



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

September 11-14

**Pointe South Mountain Resort
7777 South Pointe Parkway
Phoenix, Arizona**

Sunday, September 11, 2005

- 8:00 am **New Commissioner Training**
- 12:00 pm **Lunch**
[on your own]
- 5:00 pm **Adjourn**

Monday, September 12, 2005

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

Tuesday, September 13, 2005

- 7:30 am **Continental Breakfast**
- 8:30 am **Welcome & Overview**
 - David Guntharp
 - Arizona Representatives
- 8:50 am **Roll Call**
Approval of Minutes
Approval of Agenda
 - Executive Director
- 9:00 am **Litigation Report**
 - Rick Masters
- 9:15 am **Region Breakout Sessions**
- 9:45 am **Information & Technology Committee Report**
 - Technology Committee Update
[Joe Kuebler, Chair]

- System Demonstration
[Harry Hageman, Vice-Chairman]
[Sheila Perry, Technology Manager]
 - Legacy Files
[Harry Hageman, Vice-Chairman]
 - Discussion / Motion
[David Guntharp, Chairman]
- 11:30 pm **Lunch**
[on your own]
- 1:00 pm **Compliance Committee Report**
 - Warren Emmer
- 1:30 pm **Approve Orders of the Day****
Rules Committee Amendment Change Process
- 1:45 pm **Rules Committee Report**
 - Milt Gilliam, Chair
- 5:00 pm **Recess**

Wednesday, September 14, 2005

- 7:00 am **Continental Breakfast**
- 8:00 am **Call to Order**
 - David Guntharp
- 8:10 am **Roll Call**
 - Executive Director
- 8:15 am **Finance Committee Report**
 - Genie Powers, Treasurer
- 9:00 am **Training & Education Committee Report**
 - Ann Hyde, Chair
- 9:45 am **Awards Presentation**
 - ❖ *Executive Chair Award*
 - ❖ *Executive Director Award*
 - ❖ *Peyton Tuthill Award*
- 10:15 am **Regional Breakouts for Elections**
- 10:45 am **Old Business**

11:00 am

New Business

- Public Comment

11:30 am

Report on Region Elections

- Oath of Office/New Region Reps.
[David Guntharp]

12:00 pm

Adjourn

12:01 pm

Executive Committee Meeting



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

October 26-27

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

Tuesday, October 26, 2004

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

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

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

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

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

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

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

ICAOS

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

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

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

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

Chairman D. Guntharp requested the meeting go into Executive Session and stated that the Commission must have 2/3rd vote.

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

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

Chairman D. Guntharp explains process of voting on the rules and amendments.

Chairman D. Guntharp recognized Rules Committee Chair K. Winckler to present the proposed rules and amendments.

Sec 1.101

- Motion to amend (h) *Definition of Compliance*-to delete "interstate compact" and change "condition" from singular to plural made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. Motion passed.
- Motion to amend (r) *Definition of Resident*-to add numbering and replace "with the intent" with "intends" made by Commissioner K. Winckler, seconded by Commissioner M. Gilliam. A friendly amendment brought by Commissioner B. Martinez to add the word "immediately" before "prior," withdrawn. A friendly amendment brought by Commissioner J. D'Amico to add "; and" between the numbered sections of the definition, accepted. Motion passed.

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

Sec. 1.101 Definitions

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

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

Sec 2.105

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

SEC. 2.105 Misdemeanants

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

- (1) *an offense in which a person has incurred direct or threatened physical or psychological harm ;*
- (2) *an offense that involves the use or possession of a firearm;*
- (3) *a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol;*
- (4) *a sexual offense that requires the offender to register as a sex offender in the sending state*

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

Sec 2.106

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

SEC. 2.106 *Offenders subject to deferred sentences*

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

Sec 3.101

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

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

SEC. 3.101 Eligibility for transfer of supervision

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

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

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

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

Sec 3.101

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

Sec 3.103

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

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

- (a) *A sending state shall not allow an offender under supervision in the sending state to relocate to a receiving state without the receiving state’s acceptance of the transfer of supervision.*

(b) Exception—

(1)(A) A sending state may grant a travel permit to an offender who was living in the receiving state at the time of sentencing.

(B) This exception is not applicable to offenders released to supervision from prison.

(2)(A) Prior to granting a travel permit to an offender under sec. 3.103(b)(1), the sending state shall verify that the offender is living in the receiving state and shall immediately contact the receiving state's interstate compact office by telephone, facsimile or electronic mail to request provisional reporting instructions.

(B) A travel permit, not to exceed seven days, may be issued to the offender to allow for the request and issuance of reporting instructions. A copy of the travel permit will be immediately forwarded to the receiving state by facsimile or electronic mail and will expire either upon the offender's arrival in the receiving state or on the travel permit's expiration date. The sending state retains supervisory responsibility during this period. If the receiving state rejects the transfer request or the travel permit's expiration date is reached, rules 3.103 (b)(5)(A) & (B) shall apply.

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

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

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

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

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

(B) If the offender does not return to the sending state, the sending state shall initiate the retaking of the offender by issuing a warrant or an

order to return no later than 10 calendar days following the offender's failure to appear in the sending state.

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

Sec 3.1031

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

Sec 3.1032

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

Sec 3.104

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

SEC. 3.104 Time allowed for investigation by receiving state

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

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

(2) A sending state that has been notified of an incomplete transfer request shall, within five business days following receipt of notice of incompleteness, remedy the incompleteness by providing the missing

material or demonstrating good cause why the incompleteness cannot be remedied within five business days, which the receiving state shall consider. Receipt by the sending state of notice of an incomplete transfer request shall be presumed to occur by the fifth business day following transmission by the receiving state.

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

Sec 3.1041

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

SEC. 3.1041 Acceptance of offender; issuance of reporting instructions

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

Sec 3.106

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

SEC. 3.106 Request for expedited transfer

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

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

Sec 3.107

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

SEC. 3.107 Application for transfer of supervision

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

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

Sec 3.108

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

Sec 4.106

- Motion to amend (b) to removing "a receiving state shall provide to the sending state a progress report upon the closure of a receiving state's

SEC. 4.106 Progress reports

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

Sec 4.110

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

SEC. 4.110 Transfer to a subsequent receiving state

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

Sec 4.111

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

SEC. 4.111 Return to the sending state

- (a) *Upon an offender's request to return to the sending state, the receiving state shall request reporting instructions, unless the offender is under active*

criminal investigation or is charged with a subsequent criminal offense in the receiving state.

(b) The sending state shall grant the request and provide reporting instructions no later than two business days following receipt of the request for reporting instructions from the receiving state.

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

Sec 4.112

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

SEC. 4.112 Closing of supervision by the receiving state

(a) The receiving state may close its supervision of an offender and cease supervision upon—

(1) The date of discharge indicated for the offender at the time of application for supervision unless informed of an earlier or later date by the sending state;

(2) Notification to the sending state of the absconding of the offender from supervision in the receiving state;

(3) (A) Notification to the sending state of the sentencing of the offender to incarceration for 180 days or longer and receipt from the sending state of a warrant and detainer or other acknowledgement by the sending state of responsibility for the offender within 90 days of the notification. If the sending state fails to provide the warrant and detainer or other acknowledgement within 90 days of notification, the receiving state may close its supervision of the offender.

(B) After 90 days the sending state shall be responsible for the offender.

(4) Notification of death; or

(5) Return to sending state.

(b) A receiving state shall not terminate its supervision of an offender while the sending state is in the process of retaking the offender under sec. 5.101.

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

Sec 5.102

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

SEC. 5.102, New felony offense

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

Sec 5.105

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

Sec 5.112

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

SEC. 5.112 Effect of special conditions or requirements

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

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

Wednesday October 27,2004

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

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

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

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

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

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

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

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

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

Meeting reconvened at 10:30 a.m.

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

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

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

DRAFT

INTERSTATE COMMISSION

FOR

ADULT OFFENDER

SUPERVISION



Adopted by the

Interstate Commission for Adult Offender Supervision

Pursuant to Articles V & VIII of the

Interstate Compact for Adult Offender Supervision

Rule effective January 1, 2005

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 on Adult Offender Supervision has received that has received 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 on Adult Offender Supervision pursuant to Article V and Article VIII of the Interstate Compact on 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.adultcompact.org>.

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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

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

Chapter 1

Definitions

RULE 1.101 Definitions

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

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

- (l) **“Extradition”** means the return of a fugitive to a state in which the offender is accused, or has been convicted of, committing a criminal offense, by order of the governor of the state to which the fugitive has fled to evade justice or escape prosecution.
- (m) **“Offender”** means an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.
- (n) **“Plan of supervision”** means the terms under which an offender will be supervised, including proposed residence, proposed employment or viable means of support and the terms and conditions of supervision.
- (o) **“Probable cause hearing”** a hearing in compliance with the decisions of the U.S. Supreme Court, conducted on behalf of an offender accused of violating the terms or conditions of the offender’s parole or probation.
- (p) **“Receiving state”** means a state to which an offender requests transfer of supervision or is transferred.
- (q) **“Reporting instructions”** means the orders given to an offender by a sending or receiving state directing the offender to report to a designated person or place, at a specified date and time, in another state. Reporting instructions shall include place, date, and time on which the offender is directed to report in the receiving state.
- (r) **“Resident”** means a person who—
(1) has continuously inhabited a state for at least one year prior to the commission of the offense for which the offender is under supervision; and
(2) intends that such state shall be the person’s principal place of residence; and
(3) has not, unless incarcerated, relocated to another state or states for a continuous period of six months or more with the intent to establish a new principal place of residence.
- (s) **“Resident family”** means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who--
(1) has resided in the receiving state for 180 days or longer as of the date of the transfer request; and
(2) indicates willingness and ability to assist the offender as specified in the plan of supervision.
- (t) **“Retaking”** means the act of a sending state in physically removing an offender, or causing to have an offender removed, from a receiving state.
- (u) **“Rules”** means acts of the Interstate Commission, which have the force and effect of law in the compacting states, and are promulgated under the Interstate Compact for Adult Offender Supervision, and substantially affect interested parties in addition to the Interstate Commission,

