ND INTERSTATE COMPACT STATE COUNCIL

MINUTES FROM MAY 11, 2021 MEETING

Members present:

Molly Goebel, Special Assistant Attorney General

Heidi Smith, Victim Representative

Amy Vorachek, ND Commissioner, DOCR

Dave Krabbenhoft, Director, DOCR

Wade Enget, State's Attorney

Members absent:

Representative Pat Heinert

Judge Doug Mattson

Senator Scott Meyer

Guests/Staff present:

Alyssa Miller, ND Deputy Compact Administrator, DOCR

1. Call to Order: Amy Vorachek called the Interstate Compact State Council to order at 10:36 a.m. on May 11th, 2021 via Microsoft Teams.
2. Approval of Prior Meeting Minutes: Heidi Smith moved to approve the minutes from the prior North Dakota Interstate Compact Council Meeting on May11th; Dave Krabbenhoft, seconded; unanimous approval.

1. Legislative Bill Updates:
   * 1. Commissioner Vorachek informed the council North Dakota Senate Bill 2105 passed. It clarifies the differences in probable cause requirements when North Dakota is the sending state and when North Dakota is the receiving state. It also provides additional detail around the type of warrants needed. These changes bring state law into more clear alignment with the ICOAS Compact Rules, which have the effect of federal law.
     2. Commissioner Vorachek informed the council North Dakota Senate Bill 2106 passed. It adds the language “or parolees” to clarify fees for interstate travel apply to individuals who have transferred to another state via the Compact, whether on probation or parole. Fund 321, which the DOCR uses to pay for retaking, is applicable to both probationers and parolees; therefore, it is appropriate the fees for interstate travel apply to both. Senate Bill 2106 removes language requiring the department to pay the fee when it has been waived. In practice, the department waives very few fees but there may be instances where waiving fees is justified. Senate Bill 2106 also adds language to provide authority for the department to pay a fee of one hundred fifty dollars when the application is made by a parolee to transfer supervision to another state.
2. Upcoming ABM:
   1. Due to the continued risk of COVID-19 the National Office has changed the Annual Business Meeting to a virtual meeting September 27-29, 2021.
   2. This is a rule voting/changing year. Because the ABM is virtual, all council members will be invited. An invite will be forwarded out once it is received.
3. COVID Update: Commissioner Vorachek provided an update on Rule 4.111. Hawaii has requested an extension of the rule, which Compliance Committee approved.
4. Compliance Dashboard:
   1. Alyssa Miller presented the compliance dashboard and statistics were presented by
   2. It is important to note that although the National Office has suspended audits, ND remains above the national average for compliance rates in every category. The compliance dashboard is attached for review.
5. DCA Miller reviewed the 2021 ICAOS Rule Proposals:
   1. 2021 Warrant Timeframe Amendments (Rules Committee): All rules would be altered to show a “15 day” timeframe for warrants to be obtained, which would affect Rules 2.110, 4.111, 5.101, 5.102, 5.103 and 5.2013-1.
   2. 2021 Rule 1.101 Definition of ‘Resident’ (Rules Committee): Two rule proposals were brought forward for changing the definition of “resident.” (Midwest Region):
      1. The Midwest Region brought forward a rule proposal to have the timeframe match up throughout the ICAOS rules, such as resident family etc. However, this proposal was withdrawn.
      2. The definition proposed by the Rules Committee will be moving forward; it creates parallels between other applications that require a timeframe for residents (ex: college applications) and will require an individual to reside in the receiving state for 1 year.
   3. 2021 Rule 5.108 (Midwest Region)
6. The provides “no waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to 1 or more violations of the conditions of supervision that would result in the pursuance of revocation of supervision in the receiving state and require retaking.”
7. This will avoid non-essential retakings.
   1. 2021 By-LawArt2Sec2 (Executive Committee): The National District Attorney Association (NDAA) has been added as an ex-officio member.
8. Meeting Adjourned: Dave Krabbenhoft, moved to adjourn the meeting; Heidi Smith seconded; unanimous approval. Meeting adjourned at 11:17 a.m.