



INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

THIRD ANNUAL BUSINESS MEETING

October 26-27

**The Westin-Buckhead Hotel
3391 Peachtree Rd.
Atlanta, Georgia**

Tuesday, October 26, 2004

The meeting was called to order by Chairman D. Guntharp at 8:30 a.m. Following welcoming remarks, an overview of the Agenda, voting procedures for rules, and orders of the day, Chairman D. Guntharp asked for roll to be called.

Roll was called by Executive Director D. Blackburn. 48 of 51 members were present (IL, NH, and NM absent), thereby constituting a quorum.

Alabama	Robert Oakes
Alaska	Letoni Tupou
Arizona	Dori Ege
Arkansas	David Guntharp
California	Sharon Jackson
Colorado	Jeanne Miller
Connecticut	Theresa Lantz
Delaware	Karl Hines
District of Columbia	Paul Quander, Jr.
Florida	R. Beth Atchison
Georgia	Joe Kuebler
Hawaii	Ronald Hajime
Idaho	David Nelson
Indiana	Jane Seigel
Iowa	Jeanette Bucklew
Kansas	Robert Sanders
Kentucky	Angela Tolley
Louisiana	Eugenie Powers

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Maine	Wayne Theriault
Maryland	Judith Sachwald
Michigan	Joan Yukins
Minnesota	Ken Merz
Mississippi	Christopher Epps
Missouri	Wanda LaCour
Montana	Mike Ferriter
Nebraska	Harold Clarke
Nevada	Amy Wright
New Jersey	John D'Amico
New York	Michael DePietro
North Carolina	Sherry Pilkington
North Dakota	Warren Emmer
Ohio	Harry Hageman
Oklahoma	Milton Gilliam
Oregon	Scott Taylor
Pennsylvania	Benjamin Martinez
Puerto Rico	Alexis Bird
Rhode Island	A. T. Wall
South Carolina	D. Ann Hyde
South Dakota	Ed Ligtenberg
Tennessee	Gary Tullock
Texas	Kathie Winckler
Utah	Leo Lucey
Vermont	Jacqueline Kotkin
Virginia	James Camache
Washington	Doreen Geiger
West Virginia	Henry Lowery
Wisconsin	William Rankin
Wyoming	Les Poszgi

After roll call Executive Director D. Blackburn recognized ex-officio members:

- Pat Tuthill *Victim's Representative APPA*
- Gerald Vandewalle *Conference of Chief Justices*
- Denton Darrington *National Conference of State Legislators*
- Kermit Humphreys *National Institute of Corrections*
- Dave Byers *Conference of State Court Administrators*

Chairman D. Guntharp recognized Commissioner J. Kuebler to introduce guests Garland Hunt from Georgia Parole Board and James Donald, State of Georgia Corrections Commissioner. Guest Garland Hunt commented on the importance of the reentry process and supervision of parolees and how the Compact's accomplishments have positively affected these processes. Guest James Donald commented on the importance of a balanced correction system and the goodness of the Interstate Compact.

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Chairman D. Guntharp called on Executive Director D. Blackburn to introduce the National Office Staff. Chairman D. Guntharp called on states to recognize their guests present.

- Motion to approve the November 3-5, 2003 minutes and the March 12, 2004 minutes made by Commissioner J. D'Amico, seconded by Commissioner M. Gilliam. Commissioner K. Winckler requested that on page 16 of the November 5, 2003 minutes under Bylaws that "Article VII" be replaced with "Article VI." Motion passed to approve minutes with change.

Chairman D. Guntharp recognized Legal Counsel R. Masters to propose by-law amendments.

- Motion to amend Article II to include three additional ex-officio members "National Institute of Corrections, American Parole and Probation Association, and the Association of Paroling Authorities International" made by Commissioner K. Merz, seconded by Commissioner K. Winckler. Passed Unanimously.
- Motion to amend Article III, Section 4 regarding Officer Vacancy giving the Executive Committee permission to appoint a successor to an unexpired vacant office was made by Commissioner E. Ligtenberg, seconded by Commissioner C. Epps. Passed Unanimously.

