Interstate Commission for Adult Offender Supervision

Ensuring Public Safety for the 21st Century

2012 ICAOS Annual Business Meeting

Docket Book

Aug. 28-29, 2012

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

2012 ANNUAL BUSINESS MEETING DOCKET BOOK

- Agenda
- Minutes from September 14, 2011
- Data Collection
- Budget
- State Dues Assessments
- Committees and Regions Reports
- ICAOS Statute
- ICAOS Bylaws
- ICAOS Rules

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING

August 28-29, 2012

The Madison Concorse Hotel
Madison, Wisconsin

Monday, August 27, 2012

3:00 pm – 5:00 pm	**Executive Committee Meeting**

Tuesday, August 28, 2012

8:00 am – 8:15 am	**Welcome & Accomplishments**
8:15 am – 10:00 am	**Overview of Retaking**
10:15 am – 11:45 am	**East Region Meeting**
	South Region Meeting
	Midwest Region Meeting
	West Region Meeting
11:45 am – 1:00 pm	*New Commissioner Lunch*
1:00 pm – 2:00 pm	**Region Meetings (Cont.)**
2:15 pm –3:30 pm	**Region Report Out & Retaking Panel Discussion**
3:30 pm – 4:30 pm	**Rules Committee meeting**
4:30 pm – 6:30 pm	**Reception**

Wednesday, August 29, 2012

8:00 am - 8:15 am **General Session**
Flag Presentation
Roll Call

8:15 am – 9:00 am **Welcome & Overview**

- *Cavanaugh, Wisconsin Commissioner*
- *Hamblin, WI DOC Secretary*
- *Milt Gilliam, Chairman*

Approval of Agenda

Approval of Minutes

- *September 14, 2011*

9:00 am – 10:00 am **Committees Reports**

- **Information & Technology Committee**
  - *Kathie Winckler, Chair*
- **Training, Education & Public Relations Committee**
  - *Dori Ege, Chair*
- **DCA Liaison Committee**
  - *Kim Madris, Chair*
- **Rules Committee**
  - *Gary Tullock, Chair*
- **Compliance Committee**
  - *Mike McAlister, Chair*
- **Finance Committee**
  - *Charles Lauterbach, Chair*
- **Victim Advocate**
  - *Pat Tuthill, Victim's Advocate*
    - *Ad Hoc on Victims Issues*
- **Legal Counsel**
  - *Rick Masters, Legal Counsel*

10:00 am – 10:15 am *Break*

10:15 am – 11:45 am	**Judges Panel** o *Moderator: Chief Justice Gerald VandeWalle, ND Supreme Court* o *Panelist: Judge L. Alan Goldsberry, Athens County Court of Common Pleas, OH* o *Panelist: Judge Michelle Larkin, Court of Appeals, MN* o *Panelist: Judge Warren Granville, Maricopa County Superior Court, AZ*
11:45 am – 1:00 pm	*Lunch [on your own]*
1:00 pm – 2:00 pm	**Best Practices**
2:00 pm – 2:30 pm	**Commission milestones** o *Harry Hageman, Executive Director*
2:30 pm – 3:00 pm	**Senator Denton Darrington**
3:00 pm – 3:15 pm	*Break*
3:15 pm – 3:45 pm	**Awards Presentation/Spirit Sightings**
3:45 pm – 4:45 pm	**New Business/Old Business** ➢ **Nomination Committee** ➢ **Nominees Address Commission** ➢ **Election of Officers** ➢ **Officers Oath of Office**
4:45 pm – 5:00 pm	**Call to the Public** **Adjourn**
5:15 pm – 6:15 pm	**Executive Committee Meeting**

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
ANNUAL BUSINESS MEETING MINUTES

September 14, 2011
Renaissance Montgomery Hotel
Montgomery, AL

Call to Order

The meeting was called to order by Chairman M. Gilliam (OK) at 8:04 a.m. CDT. Alabama Color Guard presented the flags.

Chairman M. Gilliam (OK) welcomed everyone to the 2011 Annual Business Meeting in Montgomery, AL.

Roll Call

Roll was called by Executive Director H. Hageman. Fifty-two out of fifty-three members were present, thereby constituting a quorum.

1. Alabama	Chris Norman, Commissioner
2. Alaska	Ronald Taylor, Commissioner
3. Arizona	Dori Ege, Commissioner
4. Arkansas	David Eberhard, Commissioner
5. California	Margarita Perez, Commissioner
6. Colorado	Susan White, Designee
7. Connecticut	John DeFeo, Designee
8. Delaware	Karl Hines, Commissioner
9. District of Columbia	Adrienne Poteat, Commissioner
10. Florida	Jenny Nimer, Commissioner
11. Georgia	Jenna James, Commissioner
12. Hawaii	Cheryl Marlow, Commissioner
13. Idaho	Kevin Kempf, Commissioner
14. Illinois	Michelle Buscher, Commissioner
15. Indiana	Jane Seigel, Commissionner
16. Iowa	Charles Lauterbach, Commissioner
17. Kansas	Kimberly Schwant, Designee

18. Kentucky	Timothy Carman, Commissioner
19. Louisiana	Gregg Smith, Designee
20. Maine	Scott McCaffery, Commissioner
21. Massachusetts	*Not in attendance*
22. Maryland	Patricia Vale, Commissioner
23. Michigan	John Rubitschun, Commissioner
24. Minnesota	Jill Carlson, Commissioner
25. Mississippi	Jerry Williams, Designee
26. Missouri	Ellis McSwain, Commissioner
27. Montana	Pam Bunke, Commissioner
28. Nebraska	Kari Rumbaugh, Designee
29. Nevada	Kim Madris, Commissioner
30. New Hampshire	Mike McAlister, Commissioner
31. New Jersey	Debra Alt, Designee
32. New Mexico	Edward Gonzales, Commissioner
33. New York	Andrea Evans, Commissioner
34. North Carolina	Jay Lynn, Designee
35. North Dakota	Leeann Bertsch, Commissioner
36. Ohio	Roger Wilson, Designee
37. Oklahoma	Milton Gilliam, Commissioner
38. Oregon	Mark Cadotte, Commissioner
39. Pennsylvania	Benjamin Martinez, Commissioner
40. Puerto Rico	Raquel Colon, Commissioner
41. Rhode Island	Kevin Dunphy, Designee
42. South Carolina	Kela Thomas, Commissioner
43. South Dakota	Ed Ligtenberg, Commissioner
44. Tennessee	Gary Tullock, Commissioner
45. Texas	Kathie Winckler, Commissioner
46. Utah	Mike Mayer, Commissioner
47. Vermont	Phillip Damone, Designee
48. Virginia	James Sisk, Commissioner
49. Virgin Islands	Warrington Chapman, Commissioner
50. Washington	Marjorie Martin, Designee
51. West Virginia	Henry Lowery, Commissioner
52. Wisconsin	Cari Taylor, Commissioner
53. Wyoming	Dawn Sides, Commissioner

Executive Director H. Hageman recognized Ex-Officio members:

- National Conference of State Legislatures - Senator D. Darrington
- National Victims Organization - P. Tuthill
- American Probation and Parole Association – D. Kincaid
- Association of Paroling Authorities International - K. Hardison
- Interstate Commission for Juveniles - D. Dodd
- Conference of State Court Administrators - S. Holewa
- National Governor Association – *Not in attendance*

- National Organization of State Chief Justice –*Not in attendance*
- National Organization of Attorney General – *Not in attendance*
- National Institute of Correction – *Not in attendance*

Welcome & Overview

Commissioner C. Norman (AL) welcomed the Commission to Montgomery, AL.

Legal Counselor R. Masters introduced former Chief Justice of the Alabama Supreme Court, Sue Bell Cobb, who gave a welcoming speech.

Chairman M. Gilliam (OK) instructed the Commission on the rules and procedures of the meeting.

Approval of Agenda

Commissioner E. Ligtenberg (SD) moved to approve the agenda as drafted. Commissioner E. Gonzales (NM) seconded.

Agenda approved.

Approval Minutes

Commissioner H. Lowery (WV) moved to approve the 2010 Annual Business Meeting minutes as drafted. Commissioner M. Cadotte (OR) seconded.

Minutes approved as drafted.

Compliance Committee Report

Commissioner M. McAlister (NH), Compliance Committee Chair, reported that the Compliance Committee met twice and discussed the following issues: California's Annual Dues, Commissioner Vacancies in VI & VT, Georgia and California's Incident Reports, and FY 2011 Compliance Audit Results.

FY 2011 had the following incident reports: Rule 2.110- Relocation in violation of the compact (7); Rule 3.101-3 -Sex offender rule (1); Rule 3.102 - Failure to submit a transfer request (5); Rule 3.103 - Reporting Instructions (1); Rule 3.104 - 45 day rule for investigations (1); Rule 3.106 - Expedited reporting instructions (1); Rule 4.105 - Arrival and departure notices (10); Rule 4.109 - Absconding violation (1); Rule 4.112 - Closing supervision (2); Rule 5.101 - Retaking rule (1); and Rule 5.103-2 - Mandatory retaking of violent offenders (1).

The National Office completed FY 2011 Compliance Audit in July 2011. Based on the results, the most common compliance issues are the following: 3.104 - Forty-five Day Rule; 3.106 - Seven Day Rule; 4.102 & 4.112(a)(1) - Case Closing; 4.105 (a) and (b) - Notices of arrival & departure and 4.106 - Progress Reports.

Based on the Compliance Committee recommendation, the Executive Committee decided to limit the compliance audit FY2012 to the 14 states that had five or more standards in the "C" category in FY 2011, which is less than 80% compliance.

Commissioner M. McAlister (NH) motioned to accept the Compliance Committee report. Commissioner H. Lowery (WV) seconded.

Report accepted.

Training, Education & Public Relations and Deputy Compact Administrators Committees Report

Commissioner D. Ege (AZ), Training Committee Chair and Deputy Compact Administrators Committee's Interim Chair, expressed her gratitude towards the Committees members and the National Office staff's work throughout the year.

In the past year, the Training Committee revised and updated Rules training curriculum (March 1, 2011), On-Demand Rules Modules, and Bench book (March 1, 2011). The Training Committee developed new Mini Trainings for Retaking for Significant Violations and Rule 5.103 and Probable Cause Hearings.

The Training Committee released one training bulletin on the Rule 1.101 Definitions - "Supervision."

The Training Committee received continuing Legal Education accreditation for on-demand modules from Alabama, Alaska, California, Colorado, Florida, Kentucky, Louisiana, New York, North Carolina, Texas, Vermont, Washington and Wyoming.

Commissioner D. Ege (AZ) reported on the on-site trainings delivered by Committee members and the National Office staff: ICAOS Workshops at APPA (February 2010 and July 2011) and APAI (May 2011); statewide Oregon ICOTS Training (Jan 31- Feb 3, 2011); and Compact Issues, ICOTS workshop, Liability & Consequences in Montgomery, Alabama (Sept 13, 2011).

The Committee members and the National Office staff provided ICAOS Rules Amendment, Rules, Mini Rules and ICOTS WebEx trainings.

Commissioner D. Ege (AZ) presented an overview of the on–demand training usage statistics from August 2010 until August 2011. Since the launch of the program in March 2006, more than 19,200 individuals received their training.

Commissioner D. Ege (AZ) reminded the Commission to use the Technical and Training Assistance Policy, if they would like any training assistance in their state.

Commissioner D. Ege (AZ) moved to accept the Training, Education and Public Relations Committee and the Deputy Compact Administrators Committee reports. Commissioner B. Martinez (PA) seconded.

Reports accepted.

Information & Technology Report

Commissioner K. Winckler (TX), Technology Committee Chair, thanked the Technology Committee members for their service to the Committee. The Technology Committee met seven times since the last Business Meeting in October 2010.

Throughout the year, the Technology Committee worked on Appriss contract's renewal, SEARCH Technical Assistance, and APPA Data Sharing Workgroup.

In August 2010, Appriss indicated that it would not renew the contract with the Commission at the current price. After detailed research, Executive Director H. Hageman contracted a national consortium for justice information and statistics, SEARCH, to examine Commission's options in this situation. SEARCH operates on federal grants; therefore, no funding by the Commission was required. Based on SEARCH results, the Commission signed a one year contract with Appriss to provide support of the system and continue fixing bugs, while the Commission is looking for another vendor.

The National Office hired a third party vendor, to monitor ICOTS performance. As a result, Appriss made several infrastructure updates, which improved page load times and overall performance.

Appriss developed and launched six releases that cover user administration fixes, additional ICOTS reports, fixes for bugs introduced in Release 11 series, internal performance updates, approved enhancements, and internal infrastructure updates.

Commissioner K. Winckler (TX) indicated that on May 1, 2011 the National Office began handling all ICOTS supporting calls. The National Office received over 3,500 support calls/emails inquiries, which is 40% decrease from FY 2009. Presently, calls are decreasing on average of 5.5% per month.

Commissioner K. Winckler (TX) informed the Commission about eight newly created external reports.

In March 2011, the National Office introduced Rules/Step-By-Step webpage, which remains the most viewed section of the website.

The National Office is developing the mobile website to deliver popular content in mobile format.

Commissioner K. Winckler (TX) moved to accept the Information and Technology Committee report. Commissioner G. Tullock (TN) seconded.

Report accepted.

Finance Committee Report

Commissioner C. Lauterbach (IA), Finance Committee Chair, presented the Finance Committee report to the Commission.

The Council of State Government recommends that the Commission maintain a reserve fund that is equal to its budget. The reserve amount includes $50,000 allotted for defense litigation.

The Finance Committee made a recommendation to invest into recommended by Council of State Governments long-term investment portfolio.

Commissioner C. Lauterbach (IA) moved that the Commission invest $20K per month in the Council of State Governments' long term investment portfolio with the ratio of 60% to the Vanguard total stock market index fund and 40% to the Vanguard intermediate term bond index fund for an investment total of $240K over the course of the year effective upon approval by the Commission. Commissioner G. Tullock (TN) seconded.

Motion passed by vote 47 to three.

Commissioner C. Lauterbach (IA) presented the FY 2013 budget to the Commission.

Commissioner C. Lauterbach (IA) moved to accept the proposed FY 2013 budget. Commissioner H. Lowery (WV) seconded.

Motion passed unanimously.

Commissioner C. Lauterbach (IA) presented the Dues Formula Ad Hoc Committee Report to the Commission.

The Ad Hoc Committee proposed to use 2010 census numbers and ICOTS offender numbers in the new formula. These recommendations were adopted and have been enacted by the ICAOS Executive Committee. No consensus was achieved among the Committee members regarding further changes to the compact dues formula.

Chairman M. Gilliam (OK) accepted the Ad Hoc Committee on Dues Report.

