



## Ohio Administrative Code

### Rule 5120:1-1-15 Pardon, reprieve and commutation of sentence.

Effective: July 15, 2013

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(A) All applications for pardon, reprieve or commutation of sentence shall be made in writing to the parole board.

(B) When an application for a pardon, reprieve or commutation of sentence is filed with the parole board, the parole board shall conduct such investigation as is necessary and make a recommendation to the governor. A hearing may be held at the discretion of the parole board prior to making a recommendation to the governor. Such hearing if held, shall be before at least a majority of the members of the parole board.

(C) Within required timeframes specified in section 2967.12 of the Revised Code, notice of any hearing held to consider pardon, reprieve, or commutation of sentence shall be provided to the prosecuting attorney; the judge of the court of common pleas of the county in which the applicant was indicted; any victim or victim's representative who is required to be given notice under section 2930.16 of the Revised Code; the law enforcement agency that arrested the inmate if any officer of that agency was a victim of the offense and is required to be given notice under that section; and any member of the victims immediate family as defined in section 2967.12 of the Revised Code when the family member has requested notification and is required to be given notice under section 2930.16 of the Revised Code. Where there is more than one judge of the court of common pleas, the notice shall be provided to the presiding judge. The department of rehabilitation and correction may provide notice by ordinary mail, telephone, or electronic means.

(D) Such notice shall contain the following:

- (1) The name of the applicant;
- (2) The crime for which the applicant was convicted;
- (3) The date of conviction;



(4) The term of sentence.

(5) In the case of a notice that pertains to an aggravated murder; murder; an offense of violence as defined in section 2901.01 of the Revised Code of the first, second, or third degree; or an offense for which a sentence of life imprisonment was imposed, if the offense was committed before March 22, 2013 and the department has not previously successfully provided notice to the victim with respect to that offense and the offender who committed it, the notice shall inform the victim that the victim may request that the victim not receive any further notices with respect to that offense or the offender who committed it. Such notice shall describe the procedure for requesting that further notices not be provided.

(E) In the event the hearing is continued, notice of such continuance and the date of the continued hearing shall be provided within required timeframes specified in section 2967.12 of the Revised Code. The department of rehabilitation and correction may utilize ordinary mail, telephone, or electronic means to provide this notice.

(F) Upon the request of a prosecuting attorney or of any law enforcement agency, the department shall provide to the requesting prosecuting attorney or agency an institutional summary report that summarizes the offenders training, work, and other rehabilitative activities during the offenders confinement. The report also shall summarize any disciplinary action taken against the offender during the offenders confinement. In the event a hearing is continued, any prosecuting attorney or law enforcement agency that was previously provided an institutional summary report shall be provided any new information that relates to the activities and actions covered by the report.

(G) The recommendation of the parole board for or against pardon, reprieve, or commutation of sentence shall be forwarded to the governor, together with a brief statement of the facts, the grounds for such recommendation, and the record or minutes of the case.

(H) The decision of the parole board to recommend for or against pardon, reprieve or commutation of sentence shall be within its sole discretion and shall not be subject to administrative review.

(I) If the parole board receives an application for pardon, commutation or reprieve for a person for



whom executive clemency was denied within two years from the date the denial was issued by the governor, the parole board shall review the application to determine whether it contains any significant new information that was not and could not have been presented in the earlier application. If the application contains no such new information, the parole board shall return the application to the applicant. The parole board shall inform the applicant of the date on which the applicant may reapply for consideration.

(J) The parole board shall consider a case for pardon or commutation only upon the application of the convicted person or his counsel or at the direction of the governor.