As Introduced

136th General Assembly Regular Session 2025-2026

H. B. No. 557

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Representative Williams

A BILL

To amend section 2929.20 of the Revised Code to

on the classification of an offense.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

prohibit denial of judicial release based solely

Section 1. That section 2929.20 of the Revised Code be	4
amended to read as follows:	5
Sec. 2929.20. (A) As used in this section:	6
(1)(a) Except as provided in division (A)(1)(b) of this	7
section, "eligible offender" means any person who, on or after	8
April 7, 2009, is serving a stated prison term that includes one	9
or more nonmandatory prison terms. A person may be an eligible	10
offender and also may be an eighty per cent-qualifying offender	11
or, during a declared state of emergency, a state of emergency-	12
qualifying offender.	13
(b) "Eligible offender" does not include any person who,	14
on or after April 7, 2009, is serving a stated prison term for	15
any of the following criminal offenses that was a felony and was	16
committed while the person held a public office in this state:	17
(i) A violation of section 2921.02, 2921.03, 2921.05,	18

2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised	19							
Code;	20							
(ii) A violation of section 2913.42, 2921.04, 2921.11, or	21							
2921.12 of the Revised Code, when the conduct constituting the	22							
violation was related to the duties of the offender's public								
office or to the offender's actions as a public official holding								
that public office;	25							
(iii) A violation of an existing or former municipal	26							
ordinance or law of this or any other state or the United States	27							
that is substantially equivalent to any violation listed in	28							
division (A)(1)(b)(i) of this section;	29							
(iv) A violation of an existing or former municipal	30							
ordinance or law of this or any other state or the United States	31							
that is substantially equivalent to any violation listed in	32							
division (A)(1)(b)(ii) of this section, when the conduct	33							
constituting the violation was related to the duties of the	34							
offender's public office or to the offender's actions as a	35							
public official holding that public office;	36							
(v) A conspiracy to commit, attempt to commit, or	37							
complicity in committing any offense listed in division (A)(1)	38							
(b)(i) or described in division (A)(1)(b)(iii) of this section;	39							
(vi) A conspiracy to commit, attempt to commit, or	40							
complicity in committing any offense listed in division (A)(1)	41							
(b)(ii) or described in division (A)(1)(b)(iv) of this section,	42							
if the conduct constituting the offense that was the subject of	43							
the conspiracy, that would have constituted the offense	44							
attempted, or constituting the offense in which the offender was	45							
complicit was or would have been related to the duties of the	46							
offender's public office or to the offender's actions as a	47							

public official holding that public office.	48						
(2) "State of emergency-qualifying offender" means any	49						
inmate to whom all of the following apply:	50						
(a) The inmate is serving a stated prison term during a	51						
state of emergency that is declared by the governor as a direct	52						
response to a pandemic or public health emergency.	53						
(b) The geographical area covered by the declared state of	54						
emergency includes the location at which the inmate is serving	55						
the stated prison term described in division (A)(2)(a) of this	56						
section.	57						
(c) There is a direct nexus between the emergency that is	58						
the basis of the governor's declaration of the state of	59						
emergency and the circumstances of, and need for release of, the							
inmate.	61						
(3)(a) "Eighty per cent-qualifying offender" means an	62						
offender who is serving a stated prison term of one year or	63						
more, on or after April 4, 2023, who has commenced service of	64						
that stated prison term, who is not serving a stated prison term	65						
that includes a disqualifying prison term or a stated prison	66						
term that consists solely of one or more restricting prison	67						
terms, and to whom either of the following applies:	68						
(i) If the offender is serving a stated prison term of one	69						
year or more that includes one or more restricting prison terms	70						
and one or more eligible prison terms, the offender has fully	71						
served all restricting prison terms and has served eighty per	72						
cent of that stated prison term that remains to be served after	73						
all restricting prison terms have been fully served.	74						
(ii) If the offender is serving a stated prison term of	75						
one year or more that consists solely of one or more eligible	76						

prison terms, the offender has served eighty per cent of that	77
stated prison term.	78
(b) For purposes of determining whether an offender is an	79
eighty per cent-qualifying offender under division (A)(3)(a) of	80
this section:	81
(i) If the offender's stated prison term includes	82
consecutive prison terms, any restricting prison terms shall be	83
deemed served prior to any eligible prison terms that run	84
consecutively to the restricting prison terms, and the eligible	85
prison terms are deemed to commence after all of the restricting	86
prison terms have been fully served.	87
(ii) An offender serving a stated prison term of one year	88
or more that includes a mandatory prison term that is not a	89
disqualifying prison term and is not a restricting prison term	90
is not automatically disqualified from being an eighty per cent-	91
qualifying offender as a result of the offender's service of	92
that mandatory term for release from prison under this section,	93
and the offender may be eligible for release from prison in	94
accordance with this division and division (0) of this section.	95
(4) "Nonmandatory prison term" means a prison term that is	96
not a mandatory prison term.	97
(5) "Public office" means any elected federal, state, or	98
local government office in this state.	99
(6) "Victim's representative" has the same meaning as in	100
section 2930.01 of the Revised Code.	101
(7) "Imminent danger of death," "medically incapacitated,"	102
and "terminal illness" have the same meanings as in section	103
2967.05 of the Revised Code.	104

