. Appearance of Impropriety.

A Court appointee shall avoid engaging in activity that gives the appearance of impropriety.

#### 2.3. Undue Influence.

A Court appointee shall avoid allowing family, social, political, business, financial, or other relationships to influence improperly the judgment or position of the appointee on an issue under review by the board, commission, advisory committee, or task force to which the appointee is assigned.

## **Code of Ethics for Court Appointees - continued**

### **2.4. Use of Prestige.**

A Court appointee shall avoid using or lending the prestige of the Court or the board, commission, advisory committee, or task force to which the appointee is assigned in order to advance the private interests of the appointee or others, provided the appointee may note service to the body in a news release, biographical sketch, or other publication that cites the appointee's professional activities and public service.

### **2.5. Special Position.**

A Court appointee shall avoid implying, conveying, or permitting others to convey the impression the appointee is in a special position to influence the judgment of the Court or the board, commission, advisory committee, or task force to which the appointee is assigned. A Court appointee shall also avoid performing any duty or responsibility in a manner that improperly favors any person or group associated with a subject under review by the Court or the board, commission, advisory committee, or task force to which the appointee is assigned.

### **2.6. Confidential Information.**

A Court appointee shall avoid improperly releasing or using confidential information gained through the appointee's participation with the board, commission, advisory committee, or task force to which the appointee is assigned.

### **2.7. Gifts, Bequests, Favors, and Loans.**

A Court appointee; the appointee's spouse, parent, or child, wherever residing; and any person residing in the appointee's household shall avoid accepting a gift, bequest, favor, or loan from any person associated with an issue under review by the board, commission, advisory committee, or task force to which the appointee is assigned that might reasonably be regarded as influencing or appearing to influence the performance of the appointee's official duties.

### **2.8. Impartiality.**

A Court appointee shall avoid participating in a matter pending before the board, commission, advisory committee, or task force to which the appointee is assigned in which the impartiality of the appointee might reasonably be questioned.

### **2.9. Bias and Prejudice.**

A Court appointee shall avoid participating in a matter pending before the board, commission, advisory committee, or task force to which the appointee is assigned and in which the appointee has a personal bias or prejudice concerning a party to the matter.

## **2.10. Financial and Other Interests.**

A Court appointee shall avoid participating in a matter pending before the board, commission, advisory committee, or task force to which the appointee is assigned and in which the appointee, individually or as a fiduciary; the appointee's spouse, parent, or child, wherever residing; or any other person residing in the appointee's household has any more than a minimal financial interest in the subject matter or has more than a minimal non-financial interest that could be substantially affected by the outcome of the matter.

A Court appointee, individually or as a fiduciary; the appointee's spouse, parent, or child, wherever residing; and any other person residing in the appointee's household shall avoid contracting with or performing services for a fee for the Court on an issue or topic related to the work of the board, commission, advisory committee, or task force to which the appointee is assigned.

## **2.11. Knowledge of Interests.**

A Court appointee shall keep informed of the appointee's personal, fiduciary, and financial interests and make a reasonable effort to keep informed about the financial interests of the appointee's spouse and minor children residing in the appointee's household in order to aid in meeting the duty to recuse from participation in a pending matter.

# **SECTION 3.0. COMPLIANCE WITH ADMINISTRATIVE POLICIES.**

## **3.1. Alcohol and Drug Free Workplace.**

A Court appointee shall avoid engaging in an act involving alcohol or drugs prohibited by Administrative Policy 22 (Alcohol and Drug Free Workplace).

## **3.2. Weapons and Violence Free Workplace.**

A Court appointee shall avoid possessing a weapon or dangerous ordinance on Court property or engaging in an act of violence prohibited by Administrative Policy 23 (Weapons and Violence Free Workplace).

## **3.3. Discrimination and Harassment.**

A Court appointee shall avoid engaging in a discriminatory practice or harassment prohibited by Administrative Policy 24 (Discrimination and Harassment).

## **Code of Ethics for Court Appointees - continued**

### **SECTION 4.0. MISCELLANEOUS PROVISIONS.**

#### **4.1. Representative Appointment.**

Nothing in this code of ethics shall prevent a Court appointee who is nominated or appointed in a representative capacity on behalf of any group, association, or organization from advocating positions on behalf of the group, association, or organization the appointee is nominated or appointed to represent.

