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# OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 557  
136<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Williams

Sarah A. Maki, Attorney

### SUMMARY

- Prohibits a court from denying judicial release of an offender solely based on the classification of the offense.

### DETAILED ANALYSIS

#### Judicial release – classification of the offense

The bill prohibits the court from denying judicial release of an offender solely based on the “classification of the offense.”<sup>1</sup> The bill defines “**classification of the offense**” as the severity of the offense as a felony of the first, second, third, fourth, or fifth degree.<sup>2</sup>

#### Eligible offender and state of emergency-qualifying offender

Under continuing law, on the motion of an eligible offender, state of emergency-qualifying offender made during the declared state of emergency, or on the motion of the sentencing court, the sentencing court may reduce the offender’s aggregated nonmandatory prison term through judicial release.<sup>3</sup> An eligible offender or emergency-qualifying offender may file a motion for judicial release with the sentencing court within specified time periods.<sup>4</sup>

Continuing law further provides that, at the hearing on a motion for judicial release, the sentencing court must afford the offender and the offender’s attorney an opportunity to present written and oral information relevant to the motion. The court must afford a similar opportunity

<sup>1</sup> R.C. 2929.20(I).

<sup>2</sup> R.C. 2929.20(A)(15).

<sup>3</sup> R.C. 2929.20(B).

<sup>4</sup> R.C. 2929.20(C).

to the prosecuting attorney, the victim, the victim's representative, the victim's attorney, if applicable, and any other person the court determines is likely to present additional relevant information. The court must consider any oral or written statement of the victim, victim's representative, or victim's attorney, any victim impact statement, any institutional summary report, or any statement concerning the effects of the offender's criminal offense.

If the court makes an initial determination that the offender is an eligible offender or a state of emergency-qualifying offender, the bill requires the court to determine whether to grant or deny the motion. The court must not deny judicial release to an offender solely based on the classification of the offense.<sup>5</sup>

Under continuing law, if the court grants a motion for judicial release, the court must order the release of the eligible offender or state of emergency-qualifying offender and place the offender under an appropriate community control sanction, under appropriate conditions, and under the supervision of the probation department and reserves the right to reimpose the sentence that it reduced if the offender violates the sanction.<sup>6</sup>

### **Eighty percent qualifying offender**

Under continuing law, the Director of the Department of Rehabilitation and Correction may recommend to the sentencing court the judicial release of any offender who is confined in a state correctional institution and who is an "80% qualifying offender." The Director may file such a recommendation by submitting to the sentencing court a notice, in writing, of the recommendation within a specified time period.<sup>7</sup>

Under continuing law, the Director's submission of a notice constitutes a recommendation by the Director that the court strongly consider judicial release of the offender and establishes a rebuttable presumption that the offender be released through judicial release in accordance with the recommendation. The presumption may be rebutted.<sup>8</sup>

Under continuing law, at the hearing, the court must consider the institutional summary report submitted by the Director, the inmate's work assignments, the inmate's transfer and participation in core curricular programming at a reintegration center, the inmate's disciplinary history, the inmate's security level, and all the information the court considers for eligible offenders and state of emergency-qualifying offenders listed above.<sup>9</sup>

If the court makes an initial determination that the offender is an 80% qualifying offender, the bill requires the court to determine whether to grant or deny the motion. Under continuing law, the court must grant the offender judicial release unless the prosecuting attorney proves to the court, by a preponderance of the evidence, that the legitimate interests of the government

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<sup>5</sup> R.C. 2929.20(I).

<sup>6</sup> R.C. 2929.20(K).

<sup>7</sup> R.C. 2929.20(O)(1).

<sup>8</sup> R.C. 2929.20(O)(3).

<sup>9</sup> R.C. 2929.20(O)(5).

in maintaining the offender's confinement outweigh the interests of the offender in being released from that confinement. Under the bill, the court must not deny judicial release to an offender solely based on the classification of the offense.<sup>10</sup>

Under continuing law, if the court grants judicial release, the court must release the 80% qualifying offender and place the offender on supervision in the same manner as an eligible offender or state of emergency-qualifying offender as described above.<sup>11</sup> An "80% qualifying offender" means an offender who is serving a stated prison term of one year or more, who has commenced service of that term, whose term does not include a "disqualifying prison term" or consist solely of one or more "restricting prison terms," and to whom either of the following applies: (1) if the offender is serving a stated prison term of one year or more that includes one or more restricting prison terms and one or more eligible prison terms, the offender has fully served all restricting prison terms and has served 80% of that stated prison term that remains to be served after all restricting prison terms have been fully served, or (2) if the offender is serving a stated prison term of one year or more that consists solely of one or more "eligible prison terms," the offender has served 80% of that stated prison term.

For purposes of determining whether an offender is an 80% qualifying offender: (1) if the offender's stated prison term includes consecutive prison terms, any restricting prison terms are to be deemed served prior to any eligible prison terms that run consecutively to the restricting prison terms, and the eligible prison terms are to be deemed to commence after all of the restricting prison terms have been fully served, and (2) an offender serving a stated prison term of one year or more that includes a mandatory prison term that is not a disqualifying prison term and is not a restricting prison term is not automatically disqualified as a result of the service of that mandatory term from being released from prison under the mechanism as an 80% qualifying offender, and the offender may be eligible for release from prison in accordance with the mechanism.<sup>12</sup>

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## HISTORY

Action	Date
Introduced	10-28-25

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ANHB0557IN-136/sb

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<sup>10</sup> R.C. 2929.20(O)(6).

<sup>11</sup> R.C. 2929.20(K) and (O)(6).

<sup>12</sup> R.C. 2929.20(A)(3).