



Ohio Department of Rehabilitation and Correction

770 West Broad Street

John R. Kasich, Governor

www.drc.ohio.gov

Gary C. Mohr, Director

To: All DRC Inmates
From: Greg Trout, DRC Chief Legal Counsel *GT*
Subject: Risk Reduction Sentences and 80% Judicial Release (HB 86)
Date: December 19, 2011

There continue to be many inquiries regarding two new release categories created under the Sentencing Reform legislation, HB 86. This memo is intended to provide a description of the Risk Reduction sentence and 80% Judicial Release and provide an administrative update on both.

Risk Reduction

This sentence must be journalized by the Judge at the time of sentencing. It does not apply to inmates sentenced before September 30, 2011. If an inmate receives a Risk Reduction sentence, he/she must successfully complete treatment and programming requested by the court and DRC in order to be released after serving at least 80% of the sentence. The inmate will be released to state supervision by the Adult Parole Authority for at least the remaining 20% of the sentence. The inmate may be required to serve a longer supervision period if required as part of the inmate's Post-Release Control (PRC).

DRC-Initiated Judicial Release

The intent is to create another type of Court-granted Judicial Release and to provide an incentive for those inmates behaving appropriately and participating in positive programming. If an inmate qualifies, DRC could submit a Judicial Release request to the sentencing Judge once the inmate has served at least 80% of the sentence. This program is not available currently due to ongoing discussions between DRC, the judiciary, and other interested parties regarding the details surrounding the program's implementation and administration. It is DRC's goal to have the program operational by mid-2012.

****Please remember that the existing Judicial Release process is still available to qualifying inmates. It is important to note that HB 86 did make a change to the Judicial Release laws by eliminating the 10 year sentence cap. If otherwise eligible, an inmate can file for Judicial Release even if their total sentence exceeds 10 years. Inmates should follow the current procedures for requesting consideration from his/her sentencing Judge, which may be initiated by an inmate or inmate's attorney. Additional information regarding Judicial Release is available in the institution law libraries.**

If you have any questions regarding Risk Reduction sentences or Judicial Release, please contact your case manager.