(8) "Aggregated nonmandatory prison term or terms" means	105
the aggregate of the following:	106
(a) All nonmandatory definite prison terms;	107
(b) With respect to any non-life felony indefinite prison	108
term, all nonmandatory minimum prison terms imposed as part of	109
the non-life felony indefinite prison term or terms.	110
(9) "Deadly weapon" and "dangerous ordnance" have the same	111
meanings as in section 2923.11 of the Revised Code.	112
(10) "Disqualifying prison term" means any of the	113
following:	114
(a) A prison term imposed for aggravated murder, murder,	115
voluntary manslaughter, involuntary manslaughter, felonious	116
assault, kidnapping, rape, aggravated arson, aggravated	117
burglary, or aggravated robbery;	118
(b) A prison term imposed for complicity in, an attempt to	119
commit, or conspiracy to commit any offense listed in division	120
(A) (10) (a) of this section;	121
(c) A prison term of life imprisonment, including any term	122
of life imprisonment that has parole eligibility;	123
(d) A prison term imposed for any felony other than	124
carrying a concealed weapon an essential element of which is any	125
conduct or failure to act expressly involving any deadly weapon	126
or dangerous ordnance;	127
(e) A prison term imposed for any violation of section	128
2925.03 of the Revised Code that is a felony of the first or	129
second degree;	130
(f) A prison term imposed for engaging in a pattern of	131

H. B. No. 557	Page 6
As Introduced	

corrupt activity in violation of section 2923.32 of the Revised	132
Code;	133
(g) A prison term imposed pursuant to section 2971.03 of	134
the Revised Code;	135
(h) A prison term imposed for any sexually oriented	136
offense.	137
(11) "Eligible prison term" means any prison term that is	138
not a disqualifying prison term and is not a restricting prison	139
term.	140
(12) "Restricting prison term" means any of the following:	141
(a) A mandatory prison term imposed under division (B)(1)	142
(a), (B)(1)(c), (B)(1)(f), (B)(1)(g), (B)(2), or (B)(7) of	143
section 2929.14 of the Revised Code for a specification of the	144
type described in that division;	145
(b) In the case of an offender who has been sentenced to a	146
mandatory prison term for a specification of the type described	147
in division (A)(12)(a) of this section, the prison term imposed	148
for the felony offense for which the specification was stated at	149
the end of the body of the indictment, count in the indictment,	150
or information charging the offense;	151
(c) A prison term imposed for trafficking in persons;	152
(d) A prison term imposed for any offense that is	153
described in division (A)(12)(d)(i) of this section if division	154
(A) (12) (d) (ii) of this section applies to the offender:	155
(i) The offense is a felony of the first or second degree	156
that is an offense of violence and that is not described in	157
division (A)(10)(a) or (b) of this section, an attempt to commit	158
a felony of the first or second degree that is an offense of	159

violence and that is not described in division (A)(10)(a) or (b)	160						
of this section if the attempt is a felony of the first or	161						
second degree, or an offense under an existing or former law of	162						
this state, another state, or the United States that is or was	163						
substantially equivalent to any other offense described in this	164						
division.	165						
(ii) The offender previously was convicted of or pleaded	166						
guilty to any offense listed in division (A)(10) or (A)(12)(d)	167						
(i) of this section.	168						
(13) "Sexually oriented offense" has the same meaning as	169						
in section 2950.01 of the Revised Code.	170						
(14) "Stated prison term of one year or more" means a	171						
definite prison term of one year or more imposed as a stated	172						
prison term, or a minimum prison term of one year or more	173						
imposed as part of a stated prison term that is a non-life							
felony indefinite prison term.	175						
(15) "Classification of the offense" means the severity of	176						
the offense as a felony of the first, second, third, fourth, or	177						
<pre>fifth degree.</pre>	178						
(B) On the motion of an eligible offender, on the motion	179						
of a state of emergency-qualifying offender made during the	180						
declared state of emergency, or on its own motion with respect	181						
to an eligible offender or with respect to a state of emergency-	182						
qualifying offender during the declared state of emergency, the	183						
sentencing court may reduce the offender's aggregated	184						
nonmandatory prison term or terms through a judicial release	185						
under this section.	186						
(C)(1) Subject to division (C)(2) of this section, an	187						
eligible offender may file a motion for judicial release with	188						

