

**IN THE SUPREME COURT OF OHIO**

STATE OF OHIO, :  
 : Case Nos. 2023-1318  
 : 2023-1417  
 :  
 Plaintiff-Appellant, :  
 :  
 :  
 vs. :  
 : On Appeal from the  
 : Cuyahoga County Court of Appeals,  
 : Eighth Appellate District  
 :  
 JADYN LOGAN, :  
 :  
 :  
 Defendant-Appellee. : C.A. Case No. CA-22-111533  
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**MERIT BRIEF OF *AMICUS CURIAE* OFFICE OF THE OHIO PUBLIC DEFENDER  
IN SUPPORT OF APPELLEE**

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## **STATEMENT OF THE CASE AND FACTS**

Amicus curiae adopts and incorporates the statement of the case and facts as set forth by Ms. Logan in her merit brief.

## **STATEMENT OF INTEREST OF AMICUS CURIAE, OFFICE OF THE OHIO PUBLIC DEFENDER**

The Office of the Ohio Public Defender (“OPD”) is a state agency that represents indigent criminal defendants and coordinates criminal-defense efforts throughout Ohio. The OPD also plays a key role in the promulgation of Ohio law and procedural rules. A primary focus of the OPD is on the appellate phase of criminal cases, including direct appeals and collateral attacks on convictions. The OPD also keeps abreast of legislative developments affecting criminal defendants throughout the state. The mission of the OPD is to protect and defend the rights of indigent persons by providing and supporting superior representation in the criminal and juvenile justice systems.

As amicus curiae, the OPD offers this court the perspective of experienced practitioners who routinely observe the lived experiences of incarcerated individuals in Ohio. This perspective evolves as legislative developments impact daily life in Ohio prisons. Given this insight, the OPD believes that Appellant State of Ohio misinterprets R.C. 2929.13(F)(8), since its asserted reading undermines the Ohio legislature’s recently expressed goals of reducing the costs of incarceration and recidivism through the Ohio Department of Rehabilitation and Correction’s educational programming.

## INTRODUCTION

Ohio recognizes that incarcerated people can change. Its sentencing statutes instruct judges to “promote the effective rehabilitation of the offender” through chosen criminal sanctions. Its state government invests millions of dollars in rehabilitative institutional programming. And its legislature innovates systems of earned credit to incentivize participation in that rehabilitative programming.

Yet here, Appellant state of Ohio asserts that R.C. 2929.13(F) excludes scores of incarcerated people from accessing these programs. Appellant’s proposed interpretation converts all felonies charged with gun specifications into mandatory prison offenses. People serving mandatory prison terms may not participate in R.C. 2967.193’s earned credit incentive system, and they are de-prioritized from enrollment in rehabilitative programming. So, through its reading of R.C. 2929.13(F), the state would disqualify or disincentivize this category of imprisoned people from taking classes meant to reduce their likelihood of recidivism.

This contravenes the legislature’s recent attempts to expand, not constrict, rehabilitative programming and its incentives. Over the last six budget cycles, lawmakers have allocated more than \$480 million to support the Ohio Department of Rehabilitation and Corrections’ (“ODRC”) rehabilitative programming. The Ohio legislature also enacted Senate Bill 288, effective in April of 2023, which nearly doubled



the total amount of earnable credit under R.C. 2967.193 and expanded access to previously restricted classes of first- and second-degree felony offenders.

Why would the legislature give with one hand but take away with the other? The state's convoluted reading of R.C. 2929.13(F)(8) sails against the tide of the legislature's recent agenda. Given its investments in rehabilitative educational programming, the legislature did not intend for R.C. 2929.13(F)(8) to exclude larger categories of offenders from that programming.

### ARGUMENT

#### **STATE OF OHIO'S PROPOSITION OF LAW:**

**The trial court must impose a prison term for the underlying felony offense when the offender had a firearm on or about the offender's person or under the offender's control while committing the felony.**

#### **CERTIFIED CONFLICT QUESTION:**

**Does R.C. 2929.13(F)(8) require a mandatory prison term and preclude the imposition of community-control sanctions on an underlying felony when a defendant is found guilty on a corresponding firearm specification?**

#### **AMICUS RESPONSE TO STATE OF OHIO'S PROPOSITION OF LAW AND THE CERTIFIED CONFLICT QUESTION:**

**Interpreting R.C. 2929.13(F)(8) to require a mandatory prison term on both an underlying felony and any attached gun specifications undermines both executive branch and legislative branch efforts to rehabilitate offenders through incentivized educational programming.**

R.C. 2929.13(F)(8) does not require mandatory prison for both a predicate felony and its attached gun specification. The mandatory prison term is required only for the specification. For the underlying felony, courts remain free to impose prison if they choose, or to impose community control, whichever is most appropriate to “effectively rehabilitate the offender . . . .” *See* R.C. 2929.11(A).

If R.C. 2929.13(F)(8) converted all underlying felonies to mandatory prison offenses instead, the statute would restrict more incarcerated people from engaging in rehabilitative educational programming. Offenders serving mandatory prison terms may not participate in Ohio’s earned credit incentive scheme, codified in R.C. 2967.193 and R.C. 2967.194. R.C. 2929.13(F) (“the court shall impose a prison term pursuant to . . . 2929.14 . . . and . . . shall not reduce the term or terms pursuant to . . . section 2967.193 or 2967.194”). They are also deprioritized from enrollment in programming when space is limited. *See* ODRC Policy Number 02-REN-02(E)(1)-(2), eff. date December 17, 2023, available at <https://drc.ohio.gov/about/resource/policies-and-procedures/02-ren-reentry-initiatives/reentry-programs>. So, by transforming an underlying felony’s nonmandatory prison sentence into a mandatory sentence, the state’s reading of R.C. 2929.13(F)(8) excludes more offenders from meaningfully participating in rehabilitative programming.

None of this is consistent with the legislature’s recent enactments. In 2022 through S.B. 288, the legislature expanded Ohio’s earned credit incentive scheme. It

raised the rates at which most offenders earned credit towards release, and it raised the cap on total earnable days of credit from 8% to 15% of a total nonmandatory prison sentence. 2022 Am.Sub.S.B. 288, p. 314-18. To complement this effort, the legislature expanded funding for rehabilitative programming by 18.89% in the 2024-2025 budget cycle. This follows a trend of increased investments in ODRC rehabilitative programming.

Clearly, the legislature seeks to build an incentive program that promotes rehabilitation and reduces recidivism through participation in educational programming. Reading R.C. 2929.13(F)(8) to restrict more offenders from participating in that programing makes no sense linguistically, politically, or financially. In context with this recent legislative history, the state's selective misreading of R.C. 2929.13(F)(8) defies common sense. This court should reject it.

- I. **Through S.B. 288, Ohio's legislature expanded its innovative system of incentivizing incarcerated people to participate in educational programming, suggesting it would not intend to restrict access to those programs through R.C. 2929.13(F)(8).**

The state's reading of R.C. 2929.13(F)(8) cannot be reconciled with the legislature's recent attempts to expand Ohio's earned credit incentive program. Increasing the number of mandatory prison terms would decrease the number of incarcerated people eligible to earn credit through R.C. 2967.193 and R.C. 2967.194. R.C. 2967.193(C), R.C. 2967.194(C). This directly undermines 2022's S.B. 288, a bi-partisan bill that expanded access to earned credit to more incarcerated people. This

Court should not unravel the legislature’s policy decisions on the state’s shaky linguistic grounds.

R.C. 2967.193 and R.C. 2967.194 allow an incarcerated person to earn days of credit towards their release for each month in which the person “productively participates in an education program, vocational training, employment in prison industries, treatment for substance abuse, or any other constructive program developed by [ODRC] with specific standards for performance . . . .” R.C. 2967.193(A)(2). Thirty-four states have adopted such programs after finding that rehabilitative programming lessens recidivism, reduces system-wide costs, and improves post-release employment opportunities. “Testimony in Support of SB288 Earned Credit,” The Ohio Public Defender, submitted March 15, 2022 at the 4th Hearing of S.B. 288 before the Senate Judiciary Committee, available at <https://www.legislature.ohio.gov/legislation/134/sb288/committee>.

Although earned credit has been a feature of Ohio’s criminal law for decades, the legislature recently expanded the earned credit incentive program through 2022’s S.B. 288. 2022 Am.Sub.S.B. 288. There are two paths for incarcerated people to earn credit towards their release. First, R.C. 2967.193 and R.C. 2967.194 allow incarcerated people to earn a 90 day or 10% lump reduction, whichever is less, in their sentence for completing certain high-priority programs, like earning a high school diploma or equivalent. R.C. 2967.193(A)(3); R.C. 2967.194(A)(3). This provision was not meaningfully altered by S.B.

288. Second, incarcerated people can earn a certain number of credit days per month towards their release for consistent participation in ODRC-approved rehabilitative programming. R.C. 2967.193(D); R.C. 2967.194(D). Under previous versions of R.C. 2967.193, offenders earned credit at different rates depending on the seriousness of their offense of conviction. *See* Former R.C. 2967.193(D)(1) Eff. 3-22-19. S.B. 288 expanded this method of earning credit considerably.

The chart below compares the earned credit statute before and after S.B. 288 took effect:

	<b>Total % of sentence eligible for reduction</b>	<b>Offenders eligible to earn credit</b>	<b>Offenders earning at rate of 1 day of credit per month</b>	<b>Offenders earning at rate of 5 days of credit per month</b>
<b>Pre-S.B. 288</b>	8%	<p>All except those serving:</p> <ul style="list-style-type: none"> <li>- sentences for sexually oriented offenses committed on or after 9/30/2011;</li> <li>-mandatory prison sentences;</li> <li>-death sentences; or</li> <li>-life in prison without parole for murder offenses or sexually violent predator specification.</li> </ul>	<p>Offenders convicted of:</p> <ol style="list-style-type: none"> <li>(1) First- or second-degree felony violations of division (A) of section 2903.04 or of section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 of the Revised Code;</li> <li>(2) Attempt, conspiracy, or complicity to commit any of the above offense or any offense with a penalty of life imprisonment;</li> <li>(3) Any sexually oriented offense committed prior to 9/30/2011.</li> <li>(4) Any offense with an essential element concerning any conduct or failure to act expressly involving any deadly weapon or dangerous ordinance;</li> <li>(5) Any first- or second-degree felony committed prior to 9/30/2011;</li> <li>(6) Any third, fourth, fifth or unclassified felony not listed in 2967.193(D) and committed prior to 9/30/2011.</li> </ol>	<ol style="list-style-type: none"> <li>(1) Any first- or second-degree felony not listed in 2967.193(D) that was committed on or after 9/30/2011.</li> <li>(2) Any third, fourth, fifth, or unclassified felony not listed in 2967.193(D) and committed after 9/30/2011.</li> </ol>
<b>Post-S.B. 288</b>	15%	Unchanged.	Offenders convicted of any sexually oriented offense committed prior to 9/30/2011.	All other eligible offenders.

*Compare* former R.C. 2967.193(A), (C), and (D) to current R.C. 2967.194 (A), (C), and (D).

After S.B. 288, which virtually eliminated the offense-specific categorization of credit earning rates, nearly all eligible offenders earn days of credit at a rate of 5 days per month. *Compare* Former 2967.193(D) Eff. 3-22-19 to current R.C. 2967.194(D).

According to ODRC's most recently available 2023 census data, when the new version of R.C. 2967.193 and R.C. 2967.194 became effective in April of 2024, roughly 14,141 incarcerated people, or 32.3% of ODRC's incarcerated population, jumped from 1-day-per-month earning eligibility to 5-days-per-month earning eligibility. *See* "January 2023 Census of ODRC Institutional Population, Demographic and Offense Summary,"

Bureau of Research and Evaluation, Ohio Department of Rehabilitation and

Corrections, available at <https://drc.ohio.gov/about/resource/reports/institution-census-reports/institution-census-2023>.<sup>1</sup> Further, all eligible offenders may now reduce their

non-mandatory sentence by up to 15%, nearly double the 8% cap of the prior version of

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<sup>1</sup> Counsel derived the number 14,141 people by comparing former R.C. 2967.193's list of 1-day-per-month eligible offenses (listed in the fourth column, second row of the above table) to ODRC's 2023 Census. The Census indicates how many offenders were serving prison terms under each criminal statute as of January of 2023. Counsel summed the number of offenders serving sentences under the enumerated code sections to create a rough estimate of how many incarcerated people were newly eligible to earn credit towards release at the rate of 5 days per month. This number is imprecise because more than a year has passed since ODRC released census data. Additionally, the ODRC census does not contain adequate detail to pinpoint whether any given offender is serving the eligible portions of their sentence. But, while limited available sentencing data renders this total imprecise, it is nevertheless demonstrative of the scale of the changes created by S.B. 288.

