

**INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION  
2003 INTERSTATE COMMISSION BUSINESS MEETING**

**DOCKET BOOK**

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# INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

## 2003 ANNUAL BUSINESS MEETING

November 2-5, 2003  
The Peabody Hotel  
Little Rock, Arkansas

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\* room locations TBD, Office location TBD

### Sunday – Nov. 2, 2003

- 9:00am                    **Executive Committee Meeting**
- 4:00pm (6:00pm)      **Informal Public Hearing – Proposed Rules**
- 7:00pm                    **Welcoming Reception**  
*Arkansas Probation & Parole Association*

### Monday - Nov. 3, 2002

- 7:30am                    **Continental Breakfast**
- 8:30am                    **Welcome & Call to Order**  
*David Guntharp, Chair, Interstate Commission*
- Overview of Agenda
  - Instructions to Commissioners
  - Roll Call
- 8:45am                    **Executive Director – Introduction & Remarks**  
*Don Blackburn, Executive Director, Interstate Commission*
- 9:00am                    **Standing Committee Reports I**  
*Compliance Committee*  
*Finance Committee*
- FY '05 Budget – Review & Adoption
- Training, Education & Public Relations Committee*
- 10:00am                    **Break**
- 10:30am                    **Regional Breakout Sessions**
- Experience over last year
  - Regional Activities
  - State Council Updates
  - State needs - Rules Implementation & Training

- 12:00pm            **Lunch (served)**
- 1:30pm            **Regional Reports**
- East
  - South
  - Midwest
  - West
- 3:00pm            **Standing Committee Reports III**  
*Information Technology Committee*
- Tracking System Briefing – Discussion & Adoption
- 5:00pm            **Adjournment**
- 6:00pm            **Hospitality Suite**  
*Arkansas Probation & Parole Association*
- 7:30pm            **Commission Dinner**  
*Compact Commissioners Only*

**Tuesday – Nov. 4, 2003**

- 7:30am            **Continental Breakfast**
- 8:30am            **Call to Order**  
*David Guntharp, Chair, Interstate Commission*
- Overview of Agenda
  - Roll Call
- 8:45am            **Standing Committee Reports II – cont'd**  
*Rules Committee*
- Bylaw Amendments
  - Rules – Review & Adoption
- 12:00pm           **Lunch (served)**
- 1:30pm            **Standing Committee Reports II – cont'd**  
*Rules Committee*
- Bylaw Amendments
  - Rules – Review & Adoption
- 5:30pm            **Adjournment**
- 6:00pm            **Hospitality Suite**  
*Arkansas Probation & Parole Association*

**Wednesday – Nov. 5, 2003**

- 7:30am                    **Continental Breakfast**
- 8:30am                    **Call to Order**  
*David Guntharp, Chair, Interstate Commission*
- Overview of Agenda
  - Roll Call
- 8:45am                    **Meeting Summary & Next Steps**  
*Don Blackburn, Executive Director, Interstate Commission*
- 9:00am                    **Closing Session**  
*Speaker & Topic - TBD*
- 10:30am                   **Closing Comments**  
*David Guntharp, Chair, Interstate Commission*
- 11:00am                   **Final Adjournment**

# Interstate Compact for Adult Offender Supervision

## How Did We Arrive At This Point? - Context and Process

- 1996 & 1997
  1. How did the problem come to the attention of NIC?
    - Practitioners approached NIC with concerns about managing the movement of parolees and probationers in states other than where they were sentenced.
  2. What was the problem?
    - States were ignoring established transfer and acceptance criteria following several high profile compact cases that resulted in violence.
    - By executive order or passage of legislation states were creating state-by-state legal restrictions that were inconsistent with one another and with rules of the Interstate Compact for the Supervision of Parolees and Probationers.
    - Congress was conducting hearings regarding problems associated with interstate movement of parolees and probationers.
    - Parole and probation managers and executives were concerned that the compact would completely fall apart or that Congress would remove from states the authority to manage this function.
  3. How did NIC Proceed?
    - *NIC Board conducted a hearing, and empowered an Ad Hoc committee to consider issues related to interstate movement by parolees and probationers.*
      - NIC Information Center conducted a survey of the field.
        - Compact Administrators
        - Parole and probation administrators
        - Line parole and probation officers
      - Public hearing held in Minneapolis, MN. Four groups presented:
        - Compact Administrators
        - Agency Administrators
        - Parole and probation officers
        - Resource group
      - Ad Hoc Committee developed specific findings and recommendations.
        - Two important themes were identified:
          - public safety concerns, and
          - correctional systems accountability.
        - Reiteration that the compact is an instrument of the states.
        - A wide range of issues were identified, but one primary issue must be addressed - *the governance of the Compact* - before other issues can be effectively resolved.
        - Only after governance issues are resolved would the committee recommend initiatives concerning:
          - Improved communications between local agencies.
          - Standardized data collection, measures, and reporting.
          - Expanded education, training, and information exchange.
          - Juvenile and adult issues are similar, but the NIC initiative
- June 1997
- Fall 1997
- November 1997
- February 1998

should focus on adults and we should share information and collaborate with OJJDP.

- The full board endorsed the Ad Hoc committee findings and recommendations.

June - October  
1998

- **Project Advisory Group formed - 12 members - primarily practitioners.**
  - Learned about interstate compacts in general and explored options:
    1. Do away with the interstate compact completely.
    2. Support improvements through the existing governing structure.
    3. Explore possible changes in the membership of PPCAA by contacting the state appointing authorities.
    4. Add to the existing structure some form of national board that would represent key external stakeholders.
    5. Replace the existing compact with an entirely new compact.
  - Advisory group decided that long term change could only be accomplished through replacement of the existing compact, and
    - NIC needed to acquire expertise regarding interstate compacts in general.
    - NIC needed to acquire expertise in how legislation is drafted and enacted.
    - Drafters should have broader range of expertise than this Advisory group.

May 1999 to  
present

- **NIC Cooperative Agreement with the Council of State Governments (CSG)**
  - CSG received the award because:
    - They are recognized nationally for their longtime involvement and expertise in interstate compact law and practice.
    - They manage programs that result in consideration, introduction and passage of proposed state legislation.
    - Their membership is comprised of high level decision makers from all the three branches of state government.
    - They share NIC's commitment to support states in adopting policies and practices that best meet their individual needs.

January -  
September  
1999

- **Drafting group formed: 17 member group including content experts, corrections, victims, and all three branches of government.**
  - Initial work and development of a draft compact proposal.
  - Broad based (290 individuals, agencies & associations) field review and critique sought and received.
  - All responses considered, adjustments made, and final language approved.

November  
1999

- **Marketing Phase - Getting the Word Out**
  - Video
  - Web pages: CSG & NIC
  - Conferences (presentations & exhibit booths): CSG, NCSL, APPA, APAI, ACA
  - First legislative briefing.

- Developed fiscal note and projected dues assumptions in response to legislative critique at this session.
- December 2000
  - Second legislative briefing.
    - Faculty shifted to legislators who had gone home after the first briefing and got it enacted in their state.
- April 2000
  - **Legislation enacted.**
    - Governor Bill Owens makes Colorado the first state to enact the Interstate Compact for Adult Offender Supervision.
    - 9 states enacted the compact during first legislative year.
    - 16 states enacted it during the second legislative year.
    - As of October 11, 2002; 13 states have enacted it during this legislative year, with North Carolina, the District of Columbia, and New Jersey still in process.
- 2000
  -
- 2001
  -
- 2002
  -
- June 2002
  - **Planning session for first Commission meeting**
    - A victim representative and decision makers from six states met for two days to provide guidance to NIC/CSG staff concerning planning for the Interstate Commission.
- November 18-20, 2002
  - **First Commission Meeting Convenes**

***Major contributors in the field throughout the process included:***

- Compact Administrators
- P&P Executives
- APPA
- Victim's representation on Advisory & Drafting groups; membership on ACA & APPA victim's committees; Pat Tuthill.

**Ad Hoc Committee**

Barry Nidorf  
*Chief Probation Officer (Retired)*  
*Los Angeles, California*

Norman A. Carlson  
*Director Federal Bureau of Prisons (Retired)*  
*Stillwater, Minnesota*

Newman Flanagan, Director  
*National District Attorneys Association*  
*Alexandria, Virginia*

Michael Gaines, Chair  
*United States Parole Commission*  
*Chevy Chase, Maryland*

Don Omodt  
*Sheriff (Retired)*  
*Hennepin County, Minnesota*



**Public Hearing Group**  
Sherry H. Pilkington  
*North Carolina Compact Administrator*

Milton R. Gilliam  
*Oklahoma Compact Administrator*

Timothy L. Carroll  
*District of Columbia Deputy Compact Administrator: Probation*

Don Blackburn  
*Utah Deputy Compact Administrator*

Robert M. Porter  
*Florida Compact Administrator*

C. Douglas Cluck  
*Tennessee Compact Administrator*

Rose Ann Bish  
*Minnesota (Acting) Deputy Compact Administrator*

Stephen C. Lindley  
*Field Service Administrator*  
*Wyoming Department of Corrections*

Cranston Mitchell  
*Chair, Missouri Board of Probation and Parole*

Barbara Broderick  
*Director, Adult Services Division*  
*Arizona Administrative Offices of the Courts*

William F. Ward  
*Chairman, Pennsylvania Board of Probation and Parole*

John Kinkela  
*Chief, Ohio Adult Parole Authority*

Judge Kathleen Gearin  
*District Court Judge, St. Paul, Minnesota*

Richard Mulcrone  
*Assistant Commissioner*  
*Minnesota Department of Corrections*

Joseph M. Chaps  
*Chief of Criminal Justice*  
*Illinois Office of the Attorney General*  
*(Representing National Criminal Justice Association)*

Gary Lundeen  
*Career Parole/Probation Officer*  
*Hennepin County Department of Community Corrections*  
*Minneapolis, Minnesota*

Frank Gatto  
*District Parole Supervisor*  
*New Jersey Department of Corrections/Bureau of Parole*  
*Patterson, New Jersey*

Penny Blotsky  
*Parole Officer, North Dakota Parole and Probation*  
*Bismarck, North Dakota*

Allison Folmar, Probation Agent  
*Michigan Department of Corrections/Probation Tether Unit*  
*Detroit, Michigan*

Daniel SooHoo  
*Deputy Probation Officer III*  
*Alameda County Probation Department*  
*Oakland, California*

C.W. Rotter, Jr.  
*Chief, Probation and Parole District #8*  
*Virginia Department of Corrections*  
*South Boston, Virginia*

**Resource Team for Public Hearing Group**

Mike McCabe, Director  
*The Council of State Governments – Midwest Office*

Carl Wicklund, Executive Director  
*American Probation and Parole Association*

Nolan Jones  
*Staff Director, Human Resources Committee*  
*National Governors' Association*

## Advisory Board

Don Blackburn, Compact Administrator  
*Utah Department of Corrections*

Barbara Broderick, Director  
*Adult Services*  
*Arizona Administrative Office of the Courts*

Michael McCabe, Director  
*The Council of State Governments – Midwest Office*

Anne McCloskey, Founder  
*Maryland Coalition Against Crime*

Gail Hughes, Executive Secretary  
*Association of Paroling Authorities, International*

Sherry Pilkington, Compact Administrator  
*North Carolina Department of Corrections*

Cranston Mitchell, Chair  
*Missouri Board of Probation & Parole*

Odie Washington, Director  
*Illinois Department of Corrections*

Rob Lubitz, Executive Director  
*North Carolina Governors' Crime Commission*

Kim Budnick, Region Chief  
*State Relations and Assistance Division*

## Drafting Team

Don Blackburn, Compact Administrator  
*Utah Department of Corrections*

Gail Hughes, Executive Secretary  
*Association of Paroling Authorities, International*

Mike Buenger, State Court Administrator  
*Unified Judicial System of South Dakota*

Tim Carroll, Deputy Compact Administrator  
*Court Services & Offender Supervision, Washington, DC*

Mike Lawlor, State Representative  
*Connecticut*

Don Stiles, Court Administrator  
*Superior Court of Arizona*

Milt Gilliam, Compact Administrator  
*Oklahoma Department of Corrections*

Ellen Halbert, Victim's Advocate  
*Travis County District Attorney's Office, Austin, Texas*

Thomas O'Reilly  
*Department of Law & Public Safety  
Office of the Attorney General, New Jersey*

**Commission Planning Group**

Judith Uphoff, Director  
*Wyoming Department of Corrections*

David Guntharp, Director  
*Arkansas Dept. of Community Punishment*

Judith Sachwald, Director  
*Maryland Div. of Parole & Probation*

Robert Steinman, Deputy Director  
*Field Operations Administration*  
*Michigan Department of Corrections*

Raymond Parra  
*PPCAA President and Texas Interstate Compact Administrator*

Milt Gilliam  
*Oklahoma Compact Administrator*

Ellen Halbert  
*Director of Victim/Witness Services*  
*Travis Co. (TX) District Attorney's Office*

Michael Sibbett, Chairman  
*Utah Board of Pardons & Paroles*

## **Project Staff**

**Kermit Humphries, Program Specialist**  
*National Institute of Corrections*  
*Washington, DC*

**George Keiser, Chief, Community Corrections**  
*National Institute of Corrections*  
*Washington, DC*

**Larry Linke, Programs Manager**  
*National Institute of Corrections*  
*Longmont, Colorado*

**Rick Masters, General Counsel**  
*The Council of State Governments*  
*Louisville, Kentucky*

**Mike McCabe, Director**  
*The Council of State Governments – Midwest Office*  
*Chicago, Illinois*

**John Mountjoy, Project Coordinator**  
*The Council of State Governments*  
*Lexington, Kentucky*

**Bob Silvanik, Deputy Executive Director**  
*The Council of State Governments*  
*Lexington, Kentucky*

**Carl Wicklund, Executive Director**  
*American Probation and Parole Association*  
*Lexington, Kentucky*

# INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

## INTERSTATE COMMISSION MEETING

### -- Role of the Interstate Commission --

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The Adult Compact specifically calls for the development of an Interstate Commission to establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies. The Interstate Commission will promulgate rules to achieve the purpose of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines. The Commission will also establish a system of uniform data collection, provide access to information on active cases by authorized criminal justice officials, and coordinate regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators. Further, the Commission will monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct noncompliance; and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.

The model Compact specifically states:

*"The compacting states hereby create the "Interstate Commission for Adult Offender Supervision." The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact. The Interstate Commission shall consist of Commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state. In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations; such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (nonvoting) members. The Interstate Commission may provide in its by-laws for such additional, ex-officio, non-voting members as it deems necessary. Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission. The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of 27 or more compacting states, shall call additional meetings. Public notice shall be given of*

*all meetings and meetings shall be open to the public. The Interstate Commission shall establish an Executive Committee that shall include commission officers, members and others as shall be determined by the By-laws. The Executive Committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact. The Executive Committee oversees the day-to-day activities managed by the Executive Director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and as directed by the Interstate Commission and performs other duties as directed by Commission or set forth in the By-laws."*



# INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

## BYLAWS

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### Article I Commission Purpose, Function and By-laws

#### ***Section 1. Purpose.***

Pursuant to the terms of the Interstate Compact for Adult Offender Supervision, (the "Compact"), the Interstate Commission for Adult Offender Supervision (the "Commission") is established to fulfill the objectives of the Compact, through a means of joint cooperative action among the Compacting States: to promote, develop and facilitate safe, orderly, efficient, cost effective and uniform transfer and supervision of adult offenders in the community who are authorized pursuant to the bylaws and rules of this Compact to travel across state lines both to and from each compacting state, and when necessary return offenders to the originating jurisdictions.

#### ***Section 2. Functions.***

In pursuit of the fundamental objectives set forth in the Compact, the Commission shall, as necessary or required, exercise all of the powers and fulfill all of the duties delegated to it by the Compacting States. The Commission's activities shall include, but are not limited to, the following: the promulgation of binding rules and operating procedures; oversight and coordination of offender transfer and supervision activities in Compacting States; provision of a framework for the promotion of public safety and protection of victims; provision for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; equitable distribution of the costs, benefits and obligations of the Compact among the Compacting States; enforcement of Commission Rules, Operating Procedures and By-laws; provision for dispute resolution; coordination of training and education regarding the regulation of interstate movement of offenders for officials involved in such activity; and the collection and dissemination of information concerning the activities of the Compact, as provided by the Compact, or as determined by the Commission to be warranted by, and consistent with, the objectives and provisions of the Compact.

#### ***Section 3. By-laws.***

As required by the Compact, these By-laws shall govern the management and operations of the Commission. As adopted and subsequently amended, these By-laws shall remain at all times subject to, and limited by, the terms of the Compact.

## Article II Membership

The Commission Membership shall be comprised as provided by the Compact. Each Compacting State shall have and be limited to one Member. A Member shall be the Commissioner of the Compacting State. Each Compacting State shall forward the name of its Commissioner to the Commission chairperson. The Commission chairperson shall promptly advise the Governor and State Council for Interstate Adult Supervision of the Compacting State of the need to appoint a new Commissioner upon the expiration of a designated term or the occurrence of mid-term vacancies.

## Article III Officers

### *Section 1. Election and Succession.*

The officers of the Commission shall include a chairperson, vice chairperson, secretary and treasurer. The officers shall be duly appointed Commission Members, except that if the Commission appoints an Executive Director, then the Executive Director shall serve as the secretary. Officers shall be elected annually by the Commission at any meeting at which a quorum is present, and shall serve for one year or until their successors are elected by the Commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Compact.

### *Section 2. Duties.*

The officers shall perform all duties of their respective offices as provided by the Compact and these By-laws. Such duties shall include, but are not limited to, the following:

- a. *Chairperson.* The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee shall prepare agendas for such meetings, shall make appointments to all committees of the Commission, and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings.
- b. *Vice Chairperson.* The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting chairperson until a new chairperson is elected by the Commission.
- c. *Secretary.* The secretary shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and the business of the Commission.
- d. *Treasurer.* The treasurer, with the assistance of the Commission's executive director, shall act as custodian of all Commission funds and shall be responsible

for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive director and any other officers, Commission Members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.

***Section 3. Costs and Expense Reimbursement.***

Subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by the officers in the performance of their duties and responsibilities as officers of the Commission.

**Article IV  
Commission Personnel**

***Section 1. Commission Staff and Offices.***

The Commission may by a majority of its Members, or through its executive committee appoint or retain an executive director, who shall serve at its pleasure and who shall act as secretary to the Commission, but shall not be a Member of the Commission. The executive director shall hire and supervise such other staff as may be authorized by the Commission. The executive director shall establish and manage the Commission's office or offices, which shall be located in one or more of the Compacting States as determined by the Commission.

***Section 2. Duties of the Executive Director.***

As the Commission's principal administrator, the executive director shall also perform such other duties as may be delegated by the Commission or required by the Compact and these By-laws, including, but not limited to, the following:

- a. Recommend general policies and program initiatives for the Commission's consideration;
- b. Recommend for the Commission's consideration administrative personnel policies governing the recruitment, hiring, management, compensation and dismissal of Commission staff;
- c. Implement and monitor administration of all policies programs, and initiatives adopted by Commission;
- d. Prepare draft annual budgets for the Commission's consideration;
- e. Monitor all Commission expenditures for compliance with approved budgets, and maintain accurate records of account;
- f. Assist Commission Members as directed in securing required assessments from the Compacting States;

- g. Execute contracts on behalf of the Commission as directed;
- h. Receive service of process on behalf of the Commission;
- i. Prepare and disseminate all required reports and notices directed by the Commission; and
- j. Otherwise assist the Commission's officers in the performance of their duties under Article III herein.

## **Article V**

### **Qualified Immunity, Defense, and Indemnification**

#### ***Section 1. Immunity.***

The Commission, its Members, officers, executive director, and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability, or both, for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

#### ***Section 2. Defense***

Subject to the provisions of the Compact and rules promulgated there under, the Commission shall defend the Commissioner of a Compacting State, the Commissioner's representatives or employees, or the Commission, and its representatives or employees in any civil action seeking to impose liability against such person arising out of or relating to any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

#### ***Section 3. Indemnification.***

The Commission shall indemnify and hold the Commissioner of a Compacting State, his or her representatives or employees, or the Commission, and its representatives or employees harmless in the amount of any settlement or judgment obtained against such person arising out of or relating to any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

## Article VI Meetings of the Commission

### *Section 1. Meetings and Notice.*

The Commission shall meet at least once each calendar year at a time and place to be determined by the Commission. Additional meetings may be scheduled at the discretion of the chairperson, and must be called upon the request of a majority of Commission Members, as provided by the Compact. All Commission Members shall be given written notice of Commission meetings at least thirty (30) days prior to their scheduled dates. Final agendas shall be provided to all Commission Members no later than ten (10) days prior to any meeting of the Commission. Thereafter, additional agenda items requiring Commission action may not be added to the final agenda, except by an affirmative vote of a majority of the Members. All Commission meetings shall be open to the public, except as set forth in Commission Rules or as otherwise provided by the Compact. Prior public notice shall be provided in a manner consistent with the federal Government in Sunshine Act, 5 U.S.C. § 552b, including, but not limited to, the following: publication of notice of the meeting at least ten (10) days prior to the meeting in a nationally distributed newspaper or an official newsletter regularly published by or on behalf of the Commission and distribution to interested parties who have requested in writing to receive such notices. A meeting may be closed to the public where the Commission determines by two-thirds (2/3rds) vote of its Members that there exists at least one of the conditions for closing a meeting, as provided by the Compact or Commission Rules.

### *Section 2. Quorum.*

Commission Members representing a majority of the Compacting States shall constitute a quorum for the transaction of business, except as otherwise required in these By-laws. The participation of a Commission Member from a Compacting State in a meeting is sufficient to constitute the presence of that state for purposes of determining the existence of a quorum, provided the Member present is entitled to vote on behalf of the Compacting State represented. The presence of a quorum must be established before any vote of the Commission can be taken.

### *Section 3. Voting.*

Each Compacting State represented at any meeting of the Commission by its Member is entitled to one vote. A Member shall vote himself or herself and shall not delegate his or her vote to another Member. Members may participate in meetings by telephone or other means of telecommunication or electronic communication. Except as otherwise required by the Compact or these By-laws, any question submitted to a vote of the Commission shall be determined by a simple majority.

### *Section 4. Procedure.*

Matters of parliamentary procedure not covered by these By-laws shall be governed by Robert's Rules of Order.

## Article VII Committees

### *Section 1. Executive Committee.*

The Commission may establish an executive committee, which shall be empowered to act on behalf of the Commission during the interim between Commission meetings, except for rulemaking or amendment of the Compact. The Committee shall be composed of all officers of the Interstate Commission, the chairpersons of each committee, and the regional representatives and the ex-officio victims' representative to the Interstate Commission. The procedures, duties, budget, and tenure of such an executive committee shall be determined by the Commission. The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Commission, the Compact or these By-laws.

### *Section 2. Other Committees.*

The Commission may establish such other committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance Committee, Rules Committee, Compliance Committee, Information Technology Committee, and Training, Education and Public Relations Committee. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission.

## Article VIII Finance

### *Section 1. Fiscal Year.*

The Commission's fiscal year shall begin on July 1 and end on June 30.

### *Section 2. Budget.*

The Commission shall operate on an annual budget cycle and shall, in any given year, adopt budgets for the following fiscal year or years only after notice and comment as provided by the Compact.

### *Section 3. Accounting and Audit.*

The Commission, with the assistance of the executive director, shall keep accurate and timely accounts of its internal receipts and disbursements of the Commission funds, other than receivership assets. The treasurer, through the executive director, shall cause the Commission's financial accounts and reports including the Commission's system of internal controls and procedures to be audited annually by an independent certified or licensed public accountant, as required by the Compact, upon the determination of the Commission, but no less frequently than once each year. The report of such independent audit shall be made available to the public and shall be included in and become part of the annual report to the Governors, legislatures, and judiciary of the Compacting States. The Commission's internal accounts, any workpapers related to any internal audit, and any workpapers related the independent audit shall be confidential; provided, that such materials shall be made available: i) in compliance with the order of any court of competent jurisdiction; ii) pursuant to such reasonable rules as the Commission shall

promulgate; and iii) to any Commissioner or of a Compacting State, or their duly authorized representatives.

***Section 4. Public Participation in Meetings.***

Upon prior written request to the Commission, any person who desires to present a statement on a matter that is on the agenda shall be afforded an opportunity to present an oral statement to the Commission at an open meeting. The chairperson may, depending on the circumstances, afford any person who desires to present a statement on a matter that is on the agenda an opportunity to be heard absent a prior written request to the Commission. The chairperson may limit the time and manner of any such statements at any open meeting.

***Section 5. Debt Limitations.***

The Commission shall monitor its own and its committees' affairs for compliance with all provisions of the Compact its rules and these By-laws governing the incursion of debt and the pledging of credit.

***Section 6. Travel Reimbursements.***

Subject to the availability of budgeted funds and unless otherwise provided by the Commission, Commission Members shall be reimbursed for any actual and necessary expenses incurred pursuant to their attendance at all duly convened meetings of the Commission or its committees as provided by the Compact.

**Article IX  
Withdrawal, Default, and Termination**

Compacting States may withdraw from the Compact only as provided by the Compact. The Commission may terminate a Compacting State as provided by the Compact.

**Article X  
Adoption and Amendment of By-laws**

Any By-law may be adopted, amended or repealed by a majority vote of the Members, provided that written notice and the full text of the proposed action is provided to all Commission Members at least thirty (30) days prior to the meeting at which the action is to be considered. Failing the required notice, a two-third (2/3rds) majority vote of the Members shall be required for such action.

**Article XI  
Dissolution of the Compact**

The Compact shall dissolve effective upon the date of the withdrawal or the termination by default of a Compacting State which reduces Membership in the Compact to one Compacting State as provided by the Compact.

Upon dissolution of the Compact, the Compact becomes null and void and shall be of no further force and effect, and the business and affairs of the Commission shall be wound up. Each Compacting State in good standing at the time of the Compact's dissolution shall receive a pro rata distribution of surplus funds based upon a ratio, the numerator of which shall be the amount of its last paid annual assessment, and the denominator of which shall be the sum of the last paid annual assessments of all Compacting States in good standing at the time of the Compact's dissolution. A Compacting State is in good standing if it has paid its assessments timely.



# INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

## INTERSTATE COMMISSION MEETING

### -- ELECTED OFFICERS & DUTIES --

---

During the first Interstate Commission meeting, members will be tasked with electing Commission Officers from among the member states. These officers will serve as the designated leaders of the Commission, officiating at Commission meetings, overseeing the development and composition of committees, and maintaining close contact with the Commission's staff once hired.

According to the Adult Compact language (Article VI, Section B), only two elected positions are required: Chair and Vice-Chair.

*"The Interstate Commission shall, by a majority of the Members, elect from among its Members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the By-laws. The chairperson or, in his or her absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission."*

However, the Commission may expand this to include a chairperson, vice chairperson, secretary and treasurer. The officers shall be duly appointed Commission Members, except that if the Commission appoints an Executive Director, then the Executive Director shall serve as the secretary. Officers shall be elected annually by the Commission at any meeting at which a quorum is present, and shall serve for one year or until their successors are elected by the Commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Compact.

#### Officer Descriptions

- **Chair**  
The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee shall prepare agendas for such meetings, shall make appointments to all committees of the Commission, and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings.
- **Vice-Chair**  
The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting chairperson until a new chairperson is elected by the Commission.

- **Treasurer**

The treasurer, with the assistance of the Commission's executive director, shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive director and any other officers, Commission Members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.

# INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

## INTERSTATE COMMISSION MEETING

### -- Role of Ex-Officio Members --

---

The Adult Compact specifically calls for Ex-Officio members and designates, at a minimum, who these representatives should be:

*"In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations; such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (nonvoting) members. The Interstate Commission may provide in its by-laws for such additional, ex-officio, non-voting members as it deems necessary."*

Adhering to the compact language, the following organizations were invited to send Ex-Officio members to the first meeting of the Interstate Commission:

- American Legislative Exchange Council
- American Probation & Parole Association – Victims Committee
- National Association of Attorneys General
- National Center for State Courts
- National Conference of State Legislatures
- National Governors Association
- The Council of State Governments

Ex-Officio members of the Commission have the following duties:

- Serve as principal liaison between the Commission and the designating organization
- Serve in an advisory capacity to the Commission
- Attend Interstate Commission meetings and Committee meetings
- Represent the Commission at functions/events as requested by the Chair
- Participate in Commission and committee meetings as requested by the Chair

Ex-Officio members serve at the pleasure of their appointing organization and may be replaced by that organization under the rules and bylaws of said organization.

