

**Ohio Department of Rehabilitation and Correction**  
**Administrative Rule**

**Sentence Reduction**

**5120-2-03**

**Determination of Minimum,  
Maximum and Definite Sentences  
When Multiple Sentences are  
Imposed**

(A) ANY SENTENCE OF IMPRISONMENT TO THE DEPARTMENT OF REHABILITATION AND CORRECTION SHALL BE SERVED CONSECUTIVELY TO ANY OTHER SENTENCE OF IMPRISONMENT IN THE FOLLOWING CASES:

(1) THE TRIAL COURT SPECIFIES THAT IT IS TO BE SERVED CONSECUTIVELY TO ANOTHER SENTENCE;

(2) IT IS IMPOSED FOR A NEW FELONY COMMITTED BY A PROBATIONER, PAROLEE, OR ESCAPEE;

(3) IT IS A THREE-YEAR TERM OF ACTUAL INCARCERATION IMPOSED PURSUANT TO SECTION 2929.71 OF THE REVISED CODE, FOR USING A FIREARM IN COMMISSION OF AN OFFENSE;

(4) IT IS IMPOSED FOR A VIOLATION OF SECTION 2921.34 OF THE REVISED CODE (ESCAPE), DIVISION (B) OF SECTION 2917.02 OF THE REVISED CODE (AGGRAVATED RIOT COMMITTED BY AN INMATE IN A DETENTION FACILITY), OR DIVISION (B) OF SECTION 2921.35 OF THE REVISED CODE (AIDING ESCAPE OR RESISTANCE TO AUTHORITY COMMITTED BY A PERSON CONFINED IN A DETENTION FACILITY).

(B) ANY SENTENCE OF IMPRISONMENT TO THE DEPARTMENT OF REHABILITATION AND CORRECTION SHALL BE SERVED CONCURRENTLY, NOT AGGREGATED, WITH ANY OTHER SENTENCE OF IMPRISONMENT IMPOSED BY A COURT OF THIS STATE, ANOTHER STATE, OR OF THE UNITED STATES, EXCEPT AS PROVIDED IN PARAGRAPH (A) OF THIS RULE.

(C) WHEN MULTIPLE DEFINITE SENTENCES ARE IMPOSED TO RUN CONCURRENTLY, THE PRISONER SHALL BE DEEMED TO BE SERVING THE LONGEST OF THE SENTENCES SO IMPOSED. IF, HOWEVER, THE VARIOUS SENTENCES ARE SUBJECT TO DIFFERENT AMOUNTS OF REDUCTION FOR JAIL-TIME CREDIT AND/OR ARE SUBJECT TO DIFFERENT RATES OF DIMINUTION FOR TIME OFF FOR GOOD BEHAVIOR, THE PRISONER SHALL BE RELEASED AFTER SERVING THE LONGEST DIMINISHED SENTENCE.

(D) WHEN MULTIPLE INDEFINITE SENTENCES ARE IMPOSED TO RUN CONCURRENTLY, THE PRISONER SHALL BE DEEMED TO BE SERVING AND INDEFINITE TERM, THE MINIMUM OF WHICH IS THE LONGEST OF SUCH MINIMUM TERMS AND THE MAXIMUM OF WHICH IS THE LONGEST OF SUCH MAXIMUM TERMS. IF, HOWEVER, THE VARIOUS SENTENCES ARE SUBJECT TO DIFFERENT AMOUNTS OF REDUCTION FOR JAIL-TIME CREDIT AND/OR ARE

SUBJECT TO DIFFERENT RATES OF DIMINUTION FOR TIME OFF FOR GOOD BEHAVIOR, THE PRISONER BECOMES ELIGIBLE FOR PAROLE CONSIDERATION AFTER SERVING THE LONGEST DIMINISHED SENTENCE.

(E) SUBJECT TO THE MAXIMUMS PROVIDED IN THIS RULE:

(1) WHEN CONSECUTIVE INDEFINITE SENTENCES OF IMPRISONMENT ARE IMPOSED FOR FELONY, THE MINIMUM TERM TO BE SERVED IS THE AGGREGATE OF THE CONSECUTIVE MINIMUM TERMS IMPOSED AND THE MAXIMUM TERM TO BE SERVED IS THE AGGREGATE OF THE CONSECUTIVE MAXIMUM TERMS IMPOSED.

(2) WHEN CONSECUTIVE DEFINITE SENTENCES OF IMPRISONMENT ARE IMPOSED, THE TERM TO BE SERVED IS THE AGGREGATE OF THE CONSECUTIVE DEFINITE TERMS IMPOSED.

(3) WHEN A THREE-YEAR TERM OF ACTUAL INCARCERATION IS IMPOSED PURSUANT TO SECTION 2929.71 OF THE REVISED CODE FOR USING A FIREARM IN THE COMMISSION OF AN OFFENSE, IT SHALL BE SERVED CONSECUTIVELY WITH, AND PRIOR TO, THE LIFE SENTENCE OR INDEFINITE TERM OF IMPRISONMENT IMPOSED FOR THE OFFENSE.

