INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

Rules Committee
July 12, 2007
WEBEX
11:00 am EDT

Members in Attendance:

1. William Rankin (WI)
2. Ed Ligtenberg (SD)
3. Jeanette Bucklew (IA)
4. Kathie Winckler (TX)
5. Dori Ege (AZ)
6. Frank Herman (NY)
7. Justice Gerald VandeWalle (ex-officio)
8. Kevin Dunphy (ex-officio)

Staff:

1. Ashley Hassan
2. Mindy Spring
3. Kevin Terry
3. Sam Razor
4. Xavier Donnelly
5. Kelli Price
6. Rick Masters (Legal Counsel)

Members not in attendance:

1. Doreen Geiger (WA)
2. Pat Tuthill (ex-officio)
3. Karen Tucker (ex-officio)
Call to Order

The meeting was called to order at 11:05 a.m. EDT. Six, of the seven members were present. A quorum was established.

Approval of Agenda

Motion to add reconsideration of Rule 3.103 and 3.106 to the agenda and to approve the agenda, made by W. Rankin, seconded by D. Ege. Motion carried.

Approval of Minutes

Motion to postpone approval of June 26-27, 2007 minutes until next Rules Committee Meeting made by E. Ligtenberg, seconded by F. Herman. Motion carried.

Report of Executive Committee Actions

W. Rankin stated the Executive Committee has withdrawn the original proposals creating a definition of “sex offender” and a new rule, 3.101-4. The committee adopted and forwarded revised versions of each proposal. The new proposals have been posted on the ICAOS website for comment. Comments may be posted until the end of the day on July 31.

The Committee will need to schedule another meeting to review comments and make technical revisions to the proposals prior to the rules going out to the Commission for the Annual Business Meeting.

Further Considerations of Rule Proposals

Rule 2.109

W. Rankin stated that the Executive Committee also voted to request the Rules Committee to draft a revision to Rule 2.109 to provide for rule proposals to be voted on by the Commission every other year on odd numbered years.

- D. Ege drafted language to effect the change.
- W. Rankin noted the amendment would be treated as any other proposal from a standing committee and be voted on separately at the Annual Business Meeting.
- W. Rankin noted the committee needs to approve the language to be posted on the website for comment.
- Justice VandeWalle noted that it does not prevent action on rules in any year.
- Motion to forward language to Commission to be voted on at the 2007 Annual Business Meeting and to be posted on the ICAOS website for
comment made by J. Bucklew, seconded by F. Herman. Motion carried (4-Yes, 2-No)

Rule 2.109

(b) The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Commissioners for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the Commission’s website upon receipt. Based on the comments made by the Commissioners the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission not later than the next annual meeting falling in an odd-numbered year.

- Discussion of the proposal to allow for the Rules Committee to have more control over proposals.
- Discussion of limiting proposals to every other year.

Rule 3.103

- W. Rankin noted he updated the justification of the proposal.
- W. Rankin suggested the committee look at removing language “of receiving notice of rejection” from the proposal due to redundancy.
- The Committee concluded for clarification that it is better to be redundant.
- Motion to add “or failure to send a transfer request” made by D. Ege, seconded by E. Ligtenberg. Motion carried.

Rule 3.103

(e)(1) If the receiving state rejects the transfer request for an offender granted reporting instructions, or if the sending state fails to send a completed transfer request by the 15th calendar day following the granting of reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state within 30 calendar days of receiving notice of rejection or failure to send a transfer request. Immediately and the supervision responsibility shall revert to the sending state. The receiving state retains authority to supervise the offender until the offender’s directed departure date from the receiving state or issuance of the sending state’s warrant.

- W. Rankin reviewed the updated justification. It was also noted that the committee will be meeting again, affording the opportunity to review prior to the proposals and justifications be finalized for the Annual Business Meeting.

Rule 3.106
W. Rankin proposed the committee update the rule with the same change previously made to the proposal for Rule 3.103.

Motion to add “or failure to send a transfer request” made by E. Ligtenberg, seconded by F. Herman. Motion carried.

Rule 3.106

(d)(1) If the receiving state rejects the transfer request for an offender granted reporting instructions, or if the sending state fails to send a completed transfer request by the seventh calendar day following the granting of reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state **within 15 calendar days of receiving notice of rejection or failure to send a transfer request**. The receiving state retains authority to supervise the offender until the offender’s directed departure date from the receiving state or issuance of the sending state’s warrant, immediately and the supervision responsibility shall revert to the sending state.

The committee reviewed the updated justification for Rule 3.106.

D. Ege is working on the justification for Rule 5.108 providing calculations for how long offenders can be left in custody under the current rules and illustrating the implications for the proposal.

The Committee’s next meeting will be scheduled for Wednesday, August 8, 2007 at 11:00 am EDT.

Motion to adjourn made by D. Ege, seconded by F. Herman. Meeting adjourned at 11:58 a.m. EDT.