#### **4.2. Notice and Copy.**

The appointment letter for a Court appointee shall include a copy of this code of ethics. At the first meeting each year of a board, commission, or advisory committee, the Court employee who staffs that body shall provide each Court appointee with a copy of this code of ethics.

#### **4.3. Appointee Consultation.**

If a Court appointee has a question regarding a proposed action, the appointee should consult with the Court employee who staffs the board, commission, advisory committee, or task force to which the appointee is assigned.

*Effective Date: July 1, 2006*

*Amended Effective: January 1, 2010*

## **GUIDELINES FOR TRAVEL BY COURT APPOINTEES**

These guidelines are adopted by the Supreme Court and are intended to establish consistent standards and expectations regarding travel by Court appointees while on Court business. These guidelines have not been adopted as rules pursuant to Article IV, Section 5 of the Ohio Constitution and should not be construed as requiring adoption.

### **SECTION 1.0. DEFINITIONS.**

#### **1.1. Definitions.**

As used in these guidelines:

(A) “Court appointee” means either of the following:

(1) A person serving on a board, commission, advisory committee, or task force, as appointed by the Court, the Chief Justice of the Court, or a Justice of the Court.

(2) A person performing an official duty or responsibility for the Court at the request of the Chief Justice, a Justice, or a senior staff employee of the Court.

(B) “Travel status” means the time a Court appointee is traveling on Court business, beginning when travel to the destination commences and continuing until the time of return from such destination.

### **SECTION 2.0. AUTHORITY FOR TRAVEL.**

#### **2.1. Authority for Travel.**

A Court appointee may travel on Court business when authorized by the Court employee who staffs the board, commission, advisory committee, or task force to which the appointee is assigned or by the Chief Justice, Justice, or senior staff employee who requested the appointee perform an official duty or responsibility for the Court.

### **SECTION 3.0. PROCEDURE FOR APPROVAL OF TRAVEL.**

#### **3.1. In-State Travel.**

A Court appointee shall obtain prior approval to travel in state on Court business from the Court employee who staffs the board, commission, advisory committee, or task force to which the appointee is assigned or the Chief Justice, Justice, or senior staff employee who requested the

### **Guidelines for Travel by Court Appointees - continued**

appointee perform an official duty or responsibility for the Court. The prior approval may be given verbally and may be of a continuing nature.

In limited circumstances, a Court appointee may be required to attend a continuing education conference, seminar, or workshop as part of the appointee's training to serve. In this circumstance, the Court appointee shall follow the requirements of Administrative Policy 11 (Training and Education).

#### **3.2. Out-of-State Travel.**

A Court appointee shall obtain prior written approval to travel out of state on Court business from the Court employee who staffs the board, commission, advisory committee, or task force to which the appointee is assigned or the Chief Justice, Justice, or senior staff employee who requested the appointee perform an official duty or responsibility for the Court.

The procedure to obtain approval to travel out of state shall occur in the following order:

- (A) The Court appointee shall complete a "Travel and Conference Approval Form" (copy provided as Attachment A) and attach a copy of the notice, agenda, course description, or letter of invitation relating to the event the appointee will attend and reasonable estimates of the reimbursable expenses the attendee expects to incur;
- (B) The Director of Fiscal & Management Resources shall indicate the availability of funds to reimburse the Court appointee for the expenses that will be incurred by signing the form;
- (C) The Administrative Director shall indicate approval of the travel by signing the form.

### **SECTION 4.0. TIME OF TRAVEL.**

#### **4.1. Dates of Departure.**

A Court appointee who is traveling out of state on Court business may begin such travel at Court expense no earlier than the day before the event begins.

#### **4.2. Dates of Return.**

A Court appointee who is traveling out of state on Court business may end such travel at Court expense no later than the day the event ends, if the event is scheduled to end before noon Ohio time. If the event is scheduled to end at noon or later Ohio time, the appointee may end such travel at Court expense no later than the day after the event ends.

#### **4.3. Beginning and End of Event.**

For purposes of determining the time a Court appointee who is traveling out of state on Court business is authorized to travel at Court expense, an event begins at the time of the first scheduled event as listed on the notice, agenda, course description, or letter of invitation attendees are invited or required to attend and concludes with the last scheduled event listed on the notice, agenda, course description, or letter of invitation attendees are invited or required to attend.