Ad Hoc on Risk Assessment Report

Commissioner L. Bertsch (ND) presented the Ad Hoc on Risk Assessment Report to the Commission.

In the interest of enhancing public safety, the Commission created this Ad Hoc Committee to explore the feasibility of incorporating the use of principles of effective classification which includes risk, need, responsivity, and professional discretion in the interstate compact transfer process.

The Risk Assessment Ad Hoc Committee met twice in 2011 to discuss risk assessment tools and processes used in their state. The Committee determined a consistent application of risk and need assessment and explanation was necessary. Individual states are using an array of risk and need assessment tools and there is an obvious need to develop simple and common language in order to maintain reliability. The Committee sent out a survey to gather additional information about risk assessment tools used in other member states.

The Committee determined it was not feasible to use a single risk assessment for use with interstate compact transfer cases. It recommends using a risk assessment as part of the interstate compact transfer process and, if a sending state has completed a risk assessment on the transferring case, it should be included in the packet as an additional piece of information for the receiving state. The Committee believes, the Commission can facilitate states speaking the same or similar language in terms of the goal for risk assessments by posting state specific risk assessment information on the Commission's website.

Chairman M. Gilliam (OK) accepted the Ad Hoc Committee on Risk Assessment Report.

Legal Counsel Report

Legal Counsel R. Masters presented his report to the Commission.

Throughout the year, Legal Counsel R. Masters assisted the Commission with interpretation, application and enforcement of the Compact provisions and Rules.

Legal Counselor provided judicial trainings concerning the Compact and its administrative rules in a number of states. Legal Counsel assisted in the updates to the 'On-Demand' Judicial Training Modules now available on the ICAOS website, assisted in the update of the ICAOS Bench Book and review and update of Judicial training and New Commissioner training materials as well as Parole and Probation Officer legal and liability training modules used for both WebEx and live training sessions.

Legal Counsel R. Masters in conjunction with the Executive Director has issued two advisory opinions concerning the interpretation and application of various provisions of the compact and its administrative rules and assisted with a number of informal requests for legal guidance from member states.

Legal Counsel R. Masters assisted the Compliance Committee, the Executive Committee and Executive Committee Workgroup in several matters pertaining to investigation, compliance, and enforcement responsibilities under the compact.

Legal Counsel R. Masters, Commissioner D. Ege and Commissioner E. Gonzales completed their work on the Compliance Paper.

Commissioner G. Tullock (TN) moved to go to the closed session to discuss Commission's legal matters. Commissioner (SD) seconded.

Motion passed.

Commissioner G. Tullock (TN) moved to come out of the closed session. Commissioner E. Ligtenberg (SD) seconded.

Motion passed.

Chairman M. Gilliam (OK) accepted Legal Counsel's Report.

Victims' Advocate Report

Victims' Advocate P. Tuthill (NVO) thanked the Ad Hoc Committee on Victims' Issues members for their involvement in the Committee's work.

The Executive Committee established an Ad Hoc Committee to study and improve ICAOS victim notification process and performance to ensure that notifications to all registered victims occur when their offender relocates to another state or the status of the offender changes based on Rule 3.108.

The Ad Hoc Committee met two times to review current victim notification rules and the *victim sensitive* definition and develop a survey on these topics.

The Committee decided considering rule modification regarding single point of contact for victim notification.

The Committee distributed a survey to ICAOS Victims' Representatives to determine how ICAOS notification and other rules notification events occur. The Committee will meet via WebEx to discuss the results and determine next steps.

Victims' Advocate P. Tuthill (NVO) thanked the Executive Committee for its cooperation.

Chairman M. Gilliam (OK) accepted the Victims' Advocate's Report.

Rules Committee Report

Commissioner G. Tullock (TN), Rules Committee Chair, presented his report to the Commission. He thanked the Committee members for their hard work and provided an overview of the Committee's accomplishments in the past year.

The Commission reviewed **2011-RULES-1.101 Resident** proposal submitted by the Rules Committee. The amendment has no effect on other rules, advisory opinions or dispute resolutions. The amendment does not require adjustments to ICOTS.

Motion to adopt proposal *2010-RULES - 1.101 Resident* by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion passed unanimously.

Rule 1.101 Definitions...

"Resident" means a person who—

(1) has continuously inhabited a state for at least one year prior to the commission of the offense for which the offender is under supervision; and

(2) intends that such state shall be the person's principal place of residence; and

(3) has not, unless incarcerated or on active military deployment, remained in another state or states for a continuous period of six months or more with the intent to establish a new principal place of residence.

PASSED

The Commission reviewed **2011-RULES-1.101 Violent Offender** proposal submitted by the Rules Committee. The amendment has no effect on other rules, advisory opinions or dispute resolutions. The amendment does not require adjustments to ICOTS.

Motion to adopt proposal *2010-RULES - 1.101 Violent Offender* by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion passed unanimously.

Rule 1.101 Definitions...

"Violent Offender" means an offender under supervision for a violent crime committed in the sending state.

PASSED

The Commission reviewed **2011-SOUTH-3.107(a)(3)** proposal submitted by the South Region. The amendment has no effect on other rules, advisory opinions or dispute resolutions. While the proposal may be implemented without modification to ICOTS, it is likely the information would not be transmitted consistently without significant changes to ICOTS with the estimated cost of $6, 840.

Motion to adopt proposal 2011-SOUTH-3.107(a)(3) by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Commissioner K. Winckler (TX) spoke against the amendment.

Motion failed by vote of 7 to 45.

Rule 3.107 Transfer Request

(a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—
(1) specific offense at conviction and sending state statute number;

FAILED

The Commission reviewed **2011-EAST-3.101-3** proposal submitted by the East Region. The amendment has no effect on other rules, advisory opinions or dispute resolutions. The Rules Committee changed the format of the original proposal and revised some of the language, without affecting the meaning or intent proposal.

The proposal can be implemented without modification to ICOTS.

Motion to adopt proposal 2011-EAST-3.101-3 by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Commissioner B. Martinez (PA) spoke in favor of the proposed amendment. He urged the Commission to vote for the amendment to prevent creating a group of displaced offenders that are more likely to reoffend.

Commissioner D. Ege (AZ) spoke against the proposed amendment stating that the amendment creates unclear language.

Motion failed by vote of 4 to 48.

Rule 3.101-3 Transfer of supervision of sex offenders

(a) *Eligibility for Transfer*-At the discretion of the sending state a sex offender shall be eligible for transfer to a receiving state under the Compact rules. A sex offender shall not be allowed to leave the sending state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state. In addition to the other provisions of Chapter 3 of these rules, the following criteria will apply.

(b) *Application for Transfer*-In addition to the information required in an application for transfer pursuant to Rule 3.107, in an application for transfer of supervision of a sex offender the sending state shall provide the following information, if available, to assist the receiving state in supervising the offender:
(1) assessment information, including sex offender specific assessments;
(2) social history;
(3) information relevant to the sex offender's criminal sexual behavior;

(4) law enforcement report that provides specific details of sex offense;
(5) victim information
(A) the name, sex, age and relationship to the offender;
(B) the statement of the victim or victim's representative;
(6) the sending state's current or recommended supervision and treatment plan.

~~(c) *Reporting instructions for sex offenders living in the receiving state at the time of sentencing* Rule 3.103 applies to the transfer of sex offenders, except for the following:~~
~~(1) The receiving state shall have five business days to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instruction. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.~~
~~(2) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state.~~

(c) The receiving state shall issue reporting instructions to sex offenders living in the receiving state at the time of sentencing per Rule 3.103, if the offender:

(1) meets the compact definition of resident of the receiving state supported by documentation provided by the sending state at the time of the request, and

(2) is on supervision for a term of probation that was not preceded by a continuous period of incarceration immediately prior to the effective date of the probation term.

(d) If the offender qualifies for reporting instructions under (c), the receiving state shall conduct an investigation of the proposed residence within 5 business days following receipt of the sending state's request for reporting instructions to ensure compliance with state laws and/or policies.

(1) If the results of the investigation indicate that the proposed residence is not suitable for a sex offender or invalid due to state laws and/or policies, the receiving state's field staff will assist the offender in establishing an alternative residence or an approved temporary living arrangement until an acceptable permanent residence can be secured.

(2) If the proposed residence is deemed appropriate for a sex offender, the offender shall be permitted to remain at that address pending the investigation of the transfer request.

(e) Upon receipt of a request for reporting instructions from the sending state for a sex offender who was living in the receiving state at the time of sentencing that does not meet the ICAOS definition of resident or who was incarcerated for a continuous period of time prior to being placed on probation, the receiving state shall have 5 business days to investigate the proposed residence. If the proposed residence is invalid due to existing law or policy, the receiving state may deny reporting instructions. No travel permit shall be

granted by the sending state until approved reporting instructions are issued by the receiving state.

FAILED

The Commission reviewed **2011-RULES-3.105** proposal submitted by the Rules Committee. The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions. This proposal does not require adjustments to ICOTS.

Motion to adopt proposal 2011-RULES-3.105 by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion passed by vote 51 to 1.

Rule 3.105 Pre-release transfer ~~R~~ request ~~for transfer of a paroling offender~~

(a) A sending state ~~shall~~ may submit a completed request for transfer of supervision no earlier than 120 days prior to an offender's planned release from a correctional facility ~~a paroling offender to a receiving state no earlier than 120 days prior to the offender's planned prison release date~~.
(b) If a pre-release transfer request has been submitted, a ~~A~~ sending state shall notify a receiving state
(1) if the planned release date changes; ~~of the offender's date of release from prison~~ or
(2) if recommendation for release ~~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~~ and shall provide immediate notice of such withdrawal to the sending state.
~~(2) A receiving state that withdraws its acceptance under Rule 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 Rule 3.105 (a).~~

PASSED

The Commission reviewed **2011-SOUTH-3.107(a)(1)** proposal submitted by the South Region. The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions. This proposal can be implemented without modifications to ICOTS.

Motion to adopt proposal 2011-SOUTH-3.107(a)(1) by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion failed by vote 16 to 36.

Rule 3.107 Transfer Request

(a) A Transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—

(1) transfer request ~~form~~ information entered into electronic information system;…..

FAILED

The Commission reviewed **2011-SOUTH-3.107(a)(2)** proposal submitted by the South Region. The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions. This proposal does not require adjustments to ICOTS.

Motion to adopt proposal 2011-SOUTH-3.107(a)(2) by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion failed by vote 9 to 43.

Rule 3.107 Transfer Request

(a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—

(2) ~~A narrative description of the~~ instant offense in sufficient detail to describe the ~~circumstances,~~ type and severity of offense, who committed the offense, where and when the offense was committed, how the offense was committed, and whether the charge has been reduced at the time of imposition of sentence;…..

FAILED

The Commission reviewed **2011-SOUTH-3.107(a) (5)(6)** proposal submitted by the South Region. The proposal creates a conflict with other rules as explained in the rules committee action below. While the proposal may be implemented without modification to ICOTS, it is likely the information would not be transmitted consistently without significant changes to ICOTS with the estimated cost of $90,000 to $120,000

Motion to adopt proposal 2011-SOUTH-3.107(a) (5)(6) by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion failed by vote 3 to 49.

Rule 3.107 Transfer Request

(a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—

(5) order of supervision with standard and special conditions of supervision within thirty (30) calendar days of the offender's arrival in the receiving state, if not available at the time the transfer request is submitted;

~~(6) conditions of supervision;~~

FAILED

The Commission reviewed **2011-SOUTH-3.107(a)(9)** proposal submitted by the South Region. The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions. The proposal does not require adjustment to ICOTS. ICOTS already allows for a user to enter gang affiliation information.

Motion to adopt proposal 2011-SOUTH-3.107(a)(9) by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Commissioner J. Sisk (VA) endorsed the amendment with two considerations: information on gang verification is provided and the provided information is recognized by law enforcement.

Motion passed by vote of 36 to 16.

Rule 3.107 Transfer Request

(a) A Transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—

(9) information as to whether the offender has a known gang affiliation, and the gang with which the offender is known to be affiliated;

PASSED

The Commission reviewed **2011-SOUTH-3.107(a)(11)** proposal submitted by the South Region. The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions. The amendment does not require adjustment to ICOTS.

Motion to adopt proposal 2011-SOUTH-3.107(a)(11) by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion passed by vote of 50 to 2.

Rule 3.107 Transfer Request

(a) A Transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—

(11) supervision history~~; unless it does not exist.~~ if the offender has been on supervision for more than thirty (30) calendar days at the time the transfer request is submitted;

PASSED

The Commission reviewed **2011-SOUTH-3.107(c)** proposal submitted by the South Region. The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions. The amendment does not require adjustment to ICOTS.

Motion to adopt proposal 2011-SOUTH-3.107(c) by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion failed by vote of 11 to 41.

Rule 3.107 Transfer Request

(c) Additional documents~~, necessary for supervision in the receiving state, such as the Judgment and Commitment, and any other information~~ may be requested from the sending state following acceptance of the offender. The sending state shall provide the documents within no more than 30 calendar days from the date of the request, unless distribution is prohibited by law or a document does not exist.

FAILED

The Commission reviewed **2011-RULES-4.111** proposal submitted by the Rules Committee. The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions. The amendment does not require adjustment to ICOTS.

Motion to adopt proposal 2011-RULES-4.111 by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion passed by vote of 50 to 2.

Rule 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. The offender shall remain in the receiving state until receipt of reporting instructions.

(b) Except as provided in subsection (c), the sending state shall grant the request and provide reporting instructions no later than two business days following receipt of the request for reporting instructions from the receiving state.

(c) In a victim sensitive case, the sending state shall not provide reporting instructions until the victim notification provisions of Rule 3.108~~.1~~ (b)(1)(C) have been followed.

(d) A receiving state shall notify the sending state as required in Rule 4.105 (a).

PASSED

The Commission reviewed **2011-SOUTH-4.112** proposal submitted by the South Region. The proposal does not appear to create a conflict with any other rules, advisory

opinions or dispute resolutions. This proposal can be implemented without modification to ICOTS, however the tracking of the time frame and the generation of automated email notifications requires modifications with the estimated cost of $13, 680.

Motion to adopt proposal 2011-SOUTH-4.112 by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Designee G. Smith (LA) spoke in opposition to the amendment. The time frame should be revisited – 10 days should be extended to 20 or 30 days.

Motion passed by vote of 41 to 11.

Rule 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) Notification to the sending state that the offender has been sentenced to incarceration for 180 days or longer, including judgment and sentencing documents and information about the offender's location;

(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 Rule 5.101.

(c) At the time a receiving state closes supervision, a case closure notice shall be provided to the sending state which shall include last known address and employment.