- (v) **“Sending state”** means a state requesting the transfer of an offender, or which transfers supervision of an offender, under the terms of the Compact and its rules.
- (w) **“Shall”** means that a state or other actor is required to perform an act, the non-performance of which may result in the imposition of sanctions as permitted by the Interstate Compact for Adult Offender Supervision, its by-laws and rules.
- (x) **“Significant violation”** means an offender’s failure to comply with the terms or conditions of supervision that, if occurring in the receiving state, would result in a request for revocation of supervision.
- (y) **“Special condition”** means a condition or term that is added to the standard conditions of parole or probation by either the sending or receiving state.
- (z) **“Subsequent receiving state”** means a state to which an offender is transferred that is not the sending state or the original receiving state.
- (aa) **“Substantial compliance”** means that an offender is sufficiently in compliance with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending state.
- (bb) **“Supervision”** means the authority or oversight exercised by supervising authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which the offender is required to report to or be monitored by supervising authorities, and includes any condition, qualification, special condition or requirement imposed on the offender at the time of the offender’s release to the community or during the period of supervision in the community.
- (cc) **“Supervision fee”** means a fee collected by the receiving state for the supervision of an offender.
- (dd) **“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.
- (ee) **“Travel permit”** means the written permission granted to an offender authorizing the offender to relocate from one state to another.
- (ff) **“Victim”** means a natural person or the family of a natural person who has suffered physical injury or serious emotional harm as a result of an act or omission of an offender.
- (gg) **“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 3.1081.

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

History: Adopted November 3, 2003. Rule 1.101(h) amended October 26, 2004; Rule 1.101(r) amended October 26, 2004; Rule 1.101(s) amended October 26, 2004; Rule 1.101(aa) adopted October 26, 2004; Rule 1.101 (bb) amended October 26, 2004.

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.

RULE 2.102 Data collection and reporting

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

History: Adopted November 3, 2003.

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 two.
- (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.

RULE 2.104 Forms

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

History: Adopted November 3, 2003.

RULE 2.105 Misdemeanants

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

History: Adopted November 3, 2003; amended March 12, 2004; amended October 26, 2004.

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

History: Adopted November 3, 2003; amended March 12, 2004; amended October 26, 2004.

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.

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.

RULE 2.109 Adoption of rules; amendment

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

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

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

History: Adopted November 3, 2003.

RULE 2.110 Transfer of offenders under this compact

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

History: Adopted November 3, 2003.

Chapter 3

Transfer of Supervision

RULE 3.101 Eligibility for transfer of supervision

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

History: Adopted November 3, 2003; amended October 26, 2004.

RULE 3.102 Submission of transfer request to a receiving state

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

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

History: Adopted November 4, 2003.

RULE 3.103 Acceptance of the offender by receiving state; exception

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

required transfer request from the receiving state, direct the offender to return to the sending state by a date specified by the sending state

- (B) If the offender does not return to the sending state, the sending state shall initiate the retaking of the offender by issuing a warrant or an order to return no later than 10 calendar days following the offender's failure to appear in the sending state.
- (C) The receiving state shall continue to supervise the offender until a warrant is issued or notice is given by the sending state as required under Rule 4.105.

History: Adopted November 4, 2003; amended October 26, 2004.

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. Receipt of completed transfer request shall be presumed to occur by the fifth business day following transmission.
- (b)(1) If a receiving state determines that an offender transfer request is incomplete, the receiving state shall notify the sending state of that determination and the nature of the incompleteness no later than five business days following receipt of the transfer request by the receiving state.
 - (2) A sending state that has been notified of an incomplete transfer request shall, within five business days following receipt of notice of incompleteness, remedy the incompleteness by providing the missing material or demonstrating good cause why the incompleteness cannot be remedied within five business days, which the receiving state shall consider. Receipt by the sending state of notice of an incomplete transfer request shall be presumed to occur by the fifth business day following transmission by the receiving state.
 - (3) The 45-calendar-day period for investigation of and response to a sending state's request for transfer of an offender's supervision shall be suspended until the sending state supplies the missing material in the transfer request.

History: Adopted November 4, 2003; amended October 26, 2004.

RULE 3.1041 Acceptance of offender; issuance of reporting instructions

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

History: Adopted October 26, 2004.

RULE 3.105 Request for transfer of a paroling offender

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

History: Adopted November 4, 2003.

RULE 3.106 Request for expedited transfer

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

History: Adopted November 4, 2003; amended October 26, 2004

RULE 3.107 Application for transfer of supervision

An application for transfer of supervision of an offender shall contain—

- (a) offender's full name and any aliases by which the offender is known;
- (b) indication of whether the offender seeks transfer to the receiving state based on residency in the receiving state, family residing in the receiving state, or consent of the receiving state;
- (c) name, address, and telephone number of family in the receiving state if the offender bases the transfer request on family's residency in the receiving state;
- (d) offender's proposed residence in the receiving state;
- (e) offender's current or prospective employer in the receiving state;
- (f) offender's criminal justice identification number in the sending state;
- (g) offender's date of birth;
- (h) offender's social security number, if known;
- (i) county of conviction or imposition of supervision;
- (j) indication of the type of criminal justice supervision to which the offender has been sentenced;
- (k) instant offense in sufficient detail to describe the type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
- (l) offender's criminal history;
- (m) notice, if applicable, indicating that the supervision of the offender is a victim-sensitive matter;
- (n) date supervision is to begin, if known;
- (o) date supervision is to terminate, if known;
- (p) name and title of supervising officer;
- (q) signed "Offender Application for Interstate Compact Transfer" form, which shall include "Agreement to Return on Demand of the sending state" and "Waiver of Extradition";
- (r) signed "Consent to Random Drug or Alcohol Testing and to Searches Based on Reasonable Suspicion" form;
- (s) signed "Authorization for Release of Medical and Psychological Information" form;
- (t) photograph of offender;
- (u) conditions of supervision;
- (v) any orders restricting the offender's contact with victims or any other person;
- (w) any known orders protecting the offender from contact with any other person;
- (x) information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
- (y) judgment and commitment documents;
- (z) pre-sentence investigation report, if available;
- (aa) supervision history, if available;
- (bb) 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.
- (cc) medical information, if available; and
- (dd) psychological evaluation, if available.

History: Adopted November 4, 2003; amended October 26, 2004.

RULE 3.108 Victim notification

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

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

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

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

(A) Commits a significant violation;

(B) Changes address;

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

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

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

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

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

RULE 3.1081 Victims' right to be heard and comment

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

History: Adopted November 4, 2003.

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.

History: Adopted November 4, 2003.

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.

History: Adopted November 4, 2003.

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..

RULE 4.103 Special conditions

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

History: Adopted November 4, 2003.

RULE 4.104 Offender registration in receiving state

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

History: Adopted November 4, 2003.

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

(b) *Arrival notifications*

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

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

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

History: Adopted November 4, 2003.

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.

- (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; amended October 26, 2004.

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.

History: Adopted November 4, 2003.

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.

History: Adopted November 4, 2003.

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.

- (c)(1) The sending state shall respond to a report of a violation made by the receiving state no later than ten business days following receipt by the sending state. Receipt of a violation report shall be presumed to have occurred by the fifth business day following its transmission by the receiving state;
- (2) The response by the sending state shall include action to be taken by the sending state and the date by which that action will begin and its estimated completion date.

History: Adopted November 4, 2003.

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," the "Agreement to Return on Demand of the sending state" and the "Consent to Random Drug Testing and to Searches Based on Reasonable Suspicion" forms, and any other forms that may be required under Rule 3.107 (a), and shall transmit these forms to the sending state.
- (c) The receiving state shall submit a statement to the sending state summarizing the offender's progress under supervision.
- (d) The receiving state shall issue a travel permit to the offender when the sending state informs the 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; amended October 26, 2004.

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.
- (b) The sending state shall grant the request and provide reporting instructions no later than two business days following receipt of the request for reporting instructions from the receiving state.
- (c) A receiving state shall notify the sending state as required in Rule 4.105 (a).

History: Adopted November 4, 2003; amended October 26, 2004.

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) (A) Notification to the sending state of the sentencing of the offender to incarceration for 180 days or longer and receipt from the sending state of a warrant and detainer or other acknowledgement by the sending state of responsibility for the offender within 90 days of the notification. If the sending state fails to provide the warrant and detainer or other acknowledgement within 90 days of notification, the receiving state may close its supervision of the offender.
 - (B) After 90 days the sending state shall be responsible for the offender. (4) Notification of death; or
 - (5) Return to sending state.
- (b) A receiving state shall not terminate its supervision of an offender while the sending state is in the process of retaking the offender under 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.

History: Adopted November 4, 2003; amended October 26, 2004.

Chapter 5

Retaking

RULE 5.101 Retaking by the sending state

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

History: Adopted November 4, 2003.

RULE 5.102 New felony offense

Upon a request from the receiving state, a sending state shall retake or order the return of an offender from the receiving state or a subsequent receiving state upon the offender's conviction for a new felony offense and —

- (a) completion of a term of incarceration for that conviction; or
- (b) placement on probation for that felony offense.

History: Adopted November 4, 2003; amended October 26, 2004.

RULE 5.103 Violations of conditions of supervision

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

History: Adopted November 4, 2003.

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.

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.

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..

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.

RULE 5.108 Opportunity for hearing in receiving state

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

History: Adopted November 4, 2003.

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.

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.

RULE 5.111 Denial of bail to certain offenders

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

History: Adopted November 4, 2003.

RULE 5.112 Effect of special conditions or requirements

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

History: Adopted October 26, 2004.

