INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

SEX OFFENDER AD HOC COMMITTEE
June 12-13, 2007
Lexington, KY

Members in Attendance:

1. Robert Guy (NC)
2. Gary Tullock (TN)
3. James Camache (VA)
4. Marilyn Kalvalage (CA)
5. Roselyn Powell (NC)
6. Barbara Brieland (ND)

Guests:

1. Jenny Bauer (IN)
2. Patty Malone (MA)
3. Genie Powers (LA)
4. Mimi Carter (CSOM)

Staff:

1. Ashley Hassan
2. Mindy Spring
3. Kevin Terry
4. Bryant Bridgewaters
Members not in attendance:

1. Kevin Kempf (ID)
2. Maureen Walsh (MA)
3. Scott Taylor (OR)
4. Pat Tuthill (FL)
5. Jane Seigel (IN)

The meeting was called to order at 10:37 a.m. Four, of the eight members were present. A quorum was not established.

Review of the feedback on proposed rules

- R. Guy asked for any feedback on rule comments. He also stated that the committee needs to go forward with revising the definition of “sex offender”.
- M. Kalvelage stated that some states may not agree with the definition of “sex offender”.
- R. Guy stated that the current definition is too broad and needs to be narrowed down.
- There was discussion of rule changes.
- R. Guy discussed the topic of creating homeless situation for sex offenders in some states.
- J. Camache stated that the committee needs to stay focused on enhancing public safety.
- There was a discussion of transferring sex offenders to different states.
- R. Powell expressed concern about how rule changes would affect special population (i.e. military personnel).
- J. Camache stated that it would be hard to conduct proper level of supervision for high risk sex offenders in areas with limited resources.
- There was a discussion regarding sending states providing all pertinent information to receiving states on a sex offender coming into their territory.
- There was a discussion on the plan of supervision.
- G. Tullock stated that the committee should give receiving state information on how sending state would treat the offender and let them make decisions on supervision based on that information.
- There was a discussion on the impact the Adam Walsh Act will have on ICAOS.

The committee divided into two groups. One group commenced work on the marketing strategy. The other group continued to work on changes to the sex offender rules.
The rule proposals for the committee were drafted as follows:

**Rule 1.101 Definition of Sex Offender**

“**Sex Offender**” means an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to register as a sex offender either in the sending state and subject to the rules governing the transfer of supervision under the provisions of the Interstate Compact for Adult Supervision.

**Rule 3.101-4 Transfer of Supervision of Sexual Offenders**

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

(b) **Application for Transfer** In addition to the information required in an application for transfer pursuant to Rule 3.107, in an application for transfer of supervision of a sexual offender the sending state shall provide all information, if available, to assist the receiving state in supervising the offender. This information shall include:

1. Assessment information, including sex offender specific assessments;
2. Social History;
3. Information relevant to the sexual offender’s criminal sexual behavior;
4. Law enforcement report that provides specific details of sex offense;
5. Victim Information:
   i. the name, sex, age and relationship to the offender
   ii. the statement of the victim or victim’s representative;
6. The sending state’s current or recommended supervision and treatment plan.

( c ) **Reporting Instructions for Sexual offenders living in the receiving state at the time of sentencing** Rule 3.103 applies to the transfer of sexual offenders, except for the following:

1. The receiving state shall have five business days to investigate the proposed plan of supervision prior to issuing reporting instructions.
(2) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state.

- R. Guy stated that the justification of the rule will have to be altered.
- P. Malone, J. Bauer and R. Powell agreed to work on justification for national office to post on website blog.
- There was a discussion on the marketing strategy for the sex offender committee’s work developed by R. Guy, G. Tullock, J. Camache, G. Powers and A. Hassan.
- R. Guy stated that he will write a position paper for July and will also send a proposal to the Executive Committee.
- R. Guy stated that we will need to write an article for APPA.
- G. Tullock mentioned that we will need to speak with the APIA as well as part of our marketing strategy.
- M. Carter stated that we need to find funding to integrate documents on paper into online classes and seminars on Sex offenders for regions with limited resources. R. Guy responded by stating that once a plan is set in place, the committee will need to find federal funding for the task. He stated that the committee needs to focus on implementing curriculum to the online training system.
- The Committee reviewed their timeline and discussed plans to bring the sex offender rule proposals to the Commission at the Annual Business Meeting in September.

- Meeting adjourned on Wednesday, June 13 at 2:18 EST