the sentencing court, or a state of emergency-qualifying	189
offender may file a motion for judicial release with the	190
sentencing court during the declared state of emergency, within	191
the following applicable periods:	192
(a) If the aggregated nonmandatory prison term or terms is	193
less than two years, the eligible offender or state of	194
emergency-qualifying offender may file the motion at any time	195
after the offender is delivered to a state correctional	196
institution or, if the prison term includes a mandatory prison	197
term or terms, at any time after the expiration of all mandatory	198
prison terms.	199
(b) If the aggregated nonmandatory prison term or terms is	200
at least two years but less than five years, the eligible	201
offender or state of emergency-qualifying offender may file the	202
motion not earlier than one hundred eighty days after the	203
offender is delivered to a state correctional institution or, if	204
the prison term includes a mandatory prison term or terms, not	205
earlier than one hundred eighty days after the expiration of all	206
mandatory prison terms.	207
(c) If the aggregated nonmandatory prison term or terms is	208
five years, the eligible offender or state of emergency-	209
qualifying offender may file the motion not earlier than the	210
date on which the offender has served four years of the	211
offender's stated prison term or, if the prison term includes a	212
mandatory prison term or terms, not earlier than four years	213
after the expiration of all mandatory prison terms.	214
(d) If the aggregated nonmandatory prison term or terms is	215
more than five years but not more than ten years, the eligible	216
offender or state of emergency-qualifying offender may file the	217
motion not earlier than the date on which the offender has	218

served five years of the offender's stated prison term or, if	219
the prison term includes a mandatory prison term or terms, not	220
earlier than five years after the expiration of all mandatory	221
prison terms.	222
(e) If the aggregated nonmandatory prison term or terms is	223
more than ten years, the eligible offender or state of	224
emergency-qualifying offender may file the motion not earlier	225
than the later of the date on which the offender has served one-	226
half of the offender's stated prison term or the date specified	227
in division (C)(1)(d) of this section.	228
(f) With respect to a state of emergency-qualifying	229
offender, if the offender's prison term does not include a	230
mandatory prison term or terms, or if the offender's prison term	231
includes one or more mandatory prison terms and the offender has	232
completed the mandatory prison term or terms, the state of	233
emergency-qualifying offender may file the motion at any time	234
during the offender's aggregated nonmandatory prison term or	235
terms, provided that time also is during the declared state of	236
emergency.	237
(2) During any single declared state of emergency, a state	238
of emergency-qualifying offender may only file a motion for	239
judicial release as a state of emergency-qualifying offender	240
with the sentencing court during that declared state of	241
emergency once every six months.	242
(D)(1)(a) Upon receipt of a timely motion for judicial	243
release filed by an eligible offender or a state of emergency-	244
qualifying offender under division (C) of this section, or upon	245
the sentencing court's own motion made within the appropriate	246
time specified in that division, the court may deny the motion	247
without a hearing or schedule a hearing on the motion. The court	248

may grant the motion without a hearing for an offender under	249
consideration for judicial release as a state of emergency-	250
qualifying offender, but the court shall not grant the motion	251
without a hearing for an offender under consideration as an	252
eligible offender. If a court denies a motion without a hearing,	253
the court later may consider judicial release for that eligible	254
offender or that state of emergency-qualifying offender on a	255
subsequent motion. For an offender under consideration for	256
judicial release as an eligible offender, but not for one under	257
consideration as a state of emergency-qualifying offender, the	258
court may deny the motion with prejudice. If a court denies a	259
motion with prejudice, the court may later consider judicial	260
release on its own motion. For an offender under consideration	261
for judicial release as a state of emergency-qualifying	262
offender, the court shall not deny a motion with prejudice. For	263
an offender under consideration for judicial release as an	264
eligible offender, but not for one under consideration as a	265
state of emergency-qualifying offender, if a court denies a	266
motion after a hearing, the court shall not consider a	267
subsequent motion for that offender based on the offender's	268
classification as an eligible offender. The court may hold	269
multiple hearings for any offender under consideration for	270
judicial release as a state of emergency-qualifying offender,	271
but shall hold only one hearing for any offender under	272
consideration as an eligible offender.	273

(b) If an offender is under consideration for judicial 274 release as an eligible offender and the motion is denied, and if 275 the offender at that time also is or subsequently becomes a 276 state of emergency-qualifying offender, the denial does not 277 limit or affect any right of the offender to file a motion under 278 this section for consideration for judicial release as a state 279

of	emer	rgen	cy-qualif	fying	offender	or	for the	court on	its	own	280
mot	ion	to	consider	the	offender	for	judicial	release	as a	a state	281
of	emer	rgen	cy-qualit	fying	offender	î.					282

