Day 1  June 28, 2005

Committee Members in Attendance

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

Guests

1. David Guntharp
2. Joe Kuebler
Staff

1. Don Blackburn
2. Rick Masters
3. Mindy Spring

***Proposed Amendments Attached***

Call to order

- The meeting was called to order at 8:38 am EST. 8 members were present establishing a quorum. P. Tuthill (ex-officio) was not in attendance.
- Comments were received from 10 states regarding the proposed rules/amendments.
- M. Gilliam noted that the Commission will vote to suspend Robert Rules of Order at the Annual Commission meeting.
- M. Gilliam stated the goal for the meeting was to prepare drafts to be voted on at the Annual Commission meeting.
- J. Kuebler will attend Day 2 to give an update for NACIS.

Approval of Agenda

- Motion to approve the agenda made by E. Ligtenberg, seconded by M. DePietro. Motion carried.

Executive Director Update  Don Blackburn

- The national office has received numerous requests for opinions regarding Rule 2.105 and Special conditions.
- The JAD group members will be testing NACIS. A dummy system will be available prior to the Annual Commission meeting. Training for NACIS is tentatively scheduled for late September, early October.
- New Commissioner training will take place prior to the Annual Commission meeting.

Old Business

Rule 1.101-Definitions

(ff) “Victim”
- Discussion of “natural”
- Reviewed comments of Commissioners.
- Motion to present the proposed amendment at the Annual Commission meeting for adoption made by E. Ligtenberg, seconded by J. D’Amico. Motion Carried.

(jj) “Compact”
- Motion to present the proposed amendment at the Annual Commission meeting for adoption made by E. Ligtenberg, seconded by J. D’Amico. Motion Carried.
(ii) “Relocate”

- Motion to present the proposed amendment at the Annual Commission meeting for adoption made by E. Ligtenberg, seconded by J. D’Amico. Motion Carried. 1 descending vote by M. DePietro.
- Reviewed comments.
- Motion made to change “calendar year” to “12 month period” made by J. D’Amico, seconded by H. Lowery. Motion carried.
- Motion to change “travel to” to “to remain” made by H. Lowery, seconded by J. D’Amico. Motion carried.
- J. D’Amico noted that the definition for “travel permit” uses “relocate” and needs to be changed to “travel”
- Discussion of 90 days. D. Ege stated that a standard needs to be set to eliminate open ended travel permits.
- M. Gilliam calls to question.

Rule 2.104 Forms

- Motion to present the proposed amendment at the Annual Commission meeting for adoption made by E. Ligtenberg, seconded by J. D’Amico. Motion withdrawn.
- Reviewed comments of Commissioners
- Discussion on effective date of the Rule. D. Blackburn stated that the effective date would be presented by the Technology Committee. M. Gilliam noted that the effective date would come when NACIS is up and running.
- Discussion of compliance in regards to NACIS. E. Ligtenberg noted that there should be a transition plan since the rules have the force of federal law.
- Motion to strike “forms” from title of rule made by M. DePietro, seconded by J. D’Amico. Motion withdrawn.
- Motion to defer main motion until David Guntharp joins the meeting made by J. D’Amico, seconded by E. Ligtenberg. Motion carried with 1 descending vote by H. Lowery.

Rule 2.109 Adoption of rules; amendments

- Motion to present the proposed amendment at the Annual Commission meeting for adoption made by E. Ligtenberg, seconded by J. D’Amico. Motion carried.
- Comments from Commissioners reviewed.
- Discussion of (i.) regarding litigation costs. M. Gilliam supports change.
- Motion to strike “presentation” in (a) and add “referral” made by J. D’Amico, seconded by D. Ege. Motion carried.
- Discussion of “thirty days” in sec (c). M. Gilliam stated that it should be the goal to get rules out sooner.
- Motion to add “public” before “hearing” throughout the rule made by H. Lowery, seconded by J. D’Amico. Motion carried.
• Motion to add “or amendments” to (h) made by J. D’Amico, seconded by E. Ligtenberg. Motion carried.
• Motion to correct editorial changes to (i) made by J. D’Amico, seconded by E. Ligtenberg. Motion carried.
• M. Gilliam welcomes D. Guntharp to give the Committee input before voting on the proposed rules.

