

# Senate Bill 201

## Implementation Update



Department of  
Rehabilitation & Correction

# Senate Bill 201 Implementation Update

116 inmates admitted under S.B. 201 since March 22, 2019 effective date.

# Current SB201 Population 9/10/2019

TOTAL: 116

Letters Sent: 27

Corrected Entries: 2

County	Total	Letter	Fixed	County	Total	Letters	Fixed	County	Total	Letters	Fixed
Adams	2			Franklin	5	1		Medina	2		
Ashland	1			Gallia	3			Mercer	2		
Belmont	2			Greene	1			Montgomery	7	2	
Brown	4			Hamilton	2			Muskingum	9	2	1
Butler	2			Huron	1			Pickaway	1		
Clermont	2			Jefferson	3			Ross	4	3	
Clinton	2			Knox	1	1		Scioto	3		
Crawford	3	1		Lawrence	3			Stark	17	8	1
Cuyahoga	7	3		Licking	5	1		Summit	3	1	
Defiance	2	2		Lucas	7	1		Trumbull	2		
Fairfield	1	1		Mahoning	1			Warren	1		
Fayette	2			Marion	2			Washington	1		

# Issues

- No Maximum Sentence 26
- Incorrect Maximum Sentence 1
- Multiple Maximums (no letters sent) 5

# Senate Bill 201

## Non-Conforming Journal Entries

ON A FORMER DAY OF COURT THE DEFENDANT PLEAD GUILTY TO FELONIOUS ASSAULT 2903.11 A(1) F2 AS CHARGED IN COUNT(S) 1 OF THE INDICTMENT. COUNT(S) 2, 3 WAS/WERE NOLLED.

THE COURT CONSIDERED ALL REQUIRED FACTORS OF THE LAW.  
THE COURT FINDS THAT PRISON IS CONSISTENT WITH THE PURPOSE OF R. C. 2929.11.  
THE COURT IMPOSES A PRISON SENTENCE AT THE LORAIN CORRECTIONAL INSTITUTION OF 3 YEAR(S).

POST RELEASE CONTROL IS PART OF THIS PRISON SENTENCE FOR 3 YEARS MANDATORY FOR THE ABOVE FELONY(S) UNDER R.C.2967.28. DEFENDANT ADVISED THAT IF/WHEN POST RELEASE CONTROL SUPERVISION IS IMPOSED FOLLOWING HIS/HER RELEASE FROM PRISON AND IF HE/SHE VIOLATES THAT SUPERVISION OR CONDITION OF POST RELEASE CONTROL UNDER RC 2967.131(B), PAROLE BOARD MAY IMPOSE A PRISON TERM AS PART OF THE SENTENCE OF UP TO ONE-HALF OF THE STATED PRISON TERM ORIGINALLY IMPOSED UPON THE OFFENDER.

## S.B. 201 Model Journal Entry- Single qualifying felony

**The Court finds that the defendant has been found guilty of:**

**AGGRAVATED ROBBERY (Deadly Weapon)** as to Count One, a violation of Revised Code Section 2911.01(A)(1) a first degree felony. With respect to this Count, the defendant is hereby sentenced to:

An indefinite prison term of a minimum of 9 years and a maximum of 13 ½ years.

The Court has notified the defendant that pursuant to R.C. 2929.19(B)(2)(c), it is rebuttably presumed that the defendant will be released from service of the sentence on the expiration of the minimum prison term imposed; and that the department of rehabilitation and correction may rebut the presumption if it makes specified determinations at a hearing pursuant to R.C. 2967.271, and may then maintain the defendant's incarceration after the expiration of the minimum prison term up to the maximum term.

## S.B. 201 Model Journal Entry- Consecutive felonies and gun specification

**The Court finds that the defendant has been found guilty of:**

**AGGRAVATED ROBBERY (Deadly Weapon)** as to Count One, a violation of Revised Code Section 2911.01(A)(1) a first degree felony. With respect to this Count, the defendant is hereby sentenced to:

An indefinite prison term, with a minimum term of 9 years.

An additional term of three (3) years is imposed as a mandatory and consecutive term pursuant to Revised Code Section 2929.14(C)(1)(a), to be served in addition to and before any other time is served as to the specification for having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm,

## S.B. 201 Model Journal Entry- Consecutive felonies and gun specification- cont'd

brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense, Revised Code Section 2941.145, as set forth in Count ONE of the Indictment.

**AGGRAVATED ROBBERY (Deadly Weapon)** as to Count Two, a violation of Revised Code Section 2911.01(A)(1) a first degree felony. With respect to this Count, the defendant is hereby sentenced to:

An indefinite prison term, with a minimum term of 9 years.

This sentence will be served consecutive to Count One.

