



DISPOSITION OF PENDING CHARGES

THE OHIO “FAST AND SPEEDY TRIAL ACT” AND THE INTERSTATE AGREEMENT ON DETAINERS

Ohio’s Fast and Speedy Trial Act allows a person serving a sentence in an Ohio correctional institution to request the speedy disposition of any untried indictment, complaint, or bill of information that is pending against them in Ohio. A disposition is a final settlement or determination of your case. This could be a finding of guilty or not guilty, or it could be dismissing the charges. If the request for speedy disposition is properly made and served on the required individuals, there must be a disposition within 180 days, or the charge(s) must be dismissed. The Interstate Agreement on Detainers (IAD) applies to charges outside of Ohio, but it has more requirements and is not always available.

Under both the Fast & Speedy Trial Act and the IAD, you **DO NOT** file requests for speedy disposition directly with the court. Instead, you must request that ODRC send a request for final disposition to the prosecutor in the charging jurisdiction.

I. The Basics: How to Request a Speedy Disposition

NOTE: ODRC checks for detainers when you first arrive at prison. If they contact you and provide you with forms to complete to request a disposition, you do not need to follow the steps listed below *unless* you have additional charges (if you have no additional charges you can skip to step 4 below).

1. Obtain basic information about your detainer

If you have a case pending in Ohio, you will want to obtain the following information:

- County, City, State of offense
- Case Number
- Whether it is a Felony or Misdemeanor
- What the Offenses are
- Either the date the warrant was issued or date of the offense

If you have a case pending outside of Ohio, you will need the above information **AND** the name and address of the prosecutor.

NOTE: There are a few ways to get the above information. You can ask friends or family outside of ODRC for help (they can look online at the clerk of courts website, or call the clerk of courts, or go in-person to the clerk of courts). Alternatively, you can fill out the physical form found later in this packet (“Request for Case Information – Clerk of Courts”)



and mail that to the clerk of courts for the jurisdiction where your case is pending. When you write to the Clerk, include a self-addressed, postage-paid envelope with each request you make. This will increase the chances that the Clerk's office will send you the information you request.

2. Send an Electronic Kite to the Detainers Section

The next step is to use the information you gathered above to electronically kite the Central Records office. First, log onto your tablet. Once you are logged on select the "FREE" tab near the top of the screen. One of the first options should be "Kites;" press the "Details" button to open the Kites app (note that "Kites" may not be available during court). Next, press the "Requests" option. You should now have many different options to select from; find and select the option "Bureau of Records Management (BORM)." A pop up should appear with some options; you should select "Kite - F&S or IAD – Detainer/Warrant."

In the "Summary of Request" box you should write "Request for Disposition of Pending Charges." Next, select either in state or out-of-state depending on where your charges originate from. After that, you will need to type out the information for your case. Making your request as clear as possible will help it be processed as fast as possible. Line by line, describe the information you are about to provide and then write it out (**see the example below**). If you do not have all the information listed above, you can still submit a request, but this will require the Detainers Section to do the research themselves, which will likely increase the amount of time it takes to complete the request. If you have charges out of multiple counties, or both in-state and out-of-state, you should submit an individual request for each.

Example:

Request for Disposition of Pending Charges

County, City, State of offense – Franklin County, Columbus, Ohio

Case Number – 24CRA123456

Felony or Misdemeanor – Felony

Offenses – R.C. 2925.03 Trafficking, R.C. 2903.11 Felonious Assault

Date of warrant/offense – Warrant issued 1/1/2024

Prosecutor Name / Address – (only necessary if charges are out of state)

NOTE: If you have not yet been given a tablet, there may be a community tablet available in your unit. Otherwise, you can ask your case manager about how you can get a tablet or ask your case manager about how you can request a disposition of a pending case. If you encounter difficulties with this process, you can contact the Ohio Public Defender and explain what steps you have taken.

3. Wait for a Response from the Detainers Section

Once the request is submitted, the Detainers Section will review it and determine if the case is eligible for either the Fast and Speedy Trial Act or the Interstate Agreement on Detainers. If the case is eligible, you should be provided with **physical** forms to fill out to initiate the process. You should complete the forms, take note of when you completed the

forms, and retain any documentation of the process provided to you (if you aren't given any documentation, you can request it via another electronic kite). **It is important to take notes and retain documents, because these may help you get the case dismissed in the future.**

To check and see if BORM has responded to your request or to note when your request was submitted, you can go to the "Kites" app and then go to the "Requests" screen. From there you should see many different options of who to contact; near the top there are options for "Request Inbox," "Sent," "Staff Sent," and "Closed." Any responses you received and a copy of the message you sent can be found by selecting those options.

