INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
Rules Committee

Meeting Minutes
8:30 AM EST
February 28, 2006

Committee Members in Attendance

1. Milt Gilliam
2. Dori Ege
3. Mike DePietro
4. Henry Lowery
5. Doreen Geiger
6. John D’Amico
7. Ed Ligtenberg
8. Karen Stoll
9. Karen Tucker (ex officio)
10. Greg Smith (ex officio)
11. Kevin Dunphy (ex officio)

Committee Members not in Attendance

1. Pat Tuthill (ex officio)
2. Gerald Vande Walle (ex officio)
Staff

1. Don Blackburn
2. Kelli Price
3. Mindy Spring
4. Ashley Kenoyer
5. Whitney Hall approximately
6. Xavier Donnelly
7. Rick Masters

I. Call to order and roll call
- The meeting was called to order at 8:40am. EST by M. Gilliam. M. Gilliam called roll 9 out of 9 Committee Members were present establishing a quorum.

II. Approval of the Minutes
- Tabled by M. Gilliam, due to the fact that members did not have copies of the previous minutes to review.

III. Chair update
- M. Gilliam discussed WebEx, saying that it is being used to make sure that officers are using rules correctly.
- Looking at rules referred back to at January teleconference.

IV. Staff update
- D. Blackburn announced that Whitney Hall is the newest member of the National Office team, and Kelli Price will be leaving ICAOS for another job opportunity. And, Sheila Perry left, also.
- D. Blackburn stated that a temporary technology position had been approved for Rob Miller, a technology consultant, to help the National Office get SoftScape up and going.
- Several members asked for a date that NACIS would be in working order. D. Blackburn explained that WebEx is an important training tool and it will be completely functional by the end of 2006.
- K. Dunphy asked specific questions about NACIS.
- X. Donnelly demoed the Rules Comment Database. Everyone was quite pleased and excited about its potential.

V. Old business

Rule 1.101 Definitions
- Discussion on Rule 1.101, the definition of “relocate.” This definition was referred back to the Rules Committee at the January 19, 2006, ICAOS National Teleconference. Most comments revolved around the difference between “relocate” and “temporary travel.”
• K. Dunphy noted that some people travel between states daily, and asked if they would be included in this if “cumulative” was inserted in the definition.
• M. DePietro reminded everyone that the purpose of this compact is to ensure “public safety.” He stated that this definition will express the number of days the compact allows an offender to leave the state unsupervised.
• E. Ligtenberg moved to strike 90 and insert 45 days in definition of “relocate;” seconded by M. DePietro.
• Motion passed.

(ii) “Relocate” means to remain in another state for more than 90 45 days in any 12 month period

Temporary Travel rule, as proposed by J. D’Amico, tabled.

• Discussion began on Rule 2.101. The Commission voted at last annual meeting for a definition of “formal communication” as noted in Rule 2.101. The discussion by the committee indicated that it was felt that all communication should be forwarded through the Compact Office.
• Motion moved by J. D’Amico to remove the word “Formal” from Rule 2.101(b); seconded by H. Lowery.

• Motion passes unanimously

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.
• Discussion began on Rule 2.105 about inclusion of “drug offenders and felonies reduced to misdemeanors.” This rule was referred back to the Rules Committee at the last annual meeting. The Committee discussed what type of drug offense should be included in the rule.

• **Motion made by M. DePietro to approve the language adding, “(5) drug offense(s); (6) a felony reduced to a misdemeanor;” seconded by D. Geiger.**

• **Motion passed.**

**Rule 2.105**

(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.
5. drug offenses;
6. felonies reduced to misdemeanors.

• Discussion opened on Rule 3.101 Mandatory transfer of supervision. This rule was referred to the Committee during the ICAOS Annual Meeting, September, 2005. The discussion of this rule centered around the words visible and viable. The Committee felt that both terms were subjective and open to interpretation. The recommendation was to remove the word “visible” from the rule.

• **Motion made H. Lowery and seconded by D. Ege to strike “visible” in Rule 3.101.**

• **Motion passes unanimously.**

**RULE 3.101  Mandatory transfer of supervision**

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

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

Break for lunch.
Discussion began on Rule 3.103. This rule was referred back to the Rules Committee during the January 19, 2006, National Teleconference. The Commission indicated that the Committee should review the rule to discuss changes in reference to offenders released from prison due to Shock Probation or similar programs.