(d) The sending state shall submit the case closure notice reply to the receiving state within ten (10) business days of receipt.

PASSED

The Commission reviewed **2011-RULES-Bylaws Art VII Sec 3** proposal submitted by the Rules Committee. The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions. This proposal does not require adjustments to ICOTS.

Motion to adopt proposal 2011-RULES-Bylaws Art VII Sec 3 by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion passed by vote of 50 to 2.

Section 2. ~~Other~~ Standing Committees

……...

Section 3. Ad hoc Committees

The Commission may establish ad hoc committees to perform special purposes or functions. Upon creation of an *ad hoc* committee, the chairperson of the Commission shall issue a charge to the committee, describing the committee's duties and responsibilities. The charge shall specify the date by which the *ad hoc* committee shall complete its business and shall specify the means by which the *ad hoc* committee shall report its activities to the Commission.

Section ~~3~~ 4. Regional Representatives

PASSED

Commissioner G. Tullock (TN) made a motion the adopted proposals have effective date of March 1, 2012. Commissioner E. Ligtenberg (SD) seconded.

Motion passed unanimously.

Appriss Presentation

Appriss, Inc President P. Colangelo proposed to integrate both active and closed ICOTS cases into the JusticeXchange product for use by Federal, State and Local Government agencies. JusticeXchange is an integrated justice solution that gives an instant, up-to-date database of information from thousands of agencies across the country. JusticeXchange system was developed and is supported by Appriss, Inc.

Appriss, Inc will invest in engineering and development resources to integrate the ICOTS data into JusticeXchange. Appriss, Inc will be responsible for selling, marketing and training including costs associated with it. Appriss will be Commission's exclusive partner in sharing offender data and will pay 40% revenue share.

The Commission had discussion on the proposed notion. The Commission decided to research the matter before making the final decision.

Appriss, Inc will distribute the JusticeXchange coverage map among the commission members.

Commissioner K. Winckler (TX) made a motion to authorize the Executive Director to engage in discussions with Appriss, Inc. to use selected ICOTS data for inclusion in JusticeXchange, which Appriss, Inc provides exclusively for law enforcement

organizations provided that Appriss, Inc compensate ICAOS at a rate not less than 50 percent of Appriss, Inc revenue for each user/enterprise customer who receives this information.

Commissioner G. Tullock (TN) made an amendment to the motion "**the agreement reached by the Executive Director must be approved by majority vote of the Executive Committee following a 30 day comment period on the ICAOS website"**.

Commissioner R. Taylor (AK) seconded.

Motion passed by vote 33 to 18.

Legal Counsel R. Masters advised the Commission that it cannot share information on closed cases. Any agreement to share ICOTS data with JusticeXchange must include language prohibiting the use or display of closed cases and cases that are active at the time of the data transfer must be purged when the case closes.

Commissioner D. Ege (AZ) moved to amend the agenda by removing the Best Practices item due to time constrains. Commissioner J. Nimer (FL) seconded.

Motion passed unanimously.

<u>Compact Issues & General Discussions</u>
Commissioner D. Ege (AZ) made a motion to suspend Roberts Rules of Order. Commissioner G. Tullock (TN) seconded. Motion passed.

Commissioner D. Ege (AZ) instructed commissioners to identify main concerns in their region.

DCA M. Thompson (PA) presented the East Region's concerns:

1. Risk Assessment
    a. Too many tools used to determine risk and would be unreasonable to develop a single tool for compact cases.
    b. Would need to learn an additional tool for states that have their own
    c. Inaccuracy
    d. If they exist send them, but no rule promulgated that mandates a risk tool.
2. State's not transferring cases due to rule changes
    a. Retaking possibility
        a. Not essentially negative to have less cases transfer
    b. Look at cases and determine best suited plan to send or not.
3. Training
    a. Ask questions
        a. Spouse, when? Who? Is it a legal spouse?
    b. Legal training

4. Subsidize retaking by ICAOS
5. Earmark fees for retaking
6. Offender Violation Report vs Progress report
    a. "Remain under supervision" Remove or Not Remove
7. Violent Offender designation on Transfer Request
8. Late Notice Of Arrivals
9. Travel Advisories from ICAOS-What is liability of Interstate Office if notification is not forwarded.
10. Same Sex Marriages-Are other states going to recognize?

DCA R. Wilson (OH) presented the Midwest Region's topics:

1. 45 Day Rule (2.110-Relocate)
    a. Training
    b. Create definition of travel relocation
    c. Risk level
    d. Movement vs Transfer
        i. Does the Commission assume a greater scope of authority?
        ii. Recommend an Ad Hoc Committee to study issues.
2. Detainer Releases
    a. Releasing state fails to notify and Emergency Reporting instructions are denied
    b. Proposed rule for 3.106 regarding rejections after an offender is released prior to decision for a transfer request
3. Confidentiality
    a. How to share confidential information
    b. Private vs public record
    c. Recommend access levels in ICOTS
        i. General only limited access
    d. HIPAA exemption covers ICOTS data?
    e. State's own confidentiality laws.
    f. Offender waiving access to only one state.
    g. Option to not include in ICOTS
4. Compact Action Requests
    a. Used like email-labor intensive to review
    b. What is the purpose/intent for a CAR?
5. Case Closure Notice
    a. Enhancement to add attachments-Make priority (Already on enhancement list)
6. Incomplete Progress Reports
    a. Training
    b. Enhancement to make more fields mandatory.

Commissioner C. Norman (AL) presented the South Region's topics:

1. Budget impact:
    a. Retaking Offender Rules
        i. State can't retake because of cost.
        ii. No longer able to order return, must retake
        iii. Contract with agency to handle retake transportation
        iv. Recommend an ad hoc committee be formed to consider how a service can provide retaking for states.
            1. How will fund be established (charge offender fee, ICAOS, etc.)
            2. What are the liability implications to provide such services?
        v. PA: Can ICOTS provide data on how many offenders have had supervision terminated when mandatory retaking requested?
        vi. Training with other jurisdictions regarding the retaking responsibilities
    b. Rule proposals Adding Fiscal notes
        i. Develop process to provide information for developing fiscal note-Form Ad hoc Committee
        ii. Differences between states in costs
        iii. What's the fiscal impact; is rule worth adoption; are there alternatives that can be made to accomplish same goal?
2. Victim Notification
    a. Possibility for automatic victim notification.
        i. ICOTS enhancement to determine if the events triggering rule occurred.
        ii. Further work of ad hoc on victim notification to look at notifications and

DCA D. Persels presented the West Region's topics:

1. New category of offender in CA released from state prison (PRCS) will be designated in ICOTS as parole
2. Commissioner participation
    a. National, committee, region meeting scheduled way in advance.
    b. Designate if Commissioner is unable to attend
3. "Remain under supervision" box
    a. Use approved Ad Hoc Committee to address
    b. Require your state to only use OVR for significant violations.
    c. Mini-Training help with Training for your state
4. Removing "spouse" from definition of resident family and creating its own sdefinition.
    a. Need verification for this family member

5. Failure to issue mandatory warrants
    a. Don't give up on compliance with the requirements
        i. Word out to judicial personnel
        ii. Training workshops-Advocate the issue
        iii. National resources for assistance

Commissioner D. Ege (AZ) motioned to reinstate Roberts Rules of Order. Commissioner M. Cadotte (OR) seconded.

Motion passed unanimously.

Commissioner D. Ege (AZ) motioned to put together a survey prioritizing discussed by regions issues and their resolution list. Commissioner R. Taylor (AK) seconded.

Motion passed unanimously.

Award Presentations

- *Executive Chair Award* presented to Commissioner G. Tullock (TN) by Chairman M. Gilliam (OK).

- *Executive Director Award* presented to DCA K. Rumbaugh (NE) by Executive Director H. Hageman.

Peyton Tuthill Award presented to Victims' Advocate S. Brignon (TX) by Commissioner K. Winckler and Ex-Officio P. Tuthill (NVO).

Chairman M. Gilliam (OK) recognized those who preserve the *Spirit of the Compact* and expressed appreciation for their work: Karl Kramer, Naeemah Yarber, Brandy Lewis, Christine Cashatt, Jamie Little, Ryan Mills, Eric Ross, Lois Helker and Staff, Mike Stewart, and Mark Smith (Colorado), Sid Nakamoto and Max Otani (Hawaii), Roberta Cohen (New Mexico), Shawn Arruti (Nevada), Daphine Denney (Louisiana), Betty Grimes (Texas), Roger Wilson (Ohio), and Bethany Gaddy (Wyoming).

Officer and Chairs Recognition

Chairman M. Gilliam (OK) recognized officer and region chairs for their service and dedication: Commissioner Wayne Theriault (ME) as Vice Chair, Commissioner Ben Martinez (PA) as East Region Chair, Commissioner Chris Norman (AL) as South Region Chair, Commissioner Ed Gonzales (NM) as West Region chair, and Commissioner Sarah Andrews (OH) as Midwest Region Chair.

Chairman M. Gilliam (OK) announced that the next Annual Business Meeting would take place on October 23-24, 2012 in Madison, WI.

New Business

Ex-Officio S. Holewa (COSCA) expressed her appreciation for the exceptional level of discussion that takes place during the Commission's annual business meetings. As a

follow up on the earlier discussion, she will send the Commission a joint resolution on offenders' risk and needs assessment that was adopted by Conference of Chief Justice and the Conference of State Court Administrators.

Commissioner A. Poteat (DC) expressed her appreciation towards H. Hageman, K. Terry, G Powers, G. Smith and J. Tracy for their assistance with recent Eagle Horizon Exercise.

Ex-Officio P. Tuthill (NVO) called to explore the opportunity to connect victims' notification to ICOTS as it was previously discussed.

Chairman M. Gilliam (OK) stated the Executive Committee will review this request.

Election of Vice-Chair

Commissioner K. Kempf (ID) was nominated for Vice-Chair position by the West Region.

Commissioner K. Winckler (TX) was nominated for Vice-Chair position by the South Region.

Chairman M. Gilliam (OK) asked for nominations from the floor.

Commissioner E. Gonzales (NM) made a motion to cease the nominations for Vice-Chair. Commissioner H. Lowery (WV) seconded.

Motion passed.

The candidates for Vice-Chair addressed the Commission.

The Commission voted electronically by secret ballot.

Commissioner K. Kempf (ID) was elected as Vice-Chair.

Oath of Officers

Senator D. Darrington (ID) administered the Oath of Officers to the newly elected Officers: Commissioner K. Kempf (Vice-Chair), Commissioner M. Cadotte (West Region Chair) and Commissioner S. McCaffery (East Region Chair).

Call to the Public

Chairman M. Gilliam (OK) opened floor to the public comments. No comments were received.

Adjourn

Commissioner E. Gonzales (NM) made a motion to adjourn. Commissioner R. Taylor (AK) seconded.

Motion passed.

The Commission adjourned at 4:15 pm CDT.

Offenders on Active Compact Supervision as of the Close of FY2012

	Incoming				Outgoing				
States	Probation Only	Parole Only	Probation and Parole	Total Incoming	Probation Only	Parole Only	Probation and Parole	Total Outgoing	Total Offenders
Alabama	3,073	724	215	4,012	1,326	444	32	1,802	5,814
Alaska	166	63	7	236	169	32	67	268	504
Arizona	1,376	512	66	1,954	2,328	245	75	2,648	4,602
Arkansas	1,981	749	116	2,846	1,304	1,400	116	2,820	5,666
California	4,002	1,126	117	5,245	2,120	635	20	2,775	8,020
Colorado	1,147	270	62	1,479	2,292	681	48	3,021	4,499
Connecticut	846	178	23	1,047	1,010	121	79	1,210	2,257
Delaware	568	128	38	734	386	27	31	444	1,178
District of Columbia	656	108	77	841	513	4	-	517	1,358
Florida	4,917	1,762	319	6,998	6,416	221	50	6,687	13,685
Georgia	3,548	915	105	4,568	7,779	1,341	710	9,830	14,397
Hawaii	169	42	4	215	295	124	2	421	636
Idaho	406	141	24	571	1,124	427	24	1,575	2,146
Illinois	3,638	1,269	182	5,089	2,061	827	65	2,953	8,041
Indiana	2,396	741	109	3,246	2,133	346	44	2,523	5,769
Iowa	1,108	311	48	1,467	899	265	37	1,201	2,668
Kansas	1,156	431	76	1,663	979	447	73	1,499	3,162
Kentucky	1,980	432	85	2,497	2,361	761	132	3,254	5,751
Louisiana	2,217	787	121	3,125	1,807	1,017	211	3,035	6,160
Maine	272	70	17	359	192	2	3	197	556
Maryland	2,900	461	118	3,479	992	270	215	1,477	4,956
Massachusetts	1,295	218	48	1,561	899	68	57	1,024	2,585
Michigan	1,836	592	75	2,503	1,363	699	46	2,108	4,610
Minnesota	1,277	288	86	1,651	2,080	291	51	2,422	4,073
Mississippi	1,673	578	99	2,350	1,714	513	221	2,448	4,798
Missouri	2,227	859	142	3,228	3,886	1,395	304	5,585	8,812
Montana	320	99	19	438	638	187	128	953	1,391
Nebraska	553	189	29	771	337	84	8	429	1,200
Nevada	684	230	21	935	1,024	332	17	1,373	2,308
New Hampshire	441	63	20	524	330	218	24	572	1,096
New Jersey	1,992	495	86	2,573	2,526	816	67	3,409	5,981
New Mexico	1,017	271	32	1,320	580	108	175	863	2,183
New York	3,740	754	118	4,612	1,830	1,364	35	3,229	7,840
North Carolina	3,558	882	199	4,639	1,308	116	28	1,452	6,091
North Dakota	582	98	35	715	424	16	75	515	1,230
Ohio	2,770	861	148	3,779	1,839	642	35	2,516	6,295
Oklahoma	1,928	887	115	2,930	1,032	214	21	1,267	4,197
Oregon	943	246	37	1,226	1,196	523	89	1,808	3,034
Pennsylvania	2,445	594	111	3,150	3,233	1,291	248	4,772	7,920
Puerto Rico	217	129	13	359	61	28	1	90	449
Rhode Island	430	42	13	485	762	31	59	852	1,337
South Carolina	2,017	468	137	2,622	1,086	233	50	1,369	3,991
South Dakota	373	72	19	464	431	294	24	749	1,213
Tennessee	3,714	965	236	4,915	2,144	518	58	2,720	7,635
Texas	4,250	1,939	359	6,548	7,400	3,073	239	10,712	17,259
Utah	563	141	18	722	349	127	7	483	1,205
Vermont	221	51	7	279	251	68	3	322	601
Virginia	1,748	489	102	2,339	5,487	203	153	5,843	8,182
Virgin Islands	35	11	4	50	6	4	1	11	61
Washington	1,600	471	100	2,171	509	118	19	646	2,817
West Virginia	927	163	38	1,128	260	241	42	543	1,671
Wisconsin	1,307	241	46	1,594	1,813	1,227	216	3,256	4,850
Wyoming	342	105	18	465	454	68	18	540	1,005
TOTAL:	**85,547**	**24,711**	**4,459**	**114,717**	**85,738**	**24,747**	**4,553**	**115,038**	**229,745**