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 one 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 ten business days and may, at the executive director's discretion, seek the assistance of legal counsel or the executive committee in resolving the dispute. The executive committee may authorize its standing committees or the executive director to assist in resolving the dispute or controversy.
- (c) *Interpretation of the rules*
- Any state may submit an informal written request to the executive director for assistance in interpreting the rules of this compact. The executive director may seek the assistance of legal counsel, the executive committee, or both, in interpreting the rules. The executive committee may authorize its standing committees to assist in interpreting the rules. Interpretations of the rules shall be issued in writing by the executive director or the executive committee and shall be circulated to all of the states.

History: Adopted November 4, 2003.

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

History: Adopted November 4, 2003.

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 sixty days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice or chief judicial officer and the majority and minority leaders of the defaulting state’s legislature and the state council of such termination.
- (d) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.
- (e) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state.
- (f) Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

History: Adopted November 4, 2003.

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.

Proposed Rules/Amendments: Approved by the Rules Committee June 28 & 29, 2005

RULE 1.101 Definitions

(ff) “**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.

Justification: This change is recommended to make the definition consistent with the language used in Rule 2.105.

(ii) “**Relocate**” means to remain in another state for more than 90 days in any 12 month period.

Justification: This additional definition is proposed to clear up confusion in Rule 2.110 and 3.103.

(jj) “**Compact**” means the Interstate Compact for Adult Offender Supervision.

Justification: The proposed new definition is to alleviate the need to spell out the entire name of the compact each time it is used in the rules.

(r) “**Resident**” means a person who—

- (1) has continuously inhabited a state for at least one year prior to the commission of the offense for which the offender is under supervision; and
- (2) intends that such state shall be the person’s principal place of residence; and
- (3) has not, unless incarcerated, remain 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.

(ee) “**Travel permit**” means the written permission granted to an offender authorizing the offender to travel from one state to another.

Justification: Both of the above listed definitions currently use the term relocate. Due to the recommended new definition of relocate in (ii), it is proposed that the term relocate be removed from these definitions.

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.

Interstate Commission for Adult Offender Supervision Proposed Rules

- (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. Based on the comments made by the Commissioners the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments.
- (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 a quorum of the commissioners, take final action on the proposed rule or amendment by a vote of yes/no or by referring the rule back to the Rules Committee for further action. 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 sixty days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States District Court of the District of Columbia or in the federal district court where the Interstate Commission's principal office is located. If the court finds that the Interstate Commission's action is not supported by substantial evidence, as defined in the federal Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside. 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 ninety days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to--
 - (1) Meet an imminent threat to public health, safety, or welfare;
 - (2) Prevent a loss of federal or state funds;
 - (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
 - (4) Protect human health and the environment.

Justification: The changes to this rule establish a specific method to bring rules to the rules committee and sets out a detailed system to review, prepare and vote on new rules or rules amendments by the Commission.

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.

Justification: The proposed changes in this rule are to help clarify what should happen to an offender who does not meet eligibility requirements under the compact.

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:

- (1) has more than 90 days or an indefinite period of supervision remaining; and
- (2) has a valid plan of supervision; and
- (3) is in substantial compliance with the terms of supervision in the sending state; and
- (4) is a resident of the receiving state; or
- (5) (A) has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and
(B) can obtain employment in the receiving state or has a visible means of support.

Justification: See justification for 3.1011 and 3.1012 below. There are no substantive changes made to 3.101 other than separating it into three rules.

RULE 3.101-1 Mandatory Transfers of Military, Families of Military, and Family Members Employed;

- (a) *Transfer of Military members-* An offender who is a member of the military and has been deployed by the military to another state, shall be immediately eligible for reporting instructions and transfer of supervision.
- (b) *Transfer of Offenders who live with family who are members of the military-* An offender who meets the other criteria specified in Rules 3.101 (3) and 3.101 (5)(B) and who lives with a family member who has been deployed to another state, shall be immediately eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state.
- (c) *Employment transfer of family member to another state-* An offender who meets the other criteria specified in Rules 3.101(3) and 3.101(5)(B), and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, shall be immediately eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state.

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.

Justification: The purpose of this proposed rule change is to encourage the states to approve the discretionary transfer of offenders for treatment, education, employment, etc... in a manner consistent with the purposes of the Compact, which are to promote public safety, protect the rights of victims, and provide for the effective supervision and rehabilitation of offenders.

Changes were suggested in 3.101-1, to clarify that an offender in the military or with family members in the military or transferring employment should be immediately eligible for reporting instructions to allow travel to the receiving state.

RULE 3.103 Acceptance of the offender by receiving state; exception

- (a) A sending state shall not allow an offender to relocate to a receiving state without the receiving state's acceptance of the transfer of supervision.
- (b) Exception—
 - (1)(A) A sending state may request reporting instructions from a receiving state through the electronic information system and may grant a seven 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.
 - (B) The receiving state shall issue reporting instructions no later than two business days following receipt of such a request from the sending state.
 - (C) The sending state shall ensure that the offender sign all forms requiring the offender's signature under Rule 3.107 (a) prior to granting a travel permit to the offender. Signed forms shall be maintained in the sending state until termination of compact supervision.
 - (D) The sending state shall transmit a departure notice to the receiving state per Rule 4.105 (a).
 - (E) This exception is applicable to offenders sentenced to jail as a condition of probation and released to probation supervision from a jail facility.
 - (F) This exception is not applicable to offenders released to supervision from prison.
- (2) The sending state retains supervisory responsibility until the offender's arrival in the receiving state.

- (3) 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.
- (4) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than 15 calendar days following the granting to the offender of the reporting instructions.
- (5)(A) If the receiving state rejects the transfer request for an offender granted reporting instructions, or if the sending state fails to send a completed transfer request by the 15th 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 from the receiving state, direct the offender to return to the sending state within 30 calendar days after the receipt of notification of the rejection of the transfer request.
- (B) If the offender does not return to the sending state, as directed, the sending state shall initiate the retaking of the offender by issuing a warrant or an order to return no later than 10 calendar days following the offender's failure to appear in the sending state.
- (C) The receiving state shall continue to supervise the offender until a warrant is issued or notice is given by the sending state as required under Rule 4.105.

Justification:

These proposed changes streamline this rule and puts the paragraphs in an order that is easier to follow for training purposes.

“Granted a travel permit” language was replaced with “granted reporting instructions” to remain consistent with that language used throughout the rule and in NACIS.

(b)(5)(A) and also in Rule 3.106 (d)(1) Recommended adding a time frame in which the sending state must order the return of an offender whose transfer request has been denied. As currently stated, states can interpret any time frame they choose to direct the offender's return. This lack of time frame is not consistent with the goal of continued supervision and tracking of offender movement.

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.

Justification: The recommended changes in this rule are to assist with the transition to the electronic information system.

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) 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. This does not apply to paroling offenders. See Rule 3.105 (c)(1).

Justification: Rule 3.105 (c) (1) allows for receiving states to withdraw acceptances on paroling offenders. However, there is no provision to allow receiving states to withdraw acceptances on other offenders, like probationers. This added language would allow for states to withdraw their acceptance after 120 calendar days if the offender fails to report, etc.

RULE 3.106 Request for expedited reporting instructions

- (a)(1) A sending state may request that a receiving state agree to expedited reporting instructions of 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 that agrees to expedited reporting instructions of an offender shall immediately issue reporting instructions for the offender, and a sending state shall immediately transmit a departure notice.
 - (B) The sending state shall ensure that the offender signs all forms requiring the offender's signature under Rule 3.107 (a) prior to granting reporting instructions to the offender. Signed forms shall be maintained in the sending state until termination of compact supervision.
- (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 seventh calendar day following the granting 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 seventh 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 30 calendar days after receipt of notification of the rejection of the transfer request.
- (2) If the offender does not return to the sending state as directed, the sending state shall initiate the retaking of the offender no later than 10 calendar days following the offender's failure to appear in the sending state.
- (3) The receiving state shall continue to supervise the offender until a warrant is issued or notice is given by the sending state as required under Rule 4.105.

Justification: These proposed changes will assist in the transition to the electronic information system and will change the terminology from expedited transfer to expedited request for reporting instructions which more clearly defines the rule.

"Travel permit" changed to "reporting instructions." This change in the language makes it clear that agents cannot provide a travel permit unless reporting instructions are approved and received. The receiving state does not provide a travel permit, but rather reporting instructions.

Added language that prohibits sending states from allowing their offenders to proceed to prospective reporting instructions when reporting instructions are denied. Currently, there is no provision from prohibiting sending states to send offenders to receiving states after a receiving state denies a request for reporting instructions under this rule. Therefore, several offenders travel without notification or supervision to prospective receiving states and it is not determined until the investigation phase of the process.

Recommended adding a time frame, as in proposed change to 3.103 (within 30 calendar days) in which the sending state must order the return of an offender whose transfer request has been denied. As currently stated, states can interpret any time frame they choose to direct the offender's return. This lack of time frame is not consistent with the goal of continued supervision and tracking of offender movement.

SEC. 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;

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- (2) instant offense in sufficient detail to describe the type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
 - (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, if available;
 - (9) supervision history, if available;
 - (10) 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 Offender Application for Interstate Compact Transfer shall be maintained in the sending state.
- (c) Additional documents, 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 if available.

Justification: The proposed changes in this rule are to assist with the transition to the electronic information system:

1. Criminal history: during the development of NACIS there have been issues raised by the FBI, CJIS division, of storing criminal records in NACIS without meeting very strict security measures. These requirements would make it almost impossible for jurisdictions to comply. As a result it will be necessary for receiving states to do their own criminal history checks, which we understand is a common practice in most states.
2. Signed Waiver of Extradition: Past practices have been to submit this form with the transfer packet. During the development of NACIS it was determined that this signed form is only needed in the receiving state when the offender is being retaken and the court requires proof of the waiver. The proposed rule would allow for the waiver to be signed and retained in the sending state until requested by the receiving state. This would eliminate the need to scan and attach the document to a transfer request packet in NACIS.
3. Consent to random drug & alcohol testing: The amendment to 3.107 (18) is proposed as the result of the prior amendment to 3.103 (3) by the 2004 annual session of the Commission and which now provides that the receiving state shall assume responsibility for supervision of an offender upon arrival in the receiving state rendering subsection (18) unnecessary.
4. Release of medical/psychological information: The amendment to 3.107 (19) is proposed as the result of recent clarification of HIPPA by the Office of Counsel for the Department of Health and Human Services which clearly exempts the use of such information for law enforcement purposes from its requirements.