#### **4.4. Extended Stay at Court Expense.**

A Court appointee who is traveling out of state on Court business may be authorized to travel at Court expense for one or more days in addition to those authorized by Guidelines 4.1 and 4.2 if the appointee demonstrates the extension of the appointee's travel will result in a net reduction in travel expenses to be reimbursed by the Court, as determined by the Director of Fiscal & Management Resources. A net reduction in travel expenses to be reimbursed by the Court may be established by demonstrating the availability of a lower airfare, taking into account additional lodging, meal, and other travel expenses the appointee may incur during the extension of the appointee's travel time.

#### **4.5. Extended Stay at Personal Expense.**

A Court appointee who is traveling out of state on Court business may elect to extend the duration of the travel at the appointee's personal expense and begin or end the travel on days other than the days authorized in Guidelines 4.1 and 4.2. The extended travel shall not result in any additional expense to the Court.

### **SECTION 5.0. REIMBURSABLE EXPENSES.**

#### **5.1. Reimbursement of Transportation Expenses.**

##### **(A) Common carrier**

A Court appointee shall be reimbursed for transportation expenses incurred when traveling on Court business by common carrier. Reimbursement shall be at actual cost, provided the cost is reasonable as determined by the Director of Fiscal & Management Resources. Reasonableness shall be based upon a demonstration that the cost is similar to rates by other reputable carriers in effect at the time the travel arrangements are made for travel by the same mode of transportation, to the same destination, and at a similar time. Reimbursement shall not be provided for unused reservations on common carriers unless the Director of Fiscal & Management Resources determines the failure to cancel or use the reservation was unavoidable. Unused tickets shall be returned to the Office of Fiscal & Management Resources. Reimbursement for in-state travel by common air carrier is not permitted.

## **Guidelines for Travel by Court Appointees - continued**

### **(B) Privately-owned motor vehicle**

A Court appointee shall be reimbursed for transportation expenses incurred while traveling on Court business by privately-owned motor vehicle at the standard business mileage rate designated by the Internal Revenue Service. Reimbursement shall be made only to one of two or more Court appointees who are traveling in the same privately-owned motor vehicle.

### **(C) Taxi, shuttle service, and rented motor vehicle**

A Court appointee shall not be reimbursed for transportation expenses incurred while traveling in state on Court business by taxi, shuttle service, or rented motor vehicle. A Court appointee shall be reimbursed for transportation expenses incurred while traveling out of state on Court business by rented motor vehicle in an amount not to exceed four hundred dollars.

A Court appointee who has traveled out of state on Court business by common carrier shall be reimbursed for expenses incurred for taxi, shuttle service, or rented motor vehicle transportation while at the out-of-state destination. Reimbursement shall be at actual cost, provided the cost is reasonable as determined by the Director of Fiscal & Management Resources.

Reasonableness in the use of a rented motor vehicle shall be based upon a Court appointee demonstrating that taxi or shuttle service was not available, that the use of a rented motor vehicle is more economical than using taxi or shuttle service, or that the destination was not easily accessible by taxi or shuttle service.

### **(D) Parking, tolls, and other transportation expenses**

A Court appointee shall be reimbursed for other transportation expenses incurred while traveling on Court business, including parking and tolls. Reimbursement shall be at actual cost, provided the cost is reasonable as determined by the Director of Fiscal & Management Resources.

## **5.2. Reimbursement of Meal Expenses.**

### **(A) Meal expenses**

A Court appointee shall be reimbursed for meal expenses incurred while traveling on Court business involving an overnight stay. A Court appointee shall be reimbursed for meal expenses incurred on either an actual cost or per-diem basis, as selected by the appointee, at a rate not to exceed the maximum rate outlined in the table below. Reimbursement on an actual cost or per-diem basis when traveling overnight shall be consistently claimed for all meals during the same day of travel, but may vary from day to day.



If a Court appointee is attending a meeting, conference, seminar, or workshop and the registration fee includes one or more meals, the appointee shall not be reimbursed for other meals purchased during the same meal period, except for a breakfast purchased when a continental breakfast is included as part of the registration fee or because of special dietary needs.

<b>Type of Reimbursement</b>	<b>Breakfast</b> (4:00 a.m. to 8:00 a.m.)	<b>Lunch</b> (10:00 a.m. to 2:00 p.m.)	<b>Dinner</b> (6:00 p.m. to midnight)	<b>All Day</b>
Per Diem	\$7.00	\$8.00	\$15.00	\$30.00
Actual Cost (in-state)	\$9.00	\$12.00	\$19.00	\$40.00
Actual Cost (out-of-state)	\$12.00	\$18.00	\$30.00	\$60.00

#### **(B) Allocation of expenses**

Reimbursement for meal expenses requires an allocation for breakfast, lunch, and/or dinner. However, if a Court appointee is in travel status during more than one meal period in a day, the appointee may combine the maximum limits for those meal periods without allocation.

