



## Interstate Commission for Adult Offender Supervision

### Legal Liaison Luncheon

Morningside Room Westin-Buckhead

Tuesday, October 26, 2004

- 12:00 p.m.      **Welcome**  
*Don Blackburn-Executive Director*
- 12:15 p.m.      **Lunch Served**
- 12:30 p.m.      **Opening Remarks**  
*Don Blackburn-Executive Director*  
*David Guntharp-Chair*
- Mission and Role of Liaison Group**  
*Richard Masters-Legal Counsel for ICAOS*
- Relationship of States to Counties**  
*Richard Masters-Legal Counsel for ICAOS*
- Training, Compliance, and Enforcement**  
*Richard Masters-Legal Counsel for ICAOS*  
*Don Blackburn-Executive Director*
- 1:15 p.m.      **Adjourn**



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

**October 25-27**

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

---

**Monday, October 25, 2004**

- 2:00 pm      **Executive Committee Meeting**
- 4:00 pm      **Public Hearing**
- 7:00 pm      **Reception**

**Tuesday, October 26, 2004**

- 7:45 am      **Continental Breakfast**
- 8:30 am      **Welcome & Overview**  
                  *[David Guntharp]*
- 9:00 am      **Roll Call and Approval of Minutes**  
                  *[Executive Director]*
- 9:15am      **By-Laws**  
                  *[Rick Masters]*
- 9:45 am      **Rules Committee Report**  
                  • Kathie Winckler, Chair
- 12:00 pm     **Lunch**  
                  *[on your own]*
- 1:00 pm      **Training & Education Committee Report**  
                  • Genie Powers, Chair

- 1:30 pm      **Compliance Committee Report**
- Warren Emmer
- 2:00 pm      **Financial Report**
- Executive Director
- 2:15 pm      **Break**
- 2:30 pm      **Information Technology Committee Report**
- Joe Kuebler
- 4:00 pm      **Old Business**
- 4:15 pm      **New Business**
- 5:30 pm      **Recess**
- 7:00 pm      **Awards Banquet**  
*[Maggiano's]*

**Wednesday October 27, 2004**

- 8:00 am      **Call to Order**
- David Guntharp
- 8:10 am      **Roll Call**
- Executive Director
- 8:20 am      **Region Breakout Sessions**
- 9:30 am      **Nomination Committee Meeting**
- 10:00 am     **Elections**
- 10:30 am     **Training**
- Rick Masters, Legal Counsel
- 12:00 pm     **Adjourn**
- 2:00 pm      **Executive Committee Meeting**

**DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT**  
**INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION**

**MINUTES and MEETING SUMMARY**

**Annual Meeting 2003  
Peabody Hotel  
Little Rock, Arkansas  
November 3-5, 2003**

---

**November 3, 2003**

The meeting was called to order by Chairman David Guntharp, AR at 8:30 a.m. Following welcoming remarks, a review of the agenda, voting procedures and orders of the day, Guntharp asked for the roll to be called. Roll was called by Commission Executive Director Don Blackburn. 46 of 48 member jurisdictions were present (CT & NM absent), thereby constituting a quorum.

Alabama	James B. Cotton
Alaska	Leitoni Tupou
Arizona	Mary Schamer
Arkansas	David Guntharp
California	Sharon C. Jackson
Colorado	Jeaneene E. Miller
Delaware	Alan J. Grinstead
District of Columbia	Paul A. Quander, Jr.
Florida	Tina Hayes
Georgia	Joe Kuebler
Hawaii	Ronald Hajime
Idaho	David Nelsen
Illinois	Vivian Williams
Indiana	Jane Seigel
Iowa	Lowell Brandt
Kansas	Robert Sanders
Kentucky	Hazel M. Combs
Louisiana	Eugenie C. Powers
Maine	Wayne R. Theriault
Maryland	Judith Sachwald
Michigan	Dennis S. Schrantz
Minnesota	Ken Merz
Missouri	Denis H. Agnie!
Montana	Mike Ferriter

Nebraska	Ed Birkel
Nevada	Amy Wright
New Hampshire	Kathleen E. McCormack
New Jersey	John D'Amico, Jr.
New York	Edward J. Mruzek
North Carolina	Sherry H. Pilkington
North Dakota	Warren Emmer
Ohio	Harry E. Hageman
Oklahoma	Milton Gilliam
Oregon	Ginger Martin
Pennsylvania	Benjamin A. Martinez
Rhode Island	Ashbel T. Wall, II
South Carolina	D. Ann Hyde
South Dakota	Ed Ligtenberg
Tennessee	Jim Cosby
Texas	Kathie Winckler
Utah	Leo S. Lucey
Vermont	Jacqueline Kotkin
Washington	Doreen Geiger
West Virginia	Henry E. Lowery
Wisconsin	William Rankin
Wyoming	Steve Lindly

Guntharp called on Blackburn for the Executive Director report. Blackburn introduced the ex-officio members present and recognized distinguished guests present. Blackburn commented on the progress of the Commission in establishing its offices and internal procedures, provided an update on efforts to promote the compact to non-member states and provided an update on the Interstate Compact for Juveniles.

Guntharp called on Warren Emmer, ND for a report from the Compliance Committee. Emmer reported on the committee's progress toward establishing procedures to assist states in complying with the rules and requirements of the new compact. Emmer detailed his thoughts on the compliance process, training, technical assistance and mentoring, mediation, arbitration and the judicial process. The report was adopted by consensus by the Commission.

Guntharp called on Hazel Combs, KY for a report from the Finance Committee. Combs reviewed the current status of FY'03 dues and recognized delinquent members at the table. Combs then reviewed the proposed budget and state dues assessment for FY'04. The report and FY05 budget and state assessment plan was adopted by consensus by the Commission.

Guntharp called on Jim Cotton, AL for a report from the Information Technology Committee. Cotton detailed the exhaustive activity of the group over the preceding 12 months, specifically the writing of functional standards for the national data system. Cotton requested that the Commission charge Blackburn with the task and ability to write a request for information on its behalf to begin the formal process of designing and building a system. The report was adopted by consensus by the Commission.

Guntharp called on Genie Powers, LA for a report from the Training, Education and Public Relations Committee. Powers reviewed the activities of her committee for the last year and the plans for training states on the new compact and rules to be adopted. Powers put forth several strategies including "train the trainers", judges Bench Books on the subject, WebTV and other internet applications and cooperation with the National Center for State Courts. Blackburn will be heavily involved in training over the next 12 months. The report was adopted by consensus by the Commission.

The Commission broke at 9:30 a.m. and reconvened at 10:00 a.m., maintaining the previous quorum.

Guntharp provided the Commissioners directions as to how discussion, amendment and approval of the Rules would be handled. Guntharp recognized Kathie Winckler, TX for background on the rules drafting process and for the introduction of Rules. Winckler brought forward a "Procedure for the Adoption of Rules" (see attached). Following brief discussion, the Procedure was adopted by consensus by the Commission.

#### Sec. 1.101

Motion to adopt made by Winckler, seconded by Gilliam.

- Amendment to change the definition of "Compliance" was brought by Hageman, failed for no second.
- Amendment to change the definition of "Offender" was brought by D'Amico, and failed for no second.
- Amendment to change the definition of "Resident Family" was brought by Williams, seconded by Merz and failed (remove Aunt/Uncle, Y-18, N-25; shorten time to 90 days, Y-15, N-27)
- Amendment to change the definition of "Offender" was brought by Gilliam, seconded by Merz and passed.
- Amendment to change the definition of "Travel Permit" was brought by Jackson, seconded by Kotkin and failed.
- Amendment to change various provisions within Chapter 100 brought by Wall, seconded by Gilliam and passed.
- Amendment to clarify "Temporary Travel Permits" brought by Wall, seconded by Winckler and passed.
- Amendment to change the definition of "Temporary Travel Permits" was brought by Jackson, seconded by Miller and failed.
- Amendment to change the definition of "Temporary Travel Permit" was brought by Martinez, seconded by D'Amico and failed (Y-12, N-32)

- Amendment to add the definition for "Victim Sensitive" was brought by Martinez, seconded by Williams and passed.
- Amendment to change the definition of "Victim" was brought by Murczek, seconded by Kuebler and failed.
- Amendment to change terminology in the definitions from "parole or probation" to "supervision" was brought by Hyde, seconded by Winckler and passed.
- Amendment to change the definition of "Resident Family" was brought by Cosby, failed for no second.
- Amendment to change the definition of "resident Family" was brought by Schrantz, seconded by Williams and failed.

A motion was made to call the question by Ligtenberg, seconded by Emmer and the proposed rules and passed amendments were adopted by unanimous consent.

#### Sec. 2-101

Motion to adopt made by Brandt, seconded by Schrantz.

- Amendment to the section was brought on behalf of the Rules Committee by Wall, seconded Cotton and passed.
- Amendment to add "formal" to the rule was brought by Jackson, seconded by Hageman was passed (Y-23, N-21).

#### Sec. 2-102

Motion to adopt made by Wall, seconded by Winckler and passed without amendment.

#### Sec. 2-103

Motion to adopt made by Hayes, seconded by Combs and passed without amendment.

#### Sec. 2-104

Motion to adopt made by Quander, seconded by Combs and passed without amendment.

The Commission broke at 12:30 p.m. and reconvened at 1:30 p.m., maintaining the previous quorum.

Motion to reconsider Sec. 2-103 made by Brandt, seconded by Combs and passed.

#### Sec. 2-103

Motion to amend rule as adopted made by Kotkin, seconded by Hyde and passed.

#### Sec. 2-105

Motion to adopt made by Winckler, seconded by Kuebler.

- Amendment to change one year to six months was brought by Williams, seconded by Emmer and failed.
- Amendment to add a Section C pertaining to requirements to supervise was brought by Martin, seconded by Ferriter and failed.
- Amendment further defining offenses under which misdemeanor supervision would be granted was brought by Geiger, seconded by Wright. A sub-amendment to strike language detailing one-year was brought by D'Amico, seconded by

Williams and passed. A sub-amendment to strike the original sub-amendment was brought by Ligtenberg, seconded by D'Amico and passed (Y-23, N-21). The original motion then passed.

- Amendment to delete Section B from the Rule 2.105 was brought by D'Amico, seconded by Williams and passed.
- Amendment to restore the six-month timeline in Section A, and fully restore Section B was brought by Hageman. Failed for no second.
- Amendment to strike 2.105 completely from the Rules was brought by Emmer, seconded by Williams and failed (Y-13, N-32).

Motion to adopt as amended passed (Y-26, N-19).

#### Sec. 2-106

Motion to adopt made by Winckler, seconded by Schrantz.

- Amendment to include details on pre-trial intervention and other P&P issues brought by Hyde, seconded by D'Amico and passed.
- Amendment to insert "maybe" in sentence 1 was brought by Jackson, seconded by Theriault and failed.

Motion to adopt as amended passed.

#### Sec. 2-107

Motion to adopt made by Winckler, seconded by Quander.

- Amendment to add the phrase "unless approved by the receiving state" was brought by Kotkin, seconded by Kuebler and failed.
- Amendment to add "A person, not an offender..." was brought by Sachwald, seconded by Winckler and passed.

Motion to adopt as amended passed.

#### Sec. 2-108

Motion to adopt made by Winckler, seconded by Gilliam.

- Amendment concerning mentally ill offenders was brought by Cosby. Failed for no second.

Motion to adopt passed.

#### Sec. 2-109

Motion to adopt made by Winckler, seconded by Wall.

- Amendment to replace language with that vetted through Rules Committee brought by Wall, seconded by Merz and passed.

Motion to adopt as amended passed.

#### Sec. 2-110

Motion to adopt made by Winckler, seconded by Brandt.

- Amendment to replace language with that vetted through Rules Committee brought by Emmer, seconded by Williams. A friendly amendment to include the term "person" was brought by Sachwald, seconded by Winckler and the motion to adopt as amended passed.



**Sec. 3-101**

Motion to adopt made by Winckler, seconded by Gilliam.

- Amendment to include a provision for verifiable employment was brought by D'Amico, seconded by Williams and failed (Y-16, N-28).
- Amendment to include a provision for resident family tenure of at least 90 days was brought by Williams, seconded by Birkel and failed.
- Amendment to add willingness to assist language brought by Schrantz, seconded by Merz and passed.
- Amendment to add promise of employment language brought by Mruczek, seconded by D'Amico and failed (Y-14, N-26).
- Amendment to insert the word substantial brought by Mruczek, seconded by Emmer and passed.
- Amendment pertaining to length of sentence remaining as related to transfer eligibility brought by Mruczek, seconded by Theriault and failed.

Motion to call the question brought by Ligtenberg, seconded by Schrantz and failed.

- Amendment to add at the time of application regarding compliance brought by Hageman, seconded by Rankin and failed.
- Amendment to reduce six months to three months brought by Gilliam, seconded by Cotton and passed.
- Amendment to add pending charges to outstanding warrants brought by Martin, seconded by Schrantz and failed.
- Amendment to adjust employment language brought by D'Amico, failed for no second.
- Motion to reconsider the last amendment brought by D'Amico, seconded by Mruczek and failed.
- Amendment to add undetermined period of time brought by Kotkin, seconded by Winckler and passed.
- Amendment to add 45 day window for obtaining employment brought by Mruczek, seconded by D'Amico and failed.

Motion to adopt as amended passed.

The meeting adjourned by unanimous consent at 5:00 p.m.

---

**November 4, 2003**

The meeting reconvened at 8:30 a.m.

Following the Roll Call, 46 of 48 members were present, establishing a quorum.

Alabama	James B. Cotton
Alaska	Leitoni Tupou
Arizona	Mary Schamer
Arkansas	David Guntharp
California	Sharon C. Jackson

Colorado	Jeaneene E. Miller
Delaware	Alan J. Grinstead
District of Columbia	Paul A. Quander, Jr.
Florida	Tina Hayes
Georgia	Joe Kuebler
Hawaii	Ronald Hajime
Idaho	David Nelsen
Illinois	Vivian Williams
Indiana	Jane Seigel
Iowa	Lowell Brandt
Kansas	Robert Sanders
Kentucky	Hazel M. Combs
Louisiana	Eugenie C. Powers
Maine	Wayne R. Theriault
Maryland	Judith Sachwald
Michigan	Dennis S. Schrantz
Minnesota	Ken Merz
Missouri	Denis H. Agniel
Montana	Mike Ferriter
Nebraska	Ed Birkel
Nevada	Amy Wright
New Hampshire	Kathleen E. McCormack
New Jersey	John D'Amico, Jr.
New York	Edward J. Mruzcek
North Carolina	Sherry H. Pilkington
North Dakota	Warren Emmer
Ohio	Harry E. Hageman
Oklahoma	Milton Gilliam
Oregon	Ginger Martin
Pennsylvania	Benjamin A. Martinez
Rhode Island	Ashbel T. Wall, II
South Carolina	D. Ann Hyde
South Dakota	Ed Ligtенberg
Tennessee	Jim Cosby
Texas	Kathie Winckler
Utah	Leo S. Lucey
Vermont	Jacqueline Kotkin
Washington	Doreen Geiger
West Virginia	Henry E. Lowery
Wisconsin	William Rankin
Wyoming	Steve Lindly

**Sec. 3-102**

Motion to adopt made by Winckler, seconded by Combs.

- Amendment to require 2 complete sets of forms rather than 1 was brought by Williams, seconded by Martinez and failed (Y-17, N-26).

Motion to adopt passed.

**Sec. 3-103**

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment to augment proposed rule with recommendations from the Rules Committee brought by Gilliam, seconded by Winckler and passed.
- Amendment to add detail regarding living in a RS brought by Emmer, seconded by D'Amico and passed.
- Amendment to strike "on parole" brought by Martinez, seconded by Williams. A friendly amendment to add "to supervision" was brought by Schrantz. Amendment was adopted.
- Amendment to strike provision 3 from the rule brought by Hageman, seconded by Martinez and passed (Y-25, N-19).
- Amendment to strike provision C brought by Hageman, seconded by Martinez and failed (Y-13, N-32).
- Amendment to change one day to two days brought by Theriault, seconded by D'Amico and passed.
- Amendment to change sentencing to commission of offense was brought by Jackson, seconded by Kuebler and failed.
- Amendment to include "provisional" in sections of the rule brought by Williams, seconded by Schrantz and failed.
- Amendment to remove section C and other changes brought by Jackson, seconded by Theriault and failed.
- Amendment to change the definitions within the rule of residency brought by Schamer, seconded by Cotton and failed (Y-13, N-29).
- Amendment to change requirement from 15 to 7 days brought by Mruczek, seconded by Emmer and failed.
- Amendment to replace "assume responsibility" with "monitor" brought by Williams, seconded by Theriault and failed.

Motion to adopt as amended passed.

Motion to reconsider Rule 3-103, sec 5 (c) brought by Theriault, seconded by Schrantz and passed.

Amendment to strike section 5C brought by Hageman, seconded by Martinez and failed.

Motion to reconsider Rule 3-103, sec b (3) brought by Schrantz, seconded by Cotton and passed.

Amendment to replace language previously removed in sec b (3) brought by Schrantz, seconded by Cotton. Motion to call the question brought by Emmer, seconded by Kuebler and passed (Y-36, N-3). Motion to amend failed (Y-14, N-29).

**Sec. 3-104**

Motion to adopt made by Winckler, seconded by Schrantz and passed without discussion.

**Sec. 3-105**

Motion to adopt made by Winckler, seconded by Combs.

- Amendment to further define offender transfer eligibility brought by Geiger, seconded by Miller and passed.
- Amendment to extend the withdraw of acceptance to 120 days brought by Williams, seconded by Agniel and failed.
- Amendment to change the intended date brought by Mruczek, seconded by Theriault and passed.

Motion to adopt passed as amended.

**Sec. 3-106**

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment to augment proposed rule with recommendations from the Rules Committee brought by Geiger, seconded by Cotton and passed.
- Amendment to add language to section a (2) brought by Mruczek, seconded by Schrantz and passed.
- Amendment to require receipt of all materials and have completed investigation within 10 days of receipt of request was brought by Williams, seconded by Hageman and failed.
- Amendment to reduce 15 days to 7 days brought by Mruczek, seconded by Williams and passed.
- Amendment to strike (b) and c (3) brought by Jackson, seconded by Hageman and failed.
- Amendment to add an item (e) pertaining to victim sensitive cases brought by Hageman, seconded by Schrantz and failed.

Motion to adopt passed as amended.

**Sec. 3-107**

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment to augment proposed rule with recommendations from the Rules Committee brought by Cosby, seconded by Winckler and passed.
- Amendment to add Sec. 3-1071 to Sec. 3-107 brought by Hageman, seconded by Theriault and passed.
- Amendment to insert "psychological" into #21 brought by Birkei, seconded by Schrantz and passed.
- Amendment to change a (4) to "physical address" brought by Williams, seconded by D'Amico and failed (Y-13, N-31).
- Amendment to insert new wording into #24-1 brought by Hyde, seconded by Cotton and passed.
- Amendment to add new #24-2 brought by Mruczek, seconded by Theriault and passed.

- Amendment to remove #25 from the rule brought by Rankin, seconded by Hageman and passed.
- Amendment to change (b) from "shall" to "may" brought by Williams, seconded by Theriault and failed
- Amendment to change #23, adding "signed conditions" brought by Martinez, seconded by Hageman and failed.
- Amendment to add psychological report requirements to the rule brought by Cosby, died for lack of a second.
- Amendment to delete sections B and C within the rule brought by Birkel, seconded by Cotton and passed.
- Amendment to add #25 "risk assessments" to the rule brought by Kotkin, seconded by D'Amico and failed.

Motion to adopt passed as amended.

#### Sec. 3-108

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment to add "known" to the victim's reference brought by Kuebler, seconded by Winckler and passed.
- Amendment to add "or procedures" to b (2) brought by Jackson, seconded by Williams and passed.
- Amendment to add language pertaining to victim notification brought by Cosby, died for lack of a second.

Motion to adopt passed as amended.

#### Sec. 3-1081

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment to change victims notice requirements from 10 days to 15 days brought by Kuebler, died for lack of a seconded.

Motion to adopt passed.

#### Sec. 3-109

Motion to adopt made by Winckler, seconded by Combs.

- Amendment on extradition waiver brought by Hyde, died for lack of a second.
- Amendment on extradition brought by Mruczek, seconded by Theriault and failed.

Motion to adopt passed.

#### Sec. 4-101

Motion to adopt made by Cosby, seconded by Emmer.

- Amendment regarding similar treatment of offenders brought by Schrantz, seconded by Hyde and passed.

Motion to adopt passed as amended.

#### Sec. 4-102

Motion to adopt made by Winckler, seconded by Cosby.

Amendment to duration requirements for supervision brought by Hageman, seconded by Lucy and failed.  
Motion to adopt passed.

**Sec. 4-103**

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment to augment proposed rule with recommendations from the Rules Committee brought by Cosby, seconded by Winckler and passed.
  - Amendment to alter special conditions brought by Williams, seconded by Miller. A friendly amendment concerning (c) was brought by Winckler and passed.
  - Amendment to (b) brought by Mruzcek, seconded by Williams and passed.
- Motion to adopt passed as amended.

**Sec 4.104**

Motion to adopt made by Winckler, seconded by Combs.

- Amendment to include DNA testing in the rule requirements brought by Hageman, seconded by Cotton and passed.
- Amendment to add text regarding "failure to comply" brought by Williams, seconded by Theriault and failed.

Motion to adopt passed as amended.

**Sec. 4-105**

Motion to adopt made by Winckler, seconded by Cotton

- Amendment to augment proposed rule with recommendations from the Rules Committee brought by Geiger, seconded by Merz and passed.
- Amendment to add sections C and D regarding reporting instructions brought by Schrantz, seconded by Williams. A friendly amendment to allow the Rules Committee to properly incorporate the language was brought by Winckler and passed.

Motion to adopt passed as amended.

**Sec. 4-106**

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment to c (5) dealing with compliance issues was brought by Mruzcek, seconded by Theriault and passed.
- Amendment to (b) extending to 120 days was brought by Williams, seconded by Schrantz and failed.

Motion to adopt passed as amended.

**Sec. 4-107**

Motion to adopt made by Winckler, seconded by Cotton and passed without discussion.

**Sec. 4-108**

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment regarding and offenders financial obligation was brought by Hyde, seconded by Theriault and passed.

- Amendment to (a) was brought by Hageman, died for lack of a second.
- Motion to adopt passed as amended.

**Sec. 4-109**

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment to augment proposed rule with recommendations from the Rules Committee brought by Wall, seconded by Cotton and passed.
- Amendment to (c) changing 10 to 30 was brought by Martinez, seconded by Williams and failed (Y-3, N-33).
- Amendment requiring notice of confinement to SS within 24 hrs. was brought by Siegel, seconded by Williams and failed.
- Amendment to add a #9 under (b) dealing with documentation was brought by Schrantz, seconded by Mruzek and failed.
- Amendment to add 30 day requirement to section (a) was brought by Jackson, seconded by Pilkington. A friendly amendment specifying the requirements as 30 calendar days was brought by Mruzek and passed (Y-21, N-19).
- Amendment to include "location" in section (b) was brought by Siegel, seconded by Williams and passed.
- Amendment to add a #9 under (b) dealing with absconsion was brought by Schrantz, seconded by Agniel. Friendly amendments dealing with the specific language of the proposed rule was brought by Winckler, Martinez and Winckler, respectively and passed.

Motion to adopt passed as amended.

**Sec. 4-110**

Motion to adopt made by Winckler, seconded by Cotton and passed without discussion.

**Sec. 4-111**

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment to augment proposed rule with recommendations from the Rules Committee brought by Geiger, seconded by Wall and passed.

Motion to adopt passed as amended.

**Sec. 4-112**

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment to augment proposed rule with recommendations from the Rules Committee brought by Geiger, seconded by Hageman and passed.

Motion to adopt passed as amended.

Motion to add a section 4-113 dealing with Variances made by Siegel, seconded by Brandt. A secondary amendment to the motion to table consideration until the 2004 Commission Annual Meeting made by Brandt, seconded by Schrantz and passed.

**Sec. 5-101**

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment to augment proposed rule with recommendations from the Rules Committee brought by Geiger, seconded by Cotton and passed.
- Amendment to change (b) "release" rather than "discharge" was brought by Hyde, seconded by Cotton and passed.
- Amendment adding sections C & D dealing with warrants and arrest was brought by Hyde, seconded by Ligtenberg. Following discussion, the motion was withdrawn and a motion to refer the issue to the Rules Committee for further consideration was brought by Hyde, seconded by Ligtenberg and passed.

Motion to adopt passed as amended.

#### Sec. 5-102

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment to add language dealing with sentence completion was brought by D'Amico, seconded by Hajime. A friendly amendment was brought by Kotkin dealing with incarceration and a friendly amendment was brought by Wall dealing with term of sentence and the amendment passed.
- Amendment dealing with the ordering of a return was brought by Hageman, seconded by Kotkin and passed.

Motion to adopt passed as amended.

#### Sec. 5-103

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment striking "non-compliance" language was brought by Birkel, seconded by Merz and failed (Y-10, N-29).
- Amendment to refer the rule to the Rules Committee for further consideration was brought by Williams, seconded by Miller and passed.

Motion to adopt failed and the rule was referred to the Rules Committee.

#### Sec. 5-104

Motion to adopt made by Winckler, seconded by Cotton and passed without discussion.

