Members in Attendance:
1. William Rankin  Chair, WI
2. John Rubitschun  MI
3. Wayne Theriault  ME
4. David Morrison  GA
5. Patricia Malone  Ex-officio, MA
6. Denise Sitler   Ex-officio, OR

Guest:
1. Frank Torres   CA

Members not in Attendance:
1. Robert Ambroselli   CA
2. Dori Ege  AZ
3. Yolette Ross  NJ
4. Ed Ligtenberg  SD
5. Gerald VandeWalle  Ex-officio, ND
6. Nick Alexander  Ex-officio, VA

Staff:
1. Harry Hageman
2. Rick Masters  Legal Counsel
3. Barno Saturday
4. Xavier Donnelly
5. Sam Razor
6. Mindy Spring

Approved on 09/22/09. B.S.
Call to Order
Chair W. Rankin (WI) called the meeting to order at 11:20 a.m. EDT. Four out of eight members were present. Quorum was not established.

Agenda
The agenda was approved as drafted.

Rule Proposals
The Committee reviewed the revised justification to Rule 2.110 written by Commissioner W. Rankin.

Rule 2.110 Transfer of offenders under this compact
(a) No state shall permit an offender who is eligible for transfer under this compact to relocate to another state except as provided by the Compact and these rules.
(b) An offender who is not eligible for transfer under this Compact is not subject to these rules and remains subject to the laws and regulations of the state responsible for the offender’s supervision.
(c) Upon notice that a sending state has permitted an offender who is eligible for transfer under this compact to relocate to another state in violation of (a) or notice of rejection of a transfer request for such an offender, the sending state shall direct the offender to return to the sending state within 15 calendar days of receiving such notice. If the offender does not return to the sending state as ordered, the sending state shall issue a warrant that is effective in all compact member states, without limitation as to specific geographic area, no later than 10 calendar days following the offender’s failure to appear in the sending state. An offender who absconds from the sending state is not subject to this rule.

Justification:
Under the current rules, there is no explicit process requiring a sending state to take specific action when it or a receiving state learns that an offender who is eligible for transfer under the Compact has been permitted to relocated to the receiving state in violation of Compact rules. This poses a significant public safety risk because the offender is residing in the receiving state but not under supervision there. This new rule would clarify a sending state’s responsibilities in this situation to remove the offender from the receiving state. This rule would require the sending state to notify the receiving state that the offender has indeed been removed from the receiving state; otherwise a receiving state might assume this had been done when in fact it hadn’t. Paragraph (d) would require the sending state to keep the receiving state apprised if the sending state’s response is to terminate supervision.

The Committee approved moving the proposal and its justification forward for Commission comments.

The Committee reviewed the revised amendment to Rule 3.102 (c).

Rule 3.102 Submission of transfer request to a receiving state
(a) Except as provided in section (c), and Subject to the exceptions in Rule 3.103 and 3.106, a sending state seeking to transfer supervision of an offender to another state shall submit a completed transfer request with all required information to the receiving state prior to allowing the offender to leave the sending state.

Approved on 09/22/09. B.S.
Except as provided in section (c), and subject to the exceptions in Rule 3.103 and 3.106, the sending state shall not allow the offender to travel to the receiving state until the receiving state has replied to the transfer request.

(c) An offender who is employed in the receiving state at the time the transfer request is submitted and has been permitted to travel to the receiving state for the employment may be permitted to continue to travel to the receiving state for the employment while the transfer request is being investigated, provided that the following conditions are met:

1) Travel is limited to what is necessary to report to work, perform the duties of the job and return to the sending state;
2) The offender must return to the sending state during non-working hours, and
3) The Transfer Request shall include notice that the offender has permission to travel to and from the receiving state, pursuant to this rule, while the transfer request is investigated.

Justification
This amendment allows an offender to maintain existing employment in a receiving state, without interruption, while a transfer request is investigated. Under existing rules, an offender who has not requested transfer to another state may travel to and from that state, as long as the offender does not relocate. However, once a sending state submits a request to transfer supervision, Rule 3.102 bars the offender from any further travel to that state. Exceptions are possible for offenders who already reside in or who, due to emergency circumstances, need to relocate to the receiving state. No exception is currently provided for an offender who has employment in that state, but does not intend to relocate prior to completion of the investigation.

