

As Introduced

136th General Assembly

Regular Session

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H. B. No. 557

Representative Williams

A BILL

To amend section 2929.20 of the Revised Code to 1
prohibit denial of judicial release based solely 2
on the classification of an offense. 3

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

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 Code; 19
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(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 23
office or to the offender's actions as a public official holding 24
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 60
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 (O) 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

corrupt activity in violation of section 2923.32 of the Revised Code; 132
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(g) A prison term imposed pursuant to section 2971.03 of the Revised Code; 134
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(h) A prison term imposed for any sexually oriented offense. 136
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(11) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term. 138
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(12) "Restricting prison term" means any of the following: 141

(a) A mandatory prison term imposed under division (B) (1) (a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of section 2929.14 of the Revised Code for a specification of the type described in that division; 142
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(b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in division (A) (12) (a) of this section, the prison term imposed for the felony offense for which the specification was stated at the end of the body of the indictment, count in the indictment, or information charging the offense; 146
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(c) A prison term imposed for trafficking in persons; 152

(d) A prison term imposed for any offense that is described in division (A) (12) (d) (i) of this section if division (A) (12) (d) (ii) of this section applies to the offender: 153
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(i) The offense is a felony of the first or second degree that is an offense of violence and that is not described in division (A) (10) (a) or (b) of this section, an attempt to commit a felony of the first or second degree that is an offense of 156
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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 174
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
fifth degree. 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 emergency-qualifying offender or for the court on its own 280
motion to consider the offender for judicial release as a state 281
of emergency-qualifying offender. 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
hearing, the court shall enter its ruling on the motion within 300
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 367
division (D)(1) of section 2930.16 of the Revised Code. The 368
prosecuting attorney, in accordance with division (D)(2) of 369
section 2930.16 of the Revised Code, shall keep a record of all 370
attempts to provide the notice, and of all notices provided, 371

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 381
rehabilitative activities, the head of the state correctional 382
institution may notify the sentencing court of the successful 383
completion of the activities. 384

(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
attorney of the county in which the subject offender was 393
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 432

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
future criminal violations by the offender because the 463

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

(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

(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
subject to division (M) (2) of this section. 554

(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 584

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

(O) (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

If the director submits a notice under this division 649
recommending judicial release, the department promptly shall 650
provide to the prosecuting attorney of the county in which the 651
offender was indicted a copy of the written notice and 652
recommendation, a copy of the institutional summary report, and 653
any other information provided to the court, and shall provide a 654
copy of the institutional summary report to any law enforcement 655
agency that requests the report. The department also shall 656
provide written notice of the submission of the director's 657
notice to any victim of the offender or victim's representative, 658
if applicable, in the same manner as is specified in divisions 659
(E) (1) and (2) of this section with respect to notices of 660
hearings. 661

(2) A recommendation for judicial release in a notice 662
submitted by the director under division (O) (1) of this section 663
is subject to the notice, hearing, and other procedural 664
requirements specified in divisions (E), (H), (I), and (L) of 665
this section, including notice to the victim pursuant to the 666
Ohio Constitution, except as otherwise specified in divisions 667
(O) (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 (O) of this 670
section as being references to the notice and recommendation 671
specified in division (O) (1) of this section. 672

(3) The director's submission of a notice under division 673

(O) (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 (O) (6) of this 681
section. Only an offender recommended by the director under 682
division (O) (1) of this section may be considered for a judicial 683
release under division (O) of this section. 684

(4) Upon receipt of a notice recommending judicial release 685
submitted by the director under division (O) (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 (O) (4) 700
of this section, at the hearing, the court shall consider all of 701
the following in determining whether to grant the offender 702
judicial release under division (O) of this section: 703

(a) The institutional summary report submitted under 704
division (O) (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 (O) (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 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 (O) (1) of this section. 740

The court shall enter its ruling on the notice 741
recommending judicial release submitted by the director under 742
division (O) (1) of this section within ten days after the 743
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