**I. Opening**

The vice-chairman, Senator Anthony Sykes, called the meeting to order at 10:05 a.m. with a welcome to those attending.

Members present at roll call.

- Senator Anthony Sykes, Vice Chairman
- Trent Baggett, Ex-Officio
- Richard Dugger, Pardon and Parole Board
- Craig Sutter, Ex-Officio
- Mark McCullough, State Representative
- Milton Gilliam, Ex-Officio
- Marcia Smith, Victim’s Representative

Calling of the roll reflected a quorum was present.

Guests:

- Reginald Hines, Deputy Director
- Frank Mesarick, Deputy Compact Administrator
- Deborah Romine, Parole Process Coordinator

**II. Introductions**

Senator Sykes welcomed members and guests to the State Council. Milton Gilliam introduced Reginald Hines, Deputy Director of Community Corrections as a guest at the meeting. He also introduced the following Community Corrections staff: Frank Mesarick, Deborah Romine, and Connie Riley.

Senator Sykes asked if there were any other introductions. Milton Gilliam was recognized to introduce the new member of the State Council, Richard Dugger, Chairman of the Pardon and Parole Board.

**III. Approval of Minutes-June 11, 2010**

Senator Sykes asked if everyone had a copy of the June 11, 2010 minutes and allowed time for a review. After asking if there were any questions or discussion of the minutes, Senator Sykes asked for a motion to approve. Marcia Smith made a motion to approve the minutes; Representative McCullough seconded the motion. The minutes were approved as presented.
IV. Parole and Interstate Services Unit Update

Milton Gilliam presented an update on the Parole and Interstate Services Unit. He stated Deborah Romine is the new Parole Process Coordinator. She is the liaison with the Governor’s office and the Pardon and Parole Board for parole process. Milton also informed the Council he has been named the new Administrator of Probation and Parole for Community Corrections and has assumed some additional duties. The unit has not yet received approval to fill two positions that are currently vacant.

V. ICAOS Update

Milton Gilliam mentioned the 2010 Annual Business Meeting was held last October in San Antonio, Texas. The rule amendments that were discussed in the last Council meeting were voted on at that business meeting. Also, elections for new officers were held at the meeting. Milton was elected National Chair of Interstate Compact for this year and next year.

There are several things going on with ICOTS (the national data base). The data base has been in effect since October 6, 2008. Approximately 250,000 offenders are transferred nation-wide on that data base annually. The contract is currently being renegotiated with Appriss. There have been some concerns, but it looks like they are going to be able to make it work.

Milton stated he is currently in the process of appointing an ad hoc committee to look at ICOTS. There are some things that need to be updated and the ad hoc committee will work to prioritize those things.

The next Annual ICAOS Business Meeting is week after next, September 12-14, 2011, in Montgomery, Alabama. There are thirteen rule amendments and one bylaw that have been proposed. Milton stated copies of the proposed rule changes were sent to all Council members. He deferred to the Chairman regarding the method for presenting the proposed rules. It was decided to review each rule individually.

1) 1.101 Resident Mr. Gilliam stated this rule regards the definition of “resident.” A person who is considered to be a resident will not lose their residency is they are incarcerated or on active military deployment. Milton feels this rule is a good addition and does not feel it will affect many cases. He feels the Council should vote “yes.”

Senator Sykes stated since the agenda did not list a vote on the rules, the Council can discuss them but will be unable vote.

Representative McCullough asked if the rules would be voted on at the next national meeting. Milton Gilliam responded they will be voted on at the meeting later this month.

2) 1.101 Violent Offender Milton stated this rule regards the definition of “violent offender.” The previous definition did not designate whether it was the sending or receiving state that would determine whether the offender is under supervision for a violent crime. This is clean up language to clarify it is the sending state. Mr. Dugger asked if the rule appeared to be ok to Milton. Milton replied that he supports it.