#### Sec. 5-105

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment to add time limit to retaking an offender was brought by Hageman and died for lack of a second.

Motion to adopt passed.

#### Sec. 5-106

Motion to adopt made by Winckler, seconded by Cotton

- Amendment to change "incarcerating" to "detaining" was brought by Schrantz, seconded by Williams and passed.

Motion to adopt passed as amended.

#### Sec. 5-107

Motion to adopt made by Winckler, seconded by Cotton and passed without discussion.



**Sec. 5-108**

Motion to adopt made by Winckler, seconded by Cotton

- Amendment addressing the seriousness of violations was brought by Mruczek, seconded by Theriault. A friendly amendment adding significance to the rule was brought by Schrantz and the amendment passed.

Motion to adopt passed as amended.

**Sec. 5-109**

Motion to adopt made by Winckler, seconded by Cotton and passed without discussion.

**Sec. 5-110**

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment to add "local" specifications into the rule was brought by Mruczek, seconded by Schrantz and passed.

Motion to adopt passed as amended.

Motion to adopt a new rule, **Sec. 5-111**, made by Winckler, seconded by Cotton and passed without discussion.

**Sec. 6-101**

Motion to adopt made by Winckler, seconded by Cotton.

- Amendment to insert section C "Interpretation of the rules" was brought by D'Amico, seconded by Hajime and passed.
- Amendment to add language requiring the use of the compact administrator's office in settling interstate disputes was brought by Schamer, seconded by Williams and passed.

Motion to adopt passed as amended.

**Sec. 6-102**

Motion to adopt made by Winckler, seconded by Cotton and passed without discussion.

**Sec. 6-103**

Motion to adopt made by Winckler, seconded by Cotton and passed without discussion.

**Sec. 6-104**

Motion to adopt made by Winckler, seconded by Cotton and passed without discussion.

**Effective Date of New Rules**

Motion to adopt August 1, 2004 as the effective date of the new rules made by Gilliam, seconded by Cotton and passed without discussion.

**Transition Rule Extension and End Date**

Motion to adopt July 31, 2004 as the End Date for the use of the Transition Rule made by Gilliam, seconded by Cotton and passed.

Motion to reconsider rule 2.105 was made by Kotkin, seconded by Kuebler. Following lengthy discussions, the motion failed (Y-22, N-22).

The meeting adjourned by unanimous consent at 5:45 p.m.

---

**November 5, 2003**

The meeting reconvened at 8:30 a.m.

Following the Roll Call, 44 of 48 members were present, establishing a quorum.

Alabama	James B. Cotton
Alaska	Leitoni Tupou
Arizona	Mary Schamer
Arkansas	David Guntharp
California	Sharon C. Jackson
Colorado	Jeaneene E. Miller
Delaware	Alan J. Grinstead
District of Columbia	Paul A. Quander, Jr.
Florida	Tina Hayes
Georgia	Joe Kuebler
Hawaii	Ronald Hajime
Idaho	David Nelsen
Illinois	Vivian Williams
Indiana	Jane Seigel
Iowa	Lowell Brandt
Kansas	Robert Sanders
Louisiana	Eugenie C. Powers
Maine	Wayne R. Theriault
Michigan	Dennis S. Schrantz
Minnesota	Ken Merz
Missouri	Denis H. Agniel
Montana	Mike Ferriter
Nebraska	Ed Birkel
Nevada	Amy Wright
New Hampshire	Kathleen E. McCormack
New Jersey	John D'Amico, Jr.
New York	Edward J. Mruzek
North Carolina	Sherry H. Pilkington
North Dakota	Warren Emmer
Ohio	Harry E. Hageman
Oklahoma	Milton Gilliam
Oregon	Ginger Martin

Pennsylvania	Benjamin A. Martinez
Rhode Island	Ashbel T. Wall, II
South Carolina	D. Ann Hyde
South Dakota	Ed Ligtenberg
Tennessee	Jim Cosby
Texas	Kathie Winckler
Utah	Leo S. Lucey
Vermont	Jacqueline Kotkin
Washington	Doreen Geiger
West Virginia	Henry E. Lowery
Wisconsin	William Rankin
Wyoming	Steve Lindly

Chairman Guntharp called on Vice-Chair Hageman for remarks. Following his remarks, Vice-Chair Hageman introduced State Senator Denton Darrington, Idaho and asked him to make comments regarding the work of the Commission during the meeting.

Chairman Guntharp, following lengthy debate over the previous two days of rules consideration, created an ad hoc committee to study and make recommendations regarding Rule 2-105. Guntharp appointed Cosby as Chair of the ad hoc committee, with other members including Emmer, Martinez, Goheen and Hayes. The committee is charged with examining the rule and making recommendations to the Chair and Executive Committee within 60 days.

#### Bylaws

Motion to adopt made by Winckler, seconded by Brandt.

- Amendment to Sec. 3 was brought by Winckler, seconded by Brandt and passed.
- Amendment to Article VII, Sec. 3 was brought by Winckler, seconded by Gilliam and passed.

Motion to adopt passed as amended.

Following all formal business, the Commission divided into Regional groups for information sharing and caucusing. Upon returning, the regional Representatives made reports to the Commission regarding the activities in their respective regions.

Guntharp called on Don Blackburn for the Executive Directors report.

Having no additional business, the meeting was adjourned by unanimous consent.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

**INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION**

**March 12, 2004  
2:00 pm CT**

- David Guntharp called meeting to order and welcomed Commissioners at 2:10 p.m. Guntharp cautioned Commissioners that the meeting would be held with open lines unless the noise becomes a problem, which at that time the lines would be muted. Guntharp then asked Don Blackburn to call the roll.
- Don Blackburn announced that the call was being recorded and took a roll call.

Alabama. – Not Present

Alaska. – Present (Lei Tupou – Tardy)

Arizona. – Present (Mary Schamer)

Arkansas. – Present (David Guntharp)

California. – Present (Sharon Jackson)

Colorado. – Present (Sally Skiver)

Connecticut. – Not Present

Delaware – Present (Alan Grinstead)

District of Columbia. – Present (Paul Quander)

Florida – Present (Barry Groves)

Georgia – Present (Joe Kuebler)

Hawaii. – Present (Ron Hajime)

Idaho. – Present (Dave Nelson)

Illinois. – Present (Vivian Williams)

Indiana. – Present (Jane Siegel)

Iowa. – Present (Lowell Brandt)  
Kansas – Present (Robert Sanders)  
Kentucky – Present (John Rees)  
Louisiana – Present (Genie Powers)  
Maine – Present (Wayne Theriault)  
Maryland – Present (Judith Sachwald)  
Michigan – Present (Dennis Schrantz)  
Minnesota – Present (Ken Merz)  
Missouri – Present (Denis Agniel)  
Montana – Present (Mike Ferriter)  
Nebraska – Not Present  
Nevada – Present (Amy Wright)  
New Hampshire – Present (Kathleen McCormack)  
New Jersey – Present (John D'Amico)  
New Mexico – (Edward Gonzales)  
New York – Present (Ed Mruzcek)  
North Carolina – Present (Sherry Pilkington)  
North Dakota – Present (Warren Emmer)  
Ohio – Present (Harry Hageman)  
Oklahoma – Present (Milt Gilliam)  
Oregon – Present (Ginger Martin)  
Pennsylvania – Present (Ben Martinez)  
Rhode Island – Present (A.T Wall)  
South Carolina – Present (Ann Hyde)  
South Dakota – Present (Ed Ligtenberg)  
Tennessee – Present (Jim Cosby)  
Texas – Present (Kathie Winckler)  
Utah – Present (Leo Lucey)  
Vermont – Present (Jackie Kotkin)  
Washington – Present (Doreen Geiger)

West Virginia – Present (Henry Lowery)

Wisconsin – Present (Bill Rankin)

Wyoming – Present (Les Pozsga)

- The roll call ascertained 44 states present, establishing a quorum.
- David Guntharp advised the commission that Virginia passed the legislation leaving two states that are not in the Compact at this time. Guntharp established some rules of what would be accomplished. Explaining that the Ad Hoc Committee was appointed because of a split in terms on the Misdemeanor Rule. Guntharp asked Jim Cosby from Tennessee to explain in terms of Ad Hoc Committee and the work that they did, and then for Commissioner Martinez to explain the minority report. Guntharp indicated the three options possible from this meeting; passing the rule with the understanding that it can be tweaked it in the fall, postpone the rule until the fall or to table.
- Harry Hageman from Ohio asked to be recognized and put a motion out that the debate on the amendment would be limited to 30 minutes. Judith Sachwald, MD seconded.
- Martinez from Pennsylvania asked to be recognized and opposed the motion, not seeing the purpose of it. Thinking it could possibly inhibit proper deliberation and proper discussion of such a monumental rule.
- Doreen Geiger from Washington State asked to be recognized. Cautioning the Commission that conversation tends to go in a circular process in which nothing moves forward, and she therefore supported the motion to limit debate to 30 minutes.
- Ben Martinez from PA asked to be recognized again, Harry Hageman stated that he was out of order. Rick Masters said that it is within the discretion of the Chair to ask for all other comments from other commissioners before returning to Commissioner Martinez.
- Ed Mruzek, NY spoke against the motion stating the issue was too controversial and sensitive and it would be unfair and unethical to limit discussion to only 30 minutes.
- Dennis Schrantz, MI spoke for the motion stating that if the Commission can't get issues discussed intelligently in 30 minutes, then a motion needs to be made to take another approach.
- John Rees, KY agreed with the motion, and seconded the sentiment just put forward.

- Guntharp recognized Martinez again. Martinez thought the concerns expressed by Washington were legitimate. But felt that Guntharp, as Chair and Moderator of this process, could determine if conversation became circular in the arguments, or even crossed into personal bounds.
- Vivian Williams, IL supported the amendment for the 30-minute limitation.
- Rick Masters advised Guntharp that this will take a two-third vote of the majority to adopt. Guntharp asked D. Blackburn to do a roll call.

Alaska -

Arizona - No.

Arkansas - Yes.

California - Yes.

Colorado -

Connecticut -

Delaware - No.

District of Columbia - Yes.

Florida - Yes.

Georgia - Yes.

Hawaii - Yes.

Idaho - Yes.

Illinois - Yes.

Indiana - Yes.

Iowa - Yes.

Kansas - Yes.

Kentucky - Yes.

Louisiana - Yes.

Maine - No.

Maryland - Yes.

Michigan - Yes.

Minnesota - Yes.  
Missouri - Yes.  
Montana - Yes.  
Nebraska - Yes.  
Nevada - Yes.  
New Hampshire - Yes.  
New Jersey - No.  
New Mexico - No.  
New York - No.  
North Carolina - Yes.  
North Dakota - Yes.  
Ohio - Yes.  
Oklahoma - Yes.  
Oregon - Yes.  
Pennsylvania - No.  
Rhode Island - Yes.  
South Carolina - Yes.  
South Dakota - Yes.  
Tennessee - Yes.  
Texas - No.  
Utah - Yes.  
Vermont - Yes.  
Washington - Yes.  
West Virginia - No.  
Wisconsin - Yes.  
Wyoming - Yes.

- Rick Masters announced 36, "Yes" and 9 "No's." The motion carried.
- Kathie Winckler, TX asked for a point of clarification if the total debate would be limited to 30 minutes or just the debate on each issue to 30 minutes. Guntharp clarified that it was for the motion.



- Jim Cosby, TN gave his report from the Ad Hoc committee. The Ad Hoc Committee met three times to produce the compromise language for the "misdemeanor rule". In addition to that, a survey was conducted and results were made available on the Web Compact site. The Ad Hoc Committee also discussed the compliance issues regarding the misdemeanor rule. And then it was unanimous agreement that among the committee members that the Executive Committee should adopt the position that includes individual states efforts to comply misdemeanor rule. And that should be taken into consideration when those compliance issues are discussed, or when those issues are raised. The committee also approved and recommended that the Executive Committee use an expedited action to take on this proposed rule.
- Benjamin Martinez, PA gave his report from the minority. Stating Pennsylvania's position that convening the Commission body for the promulgation of one general provision is both impractical and could establish dangers and unintended precedent. Another concern was that the recommendation that came out of the Ad Hoc Committee was basically gleaned from the Misdemeanor survey results. The minority reports' main opposition is to the process by which the commission is going about this amendment.
- Kathie Winckler, TX gave a report of the public hearing. The public hearing was held in Lexington, Kentucky, Winckler presided over that hearing by telephone from Houston. The hearing had no speakers at it and no comments received - or no persons appeared in person to make any comments. The meeting convened at 12 o'clock Eastern, and adjourned at 12:15 Eastern without having had anyone come to speak. In addition to the public hearing the Commission solicited public comments. The first was received from the PPCAA President which was more in the line of an explanatory letter to the Compact Administrators and Deputy Compact Administrators. The next comment was received from Mary Achilles who is the Victim's Advocate for the Commonwealth of Pennsylvania. The next remarks were received from Ben Martinez speaking for the State Council of the Commonwealth of Pennsylvania. Comments were also received from the Victim's Representative to the Interstate Commission, Pat Tuthill. Finally, Michigan recommended amendment to the rules that are proposed for amendment.

- Warren Emmer, ND made a motion to close the mics and follow the procedures that were first planned to do. Harry Hageman, OH seconded. Martinez, PA asked for clarification on process with muted lines. Don Blackburn outlined the procedure for using the phone system with muted lines. Guntharp brought it to a vote and asked for a roll call.

Alaska - No.

Arizona - No.

Arkansas - No.

California - Yes.

Colorado - No.

Delaware - Yes.

District of Colombia - No.

Florida - Yes.

Georgia - No.

Hawaii - Yes.

Idaho - Yes.

Illinois - No.

Indiana - No.

Iowa - No.

Kansas - Yes.

Kentucky - Yes.

Louisiana - Yes.

Maine - No.

Maryland - Yes.

Michigan - Yes

Minnesota - Yes.

Missouri - No.

Montana - No.

Nebraska - Yes.

Nevada - Yes.  
New Hampshire - No.  
New Jersey - No.  
New Mexico - No.  
New York - No.  
North Carolina - No.  
North Dakota - Yes.  
Ohio - Yes.  
Oklahoma - Yes.  
Oregon - Yes.  
Pennsylvania - No.  
Rhode Island - No.  
South Carolina - No.  
South Dakota - Yes.  
Tennessee - Yes.  
Texas - Yes.  
Utah - No.  
Vermont -  
Washington - Yes.  
West Virginia - No.  
Wisconsin - Yes.  
Wyoming - Yes.

- D. Blackburn announced to the Chairman the votes, 23 "Yes", 22 "No". Guntharp called for the lines to be muted.
- Guntharp asked Commissioner. Winckler to read the rule?
- Benjamin Martinez, PA asked for a point of clarification as to why we needed two-thirds for the other motion and majority for this motion. R. Masters answered that rules specified that the motion dilemma to debate requires a two-thirds majority. This is a manner in which the debate will be conducted, and there's no indication of a 2/3 majority.

- Kathie Winckler, TX read the rule. Section 2.105: Misdemeanants: A) An offender who has been sentenced for a misdemeanor offense in the (sending) State shall be eligible for transfer under the Compact provided that all other criteria for transfer as specified in Section 3.101 have been satisfied. And provided further that the offender: one, is subject to one year or more supervision; two, is subject to a sentence greater than six months of incarceration upon revocation of probation or other community supervision; and three, has not been convicted of or placed under supervision for a minor offense. B) In this section, minor offense does not include: 1) An offense in which a person - a victim has incurred bodily injury; 2) A second or a subsequent misdemeanor offense of driving while impaired by drug or alcohol; and 3) A sexual offense. A - in this section, sexual offense means an offense which requires that a person register as a sex offender in a (sending) State.
- David Guntharp asked for a motion for the rule as the commissioner read it.
- Benjamin Martinez, PA asked for clarification, if ex-officio members, specifically Pat Tuthill, would have an opportunity to provide verbal input during the meeting. Guntharp responded that she's not a commissioner and she had an opportunity at the public hearing and sent comments in writing.
- Warren Emmer, ND made the motion to adopt the rule. Lowell Brandt, IA seconded. Guntharp asked for anyone to speak for or against.
- Ginger Martin, OR spoke in favor of the amendment. Oregon has just reduced funding for felons by 19% in the coming fiscal year. Misdemeanants are not funded, and they aren't going to be supervised. Unsupervised, Oregon misdemeanants will travel to other States because there's no supervision to transfer. Misdemeanants from other States will not be supervised in Oregon. The only thing that's transferred is the liability.
- Benjamin Martinez, PA was recognized and stated for the record, his with not having Pat Tuthill available, one of our ex-officio member, but also the other ex-official members Judge - Chief Justice (Van Dewalt). Guntharp reminded Martinez that would be contrary to the procedure set up in Little Rock to have anyone other than commissioners at the table.

- Ann Hyde, SC asked to make an amendment stating her concern for victims. Hyde and her state have big problems with this rule. She proposed in the spirit of compromise an amendment, in (b1) that we strike the two words, bodily injury, and insert direct or threaten to physical or psychological harm. In this instance, including that there could be a possibility of direct or threatened. Not just physical, a mental-emotional, because there are those types of offenses.
- Judith Sachwald, MD seconded the motion for the amendments from South Carolina. Guntharp asked for anyone to speak for or against amendment.
- John D'Amico spoke that this would make a terrible rule somewhat less terrible and supported the amendment.
- Vivian Williams, IL stated she was adamantly opposed to excluding any misdemeanor for supervision and having given this serious consideration, she supported the amendment as proposed by Commissioner Hyde.
- Dennis Schrantz, call the question. Rick Masters advised that the body would have to vote on the question to see if they are ready to vote. There's no debate on a motion to "Call the Question," and if it's approved, then the second - then the amendment will be considered.
- Ed Ligtenberg, SD supported the motion. Guntharp called the vote clarifying that it was a vote to bring the amendment to a vote.

Alaska - Yes.

Arizona - Yes.

Arkansas - Yes.

California - Yes.

Colorado - Yes.

Delaware - Yes.

District of Columbia - Yes.

Florida - Yes.

Georgia - Yes.

Hawaii - Yes.

Idaho - Yes.

Illinois - Yes.

Indiana - Yes.

Iowa - Yes.

Kansas - Yes.

Kentucky - Yes.

Louisiana - Yes.

Maine - Yes.

Maryland - Yes.

Michigan - Yes.

Minnesota - Yes.

Missouri - Yes.

Montana - Yes.

Nebraska - Yes.

Nevada - Yes.

New Hampshire - Yes.

New Jersey - Yes.

New Mexico - Yes.

New York - Yes.

North Carolina - Yes.

North Dakota - Yes.

Ohio - Yes.

Oklahoma - Yes.

Oregon - Yes.

Pennsylvania - Yes.

Rhode Island - Yes.

South Carolina - Yes.

South Dakota - Yes.

Tennessee - Yes.

Texas - Yes.

Utah - Yes.

Vermont -

Washington - Yes.

West Virginia - Yes.

Wisconsin - Yes.

Wyoming - Yes

- Guntharp asked for a roll call voting on the amendments.

Alaska - Yes.

Arizona - Yes.

Arkansas - Yes.

California - Yes.

Colorado - Yes.

Delaware - Yes.

District of Columbia - Yes.

Florida - Yes.

Georgia - Yes.

Hawaii - Yes.

Idaho - Yes.

Illinois - Yes.

Indiana - Yes.

Iowa - Yes.

Kansas - Yes.

Kentucky - Yes.

Louisiana - Yes.

Maine - Yes.

Maryland - Yes.

Michigan - Yes.

Minnesota - Yes.

Missouri - Yes.

Montana - Yes.

Nebraska - Yes.

Nevada - Yes.

New Hampshire - Yes.

New Jersey - Yes.

New Mexico - Yes.

New York - Yes.

North Carolina - Yes.

North Dakota - Yes.

Ohio - Yes.

Oklahoma - Yes.

Oregon - Yes.

Pennsylvania - Yes.

Rhode Island - Yes.

South Carolina - Yes.

South Dakota - Yes.

Tennessee - Yes.

Texas - Yes.

Utah - Yes.

Vermont -

Washington -

West Virginia - Yes.

Wisconsin - Yes.

Wyoming - Yes.

- Donald Blackburn announced that the amendment carries; back to the main motion. Guntharp asked for discussion on the main motion.
- Kathie Winckler, TX was recognized to speak on the motion and rectified an error she made neglecting to read comments submitted by New York. New York State opposes the proposed rule change, and it says that the change is the though or indirect contravention to the spirit and intent of the language of the new Compact at - that was to ensure improved tracking offenders and that - and to address enforcement issues experienced with the old Compact.



- Kathie Winckler, TX asked to be recognized again and speak against the motion stating that it is the opinion of the majority of the chief and of the Compact administrator that Texas support the supervision of all misdemeanants without exclusion. Also stating that it is troubling that there may be misdemeanants who are domestic violence offenders or who have had previous DWIs that are not noted allowing for the possibility of not having under supervision people who are inherently dangerous and should be under supervision. Jurisdiction has a right to know which offenders are in its jurisdiction, the only way to know that is for the transfer to come through the Interstate Compact Office.
- Jim Cosby, TN was recognized and stated that the commission must consider the actual ability of this Compact to function. Putting something in place that a majority of states can live with and can comply with. Cosby believed that the amendment made by South Carolina was an effective amendment.
- Harry Hageman, OH was recognized and agreed with Tennessee. Hageman included that those who oppose the amendment have stated their case in the strongest possible way, and that it was also true for those who are in favor of the amendment.
- Edward Mruzek, NY was recognized and thanked Commissioner Winckler for correcting the over cite. He also reminded the other commissioners that they ought to take into consideration that certain media - certain misdemeanor cases become media cases. And if states were willing to deal with those, they would be in the much better position having an individual under supervision, and exercising some control over those cases.
- David Guntharp recognized Pat Tuthill and allowed her to speak.
- Pat Tuthill stated that she understood the issue of compliance, budget and financial constraint. Tuthill included that this rule on misdemeanors is one that has been very contemptuous and debatable. Tuthill included that there are many offenders who are not going to be included and many potential victims as the result of this rule. Tuthill strongly believed in waiting until October.
- Benjamin Martinez, PA asked for a point of clarification on if the rule as proposed to be amended only includes the instant offense not taking into consideration any prior arrest history. Ann Hyde, SC clarified that the amendment is talking of the instant offense.

- David Guntharp called for the vote on the rule as it was amendment stating that if it's a yes vote, then the rule will pass.

Alaska - Yes.

Arizona - No.

Arkansas -

California - Yes.

Colorado - No.

Delaware - No.

District of Columbia - Yes.

Florida - Yes.

Georgia - Yes.

Hawaii - Yes.

Idaho - Yes.

Illinois - Yes.

Indiana - Yes.

Iowa - Yes.

Kansas - No.

Kentucky - Yes.

Louisiana - Yes.

Maine - No.

Maryland - Yes.

Michigan - Yes.

Minnesota - No.

Missouri -

Montana - Yes.

Nebraska - No.

Nevada - Yes.

New Hampshire - No.

New Jersey - No.

New Mexico - No.

New York - No.

North Carolina - No.

North Dakota - Yes.

Ohio - Yes.

Oklahoma -

Oregon - Yes.

Pennsylvania - No.

Rhode Island - Yes.

South Carolina - Yes.

South Dakota - Yes.

Tennessee - Yes.

Texas - No.

Utah - Yes.

Vermont -

Washington -

West Virginia - Yes.

Wisconsin - No.

Wyoming -

- Motion carried 25 to 15.
- David Guntharp asked K. Winckler to read the Supervision Rule. Section 1.101: Definitions. Kathie Winckler read, as used in these rules, unless the context clearly requires a different construction. (Double A) supervision, means the authority or oversight exercised by supervising authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which the offender is required to report to or be monitored by supervising authorities, and includes any condition, qualification, special condition or requirement imposed on the offender at the time of the offender's release to the community or during the period of supervision in the community.

- Judith Sachwald, MD seconded the motion stating that this was an issue she raised at the close of the meeting in November, including that these proposed changes address all of our concerns and the concerns that she heard from some of the other commissioner.
- David Guntharp clarified that was a motion from Maryland.
- Warren Emmer, ND seconded Maryland's motion.
- Guntharp called for a vote on the motion of the supervision rule definition.

Alaska - Yes.

Arizona - No.

Arkansas -

California - Yes.

Colorado - Yes.

Delaware - Yes.

District of Columbia - Yes.

Florida - Yes.

Georgia - Yes.

Hawaii - Yes.

Idaho - Yes.

Illinois - Yes.

Indiana - Yes.

Iowa - Yes.

Kansas - Yes.

Kentucky - Yes.

Louisiana - Yes.

Maine - Yes.

Maryland - Yes.

Michigan - Yes.

Minnesota - Yes.

Missouri -

Montana - Yes.

Nebraska - Yes.

Nevada -

New Hampshire - Yes.

New Jersey - No.

New Mexico - Yes.

New York - No.

North Carolina - Yes.

North Dakota - Yes.

Ohio - Yes.

Oklahoma - Yes.

Oregon - Yes.

Pennsylvania - No.

Rhode Island -

South Carolina - Yes.

South Dakota - Yes.

Tennessee - Yes.

Texas - No.

Utah - Yes.

Vermont -

Washington - Yes.

West Virginia - Yes.

Wisconsin - Yes.