Chairman D. Guntharp requested the meeting go into Executive Session to discuss the lawsuit in which the Commission is involved with Pennsylvania, and stated that the Commission must have a 2/3rds vote of the commissioners to do so. R. Masters, the Commission's Chief Legal Officer, certified to the Commission that in his opinion the meeting may be closed to the public for this discussion under Article VII of the Compact because the subject matter relates to the Interstate Commission's participation in a civil action to which it is a party.

- Motion to go into Executive Session made by Commissioner W. Theriault, seconded by Commissioner J. Sachwald. Executive Director D. Blackburn takes a roll call vote. Motion passed unanimously.

Meeting went into Executive session at 9:15 a.m. and reconvened at 10:15 a.m.

Chairman D. Guntharp explains process of voting on the rules and amendments. Chairman D. Guntharp recognized Rules Committee Chair K. Winckler to present the proposed rules and amendments.

Sec 1.101

- Motion to amend (h) *Definition of Compliance*-to delete "interstate compact" and change "condition" from singular to plural made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Motion passed.
- Motion to amend (r) *Definition of Resident*-to add numbering and replace "with the intent" with "intends" made by Commissioner K. Winckler,

seconded by Commissioner M. Gilliam. A friendly amendment brought by Commissioner B. Martinez to add the word “immediately” before “prior,” withdrawn. A friendly amendment brought by Commissioner J. D’Amico to add “; and” between the numbered sections of the definition, accepted. Motion passed.

- Motion to amend (s)(1) *Definition of Resident Family*-to add “as of the date of the transfer request” made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Motion passed.
- Motion to amend (ee) *Definition of Victim*-to add “and has registered for notification under the laws of the sending or receiving state” made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Commissioner W. Theriault offers friendly amendment to remove the word “natural,” not accepted. Commissioner K. Winckler withdraws motion and motion fails.
- Motion to amend (ee) *Definition of Victim*-change “registered” to “requested” made by Commissioner J. Kotkin, seconded by J. Sachwald. Motion is withdrawn.
- Motion to amend (ee) *Definition of Victim*-to add “and has registered for notification under the laws of the sending or receiving state” made by Commissioner S. Taylor, seconded by Commissioner H. Hageman. Commissioner D. Ege offers friendly amendment to add “known” before the word “victim,” and is accepted. Commissioner H. Hageman calls to question, seconded by Commissioner L. Tupou. Debate closed and motion fails.
- Motion to adopt *Definition of Substantial Compliance*-“means that an offender is sufficiently in compliance with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending state” made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Motion passed.
- Motion to amend *Definition of Substantial Compliance*-to add “or violation” made by M. DePietro, dies for lack of second.

Sec. 1.101 Definitions

(h) “Compliance” means that an offender is abiding by all terms and conditions of supervision, including payment of restitution, family support, fines, court costs or other financial obligations imposed by the sending state.

(r) “Resident” means a person who—

- (1) has continuously inhabited a state for at least one year prior to the commission of the offense for which the offender is under supervision; and
- (2) intends that such state shall be the person’s principal place of residence; and
- (3) has not, unless incarcerated, relocated to another state or states for a continuous period of six months or more with the intent to establish a new principal place of residence.

- (s) “Resident family” means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who—
- (1) has resided in the receiving state for 180 days or longer as of the date of the transfer request; and
 - (2) indicates willingness and ability to assist the offender as specified in the plan of supervision.

- (aa) “Substantial compliance” means that an offender is sufficiently in compliance with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending state.

Sec 2.105

- Motion to amend definition of “misdemeanants” and addition of (a)2-“an offense that involves the use or possession of a firearm” made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam Motion passed.
- Motion to amend to change “shall” to “may” made by Commissioner S. Taylor, seconded by Commissioner S. Jackson. Motion fails.
- Friendly amendment offered by Commissioner W. Rankin to change the word “victim” to “person” accepted.
- Motion to amend to add “as determined by sending state” made by Commissioner R. Sanders, seconded by Commissioner W. LaCour. Motion failed.
- Motion to amend made by Commissioner J. Yukins to move back to original language for clarification, seconded by Commissioner A. Hyde. Motion failed.
- Motion to amend made by Commissioner S. Jackson to add “probation” before supervision, dies for lack of a second.
- Motion to amend to include #2-“an offense that involves the use or possession of a firearm” in original rule made by Commissioner A. Wright, seconded by Commissioner J. Camache. Motion fails.
- Motion to amend #4-to add “or receiving state” made by Commissioner M. DePietro, seconded by Commissioner G. Tullock. Motion fails.

