

Ohio provides compassionate release through **Judicial Release**¹ and **Release as if on Parole**² to eligible incarcerated individuals who are (1) in imminent danger of death, (2) terminally ill, or (3) medically incapacitated. In addition, individuals who meet one of those three criteria and are serving sentences for crimes committed prior to July 1, 1996, may be eligible for **Medical Release**.³

JUDICIAL RELEASE

I. ELIGIBILITY

Medical Condition – To be considered for Judicial Release due to a medical condition, an incarcerated individual must be medically incapacitated, terminally ill, or in imminent danger of death.

- “Medically incapacitated” means the person has a diagnosable medical condition and a severe, permanent medical or cognitive disability that (1) prevents completion of activities of daily living (including feeding, bathing, dressing, and grooming⁴) without significant assistance; (2) incapacitates the person to the extent that institutional confinement offers no additional restrictions; (3) is likely to continue through the entire period of parole; and (4) is unlikely to noticeably improve.⁵
- “Terminally ill” is defined as having a condition that: (1) is irreversible and incurable, caused by disease, illness, or injury from which the individual is unlikely to recover; and (2) will, within “reasonable medical standards and a reasonable degree of medical certainty,” cause death within 12 months. In addition, because of the terminal illness, confinement in prison doesn’t offer “additional protections for public safety or against the [person’s] risk to reoffend.”⁶
- “In imminent danger of death” means the person has a medically diagnosable condition that will cause death within a short period of time, defined as “generally within six months.”⁷

Exclusions – An individual is not eligible for Judicial Release if serving a death sentence⁸ or a life sentence.⁹

II. APPLICATION/REFERRAL

On the motion of an eligible individual or upon the Sentencing Court’s own motion, the Court may reduce the person’s prison term through a Judicial Release at any time during the sentence.¹⁰

- Note that the Office of the Ohio Public Defender has a Judicial Release Packet designed for individuals wanting to file their own motions for Judicial Release. It does not specifically address motions based on a medical condition but still provides useful information and forms.¹¹

III. DOCUMENTATION AND ASSESSMENT

Summary Report: Warden – The Warden (sometimes referred to as the “Head”) of the facility in which the incarcerated individual is confined must provide the Court with an Institutional Summary Report regarding the person’s conduct.¹² The report must include the individual’s participation in school, vocational training, work, treatment, other rehabilitative activities, and any disciplinary actions taken.¹³ That information may also be provided to any prosecuting attorney or law enforcement agency of the county in which the person was indicted.¹⁴

Medical Certification: Department Director – The Director of the Department of Rehabilitation and Correction (Department) must certify, through the Chief Medical Officer, that the incarcerated individual is in imminent danger of death, suffering from a terminal illness, or medically incapacitated.¹⁵

IV. DECISION-MAKING PROCESS

Decision-Maker – The Sentencing Court for each individual rules on requests for Judicial Release.¹⁶

Decision Process – Upon receiving the medical certification and a timely motion for Judicial Release filed by the individual or upon the Sentencing Court’s own motion, the Court may (1) deny the motion without a hearing or (2) schedule a hearing on the motion.¹⁷

- Notice – If the Court schedules a hearing for Judicial Release, it must notify the incarcerated individual and the Warden of the correctional institution prior to the hearing.¹⁸ The Warden must “immediately” notify the appropriate Department staff of the hearing.¹⁹ The Court must also promptly give notice of the hearing to the prosecuting attorney of the county in which the individual was indicted.²⁰
 - Upon receiving the notice, the prosecuting attorney must notify the victim of the offense or the victim’s representative.²¹ The victim notice rules vary somewhat depending on the nature of the crime.²²
- Hearings – The Sentencing Court must conduct a hearing 30 to 60 days after the motion is filed; note that the statute also says that the Court may delay the hearing for 180 additional days.²³

