

5120:1-1-41

Standards for imposing, modifying and reducing post-release control.

- (A) The parole board shall review offenders sentenced to a prison term for an offense committed on or after July 1, 1996, to determine if post-release control sanction(s) will be imposed and in effect upon the prisoner's release from imprisonment.
- (B) The parole board shall order a period of post-release control of five years with one or more post-release control sanctions for offenders who were sentenced for felonies of the first degree or sex offenses. For offenders sentenced for felonies of the second degree and felonies of the third degree where the offender caused or threatened physical harm to a person, the parole board shall order a period of post-release control of three years with one or more post-release control sanctions. The board shall order a period of post-release control of one year with one or more post-release control sanctions to apply upon a prisoner who satisfactorily completes the entire period of imprisonment in an intensive program prison. ~~The Subject to paragraph (C)(2)(b) of this rule, the~~ parole board may order post-release control sanctions for no longer than three years for offenders sentenced for third degree felonies to which mandatory post-release control does not apply under division (B)(3) of section 2967.28 of the Revised Code and offenders sentenced for fourth or fifth degree felonies that are not sex offenses. For offenders sentenced for a felony of the fourth or fifth degree other than a felony sex offense, the board shall presume that monitored time is the appropriate post-release control sanction, unless the board determines that a more restrictive sanction is warranted.
- (C) The parole board shall order a period of post-release control for offenders released from imprisonment prior to the expiration of their stated prison terms pursuant to a risk reduction sentence as follows:
- (1) If the offender was sentenced for a felony of the first degree, a felony of the second degree, or a felony of the third degree where the offender caused or threatened physical harm to a person, the parole board shall order a period of post-release control with one or more post-release control sanctions for the number of years required for the offender's felony level under paragraph (B) of this rule, which period of post-release control shall commence immediately upon the offender's release from prison.
- (2) If the offender was sentenced for a third degree felony to which mandatory post-release control does not apply under division (B)(3) of section 2967.28 of the Revised Code or was sentenced for a fourth or fifth degree felony that is not a sex offense, the parole board shall order post-release control sanctions for the applicable period of time specified for the offender under paragraph (C)(2)(a) or (b) of this rule.
- (a) For no longer than three years if, pursuant to division (C) of section 2967.28 of the Revised Code, the parole board determines that a period

of post-release control is necessary for the offender and would have been imposed regardless of the offender's early release from imprisonment pursuant to the risk reduction sentence.

(b) For no longer than three years if the parole board determines that a period of post-release control would not be necessary for the offender but for the offender's early release from imprisonment pursuant to the risk reduction sentence, provided that the period of post-release control imposed shall not extend beyond the date on which the offender's stated prison term would have expired had the offender not received an early release pursuant to the risk reduction sentence.

~~(C)~~(D) Sanctions imposed by the parole board shall be commensurate with the overriding purposes of felony sentencing to protect the public and to punish the offender and may include the enforcement of financial sanctions imposed by the sentencing court. Sanctions may be imposed for rehabilitation, treatment, or incapacitation of the offender, or to accomplish any other purpose authorized by section 2929.11 of the Revised Code.

~~(D)~~(E) When imposing sanctions for post-release control, the parole board shall make its determinations based on available information pertaining to:

- (1) The offender's criminal history;
- (2) Juvenile court adjudications finding the offender to be a delinquent child;
- (3) The offender's conduct while imprisoned;
- (4) Any recommendation provided by the office of victim services regarding post-release control sanctions
- (5) The results of a validated risk assessment, when available.

~~(E)~~(F) When imposing sanctions for post-release control, the parole board may also consider available information pertaining to the following:

- (1) Available supervision resources, including, but not limited to, available beds in community residential sanctions, available community non-residential treatment options, and officer caseloads;
- (2) Any other information that the parole board deems relevant.

~~(F)~~(G) The adult parole authority may modify post-release control sanction by imposing a more or less restrictive sanction as necessary during the period of post-release control.

- (1) At any time during the period of post-release control applicable to the offender, the adult parole authority may review the offender's behavior under the post-release control sanction(s) that was imposed by the parole board.
- (2) The adult parole authority may determine that a more or less restrictive sanction is appropriate and may impose a different sanction.
- (3) If the adult parole authority determines that an offender has violated a post-release control sanction, the adult parole authority may impose a more restrictive sanction pursuant to rule 5120:1-1-42 of the Administrative Code or may report the violation to the parole board for a hearing pursuant to division (F)(3) of section 2967.28 of the Revised Code.
- (4) The adult parole authority shall not increase the duration of the offender's post-release control, or impose a residential sanction that includes a prison term, unless the parole board determines, at a violation hearing, that the offender violated a post-release control sanction or condition of supervision.
- (5) The offender shall be notified in writing of any modification of a sanction.
- (6) The parole board may increase the duration of the period of post-release control imposed by the court up to eight years.

~~(G)~~(H) The post-release control term of offenders convicted of first degree felonies or sex offenses that were committed on or after April 7, 2009 shall not be reduced to a period less than the length of the stated prison term originally imposed. The post-release control term for all offenders, including offenders convicted of first degree felonies and sex offenses shall be subject to provisions set forth in section 2967.16 of the Revised Code.

~~(H)~~(I) The adult parole authority may recommend that the parole board reduce the period of post-release control imposed by the court or by the parole board. When considering applications for reductions in the period of post-release control, the parole board may generally be guided by activities of the offender that tend to show that a reduction in the duration of post-release control is consistent with the purposes of felony sentencing.

- ~~(J)~~(J) If the maximum cumulative prison term for violations of post-release control (one-half of the stated prison term originally imposed) has been reached for an offender placed on discretionary post-release control under paragraph (B) of this rule, the violation hearing officer of the parole board who determines that the offender should serve a prison term for the violation shall terminate the period of post-release control.
- ~~(K)~~(K) If the maximum cumulative prison term for violations of post-release control has been reached for an offender placed on mandatory post-release control under paragraph (B) of this rule, the violation hearing officer of the parole board who determines that an offender should serve a prison term for the violation shall also impose monitored time as the post-release control sanction for the remainder of the period of post-release control.
- (L) As used in this rule, "risk reduction sentence" means a sentence imposed by a court pursuant to section 2929.143 of the Revised Code under which the offender may potentially be released from imprisonment to supervised release prior to the sentence's expiration if the offender successfully completes all treatment and programming recommended by the department.

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Certification

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