R.C. 2967.193. *Compare* Former R.C. 2967.193(A)(3) Eff. 3-22-19 to current R.C.

2967.193(A)(4)(b)(ii) and R.C. 2967.194(A)(4). But none of this earned credit is possible if an offender is sentenced to serve mandatory time. R.C. 2967.193(C); R.C. 2967.194(C).

Plainly, the legislature intended to expand Ohio's earned credit incentive program. Tens of thousands of incarcerated individuals are now earning days of credit at higher rates and to a higher cap. Before S.B. 288, an eligible person serving a 10-year felonious assault sentence and earning 1 day of credit per month towards early release would need 24.3 years to reach R.C. 2967.193's former 8% credit cap. Now, a person serving the same 10-year sentence and earning 5 days of credit per month would hit the new 15% cap in 9.125 years. S.B. 288 also evened the playing field, allowing people convicted of offenses like aggravated robbery, aggravated burglary, and felonious assault to earn days of credit at the same rate and to the same relative cap as people convicted of forgery, passing bad checks, and low-level drug possession.

The legislature also expected this program to result in significant cost savings to ODRC. The Legislative Services Commission's Fiscal Note estimated that a person serving a 3-year eligible sentence who reaches the new 15% earned cap would save ODRC a total of \$846.22 through their early release. S.B. 288 Final Fiscal Note & Local Impact Statement, Ohio Legislative Service Commission, available at <https://www.legislature.ohio.gov/download?key=20284&format=pdf>. Multiplied by the ODRC total incarcerated population of 43,758, with an average length of stay of 2.6



years, the legislature anticipated that S.B. 288 would reduce the costs of incarceration borne by ODRC by tens of millions of dollars. January 2023 Census, *supra* at 10; 2023 Annual Report, The Department of Rehabilitation and Corrections, p. 24, available at <https://drc.ohio.gov/about/resource/reports/annual-reports/annual-report-2023>.

The state's reading of R.C. 2929.13(F)(8) throws a wrench into this plan. The state contends that offenders sentenced for Weapons Under Disability with an attached one-year gun specification should *never* be eligible for earned credit. Not because the principal offense, Weapons Under Disability, is a disqualifying offense. Clearly, a person serving a prison sentence only for a third-degree felony Weapons Under Disability conviction would be eligible for earned credit. R.C. 2967.194(C), (D)(2). *See generally* R.C. 2929.14; R.C. 2929.13; R.C. 2923.13. Rather, the state believes that it has the power to entirely disqualify individuals from Ohio's earned credit incentive system by tacking a gun specification onto a charge at the indictment stage. Its interpretation of R.C. 2929.13(F)(8) implies that this exercise of prosecutorial discretion transforms an otherwise eligible Weapons Under Disability offense into an ineligible offense merely because of its proximity to the gun specification.

For the plain language reasons stated in Ms. Logan's merit brief, and for the policy reasons stated here, this court should not countenance an outcome so antithetical to the legislature's policymaking without a clear linguistic command to do so. Nor should it lightly endorse the transfer of discretion over sentencing outcomes from the

courts to prosecutors. Contrary to the state's tenuous reasoning, R.C. 2929.13(F)(8) contains no clear command permitting either outcome.

**II. Ohio's legislative and executive branches have invested heavily in rehabilitative educational programming and would not wish to exclude more incarcerated people from those programs.**

Statutes are not the only way in which the legislature makes policy. It also exercises its plenary policy-setting power through the bi-annual budget process. *See Bd. of Trs. Of the Tobacco Use Prevention & Control Found. v. Boyce*, 127 Ohio St.3d 511, 2010-Ohio-6207, 941 N.E.2d 745, ¶ 17, 30. By allocating limited state revenues, the budget process sets policy priorities for that fiscal cycle. *Id.* In the last six budget cycles, Ohio's legislators allocated over \$484 million to budget line items funding rehabilitative programming. Clearly, offender rehabilitative education is a legislative priority.

Historical budget trends show the legislature's commitment to expanding rehabilitative programming in Ohio prisons. Below is a chart of funds earmarked for rehabilitative programming in the Ohio Department of Rehabilitation and Corrections budget over the last six budget cycles:

Budget Cycle <sup>2</sup>	Name of Line Item <sup>3</sup>	Individual Appropriation	Total Appropriation	% change from prior budget cycle
FY 2014-2015 <sup>4</sup>	Education Services	\$8,229,564	\$81,442,543	
	Institution Education Services	\$38,214,469		
	Prisoner Programs	\$34,998,510		
FY 2016-2017 <sup>5</sup>	Education Services	\$6,922,635	\$67,454,038	- 17.18%
	Institution Education Services	\$55,040,885		
	Prisoner Programs	\$5,490,500		
FY 2018-2019 <sup>6</sup>	Education Services	\$9,450,000	\$78,003,523	+ 15.64%
	Institution Education Services	\$65,953,523		

<sup>2</sup> All budget information was gathered through review of the As Enrolled “Appropriation Spreadsheet” of the Main Operating Budget created by the Legislative Budget Office of the Legislative Service Commission. All spreadsheets are available at <https://www.lsc.ohio.gov/budget> and are sorted by General Assembly number. To create the chart above, counsel reviewed the As Enrolled Appropriation Spreadsheets from the 135th, 134th, 133rd, 132nd, 131st, and 130th General Assemblies.

<sup>3</sup> The Legislative Services Commission creates an analysis of each state agency’s budget, titled the “Greenbook,” for each budget cycle. An agency’s Greenbook explains how the funds allocated in each budget line item are used by the agency during a budget cycle. Consulting the Greenbook of the ODRC for the 2024-2025 budget cycle, counsel determined that the line items titled Education Services, Institution Education Services, and Prisoner Programs all pertain to rehabilitative programming offered to incarcerated people. The 2024-2025 ODRC Greenbook is available at <https://www.lsc.ohio.gov/assets/legislation/135/hb33/en0/files/hb33-drc-greenbook-as-enacted-135th-general-assembly.pdf>, with descriptions of the mentioned line items appearing in pages 10, 11-12, and 18.

<sup>4</sup> “Budget in Detail: House Bill 59 130th General Assembly Main Operating Budget Bill (FY 2014-FY 2015) As Enacted,” Legislative Services Commission, July 1, 2013, p 70-71.

<sup>5</sup> “Budget in Detail: House Bill 64 131st General Assembly Main Operating Budget Bill (FY 2016-FY 2017) As Enacted,” Legislative Services Commission, July 1, 2015, p. 68-69.

<sup>6</sup> “Budget in Detail: House Bill 49 132nd General Assembly Main Operating Budget Bill (FY 2018-FY 2019) As Enacted,” Legislative Services Commission, July 6, 2017, p. 67-68.

	Prisoner Programs	\$2,600,000		
FY 2020-2021 <sup>7</sup>	Education Services	\$9,206,081	\$79,302,828	+ 1.67%
	Institution Education Services	\$69,296,747		
	Prisoner Programs	\$800,000		
FY 2022-2023 <sup>8</sup>	Education Services	\$9,320,000	\$81,326,693	+ 2.55 %
	Institution Education Services	\$71,206,693		
	Prisoner Programs	\$800,000		
FY 2024-2025 <sup>9</sup>	Education Services	\$9,320,000	\$96,687,000	+ 18.89 %
	Institution Education Services	\$86,567,000		
	Prisoner Programs	\$800,000		
<b>Total Allocations</b>			\$484,216,895	

In the 2024-2025 budget cycle alone, the legislature allocated a total of \$96,687,000 to fund ODRC rehabilitative educational programming. Appropriations Spreadsheet for 2024-2025 Operating Budget, *infra* at 16, n. 8. The sheer scale of ODRC’s programming-specific budget shows the legislature’s commitment to reducing recidivism through prison education. Further, the legislature has steadily increased funding for rehabilitative programming, implying its intention to expand, not restrict,

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<sup>7</sup> “Appropriation Spreadsheet: House Bill 166 – 133rd General Assembly Main Operating Budget Bill (FY 2020-2021), Legislative Budget Office of the Legislative Services Commission, July 22, 2019, p. 64-65.

<sup>8</sup> “Appropriation Spreadsheet: House Bill 110 – 134th General Assembly Main Operating Budget Bill (FY 2022-2023), Legislative Budget Office of the Legislative Services Commission, July 26, 2021, p. 64-65.

<sup>9</sup> “Appropriation Spreadsheet: House Bill 33 – 135th General Assembly Main Operating Budget Bill (FY 2024-2025), Legislative Budget Office of the Legislative Services Commission, July 26, 2023, p. 69-70.

access to such programs. From the 2022-2023 budget cycle to the 2024-2025 budget cycle, ODRC's rehabilitative programming budget grew 18.89%.

This spending shows that rehabilitative programming is a legislative priority. Not only has the legislature carefully revised R.C. 2967.193 and R.C. 2967.194 to keep pace with growing evidence of the effectiveness of rehabilitative programming, but it has directed considerable revenue dollars to ensure that programming is well supported and accessible for incarcerated people. This court should be careful not to interfere with this legislative policy making without a clear statutory directive to do so.

Again, try as it might, the state does not identify a clear statement in R.C. 2929.13(F)(8) that would require this court to undermine the legislature's rehabilitative programming expansion. This court should not be persuaded by its arguments, especially in light of the systemic consequences addressed here.

## CONCLUSION

For the reasons above, Amicus Curiae The Ohio Public Defender respectfully encourages this court to reject Appellant State of Ohio's misreading of R.C. 2929.13(F)(8). Adopting the state's interpretation jeopardizes the legislature's recent expansion of rehabilitative programming in Ohio's prisons. This court should not interpret a statute counter to the legislature's clear policy priorities without a compelling, plain language reason. The state offers no such reason in this case, and so its appeal should be denied.

Respectfully submitted,

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COUNSEL FOR AMICUS CURIAE

**CERTIFICATE OF SERVICE**

A copy of the foregoing **MERIT BRIEF OF AMICUS CURIAE OFFICE OF THE OHIO PUBLIC DEFENDER IN SUPPORT OF APPELLEE** was served by electronic mail to Cuyahoga County Assistant Prosecuting Attorney Tasha L. Forchione, [tforchione@prosecutor.cuyahogacounty.us](mailto:tforchione@prosecutor.cuyahogacounty.us), and to Cuyahoga County Assistant Public Defender John T. Martin, [jmartin@cuyahogacounty.us](mailto:jmartin@cuyahogacounty.us), on this 4th day of June, 2024.

/s/ Kimberly E. Burroughs

Kimberly E. Burroughs (0095694)

Assistant Public Defender

COUNSEL FOR AMICUS CURIAE

#2083266

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,	:	Case Nos. 2023-1318
	:	2023-1417
Plaintiff-Appellant,	:	
	:	
vs.	:	
	:	On Appeal from the
	:	Cuyahoga County Court of Appeals,
JADYN LOGAN,	:	Eighth Appellate District
	:	
Defendant-Appellee.	:	C.A. Case No. CA-22-111533
	:	

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APPENDIX TO MERIT BRIEF OF *AMICUS CURIAE* OFFICE OF THE OHIO  
PUBLIC DEFENDER IN SUPPORT OF APPELLEE

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## Ohio Revised Code

### Section 2967.193 Earning days of credit.

Effective: March 22, 2019

Legislation: Senate Bill 145, Senate Bill 201 - 132nd General Assembly

(A)(1) Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A)(3) of this section, a person confined in a state correctional institution or placed in the substance use disorder treatment program may provisionally earn one day or five days of credit, based on the category set forth in division (D)(1), (2), (3), (4), or (5) of this section in which the person is included, toward satisfaction of the person's stated prison term, as described in division (F) of this section, for each completed month during which the person, if confined in a state correctional institution, productively participates in an education program, vocational training, employment in prison industries, treatment for substance abuse, or any other constructive program developed by the department with specific standards for performance by prisoners or during which the person, if placed in the substance use disorder treatment program, productively participates in the program. Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A)(3) of this section, a person so confined in a state correctional institution who successfully completes two programs or activities of that type may, in addition, provisionally earn up to five days of credit toward satisfaction of the person's stated prison term, as described in division (F) of this section, for the successful completion of the second program or activity. The person shall not be awarded any provisional days of credit for the successful completion of the first program or activity or for the successful completion of any program or activity that is completed after the second program or activity. At the end of each calendar month in which a person productively participates in a program or activity listed in this division or successfully completes a program or activity listed in this division, the department of rehabilitation and correction shall determine and record the total number of days credit that the person provisionally earned in that calendar month. If the person in a state correctional institution violates prison rules or the person in the substance use disorder treatment program violates program or department rules, the department may deny the person a credit that otherwise could have been provisionally awarded to the person or may withdraw one or more credits previously provisionally earned by the person. Days of credit provisionally earned by a person shall be finalized and awarded by the department subject to administrative review by the department of the person's conduct.