The Interstate Commission, through its bylaws, may add Ex-Officio members representing other organization and associations, but must, at a minimum, preserve the Ex-Officio members called for in the compact.

# INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

## INTERSTATE COMMISSION MEETING

### -- Proposed Committee Structure and Related Action Items --

---

Article III of the Interstate Compact for Adult Offender Supervision provides in part that the Interstate Commission "shall establish an Executive Committee which shall . . . have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact." The compact further empowers the Commission, under Article V, "to establish and appoint committees . . . which it deems necessary for the carrying out of its functions . . ."

In accordance with these provisions, and in anticipation of the Commission's needs and objectives, especially during the first year of the Commission's operation, the Commission will, during its first meeting, establish and appoint such committees as it deems necessary. The proposed committee structure outlined below is offered as a starting point for the Commission's consideration and will be presented during the Commission meeting.

#### **Committee Structure**

***Executive Committee*** – Responsible for guiding and overseeing the administration of all Commission activities and for acting on behalf of the Commission, as permitted by the Compact, during the interim between Commission meetings.

***Finance Committee*** – Responsible for monitoring the Commission's budget and financial practices, including the collection and expenditure of Commission revenues, and for developing recommendations for the Commission's consideration as appropriate.

***Rules Committee*** – Responsible for administering the Commission's rulemaking procedures, and for developing proposed rules for the Commission's consideration as appropriate.

***Compliance Committee*** – Responsible for monitoring the compliance by member states with the terms of the Compact and the Commission's rules, and for developing appropriate enforcement procedures for the Commission's consideration.

***Information Technology Committee*** – Responsible for identifying and developing appropriate information technology resources to facilitate the tracking of offenders and the administration of Commission activities, and for developing recommendations for the Commission's consideration as appropriate.

***Training, Education and Public Relations Committee*** – Responsible for developing educational resources and training materials for use in the member states to help ensure awareness of, and compliance with, the terms of the Compact and the Commission's rules.

## Committee Assignments and Goals

### **Information Technology**

1. Jim Conon, AL (Chair)
2. Don Blackburn, UT (Vice-Chair)
3. Joe Kuebler, GA
4. Julianne Crosby, ID
5. Ginger Martin, OR
6. Colleen Tafs, AK
7. Michael Dowling, NJ
8. Ron Hajime, HI

#### Duties & Roles

- Proposed requirements for information/data system (functional requirements)
  - Website development
  - State e-mail service and addresses
  - Needs of compact, re: information system
  - Work with APPA on information project (w/ BJA)
  - Track travel permits (short-term)
  - Define purpose of information system
  - What do we need now and how can it be built to expand in the future?
  - Short-term vs. Long-term
- 

### **Rules**

1. Kathie Winckler, TX (Chair)
2. Milt Gilliam, OK (Vice-Chair)
3. Bob Steinman, MI
4. William Ward, PA
5. Tina Hayes, FL
6. Gerald VandeWalle, Exofficio
7. Pat Tuthill, Exofficio
8. Doreen Geiger, WA
9. A.T. Wall, RI
10. Jim Cosby, TN
11. Paul Quander, DC

#### Duties & Roles

- New compact rule directives (Art. XIII)
- Victims Rules
- Review PCAA rules and utilize as needed
- Processes for soliciting input and comment (new rules, existing rules)
- Rules notice and publication
- Operate openly and be inclusive
- Rule review schedule/timeline
- Rules Committee rules (Bylaws)

## **Finance**

1. Hazel Combs, KY (Chair)
2. Michael Mullen, CT (Vice-Chair)
3. Mike Buenger, Exofficio
4. Jeaneene Miller, CO
5. Ed Ligtenberg, SD

### **Duties & Roles**

- Monitoring Budgets and Spending
  - State Assessments (timelines, contacts)
  - Fiscal Oversight
  - Budgeting and Budget Development
  - Payments and Collections
  - Payment Tracking and Delinquency
  - Available for State Testimony and Assistance
- 

## **Compliance**

1. Warren Emmer, ND (Chair)
2. Sherry Pilkington, NC (Vice-Chair)
3. Mike Ferriter, MT
4. Judith Sachwald, MD
5. Denis Agniel, MO
6. Bonnie Long-Oliver, CA
7. Robert Sanders, KS
8. Michael Mullen, CT

### **Duties & Roles**

- Rehabilitation
  - Counseling and Guidance
  - Arbitration and Mediation
  - Sanctioning states
  - Delinquent state assessments
  - Grievance process
- 

## **Training, Education and Public Relations**

1. Genie Powers, LA (Chair)
2. Ann Hyde, SC (Vice-Chair)
3. Don Blackburn, UT
4. Pat Tuthill, Exofficio
5. Mary Schamer, AZ

### **Duties & Roles**

- TBD

## CHAPTER 3

### RULES

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## RULES OF PRACTICE

A major portion of the final recommendations of the National Commission to Restructure the Compact consisted of Rules of Practice for the operation of the Compact and Compact Offices. Minor amendments to the Rules were adopted by the Parole and Probation Compact Administrators' Association and have been incorporated in the Rules as set forth hereio. These rules are promulgated under the Compact provision allowing the administrators of the various states to jointly adopt rules of procedure for operations under the Compact.

## RULES FOR OPERATIONS UNDER THE COMPACT

### SECTION 100 - LEGAL NOTES ON THE COMPACT

#### Section 1-100.

#### DEFINITIONS (Family definition revised 3/28/2001)

(A) **Absconder** - A parolee or probationer is considered as an absconder when he/she fails to report and his or her whereabouts are unknown. It must be verified that the offender is no longer living at his or her listed residence. An unsuccessful effort to locate the offender through his/her employment is also required.

(B) **Civil Probation or Parole** - Shall refer to persons whose freedom or activities are subject to limitation, supervision, or other restraint where such limitation, supervision, or restraint originates from charges brought against such individual which are civil and not criminal in nature.

(C) **Concurrent Supervision** - Supervision of a parolee or probationer by two separate authorities, i.e., federal and state authorities jointly. This term is also applied when an offender is being supervised by a state for a conviction received in that state as well as convictions received in one or more sending states.

(D) **Conditional Release** - Shall refer to those persons who have been released from incarceration after adjudication of guilt and sentencing with such continued release contingent for a period of time upon the adherence by such person to specified conditions.

(E) **Court Ordered Transfer** - A Court Order Transfer is one in which the transfer is authorized on a written order on the record executed by a Court in a criminal proceeding pertaining to a person supervised or to be supervised under the Compact. Suggested wording would be - supervision may be transferred to (receiving state).

(F) **Detainer** - an order to hold a parolee or probationer in custody.

(G) **Discharge** - final completion of the sentence which was imposed on offender by the sending state.

(H) **Extradition** - Delivery from one state to another of a fugitive upon agreement of the governor or chief executive of the state in which the fugitive is found. Return of parolees or probationers under the terms of the Compact agreement can preclude formal extradition.

(I) **Extraordinary Medical Condition** - Medical conditions in offenders which include infectious diseases, diagnosed psychological disorders or medical conditions that may affect the course of the supervision by the receiving state.

(J) **Failure to Report** - This term applies to a parolee or probationer whose whereabouts are known but who fails to report to his/her assigned officer as ordered or directed.

(K) **Family** - Shall be parents, grandparents, adult children, adult siblings, legal spouse, legal guardian, and step-parent. (Effective 3/28/2001)

(L) **Misdemeanant** - A person convicted of a minor offense for which the sending state's statute provides a lesser penalty than for a felony.

(M) **Non-Convicted Offender** - Shall mean offenders for whom a court has ordered supervision prior to an adjudication of guilt, including individuals released to supervision on their own recognizance. Non-convicted offenders may be supervised under the Compact only pursuant to agreement by the sending and receiving states where statutory authority exists.

(N) **Parole** - A release from prison, given to a prisoner before expiration of sentence, on condition of future good behavior.

(O) **Pre-Parole Investigation** - Shall mean any investigation or inquiry regarding an individual who has requested transfer under the Compact which relates either to that individual's release, parole or suitability for transfer.

(P) **Probable Cause Hearing** - A hearing conducted in behalf of a parole or probation violator in compliance with the U.S. Supreme Court's rulings in *Morrissey v. Brewer* and *Gagnon v. Scarpelli*. Also referred to as a Preliminary Hearing, Preliminary Probable Cause Hearing, On-Site Hearing or On-Site Probable Cause Hearing.

(Q) **Probation** - Shall mean court-order supervision after a plea of guilty or a trial and adjudication of guilt.

(R) **Post-Sentence** - Shall refer to the time period after a court has, based upon a plea or adjudication of guilt, determined conditionally or otherwise the penalty for an offense and has announced said penalty in open court or in an open or closed record of said court.

(S) **Provisional Travel Permit** - A travel permit issued to allow an offender to travel to a receiving state for the purpose of transfer of supervision.

(T) **Receiving State** - In the process of transfer of supervision of parolees or probationers, the state which is requested to assume supervision of an offender.

(U) **Resident** - For the purpose of transfer of supervision under the terms of the Compact, a parolee or probationer may be considered a resident of a state if the offender has been an actual inhabitant of such state continuously for more than one year prior to coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which the offender has been convicted.

(V) **Rule Variance** - An exception to the "Rules For Operations Under The Compact," agreed upon in writing by two states, to facilitate handling of the case of an offender in which they have some mutual interest.

(W) **Sending State** - In the process of transfer of supervision of a parolee or probationer, the state requesting transfer of supervision.

(X) **Special Condition** - Conditions or terms added to the standard conditions of parole or probation by either the sending or receiving state.

(Y) **Special Investigation** - A non-Compact investigation, usually an investigation of arrest or conviction of a parole or probationer in behalf of another state on a courtesy basis.

(Z) **Supervision Fee** - A fee collected to compensate for the cost of supervision of an offender.

(AA) **Temporary Travel Permit** - A travel permit issued to allow an offender to visit another state for a period not to exceed thirty (30) days. This type of travel permit is not used in conjunction with travel for the purpose of transfer of supervision.

(BB) **Third Party State** - In the process of transfer of supervision of a parolee or probationer, a state, other than the original receiving state, that is requested to assume supervision of an offender. Also a state, other than the sending or receiving state, to which a parole or probation violator may have fled or absconded.

(CC) **Waiver** - A formal written statement relinquishing some right, claim or privilege.

#### **Section 1-101.**

### **CONGRESSIONAL CONSENT**

The Interstate Compact for the Supervision of Probationers and Parolees is authorized by Congress under the Crime Control Act of 1934.

#### **Commentary**

The Interstate Compact for the Supervision of Probationers and Parolees was developed by the states under the Congressional consent given in advance by the Crime Control Act of 1934 which states in part: "[A]n Act granting consent of Congress to any two or more states to enter into agreements or compacts for cooperative efforts and mutual assistance in the prevention of crime and for other purposes."

There is a solid foundation of legal precedent supporting the legality and constitutionality of the Interstate Compact for the Supervision of Probationers and Parolees. To date, no state court of last resort has ever handed down an unfavorable decision. The legality and constitutionality of the Compact has also been tested in the federal courts, again with no unfavorable decision having been issued against the Interstate Compact. The law of interstate compacts as interpreted by the U.S. Supreme Court is clear that interstate compacts are the highest form of state statutory law, having precedence over conflicting state statutes and obligating the member states to the provisions of the agreement as though it were a binding contract as well as a statute entered into by the member states. See the Legal Digest for citations and summaries of court decisions.

#### **Section 1-102.**

### **VIOLATIONS OF INTERSTATE COMPACT AND GRIEVANCE PROCEDURE**

(Effective 3/28/2001)

Violations of the Interstate Compact Agreement shall initially be addressed informally by the states involved in the dispute. If a resolution cannot be reached a formal grievance shall be initiated. The grievance process shall address the issue through the following steps:

Step 1: The complaining state shall contact the working individual (Compact Administrator or Deputy Compact Administrator) in the offending state by mail, electronic correspondence, or by phone in an effort to resolve the dispute informally.

Step 2: If the dispute cannot be resolved at the informal level a Parole and Probation Compact Administrators' Association Grievance Form, with all necessary attachments, shall be forwarded to The Executive Council Chair and the Compact Administrator of the offending state. The Executive Council Chair shall discuss the grievance with the

involved states and provide a written informal opinion to them within five working days. The involved states shall indicate acceptance or rejection of the opinion on the grievance form within five working days. If any involved state(s) rejects the written opinion, the grievance will proceed to Step 3. The Executive Council Chair is prohibited from participating in a grievance involving his or her own state. In such cases the grievance would be forwarded to the PPCAA President-Elect.

Step 3: The Executive Council Chair shall convene the Council.

- a. The Council shall render a ruling on the grievance within ten working days.
- b. The President Elect may serve as a substitute for a Council member in the event of an absence or if there is a conflict of interest.
- c. The Executive Council Chair shall forward a decision to the Compact Administrator of the Offending State, the Governor of the Offending State, and the Compact Administrator of the complaining state. If appropriate, a time frame shall be set for the offending state to comply with the Council ruling.

Step 4: If the offending state fails to comply with the ruling the complaining state shall send a written notification to the Executive Council Chair. The Council shall be convened to impose sanctions on the offending state. Sanctions available to the Council are as follows:

- a. Seek the assistance of the offending state's legal counsel.
- b. Seek the assistance of the offending state's Attorney General.
- c. Seek the assistance of the United States Attorney General.
- d. Orchestrate a succession of letters from neutral states urging reconsideration by the offending state.
- e. Write a letter of reprimand to the offending state's Compact Administrator or Deputy Compact Administrator with copies to the Administrators' immediate superior.
- f. Write a letter of reprimand to the offending state's Compact Administrator or Deputy Compact Administrator with copies to the Administrator's immediate superior and the Governor.
- g. Write a letter of complaint to the Governor of the offending state.
- h. Seek the assistance of the Legislature of the offending state.
- i. Request a vote of censure by the full membership of the PPCAA.
- j. Request the withdrawal of the offending state from the Compact through the appropriate legislative process.
- k. Take necessary and appropriate legal action.
- l. Other -as the particular situation suggests.

Step 5: The Executive Council will monitor the sanctions imposed until the final outcome of the process.

(See Chapter 4 (forms) for Grievance form)

#### Section 1-103.

#### COMPUTER AUTOMATION

A receiving state shall accept as sufficient for investigation and/or acceptance for supervision data transferred to it from an automated system pursuant to any requirements imposed by the Compact Administrators or these rules.

### **Commentary**

This section assumes that the intent of the drafters of the Compact was to use the most efficient means available for Compact operations. The advent of automation technology was not recognized in the Compact rules previously. This section recognizes the availability of such means for information transfer, and legitimizes such transfers under the agreement methods available in the transfer of information.

### **Section 1-104.**

#### **AMENDMENTS TO THE RULES AND REGULATIONS**

Amendments to these rules and regulations shall be adopted finally when agreed to by three-fifths of the administrators of the states signatory to the Compact.

### **Commentary**

Article 5 of the Compact provides that the administrators shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of the Compact. The rules and regulations in the Compact Manual carry the same authority as the Compact and therefore it is desirable that amendments or changes be made only after adequate study and consideration have been given to the subject by the administrators. Upon adoption of a rule, however, all states shall give the same credence to the rules and regulations as given to the Compact.

### **Section 1-105.**

#### **NUMBER OF ADMINISTRATORS/DEPUTY COMPACT ADMINISTRATORS**

Each state shall have one Compact Administrator and no more than two Deputy Compact Administrators designated by the Administrator thereof.

### **Commentary**

The framers of the Compact understood that in order to ensure consistency in the interpretation of the Compact and uniformity in application, a limited number of Administrators/Deputy Compact Administrators was necessary. Information shall be channeled through Compact Offices and the Administrator and Deputies are responsible for dissemination.

## SECTION 200 ELIGIBILITY FOR SUPERVISION

### Section 2-101.

#### ELIGIBILITY FOR SUPERVISION

Any state (sending state) who is a party to the Compact may permit any probationer or parolee to reside in any other state (receiving state) party to this Compact, while on probation or parole, if:

- (a) such person is in fact a resident of or has family residing within the receiving state and can obtain employment there. The offender shall have an offer of employment or a visible means of support;
- (b) though not a resident of the receiving state and not having family residing there, the receiving state consents to such person being sent.

#### Commentary

Article (1) of the Interstate Compact for the Supervision of Probationers and Parolees provides that "it shall be competent for the duly constituted judicial and administrative authorities of a state party to this Compact (herein called 'sending state'), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this Compact (herein called 'receiving state'), while on probation or parole, if (a) such person is in fact a resident of or has family residing within the receiving state and can obtain employment there. The offender shall have an offer of employment or a visible means of support;

(b) though not a resident of the receiving state and not having family residing there, the receiving state consents to such person being sent there. Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one (1) year prior to coming to the sending state and has not resided within the sending state more than six (6) continuous months immediately preceding the commission of the offense for which the conviction occurred.

The Association has refused to adopt proposals for rigid interpretations of the Compact's language regarding residence, family, and employment. The view has always been that the language must be representative of the collaborative effort of its members which makes the Compact a success. The Association's view of desirable policy regarding acceptance of cases for supervision is that individuals should be accepted not only when they have legal residence or relatives in the receiving state, but also when it appears there is a plan for the individual which has merit and will serve to aid in the ultimate rehabilitation of the offender. There may be state laws requiring parolees to have jobs before leaving prison. This would not be applicable to persons sent from other states for supervision.

The receiving state serves only as agent of the sending state and may not determine the conditions of parole or probation in the sending state, but may and should offer recommendations pertaining to such conditions, and impose its own special conditions effective within the receiving state. There is nothing restrictive in the Compact language referring to felony offenses and/or misdemeanor offenses. The Compact covers any infraction of the law, major or minor, for which there has been a conviction.

**Section 2-102.**

**MILITARY PERSONNEL**

Military personnel shall be processed as any other Compact case, however, mere physical presence in another state for military service does not change residence for purposes of the Compact.

**Section 2-103.**

**CONCURRENT SUPERVISION (Revised 1-27-98)**

A probationer or parolee who is sent to another state for concurrent supervision under the Compact, shall be processed and supervised in the same manner as any other Compact case.

Should there be an occasion when the receiving state rejects a concurrent supervision case, it shall provide annual progress reports, if requested by the sending state, until the closing of the rejecting state's case or upon expiration of the sending state's case, whichever occurs first. The rejecting state shall immediately notify the sending state of any violation or termination of supervision in its case.

Each progress report shall address the offender's living arrangements, employment, and response to supervision.

**Commentary**

The Parole and Probation Compact Administrators' Association encourages the acceptance of supervision in these situations as a matter of expediency and public safety. Clearly the sending state has an interest in monitoring the offender's adjustment while he/she resides in the receiving state. Any special conditions imposed in the order for supervision are assumed to be written as enhancements to the supervision plan and should be addressed by the supervising agency. It is important for the receiving state to recognize those interests and cooperate by providing information to the sending state, if not supervision under the Compact.

**Section 2-104.**

**JUVENILES (Effective 3/28/2001)**

No juvenile shall be eligible for supervision under the Compact unless the juvenile has been convicted in judicial proceedings as an adult, requiring adult supervision.

**Commentary**

Since adjudication of delinquency is not considered a "conviction," generally, juveniles are not eligible for supervision under the Interstate Parole and Probation Compact.

**Section 2-105.**

**MERCHANT SEAMEN**

Permission to serve in the Merchant Marine may be granted only in select cases. No parolee/probationer may do so unless the parolee or probationer was a Merchant Seaman (with papers) prior to commitment.

**Commentary**

Permission to serve in the Merchant Marine should only be granted in select cases and only if the individual was a Merchant Seaman (with papers) prior to commitment. If the individual is scheduled to remain in an out-of-state port for a substantial amount of time, the receiving state's administrator



should be notified and given the opportunity to provide supervision.

**Section 2-106.**

**PRETRIAL DIVERSION CASES**

Member states of the Compact may enter into agreements under the Compact with other member states where statutory authority exists under which non-convicted persons may be supervised.

**Commentary**

At the time of adoption of the Compact, pre-trial diversion and similar pre-conviction programs for dealing with offenders were not in frequent use. The development of such programs over recent decades requires that Compact rules be altered to allow for such cases to be handled under the Compact pursuant to agreements that individual Compact states may make with one another. It is the intent of this section to allow such agreements to occur.

**Section 2-107.**  
**MISDEMEANANTS**

Misdemeanants are eligible for supervision under the Compact.

**Section 2-108.**  
**FURLOUGH, WORK RELEASE, OR OTHER PRE-PAROLE RELEASE**

No offender released on furlough, work release, or any other pre-parole release program is eligible for supervision under the Compact.

**Commentary**

Offenders released on furlough, work-release, or any other pre-parole release are not eligible for supervision as Compact cases, and cannot be returned as violators under the Compact.

**Section 2-109.**  
**NON-CONVICTED OFFENDERS**

Non-convicted persons who are subject under order of a court to be supervised are not ordinarily subject to supervision under the Compact. However, where reciprocal legislation or other law exists allowing such transfer and supervision, states may do so pursuant to the other authorizing law.

**Commentary**

When the Compact was entered into in 1937, diversion programs and other supervisory programs not involving conviction did not exist. The language of the Compact explicitly states that it is for "... any person convicted of an offense," therefore, non-convicted persons on probation are technically not eligible for supervision under the Compact. However, it is the position of the PPCAA that a non-convicted person who is subject under order of a court to be supervised may be transferred under the Compact if both the sending and receiving states agree to transfer.

**Section 2-110.**  
**SPECIAL CONDITIONS**

- A) Any receiving state which chooses not to enforce or is not able to enforce a special condition placed upon a parolee or probationer by the sending state shall notify the sending state, as soon as is possible, that the special condition will not be enforced.
- B) Any receiving state which imposes an additional condition upon a parolee or probationer shall notify the sending state of said condition as soon as is possible.

**Commentary**

Whenever a special condition is imposed on a parolee or probationer, the sending state shall, as a part of a request for transfer, fully disclose the special condition, the reason for its existence, and all related information to the receiving state. The receiving state should make every effort to meet the special condition. If a receiving state chooses or is not able to enforce a special condition upon a parolee or probationer, the sending state must be notified that the special condition will not be enforced. The sending state may then choose to either decline to transfer the offender or to transfer the offender with knowledge that the special condition will not be enforced. Where such conditions cannot be enforced, they should be altered by the sending state in accordance with its procedures. Special conditions may be imposed by receiving states as well as by sending states. This section

recognizes this and imposes a duty upon the receiving state to notify the sending state of any additional conditions imposed upon the parolee or probationer. See PPCA Executive Council Rulings Section, Ruling No. 1 - Receiving State's Right to Add Special Conditions.

**Section 2-111.**

**EXTRAORDINARY MEDICAL/PSYCHOLOGICAL CONDITIONS**

When transferring under the Interstate Compact a parolee or probationer with an extraordinary medical/psychological condition the sending state shall fully disclose all relevant known information regarding an offender's condition and shall obtain a signed waiver from the offender allowing for such disclosure.

**Commentary**

When transferring under the Interstate Compact a parolee or probationer with an extraordinary medical/psychological condition such as an infectious disease, the sending state must fully disclose all relevant known information regarding the offender's condition. A sending state must also obtain a signed waiver from the offender allowing for such disclosure. The clear intent of the Compact itself as well as this provision is to hold that where a parolee or probationer otherwise meets the eligibility requirements of the Compact for mandatory acceptance, states may not reject such a transfer because of the existence of an extraordinary medical/psychological condition.

**Section 2-112.**

**VICTIM NOTIFICATION (Effective 3/28/2001)**

Victim notification requirements are the responsibility of the sending state in accordance with the laws and policies of the sending state. The sending state will request information as necessary to fulfill victim notification requirements. The receiving state will respond to requests from the sending state within five (5) working days.

To assure compliance and proper handling of victim issues within the receiving state, the interstate compact office of the receiving state shall be the initial point of contact for referral of all victim issues.

**Commentary:** Many states have victim laws whose requirements vary widely. The Council's intent is to design a rule that allows states the flexibility to comply with their laws. Any special victim issues in a case should be communicated to the receiving state at the time of the transfer request or when necessary. The Council realizes that all requested information may not be available within five (5) working days. If this is the case, the response within the five-day period should indicate the anticipated date of completion.

## SECTION 300 ARRANGEMENTS FOR SUPERVISION: STANDARDS AND PROCEDURES

### Section 3-101.

#### OPPORTUNITY TO INVESTIGATE - Revised 1-27-98

#### INVESTIGATION OF PAROLE AND PROBATION PLAN

Any parolee or probationer residing outside the jurisdiction of the sentencing state must be referred for a transfer investigation and decision by the state in which he/she resides. In all cases, except emergency situations, or probation cases in which the offender already lives in the receiving state at the time of sentencing, the receiving state shall be given the opportunity to investigate the prospective plan of the individual prior to movement to the receiving state.

#### I. PROBATION PLAN INVESTIGATION WHEN OFFENDER RESIDES IN ANOTHER JURISDICTION AT THE TIME OF SENTENCING

When an offender has been placed on probation and lives in another state at the time of sentencing the offender may be given a provisional travel permit and be allowed to return to his/her home pending an investigation by the receiving state.

Upon knowledge of the sending state's Interstate Compact Office that the probationer has returned to the receiving state, the sending state shall immediately notify the receiving state of the offender's presence in the receiving state.

The sending state shall request reporting instructions and the receiving state may provide reporting instructions at its discretion.

The sending state shall remain responsible for supervision of the case until the receiving state completes an investigation and accepts a transfer of supervision.

The sending state shall mail the proposed transfer request to the receiving state no later than twenty-one calendar days after notification of the offender's presence in the receiving state. The transfer request shall contain 2 copies of a completed PCCA Form IA, AInvestigation Request, and all other appropriate information as outlined in Rule 3-103.

A completed investigation containing an acceptance or rejection shall be sent by the receiving state to the sending state within 45 days of the receipt of the investigation request by the receiving state's Interstate Compact Office.

If the receiving state rejects supervision, it is the responsibility of the sending state to arrange for the removal of the probationer from the receiving state.

#### II. PRE-PAROLE PLAN INVESTIGATION

The sending state shall mail the proposed pre-parole plan to the receiving state no sooner than 90 (ninety) days in advance of the planned placement.

The sending state must send two (2) completed copies of Form IA, AInvestigation Request and all other appropriate information as outlined in Rule 3-103 ARequest for Supervision Information. The receiving state must acknowledge in writing receipt of the case.

A completed investigation containing an acceptance with reporting instructions or a rejection shall

be sent to the sending state within 45 days of receipt of the investigation request by the receiving state's Interstate Compact Office.

If a parolee has not proceeded to the receiving state within 120 days after acceptance or confirmation of the validity of the original plan by the receiving state, the receiving state may withdraw its acceptance and close interest with notification to the sending state. The sending state may ask for a reinvestigation of the proposed plan but shall await another acceptance prior allowing the parolee to proceed.

### III. INVESTIGATION PLAN OF PAROLEE OR PROBATIONER PRESENTLY UNDER SUPERVISION - Non Emergency

An offender already under supervision who is requesting transfer to another jurisdiction shall remain in the state where he/she is residing until the receiving state accepts the case for supervision or at its discretion, provides reporting instructions. The receiving state shall complete the investigation and notify the sending state of its decision within 45 days of receipt of the transfer request in the receiving state's Interstate Compact Office. All acceptance decisions should also include reporting instructions.

### IV. EMERGENCY INVESTIGATION REQUEST FOR PAROLEE OR PROBATIONER PRESENTLY UNDER SUPERVISION. (DISCRETION OF RECEIVING STATE)

A state may request an Emergency Investigation of any parole or probation plan if it believes an actual emergency exists.

If the receiving state agrees that an emergency exists and consents to perform an emergency investigation, the sending state shall immediately send to the receiving state by facsimile or electronic mail all documents delineated in rule 3-103.

The receiving state may, upon its discretion, provide reporting instructions. The receiving state may complete an investigation within fifteen business days and advise if the plan is acceptable immediately upon completion of the investigation. If the transfer is accepted and prior reporting instructions have not been provided, the acceptance should include reporting instructions. If reporting instructions were previously granted, the offender shall be placed under immediate supervision.

If the plan is rejected by the receiving state and reporting instructions were previously provided, the offender must immediately return to the sending state. It shall be the responsibility of the sending state to ensure that the offender returns.

If the receiving state does not agree that an emergency exists, this section is not applicable and the transfer shall be governed by section III of this rule.

