



Office of the Ohio Public Defender

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Amended Senate Bill 201 and Substitute House Bill 365 Comparison

	Amended Senate Bill 201	Substitute House Bill 365
Early Release	<ul style="list-style-type: none"> • There is a rebuttable presumption of early release when it is recommended by ODRC • ODRC provides notice to the sentencing court that ODRC is recommending early release • ODRC must submit to the sentencing court an institutional summary report that describes the individual's participation in rehabilitative programs and activities and any disciplinary action taken against the individual • The sentencing court must hold a hearing to determine if early release will be granted • When making its decision, the sentencing court must consider the information submitted by ODRC, the prosecutor, the victim, and other specified statutory sentencing factors relevant to the underlying offense • The presumption of release is only rebutted if the sentencing court finds one or more of the following apply: <ul style="list-style-type: none"> ○ The individual committed an institutional infraction that compromised security or the safety of the staff and inmates, caused or threaten physical harm to staff or inmates, or committed a violation of law; and infraction or violation demonstrates that the individual has not been rehabilitated ○ The individual's behavior shows that they pose a threat to society ○ At the time of the hearing, the individual has security level classification of three, four, five, or higher ○ The individual did not participate and/or successfully complete a majority of the 	<ul style="list-style-type: none"> • There is no presumption of early release • ODRC provides notice to the sentencing court that ODRC is recommending early release • ODRC must submit to the sentencing court an institutional summary report that describes the individual's participation in rehabilitative programs and activities and anything else requested by the court • The sentencing court can deny the recommendation for early release or hold a hearing • When making its decision, the sentencing court must consider the information submitted by ODRC, the prosecutor, and the victim

	<p>rehabilitative programs and activities ODRC recommended</p> <ul style="list-style-type: none"> ○ After release the individual will not be residing in a halfway house, reentry center, or community residential center and does not have any other place to reside 	
Confinement Credit	<ul style="list-style-type: none"> ● Confinement Credit can be applied towards an individual's minimum and maximum prison term 	<ul style="list-style-type: none"> ● Confinement Credit can only be applied towards the individual's minimum prison term and not their maximum prison term
Release at Minimum Prison Term	<ul style="list-style-type: none"> ● There is a presumption of release after the individual served their minimum prison term unless ODRC rebuts the presumption of release at a hearing ● The presumption is rebutted if ODRC shows at the hearing that one or more of the following apply: <ul style="list-style-type: none"> ○ Both of the following apply at the time of hearing: <ul style="list-style-type: none"> ▪ The individual committed an institutional infraction that compromised security or the safety of the staff and inmates, caused or threatened physical harm to staff or inmates, or committed a violation of law that was not prosecuted; and the infraction or violation demonstrates that the offender has been not been rehabilitated; and ▪ The individual's behavior shows that they pose a threat to society ○ Within the past year the individual was placed in restrictive house ○ At the time of the hearing, the individual is classified as a security level three, four, five or higher 	<ul style="list-style-type: none"> ● There is a presumption of release after the individual served their minimum prison term that can be rebutted by ODRC without a hearing in most cases ● The presumption is rebutted if ODRC believes that one or more of the following apply: <ul style="list-style-type: none"> ○ The individual committed an institutional infraction that compromised security or the safety of the staff and inmates, caused or threatened physical harm to staff or inmates, or committed a violation of law that was not prosecuted; and the infraction or violation demonstrates that the offender has been not been rehabilitated ○ The individual's behavior shows that they pose a threat to society ○ Within the past year, the individual was placed in a housing status where both of the following apply: <ul style="list-style-type: none"> ▪ The housing status has limited privileges, restricts the individual's interaction with other prisoners, or both ▪ The housing status is one that ODRC has specified, through a rule, rebuts the presumption of release ● ODRC does not need to hold a hearing to rebut the presumption of release unless ODRC's sole reason for rebutting the presumption is that ODRC believes the individual poses a threat to society