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

- (a) An Ohio high school diploma or Ohio certificate of high school equivalence certified by the Ohio central school system;
- (b) A therapeutic drug community program;
- (c) All three phases of the department of rehabilitation and correction's intensive outpatient drug treatment program;
- (d) A career technical vocational school program;
- (e) A college certification program;
- (f) The criteria for a certificate of achievement and employability as specified in division (A)(1) of section 2961.22 of the Revised Code.

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

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



(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom any of the following applies shall be awarded any days of credit under division (A) of this section:

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

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

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

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

(1) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the most serious offense for which the offender is confined is any of the following that is a felony of the first or second degree:

(a) A violation of division (A) of section 2903.04 or of section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 2919.22, 2921.34, 2923.01, 2923.131,



2923.162, 2923.32, 2925.24, or 2927.24 of the Revised Code;

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

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

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

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

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

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



(F) Days of credit awarded under this section shall be applied toward satisfaction of a person's stated prison term as follows:

(1) Toward the definite prison term of a prisoner serving a definite prison term as a stated prison term;

(2) Toward the minimum and maximum terms of a prisoner serving an indefinite prison term imposed under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a felony of the first or second degree committed on or after the effective date of this amendment.

(G) As used in this section:

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

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

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*The Legislative Service Commission presents the text of this section as a composite of the section as amended by multiple acts of the General Assembly. This presentation recognizes the principle stated in R.C. 1.52(B) that amendments are to be harmonized if reasonably capable of simultaneous operation.*



## Ohio Revised Code

### Section 2923.13 Having weapons while under disability.

Effective: April 6, 2023

Legislation: House Bill 281

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(A) Unless relieved from disability under operation of law or legal process, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply:

(1) The person is a fugitive from justice.

(2) The person is under indictment for or has been convicted of any felony offense of violence or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence.

(3) The person is under indictment for or has been convicted of any felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse.

(4) The person has a drug dependency, is in danger of drug dependence, or has chronic alcoholism.

(5) The person is under adjudication of mental incompetence, has been committed to a mental institution, has been found by a court to be a person with a mental illness subject to court order, or is an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "person with a mental illness subject to court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code.

(B) Whoever violates this section is guilty of having weapons while under disability, a felony of the third degree.

(C) For the purposes of this section, "under operation of law or legal process" shall not itself include



mere completion, termination, or expiration of a sentence imposed as a result of a criminal conviction.

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## Ohio Revised Code

### Section 2929.11 Purposes of felony sentencing.

Effective: October 29, 2018

Legislation: Senate Bill 66 - 132nd General Assembly

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(A) A court that sentences an offender for a felony shall be guided by the overriding purposes of felony sentencing. The overriding purposes of felony sentencing are to protect the public from future crime by the offender and others, to punish the offender, and to promote the effective rehabilitation of the offender using the minimum sanctions that the court determines accomplish those purposes without imposing an unnecessary burden on state or local government resources. To achieve those purposes, the sentencing court shall consider the need for incapacitating the offender, deterring the offender and others from future crime, rehabilitating the offender, and making restitution to the victim of the offense, the public, or both.

(B) A sentence imposed for a felony shall be reasonably calculated to achieve the three overriding purposes of felony sentencing set forth in division (A) of this section, commensurate with and not demeaning to the seriousness of the offender's conduct and its impact upon the victim, and consistent with sentences imposed for similar crimes committed by similar offenders.

(C) A court that imposes a sentence upon an offender for a felony shall not base the sentence upon the race, ethnic background, gender, or religion of the offender.

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## Ohio Revised Code

### Section 2929.13 Sanction imposed by degree of felony.

Effective: April 4, 2023

Legislation: Senate Bill 288

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(A) Except as provided in division (E), (F), or (G) of this section and unless a specific sanction is required to be imposed or is precluded from being imposed pursuant to law, a court that imposes a sentence upon an offender for a felony may impose any sanction or combination of sanctions on the offender that are provided in sections 2929.14 to 2929.18 of the Revised Code.

If the offender is eligible to be sentenced to community control sanctions, the court shall consider the appropriateness of imposing a financial sanction pursuant to section 2929.18 of the Revised Code or a sanction of community service pursuant to section 2929.17 of the Revised Code as the sole sanction for the offense. Except as otherwise provided in this division, if the court is required to impose a mandatory prison term for the offense for which sentence is being imposed, the court also shall impose any financial sanction pursuant to section 2929.18 of the Revised Code that is required for the offense and may impose any other financial sanction pursuant to that section but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

If the offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, in addition to the mandatory term of local incarceration or the mandatory prison term required for the offense by division (G)(1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.





(2) For a third or fourth degree felony OVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (B)(4) of section 2929.14 of the Revised Code or a community control sanction as described in division (G)(2) of this section.

(B)(1)(a) Except as provided in division (B)(1)(b) of this section, if an offender is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense, the court shall sentence the offender to a community control sanction or combination of community control sanctions if all of the following apply:

(i) The offender previously has not been convicted of or pleaded guilty to a felony offense.

(ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree.

(iii) The offender previously has not been convicted of or pleaded guilty to a misdemeanor offense of violence that the offender committed within two years prior to the offense for which sentence is being imposed.

(b) The court has discretion to impose a prison term upon an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense if any of the following apply:

(i) The offender committed the offense while having a firearm on or about the offender's person or under the offender's control.

(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.

(iii) The offender violated a term of the conditions of bond as set by the court.

(iv) The offense is a sex offense that is a fourth or fifth degree felony violation of any provision of



Chapter 2907. of the Revised Code.

(v) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.

(vi) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person.

(vii) The offender held a public office or position of trust, and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.

(viii) The offender committed the offense for hire or as part of an organized criminal activity.

(ix) The offender at the time of the offense was serving, or the offender previously had served, a prison term.

(x) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance.

(c) A sentencing court may impose an additional penalty under division (B) of section 2929.15 of the Revised Code upon an offender sentenced to a community control sanction under division (B)(1)(a) of this section if the offender violates the conditions of the community control sanction, violates a law, or leaves the state without the permission of the court or the offender's probation officer.

(2) If division (B)(1) of this section does not apply, except as provided in division (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the fourth or fifth degree, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code.

(C) Except as provided in division (D), (E), (F), or (G) of this section, in determining whether to



impose a prison term as a sanction for a felony of the third degree or a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to this division for purposes of sentencing, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code.

(D)(1) Except as provided in division (E) or (F) of this section, for a felony of the first or second degree, for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, and for a violation of division (A)(4) or (B) of section 2907.05 of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, it is presumed that a prison term is necessary in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. Division (D)(2) of this section does not apply to a presumption established under this division for a violation of division (A)(4) of section 2907.05 of the Revised Code.

(2) Notwithstanding the presumption established under division (D)(1) of this section for the offenses listed in that division other than a violation of division (A)(4) or (B) of section 2907.05 of the Revised Code, the sentencing court may impose a community control sanction or a combination of community control sanctions instead of a prison term on an offender for a felony of the first or second degree or for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable if it makes both of the following findings:

(a) A community control sanction or a combination of community control sanctions would adequately punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a lesser likelihood of recidivism outweigh the applicable factors under that section indicating a greater likelihood of recidivism.

(b) A community control sanction or a combination of community control sanctions would not demean the seriousness of the offense, because one or more factors under section 2929.12 of the Revised Code that indicate that the offender's conduct was less serious than conduct normally constituting the offense are applicable, and they outweigh the applicable factors under that section



that indicate that the offender's conduct was more serious than conduct normally constituting the offense.

(E)(1) Except as provided in division (F) of this section, for any drug offense that is a violation of any provision of Chapter 2925. of the Revised Code and that is a felony of the third, fourth, or fifth degree, the applicability of a presumption under division (D) of this section in favor of a prison term or of division (B) or (C) of this section in determining whether to impose a prison term for the offense shall be determined as specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code, whichever is applicable regarding the violation.

(2) If an offender who was convicted of or pleaded guilty to a felony violates the conditions of a community control sanction imposed for the offense solely by reason of producing positive results on a drug test, the court, as punishment for the violation of the sanction, shall not order that the offender be imprisoned unless the court determines on the record either of the following:

(a) The offender had been ordered as a sanction for the felony to participate in a drug treatment program, in a drug education program, or in narcotics anonymous or a similar program, and the offender continued to use illegal drugs after a reasonable period of participation in the program.

(b) The imprisonment of the offender for the violation is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code.

(3) A court that sentences an offender for a drug abuse offense that is a felony of the third, fourth, or fifth degree may require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes addiction services and recovery supports included in a community-based continuum of care established under section 340.032 of the Revised Code. If the court imposes addiction services and recovery supports as a community control sanction, the court shall direct the level and type of addiction services and recovery supports after considering the assessment and recommendation of community addiction services providers.



(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

- (1) Aggravated murder when death is not imposed or murder;
- (2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code and would be sentenced under section 2971.03 of the Revised Code;
- (3) Gross sexual imposition or sexual battery, if the victim is less than thirteen years of age and if any of the following applies:
  - (a) Regarding gross sexual imposition, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and the victim of the previous offense was less than thirteen years of age;
  - (b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation.
  - (c) Regarding sexual battery, either of the following applies:
    - (i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.
    - (ii) The offense was committed on or after August 3, 2006.



(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, or 2923.132 of the Revised Code if the section requires the imposition of a prison term;

(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;

(6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this section, if the offender previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses;

(7) Any offense that is a third degree felony and either is a violation of section 2903.04 of the Revised Code or an attempt to commit a felony of the second degree that is an offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person if the offender previously was convicted of or pleaded guilty to any of the following offenses:

(a) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, a felony of the first or second degree that resulted in the death of a person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed in division (F)(7)(a) of this section that resulted in the death of a person or in physical harm to a person.

(8) Any offense, other than a violation of section 2923.12 of the Revised Code, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while



committing the felony, with respect to a portion of the sentence imposed pursuant to division (B)(1)(a) of section 2929.14 of the Revised Code for having the firearm;

(9) Any offense of violence that is a felony, if the offender wore or carried body armor while committing the felony offense of violence, with respect to the portion of the sentence imposed pursuant to division (B)(1)(d) of section 2929.14 of the Revised Code for wearing or carrying the body armor;

(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree;

(11) Any violent sex offense or designated homicide, assault, or kidnapping offense if, in relation to that offense, the offender is adjudicated a sexually violent predator;

(12) A violation of division (A)(1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A)(1) or (2) of that section, if the offender is an officer or employee of the department of rehabilitation and correction;

(13) A violation of division (A)(1) or (2) of section 2903.06 of the Revised Code if the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, or an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, with respect to the portion of the sentence imposed pursuant to division (B)(5) of section 2929.14 of the Revised Code;

(14) A violation of division (A)(1) or (2) of section 2903.06 of the Revised Code if the offender has been convicted of or pleaded guilty to three or more violations of division (A) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those offenses, with respect to the portion of the sentence imposed pursuant to division (B)(6) of section 2929.14 of the Revised Code;

(15) Kidnapping, in the circumstances specified in section 2971.03 of the Revised Code and when no other provision of division (F) of this section applies;



(16) Kidnapping, abduction, compelling prostitution, promoting prostitution, engaging in a pattern of corrupt activity, a violation of division (A)(1) or (2) of section 2907.323 of the Revised Code that involves a minor, or endangering children in violation of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code, if the offender is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense;

(17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division (D)(3), (4), or (5) of that section, and division (D)(6) of that section, require the imposition of a prison term;

(18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B)(8) of section 2929.14 of the Revised Code;

(19)(a) Any violent felony offense if the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control during the commission of the violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense, with respect to the portion of the sentence imposed under division (K) of section 2929.14 of the Revised Code.

