

As Introduced

**128th General Assembly
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S. B. No. 92

Senator Miller, R.

Cosponsors: Senators Morano, Grendell, Seitz, Kearney, Strahorn, Smith

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A B I L L

To amend sections 5149.02 and 5149.10 of the Revised 1
Code to limit a member of the Ohio Parole Board 2
who is not a victim representative to two six-year 3
terms. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5149.02 and 5149.10 of the Revised 5
Code be amended to read as follows: 6

Sec. 5149.02. There is hereby created in the division of 7
parole and community services of the department of rehabilitation 8
and correction at bureau level an adult parole authority. The 9
adult parole authority consists of its chief, a field services 10
section, and a parole board. The director of rehabilitation and 11
correction shall appoint the chief of the adult parole authority, 12
~~and one or more superintendents of the field services section, and~~ 13
~~the chairperson of the parole board,~~ all of whom shall serve at 14
the pleasure of the director and shall be in the unclassified 15
civil service. The director also shall appoint the chairperson of 16
the parole board who shall be in the unclassified civil service 17
and who shall serve as provided in section 5149.10 of the Revised 18
Code. 19

The authority is a regular administrative unit of the 20
department of rehabilitation and correction and shall operate 21
under rules adopted by the director. The chief of the division of 22
parole and community services may adopt supplemental rules 23
governing operation of the authority, assigning specific powers 24
and duties to the chief of the authority, and assigning specific 25
functions to sections within the authority. 26

No person shall be appointed as chief of the adult parole 27
authority who is not qualified by education or experience in 28
correctional work, including law enforcement, probation, or 29
parole, in law, in social work, or in a combination of the three 30
categories. 31

Sec. 5149.10. (A)(1) The parole board shall consist of up to 32
twelve members, one of whom shall be designated as chairperson by 33
the director of the department of rehabilitation and correction 34
and who shall continue as chairperson until a successor is 35
designated, and any other personnel that are necessary for the 36
orderly performance of the duties of the board. In addition to the 37
rules authorized by section 5149.02 of the Revised Code, the chief 38
of the adult parole authority, subject to the approval of the 39
chief of the division of parole and community services and subject 40
to this section, shall adopt rules governing the proceedings of 41
the parole board. The rules shall provide for the convening of 42
full board hearings, the procedures to be followed in full board 43
hearings, and general procedures to be followed in other hearings 44
of the board and by the board's hearing officers. The rules also 45
shall require agreement by a majority of all the board members to 46
any recommendation of clemency transmitted to the governor. 47

(2) When the board members sit as a full board, the 48
chairperson shall preside. The chairperson shall also allocate the 49
work of the parole board among the board members. The full board 50

shall meet at least once each month. In the case of a tie vote on 51
the full board, the chief of the adult parole authority shall cast 52
the deciding vote. The chairperson may designate a person to serve 53
in the chairperson's place. 54

(3)(a) Except for the member appointed under division (B) of 55
this section and except as otherwise provided in division 56
(A)(3)(b) of this section, a member appointed to the parole board 57
shall be appointed to a six-year term. A member shall hold office 58
from the date of appointment until the end of the term for which 59
the member was appointed. A member is eligible for reappointment 60
for another six-year term that may or may not be consecutive to 61
the first six-year term. A member is not eligible for 62
reappointment after serving two six-year terms whether or not 63
served consecutively. Vacancies shall be filled in the same manner 64
provided for original appointments. Any member appointed under 65
this division to fill a vacancy occurring prior to the expiration 66
date of the term for which the member's predecessor was appointed 67
shall hold office as a member for the remainder of that term. A 68
member appointed under this division shall continue in office 69
subsequent to the expiration date of the member's term until the 70
member's successor takes office or until a period of sixty days 71
has elapsed, whichever occurs first. 72

(b) If a person is a member of the parole board on the 73
effective date of this amendment, that person shall continue in 74
office until that member is reappointed, a successor member is 75
appointed, or a period of sixty days has elapsed, whichever occurs 76
first. A member of the parole board on the effective date of this 77
amendment shall not be reappointed to serve a term that is longer 78
than six years, including the time the member served on the board 79
prior to the effective date of this amendment. 80

(4) Except as otherwise provided in division (B) of this 81
section, no person shall be appointed a member of the board who is 82

not qualified by education or experience in correctional work, 83
including law enforcement, prosecution of offenses, advocating for 84
the rights of victims of crime, probation, or parole, in law, in 85
social work, or in a combination of the three categories. 86

(B) The director of rehabilitation and correction, in 87
consultation with the governor, shall appoint one member of the 88
board, who shall be a person who has been a victim of crime or who 89
is a member of a victim's family or who represents an organization 90
that advocates for the rights of victims of crime. After 91
appointment, this member shall be an unclassified employee of the 92
department of rehabilitation and correction. 93

The initial appointment shall be for a term ending four years 94
after July 1, 1996. Thereafter, the term of office of the member 95
appointed under this division shall be for four years, with each 96
term ending on the same day of the same month as did the term that 97
it succeeds. The member shall hold office from the date of 98
appointment until the end of the term for which the member was 99
appointed and may be reappointed. Vacancies shall be filled in the 100
manner provided for original appointments. Any member appointed 101
under this division to fill a vacancy occurring prior to the 102
expiration date of the term for which the member's predecessor was 103
appointed shall hold office as a member for the remainder of that 104
term. The member appointed under this division shall continue in 105
office subsequent to the expiration date of the member's term 106
until the member's successor takes office or until a period of 107
sixty days has elapsed, whichever occurs first. 108

The member appointed under this division shall be compensated 109
in the same manner as other board members and shall be reimbursed 110
for actual and necessary expenses incurred in the performance of 111
the members' duties. The member may vote on all cases heard by the 112
full board under section 5149.101 of the Revised Code, has such 113
duties as are assigned by the chairperson of the board, and shall 114

coordinate the member's activities with the office of victims' 115
services created under section 5120.60 of the Revised Code. 116

As used in this division, "crime," "member of the victim's 117
family," and "victim" have the meanings given in section 2930.01 118
of the Revised Code. 119

(C) The chairperson shall submit all recommendations for or 120
against clemency directly to the governor. 121

(D) The chairperson shall transmit to the chief of the adult 122
parole authority all determinations for or against parole made by 123
the board. Parole determinations are final and are not subject to 124
review or change by the chief. 125

(E) In addition to its duties pertaining to parole and 126
clemency, if an offender is sentenced to a prison term pursuant to 127
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 128
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 129
Code, the parole board shall have control over the offender's 130
service of the prison term during the entire term unless the board 131
terminates its control in accordance with section 2971.04 of the 132
Revised Code. The parole board may terminate its control over the 133
offender's service of the prison term only in accordance with 134
section 2971.04 of the Revised Code. 135

Section 2. That existing sections 5149.02 and 5149.10 of the 136
Revised Code are hereby repealed. 137