#### **(C) Meal gratuities**

A Court appointee who claims reimbursement on an actual cost basis shall be reimbursed for meal gratuities, not to exceed fifteen percent of the total reimbursable meal expense. The amount of the gratuity shall not count against the applicable maximum amount for reimbursements on an actual cost basis. There shall be no separate reimbursement for meal gratuities where meal reimbursement is made on a per-diem basis.

### **5.3. Reimbursement of Lodging Expenses.**

#### **(A) Commercial lodging**

A Court appointee shall be reimbursed for lodging expenses incurred in commercial establishments while traveling overnight on Court business. Reimbursement shall be at actual cost, provided the cost is reasonable as determined by the Director of Fiscal & Management Resources. A Court appointee shall be reimbursed for lodging expenses only when the appointee incurs the expense more than forty-five miles from the appointee's residence. This limitation shall not apply to a Court appointee who is responsible for serving as staff support for or is otherwise required to attend a meeting, conference, seminar, or workshop sponsored or conducted by the Court. A Court appointee shall attempt to secure the lowest rate at a convenient commercial establishment and shall specifically request the government rate, if available, and exemption from applicable taxes.

## **Guidelines for Travel by Court Appointees - continued**

### **(B) Noncommercial, private lodging**

A Court appointee shall be reimbursed for lodging expenses incurred in a noncommercial, private dwelling while traveling overnight on Court business. Reimbursement shall be at fifteen dollars per appointee, per calendar day, except when lodging with the appointee's parents or children, including step-parents and step-children.

## **5.4. Reimbursement of Miscellaneous Travel Expenses.**

### **(A) Non-meal gratuities**

A Court appointee shall be reimbursed for non-meal gratuities incurred while traveling overnight on Court business, including tips for porter, housekeeping, and taxi services. Reimbursement shall be at actual cost, at a total cost not to exceed five dollars for all non-meal gratuities per day.

### **(B) Miscellaneous living expenses**

A Court appointee shall be reimbursed for miscellaneous living expenses incurred while traveling on Court business for more than five consecutive calendar days, including laundry and dry cleaning services. Reimbursement shall be at actual cost, provided the cost is reasonable as determined by the Director of Fiscal & Management Resources.

### **(C) Alcohol and entertainment**

A Court appointee shall not be reimbursed for alcohol or entertainment expenses.

## **SECTION 6.0. CLAIMING EXPENSES.**

### **6.1. Travel Expense Report.**

#### **(A) Reporting requirement**

A Court appointee shall be reimbursed for travel expenses incurred in accordance with these guidelines upon submission of a completed "Travel Expense Report" to the Office of Fiscal & Management Resources (copy provided as Attachment B). A "Travel Expense Report" submitted by a Court appointee shall be signed by the Court employee who staffs the board, commission, advisory committee, or task force to which the appointee is assigned or the Chief Justice, Justice, or senior staff employee who requested the appointee to perform an official duty or responsibility for the Court.

**(B) Reporting deadline**

A Court appointee shall submit a “Travel Expense Report” no later than sixty days after the travel expense is incurred.

**(C) Receipts**

A Court appointee shall attach to the “Travel Expense Report” original itemized receipts for all transportation, meal, lodging, and miscellaneous expenses for which reimbursement is sought, except for meal expenses when a per-diem reimbursement is claimed. Receipts are not required for non-meal gratuities of five dollars or less per day. The Director of Fiscal & Management Resources may require any reasonable form of verification of an expense, in addition to or in lieu of the required receipts, if additional verification is necessary to ascertain the propriety of the reimbursement or if the required receipts are not available. The Court reserves the right to contact the provider of any service claimed as an expense for such verification, including requesting duplicate itemized receipts. Failure to provide receipts or additional forms of requested verification shall be cause to disallow a request for reimbursement, except when a per-diem reimbursement is claimed.

**SECTION 7.0. MISCELLANEOUS GUIDELINES.****7.1. Motor Vehicle Liability.**

A Court appointee is advised to check with the appointee’s motor vehicle insurer regarding the scope of coverage afforded under the appointee’s policy of insurance for use of a personal or rented motor vehicle while traveling on Court business.

