INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
RULES COMMITTEE

Meeting Summary and Minutes
Meeting held by teleconference
12:00 pm to 2:00pm (EST)
September 26, 2003

Committee Members in Attendance:
1. Tina Hayes, FL
2. Milt Gilliam, OK
3. Ben Martinez, PA
4. A.T. Wall, RI
5. Jim Cosby, TN
6. Kathie Winckler, TX
7. Doreen Geiger, WA
8. Pat Tuthill, FL – Ex officio

Committee Members Not in Attendance:
1. Paul Quander, DC
2. Justice Gerald VandeWalle, ND

Guests:
1. David Guntharp, AR
2. Barry Groves, FL
3. Kevin Dunphy, RI
4. Linda Valenti, NY
5. Ed Mruczek, NY
6. Tom Williams, D C.

Staff:
1. Rick Masters
2. Mike McCabe

- Kathie Winckler, chair of the committee, called the Rules Committee to order at 12:01 p.m. (EDT). Winckler then called the roll. 7 of 8 voting members were present, establishing a quorum.
- Winckler introduced approval of the 9/19/03 minutes. A motion to adopt the minutes from 9/19/03 was brought by Wall, seconded by Geiger, and approved unanimously.
- Winckler called for a staff update. There was none.
Winckler provided the chair’s update, asking members if they had had comments or responses about the rules from their states. No member had such. Winckler reminded the members that only one meeting remained in which to make amendments to the rules. Following the October 3, 2003 meeting, the rules will be placed on the website and no further changes will be made until the rules are considered at the November 2003 meeting.

Winckler introduced the first item of new business, approval of the definitions drafted by the drafting team at their meeting in Lexington on September 15 & 16, 2003. Winckler suggested that, in the interest of devoting debate time to that which is at issue, a motion be entertained approving all the definitions, and that any member could exclude terms from that motion for separate consideration. Such motion was brought by Gilliam, seconded by Hayes. Cosby asked that definitions of “deferred sentence”, “plan of supervision”, and “travel permit” be excluded from this motion, and Gilliam and Hayes both agreed to accept this as a friendly amendment to their motion and second.

The definition of “deferred sentence” was discussed. Cosby was concerned that this term would be interpreted as including pre-trial offenders, despite the fact that this is not the committee’s intention. After discussion, in which the likelihood of an advisory opinion from counsel that would interpret for all users the intended meaning was discussed, it was decided that the definition would stand as written. Motion to approve the definition as drafted was made by Cosby, seconded by Martinez, and approved unanimously.

The definition of “plan of supervision” was not discussed but Cosby made known his satisfaction with the definition and moved approval. Second was made by Martinez, and approved unanimously.

The definition of “travel permit” was discussed. Cosby said that he did not want to see this term confused with “temporary travel permit” a term that appears in the proposed rule 3.108 on victim notice. After discussion, it was agreed that the proposed definition of “travel permit” should be retained as written, and that a new definition should be drafted for “temporary travel permit” for discussion at the 10/1/03 meeting.

Winckler introduced the next item of new business, approval of the changes made to the September 5, 2003 draft of the rules by the drafting team at their September 15 & 16, 2003 meeting, as summarized in the “Summary of Changes Made by Drafting Team” document prepared and distributed by Winckler. Winckler suggested that the same procedure be used as was used in approval of the definitions, with a motion to approve all changes set forth in the summary document, which any member may exclude an item for further discussion. Motion was made by Gilliam, and seconded by Martinez. Winckler called attention to the fact that rule 2.105 on misdemeanors had been amended, making all misdemeanors eligible for transfer of supervision regardless of the offense, as long as the sentence imposed is equal to or greater than one year of supervision. Geiger and Martinez both said that the members’ positions had been fully
aired, and having done that, the committee should go ahead and vote, 
reserving any further objection for the November meeting. Gilliam’s 
motion was approved unanimously.

- The next meeting will take place on October 3, 2003, at 12:00pm (EDT) 
  @ 888-387-8686, 7389593 Meetings are scheduled for each Friday 
  thereafter at the same time until the November annual meeting. Specific 
  meeting topics are given in the 9/6/03 memo from Winckler.

- The meeting was adjourned by unanimous consent at 2:05 pm (EDT).
I. Call to order and roll call

II. Approval of draft minutes from September 19, 2003 meeting

III. Staff update

IV. Chair update

V. Old business

VI. New business
   • Discussion of and vote on newly drafted definitions (to be provided following 9/15 & 15/03 drafting meeting)
   • Discussion of and vote on amendments to rules made by drafting subcommittee (to be provided following 9/15 & 16/03 drafting meeting)

VIII. Next meeting(s)
   1) Teleconference meetings will be held at 12:00 p.m. (EDT) on October 3, 10, 17, 24, and 31.

IX. Adjournment