(b) As used in division (F)(19)(a) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code.

(20) Any violation of division (A)(1) of section 2903.11 of the Revised Code if the offender used an accelerant in committing the violation and the serious physical harm to another or another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity or any violation of division (A)(2) of that section if the offender used an accelerant in committing the violation, the violation caused physical harm to another or another's unborn, and the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity, with respect to a portion of the sentence imposed pursuant to division (B)(9) of section 2929.14 of the Revised Code. The provisions of this division and of division (D)(2) of section 2903.11,





divisions (B)(9) and (C)(6) of section 2929.14, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(21) Any violation of division (A) of section 2903.11 of the Revised Code if the victim of the offense suffered permanent disabling harm as a result of the offense and the victim was under ten years of age at the time of the offense, with respect to a portion of the sentence imposed pursuant to division (B)(10) of section 2929.14 of the Revised Code.

(22) A felony violation of section 2925.03, 2925.05, or 2925.11 of the Revised Code, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound and the offender is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, with respect to the portion of the sentence imposed under division (B)(11) of section 2929.14 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G)(1)(d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G)(1) of this section is not subject to any other Revised Code provision that pertains to a prison term except as provided in division (A)(1) of this section.



(2) If the offender is being sentenced for a third degree felony OVI offense, or if the offender is being sentenced for a fourth degree felony OVI offense and the court does not impose a mandatory term of local incarceration under division (G)(1) of this section, the court shall impose upon the offender a mandatory prison term of one, two, three, four, or five years if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or shall impose upon the offender a mandatory prison term of sixty days or one hundred twenty days as specified in division (G)(1)(d) or (e) of section 4511.19 of the Revised Code if the offender has not been convicted of and has not pleaded guilty to a specification of that type. The court shall not reduce the term pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of the Revised Code. The offender shall serve the one-, two-, three-, four-, or five-year mandatory prison term consecutively to and prior to the prison term imposed for the underlying offense and consecutively to any other mandatory prison term imposed in relation to the offense. In no case shall an offender who once has been sentenced to a mandatory term of local incarceration pursuant to division (G)(1) of this section for a fourth degree felony OVI offense be sentenced to another mandatory term of local incarceration under that division for any violation of division (A) of section 4511.19 of the Revised Code. In addition to the mandatory prison term described in division (G)(2) of this section, the court may sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve the prison term prior to serving the community control sanction. The department of rehabilitation and correction may place an offender sentenced to a mandatory prison term under this division in an intensive program prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement. Upon the establishment of the initial intensive program prison pursuant to section 5120.033 of the Revised Code that is privately operated and managed by a contractor pursuant to a contract entered into under section 9.06 of the Revised Code, both of the following apply:

(a) The department of rehabilitation and correction shall make a reasonable effort to ensure that a sufficient number of offenders sentenced to a mandatory prison term under this division are placed in the privately operated and managed prison so that the privately operated and managed prison has full occupancy.



(b) Unless the privately operated and managed prison has full occupancy, the department of rehabilitation and correction shall not place any offender sentenced to a mandatory prison term under this division in any intensive program prison established pursuant to section 5120.033 of the Revised Code other than the privately operated and managed prison.

(H) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a felony committed on or after January 1, 1997, the judge shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code.

(I) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration. If required under division (A)(2) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that section, or, if required under division (A)(6) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that division.

(J)(1) Except as provided in division (J)(2) of this section, when considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit an offense in violation of section 2923.02 of the Revised Code, the sentencing court shall consider the factors applicable to the felony category of the violation of section 2923.02 of the Revised Code instead of the factors applicable to the felony category of the offense attempted.

(2) When considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt.

(K) As used in this section:



(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

(3) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code.

(4) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C)(8)(b) or (C)(9)(b) of that section applies.

(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.



## Ohio Revised Code

### Section 2929.14 Definite prison terms.

Effective: April 4, 2023

Legislation: Senate Bill 288

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(A) Except as provided in division (B)(1), (B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), (B)(10), (B)(11), (E), (G), (H), (J), or (K) of this section or in division (D)(6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a prison term that shall be one of the following:

(1)(a) For a felony of the first degree committed on or after March 22, 2019, the prison term shall be an indefinite prison term with a stated minimum term selected by the court of three, four, five, six, seven, eight, nine, ten, or eleven years and a maximum term that is determined pursuant to section 2929.144 of the Revised Code, except that if the section that criminalizes the conduct constituting the felony specifies a different minimum term or penalty for the offense, the specific language of that section shall control in determining the minimum term or otherwise sentencing the offender but the minimum term or sentence imposed under that specific language shall be considered for purposes of the Revised Code as if it had been imposed under this division.

(b) For a felony of the first degree committed prior to March 22, 2019, the prison term shall be a definite prison term of three, four, five, six, seven, eight, nine, ten, or eleven years.

(2)(a) For a felony of the second degree committed on or after March 22, 2019, the prison term shall be an indefinite prison term with a stated minimum term selected by the court of two, three, four, five, six, seven, or eight years and a maximum term that is determined pursuant to section 2929.144 of the Revised Code, except that if the section that criminalizes the conduct constituting the felony specifies a different minimum term or penalty for the offense, the specific language of that section shall control in determining the minimum term or otherwise sentencing the offender but the minimum term or sentence imposed under that specific language shall be considered for purposes of the Revised Code as if it had been imposed under this division.



(b) For a felony of the second degree committed prior to March 22, 2019, the prison term shall be a definite term of two, three, four, five, six, seven, or eight years.

(3)(a) For a felony of the third degree that is a violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised Code, that is a violation of division (A) of section 4511.19 of the Revised Code if the offender previously has been convicted of or pleaded guilty to a violation of division (A) of that section that was a felony, or that is a violation of section 2911.02 or 2911.12 of the Revised Code if the offender previously has been convicted of or pleaded guilty in two or more separate proceedings to two or more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the prison term shall be a definite term of twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty months.

(b) For a felony of the third degree that is not an offense for which division (A)(3)(a) of this section applies, the prison term shall be a definite term of nine, twelve, eighteen, twenty-four, thirty, or thirty-six months.

(4) For a felony of the fourth degree, the prison term shall be a definite term of six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, or eighteen months.

(5) For a felony of the fifth degree, the prison term shall be a definite term of six, seven, eight, nine, ten, eleven, or twelve months.

(B)(1)(a) Except as provided in division (B)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.141, 2941.144, or 2941.145 of the Revised Code, the court shall impose on the offender one of the following prison terms:

(i) A prison term of six years if the specification is of the type described in division (A) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense;



(ii) A prison term of three years if the specification is of the type described in division (A) of section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense;

(iii) A prison term of one year if the specification is of the type described in division (A) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense;

(iv) A prison term of nine years if the specification is of the type described in division (D) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and specifies that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;

(v) A prison term of fifty-four months if the specification is of the type described in division (D) of section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using the firearm to facilitate the offense and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;

(vi) A prison term of eighteen months if the specification is of the type described in division (D) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code.

(b) If a court imposes a prison term on an offender under division (B)(1)(a) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or



2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. Except as provided in division (B)(1)(g) of this section, a court shall not impose more than one prison term on an offender under division (B)(1)(a) of this section for felonies committed as part of the same act or transaction.

(c)(i) Except as provided in division (B)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the type described in division (A) of section 2941.146 of the Revised Code that charges the offender with committing the offense by discharging a firearm from a motor vehicle other than a manufactured home, the court, after imposing a prison term on the offender for the violation of section 2923.161 of the Revised Code or for the other felony offense under division (A), (B)(2), or (B)(3) of this section, shall impose an additional prison term of five years upon the offender that shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.

(ii) Except as provided in division (B)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the type described in division (C) of section 2941.146 of the Revised Code that charges the offender with committing the offense by discharging a firearm from a motor vehicle other than a manufactured home and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the violation of section 2923.161 of the Revised Code or for the other felony offense under division (A), (B)(2), or (3) of this section, shall impose an additional prison term of ninety months upon the offender that shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.

(iii) A court shall not impose more than one additional prison term on an offender under division (B)(1)(c) of this section for felonies committed as part of the same act or transaction. If a court





imposes an additional prison term on an offender under division (B)(1)(c) of this section relative to an offense, the court also shall impose a prison term under division (B)(1)(a) of this section relative to the same offense, provided the criteria specified in that division for imposing an additional prison term are satisfied relative to the offender and the offense.

(d) If an offender who is convicted of or pleads guilty to an offense of violence that is a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.1411 of the Revised Code that charges the offender with wearing or carrying body armor while committing the felony offense of violence, the court shall impose on the offender an additional prison term of two years. The prison term so imposed shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(1)(d) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term under division (B)(1)(a) or (c) of this section, the court is not precluded from imposing an additional prison term under division (B)(1)(d) of this section.

(e) The court shall not impose any of the prison terms described in division (B)(1)(a) of this section or any of the additional prison terms described in division (B)(1)(c) of this section upon an offender for a violation of section 2923.12 or 2923.123 of the Revised Code. The court shall not impose any of the prison terms described in division (B)(1)(a) or (b) of this section upon an offender for a violation of section 2923.122 that involves a deadly weapon that is a firearm other than a dangerous ordnance, section 2923.16, or section 2923.121 of the Revised Code. The court shall not impose any of the prison terms described in division (B)(1)(a) of this section or any of the additional prison terms described in division (B)(1)(c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree.

(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.

(f)(i) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element,



causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (A) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B)(2), or (B)(3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.

(ii) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer, as defined in section 2935.01 of the Revised Code, or a corrections officer, as defined in section 2941.1412 of the Revised Code, and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B)(2), or (3) of this section, shall impose an additional prison term of one hundred twenty-six months upon the offender that shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or 5120. of the Revised Code.

(iii) If an offender is convicted of or pleads guilty to two or more felonies that include, as an essential element, causing or attempting to cause the death or physical harm to another and also is convicted of or pleads guilty to a specification of the type described under division (B)(1)(f) of this section in connection with two or more of the felonies of which the offender is convicted or to which the offender pleads guilty, the sentencing court shall impose on the offender the prison term specified under division (B)(1)(f) of this section for each of two of the specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications. If a court imposes an additional prison term on an offender under division (B)(1)(f) of this section relative to an offense, the court shall not impose a prison term under division (B)(1)(a) or



(c) of this section relative to the same offense.

(g) If an offender is convicted of or pleads guilty to two or more felonies, if one or more of those felonies are aggravated murder, murder, attempted aggravated murder, attempted murder, aggravated robbery, felonious assault, or rape, and if the offender is convicted of or pleads guilty to a specification of the type described under division (B)(1)(a) of this section in connection with two or more of the felonies, the sentencing court shall impose on the offender the prison term specified under division (B)(1)(a) of this section for each of the two most serious specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications.

(2)(a) If division (B)(2)(b) of this section does not apply, the court may impose on an offender, in addition to the longest prison term authorized or required for the offense or, for offenses for which division (A)(1)(a) or (2)(a) of this section applies, in addition to the longest minimum prison term authorized or required for the offense, an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met:

(i) The offender is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.

(ii) The offense of which the offender currently is convicted or to which the offender currently pleads guilty is aggravated murder and the court does not impose a sentence of death or life imprisonment without parole, murder, terrorism and the court does not impose a sentence of life imprisonment without parole, any felony of the first degree that is an offense of violence and the court does not impose a sentence of life imprisonment without parole, or any felony of the second degree that is an offense of violence and the trier of fact finds that the offense involved an attempt to cause or a threat to cause serious physical harm to a person or resulted in serious physical harm to a person.

(iii) The court imposes the longest prison term for the offense or the longest minimum prison term for the offense, whichever is applicable, that is not life imprisonment without parole.



(iv) The court finds that the prison terms imposed pursuant to division (B)(2)(a)(iii) of this section and, if applicable, division (B)(1) or (3) of this section are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

(v) The court finds that the prison terms imposed pursuant to division (B)(2)(a)(iii) of this section and, if applicable, division (B)(1) or (3) of this section are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the offender's conduct is more serious than conduct normally constituting the offense are present, and they outweigh the applicable factors under that section indicating that the offender's conduct is less serious than conduct normally constituting the offense.