5. Judgment & Commitment documents: The requirement of this document to be attached to the transfer request is causing tremendous delays and non-compliance with Rule 3.103. This rule requires that a transfer packet be forwarded from the sending state to the receiving state within 15 days. Most states cannot meet this requirement due to delays from the court in delivering the documents. This proposed rule change will allow states to forward the transfer packets and the receiving states will be able to complete investigations without delay.

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.

Justification: The proposed change in this rule is to clear up confusion on when special conditions can be imposed.

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 a travel permit 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 a travel permit, or upon the failure of an offender to arrive as instructed, the intended receiving state shall immediately notify the state from which

the offender departed, and, if applicable, the sending state, 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. .

Justification: The proposed changes in this rule are to assist with the transition to the electronic information system.

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 (a), and shall transmit these forms to the sending state.
- (c) The receiving state shall submit a statement to the sending state summarizing the offender's progress under supervision.
- (d) The receiving state shall issue a travel permit to the offender when the sending state informs the 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.

Justification: The proposed changes in this rule will assist with the transition to the electronic information system, by deletion of forms recommended for deletion in 3.107.

**Interstate Commission for Adult Offender Supervision
State Statutes**

<u>STATE</u>	<u>STATUTE</u>
Alaska	AS 33-36-3
Alabama	AL ST Sec 15-22-1-1
Arkansas	ACA 12-15-101
Arizona	ARS 31-467
California	Cal. Penal Code 11180
Colorado	CRSA §§ 24-60-2802
Connecticut	CGSA Sec 54-133
District of Columbia	DC ST § 24-133
Delaware	Delaware Code, Title 11, Chapter 43, §4358 and §4359
Florida	FSA 949-07
Georgia	Code 42-9-81
Hawaii	HRS 353B-1
Iowa	ICA Sec 907B-2
Idaho	IC § 20-301
Illinois	45 ILCS 170
Indiana	IC 11-13-4.5
Kansas	K.S.A. § 22-4110
Kentucky	KRS § 439-561
Louisiana	LSA RS 15-574-31
Maryland	MD Code Correctional Sec 6-201
Maine	LD 311 (HP 254)
Michigan	MCLA 3-1012
Minnesota	MN ST 243.1605
Missouri	VAMS § 589.500
Mississippi	MS Code: § 47-7-81
Montana	MCA 46-23-1115
North Carolina	NCGSA 148-4B
North Dakota	NDCC 12-65-01
Nebraska	NE 29-2254
New Hampshire	Section 651-A:29
New Jersey	NJSA 2A:168-26
New Mexico	NMSA 1978 Sec 31-5-20
Nevada	NRS 213-215
New York	Executive Law § 259-MM
Ohio	RC Sec 5149-21
Oklahoma	22 Okl St Ann §§ 1091
Oregon	ORS Sec 144-600
Pennsylvania	61 P.S. § 324.1
Puerto Rico	(P. del S. 2141), 2004, ley 208
Rhode Island	RI ST 13-9.1-1
South Carolina	SDCL Sec 24-16A-1
South Dakota	SD ST 24-24-16A

**Interstate Commission for Adult Offender Supervision
State Statutes**

Tennessee	TCA 40-28-41
Texas	Texas Government Code Section 510.00 et seq.
Utah	UCA 1953 Sec 77-28C-103
Virginia	§§ 53.1-172 and 53.1-174
Virgin Islands	Act No. 6730, Bill No. 26-0003
Vermont	28 VSAT 22 § 1351
Washington	WA ST 9-94A-745
Wisconsin	WSA 304-16
West Virginia	WVC § 28-7-1
Wyoming	WY ST SEC 7-13-423

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 Membership

Section 1. Commissioners.

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

Section 2. Ex-Officio Members

The Commission membership shall also include individuals who are not commissioners and who shall not have a vote, but who are members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. In addition representatives of the National Institute of Corrections, the American Parole and Probation Association and Association of Paroling Authorities International shall be ex-officio members of the Commission.

Article III Officers

Section 1. Election and Succession.

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

Section 2. Duties.

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

- a. *Chairperson.* The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee shall prepare agendas for such meetings, shall make appointments to all committees of the Commission, and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings.

- b. *Vice Chairperson.* The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting chairperson until a new chairperson is elected by the Commission.
- c. *Secretary.* The secretary shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and the business of the Commission.
- d. *Treasurer.* The treasurer, with the assistance of the Commission's executive director, shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive director and any other officers, Commission Members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.

Section 3. Costs and Expense Reimbursement.

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

Section 4. Vacancies.

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

**Article IV
Commission Personnel**

Section 1. Commission Staff and Offices.

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

Section 2. Duties of the Executive Director.

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

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

Article V

Qualified Immunity, Defense, and Indemnification

Section 1. Immunity.

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

Section 2. Defense

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

Section 3. Indemnification.

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

Article VI Meetings of the Commission

Section 1. Meetings and Notice.

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

Section 2. Quorum.

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

Section 3. Voting.

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

Section 4. Procedure.

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

Article VII Committees

Section 1. Executive Committee.

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

Section 2. Other Committees.

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

Article VIII Finance

Section 1. Fiscal Year.

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

Section 2. Budget.

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

Section 3. Accounting and Audit.

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

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

Section 4. Public Participation in Meetings.

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

Section 5. Debt Limitations.

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

Section 6. Travel Reimbursements.

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

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

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

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

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

**Article XI
Dissolution of the Compact**

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

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

**Interstate Compact for Adult Offender Supervision
State Dues Assessment - FY'06**

<u>State</u>	<u>Projected Dues per State</u> ¹	<u>State Dues Ratio</u> ²	<u>State Population</u> ³	<u>U.S. Population</u> ³	<u>State Offender Transfers</u> ⁴	<u>U.S. Offender Transfers</u> ⁴
U.S. Virgin Islands (a)	\$18,000	0.000356	102000	285230516	83	234085
Alaska	\$18,000	0.002257	626932	285230516	542	234085
Wyoming	\$18,000	0.002559	493782	285230516	793	234085
North Dakota	\$18,000	0.003206	642200	285230516	974	234085
Vermont	\$18,000	0.003293	608827	285230516	1042	234085
South Dakota (b)	\$18,000	0.003662	754844	285230516	1095	234085
Maine	\$18,000	0.003687	1274923	285230516	680	234085
New Hampshire (b)	\$18,000	0.004067	1235786	285230516	890	234085
Rhode Island	\$18,000	0.004200	1048319	285230516	1106	234085
Hawaii	\$18,000	0.004249	1211537	285230516	995	234085
Montana	\$18,000	0.004337	902195	285230516	1290	234085
Delaware	\$18,000	0.004338	783600	285230516	1388	234085
Idaho	\$18,000	0.004953	1293953	285230516	1257	234085
West Virginia	\$18,000	0.005554	1808344	285230516	1116	234085
Dist. of Columbia (b)	\$18,000	0.005725	572059	285230516	2211	234085
Nebraska	\$18,000	0.005830	1711263	285230516	1325	234085
Utah	\$18,000	0.005901	2233169	285230516	930	234085
New Mexico	\$18,000	0.007157	1819046	285230516	1858	234085
Puerto Rico (a)	\$18,000	0.000356	102000	285230516	83	234085
Nevada	\$25,000	0.009746	1998257	285230516	2923	234085
Kansas	\$25,000	0.009959	2688418	285230516	2456	234085
Iowa	\$25,000	0.010651	2926324	285230516	2585	234085
Mississippi	\$25,000	0.010668	2844658	285230516	2660	234085
Oregon	\$25,000	0.011248	3421399	285230516	2458	234085
Connecticut	\$25,000	0.011250	3405565	285230516	2472	234085
Arkansas	\$25,000	0.012090	2673400	285230516	3466	234085
Oklahoma	\$25,000	0.014729	3450654	285230516	4064	234085
Kentucky	\$25,000	0.014864	4041769	285230516	3642	234085
Colorado	\$25,000	0.014922	4301261	285230516	3456	234085
South Carolina	\$25,000	0.015931	4012012	285230516	4166	234085
Alabama	\$25,000	0.016621	4447100	285230516	4132	234085
Indiana (b)	\$25,000	0.016725	6080485	285230516	2840	234085
Washington	\$25,000	0.017050	5894121	285230516	3145	234085
Arizona	\$25,000	0.017079	5130632	285230516	3785	234085
Tennessee	\$25,000	0.017614	5689283	285230516	3577	234085
Louisiana	\$25,000	0.018275	4468976	285230516	4888	234085
Minnesota	\$25,000	0.018665	4919479	285230516	4701	234085
Wisconsin	\$25,000	0.018668	5363675	285230516	4338	234085

**Interstate Compact for Adult Offender Supervision
State Dues Assessment - FY'06**

<u>State</u>	<u>Projected Dues per State</u> ¹	<u>State Dues Ratio</u> ²	<u>State Population</u> ³	<u>U.S. Population</u> ³	<u>State Offender Transfers</u> ⁴	<u>U.S. Offender Transfers</u> ⁴
Maryland	\$32,000	0.021496	5296486	285230516	5717	234085
New Jersey	\$32,000	0.024148	8414350	285230516	4400	234085
Michigan	\$32,000	0.025457	9938444	285230516	3762	234085
North Carolina	\$32,000	0.028784	8049313	285230516	6870	234085
Ohio	\$32,000	0.029452	11353140	285230516	4471	234085
Missouri	\$32,000	0.029649	5595211	285230516	9289	234085
Pennsylvania	\$32,000	0.031196	12281054	285230516	4526	234085
Georgia	\$32,000	0.032677	8186453	285230516	8580	234085
Virginia	\$32,000	0.035263	7078515	285230516	10700	234085
Florida	\$39,000	0.047751	15982378	285230516	9239	234085
New York	\$39,000	0.053217	18976457	285230516	9341	234085
Illinois	\$39,000	0.054220	12419293	285230516	15192	234085
Texas	\$46,000	0.088867	20851820	285230516	24492	234085
California	\$46,000	0.114864	33871648	285230516	25978	234085