If an offender is under consideration for judicial release 283 as a state of emergency-qualifying offender and the motion is 284 denied, and if the offender at that time also is or subsequently 285 becomes an eligible offender, the denial does not limit or 286 affect any right of the offender to file a motion under this 287 section for consideration for judicial release as an eligible 288 offender or for the court on its own motion to consider the 289 offender for judicial release as an eligible offender. 290

- (2) (a) With respect to a motion for judicial release filed 291 by an offender as an eligible offender or made by the court on 292 its own motion for an offender as an eligible offender, a 293 hearing under this section shall be conducted in open court not 294 less than thirty or more than sixty days after the motion is 295 filed, provided that the court may delay the hearing for one 296 hundred eighty additional days. If the court holds a hearing, 297 the court shall enter a ruling on the motion within ten days 298 after the hearing. If the court denies the motion without a 299 300 hearing, the court shall enter its ruling on the motion within sixty days after the motion is filed. 301
- (b) With respect to a motion for judicial release filed by 302 an offender as a state of emergency-qualifying offender or made 303 by the court on its own motion for an offender as a state of 304 emergency-qualifying offender, the court shall notify the 305 prosecuting attorney of the county in which the offender was 306 indicted and may order the prosecuting attorney to respond to 307 the motion in writing within ten days. The prosecuting attorney 308 shall notify the victim pursuant to the Ohio Constitution. The 309

prosecuting attorney shall include in the response any statement	310
that the victim wants to be represented to the court. The court	311
shall consider any response from the prosecuting attorney and	312
any statement from the victim in its ruling on the motion. After	313
receiving the response from the prosecuting attorney, the court	314
either shall order a hearing consistent with divisions (E) to	315
(I) of this section as soon as possible, or shall enter its	316
ruling on the motion for judicial release as soon as possible.	317
If the court conducts a hearing, the hearing shall be conducted	318
in open court or by a virtual, telephonic, or other form of	319
remote hearing. If the court holds a hearing, the court shall	320
enter a ruling on the motion within ten days after the hearing.	321
If the court denies the motion without a hearing, the court	322
shall enter its ruling on the motion within ten days after the	323
motion is filed or after it receives the response from the	324
prosecuting attorney.	325

(E) If a court schedules a hearing under divisions (D)(1) 326 and (2)(a) of this section or under divisions (D)(1) and (2)(b) 327 of this section, the court shall notify the subject eligible 328 offender or state of emergency-qualifying offender and the head 329 of the state correctional institution in which that subject 330 offender is confined prior to the hearing. The head of the state 331 correctional institution immediately shall notify the 332 appropriate person at the department of rehabilitation and 333 correction of the hearing, and the department within twenty-four 334 hours after receipt of the notice, shall post on the database it 335 maintains pursuant to section 5120.66 of the Revised Code the 336 subject offender's name and all of the information specified in 337 division (A)(1)(c)(i) of that section. If the court schedules a 338 hearing for judicial release, the court promptly shall give 339 notice of the hearing to the prosecuting attorney of the county 340

in which the subject eligible offender or state of emergency-	341
qualifying offender was indicted. Upon receipt of the notice	342
from the court, the prosecuting attorney shall do whichever of	343
the following is applicable:	344
(1) Subject to division (E)(2) of this section, notify the	345
victim of the offense and the victim's representative, if	346
applicable, pursuant to the Ohio Constitution and division (B)	347
of section 2930.16 of the Revised Code;	348
(2) If the offense was an offense of violence that is a	349
felony of the first, second, or third degree, except as	350
otherwise provided in this division, pursuant to the Ohio	351
Constitution, notify the victim and the victim's representative,	352
if applicable, of the hearing regardless of whether the victim	353
or victim's representative has requested the notification.	354
Except when notice to the victim is required under the Ohio	355
Constitution, the notice of the hearing shall not be given under	356
this division to a victim or victim's representative if the	357
victim or victim's representative has requested pursuant to	358
division (B)(2) of section 2930.03 of the Revised Code that the	359
victim or the victim's representative not be provided the	360
notice. If notice is to be provided to a victim or victim's	361
representative under this division, the prosecuting attorney may	362
give the notice by any reasonable means, including regular mail,	363
telephone, and electronic mail, in accordance with division (D)	364
(1) of section 2930.16 of the Revised Code. If the notice is	365
based on an offense committed prior to March 22, 2013, the	366

notice also shall include the opt-out information described in

section 2930.16 of the Revised Code, shall keep a record of all

division (D)(1) of section 2930.16 of the Revised Code. The

prosecuting attorney, in accordance with division (D)(2) of

attempts to provide the notice, and of all notices provided,

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under this division. Division (E)(2) of this section, and the	372
notice-related provisions of division (K) of this section,	373
division (D)(1) of section 2930.16, division (H) of section	374
2967.12, division (E)(1)(b) of section 2967.19 as it existed	375
prior to April 4, 2023, division (A)(3)(b) of section 2967.26,	376
division (D)(1) of section 2967.28, and division (A)(2) of	377
section 5149.101 of the Revised Code enacted in the act in which	378
division (E)(2) of this section was enacted, shall be known as	379
"Roberta's Law."	380

