ICAOS
Sex Offender Ad Hoc Committee
May 05, 2006
3:30 p.m. (EST)

Members in Attendance:
1. Dori Ege (AZ)
2. Keven Pellant (KS)

Members Not in Attendance:
1. Jeaneene Miller (CO)
2. James Camache (VA)
3. Wanda LaCour (MO)
4. Gary Tullock (TN)

Guests:
1. Walt Pulliam (VA)

Staff
1. Don Blackburn
2. Mindy Spring
3. Whitney Hall
4. Stephanie Scott

- Discussion of Sex Offender travel permits.
- Discussion of survey.
- D. Ege stated that the Committee should make recommendations to the Rules Committee to modify rules regarding sex offenders moving home to a prohibited area.

- D. Blackburn mentioned MN, saying that there was a sex offender trying to go home to IN and MN will not accept the Plan for Supervision because their home is within illegal proximity of a school.

- D. Blackburn noted that there are different banishment laws in states that may pose problems with transferring offenders.

- Also, D. Blackburn mentioned that there are lawsuits in NJ over this matter. States have used historical data before but it has **to be history of conviction and not just history of arrest**.

- D. Ege said we should say “history of conviction” on the national forms.

- D. Ege suggested restricting reporting instructions for sex offenders like we do with persons released from prison.

- D. Ege says we have a problem with offenders who meet “mandatory acceptance” definition and still aren’t accepted. What do we do with them then? They are formally denied based on “Valid Plain of Supervision.”

- G. Tullock pointed out that one of the problems is getting those offenders back within 30 days.

- D. Blackburn says that right now judges are putting these offenders on unsupervised probation and sending them back to the former state, which is not acceptable.

  - J. Camache suggested drafting a rule 3.105 (a) or (b) saying request for transfer for offender waiting disposition. This would allow for pre-sentence transfers.

  - D. Blackburn says this doesn’t address what states are doing as far as banishment. It isn’t just a school now; it is anywhere that children commune. If we could start early, that is good. But many states don’t even do PSIs.

  - D. Ege says we need to either pull out valid plan of supervision from the resident rule or redefine “plan of supervision.”

  - J. Camache asked if there are any barriers in federal legislation 1086 about where people can live.
• D. Blackburn responded that it is all about registering or reporting. If their home is within an illegal range of school or other area, we need to give them a certain number of days to move.

• G. Tullock says these offenders are convicted of living too close to a 1000 ft. of a school, and then they are sent back to the sending state.

• J. Camache suggested that we put these two options in front of the rules committee.

• D. Ege stated that the burden of verifying an appropriate home plan for sex offenders needs to be shared between the sending and receiving states.

• D. Blackburn said that we have interpreted what a “valid” plan means, that the offender must have a valid plan; the receiving state decides what valid plans are. He thinks that we use valid plan too broadly. **He said we have never considered the nature of an offense in the compact, we have always considered the acceptance criteria only.**

• D. Blackburn said you can look at the def. of Plan of Supervision.

• D. Ege said this could definitely be a recommendation coming from this committee. She mentioned that the word “valid” doesn’t even have a definition and it is too broad.

• D. Ege says that states are telling her that the plan of supervision includes the proposed residence, and they do not agree with the proposed residence and they deny the offender on these grounds.

• J. Camache said maybe this is the way to go. He suggested to use the term “verified” plan of supervision.

• G. Tullock says that we might say that to be a valid plan of supervision the residence has to respect the local laws of proximity.

• D. Ege says that the receiving state should accept these offenders and then ask them to move within a certain period of time.

• G. Tullock says that if you are moving back to your previous home before incarceration then you are not “establishing a residence” there, so they don’t have to move in the State of Tennessee.

• W. Pulliam said that early investigation of a valid plan of supervision by the sending state would be optimum. He likes the idea to say that the plan is valid, but tell the offender that they have to get in compliance with receiving state’s laws.
• D. Ege says we need to track these offenders and make sure that these offenders have an acceptable place to live so that we can supervise them.

• Discussed getting around banishment by requiring receiving state to accept offenders if they meet requirements of Valid Plan of Supervision, and then, give said offender a certain timeframe to move to an appropriate area with respect to the local laws on proximity.

• The committee agreed to come up with draft language for a revised definition of “plan of supervision” and any other draft language concerning reporting instructions for sex offenders and to email the ideas to all the committee members no later than April 17, 2006.

• Committee approved next meeting date for Friday, May 5th 3:30pm EST.

• D. Ege adjourned the meeting at 3:40 pm EST.