COMMENTARY: Although permitting offenders to proceed to a receiving state prior to investigation and acceptance of a plan should be generally discourages, there are circumstances which dictate the offender's travel there are a necessity. These circumstances include probationers who already reside in the receiving state at the time of sentencing, or an emergency situation such as a death in the immediate family which requires the offender's presence to provide continued exclusive care of elderly or dependent relatives, or the imminent threat of the loss of employment. Typically no offender should be allowed to proceed as the result of an emergency situation unless the receiving state has been informed and agrees that an emergency exists. It is the responsibility of the sending state to verify the need for immediate travel to the receiving state through the appropriate sources ie, physicians, employers, landlords, and Court documents. The nature of the

offender's present offense, prior criminal history, risk to the community, and adjustment to supervision are important factors in determining whether the offender should be allowed to travel to another state prior to completion of an investigation.

In all cases where the offender has been, or will be, allowed to travel to the receiving state pending transfer, it is the responsibility of the sending state to immediately notify the receiving state of the offender's departure. The sending state should request reporting instructions and give them to the offender should the receiving state comply. Although the provision of reporting instructions is left to the discretion of the receiving state, this action is encouraged by the PPCAA.

At no time is the receiving state required to provide supervision prior to formal acceptance of the proposed transfer. Supervision responsibilities and liabilities remain with the sending state. Reporting instructions are not to be construed as a transfer of supervision responsibilities or acceptance of the sending state's plan. Granting of reporting instructions by the receiving state is recommend and may facilitate subsequent investigation of the plan, but no attempt at supervision or case management is required prior to the receipt of case material, investigation of the plan, and formal acceptance.

Finally, it is emphasized that it is the responsibility of the sending state to arrange for the removal from the receiving state of any offender who has been allowed to proceed to the receiving state prior to formal acceptance and is later rejected for transfer of supervision.

#### **Section 3-102.**

#### **CHANNELING CASES THROUGH THE ADMINISTRATOR'S OFFICE**

Acceptance, rejection or termination of an interest in a Compact case shall only occur through the Compact Administrator's office or a designated deputy. All written and verbal communication shall be channeled through the Administrator's office or the office of a designated Deputy.

#### **Commentary**

This section clarifies the policy of the Administrators that a single agency in each state handle communications with other states relating to Compact cases.

#### **Section 3-103.**

#### **REQUEST FOR SUPERVISION INFORMATION (Revised 9/27/1996)**

A request for supervision shall contain a presentence investigation report or similar information from other reports which shall include the following information:

- 1) Criminal history of the parolee or probationer;
- 2) Description of the instant offense including information concerning any enhancement or reduction in the charge or penalty;
- 3) Copy of the conditions of parole or probation with commentary regarding any special conditions which have been imposed is granted. In pre-parole cases, the conditions shall be provided within 30 days after parole to plans in the receiving state;
- 4) Application for Compact Services and Agreement to Return Form;
- 5) Copy of the judgment and commitment;

- 6) Current supervision history of parolee or probationer in the sending state.

#### **Commentary**

Given the reality that some states do not have resources available to provide the following material, it is considered desirable, but not mandatory and should be included with the transfer request when it is readily available.

- 1) Photographs and fingerprints
- 2) Psychological reports;
- 3) Information regarding any medical condition which requires medication.

#### **Section 3-104.**

### **PRESENTENCE, PRECONVICTION AND POSTSENTENCE INVESTIGATIONS**

Compact Administrators are not required to make presentence, preconviction, or postsentence investigations. (Revised 3/28/2001)

#### **Commentary**

Administrators sometimes receive requests for investigations regarding prospective placements of individuals who have not been sentenced. It shall be noted that there is a great difference between making an investigation of an individual who has been convicted, but not yet sentenced, and making an investigation of an individual whose guilt has not been determined. Most Administrators seem to be willing to furnish presentence investigations. This is probably good practice in cases where the investigation will take some time and the court will be required to hold a probationer without a definite supervisory plan until the investigation report is received. The making of an investigation before conviction is another matter. The Association has agreed that Compact Administrators do not have any obligation to make such investigations since the Compact covers only "convicted" persons.

There may be state laws which prevent an Administrator from making such an investigation even if the Administrator wishes to cooperate. Moreover, a person charged with a crime is presumed to be innocent and retains relevant rights until found guilty, so there may be considerable doubt as to the legality of certain investigations if such individual has not been convicted.

Administrators should try to cooperate by exchanging information to assist other states in presentence, preconviction, and postsentence investigations. It is difficult for states to make proper decisions when background information is unavailable. Administrators who request information should be specific about the type of information wanted. The investigating state shall be given adequate information about such things as addresses of relatives and former employers.

#### **Section 3-105.**

### **CONFIDENTIALITY OF RECORDS**

Pre-parole and investigation reports which are exchanged between states in connection with interstate supervision are confidential.

### **Commentary**

Pre-parole and investigation reports shall not be revealed directly or indirectly to any person not authorized to receive them. Administrators shall notify persons in charge of records that they are confidential.

### **Section 3-106.**

#### **DISAGREEMENTS OVER ACCEPTING CASES**

No state shall refuse to supervise a parolee or probationer eligible under the Compact who has the necessary employment and residency qualifications. A receiving state cannot reject supervision based on a short period of supervision. Cases with less than 45 days supervision shall not be transferred.

### **Commentary**

Under the terms of the Compact, no state shall refuse to supervise a parolee or probationer who has been convicted and who has the necessary employment and residency qualifications. No state shall refuse to supervise if the offender is considered to be a poor risk, high profile case, or based upon crime(s). A receiving state cannot reject supervision based on a short period of supervision. Sending states are reminded, however, that receiving states have up to 45 days to investigate prior to acceptance. Therefore, cases with less than 45 days supervision shall not be transferred.

### **Section 3-107.**

#### **DIRECT CORRESPONDENCE WITH PRISONERS**

Compact officials shall not engage in direct correspondence with prisoners of another state regarding prospects for interstate supervision.

### **Commentary**

The procedure shall be that when an official receives such a letter, it will be acknowledged but will state that the official cannot act or give information on a case without a request from Compact officials in the sending state. Each state may devise a form letter to use in such cases.

### **Section 3-108.**

#### **ARRANGEMENTS FOR SUPERVISION IN A THIRD STATE**

Transfer of supervision to a third-party state shall be processed by the sending state. The current supervising state shall notify the sending state prior to movement for purposes of changing residence. Sending states shall notify receiving states of acceptance of transfer by the third-party state.

### **Commentary**

The state presently supervising the parolee or probationer will assist in having Form III signed if provided by the sending state, issue a travel permit, when properly authorized, with specific information included. This information shall then be sent to the sending state, which will forward such information to the third-party state. The sending state will notify the original receiving state when acceptance is made by the third state and notify it to close the file.



**Section 3-109.**

**RETURN OF SUPERVISION TO THE SENDING STATE (Effective 3/28/2001)**

Prior to an offender being allowed to return to the sending state, the administrator of the sending state shall be notified and reporting instructions shall be requested. This notice shall include the address of residence, phone number, name and relationship of contact person, and date of departure. A travel permit will be furnished to the offender with a copy to the sending state.

**Commentary**

This rule is intended for offenders with a valid need for return as opposed to those in violation or those who present supervision problems. The sending state is encouraged to provide reporting instructions in an expeditious manner, but failure to do so will not preclude the offender's return. Prior to allowing the offender to return, the receiving state should consider special conditions, victim issues, and other pertinent matters that impact public safety. The travel permit shall include any reporting instructions provided the offender at the time of departure.

**Section 3-110.**

**OBLIGATION TO PROVIDE FOR RETURN**

A sending state shall provide for the return of violators supervised under the Compact, including expenses associated with such return, in a reasonable and expeditious manner.

**Commentary**

Fiscal constraints are not sufficient reason for failure to return violators under the Interstate Compact. It is the duty of the sending state to provide for the return of all offenders supervised under the Compact. Sending states shall provide for the return of violators from receiving states in a reasonable and expeditious manner.

Receiving states shall not be required to bear expenses associated with a physical return to a sending state, except that no sending state shall be required to compensate a receiving state for expenses associated with the normal incarceration, judicial or administrative process of a receiving state. Additionally, neither the sending or receiving state shall ever send a bill for services to the other state.

Failure to return violators due to fiscal reasons may have liability implications for sending states.

**Section 3-111.**

**RULE VARIANCES**

Variations to the rules under this Compact, because of the emergency nature of the circumstances surrounding the need for said variance, may be implemented where clear and convincing evidence can be shown to exist of the need for such variance and where agreed upon in advance by the states affected by such variance. Variations shall be in writing, and should be filed with the Chair of the Executive Council.

**Commentary**

Variations shall be used when the states involved agree upon the need for the variance. Such cases should usually be extraordinary in nature, and variations agreed upon shall be in writing.

## SECTION 400 STANDARDS OF RECIPROCAL SUPERVISION

### Section 4-101.

#### RECIPROCAL DUTIES BETWEEN STATES

Each receiving state shall assume the duties of visitation of and supervision over probationers or parolees of any sending state transferred under the Compact, and in the exercise of those duties will be governed by the same standards which prevail for its own probationers or parolees.

#### Commentary

The same standard of supervision as applies in the receiving state in the supervision of its own parolees (and probationers) shall apply to out-of-state parolees (and probationers) sent there under the terms of this agreement. The general interpretation of Article (2) of the Compact is subject to no variation. There is unanimous agreement that this language means, in effect, that a receiving state is not expected to do more or less for out-of-state cases than it does for its own cases.

### Section 4-102.

#### INTENSITY AND DURATION OF SUPERVISION

The duration of the parole/probation period in a Compact case shall be determined by the sending state. The degree of supervision shall be determined by the receiving state, but shall be consistent with the degree of supervision applied by the receiving state to its cases not involving the Compact.

#### Commentary

Some states have parole periods which are much longer than average. Where such periods are fixed by law, it is often impossible for the sending state to discharge a parolee even though the supervision is taking place in a receiving state which does not extend such lengthy supervision to its own parolees. States may place in the lowest level of supervision. Nothing in this section prohibits two states agreeing prior to transfer on the intensity and duration of supervision in a particular case. In accordance with the clear intent of the Compact, sending states shall therefore determine length of supervision, with receiving states determining the degree of supervision applied. See PPCAA Interpretations: Legal & Administrative Section, Legal Opinion No. 1 Closing Supervision Interest.

### Section 4-103.

#### REPORTING

The receiving state shall provide the sending state with annual progress reports, unless through the mutual consent of the Administrators involved, they are discontinued. Arrival reports shall be sent within 30 days after the offender's arrival in the receiving state.

#### Commentary

The foregoing rule as it applies to progress reports is not to be construed as preventing two or more signatory states from agreeing among themselves upon either more frequent reporting or less frequent reporting concerning their respective parolees or probationers. Progress reports shall cover present residence of the parolee or probationer, name of the employer, type and character of employment and the individual's general conduct and progress, as well as the individual's attitude toward supervision.

**Section 4-104.**

**COLLECTION OF SUPERVISION FEES**

No sending state shall impose a fee for the purpose of supervision on a parolee or probationer who is currently being supervised by another state under the Interstate Compact.

**Commentary**

It is the position of the Parole and Probation Compact Administrators' Association that only a receiving state shall charge a supervision fee. The reasoning behind this policy is that only the receiving state is performing the actual supervision of the parolee or probationer during this time after the transfer, and therefore only the receiving state can justify a "supervision" fee. Fees assessed by sending states for purposes other than "supervision" are not specifically addressed by this rule. Receiving states shall not charge a supervision fee in Compact cases in excess of the amount which would be imposed if the offender were a parolee or probationer of the receiving state.

**Section 4-105.**

**COLLECTION OF MONEY BY THE SENDING STATE**

All money which the sending state desires to collect from parolees or probationers for family support, support of children, restitution, reparation or costs of court or fines, are to be sent directly to the sending state by the parolee or probationer; and the receiving state agrees only to use its best endeavors to see that the individual sends such money as requested.

**Commentary**

Receiving states have no legal authority to administer the collection of funds on behalf of sending states. In addition, it is the belief of the Compact Administrators that requiring receiving states to collect funds on behalf of sending states would be ineffective and would place unnecessary burdens on receiving states to account for funds belonging to another state.

**Section 4-106.**

**TEMPORARY/PROVISIONAL TRAVEL PERMITS**

Although many Interstate Offices regulate travel permits for all parolees and probationers within their state, for PPCAA purposes travel permit policies pertain only to Compact cases.

**1) Temporary Travel Permits**

A receiving state shall have the discretionary authority to issue to a parolee or probationer a temporary travel permit to make visits out of the receiving state for a period not to exceed thirty (30) days.

**2) Provisional Travel Permits**

Provisional travel permits may be issued by a sending state to allow a parolee or probationer to proceed to a receiving state prior to completion of an investigation and formal acceptance of the case in emergency situations. See Section 3-101.

**Commentary**

The Interstate Compact has no authority or involvement in the granting of travel in non-Compact cases. Copies of Provisional Travel Permits are to be included in the investigation request transfer package. Also, copies of Temporary Travel Permits issued in Compact cases are to be provided to the appropriate sending state. Copies of Temporary Travel Permits issued in non-Compact cases

will be mailed to states of travel only upon request of those states.

**Section 4-106(1):** The receiving state is authorized in appropriate cases to grant to the parolee (probationer) permission to make temporary visits out of the receiving state, not exceeding thirty days in length.

Before a parolee or probationer is given permission to visit in another state, advance notice of visits shall always be sent to the state to be visited if such Administrator of that state has indicated a desire for such notification.

**Section 4-106(2):** The provisional travel permit is to be used when travel is authorized by a sending state for a parolee or probationer to proceed to a receiving state and there remain pending case transfer. The precautions outlined in Section 3-101 shall be observed by the sending state Administrator before authorizing travel in these cases. If the receiving state rejects supervision of an individual following investigation of the plan, the parolee or probationer must return to the sending state. Provisional travel permits shall contain instructions to the parolee or probationer requiring return to the sending state if transfer of supervision is finally rejected by the receiving state. Travel permits shall be clearly marked as either temporary or provisional permits.

Sending states and receiving states are encouraged to utilize methods of electronic transfer of information to expedite communications in emergency cases.

#### **Section 4-107.**

#### **CLOSING OF CASE RECORDS (Effective 3/28/2001)**

- 1) The receiving state shall close its records and cease supervision of the parolees or probationers upon:
  - A) Receipt of a certificate of discharge from supervision or upon a receipt of permission to close interest from the sending state.
  - B) Notification of absconder status. Such closure shall not jeopardize the sending state's right to retake that individual without extradition. Should said absconder be located within the receiving state, the provisions of these rules and the Compact requiring the receiving state to hold a preliminary hearing shall still apply.
  - C) Notification of institutionalization (per 4-109) or imprisonment.
  - D) Notification of death.
  - E) Return to sending state (per 3-109).
  
- 2) No receiving state shall close its records on a violator while the sending state is in the process of retaking the parolee or probationer.

#### **Commentary**

It has been established by various court decisions that even when the receiving state has closed its records on an absconder such closure does not jeopardize the right of the sending state to retake him/her without extradition.

A Certificate of Death will be provided if requested by the sending state.

A case shall not be closed on a violator while the sending state is in the process of retaking. The case shall be closed after the offender is removed from the receiving state or when the violator begins to serve a new sentence in the sending state. As a general principal receiving states shall treat Compact cases as they would treat their own state's non-Compact cases. (Effective 3/28/2001)

**Section 4-108.**

**DISCHARGE IN RECEIVING STATE**

The sending state shall notify the receiving state's Compact Administrator of a parolee or probationer's discharge from supervision.

**Commentary**

Notices of discharge shall always be sent to the receiving state's Administrator, so that they will not be in the position of supervising an individual who is no longer on probation or parole. The receiving state's authority to supervise springs from the fact that it is acting as "agent" for the sending state. Therefore, the receiving state shall not continue supervision when there has been a discharge.

It is noted that some states discharge supervisees despite the fact that the receiving state has called attention to the need for continued supervision. The sending state has a legal right to make the final decision regarding discharge; however, it also was agreed that there shall be cooperation in these matters.

**Section 4-109.**

**SUPERVISION OF INDIVIDUALS WHO BECOME MENTALLY ILL OR PHYSICALLY HANDICAPPED WHILE IN THE RECEIVING STATE**

A receiving state shall continue supervision of an offender who is determined to be mentally ill or physically handicapped while in the receiving state, unless the prognosis for recovery is diagnosed as long term or of a permanent nature, where the supervision of long-term commitments reverts back to the sending state.

**Commentary**

It must be remembered in setting supervision rules for the mentally ill or physically handicapped offender, that most such cases are committed for short terms or usually after being charged with a new offense in the receiving state. Closing and resuming Compact supervision on these short commitments would place a needless administrative burden on both the receiving and sending states.

**Section 4-110.**

**INTERPRETATION AND PRACTICES REGARDING VIOLATORS**

**1) Reports of Violations**

A receiving state shall promptly, upon violation, notify the sending state of such violation utilizing the appropriate forms provided for by these rules.

**2) Crimes Against the Laws of the Receiving State**

A receiving state may detain a parolee or probationer who has committed a crime against the laws of the receiving state and hold a trial on that offense.

**3) Detainers Placed by the Sending State**

The following are procedures regarding detainers placed by the sending state against interstate supervisees incarcerated in the receiving state:

- A) A preliminary hearing shall be conducted as soon as possible by the receiving state and forwarded to the sending state if requested, except where a waiver admitting the fact of the violation has been executed.

- B) The receiving state shall send full information to the sending state regarding such things as the nature of the crime and the length of the new sentence.
  - C) The sending state shall, when filing a detainer, send a letter to accompany the detainer to the receiving state expressing the wishes of the sending state when the individual is released from prison in the receiving state.
- 4) **Detainers Placed by a Receiving State**  
Where allowed by the law of the receiving state, detainers or Compact warrants may be placed by a receiving state upon a violator under the Compact pending a warrant or revocation by the sending state.
- 5) **Requests for Preliminary Hearings**  
All requests by sending states that a receiving state hold a preliminary hearing on a violation shall be honored, except where a waiver admitting the fact of the violation has been executed (unless waivers are prohibited by the sending state).
- 6) **Bail**  
No interstate supervisee who has been arrested in the receiving state shall be admitted to bail while the sending state is in the process of returning the supervisee.

#### **Commentary**

**Section 4-110(1):** Section 5 of the Parole and Probation Rules and Regulations specifies that the receiving state shall "promptly upon violation notify the sending state." An Administrator must give due credit to the recommendations of individual field officers, but should screen notices of violation rather carefully to be sure that there is good and sufficient reason for asking the sending state to retake its parolee or probationer.

The term "revocation of parole" has different meanings under various state laws. When corresponding about violations with the receiving state, it may be well to substitute other terms, such as "delinquency status" or "suspension of parole."

**Section 4-110(2):** If a violator has committed a crime against the laws of the receiving state, that violator may, of course, be held and tried on new charges. This is in accordance with Article 3 of the Compact which states, if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or that suspicion exists of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharge from prosecution or from imprisonment for such offense."

Sending states clearly have a legal and contractual obligation under the Compact to return an individual where requested, just as receiving states have the related responsibility not to violate in Compact cases more readily than they do in their own cases. The length of a new sentence in the receiving state has no bearing on the sending state's right to retake an individual once the sentence has been served.

**Section 4-110(3):** Subsection (B): The receiving state shall confront all available adverse witnesses at the preliminary hearing where the violation is technical or based on untried complaints. In the case of a new conviction, the receiving state shall send certified minutes of the conviction.

The receiving state shall authenticate any other materials including the violation report and summary of the preliminary (on site) hearing if required by the sending state.

**Section 4-110(4):** When an interstate supervisee has been arrested in the receiving state, such supervisee shall not be admitted to bail while the sending state is in the process of making the return. The Morrissey decision and subsequent court decisions are predicated upon the assumption that the preliminary hearing determines the existence of reason to hold the individual, therefore eliminating the basis for allowance of bail. There shall be a special effort made to advise police, prosecutors and judges of the existence of the sending state's violation warrant.

**Section 4-111.**

**FACTORS INVOLVED IN THE MAKING OF A DECISION TO RETAKE A CASE**

- 1) **Obligation to Retake a Violator**  
A receiving state shall consider a parolee or probationer's residence and family ties before asking a sending state to retake a violator, particularly when the violator has only a few months left to serve for the sending state and is under a new sentence in the receiving state.
- 2) **Alternatives to Retaking Out-of-State Cases**  
There are two alternatives to retaking out-of-state cases:
  - A) In the case of a violator who has committed a crime in the receiving state it may be possible to arrange concurrent supervision.
  - B) Any violator may be committed by the sending state to an institution of the receiving state if both states are signatory to the Out-of-State Incarceration Amendment.
- 3) **Continuation of Supervision when the Sending State Refuses to Retake a Violator**  
A sending state shall apply the same standard for retaking of parolees or probationers as is applied to the taking custody of parolees or probationers within the sending state. The decision of the sending state to retake a person on parole or probation shall be conclusive and non-reviewable within the receiving state.

**Commentary**

**Section 4-111(1):** The receiving state shall try to give due consideration to residence and family ties before asking a sending state to retake a violator, particularly when the violator has only a few months left to serve for the sending state and is under a new sentence in the receiving state. The Association has adopted the following:

"That this Association go on record as favoring the continuance of the practice regarding return principles that has been followed over the years, namely that when a receiving state requests return, the request be honored unless another plan satisfactory to both states can be found."

In special situations the receiving state may feel compelled to ask the sending state to retake a parolee or probationer, even though the violations are relatively minor. It is suggested that in these cases the receiving state explain fully the pressures and special problems which make the continuance of supervision infeasible.

**Section 4-111 (3):** Article 3 requires that "[t]he decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state." See PPCAA Executive Council Rulings Section. Ruling No. 4 -Sending State's Refusal to Order Return of an Offender.

The sending state shall reply to any violation report with either a decision or status report within 30 days of its receipt.

**Section 4-112.**

**FORMS**

The forms in reference to (1) Investigation Request; (2) Information When Subject is Sent to Receiving State; (3) Application for Compact Services and Agreement to Return; (4) Progress and Conduct Report; (5) Violation Report; and (6) Report of Arrival, are found in Chapter 4 and made part of these rules and regulations and are to be used for the purpose indicated. The Reply to Investigation Request Form, also found in Chapter 4, is optional.

**Commentary**

The objective in using standardized forms is to provide a degree of uniformity in the type and quality of information transmitted between states. Although there may be some minor differences in the format of forms used by the various states, every effort should be made to conform to the requirements of the rule regarding the use of forms. This is especially true where use of the Application for Compact Services and Agreement to Return is concerned as the language used in this form must conform in every respect with the language adopted by the Administrators.



## SECTION 500 RETAKING CASES FROM ANOTHER JURISDICTION

### Section 5-101.

#### GENERAL LEGAL ASPECTS

A duly accredited officer of a sending state may at any time enter a receiving state and apprehend and retake any person on probation or parole after due process.

#### Commentary

Article 3 of the Compact was reinterpreted by the Supreme Court (1972 & 1973) in *Morrissey v. Brewer* and *Gagnon v. Scarpelli*. The Court expanded certain limited due process rights to parole and probation offenders prior to the return of the alleged violator to the receiving state. A preliminary probable cause hearing is required prior to return.

At the time of application for Compact services, a waiver of extradition is executed. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. Some states require an identity hearing prior to return of the alleged violator to the sending state.

Article 3 also prohibits the removal of an alleged violator from the receiving state if: 1) there remains pending within the state any criminal charges, 2) if the alleged violator is suspected of having committed any criminal offenses, 3) unless, the receiving state grants consent to remove the violator prior to discharge from prosecution or from imprisonment for such offense.

### Section 5-102.

#### PROBABLE CAUSE HEARINGS

*Morrissey v. Brewer* and *Gagnon v. Scarpelli* mandate the holding of preliminary probable cause hearings in the receiving state prior to returning an alleged violator to the sending state.

#### Commentary

In the early 1970's the U.S. Supreme Court held in *Morrissey v. Brewer* and *Gagnon v. Scarpelli* that alleged parole and probation violators must be afforded limited due process rights upon arrest and confinement in the receiving state. The court held that an informal hearing is mandated to give assurance that the finding of parole or probation violation is based on verifiable facts and that a reasonably prompt inquiry is made by an impartial hearing officer near the place of alleged violation.

The hearing is held to determine whether probable cause exists to believe that a parole or probation condition has been violated.

### Section 5-103.

#### WAIVER OF PROBABLE CAUSE HEARINGS

Waiver of probable cause hearings by a parolee or probationer under the Compact against whom revocation proceedings have begun shall not be accepted unless said waiver shall also include an admission of violation of probation or parole, knowingly signed by the parolee or probationer unless such waivers are prohibited by the sending state.

#### Commentary

Historically, practices differ among states as to the conditions of and acceptability of waivers of probable cause hearings. Problems have occurred in substantiating parole/probation violations in the

receiving state based upon waivers which do not include an admission of violation. To prevent the loss of violation action by the sending state, all waivers of probable cause hearings shall include a signed admission of violation by the parolee or probationer.

#### **Section 5-104.**

#### **ON-SITE PROBABLE CAUSE HEARINGS**

- 1) Parole or probation revocation actions against individuals transferred under the Interstate Compact shall include a preliminary probable cause hearing conducted in the receiving state when at the time of initiation of revocation the parolee or probationer was physically within a receiving state pursuant to transfer under the Compact.
- 2) Preliminary probable cause hearings shall be conducted in a timely and reasonable manner and may be held by courts of appropriate jurisdiction or by administrative officials who are neutral and detached from the specific proceedings as otherwise allowed by law.
- 3) Preliminary probable cause hearings shall be subject to the procedures of the receiving state where not in conflict with the Compact.
- 4) Any evidence acceptable in a preliminary probable cause hearing shall be sufficient when transferred to a sending state as part of the official record of the preliminary probable cause hearing for acceptance as evidence for consideration in a final revocation hearing in the sending state, notwithstanding that it may be otherwise insufficient or objectionable in the form in which it is transferred. See Probable Cause Hearing Information Form.

#### **Commentary**

The Adult Compact clearly mandates that policies and practices in the treatment of Compact offenders are to be governed by the receiving state. Therefore, to maintain uniformity in the administration of interstate preliminary probable cause hearings, the policies, procedures and practices of the receiving state shall prevail. Conflicts between states on the acceptability/admissibility of evidence are resolved through the execution of the Probable Cause Hearing Information Form signed by the parole or probation offender at the time of application for Compact services.

#### **Section 5-105.**

#### **WAIVER OF EXTRADITION**

No transfer shall occur under the Compact without a duly executed waiver of extradition signed by the parolee/probationer.

#### **Commentary**

- 1) Article (3) of the Compact greatly simplifies the procedure for interstate rendition of parolees and probationers. It means that the signatory states have agreed that extradition proceedings shall not be required when a sending state wishes to retake its parolee or probationer.

This agreement between the states is buttressed by an agreement signed by the parolee or probationer leaving the sending state for supervision in the receiving state. By signing this agreement (Form III of the Parole and Probation Forms - "Application for Compact Services and Agreement to Return") the offender waives any right to extradition proceedings in return for the privilege of interstate supervision and agrees to make no contest of "any effort by any state" to force return to the sending state upon demand.

Thus the states, with the consent of Congress, have expressly waived all of their legal requirements to obtain extradition of fugitives under the Compact - and the individual parolees or probationers have agreed - in advance and as a specific condition of their transfer - to waive their right to contest the effort of any state to return them to the sending state. The right of states to retake Compact cases without extradition has been challenged in court many times, but no court of last resort has ever handed down an unfavorable decision to the Compact.

2) The courts in recent years have ruled that if a parolee or probationer has signed a waiver of extradition as part of the agreement, extradition is not necessary. There are numerous relevant court cases (not one court of higher jurisdiction has ever ruled against this method of return). Quite to the contrary, the courts of higher jurisdiction, the U.S. 5th, 7th and 8th Circuits have ruled that a pre-signed waiver (without a Compact transfer) can be used and denied civil judgment against officials involved under USC Section 42, 1983. The courts have also ruled that:

(A) Prior waiver of extradition as a condition of parole is not an unreasonable or coerced condition. See *Pierson v. Grant*, 527 F.2d 161 (8th Cir.1975).

(B) Prior waiver is enforceable if the offender had a "general knowledge and understanding" of the waiver. See *Forester v. California Adult Authority*, 510 F.2d 58 (8th Cir.1975).

(C) Extradition is not an exclusive remedy. See *Cook v. Kern*, 330 F.2d 1003 (5th Cir.1964).

(D) It need only to establish identity of the offender and the authority of the retaking officer.

See *Simmons on behalf of Gra-V v. Lohman*, 228 F.2d 824 (7th Cir.).

See PCCA Executive Council Rulings Section, Ruling No. 5 - Refusal to Honor Waiver of Extradition.