ICAOS Working Budget

FY 2012 Preliminary Figures

	A	W	X	Y	Z	AA
1				**FY12**	**FY13**	**FY14**
2		**FY12**	**FY12**	**Percentage**	**Proposed**	**Proposed**
3		**Budget**	**Actual**	**of Budget**	**Budget**	**Budget**
4	**REVENUE**					
5	DUE ASSESSMENT	1,516,253.26	1,516,592.54	100.0%	1,516,253.26	1,516,253.26
6	ICJ MOU	-	4,757.50	-		
7	Carried Over Reserves	-	0	-		
8	Refunds	-	76.85	-		
9	Dividend Income		631.26			
12	INTEREST INCOME**	42,000.00	20,268.94	48.3%	42,000.00	30,000.00
13	Total Administration Revenue	**1,558,253.26**	**1,542,327.09**	**99%**	**1,558,253.26**	**1,546,253.26**
14						
15	**EXPENSE**					
16	60000 SALARIES & WAGES	435,000.00	377,843.80	86.9%	435,000.00	435,000.00
17	61000 EMPLOYEE BENEFITS	132,500.00	130,453.30	98.5%	137,000.00	158,000.00
20	61079 EDUCATION, ACCREDITATION	3,000.00	1,720.00	57.3%	2,500.00	2,500.00
21	61089 PROFESSIONAL MEMBERSHIP FEES	1000.00	980.00	98.0%	600.00	600.00
22	62000 SUPPLIES	5,161.60	4,765.13	92.3%	5,800.00	5,000.00
23	62010 POSTAGE	1,500.00	1,411.95	94.1%	1,100.00	1,500.00
24	62090 COMPUTER SERVICES/SUPPORT	11,250.00	11,066.08	98.4%	9,600.00	9,600.00
25	62130 OUTSIDE WEB SUPPORT	5,000.00	4,606.00	92.1%	5,000.00	5,000.00
26	62140 SOFTWARE PURCHASE	4,000.00	3,937.17	98.4%	1,500.00	1,500.00
27	62280 INSURANCE	10,000.00	6,875.00	68.8%	8,000.00	8,000.00
28	62310 PHOTOCOPY	1,000.00	479.43	47.9%	250.00	1,000.00
29	62320 MISCELLANEOUS	500.00	0.00	0.0%	500.00	500.00
30	62340 CREDIT CARD MERCHANT FEES	500.00	389.10	77.8%	375.00	375.00
31	62360 DIRECT TELEPHONE EXPENSE	4,150.00	4,057.67	97.8%	4,789.00	5,000.00
32	62370 CELL PHONE EXPENSE	2,800.00	2,432.63	86.9%	2,824.59	2,500.00
35	62410 MARKETING/ADVERTISING	500.00	0.00	0.0%	650.00	250.00
36	66000 EQUIPMENT PURCHASE	17,000.00	16,814.59	98.9%	10,000.00	10,000.00
37	68200 WEB/VIDEO CONFERENCE (WebEx)	32,056.00	29,681.84	92.6%	22,500.00	22,500.00
38	68230 MEETING EXPENSE	1,500.00	0.00	0.0%	500.00	500.00
39	72000 CONSULTANT SERVICES	35,000.00	10,845.61	31.0%	35,000.00	35,000.00
40	74000 STAFF TRAVEL	10,000.00	5,484.50	54.8%	10,000.00	5,000.00
41	78050 PRINTING	1,500.00	1,501.43	100.1%	1,000.00	1,000.00
42	80000 LEGAL SERVICES	34,000.00	32,375.00	95.2%	25,500.00	25,500.00
43	85000 RENT	27,571.80	27,462.00	99.6%	29,890.41	30,787.11
44	85080 STORAGE	0.00	0.00	0%	250.00	0.00
46	91010 INDIRECT COST	90,385.60	67,518.22	74.7%	75,012.90	76,661.21
47	**Total Administration Expenditures**	**867,075.00**	**742,700.45**	**86%**	825,141.90	843,273.32
48						
49	**OTHER EXPENSE**					
50	11356 Executive Committee Meetings	15,000.00	10,994.42	73.3%	10,000.00	10,000.00
51	11363 Annual Meeting	150,000.00	121,717.60	81.1%	150,000.00	170,000.00
52	11364 Compliance Committee	10,000.00	91.51	0.9%	10,000.00	10,000.00
53	11365 Finance Committee	2,000.00	8.88	0.4%	1,000.00	1,000.00
54	11366 Rules Committee	10,000.00	6,712.22	67.1%	15,000.00	15,000.00
55	11367 Technology Committee	10,000.00	215.82	2.2%	7,500.00	7,500.00
56	11368 Training/Education Committee	12,000.00	10,346.78	86.2%	10,000.00	10,000.00
61	11371 DCA Liaison Committee	2,000.00	0.00	0.0%	7,500.00	7,500.00
62	11372 Annual Report & Handbook	1,900.00	1,895.00	99.7%	1,200.00	2,000.00
63	11569 DCA Training Institute	-	0.00	0.0%	-	-
64	11373 Shop ICAOS	-	(379.33)	0%	-	-
65	11352 Defense Litigation	10,000.00	0.00	0.0%	10,000.00	10,000.00
66	11354 ICOTS	350,000.00	329,942.06	94.3%	364,399.36	380,000.00
67	Other Indirect Cost	76,245.00	37,315.92	48.9%	46,816.96	49,950.00
68	**Total Other Expense**	**649,145.00**	**518,860.88**	**80%**	633,416.32	672,950.00
69						
70	**Total Commission Expenses**	**1,516,220.00**	**1,261,561.33**	**83.20%**	1,458,558.22	1,516,223.32
71						
72	**(Over)/Under Budget**	**42,033.26**	**280,765.76**	**16.80%**	**99,695.04**	**30,029.94**
73				**100.0%**		
74						
75						

Interstate Compact for Adult Offender Supervision
State Dues Assessment - ***FY 2013***

State	State Dues Ratio	State Population	US Population	FY11 State Offender Transfers	US Offender Transfers	State Dues
U.S. Virgin Islands	0.000293065	102,000	312,573,327	59	227,092	**$10,314.65**
Alaska	0.002212759	710,231	312,573,327	489	227,092	**$20,629.30**
Vermont	0.002218519	625,741	312,573,327	553	227,092	**$20,629.30**
Wyoming	0.003120955	563,626	312,573,327	1,008	227,092	**$20,629.30**
Maine	0.003437123	1,328,361	312,573,327	596	227,092	**$20,629.30**
Hawaii	0.003629127	1,360,301	312,573,327	660	227,092	**$20,629.30**
North Dakota	0.003684968	672,591	312,573,327	1,185	227,092	**$20,629.30**
South Dakota	0.003812378	814,180	312,573,327	1,140	227,092	**$20,629.30**
Delaware	0.003873696	897,934	312,573,327	1,107	227,092	**$20,629.30**
Dist. of Columbia	0.004064798	601,723	312,573,327	1,409	227,092	**$20,629.30**
New Hampshire	0.004596038	1,316,470	312,573,327	1,131	227,092	**$20,629.30**
Montana	0.004645328	989,415	312,573,327	1,391	227,092	**$20,629.30**
Rhode Island	0.004752953	1,052,567	312,573,327	1,394	227,092	**$20,629.30**
Nebraska	0.005583377	1,826,341	312,573,327	1,209	227,092	**$20,629.30**
West Virginia	0.006773124	1,852,994	312,573,327	1,730	227,092	**$20,629.30**
Utah	0.006920166	2,763,885	312,573,327	1,135	227,092	**$20,629.30**
Idaho	0.006935264	1,567,582	312,573,327	2,011	227,092	**$20,629.30**
Puerto Rico	0.006966064	3,725,789	312,573,327	457	227,092	**$20,629.30**
New Mexico	0.008465826	2,059,179	312,573,327	2,349	227,092	**$20,629.30**
Nevada	0.009196746	2,700,551	312,573,327	2,215	227,092	**$28,651.80**
Connecticut	0.010620513	3,574,097	312,573,327	2,227	227,092	**$28,651.80**
Iowa	0.010639410	3,046,355	312,573,327	2,619	227,092	**$28,651.80**
Kansas	0.011580898	2,853,118	312,573,327	3,187	227,092	**$28,651.80**
Oregon	0.012555191	3,831,074	312,573,327	2,919	227,092	**$28,651.80**
Mississippi	0.014564168	2,967,297	312,573,327	4,459	227,092	**$28,651.80**
Oklahoma	0.015052151	3,751,351	312,573,327	4,111	227,092	**$28,651.80**
South Carolina	0.015935034	4,625,364	312,573,327	3,877	227,092	**$28,651.80**
Massachusetts	0.016480125	6,547,629	312,573,327	2,728	227,092	**$28,651.80**
Arkansas	0.016950144	2,915,918	312,573,327	5,580	227,092	**$28,651.80**
Washington	0.017066958	6,724,540	312,573,327	2,866	227,092	**$28,651.80**
Colorado	0.017278969	5,029,196	312,573,327	4,194	227,092	**$28,651.80**
Minnesota	0.017405784	5,303,925	312,573,327	4,052	227,092	**$28,651.80**
Kentucky	0.019264558	4,339,367	312,573,327	5,597	227,092	**$28,651.80**
Maryland	0.019865569	5,773,552	312,573,327	4,828	227,092	**$28,651.80**
Wisconsin	0.019883420	5,686,986	312,573,327	4,899	227,092	**$28,651.80**
Alabama	0.020182553	4,779,736	312,573,327	5,694	227,092	**$28,651.80**
Arizona	0.020458566	6,392,017	312,573,327	4,648	227,092	**$28,651.80**
Louisiana	0.020739619	4,533,372	312,573,327	6,126	227,092	**$28,651.80**
Indiana	0.022930436	6,483,802	312,573,327	5,704	227,092	**$28,651.80**
Michigan	0.026184764	9,883,640	312,573,327	4,712	227,092	**$28,651.80**
Tennessee	0.026340860	6,346,105	312,573,327	7,353	227,092	**$36,674.30**
New Jersey	0.027309463	8,791,894	312,573,327	6,016	227,092	**$36,674.30**
North Carolina	0.028214901	9,535,483	312,573,327	5,887	227,092	**$36,674.30**
Missouri	0.029215249	5,988,927	312,573,327	8,918	227,092	**$36,674.30**
Virginia	0.030434659	8,001,024	312,573,327	8,010	227,092	**$36,674.30**
Ohio	0.031897967	11,536,504	312,573,327	6,106	227,092	**$36,674.30**
Pennsylvania	0.036843179	12,702,379	312,573,327	7,505	227,092	**$36,674.30**
Illinois	0.038228474	12,830,632	312,573,327	8,041	227,092	**$36,674.30**
Georgia	0.046609550	9,687,653	312,573,327	14,131	227,092	**$44,696.81**
New York	0.047929154	19,378,102	312,573,327	7,690	227,092	**$44,696.81**
Florida	0.060250034	18,801,310	312,573,327	13,705	227,092	**$44,696.81**
California	0.077349467	37,253,956	312,573,327	8,065	227,092	**$52,719.31**
Texas	0.078555941	25,145,561	312,573,327	17,410	227,092	**$52,719.31**

$1,516,253.26

Rules Committee Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
MADISON, WISCONSIN

AUGUST 29, 2012

During the Fiscal Year 2011-12, the Rules Committee has had three WebEx meetings to conduct committee business. Rule Committee members for this year are:

- Gary Tullock, TN- Chair
- Jane Seigel, IN- Vice-chair
- Jule Cavanaugh, WI
- David Eberhard, AR
- Dori Ege, AZ
- John Gusz, NJ
- Tim Hand, CO
- Jim Ingle, UT
- Ed Ligtenberg, SD
- Tim Moose, NC
- Jenny Nimer, FL
- John Rubitschun, MI
- Ron Taylor, AK
- Frank Torres, CA
- Shari Britton, FL – Ex-Officio

December 15, 2011 meeting focused on minor corrections needed in rules passed at the 2011 ABM that had numbering errors. No official action was needed due to Rule 2.109 (k) giving the Chair of Rules Committee authority to make such changes in format. An annual calendar of meeting dates was adopted. Rules not passed at the Annual Business meeting were discussed and referred back to the originating committee for revision and resubmission for FY 2013 if needed.

February 16, 2012 meeting was dominated by a discussion of a potential rule on transfers of offenders referred to a Veteran's Hospital in a receiving state that met no mandatory transfer

standards. While these offenders can be taken as discretionary cases there was concern that states could, by denying discretionary transfer, be denying an offender's medical care to which they were entitled. The Committee postponed further action until the next scheduled meeting to give members an opportunity to draft rule language. Rule 3.105 was discussed because some states appeared to be using the acceptance as creating the planned release date. The inquiry resulted in issuance of Advisory Opinion 2-2012, which in conclusion stated: *In summary, based upon the terms of the compact, the above referenced rules and the legal authorities cited herein, under ICAOS Rule 3.105 (a) neither the acceptance of a request for transfer by a receiving state nor approval of reporting instructions can be the basis for either the determination of whether the sending state will release an offender from a correctional facility or the planned release date.*

At present, there is no amendment to Rule 3.105 pending before the Committee. The Chair reported on a conversation with Chairman Milt Gilliam regarding a suggestion at the Annual Business Meeting that an Ad Hoc Committee on Sex Offenders be established to deal with the amendment to Rule 3.101-3 that was not passed at the 2011 Annual Business Meeting. Chairman Gilliam stated he would prefer any work on 3.101-3 be through the rule-making process without an ad hoc committee. The Chair met with the East Region which originated the amendment and discussed their level of interest in pursuing a new amendment in 2013. It appears there will be an amendment proposed, but has not been to date.

May 17, 2012 meeting followed-up on the previous discussion on offenders referred to Veteran's Hospitals. After discussion it was decided that Rules Committee will not be working on any amendment at this time as the problem might not rise to the level of needing an amendment. After reviewing the Advisory Opinion 2-2012, it was decided that no new proposal would be forthcoming from Rules at this time.

The Rules Committee will have its annual face-to-face meeting at the Annual Business Meeting to save on travel costs and because it is not a rules year there is no pressing business that would make a face-to-face necessary.

