



Ohio Department of Rehabilitation and Correction

770 West Broad Street
Columbus, OH 43222
614-752-1164

Ted Strickland, Governor

www.drc.ohio.gov

Ernie L. Moore, Director

PUBLIC HEARING NOTICE

The Ohio Department of Rehabilitation and Correction (ODRC) will conduct a public hearing to receive comments concerning ODRC's proposed changes to the following administrative rules as required by section 119.03 of the Revised Code:

5120:1-1-17 Responding to release violations.

ODRC is proposing to amend the rule by consolidating within it procedures governing post-release control sanctions. Those provisions are currently codified in Administrative Rule 5120:1-1-43, which is being proposed for rescission (see below). Specifically, ODRC is proposing to amend Administrative Rule 5120:1-1-17 to specify that, when considering the imposition of further sanctions against any releasee, the parole officer or parole board must consider the degree of seriousness of the violation and the risk and needs assessment of the offender. ODRC is proposing to amend the rule to identify specific factors to be considered in sanctioning post-release control violations and to identify sanctions that can be imposed only after a hearing. ODRC is proposing to amend the rule to specify that the Adult Parole Authority may respond to an alleged violation even in the absence of a conviction or criminal prosecution if the evidence establishes a violation by a preponderance of the evidence. Further, ODRC is proposing to amend the rule to provide that a judicial finding of "no probable cause" is binding for purposes of revocation only if no additional information is considered at the subsequent revocation hearing.

5120:1-1-18 Release revocation hearing.

ODRC is proposing to amend the rule by consolidating within it procedures governing post-release control sanctions. ODRC is proposing to amend the rule by removing provisions authorizing the Chief of the Adult Parole Authority to designate individuals other than parole board members or hearing officers to conduct release revocation hearings. ODRC is also proposing to amend the rule to provide that, when the hearing officer orders a releasee's return to prison, the offender is to be transported to the designated ODRC reception center as determined by ODRC.

5120:1-1-36 Parole board records.

ODRC is proposing to amend the rule by modifying the list of non-public parole board records that are available to representatives of approved media organizations, government officials, victims, and attorneys.



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5120:1-1-41 Standards for imposing, modifying and reducing post-release control.

ODRC is proposing to amend the rule to specify that offenders who successfully complete the entire period of imprisonment in an intensive program prison be subject to one year of post-release control. ODRC is also proposing to amend the rule to specify that monitored time is the appropriate post-release control sanction for offenders sentenced for fourth or fifth degree felonies that are not sex offenses, unless the parole board determines that a more restrictive sanction is warranted. ODRC is also proposing to amend the rule by modifying the information that the board is required to consider in imposing sanctions for post-release control and permitting the board to consider any additional information that it considers relevant. ODRC is also proposing to amend the rule to provide that the parole board may not reduce the period of post-release control for a sentence imposed after April 7, 2009 for a first degree felony or felony sex offense to a period less than the length of the stated prison term originally imposed. ODRC is also proposing to amend the rule to provide that: (1) If the maximum cumulative prison term for violations of post-release has been reached for an offender on discretionary post-release control, the violation hearing officer of the parole board who determines that the offender should serve a prison term for the violation must terminate the period of post-release control; and (2) If the maximum cumulative prison term for violations of post-release control has been reached for an offender placed on mandatory post-release control, the violation hearing officer of the parole board who determines that the offender should serve a prison term for the violation must impose monitored time as the post-release control sanction for the remainder of the period of post-release control.

5120:1-1-42 Discharge from post-release control.

ODRC is proposing to amend the rule by titling it "Designation of post-release control period as favorable or unfavorable when terminated." ODRC is also proposing to amend the rule by specifying that the existing requirement that the Adult Parole Authority designate a termination from post-release control as unfavorable if the offender has two or more misdemeanor convictions (other than minor misdemeanor traffic offenses) applies only if the offenses were committed within six months prior to the completion of the period of post-release control. ODRC is also proposing to amend the rule by removing provisions in the rule conditioning an unfavorable designation on the field services case review analyst and the superintendent of field services agreeing with a joint recommendation from the supervising officer and the unit supervisor to classify the termination as unfavorable. ODRC is also proposing to amend the rule by removing a provision specifying that an unfavorable termination is a relevant factor in sentencing an



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offender for a felony committed after the offender's post-release control was terminated.

5120:1-1-43 Violations of post-release control.

ODRC is proposing rescission of this rule governing the sanctioning of post-release control violations. ODRC is proposing that provisions governing the sanctioning of post-release control violations be merged with existing Administrative Rules 5120:1-1-17 and 5120:1-1-18 (see above).

5120:1-3-01 Contracting and payment reimbursement for offenders placed in halfway houses.

ODRC is proposing to amend the rule to reduce the number of days that halfway houses and other licensed facilities must retain an offender's property when the offender absconds from the facility from thirty days to fourteen consecutive calendar days.

ODRC will conduct the hearing on **Thursday February 10, 2011** in the Parole Board Hearing Room at the Department's offices at 770 West Broad Street, Columbus Ohio 43222. The hearing will begin at **10:00 a.m.** and will continue until all parties in attendance at that time have had an opportunity to provide comment.

Any person may direct written comments or requests for information concerning the proposed actions to Andre Imbrogno at the Department on or before the date of the hearing by writing to Andre Imbrogno, Staff Counsel, Division of Legal Services, 770 West Broad Street, Columbus Ohio 43222 or by emailing to andre.imbrogno@odrc.state.oh.us.