\$1,314,000

¹ - Based on total projected operating budget

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

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

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

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

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

**Total Reported Compact Offenders
In and Out of State**

State	Aug-04	Sep-04	Oct-04	Nov-04	Dec-04	Jan-05	Feb-05	Mar-05	Apr-05	May-05	Jun-05
Alabama	140	128	154	134	147	138	88	132			
Alaska	460	473	481	452	489	482	486	490	489	500	498
Arizona	3,859	3,840	3,796	3,861	3,820	741	3,110	3,820	3,838	3,875	719
Arkansas	4,020	4,036	4,021	4,035	4,026			4,143	4,187		
California	3,290	3,281	222	21,851	2,936	22,353	22,500	2,832	30,759	24,264	23,212
Colorado	3,697	3,796		3,626	3,856						
Connecticut											
Delaware		1,250	1,231	1,220	1,200	1,162	1,154	1,123	1,185	1,165	1,153
DC	1,896	1,925			2,031		1,942		1,487	1,503	
Florida	336		299	209	224	275	275	339	348	293	316
Georgia	10,095	10,136	10,341	10,444	10,197	10,194	10,198	10,237	10,223	10,245	10,429
Hawaii	527			519	524	522	532	539	574	575	572
Idaho	1,783	1,794	1,794			1,677		4,656		1,650	1,639
Illinois											
Indiana	4,832	5,211	5,339	5,091	4,070	5,144	5,487	1,116	1,135	1,111	1,160
Iowa	2,265	2,285	2,275	2,279	2,270	2,789	2,776	2,281	2,222	2,175	
Kansas	2,427							2,880			
Kentucky	4,199	202	187	125	195	193	183	260	242	171	
Louisiana	3,829	3,857									
Maine	625	624		605	568	573	577	555	545	542	545
Maryland	5,993	6,082	5,990	5,866	5,800	5,681	5,588	5,542	5,415	5,350	
Michigan	4,242	4,422	4,441	4,478	4,532	4,630	4,639	4,416	4,459	4,501	4,269
Minnesota	4,182	3,986	4,078	4,206	4,213	4,228	4,219	4,178	4,194		
Mississippi	2,963		2,808	2,836	2,814			2,845	2,861	2,855	
Missouri		8,022	7,988	7,882	7,876	7,968	7,255	8,205	8,088	8,150	
Montana	1,287	1,279	1,305	1,309	1,314	1,320	1,260	43	1,268		1,286
Nebraska	1,380	1,349	1,369	1,375	1,337	1,418	1,425	1,386	1,305	1,262	1,194
Nevada	2,249	2,644	2,569	2,510			2,325				
New Hampshire	1,129										
New Jersey	1,052	1,047	1,066	1,083	968	1,112	970	12,098	12,103	12,549	11,684
New Mexico											
New York	8,413	9,025	9,160	9,144	9,412	9,271	9,242	9,304	6,550	6,428	
North Carolina	161					5,364	5,445	5,269	5,226	5,204	
North Dakota	1,292	1,278	1,265	1,261	1,282	1,295	1,306	1,293	1,291	1,249	1,238
Ohio	168	196	213	261	214	5,707	5,768	5,936	5,951	5,712	5,702
Oklahoma	4,997	5,002	5,043	5,057	5,068						
Oregon	2,844	2,796	2,796	2,743	2,716	2,761	2,780	2,819	2,749	2,735	
Pennsylvania	6,119	6,148	6,200	6,292	6,273	6,228	6,201		6,171	6,138	6,009
Puerto Rico	561	551	551	536	525	508	486	473	457	431	458
Rhode Island	1,546		1,399	1,574	1,528		1,387	1,355	1,355	1,313	
South Carolina	3,702	3,672	3,654	3,646	3,603	3,591	3,572	12,302	3,491	3,442	
South Dakota	3,105	3,134	3,129	3,300	3,351	340	3,496	3,198	3,547	3,277	3,683
Tennessee	4,420	4,510	4,525	4,565	4,629	4,658	4,682	4,718	4,756	4,815	
Texas	18,957	17,092	17,378	17,308	17,459	16,856			17,081	17,320	17,330
Utah	46	1,286	1,272	1,271	1,294	1,278	1,260	1,265		1,197	1,201
Vermont		1,185	1,194	1,223	1,230	1,242	1,230		1,232	1,222	1,238
Virginia	13,247	13,285	12,649	12,285	11,720		11,032	10,891	10,863	10,947	
Washington	3,032	3,031	3,063	2,983	2,967		2,917		2,924	2,847	2,869
West Virginia	1,331				1,311	1,292					
Wisconsin	3,883	3,862	3,861	3,790	3,762	3,828	3,729	3,730	3,688	3,729	3,736
Wyoming											
All States	150,581	147,722	139,106	163,235	143,751	136,819	141,522	136,669	174,259	160,742	102,140

Reported Compact Offenders August 2004							
<u>State</u>	<u>In Probation</u>	<u>In Parole</u>	<u>Total In</u>	<u>Out Probation</u>	<u>Out Parole</u>	<u>Total Out</u>	<u>TOTAL Compact Offenders</u>
Alabama	99	29	128	9	3	12	140
Alaska	147	64	211	194	55	249	460
Arizona	1,211	397	1,608	1,919	332	2,251	3,859
Arkansas	1,360	553	1,913	1,412	695	2,107	4,020
California	171	1,585	1,756	74	1,460	1,534	3,290
Colorado	1,231	298	1,529	1,527	641	2,168	3,697
Connecticut *			0			0	0
Delaware *			0			0	0
DC	831	162	993	848	55	903	1,896
Florida	185	53	238	98	0	98	336
Georgia	2,863	589	3,452	4,442	2,201	6,643	10,095
Hawaii	96	33	129	246	152	398	527
Idaho	523	153	676	755	352	1,107	1,783
Illinois *			0			0	0
Indiana	1,436	773	2,209	2,277	346	2,623	4,832
Iowa	1,074	261	1,335	736	194	930	2,265
Kansas	932	362	1,294	629	504	1,133	2,427
Kentucky	1,168	439	1,607	1,700	892	2,592	4,199
Louisiana	548	1,419	1,967	551	1,311	1,862	3,829
Maine	292	60	352	267	6	273	625
Maryland	2,824	488	3,312	2,135	546	2,681	5,993
Michigan	2,092	654	2,746	1,071	425	1,496	4,242
Minnesota	1,779	391	2,170	1,871	141	2,012	4,182
Mississippi	1,251	464	1,715	1,011	237	1,248	2,963
Missouri *			0			0	0
Montana	293	83	376	769	142	911	1,287
Nebraska	573	178	751	548	81	629	1,380
Nevada	552	298	850	1,033	366	1,399	2,249
New Hampshire	451	74	525	516	88	604	1,129
New Jersey	88	361	449	95	508	603	1,052
New Mexico *			0			0	0
New York	3,000	736	3,736	3,197	1,480	4,677	8,413
North Carolina	77	12	89	61	11	72	161
North Dakota	524	77	601	560	131	691	1,292
Ohio	69	43	112	30	26	56	168
Oklahoma			3,295			1,702	4,997
Oregon			1,419			1,425	2,844
Pennsylvania	1,985	445	2,430	2,611	1,078	3,689	6,119
Puerto Rico	238	174	412	116	33	149	561
Rhode Island	368	63	431	1,071	44	1,115	1,546
South Carolina	1,724	440	2,164	1,082	456	1,538	3,702
South Dakota	1,556	44	1,600	1,216	289	1,505	3,105
Tennessee	1,429	691	2,120	1,815	485	2,300	4,420
Texas	3,963	1,832	5,795	9,681	3,481	13,162	18,957
Utah	19	3	22	16	8	24	46
Vermont *			0			0	0
Virginia	5,204	676	5,880	6,593	774	7,367	13,247
Washington			2,360			672	3,032
West Virginia	766	160	926	213	192	405	1,331
Wisconsin	1,020	234	1,254	2,005	624	2,629	3,883
Wyoming *			0			0	0
All States			68,937			81,644	150,581