Rule 2.104 Forms
• M. Gilliam states that the Committee is proposing no changes to rule because the big issue is implementation of NACIS by the Technology Committee.
• E. Ligtenberg noted that the Technology Committee can mandate the “authorized system.” Motion was withdrawn by E. Ligtenberg and J. D’Amico to present the proposed amendment at the Annual Business meeting for adoption.

Rule 2.110 Transfer of offenders under this compact
• Motion to present the proposed amendment at the Annual Commission meeting for adoption made by E. Ligtenberg, seconded by J. D’Amico. Motion carried.
• Reviewed comment of Commissioners
• Motion to strike “and may travel to other states to the extent permitted by the state responsible for the offender’s supervision” and add “and remains subject to the laws and regulations of the state responsible for the offender’s supervision” made by J. D’Amico, seconded by E. Ligtenberg. Motion carried.
• Discussion of discretionary cases. D. Ege noted that cases are always case by case.
• Motion to shorten “Interstate Compact for Adult Offender Supervision” to “Compact” made by H. Lowery, seconded by J. D’Amico. Motion withdrawn, unnecessary if definition is established.

Rule 3.101 Eligibility for transfer of supervision
• Motion to present the proposed amendment at the Annual Commission meeting for adoption made by E. Ligtenberg, seconded by J. D’Amico. Motion carried.
• Reviewed all comments from Commissioners
• Discussion of valid versus verified. D. Ege noted that the #2 question when training is “What is a valid plan?” D. Blackburn stated that advisory opinions give a clearer definition of “valid plan.”
• Discussion of “special conditions.” D. Blackburn stated that there is no provision in the “special condition rule” for retaking if offender does not comply with special conditions of the receiving state.
• Motion to remove “verified” and replace with “valid” made by H. Lowery, seconded by D. Ege. Motion carried.
• Motion to remove “three months” and replace with “90 days” made by H. Lowery, seconded by A. Wright. Motion carried.
• Motion to change “90 or more” to “more than 90 days” made by H. Lowery, seconded by J. D’Amico. Motion carried.
• Discussion of initiation of transfer. R. Masters clarified that sending state decides if transfer can be initiated.
• Discussion of cross referencing. D. Blackburn stated he will attempt to add in cross references for advisory opinions and related rules prior to the annual Commission meeting. R. Masters and J. D’Amico may assist.
• D. Ege noted that Rules 2.105, 2.106, & 2.107 are in the wrong chapter and the Rules Committee should fix next year.
• M. DePietro suggested dividing rules for parole and probation.
• Discussion of moving “more than 90 days…. And “….valid plan” to the bulleted part of the rule. Motion to split out “more that 90 days…. And “….valid plan” made by E. Ligtenberg, seconded by M. DePietro. Motion carried.

Rule 3.101-1 Discretionary transfer (Changed to Rule 3.102)
• Motion to present the proposed amendment at the Annual Commission meeting for adoption made by E. Ligtenberg, seconded by J. D’Amico. Motion carried.
• Reviewed all comments from Commissioners
• Discussion of K. Winckler’s recommendation regarding formatting of rule title by using hyphens. Motion to use hyphen and change “Rule 3.1011” to “Rule 3.101-1” made by E. Ligtenberg, seconded by J. D’Amico. Motion carried.