- (F) Upon an offender's successful completion of
 rehabilitative activities, the head of the state correctional
 institution may notify the sentencing court of the successful
 completion of the activities.
- (G) Prior to the date of the hearing on a motion for 385 judicial release made by an eligible offender, by a state of 386 emergency-qualifying offender, or by a court on its own under 387 this section, the head of the state correctional institution in 388 which the subject offender is confined shall send to the court 389 an institutional summary report on the offender's conduct in the 390 institution and in any institution from which the offender may 391 have been transferred. Upon the request of the prosecuting 392 393 attorney of the county in which the subject offender was indicted or of any law enforcement agency, the head of the state 394 correctional institution, at the same time the person sends the 395 institutional summary report to the court, also shall send a 396 copy of the report to the requesting prosecuting attorney and 397 law enforcement agencies. The institutional summary report shall 398 cover the subject offender's participation in school, vocational 399 training, work, treatment, and other rehabilitative activities 400 and any disciplinary action taken against the subject offender. 401 The report shall be made part of the record of the hearing. A 402

presentence investigation report is not required for judicial	403
release.	404
(H) If the court grants a hearing on a motion for judicial	405
release made by an eligible offender, by a state of emergency-	406
qualifying offender, or by a court on its own under this	407
section, the subject offender shall attend the hearing if	408
ordered to do so by the court. Upon receipt of a copy of the	409
journal entry containing the order, the head of the state	410
correctional institution in which the subject offender is	411
incarcerated shall deliver the subject offender to the sheriff	412
of the county in which the hearing is to be held. The sheriff	413
shall convey the subject offender to and from the hearing.	414
(I) At the hearing on a motion for judicial release under	415
this section made by an eligible offender, by a state of	416
emergency-qualifying offender, or by a court on its own, the	417
court shall afford the subject offender and the offender's	418
attorney an opportunity to present written and, if present, oral	419
information relevant to the motion. The court shall afford a	420
similar opportunity to the prosecuting attorney, the victim, the	421
victim's representative, the victim's attorney, if applicable,	422
and any other person the court determines is likely to present	423
additional relevant information. The court shall consider any	424
oral or written statement of a victim, victim's representative,	425
and victim's attorney, if applicable, made pursuant to section	426
2930.14 or 2930.17 of the Revised Code, any victim impact	427
statement prepared pursuant to section 2947.051 of the Revised	428
Code, and any report made under division (G) of this section.	429
The court may consider any written statement of any person	430
submitted to the court pursuant to division (L) of this section.	431

If the motion alleges that the offender who is the subject

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of the motion is an eligible offender and the court makes an	433
initial determination that the offender satisfies the criteria	434
for being an eligible offender, or if the motion alleges that	435
the offender who is the subject of the motion is a state of	436
emergency-qualifying offender and the court makes an initial	437
determination that the offender satisfies the criteria for being	438
a state of emergency-qualifying offender, the court shall	439
determine whether to grant or deny the motion. The court shall	440
not deny judicial release under this section to an offender	441
solely based on the classification of the offense. After ruling	442
on the motion, the court shall notify the prosecuting attorney	443
of the county in which the eligible offender or state of	444
emergency-qualifying offender was indicted of the ruling, and	445
the prosecuting attorney shall notify the victim and the	446
victim's representative of the ruling in accordance with	447
sections 2930.03 and 2930.16 of the Revised Code or, if the	448
court granted the motion, in accordance with division (K) of	449
this section.	450
(J)(1) A court shall not grant a judicial release under	451
this section to an offender who is imprisoned for a felony of	452
the first or second degree and who is under consideration as an	453
eligible offender, or to an offender who committed an offense	454
under Chapter 2925. or 3719. of the Revised Code, who is under	455
consideration as an eligible offender, and for whom there was a	456
presumption under section 2929.13 of the Revised Code in favor	457
of a prison term, unless the court, with reference to factors	458
under section 2929.12 of the Revised Code, finds both of the	459
following:	460
(a) That a sanction other than a prison term would	461
adequately punish the offender and protect the public from	462

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future criminal violations by the offender because the

