



Ohio Administrative Code

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

Effective: January 15, 2022

(A) The parole board shall review journal entries of 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. Post-release control will be imposed consistent with the journal entry and may be modified, reduced, or terminated in accordance with section 2967.28 of the Revised Code.

(B) Sanctions imposed by the parole board shall be commensurate with the overriding purposes of felony sentencing to protect the public from future crime by the offender and others, to punish the offender, and to promote the effective rehabilitation of the offender, or to accomplish any other purpose authorized by section 2929.11 of the Revised Code. Sanctions may include the enforcement of financial sanctions imposed by the sentencing court.

(C) 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) The offender's conduct while imprisoned;
- (3) Any recommendation provided by the office of victim services regarding post-release control sanctions
- (4) The results of a validated risk assessment, when available.

(D) 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.

(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.

(F) 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.

(G) The adult parole authority may determine, based upon a review of the releasee's behavior under the post-release control sanctions, generally, 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, that the releasee has satisfactorily complied with the sanctions imposed, and if such a determination is made, the authority may recommend a less restrictive sanction, reduce the period of post-release control, or, no sooner than the minimum period of time required under section 2967.16 of the Revised Code, recommend that the parole board or court terminate the duration of the period of post-release control. In no case shall the board or court reduce the duration of the period of control imposed for a felony sex offense on or after September 30, 2021.

(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, 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.