SEC. 2.105 Misdemeanants

- (a) A misdemeanor offender whose sentence includes one year or more of supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified in sec. 3.101, have been satisfied; and the instant offense includes one or more of the following—
- (1) an offense in which a person has incurred direct or threatened physical or psychological harm ;
 - (2) an offense that involves the use or possession of a firearm;
 - (3) a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol;

(4) a sexual offense that requires the offender to register as a sex offender in the sending state

- Motion to recess for lunch made by Commissioner G. Tullock, seconded by Commissioner L. Lucey at 12:10 pm. The meeting reconvened at 1:30pm, maintaining the previous quorum.

Sec 2.106

- Motion to amend to delete “or who are under supervision for a minor misdemeanor offense, as defined in sec. 2.105 (b)” made by Commissioner K. Winckler, seconded by M. Gilliam. Motion passed.
- Motion to remove the whole rule made Commissioner S. Jackson. Dies for lack of a second.

SEC. 2.106 *Offenders subject to deferred sentences*

Offenders subject to deferred sentences are eligible for transfer of supervision under the same eligibility requirements, terms, and conditions applicable to all other offenders under this compact. Persons subject to supervision pursuant to a pre-trial intervention program, bail, or similar program are not eligible for transfer under the terms and conditions of this compact.

Sec 3.101

- Motion to amend made by Commissioner K. Winckler to add “b-additional offenders: (1) military members, (2) offenders who live with family who are members of the military, (3) college students, and (4) employment of family member in another state,” seconded by M. Gilliam. Motion passed w/o college student section.
- Friendly amendment offered by Commissioner W. Rankin to substitute the word “transferred” for the word “deployed,” accepted.
- Motion to delete (b) (3) *college students* made by Commissioner M. Gilliam, seconded by Commissioner D. Ege. Motion fails.
- Friendly amendment offered by Commissioner K. Winckler to add “accredited” to college section, accepted
- Motion to amend with new language for section (b) made by Commissioner B. Martinez, seconded by Commissioner G. Tullock. Friendly amendment for grammar offered by Commissioner M. DePietro, accepted. Motion fails.
- Motion to amend made by Commissioner K. Winckler to remove (b)(3) *college student* section and refer back to Rules Committee, seconded by Commissioner H. Hageman. Motion passed.
- Motion to amend (b)(4) *employment of family member in another state*, to strike “and obtains full-time employment” and add “by the family member’s employer,” made by Commissioner A. Hyde, seconded by Commissioner E. Ligtenberg. Motion fails.

- Motion to remove (b)(4) *employment of family member in another state* and refer back to Rules Committee made by Commissioner R. Oakes, seconded by Commissioner S. Jackson. Motion fails.
- Motion to amend (b)(4) *employment of family member in another state* made by Commissioner G. Tullock to add “unless receiving state can show good cause for rejecting the transfer request.” Motion passed.
- Motion to remove (b)(3)(B) *full-time student requirements* made by Commissioner H. Clarke. Dies for lack of a second.
- Motion to call to question made by Commissioner H. Hageman, seconded by Commissioner J. D’Amico. Motion fails.
- Motion to delete (b)(3) *college students* made by Commissioner M. Gilliam, seconded by Commissioner D. Ege. Motion fails.
- Motion to refer (b)(3) *college students* back to Rules Committee made by Commissioner K. Winckler, seconded by Commissioner H. Hageman. Motion passed.

SEC. 3.101 Eligibility for transfer of supervision

- (a) *At the discretion of the sending state, an offender who has three months or more or an indefinite period of supervision remaining shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer, if the offender, pursuant to a valid plan of supervision—*
- (1) *is in substantial compliance with the terms of supervision in the sending state and*
 - (2) *is a resident of the receiving state; or*
 - (3) (A) *has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and*
(B) *can obtain employment in the receiving state or has a visible means of support.*
- (b)(1) *Military members An offender who is a member of the military and has been transferred by the military to another state, and who meets the other criteria specified in sections 3.101 (a)(1) and 3.101 (a)(3)(B), shall be immediately eligible for transfer of supervision.*
- (2) *Offenders who live with family who are members of the military An offender who meets the other criteria specified in sections 3.101 (a)(1) and 3.101 (a)(3)(B) and who lives with a family member who has been deployed to another state, shall be immediately eligible for transfer, provided that the offender will live with the military member in the receiving state.*
 - (3) *Employment of family member in another state An offender who meets the other criteria specified in sections 3.101 (a)(1) and 3.101 (a)(3)(B), and whose family member, with whom he or she resides, is transferred to another state and obtains full-time employment, shall be immediately eligible for transfer, unless the receiving state can show good cause for*

rejecting the transfer request provided that the offender will live with the family member in the receiving state.