3) 3.101-3 This rule regards the transfer of supervision of sex offenders. It changes the reporting status of sex offenders that are leaving the state. Previously, it required five business days to allow the offender to move back to a state they had already been living in so that the
receiving state would have an opportunity to investigate the home offer before the offender actually showed arrived. The rule change recommends removing the five business days so the offender can return home and the investigation be done afterward. The justification was to keep the offender from losing employment. Mr. Gilliam stated he does not feel this would be a good amendment and is considering voting “no.” Representative McCullough stated there was a lot of discussion prior to settling on the parameters that are in place now, which include an investigation prior to transmitting the offender. He asked for a little bit of background regarding the reason for the rule change at this time. Milton explained there are three ways to propose a new rule. The entire commission can vote to send a new rule back to the Rules Committee for review. A regional group or a standing committee can also ask for a review. The East Region, due to their states being in close proximity, experience a lot of difficulty. The Rule Committee has recommended a “no” vote.

4) 3.105 Mr. Gilliam explained this rule deals with requests for transfer of paroling offender. It changes the language from “shall submit” to “may submit” 120 days prior to the offender’s release. It gives the state a little more freedom to work with offenders before they are transferred. Milton stated he does not see a problem with the rule. There were no questions or discussion.

5) 3.107a1 This rule removes the word “form” from “transfer request form.” Milton stated the Rules Committee does not believe the terminology affects the content of the rule one way or the other. They recommend it not be adopted. Representative McCullough asked if it would hurt to modernize the language since the data is entered into an electronic system. Mr. Gilliam replied that, although it is still entered electronically, the data is still entered into a form.

6) 3.107a2 This rule is a recommendation from the South Region to add language that would mandate information about the offender (who committed, where and when, and how the offense was committed) be added to the transfer request. Since that information is not always immediately available, Milton stated it could slow down the request and could lead to it being denied. The information is available on request now. Representative McCullough asked if Milton planned to vote against the rule. Milton said that was correct. Representative McCullough asked if Milton will have the authority to vote on behalf of the Council at the Annual Business Meeting even though the Council has not voted on the rules. Milton replied the bylaws do not indicate that the Council has to approve the rules prior to the vote. Representative McCullough was recognized for discussion. He stated he felt this was not an onerous rule. The state trying to make a decision could use this information and he would rather err on the side of public safety.

7) 3107.a3 This rule is also a request from the South Region. It would require the transfer request to include the state statute of the offense. Mr. Gilliam stated he does not feel that the statute is needed. The receiving state would not be able to do anything with the statute. We give them the specific offense they are sentenced under along with a detailed offense report now. The fields in ICOTS would have to be changed and there would be a $7000 initial cost. Mr. Baggett asked if we provide the specific statute language. Milton said we provide the actual charge they were sentenced under. Mr. Baggett stated that what a person actually gets charged under and what the actual requirements are for the elements of the crime may be different from state to state. Senator Sykes asked if Mr. Baggett was asking about jury instructions or just statutory definition. Mr. Baggett stated he was interested in statutory
definition. Milton stated that information is not provided. All that is provided is the offense. Representative McCullough was recognized for discussion. He stated a lot of time has been expended talking about this in the past. One of the big discussions was to make sure our offenses match up. Some other states may not want to accept certain individuals based on the severity of the crime. Or, they may want to treat them differently or classify them differently from a registration standpoint based on the elements. A lot of effort was expended to get it right when a person is transferred. He said he can see exactly why they brought up this issue. If you are the receiving officer, you are trying to find elements of the crime to match up to your statute. Representative McCullough said he sees a rational basis for this rule. He stated that Mr. Gilliam is the National Chairman and his opinion is very much valued, but he disagreed. He asked the Vice Chairman, Senator Sykes, if it would be appropriate to make a motion for a vote to recommend to the Chairman that he vote for this rule. Senator Sykes ruled the motion out of order. He stated this is a public meeting and the agenda does not call for any votes. Representative McCullough asked if it would be appropriate under new business. Senator Sykes replied he would rule when we reached that point on the agenda. Mr. Baggett said he recognizes the Council cannot vote, but he urges Mr. Gilliam to reconsider, based on comments from the Council members.

