The meeting was called to order by K. Winckler at 12:10 p.m. (EDT). A quorum was established.

D. Blackburn had no news to report in the staff update.

K. Winckler asked committee if they received the roster of members she sent out that lists the subcommittee assignments. Committee had no questions for the Chair.

B. Martinez asked what the procedure would be if he desired a second legal opinion. R. Masters responded that he has been retained as the General Counsel by the Executive Committee and a second opinion would have to come as a majority vote by the Executive
Committee. R. Masters said the Executive Committee would have to ask first if it was necessary and second where they would get the second opinion. D. Guntharp asked what would be the purpose of obtaining a second opinion, and B. Martinez explained in the event that the Commissioners do not agree. H. Hageman made a suggestion that the Committee move forward.

- K. Winckler announced new business and asked for a motion to consider new business item number 1, Discussion of and vote on proposed amendment of rule 2.105 regarding supervision of misdemeanants. H. Hageman made the motion and A. Wall seconded.

- J. D’Amico said this version of the rule violates principles of clarity and draftsmanship. It incorporates a definition within a definition, telling what it is not instead of what it is, and that it is confusing to someone not legally trained. J. D’Amico proposed sitting down in person to continue working for a clearer rule that would be presented again at the 2004 annual meeting. B. Martinez supported J. D’Amico.

- D. Geiger disagreed stating that there has already been discussion at the annual meeting. E. Mruczek supported J. D’Amico in his recommendation that the issue be put off until the October meeting, stating it is only a three-month period. J. Cosby disagreed with postponement; the purpose of the compact is to bring states into compliance and not start off with a rule on the books that states cannot comply with.

- K. Winckler said she used standard legal resources whose use had been adopted by the Rules Committee in its first meetings in her drafting of the rule. She took the rule as proposed and fit it into structure consistent with the language and style of the rules adopted by the Commission at the 2003 meeting.

- H. Hageman excused himself from the meeting. However, a quorum of the Committee remained.

- The issue of the use of the word “person” instead of “offender” was raised. R. Masters stated it was a semantics issue and a judgment call by the Committee. M. Gilliam stated there is a similar issue in rule 2.106 and to for consistency, he preferred use of the word “offender.”

- H. Lowery proposed to amend rule 2.105, changing the word “person” to “offender.” E. Mruczek seconded. K. Winckler asked for discussion. M. Gilliam stated that this change should be made in both places under (a). K. Winckler asked for a vote on the amendment. A roll-call vote was taken.

Winckler – no
Gilliam – yes
D’Amico – no
Wall – no
Martinez – no
Mruczek – yes
Geiger – yes
Lowery – yes
Cosby – yes

The amendment carried by a 5 to 4 vote.

H. Lowery stated that he believes domestic violence should be added as an additional category of offenses that would not be considered “minor offenses” under this rule and further stated that problems arise when states’ definitions of “bodily injury” differ. Lowery moved to include the
offense of domestic violence, and his motion was seconded. J. D’Amico said the reference to
domestic violence in New Jersey could be defined as harassment not bodily injury without a
reference to sentence. Roll-call vote was had on Lowery’s motion, and it was defeated.

- E. Mruczek made a motion to add receiving state to subsection (a) along with sending
state. Martinez seconded. J. Cosby stated that it would be an onerous task for deputy
compact administrators. M. Gilliam agreed with J. Cosby as did K. Winckler. K.
Winckler called for a vote on the E. Mruczek amendment, and motion was defeated.

- J. Cosby moved to call the question for vote on rule 2.105. M. Gilliam seconded. K.
Winckler called for a roll call.

  Winckler – yes
  Gilliam – yes
  D’Amico – no
  Wall – yes
  Martinez – no
  Mruczek – no
  Geiger – yes
  Lowery – yes
  Cosby – yes

- The motion to suspend debate and move immediately to a vote carried by a 6 to 3 vote. R.
Masters announced that it would be posted on the website for 30 days, a public hearing
would be held and comments would be requested. K. Winckler called for a vote on
approval of rule 2.105, as amended.

  Winckler – yes
  Gilliam – yes
  D’Amico – no
  Wall – yes
  Martinez – no
  Mruczek – no
  Geiger – yes
  Lowery – yes
  Cosby – yes

- Rule 2.106 was approved, as amended, by a passed 6 to 3 vote. K. Winckler moved to the
next item of new business, discussion and vote on proposed amendment to definition rule
1.101 (aa), the definition of “supervision.” J. Cosby moved to discuss and vote on rule
1.101 (aa). Lowery seconded. K. Winckler explained the purpose of the change and J.
Cosby concurred that the proposed definition clearly states those offenders not eligible.
K. Winckler called for a vote on J. Cosby’s motion.

  Winckler – yes
  Gilliam – yes
  D’Amico – yes
  Wall – yes
  Martinez – yes
  Mruczek – yes
  Geiger – yes
  Lowery – yes
  Cosby – yes

- The motion was approved unanimously. K. Winckler moved to item number 3,
discussion of and vote on proposed amendment to rule 2.106 regarding deferred
sentences.
M. Gilliam moved to remove the language “who are under supervision for a minor misdemeanor offense, as defined in sec 2.105(b)” from rule 2.016 because he believes that it is redundant. J. Cosby seconded. K. Winckler called for a vote on M. Gilliam’s motion to approve 2.106 as amended.

Winckler – yes
Gilliam – yes
D’Amico – yes
Wall – yes
Martinez – yes
Mruczek – yes
Geiger – yes
Lowery – yes
Cosby – yes

The motion was approved unanimously

K. Winckler said she would make the changes that the Committee had approved and circulate them to the Committee. D. Guntharp asked that changes be sent to D. Blackburn, who will send the amended rules to all Commissioners at least 30 days prior to the vote. He stated that the Executive Committee did not need to review the matter again. R. Masters agreed that was in compliance with rule 2.109.

K. Winckler reminded subcommittees of their reports and imposed a deadline of April 30 for completion of all subcommittee work with discussion to take place before then. Discussion of cancellation of the February 20 meeting was had, and the Committee agreed by unanimous consent to cancel that meeting. K. Winckler stated that the next meeting would therefore be held on March 5, 2004. R. Masters excused himself from the meeting. J. Cosby motioned for adjournment, and Gilliam seconded. The meeting was adjourned at 1:25 p.m.
INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

RULES COMMITTEE
TELECONFERENCE MEETING

AMENDED AGENDA

Friday, February 6, 2004
12:00 P.M. (EST)

1-888-387-8686, Room 7389593

I. Call to order and roll call
There are 12 voting members and 2 ex officio members. The attendance of 7 voting members is required for a quorum.

II. Staff update

III. Chair update

IV. New business
1. Discussion of and VOTE ON proposed amendment of rule 2.105 regarding supervision of misdemeanants.
2. Discussion of and VOTE ON proposed amendment to definition 1.101 (aa), “supervision.”
3. Discussion of and VOTE ON proposed amendment to rule 3.101 regarding eligibility deferred sentences.

V. Next meeting(s)
   • Teleconference meetings are scheduled for February 20, March 5 & 19, April 2, 16 & 30, May 14 & 28, and June 11 & 25 at 12:00 p.m. (EDT).

   • PLEASE NOTE: THESE MEETINGS MAY NOT ALL BE HELD. THEY ARE SCHEDULED FOR THE PURPOSE OF MEETING OUR DUTY TO PROVIDE 30 DAYS’ NOTICE PRIOR TO OUR MEETING.

VI. Adjourn