



Ohio Administrative Code

Rule 5120-12-02 Screening, selection, and notice of transfer.

Effective: April 16, 2023

(A) All prisoners shall be screened to determine initial transitional control eligibility based on the criteria established in rule 5120-12-01 of the Administrative Code.

(B) Prisoners deemed eligible for transitional control consideration shall be interviewed by a unit manager/designee to receive an explanation of the transitional control program and to determine if the prisoner desires to be considered for transitional control. An institutional summary report shall be prepared for prisoners desirous of further consideration.

(C) Prisoners serving any indeterminate sentence and deemed eligible shall be considered for transitional control by the parole board. If a projected parole date has been determined as of the effective date of this rule, the prisoner shall be considered without a hearing by a panel of the parole board.

(D) Prisoners serving a definite sentence shall be determined eligible for transfer to transitional control by means of a review of the prisoner's record by the adult parole authority.

(E) At least sixty days prior to transferring to transitional control a prisoner who is serving a definite term of imprisonment or definite prison term of less than one year for an offense committed on or after July 1, 1996, or who is serving a minimum term of less than one year under a non-life felony indefinite prison term, the department of rehabilitation and correction shall give notice of the pendency of the transfer to the sentencing court and of the fact that the sentencing court may disapprove the transfer of the prisoner to transitional control. If the court disapproves the transfer of the prisoner to transitional control, the division of parole and community services shall not proceed with the transfer. If the court does not disapprove the transfer, the division may transfer the prisoner to transitional control.

(F) Within the time frames required under section 2930.16 of the Revised Code, the department shall notify any victim or victim's representative who is required to be given notice under section



2930.16 of the Revised Code; the law enforcement agency that arrested the inmate if any officer of that agency was a victim of the offense and is required to be given notice under that section; the prosecuting attorney if required to be given notice under that section; and any member of the victim's immediate family as defined in section 2967.12 of the Revised Code when the family member has requested notification and is required to be given notice under section 2930.16 of the Revised Code of the pendency of the transfer and of the victim's right to submit a statement to the division regarding the impact of the transfer of the prisoner to transitional control. In the case of a notice that pertains to an aggravated murder; murder; an offense of violence as defined in section 2901.01 of the Revised Code of the first, second, or third degree; or an offense for which a sentence of life imprisonment was imposed, if the offense was committed before March 22, 2013 and the department has not previously successfully provided notice to the victim with respect to that offense and the prisoner who committed it, the notice shall inform the victim that the victim may request that the victim not receive any further notices with respect to that offense or the prisoner who committed it. Such notice shall describe the procedure for requesting that further notices not be provided. Notification under this paragraph may be provided by ordinary mail, electronic means, or telephone. If the victim submits a statement, the division shall consider the statement in deciding whether to transfer the prisoner to transitional control.

(G) If it is determined at any time that the prisoner will not be placed on transitional control, the prisoner shall be notified in writing of this fact.