



## Ohio Administrative Code

### Rule 5120-2-06 Earned credit for productive program participation.

Effective: July 1, 2024

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(A) Except as otherwise provided in this rule, any person confined in a state correctional institution or placed in a substance use disorder treatment program, may earn credit as a deduction from the person's sentence for each full month of productive participation, as defined by the director of the department of rehabilitation and correction, in any academic or vocational program, workforce development or employment program, prison industry, or alcohol and drug treatment, unit management program, mental health program or other program specifically approved by the director. A person may also earn credit as a deduction from the person's sentence for productively participating in a substance use disorder treatment program established by the department pursuant to section 5120.035 of the Revised Code. A person earning credit towards a sentence pursuant to section 2967.193 of the Revised Code (House Bill 261 of the 117th General Assembly), for a crime committed prior to July 1, 1996 may earn two days of credit for such participation as described in paragraph (I) of this rule as a deduction from the person's minimum or definite sentence. A person earning credit towards a sentence for a crime committed on or after July 1, 1996 may earn one day of credit or five days of credit, monthly, based upon the most serious offense for which they are serving a stated prison term, and as provided in this rule. Unless the person is serving a mandatory prison term, a prison term imposed for an offense of violence, or a prison term imposed for a sexually oriented offense, notwithstanding the maximum aggregate days of credit specified in paragraph (Q) of this rule, a person who, while confined in a state correctional institution or placed in a substance use disorder treatment, successfully completes a program described in division (A)(3) of section 2967.194 of the Revised Code, is eligible to earn, at the end of the program cycle, a credit of ninety days toward satisfaction of the person's stated prison term or a ten per cent reduction of the person's stated prison term, whichever is less.

(B) The director or designee will issue and maintain a list containing the specific name of each approved program at each institution. Programs may be added or deleted according to a procedure approved by the director. No inmate is eligible to be awarded earned credit for participating in any program not specifically named on the director's list.



(C) Inmates earning credit pursuant to House Bill 261 of the 117th General Assembly, may earn two days of credit for participating in an approved academic or vocational or prison industries program in addition to two days credit for program participation. However, no inmate sentenced under House Bill 261 of the 117th General Assembly is eligible to earn days of credit for participation in more than one academic or vocational education program or prison industry during a particular month. No inmate sentenced under House Bill 261 of the 117th General Assembly is eligible to earn days of credit for participating in more than one residential or outpatient alcohol, drug, sex offender, or therapeutic community, or mental health treatment program during a particular month. Once an inmate earning credit pursuant to House Bill 261 of the 117th General Assembly has earned and has been properly credited with days of credit pursuant to this rule, the credit earned will not be forfeited for any reason. Such inmates, therefore, are exempt from paragraph (J) of this rule, which describes conditions for possible withdrawal of previously earned credit for those inmates earning credit under Senate Bill 2 of the 121st General Assembly, House Bill 86 of the 129th General Assembly, Senate Bill 201 of the 132 General Assembly or Senate Bill 288 of the 134th General Assembly.

(D) Except as otherwise provided for by law, inmates are generally eligible to earn five days of earned credit, per month, for monthly productive participation according to division (A)(2) of section 2967.194 of the Revised Code. Inmates serving a sentence which includes a sexually oriented offense committed before September 30, 2011 may earn only one day of credit per month and such credit may be forfeited pursuant to this rule. Inmates serving a sentence which includes a sexually oriented offense that was committed after September 30, 2011 are not eligible for earned credit.

(E) An inmate earning credit towards a minimum or definite sentence pursuant to House Bill 261 of the 117th General Assembly and also earning credit towards a stated prison term pursuant to Senate Bill 2 of the 121st General Assembly for an offense committed before September 30, 2011, House Bill 86 of the 129th General Assembly for an offense committed on or after September 30, 2011 Senate Bill 201 of the 132nd General Assembly for an offense committed on or after March 22, 2019, Senate Bill 288 of the 134th General Assembly, or any combination of those five, may have the minimum or definite sentence, the stated prison term, or the minimum and maximum of a non-life felony indefinite prison term, independently reduced by the appropriate days of earned credit applicable to that particular sentence or prison term.

(F) In order to earn credit under this rule for a particular month, an inmate must enter the program on



or before the first program day of the month and continue participating in the program through the last program day of the month. An inmate participating and remaining in good standing in an academic or vocational education program, which has a quarter or semester end during a month, is deemed to be participating in the program through the end of the month. An inmate who successfully completes a formal program resulting in the issuance of a certificate of completion during a month is deemed to have continued participating in the program through the end of that month.