#### Section 5-106.

#### THIRD PARTY STATE RETURN OF PAROLE/PROBATION VIOLATORS

When a parolee or probationer executes the Application for Compact Services and Agreement to Return Form (Form III) the individual also waives the right to extradition from any jurisdiction where such person may be found.

#### Commentary

There has been no difficulty experienced by probation or parole agencies in effecting the return of violators who are apprehended in the receiving state, particularly where the probationer or parolee has signed the Compact Form III. The courts have uniformly upheld the right of the state to retake in this situation without extradition and no reported case has been found to the contrary. The great weight of authority also holds that a parolee or probationer who has been released to supervision under the Compact in another state and absconds to a third party state may also be returned without formality of extradition proceedings. There are several court decisions upholding the return of an alleged violator from any other state under a pre-signed waiver. The courts have ruled that:

1. Prior waiver of extradition as a condition of parole is not an unreasonable or coerced condition;
2. Prior waiver is enforceable if the offender had "general knowledge and understanding"

of the waiver;

3. Extradition is not an exclusive remedy;
4. There is need only to establish identity of the offender and the authority of the retaking officer.

#### **Section 5-107.**

#### **RIGHT OF PAROLEES AND PROBATIONERS TO LEGAL PROCEEDINGS**

No parolee or probationer under the Compact shall be denied the right to appeal to a court for the protection of individual rights.

#### **Commentary**

Parolees and probationers have sometimes made the claim that the Compact procedure for securing the return of interstate cases is in violation of the Fourteenth Amendment because it deprives them of liberty without due process of the law. This claim has always been rejected.

The following excerpt taken from the *Niederer v. Caty*, 240 N.W.2d 626 (Wis. 1976) case indicates the line of reasoning generally followed by the courts, in upholding the Compact's waiver provisions, "because a parolee is deprived of no federally protected right, constitutional or statutory, in not being afforded an extradition proceeding, there is no due process violation."

The Compact does not and cannot deny to a parolee or probationer the right to appeal to a court for the protection of individual rights. However, the rights of a parolee or probationer are not unlimited and must be balanced against the rights of society. Article 3 of the Interstate Compact under which supervision occurs states, "the decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state." Therefore, certain claims of violation of individual rights must be decided by the courts of the sending state rather than the courts of the receiving state.

The following is a summary of interpretations regarding the jurisdiction of courts of sending and receiving states over claims made by parolees and probationers:

- (1) If the parolee or probationer claims to be the wrong person when the sending state attempts to retake the individual: by the very terms of the Compact the individual can apply in the asylum (receiving) state where the individual is found for a writ of habeas corpus to test "the identity of the person to be retaken."
- (2) If the parolee or probationer claims that the officer sent to retake is not the duly accredited officer of the sending state: by the terms of the Compact, application can be made in the asylum (receiving) state for a writ of habeas corpus to test "the authority of the officer."
- (3) If the parolee or probationer claims that conviction by the sending state was unjust or that the sentence received was disproportionate: the remedy is to appeal to the courts of the demanding (sending) state. There is no right to test innocence or guilt on habeas corpus in the receiving state.
- (4) If the parolee or probationer claims that the sentence has already been served in full: the individual must appeal to a court of the sending state for a decision as to that person's status under the laws of the sending state.

- (5) If the parolee or probationer claims that the violation for which retaking is underway is not serious enough to warrant return to the sending state: the court of the receiving state is relieved of jurisdiction by the express terms of the Compact which states, "the decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state."
- (6) If the parolee or probationer contests the legality of the revocation: this is a question for the demanding (sending) state.

**Section 5-108.**

**TRANSPORTATION OF CASES THROUGH OTHER STATES BY AGENTS OF THE SENDING STATE**

Persons who are duly accredited officers of the sending state under this Compact, shall be permitted to transport prisoners through any and all states party to this Compact without interference.

**Commentary**

Article (4) of the Compact states that "only duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this Compact, without interference."

States may authorize appropriate officials within public or private agencies as official agent of the sending state for purposes of transporting offenders. Nothing in the Compact precludes a state from contracting with private transportation vendors for purpose(s) of transporting offenders across state boundaries.

**Section 5-109.**

**RETAKEING OFFENDERS DIRECTLY FROM STATE/FEDERAL CORRECTIONAL FACILITIES**

Duly accredited agents of the sending state may assume custody directly from state/federal facilities provided that: 1) no detainer has been placed by the state in which the institution lies; 2) no extradition proceeding initiated by a 3rd state is pending; 3) that no identity hearing is required by the laws of the state in which the offender is incarcerated.

**Commentary**

Article 3 of the Compact provides for the waiving of extradition rights at the time of application. Unless local charges are pending or unless another party state has initiated extradition proceedings, custody may be directly assumed by the sending state's agents at the place of confinements. In addition, some states require that an identity hearing be held in the state of confinement to establish the identity of the offender and of the sending state's agents.

## SECTION 600 SUGGESTED RULES OF PRACTICE UNDER THE INTERSTATE REVOCATIONS HEARINGS AMENDMENT

**NOTE:** Section 600 contains recommended policies and general provisions for the implementation of interstate revocation hearings between signatory states. The contents of any sub-section contained herein is subject to the approval of the duly appointed Compact Administrators and/or designates representing the signatory states party to this amendment.

### Section 6-101.

#### GENERAL LEGAL PROVISIONS

The service of administering interstate revocation hearings on a reciprocal basis is not a service provided for under any provision of the basic Compact. However, where Compact amendment exists and where a written contractual agreement exists between signatory jurisdictions, states may provide interstate revocation hearings pursuant to law and contractual arrangement. See recommended contract "Contract for Services Between (receiving state) and (sending state) for the implementation of the Revocation Hearings Amendment."

#### Commentary

When the Compact was effectuated in 1937, no provisions were made for authorities of signatory states to hold final revocation hearings for one another. While the Incarceration Amendment to the Compact (late 1960's) recognized and provided for interstate revocation hearings between signatory jurisdictions, its primary intent was to reincarcerate violators in the receiving state. As a result, the Incarceration Amendment's applicability to modern field and correctional systems was questionable.

The Interstate Revocation Hearings Amendment provides the legal basis to permit signatory states to hold final revocation hearings for one another, reciprocally. The amendment legally assigns agent status to the receiving state's officials in the holding of final revocation hearings pursuant to this amendment. There are two separate Compact amendments governing interstate revocation hearings - one statute governs parole revocation hearings and the other statute governs probation revocation hearings. States may opt to pass one or both amendments. In addition to the passage of the Compact amendment(s), signatory states shall enter into written contractual agreements. Said agreements shall provide the basis of how the states' staff conduct business between one another; what offender groups shall be eligible for services; and, which states' applicable laws and regulations shall prevail and govern the administration of final revocation hearings. Nothing in the amendment(s) or contained in any contractual agreement shall abrogate or revoke the sending states authority to review and approve a final revocation hearing recommendation made by the authorities of the receiving state.

### Section 6-102.

#### ELIGIBILITY

Signatory states shall negotiate and agree via written contract as to the scope of offender eligibility.

#### Commentary

The U.S. Supreme Court clearly established that speedy trial rights do not apply to outstanding parole and probation violation detainees when an alleged parole or probation violator is serving an out of state term of imprisonment. *Nash v. Carchman* 473 U.S. 716, 105 S. Ct. 3401 (1985). Given the above holding, interstate Administrators may at their discretion decide on which offender groups may best be served by the hearing process provided for under the Interstate Revocation Hearings Amendment. It is strongly recommended that officials entering into contracts under this amendment

clearly define the offender groups to be served.

#### **Section 6-103.**

#### **AGREEMENT OF WAIVER - COMPACT OFFENDER**

In order to partake in services provided under the Compact between states party to the Interstate Revocations Hearings Amendment, the parolee and/or probationer shall execute Form II, "Agreement of Waiver, Revocation Hearings Amendment" in conjunction with "The Application for Compact Services and Agreement to Return" form. All documents shall be contained in the original transfer package compiled at the time of application for transfer.

#### **Commentary**

Compact services provide certain benefits to the offender group. In consideration of obtaining certain benefits derived from interstate transfer, the offender(s) must waive their rights to formal extradition and must realize and accept certain differences in the administration of parole/probation supervision between states. Where two states have adopted the Interstate Hearings Amendment and have entered into contractual arrangements under the amendment, the offender shall also acknowledge and agree to any differences in the administration of final revocation hearings between sending and receiving states. In addition, the offender must waive any right to a face-to-face revocation hearing in the sending state, and must waive any challenge to the type and character of information reports and documents presented and/or used in consideration against the offender during the final revocation process.

#### **Section 6-104.**

#### **AGREEMENT OF WAIVER - NON-COMPACT OFFENDER**

In order to partake in services provided under the Final Revocation Hearings Amendment and to obtain benefits derived there from, non-Compact offenders deemed eligible for revocation hearing by contractual agreement, shall effectuate Form IV- "Agreement of Waiver, Non-Compact Case"; Form IV shall be executed prior to the scheduling of any final revocation hearing within the receiving states. The offender must voluntarily execute a Form IV.

#### **Commentary**

Form IVs are only executed by non-Compact offenders who voluntarily request that a receiving state hold a final revocation hearing. Non-Compact offenders are only eligible for interstate revocation hearings under this Amendment(s) when signatory states agree to the eligibility of non-Compact offenders via formal contractual provision.

#### **Section 6-105.**

#### **STANDARDS OF EVIDENCE**

The type and character of information, reports and documents presented and/or entered into evidence to substantiate or dispel violation allegations brought against an offender under this amendment shall be accepted as legitimate standards of evidence by officials of the sending state provided that such documents are acceptable standards of evidence for revocation proceedings within the receiving state.

#### **Commentary**

The rule ensures that evidence presented and accepted at a final revocation proceeding in the receiving state be transferable as legitimate evidence when considered by the sending state.

**PPCAA**  
**Section 7-101**

**TRANSITION RULE-August, 2002**

The Interstate Compact for Adult Offender Supervision shall be referred to as "the new compact" and the Interstate Compact for the Supervision of Parolees and Probationers shall be called, "the old compact," in reference to this rule. This rule shall continue in full force for a length of time agreed upon by both compacts.

1. Interstate transactions between jurisdictions during the initial twelve (12) months following the first commission meeting shall be governed as follows:
  - a) Transactions between members of the new compact will be governed by the new compact rules.
  - b) Transactions between members of the old compact only, will be governed by the old compact rules.
  - c) Transactions between new compact and old compact members will be governed by the compact rules of the receiving jurisdiction.
2. New compact states and old compact states shall attempt to resolve any disputes or other issues that may arise. Unresolved issues will be addressed through mediation or binding dispute resolution.
3. The duties and obligations of a renouncing state shall continue as to offenders residing therein at the time of withdrawal until retaken or finally discharged by the sending state.

**Commentary:** This transition rule is designed to facilitate uninterrupted supervision of adult offenders and promote public safety.

08/01/02

**Note:** This Transition Rule was passed by the PPCAA membership, by signed ballot, on Friday, August 2, 2002.



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**INTERSTATE COMMISSION**

**FOR**

**ADULT OFFENDER**

**SUPERVISION**

**(ICAOS)**

***DRAFT RULES***

*Approved by the Rules Committee*

*Washington, D.C., August 7 & 8, 2003*  
*Teleconference meeting, September 26, 2003*  
*Teleconference meeting, October 3, 2003*

*Kathie Winckler, Esq., Texas, Chair*

*Milt Gilliam, Oklahoma, Vice chair*

*Jim Cosby, Tennessee*

*Doreen Geiger, Washington*

*Tina Hayes, Florida*

*Ben Martinez, Pennsylvania*

*Paul Quander, District of Columbia*

*A.T. Wall, Rhode Island*

*Pat Tuthill, Florida, Florida, Victims' representative*

*Justice Gerald VandeWalle, North Dakota, Judicial representative*

*Don Blackburn, Executive Director, ICAOS*

*Rick Masters, Esq., Counsel*

*Mike McCabe, CSG, Esq., Counsel*

*John Mountjoy, CSG Staff*

1                   **A MESSAGE FROM THE RULES COMMITTEE OF THE INTERSTATE**  
2                   **COMMISSION FOR ADULT OFFENDER SUPERVISION**

3  
4     The rules contained in the following pages were prepared by the Rules Committee of the  
5     Interstate Commission for Adult Offender Supervision at meetings conducted by  
6     telephone and in person from January 2003 through September 2003. Public notice of all  
7     meetings of a quorum of the committee was given at least 30 days before each meeting.  
8     Meetings of the drafting subcommittee of the Rules Committee were held in Lexington,  
9     KY in June 2003, Chicago, IL in July 2003, and Lexington, KY in September 2003. The  
10    drafting subcommittee prepared the rules, which were presented to the Rules Committee  
11    for their approval at a 2-day meeting, at which a quorum was present, in Washington,  
12    D.C. on August 7 & 8, 2003, and at subsequent teleconference meetings at which a  
13    quorum was present on September 19 & 26, 2003, and October 3, 2003.

14  
15    Prior to the preparation of these rules, the Rules Committee requested comments and  
16    recommendations from all interested parties, whether new compact member or non-  
17    member states, and received written recommendations and comments from Arizona,  
18    Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Kansas, Maryland, New York,  
19    North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Utah, and Wisconsin.  
20    The National Institute of Corrections, the Parole and Probation Compact Administrators'  
21    Association, and victims' organizations, through the commission's victims' advocate,  
22    also offered recommendations. Many others offered oral comments and  
23    recommendations.

24  
25    The drafting subcommittee closely reviewed all of the proffered comments and  
26    recommendations and incorporated those that were consistent with the public safety  
27    mission of the compact. The drafting subcommittee used the rules adopted by the  
28    Interstate Commission at the November 2002 meeting in Scottsdale, Arizona of the  
29    commission as a starting point for its work. In many rules the substance was unaltered;  
30    in others changes were adopted to reflect the recommendations received by the  
31    committee. Rules that were thought to be unnecessary were deleted. The format of the  
32    rules has been changed greatly. A commonly used statutory numbering and lettering  
33    system has been adopted, and all commentary has been eliminated. However,  
34    commentary in the previous rules that the drafters believed was essential to the rule has  
35    been incorporated in the new rules.

36  
37    The drafting subcommittee presented its work to the full Rules Committee for its  
38    approval at the Washington, D.C. meeting and at subsequent teleconference meetings in  
39    September 2003. The committee made numerous improvements to the drafters' work.  
40    Record votes were taken on each rule, and the product of those votes is shown in the rules  
41    presented here.

42  
43    Over the next month, the Rules Committee will ask regional directors to convene  
44    telephone conference meetings of states in their regions with members of the Rules  
45    Committee so that we may review these draft rules with them prior to the November  
46    2003 meeting. Through these teleconference meetings interested individuals can

1 question committee members about the intent of the rules and can voice any concerns  
2 they may see. In addition, an informal hearing, as required by the compact, will be held  
3 prior to the November meeting of the Commission at which the rules will be adopted.  
4 This meeting will provide an opportunity for input from all interested individuals prior to  
5 the rules' final adoption.

6  
7 The Rules Committee remains receptive to your comments, questions or  
8 recommendations. You may e-mail your comments to Don Blackburn at  
9 dblackburn@csg.org, or to Kathie Winckler at [kathie@winckler.us](mailto:kathie@winckler.us), and we will share  
10 your remarks with the Rules Committee. We look forward to your comments.

11  
12 Kathie Winckler  
13 Chair

Milt Gilliam  
Vice-chair

14  
15 Jim Cosby

Doreen Geiger

Tina Hayes

16  
17 Ben Martinez

Paul Quander

Pat Tuthill

18  
19 Gerald VandeWalle

A.T. Wall

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4 **INTERSTATE COMMISSION FOR**  
5 **ADULT OFFENDER**  
6 **SUPERVISION**  
7  
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9

10 **Chapter 1**

**Definitions**

11 **Chapter 2**

**General provisions**

12 **Chapter 3**

**Transfer of supervision**

13 **Chapter 4**

**Supervision in a receiving state**

14 **Chapter 5**

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15 **Chapter 6**

**Dispute resolution**

Table 1

| Where did the ICAOS rule come from? |                         |
|-------------------------------------|-------------------------|
| ICAOS draft rule number             | PPCAA rule number       |
| 1.101                               | PPCAA 1-100, (A) – (CC) |
| 2.102                               | NEW RULE                |
| 2.103                               | NEW RULE                |
| 2.104                               | PPCAA 4-112             |
| 2.105                               | PPCAA 2-107             |
| 2.106                               | PPCAA 2-109             |
| 2.107                               | PPCAA 2-108             |
| 2.108                               | PPCAA 4-109             |
| 2.109                               | NEW RULE                |
| 2.110                               | NEW RULE                |
| 3.101                               | PPCAA 2-101             |
| 3.102                               | PPCAA 3-101             |
| 3.103                               | PPCAA 3-101             |
| 3.104                               | PPCAA 3-101 I.          |
| 3.105                               | PPCAA 3-101 II.         |
| 3.106                               | PPCAA 3-101 IV.         |
| 3.107                               | PPCAA 3-103             |
| 3.1071                              | PPCAA 3-103             |
| 3.108                               | PPCAA 2-112             |
| 3.1081                              | NEW RULE                |
| 3.109                               | PPCAA 5-105             |
| 4.101                               | PPCAA 4-101, 4-102      |
| 4.102                               | PPCAA 4-102             |
| 4.103                               | PPCAA 2-110             |
| 4.104                               | NEW RULE                |
| 4.105                               | PPCAA 4-103             |
| 4.106                               | PPCAA 4-103             |
| 4.107                               | PPCAA 4-104             |
| 4.108                               | PPCAA 4-105             |
| 4.109                               | PPCAA 4-110             |
| 4.110                               | PPCAA 3-108             |
| 4.111                               | PPCAA 3-109             |
| 4.112                               | PPCAA 4-107             |
| 5.101                               | PPCAA 4-111             |
| 5.102                               | NEW RULE                |
| 5.103                               | NEW RULE                |
| 5.104                               | NEW RULE                |
| 5.105                               | NEW RULE                |
| 5.106                               | NEW RULE                |
| 5.107                               | PPCAA 5-101             |
| 5.108                               | PPCAA 5-102             |
| 5.109                               | PPCAA 5-108             |
| 5.110                               | PPCAA 5-109             |
| 6.101                               | PPCAA 3-106             |
| 6.102                               | NEW RULE                |
| 6.103                               | NEW RULE                |
| 6.104                               | NEW RULE                |

1  
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4

Table 2

| Where did the PPCAA rule go? |                         |
|------------------------------|-------------------------|
| PPCAA rule number            | ICAOS draft rule number |
| PPCAA 1-100                  | 1-101                   |
| PPCAA 2-101                  | 3.101                   |
| PPCAA 2-107                  | 2.105                   |
| PPCAA 2-108                  | 2.107                   |
| PPCAA 2-109                  | 2.106                   |
| PPCAA 2-110                  | 4.103                   |
| PPCAA 2-112                  | 3.109                   |
| PPCAA 3-101                  | 3.102                   |
| PPCAA 3-101                  | 3.103                   |
| PPCAA 3-101 I.               | 3.104                   |
| PPCAA 3-101 II.              | 3.105                   |
| PPCAA 3-101 IV.              | 3.106                   |
| PPCAA 3-102                  | 2.101                   |
| PPCAA 3-103                  | 3.107                   |
| PPCAA 3-106                  | 6.101                   |
| PPCAA 3-108                  | 4.110                   |
| PPCAA 3-109                  | 4.111                   |
| PPCAA 4-101, 4-102           | 4.101                   |
| PPCAA 4-102                  | 4.102                   |
| PPCAA 4-103                  | 4.105                   |
| PPCAA 4-103                  | 4.106                   |
| PPCAA 4-104                  | 4.107                   |
| PPCAA 4-105                  | 4.108                   |
| PPCAA 4-107                  | 4.112                   |
| PPCAA 4-109                  | 2.108                   |
| PPCAA 4-110                  | 4.109                   |
| PPCAA 4-111                  | 5.101                   |
| PPCAA 4-112                  | 2.104                   |
| PPCAA 5-101                  | 5.107                   |
| PPCAA 5-102                  | 5.108                   |
| PPCAA 5-105                  | 3.111                   |
| PPCAA 5-108                  | 5.109                   |
| PPCAA 5-109                  | 5.110                   |
| NEW RULE                     | 2.102                   |
| NEW RULE                     | 2.103                   |
| NEW RULE                     | 2.109                   |
| NEW RULE                     | 2.110                   |
| PPCAA 3-103                  | 3.1071                  |
| NEW RULE                     | 3.1081                  |
| NEW RULE                     | 4.104                   |
| NEW RULE                     | 5.102                   |
| NEW RULE                     | 5.103                   |
| NEW RULE                     | 5.104                   |
| NEW RULE                     | 5.105                   |
| NEW RULE                     | 5.106                   |
| NEW RULE                     | 6.102                   |
| NEW RULE                     | 6.103                   |
| NEW RULE                     | 6.104                   |



## Chapter 100 DEFINITIONS

### SEC. 1.101 Definitions

As used in these rules, unless the context clearly requires a different construction—

- (a) **“Abscond”** means to be absent from the offender’s usual place of residence or employment with the intent of avoiding supervision.
- (b) **“Adult”** means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.
- (c) **“Application fee”** means a reasonable sum of money charged an interstate compact offender by the sending state for each application for transfer prepared by the sending state.
- (d) **“Arrival”** means to report to the location and officials designated in a travel permit given to an offender at the time of the offender’s departure from a sending state under an interstate compact transfer of supervision.
- (e) **“By-laws”** means those by-laws established by the Interstate Commission for Adult Offender Supervision for its governance, or for directing or controlling the Interstate Commission’s actions or conduct.
- (f) **“Compact administrator”** means the individual in each compacting state appointed under the terms of this compact and responsible for the administration and management of the state’s supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission for Adult Offender Supervision, and policies adopted by the State Council under this compact.
- (g) **“Compact commissioner”** or **“commissioner”** means the voting representative of each compacting state appointed under the terms of the Interstate Compact for Adult Offender Supervision as adopted in the member state.
- (h) **“Compliance”** means that an interstate compact offender is abiding by all terms and condition of supervision, including payment of restitution, family support, fines, court costs or other financial obligations imposed by the sending state.
- (i) **“Deferred sentence”** means a sentence the imposition of which is postponed pending the successful completion by the offender of the terms and conditions of supervision ordered by the court.
- (j) **“Detainer”** means an order to hold an offender in custody.

- 1  
2 (k) **“Discharge”** means the final completion of the sentence that was imposed on  
3 an offender by the sending state.  
4  
5 (l) **“Extradition”** means the return of a fugitive to a state in which the offender is  
6 accused, or has been convicted of, committing a criminal offense, by order of  
7 the governor of the state to which the fugitive has fled to evade justice or  
8 escape prosecution.  
9  
10 (m) **“Offender”** means an adult placed under, or made subject to, supervision as  
11 the result of the commission of a criminal offense and released to the  
12 community under the jurisdiction of courts, paroling authorities, corrections,  
13 or other criminal justice agencies, and who requests transfer of supervision  
14 under the provisions of the Interstate Compact for Adult Offender  
15 Supervision.  
16  
17 (n) **“Plan of supervision”** means the terms under which an offender will be  
18 supervised, including proposed residence, proposed employment or viable  
19 means of support and the terms and conditions of supervision.  
20  
21 (o) **“Probable cause hearing”** a hearing in compliance with the decisions of the  
22 U.S. Supreme Court, conducted on behalf of an offender accused of violating  
23 the terms or conditions of the offender’s parole or probation.  
24  
25 (p) **“Travel permit”** means the written permission granted to an offender  
26 authorizing the offender to relocate from one state to another.  
27  
28 (q) **“Receiving state”** means a state to which an offender requests transfer of  
29 supervision or is transferred.  
30  
31 (r) **“Resident”** means a person who has continuously inhabited a state for at least  
32 one year with the intent that such state shall be the person’s principal place of  
33 residence, and who has not, unless incarcerated, relocated to another state or  
34 states for a continuous period of six months or more with the intent to  
35 establish a new principal place of residence.  
36  
37 (s) **“Resident family”** means a parent, grandparent, aunt, uncle, adult child, adult  
38 sibling, spouse, legal guardian, or step-parent who--  
39 (1) has resided in the receiving state for 180 days or longer, and  
40 (2) indicates willingness to assist the offender as specified in the plan of  
41 supervision.  
42  
43 (t) **“Retaking”** means the act of a sending state in physically removing an  
44 offender, or causing to have an offender removed, from a receiving state.  
45

- 1 (u) **"Rules"** means acts of the Interstate Commission, which have the force and  
2 effect of law in the compacting states, and are promulgated under the  
3 Interstate Compact for Adult Offender Supervision, and substantially affect  
4 interested parties in addition to the Interstate Commission,  
5  
6 (v) **"Sending state"** means a state requesting the transfer of an offender, or which  
7 transfers supervision of an offender, under the terms of the Compact and its  
8 rules.  
9  
10 (w) **"Shall"** means that a state or other actor is required to perform an act, the  
11 non-performance of which may result in the imposition of sanctions as  
12 permitted by the Interstate Compact for Adult Offender Supervision, its by-  
13 laws and rules.  
14  
15 (x) **"Significant violation"** means an offender's failure to comply with the terms  
16 or conditions of supervision that, if occurring in the receiving state, would  
17 result in a request for revocation of supervision.  
18  
19 (y) **"Special condition"** a condition or term that is added to the standard  
20 conditions of parole or probation by either the sending or receiving state.  
21  
22 (z) **"Subsequent receiving state"** means a state to which an offender is transferred  
23 that is not the sending state or the original receiving state.  
24  
25 (aa) **"Supervision"** means the authority or oversight exercised by a sending or  
26 receiving state over an offender and includes any condition, qualification or  
27 requirement imposed on the offender at the time of the offender's release to  
28 the community.  
29  
30 (bb) **"Supervision fee"** means a fee collected by the receiving state for the  
31 supervision of an offender.  
32  
33 (cc) **"Temporary travel permit"** means the written permission granted to an  
34 offender to travel outside the supervising state for more than 24 hours but no  
35 more than 31 days. A temporary travel permit shall include a starting and  
36 ending date for travel.  
37  
38 (dd) **"Victim"** means a natural person or the family of a natural person who has  
39 suffered physical injury or serious emotional harm as a result of an act or  
40 omission of an offender.  
41  
42 (ee) **"Victim-sensitive"** means that the offense for which the offender is subject  
43 to supervision is related to the offender's sexual behavior or to an act,  
44 attempted act, or threatened act of violence and that one or more known  
45 victims of the offender's actions have given notice of their wish to be  
46 notified of the status of the offender's supervision.

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(f) "Waiver" means the voluntary relinquishment, in writing, of a known constitutional right or other right, claim or privilege by an offender.

1  
2 **Chapter 200 General Provisions**  
3

4 ***SEC. 2.101 Involvement of interstate compact offices***  
5

6 (a) Acceptance, rejection or termination of supervision of an offender under this  
7 compact shall be made only by a state's compact administrator or the compact  
8 administrator's designated deputy.  
9

10 (b) All written, electronic and oral communication regarding an offender under  
11 this compact shall be made only through the office of a state's compact  
12 administrator.  
13

14 (c) Transfer, modification or termination of supervision authority for an offender  
15 under this compact may be authorized only by a state's compact administrator  
16 or the compact administrator's designated deputy.  
17

18 (d) Violation reports or other notices regarding offenders under this compact shall  
19 be transmitted only through direct communication of the compact offices of  
20 the sending and receiving states.

1 **SEC. 2.102 Data collection and reporting**  
2

3 (a) As required by the compact, and as specified by the operational procedures  
4 and forms approved by the commission, the states shall gather, maintain and  
5 report data regarding the transfer and supervision of offenders supervised  
6 under this compact.  
7

8 (b) (1) Each state shall report to the commission each month the total number of  
9 offenders supervised under the compact in that state.

10 (2) Each state shall report to the commission each month the numbers of  
11 offenders transferred to and received from other states in the previous  
12 month.

13 (3) Reports required under sec. 2.102 (b)(1) and (2) shall be received by the  
14 commission no later than the 15<sup>th</sup> day of each month.  
15

16 (c) Unless readopted, this rule shall expire on December 31, 2005.

1 **SEC. 2.103 Dues formula**  
2

- 3 (a) The commission shall determine the formula to be used in calculating the  
4 annual assessments to be paid by states. Public notice of any proposed  
5 revision to the approved dues formula shall be given at least 30 days prior to  
6 the Commission meeting at which the proposed revision will be considered.  
7
- 8 (b) The commission shall consider the population of the states and the volume of  
9 offender transfers between states in determining and adjusting the assessment  
10 formula.  
11
- 12 (c) The approved formula and resulting assessments for all member states shall be  
13 distributed by the commission to each member state annually.  
14
- 15 (d) The dues formula is the—  
16 (Population of the state **divided** by Population of the United States) **plus**  
17 (Number of offenders sent from and received by a state **divided** by Total  
18 number of offenders sent from and received by all states) divided by two.

