Members in Attendance:
1. William Rankin  Chair, WI
2. Ed Ligtenberg  SD
3. John Rubitschun  MI
4. Wayne Theriault  ME
5. Dori Ege  AZ
6. Gary Tullock  TN
7. Scott Blonien  WA
8. Jane Seigel  IN
9. Gerald VandeWalle  Ex-officio, ND
10. Frank Torres  Ex-Officio, CA

Members not in Attendance:
1. John Gusz  Ex-Officio, NJ

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

Call to Order
Chair W. Rankin called the meeting to order at 2:02 p.m. EDT. Seven voting members were present; a quorum was established.

Approval of Agenda
Agenda was approved by acclamation.

Approval of Minutes
Commissioner S. Blonien (WA) made a motion to approve the minutes from February 17, 2011. Commissioner J. Seigel (IN) seconded. The minutes were approved as written.

**Discussion**

*Rule proposal 3.101-3:* After discussion, the Committee made adjustments to Rule proposal 3.101-3 that was approved by the East Region at its October 2010 meeting, but was not submitted to the Rules Committee for review until later.

**Rule 3.101-3 Transfer of supervision of sex offenders**

... 

*Section 3.101-3(c) is repealed and recreated, and creating 3.101-3 (d) and (e):*

(c) The receiving state shall issue reporting instructions to sex offenders living in the receiving state at the time of sentencing per Rule 3.103, if the offender:

1. meets the compact definition of resident of the receiving state supported by documentation provided by the sending state at the time of the request, **AND**

2. is on supervision for a term of probation that was not preceded by a continuous period of incarceration immediately prior to the effective date of the probation term.

(d) In these instances, if the offender qualifies for reporting instructions under (c), the receiving state shall conduct an investigation of the proposed residence within 5 business days following receipt of the sending state's request for reporting instructions to ensure compliance with state laws and/or policies.

1. If the results of the investigation indicate that the proposed residence is not suitable for a sex offender or invalid due to state laws and/or policies, the receiving state's field staff will assist the offender in establishing an alternative residence or an approved temporary living arrangement until an acceptable permanent residence can be secured.

2. If the proposed residence is deemed appropriate for a sex offender, the offender shall be permitted to remain at that address pending the investigation of the transfer request.

(e) Upon receipt of a request for reporting instructions from the receiving state of a sex offender who was living in the receiving state at the time of sentencing that does not meet the ICAOS definition of resident or who was incarcerated for a continuous period of time prior to being placed on probation, the receiving state shall have 5 business days to investigate the proposed residence. If the proposed residence is invalid due to existing law or policy, the receiving state may deny reporting instructions. No travel permit shall be granted by the sending state until approved reporting instructions are issued by the receiving state.

**Justification**

Sending states’ officers often find themselves scrambling to find temporary housing for sex offenders who were living in the receiving state at the time of sentencing pending the results of the 5 day preliminary investigation being conducted in the receiving state. These offenders are often employed in the receiving state and need to return to work or face possible termination. The situation for the offender worsens in cases where the current residence in the receiving state is found to be unsuitable and they are forced to remain in the sending state for much longer while attempting to secure an alterative address in the receiving state. Often the only options available in the sending state are shelters that, in many instances, do not take sex offenders, or hotels where families frequently stay with children. Causing the offender to lose their employment only exacerbates the issue since they will need money to relocate or find a second residence in addition to the cost of the residence where the offender’s family may be residing.
It seems more logical that, if an offender is a resident of the receiving state by definition of the compact and all of their recourses are there, the offender should be permitted to return to the sending state per rule 3.103 and be placed by the receiving state officer in a shelter or other temporary type of housing if, after their 5 day preliminary investigation, it is determined that the home is unsuitable. This change in language allows the offender to return to their state of residence and places the responsibility of finding an appropriate residence on the officers in the receiving state who know their area, its resources and laws. This would allow the offender to continue with their employment and other obligations in the receiving state while an appropriate home plan is developed.

Rules Committee Analysis
This proposal does not appear to directly conflict with any existing rules or previous advisory opinions. The Rules Committee changed the format of the original proposal and revised some of the language, without affecting the meaning or intent proposal.

Commissioner E. Ligtenberg (SD) moved to adopt Rule proposal 3.101-3 as amended and move forward for Commission comments. Commissioner S. Blonien (WA) seconded. Motion passed.

Probable Cause Hearing Waiver: The Committee made some changes to the Waiver and decided to review the revised draft at its next meeting.

Motion by unanimous consent to postpone action on Probable Cause Waiver until the next meeting.

Formatting Number in Rules: K. Terry informed the Committee that Rules were not consistent in its use of numbers: some numbers were spelled out and some were not. He suggested using 2008 Government Printing Office Style Guide as reference.


Old Business
Chair W. Rankin retires on June 3, 2011. Commissioner J. Rubitschun retires on June 30, 2011. Any commissioner who is interested in chairing the Rules Committee needs to contact W. Rankin.

The Committee discussed its meeting location for its next face-to-face meeting on July 14, 2011.

Commissioner D. Ege (AZ) made a motion to have the National Office compare costs of July Committee meeting in Denver, CO and Lexington, KY. Commissioner W. Theriault (ME) seconded. Motion passed.

Adjourn
Commissioner W. Theriault (ME) made a motion to adjourn. Commissioner J. Blonien (WA) seconded. Motion passed. The meeting adjourned at 3:45pm EDT.