

1 **2967.13(B) Review of Extended Sentences of Prisoners Convicted for Offenses Committed**
2 **while Under the Age of Eighteen**

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4 **(1) Scope & Application** The provisions of this division apply to any prisoner serving a prison
5 sentence as described by this division for an offense or offenses which occurred prior to the
6 prisoner turning eighteen. Regardless of whether the prisoner's stated prison term includes
7 mandatory time, the provisions of this division apply automatically and cannot be limited by the
8 sentencing court.

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10 **(2) Eligibility and Timing** Notwithstanding any provision of the Revised Code to the contrary,
11 and regardless of when the offense or offenses were committed, a prisoner who was under the age
12 of eighteen at the time of the offense for which he or she is serving a prison sentence is eligible for
13 parole as follows:

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15 (a) If the prisoner's stated prison term totals at least fifteen years, the prisoner is
16 eligible for parole after serving fifteen years;

17 (b) If the prisoner has a sentence that permits parole only after fifteen or more years,
18 the prisoner is eligible for parole after serving fifteen years;

19 (c) If the prisoner is serving a sentence of life without parole, the prisoner is eligible
20 for parole upon turning age forty.

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22 **(3) Release Review.** Once a prisoner is eligible for parole pursuant to division (B) of this section,
23 the parole board shall, within a reasonable time after the prisoner becomes eligible, conduct a
24 hearing to consider the prisoner's release onto parole supervision. The hearing shall be conducted
25 in accordance with Chapters 2930., 2967., and 5149. of the Revised Code, and in accordance with
26 policies and procedures established by the parole board, provided that such policies and procedures
27 shall permit the prisoner's privately retained counsel or the Ohio Public Defender to appear at the
28 prisoner's hearing to make a statement in support of the prisoner's release.

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30 The parole board shall ensure that the prisoner is provided a meaningful opportunity to obtain
31 release. In addition to the factors in OAC 5120:1-1-07, the board shall also take into consideration
32 as mitigation the age of the offender at the time of the offense; the diminished culpability of youth;
33 the hallmark features of youth, including immaturity and the failure to appreciate risks and
34 consequences; the family and home environment of the offender at the time of the offense; and
35 any subsequent growth and increased maturity of the prisoner during incarceration.

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37 **(4) Conditions of parole.** The parole board shall in accordance with section 2967.131 of the
38 Revised Code, impose appropriate terms and conditions of release upon each prisoner granted a
39 parole under this division.

41 **(5) Subsequent Review.** If the parole board denies release pursuant to this division, the board
42 shall conduct a subsequent release review pursuant to this division no more than ten years after
43 release was denied.

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45 **(6) Notice to Ohio Public Defender** In addition to any notice to any other person required by rule
46 or statute, the parole board shall notify the Ohio Public Defender of a prisoner's eligibility for
47 review under this division at least sixty days before the board begins any review or proceedings of
48 that prisoner under this division.

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52 **Sec. 5149.101 Full board hearings.**

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54 **(A) (1)** A board hearing officer, a board member, or the office of victims' services may petition
55 the board for a full board hearing that relates to the proposed parole or re-parole of a prisoner,
56 including, but not limited to, any prisoner described in division (B) of section 2967.13 of the
57 Revised Code. At a meeting of the board at which a majority of board members are present, the
58 majority of those present shall determine whether a full board hearing shall be held.

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61 **Uncodified Law**

62 R.C. 2967.13(B) is intended to implement the decisions of the Supreme Court of the United States
63 in *Miller v. Alabama*, U.S. , 132 S.Ct. 2455, 183 L.Ed.2d 407 (2012) and *Graham v. Florida*,
64 560 U.S. 48, 48, 130 S.Ct. 2011, 176 L.Ed.2d 825 (2010). R.C. 2967.13(B) shall apply
65 retroactively.

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