



Ohio Administrative Code

Rule 5120-12-05 Supervision fees, disbursement of earnings, and administration of the transitional control fund.

Effective: October 24, 2011

(A) The adult parole authority may require a prisoner who is transferred to transitional control, including prisoners placed on an electronic monitoring device while under transitional control, to pay a fee to the division of parole and community services for reasonable expenses incurred in supervising or confining the prisoner while in the transitional control program, in accordance with division (E) of section 2967.26 of the Revised Code.

(1) Payments received by the division shall be deposited into the transitional control fund.

(2) A prisoner's inability to pay those expenses shall not be grounds for refusing to transfer an otherwise eligible prisoner to transitional control.

(3) The transitional control fund shall be used solely to pay costs related to the operation of the transitional control program.

(B) Prisoners in the transitional control program working at paid employment shall deposit their total earnings, less legally required payroll deductions or other authorized payroll deductions, into an account maintained through the licensed facility for this purpose. The division of parole and community services shall have the ability to hold, disburse, or supervise the disbursement of these funds.

(C) Prisoners on transitional control status shall meet their financial obligations by the allocation and disbursement of their net earnings as follows:

(1) Up to twenty-five per cent shall be allocated as restitution to the victim(s) of the prisoner's offense(s) if the prisoner voluntarily requests or is under court order to make restitution payments.

(2) If child support payments are not being automatically garnished from a prisoner's wages, up to twenty-five per cent of any money earned by a prisoner who has a dependent child shall be paid as



follows:

- (a) Prisoner earnings shall be paid to the state department of human services when there is a dependent child receiving temporary assistance for needy families (TANF), under Chapter 5107. of the Revised Code.
- (b) Money earned by a prisoner who is an obligor under a child support order shall be paid to the child support enforcement agency administering the order for distribution to the obligee under the order.
- (3) A prisoner residing in a halfway house shall pay twenty-five per cent of the prisoner's total gross income to the transitional control fund, held by the division of parole and community services, to pay costs related to the operation of the transitional control program. A prisoner residing in an approved residence and monitored by an electronic monitoring device shall pay fifteen percent of the prisoner's total gross income or the cost of the electronic monitoring, whichever is less, to the transitional control fund to pay costs related to the electronic monitoring. Prisoners may request a waiver or reduction of these fees upon written request to the supervising authority.
- (4) At least twenty-five per cent of the prisoner's earnings shall be allocated to the prisoner's personal account. A prisoner may authorize payment from the prisoner's personal account upon approval of the supervising authority for the following purposes:
- (a) Reasonable purchases, expenses or fees which are incidental to participating in the transitional control program.
- (b) Payment of pre-existing fines, court costs or outstanding judgments from a court of competent jurisdiction.
- (c) Payment of pre-existing debt, other than debt owed to members of the prisoner's immediate family, which the prisoner acknowledges in writing.
- (d) Such other reasonable purposes that are approved in advance.



(D) Earnings or allowances to prisoners on transitional control shall be collected by the director of the licensed facility where the prisoner is confined. The accounting, computations, and disbursements of such funds shall be made in accordance with procedures established and approved by the division of parole and community services.

(E) Salaries, commissions, fees, bonuses, stipends, and subsidies earned while on transitional control are earnings which shall be included when calculating gross earnings.

(F) Grants, educational loans, social security benefits, pensions, annuities, disability payments, worker's compensation, rental income, gifts, fees received from blood donations, and any other payment the attachment of which is prohibited by law shall not be considered earnings.

(G) In the event a prisoner escapes and remains at large for a year or more, all earnings on deposit shall be forwarded to the transitional control fund to be used to defray the cost of locating and transporting the absconded prisoner.

(H) The division of parole and community services shall administer the transitional control fund, shall deposit all moneys received from prisoners on transitional control into the fund, and shall approve disbursements from the fund. Disbursements from the fund may be used for costs such as the following:

(1) The purchase of materials, supplies, equipment, and other costs associated with the transfer, transportation, supervision, or revocation of prisoners related to transitional control.

(2) The purchase of special services required for prisoners on transitional control.

(3) Other costs not specified that directly relate to the transitional control program or which benefit prisoners on transitional control.

(I) The division of parole and community services shall maintain accurate records of deposits to and expenditures from the fund together with its current balance. The division shall maintain such other information that may be necessary.