- (c) *A receiving state, for good cause shown, may consent to the transfer of supervision of an offender who does not otherwise qualify for transfer of supervision.*

Chairman D. Guntharp called on Information Technology Committee Chair J. Kuebler for a report of the Information Technology Committee. Information Technology Committee Chair J. Kuebler presented the Commission with an overview of the committee, goals of the committee, and its accomplishments. Information Technology Committee Chair J. Kuebler reported that the committee has been standardizing forms for the Commission and gave an overview of the new database; development, possible vendor upgrade funding, informing states of the new system, and the compatibility of the system. Information Committee Chair J. Kuebler addressed challenges for implementing the new system that rule changes will be necessary.

Information Technology Chair J. Kuebler introduced the selected vendor *SoftScape* to present the new database system to the Commission. *SoftScape* presented the Commission an overview of the National Adult Compact Information System (NACIS), benefits, the project phases, an overview of their company, and a demonstration of NACIS and case management.

Sec 3.101

- Motion to recount vote of original amendment without (b)(3) *college student* section made Commissioner R. Oakes, seconded by Commissioner D. Ege. Roll call vote was taken, motion passed.

Sec 3.103

- Motion to amend (b)(2)B, C, & D *exceptions to relocation of offender without acceptance by receiving state* made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Friendly amendment offered by Commissioner K. Merz to strike “telephone,” accepted.
- Friendly amendment offered by Commissioner J. D’Amico to change “a resident of” to “is living in” in 2(A), accepted. Motion passed.
- Motion to amend (b)(1)A to add “who are military members” made by Commissioner B. Martinez. Motion is withdrawn and fails.
- Friendly amendment to add wording to b(1)B offered by Commissioner J. Kuebler, declined.
- Friendly amendment to (b)(4) offered by Commissioner S. Taylor to change “travel permit” to “reporting instructions”, accepted.
- Motion to delete b(1)B “*This exception is not applicable to offenders released to supervision from prison.*” made by Commissioner J. Seigel, seconded by Commissioner J. Kuebler. Motion fails.

SEC. 3.103 Acceptance of the offender by receiving state; exception

- (a) *A sending state shall not allow an offender under supervision in the sending state to relocate to a receiving state without the receiving state's acceptance of the transfer of supervision.*
- (b) *Exception—*
- (1)(A) *A sending state may grant a travel permit to an offender who was living in the receiving state at the time of sentencing.*
- (B) *This exception is not applicable to offenders released to supervision from prison.*
- (2)(A) *Prior to granting a travel permit to an offender under sec. 3.103(b)(1), the sending state shall verify that the offender is living in the receiving state and shall immediately contact the receiving state's interstate compact office by telephone, facsimile or electronic mail to request provisional reporting instructions.*
- (B) *A travel permit, not to exceed seven days, may be issued to the offender to allow for the request and issuance of reporting instructions. A copy of the travel permit will be immediately forwarded to the receiving state by facsimile or electronic mail and will expire either upon the offender's arrival in the receiving state or on the travel permit's expiration date. The sending state retains supervisory responsibility during this period. If the receiving state rejects the transfer request or the travel permit's expiration date is reached, rules 3.103 (b)(5)(A) & (B) shall apply.*
- (C) *The sending state shall ensure that the offender sign all forms requiring the offender's signature under sec. 3.107 (a) prior to granting a travel permit to the offender. The sending state shall immediately transmit the signed forms electronically or by facsimile to the receiving state.*
- (D) *The receiving state shall issue reporting instructions no later than two business days following receipt of such notification and request from the sending state.*
- (3) *A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions during the investigation of the offender's plan of supervision upon the offender's arrival in the receiving state.*
- (4) *A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than 15 calendar days following the granting to the offender of the reporting instructions.*
- (5)(A) *If the receiving state rejects the transfer request for an offender granted a travel permit, or if the sending state fails to send a completed transfer request by the 15th day following the granting of a travel permit, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request from the receiving state, direct the offender to return to the sending state by a date specified by the sending state*

(B) If the offender does not return to the sending state, the sending state shall initiate the retaking of the offender by issuing a warrant or an order to return no later than 10 calendar days following the offender's failure to appear in the sending state.

