



## **Judicial Release – SB 288 Supplement**

This supplement provides information about the two new categories of judicial release which were created by Senate Bill 288: “State of emergency-qualifying offender” and “eighty per cent-qualifying offender.” Both categories are very limited in scope and may not apply to you. The old category of “eligible offender” was not altered by Senate Bill 288. For more information about “eligible offender” Judicial Release, please see the regular Judicial Release packet.

### **State of Emergency-qualifying Offender**

The “state of emergency-qualifying offender” category allows you to file for Judicial Release when (1) the governor declares a state of emergency, (2) the state of emergency covers the geographical area where the prison you are confined in is located, **and** (3) there is a connection between the basis of the emergency and your need for release. Like regular Judicial Release, you are only eligible if you have no mandatory time or have served all of your mandatory time.

If you were previously denied Judicial Release as a regular “eligible offender” you are still able to file as a “state of emergency-qualifying offender.” Likewise, denial as a “state of emergency-qualifying offender” does not stop you from filing again as an “eligible offender.” As long as a state of emergency continues and you meet all other qualifications, you can file as a “state of emergency-qualifying offender” once every 6 months.

### **Eighty Per Cent-qualifying Offender**

The second category created by Senate Bill 288 is the “eighty per cent-qualifying offender.” This does not mean that once you have completed 80% of your prison term you will be automatically released or even considered for Judicial Release. Senate Bill 288 merely gives ODRC the ability to recommend individuals for Judicial Release on their own initiative. However, this recommendation is subject to the judge’s discretion, meaning the judge still has the final say on your release.

ODRC can only recommend you for release under this category if you are (1) serving a sentence of one year or more, (2) have served all “restricting prison terms” and (3) had no “disqualifying prison terms” as a part of your sentence. Please see the table below for a list of “restricting prison terms” and “disqualifying prison terms.”

An ODRC recommendation under this category does not mean you are automatically released. Your sentencing judge still has the final say on whether or not to grant Judicial Release. No attorney outside the ODRC system has any influence on whether or not ODRC will recommend you for release under this category. For more information about this form of release, talk to your case manager.



## List of Restricting and Disqualifying Terms

<p style="text-align: center;"><u>Restricting Prison Terms</u></p> <p style="text-align: center;">You must serve all restricting prison terms AND 80% of the remaining total time.</p>	<p>ANY Mandatory Prison Term imposed under R.C. 2929.14 for the following specifications: firearm, automatic firearm, firearm with a muffler or suppressor, firearm discharged from a motor vehicle, firearm discharged at a police or corrections officer, human trafficking, and repeat violent offenders. NOTE: The underlying felony offense that the specification is paired with is also a restricting prison term.</p> <p>ANY prison term for human trafficking.</p> <p>IF you were previously convicted of or pleaded guilty to a first or second-degree crime of violence AND IF that prior crime of violence is listed as a disqualifying prison term, THEN later first or second-degree felony crimes of violence are restricting prison terms, EVEN IF they are not otherwise listed as restricting or disqualifying terms. This also applies if your current first or second-degree felony is an “attempt” conviction.</p> <p>Example: You previously served a felonious assault term under an old number. After your release, you were convicted of vehicular assault. That vehicular assault term would become a restricting prison term since felonious assault is a disqualifying prison term.</p>
<p style="text-align: center;"><u>Disqualifying Prison Terms</u></p> <p style="text-align: center;">If your prison term involves any one disqualifying prison term, then you are not eligible as an “Eighty Per Cent- qualifying Offender.”</p>	<p>ANY prison term for aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, kidnapping, rape, aggravated arson, aggravated burglary, or aggravated robbery and ANY prison term for complicity in, attempt to commit, or conspiracy to commit any of these offenses.</p> <p>ANY prison term of life imprisonment including life with parole eligibility.</p> <p>ANY prison term, other than carrying a concealed weapon, of which an essential element is any conduct or failure to act involving a deadly weapon.</p> <p>A prison term for first or second-degree drug trafficking, engaging in a pattern of corrupt activity, sexually violent predator specification, and ANY sexually oriented offense.</p>