



SENATE BILL 256: KIDS SENTENCED AS ADULTS - PAROLE ELIGIBILITY

FREQUENTLY ASKED QUESTIONS

I was under the age of 18 at the time of my offense(s). Does SB256 apply to me? Yes.

I was 18 years old or older at the time of my offense(s). Does SB256 apply to me? No.

Does SB256 change my sentence?

Technically, no. SB256 does not change the sentence given to you in court by your sentencing judge. SB256 may provide earlier parole eligibility than the sentence you received in court.

Will I go back to court?

No. The ODRC and Ohio Parole Board are currently working to identify everyone impacted by SB256 and will update the system to display your parole eligibility date on the kiosk or your tablet.

I was given a determinate sentence for non-homicide offenses, am I now eligible for parole?

Maybe. Even if you were not parole-eligible based on the sentence you were given in court, if you were under the age of 18 at the time of your offenses and you were sentenced to more than 18 years for non-homicide offenses, you will now be eligible for parole after serving 18 years.

I was under 18 and sentenced to LWOP, am I now eligible for parole?

Yes. Unless you were convicted of what is now known as an "Aggravated Homicide Offense," which is defined as the "principal offender" in the purposeful killing of 3 or more persons, or an act of terrorism that involves murder or aggravated murder.

What if I am denied parole?

SB256 requires that anyone under the age of 18 at the time of their offense who is denied parole must be scheduled for a subsequent Parole Board hearing within 5 years.

Does the Parole Board have to consider the mitigating factors associated with youth even if I've already been reviewed for parole and was denied?

Yes. The Parole Board must provide a meaningful opportunity for release and consider the five mitigating factors associated with youth at your next parole hearing.

I had a parole review in the last few years but was continued for more than 5 years. Will I be reviewed sooner because of SB256?

Yes. The ODRC and Ohio Parole Board is working to identify everyone who was reviewed in the last few years but continued for more than 5 years. You will receive a new parole review date approximately 5 years from your last review.

My sentence provides for parole review earlier than 25 or 30 years for a homicide offense(s). Will my parole eligibility be pushed back?

No. If your sentence allows for parole eligibility earlier than provided in SB256, you will receive parole eligibility at the earlier opportunity.



SB256: FREQUENTLY ASKED QUESTIONS (CONT'D)

What are the different types of supervision based on how a person is released?

- If you are eligible for and are granted judicial release by your judge, you will be placed on community control for up to 5 years, and any violation could return you to prison to complete your determinate sentence.
- If you are released on parole, you will likely be supervised for 5 years, and any violation could return you to prison to complete your sentence. If you are returned for a technical violation, you would be reviewed by the Parole Board every 5 years. If you are returned for a new felony offense, you would become eligible after serving the new felony sentence, and then every 5 years.
- If you complete a determinate sentence you will be placed on PRC for as long as 5 years, and any violation could return you to prison in 9-month increments for up to half of your original prison sentence.

How should I prepare for my parole review?

The Ohio Public Defender will be releasing a Parole Toolkit in the coming months with more information. However, good behavior, education, and treatment programs for which you are eligible, and having a reentry plan are all important factors. A reentry plan should include where you intend to live, employment opportunities, and what supports you will need upon release.

What if I have not been able to complete many programs because my sentence made me ineligible?

You may become eligible to complete additional programs with your new parole eligibility date. Talk with your caseworker. If you began using substances at a young age, if substance abuse contributed to your offenses, or if you have infractions for use while incarcerated, contact Recovery Services for an assessment. The best thing to do is maintain good behavior and sign up for programs once eligible. The Parole Board does not expect you to complete programs that are not available to you.

Will an attorney be able to represent me during my parole review?

The Ohio Public Defender's Office will be working to represent as many people as possible during their parole reviews. We will also be working with county public defender offices and other lawyers to provide legal assistance.

How will I know when I will be reviewed for parole?

At first, a large number of individuals will become eligible for parole because of SB256. The Ohio Public Defender is working with ODRC and the Ohio Parole Board to identify and schedule those reviews. This may take some time. Your parole eligibility date will appear on the kiosk or your tablet.

What if I still have questions?

The Ohio Public Defender has a working group of staff called the Kids in Adult Prison Working Group, or KAP. You can write questions to our office at: Office of the Ohio Public Defender, Attn: KAP Working Group, 250 East Broad Street, Suite 1400, Columbus, OH 43215.

What if SB256 applies to me but I do not receive a new parole eligibility date?

If you are not given your parole eligibility date by June 2021, please write to the KAP Working Group at the address above and we will review your case.