(b) The court shall impose on an offender the longest prison term authorized or required for the offense or, for offenses for which division (A)(1)(a) or (2)(a) of this section applies, the longest minimum prison term authorized or required for the offense, and shall impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met:

(i) The offender is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.

(ii) The offender within the preceding twenty years has been convicted of or pleaded guilty to three or more offenses described in division (CC)(1) of section 2929.01 of the Revised Code, including all offenses described in that division of which the offender is convicted or to which the offender pleads guilty in the current prosecution and all offenses described in that division of which the offender previously has been convicted or to which the offender previously pleaded guilty, whether prosecuted together or separately.

(iii) The offense or offenses of which the offender currently is convicted or to which the offender currently pleads guilty is aggravated murder and the court does not impose a sentence of death or life imprisonment without parole, murder, terrorism and the court does not impose a sentence of life imprisonment without parole, any felony of the first degree that is an offense of violence and the



court does not impose a sentence of life imprisonment without parole, or any felony of the second degree that is an offense of violence and the trier of fact finds that the offense involved an attempt to cause or a threat to cause serious physical harm to a person or resulted in serious physical harm to a person.

(c) For purposes of division (B)(2)(b) of this section, two or more offenses committed at the same time or as part of the same act or event shall be considered one offense, and that one offense shall be the offense with the greatest penalty.

(d) A sentence imposed under division (B)(2)(a) or (b) of this section shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. The offender shall serve an additional prison term imposed under division (B)(2)(a) or (b) of this section consecutively to and prior to the prison term imposed for the underlying offense.

(e) When imposing a sentence pursuant to division (B)(2)(a) or (b) of this section, the court shall state its findings explaining the imposed sentence.

(3) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03 or 2925.11 of the Revised Code and that section classifies the offender as a major drug offender, if the offender commits a violation of section 2925.05 of the Revised Code and division (E)(1) of that section classifies the offender as a major drug offender, if the offender commits a felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, division (C) or (D) of section 3719.172, division (E) of section 4729.51, or division (J) of section 4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code



and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term determined as described in this division that cannot be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A)(1)(b) of this section for a felony of the first degree, except that for offenses for which division (A)(1)(a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A)(3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (B)(4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term in the range of six months to thirty months for a fourth degree felony OVI offense and shall equal one of the authorized prison terms specified in division (A)(3) of this section for a third degree felony OVI offense. If the court imposes an additional prison term under division (B)(4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the offense. In addition to the mandatory prison term or mandatory and additional prison term imposed as described in division (B)(4) of this section, the court also may sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

If the offender is being sentenced for a fourth degree felony OVI offense under division (G)(1) of



section 2929.13 of the Revised Code and the court imposes a mandatory term of local incarceration, the court may impose a prison term as described in division (A)(1) of that section.

(5) If an offender is convicted of or pleads guilty to a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1414 of the Revised Code that charges that the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, or a firefighter or emergency medical worker, both as defined in section 4123.026 of the Revised Code, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (B)(5) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(5) of this section for felonies committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B)(6) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(6) of this section for felonies committed as part of the same act.

(7)(a) If an offender is convicted of or pleads guilty to a felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323 involving a minor, or division (B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking,



the court shall impose on the offender a mandatory prison term that is one of the following:

(i) If the offense is a felony of the first degree, a definite prison term of not less than five years and not greater than eleven years, except that if the offense is a felony of the first degree committed on or after March 22, 2019, the court shall impose as the minimum prison term a mandatory term of not less than five years and not greater than eleven years;

(ii) If the offense is a felony of the second or third degree, a definite prison term of not less than three years and not greater than the maximum prison term allowed for the offense by division (A)(2)(b) or (3) of this section, except that if the offense is a felony of the second degree committed on or after March 22, 2019, the court shall impose as the minimum prison term a mandatory term of not less than three years and not greater than eight years;

(iii) If the offense is a felony of the fourth or fifth degree, a definite prison term that is the maximum prison term allowed for the offense by division (A) of section 2929.14 of the Revised Code.

(b) The prison term imposed under division (B)(7)(a) of this section shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(7)(a) of this section for felonies committed as part of the same act, scheme, or plan.

(8) If an offender is convicted of or pleads guilty to a felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range prescribed in division (A) of this section as the definite prison term or minimum prison term for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison terms prescribed in division (A) of this section for felonies of the same degree as the violation, except that if the violation is a felony of the first or second degree committed on or after arch 22, 2019, the court shall impose as the minimum prison term under division (A)(1)(a) or (2)(a) of this section a mandatory term that is one of the terms prescribed in that division, whichever is applicable, for the offense.





(9)(a) If an offender is convicted of or pleads guilty to a violation of division (A)(1) or (2) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1425 of the Revised Code, the court shall impose on the offender a mandatory prison term of six years if either of the following applies:

(i) The violation is a violation of division (A)(1) of section 2903.11 of the Revised Code and the specification charges that the offender used an accelerant in committing the violation and the serious physical harm to another or to another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity;

(ii) The violation is a violation of division (A)(2) of section 2903.11 of the Revised Code and the specification charges that the offender used an accelerant in committing the violation, that the violation caused physical harm to another or to another's unborn, and that the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity.

(b) If a court imposes a prison term on an offender under division (B)(9)(a) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(9) of this section for felonies committed as part of the same act.

(c) The provisions of divisions (B)(9) and (C)(6) of this section and of division (D)(2) of section 2903.11, division (F)(20) of section 2929.13, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(10) If an offender is convicted of or pleads guilty to a violation of division (A) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that charges that the victim of the offense suffered permanent disabling harm as a result of the offense and that the victim was under ten years of age at the time of the offense, regardless of whether the offender knew the age of the victim, the court shall impose upon the offender an additional definite prison term of six years. A prison term imposed on an offender under division (B)(10) of this section shall not be reduced pursuant to section 2929.20,



division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If a court imposes an additional prison term on an offender under this division relative to a violation of division (A) of section 2903.11 of the Revised Code, the court shall not impose any other additional prison term on the offender relative to the same offense.

(11) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division (C)(11) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the offender is a major drug offender, in addition to any other penalty imposed for the violation, the court shall impose on the offender a mandatory prison term of three, four, five, six, seven, or eight years. If a court imposes a prison term on an offender under division (B)(11) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(11) of this section for felonies committed as part of the same act.

(C)(1)(a) Subject to division (C)(1)(b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of mandatory prison terms are imposed, the offender shall serve any mandatory prison term imposed under either division consecutively to any other mandatory prison term imposed under either division or under division (B)(1)(d) of this section, consecutively to and prior to any prison term imposed for the underlying felony pursuant to division (A), (B)(2), or (B)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(b) If a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(d) of this section for wearing or carrying body armor while committing an offense of violence that is a felony,



the offender shall serve the mandatory term so imposed consecutively to any other mandatory prison term imposed under that division or under division (B)(1)(a) or (c) of this section, consecutively to and prior to any prison term imposed for the underlying felony under division (A), (B)(2), or (B)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(c) If a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(f) of this section, the offender shall serve the mandatory prison term so imposed consecutively to and prior to any prison term imposed for the underlying felony under division (A), (B)(2), or (B)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(d) If a mandatory prison term is imposed upon an offender pursuant to division (B)(7) or (8) of this section, the offender shall serve the mandatory prison term so imposed consecutively to any other mandatory prison term imposed under that division or under any other provision of law and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(e) If a mandatory prison term is imposed upon an offender pursuant to division (B)(11) of this section, the offender shall serve the mandatory prison term consecutively to any other mandatory prison term imposed under that division, consecutively to and prior to any prison term imposed for the underlying felony, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(2) If an offender who is an inmate in a jail, prison, or other residential detention facility violates section 2917.02, 2917.03, or 2921.35 of the Revised Code or division (A)(1) or (2) of section 2921.34 of the Revised Code, if an offender who is under detention at a detention facility commits a felony violation of section 2923.131 of the Revised Code, or if an offender who is an inmate in a jail, prison, or other residential detention facility or is under detention at a detention facility commits another felony while the offender is an escapee in violation of division (A)(1) or (2) of section 2921.34 of the Revised Code, any prison term imposed upon the offender for one of those violations shall be served by the offender consecutively to the prison term or term of imprisonment the offender was serving when the offender committed that offense and to any other prison term previously or



subsequently imposed upon the offender.

(3) If a prison term is imposed for a violation of division (B) of section 2911.01 of the Revised Code, a violation of division (A) of section 2913.02 of the Revised Code in which the stolen property is a firearm or dangerous ordnance, or a felony violation of division (B) of section 2921.331 of the Revised Code, the offender shall serve that prison term consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(4) If multiple prison terms are imposed on an offender for convictions of multiple offenses, the court may require the offender to serve the prison terms consecutively if the court finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

(a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.

(b) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender's conduct.

(c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

(5) If a mandatory prison term is imposed upon an offender pursuant to division (B)(5) or (6) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code. If a mandatory prison term is imposed upon an offender pursuant to division (B)(5) of this section, and if a mandatory prison term also is imposed upon the offender pursuant to division (B)(6) of this section in relation to the same violation, the offender shall serve the mandatory prison term imposed



pursuant to division (B)(5) of this section consecutively to and prior to the mandatory prison term imposed pursuant to division (B)(6) of this section and consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code.

(6) If a mandatory prison term is imposed on an offender pursuant to division (B)(9) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.11 of the Revised Code and consecutively to and prior to any other prison term or mandatory prison term previously or subsequently imposed on the offender.

(7) If a mandatory prison term is imposed on an offender pursuant to division (B)(10) of this section, the offender shall serve that mandatory prison term consecutively to and prior to any prison term imposed for the underlying felonious assault. Except as otherwise provided in division (C) of this section, any other prison term or mandatory prison term previously or subsequently imposed upon the offender may be served concurrently with, or consecutively to, the prison term imposed pursuant to division (B)(10) of this section.

(8) Any prison term imposed for a violation of section 2903.04 of the Revised Code that is based on a violation of section 2925.03 or 2925.11 of the Revised Code or on a violation of section 2925.05 of the Revised Code that is not funding of marihuana trafficking shall run consecutively to any prison term imposed for the violation of section 2925.03 or 2925.11 of the Revised Code or for the violation of section 2925.05 of the Revised Code that is not funding of marihuana trafficking.

(9) When consecutive prison terms are imposed pursuant to division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or division (H)(1) or (2) of this section, subject to division (C)(10) of this section, the term to be served is the aggregate of all of the terms so imposed.

(10) When a court sentences an offender to a non-life felony indefinite prison term, any definite prison term or mandatory definite prison term previously or subsequently imposed on the offender in addition to that indefinite sentence that is required to be served consecutively to that indefinite sentence shall be served prior to the indefinite sentence.



(11) If a court is sentencing an offender for a felony of the first or second degree, if division (A)(1)(a) or (2)(a) of this section applies with respect to the sentencing for the offense, and if the court is required under the Revised Code section that sets forth the offense or any other Revised Code provision to impose a mandatory prison term for the offense, the court shall impose the required mandatory prison term as the minimum term imposed under division (A)(1)(a) or (2)(a) of this section, whichever is applicable.

(D)(1) If a court imposes a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and that is not a felony sex offense, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with section 2967.28 of the Revised Code. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a court to include a post-release control requirement in the sentence pursuant to this division does not negate, limit, or otherwise affect the mandatory period of post-release control that is required for the offender under division (B) of section 2967.28 of the Revised Code. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control.

(2) If a court imposes a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (D)(1) of this section, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control.

(E) The court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment if any of the following apply:



- (1) A person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, and, in relation to that offense, the offender is adjudicated a sexually violent predator.
  
- (2) A person is convicted of or pleads guilty to a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.
  
- (3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.
  
- (4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.
  
- (5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and division (A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or (E)(1)(a)(iv) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B)(3) of section 2971.03 of the Revised Code.
  
- (6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B)(2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.
  
- (F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.



(G) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having committed the felony while participating in a criminal gang, the court shall impose upon the offender an additional prison term of one, two, or three years.