- Appearance – Generally, the eligible incarcerated individual attends the hearing on a motion for Judicial Release if the Court orders.²⁴ However, the Court can waive a hearing appearance if a condition makes it impossible for the individual to participate meaningfully in the proceeding.²⁵
- Written/Oral Testimony – At the hearing, the Court will give an incarcerated individual and the individual’s attorney the opportunity to present written and, if appropriate, oral information.²⁶ The Court will give a similar opportunity to the prosecuting attorney, victim or victim’s representative, and any other person the Court determines has relevant information.²⁷
- Considerations – The Sentencing Court will consider (1) the institutional summary report;²⁸ (2) health care records to verify certification that the person is in imminent danger of death, terminally ill, or medically incapacitated;²⁹ and (3) whether the individual’s release would create an undue risk to public safety.³⁰

Hearing Exceptions – The Sentencing Court will generally not grant a motion for Judicial Release unless there is a hearing.³¹ However, when an individual is in imminent danger of death, terminally ill, or medically incapacitated, the Court can grant the motion **without** a hearing if the prosecuting attorney and victim (or victim’s representative) who received notice of the hearing indicate they do not wish to participate in the hearing or present information relevant to the motion.³² If the Court denies the motion without a hearing, it must enter its ruling within 60 days from when the motion is filed.³³

Decision – When the Sentencing Court holds a hearing on the motion, it must enter a ruling within 10 days of the hearing.³⁴ If the Sentencing Court grants Judicial Release, it will issue an order releasing the individual.³⁵

Conditions – The Court places individuals granted Judicial Release under “an appropriate community control sanction, under appropriate conditions,” which means under the supervision of the Court’s Department of Probation or the Ohio Adult Parole Authority.³⁶

V. POST-DECISION

Appeals and Denials

- Denial After a Hearing – The Court will hold only one Judicial Release hearing for an incarcerated individual.³⁷ If, after holding a hearing, the Court denies the motion for Judicial Release, it will not consider a subsequent motion for that person.³⁸

- Denial Without a Hearing
 - If the Court does not hold a hearing and denies the motion **without prejudice**, it may later consider Judicial Release on a subsequent motion the incarcerated individual files.³⁹
 - If the Court does not hold a hearing and denies the motion **with prejudice**, it may consider Judicial Release at a later time only on its own motion; an incarcerated individual may not submit another motion.⁴⁰

Supervision – As referenced above, when it grants Judicial Release due to a medical condition, the Court places an individual under the supervision of the Court’s Department of Probation or the Ohio Adult Parole Authority.⁴¹ Supervision continues until the person’s mandatory prison term ends.⁴²

Termination/Revocation – The Sentencing Court can, upon its own motion, revoke Judicial Release for individuals who violate the “community control sanction.”⁴³ In addition, it can revoke Judicial Release for individuals whose health improves to the point they are no longer medically incapacitated, in imminent danger of death, or terminally ill.⁴⁴

Revocation Hearing – The Court cannot grant the revocation motion without a hearing unless the individual waives a hearing. If the Court holds a hearing, it will give the individual (and the attorney, if the person has one) an opportunity to present written and, if present, oral information relevant to the motion. The Court can give that same opportunity to the prosecuting attorney, the victim or the victim’s representative, and any other persons the court determines have relevant information. If the Court grants a motion under this section of the law, it must specify its findings on the record.⁴⁵

VI. REPORTING/STATISTICS

There are no published statistics on the number of individuals granted Judicial Release due to a medical condition.

RELEASE AS IF ON PAROLE

Although Ohio law refers to this form of early release as “Release as if on Parole of Dying Prisoner,” an incarcerated individual does not have to be dying to be eligible.⁴⁶ The medical eligibility criteria are identical to those for Judicial Release and include “medical incapacitation.”

- Note that the Ohio Department of Rehabilitation and Correction (Department) has a rule stating that individuals wishing to be considered for Release as if on Parole **must first go through the Judicial Release process**. The statute does not include this requirement.⁴⁷

I. ELIGIBILITY

Medical Condition – To be considered for Release as if on Parole, an incarcerated individual must be in imminent danger of death, terminally ill, or medically incapacitated.