* State did not report August 2004

Reported Compact Offenders September 2004							
State	In Probation	In Parole	Total In	Out Probation	Out Parole	Total Out	TOTAL Compact Offenders
Alabama	76	19	95	29	4	33	128
Alaska	160	64	224	186	63	249	473
Arizona	1,193	396	1,589	1,921	330	2,251	3,840
Arkansas	1,376	573	1,949	1,402	685	2,087	4,036
California	139	1,590	1,729	103	1,449	1,552	3,281
Colorado	1,174	297	1,471	1,670	655	2,325	3,796
Connecticut *			0			0	0
Delaware	616	81	697	524	29	553	1,250
DC	857	167	1,024	842	59	901	1,925
Florida *			0			0	0
Georgia	2,863	618	3,481	4,442	2,213	6,655	10,136
Hawaii *			0			0	0
Idaho	521	152	673	771	350	1,121	1,794
Illinois *			0			0	0
Indiana	1,772	776	2,548	2,317	346	2,663	5,211
Iowa	1,089	270	1,359	733	193	926	2,285
Kansas *			0			0	0
Kentucky	58	19	77	86	39	125	202
Louisiana	555	1,431	1,986	563	1,308	1,871	3,857
Maine	294	59	353	264	7	271	624
Maryland	2,886	499	3,385	2,140	557	2,697	6,082
Michigan	2,202	665	2,867	1,133	422	1,555	4,422
Minnesota	1,672	368	2,040	1,818	128	1,946	3,986
Mississippi *			0			0	0
Missouri	1,995	746	2,741	2,309	2,972	5,281	8,022
Montana	286	85	371	765	143	908	1,279
Nebraska	550	177	727	545	77	622	1,349
Nevada	565	334	899	1,374	371	1,745	2,644
New Hampshire *			0			0	0
New Jersey	77	364	441	80	526	606	1,047
New Mexico *			0			0	0
New York	3,408	741	4,149	3,381	1,495	4,876	9,025
North Carolina *			0			0	0
North Dakota	519	79	598	553	127	680	1,278
Ohio	81	49	130	39	27	66	196
Oklahoma	3,307		3,307	1,695		1,695	5,002
Oregon			1,396			1,400	2,796
Pennsylvania	1,986	434	2,420	2,653	1,075	3,728	6,148
Puerto Rico	233	173	406	112	33	145	551
Rhode Island *			0			0	0
South Carolina	1,736	435	2,171	1,052	449	1,501	3,672
South Dakota	1,576	41	1,617	1,224	293	1,517	3,134
Tennessee	1,517	682	2,199	1,829	482	2,311	4,510
Texas	3,531	1,812	5,343	8,234	3,515	11,749	17,092
Utah	617	224	841	282	163	445	1,286
Vermont	360	61	421	703	61	764	1,185
Virginia	4,382	695	5,077	7,432	776	8,208	13,285
Washington			2,352			679	3,031
West Virginia *			0			0	0
Wisconsin	1,009	227	1,236	1,999	627	2,626	3,862
Wyoming *			0			0	0
All States			66,389			81,333	147,722

* State did not report September 2004

**Reported Compact Offenders
October 2004**

State			Total In	Out		Total Out	Total Compact Offenders
	In Probation	In Parole		Probation	Out Parole		
Alabama	87	22	109	39	6	45	154
Alaska	160	66	226	195	60	255	481
Arizona	1,168	396	1,564	1,888	344	2,232	3,796
Arkansas	1,379	564	1,943	1,408	670	2,078	4,021
California	137		137	85		85	222
Colorado *			0			0	0
Connecticut *			0			0	0
Delaware	606	87	693	508	30	538	1,231
DC *			0			0	0
Florida	194	37	231	68	0	68	299
Georgia	2,927	608	3,535	4,554	2,252	6,806	10,341
Hawaii *			0			0	0
Idaho	513	148	661	785	348	1,133	1,794
Illinois *			0			0	0
Indiana	1,984	776	2,760	2,247	332	2,579	5,339
Iowa	1,071	281	1,352	729	194	923	2,275
Kansas *			0			0	0
Kentucky	55	20	75	81	31	112	187
Louisiana *			0			0	0
Maine *			0			0	0
Maryland	2,838	494	3,332	2,097	561	2,658	5,990
Michigan	2,223	654	2,877	1,135	429	1,564	4,441
Minnesota	1,718	368	2,086	1,855	137	1,992	4,078
Mississippi	1,183	437	1,620	961	227	1,188	2,808
Missouri	2,024	747	2,771	2,963	2,254	5,217	7,988
Montana	291	87	378	782	145	927	1,305
Nebraska	584	180	764	529	76	605	1,369
Nevada	550	302	852	1,406	311	1,717	2,569
New Hampshire *			0			0	0
New Jersey	43	382	425	107	534	641	1,066
New Mexico *			0			0	0
New York	3,529	751	4,280	3,443	1,437	4,880	9,160
North Carolina *			0			0	0
North Dakota	515	78	593	544	128	672	1,265
Ohio	89	51	140	44	29	73	213
Oklahoma			3,332			1,711	5,043
Oregon			1,396			1,400	2,796
Pennsylvania	2,020	440	2,460	2,675	1,065	3,740	6,200
Puerto Rico	233	172	405	115	31	146	551
Rhode Island	355	63	418	934	47	981	1,399
South Carolina	1,708	438	2,146	1,058	450	1,508	3,654
South Dakota	1,571	40	1,611	1,216	302	1,518	3,129
Tennessee	1,527	681	2,208	1,836	481	2,317	4,525
Texas	3,615	1,845	5,460	8,342	3,576	11,918	17,378
Utah	626	221	847	271	154	425	1,272
Vermont	360	61	421	709	64	773	1,194
Virginia	4,067	680	4,747	7,142	760	7,902	12,649
Washington			2,339			724	3,063
West Virginia *			0			0	0
Wisconsin	1,005	221	1,226	1,984	651	2,635	3,861
Wyoming *			0			0	0
All States			62,420			76,686	139,106

* State did not report October 2004

State	Reported Compact Offenders November 2004						Total Compact Offenders
	In Probation	In Parole	Total In	Out		Total Out	
				Probation	Out Parole		
Alabama	73	19	92	38	4	42	134
Alaska	153	58	211	185	56	241	452
Arizona	1,200	392	1,592	1,920	349	2,269	3,861
Arkansas	1,379	573	1,952	1,414	669	2,083	4,035
California	9,556	1,579	11,135	9,305	1,411	10,716	21,851
Colorado	1,150	281	1,431	1,520	675	2,195	3,626
Connecticut *			0			0	0
Delaware	588	89	677	513	30	543	1,220
DC *			0			0	0
Florida	124	37	161	48		48	209
Georgia	2,980	624	3,604	4,574	2,266	6,840	10,444
Hawaii	91	38	129	235	155	390	519
Idaho *			0			0	0
Illinois *			0			0	0
Indiana	1,647	800	2,447	2,275	369	2,644	5,091
Iowa	1,039	284	1,323	760	196	956	2,279
Kansas *			0			0	0
Kentucky	35	13	48	52	25	77	125
Louisiana *			0			0	0
Maine	288	59	347	251	7	258	605
Maryland	2,784	498	3,282	2,032	552	2,584	5,866
Michigan	2,245	636	2,881	1,171	426	1,597	4,478
Minnesota	1,749	400	2,149	1,914	143	2,057	4,206
Mississippi	1,204	449	1,653	959	224	1,183	2,836
Missouri	2,065	735	2,800	2,980	2,102	5,082	7,882
Montana	293	89	382	778	149	927	1,309
Nebraska	594	180	774	528	73	601	1,375
Nevada	532	300	832	1,332	346	1,678	2,510
New Hampshire *			0			0	0
New Jersey	31	425	456	74	553	627	1,083
New Mexico *			0			0	0
New York	3,473	774	4,247	3,378	1,519	4,897	9,144
North Carolina *			0			0	0
North Dakota	523	72	595	537	129	666	1,261
Ohio	112	49	161	78	22	100	261
Oklahoma	3,336		3,336	1,721		1,721	5,057
Oregon			1,375			1,368	2,743
Pennsylvania	2,130	439	2,569	2,660	1,063	3,723	6,292
Puerto Rico	245	147	392	112	32	144	536
Rhode Island	386	64	450	1,074	50	1,124	1,574
South Carolina	1,718	436	2,154	1,047	445	1,492	3,646
South Dakota	1,604	41	1,645	1,350	305	1,655	3,300
Tennessee	1,552	698	2,250	1,839	476	2,315	4,565
Texas	3,680	1,813	5,493	8,328	3,487	11,815	17,308
Utah	631	219	850	270	151	421	1,271
Vermont	359	60	419	733	71	804	1,223
Virginia	3,925	629	4,554	6,967	764	7,731	12,285
Washington			2,260			723	2,983
West Virginia *			0			0	0
Wisconsin	997	220	1,217	1,930	643	2,573	3,790
Wyoming *			0			0	0
All States			74,325			88,910	163,235

* State did not report November 2004

Reported Compact Offenders December 2004

State	In		Out			Total Compact Offenders	
	Probation	Parole	Total In	Probation	Parole		Total Out
Alabama	84	33	117	30		30	147
Alaska	164	69	233	193	63	256	489
Arizona	1,189	393	1,582	1,890	348	2,238	3,820
Arkansas	1,394	564	1,958	1,414	654	2,068	4,026
California		1,578	1,578		1,358	1,358	2,936
Colorado	1,143	276	1,419	1,790	647	2,437	3,856
Connecticut *			0			0	0
Delaware	580	97	677	492	31	523	1,200
DC	987	164	1,151	829	51	880	2,031
Florida	124	38	162	62		62	224
Georgia	2,858	621	3,479	4,447	2,271	6,718	10,197
Hawaii	93	37	130	235	159	394	524
Idaho *			0			0	0
Illinois *			0			0	0
Indiana	1,789		1,789	2,281		2,281	4,070
Iowa	1,022	285	1,307	765	198	963	2,270
Kansas *			0			0	0
Kentucky	68	25	93	62	40	102	195
Louisiana *			0			0	0
Maine	261	57	318	244	6	250	568
Maryland	2,764	495	3,259	1,988	553	2,541	5,800
Michigan	2,287	621	2,908	1,188	436	1,624	4,532
Minnesota	1,754	396	2,150	1,917	146	2,063	4,213
Mississippi	1,197	447	1,644	949	221	1,170	2,814
Missouri	2,161	727	2,888	2,981	2,007	4,988	7,876
Montana	299	91	390	773	151	924	1,314
Nebraska	602	183	785	479	73	552	1,337
Nevada *			0			0	0
New Hampshire *			0			0	0
New Jersey		425	425		543	543	968
New Mexico *			0			0	0
New York	3,408	978	4,386	3,330	1,696	5,026	9,412
North Carolina *			0			0	0
North Dakota	532	72	604	545	133	678	1,282
Ohio	85	53	138	51	25	76	214
Oklahoma			3,320			1,748	5,068
Oregon			1,361			1,355	2,716
Pennsylvania	2,187	443	2,630	2,583	1,060	3,643	6,273
Puerto Rico	243	147	390	104	31	135	525
Rhode Island	355	61	416	1,062	50	1,112	1,528
South Carolina	1,727	439	2,166	1,007	430	1,437	3,603
South Dakota	1,629	42	1,671	1,377	303	1,680	3,351
Tennessee	1,595	705	2,300	1,854	475	2,329	4,629
Texas	3,745	1,831	5,576	8,340	3,543	11,883	17,459
Utah	636	219	855	284	155	439	1,294
Vermont	360	60	420	736	74	810	1,230
Virginia	3,680	617	4,297	6,657	766	7,423	11,720
Washington			2,251			716	2,967
West Virginia	753	153	906	202	203	405	1,311
Wisconsin	998	214	1,212	1,917	633	2,550	3,762
Wyoming *			0			0	0
All States			65,341			78,410	143,751