(4) WHEN MULTIPLE THREE-YEAR TERMS OF ACTUAL INCARCERATION ARE IMPOSED PURSUANT TO SECTION 2929.71 OF THE REVISED CODE FOR USING FIREARMS IN THE COMMISSION OF MULTIPLE OFFENSES, THE AGGREGATE OF ALL OF SUCH TERMS OF ACTUAL INCARCERATION SHALL BE SERVED FIRST AND THEN THE AGGREGATE INDEFINITE TERM AND/OR LIFE SENTENCE(S) IMPOSED FOR THE OFFENSES SHALL BE SERVED.

(5) WHEN A PERSON IS SERVING ANY DEFINITE TERMS OF IMPRISONMENT CONSECUTIVELY TO ANY INDEFINITE OR LIFE TERMS OF IMPRISONMENT OR TO ANY THREE-YEAR TERMS OF ACTUAL INCARCERATION IMPOSED PURSUANT TO SECTION 2929.71 OF THE REVISED CODE OR TO BOTH, THE AGGREGATE OF ALL SUCH THREE-YEAR TERMS OF ACTUAL INCARCERATION SHALL BE SERVED FIRST, THEN THE AGGREGATE OF THE DEFINITE TERMS OF IMPRISONMENT SHALL BE SERVED, AND THEN THE INDEFINITE OR LIFE TERMS OF IMPRISONMENT SHALL BE SERVED.

(F) CONSECUTIVE TERMS OF IMPRISONMENT IMPOSED SHALL NOT EXCEED:

(1) AN AGGREGATE MINIMUM TERM OF FIFTEEN YEARS, WHEN THE CONSECUTIVE TERMS IMPOSED ARE FOR FELONIES OTHER THAN AGGRAVATED MURDER OR MURDER AND DO NOT INCLUDE ANY THREE-YEAR TERMS OF ACTUAL INCARCERATION IMPOSED PURSUANT TO SECTION 2929.71 OF THE REVISED CODE FOR USING A FIREARM IN THE COMMISSION OF AN OFFENSE.

(2) AN AGGREGATE MINIMUM TERM OF FIFTEEN YEARS PLUS THE SUM OF ALL THREE-YEAR TERMS OF ACTUAL INCARCERATION IMPOSED PURSUANT TO SECTION 2929.71 OF THE REVISED CODE FOR USING A FIREARM IN THE COMMISSION OF AN OFFENSE, WHEN THE CONSECUTIVE TERMS IMPOSED ARE FOR FELONIES OTHER THAN AGGRAVATED MURDER OR MURDER.

(3) AN AGGREGATE MINIMUM TERM OF TWENTY YEARS, PLUS THE SUM OF ANY THREE-YEAR TERMS OF ACTUAL INCARCERATION IMPOSED PURSUANT TO SECTION 2929.71 OF THE REVISED CODE, WHEN THE CONSECUTIVE TERMS IMPOSED INCLUDE A TERM OF IMPRISONMENT FOR MURDER AND DO NOT INCLUDE A TERM OF IMPRISONMENT FOR AGGRAVATED MURDER.

(4) AN AGGREGATE TERM OF EIGHTEEN MONTHS, WHEN THE CONSECUTIVE TERMS IMPOSED ARE FOR MISDEMEANORS WHEN CONSECUTIVE TERMS AGGREGATING MORE THAN ONE YEAR ARE IMPOSED FOR MISDEMEANORS UNDER THE REVISED CODE, AND AT LEAST ONE SUCH CONSECUTIVE TERM IS FOR A MISDEMEANOR OF THE FIRST DEGREE THAT IS AN OFFENSE OF VIOLENCE, THE TRIAL COURT MAY ORDER THE AGGREGATE TERM IMPOSED TO BE SERVED IN A STATE PENAL OR REFORMATORY INSTITUTION.

(G) THERE SHALL BE NO LIMIT TO THE AGGREGATE MINIMUM SENTENCE WHEN AT LEAST ONE SENTENCE IS IMPOSED FOR AGGRAVATED MURDER COMMITTED ON OR AFTER OCTOBER 19, 1981.

(H) THERE SHALL BE NO LIMIT TO THE AGGREGATE OF DEFINITE SENTENCES IMPOSED FOR FELONIES.

EFFECTIVE DATE: 2/29/88

REPLACES: PART OF 5120:1-1-05

PROMULGATED UNDER: 111.15

STATUTORY AUTHORITY: 5120.01

PRIOR EFFECTIVE DATES: 11/12/75; 1/20/80; 8/1/80; 1/16/84; 11/30/87 (EMERGENCY)

SIGNATURE: RICHARD P. SEITER

DATE: FEBRUARY 19, 1988