- “In imminent danger of death” means the person has a medically diagnosable condition that will cause death within “a short period of time,” defined as “generally within six months.”⁴⁸
- “Terminally ill” is defined as having a condition that: (1) is irreversible and incurable, caused by disease, illness, or injury from which the individual is unlikely to recover; and (2) will, within “reasonable medical standards and a reasonable degree of medical certainty,” cause death within 12 months. In addition, because of the terminal illness, confinement in prison doesn’t offer “additional protections for public safety or against the [person’s] risk to reoffend.”⁴⁹
- “Medically incapacitated” means the person has a diagnosable medical condition (including dementia) and a severe, permanent medical or cognitive disability that (1) prevents completion of activities of daily living (including feeding, bathing, dressing, and grooming)⁵⁰ without significant assistance; (2) incapacitates the person to the extent that institutional confinement offers no additional restrictions; (3) is likely to continue through the entire period of parole; and (4) is unlikely to noticeably improve.⁵¹

Exclusions – An incarcerated individual is not eligible for Release as if on Parole if serving (1) a death sentence; (2) a sentence of life without parole; (3) a sentence under Chapter 2971 of the Ohio Code, Sentencing of Sexually Violent Predators, for a felony of the first or second degree; (4) a sentence for aggravated murder or murder; or (5) a mandatory prison term for an offense of violence or any specification described in Chapter 2941 of the Ohio Code.⁵²

II. APPLICATION/REFERRAL

Application – There is no information in the statute, regulations, or Department policy stating that an incarcerated individual, family member, or representative can initiate the process of Release as if on Parole by bringing the person’s medical condition to the attention of a physician or Department staff.

Referrals – Both the statute and Department policy indicate that Department staff are responsible for initiating the process. However, they describe the referral process in slightly different ways.

STATE REGULATION

The regulation states that the process generally starts with the incarcerated individual's attending physician determining that the person is in imminent danger of death because of a medical condition or because the individual is terminally ill or medically incapacitated. The physician must provide a certificate indicating that to the Warden and include a statement describing the individual's medical condition.⁵³

DEPARTMENT RULES

The Department rules state that the institution's Health Care Administrator must monitor the condition of individuals who **may** qualify for Release as if on Parole on at least a monthly basis.⁵⁴ When an individual's condition progresses to the point where the person is in imminent danger of death, is medically incapacitated, or has a terminal illness, the Health Care Administrator directs the Chief Medical Officer to issue a certificate outlining the diagnosis, the individual's ability to move independently, the current prognosis, and the minimum placement required to care for the person.⁵⁵ That certificate is then sent to the Department Division of Legal Services (Legal Services) attorney assigned to the Bureau of Medical Services.⁵⁶

- Prior to initiating any medically based Release as if on Parole, the Health Care Administrator must contact Legal Services to determine whether there has been a request for Judicial Release based on the individual's medical condition.⁵⁷ If Legal Services advises that a Release as if on Parole may be initiated, the Department takes the steps described in the next section.⁵⁸

III. DOCUMENTATION AND ASSESSMENT

Again, the regulation and Department policy vary somewhat on the documentation and assessment process.

REGULATION

Institutional Summary Report and Recommendation: Warden/Managing Officer –

The regulation states that upon receiving the certificate and statement from the attending physician, the "Managing Officer" (more commonly referred to as the Warden) of the institution orders an Institutional Summary Report.⁵⁹ Upon receiving the Report, the Warden decides whether to recommend Release as if on Parole.⁶⁰

- If the decision is to recommend, the recommendation, physician's certificate and statement, and Institutional Summary Report are forwarded to the Department Director's office.⁶¹

Additional Investigations and Referral to Governor: Department Director – Upon receiving the Warden’s statement, the background report, and the attending physician’s certificate and statement, the Director’s office may ask the Adult Parole Authority or the institution’s medical staff to conduct investigations to determine whether there is (1) an appropriate community placement for the individual and (2) any additional information that would assist the Governor in making the Release as if on Parole decision. If the Director requests such investigations, written reports detailing the results must be submitted within 10 business days.⁶² The Director’s office forwards all of the documents, including the Warden’s recommendation and the attending physician’s certificate, to the Governor.⁶³