If you are told the case is ineligible, there could be several different reasons why. You can check Section IV below to see what cases are eligible. If you are told a case is not eligible, and you believe BORM is mistaken, you can contact the Ohio Public Defender, provide the information you sent to BORM, and explain why you were told it was not eligible.

4. Disposition or Dismissal

After BORM completes the request, the prosecutor for the jurisdiction where your charges are pending is notified via certified mail. The prosecutor must give you an opportunity to dispose of your charges. This usually means the sheriff comes to pick you up and transports you to that jurisdiction for proceedings.

If you are not transported or the case is not otherwise disposed of, then 180 days after you properly submit the forms ODRC provided, you have grounds to get your case dismissed. **It is not recommended that you file a motion to dismiss on your own.** You can contact the Ohio Public Defender; we can confirm whether your case should be dismissed and advise you on next steps. If you contact us, please **provide us with dates and documentation** related to your request for disposition.

NOTE: If you file a motion to dismiss without proper documentation or without specifying that you are asking for a dismissal on grounds of R.C. 2941.401 or 2963.30, your motion will likely be dismissed, and your case will remain active. Proper documentation means paperwork from BORM confirming they delivered your request to the prosecutor.

II. What Is a Request for Speedy Disposition?

It is an official request to be brought back to court to dispose of one or more pending charges. It is not the same as your statutory or constitutional right to a speedy trial.

Two laws allow someone being held in Ohio to request a speedy disposition of a pending, untried charge. If the case you are trying to resolve is pending in Ohio, the relevant statute is R.C. 2941.401 (see page A-1). This is known as the "Fast and Speedy Trial Act." If your case is pending in federal court or any state other than Ohio, the relevant statute is R.C. 2963.30 (see page A-2). This is known as the Interstate Agreement on Detainers, or the "IAD."

A request for speedy disposition does not affect how you deal with the charges. You may accept a plea offer, demand a trial, or otherwise respond to the charges as you see fit. If you are eligible, you may have an appointed attorney represent you.

NOTE: A “notice of availability” filed by you directly with the trial court *is not* a request for speedy disposition under R.C. 2941.401 *or* under R.C. 2963.30. If you only file a “notice of availability” and fail to contact the Detainers Section, the 180-day deadline to dispose of your case will not start, and you will not have grounds to dismiss your case. The *only* way to start the 180-day deadline is to have ODRC send your request for disposition to the prosecutor. There are situations when filing a “notice of availability” might make sense, such as when your charge is not eligible for a statutory request for disposition, but your first step should be to contact BORM.

III. Why Should I File for a Speedy Disposition?

If a request for speedy disposition is made correctly *and* you are not given the opportunity to resolve your case within 180 days, the state will be required to dismiss your charges. This is true for any pending, untried criminal charge – felony or misdemeanor.

Even if your case is not ultimately dismissed and you are convicted, you will still likely reduce the overall amount of time you will spend incarcerated. For example, the sentence you receive may be served concurrently with the ones you are currently serving. Even if your new charges are consecutively imposed, you may avoid the hassle of having to restart the process of being admitted to prison under a new number, processing through an intake facility, and so on.

When will my charges be dismissed if my pending case is in Ohio?

If your charges are pending in Ohio, then R.C. 2941.401 is the controlling statute. A recent decision by the Supreme Court of Ohio found that the 180-day deadline mentioned above begins when you submit your request for disposition and it reaches the Warden of your institution. *State v. Williams*, 173 Ohio St.3d 129, 2023-Ohio-3647. 180 days after your request reaches your Warden, you are eligible to file a motion with the court to have your charges dismissed.

When will my charges be dismissed if my pending case is in another state or a federal court?

Charges currently pending in another state or in a federal court are controlled by R.C. 2963.30. This is Ohio’s enactment of the IAD. The Supreme Court of the United States has ruled that, under the IAD, the 180-day deadline does not begin until the prosecutor and the trial court judge *actually receive* your request for disposition of your charges. *Fex v. Michigan*, 507 U.S. 43, 52 (1993). 180 days after your request is received by the prosecutor and the court, you are eligible to file a motion with the court to have your charges dismissed.