Rule 3.102 Transfers of military, families of military, and family members employed (Changed to Rule 3.101-1)
• Motion to present the proposed amendment at the Annual Commission meeting for adoption made by E. Ligtenberg, seconded by J. D’Amico. Motion carried.
• Review of comments by Commissioners.
• Discussion of “reporting instructions” versus “transfer of supervision.” D. Ege noted there are problems receiving reporting instructions for these types of transfers.
• Discussion of (a) Military Members being mandatory and (b) Family member of Military members & (c) Employment being discretionary.
• Motion to add “for reporting instructions and” to (a), (b), & (c) made by J. D’Amico, seconded by H. Lowery. Motion carried.
• Motion to strike “whose family member’s employment….and obtains full-time employments” and “unless the receiving state can show good cause for rejecting the request” and add “by their full-time employer” made by E. Ligtenberg, seconded by H. Lowery. Motion carried.
• Discussion of limiting (c) to people that transfer by employers. New employment can be discretionary.
• Motion to strike in (a) “and who meets the other criteria specified in Rule 3.101” made by J. D’Amico, seconded by D. Geiger. Motion carried.
• Motion to add “Mandatory” to title made by D. Ege, seconded by M. DePietro. Motion carried.
• Motion to change numbering to 3.101-1 and changed previous 3.101-1 to 3.102 made by M. Gilliam, seconded by J. D’Amico. Motion carried.
Rule 3.103 Acceptance of the offender by receiving state; exception

- Motion to present the proposed amendment at the Annual Commission meeting for adoption made by E. Ligtenberg, seconded by J. D’Amico. Motion carried.
- Reviewed comments from Commissioners.
- Discussion of 30 days in (b)(5)(B)
- Discussion of signed forms in the sending state (b)(1)(C). M. Gilliam noted that signed forms can be sent if requested. D. Blackburn noted signed forms can be attachments in NACIS.
- D. Guntharp inquired how many states will need to be able to print off forms from NACIS for their field officers.
- Discussion of extradition law/Compact law and the need for the pre-signed waiver of extradition to return an offender. D. Blackburn noted that fugitives have a right to due process, but compact offenders are not fugitives and do not have the same right. Prosecutors need to be trained on the Compact and their responsibility.
- Motion to strike “until term of compact supervision” made by H. Lowery, dies for lack of second.
- Motion to add “until the offender’s arrival in the receiving state” and strike “during this period” in (b)(2)(A) made by E. Ligtenberg, seconded by J. D’Amico. Motion carried.
- Motion to delete (b)(2)(A) made by A. Wright, seconded by D. Ege. Motion carried.
- Discussion of (b)(1)(C) and (b)(2)(B), redundant. Motion to strike (b)(2)(B) made by D. Ege, seconded by A. Wright. Motion carried.
- Discussion of definition of “community supervision” in reference to parole and probation.
- D. Blackburn noted that California is combining agencies and Sharon Jackson may not be the Commissioner.
- D. Blackburn stated that NACIS will be able to report what states are in compliance with the time frames of this rule.
- M. Gilliam noted that South Carolina’s Department of Corrections is separate from their Probation & Parole agency, therefore not aware of prison times.
- Discussion of numbers written.

Rule 3.104 Time allowed for investigation by receiving state

- Motion to present the proposed amendment at the Annual Commission meeting for adoption made by E. Ligtenberg, seconded by J. D’Amico. Motion carried.
- Review of comments by Commissioners.
- Discussion of (b) in regards to “insufficient.” Motion to strike “and together with” and “insufficient” and add “incomplete” made by M. DePietro, seconded by J. D’Amico. Motion carried.
- Discussion of the deleted last sentence of (a) regarding the 5th day presumption.

Rule 3.104-1 Acceptance of offender; issuance of reporting instructions

- Motion to present the proposed amendment at the Annual Commission meeting for adoption made by E. Ligtenberg, seconded by J. D’Amico. Motion carried.
• Review of comments by Commissioners
• Discussion of Rule not addressing parolees. M. Gilliam stated this issue would need to be addressed under New Business.
• Discussion of arrival versus departure. Can’t close case if departed on the 119th day. Motion to changed (b) to “If sending state has not sent a departure notice to the receiving state” made by A. Wright, seconded by E. Ligtenberg. Motion carried.
• Motion to change the order of (b) and (c) made by D. Ege, seconded by A. Wright. Motion carried.