Wyoming -

- Motion carried 35 "yes" 5 "no".
- At the direction of the Chair, K. Winckler read the third motion for rule Section 2.106: Offenders Subject to Deferred Sentences. Offenders subject to deferred sentences are eligible for transfer of supervision under the same eligibility requirement, terms and conditions applicable to all other offenders under this Compact. Person subject to supervision pursuant to a pre-trial intervention program, bail or similar program or who

are under supervision for a minor misdemeanor offense as defined in Section 2.105B are not eligible for transfer under the terms and conditions of this Compact.

- William Rankin moved for approval of the amendment or of the motion. Barry Groves, FL seconded.
- John Rees, KY moved to amend the wordings modified to say "or", "similar". Lowell Brandt, IA seconded.
- Kathie Winckler, TX was recognized to speak against the amendment stating that the addition of the word "similar", does not offer a lot to clear up this subject. In the process of drafting and passing the rules that the deferred sentences are - means something different in many different states. It was her belief that it would be a bad idea at this point to entertain a change like this that wasn't fully thought through to see how it fits in with other terminologies.
- Guntharp called for a vote on the amendment.

Alaska - No.

Arizona - No.

Arkansas - No.

California -

Colorado - No.

Delaware - No.

District of Columbia - No.

Florida - No.

Georgia - No.

Hawaii - No.

Idaho - No.

Illinois - No.

Indiana - No.

Iowa - No.

Kansas - No.

Kentucky - Yes.

Louisiana - No.

Maine - No.  
Maryland - No.  
Michigan - No.  
Minnesota - No.  
Missouri -  
Montana - No.  
Nebraska - No.  
Nevada - No.  
New Hampshire - No.  
New Jersey - No.  
New Mexico - No.  
New York - No.  
North Carolina - No.  
North Dakota - No.  
Ohio - No.  
Oklahoma - No.  
Oregon - No.  
Pennsylvania - No.  
Rhode Island - No.  
South Carolina - No.  
South Dakota - No.  
Tennessee - No.  
Texas - No.  
Utah - No.  
Vermont -  
Washington -  
West Virginia - No.  
Wisconsin - No.  
Wyoming - No.

- Motion lost 41 to 1.

- David Guntharp called for a roll call on the motion on the offender subject to deferred sentences.

Alaska - Yes

Arizona - No.

Arkansas - Yes.

California -

Colorado - No.

Delaware - Yes.

District of Columbia - Yes.

Florida - Yes.

Georgia - Yes.

Hawaii - Yes.

Idaho - Yes.

Illinois - Yes.

Indiana - Yes.

Iowa - Yes.

Kansas - No.

Kentucky - No.

Louisiana - Yes.

Maine - Yes.

Maryland - Yes.

Michigan - Yes.

Minnesota - No.

Missouri -

Montana - Yes.

Nebraska - No.

Nevada - Yes.

New Hampshire - Yes.

New Jersey - No.

New Mexico - No.



New York - No.

North Carolina - No.

North Dakota - Yes.

Ohio - Yes.

Oklahoma - Yes.

Oregon - Yes.

Pennsylvania - No.

Rhode Island - Yes.

South Carolina - No.

South Dakota - Yes.

Tennessee - Yes.

Texas - Yes.

Utah - No.

Vermont -

Washington State -

West Virginia - Yes.

Wisconsin - Yes.

Wyoming - Yes.

- Motion carried 29 to 13.
- David Guntharp asked if there was any other business. Motion was made to adjourn. Guntharp thanked everyone for their outstanding job. Winckler seconded motion to adjourn.

***INTERSTATE COMMISSION***

***FOR***

***ADULT OFFENDER***

***SUPERVISION***

# **RULES**

***Adopted by the***

***Interstate Commission for Adult Offender Supervision***

***under the authority granted by the***

***Interstate Compact for Adult Offender Supervision,***

***at a public meeting at which a quorum was present,***

***held at Little Rock, Arkansas***

***Adapted November 3 & 4, 2003***

***Amended March 12, 2004***

## TABLE OF CONTENTS

Table 1 <i>Where did the JCAOS rule come from? (Derivation table)</i> .....	5
Table 2 <i>Where did the PPCAA rule go? (Disposition table)</i> .....	6
<b>Chapter 1</b> <b>Definitions</b> .....	7
<b>Chapter 2</b> <b>General Provisions</b> .....	
Sec. 2.101 <i>Involvement of interstate compact offices</i> .....	11
Sec. 2.102 <i>Data collection and reporting</i> .....	12
Sec. 2.103 <i>Dues formula</i> .....	13
Sec. 2.104 <i>Forms</i> .....	14
Sec. 2.105 <i>Misdemeanants</i> .....	15
Sec. 2.106 <i>Offenders subject to deferred sentences</i> .....	16
Sec. 2.107 <i>Offenders on furlough, work release</i> .....	17
Sec. 2.108 <i>Offenders with disabilities</i> .....	18
Sec. 2.109 <i>Adoption of rules; amendment</i> .....	19
Sec. 2.110 <i>Transfer of offenders under this compact</i> .....	21
<b>Chapter 3</b> <b>Transfer of Supervision</b> .....	
Sec. 3.101 <i>Eligibility for transfer of supervision</i> .....	22
Sec. 3.102 <i>Submission of transfer request to receiving state</i> .....	23
Sec. 3.103 <i>Acceptance of the offender by receiving state; exception</i> .....	24
Sec. 3.104 <i>Time allowed for investigation by receiving state</i> .....	26
Sec. 3.105 <i>Request for transfer of paroling offender</i> .....	27
Sec. 3.106 <i>Request for expedited transfer</i> .....	28
Sec. 3.107 <i>Application for transfer of supervision</i> .....	29
Sec. 3.108 <i>Victim notification</i> .....	31
Sec. 3.1081 <i>Victims' right to be heard and comment</i> .....	32
Sec. 3.109 <i>Waiver of extradition</i> .....	33
<b>Chapter 4</b> <b>Supervision in Receiving State</b> .....	
Sec. 4.101 <i>Manner and degree of supervision in receiving state</i> .....	34
Sec. 4.102 <i>Duration of supervision in receiving state</i> .....	35
Sec. 4.103 <i>Special conditions</i> .....	36
Sec. 4.104 <i>Offender registration in receiving state</i> .....	37
Sec. 4.105 <i>Arrival and departure notifications; withdrawal of reporting instructions</i> .....	38
Sec. 4.106 <i>Progress reports</i> .....	39
Sec. 4.107 <i>Fees</i> .....	40
Sec. 4.108 <i>Collection of fines and other costs</i> .....	41
Sec. 4.109 <i>Violation reports</i> .....	42
Sec. 4.110 <i>Transfer to subsequent receiving state</i> .....	43
Sec. 4.111 <i>Return to sending state</i> .....	44

Sec. 4.112 <i>Closing of supervision by receiving state</i> .....	45
<b>Chapter 5            Retaking</b> .....	
Sec. 5.101 <i>Retaking by the sending state</i> .....	46
Sec. 5.102 <i>New felony offense</i> .....	47
Sec. 5.103 <i>Violations of conditions of supervision</i> .....	48
Sec. 5.104 <i>Cost of retaking offender</i> .....	49
Sec. 5.105 <i>Time allowed for retaking offender</i> .....	50
Sec. 5.106 <i>Cost of incarceration in receiving state</i> .....	51
Sec. 5.107 <i>Officers retaking an offender in receiving state</i> .....	52
Sec. 5.108 <i>Opportunity for hearing in receiving state</i> .....	53
Sec. 5.109 <i>Transport of offenders</i> .....	54
Sec. 5.110 <i>Retaking offenders from state or federal correctional facilities</i> .....	55
Sec. 5.111 <i>Denial of bail to certain offenders</i> .....	56
<b>Chapter 6            Dispute Resolution and Interpretation of Rules</b> .....	
Sec. 6.101 <i>Informal communication to resolve disputes or controversies</i> .....	57
Sec. 6.102 <i>Formal resolution of disputes and controversies</i> .....	58
Sec. 6.103 <i>Enforcement actions against a defaulting state</i> .....	59
Sec. 6.104 <i>Judicial enforcement</i> .....	61

# **INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION**

<b>Chapter 1</b>	<b>Definitions</b>
<b>Chapter 2</b>	<b>General Provisions</b>
<b>Chapter 3</b>	<b>Transfer of Supervision</b>
<b>Chapter 4</b>	<b>Supervision in Receiving State</b>
<b>Chapter 5</b>	<b>Retaking</b>
<b>Chapter 6</b>	<b>Dispute Resolution and Interpretation of Rules</b>

Table 1 (Derivation Table)

Where did the ICAOS rule come from?	
ICAOS 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
3.108	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
5.111	PPCAA 4-110
6.101	PPCAA 3-106
6.102	NEW RULE
6.103	NEW RULE
6.104	NEW RULE

Table 2 (Disposition Table)

Where did the PCAA rule go?	
PPCAA rule number	ICAOS 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.	3.108
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, 5.111
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
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 1

### 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 approved place of residence or employment with the intent of avoiding supervision.  
*Adopted November 3, 2003*
- (b) **“Adult”** means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.  
*Adopted November 3, 2003*
- (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.  
*Adopted November 3, 2003*
- (d) **“Arrival”** means to report to the location and officials designated in reporting instructions given to an offender at the time of the offender’s departure from a sending state under an interstate compact transfer of supervision.  
*Adopted November 3, 2003*
- (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.  
*Adopted November 3, 2003*
- (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.  
*Adopted November 3, 2003*
- (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.  
*Adopted November 3, 2003*
- (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.

*Adopted November 3, 2003*

- (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.

*Adopted November 3, 2003*

- (j) **“Detainer”** means an order to hold an offender in custody.

*Adopted November 3, 2003*

- (k) **“Discharge”** means the final completion of the sentence that was imposed on an offender by the sending state.

*Adopted November 3, 2003*

- (l) **“Extradition”** means the return of a fugitive to a state in which the offender is accused, or has been convicted of, committing a criminal offense, by order of the governor of the state to which the fugitive has fled to evade justice or escape prosecution.

*Adopted November 3, 2003*

- (m) **“Offender”** means an adult placed under, or made 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, and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

*Adopted November 3, 2003*

- (n) **“Plan of supervision”** means the terms under which an offender will be supervised, including proposed residence, proposed employment or viable means of support and the terms and conditions of supervision.

*Adopted November 3, 2003*

- (o) **“Probable cause hearing”** a hearing in compliance with the decisions of the U.S. Supreme Court, conducted on behalf of an offender accused of violating the terms or conditions of the offender’s parole or probation.

*Adopted November 3, 2003*

- (p) **“Receiving state”** means a state to which an offender requests transfer of supervision or is transferred.

*Adopted November 3, 2003*

- (q) **“Reporting instructions”** means the orders given to an offender by a sending or receiving state directing the offender to report to a designated person or place, at a specified date and time, in another state. Reporting instructions shall include

place, date, and time on which the offender is directed to report in the receiving state.

*Adopted November 3, 2003*

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

*Adopted November 3, 2003*

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

*Adopted November 3, 2003*

- (t) **"Retaking"** means the act of a sending state in physically removing an offender, or causing to have an offender removed, from a receiving state.

*Adopted November 3, 2003*

- (u) **"Rules"** means acts of the Interstate Commission, which have the force and effect of law in the compacting states, and are promulgated under the Interstate Compact for Adult Offender Supervision, and substantially affect interested parties in addition to the Interstate Commission,

*Adopted November 3, 2003*

- (v) **"Sending state"** means a state requesting the transfer of an offender, or which transfers supervision of an offender, under the terms of the Compact and its rules.

*Adopted November 3, 2003*

- (w) **"Shall"** means that a state or other actor is required to perform an act, the non-performance of which may result in the imposition of sanctions as permitted by the Interstate Compact for Adult Offender Supervision, its by-laws and rules.

*Adopted November 3, 2003*

- (x) **"Significant violation"** means an offender's failure to comply with the terms or conditions of supervision that, if occurring in the receiving state, would result in a request for revocation of supervision.

*Adopted November 3, 2003*

- (y) **"Special condition"** means a condition or term that is added to the standard conditions of parole or probation by either the sending or receiving state.

*Adopted November 3, 2003*

- (z) **"Subsequent receiving state"** means a state to which an offender is transferred that is not the sending state or the original receiving state.  
*Adapted November 3, 2003*
- (aa) **"Supervision"** means the authority or oversight exercised by supervising authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which the offender is required to report to or be monitored by supervising authorities, and includes any condition, qualification, special condition or requirement imposed on the offender at the time of the offender's release to the community or during the period of supervision in the community.  
*(This definition was adopted November 3, 2003 and Amended March 12, 2004)*
- (bb) **"Supervision fee"** means a fee collected by the receiving state for the supervision of an offender.  
*Adopted November 3, 2003*
- (cc) **"Temporary travel permit"** means, for the purposes of sec. 3.108 (b), the written permission granted to an offender, whose supervision has been designated a "victim-sensitive" matter, to travel outside the supervising state for more than 24 hours but no more than 31 days. A temporary travel permit shall include a starting and ending date for travel.  
*Adopted November 3, 2003*
- (dd) **"Travel permit"** means the written permission granted to an offender authorizing the offender to relocate from one state to another.  
*Adopted November 3, 2003*
- (ee) **"Victim"** means a natural person or the family of a natural person who has suffered physical injury or serious emotional harm as a result of an act or omission of an offender.  
*Adopted November 3, 2003*
- (ff) **"Victim-sensitive"** means a designation made by the sending state in accordance with its definition of "crime victim" under the statutes governing the rights of crime victims in the sending state. The receiving state shall give notice of offender's movement to the sending state as specified in sections 3.108 and 3.1081.  
*Adopted November 3, 2003*
- (gg) **"Waiver"** means the voluntary relinquishment, in writing, of a known constitutional right or other right, claim or privilege by an offender.  
*Adopted November 3, 2003*

## Chapter 2

### General Provisions

#### ***SEC. 2.101 Involvement of interstate compact offices***

- (a) Acceptance, rejection or termination of supervision of an offender under this compact shall be made only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies.
- (b) All formal written, electronic, and oral communication regarding an offender under this compact shall be made only through the office of a state's compact administrator or the compact administrator's designated deputies.
- (c) Transfer, modification or termination of supervision authority for an offender under this compact may be authorized only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies.
- (d) Violation reports or other notices regarding offenders under this compact shall be transmitted only through direct communication of the compact offices of the sending and receiving states.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 3, 2003,  
at Little Rock, Arkansas.*

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

- (a) As required by the compact, and as specified by the operational procedures and forms approved by the commission, the states shall gather, maintain and report data regarding the transfer and supervision of offenders supervised under this compact.
- (b)
  - (1) Each state shall report to the commission each month the total number of offenders supervised under the compact in that state.
  - (2) Each state shall report to the commission each month the numbers of offenders transferred to and received from other states in the previous month.
  - (3) Reports required under sec. 2.102 (b)(1) and (2) shall be received by the commission no later than the 15<sup>th</sup> day of each month.
- (c) Unless readopted, this rule shall expire on December 31, 2005.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 3, 2003,  
at Little Rock, Arkansas.*

**SEC. 2.103 Dues formula**

- (a) The commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 days prior to the Commission meeting at which the proposed revision will be considered.
- (b) The commission shall consider the population of the states and the volume of offender transfers between states in determining and adjusting the assessment formula.
- (c) The approved formula and resulting assessments for all member states shall be distributed by the commission to each member state annually.
- (d)(1) The dues formula is the—  
(Population of the state divided by Population of the United States) plus  
(Number of offenders sent from and received by a state divided by Total number of offenders sent from and received by all states) divided by two.
- (2) The resulting ratios derived from the dues formula in sec. 2.103 (d)(1) shall be used to rank the member states and to determine the appropriate level of dues to be paid by each state under a tiered dues structure approved and adjusted by the Commission at its discretion.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 3, 2003,  
at Little Rock, Arkansas.*

***SEC. 2.104 Forms***

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

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 3, 2003,  
at Little Rock, Arkansas.*

**SEC. 2.105 Misdemeanants**

(a) An offender who has been sentenced for a misdemeanor offense in the sending state shall be eligible for transfer under the compact, provided that all other criteria for transfer, as specified in sec. 3.101, have been satisfied, and provided further that the offender—

- (1) Is subject to one year or more of supervision;
- (2) Is subject to a sentence greater than six months of incarceration upon revocation of probation or other community supervision; and,
- (3) Has not been convicted of or placed under supervision for a minor offense.

(b) In this section, “minor offense” does not include

- (1) An offense in which a victim has incurred direct or threatened physical or psychological harm;
- (2) A second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol; and,
- (3) A sexual offense.
  - (A) In this section “sexual offense” means an offense which requires that a person register as a sex offender in the sending state.

*(This rule was originally adopted on November 3, 2004 and amended on March 12, 2004)*

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 3, 2003,  
at Little Rock, Arkansas.*



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

Offenders subject to deferred sentences are eligible for transfer of supervision under the same eligibility requirements, terms, and conditions applicable to all other offenders under this compact. Persons subject to supervision pursuant to a pre-trial intervention program, bail, or similar program, or who are under supervision for a minor misdemeanor offense, as defined in sec. 2.105 (b), are not eligible for transfer under the terms and conditions of this compact.

*(This rule was originally adopted on November 3, 2004 and amended on March 12, 2004)*

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 3, 2003,  
at Little Rock, Arkansas.*

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

A person who is released from incarceration under furlough, work-release, or other pre-parole program is not eligible for transfer under the compact.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 3, 2003,  
at Little Rock, Arkansas.*

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

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.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 3, 2003,  
at Little Rock, Arkansas.*

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

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

- (a) Prior to promulgation and adoption of a final rule by the Interstate Commission, the text of the proposed rule or amendment shall be published by the Rules Committee not later than 30 days prior to the meeting at which vote on the rule is scheduled, on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.
- (b) Each administrative rule or amendment shall state—
  - (1) The place, time, and date of the scheduled public hearing;
  - (2) The manner in which interested persons may submit notice to the Interstate Commission of their intention to attend the public hearing and any written comments; and
  - (3) The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.
- (c) All persons wishing to be heard at the hearing shall notify the Interstate Commission in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.
- (d) If no written notice of intent to attend the public hearing by interested parties is received by the Interstate Commission, the Interstate Commission may choose to cancel the public hearing. The Interstate Commission shall provide notice of cancellation of the public hearing on the Interstate Commission's website.
- (e) Every hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment, whether or not the person has given the notice contemplated by subsection (c) of this section. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Interstate Commission from making a transcript or recording of the hearing if it so chooses.
- (f) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Interstate Commission at hearings required by this section.

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

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 3, 2003,  
at Little Rock, Arkansas.*

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

No state shall permit a person who is eligible for transfer under this compact to relocate to another state except as provided by the Interstate Compact for Adult Offender Supervision and these rules.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 3, 2003,  
at Little Rock, Arkansas.*

## Chapter 3

### Transfer of Supervision

#### *SEC. 3.101 Eligibility for transfer of supervision*

- (a) At the discretion of the sending state, an offender who has three months or more or an indefinite period of supervision remaining shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer, if the offender, pursuant to a valid plan of supervision—
  - (1) is in substantial compliance with the terms of supervision in the sending state and
  - (2) is a resident of the receiving state; or
  - (3) (A) has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and
  - (B) can obtain employment in the receiving state or has a visible means of support.
- (b) A receiving state, for good cause shown, may consent to the transfer of supervision of an offender who does not otherwise qualify for transfer of supervision.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 3, 2003,  
at Little Rock, Arkansas.*

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

- (a) Subject to the exception in sec. 3.103 (b), a sending state seeking to transfer supervision of an offender to another state shall submit a completed transfer request with all required information to the receiving state prior to allowing the offender to leave the sending state.
- (b) Subject to the exception in sec. 3.103 (b), the receiving state shall be given the opportunity to investigate the proposed plan of supervision prior to allowing the offender to leave the sending state.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*



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

- (a) A sending state shall not allow an offender under supervision in the sending state to relocate to a receiving state without the receiving state's acceptance of the transfer of supervision.
- (b) Exception—
  - (1)(A) A sending state may grant a travel permit to an offender who was living in the receiving state at the time of sentencing.
  - (B) This exception is not applicable to offenders released to supervision from prison.
  - (2)(A) Prior to granting a travel permit to an offender under sec. 3.103(b)(1), the sending state shall verify that the offender is a resident of the receiving state and shall immediately contact the receiving state's interstate compact office by telephone, telefax or electronic mail to request provisional reporting instructions.
  - (B) The receiving state shall issue provisional reporting instructions no later than two business days following receipt of such notification and request from the sending state.
  - (C) No travel permit shall be granted by the sending state until provisional reporting instructions are received from the receiving state.
  - (D) The sending state shall ensure that the offender signs all forms requiring the offender's signature under sec. 3.107 (a) prior to granting a travel permit to the offender. The sending state shall immediately transmit the signed forms electronically or by telefax to the receiving state.
- (3) Upon receipt of notification and verification by the sending state of residency, a receiving state shall assume responsibility for supervision of an offender who is granted a travel permit during the investigation of the offender's plan of supervision.
- (4) A sending state shall transmit a completed transfer request for an offender granted a travel permit no later than 15 calendar days following the granting to the offender of the travel permit.
- (5)(A) If the receiving state rejects the transfer request for an offender granted a travel permit, or if the sending state fails to send a completed transfer request by the 15th day following the granting of a travel permit, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request from the receiving state, direct the offender to return to the sending state by a date specified by the sending state.
- (B) If the offender does not return to the sending state, the sending state shall initiate the retaking of the offender by issuing a warrant or an order to return no later than 10 calendar days following the offender's failure to appear in the sending state.

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

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

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

- (a) A receiving state shall complete investigation and respond to a sending state's request for an offender's transfer of supervision no later than the 45<sup>th</sup> calendar day following receipt of a completed transfer request in the receiving state's compact office. Receipt of completed transfer request shall be presumed to occur by the fifth business day following transmission.
  
- (b)(1) If a receiving state determines that an offender transfer request is incomplete, the receiving state shall notify the sending state of that determination and the nature of the incompleteness no later than five business days following receipt of the transfer request by the receiving state.
  - (2)(A) If a receiving state accepts transfer of the offender, the receiving state's acceptance shall include reporting instructions.
  - (B) Upon notice of acceptance of transfer by the receiving state, the sending state shall issue a travel permit to the offender and notify the receiving state of the offender's departure as required under sec. 4.105.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

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

- (a) A sending state shall submit a completed request for transfer of a paroling offender to a receiving state no earlier than 120 days prior to the offender's planned prison release date.
- (b) A sending state shall notify a receiving state of the offender's date of release from prison or if recommendation for parole of the offender has been withdrawn or denied.
- (c)(1) A receiving state may withdraw its acceptance of the transfer request if the offender does not report to the receiving state by the fifth calendar day following the offender's intended date of departure from the sending state.
- (2) A receiving state that withdraws its acceptance under sec. 3.105 (c)(1) shall immediately notify the sending state.
- (3) Following withdrawal of the receiving state's acceptance, a sending state must resubmit a request for transfer of supervision of a paroling offender in the same manner as required in 3.105 (a).

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

**SEC. 3.106 Request for expedited transfer**

- (a)(1) A sending state may request that a receiving state agree to an expedited transfer of an offender if the sending state believes that emergency circumstances exist and the receiving state agrees with that determination.
- (2) (A) A receiving state that agrees to expedited transfer of an offender shall immediately issue reporting instructions for the offender, and a sending state shall immediately issue a travel permit.  
(B) The sending state shall ensure that the offender signs all forms requiring the offender's signature under sec. 3.107 (a) prior to granting a travel permit to the offender. The sending state shall immediately transmit the signed forms electronically or by telefax to the receiving state.  
(C) At the time of transmission of the signed forms, the sending state shall provide the receiving state with a copy of the offender's orders and conditions, documentation of the offender's residency, copy of any available pre-sentence report, copy of any order of protection, where applicable, and whether the offender is subject to sex offender registration in the sending state.
- (b) A receiving state shall assume responsibility for supervision of an offender who is granted a travel permit during the investigation of the offender's plan of supervision.
- (c) A sending state shall transmit a completed transfer request for an offender granted a travel permit no later than seven calendar days following the granting to the offender of the travel permit.
- (d)(1) If the receiving state rejects the transfer request for an offender granted a travel permit, or if the sending state fails to send a completed transfer request by the 7<sup>th</sup> calendar day following the granting of a travel permit, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state by a date specified by the sending state.  
(2) If the offender does not return to the sending state, the sending state shall initiate the retaking of the offender no later than 10 calendar days following the offender's failure to appear in the sending state.  
(3) The receiving state shall continue to supervise the offender until a warrant is issued or notice is given by the sending state as required under sec. 4.105.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

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

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

- (31) medical information, if available; and
- (32) psychological evaluation, if available.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

**SEC. 3.108** *Victim notification*

(a) *Notification to victims upon transfer of offenders*

Within one business day of the issuance of reporting instructions or acceptance of transfer by the receiving state, the sending state shall initiate notification procedures of the transfer of supervision of the offender in accordance with its own laws to known victims in the sending state, and the receiving state shall initiate notification procedures of the transfer of supervision of the offender in accordance with its own laws to victims in the receiving state.

