INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
Rules Committee

December 2, 2005
12:00 pm EST

Web Conference
1-866-469-3239 Room 562 606 655

Committee Members in Attendance

1. Milt Gilliam
2. Dori Ege
3. Karen Stoll
4. Mike DePetrio
5. Henry Lowery
6. Judge John D’Amico
7. Ed Ligtenberg
8. Gerald Vandewalle (ex-officio)
10. Gregg Smith (ex-officio)
11. Pat Tuthill (ex-officio)
12. Kevin Dunphy (ex-officio)

Committee Members Not in Attendance

1. Doreen Geiger

Staff

1. Don Blackburn
2. Ashley Kenoyer
3. Mindy Spring
4. Kelli Price
Call to Order

The meeting was called to order by M. Gilliam at 12:08 pm EST. 7 of 8 members were present establishing a quorum.

Approval of Agenda

Motion to approve the agenda made by M. DePietro, seconded by D. Ege. With no objection, the agenda was approved.

Approval of Minutes

Motion to approve the October 21, 2005 minutes made by E. Ligtenberg, seconded by K. Stoll. Motion carried.

Chair Update

M. Gilliam noted the Committee will complete the final drafts of Rule 1.101 “relocate, Rule 3.103, & Rule 3.106.

Motion to discuss any another business other than discussion of the 3 rules first made by M. DePietro, seconded by J. D’Amico. Motion carried.

New Business

Motion to begin review of Chapter 5 Rules in 2006 made by J. D’Amico, seconded by H. Lowery. Motion carried.

M. Gilliam will propose to the Executive Committee that the Rules Committee will have 2 face-to-face meetings in 2006 in Kentucky (February & June.) The first meeting will tentatively be held the week of February 27, 2006.

M. Gilliam and Chairman David Guntharp will be in Lexington for the January National Teleconference. The only business will be the vote for the 3 rules.

R. Masters is working on an opinion regarding “referring rules back to the Rules Committee” The issue is having 3 choices for a vote and the possibility of not getting a majority vote. Motion to refer 2.109 back to the Rules Committee to clean up the language regarding referring a rule back to Committee made by E. Ligtenberg, seconded by K. Stoll. Motion carried.
**Staff Update**

ICAOS national office will send a newsletter out today and just had an ICAOS guide printed.

Annual report should be distributed after the first of the year.

D. Blackburn recently visited the Massachusetts Compact office. There has been conflict between the Commission of Probation and Parole. A MOU will be signed between the departments.

**Old Business**

**Rule 1.101-Definition of Relocate**

- Comments were reviewed.
  - Concerns about time frames.
  - Consecutive vs consecutive, some states recommended to use both terms.
  - Definition of overnight.
  - West region submitted a recommendation (10 states).
- Motion to adopt proposed language: “Relocate means to remain overnight outside a sending state for more than ___ consecutive days or more than ___ days in any 12 month period.” Made by E. Ligtenberg, seconded by D. Ege. Motion failed.
- Motion to adopt proposed language: “Relocate means to remain overnight in any one state for more than either ___ consecutive days or ___ cumulative days in any 12 month period.” Made by J. D’Amico, seconded by K. Stoll. Motion passed.
- Motion to adopt “30” before consecutive made by K. Stoll, seconded by M. DePietro. Motion passed.
- Motion to adopt “60” before cumulative made by M. DePietro, seconded by D. Ege. Motion passed.
- Motion to consider changing proposed language “in any one state” to “outside a sending state” for discussion made by D. Ege, seconded by K. Stoll. Motion was ruled out of order.
- Motion to reconsider the language adopted by the committee: “Relocate means to remain overnight in any one state for more than either 30 consecutive days or 60 cumulative days in any 12 month period.” Made by H. lowery, seconded by D. Ege. Motion passed.
- Motion to change “in any one state” to “outside a sending state” made by D. Ege, seconded by K. Stoll. Motion passed.

**RULE 1.101 Definitions**

(ii) “Relocate” means to remain overnight in another outside a sending state for more than 90 either 30 consecutive days or 60 cumulative days in any 12 month period.
Rule 3.103 Acceptance of the offender by receiving state; exception

- Motion to adopt the previously proposed language made by K. Stoll, seconded by D. Ege. Motion passed.

**RULE 3.103 Acceptance of the offender by receiving state; exception**

(a) A sending state shall not allow an offender under supervision in the sending state to relocate to a receiving state without the receiving state’s acceptance of the transfer of supervision.

