



Ohio Administrative Code

Rule 5120:1-1-33 Release to state or federal detainer.

Effective: [March 22, 2021](#)

(A) No inmate shall be released from an institution when a detainer has been placed against the inmate by lawful authorities to answer for criminal charges or completion of sentence within the jurisdiction of such authorities, except pursuant to this rule and:

(1) Interstate agreement on detainees, section 2963.30 of the Revised Code.

(2) The procedures in section 2941.401 of the Revised Code.

(B) At least thirty days prior to the scheduled release of any such inmate, notification of the pending release date shall be communicated to the authority that placed the detainer. Such notice shall be given without regard to whether or not the release is pursuant to rule 5120:1-1-10 of the Administrative Code or upon completion of maximum sentence.

(C) Inmates subject to detainer upon completion of maximum sentence shall be released on the date specified. In no event shall such inmate remain in custody of the department of rehabilitation and correction beyond the expiration date of sentence upon request of the detaining authority or otherwise.

(D) Inmates otherwise eligible for release pursuant to rule 5120:1-1-10 of the Administrative Code may, at the discretion of the parole board, be released:

(1) Subject to notification to a detaining authority that the inmate is to be released. Failure of the detaining authority to notify the managing officer of the holding institution of its intent to take the inmate into custody shall result in the removal of the detainer.

(2) Subject to enforcement of a detainer as a precondition of release. Failure of the detaining authority to make arrangements to take such releasee into custody on the scheduled date of release, unless extended by the parole board upon request, will cause the removal of the detainer. The inmate



shall be notified of such conditional release, and the consequences of such failure, pursuant to paragraph (D) of rule 5120:1-1-10 of the Administrative Code.

(E) If the detainer is from another state and the inmate has declined to waive extradition, the inmate shall be delivered on the scheduled release date to the sheriff of the county in which the inmate is incarcerated pending extradition to the detaining authority.

(F) Release on detainer pursuant to this rule shall be at no expense to the state of Ohio.