Page 17 H. B. No. 557 As Introduced

applicable factors indicating a lesser likelihood of recidivism	464
outweigh the applicable factors indicating a greater likelihood	465
of recidivism;	466
(b) That a sanction other than a prison term would not	467
demean the seriousness of the offense because factors indicating	468
that the offender's conduct in committing the offense was less	469
serious than conduct normally constituting the offense outweigh	470
factors indicating that the eligible offender's conduct was more	471
serious than conduct normally constituting the offense.	472
(2) A court that grants a judicial release under division	473
(J) (1) of this section to an offender who is under consideration	474
as an eligible offender shall specify on the record both	475
findings required in that division and also shall list all the	476
factors described in that division that were presented at the	477
hearing.	478
(3)(a) Subject to division (J)(3)(b) of this section, a	479
court shall grant a judicial release under this section to an	480
offender who is under consideration as a state of emergency-	481
qualifying offender if the court determines that the risks posed	482
by incarceration to the health and safety of the offender,	483
because of the nature of the declared state of emergency,	484
outweigh the risk to public safety if the offender were to be	485
released from incarceration.	486
(b) A court shall not grant a judicial release under this	487
section to an offender who is imprisoned for a felony of the	488
first or second degree and is under consideration for judicial	489
release as a state of emergency-qualifying offender unless the	490
court, with reference to the factors specified under section	491
2929.12 of the Revised Code, finds both of the criteria set	492
forth in divisions (J)(1)(a) and (b) of this section.	493

forth in divisions (J)(1)(a) and (b) of this section.

(K) If the court grants a motion for judicial release	494
under this section, the court shall order the release of the	495
eligible offender or state of emergency-qualifying offender,	496
shall place the offender under an appropriate community control	497
sanction, under appropriate conditions, and under the	498
supervision of the department of probation serving the court and	499
shall reserve the right to reimpose the sentence that it reduced	500
if the offender violates the sanction. If the court reimposes	501
the reduced sentence, it may do so either concurrently with, or	502
consecutive to, any new sentence imposed on the eligible	503
offender or state of emergency-qualifying offender as a result	504
of the violation that is a new offense. Except as provided in	505
division (N)(5)(b) of this section, the period of community	506
control shall be no longer than five years. The court, in its	507
discretion, may reduce the period of community control by the	508
amount of time the offender spent in jail or prison for the	509
offense and in prison. If the court made any findings pursuant	510
to division (J)(1) of this section, the court shall serve a copy	511
of the findings upon counsel for the parties within fifteen days	512
after the date on which the court grants the motion for judicial	513
release.	514

If the court grants a motion for judicial release, the 515 court shall notify the appropriate person at the department of 516 rehabilitation and correction, and the department shall post 517 notice of the release on the database it maintains pursuant to 518 section 5120.66 of the Revised Code. The court also shall notify 519 the prosecuting attorney of the county in which the eligible 520 offender or state of emergency-qualifying offender was indicted 521 that the motion has been granted. When notice to the victim is 522 required under the Ohio Constitution, the prosecuting attorney 523 shall notify the victim and the victim's representative, if 524

applicable, of the judicial release. In all other cases, unless	525
the victim or the victim's representative has requested pursuant	526
to division (B)(2) of section 2930.03 of the Revised Code that	527
the victim or victim's representative not be provided the	528
notice, the prosecuting attorney shall notify the victim and the	529
victim's representative, if applicable, of the judicial release	530
in any manner, and in accordance with the same procedures,	531
pursuant to which the prosecuting attorney is authorized to	532
provide notice of the hearing pursuant to division (E)(2) of	533
this section. If the notice is based on an offense committed	534
prior to March 22, 2013, the notice to the victim or victim's	535
representative also shall include the opt-out information	536
described in division (D)(1) of section 2930.16 of the Revised	537
Code.	538
(L) In addition to and independent of the right of a	539
victim to make a statement pursuant to section 2930.14, 2930.17,	540
or 2946.051 of the Revised Code and any right of a person to	541
present written information or make a statement pursuant to	542
division (I) of this section, any person may submit to the	543
court, at any time prior to the hearing on the motion for	544
judicial release of the eligible offender or state of emergency-	545
qualifying offender, a written statement concerning the effects	546
of the offender's criminal offense, the circumstances	547
surrounding the criminal offense, the manner in which the	548
criminal offense was perpetrated, and the person's opinion as to	549
whether the offender should be released.	550
	F F 4
(M) (1) The changes to this section that are made on	551
September 30, 2011, apply to any judicial release decision made	552
on or after September 30, 2011, for any eligible offender,	553

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subject to division (M)(2) of this section.