(C) The receiving state shall continue to supervise the offender until a warrant is issued or notice is given by the sending state as required under sec. 4.105.

Sec 3.1031

- Motion to adopt new rule "Temporary relocation for treatment in another state" made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Commissioner K. Winckler withdraws her motion. Motion fails.
- Motion to call for question made by Commissioner E. Ligtenberg, seconded by Commissioner L. Lucey. Motion fails.
- Motion to refer proposed rule "Temporary relocation for treatment in another state" back to Rules Committee made by Commissioner J. D'Amico, seconded by Commissioner P. Quander. Motion fails.

Sec 3.1032

- Motion to adopt new rule "Temporary travel permits" made by Commissioner K. Winckler, seconded by Commissioner R. Sanders. Motion fails.
- Motion to amend a(2), to strike "not more than 24 hours for repeat" and replace with "repeated daily" made by Commissioner S. Taylor, seconded by Commissioner J. Seigel. Motion fails.
- Motion to refer proposed rule back to Rules Committee made by Commissioner J. Kuebler, seconded by Commissioner J. Kotkin. Motion passed.

Sec 3.104

- Motion to amend with language change and moving language to newly created Sec 3.1041 made by Commissioner K. Winckler, seconded by Commissioner P. Quander. Motion passed.

SEC. 3.104 Time allowed for investigation by receiving state

(a) A receiving state shall complete investigation and respond to a sending state's request for an offender's transfer of supervision no later than the 45th calendar day following receipt of a completed transfer request in the receiving state's compact office. Receipt of completed transfer request shall be presumed to occur by the fifth business day following transmission.

(b)(1) If a receiving state determines that an offender transfer request is incomplete, the receiving state shall notify the sending state of that determination and the nature of the incompleteness no later than five business days following receipt of the transfer request by the receiving state.

- (2) A sending state that has been notified of an incomplete transfer request shall, within five business days following receipt of notice of incompleteness, remedy the incompleteness by providing the missing material or demonstrating good cause why the incompleteness cannot be remedied within five business days, which the receiving state shall consider. Receipt by the sending state of notice of an incomplete transfer request shall be presumed to occur by the fifth business day following transmission by the receiving state.
- (3) The 45-calendar-day period for investigation of and response to a sending state's request for transfer of an offender's supervision shall be suspended until the sending state supplies the missing material in the transfer request.

Sec 3.1041

- Motion to adopt with language from 3.104 made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Motion passed.

SEC. 3.1041 Acceptance of offender; issuance of reporting instructions

- (a) If a receiving state accepts transfer of the offender, the receiving state's acceptance shall include reporting instructions.
- (b) Upon notice of acceptance of transfer by the receiving state, the sending state shall issue a travel permit to the offender and notify the receiving state of the offender's departure as required under sec. 4.105.

Sec 3.106

- Motion to amend (b) to remove "a travel permit" and add "reporting instructions, and upon the offender's arrival in the receiving state" change "7th" to "seventh" made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Motion passed.

SEC. 3.106 Request for expedited transfer

- (a)(1) A sending state may request that a receiving state agree to an expedited transfer of an offender if the sending state believes that emergency circumstances exist and the receiving state agrees with that determination.
- (2) (A) A receiving state that agrees to expedited transfer of an offender shall immediately issue reporting instructions for the offender, and a sending state shall immediately issue a travel permit.
- (B) The sending state shall ensure that the offender signs all forms requiring the offender's signature under sec. 3.107 (a) prior to granting a travel permit to the offender. The sending state shall immediately transmit the signed forms electronically or by facsimile to the receiving state.
- (C) At the time of transmission of the signed forms, the sending state shall provide the receiving state with a copy of the offender's orders and conditions, documentation of the offender's residency, copy of any available pre-sentence report, copy of any order of protection, where

applicable, and whether the offender is subject to sex offender registration in the sending state.

