



**H.B. 332**

125th General Assembly  
(As Introduced)

**Reps. S. Smith, Price, Fessler, Miller, Beatty, Redfern, Carano, Allen, Sykes,  
Brown, Widowfield, Ujvagi, Barrett**

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**BILL SUMMARY**

- Prohibits the Adult Parole Authority and the Parole Board, in determining whether to grant parole to a prisoner, from considering any offense that the prisoner was charged with committing unless the prisoner was convicted of or pleaded guilty to that offense.
- Permits the Adult Parole Authority and the Parole Board to consider any offense of which the offender was convicted or to which the prisoner pleaded guilty.
- Requires the Adult Parole Authority, within six months after the bill's effective date, to recommend statutory parole standards to the General Assembly.
- Upon receipt of those recommendations, requires the President of the Senate, Speaker of the House, and Governor to create a committee to evaluate those recommendations and recommend a bill on parole standards.

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**CONTENT AND OPERATION**

**Pardons, commutations of sentence, reprieves, and parole**

**Current law**

In general, R.C. 2967.03 sets forth the Adult Parole Authority's (APA) powers and duties regarding pardons, commutations of sentence, reprieves, and parole. It specifies that the APA may recommend to the Governor the pardon, commutation of sentence, and reprieve of a convict and may grant a parole to a prisoner, if, in its judgment, there is reasonable ground to believe that granting a

pardon, commutation of sentence, or reprieve to the convict or paroling the prisoner would further the interests of justice and be consistent with the welfare and security of society. The APA cannot recommend a pardon or commutation of sentence for, or grant a parole to, any convict or prisoner until the APA has complied with certain statutory victim notification requirements and has considered any statement made by a victim or victim's representative under a statutory authorization that is in its possession. The APA is permitted to exercise its functions and duties regarding a pardon, commutation of sentence, or reprieve upon direction of the Governor or upon its own initiative and regarding a parole upon the initiative of the head of the institution in which the prisoner in question is confined or its own initiative. When a prisoner becomes eligible for parole, the head of the institution must notify the APA. The APA may investigate and examine, or cause the investigation or examination of, prisoners confined in state correctional institutions concerning their conduct in the institution, their mental and moral qualities and characteristics, their knowledge of a trade or professions, their former means of livelihood, their family relationships, and any other matters affecting their fitness to be at liberty without being a threat to society. Upon the APA's request, the trial judge and prosecuting attorney of the county in which a person was convicted must furnish a summarized statement of the facts proved at trial, and of all other facts having reference to the propriety of recommending a pardon or commutation of sentence, or granting a parole, together with a recommendation for or against a pardon, commutation of sentence, or parole and the reasons for the recommendation. The trial judge of the court, and the prosecuting attorney in the trial, in which a prisoner was convicted may appear at a full board hearing of the parole board and give testimony in regard to the grant of a parole to the prisoner. All state and local officials must furnish the APA any information it requests.

### **Operation of the bill**

The bill provides that in determining whether to grant parole to a prisoner, the Parole Board and the APA is prohibited from considering any offense the prisoner was charged with committing unless the prisoner was convicted of or pleaded guilty to that offense. However, the Board and the APA may consider any offense of which the offender was convicted or to which the prisoner pleaded guilty. (R.C. 2967.03.)

The bill also requires, not later than six months after the effective date of this act, the APA to prepare recommendations on parole standards to be codified in the Revised Code and submit the recommendations to the President and Minority Leader of the Senate and to the Speaker and Minority Leader of the House of Representatives.



Upon receipt of the recommendations, the President of the Senate, the Speaker of the House of Representatives, and the Governor must create a committee in accordance with this section to evaluate the recommendations and to recommend a bill to the General Assembly. The committee must include five members, of which four of the members must be members of the General Assembly, and one of the members must be a person qualified by education or experience. The Speaker of the House of Representatives is required to appoint two members of the committee, who must be members of the House of Representatives and who cannot be members of the same political party. The President of the Senate is required to appoint two members of the committee, who must be members of the Senate and who cannot be members of the same political party. Each member must serve on the committee during the member's term as a member of that General Assembly. The Governor is required to appoint one member of the committee, who must be a person qualified by education or experience in correctional work, including law enforcement, prosecution of offenses, advocating for the rights of victims of crime, probation, or parole, in law, in social work, or in a combination of the three categories. A vacancy in the committee must be filled for the unexpired term in the same manner as an original appointment. The committee must recommend the bill not later than 18 months after the effective date of this act. Upon recommending the bill, the committee will cease to exist. (Section 3.)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	11-18-03	p. 1211

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