



## Ohio Administrative Code Rule 5120-2-05 Time off for good behavior.

Effective: January 8, 2015

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(A) Except as provided elsewhere in this rule, an offender serving a felony sentence in a correctional facility operated by the department of rehabilitation and correction may, by faithfully observing the rules of the institution, earn a deduction of up to thirty per cent of his minimum or definite sentence. The total amount of time that may be deducted from the offender's sentence shall be prorated and shall be awarded monthly for obeying the rules of the institution for that month.

(B) Paragraph (A) of this rule does not apply to an offender serving a penitentiary sentence imposed for a crime that occurred prior to July 1, 1983, if he/she would have been entitled to earn more time off for good behavior under the laws in effect at the time of the commission of the offense.

(C) This rule does apply to all reformatory sentences for which the offender is delivered to this department on or after the effective date of this rule, no matter when the offense was committed.

(D) This rule does not apply to prison terms imposed for offenses committed on or after July 1, 1996, to be served with the department of rehabilitation and correction. If a person is serving a term of imprisonment for both an offense committed before July 1, 1996 and an offense committed on or after July 1, 1996, paragraph (A) of this rule shall apply only to that portion of the term for the offense committed before July 1, 1996.

(E) An offender serving a life sentence that is not subject to a reduction for time off for good behavior pursuant to rule 5120-2-10 of the Administrative Code or pursuant to any section of the Revised Code is not entitled to the reduction provided by this rule.

(F) To facilitate release planning, the bureau of sentence computation shall calculate for each offender the date of parole eligibility or expiration date if all possible good time is earned. The offender shall, however, be advised that this date is tentative and subject to change if he fails to maintain good behavior.



(G) Unless denied for failure to observe the rules of the institution, the diminution of sentence provided for in paragraph (A) of this rule shall be credited to each offender at the expiration of each calendar month as provided in this rule. Once diminution has been earned and properly credited for a given month, it shall not be reduced or forfeited for any reason.

(H) If notified by the rules infraction board that diminution of sentence is to be denied pursuant for failure to observe the rules of the institution, the record office shall note in the offender file the percentage and number of months of denial.

(I) The cumulative total of diminution of sentence granted pursuant to this rule plus any days of credit awarded pursuant to rules 5120-2-06 and 5120-2-07 of the Administrative Code shall not exceed for any offender one-third of the minimum or definite sentence, or in the case of a life sentence for which diminution and days of credit may be earned, one-third of the number of years before parole eligibility. No term of actual incarceration imposed pursuant to section 2929.71 or 2929.72 of the Revised Code, as it existed prior to July 1, 1996, for using a firearm in the commission of an offense shall be considered as a part of a minimum sentence or a part of the number of years before parole eligibility for eligible life sentences in calculating the maximum possible diminution pursuant to this paragraph.

(J) An offender sentenced to a state penal institution pursuant to division (E)(4) of section 2929.41 of the Revised Code as it existed prior to July 1, 1996, shall be allowed a deduction equal to one-third of his sentence.

(K) Except as provided in paragraph (B) and paragraph (D) of this rule, the provisions of this rule shall apply to all offenders who are confined in a state correctional institution on or after November 1, 1987, regardless of the date on which the offender committed the offense for which he is confined. If, however, the offender began serving a term of imprisonment in a state correctional facility before November 1, 1987, the provisions of this rule apply only to the portion of the term served on and after November 1, 1987.

(L) For each offender confined in a state correctional institution on or before October 31, 1987 who has not, as of that date, served his minimum or definite sentence as diminished pursuant to section 2967.19 of the Revised Code, the portion of his sentence that has been served as of October 31, 1987



shall be diminished for time off for good behavior pursuant to the rules in effect at that time.

(M) This rule shall not operate to extend the eligibility for parole of any offender already committed to the custody of the department of rehabilitation and correction as of the effective date of this rule.