**7.2. Application of Guidelines.**

These guidelines shall apply to all boards, commissions, advisory committees, and task forces, with the exception that all requirements involving the Administrative Director and the Director of Fiscal & Management Resources as set forth herein shall be performed by the Secretary to the Board of Commissioners on Grievances and Discipline for all Court appointees of that board and by the Administrator of the Board of Commissioners of the Clients’ Security Fund for all appointees of that board.

*Effective Date: January 1, 2006*

*Amended Effective: February 1, 2010*



# SUPREME COURT OF OHIO TRAVEL EXPENSE FORM

## SUPREME COURT OF OHIO TRAVEL EXPENSE REPORT

**Note:** The traveler is required by Rule 125-1.02 of the Administrative Code and Supreme Court of Ohio Administrative Policy 32.Travel to complete this report and to provide all receipts and other relevant information required by the employing agency or the Office of Budget and Management to verify your travel expenses. The report, receipts, and other information you provide will be used to determine your eligibility for reimbursement of travel expenses and to process your reimbursement. The information you provide in the report will be entered into OAKS. The report, the information contained in the report, and the information entered in OAKS from the report are public information which may be released to anyone requesting the information. Additionally, the report and the information contained in it or entered into OAKS from the report are subject to an audit by your agency, OBM, the Auditor of State or other authorized party and may be used in a review, investigation, inquiry or legal proceeding or action related to your reimbursement.

<b>Traveler's Name</b>		<b>Home Address (Number, Street, City, Zip)</b>				<b>Reporting Category</b>		<b>State of Ohio OAKS User ID</b>															
<b>Title</b>						<b>In-State or Out-of-State</b>		<b>Phone Number (to reach if questions)</b>															
<b>Department, Board, Commission or Task Force</b>		<b>Headquarters (City &amp; County)</b>				<input type="checkbox"/>																	
DATE Mo/Day/Yr	ITINERARY		LIVING EXPENSES			TRANSPORTATION EXPENSE			MISCELLANEOUS														
	Travel Points	Time	Meals	Lodging	Lodging Taxes/Fees	Total	Automobile Miles	Common Carrier Amount		Other (tolls, tips, parking)													
	FROM	DEP								Services & Spec. Purch. (Internet)	Conference Meals												
	TO	ARR																					
	FROM	DEP																					
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<b>Purpose of Travel</b> <table border="1"> <tr> <td colspan="2"> <b>EMPLOYEES ONLY:</b>            Commute            This Report            Total Personal Vehicle Mileage         </td> <td colspan="2"> <b>Less</b>            Total Living, Common Carrier, Other and Miscellaneous Expenses            Total Reimbursement Claimed            Travel Advance Received for Out-of-State Travel         </td> <td colspan="2"> <b>0.535</b> = <b>Total Personal Auto Mileage Allowance</b> </td> </tr> <tr> <td colspan="2">           Total Living, Common Carrier, Other and Miscellaneous Expenses            Total Reimbursement Claimed            Travel Advance Received for Out-of-State Travel         </td> <td colspan="2"></td> <td colspan="2"></td> </tr> </table>												<b>EMPLOYEES ONLY:</b> Commute This Report Total Personal Vehicle Mileage		<b>Less</b> Total Living, Common Carrier, Other and Miscellaneous Expenses Total Reimbursement Claimed Travel Advance Received for Out-of-State Travel		<b>0.535</b> = <b>Total Personal Auto Mileage Allowance</b>		Total Living, Common Carrier, Other and Miscellaneous Expenses Total Reimbursement Claimed Travel Advance Received for Out-of-State Travel					
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<b>Date</b> Names of Other State Employees Traveling in Same Car.		<b>EMPLOYING AGENCY</b>		<b>TRAVELER'S SIGNATURE</b>		<b>DATE</b>		<b>SENIOR STAFF SUPERVISOR</b>		<b>DATE</b>													
I certify that the expenses identified in this report are limited to those which I actually incurred on state business or, in the case of a request for an advance of the travel expenses, to those which I reasonably expect to incur on state business and that these expenses meet the requirements of Rule 125-1.02 of the Administrative Code or applicable collective bargaining contract. In the event that I am driving a privately owned motor vehicle on state business, I certify that I am insured under a policy of liability insurance meeting the requirements of Section 4509.51 of the Revised Code.																							

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# OHIO

## CRIMINAL SENTENCING COMMISSION

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