Fiscal Year 2013 is a rules year and to that end regional committees and other standing committees are encouraged to get proposals to the Rules Committee as early as possible. It has been the Committee's experience that the face-to-face meetings are our best time to finalize rules and next year's face-to-face meetings will be February 20-12, 2013 and July 17-18, 2013 after which final rules proposals must go on the website for public notice so timing will be critical if we want rules considered. WebEx meetings will be January 31, 2013 and March 21, 2013.

I want to express my appreciation for the Committee members and the National Office staff for all the support during this year. Everyone has played a role in getting us to the point of moving into a rules year with a clean agenda.

Sincerely,

Gary Tullock

Gary Tullock
Chair, Rules Committee

Information and Technology Committee Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
MADISON WISCONSIN

AUGUST 29, 2012

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

FROM: Kathie Winckler, Chair, Information and Technology Committee and Commissioner, State of Texas

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The Information and Technology Committee met by telephone and WebEx conference four times since last year's Annual Business Meeting.

The Information and Technology Committee consists of nine members, including five commissioners and four ex officio members. Commissioners include Kathie Winckler – Chair (TX), Chris Norman (AL), Patricia Vale (MD), Jill Carlson (MN) and Karen Nichols (WV). Ex officio members include Julie Lohman (VA), Floyd Keeney (WV), John Gusz (NJ), and Joe Kuebler (GA).

Following are highlights of the activities of the Technology Committee for the 2012 fiscal year.

ICOTS RFP and New Appriss Contract

The Commission engaged SEARCH to assist with the drafting of a request for proposals (RFP) for the maintenance and hosting of the Interstate Compact Offender Tracking System (ICOTS) at no cost to ICAOS. The Bureau of Justice Assistance provided funding for the project through a grant awarded to SEARCH. The Commission published the RFP in February 2012. The Technology Committee reviewed the submitted proposals and recommended the submission from Appriss to the Executive Committee for approval in March 2012.

The Commission signed the new ICOTS maintenance and development contract with Appriss, Inc. on April 24, 2012, becoming effective June 1, 2012. The new contract secured the current price of $325,000 for the first year, increasing 2% annually for the next two years. The contract covers a three-year period, expiring May 30, 2015. At the end of three years, the Commission has the option to renew the contract for a one-year period.

APPA Data Sharing Workgroup

After an initial pilot with a New York State Fusion Center last year, the American Probation and Parole Association (APPA) contracted with SEARCH to provide technical assistance with automating the process of sharing ICOTS data with state fusion centers in New York and four additional states. SEARCH is working with Appriss and the Institute for Intergovernmental Research (IIR) to provide data transmission and hosting services for the pilot efforts. The information exchange will provide local law enforcement with information about potentially dangerous individuals relocating into their community.

ICOTS Releases

Appriss launched three releases of the ICOTS software in the 2012 fiscal year. The releases were 15.0, internal updates and software patches; 16.0, bug fixes; and 17.0, functionality based on new rule amendments.

ICOTS Helpdesk Support

The ICOTS helpdesk received over 2,600 ICOTS support tickets during the past year. This is a decrease of more than 25% from the 2011 fiscal year. The volume of ICOTS helpdesk tickets was down 50% year-over-year since the national office took over sole responsibility in April 2011.

External Reports

The national office expanded the external reports service by adding fourteen additional reports, bringing the total to thirty-one. Ten of the new reports are compliance based, allowing states to see the same compliance data the National Office uses to conduct audits. The new compliance reports allow states to focus training efforts on counties and individuals in the most need. In addition, the national office redesigned the external reports page to make navigation much simpler.

ICAOS Website

The new mobile version of the ICAOS website launched in December 2011, providing content formatted specifically for mobile devices. The mobile version makes navigating the ICAOS website and finding relevant information much easier for mobile users. The website received over 37,000 page views from mobile devices, an increase of 82% from the previous year.

The national office sent out 137 email newsletters, accounting for over 55,000 visits in 2011, a more then 400% increase in email-based traffic from the previous year.

Thank you for your attention and continuing support of the Commission's technology projects.

Respectfully submitted,

Kathie Winckler

Kathie Winckler

Chair, Information and Technology Committee

General Counsel Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
MADISON, WISCONSIN

AUGUST 29, 2012

General Legal Work:

The General Counsel's Office assists the commission by providing legal guidance to the Interstate Commission and its committees with respect to legal issues which arise in the conduct of their responsibilities under the terms of the Compact, its Bylaws and administrative rules. The provisions of the Compact specifically authorize formal legal opinions concerning the meaning or interpretation of the actions of the Interstate Commission which are issued through the Executive Director's Office in consultation with the Office of General Counsel. These advisory opinions are made available to state officials who administer the compact for guidance. The General Counsel's office also works with the Commission and its member states to promote consistent application of and compliance with its requirements including the coordination and active participation in litigation concerning its enforcement and rule-making responsibilities.

Since the last annual report, in addition to day to day advice and counsel furnished to the Commission's Executive Director, the Executive Committee, the Rules Committee, the Compliance Committee, the Technology Committee and the Interstate Commission, the General Counsel's Office in conjunction with the Executive Director has issued three (3) advisory opinion concerning the interpretation and application of various provisions of the compact and its administrative rules and assisted with a number of informal requests for legal guidance from member states. The advisory opinions are public record and are available at the website of the Commission.

Judicial training concerning the Compact and its administrative rules has also been provided in a number of states under the auspices of the General Counsel's office. Other activities included assisting in the updates to the 'On-Demand' Judicial Training Modules now available on the ICAOS website, assisting in the update of the ICAOS Bench Book and review and update of Judicial training and New Commissioner training materials as well as Parole and Probation Officer legal and liability training modules used for both WebEx and live training sessions.

In addition the General Counsel assisted the Compliance Committee, the Executive Committee in several matters pertaining to investigation, compliance, and enforcement responsibilities under the compact.

Litigation Matters:

Charles Getsinger, III v. Harry Hageman, et al., U.S. Dist. Ct. Northern Dist. of CA, Case No. 11-cv-1143-JF

This *pro se* case arose based upon a complaint by a compact offender against NJ Parole Chair and ICAOS Exec. Dir. alleging violation of constitutional rights related to allegedly erroneous additional term of supervision in CA being imposed arising from a murder conviction in NJ. The complaint does not contain any explanation of any alleged misconduct by ICAOS; A motion to dismiss was filed early on grounds of failure to state a claim and no private right of action against ICAOS under the federal civil rights act; On May 5, 2011 the case was transferred to the U.S. District Court for the District of New Jersey on the basis that a habeas corpus proceeding challenging a conviction should be adjudicated in the federal district where the conviction occurred. Upon transfer of the case from California to New Jersey the offender filed a motion to withdraw his habeas corpus petition and the case is pending review and entry of an appropriate order by the U.S. District Judge. This case has been dismissed by the U.S. District Court for the District of New Jersey which also ordered that no certificate of appeal ability shall issue.

Thomas Stanton v. ICAOS, et al., Dane County (WI) Cir. Ct., Case No. 08-CV-2477

This is a *pro se* case in which an offender's claim for alleged civil rights allegations under 42 U.S.C. §1983 against the Commission was previously dismissed and the offender attempted to file a late appeal of order dismissing claims with the Wisconsin Court of Appeals; The Attorney General's Office reports that a Court has determined that the appeal is denied due to late filing and the case is currently under submission awaiting an anticipated Order of Dismissal by the Court.

Respectfully submitted,

Richard Masters,
General Counsel

Victims' Representative Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
ANNUAL BUSINESS MEETING
MADISON, WISCONSIN

AUGUST 29, 2012

Victim Notification Issues

ICOTS Notification

- Exploring avenue to link automated victim notification system to ICOTS with Appriss
    - In response to 2011 survey of Victim Advocates/Representatives related to victim concerns for information regarding offender status and notification.

BJA/IJIS SAVIN Information Exchange Committee Advisory Group

- **Vision:** Create a national information sharing standard, any state or local jurisdiction can adopt the standard for victim information and notification. National Information Exchange Model (Information Exchange Package Documentation) NIEM/IEPD is the model used for information sharing

- Opportunity for states to adopt National Standards for automated victim notification that would include Interstate Compact transfers.

- **Advisory group tasks completed in 2012:**

  Defined events triggering notification throughout the entire criminal justice process to protect victims and enhance public safety.

  Pilot Program Implementation completed in Montana using Appriss

  BJA will fund a second pilot site that uses its own notification system or another vendor other than Appriss. Guidance for this project *SAVIN Technology Assistance Project (S-TAP)*

Second Pilot BJA/IJIS SAVIN Technology Assistance Project (S-TAP) – May 2012

- Serve on 18 month Task Team to design guidance for adopting information sharing standards by SAVIN systems by providing technology assistance services to SAVIN administrators and stakeholders.

- S-TAP will leverage the framework and methodology of the existing and successful Technology Assistance (TA) program currently employed by the IJIS Institute to help address the acquisition, transition and deployment of standards-based technology solutions for SAVIN programs.

- The adoption of national information sharing standards by SAVIN programs will directly benefit victims of crime as a result of the availability of more accurate and timely information on offenders who pose a potential threat to the safety of victims, their families, and their communities.

Criminal Justice and Victim Outreach

OVC Initiatives – Vision 21

- Participated in two national initiatives:

1. Define Role of the Victim Advocate

Developed consensus to provide strategic framework for defining the role of the field in country's response to crime and challenges of the future

2. Emerging Challenges

Transforming Victim Services, an initiative whose overarching goal is to expand the vision and impact of the crime victim services field

OVC report with recommendations to the field will be published August 2012 and available on line at ovc.gov

Presentations

May 2012 - Association of International Paroling Authorities (AIPA):
Emerging Challenges - Trafficking, Notification, & Technology "TNT

December 2012- Kansas Victim Services

The Peyton Tuthill Foundation is accepting applications for *Hearts of Hope Scholarships*.
$25,000 has been awarded through 2012 to young homicide survivors.

Recipients are from: NM, AR, SC, CA, VA, OH, PA, FL, CT, NY

Submitted by Pat Tuthill, ICAOS Victim's Representative

Midwest Region Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
MADISON, WISCONSIN

AUGUST 29, 2012

Last year, the Midwest region met face-to-face at the 2011 Annual Business Meeting in Montgomery, AL. The region unanimously reelected Commissioner Sara Andrews, OH to serve as Chair.

Since the last Annual Business Meeting, the Midwest Region met three times on November 29, 2011, March 29 and June 27, 2012. The Region will meet face-to-face at the Annual Business Meeting in Madison, WI.

Attendance at the Midwest Region meetings is not an issue and the states prepared to participate in discussion on national issues as wells as those of importance to their state and the region. Topic discussed at the region meetings included: Follow up on topics from ABM 2011:

- New Commissioner Appointments
- Amendment to Rule 3.106
- ICAOS Rules and ICOTS Training
- Establishing and Increasing Application Fees
- MOU for Probation and Parole
- Appriss MOU
- Retaking Rule 5.101
- Compact Office appointed ICOTS agents
- Jail Administrator Training
- Gang Affiliation Rule Amendment
- State Council Composition
- State Council Activities
- DCA K. Rumbaugh was appointed as the DCA Midwest Region Chair

Midwest Commissioners, Deputy Compact Administrators and Victim Representatives served on the following Committees:

Executive Committee
Commissioner Sara Andrews, OH
Commissioner Charles Lauterbach, IA

Rules
Commissioner Jane Seigel, Vice-Chair, IN
Commissioner John Rubitschun, MI
Commissioner Ed Ligtenberg, SD
Commissioner Jule Cavanaugh, WI
Ex-Officio Gerald VandeWalle, ND

Compliance
Commissioner Jane Seigel, IN
Commissioner John Rubitschun, MI
Commissioner Catherine Gibson-Beltz, NE
Ex-Officio Sally Holewa, ND

DCA Liaison
Commissioner Charles Placek, Vice- Chair, ND
Deputy Compact Administrator Kari Rumbaugh, NE

Technology
Commissioner Jill Carlson, MN

Training
Commissioner Kimberly Schwant, Vice-Chair, KS
Deputy Compact Administrator Rose Ann Bisch, MN
Deputy Compact Administrator Kari Rumbaugh, NE

Victims' Issues Ad Hoc Committee
Commissioner John Rubitschun, MI
Victim Representative Suzanne Elwell, MN

Since ABM 2011, the Midwest Region had four new commissioners:

- Commissioner Kimberly Schwant, KS
- Commissioner Jule Cavanaugh, WI
- Commisdsioner Charles Placek, ND, and
- Commissioner Catherine Gibson-Beltz, NE

Respectfully submitted,

Sara Andrews

Sara Andrews
Chair, Midwest Region

South Region Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
MONTGOMERY, ALABAMA

AUGUST 29, 2012

Commissioners and Deputy Compact Administrators of the South Region met at the Annual Business Meeting that was held on September 13, 2011 in Montgomery, Alabama. A quorum of Commissioners was present. During the meeting, Commissioner Chris Norman, (AL) was re-elected as the Chair of the South Region and Kathy Winckler was nominated as a candidate for the Vice-Chair of the Executive Committee. Additionally, the South Region discussed projects in the member states.

Subsequent to the 2011 Annual Business Meeting, the South Region met via webex on January 19, 2012 and May 9, 2012. A quorum of Commissioners was present during the May 9, 2012. During that meeting the issue of retaking was discussed. The South Region agreed to continue the discussion and offer suggestions or rule changes to resolve retaking problems during the next ABM meeting.

Four new Commissioners have been appointed in the South Region:

W. David Guise, NC
Chris Moore, GA
Karen Nichols, WV
Nancy Ware, DC

South Region Commissioners, Deputy Compact Administrators and the Victim Representative serve on the following Committees:

Executive Committee
Commissioner, Milt Gilliam, Chairman, OK
Commissioner, Chris Norman, AL
Commissioner, Kathie Winckler, TX
Commissioner, Gary Tullock, TN
Victims Representative, Pat Tuthill, FL

Rules Committee
Commissioner, Gary Tullock, Chairman, TN
Commissioner, David Eberhard, AR
Compact Administrator, Shari Britton, FL
Commissioner, Jenny Nimer, FL

Compliance Committee
Commissioner, Chris Norman, AL
Commissioner, Genie Powers, LA
Victim Representative, Pat Tuthill, FL
Compact Administrator, Victoria Jakes, SC

Technology Committee
Commissioner, Kathie Winckler, Chairman, TX
Commissioner, Chris Norman, AL
Commissioner, Karen Nichols, WV
Deputy Compact Administrator, Joe Kuebler, GA
Deputy Compact Administrator, Julie Lohman, VA
Deputy Compact Administrator, Floyd Keeney, WV

Training Committee
Deputy Compact Administrator, Jenna James, GA

Finance Committee
Commissioner, Gary Tullock, TN
Commissioner, Kathie Winckler, TX

DCA Liaison Committee
Commissioner, Kela Thomas, SC
Deputy Compact Administrator, Karen Tucker, FL

Submitted by Chair: Chris Norman

West Region Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
MADISON, WISCONSIN

AUGUST 29, 2012

Mr. Chairman and Members of the Commission:

On behalf of the West Region, we present this report regarding the Region's work and activities since the 2011 Annual Business Meeting.

