

## 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? 1/8/2020
2. Is this rule the result of recent legislation? Yes
  - A. If so, what is the bill number, General Assembly and Sponsor? SB 201 - 132  
- Senators Bacon & O'Brien
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?

SB 201 (Reagan-Tokes Law) changes Ohio's sentencing law. These rule changes are necessary to calculate the correct order of sentencing and jail credit with the new terminology and requirements of a "non-life felony indefinite prison terms".
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The changes in this rule add the terminology of "non-life felony indefinite prison terms", and clarify that DRC is to follow a judge's sentencing entry in applying jail credit.

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.**

To add the word "felony" to "non-life indefinite sentence" in (H) so that it reads "one or more non-life felony indefinite sentences"

## **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.

0.0

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**