(G) To earn monthly credit, an inmate must meet the requirements set forth in the departmental policy for productive participation of earned credit.

(H) No inmate will receive earned credit for program participation during any month in which the inmate has had an unexcused absence from the program. Unexcused absence includes but is not limited to an absence caused by confinement in security control or disciplinary control as a result of a violation of institution rules.

(I) No inmate shall earn credit during any month in which the inmate exhibits behavior considered to be a hindrance to the productive participation of the inmate or others. Such behavior shall be documented by a conduct report and substantiated through a guilty finding of the hearing officer or rules infraction board.

(J) Any inmate sentenced under Senate Bill 2 of the 121st General Assembly for an offense committed before September 30, 2011, under House Bill 86 of the 129th General Assembly for an offense committed on or after September 30, 2011, or under Senate Bill 201 of the 132nd General Assembly for an offense committed on or after March 22, 2019, or Senate Bill 288 of the 134th General Assembly for an offense occurring after April 4, 2024, having pled or been found guilty by the rules infraction board of a violation of the inmate rules of conduct as described in rule 5120-9-06 of the Administrative Code or a program related violation, may have previously earned credit days forfeited. The rules infraction board, in addition to assessing any other appropriate disciplinary measures, may recommend the withdrawing of earned credit awarded from previous months. An inmate may not have more than fifty per cent of previously earned credit days withdrawn in any calendar month unless the rule violation for which credit is being withdrawn involved sexual misconduct or an act of violence. The department shall identify in its written policies the specific rule violations that constitute sexual misconduct or acts of violence for which more than fifty per



cent of previously earned credit days may be withdrawn in any calendar month. If the fifty per cent calculation results in a one-half or half day remainder, the half day is rounded up to a full day. A recommendation by the rules infraction board to withdraw credit is subject to review by the warden for approval/disapproval/modification.

(K) Inmates sentenced under Senate Bill 201 of the 132nd General Assembly for an offense committed on or after March 22, 2019 who complete a program described in paragraph (C) of this rule, having plead or been found guilty by the rules infraction board of a violation of the inmate rules of conduct as set forth in rule 5120-9-06 of Administrative Code or a program related violation, may have previously earned program credit forfeited. As soon as practicable after the last day of each month or program cycle, the deputy warden or designee at each institution will report to the bureau of sentence computation the name of each inmate in the institution who has earned credit pursuant to this rule. After such information has been reported, and as is operationally feasible, the bureau will credit the inmate appropriately with the credit earned for that month.

(L) No inmate serving a prison term of one, three, five or six years for use of a firearm imposed pursuant to section 2929.71 or 2929.72 of the Revised Code, in effect prior to July 1, 1996, for an offense committed prior to July 1, 1996, or pursuant to division (B)(1) of section 2929.14 of the Revised Code, effective July 1, 1996, for an offense committed on or after July 1, 1996, including prison terms imposed after September 30, 2011 pursuant to House Bill 86 of the 129th General Assembly, is eligible to earn or be awarded any days of credit pursuant to this rule for any program participation which occurs while serving any such period of actual incarceration. An inmate against whom such a sentence was imposed may begin earning days of credit pursuant to this rule after serving any such term in its entirety if the inmate would otherwise be eligible for earned credit.

(M) An inmate who is granted a period of electronically monitored early release is not entitled, during that specified period of confinement, to earn any days of credit pursuant to this rule as a deduction from the inmate's prison term, regardless whether such prison term is for an offense committed before or after July 1, 1996.

(N) No inmate may earn days of credit pursuant to this rule if the inmate is serving a sentence of imprisonment for an offense, committed before July 1, 1996, of:



