

5120-2-04

Reduction of minimum and maximum or definite sentence or stated prison term for jail time credit.

- (A) The department of rehabilitation and correction ~~shall~~is to reduce the minimum and maximum sentence, where applicable, the definite sentence, the minimum and maximum of a non-life felony indefinite prison term, or the stated prison term of an offender by the total number of days specified by the sentencing court in the sentencing entry as required by division (B)(g)(i) of section 2929.19 of the Revised Code; by the number of days the offender was confined as a result of the offense, between the date of the sentencing entry and the date committed to the department, and by the number of days, if any, that the offender previously served in the custody of the department of rehabilitation and correction arising out of the offense for which the offender was convicted and sentenced as determined by section 2967.191 of the Revised Code.
- (B) The sentencing court determines the amount of time the offender served locally before being sentenced. The court must make a factual determination of the number of days credit to which the offender is entitled by law and include this information within the sentencing entry as required by 2929.19(B)(f)(i).
- (C) When the sheriff delivers the offender to the department of rehabilitation and correction's reception center, he ~~shall~~is to present the managing officer with a copy of the documents set forth in section 2949.12 of the Revised Code, unless the department and the sheriff have agreed to electronically processed prisoner ~~commitment~~commitment.
- (D) If the court's sentencing entry fails to specify that the offender is entitled to any credit up to the date of sentencing, the bureau of sentence computation ~~shall~~is to reduce the sentence or stated prison term only by the number of days the offender was confined between the date of the sentencing entry and the date the offender was committed to the department.
- (E) If an offender is serving two or more sentences, stated prison terms or combination thereof concurrently, the department ~~shall~~is to independently reduce each sentence or stated prison term for the number of days confined for that offense. Release of the offender ~~shall be~~is based upon the longest definite, minimum and/or maximum sentence or stated prison term after reduction for jail time credit.
- (F) If an offender is serving two or more sentences, stated prison terms or combination thereof, not to include a non-life felony indefinite sentence, consecutively, the bureau of sentence computation ~~shall~~is to aggregate the sentences, stated prison terms or combination thereof pursuant to rule 5120-2-03, 5120-2-03.1, or 5120-2-03 of the Administrative Code. The department of rehabilitation and correction ~~shall~~is to reduce the aggregate definite sentence, aggregate stated prison term or aggregate

minimum and aggregate maximum sentences or combination thereof, as determined by rule 5120-02-03, 5120-2-03.1 or 5120-2-03.2 of the Administrative Code, by the total number of days the offender was confined for all of the offenses for which the consecutive sentences, stated prison term or combination thereof were imposed. Generally, when consecutive sentences, stated prison terms or combination thereof are imposed by multiple sentencing entries, the bureau of sentence computation ~~shall~~ is to reduce the aggregate sentence, stated prison terms or combination thereof by the sum of the days specified in each of the sentencing entries plus the number of days the offender was confined between the last sentencing date and the date committed to the institution.

- (G) If an offender is serving one or more non-life felony indefinite sentences consecutively, the bureau of sentence computation will independently reduce the minimum and maximum sentence, by the total number of days specified in each sentencing entry. Unless otherwise instructed by the court, the bureau of sentence computation will include the number of days the offender was confined between the last sentencing date and the date committed to the institution.
- (H) The bureau of sentence computation will rely upon the latest sentencing entry of the court in determining the total days of local confinement in accordance with division (B)(2)(g)(v) of section 2929.19 of the Revised Code.
- (I) The bureau of sentence computation ~~shall~~ is not to reduce a sentence, stated prison term or combination thereof for jail time credit except in accordance with this rule. A party questioning either the number of days contained in the sentencing entry ~~shall be~~ is to be instructed to address ~~his~~ the concerns to the court. Unless the court issues an entry modifying the amount of jail time credit, no change will be made.
- (J) If an offender receives a sentence, or stated prison term to this department consecutive to or concurrent with a sentence in an institution in another state or a federal institution, no action will be taken towards considering him for parole or otherwise terminating his sentence, or stated prison term until the offender is either electronically or physically committed to the custody of this department. At that time, the offender's minimum and maximum, definite sentence, minimum and maximum of a non-life felony indefinite prison term or stated prison term ~~shall~~ is to be reduced pursuant to this rule by the total number of days confined for the crime as certified by the court.

Effective:

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Certification

Date

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