The mandatory consecutive three (3) year gun specification shall be served prior to, in addition to, and consecutive to any indefinite prison term and any other prison term imposed. That term is as follows:

## S.B. 201 Model Journal Entry- Consecutive felonies and gun specification- cont'd

**Pursuant to SB 201/R.C. 2929.144(B), the indefinite prison term imposed is:**

**An aggregate minimum prison term of 18 years and an aggregate maximum prison term of 22 ½ years.**

The Court has notified the defendant that pursuant to R.C. 2929.19(B)(2)(c), it is rebuttably presumed that the defendant will be released from service of the sentence on the expiration of the aggregate minimum prison term imposed (and after the service of the three year firearm specification); and that the department of rehabilitation and correction may rebut the presumption if it makes specified determinations at a hearing pursuant to R.C. 2967.271, and may then maintain the defendant's incarceration after the expiration of the aggregate minimum prison term up to the aggregate maximum prison term.

# Senate Bill 201: Complexity of Calculations

Sentence Calculation – 3 cases under HB86 & SB201

Admit: 7/09/2019

**HB86:** 3 year Mandatory cs/w 6 yr cs/w 8 yrs = 17 yrs (3 Mand)

Mandatory 7/07/2022 HB86 Fixed 7/03/2036 HB86 Exp 7/03/2036 -EC HB86 Cap 5/21/2035

**SB201:** 3 year Mandatory – 4.5 yrs. Cs/w 6 – 9 years cs/w 8 – 12 yrs.

3m – 4.5		6-9			Expected 8-12		
Mand. Min	7-7-22 +10	Min Ex:	7-8-22 +10	7-5-28 +10	Min Ex:	7-6-28 +10	7-3-36 +10
Max. Exp:	1-5-24 -1	Min Fix:	7-8-22 +10	7-5-28 +10	Min Fix:	7-6-28 +10	7-3-36 +10
Max. Fix:	1-5-24	Min Cap:	7-8-22 +10	1-11-28 +10	Min Cap:	1-12-28 +10	11-12-35 +10
Max. Cap	8-27-23	Max Exp:	1-6-24 -1	1-2-33 -1	Max Exp:	1-3-33 -1	12-30-44 -1
		Max Fix	1-6-24 -1	1-2-33 -1	Max Fix	1-3-33 -1	12-30-44 -1
RB Review Date (1.5 years)	1-5-21	Max Cap:	8-28-23 -1	4-14-32 -1	Max Cap:	4-15-32 -1	1-14-44 -1
RB Time (1.5 years)	547 days -1	RB Review 6 yr	1-6-21 3 yr 7-9-19 6 yr	7-6-25	RB Review 13 yr	7-7-25 4 7-9-19 13	7-4-32
		RB Time	3 yrs	1095 days	RB Time	4 yr	1460 days

All Max - EC EC  
 Min 10-19 1  
 Min + RBT 12-19 +10  
 Min - Reduction Start Date Next Case  
 \*Expiration Case 1 7-17-22 \*triggers recal of Case 2 & 3

# Calculation before SB201

Admitted: July 1, 2019

19CR0123	Possession	F2	2 years	cs/w
19CR0456	Agg. Robbery	F1	4 years	<i>Total: 6 years</i>

HB86-1 Expiration	6/28/2025	(current date with credit)
HB86-1 Fixed	6/28/2025	(date without any credit)
HB86-1 Cap	1/03/2025	(8% max Participation Credit)

# New SB201 Calculation

19CR0123 = 2 – 3

cs/w

19CR0456 = 4 – 6

*Min Exp	6/29/2021 -5 +15
Min Fix	6/29/2021
Min Cap	5/01/2021
Max Exp	6/29/2022 -5
Max Fix	6/29/2022
Max Cap	4/02/2022

**Min Exp	6/28/2025 -5 +15 - 73
Min Fix	6/28/2025
Min Cap	1/03/2025
Max Exp	6/27/2028 -5
Max Fix	6/27/2028
Max Cap	10/08/2027

Rebuttal = 365 – 5

EC = 5 days

RT = 15 days

*\*Min Exp = 7/09/2021 – recalc Case 2*

Rebuttal = 730

DRR = 73 days

# Senate Bill 201 Implementation: Notice to inmates



## Information Concerning Indefinite Sentences Under Senate Bill 201

Revised Code Section 2967.271, also known as The Reagan Tokes Law or Senate Bill 201, was passed by the Ohio General Assembly and signed by the Governor. This law establishes indeterminate sentencing for individuals sentenced to felonies of the first and second degree committed on or after March 22, 2019, that are not life sentences. These prison terms are referred to as "non-life felony indefinite prison terms."

Because you were sentenced under this law, your conduct in prison may impact your release date.

You were sentenced to an indefinite sentence with a minimum and maximum term of incarceration. It is presumed that you will be released at the expiration of the minimum term, but your conduct may result in a shorter or longer term. If you demonstrate exceptional conduct or adjustment to incarceration, the Director may recommend to your sentencing judge that your sentence be reduced. If the Director recommends a sentence reduction, she will do so in writing and your sentencing court will schedule a hearing. The prosecutor and victim can submit information to the sentencing court. It is the sentencing court's decision whether or not your sentence will be reduced. Offenders serving a prison term for a sexually oriented offense are statutorily ineligible for a reduction.