(b) Exception—

(1)(A) A sending state may grant a travel permit to an offender who was living in the receiving state at the time of sentencing.

(1)(A) A sending state may request reporting instructions from a receiving state through the electronic information system and may grant a seven day travel permit to an offender who was living in the receiving state at the time of sentencing. Prior to granting a travel permit to an offender, the sending state shall verify that the offender is living in the receiving state.

(B) This exception is not applicable to offenders released to supervision from prison.

(B) The receiving state shall issue reporting instructions no later than two business days following receipt of such a request from the sending state.

(C) The sending state shall ensure that the offender sign all forms requiring the offender’s signature under Rule 3.107 (a) prior to granting a travel permit to the offender. Signed forms shall be maintained in the sending state until termination of compact supervision. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.

(D) The sending state shall transmit a departure notice to the receiving state per Rule 4.105 (a).

(E) This exception is applicable to offenders sentenced to jail as a condition of probation and released to probation supervision from a jail facility.
(F) This exception is not applicable to offenders released to supervision from prison.

(2) The sending state retains supervisory responsibility until the offender’s arrival in the receiving state.

(3) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions during the investigation of the offender’s plan of supervision upon the offender’s arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.

(4) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than 15 calendar days following the granting to the offender of the reporting instructions.

(5)(A) 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 day following the granting of a travel permit reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request from the receiving state, direct the offender to return to the sending state by a date specified by the sending state within 30 calendar days after the receipt of notification of the rejection of the transfer request.

(B) If the offender does not return to the sending state, as directed, the sending state shall initiate the retaking of the offender by issuing a warrant or an order to return no later than 10 calendar days following the offender’s failure to appear in the sending state.

(C) The receiving state shall continue to supervise the offender until a warrant is issued or notice is given by the sending state as required under Rule 4.105.
Rule 3.106 Request for Expedited Reported Instructions

- Motion to adopt the previously proposed language made by H. Lowery, seconded by M. DePietro. Motion passed.

**RULE 3.106 Request for expedited reporting instructions**

(a)(1) A sending state may request that a receiving state agree to expedited transfer reporting instructions of an offender if the sending state believes that emergency circumstances exist and the receiving state agrees with that determination. If the receiving state does not agree with that determination, the offender shall not proceed to the receiving state until an acceptance is received under Rule 3.104-1.

(2) (A) A receiving state that agrees to expedited transfer reporting instructions of an offender shall immediately issue reporting instructions for the offender, and a sending state shall immediately issue a travel permit transmit a departure notice.

(B) The sending state shall ensure that the offender signs all forms requiring the offender’s signature under Rule 3.107 (a) prior to granting a travel permit reporting instructions to the offender. The sending state shall immediately transmit the signed forms electronically or by telefax to the receiving state. Signed forms shall be maintained in the sending state until termination of compact supervision. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.

(C) At the time of transmission of the signed forms, the sending state shall provide the receiving state with a copy of the offender’s orders and conditions, documentation of the offender’s residency, copy of any available pre-sentence report, copy of any order of protection, where applicable, and whether the offender is subject to sex offender registration in the sending state.

(b) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions during the investigation of the offender’s plan of supervision upon the offender’s arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.

(c) A sending state shall transmit a completed transfer request for an offender granted a travel permit reporting instructions no later than the seventh calendar day following the granting to the offender of the travel permit reporting instructions.
(d)(1) If the receiving state rejects the transfer request for an offender granted a travel permit reporting instructions, or if the sending state fails to send a completed transfer request by the 7th seventh calendar day following the granting of a travel permit 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 by a date specified by the sending state within 30 calendar days after receipt of notification of the rejection of the transfer request.

(1) If the offender does not return to the sending state as directed, the sending state shall initiate the retaking of the offender no later than 10 calendar days following the offender’s failure to appear in the sending state.

(2) The receiving state shall continue to supervise the offender until a warrant is issued or notice is given by the sending state as required under Rule 4.105.

- J. D’Amico stated that the definition of “relocate” conflicts with Rule 2.110 (a).

Next Meeting

- Next meeting is tentatively scheduled for the week of February 27, 2006.

Adjourn

- Motion to adjourn made by K. Stoll, seconded by D. Ege. Meeting adjourned at 2:04 pm EST.