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

(1) The receiving state is responsible for reporting information to the sending state when an offender—

(A) Commits a significant violation;

(B) Changes address;

(C) Returns to the sending state where an offender's victim resides;

(D) Departs the receiving state under an approved plan of supervision in a subsequent receiving state; or

(E) Is issued a temporary travel permit where supervision of the offender has been designated a victim-sensitive matter.

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

(c) The receiving state shall respond to requests for offender information from the sending state no later than the fifth business day following the receipt of the request.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*



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

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

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

**SEC. 3.109** *Waiver of extradition*

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

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

## Chapter 4

### Supervision in Receiving State

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

A receiving state shall supervise an offender transferred under the interstate compact in a manner determined by the receiving state and consistent with the supervision of other similar offenders sentenced in the receiving state.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

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

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

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

**SEC. 4.103** *Special conditions*

- (a) At the time of investigation or during the term of supervision, the compact administrator or supervising authority in the receiving state may impose a special condition on an offender transferred under the interstate compact if that special condition would have been imposed on the offender if sentence had been imposed in the receiving state.
- (b) A receiving state shall notify a sending state that it intends to impose or has imposed a special condition on the offender, the nature of the special condition, and the purpose.
- (c) A sending state shall inform the receiving state of any special conditions to which the offender is subject at the time of request for transfer is made, or when it becomes available.
- (d) A receiving state that is unable to enforce a special condition imposed in the sending state shall notify the sending state of its inability at the time of request for transfer of supervision is made.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

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

A receiving state shall require that an offender transferred under the interstate compact comply with any offender registration and DNA testing requirements in accordance with the laws or policies of the receiving state.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

**SEC. 4.105** *Arrival and departure notifications; withdrawal of reporting instructions*

**(a)** *Departure notifications*

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

**(b)** *Arrival notifications*

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

**(c)** A receiving state may withdraw its reporting instructions if the offender does not report to the receiving state as directed in the reporting instructions.

**(d)** A receiving state that withdraws its reporting instructions or subsequently determines that an offender granted a travel permit has absconded, shall immediately notify the sending state.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

**SEC. 4.106 Progress reports**

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

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*



**SEC. 4.107 Fees**

**(a) Application fee**

A sending state may impose a fee for each transfer application prepared for an offender.

**(b) Supervision fee**

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

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

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

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

- (a) A sending state is responsible for collecting all fines, family support, restitution, court costs, or other financial obligations imposed by the sending state on the offender.
- (b) Upon notice by the sending state that the offender is not complying with family support and restitution obligations, and financial obligations as set forth in subsection (a), 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.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

**SEC. 4.109 Violation reports**

- (a) A receiving state shall notify a sending state of significant violations of conditions of supervision by an offender within 30 calendar days of discovery of the violation.
- (b) A violation report shall contain—
  - (1) offender's name and location;
  - (2) offender's state-issued identifying numbers;
  - (3) date of the offense or infraction that forms the basis of the violation;
  - (4) description of the offense or infraction;
  - (5) status and disposition, if any, of offense or infraction;
  - (6) dates and descriptions of any previous violations;
  - (7) receiving state's recommendation of actions sending state may take;
  - (8) name and title of the officer making the report; and
  - (9) if the offender has absconded, the offender's last known address and telephone number, name and address of the offender's employer, and the date of the offender's last personal contact with the supervising officer.
- (c)(1) The sending state shall respond to a report of a violation made by the receiving state no later than ten business days following receipt by the sending state. Receipt of a violation report shall be presumed to have occurred by the fifth business day following its transmission by the receiving state;
- (2) The response by the sending state shall include action to be taken by the sending state and the date by which that action will begin and its estimated completion date.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

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

- (a) At the request of an offender for transfer to a subsequent receiving state, and with the approval of the sending state, the sending state shall prepare and transmit a request for transfer to the subsequent state in the same manner as an initial request for transfer is made.
- (b) The receiving state shall assist the sending state in acquiring the offender's signature on the "Application for Interstate Compact Transfer," the "Agreement to Return on Demand of the sending state" and the "Consent to Random Drug Testing and to Searches Based on Reasonable Suspicion" forms, and any other forms that may be required under sec. 3.107 (a), and shall transmit these forms to the sending state.
- (c) The receiving state shall submit a statement to the sending state summarizing the offender's progress under supervision.
- (d) The receiving state shall issue a travel permit to the offender when the sending state informs the subsequent receiving state that the offender's transfer to the subsequent receiving state has been approved.
- (e) Notification of offender's departure and arrival shall be made as required under sec. 4.105.
- (f) Acceptance of the offender's transfer of supervision by a subsequent state and issuance of reporting instructions to the offender terminate the receiving state's supervisory obligations for the offender.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

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

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

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

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

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

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

## Chapter 5

### Retaking

#### ***SEC. 5.101 Retaking by the sending state***

- (a) Except as required in sections 5.102 and 5.103, at its sole discretion, a sending state may retake an offender, unless the offender has been charged with a subsequent criminal offense in the receiving state.
- (b) If the offender has been charged with a subsequent criminal offense in the receiving state, the offender shall not be retaken without the consent of the receiving state, or until criminal charges have been dismissed, or the offender has been released to supervision for the subsequent offense.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

*SEC. 5.102 New felony offense*

Upon a request from the receiving state, a sending state shall retake or order the return of an offender from the receiving state or a subsequent receiving state upon the conviction of a new felony offense and completion of a term of incarceration for that conviction.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*



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

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

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

*SEC. 5.104 Cost of retaking an offender*

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

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

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

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.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

*SEC. 5.106 Cost of incarceration in receiving state*

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

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

**SEC. 5.107 Officers retaking an offender**

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

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

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

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

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

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

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

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

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

- (a) Officers authorized by the law of a sending state may take custody of an offender from a local, 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; and
  - (2) No extradition proceedings have been initiated against the offender by a third-party state.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*



***SEC. 5.111 Denial of bail to certain offenders***

An offender against whom retaking procedures have been instituted by a sending or receiving state shall not be admitted to bail in any state where the offender is found.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

## Chapter 6

### Dispute Resolution and Interpretation of Rules

**SEC. 6.101** *Informal communication to resolve disputes or controversies and obtain interpretation of the rules*

- (a) Through the office of a state's compact administrator, states shall attempt to resolve disputes or controversies by communicating with each other by telephone, telefax, or electronic mail.
- (b) *Failure to resolve dispute or controversy*
  - (1) Following an unsuccessful attempt to resolve controversies or disputes arising under this compact, its by-laws or its rules as required under sec. 6.101 (a), states shall pursue one or more of the informal dispute resolution processes set forth in sec. 6.101 (b)(2) prior to resorting to formal dispute resolution alternatives.
  - (2) Parties shall submit a written request to the executive director for assistance in resolving the controversy or dispute. The executive director shall provide a written response to the parties within ten business days and may, at the executive director's discretion, seek the assistance of legal counsel or the executive committee in resolving the dispute. The executive committee may authorize its standing committees or the executive director to assist in resolving the dispute or controversy.
- (c) *Interpretation of the rules*

Any state may submit an informal written request to the executive director for assistance in interpreting the rules of this compact. The executive director may seek the assistance of legal counsel, the executive committee, or both, in interpreting the rules. The executive committee may authorize its standing committees to assist in interpreting the rules. Interpretations of the rules shall be issued in writing by the executive director or the executive committee and shall be circulated to all of the states.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

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

**(a) Alternative dispute resolution**

Any controversy or dispute between or among parties that arises from or relates to this compact that is not resolved under sec. 6.101 may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

**(b) Mediation and arbitration**

**(1) Mediation**

- (A) A state that is party to a dispute may request, or the executive committee may require, the submission of a matter in controversy to mediation.
- (B) Mediation shall be conducted by a mediator appointed by the executive committee from a list of mediators approved by the national organization responsible for setting standards for mediators, and pursuant to procedures customarily used in mediation proceedings.

**(2) Arbitration**

- (A) Arbitration may be recommended by the executive committee in any dispute regardless of the parties' previous submission of the dispute to mediation.
- (B) Arbitration shall be administered by at least one neutral arbitrator or a panel of arbitrators not to exceed three members. These arbitrators shall be selected from a list of arbitrators maintained by the commission staff.
- (C) The arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator.
- (D) Upon the demand of any party to a dispute arising under the compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.
- (E)(i) The arbitrator in all cases shall assess all costs of arbitration, including fees of the arbitrator and reasonable attorney fees of the prevailing party, against the party that did not prevail.
- (ii) The arbitrator shall have the power to impose any sanction permitted by this compact and other laws of the state or the federal district in which the commission has its principal offices.
- (F) Judgment on any award may be entered in any court having jurisdiction.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

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

- (a) If the Interstate Commission determines that any 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—
- (1) Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;
  - (2) Remedial training and technical assistance as directed by the Interstate Commission;
  - (3) 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.

- (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.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

**SEC 6.104**    *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.

*Adopted by the Interstate Commission for Adult Offender Supervision,  
November 4, 2003,  
at Little Rock, Arkansas.*

## INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS

### 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 voting 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;
- disclosure 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 VII

### 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 superseded 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.

# INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

## BYLAWS

---

### 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.

##### *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.

*As adopted, November 5, 2003*

## **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.

### ***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

*As adopted, November 5, 2003*

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;

*As adopted, November 5, 2003*

- 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 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.

#### ***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.

### ***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.

### ***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.

## **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 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.

***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.

***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.

*As adopted, November 5, 2003*

**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.

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  
State Dues Assessment - Collection Update FY '05

Update  
 9/2/2004

Member States

State	FY '05 Dues	Received	Outstanding	Date
Alabama	\$25,000	\$0	\$25,000	
Alaska	\$18,000	\$18,000	\$0	8/3/2004
Arizona	\$25,000	\$0	\$25,000	
Arkansas	\$25,000	\$25,000	\$0	7/14/2004
California	\$46,000	\$46,000	\$0	8/30/2004
Colorado	\$25,000	\$25,000	\$0	7/30/2004
Connecticut	\$25,000	\$0	\$25,000	
Delaware	\$18,000	\$18,000	\$0	8/13/2004
Dist. of Columbia	\$18,000	\$0	\$18,000	
Florida	\$39,000	\$39,000	\$0	4/30/2004
Georgia	\$32,000	\$32,000	\$0	5/3/2004
Hawaii	\$18,000	\$18,000	\$0	7/23/2004
Idaho	\$18,000	\$0	\$18,000	
Illinois	\$39,000	\$39,000	\$0	8/30/2004
Indiana	\$25,000	\$25,000	\$0	5/3/2004
Iowa	\$25,000	\$25,000	\$0	8/9/2004
Kansas	\$25,000	\$25,000	\$0	9/14/2004
Kentucky	\$25,000	\$25,000	\$0	4/23/2004
Louisiana	\$25,000	\$25,000	\$0	6/2/2004
Maine	\$18,000	\$18,000	\$0	8/4/2004
Maryland	\$32,000	\$32,000	\$0	5/11/2004
Michigan	\$32,000	\$0	\$32,000	
Minnesota	\$25,000	\$0	\$25,000	
Mississippi	\$25,000	\$0	\$25,000	
Missouri	\$32,000	\$32,000	\$0	5/4/2003
Montana	\$18,000	\$18,000	\$0	7/23/2004
Nebraska	\$18,000	\$9,000	\$9,000	3/31/2004
Nevada	\$25,000	\$25,000	\$0	7/23/2004
New Hampshire	\$18,000	\$0	\$18,000	
New Jersey	\$32,000	\$32,000	\$0	9/2/2004
New Mexico	\$18,000	\$18,000	\$0	8/20/2004
New York	\$39,000	\$0	\$39,000	
North Carolina	\$32,000	\$0	\$32,000	
North Dakota	\$18,000	\$18,000	\$0	7/21/2004
Ohio	\$32,000	\$32,000	\$0	5/3/2004
Oklahoma	\$25,000	\$0	\$25,000	
Oregon	\$25,000	\$25,000	\$0	4/21/2004
Pennsylvania	\$32,000	\$32,000	\$0	5/20/2004
Puerto Rico	\$18,000	\$0	\$18,000	
Rhode Island	\$18,000	\$18,000	\$0	8/3/2004
South Carolina	\$25,000	\$25,000	\$0	7/30/2004
South Dakota	\$18,000	\$18,000	\$0	4/26/2004
Tennessee	\$25,000	\$25,000	\$0	7/23/2004
Texas	\$46,000	\$0	\$46,000	
Utah	\$18,000	\$18,000	\$0	6/8/2004
Vermont	\$18,000	\$0	\$18,000	
Virginia	\$32,000	\$32,000	\$0	6/21/2004
Washington	\$25,000	\$0	\$25,000	
West Virginia	\$18,000	\$0	\$18,000	

Wisconsin	\$25,000	\$25,000	\$0
Wyoming	\$18,000	\$18,000	\$0
<b>TOTAL</b>	<b>\$1,296,000</b>	<b>\$856,000</b>	<b>\$441,000</b>

B/3/2004  
5/28/2004

**Non-Member States**

<u>State</u>	<u>FY '05 Dues</u>	<u>Received</u>	<u>Outstanding</u>
American Samoa	\$18,000	\$0	\$0
Guam	\$18,000	\$0	\$0
Massachusetts	\$25,000	\$0	\$0
Northern Marianas	\$18,000	\$0	\$0
U.S. Virgin Islands	\$18,000	\$0	\$0
<b>TOTAL</b>	<b>\$97,000</b>	<b>\$0</b>	<b>\$0</b>



# Interstate Commission for Adult Offender Supervision

## Regional Map

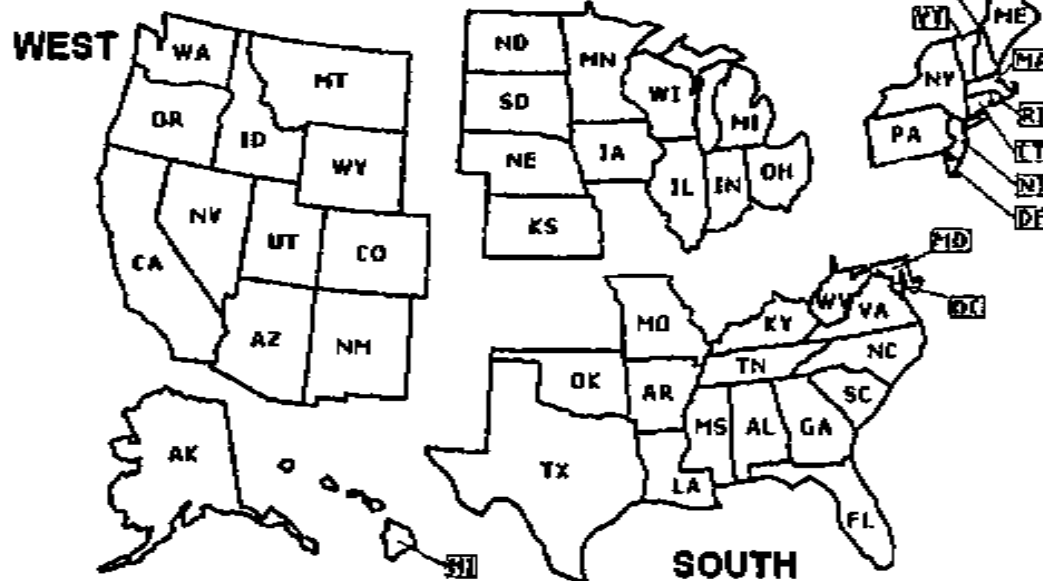
### WEST

Alaska  
 Arizona  
 California  
 Colorado  
 Hawaii  
 Idaho  
 Montana  
 Nevada  
 New Mexico  
 Oregon  
 Utah  
 Washington  
 Wyoming

### MIDWEST

Illinois  
 Indiana  
 Iowa  
 Kansas  
 Michigan  
 Minnesota  
 Nebraska  
 North Dakota  
 Ohio  
 South Dakota  
 Wisconsin

### MIDWEST



### EAST

### EAST

Connecticut  
 Delaware  
 Maine  
 Massachusetts  
 New Hampshire  
 New Jersey  
 New York  
 Pennsylvania  
 Puerto Rico  
 Rhode Island  
 Vermont  
 Virgin Islands

### SOUTH

Alabama	Louisiana	South Carolina
Arkansas	Maryland	Tennessee
District of Columbia	Mississippi	Texas
Florida	Missouri	Virginia
Georgia	North Carolina	West Virginia
Kentucky	Oklahoma	

Puerto Rico and US Virgin Islands



# Compact Commissioner Directory

Interstate Commission  
for Adult Offender Supervision

2760 Research Park Drive  
Lexington, KY 40578

www.adultcompact.org

Updated September 16, 2004

<p><b>Alabama</b></p> <p>Commissioner: Address:  Phone: Fax: Office Email: Email:</p>	<p><b>Robert Oakes</b> Alabama Board of Pardons and Paroles P. O. Box 302405 (Overnight deliveries only: 301 S. Ripley St. Montgomery, AL 36104) Montgomery, AL 36130-2405 (334) 242-1695 (334) 353-3391 janet.ingram@alabpp.gov robert.oakes@alabpp.gov</p>	<p><b>California</b></p> <p>Commissioner: Address:  Phone: Fax: Email:</p>	<p><b>Sharon Jackson</b> (acting) Department of Corrections Parole and Community Services Division P.O. Box 942883 Sacramento, CA 94283-0001 (916) 324-0474 (916) 255-2757 sharon.jackson-03@corr.ca.gov</p>
<p><b>Alaska</b></p> <p>Commissioner: Address:  Phone: Fax: Office Email: Email:</p>	<p><b>Leitonl M. Tupou</b> Division of Community Corrections 431 N. Franklin, Suite 400 Juneau, AK 99801 (907) 465-4652 (907) 465-3390 alaska_interstate@correct.state.ak.us leitonl_tupou@correct.state.ak.us</p>	<p><b>Colorado</b></p> <p>Commissioner: Address:  Phone: Fax: Office Email:</p>	<p><b>Jeaneene Miller</b> Department of Corrections 12157 West Cedar Drive Lakewood, CO 80228 (303) 763-2420 (303) 763-2451 interstate@doc.state.co.us</p>
<p><b>Arizona</b></p> <p>Commissioner: Address:  Phone: Fax: Office Email: Email:</p>	<p><b>Mary Schamer</b> (acting) Department of Corrections 363 N. 1st Avenue Phoenix, AZ 85003 (602) 255-4236 (602) 255-3825 ics_parole@adc.state.az.us mschame@adc.state.az.us</p>	<p><b>Connecticut</b></p> <p>Commissioner: Address:  Phone: Fax: Email:</p>	<p><b>Theresa C. Lantz</b> Commissioner of Corrections Connecticut Department of Corrections 24 Wolcott Hill Road Weathersfield, CT 06109 (860) 692-7481 (860) 692-7483 theresa.lantz@po.state.ct.us</p>
<p><b>Arkansas</b></p> <p>Commissioner: Address:  Phone: Fax: Email:</p>	<p><b>G. David Guntharp</b> Department of Community Correction Union National Plaza, 2nd Floor 105 West Capitol Little Rock, AR 72201 (501) 682-9566 (501) 682-9539 david.guntharp@arkansas.gov</p>	<p><b>Delaware</b></p> <p>Commissioner: Address:  Phone: Fax: Email:</p>	<p><b>Stan Taylor</b> Department of Corrections 1601 N. Pine Street Wilmington, DE 19802-5007 (302) 577-3443 (302) 577-7471 interstate@state.de.us</p>

<p><b>District of Columbia</b></p> <p>Commissioner: Address:  Phone: Fax: Reporting Fax: Office Email: Email:</p>	<p><b>Paul A. Quander, Jr.</b> Court Services &amp; Offender Supervision Agency for DC 633 Indiana Ave., Ste. 1200 Washington, DC 20001 (202) 220-5344 (202) 442-1385 (202) 442-1395 dc.interstate@csosa.gov paul.quanderjr@csosa.gov</p>	<p><b>Illinois</b></p> <p>Commissioner: Address:  Phone: Fax: Email:</p>	<p><b>Vivian Williams</b> Department of Corrections P.O. Box 19277 1301 Concordia Court Springfield, IL 62794-9277 (217) 522-4461 (217) 522-9652 vwilliams@idoc.state.il.us</p>
<p><b>Florida</b></p> <p>Commissioner: Address:  Phone: Fax: Office Email: Email:</p>	<p><b>Barry Q. Groves</b> Department of Corrections 2601 Blair Stone Road Tallahassee, FL 32399-2500 (850) 410-4345 (850) 488-2710 or (850) 921-8195 fl.compact@mail.dc.state.fl.us groves.barry@mail.dc.state.fl.us</p>	<p><b>Indiana</b></p> <p>Commissioner: Address:  Phone: Fax: Office Email: Email:</p>	<p><b>Jane Seigel</b> 115 West Washington St, Ste 1075 Indianapolis, IN 46204-2278 (317) 232-1313 (317) 233-3367 inisc@coa.doc.state.in.us jseigel@courts.state.in.us</p>
<p><b>Georgia</b></p> <p>Commissioner: Address:  Phone: Fax: Office Email: Email:</p>	<p><b>Joe Kuebler</b> #2 Martin Luther King, Jr. Dr. SE East Tower, Ste 1470 Atlanta, GA 30334 (404) 651-6686 (404) 651-6723 compact_services@pap.state.ga.us joe_kuebler@pap.state.ga.us</p>	<p><b>Iowa</b></p> <p>Commissioner: Address:  Phone: Fax: Office Email:</p>	<p><b>Vacant</b> Department of Corrections 420 Watson Powell Jr. Way Des Moines, IA 50309 (515) 242-5730 &amp; (515) 242-5725 (515) 281-4062 compact@doc.state.ia.us</p>
<p><b>Hawaii</b></p> <p>Commissioner: Address:  Phone: Fax: Email:</p>	<p><b>Ron Hajime</b> 777 Punchbowl Street Honolulu, HI 96813 (808) 539-4585 (808) 539-4559 ron.t.hajime@courts.state.hi.us</p>	<p><b>Kansas</b></p> <p>Commissioner: Address:  Phone: Fax: Email:</p>	<p><b>Robert Sanders</b> Kansas Department of Corrections Landon State Office Building 900 S. W. Jackson, 4th Floor Topeka, KS 66612-1284 (785) 296-4522 (785) 296-0759 roberts@kdoc.dc.state.ks.us</p>
<p><b>Idaho</b></p> <p>Commissioner: Address:  Phone: Fax: Office Email: Email:</p>	<p><b>Dave Nelson</b> Idaho Department of Correction Interstate Compact Office 1299 North Orchard Suite 110 Boise, ID 83706 (208) 658-2122 (208) 327-7455 idahoisc@corr.state.id.us dnelson@corr.state.id.us</p>	<p><b>Kentucky</b></p> <p>Commissioner: Address:  Phone: Fax: Email:</p>	<p><b>John Rees</b> Department of Corrections P. O. Box 2400 (Overnight deliveries only: HSB Ground Fl, 275 E. Main Street ) Frankfort, KY 40602-2400 (502) 564-4221 (502) 564-5229 johnd.rees@ky.gov</p>

<p><b>Louisiana</b></p> <p>Commissioner: <b>Genie Powers</b>  Address: P. O. Box 94304, Capitol Station  (Overnight deliveries only:  504 Mayflower St)  Baton Rouge, LA 70804-9304</p> <p>Phone: (225) 342-6614  Fax: (225) 219-0082  Email: gpowers@corrections.state.la.us</p>		<p><b>Minnesota</b></p> <p>Commissioner: <b>Ken Merz</b>  Address: Department of Corrections  1450 Energy Park Dr., Suite 200  St. Paul, MN 55108-5219</p> <p>Phone: (651) 642-0348  Fax: (651) 603-6768  Email: kmerz@co.doc.state.mn.us</p>	
<p><b>Maine</b></p> <p>Commissioner: <b>Martin Magnusson</b>  Address: Division of Probation &amp; Parole  AMHI Complex, State House Station  #111</p> <p>Phone: Augusta, ME 04333  Fax: (207) 287-4381  Email: (207) 287-4370  marty.magnusson@maine.gov</p>		<p><b>Mississippi</b></p> <p>Commissioner: <b>Christopher Epps</b>  Address: Mississippi Department of Corrections  723 North President St.  Jackson, MS 39202-3097</p> <p>Phone: (601) 359-5650  Fax: (601) 359-5590  Office Email: icg@mdoc.state.ms.us  Email: cepps@mdoc.state.ms.us</p>	
<p><b>Maryland</b></p> <p>Commissioner: <b>Judith Sachwald</b>  Address: Division of Probation &amp; Parole  428 East Preston Street  Baltimore, MD 21202</p> <p>Phone: (410) 585-3525  Fax: (410) 764-4293  Email: jsachwald@dpscs.state.md.us</p>		<p><b>Missouri</b></p> <p>Commissioner: <b>Denis Agniel</b>  Address: Board of Probation &amp; Parole  1511 Christy Drive  Jefferson City, MO 65101</p> <p>Phone: (573) 751-8488  Fax: (573) 522-8461  Office Email: moincomp@mail.doc.state.mo.us  Email: dagniel@mail.doc.state.mo.us</p>	
<p><b>Massachusetts</b></p> <p>Commissioner: <b>Vacant</b>  Address: Massachusetts Parole Board  45 Hospital Road, Bldg. B3  Medfield, MA 02052</p> <p>Phone: (508) 242-8001  Fax: (508) 242-8100  Office Email: maparole.compact@state.ma.us  Email:</p>		<p><b>Montana</b></p> <p>Commissioner: <b>Mike Ferriter</b>  Address: Division of Corrections  P. O. Box 201301, 1539 11th Avenue  Helena, MT 59620</p> <p>Phone: (406) 444-4913  Fax: (406) 444-7909  Email: miferriter@state.mt.us</p>	
<p><b>Michigan</b></p> <p>Commissioner: <b>Dennis Schrantz</b>  Address: Department of Corrections  Office of Field Operations  P. O. Box 30003  (Overnight deliveries only: Grandview  Plaza Bldg, 206 E. Michigan Ave)  Lansing, MI 48909</p> <p>Phone: (517) 335-6903  Fax: (517) 335-3840  Office Email: michigan-interstate@michigan.gov  Email:</p>		<p><b>Nebraska</b></p> <p>Commissioner: <b>Harold Clarke</b>  Address: Department of Correctional Services  P.O. Box 94661  Lincoln, NE 68509-4461</p> <p>Phone: (402) 471-2155  Fax: (402) 479-5804  Email: hclarke@dcs.state.ne.us</p>	



