



Ohio Administrative Code Rule 5120:1-1-02 Supervision fees.

Effective: April 8, 2017

(A) The department of rehabilitation and correction, division of parole and community services (DP&CS) shall recover from offenders under supervision on or after the effective date of this rule, a supervision fee, pursuant to division (D)(5) of section 5120.56 of the Revised Code. Offenders placed on, or moved to monitored time, shall not pay a supervision fee.

(B) The division of parole and community services shall ascertain the fee to be assessed under this rule after determining the average costs of supervision per offender, and considering the following factors:

- (1) The ability, in general, of the offender population to pay a fee.
- (2) The compliance level desired by the division of parole and community services.
- (3) The offender supervision fees assessed by other states.

(C) The procedure for recovery of this fee shall be as follows:

- (1) No later than the offender's first reporting visit to the assigned adult parole authority (APA) office and officer, the offender shall sign conditions of supervision, pursuant to rule 5120:1-1-12 of the Administrative Code.
- (2) The conditions of supervision shall include a condition that the offender pay a supervision fee during the offender's period of supervision. The condition shall specify a supervision fee of twenty dollars per month of APA supervision.
- (3) The offender shall be advised of this condition prior to signing the conditions of supervision. The offender shall also be advised that he/she may contest the assessment of the fee pursuant to the provisions of this rule, and that the assessment of the fee may be waived by the DP&CS pursuant to



this rule.

(4) The offender shall make a monthly payment of supervision fees in a manner authorized by the division of parole and community services.

(5) Supervision fee payments will commence thirty days following the offender's release, unless the APA officer determines during the offender's first reporting visit that the offender is unemployed and unable to make the payment. In that event, the supervision fee payments will commence sixty days following the offender's release.

(D) The offender may object to the assessment of the fee by submitting a written grievance to the assigned APA officer. The written grievance must contain information regarding any ongoing permanent injury or condition that affects the offender's ability to provide for himself or herself.

(E) The regional administrator or designee shall review the written grievance submitted by the offender, and shall notify the offender, in writing, of the final decision regarding the assessment of the supervision fee.

(F) The department of rehabilitation and correction shall not impose a supervision fee if, due to an ongoing permanent injury or condition, the imposition of the fee would unjustly limit the offender's ability to provide for the offender after incarceration. The regional administrator may require the offender to substantiate any injury or condition, with documentation from a health care professional. Criteria for evaluating an offender's ongoing permanent injury or condition, and the ability of that type of offender to provide for himself or herself after incarceration, shall include the following factors:

(1) Impairment. The extent to which the injury substantially impairs a major life activity.

(2) Mobility. The extent to which the injury limits the offender's ability to move about in the community.

(3) Permanence. The extent to which the injury leads to an ongoing, chronic condition.



(4) Treatment. The extent to which ongoing treatment or medication impairs the offender's ability to maintain employment or provide for the offender.

(G) The division of parole and community services may waive the imposition of the supervision fee, or a portion thereof, at any time during the offender's supervision, if the presence of any of the following conditions make collection of the fee unduly burdensome upon the offender.

(1) The offender is already under a court order to make restitution to the victim(s) of his/her offense, or a civil judgment to pay damages to the victim(s).

(2) The offender is already under a court order to make child support payments.

(3) The offender can show that he/she is indigent, and can not provide for himself/herself if the collection of the supervision fee is imposed.

(4) The offender is paying a supervision fee to another jurisdiction.

(H) The decision to waive the supervision fee, or a portion thereof, may be reviewed by the division of parole and community services periodically as circumstances warrant.

(I) An offender may substitute community service in lieu of paying monthly supervision fees with approval of the division of parole and community services. Eight hours of community service will be the equivalent of one month's supervision fees.

(J) All moneys collected by or on behalf of the department under section 5120.56 of the Revised Code shall be deposited by division of parole and community services business office into the offender financial responsibility fund of the state treasury. The division of parole and community services shall follow existing DRC division of business administration guidelines for the method, frequency, accounting and transfer of the deposits.

(K) No offender shall be subject to a revocation of parole, or the imposition of a jail or prison sanction solely for nonpayment of the supervision fee. No offender's supervision shall be extended, nor shall a final release from supervision be denied, solely for nonpayment of supervision fees.



However, the payment or nonpayment of fees may be considered by the supervising officer, in addition to other factors relating to the offender's performance under supervision, in deciding whether to recommend a final release from parole supervision or to recommend an early termination of the period of the offender's post-release control. The payment or nonpayment of fees may be considered by a hearing officer, in addition to other factors relating to the offender's performance under supervision, in any violation proceeding.

(L) If an offender receives a final release from parole, or termination of post-release control supervision, and has unpaid supervision fees, the supervision fee administrator shall notify the offender, in writing, of the total unpaid amount, and demand the payment of that amount in full. If payment is not received in forty-five days, the supervision fee administrator shall certify the overdue amount to the attorney general's office - revenue recovery section, for collection.

(M) The department of rehabilitation and correction may expend funds in the offender financial responsibility fund for goods and services of the same type as those for which offenders are assessed. The money collected as supervision fees shall be used strictly for goods and services related to the supervision or rehabilitative needs of offenders.

(N) The division of parole and community services shall monitor the collection of supervision fees and annually report the following information:

- (1) The number of offenders who have paid fees.
- (2) The number of offenders who have been exempted from payments of fees.
- (3) The number of offenders who have not complied with payment of fees.
- (4) The total amount of fees received.
- (5) The total estimated costs of administering the system.
- (6) The types of goods and services purchased from the collection of the fees.



The report will be produced by the division of parole and community services and provided to the director and the chair of the joint committee on agency rule review. The report will be subject to section 149.43 of the Revised Code.

(O) The division of parole and community services shall assess a fee of eighty-five dollars to accompany an application filed by an offender for transfer of the offender's supervision to another state pursuant to the interstate compact for adult offender supervision. The division may waive the application fee if the offender demonstrates that the offender is indigent and unable to procure the fee. Application fees collected pursuant to this division shall be deposited by the division in the offender financial responsibility fund in the same manner prescribed in paragraph (J) of this rule.