INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
Rules Committee

Teleconference
1-888-387-8686 Room: 7389593

Meeting Minutes
12:00 PM EST
May 20, 2005

Committee Members in Attendance

1. Milt Gilliam
2. Dori Ege
3. Amy Wright
4. Mike DePetrio
5. Henry Lowery
6. Doreen Geiger
7. John D’Amico
8. Ed Ligtenberg
9. Gerald VandeWalle (ex-officio)
10. Pat Tuthill (ex officio)
11. Greg Smith (ex officio)
12. Kevin Dunphy (ex officio)

Committee Members not in Attendance

1. Sherry Pilkington
2. Karen Tucker (ex officio)
Guests

1. David Guntharp

Staff

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

I. Call to order and roll call

- The meeting was called to order at 12:01 p.m. EST by Milt Gilliam. M. Gilliam called roll 8 out of 9 Committee Members were present establishing a quorum.

II. Approval of the Agenda & Minutes

- Motion was made by D. Ege, seconded by M. DePeitro to move Rules 2.109, 3.101, 3.103, 3.104, & 3.106 to the next Rules Committee teleconference in the interest of time. Motion passed unanimously.

- M. Gilliam proposed to postpone the following Rules Committee teleconference to June 3rd to give Rick Masters and Mike Buenger opportunity to present proposed Rule changes for Chapter 5. The next Rules Committee teleconference will be June 3, 2005 at 12:00 p.m. EST.

- Motion to approve the agenda made by J. D’Amico, seconded by D. Ege. Motion passed unanimously.

- Motion to approve the March 8-9, 2005 Rules Committee meeting minutes made by E. Ligtenberg, seconded by H. Lowery. Motion passed unanimously.

- M. Gilliam announced that the report from Richard Stroker will be forwarded to the Rules Committee.

- D. Ege inquired about the Compact office snapshot survey. Rules Committee will discuss in future meeting.

III. Chair update

- Milt Gilliam noted that the purposed of the drafting committee is to speed up the process, not to leave anyone out.

III. Staff update

- D. Blackburn announced that the U.S. Virgin Islands has passed legislation for the Compact. The national office will assist with getting them organized.

- D. Blackburn stated that Senator O’Leary in Massachusetts is working to get the Compact legislation passed in Massachusetts.
• D. Blackburn stated that the Executive Committee has voted to postpone the implementation date of NACIS until December 1, 2005; and also noted that it is critical to get the new rules pertaining to NACIS cleared up and to be passed in September.
• R. Masters stated he is working on clarifying Chapter 5 Rules pertaining to retaking and working on the Hearing Officer’s Guide. R. Masters noted that 5.108 currently implies that a full blown due process hearing is required every time, but it is not the case; will provide a draft for the Rules Committee to review for the June 3rd meeting.

IV. Old business

Rule 1.101 Definitions

(ff) “Victim” means a natural person or the family of a natural person who has incurred direct or threatened physical or psychological harm as a result of an act or omission of and-offender.

Justification: This change is recommended to make the definition consistent with the language used in Rule 2.105.
• Motion made to forward to all Commissioners for review and comments and fix typo made by D. Ege, seconded by E. Ligtenberg. Motion passed unanimously.

(ii) “Relocate” means transfer to the receiving state for the purpose of establishing a residence, treatment, employment, or education for more than 31 consecutive days.

Justification: This additional definition is proposed to clear up confusion in Rule 2.110 and 3.103.
• Discussion regarding the 31 day reference.
• Motion made to get two separate options for the Rules Committee to review to clarify “relocate” in Rule 2.110 and 3.103 made by D. Ege, seconded by E. Ligtenberg. Motion passed unanimously.

(jj) “Compact” means the Interstate Compact for Adult Offender Supervision.

Justification: This proposed new definition is to alleviate the need to spell out the entire name of the compact each time it is used in the rules.
• Motion made to forward proposed rule to all Commissioners for review and comment made by J. D’Amico, seconded by M. DePetrio. Motion passed unanimously.
**RULE 2.104  Electronic Information System**

States shall use the forms or electronic information system authorized by the commission for all communication regarding the transfer of offenders between or among states.

**Justification:** The recommended changes in this rule are to assist with the transition to the electronic information system.

- Discussion regarding states not being ready for system by December 1.
- Motion made to not submit propose rule change made by H. Lowery, seconded by D. Geiger. Motion withdrawn.
- M. Depetrio noted that the Commission has already voted to implement NACIS.
- H. Lowery requested to see a demo of the system.
- A. Wright stated that she received a call from SoftScape to show a demo of system and for a sales pitch of a Case Management System for Nevada.
- D. Ege noted that during the creation of the Commission it was mandated that a national database system be created.
- Discussion of phased in approach to NACIS and option of paper and NACIS.
- D. Guntharp stated that the deadline for implementation of NACIS needs to be firm, 2 systems for Compact transactions will not be feasible, and that the implementation deadline is only applicable to state Compact offices. The Commission will be presented with a demo of NACIS at the Annual meeting.
- Motion made to send rules related to NACIS implementation (Rule 2.104, 3.104, 3.107, 4.105) be sent out to Commissioners for review after the next Rules Committee teleconference on June 3rd made by J. D’Amico, seconded by E. Ligtenberg. Motion passed unanimously.
- D. Ege noted that a letter will be drafted to explain proposed changes and the process to gather comments and feedback from Commissioners. D. Ege volunteered to collect comments and organize. D. Geiger will send forms she suggests the Committee use to M. Gilliam.

**RULE 3.1011  Discretionary transfer of supervision**

- (a) A sending state may request transfer of supervision of an offender who does not meet the eligibility requirements in Rule 3.101
- (b) The sending state must provide sufficient documentation to justify the requested transfer.
- (c) The receiving state shall have the discretion to accept or reject the transfer of supervision in a manner consistent with the purpose of the compact.

**Justification:** The purpose of this proposed rule change is to encourage the states to approve the discretionary transfer of offenders for treatment, education, employment, etc… in a manner
consistent with the purposes of the Compact, which are to promote public safety, protect the rights of victims, and provide for the effective supervision and rehabilitation of offenders.

- Motion made to forward new proposed Rule 3.1011 to all Commissioners for review and comment made by D. Ege, seconded by H. Lowery. Motion passed.
- J. D’Amico proposed other language for the purpose of further clarification and requested revision of proposed motion, not accepted:

3.1011 **Discretionary transfer of supervision**

(a) A sending state may request a transfer of supervision of an offender who:

(i) Is not eligible for mandatory transfer of supervision pursuant to Rules 2.105, 2.106, 2.107 and/or 3.101* and

(ii) does not meet the requirements in subsections (a)(2) and (a)(3)(A) of Rule 3-101.

(b) The sending state must provide sufficient documentation to justify the requested transfer.

(c) The receiving state shall have the discretion to accept or reject the request for transfer of supervision in a manner consistent with the purposes of the Compact.

* Again, I would propose a reference to a consolidated Rule 2.102 in lieu of the convoluted reference to all of the different rules now governing eligibility for transfer.

- Next Rules Committee teleconference scheduled for June 3, 2005 at 12:00pm EST. R. Masters will present proposed rule changes for Chapter 5.
- Motion to adjourn made by M. DePetrio, seconded by D. Ege. Meeting adjourned at 1:59 pm EST.