(2) The changes to this section that are made on April 4,	555
2023, apply to any judicial release application, and any	556
judicial release decision, made on or after April 4, 2023, for	557
any eligible offender or state of emergency-qualifying offender.	558
(N) (1) Notwithstanding the eligibility requirements	559
specified in divisions (A)(1) and (2) of this section and the	560
filing time frames specified in division (C) of this section and	561
notwithstanding the findings required under division (J)(1) and	562
the eligibility criteria specified in division (J)(3) of this	563
section, the sentencing court, upon the court's own motion and	564
after considering whether the release of the offender into	565
society would create undue risk to public safety, may grant a	566
judicial release to an offender who is not serving a life	567
sentence at any time during the offender's imposed sentence when	568
the director of rehabilitation and correction certifies to the	569
sentencing court through the chief medical officer for the	570
department of rehabilitation and correction that the offender is	571
in imminent danger of death, is medically incapacitated, or has	572
a terminal illness.	573
(2) The director of rehabilitation and correction shall	574
not certify any offender under division (N)(1) of this section	575
who is serving a death sentence.	576
(3) A motion made by the court under division (N)(1) of	577
this section is subject to the notice, hearing, and other	578
procedural requirements specified in divisions (D), (E), (G),	579
(H), (I), (K), and (L) of this section with respect to motions	580
for a grant of judicial release to eligible offenders, including	581
notice to the victim, except for the following:	582
(a) The court may waive the offender's appearance at any	583

hearing scheduled by the court if the offender's condition makes

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it impossible for the offender to participate meaningfully in	585
the proceeding.	586
(b) The court may grant the motion without a hearing,	587
provided that the prosecuting attorney, victim, and victim's	588
representative, if applicable, to whom notice of the hearing was	589
provided under division (E) of this section indicate that they	590
do not wish to participate in the hearing or present information	591
relevant to the motion.	592
(4) The court may request health care records from the	593
department of rehabilitation and correction to verify the	594
certification made under division (N)(1) of this section.	595
(5)(a) If the court grants judicial release under division	596
(N) (1) of this section, the court shall do all of the following:	597
(i) Order the release of the offender;	598
(ii) Place the offender under an appropriate community	599
control sanction, under appropriate conditions;	600
(iii) Place the offender under the supervision of the	601
department of probation serving the court or under the	602
supervision of the adult parole authority.	603
(b) The court, in its discretion, may revoke the judicial	604
release if the offender violates the community control sanction	605
described in division (N)(5)(a) of this section. The period of	606
that community control is not subject to the five-year	607
limitation described in division (K) of this section and shall	608
not expire earlier than the date on which all of the offender's	609
mandatory prison terms expire.	610
(6) If the health of an offender who is released under	611
division (N)(1) of this section improves so that the offender is	612

no longer terminally ill, medically incapacitated, or in	613
imminent danger of death, the court shall, upon the court's own	614
motion, revoke the judicial release. The court shall not grant	615
the motion without a hearing unless the offender waives a	616
hearing. If a hearing is held, the court shall afford the	617
offender and the offender's attorney an opportunity to present	618
written and, if the offender or the offender's attorney is	619
present, oral information relevant to the motion. The court	620
shall afford a similar opportunity to the prosecuting attorney,	621
the victim, the victim's representative, the victim's attorney,	622
if applicable, and any other person the court determines is	623
likely to present additional relevant information. If a hearing	624
is held, the prosecuting attorney shall notify the victim and	625
the victim's representative, if applicable, pursuant to the Ohio	626
Constitution. A court that grants a motion under this division	627
shall specify its findings on the record.	628

(0) (1) Separate from and independent of the provisions of 629 divisions (A) to (N) of this section, the director of the 630 department of rehabilitation and correction may recommend in 631 writing to the sentencing court that the court consider 632 releasing from prison, through a judicial release, any offender 633 who is confined in a state correctional institution and who is 634 an eighty per cent-qualifying offender. The director may file 635 such a recommendation for judicial release by submitting to the 636 sentencing court a notice, in writing, of the recommendation 637 within the applicable period specified in division (A)(3) of 638 this section for qualifying as an eighty per cent-qualifying 639 offender. 640

The director shall include with any notice submitted to 641 the sentencing court under this division an institutional 642 summary report that covers the offender's participation while 643

confined in a state correctional institution in school,	644
training, work, treatment, and other rehabilitative activities	645
and any disciplinary action taken against the offender while so	646
confined. The director shall include with the notice any other	647
documentation requested by the court, if available.	648

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If the director submits a notice under this division recommending judicial release, the department promptly shall provide to the prosecuting attorney of the county in which the offender was indicted a copy of the written notice and recommendation, a copy of the institutional summary report, and any other information provided to the court, and shall provide a copy of the institutional summary report to any law enforcement agency that requests the report. The department also shall provide written notice of the submission of the director's notice to any victim of the offender or victim's representative, if applicable, in the same manner as is specified in divisions (E) (1) and (2) of this section with respect to notices of hearings.

