

S.B. 145
As Passed by the Senate

Topic: LSC Technical

_____ moved to amend as follows:

Delete lines 548 through 697 and insert: 1

"**Sec. 2967.193.** (A)(1) Except as provided in division (C) of 2
this section and subject to the maximum aggregate total specified 3
in division (A)(3) of this section, a person confined in a state 4
correctional institution or placed in the substance use disorder 5
treatment program may provisionally earn one day or five days of 6
credit, based on the category set forth in division (D)(1), (2), 7
(3), (4), or (5) of this section in which the person is included, 8
toward satisfaction of the person's stated prison term for each 9
completed month during which the person, if confined in a state 10
correctional institution, productively participates in an 11
education program, vocational training, employment in prison 12
industries, treatment for substance abuse, or any other 13
constructive program developed by the department with specific 14
standards for performance by prisoners or during which the person, 15
if placed in the substance use disorder treatment program, 16
productively participates in the program. Except as provided in 17
division (C) of this section and subject to the maximum aggregate 18
total specified in division (A)(3) of this section, a person so 19
confined in a state correctional institution who successfully 20

completes two programs or activities of that type may, in 21
 addition, provisionally earn up to five days of credit toward 22
 satisfaction of the person's stated prison term for the successful 23
 completion of the second program or activity. The person shall not 24
 be awarded any provisional days of credit for the successful 25
 completion of the first program or activity or for the successful 26
 completion of any program or activity that is completed after the 27
 second program or activity. At the end of each calendar month in 28
 which a person productively participates in a program or activity 29
 listed in this division or successfully completes a program or 30
 activity listed in this division, the department of rehabilitation 31
 and correction shall determine and record the total number of days 32
 credit that the person provisionally earned in that calendar 33
 month. If the person in a state correctional institution violates 34
 prison rules or the person in the substance use disorder treatment 35
 program violates program or department rules, the department may 36
 deny the person a credit that otherwise could have been 37
 provisionally awarded to the person or may withdraw one or more 38
 credits previously provisionally earned by the person. Days of 39
 credit provisionally earned by a person shall be finalized and 40
 awarded by the department subject to administrative review by the 41
 department of the person's conduct. 42

(2) Unless a person is serving a mandatory prison term or a 43
 prison term for an offense of violence or a sexually oriented 44
 offense, and notwithstanding the maximum aggregate total specified 45
 in division (A)(3) of this section, a person who successfully 46
 completes any of the following shall earn ninety days of credit 47
 toward satisfaction of the person's stated prison term or a ten 48
 per cent reduction of the person's stated prison term, whichever 49
 is less: 50

(a) An Ohio high school diploma or Ohio certificate of high 51

school equivalence certified by the Ohio central school system; 52

(b) A therapeutic drug community program; 53

(c) All three phases of the department of rehabilitation and 54
correction's intensive outpatient drug treatment program; 55

(d) A career technical vocational school program; 56

(e) A college certification program; 57

(f) The criteria for a certificate of achievement and 58
employability as specified in division (A)(1) of section 2961.22 59
of the Revised Code. 60

(3) Except for persons described in division (A)(2) of this 61
section, the aggregate days of credit provisionally earned by a 62
person for program or activity participation and program and 63
activity completion under this section and the aggregate days of 64
credit finally credited to a person under this section shall not 65
exceed eight per cent of the total number of days in the person's 66
stated prison term. 67

(B) The department of rehabilitation and correction shall 68
adopt rules that specify the programs or activities for which 69
credit may be earned under this section, the criteria for 70
determining productive participation in, or completion of, the 71
programs or activities and the criteria for awarding credit, 72
including criteria for awarding additional credit for successful 73
program or activity completion, and the criteria for denying or 74
withdrawing previously provisionally earned credit as a result of 75
a violation of prison rules, or program or department rules, 76
whichever is applicable. 77

(C) No person confined in a state correctional institution or 78
placed in a substance use disorder treatment program to whom any 79
of the following applies shall be awarded any days of credit under 80

division (A) of this section:

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(1) The person is serving a prison term that section 2929.13 or section 2929.14 of the Revised Code specifies cannot be reduced pursuant to this section or this chapter or is serving a sentence for which section 2967.13 or division (B) of section 2929.143 of the Revised Code specifies that the person is not entitled to any earned credit under this section.

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(2) The person is sentenced to death or is serving a prison term or a term of life imprisonment for aggravated murder, murder, or a conspiracy or attempt to commit, or complicity in committing, aggravated murder or murder.

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(3) The person is serving a sentence of life imprisonment without parole imposed pursuant to section 2929.03 or 2929.06 of the Revised Code, a prison term or a term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code, or a sentence for a sexually oriented offense that was committed on or after September 30, 2011.

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(D) This division does not apply to a determination of whether a person confined in a state correctional institution or placed in a substance use disorder treatment program may earn any days of credit under division (A) of this section for successful completion of a second program or activity. The determination of whether a person confined in a state correctional institution may earn one day of credit or five days of credit under division (A) of this section for each completed month during which the person productively participates in a program or activity specified under that division shall be made in accordance with the following:

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(1) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the most serious offense for which the offender is

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confined is any of the following that is a felony of the first or second degree: 111 112

(a) A violation of division (A) of section 2903.04 or of section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 of the Revised Code; 113 114 115 116 117 118

(b) A conspiracy or attempt to commit, or complicity in committing, any other offense for which the maximum penalty is imprisonment for life or any offense listed in division (D)(1)(a) of this section. 119 120 121 122

(2) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a sexually oriented offense that the offender committed prior to September 30, 2011. 123 124 125 126 127

(3) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance. 128 129 130 131 132 133 134

(4) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the first or second degree and divisions (D)(1), (2), and (3) of this section do not apply to the offender, the offender may earn one day of credit under division (A) of this section if the offender committed that offense prior to September 30, 2011, 135 136 137 138 139 140

and the offender may earn five days of credit under division (A) 141
of this section if the offender committed that offense on or after 142
September 30, 2011. 143

(5) Except as provided in division (C) of this section, if 144
the most serious offense for which the offender is confined is a 145
felony of the third, fourth, or fifth degree or an unclassified 146
felony and neither division (D)(2) nor (3) of this section applies 147
to the offender, the offender may earn one day of credit under 148
division (A) of this section if the offender committed that 149
offense prior to September 30, 2011, and the offender may earn 150
five days of credit under division (A) of this section if the 151
offender committed that offense on or after September 30, 2011. 152

(E) The department annually shall seek and consider the 153
written feedback of the Ohio prosecuting attorneys association, 154
the Ohio judicial conference, the Ohio public defender, the Ohio 155
association of criminal defense lawyers, and other organizations 156
and associations that have an interest in the operation of the 157
corrections system and the earned credits program under this 158
section as part of its evaluation of the program and in 159
determining whether to modify the program. 160

(F) As used in this section: 161

(1) "Sexually oriented offense" has the same meaning as in 162
section 2950.01 of the Revised Code. 163

(2) "Substance use disorder treatment program" means the 164
substance use disorder treatment program established by the 165
department of rehabilitation and correction under section 5120.035 166
of the Revised Code." 167

The motion was _____ agreed to.