(H)(1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(2)(a) If an offender is convicted of or pleads guilty to a felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a prison term on the offender for the felony violation, the court may impose upon the offender an additional prison term as follows:

(i) Subject to division (H)(2)(a)(ii) of this section, an additional prison term of one, two, three, four, five, or six months;

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised Code and also was convicted of or pleaded guilty to a specification of the type described in section 2941.1421 of the Revised Code regarding one or more of those violations, an additional prison term of one, two, three, four, five, six, seven, eight, nine, ten, eleven, or twelve months.

(b) In lieu of imposing an additional prison term under division (H)(2)(a) of this section, the court may directly impose on the offender a sanction that requires the offender to wear a real-time processing, continual tracking electronic monitoring device during the period of time specified by the court. The period of time specified by the court shall equal the duration of an additional prison





term that the court could have imposed upon the offender under division (H)(2)(a) of this section. A sanction imposed under this division shall commence on the date specified by the court, provided that the sanction shall not commence until after the offender has served the prison term imposed for the felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and any residential sanction imposed for the violation under section 2929.16 of the Revised Code. A sanction imposed under this division shall be considered to be a community control sanction for purposes of section 2929.15 of the Revised Code, and all provisions of the Revised Code that pertain to community control sanctions shall apply to a sanction imposed under this division, except to the extent that they would by their nature be clearly inapplicable. The offender shall pay all costs associated with a sanction imposed under this division, including the cost of the use of the monitoring device.

(I) At the time of sentencing, the court may recommend the offender for placement in a program of shock incarceration under section 5120.031 of the Revised Code or for placement in an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or make no recommendation on placement of the offender. In no case shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the



offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A)(1) of section 2903.06 of the Revised Code and division (B)(2)(c) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code.

(K)(1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1424 of the Revised Code that charges that the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control while committing the presently charged violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense. The offender shall serve the prison term imposed under this division consecutively to and prior to the prison term imposed for the underlying offense. The prison term shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or 5120. of the Revised Code. A court may not impose more than one sentence under division (B)(2)(a) of this section and this division for acts committed as part of the same act or transaction.

(2) As used in division (K)(1) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code.



(L) If an offender receives or received a sentence of life imprisonment without parole, a sentence of life imprisonment, a definite sentence, or a sentence to an indefinite prison term under this chapter for a felony offense that was committed when the offender was under eighteen years of age, the offender's parole eligibility shall be determined under section 2967.132 of the Revised Code.



## Ohio Revised Code

### Section 2967.193 Earning days of credit.

Effective: October 3, 2023

Legislation: House Bill 33

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(A)(1) The provisions of this section apply until April 4, 2024, to persons confined in a state correctional institution or in the substance use disorder treatment program. On and after April 4, 2024, the provisions of section 2967.194 of the Revised Code apply to persons so confined, in the manner specified in division (G) of that section.

(2) Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A)(4) of this section, a person confined in a state correctional institution or placed in the substance use disorder treatment program may provisionally earn one day or five days of credit, based on the category set forth in division (D)(1), (2), (3), (4), or (5) of this section in which the person is included, toward satisfaction of the person's stated prison term, as described in division (F) of this section, for each completed month during which the person, if confined in a state correctional institution, productively participates in an education program, vocational training, employment in prison industries, treatment for substance abuse, or any other constructive program developed by the department of rehabilitation and correction with specific standards for performance by prisoners or during which the person, if placed in the substance use disorder treatment program, productively participates in the program. Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A)(4) of this section, a person so confined in a state correctional institution who successfully completes two programs or activities of that type may, in addition, provisionally earn up to five days of credit toward satisfaction of the person's stated prison term, as described in division (F) of this section, for the successful completion of the second program or activity. The person shall not be awarded any provisional days of credit for the successful completion of the first program or activity or for the successful completion of any program or activity that is completed after the second program or activity. At the end of each calendar month in which a person productively participates in a program or activity listed in this division or successfully completes a program or activity listed in this division, the department of rehabilitation and correction shall determine and record the total number of days credit that the person provisionally earned in that calendar month. If the person in a state correctional institution violates prison rules or the person in the substance use disorder treatment program violates program



or department rules, the department may deny the person a credit that otherwise could have been provisionally awarded to the person or may withdraw one or more credits previously provisionally earned by the person. Days of credit provisionally earned by a person shall be finalized and awarded by the department subject to administrative review by the department of the person's conduct.

(3) Unless a person is serving a mandatory prison term or a prison term for an offense of violence or a sexually oriented offense, and notwithstanding the maximum aggregate total specified in division (A)(4) of this section, a person who successfully completes any of the following shall earn ninety days of credit toward satisfaction of the person's stated prison term or a ten per cent reduction of the person's stated prison term, whichever is less:

(a) An Ohio high school diploma or Ohio certificate of high school equivalence certified by the Ohio central school system;

(b) A therapeutic drug community program;

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

(d) A career technical vocational school program;

(e) A college certification program;

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

(4)(a) Except for persons described in division (A)(3) of this section and subject to division (A)(4)(b) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.

(b) If a person is confined in a state correctional institution or in the substance use disorder treatment



program after the effective date of this amendment , and if the person as of that effective date has met the eight per cent limit specified in division (A)(4)(a) of this section or the person meets that eight per cent limit between that effective date and April 3, 2024, both of the following apply with respect to the person:

(i) On and after the effective date of this amendment , the eight per cent limit specified in division (A)(4)(a) of this section no longer applies to the person;

(ii) On and after the effective date of this amendment , the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed fifteen per cent of the total number of days in the person's stated prison term.

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

(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom any of the following applies shall be awarded any days of credit under division (A) of this section:

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

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



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

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

(1) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the most serious offense for which the offender is confined is any of the following that is a felony of the first or second degree:

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

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

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

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



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

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

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

(F) Days of credit awarded under this section shall be applied toward satisfaction of a person's stated prison term as follows:

(1) Toward the definite prison term of a prisoner serving a definite prison term as a stated prison term;

(2) Toward the minimum and maximum terms of a prisoner serving an indefinite prison term imposed under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a felony of the first or second degree committed on or after March 22, 2019.

(G) As used in this section:





- (1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.
  
- (2) "Substance use disorder treatment program" means the substance use disorder treatment program established by the department of rehabilitation and correction under section 5120.035 of the Revised Code.



## Ohio Revised Code

### Section 2967.194 Earning days of credit.

Effective: October 3, 2023

Legislation: House Bill 33

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(A)(1) Beginning April 4, 2024, the provisions of this section shall apply, in the manner described in division (G) of this section, to persons confined on or after that date in a state correctional institution or in the substance use disorder treatment program.

(2) Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A)(4) of this section, a person confined in a state correctional institution or placed in the substance use disorder treatment program may provisionally earn one day or five days of credit, based on the category set forth in division (D)(1) or (2) of this section in which the person is included, toward satisfaction of the person's stated prison term, as described in division (F) of this section, for each completed month during which the person, if confined in a state correctional institution, productively participates in an education program, vocational training, employment in prison industries, treatment for substance abuse, or any other constructive program developed by the department of rehabilitation and correction with specific standards for performance by prisoners or during which the person, if placed in the substance use disorder treatment program, productively participates in the program. Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A)(4) of this section, a person so confined in a state correctional institution who successfully completes two programs or activities of that type may, in addition, provisionally earn up to five days of credit toward satisfaction of the person's stated prison term, as described in division (F) of this section, for the successful completion of the second program or activity. The person shall not be awarded any provisional days of credit for the successful completion of the first program or activity or for the successful completion of any program or activity that is completed after the second program or activity. At the end of each calendar month in which a person productively participates in a program or activity listed in this division or successfully completes a program or activity listed in this division, the department of rehabilitation and correction shall determine and record the total number of days credit that the person provisionally earned in that calendar month. If the person in a state correctional institution violates prison rules or the person in the substance use disorder treatment program violates program or department rules, the department may deny the person a credit that otherwise could have been



provisionally awarded to the person or may withdraw one or more credits previously provisionally earned by the person. Days of credit provisionally earned by a person shall be finalized and awarded by the department subject to administrative review by the department of the person's conduct.

(3) Except as provided in division (C) of this section, unless a person is serving a mandatory prison term or a prison term for an offense of violence or a sexually oriented offense, and notwithstanding the maximum aggregate total specified in division (A)(4) of this section, a person who successfully completes any diploma, equivalence, program, or criteria identified in divisions (A)(3)(a) to (g) of this section shall earn ninety days of credit toward satisfaction of the person's stated prison term or a ten per cent reduction of the person's stated prison term, whichever is less, for each such diploma, equivalence, program, or criteria successfully completed. The diplomas, equivalences, programs, and criteria for which credit shall be granted under this division, upon successful completion, are:

(a) An Ohio high school diploma or Ohio certificate of high school equivalence certified by the Ohio central school system;

(b) A therapeutic drug community program;

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

(d) A career technical vocational school program;

(e) A college certification program;

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

(g) Any other constructive program developed by the department of rehabilitation and correction with specific standards for performance by prisoners.

(4) Except for persons described in division (A)(3) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity



completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed fifteen per cent of the total number of days in the person's stated prison term.

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

(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom any of the following applies shall be awarded any days of credit under division (A)(2) or (3) of this section:

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

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

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

(D) This division does not apply to a determination of whether a person confined in a state correctional institution or placed in a substance use disorder treatment program may earn any days of credit under division (A)(2) of this section for successful completion of a second program or activity. The determination of whether a person confined in a state correctional institution may earn one day



of credit or five days of credit under division (A)(2) of this section for each completed month during which the person productively participates in a program or activity specified under that division shall be made in accordance with the following:

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

(2) Except as provided in division (C) of this section, if division (D)(1) of this section does not apply to the offender, the offender may earn five days of credit under division (A)(2) of this section.

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

(F) Days of credit awarded under this section shall be applied toward satisfaction of a person's stated prison term as follows:

(1) Toward the definite prison term of a prisoner serving a definite prison term as a stated prison term;

(2) Toward the minimum and maximum terms of a prisoner serving an indefinite prison term imposed under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a felony of the first or second degree committed on or after March 22, 2019.

(G) The provisions of this section apply to persons confined in a state correctional institution or in the substance use disorder treatment program on or after April 4, 2024, as follows:

(1) Subject to division (G)(2) of this section, the provisions apply to a person so confined regardless of whether the person committed the offense for which the person is confined in the institution or



was placed in the program prior to, on, or after April 4, 2024, and regardless of whether the person was convicted of or pleaded guilty to that offense prior to, on, or after April 4, 2024.

(2) The provisions apply to a person so confined only with respect to the time that the person is so confined on and after April 4, 2024, and the provisions of section 2967.193 of the Revised Code that were in effect prior to April 4, 2024, and that applied to the person prior to that date, including the provisions of division (A)(4) of that section as amended by this act , apply to the person with respect to the time that the person was so confined prior to April 4, 2024.

(H) As used in this section:

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

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

EFFECTIVE DATE:  
**December 17, 2023**

## **II. PURPOSE**

The purpose of this policy is to set forth procedures regarding unit management program review and delivery within the Ohio Department of Rehabilitation and Correction (ODRC).

## **III. APPLICABILITY**

This policy applies to all ODRC employees, contractors, and volunteers that provide reentry programs including, but not limited to, disciplines in academia, career-technical education, recovery, religious, mental health, unit management, and recreation services.

## **IV. DEFINITIONS**

The definitions for the terms below can be found at the top of the policies page on the ODRC Intranet.

### **[Definitions Link](#)**

- **Meaningful Activity**
- **Ohio Risk Assessment System (ORAS)**
- **Program Aide**
- **Program Facilitators**
- **Reentry Approved Program**
- **Reentry Program Index**
- **Reentry Supplemental Program**
- **Session-Defined Program**
- **Skill-Defined Program**

## **V. POLICY**

It is the policy of the ODRC to provide or support rehabilitative programs that incorporate the evidence-based practices and principles associated with effective correctional programming. Effective reentry programming shall be based upon the dynamic needs areas identified on the Ohio Risk Assessment System (ORAS) case plan in accordance with ODRC Policy 02-REN-01, Prison Reentry Assessment and Planning. Programming shall begin at the institution, if recommended in the RAP or ORAS case plan, and shall continue as appropriate into the community during any period of supervision that may follow.