M. DePietro noted that this rule applies only to probationers and not parolees.

Discussion resumed on the language of probation and parole in this rule.

M. DePietro stated that people are going to be sentenced directly to parole from court, bringing up the issue of “shock probation.”

M. DePietro moved, and K. Stoll seconded, a motion to insert “probation” before the word “exception” in title; strike-out “sentenced to” and “from a jail facility,” and insert “incarcerated” after the word “offenders” in Rule 3.103(1)(E).

Motion passed.

**RULE 3.103 Acceptance of the offender by receiving state; probation 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.

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

(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. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.

(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 incarcerated sentenced to jail as a condition of probation and released to probation supervision from a jail facility.
(F) This exception is not applicable to paroling 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 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.

(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 reporting instructions, or if the sending state fails to send a completed transfer request by the 15th day following the granting of a travel permit 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 by a date specified by 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.

- **Discussion opened on Rule 3.105.** This rule was referred back to the Rules Committee at the ICAOS Annual Meeting, September, 2005. The question on this rule was how long a parole plan is valid.
- **Motion by D. Ege, seconded by J. D’Amico, to address the concerns of 3.105 by amending 3.104-1(c), striking the last two sentences.**
- **Motion passed unanimously.**

**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.
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).

- Discussion opened on conflict between 3.108-1(b)(1) and 3.108(c)
- Discussion on amending Rule 3.103. This rule was proposed for a vote at the January 19, 2006 teleconference. The rules was voted down and referred back to the Rules Committee. The main concern discussed by the Commission was how to deal with offenders released from prison due to Shock Probation.
- H. Lowery noted that this rule conflicts with Rule 3.101 “at discretion of sending state”
- Members discussed replacing “electronic” with “approved”
- Motion by D. Gieger, seconded by M. DePietro to replace “electronic” with “approved” in Rule 3.103(a)(1)(A). Also, in section (b)(5)(A) strike “within 30 calendar days” and add “immediately and the supervision responsibility shall revert to sending state”, strike “or an order to return,” and delete 3/103(5)(C). (as below in blue font)

**RULE 3.103 Acceptance of the offender by receiving state; probation 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.

   (1)(A) A sending state may request reporting instructions from a receiving state through the electronic approved 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. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.

   (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 incarcerated sentenced to jail as a condition of probation and released to probation supervision from a jail facility.

(F) This exception is not applicable to paroling 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 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.

(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 reporting instructions, or if the sending state fails to send a completed transfer request by the 15th day following the granting of a travel permit 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 by a date specified by the sending state within 30 calendar days immediately and the supervision responsibility shall revert to the sending state 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.

• Discussion of Rule 3.108 and 4.111. This rule was referred to the Rules Committee during the annual ICAOS Meeting, September, 2005. The reason for referral was to make the language of the two rules consistent.

• Motion moved by M. DePietro and seconded by K. Stoll to send justification that no changes were necessary for 3.108 and 4.111

• Motion passed.

RULE 3.108-1 Victims’ right to be heard and comment

(a) When an offender submits a request to transfer to a receiving state or a subsequent receiving state, or to return to a sending state, the victim notification authority in the sending state shall,
at the time of notification to the victim as required in Rule 3.108 (a), inform victims of the offender of their right to be heard and comment. Victims of the offender have the right to be heard regarding their concerns relating to the transfer request for their safety and family members’ safety. Victims have the right to contact the sending state’s interstate compact office at any time by telephone, telefax, or conventional or electronic mail regarding their concerns relating to the transfer request for their safety and family members’ safety. The victim notification authority in the sending state shall provide victims of the offender with information regarding how to respond and be heard if the victim chooses.

(b)(1) Victims shall have 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.

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).

- Discussion on conflict between Rule 3.108(c), 3.108-1(b), 4.111 and 3.101

- Motion made by M. DePietro, and seconded by K. Stoll, to address Rules 3.108-1 and 4.111 by sending a justification comment that this may be a training issue, but there is no change needed at this time.
• Motion passed.

• Discussion of Tabling Chapter 5 and move on to Old Business and New Business

• Readjusted agenda to attend to Old Business and New Business today and leave Ch. 5 to tomorrow.