*SEC. 2.104      Forms*

1  
2  
3  
4

States shall use the forms or electronic information system authorized by the commission for all communication regarding offenders between or among states.



1  
2 **SEC. 2.105** *Misdemeanants*  
3

4 (a) An offender who has been sentenced to a year or more of supervision for a  
5 misdemeanor offense in the sending state shall be eligible for transfer under the  
6 compact, provided that all other criteria for transfer, as specified in Sec. 3.101,  
7 have been satisfied.  
8

9 (b) Transfer may be granted at the discretion of the receiving state for all other  
10 misdemeanor offenses, provided that all other criteria for transfer, as specified in  
11 Sec. 3.101, have been satisfied.

1 **SEC. 2.106** *Offenders subject to deferred sentences*

2  
3  
4  
5

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.

1 **SEC. 2.107 Offenders on furlough, work release**

2  
3 An offender who is released from incarceration under furlough, work-release, or other  
4 pre-parole program is not eligible for transfer under the compact.

1 **SEC. 2.108** *Offenders with disabilities*

2

3

4

5

A receiving state shall continue to supervise offenders who become mentally ill or exhibit signs of mental illness or who develop a physical disability while supervised in the receiving state.

1 **SEC. 2.109 Adoption of rules; amendment**

2  
3 Additional rules or amendments to the rules shall be adopted by majority vote of the  
4 members of the Interstate Commission in the following manner.

- 5  
6 (a) Prior to promulgation and adoption of a final rule by the Interstate Commission,  
7 the text of the proposed rule or amendment shall be published by the Rules  
8 Committee on the official web site of the Interstate Commission and in any other  
9 official publication that may be designated by the Interstate Commission for the  
10 publication of its rules. In addition to the text of the proposed rule or amendment,  
11 the reason for the proposed rule shall be provided.  
12
- 13 (b) Each administrative rule or amendment shall state—
- 14 (1) The place, time, and date of the scheduled public hearing;
  - 15 (2) The manner in which interested persons may submit notice to the Interstate  
16 Commission of their intention to attend the public hearing and any written  
17 comments; and
  - 18 (3) The name, position, physical and electronic mail address, telephone, and  
19 telefax number of the person to whom interested persons may respond with  
20 notice of their attendance and written comments.  
21
- 22
- 23 (c) All persons wishing to be heard at the hearing shall notify the Interstate  
24 Commission in writing of their desire to appear and testify at the hearing not less  
25 than five business days before the scheduled date of the hearing.  
26
- 27 (d) If no written notice of intent to attend the public hearing by interested parties is  
28 received by the Interstate Commission, the Interstate Commission may choose to  
29 cancel the public hearing. The Interstate Commission shall provide notice of  
30 cancellation of the public hearing on the Interstate Commission's website.  
31
- 32 (e) Every hearing shall be conducted in a manner guaranteeing each person who  
33 wishes to comment a fair and reasonable opportunity to comment, whether or not  
34 the person has given the notice contemplated by subsection (c) of this section. No  
35 transcript of the hearing is required, unless a written request for a transcript is  
36 made, in which case the person requesting the transcript pay for the transcript. A  
37 recording may be made in lieu of a transcript under the same terms and conditions  
38 as a transcript. This subsection shall not preclude the Interstate Commission from  
39 making a transcript or recording of the hearing if it so chooses.  
40
- 41 (f) Nothing in this section shall be construed as requiring a separate hearing on each  
42 rule. Rules may be grouped for the convenience of the Interstate Commission at  
43 hearings required by this section.  
44

- 1 (g) Following the scheduled hearing date, or by the close of business on the scheduled  
2 hearing date if the hearing was not held, the Interstate Commission shall consider  
3 all written and oral comments received.  
4
- 5 (h) The Interstate Commission shall, by majority vote of a quorum of the  
6 commissioners, take final action on the proposed rule and shall determine the  
7 effective date of the rule, if any, based on the rulemaking record and the full text  
8 of the rule.  
9
- 10 (i) Not later than sixty days after a rule is adopted, any interested person may file a  
11 petition for judicial review of the rule in the United States district court of the  
12 District of Columbia or in the federal district court where the Interstate  
13 Commission's principal office is located. If the court finds that the Interstate  
14 Commission's action is not supported by substantial evidence, as defined in the  
15 federal Administrative Procedures Act, in the rulemaking record, the court shall  
16 hold the rule unlawful and set it aside.  
17
- 18 (j) Upon determination that an emergency exists, the Interstate Commission may  
19 promulgate an emergency rule that shall become effective immediately upon  
20 adoption, provided that the usual rulemaking procedures provided in the compact  
21 and in this section shall be retroactively applied to the rule as soon as reasonably  
22 possible, in no event later than ninety days after the effective date of the rule. An  
23 emergency rule is one that must be made effective immediately in order to--  
24 (1) Meet an imminent threat to public health, safety, or welfare;  
25 (2) Prevent a loss of federal or state funds;  
26 (3) Meet a deadline for the promulgation of an administrative rule that is  
27 established by federal law or rule; or  
28 (4) Protect human health and the environment.

1 **SEC 2.110** *Transfer of offenders under this compact*

2

3

No state shall permit an offender to relocate to another state except as provided by  
4 the Interstate Compact for Adult Offender Supervision and these rules.

1 Chapter 300 Transfer of Supervision

2  
3 *SEC. 3.101 Eligibility for transfer of supervision*

4  
5 (a) At the discretion of the sending state, an offender who has six months or more  
6 of supervision remaining shall be eligible for transfer of supervision to a  
7 receiving state under the compact, and the receiving state shall accept transfer,  
8 if the offender, pursuant to a valid plan of supervision—

9  
10 (1) is in compliance with the terms of supervision in the sending state and

11 (2) is a resident of the receiving state; or

12 (3) (A) has resident family in the receiving state; and

13 (B) can obtain employment in the receiving state or has a visible means of  
14 support.

15  
16 (b) A receiving state, for good cause shown, may consent to the transfer of  
17 supervision of an offender who does not otherwise qualify for transfer of  
18 supervision.



1    **SEC. 3.102    *Submission of transfer request to a receiving state***  
2

3           (a) Subject to the exception in sec. 3.103 (b), a sending state seeking to transfer  
4           supervision of an offender to another state shall submit a completed transfer  
5           request with all required information to the receiving state prior to allowing  
6           the offender to leave the sending state.  
7

8           (b) Subject to the exception in sec. 3.103 (b), the receiving state shall be given the  
9           opportunity to investigate the proposed plan of supervision prior to allowing  
10          the offender to leave the sending state.

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

- 2
- 3           (a) A sending state shall not allow an offender under supervision in the sending
- 4           state to relocate to a receiving state without the receiving state's acceptance of
- 5           the transfer of supervision.
- 6
- 7           (b) Exception—
- 8           (1) A sending state may grant a travel permit to an offender who is a resident
- 9           of the receiving state at the time of sentencing.
- 10           (2) Prior to granting a travel permit to an offender under sec.3.103(b)(1), the
- 11           sending state shall verify that the offender is a resident of the receiving
- 12           state and shall immediately contact the receiving state's interstate compact
- 13           office by telephone, telefax or electronic mail to request reporting
- 14           instructions. The receiving state shall issue reporting instructions no later
- 15           than one business day following receipt of such notification and request
- 16           from the sending state. No travel permit shall be granted by the sending
- 17           state until reporting instructions are received from the receiving state.
- 18           (3) Upon receipt of notification and verification by the sending state of
- 19           residency, a receiving state shall assume responsibility for supervision of
- 20           an offender who is granted a travel permit during the investigation of the
- 21           offender's plan of supervision.
- 22           (4) A sending state shall transmit a completed transfer request for an offender
- 23           granted a travel permit no later than 15 calendar days following the
- 24           granting to the offender of the travel permit.
- 25           (5)(A) If the receiving state rejects the transfer request for an offender granted
- 26           a travel permit, or if the sending state fails to send a completed transfer
- 27           request by the 15th day following the granting of a travel permit, the
- 28           sending state shall, upon receiving notice of rejection or upon failure
- 29           to timely send a required transfer request from the receiving state,
- 30           direct the offender to return to the sending state by a date specified by
- 31           the sending state
- 32           (B) If the offender does not return to the sending state, the sending state
- 33           shall initiate the retaking of the offender by issuing a warrant or an order
- 34           to return no later than 10 calendar days following the offender's failure to
- 35           appear in the sending state.
- 36           (C) The receiving state shall continue to supervise the offender until a
- 37           warrant is issued or notice is given by the sending state as required
- 38           under sec. 4.105.

1 **SEC. 3.104** *Time allowed for investigation by receiving state*  
2

3 (a) A receiving state shall complete investigation and respond to a sending state's  
4 request for an offender's transfer of supervision no later than the 45<sup>th</sup> calendar  
5 day following receipt of a completed transfer request in the receiving state's  
6 compact office. Receipt of completed transfer request shall be presumed to  
7 occur by the fifth business day following transmission.  
8

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

14 (2)(A) If a receiving state accepts transfer of the offender, the receiving state's  
15 acceptance shall include reporting instructions.

16 (B) Upon notice of acceptance of transfer by the receiving state, the  
17 sending state shall issue a travel permit to the offender and notify the  
18 receiving state of the offender's departure as required under sec. 4.105.

1 *SEC. 3.105 Request for transfer of a paroling offender*

- 2
- 3 (a) A sending state shall submit a completed request for transfer of a paroling  
4 offender to a receiving state no earlier than 120 days and no later than 60 days  
5 prior to the offender's planned prison release date.
- 6
- 7 (b) A sending state shall notify a receiving state of the offender's date of release  
8 from prison or if recommendation for parole of the offender has been  
9 withdrawn or denied.
- 10
- 11 (c)(1) A receiving state may withdraw its acceptance of the transfer request if the  
12 offender does not report to the receiving state by the fifth calendar day  
13 following the offender's release date.
- 14 (2) A receiving state that withdraws its acceptance under sec. 3.105 (c)(1)  
15 shall immediately notify the sending state.
- 16 (3) Following withdrawal of the receiving state's acceptance, a sending state  
17 must resubmit a request for transfer of supervision of a paroling offender  
18 in the same manner as required in 3.105 (a).

1 **SEC. 3.106 Request for expedited transfer**

- 2
- 3 (a)(1) A sending state may request that a receiving state agree to an expedited
- 4 transfer of an offender if the sending state believes that emergency
- 5 circumstances exist and the receiving state agrees with that determination.
- 6 (2) A receiving state that agrees to expedited transfer of an offender shall
- 7 immediately issue reporting instructions for the offender, and a sending state
- 8 shall immediately issue a travel permit.
- 9
- 10 (b) A receiving state shall assume responsibility for supervision of an offender who is
- 11 granted a travel permit during the investigation of the offender's plan of
- 12 supervision.
- 13
- 14 (c) A sending state shall transmit a completed transfer request for an offender granted
- 15 a travel permit no later than 15 calendar days following the granting to the
- 16 offender of the travel permit.
- 17
- 18 (d)(1) If the receiving state rejects the transfer request for an offender granted a
- 19 travel permit, or if the sending state fails to send a completed transfer request
- 20 by the 15<sup>th</sup> calendar day following the granting of a travel permit, the sending
- 21 state shall, upon receiving notice of rejection or upon failure to timely send a
- 22 required transfer request, direct the offender to return to the sending state by a
- 23 date specified by the sending state.
- 24 (2) If the offender does not return to the sending state, the sending state shall
- 25 initiate the retaking of the offender no later than 10 calendar days following
- 26 the offender's failure to appear in the sending state.
- 27 (3) The receiving state shall continue to supervise the offender until a warrant is
- 28 issued or notice is given by the sending state as required under sec. 4.105.

1 **SEC. 3.107 Application for transfer of supervision**  
2

- 3 (a) An application for transfer of supervision of an offender shall contain—  
4 (1) offender's full name and any aliases by which the offender is known;  
5 (2) indication of whether the offender seeks transfer to the receiving state  
6 based on residency in the receiving state, family residing in the receiving  
7 state, or consent of the receiving state;  
8 (3) name, address and telephone number of family in the receiving state if  
9 the offender bases the transfer request on family's residency in the  
10 receiving state;  
11 (4) offender's proposed residence in the receiving state;  
12 (5) offender's current or prospective employer in the receiving state;  
13 (6) offender's criminal justice identification number in the sending state;  
14 (7) offender's date of birth;  
15 (8) offender's social security number, if known;  
16 (9) county of conviction or imposition of supervision;  
17 (10) instant offense in sufficient detail to describe the type and severity of  
18 offense and whether the charge has been reduced at the time of  
19 imposition of sentence;  
20 (11) offender's criminal history;  
21 (12) notice, if applicable, indicating that the supervision of the offender is a  
22 victim-sensitive matter;  
23 (13) date supervision is to begin, if known;  
24 (14) date supervision is to terminate, if known;  
25 (15) name and title of supervising officer;  
26 (16) signed "Application for Interstate Compact Transfer" form;  
27 (17) signed "Agreement to Return on Demand of the sending state" form;  
28 (18) signed "Waiver of Extradition" form;  
29 (19) signed "Consent to Random Drug Testing and to Searches Based on  
30 Reasonable Suspicion" form;  
31 (20) signed "Consent to Release of Medical Information;"  
32 (21) photo of offender;  
33 (22) conditions of supervision;  
34 (23) any orders restricting the offender's contact with victims or any other  
35 person;  
36 (24) any other information available, useful and appropriate in the interest of  
37 public safety.  
38  
39 (b) If the offender does not meet the eligibility criteria in sec. 3.101, the sending  
40 state shall transmit a plan for the offender's supervision that demonstrates to  
41 the satisfaction of the receiving state that the offender is likely to be  
42 successful under supervision in the receiving state.  
43  
44 (c) In addition to the required components in the application for transfer, the  
45 sending state shall provide the receiving state with any commitment orders,

1  
2

parole orders, probation orders, or other court documents relevant to the supervision of the offender as soon as they become available.

1 **SEC 3.1071 Information to be sent to receiving state upon acceptance**

2  
3 Following the acceptance of an offender by the receiving state, a sending state shall  
4 transmit to the receiving state –

- 5  
6 (a) Judgment and commitment documents;  
7 (b) Pre-sentence investigation report, if available;  
8 (c) Supervision history, if available;  
9 (d) Information relating to any court-ordered financial obligations, including but  
10 not limited to, fines, court costs, restitution, and family support; the balance that  
11 is owed by the offender on each; and the address of the office to which payment  
12 must be made.  
13 (d) Medical information, if available; and  
14 (e) Psychological evaluation, if available.  
15



1 **SEC. 3.108** *Victim notification*

2  
3 (a) *Notification to victims upon transfer of offenders*—Within one business day of  
4 the issuance of reporting instructions or acceptance of transfer by the  
5 receiving state, the sending state shall initiate notification procedures of the  
6 transfer of supervision of the offender in accordance with its own laws to  
7 victims in the sending state, and the receiving state shall initiate notification  
8 procedures of the transfer of supervision of the offender in accordance with its  
9 own laws to victims in the receiving state.

10  
11 (b) *Notification to victims upon violation by offender or other change in status*

- 12 (1) The receiving state is responsible for reporting information to the  
13 sending state when an offender—  
14 (A) Commits a significant violation;  
15 (B) Changes address;  
16 (C) Returns to the sending state where an offender's victim resides;  
17 (D) Departs the receiving state under an approved plan of supervision in  
18 a subsequent receiving state; or  
19 (E) Is issued a temporary travel permit where supervision of the offender  
20 has been designated a victim-sensitive matter.

21 (2) Both the sending state and the receiving state shall notify known victims  
22 in their respective states of this information in accordance with their own  
23 laws.

24 (c) The receiving state shall respond to requests for offender information from the  
25 sending state no later than the 5th business day following the receipt of the  
26 request.  
27

1     **SEC. 3.1081 Victims' right to be heard and comment**  
2

- 3           (a) When an offender submits a request to transfer to a receiving state or a  
4           subsequent receiving state, or to return to a sending state, the victim  
5           notification authority in the sending state shall, at the time of notification to  
6           the victim as required in sec. 3.108 (a), inform victims of the offender of their  
7           right to be heard and comment. Victims of the offender have the right to be  
8           heard regarding their concerns relating to the transfer request for their safety  
9           and family members' safety. Victims have the right to contact the sending  
10          state's interstate compact office at any time by telephone, telefax, or  
11          conventional or electronic mail regarding their concerns relating to the  
12          transfer request for their safety and family members' safety. The victim  
13          notification authority in the sending state shall provide victims of the offender  
14          with information regarding how to respond and be heard if the victim chooses.  
15
- 16          (b)(1) Victims shall have ten business days from receipt of notice required in sec.  
17                3.1081 (a) to respond to the sending state. Receipt of notice shall be  
18                presumed to have occurred by the fifth business day following its sending.  
19          (2) The receiving state shall continue to investigate the transfer request while  
20          awaiting response from the victim.  
21
- 22          (c) Upon receipt of the comments from victims of the offender, the sending state  
23          shall consider comments regarding their concerns relating to the transfer  
24          request for their safety and family members' safety. Victims' comments shall  
25          be confidential and shall not be disclosed to the public. The sending state or  
26          receiving state may impose special conditions of supervision on the offender,  
27          if the safety of the offender's victims or family members of victims is deemed  
28          to be at risk by the approval of the offender's request for transfer.  
29
- 30          (d) The sending state shall respond to the victim no later than five business days  
31          following receipt of victims' comments, indicating how victims' concerns  
32          will be addressed when transferring supervision of the offender

1 **SEC. 3.109 Waiver of extradition**

- 2
- 3 (a) An offender applying for interstate supervision shall execute, at the time of
- 4 application for transfer, a waiver of extradition from any state to which the
- 5 offender may abscond while under supervision in the receiving state.
- 6
- 7 (b) States that are party to this compact waive all legal requirements to extradition
- 8 of offenders who are fugitives from justice.

1                                   **Chapter 400 Supervision in receiving state**  
2

3   **SEC. 4.101   *Manner and degree of supervision in receiving state***  
4

5           A receiving state shall supervise an offender transferred under the interstate compact  
6           in the same manner and to the same degree as the receiving state supervises offenders  
7           sentenced in the receiving state.

1 ***SEC. 4.102 Duration of supervision in the receiving state***

2

3

4

A receiving state shall supervise an offender transferred under the interstate compact for a length of time determined by the sending state.

1 **SEC. 4.103 Special conditions**  
2

- 3 (a) At the time of investigation or during the term of supervision, a receiving state  
4 may impose a special condition on an offender transferred under the interstate  
5 compact if that special condition would have been imposed on the offender if  
6 sentence had been imposed in the receiving state.  
7
- 8 (b) A receiving state shall notify a sending state that it intends to impose a special  
9 condition on the offender, the nature of the special condition, and the purpose.  
10
- 11 (c) A sending state shall inform the receiving state of any special conditions to  
12 which the offender is subject at the time of request for transfer is made.  
13
- 14 (d) A receiving state that is unable to enforce a special condition imposed in the  
15 sending state shall notify the sending state of its inability at the time of request  
16 for transfer of supervision is made.

1 **SEC. 4.104** *Offender registration in receiving state*

2

3

4

5

A receiving state shall require that an offender transferred under the interstate compact comply with any offender registration requirements in the receiving state.

1 **SEC. 4.105** *Arrival and departure notifications*

2 (a) *Departure notifications*

3 At the time of an offender's departure from any state pursuant to a transfer of  
4 supervision or the granting of a travel permit, the state from which the  
5 offender departs shall notify the intended receiving state, and, if applicable,  
6 the sending state, by telephone, electronic mail or telefax of the date and time  
7 of the offender's departure and the date by which the offender has been  
8 instructed to arrive.  
9

10 (b) *Arrival notifications*

11 At the time of an offender's arrival in any state pursuant to a transfer of  
12 supervision or the granting of a travel permit, or upon the failure of an  
13 offender to arrive as instructed, the intended receiving state shall immediately  
14 notify the state from which the offender departed, and, if applicable, the  
15 sending state, by telephone, electronic mail or telefax of the offender's arrival  
16 or failure to arrive.  
17



1 **SEC. 4.106 Progress reports**  
2

3 (a) A receiving state shall provide to the sending state a progress report annually,  
4 or more frequently, upon the request of the sending state, for good cause  
5 shown.  
6

7 (b) A receiving state shall provide to the sending state a progress report upon the  
8 closure of a receiving state's supervision of an offender.  
9

10 (c) A progress report shall include--

- 11 (1) offender's name;  
12 (2) offender's residence address;  
13 (3) offender's telephone number and electronic mail address;  
14 (4) name and address of offender's employer;  
15 (5) supervising officer's summary of offender's conduct, progress and  
16 attitude;  
17 (6) programs of treatment attempted and completed;  
18 (7) information about any sanctions that have been imposed on the offender  
19 since the previous progress report;  
20 (8) supervising officer's recommendation;  
21 (9) any other information requested by the sending state that is available in the  
22 receiving state.

1 **SEC. 4.107 Fees**

2  
3 (a) *Application fee*—A sending state may impose a fee for each transfer  
4 application prepared for an offender.

5  
6 (b) *Supervision fee*

7 (1) A receiving state may impose a reasonable supervision fee on an offender  
8 whom the state accepts for supervision, which shall not be greater than the  
9 fee charged to the state's own offenders.

10 (2) A sending state shall not impose a supervision fee on an offender whose  
11 supervision has been transferred to a receiving state.

1 **SEC. 4.108** *Collection of restitution, fines and other costs*

2  
3 (a) A sending state is responsible for collecting all fines, family support, restitution,  
4 court costs or other financial obligations imposed by the sending state on the  
5 offender.

6  
7 (b) Upon notice by the sending state that the offender is not complying with family  
8 support and restitution obligations, the receiving state shall notify the offender  
9 that the offender is in violation of the conditions of supervision and must comply.  
10 The receiving state shall inform the offender of the address to which payments are  
11 to be sent.

1           **SEC. 4.109    Violation reports**

- 2
- 3           (a) A receiving state shall notify a sending state of significant violations of
- 4                 conditions of supervision by an offender.
- 5
- 6           (b) A violation report shall contain—
- 7                 (1) offender's name;
- 8                 (2) offender's state-issued identifying numbers;
- 9                 (3) date of the offense or infraction that forms the basis of the violation;
- 10                (4) description of the offense or infraction;
- 11                (5) status and disposition, if any, of offense or infraction;
- 12                (6) dates and descriptions of any previous violations;
- 13                (7) receiving state's recommendation of actions sending state may take;
- 14                (8) name, title, and contact information of the officer making the report.
- 15
- 16           (c) (1) The sending state shall respond to a report of a violation made by the
- 17                 receiving state no later than ten business days following receipt by the
- 18                 sending state. Receipt of a violation report shall be presumed to have
- 19                 occurred by the fifth business day following its transmission by the
- 20                 receiving state;
- 21                 (2) The response by the sending state shall include action to be taken by the
- 22                 sending state and the date by which that action will begin and its estimated
- 23                 completion date.

1    **SEC. 4.110    Transfer to a subsequent receiving state**  
2

- 3           (a) At the request of an offender for transfer to a subsequent receiving state, and  
4           with the approval of the sending state, the sending state shall prepare and  
5           transmit a request for transfer to the subsequent state in the same manner as an  
6           initial request for transfer is made.  
7
- 8           (b) The receiving state shall assist the sending state in acquiring the offender's  
9           signature on the "Application for Interstate Compact Transfer," the  
10          "Agreement to Return on Demand of the sending state" and the "Consent to  
11          Random Drug Testing and to Searches Based on Reasonable Suspicion"  
12          forms, and any other forms that may be required under 3.107 (a), and shall  
13          transmit these forms to the sending state.  
14
- 15          (c) The receiving state shall submit a statement to the sending state summarizing  
16          the offender's progress under supervision.  
17
- 18          (d) The receiving state shall issue a travel permit to the offender when the sending  
19          state informs the subsequent receiving state that the offender's transfer to the  
20          subsequent receiving state has been approved.  
21
- 22          (e) Notification of offender's departure and arrival shall be made as required  
23          under sec. 4.105.  
24
- 25          (f) Acceptance of the offender's transfer of supervision by a subsequent state and  
26          issuance of reporting instructions to the offender terminate the receiving  
27          state's supervisory obligations for the offender.

1 **SEC. 4.111** *Return to the sending state*

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- (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.
- (c) A receiving state shall notify the sending state as required in sec. 4.105 (a).

1 **SEC. 4.112 Closing of supervision by the receiving state**  
2

- 3 (a) The receiving state shall close its supervision of an offender and cease  
4 supervision upon—  
5 (1) The date of discharge indicated for the offender at the time of application  
6 for supervision unless informed of an earlier or later date by the sending  
7 state;  
8 (2) Notification to the sending state of the absconding of the offender from  
9 supervision in the receiving state;  
10 (3) (A) Notification to the sending state of the sentencing of the offender to  
11 incarceration for 180 days or longer and receipt from the sending state  
12 of a warrant and detainer or other acknowledgement by the sending  
13 state of responsibility for the offender within 90 days of the  
14 notification. If the sending state fails to provide the warrant and  
15 detainer or other acknowledgement within 90 days of notification, the  
16 receiving state may close its supervision of the offender.  
17 (B) After 90 days the sending state shall be responsible for the offender.  
18 (4) Notification of death; or  
19 (5) Return to sending state.  
20  
21 (b) A receiving state shall not terminate its supervision of an offender while the  
22 sending state is in the process of retaking the offender under sec. 5.101.  
23  
24 (c) At the time a receiving state closes supervision, a final progress report shall be  
25 provided to the sending state as required under sec. 4.106 (b).

Chapter 500 RETAKING

1  
2  
3 **SEC. 5.101** *Retaking by the sending state*  
4

- 5 (a) At its sole discretion, a sending state may retake an offender, unless the  
6 offender has been charged with a subsequent criminal offense in the receiving  
7 state.  
8  
9 (b) If the offender has been charged with a subsequent criminal offense in the  
10 receiving state, the offender shall not be retaken without the consent of the  
11 receiving state or until criminal charges have been dismissed or the offender  
12 has been discharged from supervision for the subsequent offense.  
13



1 **SEC. 5.102** *New felony offense*

2

3 Upon a request from the receiving state, a sending state shall retake an offender from the  
4 receiving state or a subsequent receiving state upon the conviction of a new felony  
5 offense.

6

1 **SEC. 5.103** *Violations of conditions of supervision*

2

3 Upon a request by the receiving state and a showing that the offender has committed  
4 three or more significant violations arising from separate incidents that establish a pattern  
5 of non-compliance of the conditions of supervision, a sending state shall retake or order  
6 the return of an offender from the receiving state or a subsequent receiving state .

7

1 **SEC. 5.104** *Cost of retaking an offender*

2

3 A sending state shall be responsible for the cost of retaking of the offender by the  
4 sending state.

1    ***SEC. 5.105    Time allowed for retaking an offender***

2

3

4

5

A sending state shall retake an offender within 30 calendar days after the decision to retake has been made or upon release of the offender from incarceration in the receiving state.

1 ***SEC. 5.106 Cost of incarceration in receiving state***

2

3 A receiving state shall be responsible for the cost of incarcerating the offender in the  
4 receiving state pending the offender's retaking by the sending state.

1 **SEC. 5.107 Officers retaking an offender**  
2

- 3 (a) Officers authorized under the law of a sending state may enter a state where  
4 the offender is found and apprehend and retake the offender, subject to this  
5 compact, its rules, and due process requirements.  
6  
7 (b) The sending state shall be required to establish the authority of the officer and  
8 the identity of the offender to be retaken.

1 **SEC. 5.108 Opportunity for hearing in receiving state**  
2

3 The offender shall be afforded the opportunity for a probable cause hearing in the  
4 receiving state consistent with due process requirements. No waiver of a probable  
5 cause hearing shall be accepted unless accompanied by an admission by the offender  
6 of a violation of the terms or conditions of supervision. Any evidence or record  
7 generated during a probable cause hearing shall be forwarded to the sending state.

1 **SEC. 5.109** *Transport of offenders*

2

3 States that are party to this compact shall allow officers authorized by the law of  
4 the sending or receiving state to transport offenders through the state without  
5 interference.

6



1 **SEC. 5.110** *Retaking offenders from state or federal correctional facilities*

2  
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9

- (a) Officers authorized by the law of a sending state may take custody of an offender from a state or federal correctional facility at the expiration of the sentence or the offender's release from that facility provided that—
- (1) No detainer has been placed against the offender by the state in which the correctional facility lies;
  - (2) No extradition proceedings have been initiated against the offender by a third-party state.