- (b) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions during the investigation of the offender's plan of supervision upon the offender's arrival in the receiving state.*
- (c) A sending state shall transmit a completed transfer request for an offender granted a travel permit no later than seven calendar days following the granting to the offender of the travel permit.*
- (d)(1) If the receiving state rejects the transfer request for an offender granted a travel permit, or if the sending state fails to send a completed transfer request by the seventh calendar day following the granting of a travel permit, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state by a date specified by the sending state.*
- (2) If the offender does not return to the sending state, the sending state shall initiate the retaking of the offender no later than 10 calendar days following the offender's failure to appear in the sending state.*
- (3) The receiving state shall continue to supervise the offender until a warrant is issued or notice is given by the sending state as required under sec. 4.105.*

Sec 3.107

- Motion to amend (17) to add “offender” and “which shall include “agreement to Return on Demand of the Sending State” and “Waiver of Extradition”” and to delete “form;” (18) to add “or Alcohol, and to;” (19) to strike “consent to” and add “form” made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Motion passed.
- Friendly amendment for language offered by Commissioner M. DePietro, accepted.
- Motion to remove (12) *offenders criminal history* made by Commissioner S. Taylor, fails for no second.
- Motion to remove (30) *psychological evaluation* made by Commissioner G. Tullock, fails for no second.
- Motion to remove (18) *signed consent to random drug or alcohol testing and to searches based on reasonable suspicion* & (19) *signed authorization for release of medical and psychological information* made by Commissioner J. Kuelber, fails for no second.

SEC. 3.107 Application for transfer of supervision

- (a) An application for transfer of supervision of an offender shall contain—*
 - (1) offender's full name and any aliases by which the offender is known;*
 - (2) indication of whether the offender seeks transfer to the receiving state based on residency in the receiving state, family residing in the receiving state, or consent of the receiving state;*
 - (3) name, address, and telephone number of family in the receiving state if the offender bases the transfer request on family's residency in the receiving state;*

- (4) *offender's proposed residence in the receiving state;*
- (5) *offender's current or prospective employer in the receiving state;*
- (6) *offender's criminal justice identification number in the sending state;*
- (7) *offender's date of birth;*
- (8) *offender's social security number, if known;*
- (9) *county of conviction or imposition of supervision;*
- (10) *indication of the type of criminal justice supervision to which the offender has been sentenced;*
- (11) *instant offense in sufficient detail to describe the type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;*
- (12) *offender's criminal history;*
- (13) *notice, if applicable, indicating that the supervision of the offender is a victim-sensitive matter;*
- (14) *date supervision is to begin, if known;*
- (15) *date supervision is to terminate, if known;*
- (16) *name and title of supervising officer;*
- (17) *signed "Offender Application for Interstate Compact Transfer" form, which shall include "Agreement to Return on Demand of the Sending State" and "Waiver of Extradition"*
- (18) *signed "Consent to Random Drug or Alcohol Testing and to Searches Based on Reasonable Suspicion" form;*
- (19) *signed "Authorization for Release of Medical and Psychological Information" form;*
- (20) *photograph of offender;*
- (21) *conditions of supervision;*
- (22) *any orders restricting the offender's contact with victims or any other person;*
- (23) *any known orders protecting the offender from contact with any other person;*
- (24) *information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;*
- (25) *judgment and commitment documents;*
- (26) *pre-sentence investigation report, if available;*
- (27) *supervision history, if available;*
- (28) *information relating to any court-ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made.*
- (29) *medical information, if available; and*
- (30) *psychological evaluation, if available.*

Sec 3.108

- Motion to amend a & b(2) to remove the word "known" before victim made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Motion failed.

Sec 4.106

- Motion to amend (b) to removing “a receiving state shall provide to the sending state a progress report upon the closure of a receiving state’s supervision of an offender,” made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Motion passed.

SEC. 4.106 Progress reports

- (a) *A receiving state shall provide to the sending state a progress report annually, or more frequently, upon the request of the sending state, for good cause shown.*
- (b) *A progress report shall include—*
 - (1) *offender's name;*
 - (2) *offender’s residence address;*
 - (3) *offender’s telephone number and electronic mail address;*
 - (4) *name and address of offender’s employer;*
 - (5) *supervising officer’s summary of offender’s conduct, progress and attitude, and compliance with conditions of supervision;*
 - (6) *programs of treatment attempted and completed by the offender;*
 - (7) *information about any sanctions that have been imposed on the offender since the previous progress report;*
 - (8) *supervising officer’s recommendation;*
 - (9) *any other information requested by the sending state that is available in the receiving state.*

Sec 4.110

- Motion to amend (d) to remove “subsequent” before “receiving state that the offender’s transfer to the subsequent receiving state has been approved,” made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Motion passed.