You may also spend more time in prison as a result of your conduct. DRC could hold a hearing and maintain your incarceration for an additional period of time, up to the maximum term the sentencing court imposed on you. That hearing could be held if:

- 1) Your conduct demonstrates a lack of rehabilitation and that you pose a threat to society demonstrated by:
  - a. violating institutional rules that compromise the security or safety of staff or inmates, or
  - b. violating rules that involve physical harm or a threat of physical harm to staff or inmates, or
  - c. violating the law, whether or not you are prosecuted;
- 2) You are placed in extended restrictive housing at any time within the year preceding the hearing date; or
- 3) Your security classification is a level 3 or higher.

In the future, you will receive additional information about exceptional conduct that could result in a reduction of the minimum term.

DRC-3088 E (05/2019)

# S.B. 201 Implementation: Maintaining Incarceration

- The Parole Board will make decisions about maintaining incarceration.
- Serious offenses are automatically referred to Parole Board.
  - Depending on RIB finding – Parole Board will review.
- Annual security review
  - Examines other infractions, STG activity, refusal to attend classes etc...

# Senate Bill 201 Implementation: Reduction of Minimum Term

## R.C. 2967.271 (F)(1)

The Director of DRC may recommend that a court grant a reduction due to:

- 1) Exceptional conduct while incarcerated, or
- 2) Offender's adjustment to incarceration

# Senate Bill 201 Implementation: Reduction of Minimum Term cont'd

Revised Code says that DRC will, by rule, specify the percent reduction based on the level of offense and define exceptional conduct and adjustment to incarceration.

DRC is allowed to recommend between 5% and 15% of the minimum term.

- F1 = 5% or 10%
- F2 = 10% or 15%

\*Inmates serving a sexually oriented offense or mandatory term are statutorily ineligible for reduction.

# Senate Bill 201 Implementation: Reduction of Minimum Term cont'd

## Criteria for Exceptional Conduct and Adjustment to Incarceration Criteria Under Consideration

- 1) Engages in activity or behavior that exceeds the requirements of their case plan;
- 2) Shows an advancement in educational or vocational achievement;
- 3) Exemplifies a commitment to pro-social community involvement with approved religious, social or volunteer organizations; and
- 4) Has no guilty findings before the Rules Infraction Board (RIB) in the twenty-four (24) months prior to being considered by the Director for a reduction.

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## DRC Implementation Measures

### Creation of new policies addressing the two main pieces of 201:

- Hearing to Rebut the Presumption of Release at the Minimum
- Recommendation to Reduce the Minimum Sentence

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## DRC Implementation Measures

### Revision of Existing Policies to Incorporate 201:

- 07-ORD-12 Bureau of Sentence Computation Legal File
- 07-ORD-13 Inmate Master Record
- 52-RCP-01 Reception Admission Procedures
- 52-RCP-10 Inmate Orientation
- 53-CLS-04 Extended Restrictive Housing Placement
- 53-CLS-07 Interstate Corrections Compact
- 56-DSC-02 Disciplinary Procedures for Rules Infraction Board

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## DRC Implementation Measures

### Revision of Existing Policies to Incorporate 201- cont'd:

- 56-DSC-03 Disciplinary Procedures for the Serious Misconduct Panel
- 78-Rel-07 Risk Reduction Sentence Monitoring and Release
- 105-PBD-03 Parole Board Release Consideration Hearings
- 105-PBD-08 Post Release Control Screening and Assessment
- 105-PBD-13 Statutory Notice
- 105-PBD-14 80% Court Release
- 80-INC-02 Earned Credit

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## DRC Implementation Measures

### Revision of Existing Policies to Incorporate 201- cont'd:

- 108-ABC-05 Transitional Control
- Sentence Computation Manual

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## DRC Implementation Measures

Drafting a new administrative rule for reduction recommendations and amending the following existing administrative rules to comport with S.B. 201:

- 5120-2-3.01 Determination of stated prison terms and life sentences when multiple terms or sentences imposed
- 5120-2-03.02 Determination of multiple sentences
- 5120-2-15 Request for eighty percent court release
- 5120-2-04 Reduction of minimum and maximum or definite or stated prison term for jail time credit

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## DRC Implementation Measures

### Amending existing administrative rules- cont'd:

- 5120-2-06 Earned credit for productive program participation
- 5120-2-14 Risk Reduction sentence
- 5120-9-07 Conduct report and hearing officer procedures
- 5120-9-08 Disciplinary procedures for violations of inmate rules of conduct before the rules infraction board
- 5120-12-02 Screening, selection, and notice of transfer
- 5120:1-1-41 Standards for imposing, modifying, and reducing post-release control