1  
2  
3 **Chapter 6** **Dispute Resolution**

4 **SEC. 6.101** *Informal communication to resolve disputes or controversies*

5 (a) States shall attempt to resolve disputes or controversies by communicating  
6 with each other by telephone, telefax, or electronic mail.

7  
8 (b) *Failure to resolve dispute or controversy*

9 (1) Following an unsuccessful attempt to resolve controversies or disputes  
10 arising under this compact, its by-laws or its rules as required under sec.  
11 6.101 (a), states shall pursue one or more of the informal dispute  
12 resolution processes set forth in sec. 6.101 (b)(2) prior to resorting to  
13 formal dispute resolution alternatives.

14 (2) Parties shall submit a written request to the executive director for  
15 assistance in resolving the controversy or dispute. The executive director  
16 shall provide a written response to the parties within ten business days and  
17 may, at the executive director's discretion, seek the assistance of legal  
18 counsel or the executive committee in resolving the dispute. The  
19 executive committee may authorize its standing committees or the  
20 executive director to assist in resolving the dispute or controversy.

1 **SEC. 6.102 Formal resolution of disputes and controversies**  
2

3 (a) *Alternative dispute resolution* Any controversy or dispute between or  
4 among parties that arises from or relates to this compact that is not resolved  
5 under sec. 6.101 may be resolved by alternative dispute resolution processes.  
6 These shall consist of mediation and arbitration.  
7

8 (b) *Mediation and arbitration*

9 (1) *Mediation*

10 (A) A state that is party to a dispute may request, or the executive  
11 committee may require, the submission of a matter in controversy  
12 to mediation.

13 (B) Mediation shall be conducted by a mediator appointed by the  
14 executive committee from a list of mediators approved by the  
15 national organization responsible for setting standards for  
16 mediators, and pursuant to procedures customarily used in  
17 mediation proceedings.

18 (2) *Arbitration*

19 (A) Arbitration may be recommended by the executive committee in  
20 any dispute regardless of the parties' previous submission of the  
21 dispute to mediation.

22 (B) Arbitration shall be administered by at least one neutral arbitrator  
23 or a panel of arbitrators not to exceed three members. These  
24 arbitrators shall be selected from a list of arbitrators maintained by  
25 the commission staff.

26 (C) The arbitration may be administered pursuant to procedures  
27 customarily used in arbitration proceedings and at the direction of  
28 the arbitrator.

29 (D) Upon the demand of any party to a dispute arising under the  
30 compact, the dispute shall be referred to the American Arbitration  
31 Association and shall be administered pursuant to its commercial  
32 arbitration rules.

33 (E)(i) The arbitrator in all cases shall assess all costs of arbitration,  
34 including fees of the arbitrator and reasonable attorney fees of  
35 the prevailing party, against the party that did not prevail.

36 (ii) The arbitrator shall have the power to impose any sanction  
37 permitted by this compact and other laws of the state or the  
38 federal district in which the commission has its principal  
39 offices.

40 (F) Judgment on any award may be entered in any court having  
41 jurisdiction.  
42

1                   **SEC 6.103    Enforcement actions against a defaulting state**

- 2
- 3           (a) If the Interstate Commission determines that any state has at any time
- 4           defaulted ("defaulting state") in the performance of any of its obligations or
- 5           responsibilities under this Compact, the by-laws or any duly promulgated
- 6           rules the Interstate Commission may impose any or all of the following
- 7           penalties--
- 8           (1) Fines, fees and costs in such amounts as are deemed to be reasonable as
- 9           fixed by the Interstate Commission;
- 10          (2) Remedial training and technical assistance as directed by the Interstate
- 11          Commission;
- 12          (3) Suspension and termination of membership in the compact. Suspension
- 13          shall be imposed only after all other reasonable means of securing
- 14          compliance under the by-laws and rules have been exhausted. Immediate
- 15          notice of suspension shall be given by the Interstate Commission to the
- 16          governor, the chief justice or chief judicial officer of the state; the majority
- 17          and minority leaders of the defaulting state's legislature, and the state
- 18          council.
- 19
- 20          (b) The grounds for default include, but are not limited to, failure of a
- 21          Compacting State to perform such obligations or responsibilities imposed
- 22          upon it by this compact, Interstate Commission by-laws, or duly promulgated
- 23          rules. The Interstate Commission shall immediately notify the defaulting state
- 24          in writing of the penalty imposed by the Interstate Commission on the
- 25          defaulting state pending a cure of the default. The Interstate Commission
- 26          shall stipulate the conditions and the time period within which the defaulting
- 27          state must cure its default. If the defaulting state fails to cure the default
- 28          within the time period specified by the Interstate Commission, in addition to
- 29          any other penalties imposed herein, the defaulting state may be terminated
- 30          from the Compact upon an affirmative vote of a majority of the compacting
- 31          states and all rights, privileges and benefits conferred by this Compact shall be
- 32          terminated from the effective date of suspension.
- 33
- 34          (c) Within sixty days of the effective date of termination of a defaulting state, the
- 35          Interstate Commission shall notify the governor, the chief justice or chief
- 36          judicial officer and the majority and minority leaders of the defaulting state's
- 37          legislature and the state council of such termination.
- 38
- 39          (d) The defaulting state is responsible for all assessments, obligations and
- 40          liabilities incurred through the effective date of termination including any
- 41          obligations, the performance of which extends beyond the effective date of
- 42          termination.
- 43          (e) The Interstate Commission shall not bear any costs relating to the defaulting
- 44          state unless otherwise mutually agreed upon between the Interstate
- 45          Commission and the defaulting state.
- 46

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- (f) Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

1 **SEC 6.104** *Judicial enforcement*

2  
3 The Interstate Commission may, by majority vote of the members, initiate legal action in  
4 the United States District Court for the District of Columbia or, at the discretion of the  
5 Interstate Commission, in the federal district where the Interstate Commission has its  
6 offices to enforce compliance with the provisions of the Compact, its duly promulgated  
7 rules and by-laws, against any compacting state in default. In the event judicial  
8 enforcement is necessary the prevailing party shall be awarded all costs of such litigation  
9 including reasonable attorneys' fees.

**INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION  
RULES COMMITTEE**

**SUMMARY OF CHANGES MADE TO THE RULES BY RULES COMMITTEE**

*This document summarizes the changes made by the Rules Committee to the rules posted on the ICAOS website on September 5, 2003. On October 3, 2003, the Rules Committee met by teleconference and approved the final changes. No further changes will be made to the rules between now and the November Commission meeting.*

| <i>Where change was made</i> | <i>What change was made</i>   | <i>Why change was made</i>   |
|------------------------------|---|--|
| Chapter 1, Definitions       | Created the "Definitions" chapter of the rules.   | Not completed in prior drafts.   |
| Sec. 2.101 (c)               | Added "by a state's compact administrator or the compact administrator's designated deputy."  | Duplicates language in (a).  |
| Sec. 2.103                   | <ul style="list-style-type: none"> <li>• At (a), line 4-7, added "Public notice of any proposed revision to the approved dues formula shall be given at least 30 days prior to the Commission meeting during which the proposed revision shall be considered."</li> <li>• At (c), line 14-15, deleted "at the beginning of each fiscal year" and inserted "annually."</li> <li>• At (d), inserted dues formula, which is identical to the formula used in November 2002.</li> </ul> | <ul style="list-style-type: none"> <li>• Commissioners need time to consider any changes to formula, and a procedure is needed for considering such changes.</li> <li>• Need to do this farther in advance than beginning of fiscal year.</li> <li>• Certainty of dues assessment for foreseeable future.</li> </ul> |
| Sec. 2.105                   | <ul style="list-style-type: none"> <li>• At (a), line 4 inserted "has been sentenced to a year or more of", deleted "is subject to"</li> <li>• At (a), line 9-12, deleted entire subsection.</li> <li>• At (a) line 6-7, inserted "provided that all other criteria for transfer, as specified in Sec. 3.101, have been satisfied."</li> </ul>  | <ul style="list-style-type: none"> <li>• Try to capture the more serious misdemeanor offenses.</li> <li>• Consistent with original draft</li> <li>• Same.</li> </ul>   |
| Sec. 2.109                   | Added new rule, "Adoption of rules; amendment." <i>See rules for this language.</i>   | No procedure given in compact or by-laws.  |
| Sec. 2.110                   | Added new rule, "Transfer of offenders under this compact. <i>See rules for this language.</i>  | This was inferable but not stated in the rules as we'd drafted them. Seemed best to state it.  |
| Sec. 3.101                   | Deleted "who has 6 months or more of supervision remaining" from subparagraph (a)(1) and inserted same language in subsection (a).  | Makes the 6 months remaining provision applicable under all circumstances.   |
| Sec. 3.103                   | <ul style="list-style-type: none"> <li>• Deleted word "provisional" wherever it occurred.</li> </ul>  | <ul style="list-style-type: none"> <li>• It isn't the travel permit that's provisional, but the acceptance.</li> </ul>   |

| <i>Where change was made</i> | <i>What change was made</i>   | <i>Why change was made</i>  |
|------------------------------|---|---|
|                              | <ul style="list-style-type: none"> <li>Deleted existing (b)(2) – (5) and redrafted (b)(2). <i>See rules for this language.</i></li> </ul>   | <ul style="list-style-type: none"> <li>Committee voted to delete and redraft; language was bad, confusing, redundant.</li> </ul>  |
| Sec. 3.104                   | At (a), line 6, inserted “business” before “day” to clarify the time frame.   | Consistency with other rules.   |
| Sec. 3.106                   | <ul style="list-style-type: none"> <li>Deleted the word “provisional” before “travel permit” in each instance.</li> <li>At (a), line 3-4, inserted “agree to” deleted “perform”, inserted “transfer of offender”, deleted “investigation.”</li> <li>At (a)(2), line 11-12, inserted “and a SS shall immediately issue a travel permit.”</li> <li>At (c), line 15, deleted “seven business” and inserted “15 calendar days.”</li> <li>At (d)(1), line 21, deleted “seventh business” and inserted “fifteenth calendar.”</li> </ul> | <ul style="list-style-type: none"> <li>It isn’t the travel permit that’s provisional, but the acceptance.</li> <li>It is the transfer that is expedited, not the investigation.</li> <li>Consistent with the intent of the rule that offender be permitted to relocate before the investigation is completed under emergency circumstances.</li> <li>Consistency with time allowed in 3.103.</li> <li>Consistency with change above.</li> </ul> |
| Sec. 3.107                   | At (a), line 19, inserted “notice, if applicable, indicating that the supervision of the offender is a victim-sensitive matter;”  | Committee agreed that the appropriate supervision of some offenders requires that the supervising officer know that victims of the offender wish to be notified of the offender’s movements.  |
| Sec. 3.1071                  | Added new rule, “Information to be sent to RS upon acceptance.” <i>See rules for this language.</i>   | Discussed and agreed to by committee.   |
| Sec. 3.1081                  | Added new rule, “Victims’ right to be heard and comment.” <i>See rules for this language.</i>   | Compact directs that Commission review and consider rule relating to victims’ right to be heard.  |
| Sec. 3.109                   | <ul style="list-style-type: none"> <li>Deleted subsections (b) and (c)</li> <li>Added new subsection (b): “States that are party to this compact waive all legal requirements to extradition of offenders who are fugitives from justice.”</li> </ul>   | <ul style="list-style-type: none"> <li>Redundant</li> <li>Consistent with intent of the compact that offenders agree to their being retaken rather than extradited by the SS at the time they apply for transfer to a RS.</li> </ul>  |
| Sec. 4.101                   | At line 6-7, deleted “for a similar offense.”   | Language had caused confusion about what constituted “similar offense.”   |
| Sec. 4.105                   | Redrafted entire rule to eliminate excessive wordiness. <i>See rules for this language.</i>   | Original draft was bad.   |
| Sec. 4.107                   | <ul style="list-style-type: none"> <li>At (b)(1), line 7, inserted</li> </ul>   | <ul style="list-style-type: none"> <li>Limits fee offender can be</li> </ul>  |



| <i>Where change was made</i> | <i>What change was made</i>  | <i>Why change was made</i>   |
|------------------------------|--|--|
|                              | <p>“reasonable” before “supervision fee.”</p> <ul style="list-style-type: none"> <li>At (b)(1), line 8-9, inserted “which shall not be greater than the fee charged to the state’s own offenders.”</li> </ul>  | <p>charged</p> <ul style="list-style-type: none"> <li>Same.</li> </ul>   |
| Sec. 4.108                   | Added new subsection: “(b) Upon notice by the sending state that the offender is not complying with family support and restitution obligations, the receiving state shall notify the offender that the offender is in violation of the conditions of supervision and must comply. The receiving state shall inform the offender of the address to which payments are to be sent.”  | Committee agreed that the RS could assist the SS in its collection efforts as long as the RS was not required to act as collecting agent for the SS.   |
| Sec. 5.101                   | At (c), line 13, deleted entire subsection.  | <ul style="list-style-type: none"> <li>Inconsistent with the right of offender in sec. 5.108 to have a hearing in the RS.</li> <li>Inconsistent with requirements of 5.102 and 5.103 that state retake offenders under certain circumstances.</li> </ul> |
| Sec. 5.107                   | At (a), redrafted language relating to officers who may retake an offender from a RS.  | Greater clarity.   |
| Sec. 5.108                   | <ul style="list-style-type: none"> <li>At line 3, deleted “preliminary hearing” and inserted “probable cause hearing”</li> <li>Added language: “No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender of a violation of the terms or conditions of supervision. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state.”</li> </ul> | <ul style="list-style-type: none"> <li>Appropriate terminology.</li> <li>Consistent with practice in former compact.</li> </ul>  |
| Sec. 6.101                   | At (b)(2), line 16, deleted “five” and inserted “ten.”   | Five days is insufficient time.  |
| Sec. 6.102                   | At (b)(2)(A), line 17, deleted “required” and inserted “recommended.”  | Arbitration, which is binding, should not be forced on parties.  |
| Sec. 6.103                   | New section, “Enforcement actions against a defaulting state.” <i>See rules for this language.</i>   | Language is taken from compact.  |
| Sec. 6.104                   | New section, “Judicial enforcement” <i>See rules for this language.</i>  | Language is taken from compact.  |

# INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

## BYLAWS

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### Article I

#### Commission Purpose, Function and By-laws

##### *Section 1. Purpose.*

Pursuant to the terms of the Interstate Compact for Adult Offender Supervision, (the "Compact"), the Interstate Commission for Adult Offender Supervision (the "Commission") is established to fulfill the objectives of the Compact, through means of joint cooperative action among the Compacting States: to promote, develop and facilitate safe, orderly, efficient, cost effective and uniform transfer and supervision of adult offenders in the community who are authorized pursuant to the bylaws and rules of this Compact to travel across state lines both to and from each compacting state, and, when necessary, return offenders to the originating jurisdictions.

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##### *Section 2. Functions.*

In pursuit of the fundamental objectives set forth in the Compact, the Commission shall, as necessary or required, exercise all of the powers and fulfill all of the duties delegated to it by the Compacting States. The Commission's activities shall include, but are not limited to, the following: the promulgation of binding rules and operating procedures; oversight and coordination of offender transfer and supervision activities in Compacting States; provision of a framework for the promotion of public safety and protection of victims; provision for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; equitable distribution of the costs, benefits and obligations of the Compact among the Compacting States; enforcement of Commission Rules, Operating Procedures and By-laws; provision for dispute resolution; coordination of training and education regarding the regulation of interstate movement of offenders for officials involved in such activity; and the collection and dissemination of information concerning the activities of the Compact, as provided by the Compact, or as determined by the Commission to be warranted by, and consistent with, the objectives and provisions of the Compact.

##### *Section 3. By-laws.*

As required by the Compact, these By-laws shall govern the management and operations of the Commission. As adopted and subsequently amended, these By-laws shall remain at all times subject to, and limited by, the terms of the Compact.

## Article II Membership

The Commission Membership shall be comprised as provided by the Compact. Each Compacting State shall have and be limited to one Member. A Member shall be the Commissioner of the Compacting State. Each Compacting State shall forward the name of its Commissioner to the Commission chairperson. The Commission chairperson shall promptly advise the Governor and State Council for Interstate Adult Supervision of the Compacting State of the need to appoint a new Commissioner upon the expiration of a designated term or the occurrence of mid-term vacancies.

## Article III Officers

### *Section 1. Election and Succession.*

The officers of the Commission shall include a chairperson, vice chairperson, secretary and treasurer. The officers shall be duly appointed Commission Members, except that if the Commission appoints an Executive Director, then the Executive Director shall serve as the secretary. Officers shall be elected every two years, by the Commission at any meeting at which a quorum is present, and shall serve for two years or until their successors are elected by the Commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Compact.

Elect term annually

Elect term one

### *Section 2. Duties.*

The officers shall perform all duties of their respective offices as provided by the Compact and these By-laws. Such duties shall include, but are not limited to, the following:

- a. *Chairperson.* The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee shall prepare agendas for such meetings, shall make appointments to all committees of the Commission, and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings.
- b. *Vice Chairperson.* The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting chairperson until a new chairperson is elected by the Commission.
- c. *Secretary.* The secretary shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and the business of the Commission.
- d. *Treasurer.* The treasurer, with the assistance of the Commission's executive director, shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the

treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive director and any other officers, Commission Members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.

***Section 3. Costs and Expense Reimbursement.***

Subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by the officers in the performance of their duties and responsibilities as officers of the Commission.

**Article IV  
Commission Personnel**

***Section 1. Commission Staff and Offices.***

The Commission may by a majority of its Members, or through its executive committee appoint or retain an executive director, who shall serve at its pleasure and who shall act as secretary to the Commission, but shall not be a Member of the Commission. The executive director shall hire and supervise such other staff as may be authorized by the Commission. The executive director shall establish and manage the Commission's office or offices, which shall be located in one or more of the Compacting States as determined by the Commission.

***Section 2. Duties of the Executive Director.***

As the Commission's principal administrator, the executive director shall also perform such other duties as may be delegated by the Commission or required by the Compact and these By-laws, including, but not limited to, the following:

- a. Recommend general policies and program initiatives for the Commission's consideration;
- b. Recommend for the Commission's consideration administrative personnel policies governing the recruitment, hiring, management, compensation and dismissal of Commission staff;
- c. Implement and monitor administration of all policies programs, and initiatives adopted by Commission;
- d. Prepare draft annual budgets for the Commission's consideration;
- e. Monitor all Commission expenditures for compliance with approved budgets, and maintain accurate records of account;
- f. Assist Commission Members as directed in securing required assessments from the Compacting States;
- g. Execute contracts on behalf of the Commission as directed;
- h. Receive service of process on behalf of the Commission;

- i. Prepare and disseminate all required reports and notices directed by the Commission; and
- j. Otherwise assist the Commission's officers in the performance of their duties under Article III herein.

**Article V**  
**Qualified Immunity, Defense, and Indemnification**

**Section 1. Immunity.**

The Commission, its Members, officers, executive director, and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability, or both, for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

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**Section 2. Defense**

Subject to the provisions of the Compact and rules promulgated thereunder, the Commission shall defend the Commissioner of a Compacting State, the Commissioner's representatives or employees, or the Commission, and its representatives or employees in any civil action seeking to impose liability against such person arising out of or relating to any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

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**Section 3. Indemnification.**

The Commission shall indemnify and hold the Commissioner of a Compacting State, his or her representatives or employees, or the Commission, and its representatives or employees harmless in the amount of any settlement or judgment obtained against such person arising out of or relating to any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

**Article VI**  
**Meetings of the Commission**

**Section 1. Meetings and Notice.**

The Commission shall meet at least once each calendar year at a time and place to be determined by the Commission. Additional meetings may be scheduled at the discretion

of the chairperson, and must be called upon the request of a majority of Commission Members, as provided by the Compact. All Commission Members shall be given written notice of Commission meetings at least thirty (30) days prior to their scheduled dates. Final agendas shall be provided to all Commission Members no later than ten (10) days prior to any meeting of the Commission. Thereafter, additional agenda items requiring Commission action may not be added to the final agenda, except by an affirmative vote of a majority of the Members. All Commission meetings shall be open to the public, except as set forth in Commission Rules or as otherwise provided by the Compact. Prior public notice shall be provided in a manner consistent with the federal Government in Sunshine Act, 5 U.S.C. § 552b, including, but not limited to, the following: publication of notice of the meeting at least ten (10) days prior to the meeting in a nationally distributed newspaper or an official newsletter regularly published by or on behalf of the Commission and distribution to interested parties who have requested in writing to receive such notices. A meeting may be closed to the public where the Commission determines by two-thirds (2/3rds) vote of its Members that there exists at least one of the conditions for closing a meeting, as provided by the Compact or Commission Rules.

***Section 2. Quorum.***

Commission Members representing a majority of the Compacting States shall constitute a quorum for the transaction of business, except as otherwise required in these By-laws. The participation of a Commission Member from a Compacting State in a meeting is sufficient to constitute the presence of that state for purposes of determining the existence of a quorum, provided the Member present is entitled to vote on behalf of the Compacting State represented. The presence of a quorum must be established before any vote of the Commission can be taken.

***Section 3. Voting.***

Each Compacting State represented at any meeting of the Commission by its Member is entitled to one vote. A Member shall vote himself or herself and shall not delegate his or her vote to another Member. Members may participate and vote in meetings of the Commission and its duly authorized committees by telephone or other means of telecommunication or electronic communication. Except as otherwise required by the Compact or these By-laws, any question submitted to a vote of the Commission shall be determined by a simple majority.

***Section 4. Procedure.***

Matters of parliamentary procedure not covered by these By-laws shall be governed by Robert's Rules of Order.

**Article VII  
Committees**

**Section 1. Executive Committee.**

The Commission may establish an executive committee, which shall be empowered to act on behalf of the Commission during the interim between Commission meetings, except for rulemaking or amendment of the Compact. The Committee shall be composed of all officers of the Interstate Commission, the chairpersons of each committee, the regional representatives, and the ex-officio victims' representative to the Interstate Commission. The procedures, duties, budget, and tenure of such an executive committee shall be determined by the Commission. The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Commission, the Compact or these By-laws.

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**Section 2. Other Committees.**

The Commission may establish such other committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance Committee, Rules Committee, Compliance Committee, Information Technology Committee, and Training, Education and Public Relations Committee. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission.

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**Section 3. Regional Representatives.**

A regional representative of each of the four regions of the United States, Northeastern, Midwestern, Southern, and Western, shall be elected every two years by a plurality vote of the commissioners of each region, and shall serve for two years or until a successor is elected by the commissioners of that region. The states and territories comprising each region shall be determined by reference to the regional divisions used by the Council of State Governments.

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**Article VIII  
Finance**

**Section 1. Fiscal Year.**

The Commission's fiscal year shall begin on July 1 and end on June 30.

**Section 2. Budget.**

The Commission shall operate on an annual budget cycle and shall, in any given year, adopt budgets for the following fiscal year or years only after notice and comment as provided by the Compact.

**Section 3. Accounting and Audit.**

The Commission, with the assistance of the executive director, shall keep accurate and timely accounts of its internal receipts and disbursements of the Commission funds, other than receivership assets. The treasurer, through the executive director, shall cause the Commission's financial accounts and reports, including the Commission's system of internal controls and procedures, to be audited annually by an independent certified or licensed public accountant, as required by the Compact, upon the determination of the Commission, but no less frequently than once each year. The report of such independent audit shall be made available to the public and shall be included in and become part of

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Commission's

the annual report to the governors, legislatures, and judiciary of the Compacting States. The Commission's internal accounts, any workpapers related to any internal audit, and any workpapers related to the independent audit shall be confidential; provided, that such materials shall be made available: (i) in compliance with the order of any court of competent jurisdiction; (ii) pursuant to such reasonable rules as the Commission shall promulgate; and (iii) to any Commissioner of a Compacting State, or their duly authorized representatives.

Default: Governors

Default: or

**Section 4. Public Participation in Meetings.**

Upon prior written request to the Commission, any person who desires to present a statement on a matter that is on the agenda shall be afforded an opportunity to present an oral statement to the Commission at an open meeting. The chairperson may, depending on the circumstances, afford any person who desires to present a statement on a matter that is on the agenda an opportunity to be heard absent a prior written request to the Commission. The chairperson may limit the time and manner of any such statements at any open meeting.

**Section 5. Debt Limitations.**

The Commission shall monitor its own and its committees' affairs for compliance with all provisions of the Compact, its rules and these By-laws governing the incurring of debt and the pledging of credit.

Default: Incursion

**Section 6. Travel Reimbursements.**

Subject to the availability of budgeted funds and unless otherwise provided by the Commission, Commission Members shall be reimbursed for any actual and necessary expenses incurred pursuant to their attendance at all duly convened meetings of the Commission or its committees as provided by the Compact.

**Article IX**

**Withdrawal, Default, and Termination**

Compacting States may withdraw from the Compact only as provided by the Compact. The Commission may terminate a Compacting State as provided by the Compact.

**Article X**

**Adoption and Amendment of By-laws**

Any By-law may be adopted, amended or repealed by a majority vote of the Members, provided that written notice and the full text of the proposed action is provided to all Commission Members at least thirty (30) days prior to the meeting at which the action is to be considered. Failing the required notice, a two-third (2/3rds) majority vote of the Members shall be required for such action.

**Article XI**

**Dissolution of the Compact**



The Compact shall dissolve effective upon the date of the withdrawal or the termination by default of a Compacting State ~~that reduces membership in the Compact to one~~ Compacting State as provided by the Compact.

~~Default~~ which

~~Default~~ Membership

Upon dissolution of the Compact, the Compact becomes null and void and shall be of no further force and effect, and the business and affairs of the Commission shall be wound up. Each Compacting State in good standing at the time of the Compact's dissolution shall receive a pro rata distribution of surplus funds based upon a ratio, the numerator of which shall be the amount of its last paid annual assessment, and the denominator of which shall be the sum of the last paid annual assessments of all Compacting States in good standing at the time of the Compact's dissolution. A Compacting State is in good standing if it has paid its assessments timely.