• Motion to adjourn for the day made by M. Gilliam. Meeting adjourned at 4:55 pm EST.

Day 2

• The meeting was called to order at 8:40 am EST. 8 members were present establishing a quorum. P. Tuthill (ex-officio) was not in attendance.
• M. Gilliam introduced Technology Chair, J. Kuebler.

NACIS UPDATE-Joe Kuebler
• After BRT is signed, interface document will be released.
• Testing of system with test scripts will be completed by JAD members, Tech Committee, and National Office. Pilot testing for all state-August 1.
• Training plan-tentatively scheduled late September, early October. Additional training will be administrated by National office staff, regional master trainers. 32 additional slots will be available. Tech Committee will determine how the slots will be divided. Requests should be made through the national office.
• Reviewed process flow-charts
• Addressed attachments, reports, and challenges.
• D. Blackburn noted that the person who is sent for NACIS training should be the administrator within the state and who controls the number of users and levels and who knows the Compact process and have computer knowledge. D. Guntharp and J. Kuebler stated that an IT person is in charge shutting off users in their states.
• Demonstration of NACIS from SoftScape.

• M. Gilliam noted that Rule 4.103 will need to be addressed in New Business.

Old Business, Cont.
Rule 3.106 Requests for expedited transfer
• Motion to present the proposed amendment at the Annual Commission meeting for adoption made by E. Ligtenberg, seconded by J. D’Amico. Motion carried.
• Review of comments by Commissioners.
• Discussion of parolees being released from prison. M. Gilliam suggested bringing the issue up under New Business.
• M. Gilliam noted that the proposed Rule 2.109 has not been passed by the Commission, but can be used as a guideline by the Rules Committee.
• Motion to strike “issue” in the last line of (a)(2)(A) and replace with “transmit” made by J. D’Amico, seconded by H. Lowery. Motion carried.
• Motion to add “The receiving state shall submit an arrival notice to the sending state per Rule 4.105.” to (b) made by J. D’Amico, seconded by E. Ligtenberg. Motion carried.
• Motion to change “seventh day” in (c) to “fifteenth day” made by H. Lowery, seconded by A. Wright. A. Wright withdraws second. Motion dies for lack of a second.
• H. Lowery withdraws comments.
• Motion to add “as directed” to (d)(2) made by J. D’Amico, seconded by D. Ege. Motion carried.

Rule 3.107 Application for transfer of supervision
• Motion to present the proposed amendment at the Annual Commission meeting for adoption made by E. Ligtenberg, seconded by J. D’Amico. Motion carried.
• Review of comments by Commissioners.
• Motion to strike “Application for” from the title made by J. D’Amico, seconded by E. Ligtenberg. Motion carried.
• Motion to add “A” and strike “of” and add “for” to title made by D. Ege, seconded by H. Lowery. Motion carried.
• Motion to delete (c) made by E. Ligtenberg, seconded by H. Lowery. Motion carried.

Discussion of Judgment & Commitment documents and criminal histories. M. DePietro noted that Judgment & Commitment documents show authority. M. Gilliam stated that the documents are relevant for supervision purposes and not for the application. D. Blackburn noted that such documents slow down the transfer process. M. Gilliam suggests the Rules Committee address supervision documents next year.
• Motion to strike in (b) “and the Judgment and Commitment documents” and add “such as the Judgment and Commitment documents” made by E. Ligtenberg, seconded by D. Ege. Motion carried.
• Motion to strike “shall” and add “may” to (c) made by H. Lowery, seconded by J. D’Amico. Motion carried.

• Discussion of (10) Financial obligation and payment schedule.
• Discussion of photograph being mandatory in NACIS. D. Blackburn noted that Polaroids can be scanned in if digital cameras are not available.
• Discussion of (a) being consistent with 2.104. D. Ege stated that such new rules will not take effect until NACIS is implemented.
• Discussion of NACIS being down. D. Blackburn stated that by contract the system will not be down very long and will double check the contract for the exact amount of time. Point of Order by J. D’Amico, such questions should be referred to the Technology Committee.

