



## Ohio Administrative Code

### Rule 5120:1-1-42 Designation of post-release control period as favorable or unfavorable when terminated.

Effective: [March 22, 2021](#)

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(A) When an offender under a period of post-release control pursuant to section 2967.28 of the Revised Code has completed the period of post-release control, has the period of post-release control terminated by a court pursuant to section 2929.141 of the Revised Code, or has the period of post-release control terminated by a parole board hearing officer pursuant to paragraph (J) of rule 5120:1-1-41 of the Administrative Code, the adult parole authority shall classify the termination of post-release control as favorable or unfavorable depending on the offender's conduct and compliance with the conditions of supervision and in accordance with this rule. This designation shall be considered as a relevant factor in sentencing pursuant to section 2929.12 of the Revised Code if the offender is convicted of a felony offense subsequent to the completion or termination of the period of post-release control.

(B) An offender's termination from post-release control shall be presumed to be favorable, unless the adult parole authority finds that an unfavorable designation is warranted under this rule. A favorable designation shall be placed on the final release certificate if the requirements for an unfavorable designation under this rule are not met.

(C) In determining whether termination from post-release control is designated as unfavorable, the factors considered by the adult parole authority shall include any failure to comply with conditions, any failure to comply with sanctions imposed in response to violation behavior, the commission of any new offenses while under supervision, whether an offender has exhausted all available prison sanction time, and any failure to make good faith efforts to pay restitution or other financial sanctions, excluding supervision fees imposed under rule 5120:1-1-02 of the Administrative Code.

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