

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 post-release control sanction(s) to take 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 to cause 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 one or more post-release control ~~of up to three years~~ sanctions to apply during a period of post release control as determined by the board, upon a prisoner who satisfactorily completes the entire period of imprisonment in an intensive program prison.
- (C) 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) The parole board may order post-release control sanctions for nonviolent felony three and all felony four and five (non-sex offenses) for no greater than three years. 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, including previous periods of probation and parole, or other community supervision.
  - (2) Juvenile court adjudications finding the offender to be a delinquent child.
  - (3) The offender's conduct while imprisoned.
  - (4) Any information provided by the office of victim services regarding post-release control sanctions;
  - (5) Available supervision resources, including but not limited to: available beds in community residential sanctions, available community non-residential treatment options, and officer caseloads;

- (6) Judicially imposed prison terms for post-release control sanction violations;
  - (7) Court ordered restitution of at least five hundred dollars.
- (E) 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 shall not extend the period of post-release control beyond the statutory limit for any offender described in paragraph (B) of this rule.
- (F) The post-release control term for felony one offenders and sex offenders (five years) shall not be reduced nor terminated by the parole board until completion of the full term. The post-release control term for all other offenders shall be subject to final release pursuant to section 2967.16 of the Revised Code.
- (G) 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 with the exception of those offenders described in paragraph (F) of this rule. 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.

- (H) 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 post-release control under paragraph (D) 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.

Effective:

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Certification

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Date

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