<p><b>Nevada</b></p> <p>Commissioner: <b>Amy Wright</b>  Address: Division of Parole and Probation  1445 Hot Springs Rd. #104  Carson City, NV 89706  Phone: (775) 684-2605 &amp; (702) 486-3001  Fax: (775) 684-2695  Email: awright@dps.state.nv.us</p>		<p><b>New York</b></p> <p>Commissioner: <b>Robert Dennison</b>  Address: NYS Board of Parole  97 Central Avenue  Albany, NY 12206  Phone: (518) 473-9548  Fax: (518) 485-8950  Email: rdennison@parole.state.ny.us</p>	
<p><b>New Hampshire</b></p> <p>Commissioner: <b>Loretta Coulombe</b>  Address: Department of Corrections  P. O. Box 1806  Concord, NH 03302-1806  (603) 271-5646  (603) 271-0409  Phone: interstate@nhdoc.state.nh.us  Fax: locoulombe@nhdoc.state.nh.us  Office Email: locoulombe@nhdoc.state.nh.us  Email:</p>		<p><b>North Carolina</b></p> <p>Commissioner: <b>Sherry H. Pilkington</b>  Address: Department of Corrections  Division of Community Corrections  2020 Yonkers Rd, Mail Svc Center  4250  Raleigh, NC 27699-4250  Phone: (919) 716-3160  Fax: (919) 716-3999  Office Email: interstate@doc.state.nc.us  Email: psh01@doc.state.nc.us</p>	
<p><b>New Jersey</b></p> <p>Commissioner: <b>John D'Amico</b>  Address: Office of Interstate Services  New Jersey State Parole Board  P.O. Box 862  (Overnight deliveries only: 171 Jersey  St, TRW Complex, Bldg 2)  Trenton, NJ 08625-0862  Phone: (609) 292-0845  Fax: (609) 984-2188  Email: spbinterstate@spb.state.nj.us  john.d'amico@spb.state.nj.us</p>		<p><b>North Dakota</b></p> <p>Commissioner: <b>Warren R. Emmer</b>  Address: Department of Corrections  P. O. Box 5521  (Overnight deliveries only:  Field Services, 3100 Railroad Ave)  Bismarck, ND 58506-5521  Phone: (701) 328-6193  Fax: (701) 328-6186  Office Email: icompact@state.nd.us  Email: wemmer@state.nd.us</p>	
<p><b>New Mexico</b></p> <p>Commissioner: <b>Edward Gonzales</b>  Address: Corrections Department  Probation &amp; Parole Division  P. O. Box 27116  (Overnight deliveries only:  4337 State Road 14)  Santa Fe, NM 87502-0116  Phone: (505) 827-8693 &amp; (505) 827-8575  Fax: (505) 827-8679  Office Email: interstate.compacts@state.nm.us  Email: edward.gonzales@state.nm.us</p>		<p><b>Ohio</b></p> <p>Commissioner: <b>Harry Hageman</b>  Address: Department of Corrections  1050 Freeway Dr., North  Columbus, OH 43230  Phone: (614) 752-1235  Fax: (614) 752-1251  Office Email: ohio.compact@odrc.state.oh.us  Email: harry.hageman@odrc.state.oh.us</p>	

<p><b>Oklahoma</b></p> <p>Commissioner: Address:  Phone: Fax: Reporting Fax: Office Email: Email:</p>	<p><b>Milton R. Gilliam</b> Department of Corrections 3700 North Classen Blvd., Suite 110 Oklahoma City, OK 73118 (405) 525-4512 (405) 525-4524 (405) 525-4525 okdoc.interstate@doc.state.ok.us milt.gilliam@doc.state.ok.us</p>	<p><b>South Carolina</b></p> <p>Commissioner: Address:  Phone: Fax: Office Email: Email:</p>	<p><b>D. Ann Hyde</b> Probation, Parole, &amp; Pardon Service P. O. Box 50666 2221 Devine Street Columbia, SC 29250 (803) 734-9237 (803) 734-9369 interstatecompact@ppp.state.sc.us ahyde@ppp.state.sc.us</p>
<p><b>Oregon</b></p> <p>Commissioner: Address:  Phone: Fax: Office Email: Email:</p>	<p><b>Ginger Martin</b> Department of Corrections 2575 Center Street N. E. Salem, OR 97301 (503) 947-1036 (503) 378-3609 oregon.interstate@doc.state.or.us ginger.martin@doc.state.or.us</p>	<p><b>South Dakota</b></p> <p>Commissioner: Address:  Phone: Fax: Email:</p>	<p><b>Ed Ligtenberg</b> Board of Pardons and Paroles P.O. Box 5911 (Overnight deliveries only: 1600 North Drive) Sioux Falls, SD 57117-5911 (605) 367-5040 (605) 367-5025 ed.ligtenberg@state.sd.us</p>
<p><b>Pennsylvania</b></p> <p>Commissioner: Address:  Phone: Fax: Office Email: Email:</p>	<p><b>Benjamin Martinez</b> Board of Probation &amp; Parole 1101 S. Front Street, Suite 5800 Harrisburg, PA 17104-2538 (717) 787-5100 (717) 772-2157 ra-interstate@state.pa.us benmartine@state.pa.us</p>	<p><b>Tennessee</b></p> <p>Commissioner: Address:  Phone: Fax: Email:</p>	<p><b>Gary Tullock</b> Board of Probation and Parole Parkway Towers, Suite 1410 404 James Robertson Pkwy. Nashville, TN 37243-0850 (615) 532-8129 (615) 741-8513 gary.tullock@state.tn.us</p>
<p><b>Puerto Rico</b></p> <p>Commissioner: Address:  Phone: Fax: Email:</p>	<p><b>Alexis Bird (acting)</b> Administration of Corrections P. O. Box 71308 San Juan, PR 00936-8404 (787) 782-4345 (787) 792-1788 abird@ac.goblemo.pr</p>	<p><b>Texas</b></p> <p>Commissioner: Address:  Phone: Fax: Office Email: Email:</p>	<p><b>Kathie Winckler</b> Department of Criminal Justice 4616 W. Howard Lane, Suite 250 Austin, TX 78728 (281) 558-1451 (512) 671-2147 or (512) 671-2148 texas.interstate@tdcj.state.tx.us kathie@winckler.us</p>
<p><b>Rhode Island</b></p> <p>Commissioner: Address:  Phone: Fax: Office Email: Email:</p>	<p><b>Ashbel T. Wall, II</b> 40 Howard Avenue Cranston, RI 02920 (401) 462-2611 (401) 462-2630 riinterstatecompact@doc.state.ri.us atwall@doc.state.ri.us</p>	<p><b>Utah</b></p> <p>Commissioner: Address:  Phone: Fax: Office Email: Email:</p>	<p><b>Leo Lucey</b> Department of Corrections 14717 So. Minuteman Dr. Draper, UT 84020 (801) 545-5522 (801) 545-5507 cr-compact-office@utah.gov llucey@utah.gov</p>

<p><b>Vermont</b></p> <p>Commissioner: <b>Jacqueline Kotkin</b>  Address: Department of Corrections  103 S. Main Street  Waterbury, VT 05671-1001</p> <p>Phone: (802) 241-2247  Fax: (802) 241-2377  Office Email: vico@doc.state.vt.us  Email: jackiek@doc.state.vt.us</p>		<p><b>Washington</b></p> <p>Commissioner: <b>Doreen Geiger (acting)</b>  Address: Department of Corrections  P. O. Box 41126  (Overnight deliveries only:  410 W. 5th Avenue)  Olympia, WA 98504-1126</p> <p>Phone: (360) 586-1842  Fax: (360) 586-2192  Office Email: wastatecompact@doc1.wa.gov  Email: dmgeiger@doc1.wa.gov</p>	
<p><b>Virgin Islands</b>  <b>St Thomas &amp; St John</b></p> <p>Commissioner: <b>Vacant</b>  Address: Territory Court Office of Prob &amp; Parole  St. Thomas &amp; St. John  P. O. Box 70  St. Thomas, VI 00804</p> <p>Phone: (340) 774-6680  Fax: (340) 777-8254  Email:</p>		<p><b>West Virginia</b></p> <p>Commissioner: <b>Henry Lowery</b>  Address: Department of Corrections  112 California Ave., Bldg. 4,  Room 300  Charleston, WV 25305-0280</p> <p>Phone: (304) 558-2036  Fax: (304) 558-5934  Email: hlowery1@mail.wvnet.edu</p>	
<p><b>Virgin Islands</b>  <b>St Croix</b></p> <p>Commissioner: <b>Vacant</b>  Address: Territory Court Office of Prob &amp; Parole  St. Croix  P.O. Box 929 Kingshill  Christiansted, St. Croix, VI 00821</p> <p>Phone: (340) 778-9750  Fax: (340) 778-4044  Email:</p>		<p><b>Wisconsin</b></p> <p>Commissioner: <b>William Rankin</b>  Address: Department of Corrections  3099 East Washington Avenue  P. O. Box 7925  Madison, WI 53707-7925</p> <p>Phone: (608) 240-5311 or (608) 240-5308  Fax: (608) 240-3330  Email: william.rankin@doc.state.wi.us</p>	
<p><b>Virginia</b></p> <p>Commissioner: <b>James Camache</b>  Address: P. O. Box 26963  (Overnight deliveries only:  6900 Atmore Drive)  Richmond, VA 23261-6963</p> <p>Phone: (804) 674-3065  Fax: (804) 674-3522  Reporting Fax: (804) 674-3070 to PPO Kendall Short  Office Email: camachejr@vadoc.state.va.us  Email: vaicu@vadoc.state.va.us</p>		<p><b>Wyoming</b></p> <p>Commissioner: <b>Les Pozsgl</b>  Address: Department of Corrections  700 West 21st Street  Cheyenne, WY 82002</p> <p>Phone: (307) 777-5909  Fax: (307) 777-7479  Office Email: wycompact@wdoc.state.wy.us  Email: lpozsg@wdoc.state.wy.us</p>	

Updated versions of this document are available online at <http://www.adultcompact.org/directory/commissioners>

Please send all corrections to: [sperry@csg.org](mailto:sperry@csg.org)



# Compact Administrator Office Directory

Interstate Commission  
for Adult Offender Supervision

2760 Research Park Drive  
Lexington, KY 40578

www.adultcompact.org

Updated September 16, 2004

<p><b>Alabama</b></p> <p>CA: <b>Robert Oakes</b> DCA: <b>Janet Ingram</b> Address: Alabama Board of Pardons &amp; Paroles P.O. Box 302405 Montgomery, AL 36130-2405 Overnight Only: 301 S. Ripley St. Montgomery AL, 36104 Phone: (334) 242-1695 (334) 242-8707 Ingram Fax: (334) 353-3391 Office Email: robert.oakes@alabpp.gov Email: janet.ingram@alabpp.gov</p>		
<p><b>Alaska</b></p> <p>CA: <b>Leitoni M. Tupou</b> DCA: <b>Billy Houser</b> Supervisor: Billy Houser Address: Alaska Department of Corrections 310 K Street, Suite 508 Anchorage, AK 99501 Phone: (907) 269-7370 Fax: (907) 269-7438 Office Email: alaska_interstate@correct.state.ak.us Email: leitoni_tupou@correct.state.ak.us billy_houser@correct.state.ak.us</p>		
<p><b>Arizona</b></p> <p><b>Parole</b></p> <p>CA: <b>Dora B. Schiro</b> DCA: <b>Mary Schamer</b> Supervisor: Lance Delmore Address: Department of Corrections 363 N. 1st Avenue Phoenix, AZ 85003 Phone: (602) 255-4236 Fax: (602) 255-3825 Office Email: isc_parole@adc.state.az.us Email: mschame@adc.state.az.us ldelmore@adc.state.az.us</p>		<p><b>Probation</b></p> <p>DCA: <b>Dori Ege</b> Address: Administrative Office of the Courts 1501 W. Washington, Suite 344 Phoenix, AZ 85007 Phone: (602) 542-2305 or (602) 542-2324 Fax: (602) 542-9673 Office Email: az-isc-prob@supreme.sp.state.az.us Email: dege@supreme.sp.state.az.us</p>

<p><b>Arkansas</b></p>	<p>CA: <b>G. David Guntharp</b>  DCA: <b>Linda Strong</b>  Address: Department of Community Correction  Two Union National Plaza, 2nd Floor  Overnight Only: 105 West Capitol  Little Rock, AR 72201  Phone: (501) 682-9584 &amp; (501) 682-9587  Fax: (501) 682-9589  Office Email: ardcis@state.ar.us  Email: david.guntharp@arkansas.gov  linda.strong@ar.gov</p>	
<p><b>California</b></p> <p><b>Parole</b></p>	<p>CA: <b>Sharon Jackson</b>  DCA: <b>Marita Williams</b>  Supervisor: Nancy Sears  Address: Department of Corrections  9825 Goethe Rd., Ste. 500  Sacramento, CA 95827  Phone: (916) 255-2781  Fax: (916) 255-2757  Office Email: interstate@parole.corr.ca.gov  Email: sharon.jackson-03@corr.ca.gov  mwilliams@parole.corr.ca.gov  nsears@parole.corr.ca.gov</p>	<p><b>Probation</b></p> <p>DCA: <b>William Campos</b>  Address: Department of the Youth Authority  4241 Williamsborough Drive  Sacramento, CA 95823  Phone: (916) 262-1368  Fax: (916) 262-1381  Office Email: california-prob@cya.ca.gov  Email: bcampos@cya.ca.gov</p>
<p><b>Colorado</b></p>	<p>CA: <b>Joe Ortiz</b>  DCA: <b>Sally Skiver</b>  Address: Department of Corrections  12157 West Cedar Drive  Lakewood, CO 80228  Phone: (303) 763-2420  Fax: (303) 763-2451  Office Email: interstate@doc.state.co.us  Email: sally.skiver@doc.state.co.us</p>	
<p><b>Connecticut</b></p> <p><b>Parole</b></p>	<p>CA: <b>Vacant</b>  DCA: <b>Vacant</b>  Address: Connecticut Board of Parole  95 Scovill Street  Waterbury, CT 06702  Phone: (203) 805-6683  Fax: (203) 755-4935  Office Email: tracy.johnson@po.state.ct.us  Email: michael.mullen@po.state.ct.us</p>	<p><b>Probation</b></p> <p>DCA: <b>Vacant</b>  Coordinator: <b>Rae Ann Fecteau</b>  Address: Adult Probation CSSD  936 Silas Deane Highway  Wethersfield, CT 06109  Phone: (860) 721-2135  Fax: (860) 258-8977  Office Email:  Email: rae.ann.fecteau@jud.state.ct.us</p>

<p><b>Delaware</b></p> <p>CA: <b>Stan Taylor</b>  DCA: <b>Alan Grinstead</b>  Coordinator: Karl Hines/Alan Kerrigan  Address: Department of Corrections  1601 N. Pine Street  Wilmington, DE 19802-5007  Phone: (302) 577-3443  Fax: (302) 577-7471  Office Email: interstate@state.de.us  Email: alan.grinstead@state.de.us  khines@state.de.us  alan.kerrigan@state.de.us</p>			
<p><b>District of Columbia</b></p> <p>CA: <b>Paul A. Quander Jr.</b>  DCA: <b>Catherine "Cathy" Terry-Crusor</b>  Address: Court Services &amp; Offender Supervision  Agency for the District of Columbia  (CSOSA)  25 "K" Street NE, Room 304  Washington, DC 20002  Phone: (202) 442-1275  Fax: (202) 442-1396  Office Email: dc.interstate@csosa.gov  Email: paul.quanderjr@csosa.gov  catherine.terry-crusor@csosa.gov</p>			
<p><b>Florida</b></p> <p>CA: <b>Ronald E. Williams</b>  DCA: <b>Clarence Rudloff</b>  Program Admin: Karen Tucker  Address: Department of Corrections  2601 Blair Stone Road  Tallahassee, FL 32399-2500  Phone: (850) 487-0558 or (850) 488-4839  Fax: (850) 488-2710 or (850) 921-8195  Office Email: fl.compact@mail.dc.state.fl.us  Email: tucker.karen@mail.dc.state.fl.us</p>			
<p><b>Georgia</b></p> <p><b>Parole</b></p> <p>CA: <b>Joe Kuebler</b>  DCA: <b>Vacant</b>  Address: #2 Martin Luther King, Jr. Dr. SE  East Tower, Suite 1470  Atlanta, GA 30334  Phone: (404) 656-5747  Fax: (404) 651-6723  Office Email: compact_services@pap.state.ga.us  Email: joe_kuebler@pap.state.ga.us</p>		<p><b>Probation</b></p> <p>DCA: <b>Joyce Donald</b>  Address: #2 Martin Luther King, Jr. Dr. SE  East Tower, Suite 958  Atlanta, GA 30334  Phone: (404) 651-6526  Fax: (404) 463-6511  Office Email: iscg@dcor.state.ga.us  Email: donalj22@dcor.state.ga.us</p>	

<p><b>Hawaii</b></p> <p><b>Parole</b></p>	<p>CA: <b>Ron Hajime</b> (office with probation)</p> <p>DCA: <b>Colin Fukunaga</b>  Hawaii Paroling Authority  919 Ala Moana Boulevard, Room 100  Honolulu, HI 96814  Phone: (808) 587-2517  Fax: (808) 587-2518  Office Email: ron.t.hajime@courts.state.hi.us  Email: colin.m.fukunaga@hawaii.gov</p>	<p><b>Probation</b></p>	<p>DCA: <b>Sidney Nakamoto</b>  Address: 777 Punchbowl Street  Honolulu, HI 96813  Phone: (808) 539-4585  Fax: (808) 539-4559  Office Email: hiprobn@netscape.net  Email: sidney.h.nakamoto@courts.state.hi.us</p>
<p><b>Idaho</b></p>	<p>CA: <b>Dave Nelsen</b>  DCA: <b>Vacant</b>  Coordinator: Judy Mesick  Coordinator: Margaret Lint  Address: Idaho Dept. of Correction  Interstate Compact Office  1299 North Orchard Suite 110  Boise, ID 83706  Phone: (208) 658-2121  Fax: (208) 327-7424  Office Email: idahoisc@corr.state.id.us  Email: dnelsen@corr.state.id.us  jmesick@corr.state.id.us  mlint@corr.state.id.us</p>		
<p><b>Illinois</b></p> <p><b>Parole</b></p>	<p>CA: <b>Vivian Williams</b></p> <p>DCA: <b>Vacant</b>  Address: Department of Corrections  P.O. Box 19277  1301 Concordia Court  Springfield, IL 62794-9277  Phone: (217) 522-4461  Fax: (217) 522-9652  Office Email: il-isc-parole@idoc.state.il.us  Email: williams@idoc.state.il.us</p>	<p><b>Probation</b></p>	<p>DCA: <b>Rick Shepherd</b>  Address: Administrative Office of Illinois Courts  Probation Division (Interstate Compact)  3101 Old Jacksonville Road  Springfield, Illinois 62704-6488  Phone: (217) 785-7589  Fax: (217) 557-5706  Office Email: interstate@court.state.il.us  Email: rshepherd@court.state.il.us</p>
<p><b>Indiana</b></p> <p><b>Parole</b></p>	<p>CA: <b>Jane Seigel</b></p> <p>DCA: <b>Arthur Hegewald</b>  Address: 302 West Washington Street  Indianapolis, IN 46204-2278  Phone: (317) 232-5779  Fax: (317) 232-5728  Office Email: jseigel@courts.state.in.us  Email: ahegewald@coa.doc.state.in.us</p>	<p><b>Probation</b></p>	<p>DCA: <b>Robert Champion</b>  Coord Incoming: Tom Mitcham  Coord Outgoing: Nita Coleman  Address: National City Center - South Tower  115 W Washington St, Suite 1075  Indianapolis, IN 46204-3424  Phone: (317) 234-3601 incoming  (317) 232-1315 outgoing  Fax: (317) 234-3602  Office Email: bchampion@courts.state.in.us  Email: tmitcham@courts.state.in.us  ncoleman@courts.state.in.us</p>

<p><b>Iowa</b></p> <p>CA: <b>Charles Lauterbach</b>  DCA: <b>Sharon Beckman</b>  Address: Department of Corrections  420 Watson Powell Jr. Way  Des Moines, IA 50309  Phone: (515) 242-5732 and (515) 242-5725  Fax: (515) 281-4062  Office Email: compact@doc.state.ia.us  Email: charles.lauterbach@doc.state.ia.us  sharon.beckman@doc.state.ia.us</p>			
<p><b>Kansas</b></p> <p>CA: <b>Robert Sanders</b>  DCA: <b>Jerry Bauer</b>  Parole Officer II: Kimberly Schwant  Parole Officer II: Chris Langton  Address: Kansas Department of Corrections  Landon State Office Building  900 S. W. Jackson, 4th Floor  Topeka, KS 66612-1284  Phone: (785) 296-8069  Fax: (785) 296-0759  Office Email: kscompact@kdoc.dc.state.ks.us  Email: roberts@kdoc.dc.state.ks.us  jerryb@kdoc.dc.state.ks.us  kims@kdoc.dc.state.ks.us  chrisl@kdoc.dc.state.ks.us</p>			
<p><b>Kentucky</b></p> <p>CA: <b>John Rees</b>  <b>Parole</b>  DCA: <b>Angela Tolley</b>  Address: Department of Corrections  PO Box 2400  Frankfort, KY 40602-2400  Overnight Only: HSB Ground Fl, 275 E. Main Street  Frankfort, KY 40602-2400  Phone: (502) 564-4221  Fax: (502) 564-5229  Office Email: angela.tolley@ky.gov  Email: davidm.burt@ky.gov</p>		<p><b>Probation</b></p> <p>DCA: <b>Alton Wesley Payton</b>  Address: Department of Corrections  PO Box 2400  Frankfort, KY 40602-2400  Overnight Only: HSB Ground Fl, 275 E. Main Street )  Frankfort, KY 40602-2400  Phone: (502) 564-4221  Fax: (502) 564-5229  Office Email: wesley.payton@ky.gov  Email:</p>	
<p><b>Louisiana</b></p> <p>CA: <b>Genie Powers</b>  <b>Parole</b>  DCA: <b>Gregg Smith</b>  Address: P. O. Box 94304, Capitol Station  Baton Rouge, LA 70804-9304  Overnight Only: 504 Mayflower St  Baton Rouge, LA 70804-9304  Phone: (225) 342-6609  Fax: (225) 342-3087  Office Email: gpowers@corrections.state.la.us  Email: greggsmith@oyd01.corrections.state.la.us</p>		<p><b>Probation</b></p> <p>DCA: <b>Gregg Smith</b>  Address: P. O. Box 94304, Capitol Station  Baton Rouge, LA 70804-9304  Overnight Only: 504 Mayflower St  Baton Rouge, LA 70804-9304  Phone: (225) 342-6609  Fax: (225) 342-3087  Office Email: greggsmith@oyd01.corrections.state.la.us  Email:</p>	



<p><b>Maine</b></p> <p>CA: <b>Harold Doughty</b>  DCA: <b>Wayne Theriault</b>  Address: Division of Probation &amp; Parole  AMHI Complex, State House Station  #111  Augusta, ME 04333  Phone: (207) 287-4381  Fax: (207) 287-4370  Office Email:  Email: wayne.r.theriault@maine.gov  tima.ellsmore@maine.gov</p>			
<p><b>Maryland</b></p> <p>CA: <b>Judith Sachwald</b>  DCA: <b>Frederick Matthews</b>  Address: Division of Probation &amp; Parole  428 East Preston Street  Baltimore, MD 21202  Phone: (410) 333-0221  Fax: (410) 333-0338  Office Email:  Email: jsachwald@dpscs.state.md.us  fmatthews@dpscs.state.md.us</p>			
<p><b>Massachusetts</b></p> <p>CA: <b>Vacant</b></p> <p><b>Parole</b></p> <p>DCA: <b>Donald LaFratta</b>  Coord: Stephanie Belli  Outgoing Coord: Kathy Kozak  Address: Massachusetts Parole Board  45 Hospital Road, Bldg. B3  Medfield, MA 02052  Phone: (508) 242-8001  Fax: (508) 242-8100  Office Email: maparole.compact@state.ma.us  Email: donald.lafratta@state.ma.us  stephanie.belli@state.ma.us  kathy.kozak@state.ma.us</p>		<p><b>Probation</b></p> <p>DCA: <b>Paul McCarrick</b>  Address: Office of the Commissioner of Probation  One Ashburton Place, Room 405  McCormack State Office Building  Boston, MA 02108  Overnight Only:  Phone: (617) 727-7196  Fax: (617) 727-8484  Office Email: interstate_compact@jud.state.ma.us  Email: mccarrick_p@jud.state.ma.us</p>	
<p><b>Michigan</b></p> <p>CA: <b>Dennis Schrantz</b>  DCA: <b>Cynthia Johnson</b>  Address: Department of Corrections  Office of Field Operations  P. O. Box 30003  Lansing, MI 48909  Overnight Del: Grandview Plaza Bldg  206 E. Michigan Ave  Lansing, MI 48909  Phone: (517) 335-6903  Fax: (517) 335-3840  Office Email: michigan-interstate@michigan.gov  Email: johnsocn@michigan.gov</p>			