SEC. 4.110 Transfer to a subsequent receiving state

- (a) . . .
- (b) . . .
- (c) . . .
- (d) *The receiving state shall issue a travel permit to the offender when the sending state informs the receiving state that the offender’s transfer to the subsequent receiving state has been approved.*

Sec 4.111

- Motion to amend to change “three” to “two” made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Motion passed.

SEC. 4.111 Return to the sending state

- (a) Upon an offender's request to return to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent criminal offense in the receiving state.
- (b) The sending state shall grant the request and provide reporting instructions no later than two business days following receipt of the request for reporting instructions from the receiving state.
- (c) A receiving state shall notify the sending state as required in sec. 4.105 (a).

Sec 4.112

- Motion to amend (c) to replace “final progress report” with “case closure notice” made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Motion passed.
- Motion to amend (c) to remove “as requested under sec 4.106” made by Commissioner S. Taylor, seconded by Commissioner R. Sanders. Motion passed.
- Motion to amend (c) to add “which shall include last known address and employer,” made by Commissioner B. Martinez, seconded by Commissioner D. Ege. Motion passed.

SEC. 4.112 Closing of supervision by the receiving state

- (a) The receiving state may close its supervision of an offender and cease supervision upon—
 - (1) The date of discharge indicated for the offender at the time of application for supervision unless informed of an earlier or later date by the sending state;
 - (2) Notification to the sending state of the absconding of the offender from supervision in the receiving state;
 - (3) (A) Notification to the sending state of the sentencing of the offender to incarceration for 180 days or longer and receipt from the sending state of a warrant and detainer or other acknowledgement by the sending state of responsibility for the offender within 90 days of the notification. If the sending state fails to provide the warrant and detainer or other acknowledgement within 90 days of notification, the receiving state may close its supervision of the offender.
(B) After 90 days the sending state shall be responsible for the offender.
 - (4) Notification of death; or
 - (5) Return to sending state.
- (b) A receiving state shall not terminate its supervision of an offender while the sending state is in the process of retaking the offender under sec. 5.101.
- (c) At the time a receiving state closes supervision, a case closure notice shall be provided to the sending state which shall include last known address and employment.

Sec 5.102

- Motion to add (b) “Upon a request from the receiving state, a sending state shall retake or order the return of an offender from the receiving state or a subsequent receiving state upon the offender’s conviction for a new felony offense and the placement of the offender on probation for that felony offense,” made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Roll Call requested by Commissioner K. Winckler. Motion passed.

SEC. 5.102, New felony offense

- (a) *Upon a request from the receiving state, a sending state shall retake or order the return of an offender from the receiving state or a subsequent receiving state upon the offender’s conviction for a new felony offense and completion of a term of incarceration for that conviction.*
- (b) *Upon a request from the receiving state, a sending state shall retake or order the return of an offender from the receiving state or a subsequent receiving state upon the offender’s conviction for a new felony offense and the placement of the offender on probation for that felony offense.*

Sec 5.105

- Motion to amend to change “30” to “10” days for *time allowed for retaking an offender* made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Motion failed.

Sec 5.112

- Motion to adopt *Effect of special conditions or requirements* made by Commissioner K. Winckler, seconded by Commissioner B. Maritnez. Friendly amendment offered by Commissioner J. Seigel to add “or probation,” accepted. Motion passed.

SEC. 5.112 Effect of special conditions or requirements

For purposes of revocation or other punitive action against an offender, the probation or paroling authority of a sending state shall give the same effect to a violation of special conditions or requirement imposed by a receiving state as if those conditions or requirement had been imposed by the sending state. Failure of an offender to comply with special conditions or additional requirements imposed by a receiving state shall form the basis of punitive action in the sending state notwithstanding the absence of such conditions or requirements in the original plan of supervision issued by the sending state. For purposes of this rule, the original plan of supervision shall include, but not be limited to, any court orders setting forth the terms and conditions of probation, any orders incorporating a plan of supervision by reference, or any orders or directives of the paroling or probation authority.

