INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

RULES COMMITTEE MEETING MINUTES

April 16, 2014
11:00 am ET
WebEx

Members in Attendance:
1. Jane Seigel    Chair, IN
2. Dori Ege      AZ
3. Jenny Nimer    FL
4. Chris Moore    GA
5. John Rubitschun MI
6. Ed Ligtenberg  SD
7. Tracy Hudrlik  WI
8. Dawn Sides     WY
9. John Gusz      Ex-Officio, NJ
10. Jim Ingle     Ex-Officio, UT
11. Rick Masters  Legal Counsel

Members not in Attendance:
1. Michael Potteiger PA
2. Shari Britton   Ex-Officio, FL
3. Gerald VandeWalle Ex-officio, ND

Guests:
1. Pat Odell       WY
2. Karen Tucker    FL

Staff:
1. Harry Hageman
2. Mindy Spring
3. Sam Razor
4. Xavier Donnelly
5. Barno Saturday
6. Kevin Terry

Approved on 07/09/2014. B.S.
Call to Order
Commissioner J. Seigel (IN) called the meeting to order at 11:02 a.m. ET. Eight voting members were present, quorum was established.

Approval of Agenda
Commissioner E. Ligtenberg (SD) moved to approve the agenda. Commissioner J. Nimer (FL) seconded. Agenda approved.

Approval of Minutes
Commissioner E. Ligtenberg (SD) moved to approve the minutes from February 19, 2014 as drafted. Commissioner D. Ege (AZ) seconded. Minutes approved as drafted.

Discussion
Commissioner J. Seigel (IN) welcomed the new member – Commissioners D. Sides (WY).

The Committee reviewed the proposals that did not pass at the last Annual Business Meeting – Rule 2.105, 3.103, 3.106 & 5.103 (offenders returning to the sending state after a rejection or violations).

Commissioner D. Ege (AZ) informed the Committee that the West Region and the DCA Liaison Committee have already discussed the misdemeanor rule proposal 2.105 this year. The West Region will take another look at this rule.

Commissioner J. Seigel (IN) will wait for the West Region to submit a new proposal on misdemeanor. She suggested for the Rules Committee with the help of the National Office, to gather helpful statistics – each state’s number of misdemeanors sent through the Compact.

Commissioner J. Nimer (FL) stated that Florida has a low number of these transfers and is concerned that many misdemeanors are not properly being transferred through Compact.

Commissioner J. Seigel (IN) suggested discussing this issue at the upcoming Annual Business Meeting.

The Committee agreed to have the Commission members look at their supervised misdemeanors, identifying the general trends or the condition that are placed on them. The Committee will discuss the misdemeanor’s issue at its next meeting.

The Committee reviewed the Technology Committee rules proposals that did not pass at the last Annual Business Meeting.

Commissioner D. Ege (AZ) stated that the issue with 5.103 Mandatory retaking for violation of conditions of supervision has been resolved without the need of rule change.

The Committee reviewed 3.106 and 3.103 and decided to continue the discussion at its next meeting.

Commissioner D. Ege (AZ) is working on the possible language for these proposals.
Commissioner E. Ligtenberg (SD) suggested bringing these rules as the discussion points at the upcoming Annual Business Meeting as well.

The Committee discussed the interpretation and intent of Rule 3.107 (a)(12) “during the last 2 years”.

The Committee decided to solve this problem with the training bulletin this year.

Commissioner D. Ege (AZ) will write the training bulletin.

The Committee discussed Rule 3.102 (d): definition of incarceration. The Executive Committee discussed of issuing an interpretation of definition of incarceration.

Commissioner D. Ege (AZ) suggested issuing a training bulletin.

The Committee discussed the issue inquired by M. Buscher (IL) of definition of incarceration that does not include any federal interest, and another definition when the feds still have an interest which supersedes the state’s interest.

The Committee decided to issue an advisory opinion on the issue and notify M. Buscher about the Rules Committee decision.

The Committee members will email any new rule proposals they have to J. Seigel or the national office.

Commissioner J. Seigel (IN) stated that Victims’ Representative P. Tuthill is working on some rules proposals that she will be submitting to the Committee in the upcoming months.

**Old Business**

There was no old business.

**New Business**

Commissioner T. Hudrlik (WI) stated that Wisconsin has issue with bordering states when an offender is employed in the state at the time of the transfer and they have a travel permit to go while an investigation is pending. They had some concern about being permitted to continue to travel for that employment, while the transfer is being investigated.

Commissioner D. Ege (AZ) stated that it should be treated as a training issue and a compliance issue.

Commissioner J. Siegel (IN) asked the Committee to think about the following issues that may have impact on the Rules:

- Impact of legalization of marijuana in states and its effect on Compact cases
- Civil unions, same sex marriages, how it may impact the definition of family

Commissioner T. Hudrlik (WI) brought up the issue of dual state supervision for someone who is homeless.
The Committee will meet again at 11 am ET on July 9, 2014.

**Adjourn**
Commissioner J. Nimer (FL) moved to adjourn the meeting. Commissioner D. Sides (WY) seconded. **Motion passed.** The meeting adjourned at 12:03 pm ET.