<p><b>Minnesota</b></p> <p>CA: <b>Joan Fabian</b>  DCA: <b>Rose Ann Bisch</b>  Address: Department of Corrections  1450 Energy Park Dr., Suite 200  St. Paul, MN 55108-5219</p> <p>Phone: (651) 642-0311  Fax: (651) 917-4768  Office Email: mnisc@co.doc.state.mn.us  Email: jfabian@co.doc.state.mn.us  rbisch@co.doc.state.mn.us</p>			
<p><b>Mississippi</b></p> <p>CA: <b>Ivy Keys</b>  DCA: <b>Jacqueline "Jackie" Brunson</b>  Address: 723 North President St.  Jackson, MS 39202-3097</p> <p>Phone: (601) 359-5650  Fax: (601) 359-5590  Office Email: icg@mdoc.state.ms.us  Email: ikeys@mdoc.state.ms.us  jbrunson@mdoc.state.ms.us</p>			
<p><b>Missouri</b></p> <p>CA: <b>Denis Agniel</b>  DCA: <b>Wanda LaCour</b>  Clerical Sup: Mary Kaye Brand  Address: Board of Probation &amp; Parole  1511 Christy Drive  Jefferson City, MO 65101</p> <p>Phone: (573) 751-8488  Fax: (573) 522-8461  Office Email: moincomp@mail.doc.state.mo.us  Email: dagniel@mail.doc.state.mo.us  wlcour@mail.doc.state.mo.us  mkbrand@mail.doc.state.mo.us</p>			
<p><b>Montana</b></p> <p>CA: <b>Mike Ferriter</b>  DCA: <b>Cathy Gordon</b>  Admin Assistant: Jamie Delappe  Address: Division of Corrections  P. O. Box 201301, 1539 11th Avenue  Helena, MT 59620</p> <p>Phone: (406) 444-9522  Fax: (406) 444-7909  Office Email: interstate@state.mt.us  Email: miferriter@state.mt.us  cgordon@state.mt.us  mbillman@state.mt.us</p> <p>Offenders A-L: Rob Bird: rbird@state.mt.us  Offenders M-Z: Carrie Castle: ccastle@state.mt.us  Offenders Out of State: Jamie Delappe: jdelappe@state.mt.us</p>			

<p><b>Nebraska</b></p> <p><b>Parole</b></p>	<p>CA: <b>Harold Clarke</b></p> <p>DCA: <b>James McKenzie</b></p> <p>Correspondence: Marcella Shortt</p> <p>Address: Department of Correctional Services P.O. Box 94661, Statehouse Station Lincoln, NE 68509-4461</p> <p>Overnight Only: Folsom &amp; West Prospector Pl, Bldg 15 Lincoln, NE 68509</p> <p>Phone: (402) 471-2155</p> <p>Fax: (402) 479-5804</p> <p>Office Email: hclarke@dcs.state.ne.us</p> <p>Email: mshortt@dcs.state.ne.us</p>	<p><b>Probation</b></p>	<p>DCA: <b>Judy Riddle</b></p> <p>Correspondence: Gary Grable</p> <p>Address: State Capitol P.O. Box 98910 Lincoln, NE 68509-8910</p> <p>Overnight Only: State Capitol Room 1209, 1445 "K" Street Lincoln, NE 68509</p> <p>Phone: (402) 471-2141 Riddle (402) 471-4930 Grable</p> <p>Fax: (402) 471-1853</p> <p>Office Email: nebprob@nsc.state.ne.us</p> <p>Email: jriddle@nsc.state.ne.us ggrable@nsc.state.ne.us</p>
<p><b>Nevada</b></p>	<p>CA: <b>Amy Wright</b></p> <p>DCA: North (Area Code 775) Nancy Tiffany</p> <p>DCA: South (Area Code 702) Kim Madris (includes Las Vegas)</p> <p>Address: Division of Parole and Probation 1445 Hot Springs Rd. #104 Carson City, NV 89706</p> <p>North Phone: (775) 687-5040 Nancy Tiffany</p> <p>South Phone: (702) 486-3001 Kim Madris</p> <p>North Fax: (775) 684-2695</p> <p>South Fax: (702) 486-3168</p> <p>Office Email: awright@dps.state.nv.us</p> <p>Email: ntiffany@dps.state.nv.us kmadris@dps.state.nv.us</p>		
<p><b>New Hampshire</b></p>	<p>CA: <b>Larry Blaisdell</b></p> <p>DCA: <b>Kathleen McCormack</b></p> <p>Address: Department of Corrections P. O. Box 1806 Concord, NH 03302-1806</p> <p>Phone: (603) 271-5646</p> <p>Fax: (603) 271-0409</p> <p>Office Email: interstate@nhdoc.state.nh.us</p> <p>Email: lblaisdell@nhdoc.state.nh.us kmcormack@nhdoc.state.nh.us</p>		

<p><b>New Jersey</b></p> <p><b>Parole</b></p>	<p>CA: <b>Vacant</b></p> <p>DCA: <b>Joseph Golden</b>  Address: Office of Interstate Services  New Jersey State Parole Board  P.O. Box 862  Trenton, NJ 08625-0862</p> <p>Overnight Only: 171 Jersey St, TRW Complex, Bldg 2  Trenton, NJ 08625</p> <p>Phone: (609) 943-4433  Fax: (609) 943-4430  Office Email: spbinterstate@spb.state.nj.us  Email: joseph.golden@spb.state.nj.us</p>	<p><b>Probation</b></p>	<p>DCA: <b>John Gusz</b>  Address: Administrative Office of the Courts  P.O. Box 960, Justice Complex  Trenton, NJ 08625</p> <p>Overnight Only: Probation Services,  171 Jersey Street, Bldgs 6 &amp; 7  Trenton, NJ 08625</p> <p>Phone: (609) 292-1585  (609) 633-3927 Gusz  Fax: (609) 777-1817  Office Email: interstateprobmailbox@judiciary.state.nj.us  Email: john.gusz@judiciary.state.nj.us</p>
<p><b>New Mexico</b></p>	<p>CA: <b>Edward Gonzales</b>  <b>Jacqueline Malczewski</b></p> <p>DCA: Corrections Department  Probation &amp; Parole Division  P. O. Box 27116  Santa Fe, NM 87502-0116</p> <p>Overnight Only: 4337 State Road 14  Santa Fe, NM 87502</p> <p>Phone: (505) 827-8693  (505) 827-8575 Gonzales  (505) 827-8635 Malczewski  Fax: (505) 827-8679  Office Email: interstate.compacts@state.nm.us  Email: edward.gonzales@state.nm.us  jackie.malczewski@state.nm.us</p>		
<p><b>New York</b></p> <p><b>Parole</b></p>	<p>CA: <b>Brian Travis</b></p> <p>DCA: <b>Michael DePietro</b>  Asst to DCA: Richard Bitel  Address: NYS Division of Parole  845 Central Avenue - East 2  Albany, NY 12206</p> <p>Phone: (518) 457-7566  Fax: (518) 485-8950  Office Email: interstate@parole.state.ny.us  Email: mdepietro@parole.state.ny.us  rbitel@parole.state.ny.us</p>	<p><b>Probation</b></p>	<p>DCA: <b>Sara Tullar Fasoldt</b>  Correspondence: Sandra A. Layton  Counsel: Linda Valenti  Address: NYS Div of Probation  &amp; Correctional Alternatives  80 Wolf Road, Suite 501  Albany, NY 12205</p> <p>Phone: (518) 485-2399  (518) 485-2394 Valenti  Fax: (518) 485-7198  Office Email: nyprobisc@dpca.state.ny.us  Email: layton@dpca.state.ny.us</p>

<p><b>North Carolina</b></p> <p>CA: <b>Sherry H. Pilkington</b>  DCA: <b>Allison Jourdan</b>  Address: Department of Corrections  Division of Community Corrections  2020 Yonkers Road, Mail Srvc Ctr 4250  Raleigh, NC 27699-4250  Phone: (919) 716-3160  Fax: (919) 716-3999  Office Email: interstate@doc.state.nc.us  Email: psh01@doc.state.nc.us  jam03@doc.state.nc.us</p>			
<p><b>North Dakota</b></p> <p>CA: <b>Warren R. Emmer</b>  DCA: <b>Charles Placek</b>  Address: Department of Corrections  P. O. Box 5521  Bismarck, ND 58506-5521  Overnight Only: Field Services, 3100 Railroad Ave)  Bismarck, ND 58506  Phone: (701) 328-6198  Fax: (701) 328-6186  Office Email: icompact@state.nd.us  Email: wemmer@state.nd.us  cplacek@state.nd.us</p>			
<p><b>Ohio</b></p> <p>CA: <b>Harry Hageman</b>  DCA: <b>Roger Wilson</b>  DCA: <b>Renate Ast</b>  Address: Department of Corrections  1030 Alum Creek Dr.  Columbus, OH 43209  Phone: (614) 387-0809  Fax: (614) 752-0916  Office Email: ohio.compact@odrc.state.oh.us  Email: harry.hageman@odrc.state.oh.us  roger.wilson@odrc.state.oh.us  renate.ast@odrc.state.oh.us</p>			
<p><b>Oklahoma</b></p> <p>CA: <b>Milton R. Gilliam</b>  DCA: <b>Frank Mesarick</b>  Address: Department of Corrections  3700 North Classen Blvd., Suite 110  Oklahoma City, OK 73118  Phone: (405) 525-4510  Fax: (405) 525-4524 general  (405) 525-4525 reporting instructions  Office Email: okdoc.interstate@doc.state.ok.us  Email: milt.gilliam@doc.state.ok.us  frank.mesarick@doc.state.ok.us  laura.newsom@doc.state.ok.us</p>			

<p><b>Oregon</b></p> <p>CA: <b>Max Williams</b>  DCA: <b>Denise Sitler</b>  Coordinator: Linda Hilliard  Coordinator: Ruby McClorey  Address: Department of Corrections  2575 Center Street NE  Salem, OR 97301  Phone: (503) 945-0920  (503) 945-9061 Sitler  (503) 378-3609  Fax: (503) 378-3609  Office Email: oregon.interstate@doc.state.or.us  Email: max.williams@doc.state.or.us  denise.sitler@doc.state.or.us  linda.hilliard@doc.state.or.us  ruby.e.mcclorey@doc.state.or.us</p>			
<p><b>Pennsylvania</b></p> <p>CA: <b>Benjamin Martinez</b></p> <p><b>Parole</b></p> <p>DCA: <b>Colleen Fickel</b>  Int Parole Mgr: Amy C. Stanton  Int Parole Mgr: Raquel Coughlin  Address: Board of Probation &amp; Parole  1101 S. Front Street, Suite 5800  Harrisburg, PA 17104-2538  Phone: (717) 787-6134  Fax: (717) 772-1662  Offenders A-F: Audrey Reiber  Offenders G-M: Darnell Malseed  Offenders R-Z: Kathy Strayer  Office Email: ra-interstate@state.pa.us  Email: benmartine@state.pa.us  cfickel@state.pa.us  astanton@state.pa.us  rcoughlin@state.pa.us</p>	<p><b>Probation</b></p> <p>DCA: <b>Margaret Thompson</b>  Int Prob Mgr: Darlene Zelazny  Address: Board of Probation and Parole  1101 S. Front Street, Suite 5900  Harrisburg, PA 17104-2545  Phone: (717) 772-4377  Fax: (717) 705-1776  Offenders A-G: Mary Scandle  Offenders H-R: Michelle Hair  Offenders S-Z: Kelly Bloch  Spec Probation: Darlene Zelazny  Office Email: ra-interstateprobsvcs@state.pa.us  Email: mthompson@state.pa.us  dzlazny@state.pa.us  mscandle@state.pa.us  mhair@state.pa.us  kbloch@state.pa.us</p>		
<p><b>Puerto Rico</b></p> <p>CA: <b>Carmen Ayala</b>  DCA: <b>Vacant</b>  Address: Administration of Corrections  P. O. Box 71308  San Juan, PR 00936-8404  Phone: (787) 782-4345  Fax: (787) 792-1788  Email: cayala@ac.gobierno.pr</p>			
<p><b>Rhode Island</b></p> <p>CA: <b>Vacant</b>  DCA: <b>Kevin Dunphy</b>  Address: Garrahy Judicial Complex  One Dorrance Plaza  Providence, RI 02903  Phone: (401) 458-3032  Fax: (401) 458-3010  Office Email: riinterstatecompact@doc.state.ri.us  Email: kdunphy@doc.state.ri.us</p>			

<p><b>South Carolina</b>  CA:  DCA:  Contact:  Address:    Phone:  Fax:  Office Email:  Email:</p>	<p><b>D. Ann Hyde</b>  Thelma Love  Probation, Parole, &amp; Pardon Service  P. O. Box 50666  2221 Devine Street  Columbia, SC 29250  (803) 734-9325  (803) 734-9369  interstatecompact@ppp.state.sc.us  ahyde@ppp.state.sc.us</p>		
<p><b>South Dakota</b>  CA:  <b>Parole</b>  DCA:  Address:  Overnight Only:  Phone:  Fax:  Office Email:  Email:</p>	<p><b>Ed Ligtenberg</b>  <b>David Geffre</b>  Board of Pardons and Paroles  P.O. Box 5911  Sioux Falls, SD 57117-5911  1600 North Drive  Sioux Falls, SD 57117  (605) 367-5040 or (605) 782-3153  (605) 367-5025  sd-isc-parole@state.sd.us  ed.ligtenberg@state.sd.us  david.geffre@state.sd.us</p>	<p><b>Probation</b>  DCA:  Coordinator:  Address:    Phone:  Fax:  Office Email:  Email:</p>	<p><b>Keith Bonenberger</b>  Linda Ott  Court Services Department  500 East Capitol  Pierre, SD 57501  (605) 773-4873  (605) 773-5627  keith.bonenberger@uj.s.state.sd.us  linda.ott@uj.s.state.sd.us</p>
<p><b>Tennessee</b>  CA:  <b>Parole</b>  DCA:  Address:  Phone:  Fax:  Office Email:  Email:</p>	<p><b>Bobby Halliburton</b>  <b>Debbie Duke</b>  Board of Probation and Parole  Parkway Towers, Suite 1410  404 James Robertson Pkwy.  Nashville, TN 37243-0850  (615) 741-2107  (615) 741-8513  deborah.duke@state.tn.us</p>	<p><b>Probation</b>  DCA:  Address:    Phone:  Fax:  Office Email:  Email:</p>	<p><b>Rene Green</b>  Board of Probation and Parole  Parkway Towers, Suite 1410  404 James Robertson Pkwy.  Nashville, TN 37243-0850  (615) 741-2107  (615) 741-8513  rene.green@state.tn.us</p>
<p><b>Texas</b>  CA:  Office Manager:  DCA Parole:  DCA Probation:  Address:    Phone:  Fax:  Office Email:  Email:</p>	<p><b>Raymond R. Parra</b>  Larry Hermance  <b>Ethel White</b>  <b>James "Rusty" Ross</b>  Department of Criminal Justice  4616 W. Howard Lane, Suite 250  Austin, TX 78728  (512) 671-2100  (512) 671-2147 or (512) 671-2148  texas.interstate@tdcj.state.tx.us  raymond.parra@tdcj.state.tx.us  larry.hermance@tdcj.state.tx.us  ethel.white@tdcj.state.tx.us  james.ross@tdcj.state.tx.us</p>		

<p><b>Utah</b></p> <p>CA: <b>Leo Lucey</b>  DCA: <b>Barbara Longmore</b>  Address: Department of Corrections  14717 So. Minuteman Dr.  Draper, UT 84020</p> <p>Phone: (801) 545-5522  (801) 545-5554 Longmore</p> <p>Fax: (801) 545-5507</p> <p>Office Email: cr-compact-office@utah.gov  Email: llucey@utah.gov  blongmore@utah.gov</p>			
<p><b>Vermont</b></p> <p>CA: <b>Jacqueline Kotkin</b>  DCA: <b>John B. Murphy</b>  Address: Department of Corrections  103 S. Main Street  Waterbury, VT 05671-1001</p> <p>Phone: (802) 241-2271</p> <p>Fax: (802) 241-2377</p> <p>Office Email: vico@doc.state.vt.us  Email: jackiek@doc.state.vt.us  jmurphy@doc.state.vt.us</p>			
<p><b>Virgin Islands</b>  <b>St. Thomas &amp;</b>  <b>St. John</b></p> <p>CA: <b>Arline Swan</b>  DCA: <b>Vacant</b>  Address: Territory Court Office of  Probation &amp; Parole  P. O. Box 70  St. Thomas, VI 00804</p> <p>Phone: (340) 774-6680</p> <p>Fax: (340) 777-8254</p> <p>Office Email:  Email: arswan@tcourt.gov.vi</p>			
<p><b>Virgin Islands</b>  <b>St. Croix</b></p> <p>CA: <b>Charmaine Daley</b>  DCA: <b>Vacant</b>  Address: Territory Court Office of  Probation &amp; Parole, St. Croix  P.O. Box 929 Kingshill  Christiansted St. Croix, VI 00821</p> <p>Phone: (340) 778-9750</p> <p>Fax: (340) 778-4044</p> <p>Office Email:  Email: chdaley@tcourt.gov.vi</p>			



<p><b>Virginia</b></p> <p>CA: <b>James R. Camache</b>  DCA: <b>Walber M. Pulliam, Jr.</b>  Adult Comp Mgr: <b>Dennis L. Gauden</b>  Address: <b>P. O. Box 26963  Richmond, VA 23261-6963</b></p> <p>Overnight Only: <b>6900 Atmore Drive  Richmond, VA 23261</b></p> <p>Phone: <b>(804) 674-3065</b>  Fax: <b>(804) 674-3522  (804) 674-3070 reporting instructions</b></p> <p>Office Email: <b>vaicu@vadoc.state.va.us</b>  Email: <b>camachejr@vadoc.state.va.us  pulliamwm@vadoc.state.va.us  gaudenl@vadoc.state.va.us</b></p>			
<p><b>Washington</b></p> <p>CA: <b>Doreen Geiger</b>  DCA: <b>Dennis Johnston</b>  Correspondence: <b>Kimberly Pearson</b>  Address: <b>Department of Corrections  P. O. Box 41126  Olympia, WA 98504-1126</b></p> <p>Overnight Only: <b>410 W. 5th Avenue  Olympia, WA 98504</b></p> <p>Phone: <b>(360) 586-1842  (360) 753-7404 Johnston  (360) 586-1842 Pearson</b></p> <p>Fax: <b>(360) 586-2192</b></p> <p>Office Email: <b>wastatecompact@doc1.wa.gov</b>  Email: <b>dmgeiger@doc1.wa.gov  dpjohnston@doc1.wa.gov  kspearson@doc1.wa.gov</b></p>			
<p><b>West Virginia</b></p> <p>CA: <b>Henry Lowery</b>  DCA: <b>Vacant</b>  Contact: <b>Judith Ann Leydon</b>  Address: <b>Department of Corrections  112 California Ave., Bldg. 4, Room 300  Charleston, WV 25305-0280</b></p> <p>Phone: <b>(304) 558-2036</b>  Fax: <b>(304) 558-5934</b></p> <p>Office Email: <b>hlowery1@mail.wvnet.edu</b>  Email: <b>jleydon@mail.wvnet.edu</b></p>			

<b>Wisconsin</b> CA: DCA: Address:  Phone: Fax: Office Email: Email:	<b>William Rankin</b> <b>Mary Haberman</b> Department of Corrections 3099 East Washington Avenue P. O. Box 7925 Madison, WI 53707-7925 (608) 240-5311 or (608) 240-5308 (608) 240-3331  william.rankin@doc.state.wi.us mary.haberman@doc.state.wi.us		
<b>Wyoming</b> CA: DCA: IC Supervisor: Address:  Phone: Fax: Office Email: Email:	<b>Les Pozsgi</b> <b>Vacant</b> Shane Sconce Department of Corrections 700 West 21st Street Cheyenne, WY 82002 (307) 777-7208 (307) 777-7479  wycompact@wdoc.state.wy.us lpozsg@wdoc.state.wy.us ssconce@wdoc.state.wy.us		

Updated versions of this document are available online at  
<http://www.adultcompact.org/directory/administrators>

Please send all corrections to: [sperry@csg.org](mailto:sperry@csg.org)

## Masters, Mullins, & Arrington

### Invoice #13747, 13819, 13921 July-September 2004

Total Hours	200.44
Total Amount	\$35,737.75
Average Rate Per Hour	\$178.30

## Arnet Fox

### Invoice #960127, 961752 July-August 2004

Total Hours	107.2
Total Amount	\$38,634.05
Average Rate Per Hour	\$360.39

Total	\$74,371.80
-------	-------------

ICAOS  
Budget Review and Projections  
13.5% Indirect  
3:58 PM10/22/2004

	A	B	C	E	F	G	H
		FY 04 Actual	FY04 Annual Budget	Approved FY05 Budget	FY05 Budget	Proposed FY06 Budget	Proposed FY07 Budget
<b>Revenue</b>							
40010 APPROPRIATIONS		1,253,000	1,221,000	1,296,000	1,296,000	1,296,000	1,296,000
42000 INTEREST INCOME		2,021	0	0	0	0	0
11 CARRY OVER PREVIOUS YEAR			0	0	547,858	103,379	215,410
<b>Total Administration Revenue</b>		<b>1,255,021</b>	<b>1,221,000</b>	<b>1,296,000</b>	<b>1,843,858</b>	<b>1,399,379</b>	<b>1,511,410</b>
<b>Expense</b>							
50010 SALARIES & WAGES		123,117	146,555	147,800	224,080	290,484	305,324
51010 EMPLOYEE BENEFITS		27,155	64,271	44,340	74,092	92,651	97,284
51060 RELOCATION EXPENSE		7,014	7,500				
51310 EDUCATION, ACCREDITATION		280	0	0	5,000	5,000	5,000
52010 SUPPLIES		11,408	12,500	12,500	15,000	15,000	15,000
52030 POSTAGE		1,826			2,000	2,000	2,000
52050 COMPUTER SEVICES/SUPPORT		6,370	19,200	14,400	13,860	13,860	13,860
52070 PHOTOCOPY		3,240	4,500	4,500	5,000	5,000	5,000
52110 MISCELLANEOUS		3			500	500	500
52400 DIRECT TELEPHONE EXPENSE		7,435	4,560	3,420	10,000	10,000	10,000
52401 CELL PHONE EXPENSE		269	0	0	0	0	0
52405 INTERNET ACCESS		105	0	0	0	0	0
52410 CONFERENCE CALLS		1,836	3,000	4,800	2,000	2,000	2,000
52500 MARKETING/ADVERTISING		1,204	20,000	60,000	5,000	2,000	2,000
53010 EQUIPMENT PURCHASE		10,918	10,000	10,000	15,000	12,000	12,000
53400 SOFTWARE PURCHASE		1,792	0		1,500	1,500	1,500
53500 DEPRECIATION EXPENSE		4,339			5,000	5,000	5,000
54010 CONSULTANT SERVICES		16,262	3,000		65,000		
54020 CONSULTANT EXPENSE		87	0				
54071 LEGAL SERVICES		58,007	67,680	65,000	70,000	67,680	67,680
54200 LEGAL, AUDIT, ACCT FEES		2,885	0	0	0	0	0
54201 DEFENSE LITIGATION							
54300 PROFESSIONAL MEMBERSHIP FEES		275	0		500	500	500
54310 STAFF TRAVEL		17,029	40,000	10,000	17,500	17,500	17,500
55210 COMMISSION MEETING		2,272	0	0	0	0	0
55240 PARTICIPANT TRAVEL		0					
55250 REGISTRATION FEES		161	0	0	0	0	0
55350 ADULT EDUCATION		35	0				
56990 MEETING EXPENSE		1,147	0	0	1,500	1,500	1,500
57010 RENT		12,155	14,595	12,720	19,200	25,338	25,338
57300 INSURANCE		1,323	1,824	1,440	1,520	1,520	1,520
58021 DESKTOP PUBLISHING		5,938	6,000	6,000	6,000	6,000	6,000
58050 PRINTING		4,595	10,000	10,000	10,000	10,000	10,000
59030 INDIRECT COST		87,915	106,634	81,384	113,850	79,249	81,878
<b>Total Administration Expenditures</b>		<b>418,395</b>	<b>541,819</b>	<b>488,304</b>	<b>683,102</b>	<b>666,282</b>	<b>688,384</b>
<b>Other Expense</b>							
Executive Committee Meetings		18,332	24,962	25,000	25,000	25,000	25,000
Annual Meeting		60,225	93,808	83,075	85,000	85,000	85,000
Compliance Committee		0	2,936	2,900	2,900	2,900	2,900
Finance Committee		0	127				
Rules Committee		116	2,515	2,500	15,000	15,000	15,000
Technology Committee		32,291	14,178	20,000	44,000	15,000	15,000
Training/Education Committee		116,414	154,507	75,000	75,000	75,000	75,000
<b>Total Committee and Meeting Expense</b>		<b>227,377</b>	<b>293,033</b>	<b>208,602</b>	<b>246,900</b>	<b>217,900</b>	<b>217,900</b>
Technology Upgrad Fund						50,000	50,000
Legal Defense Fund					125,000	50,000	50,000
Payment for Database system					635,000	135,000	135,000
Other Indirect Expense		61,392	79,119	41,720	50,477	64,787	64,787
<b>Total Other Expenses</b>		<b>61,392</b>	<b>79,119</b>	<b>41,720</b>	<b>810,477</b>	<b>299,787</b>	<b>299,787</b>
<b>Total Commission Expenses</b>		<b>707,164</b>	<b>913,971</b>	<b>738,626</b>	<b>1,740,479</b>	<b>1,183,969</b>	<b>1,206,071</b>
<b>Total Revenue Over/(Under) Expense</b>		<b>547,858</b>	<b>307,029</b>	<b>557,374</b>	<b>103,379</b>	<b>215,410</b>	<b>305,339</b>