DEPARTMENT POLICY

Investigation: Division of Legal Services – As mentioned above, Legal Services first looks at whether another type of release would be more appropriate. Upon receiving the Chief Medical Officer’s certificate, the Division investigates the incarcerated individual’s eligibility for (1) Judicial Release; (2) Release as if on Parole; or (3) a Parole Board Medical Release (for individuals sentenced prior to July 1, 1996). The Ohio Parole Board also has general discretionary authority to release individuals.⁶⁴

- If Legal Services concludes the individual does **not** qualify for any of the available releases, it advises the Health Care Administrator, the Bureau of Medical Services, and the Deputy Director of the Division of Parole and Community Services (DPCS) that the person does not qualify and that it will take no further action regarding release.⁶⁵
- If Legal Services decides the incarcerated individual is eligible for a Judicial Release or Release as if on Parole, it forwards the person’s information to the Deputy Director of DPCS for further action.⁶⁶
- Legal Services determines whether a Judicial Release motion has been submitted to the Sentencing Court.⁶⁷

If Legal Services advises that a Medical Release as if on Parole may be initiated, the process continues.⁶⁸

Review and Recommendation: Deputy Director of DPCS – Upon receiving the Legal Services information, the Deputy Director of DPCS considers (1) the date the individual’s definite sentence expires; (2) the crime for which the individual is currently incarcerated and any other felony convictions; (3) background investigations; (4) past and present institutional adjustment; (5) current medical and mental health condition; and (6) other relevant “aggravating or mitigating” factors.⁶⁹ Based on that information, the Deputy Director decides whether further investigation is needed.⁷⁰

- If the individual is also eligible for Judicial Release, that information may be forwarded to the Sentencing Court.⁷¹

Once all investigations are completed and reviewed, if the Deputy Director recommends release, the information is forwarded to the Department Director with (1) information on the individual's placement in the community; (2) an institutional summary report; (3) input from consultations with the Sentencing Court, County Prosecutor, and the Office of Victim Services; (4) the recommended terms and conditions of release; and (5) transportation arrangements for the individual.⁷²

Consideration and Recommendation: Department Director – The Director considers the recommendation and all the documentation.⁷³ If the Director recommends Release as if on Parole, the documents are forwarded to the Governor with the recommendation for release.⁷⁴

- The Director's decision to recommend Release as if on Parole or to stop the release process is communicated to the Health Care Administrator, the Department's Bureau of Medical Services, the Deputy Director of DPCS, and Legal Services.⁷⁵

IV. DECISION-MAKING PROCESS

Decision-Maker – The Governor makes the final decision whether to authorize Release as if on Parole.⁷⁶

Process – If the Governor authorizes Release as if on Parole, documents indicating the authorization are filed with the Secretary of State and delivered to the Warden of the institution in which the individual is confined, with notifications to the appropriate Department personnel. The person may then be released according to Department procedures.⁷⁷

Conditions – Any terms and conditions of the Medical Release become part of the individual's file.⁷⁸

V. POST-DECISION

Supervision – The Ohio Adult Parole Authority supervises all individuals granted Release as if on Parole.⁷⁹

Termination/Revocation – If the individual's health improves and the person is no longer in imminent danger of death, terminally ill, or medically incapacitated or if the individual violates any conditions of release, the Governor can order the individual returned to custody.⁸⁰

- Note that the Governor can direct the Adult Parole Authority to investigate the individual and also make a recommendation regarding a return to custody.⁸¹

VI. REPORTING/STATISTICS

There are no publicly available reports on how many individuals the Governor has granted Release as if on Parole, and Ohio law does not require that the Governor's office report those numbers.

- The Governor's office did not respond to FAMM's request for information on how many individuals, if any, were granted Release as if on Parole in 2019 and 2020.

MEDICAL RELEASE (“OLD-LAW PRISONERS” ONLY)

Incarcerated individuals serving sentences for crimes committed prior to July 1, 1996, are referred to as “old-law prisoners.”⁸² Separate Medical Release rules apply to those individuals.⁸³

I. ELIGIBILITY

The Medical Release eligibility criteria are identical to those of Judicial Release and Release as if on Parole.