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- Motion that all remaining Committees besides Finance submit written reports instead of presenting on October 27, 2004 made by Commissioner W. Emmer, seconded by Commissioner G. Powers. Motion passed.
- Motion to make effective date of new rules to be January 1, 2005 made by Commissioner K. Winckler, seconded by Commissioner W. Emmer. Motion passed
- Motion to adjourn for the day is made by Commissioner M. DePietro, seconded by Commissioner B. Martinez. The meeting was adjourned at 6:10 p.m. EST

Wednesday October 27,2004

Chairman D. Guntharp called the meeting to order at 8:10 a.m. Following a review of Agenda and the order of the day, roll call was taken by Executive Director D. Blackburn. 48 of 51 members were present, constituting a quorum.

Alabama	Robert Oakes
Alaska	Letoni Tupou
Arizona	Dori Ege
Arkansas	David Guntharp
California	Sharon Jackson
Colorado	Jeanne Miller
Connecticut	Theresa Lantz
Delaware	Karl Hines
District of Columbia	Paul Quander, Jr.
Florida	R. Beth Atchison
Georgia	Joe Kuebler
Hawaii	Ronald Hajime
Idaho	David Nelson
Indiana	Jane Seigel
Iowa	Jeanette Bucklew
Kansas	Robert Sanders
Kentucky	Angela Tolley
Louisiana	Eugenie Powers
Maine	Wayne Theriault
Maryland	Judith Sachwald
Michigan	Joan Yukins
Minnesota	Ken Merz
Mississippi	Christopher Epps
Missouri	Wanda LaCour
Montana	Mike Ferriter
Nebraska	Harold Clarke
Nevada	Amy Wright
New Jersey	John D'Amico

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New York	Michael DePietro
North Carolina	Sherry Pilkington
North Dakota	Warren Emmer
Ohio	Harry Hageman
Oklahoma	Milton Gilliam
Oregon	Scott Taylor
Pennsylvania	Benjamin Martinez
Puerto Rico	Alexis Bird
Rhode Island	A. T. Wall
South Carolina	D. Ann Hyde
South Dakota	Ed Lightenberg
Tennessee	Gary Tullock
Texas	Kathie Winckler
Utah	Leo Lucey
Vermont	Jacqueline Kotkin
Virginia	James Camache
Washington	Doreen Geiger
West Virginia	Henry Lowery
Wisconsin	William Rankin
Wyoming	Les Poszgi

Chairman D. Guntharp called on Commissioner K. Winckler to explain the Matrix tool for Court Administration. Commissioner K. Winckler gave an overview of how the Matrix can be used to determine sentencing and to investigate offenders to determine level of supervision offenders require.

Chairman D. Guntharp called on John Mountjoy to give an overview of the relationship between the ICAOS and the Council of State Governments.

Chairman D. Guntharp gave the 2005 budget report, since the chair of the finance committee had resigned, and offered the report as a motion, seconded by Commissioner G. Powers. Passed and approved by the Commission.

Chairman D. Guntharp called on Compliance Committee Chair W. Emmer to report compliance issue in Tennessee. Compliance Chair W. Emmer explains violations and steps taken by Commission, which have received no response.

- Motion to explore litigation against Tennessee made by Compliance Committee Chair W. Emmer, seconded by Commissioner J. Sachwald. Motion passed with majority vote.

Chairman D. Guntharp ordered the meeting break into regions to elect regional representatives and officers at 9:15 a.m.

Meeting reconvened at 10:30 a.m.

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Commissioner B. Martinez announced vote results for Officers. Chairman D. Guntharp (chair), Vice-chairman H. Hageman (vice-chair), and Commissioner G. Powers (treasurer.) Commissioner B. Martinez (East regional representative), Commissioner E. Lightenberg (Mid-west regional representative), Commissioner J. Kuebler (South regional representative), and Commissioner D. Ege (West regional representative). Officers were sworn in by ex-officio, Senator Darrington.

Following all formal business, ex-officio Senator D. Darrington complimented the Commission on its efforts and progress.

- Motion to adjourn made by Commissioner H. Lowery, seconded by Commissioner C. Epps. Meeting adjourned at 11:10 a.m.