Interstate Commission for Adult Offender Supervision  
 Revenue & Expense Statement  
 As of 9/30/03

| <u>Description</u>   | <u>Actual</u>       |
|----------------------|---------------------|
| Appropriations       | \$860,000.00        |
| Interest Income      | \$251.05            |
|                      |                     |
| <b>Total Revenue</b> | <b>\$860,251.05</b> |

|                           |                    |
|---------------------------|--------------------|
| Salaries & Wages          | \$3,929.00         |
| Employee Benefits         | \$710.89           |
| Relocation Expenses       | \$426.76           |
| Supplies                  | \$503.91           |
| Computer Services/Support | \$164.58           |
| Direct Telephone Expenses | \$60.86            |
| marketing/Advertising     | \$345.83           |
| Equipment Purchase        | \$906.12           |
| Consultant Services       | \$4,300.00         |
| Staff Travel              | \$100.77           |
| Participant Travel        | \$1,673.71         |
| Meeting Expenses          | \$237.47           |
| Rent                      | \$384.18           |
| Insurance                 | \$27.85            |
| Indirect Costs            | \$972.42           |
|                           |                    |
| <b>Total Expenditures</b> | <b>\$14,744.35</b> |

**Total Budget Remaining** \$845,506.70

**Interstate Commission for Adult Offender Supervision  
State Dues Assessment - Collection Update**

Update  
10/2/2003

**Member States**

(33 of 47 Member States have payed; 70%)

| State             | FY '04 Dues | Received | Outstanding |
|-------------------|-------------|----------|-------------|
| Alabama           | \$25,000    | \$0      | \$25,000    |
| Alaska            | \$18,000    | \$0      | \$18,000    |
| Arizona           | \$25,000    | \$0      | \$25,000    |
| Arkansas          | \$25,000    | \$25,000 | \$0         |
| California        | \$46,000    | \$46,000 | \$0         |
| Colorado          | \$25,000    | \$0      | \$25,000    |
| Connecticut       | \$25,000    | \$0      | \$25,000    |
| Delaware          | \$18,000    | \$18,000 | \$0         |
| Dist. of Columbia | \$18,000    | \$18,000 | \$0         |
| Florida           | \$39,000    | \$39,000 | \$0         |
| Georgia           | \$32,000    | \$32,000 | \$0         |
| Hawaii            | \$18,000    | \$18,000 | \$0         |
| Idaho             | \$18,000    | \$18,000 | \$0         |
| Illinois          | \$39,000    | \$0      | \$39,000    |
| Indiana           | \$25,000    | \$25,000 | \$0         |
| Iowa              | \$25,000    | \$0      | \$25,000    |
| Kansas            | \$25,000    | \$25,000 | \$0         |
| Kentucky          | \$25,000    | \$25,000 | \$0         |
| Louisiana         | \$25,000    | \$25,000 | \$0         |
| Maine             | \$18,000    | \$0      | \$18,000    |
| Maryland          | \$32,000    | \$32,000 | \$0         |
| Michigan          | \$32,000    | \$32,000 | \$0         |
| Minnesota         | \$25,000    | \$25,000 | \$0         |
| Missouri          | \$32,000    | \$32,000 | \$0         |
| Montana           | \$18,000    | \$0      | \$18,000    |
| Nebraska          | \$18,000    | \$9,000  | \$9,000     |
| Nevada            | \$25,000    | \$25,000 | \$0         |
| New Hampshire     | \$18,000    | \$0      | \$18,000    |
| New Jersey        | \$32,000    | \$0      | \$32,000    |
| New Mexico        | \$18,000    | \$0      | \$18,000    |
| North Carolina    | \$32,000    | \$32,000 | \$0         |
| North Dakota      | \$18,000    | \$18,000 | \$0         |
| Ohio              | \$32,000    | \$32,000 | \$0         |
| Oklahoma          | \$25,000    | \$25,000 | \$0         |
| Oregon            | \$25,000    | \$25,000 | \$0         |
| Pennsylvania      | \$32,000    | \$32,000 | \$0         |
| Rhode Island      | \$18,000    | \$18,000 | \$0         |
| South Carolina    | \$25,000    | \$25,000 | \$0         |
| South Dakota      | \$18,000    | \$18,000 | \$0         |
| Tennessee         | \$25,000    | \$25,000 | \$0         |
| Texas             | \$46,000    | \$46,000 | \$0         |
| Utah              | \$18,000    | \$18,000 | \$0         |
| Vermont           | \$18,000    | \$18,000 | \$0         |
| Washington        | \$25,000    | \$25,000 | \$0         |
| West Virginia     | \$18,000    | \$0      | \$18,000    |
| Wisconsin         | \$25,000    | \$25,000 | \$0         |

|              |                    |                  |                  |
|--------------|--------------------|------------------|------------------|
| Wyoming      | \$18,000           | \$0              | \$18,000         |
| <b>TOTAL</b> | <b>\$1,182,000</b> | <b>\$851,000</b> | <b>\$331,000</b> |

**Non-Member States**

| <u>State</u>        | <u>FY '04 Dues</u> | <u>Received</u> | <u>Outstanding</u> |
|---------------------|--------------------|-----------------|--------------------|
| American Samoa      | \$18,000           | \$0             | \$0                |
| Guam                | \$18,000           | \$0             | \$0                |
| Massachusetts       | \$25,000           | \$0             | \$0                |
| Mississippi         | \$25,000           | \$0             | \$0                |
| New York            | \$39,000           | \$0             | \$0                |
| Northern Marianas   | \$18,000           | \$0             | \$0                |
| Puerto Rico         | \$25,000           | \$0             | \$0                |
| U.S. Virgin Islands | \$18,000           | \$0             | \$0                |
| Virginia            | \$32,000           | \$0             | \$0                |
| <b>TOTAL</b>        | <b>\$216,000</b>   | <b>\$0</b>      | <b>\$0</b>         |

Interstate Commission - FY'05 Budget (7/1/04 - 6/30/05)

Projected Revenue

**\$1,182,000**

| Category                                   | Computation                        | Line Item<br>Amount | Category<br>Totals |
|--|------------------------------------|---------------------|--------------------|
| <b>Staffing</b>                            |                                    |                     |                    |
| Executive Director (PC5)                   | 1 FTE x \$79,800 annual salary     | 79,800              |                    |
| Program Manager (PC2)                      | 1 FTE x \$40,000 annual salary     | 40,000              |                    |
| Logistics & Administration Assistant (PC1) | 1 FTE x \$28,000 annual salary     | 28,000              |                    |
|  |                                    |                     | 147,800            |
| Fringe Benefits                            | 30% of staffing costs              | 44,340              |                    |
|  |                                    |                     | 44,340             |
| <b>Contract Consultant</b>                 |                                    |                     |                    |
| General Counsel                            | 1 FTE x \$65,000 annual salary     | 65,000              |                    |
|  |                                    |                     | 65,000             |
| <b>Annual Rent &amp; Utilities</b>         |                                    |                     |                    |
| Executive Director                         | 1 FTE x 500 Sq. Ft. x \$15 Sq. Ft. | 7,500               |                    |
| Program Specialist                         | 1 FTE x 150 Sq. Ft. x \$15 Sq. Ft. | 2,250               |                    |
| Logistics & Administration Assistant       | 1 FTE x 150 Sq. Ft. x \$15 Sq. Ft. | 2,250               |                    |
| Storage (10'x10')                          | \$60 x 12 months                   | 720                 |                    |
|  |                                    |                     | 12,720             |
| <b>Telecomm/MIS</b>                        |                                    |                     |                    |
| Phone                                      | 3 FTE x \$95 x 12 months           | 3,420               |                    |
| Computer                                   | 3 FTE x \$400 x 12 months          | 14,400              |                    |
| Conference Call Services                   | \$400 x 12 months                  | 4,800               |                    |
| Equipment (server, LCD projector, etc.)    |                                    | 10,000              |                    |
|  |                                    |                     | 32,620             |
| Insurance                                  | 3 FTE x \$40 x 12 months           | 1,440               |                    |
|  |                                    |                     | 1,440              |
| <b>Copies, Production &amp; Printing</b>   |                                    |                     |                    |
| Copies                                     |                                    | 4,500               |                    |
| Production                                 |                                    | 6,000               |                    |
| Printing                                   |                                    | 10,000              |                    |
|  |                                    |                     | 20,500             |
|  |                                    |                     | 12,500             |
| <b>Supplies</b>                            |                                    |                     |                    |
|  |                                    |                     |                    |
| <b>Miscellaneous Expenses</b>              |                                    |                     |                    |
| Staff Travel                               |                                    | 50,000              |                    |
| Education/Training/Outreach                |                                    | 20,000              |                    |
|  |                                    |                     | 70,000             |

SUBTOTAL (Operational Expenses)

406,920

Interstate Commission - FY'05 Budget (7/1/04 - 6/30/05)

| Category                            | Computation                         | Line Item<br>Amount | Category<br>Totals |
|-------------------------------------|-------------------------------------|---------------------|--------------------|
| <b>Commission Meetings</b>          |                                     |                     |                    |
| <i>Meetings - Commission</i>        |                                     |                     |                    |
| Postage                             |                                     | 1,000               |                    |
| Photocopy                           |                                     | 1,000               |                    |
| Travel                              | 55 Participants x \$750 airfare     | 41,250              |                    |
| Lodging                             | 55 Participants x \$130 x 3 nights  | 21,450              |                    |
| Food/Reception                      | 55 Participants x \$75 x 3 days     | 12,375              |                    |
| Telecommunications                  |                                     | 500                 |                    |
| Occupancy                           |                                     | 500                 |                    |
| A/V Charges                         |                                     | 2,565               |                    |
|                                     |                                     |                     | <b>80,640</b>      |
| <i>Meetings - Committees</i>        |                                     |                     |                    |
| Postage                             |                                     | 1,000               |                    |
| Photocopy                           |                                     | 1,500               |                    |
| Travel                              | 100 Participants x \$750 airfare    | 75,000              |                    |
| Lodging                             | 100 Participants x \$130 x 3 nights | 39,000              |                    |
| Food/Reception                      | 100 Participants x \$75 x 3 days    | 22,500              |                    |
| Telecommunications                  |                                     | 500                 |                    |
| Occupancy                           |                                     | 1,000               |                    |
| A/V Charges                         |                                     | 1,500               |                    |
|                                     |                                     |                     | <b>142,000</b>     |
| <b>SUBTOTAL (Meeting Expenses)</b>  |                                     |                     | <b>222,640</b>     |
| <b>SUBTOTAL - DIRECT CHARGES</b>    |                                     |                     | <b>529,560</b>     |
| <b>ADMINISTRATIVE COST RECOVERY</b> |                                     |                     | <b>169,981</b>     |
| 27% Direct Charges                  |                                     |                     |                    |
| <b>TOTAL</b>                        |                                     |                     | <b>799,541</b>     |
| <b>Technology Fund</b>              |                                     |                     | <b>382,459</b>     |
| <b>GRAND TOTAL</b>                  |                                     |                     | <b>1,182,000</b>   |

\* All figures used for salary, rent, utilities, computer services, etc. are based on the CSG Budget Book, FY'04

**Interstate Compact for Adult Offender Supervision  
State Dues Assessment - FY05**

| State                   | Projected Dues per State <sup>1</sup> | State Dues Ratio <sup>2</sup> | State Population <sup>3</sup> | U.S. Population <sup>3</sup> | State Offender Transactions <sup>4</sup> | U.S. Offender Transactions <sup>4</sup> |
|-------------------------|---------------------------------------|-------------------------------|-------------------------------|------------------------------|--|---|
| Northern Marianas (a)   | \$18,000                              | 0.000150                      | 43000                         | 285230518                    | 35                                       | 234085                                  |
| American Samoa (a)      | \$18,000                              | 0.000160                      | 46000                         | 285230518                    | 37                                       | 234085                                  |
| U.S. Virgin Islands (a) | \$18,000                              | 0.000356                      | 102000                        | 285230518                    | 83                                       | 234085                                  |
| Guam (a)                | \$18,000                              | 0.000464                      | 133000                        | 285230518                    | 108                                      | 234085                                  |
| Alaska                  | \$18,000                              | 0.002257                      | 626932                        | 285230518                    | 542                                      | 234085                                  |
| Wyoming                 | \$18,000                              | 0.002559                      | 493782                        | 285230518                    | 793                                      | 234085                                  |
| North Dakota            | \$18,000                              | 0.003206                      | 642200                        | 285230518                    | 974                                      | 234085                                  |
| Vermont                 | \$18,000                              | 0.003293                      | 608827                        | 285230518                    | 1042                                     | 234085                                  |
| South Dakota (b)        | \$18,000                              | 0.003662                      | 754844                        | 285230518                    | 1095                                     | 234085                                  |
| Maine                   | \$18,000                              | 0.003687                      | 1274923                       | 285230518                    | 680                                      | 234085                                  |
| New Hampshire (b)       | \$18,000                              | 0.004067                      | 1235766                       | 285230518                    | 890                                      | 234085                                  |
| Rhode Island            | \$18,000                              | 0.004200                      | 1048319                       | 285230518                    | 1106                                     | 234085                                  |
| Hawaii                  | \$18,000                              | 0.004249                      | 1211537                       | 285230518                    | 995                                      | 234085                                  |
| Montana                 | \$18,000                              | 0.004337                      | 902195                        | 285230518                    | 1290                                     | 234085                                  |
| Delaware                | \$18,000                              | 0.004338                      | 783600                        | 285230518                    | 1388                                     | 234085                                  |
| Idaho                   | \$18,000                              | 0.004953                      | 1293953                       | 285230518                    | 1257                                     | 234085                                  |
| West Virginia           | \$18,000                              | 0.005654                      | 1808344                       | 285230518                    | 1116                                     | 234085                                  |
| Dist. of Columbia (b)   | \$18,000                              | 0.005725                      | 572059                        | 285230518                    | 2211                                     | 234085                                  |
| Nebraska                | \$18,000                              | 0.005830                      | 1711283                       | 285230518                    | 1325                                     | 234085                                  |
| Utah                    | \$18,000                              | 0.005901                      | 2233169                       | 285230518                    | 930                                      | 234085                                  |
| New Mexico              | \$18,000                              | 0.007157                      | 1819046                       | 285230518                    | 1858                                     | 234085                                  |
| Nevada                  | \$25,000                              | 0.009746                      | 1998257                       | 285230518                    | 2923                                     | 234085                                  |
| Kansas                  | \$25,000                              | 0.009959                      | 2688418                       | 285230518                    | 2456                                     | 234085                                  |
| Iowa                    | \$25,000                              | 0.010651                      | 2928324                       | 285230518                    | 2585                                     | 234085                                  |
| Mississippi             | \$25,000                              | 0.010868                      | 2844658                       | 285230518                    | 2650                                     | 234085                                  |
| Oregon                  | \$25,000                              | 0.011248                      | 3421399                       | 285230518                    | 2458                                     | 234085                                  |
| Connecticut             | \$25,000                              | 0.011250                      | 3405565                       | 285230518                    | 2472                                     | 234085                                  |
| Arkansas                | \$25,000                              | 0.012090                      | 2873400                       | 285230518                    | 3466                                     | 234085                                  |
| Puerto Rico (a)         | \$25,000                              | 0.013257                      | 3808610                       | 285230518                    | 3081                                     | 234085                                  |
| Oklahoma                | \$25,000                              | 0.014729                      | 3450654                       | 285230518                    | 4064                                     | 234085                                  |
| Kentucky                | \$25,000                              | 0.014864                      | 4041769                       | 285230518                    | 3642                                     | 234085                                  |
| Kentucky                | \$25,000                              | 0.014922                      | 4301261                       | 285230518                    | 3456                                     | 234085                                  |
| Colorado                | \$25,000                              | 0.015931                      | 4012012                       | 285230518                    | 4166                                     | 234085                                  |
| South Carolina          | \$25,000                              | 0.016621                      | 4447100                       | 285230518                    | 4132                                     | 234085                                  |
| Alabama                 | \$25,000                              | 0.016725                      | 6080465                       | 285230518                    | 2840                                     | 234085                                  |
| Indiana (b)             | \$25,000                              | 0.017050                      | 5894121                       | 285230518                    | 3145                                     | 234085                                  |
| Washington              | \$25,000                              | 0.017079                      | 5130632                       | 285230518                    | 3785                                     | 234085                                  |
| Arizona                 | \$25,000                              | 0.017405                      | 6349097                       | 285230518                    | 2938                                     | 234085                                  |
| Massachusetts (b)       | \$25,000                              | 0.017614                      | 5689283                       | 285230518                    | 3577                                     | 234085                                  |
| Tennessee               | \$25,000                              | 0.018275                      | 4468976                       | 285230518                    | 4888                                     | 234085                                  |
| Louisiana               | \$25,000                              | 0.018885                      | 4919479                       | 285230518                    | 4701                                     | 234085                                  |
| Minnesota               | \$25,000                              | 0.018668                      | 5363875                       | 285230518                    | 4336                                     | 234085                                  |
| Wisconsin               | \$25,000                              | 0.018668                      | 5363875                       | 285230518                    | 4336                                     | 234085                                  |

**Interstate Compact for Adult Offender Supervision  
State Dues Assessment - FY05**

| <u>State</u>   | <u>Projected Dues per State</u> 1 | <u>State Dues Ratio</u> 2 | <u>State Population</u> 3 | <u>U.S. Population</u> 3 | <u>State Offender Transactions</u> 4 | <u>U.S. Offender Transactions</u> 4 |
|----------------|-----------------------------------|---------------------------|---------------------------|--------------------------|--------------------------------------|-------------------------------------|
| Maryland       | \$32,000                          | 0.021496                  | 5296486                   | 285230516                | 5717                                 | 234085                              |
| New Jersey     | \$32,000                          | 0.024148                  | 8414350                   | 285230516                | 4400                                 | 234085                              |
| Michigan       | \$32,000                          | 0.025457                  | 9938444                   | 285230516                | 3762                                 | 234085                              |
| North Carolina | \$32,000                          | 0.028784                  | 8049313                   | 285230516                | 6870                                 | 234085                              |
| Ohio           | \$32,000                          | 0.029452                  | 11353140                  | 285230516                | 4471                                 | 234085                              |
| Missouri       | \$32,000                          | 0.029649                  | 5595211                   | 285230516                | 9289                                 | 234085                              |
| Pennsylvania   | \$32,000                          | 0.031196                  | 12281054                  | 285230516                | 4526                                 | 234085                              |
| Georgia        | \$32,000                          | 0.032677                  | 8186453                   | 285230516                | 8580                                 | 234085                              |
| Virginia       | \$32,000                          | 0.035263                  | 7078515                   | 285230516                | 10700                                | 234085                              |
| Florida        | \$39,000                          | 0.047751                  | 15982378                  | 285230516                | 9239                                 | 234085                              |
| New York       | \$39,000                          | 0.053217                  | 18976457                  | 285230516                | 9341                                 | 234085                              |
| Illinois       | \$39,000                          | 0.054220                  | 12419293                  | 285230516                | 15182                                | 234085                              |
| Texas          | \$46,000                          | 0.088867                  | 20851820                  | 285230516                | 24492                                | 234085                              |
| California     | \$46,000                          | 0.114864                  | 33871848                  | 285230516                | 25978                                | 234085                              |

\$1,400,000

1 - Based on total projected operating budget

2 - (State population / U.S. Population) + (State Offender Transactions / Total U.S. Offender Transactions) / 2

3 - Population data; U.S. Dept. of Commerce & U.S. Census Bureau; Census 2000

4 - Compact populations as of April 1, 2002; annual number of offender transactions both into and out of the state

(a) - Territory data is projected based on an average state offender transaction to population ratio (1:1236)

(b) - Projected state transfer numbers; actual numbers not available



**Interstate Compact for Adult Offender Supervision  
State Dues Assessment - FY04**

| State                   | Projected Dues per State 1 | State Dues Ratio 2 | State Population 3 | U.S. Population 3 | State Offender Transactions 4 | U.S. Offender Transactions 4 |
|-------------------------|----------------------------|--------------------|--------------------|-------------------|-------------------------------|------------------------------|
| Northern Marianas (a)   | \$18,000                   | 0.000150           | 43000              | 285230516         | 35                            | 234085                       |
| American Samoa (a)      | \$18,000                   | 0.000160           | 46000              | 285230516         | 37                            | 234085                       |
| U.S. Virgin Islands (a) | \$18,000                   | 0.000356           | 102000             | 285230516         | 83                            | 234085                       |
| Guam (a)                | \$18,000                   | 0.000464           | 133000             | 285230516         | 108                           | 234085                       |
| Alaska                  | \$18,000                   | 0.002257           | 626932             | 285230516         | 542                           | 234085                       |
| Wyoming                 | \$18,000                   | 0.002559           | 493782             | 285230516         | 793                           | 234085                       |
| North Dakota            | \$18,000                   | 0.003206           | 642200             | 285230516         | 974                           | 234085                       |
| Vermont                 | \$18,000                   | 0.003293           | 608827             | 285230516         | 1042                          | 234085                       |
| South Dakota (b)        | \$18,000                   | 0.003662           | 754844             | 285230516         | 1095                          | 234085                       |
| Maine                   | \$18,000                   | 0.003687           | 1274923            | 285230516         | 680                           | 234085                       |
| New Hampshire (b)       | \$18,000                   | 0.004067           | 1235785            | 285230516         | 890                           | 234085                       |
| Rhode Island            | \$18,000                   | 0.004200           | 1048319            | 285230516         | 1106                          | 234085                       |
| Hawaii                  | \$18,000                   | 0.004249           | 1211537            | 285230516         | 995                           | 234085                       |
| Montana                 | \$18,000                   | 0.004337           | 902195             | 285230516         | 1290                          | 234085                       |
| Delaware                | \$18,000                   | 0.004338           | 783600             | 285230516         | 1388                          | 234085                       |
| Idaho                   | \$18,000                   | 0.004953           | 1289953            | 285230516         | 1257                          | 234085                       |
| West Virginia           | \$18,000                   | 0.005554           | 1808344            | 285230516         | 1116                          | 234085                       |
| Dist. of Columbia (b)   | \$18,000                   | 0.005725           | 572059             | 285230516         | 2211                          | 234085                       |
| Nebraska                | \$18,000                   | 0.005830           | 1711263            | 285230516         | 1325                          | 234085                       |
| Utah                    | \$18,000                   | 0.005901           | 2239169            | 285230516         | 930                           | 234085                       |
| New Mexico              | \$18,000                   | 0.007157           | 1819048            | 285230516         | 1858                          | 234085                       |
| Nevada                  | \$25,000                   | 0.009745           | 1998257            | 285230516         | 2923                          | 234085                       |
| Kansas                  | \$25,000                   | 0.009959           | 2688418            | 285230516         | 2456                          | 234085                       |
| Iowa                    | \$25,000                   | 0.010651           | 2928324            | 285230516         | 2585                          | 234085                       |
| Mississippi             | \$25,000                   | 0.010668           | 2844858            | 285230516         | 2660                          | 234085                       |
| Oregon                  | \$25,000                   | 0.011248           | 3421399            | 285230516         | 2458                          | 234085                       |
| Connecticut             | \$25,000                   | 0.011250           | 3405565            | 285230516         | 2472                          | 234085                       |
| Arkansas                | \$25,000                   | 0.012090           | 2673400            | 285230516         | 3466                          | 234085                       |
| Puerto Rico (a)         | \$25,000                   | 0.013257           | 3808610            | 285230516         | 3081                          | 234085                       |
| Oklahoma                | \$25,000                   | 0.014729           | 3450654            | 285230516         | 4064                          | 234085                       |
| Kentucky                | \$25,000                   | 0.014864           | 4041769            | 285230516         | 3642                          | 234085                       |
| Colorado                | \$25,000                   | 0.014922           | 4301281            | 285230516         | 3456                          | 234085                       |
| South Carolina          | \$25,000                   | 0.015931           | 4012012            | 285230516         | 4166                          | 234085                       |
| Alabama                 | \$25,000                   | 0.016821           | 4447100            | 285230516         | 4132                          | 234085                       |
| Indiana (b)             | \$25,000                   | 0.016725           | 6080485            | 285230516         | 2840                          | 234085                       |
| Washington              | \$25,000                   | 0.017050           | 5894121            | 285230516         | 3145                          | 234085                       |
| Arizona                 | \$25,000                   | 0.017079           | 5130832            | 285230516         | 3785                          | 234085                       |
| Massachusetts (b)       | \$25,000                   | 0.017405           | 6349097            | 285230516         | 2938                          | 234085                       |
| Tennessee               | \$25,000                   | 0.017614           | 5689283            | 285230516         | 3577                          | 234085                       |
| Louisiana               | \$25,000                   | 0.018275           | 4468975            | 285230516         | 4868                          | 234085                       |
| Minnesota               | \$25,000                   | 0.018665           | 4919478            | 285230516         | 4701                          | 234085                       |
| Wisconsin               | \$25,000                   | 0.018668           | 5363575            | 285230516         | 4338                          | 234085                       |

**Interstate Compact for Adult Offender Supervision  
State Dues Assessment - FY04**

| State          | Projected Dues per State <sup>1</sup> | State Dues Ratio <sup>2</sup> | State Population <sup>3</sup> | U.S. Population <sup>3</sup> | State Offender Transactions <sup>4</sup> | U.S. Offender Transactions <sup>4</sup> |
|----------------|---------------------------------------|-------------------------------|-------------------------------|------------------------------|--|---|
| Maryland       | \$32,000                              | 0.021496                      | 5296485                       | 285230516                    | 5717                                     | 234085                                  |
| New Jersey     | \$32,000                              | 0.024148                      | 8414350                       | 285230516                    | 4400                                     | 234085                                  |
| Michigan       | \$32,000                              | 0.025457                      | 9936444                       | 285230516                    | 3762                                     | 234085                                  |
| North Carolina | \$32,000                              | 0.028784                      | 8049313                       | 285230516                    | 6870                                     | 234085                                  |
| Ohio           | \$32,000                              | 0.029452                      | 11353140                      | 285230516                    | 4471                                     | 234085                                  |
| Missouri       | \$32,000                              | 0.029649                      | 5595211                       | 285230516                    | 9289                                     | 234085                                  |
| Pennsylvania   | \$32,000                              | 0.031196                      | 12281054                      | 285230516                    | 4528                                     | 234085                                  |
| Georgia        | \$32,000                              | 0.032677                      | 8186453                       | 285230516                    | 8580                                     | 234085                                  |
| Virginia       | \$32,000                              | 0.035263                      | 7078515                       | 285230516                    | 10700                                    | 234085                                  |
| Florida        | \$39,000                              | 0.047751                      | 15982378                      | 285230516                    | 9239                                     | 234085                                  |
| New York       | \$39,000                              | 0.053217                      | 18976457                      | 285230516                    | 9341                                     | 234085                                  |
| Illinois       | \$39,000                              | 0.054220                      | 12419293                      | 285230516                    | 15162                                    | 234085                                  |
| Texas          | \$46,000                              | 0.088867                      | 20851820                      | 285230516                    | 24482                                    | 234085                                  |
| California     | \$46,000                              | 0.114864                      | 33871648                      | 285230516                    | 25978                                    | 234085                                  |

\$1,400,000

1 - Based on total projected operating budget

2 -  $(\text{State population} / \text{U.S. Population}) + (\text{State Offender Transactions} / \text{Total U.S. Offender Transactions}) / 2$

3 - Population data; U.S. Dept. of Commerce & U.S. Census Bureau; Census 2000

4 - Compact populations as of April 1, 2002; annual number of offender transactions both into and out of the state

(a) - Territory data is projected based on an average state offender transaction to population ratio (1:1236)

(b) - Projected state transfer numbers; actual numbers not available

Interstate Commission - FY'04 Budget (7/1/03 - 6/30/04)

Projected Revenue

\$1,017,000

| Category                                   | Computation                         | Line Item<br>Amount | Category<br>Totals |
|--|-------------------------------------|---------------------|--------------------|
| <b>Staffing</b>                            |                                     |                     |                    |
| Executive Director (PC5)                   | 1 FTE x \$76,384 annual salary      | 76,384              |                    |
| General Counsel (PC5)                      | 1 FTE x \$67,680 annual salary      | 67,680              |                    |
| Training, Education and PR Director (PC3)  | .5 FTE x \$43,315 annual salary     | 21,658              |                    |
| Program Specialist (FC2)                   | 1 FTE x \$34,652 annual salary      | 34,652              |                    |
| Logistics & Administration Assistant (PC1) | .5 FTE x \$27,721 annual salary     | 13,861              |                    |
|  |                                     |                     | 214,235            |
| <b>Fringe Benefits</b>                     | 30% of staffing costs               | 64,271              |                    |
|  |                                     |                     | 64,271             |
| <b>Annual Rent &amp; Utilities</b>         |                                     |                     |                    |
| Executive Director                         | 1 FTE x 325 Sq. Ft. x \$15 Sq. Ft.  | 4,875               |                    |
| General Counsel                            | 1 FTE x 300 Sq. Ft. x \$15 Sq. Ft.  | 4,500               |                    |
| Training, Education and PR Director        | .5 FTE x 150 Sq. Ft. x \$15 Sq. Ft. | 1,125               |                    |
| Program Specialist                         | 1 FTE x 150 Sq. Ft. x \$15 Sq. Ft.  | 2,250               |                    |
| Logistics & Administration Assistant       | .5 FTE x 150 Sq. Ft. x \$15 Sq. Ft. | 1,125               |                    |
| Storage (10'x10')                          | \$80 x 12 months                    | 720                 |                    |
|  |                                     |                     | 14,595             |
| <b>Telecomm/MIS</b>                        |                                     |                     |                    |
| Phone                                      | 4 FTE x \$95 x 12 months            | 4,560               |                    |
| Computer                                   | 4 FTE x \$400 x 12 months           | 19,200              |                    |
| Conference Call Services                   | \$250 x 12 months                   | 3,000               |                    |
| Equipment (server, LCD projector, etc.)    |                                     | 10,000              |                    |
|  |                                     |                     | 36,760             |
| <b>Insurance</b>                           | 4 FTE x \$38 x 12 months            | 1,824               |                    |
|  |                                     |                     | 1,824              |
| <b>Copies, Production &amp; Printing</b>   |                                     |                     |                    |
| Copies                                     |                                     | 4,500               |                    |
| Production                                 |                                     | 6,000               |                    |
| Printing                                   |                                     | 10,000              |                    |
|  |                                     |                     | 20,500             |
|  |                                     |                     | 12,500             |
| <b>Supplies</b>                            |                                     |                     |                    |
| <b>Miscellaneous Expenses</b>              |                                     |                     |                    |
| Staff Travel                               |                                     | 40,000              |                    |
| Education/Outreach                         |                                     | 10,000              |                    |
| Training/Technical Assistance              |                                     | 10,000              |                    |
|  |                                     |                     | 60,000             |

SUBTOTAL (Operational Expenses)

424,685

Interstate Commission - FY'04 Budget (7/1/03 - 6/30/04)

| Category  | Computation                        | Line Item Amount | Category Totals |
|---|------------------------------------|------------------|-----------------|
| <b>Commission Meetings</b>                      |                                    |                  |                 |
| <i>Meetings - Commission</i>                    |                                    | 1,000            |                 |
| Postage   |                                    | 1,000            |                 |
| Photocopy                                       |                                    |                  |                 |
| Travel  | 55 Participants x \$750 airfare    | 41,250           |                 |
| Lodging   | 55 Participants x \$130 x 2 nights | 14,300           |                 |
| Food/Reception                                  | 55 Participants x \$75 x 2 days    | 8,250            |                 |
| Telecommunications                              |                                    | 1,000            |                 |
| Occupancy                                       |                                    | 500              |                 |
| Data Processing                                 |                                    | 500              |                 |
| AV Charges                                      |                                    | 2,565            |                 |
| Consultant/Facilitator                          | \$700 per day x 5 days             | 3,500            |                 |
|   |                                    |                  | <b>73,885</b>   |
| <i>Meetings - Committees (3 meetings total)</i> | All Committees simultaneously      |                  |                 |
| Postage   |                                    | 500              |                 |
| Photocopy                                       |                                    | 500              |                 |
| Travel  | 25 Participants x \$750 airfare    | 18,750           |                 |
| Lodging   | 25 Participants x \$130 x 2 nights | 6,500            |                 |
| Food/Reception                                  | 25 Participants x \$75 x 2 days    | 3,750            |                 |
| Telecommunications                              |                                    | 375              |                 |
| Occupancy                                       |                                    | 250              |                 |
| Data Processing                                 |                                    | 250              |                 |
| AV Charges                                      |                                    | 1,000            |                 |
| Consultant/Facilitator                          | \$700 per day x 5 days x 3         | 10,500           |                 |
|   | Subtotal x 3                       |                  | <b>127,125</b>  |

SUBTOTAL (Meeting Expenses) 200,990

SUBTOTAL - DIRECT CHARGES 625,675

ADMINISTRATIVE COST RECOVERY 27% Direct Charges 168,932

TOTAL 794,607

|                          |  |                |
|--------------------------|--|----------------|
| Reserve/Capital Fund (1) |  | <b>222,383</b> |
|--------------------------|--|----------------|

GRAND TOTAL **1,017,000**

\* All figures used for budget calculations are based on the CSG Budget Book, FY'03; these figures represent an approximate cost for one year of operations if housed within an organization like The Council of State Governments.

# INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

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## PREAMBLE

- Whereas: The interstate compact for the supervision of Parolees and Probationers was established in 1937, it is the earliest corrections "compact" established among the states and has not been amended since its adoption over 62 years ago;
- Whereas: This compact is the only vehicle for the controlled movement of adult parolees and probationers across state lines, and it currently has jurisdiction over more than a quarter of a million offenders;
- Whereas: The complexities of the compact have become more difficult to administer, and many jurisdictions have expanded supervision expectations to include currently unregulated practices such as victim input, victim notification requirements and sex offender registration;
- Whereas: After hearings, national surveys, and a detailed study by a task force appointed by the National Institute of Corrections, the overwhelming recommendation has been to amend the document to bring about an effective management capacity that addresses public safety concerns and offender accountability;
- Whereas: Upon the adoption of this Interstate Compact for Adult Offender Supervision, it is the intention of the legislature to repeal the previous Interstate Compact for the Supervision of Parolees and Probationers on the effective date of this Compact.

Be it enacted by the General Assembly (Legislature) of the state of \_\_\_\_\_.

Short title: This Act may be cited as The Interstate Compact for Adult Offender Supervision.

## ARTICLE I PURPOSE

The compacting states to this Interstate Compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the Bylaws and Rules of this compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdictions. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime. It is the purpose of this compact and the Interstate Commission

created hereunder, through means of joint and cooperative action among the compacting states: to provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community; to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and to equitably distribute the costs, benefits and obligations of the compact among the compacting states. In addition, this compact will: create a Interstate Commission which will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies which will promulgate rules to achieve the purpose of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators; monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct non-compliance; and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity. The compacting states recognize that there is no "right" of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of this compact and Bylaws and Rules promulgated hereunder. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and are therefore public business.

## ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

- "Adult" means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.
- "By-laws" mean those by-laws established by the Interstate Commission for its governance, or for directing or controlling the Interstate Commission's actions or conduct.
- "Compact Administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.
- "Compacting state" means any state which has enacted the enabling legislation for this compact.
- "Commissioner" means the young representative of each compacting state appointed pursuant to Article III of this compact.
- "Interstate Commission" means the Interstate Commission for Adult Offender Supervision established by this compact.

- **"Member"** means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner.
- **"Non Compacting state"** means any state which has not enacted the enabling legislation for this compact.
- **"Offender"** means an adult placed under, or subject, to supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies.
- **"Person"** means any individual, corporation, business enterprise, or other legal entity, either public or private.
- **"Rules"** means acts of the Interstate Commission, duly promulgated pursuant to Article VIII of this compact, substantially affecting interested parties in addition to the Interstate Commission, which shall have the force and effect of law in the compacting states.
- **"State"** means a state of the United States, the District of Columbia and any other territorial possessions of the United States.
- **"State Council"** means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article III of this compact.

### ARTICLE III THE COMPACT COMMISSION

The compacting states hereby create the "Interstate Commission for Adult Offender Supervision." The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact. The Interstate Commission shall consist of Commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state.

In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations; such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (nonvoting) members. The Interstate Commission may provide in its by-laws for such additional, ex-officio, non-voting members as it deems necessary.

Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission.

The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of 27 or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

The Interstate Commission shall establish an Executive Committee which shall include commission officers, members and others as shall be determined by the By-laws. The Executive Committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact. The Executive Committee oversees the day-to-day activities managed by the Executive Director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and as directed by the Interstate Commission and performs other duties as directed by Commission or set forth in the By-laws.

#### **ARTICLE IV THE STATE COUNCIL**

Each member state shall create a State Council for Interstate Adult Offender Supervision which shall be responsible for the appointment of the commissioner who shall serve on the Interstate Commission from that state. Each state council shall appoint as its commissioner the Compact Administrator from that state to serve on the Interstate Commission in such capacity under or pursuant to applicable law of the member state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups and compact administrators. Each compacting state retains the right to determine the qualifications of the Compact Administrator who shall be appointed by the state council or by the Governor in consultation with the Legislature and the Judiciary. In addition to appointment of its commissioner to the National Interstate Commission, each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state including but not limited to, development of policy concerning operations and procedures of the compact within that state.

#### **ARTICLE V POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

The Interstate Commission shall have the following powers:

- To adopt a seal and suitable by-laws governing the management and operation of the Interstate Commission
- To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.



- To oversee, supervise and coordinate the interstate movement of offenders subject to the terms of this compact and any by-laws adopted and rules promulgated by the compact commission.
- To enforce compliance with compact provisions, Interstate Commission rules, and by-laws, using all necessary and proper means, including but not limited to, the use of judicial process.
- To establish and maintain offices.
- To purchase and maintain insurance and bonds
- To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs.
- To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.
- To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel.
- To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same.
- To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.
- To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.
- To establish a budget and make expenditures and levy dues as provided in Article X of this compact.
- To sue and be sued.
- To provide for dispute resolution among Compacting States.
- To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.
- To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.
- To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity.
- To establish uniform standards for the reporting, collecting, and exchanging of data.

## **ARTICLE VI**

### **ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION**

#### **Section A. By-laws**

The Interstate Commission shall, by a majority of the Members, within twelve months of the first Interstate Commission meeting, adopt By-laws to govern its conduct as may be

necessary or appropriate to carry out the purposes of the Compact, including, but not limited to:  
establishing the fiscal year of the Interstate Commission;  
establishing an executive committee and such other committees as may be necessary.  
providing reasonable standards and procedures:  
(i) for the establishment of committees, and  
(ii) governing any general or specific delegation of any authority or function of the Interstate Commission;  
providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;  
establishing the titles and responsibilities of the officers of the Interstate Commission;  
providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Interstate Commission. Notwithstanding any civil service or other similar laws of any Compacting State, the By-laws shall exclusively govern the personnel policies and programs of the Interstate Commission; and  
providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations;  
providing transition rules for "start up" administration of the compact;  
establishing standards and procedures for compliance and technical assistance in carrying out the compact.

#### **Section B. Officers and Staff**

The Interstate Commission shall, by a majority of the Members, elect from among its Members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the By-laws. The chairperson or, in his or her absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission. The Officers so elected shall serve without compensation or remuneration from the Interstate Commission; PROVIDED THAT, subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, and hire and supervise such other staff as may be authorized by the Interstate Commission, but shall not be a member.

#### **Section C. Corporate Records of the Interstate Commission**

The Interstate Commission shall maintain its corporate books and records in accordance with the By-laws.

#### **Section D. Qualified Immunity, Defense and Indemnification**

The Members, officers, executive director and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability

caused or arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities; PROVIDED, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person.

The Interstate Commission shall defend the Commissioner of a Compacting State, or his or her representatives or employees, or the Interstate Commission's representatives or employees, in any civil action seeking to impose liability, arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities; PROVIDED, that the actual or alleged act, error or omission did not result from intentional wrongdoing on the part of such person.

The Interstate Commission shall indemnify and hold the Commissioner of a Compacting State, the appointed designee or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgement obtained against such persons arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided, that the actual or alleged act, error or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

## **ARTICLE VII ACTIVITIES OF THE INTERSTATE COMMISSION**

The Interstate Commission shall meet and take such actions as are consistent with the provisions of this Compact.

Except as otherwise provided in this Compact and unless a greater percentage is required by the By-laws, in order to constitute an act of the Interstate Commission, such act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present.

Each Member of the Interstate Commission shall have the right and power to cast a vote to which that Compacting State is entitled and to participate in the business and affairs of the Interstate Commission. A Member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The By-laws may provide for Members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person.

The Interstate Commission shall meet at least once during each calendar year. The chairperson of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the Members, shall call additional meetings.

The Interstate Commission's By-laws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such Rules, the Interstate Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission shall promulgate Rules consistent with the principles contained in the "Government in Sunshine Act," 5 U.S.C. Section 552(b), as may be amended. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

- relate solely to the Interstate Commission's internal personnel practices and procedures;
- disclose matters specifically exempted from disclosure by statute;
- disclose trade secrets or commercial or financial information which is privileged or confidential;
- involve accusing any person of a crime, or formally censuring any person;
- disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- disclose investigatory records compiled for law enforcement purposes;
- disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated entity for the purpose of regulation or supervision of such entity;
- disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity;
- specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or proceeding.

For every meeting closed pursuant to this provision, the Interstate Commission's chief legal officer shall publicly certify that, in his or her opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflected in the vote of each Member on the

question). All documents considered in connection with any action shall be identified in such minutes.

The Interstate Commission shall collect standardized data concerning the interstate movement of offenders as directed through its By-laws and Rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements.

### **ARTICLE VIII RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

The Interstate Commission shall promulgate Rules in order to effectively and efficiently achieve the purposes of the Compact including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states;

Rulemaking shall occur pursuant to the criteria set forth in this Article and the By-laws and Rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 U.S.C.S. section 551 et seq., and the Federal Advisory Committee Act, 5 U.S.C.S. app. 2, section 1 et seq., as may be amended (hereinafter "APA").

All Rules and amendments shall become binding as of the date specified in each Rule or amendment.

If a majority of the legislatures of the Compacting States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such Rule shall have no further force and effect in any Compacting State.

When promulgating a Rule, the Interstate Commission shall:

- publish the proposed Rule stating with particularity the text of the Rule which is proposed and the reason for the proposed Rule;
- allow persons to submit written data, facts, opinions and arguments, which information shall be publicly available;
- provide an opportunity for an informal hearing; and
- promulgate a final Rule and its effective date, if appropriate, based on the rulemaking record.

Not later than sixty days after a Rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such Rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence, (as defined in the APA), in the rulemaking record, the court shall hold the Rule unlawful and set it aside.

Subjects to be addressed within 12 months after the first meeting must at a minimum include:

- notice to victims and opportunity to be heard;
- offender registration and compliance;
- violations/returns;
- transfer procedures and forms;
- eligibility for transfer;
- collection of restitution and fees from offenders;
- data collection and reporting;
- the level of supervision to be provided by the receiving state;
- transition rules governing the operation of the compact and the Interstate Commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact;
- Mediation, arbitration and dispute resolution.

The existing rules governing the operation of the previous compact superceded by this Act shall be null and void twelve (12) months after the first meeting of the Interstate Commission created hereunder.

Upon determination by the Interstate Commission that an emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule.

## **ARTICLE IX OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION**

### **Section A. Oversight**

The Interstate Commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in Non-compacting States which may significantly affect Compacting States.

The courts and executive agencies in each Compacting State shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. In any judicial or administrative proceeding in a Compacting State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

### **Section B. Dispute Resolution**

The Compacting States shall report to the Interstate Commission on issues or activities of concern to them, and cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities.

The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the Compact and which may arise among Compacting States and Non-compacting States.

The Interstate Commission shall enact a By-law or promulgate a Rule providing for both mediation and binding dispute resolution for disputes among the Compacting States.

### **Section C. Enforcement**

The Interstate Commission, in the reasonable exercise of its' discretion, shall enforce the provisions of this compact using any or all means set forth in Article XII, Section B, of this compact.

## **ARTICLE X FINANCE**

The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

The Interstate Commission shall levy on and collect an annual assessment from each Compacting State to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each Compacting State and shall promulgate a Rule binding upon all Compacting States which governs said assessment. The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its By-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

## **ARTICLE XI COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT**

Any state, as defined in Article II of this compact, is eligible to become a Compacting State.

The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than 35 of the States. The initial effective date shall be the later of July 1, 2001, or upon enactment into law by the 35<sup>th</sup> jurisdiction. Thereafter it shall become effective and binding, as to any other Compacting State, upon enactment of

the Compact into law by that State. The governors of Non-member states or their designees will be invited to participate in Interstate Commission activities on a non-voting basis prior to adoption of the compact by all states and territories of the United States.

Amendments to the Compact may be proposed by the Interstate Commission for enactment by the Compacting States. No amendment shall become effective and binding upon the Interstate Commission and the Compacting States unless and until it is enacted into law by unanimous consent of the Compacting States.

## **ARTICLE XII WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT**

### **Section A. Withdrawal**

Once effective, the Compact shall continue in force and remain binding upon each and every Compacting State; PROVIDED, that a Compacting State may withdraw from the Compact ("Withdrawing State") by enacting a statute specifically repealing the statute which enacted the Compact into law.

The effective date of withdrawal is the effective date of the repeal.

The Withdrawing State shall immediately notify the Chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this Compact in the Withdrawing State.

The Interstate Commission shall notify the other Compacting States of the Withdrawing State's intent to withdraw within sixty days of its receipt thereof.

The Withdrawing State is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

Reinstatement following withdrawal of any Compacting State shall occur upon the Withdrawing State reenacting the Compact or upon such later date as determined by the Interstate Commission

### **Section B. Default**

If the Interstate Commission determines that any Compacting State has at any time defaulted ("Defaulting State") in the performance of any of its obligations or responsibilities under this Compact, the By-laws or any duly promulgated Rules the Interstate Commission may impose any or all of the following penalties:

Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;

Remedial training and technical assistance as directed by the Interstate Commission;

Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the By-laws and Rules have been exhausted. Immediate notice of suspension shall be given by the

Interstate Commission to the Governor, the Chief Justice or Chief Judicial Officer of the state; the majority and minority leaders of the defaulting state's legislature, and the State Council.



The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission By-laws, or duly promulgated Rules. The Interstate Commission shall immediately notify the Defaulting State in writing of the penalty imposed by the Interstate Commission on the Defaulting State pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the Defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Compacting States and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension.

Within sixty days of the effective date of termination of a Defaulting State, the Interstate Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer and the Majority and Minority Leaders of the Defaulting State's legislature and the state council of such termination.

The Defaulting State is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

The Interstate Commission shall not bear any costs relating to the Defaulting State unless otherwise mutually agreed upon between the Interstate Commission and the Defaulting State.

Reinstatement following termination of any Compacting State requires both a reenactment of the Compact by the Defaulting State and the approval of the Interstate Commission pursuant to the Rules.

### **Section C. Judicial Enforcement**

The Interstate Commission may, by majority vote of the Members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated Rules and By-laws, against any Compacting State in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees.

### **Section D. Dissolution of Compact**

The Compact dissolves effective upon the date of the withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State. Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the By-laws.

## **ARTICLE XIII SEVERABILITY AND CONSTRUCTION**

The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

The provisions of this Compact shall be liberally constructed to effectuate its purposes.

#### **ARTICLE XIV BINDING EFFECT OF COMPACT AND OTHER LAWS**

##### **Section A. Other Laws**

Nothing herein prevents the enforcement of any other law of a Compacting State that is not inconsistent with this Compact.

All Compacting States' laws conflicting with this Compact are superseded to the extent of the conflict.

##### **Section B. Binding Effect of the Compact**

All lawful actions of the Interstate Commission, including all Rules and By-laws promulgated by the Interstate Commission, are binding upon the Compacting States. All agreements between the Interstate Commission and the Compacting States are binding in accordance with their terms.

Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the Compacting States, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation. In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any Compacting State, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the Compacting State and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective.

State Status (as of 10/1/03)

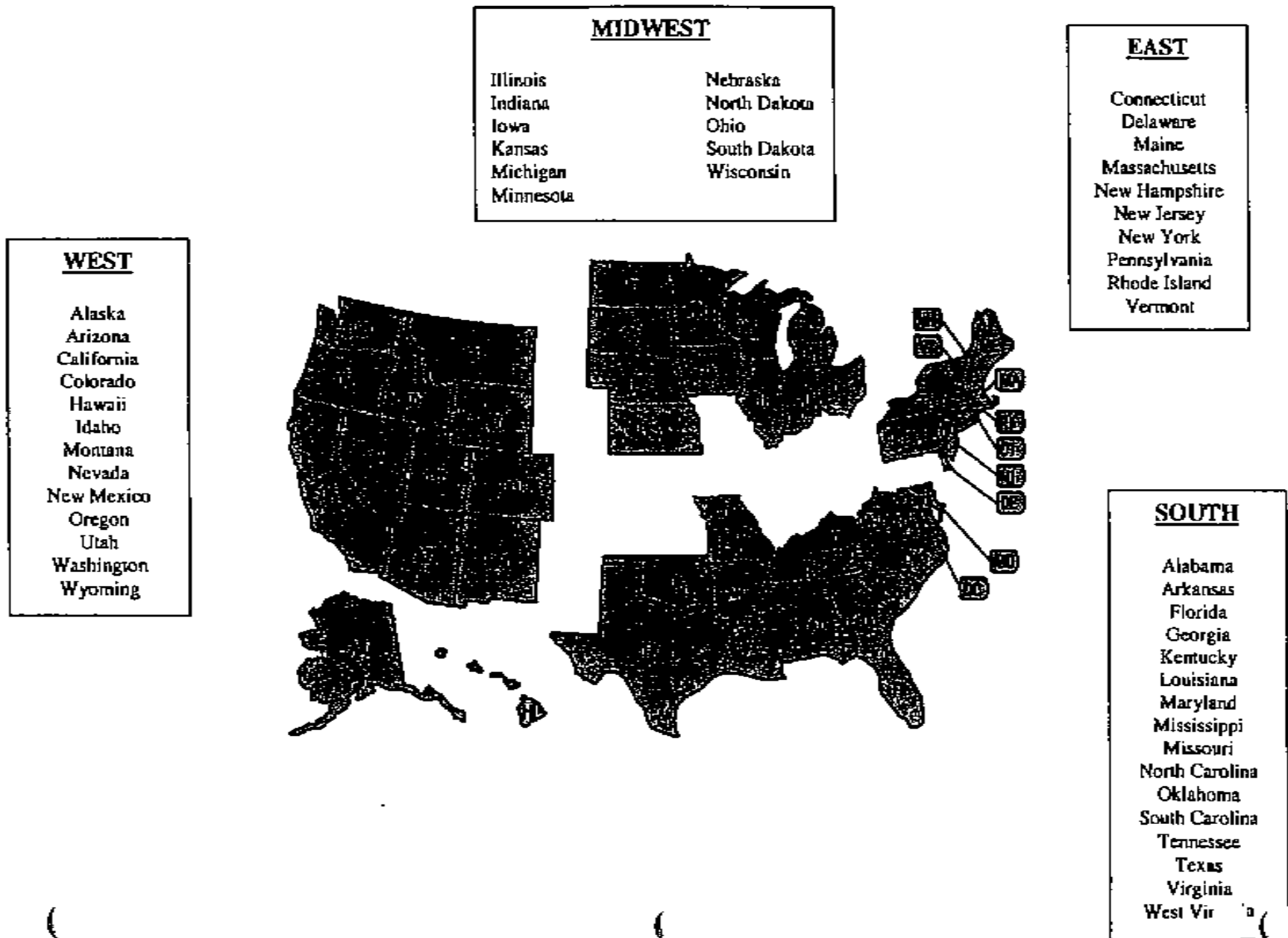
| State             | Bill / Statute Number | Primary Sponsor                            | Status                   |
|-------------------|-----------------------|--|--------------------------|
| Alabama           | HB 231                | Rep. John Robinson                         | Signed into law, 4/17/02 |
| Alaska            | HB 52                 | Gov. Tony Knowles                          | Signed into law, 6/19/02 |
| Arizona           | HB 2338               | Voss, Bortherton, Smith                    | Signed into law, 5/30/02 |
| Arkansas          | SB 252                | Sen. Mike Everett                          | Signed into law, 2/15/01 |
| California        | Cal. Penal Code 11180 | Sen. John Lewis                            | Signed into law, 9/24/00 |
| Colorado          | CRSA §§ 24-60-2802    | Sen. Norma Anderson                        | Signed into law, 4/10/00 |
| Connecticut       | SB 553                | Judiciary                                  | Signed into law, 6/1/00  |
| Delaware          | HB 78                 | Rep. Nancy Wagner                          | Signed into law, 6/30/03 |
| Dist. of Columbia | S 3044                | US Sens. Richard Durbin & George Voinovich | Signed into law, 2002    |
| Florida           | SB 306                |  | Signed into law, 6/13/01 |
| Georgia           | HB 885                | Rep. Curtis Jenkins                        | Signed into law, 5/16/02 |
| Hawaii            | SB 2152               | Sen. Avery Chumbley                        | Signed into law, 6/7/00  |
| Idaho             | IC § 20-301           | Sen. Denton Darrington                     | Signed into law, 4/17/00 |
| Illinois          | HB 4935               | Rep. Jay Hoffman                           | Signed into law, 6/28/02 |
| Indiana           | SB 205                | Sen. Max Zakas                             | Signed into law, 4/30/03 |
| Iowa              | HF 287                | Judiciary Committee                        | Signed into law, 3/26/01 |
| Kansas            | SB 95                 | Sen. David Adkins                          | Signed into law, 4/4/02  |
| Kentucky          | KRS § 439.561         | Rep. Bob Darron                            | Signed into law, 4/21/00 |
| Louisiana         | HB 965                | Rep. Daniel Martiny                        | Signed into law, 6/22/01 |
| Maine             | LD 311                | Rep. Julie O'Brien                         | Signed into law, 6/25/03 |
| Maryland          | SB 85                 | S. Frosh & R. Dembrow                      | Signed into law, 4/20/01 |
| Massachusetts     |                       |  |                          |
| Michigan          | HB 4690               | Rep. Charles LaSata                        | Signed into law, 3/12/02 |
| Minnesota         | SF 2611               | Sen. Jane Ranum                            | Signed into law, 3/28/02 |
| Mississippi       |                       |  |                          |
| Missouri          | VAMS § 589.500        | Rep. Randall Relford                       | Signed into law, 6/27/00 |
| Montana           | SB 40                 | Sen. Chris Christiaens                     | Signed into law, 2/14/01 |
| Nebraska          | LB 46                 | Sen's Schirneck & Petersen                 | Signed into law, 5/27/03 |
| Nevada            | SB 194                | Sen. Maurice Washington                    | Signed into law, 6/5/01  |

**State Status (as of 10/1/03)**

|                    |                      |                        |                            |
|--------------------|----------------------|------------------------|----------------------------|
| New Hampshire      | HB 633               | Rep. Tholl             | Signed into law, 6/25/03   |
| New Jersey         | SB 186               | Sen. Richard Bagger    | Signed into law, late 2002 |
| New Mexico         | HB 669               | Rep. Ken Martinez      | Signed into law, 4/5/01    |
| New York           | AB 851               | Assem. Jeff Aubrey     | Awaiting Signature         |
| North Carolina     | HB 1641              | Rep. Culpepper         | Signed into law, 10/23/02  |
| North Dakota       | HB 1270              | Rep. Duane DeKrey      | Signed into law, 4/6/01    |
| Ohio               | HB 269               | Rep. Bob Latta         | Signed into law, 10/28/01  |
| Oklahoma           | 22 OK St Ann §§ 1091 | Sen. Brad Henry        | Signed into law, 6/1/00    |
| Oregon             | HB 2393              | Interim Judiciary Com. | Signed into law, 7/3/01    |
| Pennsylvania       | SB 391               | Sen. Stewart Greenleaf | Signed into law, 6/19/02   |
| Rhode Island       | HB 7447              | Rep.'s Scott/Watson    | Signed into law, 6/25/02   |
| South Carolina     | SB 1172              | Sen. Glenn McConnell   | Signed into law, 5/28/02   |
| South Dakota       | SB 28                | State Affairs Comm.    | Signed into law, 2/28/01   |
| Tennessee          | SB 1682              | Sen. David Fowler      | Signed into law, 6/11/02   |
| Texas              | HB 2494              | Rep. Pat Haggarty      | Signed into law, 6/11/01   |
| Utah               | HB 18                | Rep. Gary Cox          | Signed into law, 2/22/01   |
| Vermont            | 26 VSAT 22 § 1351    | Senate Institutions    | Signed into law, 4/27/00   |
| Virginia           |                      |                        |                            |
| Washington         | SB 5116              | Sen. Jeri Costa        | Signed into law, 4/16/01   |
| West Virginia      | HB 2785              | Del. Roy Givens        | Signed into law, 3/27/03   |
| Wisconsin          | HB 481               | Rep. Scott Walker      | Signed into law, 4/22/02   |
| Wyoming            | HB 90                | Judiciary Committee    | Signed into law, 2/20/01   |
| American Samoa     |                      |                        |                            |
| Guam               |                      |                        |                            |
| N. Mariana Islands |                      |                        |                            |
| Puerto Rico        |                      |                        |                            |
| US Virgin Islands  |                      |                        |                            |

**INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION**

**REGIONAL MAP**



**COMPACT  
MEMBERSHIP  
ROSTER**

*(UPDATED FROM WEBSITE)*



## **Interstate Commission For Adult Offender Supervision**

### **Annual Service Awards**

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#### **Executive Director's Award**

The Executive Director's Award is presented to the Compact Administrator, Deputy Compact Administrator or Compact Coordinator who has exhibited commitment and dedication to the Interstate Commission through outstanding service.

This award recognizes the tremendous role these individuals play in the success of the Compact. This award honors their contribution to the accomplishment of the compact's mission. Through their dedicated service not only are people across the country better protected, but offenders are granted a better opportunity for successful reintegration into society. These eligible recipients are the force behind the compact, overseeing the mechanisms for transfer that ultimately result in the successful management of thousands of offenders on a daily basis.

#### **Commission Chair's Award**

The Commission Chair's Award is presented to the interstate commissioner who has most advanced the mission of the compact through dedicated service and commitment.

Compact commissioners are the policy makers of the compact. While their service is voluntary, the commission could not maintain its level of service or success without their participation. Through their dedicated and selfless efforts, the Interstate Commission can accomplish its goal of achieving better public safety. This award recognizes these contributions as we recognize one commissioner who has exhibited outstanding service in promoting the mission of the compact.

#### **The Peyton Tuthill Award**

The Peyton Tuthill Award is presented to a legislator, victims' advocate, law enforcement officer or other individual who has demonstrated exceptional leadership and service to the Interstate Compact. The Commission feels that it is important to recognize individuals who are not involved professionally in the Compact, but whose outstanding contributions promote the mission of the Compact.

Peyton Tuthill became an unfortunate symbol during the development of the compact. Her tragic death serves as a daily reminder to policymakers across our nation of why this Compact and its tenets are critical to the preservation of public safety. This award honors not only an individual who has provided dedicated service to the success of the Compact and its mission, but also honors Peyton and her family.

#### **Nominations**

Nominations for these newly created annual awards should be sent to the Interstate Commission office in Lexington, Kentucky. A closing date for nominations will be designated, and once all nominations have been reviewed, the Executive Committee will select honorees to whom the awards, will be presented at the Commission's annual meeting.