Medical Condition – To be eligible for Medical Release, an incarcerated individual must be in imminent danger of death, terminally ill, or medically incapacitated.

- “In imminent danger of death” means the individual has a medically diagnosable condition that will cause death within a short period of time, defined as “generally within six months.”⁸⁴
- “Terminally ill” is defined as having a condition that: (1) is irreversible and incurable, caused by disease, illness, or injury from which the person is unlikely to recover; and (2) will, within “reasonable medical standards and a reasonable degree of medical certainty,” cause death within 12 months. In addition, institutional confinement must not offer any additional protections for public safety or against the individual's risk to re-offend.⁸⁵
- “Medically incapacitated” is defined as having any diagnosable medical condition (including dementia) and a severe, permanent medical or cognitive disability that (1) prevents completion of activities of daily living (including feeding, bathing, dressing, and grooming) without significant assistance; (2) incapacitates the individual to the extent that institutional confinement offers

no additional restrictions; (3) is likely to continue through the entire period of parole; and (4) is unlikely to noticeably improve.⁸⁶

Exclusions – An incarcerated individual is not eligible for Medical Release if serving (1) a death sentence; (2) a sentence of life without parole; (3) a sentence under Chapter 2971 of the Ohio Code (Sentencing of Sexually Violent Predators) for a felony of the first or second degree; (4) a sentence for aggravated murder or murder; or (5) a mandatory prison term for an offense of violence or any specification described in Chapter 2941 of the Ohio Code.⁸⁷

II. APPLICATION/REFERRAL

When the facility's Health Care Administrator becomes aware of an individual who is in imminent danger of death, terminally ill, or medically incapacitated, the Administrator must provide that information to the Department's Chief Medical Officer. Then, based on information from the facility's medical staff, the Chief Medical Officer issues a certificate outlining the incarcerated individual's diagnosis, ambulatory status, current prognosis, and the minimum placement required to care for the person.⁸⁸ The facility's Health Care Administrator is responsible for sending the certificate to the Department's Division of Legal Services (Legal Services) office.⁸⁹

III. DOCUMENTATION AND ASSESSMENT

A Legal Services attorney investigates the individual's statutory eligibility to see whether the person is eligible for a Medical Release from the Parole Board, applicable only to individuals sentenced prior to July 1, 1996.⁹⁰

If the incarcerated individual is eligible, the information is forwarded to the Deputy Director of the Division of Parole and Community Services (DPCS) for review⁹¹ and the Deputy Director then forwards the certificate to the Ohio Parole Board Chair.⁹²

IV. DECISION-MAKING PROCESS

Decision-Maker – The Ohio Parole Board makes the final decision to grant or deny Medical Release.⁹³

Decision Process – The Board Chair reviews the incarcerated individual's medical certificate and any other relevant materials and decides to reject the Medical Release or send it to the full Parole Board for consideration.⁹⁴

- If it goes to the full Board, the options include (1) the Board making no change in its original decision regarding the individual or (2) modifying its decision and ordering the individual's release on parole.⁹⁵

- The Deputy Director of Parole and Community Services is directed to communicate the Board’s decision to Legal Services.⁹⁶
- If the Parole Board decides to release the incarcerated individual, the Medical Release is effective as soon as an appropriate placement can be arranged and approved.⁹⁷
 - Notice – The Board must notify the Office of Victim Services prior to the incarcerated individual’s release.⁹⁸

Conditions – The general parole conditions apply to individuals granted Medical Release.⁹⁹

V. POST-DECISION

Denials and Appeals – Board decisions are final and not subject to appeal.¹⁰⁰

Supervision – The Ohio Adult Parole Authority supervises individuals granted Medical Release, and the general parole rules apply.¹⁰¹

Termination/Revocation – It is unclear from the Medical Release rules whether individuals designated as former “old-law prisoners” are covered by the general parole revocation rules or subject to different rules because of their medical conditions.