**IC...S**  
**Budget Presentation**  
**FY06**

	A	B	C	D	E
1				Proposed	Proposed
2		FY 04	FY05	FY06	FY07
3		<u>Actual</u>	<u>Budget</u>	<u>Budget</u>	<u>Budget</u>
4	♦				
5	<b>Revenue</b>				
6					
7	40010 APPROPRIATIONS (dues)	1,253,000	1,296,000	1,296,000	1,296,000
8	42000 INTEREST INCOME	2,021	0	0	0
9	Carry over from Previous year		547,858	103,379	215,410
10	<b>Total Administration Revenue</b>	<b>1,255,021</b>	<b>1,843,858</b>	<b>1,399,379</b>	<b>1,511,410</b>
11					
45	<b>Expenses</b>				
46	Administration Expenditures	330,480	569,252	587,033	606,506
47	<b>Total Administration Expenses</b>	<b>330,480</b>	<b>569,252</b>	<b>587,033</b>	<b>606,506</b>
48					
49	Executive Committee Meetings	18,332	25,000	25,000	25,000
50	Annual Meeting	60,225	85,000	85,000	85,000
51	Compliance Committee	0	2,900	2,900	2,900
52	Finance Committee	0			
53	Rules Committee	116	15,000	15,000	15,000
54	Technology Committee	32,291	44,000	15,000	15,000
55	Training/Education Committee	116,414	75,000	75,000	75,000
56	<b>Total Committee and Meeting Expense</b>	<b>227,377</b>	<b>246,900</b>	<b>217,900</b>	<b>217,900</b>
57					
58	Legal Defense Fund		125,000	50,000	50,000
59	Technology Upgrade Fund	0		50,000	50,000
60	Payment for Database system	0	635,000	135,000	135,000
61	<b>Total Committee, Mtg, and Other Expenses</b>	<b>227,377</b>	<b>1,006,900</b>	<b>452,900</b>	<b>452,900</b>
62	<b>Indirect Expense</b>	<b>149,307</b>	<b>164,327</b>	<b>144,036</b>	<b>146,665</b>
63					
64	<b>Total Commission Expenses</b>	<b>707,164</b>	<b>1,740,479</b>	<b>1,183,969</b>	<b>1,206,071</b>
65					
66	<b>Total Revenue Over/(Under) Expense</b>	<b>547,858</b>	<b>103,379</b>	<b>215,410</b>	<b>305,339</b>
67					
68					

# CHAPTER 3

## RULES

### TABLE OF CONTENTS

<b>Rules of Practice</b> .....	3.1
<b>Rules for Operations Under the Compact</b> .....	3.2
<b>Section 100 Legal Notes on the Compact</b> .....	3.2
Section 1-100 Legal Definitions .....	3.2
Section 1-101 Congressional Consent.....	3.4
Section 1-102 Violations of the Interstate Compact and Grievance Procedure.....	3.4
Section 1-103 Computer Automation .....	3.5
Section 1-104 Amendments to the Rules and Regulations .....	3.6
Section 1-105 Number of Administrators/Deputy Compact Administrators.....	3.6
<b>Section 200 Eligibility for Supervision</b> .....	3.7
Section 2-101 Eligibility for Supervision .....	3.8
Section 2-102 Military Personnel.....	3.8
Section 2-103 Concurrent Supervision .....	3.8
Section 2-104 Juveniles.....	3.8
Section 2-105 Merchant Seamen.....	3.8
Section 2-106 Pretrial Diversion Cases.....	3.9
Section 2-107 Misdemeanants .....	3.10
Section 2-108 Furlough, Work Release, or Other Pre-Parole Release.....	3.10
Section 2-109 Non-Convicted Offenders.....	3.10
Section 2-110 Special Conditions .....	3.10
Section 2-111 Extraordinary Medical/Psychological Conditions .....	3.11
Section 2-112 Victim Notification .....	3.11
<b>Section 300 Arrangements for Supervision: Standards and Procedures</b> .....	3.12
Section 3-101 Opportunity to Investigate .....	3.12
Section 3-102 Channeling Cases Through the Administrator's Office .....	3.14
Section 3-103 Request for Supervision Information.....	3.14
Section 3-104 Presentence, Preconviction and Postsentence Investigations .....	3.15
Section 3-105 Confidentiality of Records.....	3.15
Section 3-106 Disagreements Over Accepting Cases .....	3.16
Section 3-107 Direct Correspondence with Prisoners.....	3.16
Section 3-108 Arrangements for Supervision in a Third State .....	3.16
Section 3-109 Return of Supervision to the Sending State .....	3.17
Section 3-110 Obligation to Provide for Return .....	3.17
Section 3-111 Rule Variances .....	3.17

<b>Section 400 Standards of Reciprocal Supervision</b> .....	3.18
Section 4-101 Reciprocal Duties Between States .....	3.18
Section 4-102 Intensity and Duration of Supervision .....	3.18
Section 4-103 Reporting.....	3.18
Section 4-104 Collection of Supervision Fees .....	3.19
Section 4-105 Collection of Money by the Sending State .....	3.19
Section 4-106 Temporary/Provisional Travel Permits.....	3.19
Section 4-107 Closing of Case Records.....	3.20
Section 4-108 Discharge in Receiving State .....	3.21
Section 4-109 Supervision of Individuals Who Become Mentally Ill or Physically Handicapped While in the Receiving State .....	3.21
Section 4-110 Interpretation and Practices - Regarding Violators.....	3.21
Section 4-111 Factors Involved in the Making of a Decision to Retake a Case .....	3.23
Section 4-112 Forms .....	3.24
 <b>Section 500 Retaking Cases from Another Jurisdiction</b> .....	3.25
Section 5-101 General Aspects .....	3.25
Section 5-102 Probable Cause Hearings .....	3.25
Section 5-103 Waiver of Probable Cause Hearings .....	3.25
Section 5-104 On-Site Probable Cause Hearings.....	3.26
Section 5-105 Waiver of Extradition .....	3.26
Section 5-106 Third Party State Return of Parole/Probation Violators .....	3.27
Section 5-107 Right of Parolees and Probationers to Legal Proceedings .....	3.28
Section 5-108 Transportation of Cases Through Other States by Agents of the Sending State .....	3.29
Section 5-109 Retaking Offenders Directly from State/Federal Correctional Facilities .....	3.29
 <b>Section 600 Suggested Rules of Practice Under the Interstate Revocations</b>	
<b>Hearings Amendment</b> .....	3.30
Section 6-101 General Legal Provisions.....	3.30
Section 6-102 Eligibility .....	3.30
Section 6-103 Agreement of Waiver-Compact Offenders .....	3.31
Section 6-104 Agreement of Waiver-Non-Compact Offenders.....	3.31
Section 6-105 Standards of Evidence.....	3.31

## **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 herein. 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 PPCA 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 PCCA.
- 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 PPCA 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 PCCA 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 3/28/2003)**

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 PPCA 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 E2d 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.**

**RETAKE 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 not 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.

# INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

## BYLAWS

---

### 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.

#### ***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.



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 II Membership

### *Section 1. Commissioners.*

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.

### *Section 2. Ex-Officio Members*

**The Commission membership shall also include individuals who are not commissioners and who shall not have a vote, 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. In addition representatives of the National Institute of Corrections, the American Parole and Probation Association and Association of Paroling Authorities International shall be ex-officio members of the Commission.**

## 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.

### **Section 4. Vacancies.**

**Upon the resignation, removal, or death of an officer of the Commission before the next annual meeting of the Commission, a majority of the Executive Committee shall appoint a successor to hold office for the unexpired portion of the term of the officer whose position shall so become vacant or until the next regular or special meeting of the Commission at which the vacancy is filled by majority vote of the Commission, whichever first occurs.**

## **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.

## **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.

### ***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 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

### ***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.

### ***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.***

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 incurring 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 that 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 COMMISSION FOR ADULT OFFENDER SUPERVISION  
EXECUTIVE COMMITTEE MEETING**

**October 25, 2004  
2:00 p.m. EST  
Buckhead-Westin Hotel, Atlanta, Georgia**

---

2:00 p.m.

**Call to Order**

*[David Guntharp, Chair]*

**Roll Call**

*[Executive Director]*

**Approval of Agenda**

**Reading and Approval of Minutes**

*[Executive Director]*

**Committee Reports**

- Rules
  - *-Kathie Winckler*
- Training & Education
  - *-Genie Powers*
- Information/Technology
  - *-Joe Kuebler*
- Compliance
  - *-Warren Emmer*
- Finance
  - *Treasurer/Executive Director*
- Executive Committee
  - *-David Guntharp*
- Regional
  - *-Ben Martinez (East)*
  - *-Joe Kuebler (South)*
  - *-Leo Lucey (West)*
  - *-Ed Lightenberg (Mid-West)*
- Victim's Representative
  - *Pat Tuthill*

- Executive Committee

### **Old Business**

### **New Business**

- **Budget**
- **Requested by Ben Martinez**

- Determine proper procedure to increase supplemental dues by states for Commission expenses in compliance with Rule 2.103.
- Breakdown of legal fees during the last fiscal year made available for the October 25<sup>th</sup> Executive Committee meeting.
- Explanation as to the spending authority given to the Commission's legal counsel, as well as the oversight in place for expenses incurred outside the norm of routine business practice.
- Whether the Commission currently has insurance to comply with the requirement of Art VI of the Compact and the Bylaws Art. V, sections 2&3 and if so will it also cover other litigation costs incurred.
- Status of yearly audits
- Status of vacancies for the Chairman of the Finance Committee & the Treasurer of the Executive Committees

### **Adjourn**

**DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT**



**INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION  
EXECUTIVE COMMITTEE MEETING**

**Tuesday October 12, 2004**

**11:00 a.m. EST**

**Teleconference Meeting**

**Minutes**

**1-888-387-8686**

**Room#7389593**

---

**Committee Members in Attendance:**

1. David Guntharp (Chair)
2. Ben Martinez (PA)
3. Joe Kuebler (GA)
4. Kathie Winkler (TX)
5. Leo Lucey (UT)
6. Ed Lightenberg (SD)
7. Eugenie Powers (LA)
8. Pat Tuthill (Ex-Officio)

**Committee Members not in Attendance:**

1. Harry Hageman (Vice-Chair)
2. Warren Emmer (ND)

**Staff:**

1. Don Blackburn
2. Rick Masters
3. Ashley Kenoyer
4. Sheila Perry
5. Kelli Price
6. Mindy Spring

**Guest:**

1. Milt Gilliam

11:00a.m      **Call to Order**

### **Roll Call**

- Chairman D. Guntharp called the meeting to order at 11:00 am. 6 members were present, establishing a quorum

### **Approval of Agenda**

- Commissioner B. Martinez motioned that Regional Director's Reports to be included in the agenda after the Committee Reports. Commissioner L. Lucey seconded. Motion passed unanimously.

### **Reading and Approval of Minutes**

- A motion for approval of August 10<sup>th</sup> minutes was made by Commissioner K. Winckler and seconded by Commissioner G. Powers. Motion passed unanimously.
- Commissioner K. Winckler also wanted to add an amendment to the minutes of August 10<sup>th</sup> to include additions and deletions of the Rules Committee

### **Committee Reports**

#### **Rules**

- Rules Committee Chair K. Winckler proposed that rule changes need to be sent out 30 days prior to become effective. A resolution to be attached to go over with Executive Committee
- Rules Committee Chair K. Winckler proposed a task force be created, by the Commission, made up of parole and probation experts to look at Matrix type pool to assist in resolving issues of different crimes for different states.
- Chairman D. Guntharp suggested setting up a committee to visit with Rules Committee in Cincinnati to resolve issues such as seriousness of crimes/supervision.
- Chairman D. Guntharp suggested that the Rules Committee could assist in setting this task force up because of the complexity.
- Chairman D. Guntharp also sent a letter to the Director of NIC
- Ex-Officio P. Tuthill stated that idea is well received

#### **Training & Education**

- Training Committee Chair G. Powers commented that the surveys to the Commissioners have been well responded to.
- Training Committee Chair G. Powers wants to report at the Annual Meeting what all states are doing in regards to training.

- Commissioner E. Lightenberg suggested finding out what states have not responded. Kelli Price will send out a list of states that have not responded to Regional Chairs.

### IT

- Information Technology Chair J. Kuebler stated that the JAD session in Salt Lake City last month was successful.
- SoftScape: Coming back with a preliminary system for review at next JAD session in December.
- Information Technology Chair J. Kuebler stated that IT representatives need to meet to inform each other on what is going on in the system and how states can transfer and gather statistics.
- Chairman D. Guntharp suggested we might need rule changes after system is implemented.
- Executive Director D. Blackburn stated that 12 states have not received IT representative. Requested Sheila Perry send Region Chairs a list of states that have not responded.

### Compliance

- Legal Counsel R. Masters stated that a letter was sent to TN, October 4, 2004 regarding their direct violation of Compact rules. The letter reiterated history of case and a request to comply. Still pending on behalf on Commission.

### Finance

- Executive Director D. Blackburn will send out a draft of the budget to Executive Committee. Some budget items are moved because of IT requirements.
- Budget will be presented to Commissioners at the Annual Meeting, October 25<sup>th</sup> at 2:00 p.m.

### Executive Committee

- Chairman D. Guntharp anticipates a lot of discussion on proposed rules.
- Commissioner K. Winckler suggested that in some cases, instead of amending rules they should be sent back to Committee for discussion.
- Commissioner J. Kuebler suggested that Deputies should be involved in rule approval, especially with Rules Committee.

### Committee Regional Reports

- Commissioner B. Martinez (East) stated Massachusetts (who is not a Compact member) still working on getting MOU out to states.
- Commissioner J. Kuebler (South) stated a meeting was held to update committee and to go over each states progress.

- Commissioner L. Lucey (West) stated Executive Director D. Blackburn came to Utah- Sept 7<sup>th</sup> to meet with the State Council. National Office helped them out with a lot of training and states are responding with written update of progress.
- Commissioner E. Lightenberg (Mid-West) stated nothing to report

### **Old Business**

- None

### **New Business**

- Commissioner B. Martinez proposed that the following items be put on the agenda for the Executive Committee meeting on October 25<sup>th</sup>:
  - Determine proper procedure to increase supplemental dues by states for Commission expenses in compliance with Rule 2.103.
  - Breakdown of legal fees during the last fiscal year made available for the October 25<sup>th</sup> Executive Committee meeting.
  - Explanation as to the spending authority given to the Commission's legal counsel, as well as the oversight in place for expenses incurred outside the norm of routine business practice.
  - Whether the Commission currently has insurance to comply with the requirement of Art VI of the Compact and the Bylaws Art. V, sections 2&3 and if so will it also cover other litigation costs incurred.
  - Status of yearly audits
  - Status of vacancies for the Chairman of the Finance Committee & the Treasurer of the Executive Committees
- *Annual Meeting*- Executive Director D. Blackburn stated that the National Office is on track and prepared. Announced overflow issue at hotel and its resolution. Invited committee members for trial run of set-up on Monday, October 25<sup>th</sup>. Ballots will be part of record.
- *Awards*- Executive Director D. Blackburn stated that Commissioner W. Emmer hasn't voted yet. Winners will be announced at a later time.
- Executive Director D. Blackburn brought up issue of states not having proper appointment verification. Legal Counsel R. Masters suggested states need to get guidance from Executive Committee.
- Commissioner K. Winckler moved that any Commissioner must notify and provide credentials upfront from their state council or Governor stating that person is acting as Commissioner or is the Commissioner. Commissioner L. Lucey seconded. Motion passed unanimously.
- Chairman D. Guntharp stated that Executive Director D. Blackburn will send follow-up letter to registered representatives to stay on top of this issue.

### **Adjourn**

- Motion for meeting to adjourn was made by Commissioner E. Lightenberg at 12:10 p.m. EST. Seconded by Commissioner G. Powers.



**INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION**  
**EXECUTIVE COMMITTEE MEETING**

**October 27, 2004**  
**2:00 p.m. EST**  
**Buckhead-Westin Hotel, Atlanta, Georgia**

---

2:00 p.m.

**Call to Order**

*[David Guntharp, Chair]*

**Roll Call**

*[Executive Director]*

**Approval of Agenda**

**Reading and Approval of Minutes**

*[Executive Director]*

**Committee Reports**

- Rules
  - *-Kathie Winckler*
- Training & Education
  - *-Genie Powers*
- Information/Technology
  - *-Joe Kuebler*
- Compliance
  - *-Warren Emmer*
- Finance
  - *Treasurer/Executive Director*
- Executive Committee
  - *-David Guntharp*
- Regional
  - *-Ben Martinez (East)*
  - *-Joe Kuebler (South)*
  - *-Leo Lucey (West)*
  - *-Ed Lightenberg (Mid-West)*
- Victim's Representative
  - *Pat Tuthill*

- Executive Committee

**Old Business**

**New Business**

➤ Site Annual Meeting

**Adjourn**



The Council of State Governments  
Balance Sheet  
Fund 88 INTERSTATE COMM/ADULT OFFENDER  
Month Ending 09/30/2004

ADVANCES, DEPOSITS & PREPAIDS	4,583.33
FIXED ASSETS	12,473.29
ACCUMULATED DEPRECIATION	(5,308.44)
CASH WITH CSG	1,113,883.18
Total Assets	1,125,631.36
	-----
	-----
Beginning Fund Balance	515,151.98
Excess Revenue over(under) Exp	610,479.38
Ending Fund Balance	1,125,631.36
	-----
Liabilities and Fund Balance	1,125,631.36
	=====

**From:** Don Blackburn  
**Sent:** Friday, October 22, 2004 10:47 AM  
**To:** Mindy Spring  
**Subject:** FW: Insurance from Lawsuit  
Put in a folder for me for the annual meeting

**Don Blackburn**  
**Executive Director**  
**Interstate Commission for Adult Offender Supervision**  
**P.O. Box 11910**  
**Lexington, KY 40578-1910**  
**(859) 244-8229 Office**  
**(859) 321-0337 Mobile**  
[dblackburn@csg.org](mailto:dblackburn@csg.org)

**Confidentiality Note:**

The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities names as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this facsimile in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

---

**From:** Wade Littrell  
**Sent:** Wednesday, October 20, 2004 4:49 PM  
**To:** Don Blackburn  
**Subject:** Insurance from Lawsuit

Don,

Our broker with Palmer and Cay did not know of any packaged insurance that would cover the scenario you described. As you know he is taking a shot that D&O might cover you but that is iffy.

After discussing it further with another broker today we think it COULD be possible for you to get insurance. In order to find out we need to describe exactly what the insurance would be expected to cover and then submit it to an insurance company to see if they would underwrite it and for how much. As he put it "everything is insurable its just a matter of how much it costs". So the answer is to carefully detail what the insurance would cover and submit it to see if anyone will write a policy and for how much. If they would write a policy to your satisfaction we would need to have it reviewed by an insurance attorney to make sure that it does satisfy your needs.

I would tell your president that the answer is maybe and we won't know for sure until ICAOS outlines the coverage they want and we shop it around for any takers.

Wade

Wade Littrell, Controller  
The Council of State Governments  
Phone: 859-244-8144  
Fax: 859-244-8001  
email: [wlittrel@csg.org](mailto:wlittrel@csg.org)

Interstate Commission for Adult Offender Supervision  
 State Dues Assessment - Collection Update FY '05

Update  
 10/11/2004

Member States

State	FY '05 Dues	Received	Outstanding	Date
Alabama	\$25,000	\$0	\$25,000	
Alaska	\$18,000	\$18,000	\$0	8/3/2004
Arizona	\$25,000	\$0	\$25,000	
Arkansas	\$25,000	\$25,000	\$0	7/14/2004
California	\$46,000	\$46,000	\$0	8/30/2004
Colorado	\$25,000	\$25,000	\$0	7/30/2004
Connecticut	\$25,000	\$0	\$25,000	
Delaware	\$18,000	\$18,000	\$0	8/13/2004
Dist. of Columbia	\$18,000	\$0	\$18,000	
Florida	\$39,000	\$39,000	\$0	4/30/2004
Georgia	\$32,000	\$32,000	\$0	5/3/2004
Hawaii	\$18,000	\$18,000	\$0	7/23/2004
Idaho	\$18,000	\$0	\$18,000	
Illinois	\$39,000	\$39,000	\$0	8/30/2004
Indiana	\$25,000	\$25,000	\$0	5/3/2004
Iowa	\$25,000	\$25,000	\$0	8/9/2004
Kansas	\$25,000	\$25,000	\$0	9/14/2004
Kentucky	\$25,000	\$25,000	\$0	4/23/2004
Louisiana	\$25,000	\$25,000	\$0	6/2/2004
Maine	\$18,000	\$18,000	\$0	8/4/2004
Maryland	\$32,000	\$32,000	\$0	5/11/2004
Michigan	\$32,000	\$32,000	\$0	9/22/2004
Minnesota	\$25,000	\$25,000	\$0	9/28/2004
Mississippi	\$25,000	\$0	\$25,000	
Missouri	\$32,000	\$32,000	\$0	5/4/2003
Montana	\$18,000	\$18,000	\$0	7/23/2004
Nebraska	\$18,000	\$9,000	\$9,000	3/31/2004
Nevada	\$25,000	\$25,000	\$0	7/23/2004
New Hampshire	\$18,000	\$0	\$18,000	
New Jersey	\$32,000	\$32,000	\$0	9/2/2004
New Mexico	\$18,000	\$18,000	\$0	8/20/2004
New York	\$39,000	\$0	\$39,000	
North Carolina	\$32,000	\$32,000	\$0	10/11/2004
North Dakota	\$18,000	\$18,000	\$0	7/21/2004
Ohio	\$32,000	\$32,000	\$0	5/3/2004
Oklahoma	\$25,000	\$25,000	\$0	10/1/2004
Oregon	\$25,000	\$25,000	\$0	4/21/2004
Pennsylvania	\$32,000	\$32,000	\$0	5/20/2004
Puerto Rico	\$18,000	\$0	\$18,000	
Rhode Island	\$18,000	\$18,000	\$0	8/3/2004
South Carolina	\$25,000	\$25,000	\$0	7/30/2004
South Dakota	\$18,000	\$18,000	\$0	4/26/2004
Tennessee	\$25,000	\$25,000	\$0	7/23/2004
Texas	\$46,000	\$0	\$46,000	
Utah	\$18,000	\$18,000	\$0	8/6/2004
Vermont	\$18,000	\$0	\$18,000	
Virginia	\$32,000	\$32,000	\$0	6/21/2004
Washington	\$25,000	\$25,000	\$0	9/24/2004
West Virginia	\$18,000	\$0	\$18,000	

Wisconsin
Wyoming
TOTAL

\$25,000
\$18,000
\$1,298,000

\$25,000
\$18,000
\$994,000

\$0
\$0
\$302,000

8/3/2004  
5/28/2004

**Non-Member States**

State
American Samoa
Guam
Massachusetts
Northern Mariana
U.S. Virgin Islands

FY '05 Dues
\$18,000
\$18,000
\$25,000
\$18,000
\$18,000
\$97,000

Received
\$0
\$0
\$0
\$0
\$0
\$0

Outstanding
\$0
\$0
\$0
\$0
\$0
\$0

TOTAL

\$97,000

\$0

\$0

# Annual Meeting Attendees

Rep State	Last	First	Title	Address	City	State	Zip
Alabama	Ingram	Janel	Deputy Compact Administrator	PO Box 302405	Montgomery	AL	35085
Alabama	Oakes	Robert	Interstate Compact Administrator	301 S. Ripley Street, PO Box 302405	Montgomery	AL	36130
Alaska	Tupou	Leiton	Commissioner	431 N. Franklin, Suite 400	Juneau	AK	99801
Arizona	Byers	Dave	Director	1501 W. Washington, Suite 411	Phoenix	AZ	85007
Arizona	Ege	Dori	Deputy Compact Administrator	1501 W. Washington Street, Suite 344	Phoenix	AZ	85007
Arkansas	Eberhard	David	Attorney	105 W. Capitol, Two Union National Plaza, 2nd Floor	Little Rock	AR	72201
Arkansas	Geddings	Anne	Assistant Director of Administrative Services	105 W. Capitol, 2nd Floor	Little Rock	AR	72201
Arkansas	Guntharp	David	Director	105 W. Capitol, Two Union National Plaza	Little Rock	AR	72201
Arkansas	Strong	Linda	Interstate Compact Administrator	105 W. Capitol, Two Union National Plaza, 2nd Floor	Little Rock	AR	72201
Award Recipie	Brown	Paul					
Award Recipie	Tucker	Karen					
California	Jackson	Sharon	Interstate Compact Administrator	9825 Goethe Road, Suite 200	Sacramento	CA	95827
Colorado	Miller	Jeanne	Director	12157 W. Cedar Drive	Lakewood	CO	80228

