



## Ohio Administrative Code

### Rule 5120-2-03.1 Determination of stated prison terms and life sentences when multiple terms or sentences are imposed.

Effective: May 4, 2020

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- (A) This rule applies only to prison terms imposed for offenses committed on or after July 1, 1996, to be served with the department of rehabilitation and correction.
- (B) A prison term shall be served consecutively to any other prison term as provided by law.
- (C) A prison term shall be served concurrently, not aggregated, with any other prison term imposed by a court of this state, another state, or of the United States, except as otherwise provided by law.
- (D) When multiple stated prison terms are imposed to run concurrently, the offender shall be deemed to be serving the longest of the stated terms so imposed. If, however, the various prison terms are subject to different amounts of reduction for jail time credit, the offender shall be released after serving the longest diminished stated prison term.
- (E) When multiple life sentences with parole eligibility or a minimum term are imposed to run concurrently, the offender becomes eligible for parole after serving the longest of the minimum terms or time to parole eligibility of the life sentences. If, however, the life sentences are subject to different amounts of reduction for jail time credit, the offender shall become eligible for parole after serving the longest diminished minimum term.
- (F) When consecutive stated prison terms are imposed, the term to be served is the aggregate of all of the stated prison terms so imposed.
- (G) When multiple life sentences with parole eligibility or a minimum term are imposed to run consecutively, the offender becomes eligible for parole after serving the aggregate of the minimum terms or time to parole eligibility of the life sentences.
- (H) An offender serving a sentence of life imprisonment without parole is not eligible for parole and shall be imprisoned until death, whether or not the offender is also serving any other sentences or



prison terms.

(I) When a one, three or six-year mandatory prison term is imposed pursuant to division (B)(1)(a)(i) of section 2929.14 of the Revised Code, for using a firearm in the commission of an offense, such term shall be served consecutively with, and prior to, the stated prison term or life sentence imposed for the offense.

(J) When a one, three or six-year mandatory prison term is imposed pursuant to division (B)(1)(a)(i) of section 2929.14 of the Revised Code, for using a firearm in the commission of an offense, and a five-year mandatory prison term is imposed pursuant to division (B)(1)(a)(ii) of section 2929.14 the Revised Code, for committing a felony by discharging a firearm from a motor vehicle, such terms shall be served consecutively to each other and the aggregate term shall be served consecutively with, and prior to, the stated prison term or life sentence imposed for the offense.

(K) When a mandatory prison term is imposed for a felony, other than for using a firearm in the commission of an offense or for committing a felony by discharging a firearm from a motor vehicle, such mandatory term shall be served prior to any non-mandatory portion of the stated prison term or life sentence imposed for the offense.

(L) When multiple mandatory prison terms are imposed for felonies, other than for using a firearm in the commission of an offense or for committing a felony by discharging a firearm from a motor vehicle, the aggregate of all such terms shall be served first and then the aggregate of any non-mandatory portion of the stated prison terms and/or life sentences imposed for the offenses shall be served.

(M) When an offender is serving any stated prison terms consecutively to any life terms of imprisonment and/or to any one, three, five and/or six-year mandatory prison terms imposed pursuant to division (B)(1)(a)(i) of section 2929.14 the Revised Code, for using a firearm in the commission of an offense, and/or division (B)(1)(a)(ii) of section 2929.14 of the Revised Code, for committing a felony by discharging a firearm from a motor vehicle, the aggregate of all such one, three, five and/or six-year mandatory prison terms shall be served first. Then, consistent with division (C) of section 2929.14 of the Revised Code, the aggregate of all other mandatory definite prison terms shall be served, then the aggregate of the non-mandatory portion of the definite stated



prison terms shall be served, then the mandatory non-life felony indefinite prison terms, then the non-life felony indefinite terms, and then the aggregate of the life terms of imprisonment shall be served.

(N) When multiple sentences are imposed for felonies committed on or after July 1, 1996, there shall be no limit or cap to the total number of years for aggregate stated prison terms and/or life sentences imposed.