**Old Business:**

• Discussion of Rule 2.109(h)  Questions came up following the passage of Rule 2.109 during the ICAOS Annual Meeting, September, 2005, concerning the final votes on new or amended rules. The Rules Committee suggested to amend the language to clear up any confusion.

• Motion made by K. Stoll and seconded by E. Ligtenberg to bring 2.109 up for amending.

• Motion passed unanimously.

• Motion made by M. DePietro and seconded by D.Ege to approve amended language, as follows:

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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. (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 or no or by referring the rule back to the Rules Committee for further action. Additionally, by majority vote of the Commission, a proposed rule or amendment may be referred back to the Rules Committee for further action prior to or subsequent to action by the Commission. The Commission shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

• Motion passed.
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**Approval of Minutes from Previous Meeting:**

• Motion by J. D’Amico and seconded by K. Stoll to approve minutes of last meeting, December 2, 2005.

• Motion carried unanimously

**New Business:**

• Discussion of 2.105 in regards to sex offenders brought up by Mike DePietro.

• D. Ege initiated discussion of the title of Rule 3.103.

• Motion moved by D. Ege and seconded by K. Stoll to change the title of Rule 3.103 from “Acceptance of the offender by receiving state; exception” to “Reporting Instructions; Probation Exception.”
• Motion passed.

**RULE 3.103** Acceptance of the offender by receiving state; exception—Reporting Instructions; Probation exception

• Further discussion of Rule 3.103
• Members mentioned the possible necessity of specifying a timeframe for sending state to issue reporting instructions to receiving state.
• **Motion moved by J. D’Amico and second by M. DePietro to approve amended language of Rule 3.103(b)(1)(A) (as below.)**
• Motion passed.

Rule 3.103

(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.

(1)(A) Reporting instructions requested for an probationer-offender who was living in the receiving state at the time of sentencing shall be submitted by the sending state within seven calendar days of the sentencing date or release from incarceration to probation supervision. The sending state 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 the travel permit to an offender the sending state shall verify that the offender is living in the receiving state.

• Discussion of Rule 1.101; confusing letter headings for definitions. Members discussed possible ways to clarify
• **Motion made by J. D’Amico and seconded by K. Stoll to delete letter headings for definitions and place the terms in alphabetical order in Rule 1.101**
• Motion Passed.

• Motion to adjourn made by M. DePietro, seconded by D. Ege.
• Motion passed.

• Meeting adjourned.
• M. Gilliam adjourned the meeting at 4:59 pm EST until the following morning, March 1, 2006 at 8:30am.

Adjourned at 5:02pm to meet back at restaurant for dinner.
Meeting called to order by Chair M. Gilliam at 8:40 am.

- Discussion began by M. DePietro asserting that a sending state cannot limit a warrant to particular states.
- **Motion by J. D’Amico** and seconded by K. Stoll to accept the definition of “warrant” as “a document issued by a sending state that is effective in all compact member states, without limitation as to specific geographic area, for the purpose of apprehending and returning the offender to the sending state.”
- Motion passed

**“warrant”:** a document issued by a sending state that is effective in all compact member states, without limitation as to specific geographic area, for the purpose of apprehending and returning the offender to the sending state.

- Motion by D. Ege seconded by M. DePietro to open up discussion of 3.106.
- Motion passed.
- **Motion by J. D’Amico, seconded by D. Geiger to strike “within 30 calendar days” and “after receipt of notification of the rejection of the transfer request” and insert “immediately and the supervision responsibility shall revert to the sending state” in 3.106 (d)(1). Delete 3.106 (d)(3) and insert “by issuing a warrant” in 3.106(d)(2).**
- Motion passed.

**RULE 3.106  Request for expedited reporting instructions**

(d)(1) If the receiving state rejects the transfer request for an offender granted a travel permit reporting instructions, or if the sending state fails to send a completed transfer request by the 7th seventh calendar day following the granting of a travel permit 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 by a date specified by the sending state within 30 calendar days, immediately and the supervision responsibility shall revert to the sending state 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 by issuing a warrant, 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.

- Motion by J. D’Amico seconded by D. Ege to strike “from the receiving state,” and “after the receipt of notification of the rejection of the transfer request” and insert “calendar” before “day” in 3.103(5)(A).
- Motion passed.
Rule 3.103

(A) If the receiving state rejects the transfer request for an offender granted a travel permit reporting instructions, or if the sending state fails to send a completed transfer request by the 15th calendar day following the granting of a travel permit 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 by a date specified by the sending state within 30 calendar days immediately and the supervision responsibility shall revert to the sending state 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.