Rep State	Last	First	Title	Address	City	State	Zip
Colorado	Morrison	Terri					
Colorado	Skiver	Sally	Deputy Compact Administrator	12157 W. Cedar Drive	Lakewood	CO	80228
Connecticut	Aiello	Micha	Program Manager	936 Silas Deane Hwy	Wethersfield	CT	06109
Connecticut	Fecteau	Rae A	Interstate Coordinator	936 Silas Deane Hwy	Wethersfield	CT	06109
Connecticut	Lantz	Theres	Commissioner	24 Wolcott Hill Road	Wethersfield	CT	06109
CSG	Mounjjoy	John	Director, National Centers for Interstate Compacts	2760 Research Park Drive	Lexington	KY	40578
Delaware	Grinstead	Alan	Director	26 Parkway Court	New Castle	DE	19720
Delaware	Hines	Karl	Regional Manager	1601 N. Pines St.	Wilmington	DE	19802
District of Col	Quander, Jr.	Paul	Director	633 Indiana Avenue, NW	Washington	DC	20004
District of Col	Terry-Crusor	Cather	Branch Chief Deputy Compact Administrator	25 K Street, NE Room 327	Washington	DC	20002
Ex Officio	Darrington	Demo	Senator	3025 Hwy 77	Declo	ID	83323
Ex Officio	Tuthill	Pat	Ex Officio Victim Representative	PO Box 465	Mary Esther	FL	32569
Ex Officio	VandeWalle	Gerald	Chief Justice	600 East Boulevard Ave., Dept. 180	Bismarck	ND	58505
Ex-Officio	Humphries	Kerri					
Florida	Aichison	R. Bel	Assistant Secretary	2601 Blainstone Road	Tallahassee	FL	32399

Rep State	Last	First	Title	Address	City	State	Zip
Florida	Groves	Barry	Deputy Assistant Director of Community Corrections	2601 Blairstone Road	Tallahassee	FL	32399
Georgia	Clark	Lindy					
Georgia	Donald	Joyce	Deputy Compact Administrator				
Georgia	Kuebler	Joe	Director of Compact Services	#2 MLK Jr. Dr. SE	Atlanta	GA	30334
Hawaii	Hajime	Ronal	Probation Administrator	777 Punchbowl Street	Honolulu	HI	96813
Idaho	Nelson	Dave	Deputy Administrator of Operations	1299 N. Orchard Street, Suite 110	Boise	ID	83706
Illinois							
Indiana	Bauer	Jennif	Staff Attorney	115 W. Washington St., Suite 1075 S.	Indianapolis	IN	46204
Indiana	Champion	Robert	Security Advisor/Probation Administrator	115 W. Washington Street, Suite 1075	Indianapolis	IN	46204
Indiana	Hegewald	Art	Deputy Compact Administrator	302 W. Washington St.	Indianapolis	IN	46204
Indiana	Seigel	Jane	Executive Director	115 W. Washington St., Suite 1075	Indianapolis	IN	46204
Iowa	Bucklew	Jeanet	Offender Services Deputy Director	420 Watson Powell Jr. Way	Des Moines	IA	50309
Kansas	Sanders	Robert	Deputy Secretary	900 SW Jackson, 4th Floor	Topeka	KS	66612
Kentucky	Payton	Allan	Deputy Compact Administrator	PO Box 2400	Frankfort	KY	40602
Kentucky	Tolley	Angel	Deputy Compact Administrator				

Rep State	Last	First	Title	Address	City	State	Zip
Kentucky	Tolley	Angel	Deputy Compact Administrator	PO Box 2400	Frankfort	KY	40602
Legal Counsel	Freimuth	Victor	Chief Counsel	1101 South Front Street, Suite 5100	Harrisburg	PA	17104
Legal Group	Larson	Ronda	Assistant Attorney General	PO Box 40116	Olympia	WA	98504
Legal Group	Paltz	Robert	Attorney	3099 E. Washington Ave.	Madison	WI	53707
Legal Group	Schindewolf	Craig	Assistant Chief	PO Box 862	Trenton	NJ	08625
Legal Group	Sorenson	Ken	Assistant Attorney General	900 East Blvd., 17th Floor	Bismarck	ND	58505
Legal Group	Torgenson	Kirk	Chief Deputy	5272 So. College Drive, Suite 200	Salt Lake City	UT	84123
Legal Group	Valenti	Linda	Legal Counsel	80 Wolf Road, Suite 501	Albany	NY	12205
Louisiana	Powers	Eugen	Director	504 Mayflower Street	Baton Rouge	LA	70802
Louisiana	Smith	Gregg	Deputy Compact Administrator	PO Box 94304, Capitol Station	Baton Rouge	LA	70804
Maine	Theriault	Wayn	Deputy Compact Administrator	111 State House Station	Augusta	ME	04333
Maryland	Brock	Melan	Administrator	6776 Reisterstown Road	Baltimore	MD	21215
Maryland	Sachwald	Judith	Director	6776 Reisterstown Road	Baltimore	MD	21215
Maryland	Skuhr	Verno	Chief, Bureau of Special Services	7602 Oak Ridge Road	Jessup	MD	20794
Massachusetts	LaFratia	Don	President	PO Box 47	Medfield	MA	02052



Rep State	Last	First	Title	Address	City	State	Zip
Michigan	Yukins	Joan	Deputy Director Field Operations	Grandview Plaza Building, 3rd Floor, 206 E. Michigan	Lansing	MI	48933
Minnesota	Bisch	Rose	Deputy Compact Administrator	1450 Energy Park Drive, Suite 200	St. Paul	MN	55113
Minnesota	Merz	Ken	Director	1450 Energy Park Drive, Suite 200	St. Paul	MN	55108
Mississippi	Epps	Christ	Commissioner	723 North President Street	Jackson	MS	39202
Mississippi	Keys	Ivy	Compact Administrator	723 North President Street	Jackson	MS	39202
Missouri	LaCoor	Wend	Deputy Compact Administrator	1511 Christy Drive	Jefferson City	MO	65101
Montana	Fertter	Mike	Community Corrections Administrator	1539 11th Avenue	Helena	MT	59620
National Office	Blackburn	Don	Executive Director	PO Box 11910	Lexington	KY	40578
National Office	Kenoyer	Ashle	Office Director	PO Box 11910	Lexington	KY	40578
National Office	Masters	Rick	Legal Counsel	PO Box 11910	Lexington	KY	40578
National Office	Perry	Sheila	Web Editor	PO Box 11910	Lexington	KY	40578
National Office	Price	Kelli	Logistics and Administrative Coordinator	PO Box 11910	Lexington	KY	40578
National Office	Spring	Mindy	Administrative Assistant	PO Box 11910	Lexington	KY	40578
Nebraska	Clarke	Haral	Director	PO Box 94661	Lincoln	NE	68509
Nevada	Madrin	Kim	Deputy Compact Administrator	215 E. Bonanza Road	Las Vegas	NV	89101

Rep State	Last	First	Title	Address	City	State	Zip
Nevada	Wright	Amy	Chief	1445 Hot Springs Road, Suite 104	Canon City	NV	89706
New Hampshire							
New Jersey	D'Amico	John	Chairman	PO Box 862	Trenton	NJ	08625
New Jersey	Golden	Joseph	Deputy Compact Administrator	PO Box 862	Trenton	NJ	08625
New Jersey	Gusz	John	Deputy Compact Administrator	PO Box 960	Trenton	NJ	08060
New Mexico	Gonzales	Edward	Commissioner	PO Box 27116	Santa Fe	NM	87502
New York	Bitel	Richard	Special Assistant of Interstate Operations	845 Central Avenue	Albany	NY	12206
New York	DePietro	Michael	Area Supervisor	845 Central Avenue	Albany	NY	12206
New York	Elia, II	Anthony	Executive Director	97 Central Avenue	Albany	NY	12206
New York	Maccarone	Robert	Executive Deputy Director	80 Wolf Road, Suite 501	Albany	NY	12205
North Carolina	Jordan	Allison	Deputy Compact Administrator	2020 Yonkers Road, Mail Service Center 4250	Raleigh	NC	27699
North Carolina	Pilkington	Sherry	Assistant Director of Special Operations	2020 Yonkers Road, Mail Service Center 4250	Raleigh	NC	27699
North Dakota	Emmer	Walter	Director, Field Services Division	PO Box 5521	Bismark	ND	58506
North Dakota	Placek	Charlie	Deputy Compact Administrator	PO Box 5521	Bismark	ND	58506
Ohio	Hageman	Harry	Deputy Director	1050 Freeway Drive, North	Columbus	OH	43229

Rep State	Last	First	Title	Address	City	State	Zip
Oklahoma	Gillian	Milton	Administrator of Parole and Interstate Services	1700 Classen Blvd., Suite 110	Oklahoma Cit	OK	73118
Oregon	Taylor	Scott	Community Corrections Chief	2575 Center St. NE	Salem	OR	97310
Pennsylvania	Fickel	Collee	Deputy Compact Administrator	1101 S. Front Street, Suite 5800	Harrisburg	PA	17104
Pennsylvania	Martinez	Ben	Chairman	1101 S. Front Street	Harrisburg	PA	17104
Pennsylvania	Ryan	Sean	Board Member	1101 S. Front Street, Suite 1500	Harrisburg	PA	17104
Pennsylvania	Thompson	Marga	Deputy Compact Administrator	1101 S. Front Street, Suite 5800	Harrisburg	PA	17104
Puerto Rico	Ayala-Rios	Carme	Compact Administrator	PO Box 71308	San Juan	PR	00936
Puerto Rico	Bird	Alexis	Commissioner	PO Box 71308	San Juan	PR	00936-8404
Rhode Island	Dunphy	Kevin	Deputy Compact Administrator	J. Joseph Garrahy Center, Dorrance Plaza	Providence	RI	02903
Rhode Island	Wall	A.T.	Director	40 Howard Avenue	Cranston	RI	02920
Softscape	Borjesson	Terry					
Softscape	Watkins	Rick					
South Carolina	Hyde	D. An	Director	PO Box 50666	Columbia	SC	29250
South Dakota	Ligtenberg	Ed	Director of Parole	1600 North Drive	Sioux Falls	SD	57117
Tennessee	Tullack	Gary	Director of Field Services	404 James Robertson Parkway, Suite 1410	Nashville	TN	37242

Rep State	Last	First	Title	Address	City	State	Zip
Texas	Hernandez	Larry	Deputy Compact Administrator	4616 W. Howard Lane, Suite 250	Austin	TX	78728
Texas	Para	Raym	Compact Administrator	4616 W. Howard Lane, Suite 250	Austin	TX	78728
Texas	Winckler	Kathie	Commissioner	911 Peachwood Bend	Houston	TX	77077
Utah	Luczy	Leo	Deputy Director	14717 So. Minuteman Drive	Draper	UT	84020
Vermont	Kotkin	Jacque	Field Services Executive	103 South Main Street	Waterbury	VT	05671
Virginia	Camacho	James	Deputy Director	6900 Azmore Dr. Room #3065	Richmond	VA	23225
Washington	Geiger	Donce	Assistant Programs Administrator	PO Box 41126	Olympia	WA	98504
West Virginia	Lowery	Henry	Compact Commissioner	112 California Avenue	Charleston	WV	25305
Wisconsin	Rankin	Willia	Compact Administrator	3099 E. Washington Ave. PO Box 7925	Madison	WI	53707
Wyoming	Poszgi	Les	Administrator for Field Services	700 West 21st Street	Cheyenne	WY	82002
Wyoming	Sconce	Shane	Deputy Compact Administrator	700 West 21st Street	Cheyenne	WY	82002

**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>
<b>Total Budget Remaining</b>	<b>\$845,506.70</b>

**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**

State	FY '04 Dues	Received	Outstanding
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>\$218,000</b>	<b>\$0</b>	<b>\$0</b>

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

<u>State</u>	<u>Projected Dues per State 1</u>	<u>State Dues Rate 2</u>	<u>State Population 3</u>	<u>U.S. Population 3</u>	<u>State Offender Transactions 4</u>	<u>U.S. Offender Transactions 4</u>
Northern Marianas (a)	\$18,000	0.000150	43000	285230516	35	234085
American Samoa (a)	\$18,000	0.000180	48000	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	0.003887	1274923	285230516	680	234085
New Hampshire (b)	\$18,000	0.004067	1235786	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	1293953	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	2233169	285230516	930	234085
New Mexico	\$18,000	0.007157	1819048	285230516	1858	234085
Nevada	\$25,000	0.009748	1998257	285230516	2923	234085
Kansas	\$25,000	0.009959	2688418	285230516	2456	234085
Iowa	\$25,000	0.010651	2926324	285230516	2585	234085
Mississippi	\$25,000	0.010688	2844658	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	3486	234085
Puerto Rico (a)	\$25,000	0.013257	3808610	285230516	3081	234085
Oklahoma	\$25,000	0.014729	3450854	285230516	4054	234085
Kentucky	\$25,000	0.014864	4041789	285230516	3642	234085
Colorado	\$25,000	0.014922	4301261	285230516	3456	234085
South Carolina	\$25,000	0.015931	4012012	285230516	4166	234085
Alabama	\$25,000	0.016621	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	5130632	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	4468978	285230516	4888	234085
Minnesota	\$25,000	0.018685	4919479	285230516	4701	234085
Wisconsin	\$25,000	0.018668	5363675	285230516	4338	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	15192	234085
Texas	\$46,000	0.088867	20851820	285230516	24492	234085
California	\$48,000	0.114864	33871648	285230516	25878	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 - FY'04**

<u>State</u>	<u>Projected Dues per State 1</u>	<u>State Dues Ratio 2</u>	<u>State Population 3</u>	<u>U.S. Population 3</u>	<u>State Offender Transactions 4</u>	<u>U.S. Offender Transactions 4</u>
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	493762	285230516	793	234085
North Dakota	\$18,000	0.003208	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	0.003667	1274923	285230516	680	234085
New Hampshire (b)	\$18,000	0.004067	1235786	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	1293953	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	2233169	285230516	930	234085
New Mexico	\$18,000	0.007157	1819046	285230516	1858	234085
Nevada	\$25,000	0.009746	1998257	285230516	2923	234085
Kansas	\$25,000	0.009959	2688418	285230516	2456	234085
Iowa	\$25,000	0.010651	2926324	285230516	2585	234085
Mississippi	\$25,000	0.010868	2844658	285230516	2660	234085
Oregon	\$25,000	0.011248	3421399	285230516	2458	234085
Connecticut	\$25,000	0.011250	3405566	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	4301261	285230516	3456	234085
South Carolina	\$25,000	0.015931	4012012	285230516	4166	234085
Alabama	\$25,000	0.016621	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	5130632	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	4468978	285230516	4888	234085
Minnesota	\$25,000	0.018665	4919479	285230516	4701	234085
Wisconsin	\$25,000	0.018668	5363675	285230516	4338	234085

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

<u>State</u>	<u>Projected Dues per State</u> <sup>1</sup>	<u>State Dues Ratio</u> <sup>2</sup>	<u>State Population</u> <sup>3</sup>	<u>U.S. Population</u> <sup>3</sup>	<u>State Offender Transactions</u> <sup>4</sup>	<u>U.S. Offender Transactions</u> <sup>4</sup>
Maryland	\$32,000	0.021498	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	0.035253	7078515	285230516	10700	234085
Florida	\$39,000	0.047751	15982378	285230516	8239	234085
New York	\$39,000	0.053217	18976457	285230516	9341	234085
Illinois	\$39,000	0.054220	12419293	285230516	15192	234085
Texas	\$46,000	0.088867	20851820	285230516	24492	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 Amount	Category 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 (PC2)	1 FTE x \$34,652 annual salary	34,652	
Logistics & Administration Assistant (PC1)	.5 FTE x \$27,721 annual salary	13,861	
			<b>214,235</b>
Fringe Benefits	30% of staffing costs	64,271	
			<b>64,271</b>
<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')	\$60 x 12 months	720	
			<b>14,595</b>
<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	
			<b>36,760</b>
Insurance	4 FTE x \$39 x 12 months	1,824	
			<b>1,824</b>
<b>Copies, Production &amp; Printing</b>			
Copies		4,500	
Production		6,000	
Printing		10,000	
			<b>20,500</b>
<b>Supplies</b>			
			<b>12,500</b>
<b>Miscellaneous Expenses</b>			
Staff Travel		40,000	
Education/Outreach		10,000	
Training/Technical Assistance		10,000	
			<b>60,000</b>

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>			
Postage		1,000	
Photocopy		1,000	
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	
A/V Charges		2,565	
Consultant/Facilitator	\$700 per day x 5 days	3,500	
			<b>73,865</b>
<i>Meetings - Committees (3 meetings total)</i>	<i>All Committees simultaneously</i>		
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	
A/V 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>222,393</b>
--------------------------	--	--	----------------

GRAND TOTAL **1,017,000**

\* All figures used for budget calculations are based on the CSG Budget Book, FY03; 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

---

## 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 voting 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.



## Interstate Commission for Adult Offender Supervision

### Approved Amendments and Additions to the Rules

October 26, 2004

#### Sec. 1.101 Definitions

- (h) **“Compliance”** means that an interstate compact offender is abiding by all terms and conditions of supervision, including payment of restitution, family support, fines, court costs or other financial obligations imposed by the sending state.
- (r) **“Resident”** means a person who—  
(1) has continuously inhabited a state for at least one year prior to the commission of the offense for which the offender is under supervision; and  
(2) with the intent intends that such state shall be the person’s principal place of residence; and who  
(3) has not, unless incarcerated, relocated to another state or states for a continuous period of six months or more with the intent to establish a new principal place of residence.
- (s) **“Resident family”** means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who—  
(1) has resided in the receiving state for 180 days or longer as of the date of the transfer request; and  
(2) indicates willingness and ability to assist the offender as specified in the plan of supervision.
- (##) “Substantial compliance” means that an offender is sufficiently in compliance with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending state.

#### SEC. 2.105 Misdemeanants

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

#### SEC. 2.106 Offenders subject to deferred sentences

Offenders subject to deferred sentences are eligible for transfer of supervision under the same eligibility requirements, terms, and conditions applicable to all other offenders under this compact. Persons subject to supervision pursuant to a pre-trial intervention program, bail, or similar program, or who are under supervision for a minor misdemeanor offense, as defined in sec. 2.105 (b); are not eligible for transfer under the terms and conditions of this compact.

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

- (a) At the discretion of the sending state, an offender who has three months or more or an indefinite period of supervision remaining shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer, if the offender, pursuant to a valid plan of supervision—
- (1) is in substantial compliance with the terms of supervision in the sending state and
  - (2) is a resident of the receiving state; or
  - (3) (A) has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and  
(B) can obtain employment in the receiving state or has a visible means of support.
- (b)(1) *Military members* An offender who is a member of the military and has been transferred by the military to another state, and who meets the other criteria specified in sections 3.101 (a)(1) and 3.101 (a)(3)(B), shall be immediately eligible for transfer of supervision.
- (2) *Offenders who live with family who are members of the military* An offender who meets the other criteria specified in sections 3.101 (a)(1) and 3.101 (a)(3)(B) and who lives with a family member who has been deployed to another state, shall be immediately eligible for transfer, provided that the offender will live with the military member in the receiving state.
- (3) *Employment of family member in another state* An offender who meets the other criteria specified in sections 3.101 (a)(1) and 3.101 (a)(3)(B), and whose family member, with whom he or she resides, is transferred to another state and obtains full-time employment, shall be immediately eligible for transfer, unless the receiving state can show good cause for rejecting the transfer request provided that the offender will live with the family member in the receiving state.
- (bc) A receiving state, for good cause shown, may consent to the transfer of supervision of an offender who does not otherwise qualify for transfer of supervision.

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

- (a) A sending state shall not allow an offender under supervision in the sending state to relocate to a receiving state without the receiving state's acceptance of the transfer of supervision.
- (b) Exception—
- (1)(A) A sending state may grant a travel permit to an offender who was living in the receiving state at the time of sentencing.  
(B) This exception is not applicable to offenders released to supervision from prison.
  - (2)(A) Prior to granting a travel permit to an offender under sec. 3.103(b)(1), the sending state shall verify that the offender is living in a resident of the receiving state and shall immediately contact the receiving state's interstate compact office by telephone, telefax or electronic mail to request provisional reporting instructions.  
(B) The receiving state shall issue provisional reporting instructions no later than two business days following receipt of such notification and request from the sending state.  
(B) A travel permit, not to exceed seven days, may be issued to the offender to allow for the request and issuance of reporting instructions. A copy of the travel permit will be immediately forwarded to the receiving state by telefax or electronic mail and will expire either upon the offender's arrival in the receiving state or on the travel permit's expiration date. The sending state retains supervisory responsibility during this period. If the receiving

state rejects the transfer request or the travel permit's expiration date is reached, rules 3.103 (b)(5)(A) & (B) shall apply.

~~(C) No travel permit shall be granted by the sending state until provisional reporting instructions are received from the receiving state.~~

(C) The sending state shall ensure that the offender sign all forms requiring the offender's signature under sec. 3.107 (a) prior to granting a travel permit to the offender. The sending state shall immediately transmit the signed forms electronically or by telefax to the receiving state.

~~(D) The sending state shall ensure that the offender signs all forms requiring the offender's signature under sec. 3.107 (a) prior to granting a travel permit to the offender. The sending state shall immediately transmit the signed forms electronically or by telefax to the receiving state.~~

(D) The receiving state shall issue reporting instructions no later than two business days following receipt of such notification and request from the sending state.

(3) ~~Upon receipt of notification and verification by the sending state of residency, a~~ A receiving state shall assume responsibility for supervision of an offender who is granted a travel permit ~~reporting instructions~~ during the investigation of the offender's plan of supervision ~~upon the offender's arrival in the receiving state.~~

(4) A sending state shall transmit a completed transfer request for an offender granted reporting instructions a travel permit no later than 15 calendar days following the granting to the offender of the reporting instructions travel permit.

(5)(A) If the receiving state rejects the transfer request for an offender granted a travel permit, or if the sending state fails to send a completed transfer request by the 15th day following the granting of a travel permit, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request from the receiving state, direct the offender to return to the sending state by a date specified by the sending state

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

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

### SEC. 3.104 Time allowed for investigation by receiving state

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

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

(2) A sending state that has been notified of an incomplete transfer request shall, within five business days following receipt of notice of incompleteness, remedy the incompleteness by providing the missing material or demonstrating good cause why the incompleteness cannot be remedied within five business days, which the receiving state shall consider. Receipt by the sending state of notice of an incomplete transfer request shall be presumed to occur by the fifth business day following transmission by the receiving state.

(3) The 45-calendar-day period for investigation of and response to a sending state's request for transfer of an offender's supervision shall be suspended until the sending state supplies the missing material in the transfer request.

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

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

#### *New rule*

#### **SEC. 3.1041      Acceptance of offender; issuance of reporting instructions**

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

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

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

(a)(1) A sending state may request that a receiving state agree to an expedited transfer of an offender if the sending state believes that emergency circumstances exist and the receiving state agrees with that determination.

(2) (A) A receiving state that agrees to expedited transfer of an offender shall immediately issue reporting instructions for the offender, and a sending state shall immediately issue a travel permit.

(B) The sending state shall ensure that the offender signs all forms requiring the offender's signature under sec. 3.107 (a) prior to granting a travel permit to the offender. The sending state shall immediately transmit the signed forms electronically or by telefax to the receiving state.

(C) At the time of transmission of the signed forms, the sending state shall provide the receiving state with a copy of the offender's orders and conditions, documentation of the offender's residency, copy of any available pre-sentence report, copy of any order of protection, where applicable, and whether the offender is subject to sex offender registration in the sending state.

(b) A receiving state shall assume responsibility for supervision of an offender who is granted a travel permit reporting instructions during the investigation of the offender's plan of supervision upon the offender's arrival in the receiving state.

(c) A sending state shall transmit a completed transfer request for an offender granted a travel permit no later than seven calendar days following the granting to the offender of the travel permit.

(d)(1) If the receiving state rejects the transfer request for an offender granted a travel permit, or if the sending state fails to send a completed transfer request by the 7<sup>th</sup> seventh calendar day following the granting of a travel permit, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state by a date specified by the sending state.

(2) If the offender does not return to the sending state, the sending state shall initiate the retaking of the offender no later than 10 calendar days following the offender's failure to appear in the sending state.

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

SEC. 3.107 Application for transfer of supervision

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



**SEC. 4.106 Progress reports**

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

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

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

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

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

SEC. 4.112 Closing of supervision by the receiving state

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

SEC. 5.102, New felony offense

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

*New rule*

SEC. 5.112 Effect of special conditions or requirements

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