- (2) A recommendation for judicial release in a notice 662 submitted by the director under division (0)(1) of this section 663 is subject to the notice, hearing, and other procedural 664 665 requirements specified in divisions (E), (H), (I), and (L) of this section, including notice to the victim pursuant to the 666 Ohio Constitution, except as otherwise specified in divisions 667 (0)(3) to (5) of this section, provided that references in 668 divisions (E), (H), (I), (K), and (L) of this section to "the 669 motion" shall be construed for purposes of division (0) of this 670 section as being references to the notice and recommendation 671 specified in division (0)(1) of this section. 672
 - (3) The director's submission of a notice under division

H. B. No. 557
Page 24
As Introduced

(0) (1) of this section constitutes a recommendation by the	674
director that the court strongly consider a judicial release of	675
the offender consistent with the purposes and principles of	676
sentencing set forth in sections 2929.11 and 2929.13 of the	677
Revised Code and establishes a rebuttable presumption that the	678
offender shall be released through a judicial release in	679
accordance with the recommendation. The presumption of release	680
may be rebutted only as described in division (0)(6) of this	681
section. Only an offender recommended by the director under	682
division (0)(1) of this section may be considered for a judicial	683
release under division (0) of this section.	684

- (4) Upon receipt of a notice recommending judicial release 685 submitted by the director under division (0)(1) of this section, 686 the court shall schedule a hearing to consider the 687 recommendation for the judicial release of the offender who is 688 the subject of the notice. The hearing shall be conducted in 689 open court not less than thirty or more than sixty days after 690 the notice is submitted. The court shall inform the department 691 and the prosecuting attorney of the county in which the offender 692 who is the subject of the notice was indicted of the date, time, 693 and location of the hearing. Upon receipt of the notice from the 694 court, the prosecuting attorney shall comply with division (E) 695 of this section, including providing notice to the victim and 696 the victim's representative, if applicable, pursuant to the Ohio 697 Constitution, and the department shall post the information 698 specified in that division. 699
- (5) When a court schedules a hearing under division (0)(4)

 of this section, at the hearing, the court shall consider all of

 the following in determining whether to grant the offender

 judicial release under division (0) of this section:

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(a) The institutional summary report submitted under	704
division (0)(1) of this section;	705
(b) The inmate's academic, vocational education programs,	706
or alcohol or drug treatment programs; or involvement in	707
meaningful activity;	708
(c) The inmate's assignments and whether the inmate	709
consistently performed each work assignment to the satisfaction	710
of the department staff responsible for supervising the inmate's	711
work;	712
(d) The inmate transferred to and actively participated in	713
core curriculum programming at a reintegration center prison;	714
(e) The inmate's disciplinary history;	715
(f) The inmate's security level;	716
(g) All other information, statements, reports, and	717
documentation described in division (I) of this section.	718
(6) If the court that receives a notice recommending	719
judicial release submitted by the director under division (0)(1)	720
of this section makes an initial determination that the offender	721
satisfies the criteria for being an eighty per cent-qualifying	722
offender, the court then shall determine whether to grant $\underline{\text{or}}$	723
deny the offender judicial release. In making the second	724
determination, the court shall grant the offender judicial	725
release unless the prosecuting attorney proves to the court, by	726
a preponderance of the evidence, that the legitimate interests	727
of the government in maintaining the offender's confinement	728
outweigh the interests of the offender in being released from	729
that confinement. The court shall not deny judicial release	730
under this division to an offender solely based on the	731
classification of the offense. If the court grants a judicial	732

release under this division, division (K) of this section	733
applies regarding the judicial release, including notice to the	734
victim and the victim's representative, if applicable, pursuant	735
to the Ohio Constitution, provided that references in division	736
(K) of this section to "the motion" shall be construed for	737
purposes of the judicial release granted under this division as	738
being references to the notice and recommendation specified in	739
division (0)(1) of this section.	740

The court shall enter its ruling on the notice 741 recommending judicial release submitted by the director under 742 743 division (0)(1) of this section within ten days after the hearing is conducted. After ruling on whether to grant the 744 offender judicial release under division (O) of this section, 745 the court shall notify the offender, the prosecuting attorney, 746 and the department of rehabilitation and correction of its 747 decision, and shall notify the victim of its decision in 748 accordance with the Ohio Constitution and sections 2930.03 and 749 2930.16 of the Revised Code. If the court does not enter a 750 ruling on the notice within ten days after the hearing is 751 conducted as required under this division, the division of 752 parole and community services of the department of 753 rehabilitation and correction may release the offender. 754

(P) All notices to a victim of an offense provided under 755 division (D), (E), (K), (N), or (O) of this section shall be 756 provided in accordance with the Ohio Constitution. 757

Section 2. That existing section 2929.20 of the Revised 758

Code is hereby repealed. 759