VI. REPORTING/STATISTICS

The Board is not required to report on how many Medical Releases it grants and denies, and there is no publicly available information on how many individuals are granted Medical Releases each year.

- The Board did not respond to FAMM’s request for information on how many individuals were granted Medical Release in 2019 and 2020.

OHIO COMPASSIONATE RELEASE

PRIMARY LEGAL SOURCES

JUDICIAL RELEASE

Statute

Ohio Revised Code, §§ 2920 (A) (5) and (N) through (S) (2021), available through the Ohio Legislature, <https://codes.ohio.gov/ohio-revised-code/section-2929.20>.

Agency Policy

Ohio Department of Rehabilitation and Correction, Rule 66-ILL-01, Medical Release as if on Parole (April 5, 2016), §§ VI (A), (C), and (H), <https://drc.ohio.gov/Portals/0/Policies/DRC%20Policies/66-ILL-01.pdf?ver=2016-09-01-142051-733>.

Additional Resource

Office of the Ohio Public Defender, Judicial Release Packet (undated), https://www.opd.ohio.gov/static/Law+Library/Representing+Yourself/Judicial_Release_Packet.pdf.

RELEASE AS IF ON PAROLE

Statute

Ohio Revised Code, § 2967.05 (2021), available through the Ohio Legislature, <https://codes.ohio.gov/ohio-revised-code/section-2967.05>.

Regulations

Ohio Admin. Code 5120:1-1-40 (2021), available through the Ohio Legislature, <https://codes.ohio.gov/ohio-administrative-code/rule-5120:1-1-40>.

Agency Policy

Ohio Department of Rehabilitation and Correction, Rule 66-ILL-01, Medical Release as if on Parole (April 5, 2016), <https://drc.ohio.gov/Portals/0/Policies/DRC%20Policies/66-ILL-01.pdf?ver=2016-09-01-142051-733>.

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OHIO COMPASSIONATE RELEASE

PRIMARY LEGAL SOURCES

(continued from previous page)

MEDICAL RELEASE

(“Old-Law Prisoners” – Individuals Serving Sentences for Crimes Committed Before July 1, 1996)

Agency Policy

Ohio Parole Board, Board Handbook (January 2019), <https://www.drc.ohio.gov/Portals/0/Parole%20Board%20Handbook%20January%202019-FINAL.pdf>.

Ohio Department of Rehabilitation and Correction, Rule 66-ILL-01, §§ VI (C) and (N), Medical Release as if on Parole (April 5, 2016), <https://drc.ohio.gov/Portals/0/Policies/DRC%20Policies/66-ILL-01.pdf?ver=2016-09-01-142051-733>.

NOTES

* *Id.* means see prior note.

¹ Ohio Rev. Code §§ 2920 (A) (5) and (N) through (S); Ohio Department of Rehabilitation and Correction (DRC), Rule 66-ILL-01, Medical Release as if on Parole (April 5, 2016), §§ VI (A), (C), and (H).

² Ohio Rev. Code § 2967.05 [Note that although this statute is titled “Release as if on parole of dying prisoner,” an incarcerated individual does not have to be dying to be eligible]; Ohio Admin. Code 5120:1-1-40; DRC Rule 66-ILL-01.

³ Ohio Admin. Code 5120:1-1-40 (I); DRC Rule 66-ILL-01 § VI (C). See also Ohio Parole Board, Board Handbook.

⁴ DRC Rule 66-ILL-01 § IV, Definitions.

⁵ Ohio Rev. Code § 2929.20 (A) (5), referencing Ohio Rev. Code § 2967.05 (A) (2) (a). Note that this does not include conditions related solely to mental illness unless they are accompanied by injury, disease, or “organic defect.” Ohio Rev. Code § 2967.05 (A) (2) (b).

⁶ Ohio Rev. Code § 2929.20 (A) (5); Ohio Rev. Code § 2967.05 (A) (3).

⁷ Ohio Rev. Code § 2929.20 (A) (5); Ohio Rev. Code § 2967.05 (A) (1).