Please be aware of this important timing difference between R.C. 2941.401, for charges pending in Ohio, and R.C. 2963.30, for charges pending in another state or in a federal court.

IV. Am I Able to Request a Speedy Disposition?

The rules on requesting speedy dispositions are specific, and you must fulfill certain requirements to be eligible.

Requirement #1 – Where You are Being Held.

If your pending charges come from an Ohio court, you must be held in an ODRC facility to request a disposition of your charges. You must be in ODRC custody when you make your request and, to have charges dismissed, you must be in ODRC custody for the entire 180-day waiting period. You may not request a speedy disposition from a county jail or other lock-up if your pending charges come from an Ohio court. NOTE: If you are being held at LORCI or ORW while waiting for a PRC violation hearing, ODRC will not process your request for disposition of pending charges as you are not considered to have “entered upon a term of imprisonment” while in that status. If you receive a sanction for that violation, ODRC *will* process your request while you are serving your sanction time.

If your pending charges come from a federal court or a state court outside Ohio, you may request a speedy disposition under the IAD from an Ohio prison or from a county jail or other lock-up. You must be incarcerated or in lock-up for the entire 180-day waiting period for your case(s) to be eligible for dismissal.

Requirement #2 – Charges Must be Untried.

Because a speedy disposition only applies to pending cases, you must have *untried criminal charges* brought against you by a prosecutor. “Untried criminal charges” means there is not yet a judgment or other decision in your case. You may NOT request a speedy disposition in either of the following situations: community-control, probation, parole, or postrelease control revocation or violation proceedings; or warrants based on an investigation that has not yet produced any formal criminal charges.

Requirement #3 – What Are Your Charges?

If your pending, untried charge relates to a misdemeanor complaint, and ODRC tells you that the Fast & Speedy Trial Act (R.C. 2941.401) does not apply to you, please write to this office at the address listed on page 6 of this packet. Misdemeanor complaints *are eligible* for resolution under the Fast & Speedy Trial Act.

Requirement #4 – You Must Have an Active Case.

If you believe that you have committed a crime, but have not yet been charged, you are not eligible to request a speedy disposition. Until you have an untried criminal charge, you will not be able to resolve the matter.

- Not having a charge is a good thing! You can’t be found guilty if there are no charges.
- Prosecutors make the decision regarding whether to bring charges in any given case. If there are no charges, **DO NOT** contact the prosecutor and ask about potential charges! Your contact with the prosecutor’s office could cause them to investigate or charge you, and anything you say will be used against you.
- Your prosecutor must bring charges within a period of time known as the “statute of limitations.” R.C. 2901.13 lists the time limits for various charges in Ohio. While there are some general time limits based on whether your alleged crime is a felony or a

misdemeanor, there are several exceptions. If you would like to find the statute of limitations for a particular crime, please visit the law library and review this statute.

Requirement #5 – For a Request Under the IAD, an Official Detainer Must be Filed

Before the IAD can apply, there must be an official detainer lodged with ODRC. *See State v. Jennings*, 2007-Ohio-7015 (10th Dist.), at ¶ 10. For the IAD, a warrant alone is not a detainer which allows you to demand a disposition. Only an official detainer allows you to file under the IAD.

To qualify as an official detainer, the charging jurisdiction must notify ODRC of the warrant and request the subject of the warrant be held on it once the prison term they are currently serving ends. *See, e.g., Tucker v. United States*, 569 A.2d 162, 164-67 (D.C. 1990). No jurisdiction is obligated to lodge an official detainer, and aside from having counsel in that jurisdiction ask local officials to do so or asking yourself, there is nothing that can be done if the charging jurisdiction is unwilling to do so.

IF YOU HAVE FURTHER QUESTIONS, CONTACT THE INTAKE SECTION AT THE OHIO PUBLIC DEFENDER’S OFFICE IN COLUMBUS, AT THE FOLLOWING ADDRESS:

<p>OHIO PUBLIC DEFENDER INTAKE SECTION 250 E. BROAD STREET, SUITE 1400 COLUMBUS, OHIO 43215</p>

Rev. 4/30/24

Request for Case Information – Clerk of Courts

Clerk of Courts:

Date: _____

NAME OF COURT

STREET ADDRESS

CITY, STATE, AND ZIP CODE

Dear Clerk:

I, _____, am currently incarcerated at
NAME AND INSTITUTIONAL NUMBER

NAME OF INSTITUTION

I believe that I have one or more pending criminal cases in your jurisdiction, in which I would like to request a final disposition in accordance with state and/or federal law. I am therefore requesting that you provide me with the following information for any pending cases that I may have in your jurisdiction:

County, City, and State of offense(s); Case Number(s); Offense(s); Date(s) warrant(s) issued, or Date(s) of Offense(s); whether each offense is a felony or a misdemeanor.

