

1 §2929.202. Review of Extended Sentences

2  
3 **(A) Eligibility & Timing.** A prisoner serving an extended prison sentence for multiple  
4 counts or offenses who is not otherwise eligible for parole review may, after completing  
5 any mandatory period of incarceration, ~~petition~~ apply to the Parole Board for a ~~full board~~  
6 ~~hearing~~ review as follows:

Commented [CJE1]: Exempt agreed sentences?

7  
8 (1) If the prisoner's most serious offense of commitment is a felony of the fifth degree  
9 and the prisoner was sentenced to more than five years incarceration, the prisoner may  
10 ~~petition the parole board~~ apply for review after serving five years.

11  
12 (2) If the prisoner's most serious offense of commitment is a felony of the fourth  
13 degree and the prisoner was sentenced to more than eight years incarceration, the prisoner  
14 may ~~petition the parole board~~ apply for review after serving eight years.

15  
16 (3) If the prisoner's most serious offense of commitment is a felony of the third  
17 degree and the prisoner was sentenced to more than twelve years incarceration, the  
18 prisoner may ~~petition the parole board~~ apply for review after serving twelve years.

Commented [CJE2]: To be discussed: Should Tier 2 F3 sex offenses and above be excluded from any review?

19  
20 (4) If the prisoner's most serious offense of commitment is a felony of the second  
21 degree and the prisoner was sentenced to more than fifteen years incarceration, the  
22 prisoner may ~~petition the parole board~~ apply for review after serving fifteen years.

23  
24 (5) If the prisoner's most serious offense of commitment is a felony of the first degree  
25 and the prisoner was sentenced to more than twenty years incarceration, the prisoner may  
26 ~~petition the parole board~~ apply for review after serving twenty years.

27  
28 **(B) Application Review.** Once a prisoner is eligible to apply for review pursuant to  
29 division (A) and submits an application, a panel of at least six members of the Parole Board  
30 shall review the application to determine if the prisoner merits a full board hearing. In  
31 making its determination the panel shall consider if the prisoner's rehabilitative efforts  
32 outweigh the interests of justice in having the prisoner serve the full sentence, the suitability  
33 factors under OAC 5120:1-1- 07, and any other relevant information.

34  
35 **(C) Denial of Application.** If the panel denies the prisoner's application made pursuant  
36 to division (B) [TO BE DETERMINED: either the prisoner continues to serve their original  
37 sentence or there is a subsequent review]

38  
39 **(D) ~~Sentence Review~~ Release Review.** Once ~~If the application is granted, within a~~  
40 reasonable time, the parole board shall conduct a ~~full board~~ hearing ~~within a reasonable~~

41 ~~time to consider the prisoner's release onto parole supervision. The hearing shall be~~  
42 ~~conducted in accordance with Chapters 2930., 2967., and 5149. of the Revised Code, and~~  
43 ~~in accordance with policies and procedures established by the parole board, provided that~~  
44 ~~such policies and procedures shall permit the prisoner's privately retained counsel or the~~  
45 ~~Ohio Public Defender to appear at the prisoner's hearing to make a statement in support of~~  
46 ~~the prisoner's release. a prisoner is eligible for a full board hearing review and submits a~~  
47 ~~petition pursuant to division (A), the parole board shall conduct a full board hearing within~~  
48 ~~a reasonable time in accordance with R.C. 2967.12 and R.C. 5149.101.~~  
49

50 The parole board shall ensure that the prisoner is provided a meaningful opportunity to  
51 obtain release and consider the factors in OAC 5120:1-1-07 in making its determination.  
52

53 **(E) Conditions of parole.** ~~If at the time of the full board hearing review, the parole~~  
54 ~~board recommends release, The parole board shall, in accordance with section 2967.131 of~~  
55 ~~the Revised Code, impose appropriate terms and conditions of release for supervision for~~  
56 ~~prisoners granted release under R.C. 2967.13(A) and may apply any terms that are~~  
57 ~~discretionary pursuant to R.C. 2967.131(B) upon each prisoner granted a parole under this~~  
58 ~~division.~~  
59

60 **(F) Subsequent Review.** ~~If the parole board denies release pursuant to this division,~~  
61 ~~the board shall, upon petition application, conduct a subsequent full board hearing review~~  
62 ~~pursuant to this division no more than ten years after release was denied.~~  
63

64 **(G) Notice to Ohio Public Defender** ~~In addition to any notice to any other person~~  
65 ~~required by rule or statute, the parole board shall notify the Ohio Public Defender of a~~  
66 ~~prisoner's eligibility for full board hearing review under this division at least ~~six months~~~~  
67 ~~sixty days before the board begins any review or proceedings of that prisoner under this~~  
68 ~~division.~~  
69

70  
71 **Sec. 5149.101 Full board hearings.**  
72

73 **(A) (1)** ~~A board hearing officer, a board member, a prisoner described in R.C.~~  
74 ~~2967.13(B)(2) or 2929.202, or the office of victims' services may petition the board for a~~  
75 ~~full board hearing that relates to the proposed parole or re-parole of a prisoner, including,~~  
76 ~~but not limited to, any prisoner described in division (B) of section 2967.13 or section~~  
77 ~~2929.202 of the Revised Code.. At a meeting of the board at which a majority of board~~  
78 ~~members are present, the majority of those present shall determine whether a full board~~  
79 ~~hearing shall be held.~~  
80

**Commented [CJE3]:** This process still needs discussion by the committee but the 10 year review was a part of the original draft. One question is, if there is a subsequent review if the prisoner is denied release after a full board hearing, do they have to go through the application review again?