* State did not report December 2004

Reported Compact Offenders January 2005							
State	In Probation	In Parole	Total In	Out Probation	Out Parole	Total Out	Total Compact Offenders
Alabama	68	24	92	40	6	46	138
Alaska	169	66	235	190	57	247	482
Arizona		392	392		349	349	741
Arkansas *			0			0	0
California	9,907	1,579	11,486	9,537	1,330	10,867	22,353
Colorado *			0			0	0
Connecticut *			0			0	0
Delaware	562	107	669	462	31	493	1,162
DC *			0			0	0
Florida	139	49	188	87		87	275
Georgia	2,788	630	3,418	4,471	2,305	6,776	10,194
Hawaii	89	37	126	230	166	396	522
Idaho	432	164	596	800	281	1,081	1,677
Illinois *			0			0	0
Indiana	1,697	808	2,505	2,291	348	2,639	5,144
Iowa	1,016	285	1,301	1,189	299	1,488	2,789
Kansas *			0			0	0
Kentucky	80	23	103	50	40	90	193
Louisiana *			0			0	0
Maine	260	56	316	251	6	257	573
Maryland	2,724	480	3,204	1,925	552	2,477	5,681
Michigan	2,341	620	2,961	1,212	457	1,669	4,630
Minnesota	1,768	394	2,162	1,930	136	2,066	4,228
Mississippi			0			0	0
Missouri	2,188	738	2,926	2,953	2,089	5,042	7,968
Montana	301	92	393	774	153	927	1,320
Nebraska	658	185	843	499	76	575	1,418
Nevada *			0			0	0
New Hampshire *			0			0	0
New Jersey	42	445	487	105	520	625	1,112
New Mexico *			0			0	0
New York	3,356	975	4,331	3,289	1,651	4,940	9,271
North Carolina	2,833	753	3,586	1,700	78	1,778	5,364
North Dakota	526	80	606	554	135	689	1,295
Ohio	2,103	878	2,981	1,894	832	2,726	5,707
Oklahoma *			0			0	0
Oregon	1,340		1,340	1,421		1,421	2,761
Pennsylvania	2,207	453	2,660	2,495	1,073	3,568	6,228
Puerto Rico	234	143	377	100	31	131	508
Rhode Island *			0			0	0
South Carolina	1,719	440	2,159	1,004	428	1,432	3,591
South Dakota		37	37		303	303	340
Tennessee	1,617	700	2,317	1,865	476	2,341	4,658
Texas	3,540	1,835	5,375	7,962	3,519	11,481	16,856
Utah	621	217	838	289	151	440	1,278
Vermont	361	59	420	749	73	822	1,242
Virginia *			0			0	0
Washington *			0			0	0
West Virginia	742	152	894	194	204	398	1,292
Wisconsin	1,014	218	1,232	1,918	678	2,596	3,828
Wyoming *			0			0	0
All States			63,556			73,263	136,819

* State did not report January 2005

**Reported Compact Offenders
February 2005**

State			Total In	Out		Total Out	Total Compact Offenders
	In Probation	In Parole		Probation	Parole		
Alabama	36	23	59	26	3	29	88
Alaska	175	66	241	183	62	245	486
Arizona	1,214		1,214	1,896		1,896	3,110
Arkansas *			0			0	0
California	10,019	1,612	11,631	9,585	1,284	10,869	22,500
Colorado *			0			0	0
Connecticut *			0			0	0
Delaware	557	106	663	459	32	491	1,154
DC	921	153	1,074	821	47	868	1,942
Florida	42	165	207		68	68	275
Georgia	2,782	627	3,409	4,476	2,313	6,789	10,198
Hawaii	90	38	128	234	170	404	532
Idaho *			0			0	0
Illinois *			0			0	0
Indiana	1,988	800	2,788	2,306	393	2,699	5,487
Iowa	1,012	279	1,291	1,189	296	1,485	2,776
Kansas *			0			0	0
Kentucky	58	21	79	74	30	104	183
Louisiana *			0			0	0
Maine	261	57	318	253	6	259	577
Maryland	2,682	478	3,160	1,876	552	2,428	5,588
Michigan	2,340	622	2,962	1,210	467	1,677	4,639
Minnesota	1,763	392	2,155	1,930	134	2,064	4,219
Mississippi			0			0	0
Missouri	2,188	738	2,926	2,992	1,337	4,329	7,255
Montana	262	81	343	774	143	917	1,260
Nebraska	658	188	846	499	80	579	1,425
Nevada	532	293	825	1,198	302	1,500	2,325
New Hampshire *			0			0	0
New Jersey		445	445		525	525	970
New Mexico *			0			0	0
New York	3,363	964	4,327	3,276	1,639	4,915	9,242
North Carolina	2,800	743	3,543	1,826	76	1,902	5,445
North Dakota	533	73	606	562	138	700	1,306
Ohio	2,126	896	3,022	1,890	856	2,746	5,768
Oklahoma *			0			0	0
Oregon	1,351		1,351	1,429		1,429	2,780
Pennsylvania	2,230	463	2,693	2,419	1,089	3,508	6,201
Puerto Rico	222	137	359	99	28	127	486
Rhode Island	319	59	378	966	43	1,009	1,387
South Carolina	1,706	439	2,145	997	430	1,427	3,572
South Dakota	1,705	41	1,746	1,437	313	1,750	3,496
Tennessee	1,646	701	2,347	1,863	472	2,335	4,682
Texas *			0			0	0
Utah	609	214	823	277	160	437	1,260
Vermont	347	59	406	743	81	824	1,230
Virginia	3,279	628	3,907	6,331	794	7,125	11,032
Washington			2,212			705	2,917
West Virginia *			0			0	0
Wisconsin	1,007	207	1,214	1,839	676	2,515	3,729
Wyoming *			0			0	0
All States			67,843			73,679	141,522

* State did not report February 2005

State	Reported Compact Offenders March 2005						Total Compact Offenders
	In Probation	In Parole	Total In	Out Probation	Out Parole	Total Out	
Alabama	78	6	84	44	4	48	132
Alaska	173	54	227	199	64	263	490
Arizona	1,201	393	1,594	1,895	331	2,226	3,820
Arkansas	1,408	591	1,999	1,427	717	2,144	4,143
California		1,572	1,572		1,260	1,260	2,832
Colorado *			0			0	0
Connecticut *			0			0	0
Delaware	547	112	659	432	32	464	1,123
DC *			0			0	0
Florida	180	70	250	88	1	89	339
Georgia	2,777	650	3,427	4,498	2,312	6,810	10,237
Hawaii	94	40	134	233	172	405	539
Idaho	436	157	593	801	262	1,063	1,656
Illinois *			0			0	0
Indiana		777	777		339	339	1,116
Iowa	1,009	284	1,293	799	189	988	2,281
Kansas	1,068	388	1,456	875	549	1,424	2,880
Kentucky	87	26	113	95	52	147	260
Louisiana *			0			0	0
Maine	250	56	306	243	6	249	555
Maryland	2,684	469	3,153	1,834	555	2,389	5,542
Michigan	2,200	629	2,829	1,133	454	1,587	4,416
Minnesota	1,744	383	2,127	1,921	130	2,051	4,178
Mississippi	1,207	461	1,668	953	224	1,177	2,845
Missouri	2,208	718	2,926	3,009	2,270	5,279	8,205
Montana	7	2	9	24	10	34	43
Nebraska	648	194	842	458	86	544	1,386
Nevada *			0			0	0
New Hampshire *			0			0	0
New Jersey	5,389	474	5,863	5,830	405	6,235	12,098
New Mexico *			0			0	0
New York	3,379	902	4,281	3,377	1,646	5,023	9,304
North Carolina	2,794	731	3,525	1,663	81	1,744	5,269
North Dakota	528	72	600	552	141	693	1,293
Ohio	2,179	943	3,122	1,955	859	2,814	5,936
Oklahoma *			0			0	0
Oregon	1,327		1,327	1,492		1,492	2,819
Pennsylvania *			0			0	0
Puerto Rico	223	131	354	93	26	119	473
Rhode Island	311	57	368	942	45	987	1,355
South Carolina	1,678	434	2,112	9,760	430	10,190	12,302
South Dakota	1,713	44	1,757	1,130	311	1,441	3,198
Tennessee	1,684	704	2,388	1,866	464	2,330	4,718
Texas *			0			0	0
Utah	612	210	822	293	150	443	1,265
Vermont *			0			0	0
Virginia	3,100	629	3,729	6,357	805	7,162	10,891
Washington *			0			0	0
West Virginia *			0			0	0
Wisconsin	1,029	213	1,242	1,803	685	2,488	3,730
Wyoming *			0			0	0
All States			59,528			74,141	133,669

