



Ohio Administrative Code

Rule 5120-2-19 Recommended Reduction of Non-Life Felony Indefinite Prison Term.

Effective: May 27, 2021

(A) This rule applies to the discretion granted to the director, under Revised Code 2967.271, to recommend that a sentencing court reduce the minimum prison term of an incarcerated adult serving a non-life felony indefinite prison term.

(B) As used in this rule:

(1) "Recommended reduction" means the recommendation from the director to the sentencing court that the sentencing court grant a reduction in the minimum prison term imposed on a specified incarcerated adult who is serving a non-life felony indefinite prison term.

(2) "Non-life felony indefinite prison term" is defined under Revised Code 2929.01(GGG).

(3) "Exceptional conduct while incarcerated" means behavior which is unusually good and demonstrates a level of excellence not commonly displayed by an incarcerated adult in the advancement of their rehabilitation and adjustment to incarceration. An incarcerated adult may demonstrate exceptional conduct while incarcerated if they:

(a) Engage in, and complete, all recommended programming, including any educational programming;

(b) Address all criminogenic needs identified in the incarcerated individual's case plan;

(c) Engage in meaningful and extensive community service;

(d) Participate in pro-social groups and activities;

(e) Maintain positive social ties to individuals in the community;



(f) Develop a clear plan for their reentry into the community, including identifying suitable housing and creating a plan for gainful employment; and

(g) Demonstrate a dedication to personal rehabilitation.

(4) "Adjustment to incarceration" means that:

(a) The incarcerated adult is classified as Security Level 1 or Security Level 2 at the time of the petition;

(b) The incarcerated adult is not housed in Limited Privilege Housing or Restrictive Housing at the time of the petition;

(c) The incarcerated adult is not an active or disruptive member of a Security Threat Group at the time of the petition;

(d) In the two years preceding the incarcerated adult's petition, the incarcerated adult has not been found guilty of violating any of the rules set forth in Administrative Rule 5120-9-06, Inmate Rules of Conduct, by the Rules Infraction Board;

(e) In the five years preceding the incarcerated adult's petition, the incarcerated adult has not been found guilty of violating Rules 4, 36, 37, or 38, as set forth Administrative Rule 5120-9-06, Inmate Rules of Conduct; and

(f) During the term of the incarcerated adult's current sentence, the incarcerated adult has not been found guilty of violating Rule 1, 2, 3, 4, 5, 6, 11, 12, 14, 15, 16, 29, 31, 33, 34, or 52 as set forth in Administrative Rule 5120-9-06, Inmate Rules of Conduct.

(C) An incarcerated adult may submit a petition that demonstrates exceptional conduct or adjustment to incarceration, or both, in order to be considered for a recommended reduction.

(D) An incarcerated adult can only be considered for a recommended reduction after having served at least half of the minimum portion of a non-life felony indefinite prison term, and if the



incarcerated adult has less than two years remaining before the expiration of their minimum prison term.

(E) A recommended reduction, if granted by the sentencing court, will only apply to the non-life felony indefinite prison term that the incarcerated adult is currently serving.

(F) If the incarcerated adult's highest felony level for a non-life felony indefinite prison term is a felony of the first degree, the recommended reduction may be either a 5% or a 10% reduction of the presumptive minimum term that the incarcerated adult is currently serving. If the incarcerated adult's highest felony level for a non-life felony indefinite prison term is a felony of the second degree, the recommended reduction may be either a 10% or a 15% reduction of the presumptive minimum term that the incarcerated adult is currently serving.

(G) Pursuant to Revised Code 2967.271(F)(8), an incarcerated adult serving a non-life felony indefinite prison term for a sexually oriented offense will not be considered for a recommended reduction.

(H) An incarcerated adult serving a mandatory prison term, as defined under Revised Code 2929.01, will not be considered for a recommended reduction until all mandatory prison terms have expired.