⁸ Ohio Rev. Code § 2929.20 (O).

⁹ Id. at (N).

¹⁰ Id. at (B) and (N).

¹¹ Please see the Primary Legal Sources box at the end of the memo for information on how to obtain the Public Defender's Judicial Release Packet.

¹² Ohio Rev. Code § 2929.20 (P), referencing Ohio Rev. Code § 2929.20 (G).

¹³ Id. at (G).

¹⁴ Id.

¹⁵ Id. at (N).

¹⁶ Id.

¹⁷ Id. at (D).

¹⁸ Id. at (E).

¹⁹ Id.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id. at (D).

²⁴ Id. at (H).

²⁵ Id. at (P) (1).

²⁶ Id. at (I).

²⁷ Id. at (I) and (L).

²⁸ Id. at (G).

²⁹ Id. at (Q).

³⁰ Id. at (N).

³¹ Id. at (D).

³² Id. at (P) (2).

³³ Id. at (D).

³⁴ Id.

³⁵ Id. at (R) (1) (a).

³⁶ Id. at (K), (R) (1) (b), and (R) (1) (c).

³⁷ Id. at (D).

³⁸ Id.

³⁹ Id.

⁴⁰ Id.

⁴¹ Ohio Rev. Code § 2929.20 (K); Ohio Rev. Code §§ 2929.20 (R) (1) (b) and (1) (c). See also Ohio Rev. Code § 2929.15 for more information on Community Control.

⁴² Ohio Rev. Code § 2929.20 (R) (2).

⁴³ Id.

⁴⁴ Id. at (S).

⁴⁵ Id.

⁴⁶ See Ohio Rev. Code § 2967.05.

⁴⁷ DRC Rule 66-ILL-01, § VI (A).

⁴⁸ Ohio Rev. Code § 2967.05 (A) (1); Ohio Admin. Code 5120:1-1-40 (A) (1); DRC Rule 66-ILL-01, § IV, Definitions.

⁴⁹ Ohio Rev. Code § 2967.05 (A) (3); Ohio Admin. Code 5120:1-1-40 (A) (3); DRC Rule 66-ILL-01, § IV, Definitions.

⁵⁰ DRC Rule 66-ILL-01, § IV, Definitions.

⁵¹ Ohio Rev. Code § 2967.05 (A) (2) (a); Ohio Admin. Code 5120:1-1-40 (A) (2); DRC Rule 66-ILL-01, § IV, Definitions. Note that this does not include conditions related solely to mental illness unless accompanied by injury, disease, or “organic defect.” See Ohio Rev. Code § 2967.05 (A) (2) (b); Ohio Admin. Code 5120:1-1-40 (A) (2); DRC Rule 66-ILL-01, § IV, Definitions.

⁵² Ohio Rev. Code § 2967.05 (C); Ohio Admin. Code 5120:1-1-40 (B); DRC Rule 66-ILL-01, § VI (B).

⁵³ Ohio Admin. Code 5120:1-1-40 (C).

⁵⁴ DRC Rule 66-ILL-01, § VI (B). [Note that are two sections listed as § VI (B). These references are to the second one, immediately preceding § VI (C).] See also DRC Rule 66-ILL-01, § V.

⁵⁵ Id. at (B) (1).

⁵⁶ Id. at (B) (2).

⁵⁷ Id. at (A) (1).

⁵⁸ Id. at (A) (2). Note that this requirement is repeated in more detail in § VI (C).

⁵⁹ Ohio Admin. Code 5120:1-1-40 (D). Note that the Institutional Summary is also sometimes referred to as the “Background Report.”

⁶⁰ Id. at (E).

⁶¹ Id. at (E) (1).

⁶² Id. at (F).

⁶³ Id. at (G).

⁶⁴ DRC Rule 66-ILL-01, § VI (C).

⁶⁵ Id. at (C) (1).

⁶⁶ Id. at (C) (2).

⁶⁷ Id. at (A) (1). The rules reference “Medical Protocol B-35, Medical Judicial Release,” but this protocol is not available online.