## **VI. PROCEDURES**

### **A. Reentry Program Oversight Committee (RPOC)**

The Office of Reentry deputy director shall assign a chairperson of the Operation Support Center (OSC) Reentry Program Oversight Committee (RPOC). In consultation with the appropriate deputy directors, the chairperson shall appoint members that include, but are not limited to, a representative from Education, Behavioral Health Operations, Office of Prisons, Ohio Department of Mental Health and Addiction Services (ODMHAS)/Recovery Services, Division of Parole and Community Services (DPCS), Office of Victim Services (OVS), Office of Reentry, and the Bureau of Research and Evaluation. Only programs that have been reviewed and approved by RPOC shall be recognized as a reentry approved program or a reentry supplemental program.

### **B. Reentry Programs**

1. Reentry programs shall incorporate the following principles:
  - a. Clearly addresses a criminogenic need in one (1) or more of the dynamic domains/needs areas as specified in ORAS,
  - b. Refers to or is based on accepted theory or research,
  - c. Relies on staff facilitating the program that have the appropriate credentials and/or facilitation training as required by the program developer,
  - d. Relies on a structured lesson plan(s),
  - e. Admission includes an assessment of offender risk and need,
  - f. Includes discharge/completion criteria for program participants,
  - g. Includes a plan for process and/or outcome evaluation,
  - h. Includes incentives for positive program participation and completion.
2. Each institution and APA region is required to offer or support identified reentry programs to ensure access to programmatic opportunities.
  - a. All programs must be facilitated by trained instructors, including approved community partners or volunteers as required. Program facilitators/service providers shall operate within the limits of their licensure and training standards. The responsible deputy warden shall supervise and ensure service providers meet training, licensure, and/or educational levels for counseling, substance abuse programs, and incarcerated persons with special needs requirements.



- b. After completing any required facilitator training, IPs may co-facilitate some reentry approved and supplemental programs with a trained staff facilitator. Staff shall retain authority over the program enrollment, attendance, and general oversight to ensure the integrity of the program is maintained.
    - i. Victim Awareness shall not be co-facilitated by IPs.
    - ii. Personal Responsibility of Violence Elimination (PROVE) shall not be co-facilitated by IPs.
    - iii. The managing officer/designee may disapprove IPs to co-facilitate programs based on the individual characteristics and needs of the institution, staff, or IPs.
  - c. Security and other assigned staff shall conduct periodic security checks during programming.
3. The use of outside volunteers, interns, community and professional organization representatives shall follow the guidelines of ODRC Policy 71-SOC-01, Recruitment, Training, and Supervision of Volunteers.

All volunteers, interns, community and professional organization representatives shall be under observation/escort and supervised by assigned institution staff. The physical presence of a staff member is required for security and monitoring purposes.

### **C. Non-ODRC Program Providers**

1. Non-ODRC program providers who approach ODRC shall be directed to complete the Community Reentry Program Partnership Request (DRC4380) and Reentry Program Assessment (DRC4366). These program providers may include individuals, agencies, or organizations seeking access to ODRC institutions to implement a reentry-specific program.
2. Guidelines and instructions for completing the Community Reentry Program Partnership Request (DRC4380) are available on the ODRC Internet at <https://drc.ohio.gov/systems-and-services/2-reentry-services/reentry-program-partnerships>.
3. The reentry program oversight committee (RPOC) shall respond to all requests within sixty (60) days using the Community Reentry Program Partnership Response (DRC4370).

### **D. Implementation of Reentry Approved Programs**

1. Each institution unit management chief (UMC) or designee shall ensure reentry programs implemented are in accordance with the program directory and program requirements.
2. Program facilitation for those with APA supervision shall be referred by the parole officer to program facilitator(s) and documented in OCSS. Program completion or removal from program shall be documented by the program facilitator in OCSS.
3. The unit management chief (UMC) or APA regional administrator/designee shall ensure that:
  - a. The active status of all reentry approved, and reentry supplemental programs being facilitated at the institution/APA are submitted to the Office of Reentry.

- b. All reentry approved programs that are open-ended, such as Decision Points, shall be facilitated continuously on a quarterly basis.
    - c. Each correctional program specialist shall deliver a minimum of four (4) hours of reentry approved or reentry supplemental programming per week. Additional programming hours and duties may be assigned by the UMC.
  4. The UMC shall design institution program schedules to include programs approved by RPOC. Program schedules and assignments shall be created based upon the needs identified in the Annual Needs Assessment, staffing level, and waiting lists. Programs offered shall be appropriate to the needs of the population. Accommodations for IPs with special needs shall be considered when planning programs. Earned credit, reentry approved, and reentry supplemental programs shall be prioritized when allocating staff resources. The UMC shall maintain a program schedule and update it as needs change.
  5. The institution unit manager shall attend and document their attendance in one (1) program per case manager every quarter reviewing whether the case manager is adhering to the information in the materials submitted and approved by RPOC on the Program Observation Tool (DRC2186). The unit manager shall utilize the Program Observation Tool (DRC2186) documentation in establishing and evaluating annual performance evaluation goals for each case manager.
  6. The unit manager shall also submit a monthly report indicating the reentry approved programs, reentry supplemental programs, and other programs completed and the number of participants that graduated from each program to the UMC.

#### **E. Program Enrollment and Monitoring**

1. In addition to statutory requirements, program enrollment shall be prioritized based upon the following considerations:
  - a. Risk reduction sentencing,
  - b. Specific recommendations from the parole board and/or sentencing court,
  - c. Moderate or higher risk as determined by the Ohio Risk Assessment System (ORAS)
  - d. Case plan recommendations for specific need/domains,
  - e. Time remaining until release.
2. IPs that are low risk as determined by ORAS may be enrolled in programming at the discretion of the program provider if space allows after those who meet the above criteria are enrolled.
3. Program suitability, willingness, and individual ability to participate shall be considered when enrolling IPs into programs. Any person deemed unsuitable for a program shall receive intervention to increase suitability. The reason for unsuitability and intervention efforts shall be documented in ORAS notes and reviewed at least annually. Suitability includes literacy level.
4. Recommendations for programming shall consider previous dosage, prerequisites, and responsivity.
  - a. Programmatic interventions shall be incremental and show progression in skill building. Example: Thinking Reports>Carey Guides>Decision Points>Thinking for a Change. Program recommendations shall reflect the specific criminogenic need(s) as identified by

ORAS. Please see Appendix A for a list of approved programs and the criminogenic needs addressed by each program.

- b. Anger Control and/or Decision Points shall be a prerequisite for placement in the Thinking for a Change program.

#### **F. Documenting/Tracking of Reentry Approved Programs**

Program participation/completion shall be documented by the facilitator or assigned staff in ORAS. Program participation/completion shall be documented in OCSS for those participants currently released on APA supervision.

#### **G. Positive Incentives**

Incentives shall be offered for program completion in accordance with ODRC Policy 80-INC-01, Incarcerated Person (IP) Performance Merit System.

#### **H. Family Engagement**

1. The Office of Reentry and respective deputy director shall assign a chairperson of the Family Advisory Council. The Family Advisory Council shall consist of 12-20 members appointed by the chairperson. The council shall consist primarily of family members of a current or formerly incarcerated person and may also include membership from other state agencies, social service agencies, reentry coalitions, and/or former IPs.
2. The Family Advisory Council shall meet quarterly for discussion and development of meaningful family engagement events, activities, and processes within ODRC institutions and APA regions.
3. Institutions are encouraged to include family members in institutional programming, release planning events, and general events. Participation and attendance shall be consistent with requirements established in ODRC Policy 76-VIS-01, Visiting. Documentation of family engagement events shall be recorded on the Family Time Sheet (DRC2335).
4. Institutions shall provide family engagement opportunities quarterly (i.e., one family engagement opportunity per quarter).

#### **Attachments:**

RPOC Program Information Guide

#### **Referenced ODRC Policies:**

02-REN-01	Prison Reentry Assessment and Planning
71-SOC-01	Recruitment, Training, and Supervision of Volunteers
76-VIS-01	Visiting
80-INC-01	Incarcerated Person Performance Merit System

**Referenced Forms:**

Program Observation Tool	DRC2186
Family Time Sheet	DRC2335
Reentry Program Assessment	DRC4366
Community Reentry Partnership Request Committee Action	DRC4370
Community Reentry Program Partnership Request	DRC4380

## Office of Reentry Overview

Offender programming serves as an essential part of rehabilitation within and upon release from a correctional institution. Effective programs provide opportunities for offender populations at all security levels to develop skills, learn new approaches, and overcome obstacles in their transition back to their communities.

The Reentry Program Oversight Committee (RPOC) is a multi-disciplinary committee that provides oversight for the certification of reentry programs. There are two categories of reentry programs: Reentry Approved Programs and Reentry Supplemental Programs.

**\*Reentry Approved Program:** A program that incorporates demonstrated principles and processes that have shown to reduce recidivism through improved cognitive and behavioral functioning, evidenced by one or more outcome evaluations and requires specific facilitator training; OR, a program based on a sound theoretical foundation in which the instructional design is focused on learning and performance and requires subject matter expertise of the facilitator. A reentry program includes the following elements:

- a. Addresses a criminogenic need in one or more of the dynamic domains/needs areas.
- b. Refers to or is based on theory or research
- c. Relies on appropriate credentials or specific training for facilitation of the program
- d. Relies on a structured lesson plan
- e. Includes an assessment of offender risk and need for program admission
- f. Includes discharge/completion criteria for program participants
- g. Includes an evaluation or monitoring plan

**\*Reentry Supplemental Program:** A program that does not meet reentry approved status in addressing criminogenic need but shows promise and meets an essential habilitation need that has a proven nexus to recidivism.

Programs that do not meet the criteria as Reentry Approved or Reentry Supplemental are referred to as Meaningful Activity.

**\*Meaningful Activity:** Any activity or constructive interaction which promotes citizenship; develops learning and employability skills; builds life skills and resilience; addresses well-being; and motivates personal engagement with both prison and community-based services.

Meaningful activities may include but are not limited to: attending a workshop, educational seminar or resource fair, participation in a weekly group that has not been identified as Reentry Approved or Reentry Supplemental, inmate-led groups that have attendance requirements, established rules and staff oversight, or any other non-leisure activity that includes constructive interaction.

Submissions that are not identified as Reentry Approved or Reentry Supplemental will be identified as a Meaningful Activity and will be referred to the institution/APA.

**Reentry Approved Programs:** (hyper-link to program descriptions)

Advanced Practices of Structured Social Skills

Anger Control Group

CBI – Employment

Decision Points

Inside Out Dads

Inside-Out Prison Exchange Program

Money Smart

Nurturing Fathers For Life

PROVE

Structured Skills Group

Thinking For A Change

Tyro Dads

Tyro Moms

Victim Awareness

### **Reentry Supplemental Programs**

Damascus

Financial Peace University

Go Further – Corecivic

Horizon

Motivation Group

MRT

New Directions

Prison Fellowship Academy

Roots of Success

STEPS

TOPUCU

Tyro Leadership

### **Program: Advanced Practices of Structured Social Skills**

**Purpose:** Advanced Practices of Structured Social Skills is designed to assist participants in practicing more challenging situations with increased pressure. Participants are given the opportunity to acquire integrated

understanding of the required interventions to manage risky situations. They will advance this capacity through the employments of multiple skills to fully respond to risk, learning new ways to interact with others.

**\*NOTE: *All participants must have previously completed a cognitive behavioral treatment core program.***

**Duration:** open-ended; must demonstrate proficiency

**Domain(s):** Criminal Attitudes and Behaviors

**Instructors:** 2 required

**Training:** Must attend facilitator training with Quality Assurance

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved

**Program: Anger Control**

**Purpose:** Anger Control is designed to teach participants a prosocial way to manage their anger. The goals are to increase self-control and decrease or manage anger and aggression. Objectives include: teaching participants a prosocial chain of responses to anger; identification of triggers and cues; ways to manage emotions; positive self-talk statements; evaluation of their use of the chain.

**Duration:** 10 Sessions and individual progress

**Domain:** Criminal Attitudes & Behavior Patterns

**Instructors:** 1 required/ 2 strongly recommended

**Training:** Must attend facilitator training with Quality Assurance

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Earned credit approved



**Program: CBI Employment (Cognitive Behavioral Intervention - Employment)**

**Purpose:** Designed for court-involved individuals who are moderate to high need in the area of employment. The program is a cognitive behavioral approach to teach participants strategies for identifying and managing high-risk situations related to obtaining and maintaining employment. The program places heavy emphasis on skill-building activities to assist with cognitive, social, emotional, and coping skill development for the work environment.