West Region Meetings:

November 15, 2011
February 21, 2012
May 15, 2012

West Region Representation on other Committees:

Executive Committee
Kevin Kempf, ID, Vice Chair
Dori Ege, AZ, Training Committee Chair
Kim Madris, NV, DCA Liaison Committee Chair

Rules Committee
Ronald Taylor, AK
Dori Ege, AZ
Tim Hand, CO
Frank Torres, CA, Ex Officio
Jim Ingle, UT, Ex Officio

Compliance Committee
Pam Bunke, MT
Mike Mayer, UT

Training Committee
Dori Ege, AZ, Chair
Devon Whitefield, CO
Ed Gonzales, NM
Shawn Arruti, NV

Finance Committee
Jim Ingle, UT, Ex Officio

Technology Committee
No Representation

DCA Liaison Committee
Kim Madris, NV, Chair
Sheryl Cudney, AZ
Sidney Nakamoto, HI
Dawn Persels, OR

The predominant topic of discussion during the past year for the Region has been retaking. The region discussed retaking at each of its meeting in a number of different contexts. Commissioner E. Gonzales (NM) discussed the problems of the increased financial burden brought on by the new retaking rules. The national office presented the Retaking Survey results, which indicated the increase in retaking has been uneven in its distribution among the states. The commissioners from Hawaii and Alaska raised concerns about the cost retaking misdemeanants in particular.

Commissioner M. Cadotte (OR) shared a couple of solutions that Oregon employs to successfully handle its retaking cost. First, the Region reviewed Oregon's revised statutes that establish a fund to cover the expense of retaking offenders. Second, Oregon DOC Extradition Officer N. Kellogg presented the Northwest Shuttle Program to the Region. The Northwest Shuttle is a cooperative effort on behalf of Sheriff's Offices and DOC Facilities in the movement of prisoners. By sharing resources between Sheriff's Offices and state Departments of Corrections, shuttle agencies save tax dollars used to conduct costly extraditions.

<u>Other topics of Interest:</u>

Advisory Opinion Request

- Two requests for legal opinions –
    - Posted 2-2012
        - Commissioner Ege, AZ requested clarification with regard to the language in the amended version of Rule 3.105 that states, "Offender's planned release from a correctional facility."
    - Posted 3-2012
        - Whether an offender whose supervision was never transferred under the Compact and who subsequently absconds supervision is subject to the terms of the Compact and ICAOS rules and may the State from which the offender absconded return the offender under the Compact or is the Extradition Clause of the U.S. Constitution the only means by which such an absconder may be returned? Requested by California.

Proposed Definition of Spouse: DCA D. Persels (OR) stated that there is no definition of *spouse* in ICAOS Rules. After discussion, the Region agreed that Oregon would draft a proposal for committee review.

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 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 35th 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.

ARTICLE II

History: Adopted/effective November 20, 2002; amended/effective November 3, 2003; amended/effective October 27, 2004; amended /effective September 13, 2005; amended/effective October 4, 2006; amended September 14, 2011, effective March 1, 2012

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 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.

History: Adopted/effective November 20, 2002; amended/effective November 3, 2003; amended/effective October 27, 2004; amended /effective September 13, 2005; amended/effective October 4, 2006; amended September 14, 2011, effective March 1, 2012

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.

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.

History: Adopted/effective November 20, 2002; amended/effective November 3, 2003; amended/effective October 27, 2004; amended /effective September 13, 2005; amended/effective October 4, 2006; amended September 14, 2011, effective March 1, 2012

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.

History: Adopted/effective November 20, 2002; amended/effective November 3, 2003; amended/effective October 27, 2004; amended /effective September 13, 2005; amended/effective October 4, 2006; amended September 14, 2011, effective March 1, 2012

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 immediate past chairperson of the Commission shall also serve as an ex-officio member of the executive committee and both the ex-officio victims' representative and immediate past chairperson shall serve for a term of two years. 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. Standing 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. Ad hoc Committees.

The Commission may establish ad hoc committees to perform special purposes or functions. Upon creation of an *ad hoc* committee, the chairperson of the Commission shall issue a charge to the committee, describing the committee's duties and responsibilities. The charge shall specify the date by which the *ad hoc* committee shall complete its business and shall specify the means by which the *ad hoc* committee shall report its activities to the Commission.

Section 4. Regional Representatives.

A regional representative of each of the four regions of the United States, Northeastern, Midwestern, Southern, and Western, shall be elected or reelected, beginning with the 2005 annual meeting, 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.

History: Adopted/effective November 20, 2002; amended/effective November 3, 2003; amended/effective October 27, 2004; amended /effective September 13, 2005; amended/effective October 4, 2006; amended September 14, 2011, effective March 1, 2012

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.

History: Adopted/effective November 20, 2002; amended/effective November 3, 2003; amended/effective October 27, 2004; amended /effective September 13, 2005; amended/effective October 4, 2006; amended September 14, 2011, effective March 1, 2012

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.

History: Adopted/effective November 20, 2002; amended/effective November 3, 2003; amended/effective October 27, 2004; amended /effective September 13, 2005; amended/effective October 4, 2006; amended September 14, 2011, effective March 1, 2012

Interstate Commission for Adult Offender Supervision

Ensuring Public Safety for the 21st Century

ICAOS Rules

General information

Effective Date:
March 01, 2012

Introduction

The Interstate Commission for Adult Offender Supervision is charged with overseeing the day-to-day operations of the Interstate Compact for Adult Offender Supervision, a formal agreement between member states that seeks to promote public safety by systematically controlling the interstate movement of certain adult offenders. As a creature of an interstate compact, the Commission is a quasi-governmental administrative body vested by the states with broad regulatory authority. Additionally, the Interstate Compact for Adult Offender Supervision has congressional consent under Article I, § 10 of the United States Constitution and pursuant to Title 4, Section 112(a) of the United States Code.

Through its rulemaking powers, the Commission seeks to achieve the goals of the compact by creating a regulatory system applicable to the interstate movement of adult offenders, provide an opportunity for input and timely notice to victims of crime and to the jurisdictions where offenders are authorized to travel or to relocate, establish a system of uniform data collection, provide access to information on active cases to authorized criminal justice officials, and coordinate regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators. The Commission is also empowered to monitor compliance with the interstate compact and its duly promulgated rules, and where warranted to initiate interventions to address and correct noncompliance. The Commission will coordinate training and education regarding regulations of interstate movement of offenders for state officials involved in such activity.

These rules are promulgated by the Interstate Commission for Adult Offender Supervision pursuant to Article V and Article VIII of the Interstate Compact for Adult Offender Supervision. The rules are intended to effectuate the purposes of the compact and assist the member states in complying with their obligations by creating a uniform system applicable to all cases and persons subject to the terms and conditions of the compact. Under Article V, Rules promulgated by the Commission "shall have the force and effect of statutory law and shall be binding in the compacting states[.]" All state officials and state courts are required to effectuate the terms of the compact and ensure compliance with these rules. To the extent that state statutes, rules or policies conflict with the terms of the compact or rules duly promulgated by the Commission, such statutes, rules or policies are superseded by these rules to the extent of any conflict.

To further assist state officials in implementing the Compact and complying with its terms and these rules, the Commission has issued a number of advisory opinions. Additionally, informal opinions can be obtained from the Commission as warranted. Advisory opinions, contact information and other important information, can be found on the Commission's website at http://www.interstatecompact.org.

Chapter 1 Definitions

Rule 1.101 Definitions

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

"Abscond" means to be absent from the offender's approved place of residence or employment with the intent of avoiding supervision.

"Adult" means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.

"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.

"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.

"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.

"Compact" means the Interstate Compact for Adult Offender Supervision**.**

"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.

"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.

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

"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.

"Detainer" means an order to hold an offender in custody.

"Discharge" means the final completion of the sentence that was imposed on an offender by the sending state.

"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.

References:
ICAOS Dispute Resolution
2-2004 [Offenders not transferred through the ICAOS must be returned through the extradition clause of the U.S. Constitution]

"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.

References:
ICAOS Advisory Opinion
9-2004 [CSL offenders seeking transfer of supervision are subject to ICAOS-New Jersey]

"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.

"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.

"Receiving state" means a state to which an offender requests transfer of supervision or is transferred.

"**Relocate"** means to remain in another state for more than 45 consecutive days in any 12 month period.

"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.

"Resident" means a person who—

(1) has continuously inhabited a state for at least 1 year prior to the commission of the offense for which the offender is under supervision; and

(2) intends that such state shall be the person's principal place of residence; and

(3) has not, unless incarcerated or on active military deployment, remained in another state or states for a continuous period of 6 months or more with the intent to establish a new principal place of residence.

"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.

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

"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,

"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.

"Sex 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 register as a sex offender either in the sending or receiving state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

"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.

"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.

"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.

"Subsequent receiving state" means a state to which an offender is transferred that is not the sending state or the original receiving state.

"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.

References:
ICAOS Advisory Opinion
7-2004 [determining "substantial compliance when there are pending charges in a receiving state]

"Supervision" means the oversight exercised by authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which time the offender is required to report to or be monitored by supervising authorities, and to comply with regulations and conditions, other than monetary conditions, imposed on the offender at the time of the offender's release to the community or during the period of supervision in the community.

References:
ICAOS Advisory Opinions
9-2004 [CSL offenders released to the community under the jurisdiction of the Courts]
8-2004 [Suspended sentence requiring payment of monitored restitution]
3-2005 [Requirement to complete a treatment program as a condition of supervision]
3-2010 & 4-2010 [Offenders not subject to supervision by corrections may be subject to ICAOS if reporting to the courts is required.]

"Supervision fee" means a fee collected by the receiving state for the supervision of an offender.

"Temporary travel permit" means, for the purposes of Rule 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.

"Travel permit" means the written permission granted to an offender authorizing the offender to travel from one state to another.

"Victim" means a natural person or the family of a natural person who has incurred direct or threatened physical or psychological harm as a result of an act or omission of an offender**.**

"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 Rules 3.108 and 3.108-1.

"Violent Crime" means any crime involving the unlawful exertion of physical force with the intent to cause injury or physical harm to a person; or an offense in which a person has incurred direct or threatened physical or psychological harm as defined by the criminal code of the state in which the crime occurred; or the use of a deadly weapon in the commission of a crime; or any sex offense requiring registration.

"Violent Offender" means an offender under supervision for a violent crime committed in the sending state.

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

"Warrant" means a written order of the court or authorities of a sending or receiving state or other body of competent jurisdiction which is made on behalf of the state, or United States, issued pursuant to statute and/or rule and which commands law enforcement to arrest an offender. The warrant shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius.

History: Adopted November 3, 2003, effective August 1, 2004; "Compliance" amended October 26, 2004, effective January 1, 2005; "Resident" amended October 26, 2004, effective January 1, 2005; "Resident family" amended October 26, 2004, effective January 1, 2005; "Substantial compliance" adopted October 26, 2004, effective January 1, 2005; "Supervision" amended October 26, 2004, effective January 1, 2005; "Travel permit" amended September 13, 2005, effective January 1, 2006; "Victim" amended September 13, 2005, effective January 1, 2006; "Relocate" adopted September 13, 2005, effective January 1, 2006; "Compact" adopted September 13, 2005, effective January 1, 2006; "Resident" amended September 13, 2005, effective January 1, 2006; "Relocate" amended October 4, 2006, effective January 1, 2007; "Sex offender" adopted September 26, 2007, effective January 1, 2008.; "Supervision" amended November 4, 2009, effective March 1, 2010. "Warrant" adopted October 13, 2010, effective March 1, 2011; "Violent Crime"adopted October 13, 2010, effective March 1, 2011; "Violent Offender" adopted October 13, 2010, effective March 1, 2011; "Resident" amended September 14, 2011, effective March 1, 2012; "Violent Offender" amended September 14, 2011, effective March 1, 2012

Chapter 2 General Provisions

Rule 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.

History: Adopted November 3, 2003, effective August 1, 2004.

Rule 2.102 Data collection and reporting [Expired; See history]

(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 Rule 2.102 (b)(1) and (2) shall be received by the commission no later than the 15th day of each month.

(c) This Rule will not expire until the Electronic Information System approved by the commission is fully implemented and functional.

History: Adopted November 3, 2003, effective August 1, 2004; amended September 14, 2005, effective December 31, 2005. On November 4, 2009, the commission found that the electronic information system in (c) is fully implemented and functional, and ordered that this rule expire, effective December 31, 2009.

Rule 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 2.

(2) The resulting ratios derived from the dues formula in Rule 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.

History: Adopted November 3, 2003, effective August 1, 2004.

Rule 2.104 Forms

(a) States shall use the forms or electronic information system authorized by the commission.

(b) The sending state shall retain the original forms containing the offender's signature until the termination of the offender's term of compact supervision.

(c) Section (a) shall not be construed to prohibit written, electronic or oral communication between compact offices.

History: Adopted November 3, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010.

Rule 2.105 Misdemeanants

(a) A misdemeanor offender whose sentence includes 1 year or more of supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified in Rule 3.101, have been satisfied; and the instant offense includes 1 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 2nd 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.

References:
ICAOS Advisory Opinion
4-2005 [Misdemeanant offender not meeting criteria of 2.105 may be transferred under Rule 3.101-2, discretionary transfer]
7-2006 [There are no exceptions to applicability of (a)(3)based on either the time period between the first and subsequent offense(s) or the jurisdiction in which the convictions occurred]
16-2006 [If the law of the sending state recognizes the use of an automobile as an element in an assault offense and the offender is so adjudicated, Rule 2.105 (a)(1) applies]
2-2008 [Based upon the provisions of the ICAOS rules, offenders not subject to ICAOS may, depending on the terms and conditions of their sentences, be free to move across state lines without prior approval from the receiving state and neither judges nor probation officers are prohibited by ICAOS from allowing such offenders to travel from Texas to another state]
1-2011 [All violations involving the use or possession of a firearm, including hunting, are subject to Compact transfer.]

History: Adopted November 3, 2003, effective August 1, 2004; amended March 12, 2004; amended October 26, 2004, effective January 1, 2005.