⁶⁸ Id. at (A) (2).

⁶⁹ Id. at (D).

⁷⁰ Id. at (E).

⁷¹ Id. at (H).

⁷² Id. at (F).

⁷³ Id. at (I).

⁷⁴ Id. at (I) (1).

⁷⁵ Id. at (I) (2).

⁷⁶ Ohio Rev. Code § 2967.05 (B); Ohio Admin. Code 5120:1-1-40 (H); DRC Rule 66-ILL-01, § VI (A). Ohio Admin. Code 5120:1-1-40 (I) also discusses what happens when the Parole Board Chair receives a recommendation to “release as if on parole” from a Warden/Managing Officer. That would appear to be relevant for “old law” incarcerated individuals only, meaning those serving sentences for crimes committed prior to July 1, 1996. See Medical Release (“Old-Law Prisoners” only) discussion.

⁷⁷ Ohio Admin. Code 5120:1-1-40 (H); DRC Rule 66-ILL-01, § VI (J).

⁷⁸ Id.

⁷⁹ Ohio Rev. Code § 2967.05 (B); DRC Rule 66-ILL-01, § VI (M).

⁸⁰ Ohio Rev. Code § 2967.05 (B); DRC Rule 66-ILL-01, §§ VI (K) and (L).

⁸¹ Ohio Rev. Code § 2967.05 (B).

⁸² Ohio Criminal Sentencing Commission, “Thoughts on Applying S.B. 2 to ‘Old Law’ Inmates,” (undated), <https://www.supremecourt.ohio.gov/Boards/Sentencing/resources/general/SB2.pdf>.

⁸³ Ohio Admin. Code 5120:1-1-40 (I); DRC Rule 66-ILL-01, §§ VI (C) (3) and (N), appears to be the primary guidance on Medical Release for old-law prisoners, i.e., those individuals serving sentences for felonies committed before July 1, 1996. The Parole Board Handbook covers general parole procedures but does not address release due to medical conditions or terminal illness.

⁸⁴ Ohio Admin. Code 5120:1-1-40 (A) (1); DRC Rule 66-ILL-01, § IV, Definitions.

⁸⁵ Ohio Admin. Code 5120:1-1-40 (A) (3); DRC Rule 66-ILL-01, § IV, Definitions.

⁸⁶ Ohio Admin. Code 5120:1-1-40 (A) (2); DRC Rule 66-ILL-01, § IV. Note that this does not include conditions related solely to mental illness unless accompanied by “injury, disease, or organic defect.” Ohio Admin. Code 5120:1-1-40 (A) (2); DRC Rule 66-ILL-01, § IV.

⁸⁷ Ohio Admin. Code 5120:1-1-40 (B); DRC Rule 66-ILL-01, § VI (B).

⁸⁸ DRC Rule 66-ILL-01, § VI (B) (1). [Note that two sections are listed as § VI (B). This reference is to the second one, immediately preceding § VI (C).]

⁸⁹ Id. at (B).

⁹⁰ Id. at (C) (3).

⁹¹ Id.

⁹² Id. at (N).

⁹³ Ohio Admin. Code 5120:1-1-40 (I); DRC Rule 66-ILL-01, § VI (N).

⁹⁴ Id. See also Ohio Parole Board Handbook.

⁹⁵ DRC Rule 66-ILL-01, §§ VI (N) (1) (a) and (N) (1) (b).

⁹⁶ Id. at (N) (3).

⁹⁷ Ohio Admin. Code 5120:1-1-40 (I) (2); DRC Rule 66-ILL-01 § VI (N) (2).

⁹⁸ DRC Rule 66-ILL-01 § VI (N) (2).

⁹⁹ Ohio Rev. Code § 2967.13; Ohio Admin. Code 5120: 1-1-12.

¹⁰⁰ Ohio Rev. Code § 5149.10 (D).

¹⁰¹ Ohio Admin. Code 5120:1-1-07 through 5120: 1-1-14. See also Ohio Adult Parole Authority policies at <http://www.drc.ohio.gov/policies/apa>.