



## Ohio Administrative Code Rule 5120:1-1-06 Shock parole.

Effective: April 15, 2010

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(A) Former section 2967.31 of Revised Code provides the parole board with the discretion to release on parole a prisoner sentenced prior to the repeal date of the statute, July 1, 1996, who is confined in a state correctional facility, at any time after serving six months in the custody of the department of rehabilitation and correction if all the following apply:

(1) The offense for which the prisoner was sentenced is other than:

(a) Aggravated murder

(b) Murder

(c) An aggravated felony of the first, second, or third degree

(2) The prisoner has not previously been convicted of any felony for which, pursuant to sentence, he was confined for thirty days or more in a penal or reformatory institution in this state, or in a similar institution in any other state or the United States.

(3) The prisoner is not a dangerous offender as defined in section 2929.10 of the Revised Code.

(4) The prisoner does not need further confinement in a penal or reformatory institution for his correction or rehabilitation.

(5) The history, character, condition and attitudes of the prisoner indicate that he is likely to respond affirmatively to early release on parole, and is unlikely to commit another offense.

(6) The prisoner is not serving a term of actual incarceration.

(7) The prisoner is not ineligible for shock parole pursuant to division (C) of section 2903.06,



2903.07 or 2903.08 of the Revised Code.

(B) In addition to the offenses precluded from shock parole consideration by the Revised Code, the parole board deems prisoners serving sentences for the following offenses to be inappropriate for release on shock parole:

- (1) Any offense contained in Chapter 2907. of the Revised Code.
- (2) Aggravated vehicular homicide, section 2903.06 of the Revised Code.
- (3) Vehicular homicide, section 2903.07 of the Revised Code.
- (4) Aggravated vehicular assault, section 2903.08 of the Revised Code.
- (5) Endangering children, section 2919.22 of the Revised Code.
- (6) Arson, section 2909.03 of the Revised Code.
- (7) Felony domestic violence, section 2919.25 of the Revised Code.

(C) A prisoner whose history includes any of the following shall be deemed to be unlikely to respond affirmatively to early release on shock parole:

- (1) Participation in the program of shock incarceration and removal from the program because of a rule infraction or return to prison for a violation of any condition of intermediate transitional detention or intensive parole supervision;
- (2) Release on shock probation and return to the institution for violating the probation;
- (3) Release on electronically monitored early release pursuant to Chapter 5120-13 of the Administrative Code and a return to the institution for a violation.
- (4) Release to a halfway house or community-based correctional facility pursuant to Chapter 5120-



12 of the Administrative Code and a return to the institution for a violation.

(5) A conviction for any offense committed while serving the current sentence or while on escape or unauthorized leave from such confinement.

(D) Whether or not an offense committed outside of the jurisdiction of the state of Ohio is a felony for the purposes of this rule shall be determined by the classification of such offense by the Revised Code as if the act for which such sentence was imposed had been committed within the jurisdiction of the state of Ohio.

(E) A prisoner serving a definite sentence of one year or less shall not be considered for release on shock parole because he would not serve sufficient time under parole supervision before his sentence expired, to receive the benefit of supervised release.

(F) The parole board will consider a prisoner for release on shock parole when all of the following apply:

(1) The prisoner meets the provisions of paragraph (A) of this rule, and;

(2) The prisoner is not serving a sentence for any offense listed in paragraph (B) of this rule, and;

(3) The prisoner is not deemed unlikely to respond affirmatively to early release pursuant to paragraph (C) of this rule, and;

(4) The prisoner is not serving a definite sentence of one year or less.

(G) The procedure to be followed in considering prisoners for shock parole shall be as follows:

(1) Upon reception the record office shall determine whether the prisoner meets the criteria set out in paragraph (F) of this rule;

(2) The record officer shall schedule prisoners meeting the criteria set out in paragraph (F) of this rule for a hearing to be conducted by a panel of the parole board during the prisoner's fourth month



of imprisonment;

(3) The parole board panel will determine whether or not to grant shock parole.

(4) A prisoner granted shock parole may be released after six months in custody in a state correctional institution.