Rule 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 release program, bail, or similar program are not eligible for transfer under the terms and conditions of this compact.

References:
ICAOS Advisory Opinions
June 30, 2004 [Determining eligibility should be based on legal actions of a court rather than legal definitions]
6-2005 [Deferred prosecution may be equivalent to deferred sentence if a finding or plea of guilt has been entered and all that is left is for the Court to impose sentence]

History: Adopted November 3, 2003, effective August 1, 2004; amended March 12, 2004; amended October 26, 2004, effective January 1, 2005; amended November 4, 2009, effective March 1, 2010.

Rule 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.

History: Adopted November 3, 2003, effective August 1, 2004.

Rule 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.

History: Adopted November 3, 2003, effective August 1, 2004.

Rule 2.109 Adoption of rules; amendment

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

(a) Proposed new rules and amendments to existing rules shall be submitted to the Interstate Commission office for referral to the Rules Committee in the following manner:
   (1) Any Commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual Commission meeting. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
   (2) Standing ICAOS Committees may propose rules or rule amendments by a majority vote of that committee.
   (3) ICAOS Regions may propose rules or rule amendments by a majority vote of members of that region.

(b) The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Commissioners for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the Commission's website upon receipt. Based on the comments made by the Commissioners the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission not later than the next annual meeting falling in an odd-numbered year.

(c) Prior to the Commission voting on any proposed rule or amendment, 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.

(d) Each proposed 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.

(e) Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public 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 public hearing if it so chooses.

(f) Nothing in this section shall be construed as requiring a separate public hearing on each rule. Rules may be grouped for the convenience of the Interstate Commission at public hearings required by this section.

(g) Following the scheduled public hearing date, the Interstate Commission shall consider all written and oral comments received.

(h) The Interstate Commission shall, by majority vote of the commissioners, take final action on the proposed rule or amendment by a vote of yes/no. The Commission 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 60 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. In the event that a petition for judicial review of a rule is filed against the Interstate Commission by a state, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(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 90 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.

(k) The Chair of the Rules Committee may direct revisions to a rule or amendment adopted by the Commission, for purposes of correcting typographical errors, errors in format or grammatical errors. Public notice of any revisions shall be posted 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. For a period of 30 days after posting, the revision is subject to challenge by any commissioner. The revision may be challenged only on grounds that the revision

results in a material change to a rule. A challenge shall be made in writing, and delivered to the Executive Director of the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without approval of the commission.

References:
ICAOS Advisory Opinion
3-2006 [No provisions of the compact contemplates that a proposed rule or rule amendment may be officially voted upon at any point in the rulemaking process by anyone other than the duly appointed Commissioner of each state]

History: Adopted November 3, 2003, effective August 1, 2004; amended September 13, 2005, effective September 13, 2005; amended October 4, 2006, effective October 4, 2006; amended September 26, 2007, effective January 1, 2008.

Rule 2.110 Transfer of offenders under this compact

(a) No state shall permit an offender who is eligible for transfer under this compact to relocate to another state except as provided by the Compact and these rules.

(b) An offender who is not eligible for transfer under this Compact is not subject to these rules and remains subject to the laws and regulations of the state responsible for the offender's supervision.

(c) Upon violation of section (a), the sending state shall direct the offender to return to the sending state within 15 calendar days of receiving such notice. If the offender does not return to the sending state as ordered, the sending state shall issue a warrant that is effective in all compact member states, without limitation as to specific geographic area, no later than 10 calendar days following the offender's failure to appear in the sending state.

References:
ICAOS Advisory Opinions
3-2004 [Offenders relocating to another state shall not be issued travel permits without the permission of the receiving state as provided by ICAOS rules]
9-2006 [States which allow eligible offenders to travel to a receiving state pending investigations are in violation of Rule 2.110 and Rule 3.102. In such circumstances the receiving state may properly reject the request for transfer]
2-2008 [The provisions of Rule 2.110 (a) limit the applicability of the ICAOS rules regarding transfer of supervision to eligible offenders who 'relocate' to another state]

History: Adopted November 3, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; amended November 4, 2009, effective March 1, 2010.

Chapter 3 Transfer of Supervision

Rule 3.101 Mandatory transfer of supervision

At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer, if the offender:

(a) has more than 90 days or an indefinite period of supervision remaining at the time the sending state transmits the transfer request; and

(b) has a valid plan of supervision; and

(c) is in substantial compliance with the terms of supervision in the sending state; and

(d) is a resident of the receiving state; or

(e)
  (1) has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and
  (2) can obtain employment in the receiving state or has means of support.

References:
ICAOS Advisory Opinions
7-2004 [While a sending state controls the decision of whether or not to transfer an offender under the Compact, the receiving state has no discretion as to whether or not to accept the case as long as the offender satisfies the criteria provided in this rule]
9-2004 [Upon proper application and documentation for verification of mandatory criteria of Rule 3.101, CSL offenders are subject to supervision under the Compact]
7-2005 [All mandatory transfers are subject to the requirement that they be pursuant to a "valid plan of supervision"]
8-2005 [The sending state determines if an offender is in substantial compliance. If a sending state has taken no action on outstanding warrants or pending charges the offender is considered to be in substantial compliance]
13-2006 [An undocumented immigrant who meets the definition of "offender" and seeks transfer under the Compact is subject to its jurisdiction and would not be a per se disqualification as long as the immigrant establishes the prerequisites of Rule 3.101 have been satisfied]
15-2006 [There is no obligation of the sending state to retake when requirements of 3.101 are no longer met]
2-2007 [A receiving state is not authorized to deny a transfer of an offender based solely on the fact that the offender intends to reside in Section 8 housing]

1-2010 [ICAOS member states may not refuse otherwise valid mandatory transfers of supervision under the compact on the basis that additional information, not required by Rule 3.107, has not been provided.]

History: Adopted November 3, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008.

Rule 3.101-1 Mandatory transfers of military, families of military, family members employed, and employment transfer

(a) *Transfers of military members*- An offender who is a member of the military and has been deployed by the military to another state, shall be eligible for reporting instructions and transfer of supervision. The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.

(b) *Transfer of offenders who live with family who are members of the military*- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and who lives with a family member who has been deployed to another state, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state. The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.

(c) *Employment transfer of family member to another state*- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state. The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.

(d) *Employment transfer of the offender to another state* – An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision. The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.

History: Adopted September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010.

Rule 3.101-2 Discretionary transfer of supervision

(a) A sending state may request transfer of supervision of an offender who does not meet the eligibility requirements in Rule 3.101.

(b) The sending state must provide sufficient documentation to justify the requested transfer.

(c) The receiving state shall have the discretion to accept or reject the transfer of supervision in a manner consistent with the purpose of the compact.

References:
ICAOS Advisory Opinions
4-2005 [Offenders not eligible for transfer under the provisions of Rule 2.105 and Rule 3.101 are eligible for transfer of supervision as a discretionary transfer]
8-2006 [Special condition(s) imposed on discretionary cases may result in retaking if the offender fails to fulfill requirements of the condition(s)]

History: Adopted September 13, 2005, effective January 1, 2006.

Rule 3.101-3 Transfer of supervision of sex offenders

(a) *Eligibility for Transfer*-At the discretion of the sending state a sex offender shall be eligible for transfer to a receiving state under the Compact rules. A sex offender shall not be allowed to leave the sending state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state. In addition to the other provisions of Chapter 3 of these rules, the following criteria will apply.

(b) *Application for Transfer*-In addition to the information required in an application for transfer pursuant to Rule 3.107, in an application for transfer of supervision of a sex offender the sending state shall provide the following information, if available, to assist the receiving state in supervising the offender:
- (1) assessment information, including sex offender specific assessments;
- (2) social history;
- (3) information relevant to the sex offender's criminal sexual behavior;
- (4) law enforcement report that provides specific details of sex offense;
- (5) victim information
  - (A) the name, sex, age and relationship to the offender;
  - (B) the statement of the victim or victim's representative;
- (6) the sending state's current or recommended supervision and treatment plan.

(c) *Reporting instructions for sex offenders living in the receiving state at the time of sentencing*-Rule 3.103 applies to the transfer of sex offenders, except for the following:
- (1) The receiving state shall have 5 business days to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instruction. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.
- (2) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state.

References:
ICAOS Advisory Opinions
1-2008 [An investigation in such cases would be largely meaningless without the cooperation of the sending state in providing sufficient details concerning the sex offense in question and a refusal to provide such information so as to allow the receiving state to make a reasonable determination as to whether the proposed residence violates local policies or laws would appear to violate the intent of this rule]

History: Adopted September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008

Rule 3.102 Submission of transfer request to a receiving state

(a) Except as provided in section (c), and subject to the exceptions in Rule 3.103 and 3.106, 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) Except as provided in section (c), and subject to the exceptions in Rule 3.103 and 3.106, the sending state shall not allow the offender to travel to the receiving state until the receiving state has replied to the transfer request.

(c) An offender who is employed in the receiving state at the time the transfer request is submitted and has been permitted to travel to the receiving state for the employment may be permitted to continue to travel to the receiving state for the employment while the transfer request is being investigated, provided that the following conditions are met:

(1) Travel is limited to what is necessary to report to work, perform the duties of the job and return to the sending state.
(2) The offender shall return to the sending state daily during non-working hours, and
(3) The Transfer Request shall include notice that the offender has permission to travel to and from the receiving state, pursuant to this rule, while the transfer request is investigated.

References:
ICAOS Advisory Opinions
3-2004 [Once an application has been made under the Compact, an offender may not travel to the receiving state without the receiving state's permission]
9-2006 [States which allow eligible offenders to travel to a receiving state, without the receiving state's permission, are in violation of Rule 2.110 and 3.102. In such circumstances, the receiving state can properly reject the request for transfer of such an offender]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010.

Rule 3.103 Reporting instructions; offender living in the receiving state at the time of sentencing

(a)

(1) A reporting instructions request for an offender who was living in the receiving state at the time of sentencing shall be submitted by the sending state within 7 calendar days of the sentencing date or release from incarceration to probation supervision. The sending state may grant a 7 day travel permit to an offender who was living in the receiving state at the time of sentencing. Prior to granting a travel permit to an offender, the sending state shall verify that the offender is living in the receiving state.

(2) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.

(3) The sending state shall ensure that the offender sign all forms requiring the offender's signature under Rule 3.107 prior to granting a travel permit to the offender. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.

(4) The sending state shall transmit a departure notice to the receiving state per Rule 4.105.

(5) This section is applicable to offenders incarcerated for 6 months or less and released to probation supervision.

(b) The sending state retains supervisory responsibility until the offender's arrival in the receiving state.

(c) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.

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

(e)

(1) If the receiving state rejects the transfer request for an offender granted reporting instructions, or if the sending state fails to send a completed transfer request by the 15th calendar day following the granting of reporting instructions, 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 within 15 calendar days of receiving notice of rejection or failure to send a transfer request. The receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant.

(2) If the offender does not return to the sending state, as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant that is effective in

all states without limitation as to specific geographic area, no later than 10 calendar days following the offender's failure to appear in the sending state.

References:
ICAOS Advisory Opinions
3-2004 [Rule 3.103 provides an exemption to 3.102 allowing for certain offenders to obtain reporting instructions pending a reply to a transfer request]
1-2006 [Rule 3.103 is not applicable to offenders released to supervision from prison]
3-2007 [If the investigation has not been completed, reporting instructions are required to be issued as provided in Rule 3.103(a). Upon completion of investigation, if the receiving state subsequently denies the transfer on the same basis or upon failure to satisfy any of the other requirements of Rule 3.101, the provisions of Rule 3.103(e)(1) and (2) clearly require the offender to return to the sending state or be retaken upon issuance of a warrant]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008.

Rule 3.104 Time allowed for investigation by receiving state

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

(b) If a receiving state determines that an offender transfer request is incomplete, the receiving state shall notify the sending state by rejecting the transfer request with the specific reason(s) for the rejection. If the offender is in the receiving state with reporting instructions, those instructions shall remain in effect provided that the sending state submits a completed transfer request within 15 calendar days following the rejection.

References:
ICAOS Advisory Opinion
5-2006 [45 calendar days is the maximum time the receiving state has under the rules to respond to a sending state's request for transfer]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005, effective June 1, 2009; amended November 4, 2009, effective March 1, 2010.

Rule 3.104-1 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 Rule 4.105.

(c) A receiving state shall assume responsibility for supervision of an offender upon the offender's arrival in the receiving state and shall submit notification of arrival as required under Rule 4.105.

(d) An acceptance by the receiving state shall be valid for 120 calendar days. If the sending state has not sent a Departure Notice to the receiving state in that time frame, the receiving state may withdraw its acceptance and close interest in the case.

History: Adopted October 26, 2004, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended November 4, 2009, effective March 1, 2010.

Rule 3.105 Pre-release transfer request

(a) A sending state may submit a completed request for transfer of supervision no earlier than 120 days prior to an offender's planned release from a correctional facility.

(b) If a pre-release transfer request has been submitted, a sending state shall notify a receiving state:

(1) if the planned release date changes; or

(2) if recommendation for release of the offender has been withdrawn or denied.

(c) A receiving state may withdraw its acceptance of the transfer request if the offender does not report to the receiving state by the 5th calendar day following the offender's intended date of departure and shall provide immediate notice of such withdrawal to the sending state.

References:
ICAOS Advisory Opinions
5-2005 [A sending state must notify a receiving state if a parolees release date has been withdrawn or denied]
1-2009 [A sending state may request that a receiving state investigate a request to transfer supervision under the compact prior to the offender's release from incarceration when the offender is subject to a "split sentence" of jail or prison time and release to probation supervision.]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 14, 2011, effective March 1, 2012.

Rule 3.106 Request for expedited reporting instructions

(a)

(1) A sending state may request that a receiving state agree to expedited reporting instructions for an offender if the sending state believes that emergency circumstances exist and the receiving state agrees with that determination. If the receiving state does not agree with that determination, the offender shall not proceed to the receiving state until an acceptance is received under Rule 3.104-1.

(2)

(A) A receiving state shall provide a response for expedited reporting instructions to the sending state no later than 2 business days following receipt of such a request. The sending state shall transmit a departure notice to the receiving state upon the offender's departure.

(B) The sending state shall ensure that the offender signs all forms requiring the offender's signature under Rule 3.107 prior to granting reporting instructions to the offender. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.

(b) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions during the investigation of the offender's plan of supervision upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.

(c) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than the 7th calendar day following the granting to the offender of the reporting instructions.

(d)

(1) If the receiving state rejects the transfer request for an offender granted reporting instructions, or if the sending state fails to send a completed transfer request by the 7th calendar day following the granting of reporting instructions, 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 within 15 calendar days of receiving notice of rejection or failure to send a transfer request. The receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant.