**Duration:** 31 Sessions

**Domain:** Education/Employment

**Instructors:** 2 required

**Training:** Must attend facilitator training with Quality Assurance or UC

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved

**Program: Decision Points**

**Purpose:** Decision Points is an open-approach, cognitive behavioral program that allows for participants to enter and exit based on individual practice, role play, attendance, and proficiency of all steps. This is a competency-based program with an individualized approach to changing behavior.

**Duration:** minimum 5 weeks + proficiency of all steps

**Domain:** Criminal Attitudes & Behavior Patterns

**Instructors:** 2 required

**Training:** Must attend facilitator training with Quality Assurance

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Earned credit approved

**Program: Inside Out Dad (3<sup>rd</sup> Edition only)**

**Purpose:** Inside out Dad is a program of the National Fatherhood Initiative (NFI). The program addresses the need among corrections-related organizations and agencies for an evidence-based parenting and reentry program designed specifically for incarcerated fathers that corrections and organizations that partner with correctional facilities can add to their line of cognitive-behavioral interventions. The program helps these entities to develop effective, nurturing fathers and to increase the chance that fathers who will be released from incarceration will successfully reentry the lives of the their family and community.

**Duration:** 12 core sessions and 6 optional sessions for reentry

**Domain:** Family; Financial; Criminal Attitudes & Behavior Patterns

**Instructors:** 1 required

**Training:** Must attend training with ODRC facilitators or the National Fatherhood Initiative

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Earned credit approved (3<sup>rd</sup> Edition only)

**Program: Inside-Out Prison Exchange Program**

**Purpose:** The Inside-Out Prison Exchange Program is an educational program that facilitate dialogue across differences, bringing campus-based students with incarcerated students for a semester-long course held in a prison, jail or other correctional setting.

**Duration:** One semester – based on university schedule.

**Domain:** Education/Employment

**Instructors:** University Professor/Instructor

**Training:** Not available

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved

**Program: Money Smart**

**Purpose:** The Money Smart program was created by the F.D.I.C. to teach people how to manage their finances and balance household responsibilities. Participants learn how internal and external influences affect their financial decisions. The curriculum also teaches participants how to save, spend, borrow, manage debt, invest, and prepare for financial emergencies to create greater financial stability.

**Duration:** 14 sessions

**Domain(s):** Financial, Family, Criminal Thinking & Behavior Patterns

**Instructors:** 1 required

**Training:** located online at:

<https://www.fdic.gov/resources/consumers/money-smart/teach-money-smart/money-smart-for-adults.html>

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Earned credit approved

**Program: Nurturing Fathers for Life**

**Purpose:** The Nurturing Father's program was created to cultivate and support the attitudes and skills for male nurturance to benefit men, women and children in family relationships. The program is designed to provide fathers with experiences that allow new cognitive and affective responses providing the opportunity to change parenting attitudes and behaviors.

**Duration:** 12 sessions

**Domain(s):** Family, Peer Associations, Substance Abuse

**Instructors:** 1 required

**Training:** Nurturing Fathers for Life Facilitator Training

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved

**Program: Personal Responsibility of Violence Elimination (P.R.O.V.E.)**

**Purpose:** The P.R.O.V.E. program was created to increase the safety and security of victims exposed and impacted by intimate partner violence. The program strives to hold batterer's accountable for their choices and to support the offenders in their efforts to become non-violent.

**Duration:** 18 Sessions

**Domain(s):** Family

**Facilitators:** 2 required as approved by Office of Victim Services

**Training:** Required training by Office of Victim Services

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved

**Program: Structured Skills Group**

**Purpose:** Structured Skills Group is designed to help offenders "unlearn" old, risky behaviors and learn new behaviors that can help them make prosocial choices and achieve their goals. The purpose of the group is to teach social skills such as: responding to criticism, dealing with an accusation, and conflict resolution.

**Duration:** Minimum 5 weeks + individual progress + required dosage hours

**Domains:** Criminal Thinking & Behavior Patterns

**Facilitators:** 1 required; 2 required for 16 or more participants

**Training:** Must attend facilitator training with Quality Assurance

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved

**Program: Thinking For A Change**

**Purpose:** The Thinking For A Change program is an integrated cognitive behavioral change program designed as a problem solving program by using cognitive restructuring and social skills intervention.

**Duration:** 25 sessions

**Domains:** Criminal Thinking & Behavior Patterns

**Facilitators:** 2 required

**Training:** Must attend facilitator training with Quality Assurance

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Earned credit approved

**Program: Tyro Dads**

**Purpose:** Through the use of interactive journaling, homework, and small group processes, Tyro Dads guides participants through the steps to becoming a responsible parent, recognize behaviors that inhibit progress to achieve personal goals, and identify healthy vs. unhealthy associations. This program aims to attack the culture of entitlement and strengthen the participant's ability to self-regulate to become a productive member of society.

**Duration:** 10 sessions

**Domain(s):** Criminal Attitudes & Behavior Patterns; Peer Associations; Family & Social Support.

**Facilitators:** 1 required

**Training:** The Ridge Project facilitator training

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved

**Program: Tyro Moms**

**Purpose:** Through the use of interactive journaling, homework, gender specificity, and small group processes, Tyro Moms guides participants through the steps to becoming a responsible parent, recognize behaviors that inhibit progress to achieve personal goals, and identify healthy vs. unhealthy associations. This program aims to attack the culture of entitlement and strengthen the participant's ability to self-regulate to become a productive member of society.

**Duration:** 10 sessions

**Domain(s):** Criminal Attitudes & Behavior Patterns; Peer Associations; Family & Social Support

**Facilitators:** 1 required

**Training:** The Ridge Project facilitator training

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved

**Program: Victim Awareness**

**Purpose:** The Victim Awareness program is designed to increase an offender's understanding of the effects of crime on victims and communities and increase empathy for those impacted by crime. The curriculum provides an opportunity for participants to examine various crimes, the dynamics of each of those crimes, and the effect the crime can have on victims. This program presents the impact of crime from the view of crime victims.

**Duration:** 13 sessions

**Domains:** Criminal Attitudes & Behavior Patterns

**Facilitators:** 2 preferred

**Training:** Facilitator training with the Office of Victim Services

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved

**Reentry Supplemental Programs** (hyper-link to program descriptions)

**Program: Damascus**

**Purpose:** The Damascus program seeks to identify avenues to success and hurdles that can hinder success. Multiple group exercises and homework assignments address values, choosing the life participants want to live, relationships, and workplace etiquette.

**Duration:** 20 sessions

**Domain(s):** Criminal History; Education, Employment, Financial; Peer Associations

**Facilitators:** Facilitated by Damascus staff

**Training:** not available

**Program: Financial Peace University**

**Purpose:** Financial Peace University teaches how to save money for emergencies, pay off debt fast, spend wisely, and invest in your future.

**Duration:** 9 sessions

**Domains:** Education, Employment, Financial

**Facilitators:** 1 required

**Training:** Financial Peace University facilitator training

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved

**Program: Go Further** (Only offered at CoreCivic)

**Purpose:** Go further is a process-based curriculum that consists of three core components: Culture, Community Engagement, and Curriculum. Developed in collaboration with *The Change Company*, the three journal curriculum utilizes the practice and evidence-based method of interactive journaling and group facilitation. The interactive format encourages participants to think and write about their own reasons for change and provides skill-building around core cognitive-behavioral aspects of change.

**Duration:** 34 Sessions

**Domain(s):** Criminal Attitudes & Behavior Patterns; Family; Peer Association

**Facilitators:** 1 required

**Training:** Go Further facilitator training (CoreCivic Reentry Services)

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved

**Program: Horizon Prison Initiative (Currently at LOCI and ORW)**

**Purpose:** The Horizon Prison Initiative addresses problem-solving skills, self-control and trauma within cognitive behavioral and faith components.



The ten-month curriculum situates the program within a living environment that addresses criminogenic needs with programming, experiential learning, and character formation.

**Duration:** 10 months (weekly sessions)

**Domains:** Peer Associations, Criminal History, Family & Social Support

**Facilitators:** Facilitated by Horizon staff

**Training:** not available

**Dosage Hours:** determined at each site

**Earned Credit status:** Not earned credit approved

**Program: Motivation Group**

**Purpose:** Motivation can change based on a person's perceptions or environment. Change can be influenced by creating an environment in which people want to improve. This program is a responsivity factor in addressing the lack of capacity to change. Since motivation is the first step toward behavior change, individuals should participate in these sessions prior to other core programming.

**Duration:** 6 sessions

**Domain(s):** Criminal Attitudes and Behavior

**Facilitators:** 1 required/ 2 recommended

**Training:** Must attend facilitator training with Quality Assurance

**Dosage Hours:** 1.25 to 1.5 hours per session/ 2 to 3 sessions per week

**Earned Credit status:** Not earned credit approved

**Program: Moral Reconciliation Therapy (MRT)**

**Purpose:** MRT is a cognitive-behavioral treatment strategy delivered in a group format designed to enhance self-image, promote positive self-identity, and raise moral reasoning levels from a pleasure/pain orientation to law abiding and concern for others.

**Duration:** 24 sessions

**Domain(s):** Criminal History; Family & Social Support; Peer Associations

**Facilitators:** 1 required

**Training:** must attend facilitator training with Correctional Counseling Inc. Training information located at: <https://www.moral-reconation-therapy.com/>

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved

**Program: New Directions (Discontinued by Publisher as of 9-15-22)**

**Purpose:** New Directions is a cognitive behavioral change program recommended for inmates in their first transition from open society in the prison environment. Individuals are helped to understand how and why they think the way they do, learn to assimilate the cognitive skills to positively change their mindset. In addressing former ways of thinking, the program is designed to provide skills and tools for lasting positive change in an attempt to improve their future.

**Duration:** 13 sessions

**Domain(s):** Criminal Attitudes & Behavior Patterns

**Facilitators:** 1 required

**Training:** Must attend training with the Pacific Institute

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved

**Program: Prison Fellowship Academy**

**Purpose:** Prison Fellowship Academy

**Duration:** Prison Fellowship Academy is 200 hour/1-year commitment program that is designed to redirect the participant's focus and thinking. A primary objective of the Academy model is to identify positive relationships and to create a role-model/mentor community within the prison.

**Domain(s):** Peer Associations; Criminal Attitudes & Behavior Patterns

**Facilitators:** Facilitated by Prison Fellowship staff/volunteers

**Training:** Not available

**Dosage Hours:** determined at each site

**Earned Credit status:** Not earned credit approved

**Program: Roots of Success**

**Purpose:** Roots of Success seeks to prepare individuals for environmental careers and to become activists who can improve environmental and social conditions in their communities.

**Duration:** 10 sessions

**Domains:** Education, Employment, Financial

**Facilitators:** 1 required

**Training:** Must contact Robert Nauman (ODRC) or schedule online at: <https://rootsofsuccess.org/training/>

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved

**Program: STEPS**

**Purpose:** STEPS is a cognitive behavior change program recommended for inmates in their transition from the prison environment back to open society. This program provides the mindset shift tools required so the inmate successfully navigates the outside world. The job-search and job-maintenance component assists with meaningful work to do.

**Domain(s):** Criminal Attitudes & Behavior Patterns; Employment

**Duration:** 15 sessions

**Facilitators:** 1 required

**Training:** Pacific Institute facilitator training

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved

**Program: TOPUCU**

**Purpose:** TOPUCU aims to provide participants with real examples of how they can control their decision-making, goal setting and path to their goal. The “catchphrase” of the program is, “how do you get yourself to do what you don’t want to do, in order to become “who you want to become”. This allows the curriculum to guide on what a habit is and how to change it.

**Duration:** 8 sessions

**Domain(s):** Criminal History

**Facilitators:** 1 required

**Training:** TOPUCU staff facilitator training

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved

**Program: Tyro Leadership**

**Purpose:** The Tyro Leadership program addresses criminal thinking patterns by helping individuals identify specific self-defeating attitudes and aims to replace those with prosocial attitudes. Tyro instills motivation to change and hope for the future by developing honesty, integrity, self-discipline, empathy, and personal responsibility.

**Duration:** 10 sessions

**Domains:** Criminal Attitudes & Behavior Patterns; Peer Associations

**Facilitators:** 1 required

**Training:** The Ridge Project facilitator training

**Dosage Hours:** 1.5 to 2 hours per session

**Earned Credit status:** Not earned credit approved