- (1) Life with parole eligibility after serving fifteen full years for an offense of first degree murder or aggravated murder committed prior to October 19, 1981; or
  - (2) Life parole eligibility after serving twenty full years for the offense of aggravated murder with one of the specifications enumerated in section 2929.04 of the Revised Code; or
  - (3) Life with parole eligibility after serving thirty full years for the offense of aggravated murder with one of the specifications enumerated in section 2929.04 of the Revised Code; or
  - (4) Life imposed prior to October 19, 1981, for an offense other than the offense of first degree or aggravated murder, for which the inmate becomes eligible for parole after serving ten full years pursuant to section 2967.13 of the Revised Code; or
  - (5) Life for rape or felonious sexual penetration; or
  - (6) A minimum term longer than fifteen years imposed under any law of this state in effect prior to January 1, 1974, for which the inmate becomes eligible for parole after serving ten full years pursuant to section 2967.13 of the Revised Code in effect prior to July 1, 1996.
- (O) The following prison terms, for crimes committed on or after July 1, 1996 or otherwise imposed pursuant to Senate Bill 2 of the 121st General Assembly, including prison terms imposed on or after September 30, 2011 pursuant to House Bill 86 of the 129th General Assembly, after March 22, 2019, pursuant to Senate Bill 201 of the 132nd General Assembly or Senate Bill 288 of the 134th General Assembly, are not to be reduced by any days of earned credit:
- (1) A prison term for a felony for which a life term of imprisonment is imposed;
  - (2) A mandatory prison term imposed pursuant to division (F) of section 2929.13 of the Revised Code, effective July 1, 1996, for:
    - (a) Aggravated murder or murder;
    - (b) Rape, felonious sexual penetration, or an attempt to commit rape or felonious sexual penetration



by force when the victim is under thirteen years of age;

(c) Any felony violation of section 2903.06 of the Revised Code (vehicular homicide and aggravated vehicular homicide);

(d) Any first, second or third degree felony drug offense for which the imposition of a mandatory prison term is required;

(e) Any other first or second degree felony if the offender previously was convicted of or pled guilty to aggravated murder, murder or any first or second degree felony;

(f) Any felony, other than a violation of section 2923.12 of the Revised Code (carrying a concealed weapon), if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to division (B)(1)(a) of section 2929.14 of the Revised Code for having the firearm; or

(g) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree;

(3) A mandatory prison term imposed pursuant to division (B)(2)(a) of section 2929.14 of the Revised Code, effective July 1, 1996, for being a repeat violent offender. If the court also imposes an optional, additional term pursuant to division (B)(2)(b) of section 2929.14 of the Revised Code, an inmate, who has completed serving the mandatory prison term, may earn credit while serving the additional, optional prison term;

(4) A mandatory ten year prison term imposed pursuant to division (B)(3)(a) of section 2929.14 of the Revised Code, effective July 1, 1996, for a drug offense or for otherwise being a major drug offender, for corrupt activity with the most serious offense in the pattern of corrupt activity being a first degree felony, or for attempted rape or felonious sexual penetration by force with the victim being under thirteen years of age. If the court also imposes an optional, additional term pursuant to division (B)(3)(b) of section 2929.14 of the Revised Code, an inmate, who has completed serving the mandatory ten year prison term, may earn credit while serving the additional, optional prison term;



(5) A prison term imposed for a violation of post release control.

(6) A prison term imposed as part of a risk reduction sentence under section 2929.143 of the Revised Code.

(P) If an inmate is earning credit towards a sentence pursuant to House Bill 261 of the 117th General Assembly for an offense committed prior to July 1, 1996, the cumulative total of any days of credit awarded under this rule and rule 5120-2-07 of the Administrative Code, plus any diminution of sentence granted pursuant to rule 5120-2-05 of the Administrative Code, shall not exceed for such inmate 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 in effect 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.

The aggregate days of monthly credit earned by an inmate sentenced under House Bill 86 of the 129th General Assembly for an offense committed on or after September 30, 2011 shall not exceed fifteen per cent of the total number of days in the inmate's stated prison term, provided that the credit described in paragraph (A) of this rule, if earned by an inmate, shall not be included in determining whether that inmate's aggregate days of credit exceed that limit.

(Q) Days of credit earned pursuant to this rule will be used for no purpose other than to reduce the inmate's definite or minimum sentence or stated prison term, or the minimum and maximum of a non-life felony indefinite prison term. If an inmate is earning credit towards a sentence pursuant to House Bill 261 of the 117th General Assembly for an offense committed prior to July 1, 1996, once the inmate has served sufficient time to become eligible for parole consideration or has earned and had credited time off for good behavior pursuant to rule 5120-2-05 of the Administrative Code, and days of credit pursuant to this rule and rule 5120-2-07 of the Administrative Code equal to one-third of his minimum or definite sentence, or in the case of an eligible life sentence, one-third of the number of year's before parole eligibility, no further calculation and crediting of days of credit pursuant to this rule is necessary for such sentence.