

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5120-2-04

Rule Type: Amendment

Rule Title/Tagline: Reduction of minimum and maximum or definite sentence or stated prison term for jail time credit.

Agency Name: Department of Rehabilitation and Correction

Division:

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date? 1/8/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 111.15
4. What statute(s) grant rule writing authority? 5120.01
5. What statute(s) does the rule implement or amplify? 2967.191, 5120.15
6. What are the reasons for proposing the rule?

To update sentence computation guidelines in accordance with court decisions and other legislative changes.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

These rule changes ensure that sentence computation is guided solely by the courts and their entries.

8. Does the rule incorporate material by reference? No

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

0

Not Applicable

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Not Applicable

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? No

17. Does this rule have an adverse impact on business? No

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding? 0
- B. How many existing regulatory restrictions do you propose removing? 6

5120-2-04(G) - This restrictive clause states that if a day of confinement is reported on more than one journal entry, the Department shall reduce the sentence by one day.

5120-2-04(G)(1) - This restrictive clause states that an offender's transport time shall not be aggregated, but only given one time for consecutive sentences from different counties.

5120-2-04(G)(2) - This restrictive clause states that an offender's transport time shall not be aggregated, but only given one time for consecutive sentences from the same county.

5120-2-04(G)(2)(c)(i) - If jail credit amounts differ on entries, a stated prison terms shall be reduced by one day based on the dates in the entry.

5120-2-04(G)(2)(c)(ii) - Based on the court's entry, the sentence shall be reduced by the longest single amount of time ordered.

5120-2-04(G)(3) - For consecutive sentences, an offender shall not be given jail credit while out to court on new charges.