My date of birth is: _____.

My Social Security Number is: _____.

My approximate date of arrest in your jurisdiction was: _____.

On the following page, please list the information requested above, as well as any other information or developments related to my outstanding case(s). I have enclosed a self-addressed, postage-prepaid envelope for your convenience. Thank you for your cooperation in this matter.

Respectfully submitted,

SIGNATURE

NAME AND INSTITUTIONAL NUMBER

INSTITUTION

ADDRESS

CITY, STATE, ZIP CODE

R.C. 2941.401
FAST & SPEEDY TRIAL

When a person has entered upon a term of imprisonment in a correctional institution of this state, and when during the continuance of the term of imprisonment there is pending in this state any untried indictment, information, or complaint against the prisoner, the prisoner shall be brought to trial within one hundred eighty days after the prisoner causes to be delivered to the prosecuting attorney and the appropriate court in which the matter is pending, written notice of the place of the prisoner's imprisonment and a request for a final disposition to be made of the matter, except that for good cause shown in open court, with the prisoner or the prisoner's counsel present, the court may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the warden or superintendent having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time served and remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the adult parole authority relating to the prisoner.

The written notice and request for final disposition shall be given or sent by the prisoner to the warden or superintendent having custody of the prisoner, who shall promptly forward it with the certificate to the appropriate prosecuting attorney and court by registered or certified mail, return receipt requested. If the appropriate prosecuting attorney and agency having custody of the prisoner have previously agreed, then the written notice, request, and certificate may be sent by electronic mail or facsimile, in lieu of registered mail or certified mail.

The warden or superintendent having custody of the prisoner shall promptly inform the prisoner in writing of the source and contents of any untried indictment, information, or complaint against the prisoner, concerning which the warden or superintendent has knowledge, and of the prisoner's right to make a request for final disposition thereof.

Escape from custody by the prisoner, subsequent to the prisoner's execution of the request for final disposition, voids the request.

If the action is not brought to trial within the time provided, subject to continuance allowed pursuant to this section, no court any longer has jurisdiction thereof, the indictment, information, or complaint is void, and the court shall enter an order dismissing the action with prejudice.

This section does not apply to any person adjudged to be mentally ill or who is under sentence of life imprisonment or death, or to any prisoner under sentence of death.

R.C. 2963.30
THE INTERSTATE AGREEMENT ON DETAINERS

The contracting states solemnly agree that:

Article I

The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations or complaints, and difficulties in securing speedy trials of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

Article II

As used in this agreement:

- (a) "State" shall mean a state of the United States[:]; the United States of America[:]; a territory or possession of the United States[:]; the District of Columbia[:]; the Commonwealth of Puerto Rico.
- (b) "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to Article III hereof or at the time that a request for custody or availability is initiated pursuant to Article IV hereof.
- (c) "Receiving state" shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to Article III or Article IV hereof.

Article III

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint: provided that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount

of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, commissioner of corrections or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his rights to make a request for final disposition of the indictment, information or complaint on which the detainer is based.

(d) Any request or [for] final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections or other officials having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

Article IV

(a) The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with Article V (a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated:[,] provided that the

court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request:[,] and provided further that there shall be a period of thirty days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(b) Upon receipt of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(c) In respect of any proceeding made possible by this Article, trial shall be commenced within one hundred twenty days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(d) Nothing contained in this Article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(e) If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to Article V (e) hereof, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

Article V

(a) In response to a request made under Article III or Article IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in Article III of this agreement. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place of trial, whichever custodian arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

(1) Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given.

(2) A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV hereof, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction,[:] except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(h) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner,[:] the provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

Article VI

(a) In determining the duration and expiration dates of the time periods provided in Articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(b) No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill, or who is under sentence of death.

Article VII

Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement.

Article VIII

This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

Article IX

This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any agreement, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.