(2) If the offender does not return to the sending state as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant that is effective in all states without limitation as to specific geographic area, no later than 10 calendar days following the offender's failure to appear in the sending state.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008.

Rule 3.107 Transfer request

(a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain:
    (1) transfer request form;
    (2) A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
    (3) photograph of offender;
    (4) conditions of supervision;
    (5) any orders restricting the offender's contact with victims or any other person;
    (6) any known orders protecting the offender from contact with any other person;
    (7) information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
    (8) pre-sentence investigation report, unless distribution is prohibited by law or it does not exist;
    (9) information as to whether the offender has a known gang affiliation, and the gang with which the offender is known to be affiliated;
    (10) supervision history, if the offender has been on supervision for more than 30 calendar days at the time the transfer request is submitted;
    (11) 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.

(b) The original signed Offender Application for Interstate Compact Transfer shall be maintained in the sending state. A copy of the signed Offender Application for Interstate Compact Transfer shall be attached to the transfer request.

(c) Additional documents, necessary for supervision in the receiving state, such as the Judgment and Commitment, may be requested from the sending state following acceptance of the offender. The sending state shall provide the documents within no more than 30 calendar days from the date of the request, unless distribution is prohibited by law or a document does not exist.

References:
ICAOS Advisory Opinions
5-2005 [For paroling offenders a release date is to be required for the transfer application]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005 (to be effective upon the implementation of electronic system; date to be determined by Executive Committee), effective October 6, 2008; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010; amended October 13, 2010, effective March 1, 2011; amended September 14, 2011, effective March 1, 2012.

Rule 3.108 Victim notification

(a) *Notification to victims upon transfer of offenders*- Within 1 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 5th business day following the receipt of the request.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 3.108-1 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 Rule 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 10 business days from receipt of notice required in Rule 3.108-1 (a) to respond to the sending state. Receipt of notice shall be presumed to have occurred by the 5th 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 5 business days following receipt of victims' comments, indicating how victims' concerns will be addressed when transferring supervision of the offender.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 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.

References:
ICAOS Advisory Opinion
2-2005 [In seeking a compact transfer of supervision, the offender accepts that a sending state can retake them at anytime and that formal extradition hearings would not be required]

History: Adopted November 4, 2003, effective August 1, 2004.

Chapter 4 Supervision in Receiving State

Rule 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.

References:
ICAOS Advisory Opinions
2-2005 [Out of state offenders can be arrested and detained for failure to comply with conditions of probation if such a failure would have resulted in an arrest of a similar situated in-state offender]
5-2006 [This rule does not permit a state to impose the establishment of sex offender risk level or community notification on offenders transferred under the Compact if the receiving state does not impose these same requirements on its own offenders]
1-2007 [This rule does not permit the receiving state to provide no supervision and at a minimum the rules of the Compact contemplate that such an offender will be under some supervision for the duration of the conditions placed upon the offender by the sending state under Rule 4.102]
3-2008 [Compact offenders should be subject to the same exceptions as offenders sentenced in the receiving state.]

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 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.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 4.103 Special conditions

(a) At the time of acceptance 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 the request for transfer is made or at any time thereafter.

(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 to enforce a special condition at the time of request for transfer of supervision is made.

References:
ICAOS Advisory Opinion
2-2005 [In seeking a compact transfer of supervision, the offender accepts that a sending state can retake them at anytime and that formal extradition hearings would not be required and that he or she is subject to the same type of supervision afforded to other offenders in the receiving state…..The receiving state can even add additional requirements on an offender as a condition of transfer]
1-2008 [Rule 4.103 concerning special conditions does not authorize a receiving state to deny a mandatory transfer of an offender under the compact who meets the requirements of such a transfer under Rule 3.101]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006.

Rule 4.103-1 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.

History: Adopted October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007.

Rule 4.104 Offender registration or DNA testing in receiving or sending 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 and shall assist the sending state to ensure DNA testing requirements and offender registration requirements of a sending state are fulfilled.

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008.

Rule 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 reporting instructions, the state from which the offender departs shall notify the intended receiving state, and, if applicable, the sending state, through the electronic information system 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 reporting instructions, 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, through the electronic information system 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.

History: Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective June 1, 2009.

Rule 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. The receiving state shall provide the progress report within 30 calendar days of receiving the request.

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

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended November 4, 2009, effective March 1, 2010.

Rule 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.

References:
ICAOS Advisory Opinions
2-2006 [The sending state is prohibited from imposing a supervision fee once the offender has been transferred under the Compact]
14-2006[A fee imposed by a sending state for purposes of defraying costs for sex offender registration and victim notification, not appearing to fit criteria of a "supervision fee," may be collected on Compact offenders at a sending state's responsibility]

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 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.

References:
ICAOS Advisory Opinion
14-2006[A fee imposed by a sending state for purposes of defraying costs for sex offender registration and victim notification, not appearing to fit criteria of a "supervision fee," may be collected on Compact offenders at a sending state's responsibility. A receiving state would be obligated for notifying the offender to comply with such financial responsibility under Rule 4.108 (b)]

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 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 and details regarding how the supervising officer determined the offender to be an absconder.
  (10) Supporting documentation regarding the violation including but not limited to police reports, toxicology reports, and preliminary findings.

(c)
  (1) The sending state shall respond to a report of a violation made by the receiving state no later than 10 business days following receipt by the sending state. Receipt of a violation report shall be presumed to have occurred by the 5th 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.

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended October 13, 2010, effective March 1, 2011.

Rule 4.109-1 Authority to arrest and detain

An offender in violation of the terms and conditions of supervision may be taken into custody or continued in custody by the receiving state.

History: Adopted October 4, 2006, effective January 1, 2007.

References:
ICAOS Advisory Opinion
17-2006[Each state should determine the extent to which authority is vested in parole and probation officers as well as other law enforcement and peace officers to effect such an arrest, including the need for a warrant.]

Rule 4.109-2 Absconding Violation

(a) If there is reason to believe that an offender has absconded, the receiving state shall attempt to locate the offender. Such activities shall include, but are not limited to:

(1) Conducting a field contact at the last known place of residence;

(2) Contacting the last known place of employment, if applicable;

(3) Contacting known family members and collateral contacts.

(b) If the offender is not located, the receiving state shall submit a violation report pursuant to Rule 4.109(b)(9).

History: Adopted October 13, 2010, effective March 1, 2011.

Rule 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," and any other forms that may be required under Rule 3.107, 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 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 Rule 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.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005 (to be effective upon the implementation of electronic system; date to be determined by Executive Committee) amended September 26, 2007, effective January 1, 2008.

Rule 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. The offender shall remain in the receiving state until receipt of reporting instructions.

(b) Except as provided in subsection (c), the sending state shall grant the request and provide reporting instructions no later than 2 business days following receipt of the request for reporting instructions from the receiving state.

(c) In a victim sensitive case, the sending state shall not provide reporting instructions until the victim notification provisions of Rule 3.108 (b)(1)(C) have been followed.

(d) A receiving state shall notify the sending state as required in Rule 4.105 (a).

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective day January 1, 2005; amended September 26, 2007, effective January 1, 2008 amended September 14, 2011, effective March 1, 2012.

Rule 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) Notification to the sending state that the offender has been sentenced to incarceration for 180 days or longer, including judgment and sentencing documents and information about the offender's location;
   (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 Rule 5.101.

(c) At the time a receiving state closes supervision, a case closure notice shall be provided to the sending state which shall include last known address and employment.

(d) The sending state shall submit the case closure notice reply to the receiving state within 10 business days of receipt.

References:
ICAOS Advisory Opinion
11-2006[A receiving state closing supervision interest, does not preclude the jurisdiction of the Compact except for cases where the original term of supervision has expired]
2-2010 [If a sending state modifies a sentencing order so that the offender no longer meets the definition of "supervision," no further jurisdiction exists to supervise the offender under the compact and qualifies as a discharge requiring a receiving state to close supervision.]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 26, 2007, effective January 1, 2008; amended September 14, 2011, effective March 1, 2012.

Chapter 5 Retaking

Rule 5.101 Retaking by the sending state

(a) Except as required in Rules 5.102, 5.103, 5.103-1 and 5.103-2 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) Upon its determination to retake an offender, the sending state shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

(c) 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, sentence has been satisfied, or the offender has been released to supervision for the subsequent offense.

References:
ICAOS Advisory Opinion
12-2006[Neither the time frame nor the means by which the retaking of the offender shall occur as outlined in Rule 5.101 (a) are provided]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended October 13, 2010, effective March 1, 2011.

Rule 5.102 Mandatory retaking for a new felony conviction

(a) Upon a request from the receiving state, a sending state shall retake an offender from the receiving state or a subsequent receiving state upon the offender's conviction for a new felony offense and:

(1) completion of a term of incarceration for that conviction; or

(2) placement under supervision for that felony offense.

(b) When a sending state is required to retake an offender, the sending state shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 200; amended October 13, 2010, effective March 1, 2011.

Rule 5.103 Mandatory retaking for violation of conditions of supervision

(a) Upon a request by the receiving state and a showing that the offender has committed 3 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.

(b) If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant that is effective in all compact member states, without limitation as to specific geographic area, no later than 10 calendar days following the offender's failure to appear in the sending state.

References:
ICAOS Advisory Opinions
2-2005 [An out of state offender may be arrested and detained by a receiving state who are subject to retaking based on violations of supervision, *See* Rule 4.109-1]
10-2006[Offenders transferred prior to the adoption of ICAOS rules August 1, 2004 may be retaken under the current rules if 1 of the significant violations occurred after August 1, 2004]
4-2007 [It is unreasonable to assume the subsequent application of Rule 5.103 (a) to include violations occurring prior to an application being accepted as a basis to require retaking]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008.

Rule 5.103-1 Mandatory retaking for offenders who abscond

(a) Upon receipt of an absconder violation report and case closure, the sending state shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

(b) If an offender who has absconded is apprehended on a sending state's warrant within the jurisdiction of the receiving state that issued the violation report and case closure, the receiving state shall, upon request by the sending state, conduct a probable cause hearing as provided in Rule 5.108 (d) and (e) unless waived as provided in Rule 5.108 (b).

(c) Upon a finding of probable cause the sending state shall retake the offender from the receiving state.

(d) If probable cause is not established, the receiving state shall resume supervision upon the request of the sending state.

(e) The sending state shall keep its warrant and detainer in place until the offender is retaken pursuant to paragraph (c) or supervision is resumed pursuant to paragraph (d).

History: Adopted October 13, 2010, effective March 1, 2011.

Rule 5.103-2 Mandatory retaking for violent offenders and violent crimes

(a) Upon a request from the receiving state, a sending state shall retake a violent offender who has committed a significant violation.

(b) Upon a request from the receiving state, a sending state shall retake an offender who is convicted of a violent crime.

(c) When a sending state is required to retake an offender, the sending state shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

2-2011 [The sending state is not required to make a determination that an offender is violent at the time of transfer.]

History: Adopted October 13, 2010, effective March 1, 2011.

Rule 5.104 Cost of retaking an offender

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

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 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.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 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.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 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.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 5.108 Probable cause hearing in receiving state

(a) An offender subject to retaking for violation of conditions of supervision that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.

(b) 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.

(c) A copy of a judgment of conviction regarding the conviction of a new felony offense by the offender shall be deemed conclusive proof that an offender may be retaken by a sending state without the need for further proceedings.

(d) The offender shall be entitled to the following rights at the probable cause hearing:
   (1) Written notice of the alleged violation(s);
   (2) Disclosure of non-privileged or non-confidential evidence regarding the alleged violation(s);
   (3) The opportunity to be heard in person and to present witnesses and documentary evidence relevant to the alleged violation(s);
   (4) The opportunity to confront and cross-examine adverse witnesses, unless the hearing officer determines that a risk of harm to a witness exists.

(e) The receiving state shall prepare and submit to the sending state a written report within 10 business days of the hearing that identifies the time, date and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state.

(f) If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision, the receiving state shall hold the offender in custody, and the sending state shall, within 15 business days of receipt of the hearing officer's report, notify the receiving state of the decision to retake or other action to be taken.

(g) If probable cause is not established, the receiving state shall:
   (1) Continue supervision if the offender is not in custody.
   (2) Notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state's warrant.
   (3) Vacate the receiving state's warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody.

References:
ICAOS Advisory Opinion
2-2005 [Although Rule 5.108 requires that a probable cause hearing take place for an offender subject to retaking for violations of conditions that may result in revocation as outlined in subsection (a), allegations of due process violations in the actual revocation of probation or parole are matters addressed during proceedings in the sending state after the offender's return]
17-2006[Each state should determine the extent to which authority is vested in parole and probation officers as well as other law enforcement and peace officers to effect such an arrest, including the need for a warrant.]
Gagnon v. Scarpelli, 411 U.S. 778 (1973)
Ogden v. Klundt, 550 P.2d 36, 39 (Wash. Ct. App. 1976)
See, People ex rel. Crawford v. State, 329 N.Y.S.2d 739 (N.Y. 1972)
State ex rel. Nagy v. Alvis, 90 N.E.2d 582 (Ohio 1950)
State ex rel. Reddin v. Meekma, 306 N.W.2d 664 (Wis. 1981)
Bills v. Shulsen, 700 P.2d 317 (Utah 1985)
California v. Crump, 433 A.2d 791 (N.J. Super. Ct. App. Div. 1981)
California v. Crump, 433 A.2d at 794,*Fisher v. Crist*, 594 P.2d 1140 (Mont. 1979)
State v. Maglio, 459 A.2d 1209 (N.J. Super. Ct. 1979)
In re Hayes, 468 N.E.2d 1083 (Mass. Ct. App. 1984)
Morrissey v. Brewer, 408 U.S. 471 (1972)
In *State v. Hill*, 334 N.W.2d 746 (Iowa 1983)
See e.g., State ex rel. Ohio Adult Parole Authority v. Coniglio, 610 N.E.2d 1196, 1198 (Ohio Ct. App. 1993)

History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008.

Rule 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.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 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.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 5.111 Denial of bail or other release conditions to certain offenders

An offender against whom retaking procedures have been instituted by a sending or receiving state shall not be admitted to bail or other release conditions in any state.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008.

Chapter 6 Dispute Resolution and Interpretation of Rules

Rule 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 Rule 6.101 (a), states shall pursue 1 or more of the informal dispute resolution processes set forth in Rule 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 10 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.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 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 Rule 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 1 neutral arbitrator or a panel of arbitrators not to exceed 3 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.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 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 60 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.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 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.

History: Adopted November 4, 2003, effective August 1, 2004.