* State did not report March 2005

Reported Compact Offenders April 2005							
State	In Probation	In Parole	Total In	Out Probation	Out Parole	Total Out	Total Compact Offenders
Alabama *			0			0	0
Alaska	169	58	227	195	67	262	489
Arizona	1,188	396	1,584	1,920	334	2,254	3,838
Arkansas	1,402	597	1,999	1,430	758	2,188	4,187
California	12,692	1,553	14,245	15,271	1,243	16,514	30,759
Colorado *			0			0	0
Connecticut *			0			0	0
Delaware	534	113	647	503	35	538	1,185
DC	665	142	807	629	51	680	1,487
Florida	180	70	250	88	10	98	348
Georgia	2,857	662	3,519	4,469	2,235	6,704	10,223
Hawaii	113	40	153	249	172	421	574
Idaho *			0			0	0
Illinois *			0			0	0
Indiana		772	772		363	363	1,135
Iowa	1,011	281	1,292	749	181	930	2,222
Kansas *			0			0	0
Kentucky	98	24	122	81	39	120	242
Louisiana *			0			0	0
Maine	247	57	304	235	6	241	545
Maryland	2,644	467	3,111	1,759	545	2,304	5,415
Michigan	2,236	608	2,844	1,165	450	1,615	4,459
Minnesota	1,743	389	2,132	1,926	136	2,062	4,194
Mississippi	1,190	453	1,643	973	245	1,218	2,861
Missouri	2,189	716	2,905	3,008	2,175	5,183	8,088
Montana	250	86	336	777	155	932	1,268
Nebraska	625	181	806	419	80	499	1,305
Nevada *			0			0	0
New Hampshire *			0			0	0
New Jersey	5,389	479	5,868	5,830	405	6,235	12,103
New Mexico *			0			0	0
New York	3,333		3,333	3,217		3,217	6,550
North Carolina	2,787	732	3,519	1,633	74	1,707	5,226
North Dakota	519	75	594	556	141	697	1,291
Ohio	2,177	883	3,060	2,015	876	2,891	5,951
Oklahoma *			0			0	0
Oregon			1,285			1,464	2,749
Pennsylvania	2,303	467	2,770	2,297	1,104	3,401	6,171
Puerto Rico	219	120	339	93	25	118	457
Rhode Island	308	57	365	948	42	990	1,355
South Carolina	1,681	431	2,112	947	432	1,379	3,491
South Dakota	1,452	43	1,495	1,733	319	2,052	3,547
Tennessee	1,706	715	2,421	1,873	462	2,335	4,756
Texas	3,579	1,931	5,510	8,086	3,485	11,571	17,081
Utah *			0			0	0
Vermont	350	55	405	741	86	827	1,232
Virginia	3,063	637	3,700	6,385	778	7,163	10,863
Washington			2,238			686	2,924
West Virginia *			0			0	0
Wisconsin	1,033	209	1,242	1,809	637	2,446	3,688
Wyoming *			0			0	0
All States			79,954			94,305	174,259

* State did not report April 2005

**Reported Compact Offenders
May 2005**

State			Out			Total Out	Total Compact Offenders
	In Probation	In Parole	Total In	Probation	Parole		
Alabama *			0			0	0
Alaska	177	59	236	194	70	264	500
Arizona	1,220	392	1,612	1,937	326	2,263	3,875
Arkansas *			0			0	0
California	11,621	1,605	13,226	9,813	1,225	11,038	24,264
Colorado *			0			0	0
Connecticut *			0			0	0
Delaware	529	111	640	490	35	525	1,165
DC	695	133	828	621	54	675	1,503
Florida	172	36	208	85	0	85	293
Georgia	2,710	652	3,362	4,570	2,313	6,883	10,245
Hawaii	112	40	152	245	178	423	575
Idaho	429	154	583	803	264	1,067	1,650
Illinois *			0			0	0
Indiana		783	783		328	328	1,111
Iowa	985	283	1,268	736	171	907	2,175
Kansas *			0			0	0
Kentucky	64	25	89	47	35	82	171
Louisiana *			0			0	0
Maine	246	60	306	230	6	236	542
Maryland	2,625	469	3,094	1,717	539	2,256	5,350
Michigan	2,277	603	2,880	1,170	451	1,621	4,501
Minnesota *			0			0	0
Mississippi	1,173	446	1,619	985	251	1,236	2,855
Missouri	2,169	720	2,889	3,009	2,252	5,261	8,150
Montana *			0			0	0
Nebraska	615	184	799	384	79	463	1,262
Nevada *			0			0	0
New Hampshire *			0			0	0
New Jersey	5,446	492	5,938	6,214	397	6,611	12,549
New Mexico *			0			0	0
New York	3,297		3,297	3,131		3,131	6,428
North Carolina	2,806	726	3,532	1,596	76	1,672	5,204
North Dakota	525	27	552	555	142	697	1,249
Ohio	2,203	871	3,074	1,759	879	2,638	5,712
Oklahoma *			0			0	0
Oregon			1,278			1,457	2,735
Pennsylvania	2,312	484	2,796	2,216	1,126	3,342	6,138
Puerto Rico	209	118	327	85	19	104	431
Rhode Island	298	53	351	924	38	962	1,313
South Carolina	1,656	427	2,083	930	429	1,359	3,442
South Dakota	1,754	47	1,801	1,151	325	1,476	3,277
Tennessee	1,750	724	2,474	1,886	455	2,341	4,815
Texas	3,634	1,986	5,620	8,148	3,552	11,700	17,320
Utah	586	196	782	266	149	415	1,197
Vermont	341	56	397	733	92	825	1,222
Virginia	3,065	644	3,709	6,446	792	7,238	10,947
Washington			2,193			654	2,847
West Virginia *			0			0	0
Wisconsin	1,036	203	1,239	1,790	700	2,490	3,729
Wyoming			0			0	0
All States			76,017			84,725	160,742

* State did not report May 2005

Reported Compact Offenders June 2005							
State	In Probation	In Parole	Total In	Out Probation	Out Parole	Total Out	Total Compact Offenders
Alabama *			0			0	0
Alaska	174	60	234	195	69	264	498
Arizona		412	412		307	307	719
Arkansas *			0			0	0
California	10,512	1,600	12,112	9,879	1,221	11,100	23,212
Colorado *			0			0	0
Connecticut *			0			0	0
Delaware	523	121	644	474	35	509	1,153
DC *			0			0	0
Florida	168	65	233	83	0	83	316
Georgia	2,771	655	3,426	4,688	2,315	7,003	10,429
Hawaii	110	41	151	242	179	421	572
Idaho	427	154	581	794	264	1,058	1,639
Illinois *			0			0	0
Indiana		794	794		366	366	1,160
Iowa *			0			0	0
Kansas *			0			0	0
Kentucky *			0			0	0
Louisiana *			0			0	0
Maine	248	60	308	230	7	237	545
Maryland *			0			0	0
Michigan	2,137	602	2,739	1,086	444	1,530	4,269
Minnesota *			0			0	0
Mississippi *			0			0	0
Missouri *			0			0	0
Montana	253	96	349	786	151	937	1,286
Nebraska	572	193	765	351	78	429	1,194
Nevada *			0			0	0
New Hampshire *			0			0	0
New Jersey	5,460		5,460	6,224		6,224	11,684
New Mexico *			0			0	0
New York *			0			0	0
North Carolina *			0			0	0
North Dakota	513	79	592	508	138	646	1,238
Ohio	2,185	875	3,060	1,762	880	2,642	5,702
Oklahoma *			0			0	0
Oregon *			0			0	0
Pennsylvania	2,230	474	2,704	2,186	1,119	3,305	6,009
Puerto Rico	230	121	351	85	22	107	458
Rhode Island *			0			0	0
South Carolina *			0			0	0
South Dakota	1,788	48	1,836	1,524	323	1,847	3,683
Tennessee *			0			0	0
Texas	3,638	2,007	5,645	8,143	3,542	11,685	17,330
Utah	582	194	776	273	152	425	1,201
Vermont	348	61	409	732	97	829	1,238
Virginia *			0			0	0
Washington			2,202			667	2,869
West Virginia *			0			0	0
Wisconsin	1,055	200	1,255	1,770	711	2,481	3,736
Wyoming *			0			0	0
All States			47,038			55,102	102,140

* State did not report June 2005 as of July 15th, 2005



ICAOS Regions





State Compact Directory

Interstate Commission
for Adult Offender Supervision

Updated July 15, 2005

2760 Research Park Drive
Lexington, KY 40578

www.interstatecompact.org

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ICAOS Staff Directory

Executive Director: Don Blackburn

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Don is the Executive Director and administrator for the National Office of the Commission. He is available to answer questions regarding rules or policy and is an expert on Commission business. Don serves as the forefront for the Commission in matters of compliance, disputes, opinions and legality.

Office Director: Ashley Kenoyer

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Ashley serves the Commission as its Office Director. She supervises the day to day matters of the National Office working closely with the staff. She assists Don in financial management, policies for the National Office, Commission appointments, dues collection as well as filling in for Executive Director in his absence.

Technology Manager: Sheila Perry

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Sheila provides systems and data support for the National Office and Commission meetings. She serves as a consultant and project manager for the National Adult Information System (NACIS) and ensures preparedness on behalf of states for implementation of NACIS.

Logistics & Administrative Coordinator: Kelli Price

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Kelli is responsible for all meetings held by the Commission. She secures the logistical aspect for meetings which includes negotiating hotel contracts, catering needs, travel arrangements and material assembly. Kelli distributes meeting announcements, travel policies and pertinent information relating to meetings.

Systems Administrator: Xavier Donnelly

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Xavier manages the Commission website including design, general content, forms and documents, maintenance and monitoring website traffic and effectiveness. Xavier creates online training materials, manuals, presentations, online surveys and reports. Xavier also updates and maintains the Commission's Directory for every state and territory.

Administrative Assistant: Mindy Spring

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Mindy primarily provides administrative support to the Executive Director for his correspondence, travel arrangements and report preparation, however she often wears two hats by assisting both Don and the National Office. Mindy maintains the calendar for the National Office, the Executive Director and the Commission, she is also the individual responsible for taking minutes at committee meetings and Commission meetings, ensuring their accuracy and posting them for public review.