• Motion by J. D’Amico second by E. Ligtenberg to open Chapter 5 to new recommendations from the Rules Committee. General Counsel for ICAOS made recommendation to Rules Committee that Chapter 5 be reviewed to determine if changes were needed to make the rules more specific in dealing with retaking and hearings.
  • Motion passed unanimously.
  • Motion made by K. Stoll to accept changes to 5.102, seconded by J. D’Amico.
  • Motion passed.

RULE 5.102 New felony offense Mandatory retaking for a 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 under supervision for that felony offense.
  • Motion was made by J. D’Amico and seconded by K. Stoll to add “Mandatory retaking for” to title of 5.103.

RULE 5.103 Mandatory retaking for violations of conditions of supervision
• Motion to add a new rule 5.101-1 to cover detention prior to retaking made by E. Ligtenberg and seconded by M. DePietro.
• Motion passes.
• Motion made by J. D’Amico and seconded by K. Stoll to add the rule 5.101-1 as follows:

**Rule 5.101-1 Authority to arrest and detain pending retaking**

An offender subject to retaking may be taken into custody or continued in custody by the receiving state pending the offender’s return to the sending state.

• Motion moved by K. Stoll and seconded by D. Ege to accept changed language in Rule 5.108 as follows:
• Motion passed.

**RULE 5.108 Opportunity for Probable cause hearing in receiving state**

(a) The An offender subject to retaking for violation of conditions of supervision that may result in a revocation shall be afforded the opportunity for a probable cause hearing in the receiving state consistent with due process requirements.

(b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to one or more significant violations of the terms or conditions of supervision.

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

(d) The receiving state shall prepare and submit to the sending state a written report within 30 days of the hearing that identifies the time, date and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state.

(e) If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision the receiving state shall hold the offender in custody, and the sending state shall notify the receiving state of the decision to retake or other action to be taken within 30 calendar days of receipt of the hearing officer’s report and determination.

(f) If probable cause is not established, the receiving state shall:

1. Continue supervision if the offender is not in custody
2. Notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state’s warrant.

Vacate the receiving state’s warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody.

Decision to keep 5.109 and 5.110 as is.
• Motion made by J. D’Amico and seconded by D. Ege to strike “where the offender is found” from Rule 5.111.
• Motion carried.

**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.

• Discussion of Rule 5.112
• Motion by D. Ege and seconded by J. D’Amico to change rule 5.112 to 4.103-1.
• Motion passed.

**RULE 4.103-1 Effect of special conditions or requirements**

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

• Motion by J. D’Amico and second by K. Stoll to add “that is related to supervision of the offender and is consistent with the purpose of the compact,” to the definition of “special condition” in Rule 1.101.
• Motion passed.

**Rule 1.101**

“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 that is related to supervision of the offender and is consistent with the purpose of the compact.

• Discussion of possible addition of a Rule 5.106 (b). J. D’Amico wrote the potential amendment.
Rule 5.106(b)
A sending state shall be responsible for the cost of detaining the offender in the receiving state pending the offender’s retaking by the sending state if the time allowed for retaking of an offender under Rule 5.105 has expired and, the sending state has not retaken the offender within fifteen days of the following:

1. Dismissal of criminal charge or release of the offender to supervision pursuant to Rule 5.101(b)
2. Completion of term of incarceration or placement on probation for a felony offense pursuant to Rule 5.102
3. Surrender of the offender to the sending state at the conclusion of a retaking hearing pursuant to Rule 5.105
4. Determination of probable cause to believe that the offender has committed the alleged violations of conditions of supervision as provided in Rule 5.108.

- A decision on the next face to face meeting time was to be discussed while committee members were at the hotel - decided by M. Gilliam.

- M. Gilliam announced that discussion of Rules 5.105, 5.106, 4.109, and 3.101 will be completed during the next teleconference meeting. M. Gilliam congratulated committee for getting so much accomplished at this meeting.

- Motion to adjourn by E. Ligtenberg, seconded by D. Ege.
- Motion passed unanimously.
- Meeting adjourned at 5:15pm EST.