The Committee approved moving the proposal and its justification forward for Commission comments as amended.

The Committee reviewed the revised justification to Rule 2.104.

Rule 2.104 Forms
(a) States shall use the forms or electronic information system authorized by the commission. for all communication regarding offenders between or among states.
(b) The sending state shall retain the original forms containing the offender’s signature until the termination of the offender’s term of compact supervision.
(c) This rule shall not be construed to prohibit written, electronic or oral communication between compact offices.

Justification
Existing language appears to restrict compact offices from communicating about offenders’ cases, by any means other than ICAOS forms or the electronic information system (ICOTS). Efficient compact operations require that compact offices have the ability to send messages and to clarify, discuss and resolve certain issues outside of ICOTS. The revised language clarifies the intent of the rule that ICAOS forms and ICOTS are to be used when appropriate to the purpose, but does not restrict other communications.

The Committee approved moving the proposal and its justification forward for Commission comments.

The Committee reviewed the justification to Rule 3.104.

Rule 3.104 Time allowed for investigation by receiving state

Approved on 09/22/09. B.S.
(a) A receiving state shall complete investigation and respond to a sending state’s request for an offender’s transfer of supervision no later than the 45th calendar day following receipt of a completed transfer request in the receiving state’s compact office.

(b) If a receiving state determines that an offender transfer request is incomplete the receiving state shall notify the sending state by rejecting the transfer request with the specific reason(s) for the rejection. If the offender is in the receiving state with reporting instructions, those instructions shall remain in effect for 15 calendar days from the date of rejection. The sending state must, within this time frame, order the offender to return or submit a complete Transfer Request.

*Effective Date: This revision takes effect upon implementation of electronic system; date to be determined by Executive Committee.

**Justification:**
This rule currently requires an incomplete transfer application to be rejected. Other ICAOS rules require that an offender in the receiving state with reporting instructions must return to the sending state upon notice of rejection. The addition of this language allows the offender, whose transfer has been rejected pursuant to this rule, to remain in the receiving state for a reasonable amount of time to allow the sending state to either cure the defect in the transfer application or order the return of the offender. The addition of this language further clarifies the responsibilities of the sending state.

The Committee approved moving the proposal and its justification forward for Commission comments.

The Committee reviewed an amendment and its justification to Rule 4.105.

**Rule 4.105 Arrival and departure notifications; withdrawal of reporting instructions**

*(a) Departure notifications*
At the time of an offender’s departure from any state pursuant to a transfer of supervision or the granting of reporting instructions, the state from which the offender departs shall notify the intended receiving state, and, if applicable, the sending state, through the electronic information system of the date and time of the offender’s intended departure and the date by which the offender has been instructed to arrive.

*(b) Arrival notifications*
At the time of an offender’s arrival in any state pursuant to a transfer of supervision or the granting of reporting instructions, or upon the failure of an offender to arrive as instructed, the intended receiving state shall immediately notify the state from which the offender departed, and, if applicable, the sending state, through the electronic information system of the offender’s arrival or failure to arrive.

*(c) A receiving state may withdraw its reporting instructions or submit a case closure notice if the offender does not report to the receiving state as directed.*

*Effective Date: Upon implementation of electronic system; date to be determined by Executive Committee.

**Justification**
The revised language clarifies what a receiving state can do should an offender fail to report as instructed. This amendment is necessary because in some circumstances ICOTS does not permit a user to withdraw reporting instructions. In those cases, a case closure notice is necessary.
The Committee agreed moving the proposal forward for Commission comments as amended.

Calendar: The National Office will post Rules Proposals on the Commission’s Forum for comments on May 15, 2009. As the Rules Committee Chair, Commissioner W. Rankin (WI) will send out a notice to the Commission members requesting their comments on the proposed amendments.

The Forum will be closed for comments on August 31, 2009.

The Committee decided to determine the dates for the September face-to-face meeting via email.

Adjourn
The meeting was adjourned at 11:49 am EDT.