**Rule 4.105 Arrival and departure notifications; withdraw of reporting instructions**
• Motion to present the proposed amendment at the Annual Commission meeting for adoption made by E. Ligtenberg, seconded by J. D’Amico. Motion carried.
• Review of comments by Commissioners.
• Discussion of travel permits versus reporting instructions in (d). Motion to strike (d) made by D. Geiger, seconded by D. Ege. Motion carried.
• H. Lowery withdraws comments.
• Motion to remove the last four words of (c) made by H. Lowery, seconded by J. D’Amico. Motion carried.

**Rule 4.110 Transfer to a subsequent receiving state**
• Motion to present the proposed amendment at the Annual Commission meeting for adoption made by E. Ligtenberg, seconded by J. D’Amico. Motion carried.
• Review of comments by Commissioners.
• Motion to strike “forward” in (b) and replace with “transmit” made by D. Ege, seconded by J. D’Amico. Motion carried.
• Discussion of 3rd party transfers using NACIS. D. Blackburn stated he will check the BRT on how it will be done in NACIS to see if subsequent states will have access to case files.

**Approval of Minutes**
• Motion to approve the June 3, 2005 minutes made by A. Wright, seconded by H. Lowery. Spelling errors noted and will be corrected. Motion carried.

• Discussion on the length on time spent reviewing rules and rule amendments.

**New Business**

**Rule 4.103 Special conditions**
• Motion to present the proposed amendment at the Annual Commission meeting for adoption made by J. D’Amico, seconded by E. Ligtenberg. Motion withdrawn.
• R. Masters suggested removing “investigation.” Motion to remove “investigation” made by M. Gilliam, seconded by H. Lowery. Motion withdrawn.
• Motion to substitute draft of 4.103 from the June 3rd minutes made by J. D’Amico, seconded by E. Ligtenberg. Motion carried.
Discussion of offenders not complying with special conditions of receiving state and retaking the offender. Motion for the Rules Committee to address issues of retaking next year made by J. D’Amico, seconded by H. Lowery. Motion carried.

**Rule 1.101-Definitions**

**(r) Resident**

- J. D’Amico noted that the definition of relocate impacts other rules. Motion to change “relocated” to “remain in” made by J. D’Amico, seconded by D. Ege. Motion carried.
- M. Gilliam noted that David Guntharp will make a motion at the Annual Commission meeting to suspend Robert Rules of Order and not allow any floor amendments, since such amendments could effect other rules. A. Wright suggested the Rules Committee and Executive Committee draft a cover letter to explain this intent. M. Gilliam noted the goal of Rules Committee next year will be to get drafts out earlier for comments.

**(ee) Travel Permit**

- Motion to strike “relocate” and replace with “travel” made by J. D’Amico, seconded by D. Ege. Motion carried.

**Rule 3.104 Time allowed for investigation by receiving state**

- Motion to add “specific” to (b) before the word “reason” made by J. D’Amico, seconded by E. Ligtenberg. Motion carried.

**Other Rules/Amendments proposed by Commissioners**

- M. Gilliam suggested putting such proposals on hold for next year.

**NACIS**

- M. Gilliam noted that the Technology Committee will recommend implementation dates for NACIS. D. Guntharp stated that effective dates for NACIS amendments will go into effect at the drop dead date. At that time state compact offices will be online and most problems will be in the field.
- The Commission will work with states on compliance. The Commission needs an aggressive implementation/drop dead date that is close to training.
- J. Kuebler stated that the Commission will have a “dummy system” in August to see.

**Rule 2.109 Adoption of Rules; amendments**

- M. Gilliam noted that the proposal for 2.109 will need to go into effect immediately at the Annual Commission meeting. D. Guntharp stressed the importance for region chairs to explain this to states in their regions.

- Motion to adjourn made by J. D’Amico, seconded by D. Ege. Meeting adjourned at 3:18 pm EST.