8) 3.107a5.6 This rule was recommended by the South Region. It states that if the Order of Supervision and Special Conditions is not available at the time of transfer, it can be forwarded within thirty days of offender’s arrival. Currently, it is mandatory at the time they are sent. Milton stated he has not seen an issue of not having those documents available at time of transfer. He recommends voting “no.” He stated there is no reason to put it off for thirty days. Representative McCullough asked why it was recommended. Mr. Gilliam said there may be some states having an issue with getting the documentation together. Marcia Smith stated those states may be looking for a way around having to get the documents together. They would just be postponing the inevitable. Senator Sykes said he notices there is a pattern where the Rules Committee is recommending the rules not be adopted. He asked Mr. Gilliam to refresh his memory regarding how the rule amendments are promulgated and brought forth for a vote. Mr. Gilliam stated there are three ways to bring proposed rules to the Rules Committee.

(1) From the commission
(2) From any one of the 4 Regions
(3) From one of the standing committees

The Rules Committee checks to make sure the language does not conflict with any other language and is consistent. They then make a recommendation to the full commission.

9) 3.107a9 This is another request from the South Region. It would require additional language as a mandatory part of the transfer request. It would include any information regarding the offender being affiliated with a gang. Milton stated the Rules Committee is in support of this amendment and he agrees. There were no questions or discussion.

10) 3.107a11 This amendment is also a request from the South Region. It would require additional information in the form of supervision history if the offender has been under supervision for more than 30 calendar days at the time of transfer. It creates a designated time frame. Mr. Gilliam recommends a “yes” vote. No questions or discussion.
11) 3.107c This is a recommendation from South Region specifying some documents be removed from this rule. The Rules Committee recommends this amendment not be adopted due to a rule amendment that was adopted during the 2010 meeting. This proposal was set prior to that rule being debated and didn’t make it to the rules committee prior to the vote. The rule was changed to include this information.

Representative McCullough asked if there is any proposed rule change or amendment on the list which Mr. Gilliam differed from the Committee. Mr. Gilliam said there is not.

12) 4.111 Mr. Gilliam said this rule is clean up language regarding victims right to be heard and victims notification. This includes language that both rules would have to be reviewed before returning offender to sending state. No questions or discussion.

13) 4.112 This amendment is an additional request from the South Region. It is regarding closing of supervision by the receiving state. It requires sending state shall submit the case closure notice reply to the receiving state within ten business days. Currently it is implied in the rules, but there is no time frame. This specifies a time frame. Mr. Gilliam recommends a “yes” vote. No questions or discussion.

14) Proposed amendment to bylaws – Article VII: The proposal deals with ad hoc committees. It states the Commission will appoint any ad hoc committees. This is currently the practice, but this will put it in the bylaws. Upon creation, the chairperson shall issue a charge describing the committee’s duties and responsibilities. Mr. Gilliam recommends voting “yes.” No questions or discussion.

ICAOS

Milton commented that the annual business meeting is week after next. The rules just discussed will be voted on at that time.

Mr. Gilliam reported there have been eighteen commissioners leave, either retired or removed over the past year. A lot of the turnover has been due to elections; a number of the commissioners are political appointees. Out of 53 commissioners, 18 will be new. It has been difficult to fill committees. Training will be held on the first day of the meeting. There will also be a luncheon with the new commissioners on the first day. Current commission chairs will be meeting with them. At least one of the standing committees does not have a chairman at this time. The vice chairman of the commission, who is from Maine, is no longer a commissioner. An election will need to be held to elect a new vice chairman.

There have been no major incidents during the past year, similar to the one that occurred in Washington year before last. The main push of the meeting will be to get people involved and the committees fully staffed.

There were no questions or discussion.
Senator Sykes asked if there was any old business that needed to be addressed. Mr. Dugger asked if the resignation of the past chairman needed to be accepted by the Council. Milton Gilliam answered that the past chairman, Tammy Bass-LeSure, has resigned because she is no longer on the criminal court docket. Statute requires a criminal court district judge to be appointed to the Council. The appointing authority is the Oklahoma Criminal Court of Appeals. She has notified the Court and they have been in touch with Mr. Gilliam. They will make a new appointment. Representative McCullough mentioned that the Council will need to vote on a new chairperson. Senator Sykes responded that is not on the agenda. He may address under new business. Senator Sykes asked Mr. Gilliam when the email from Judge Bass-LeSure was received. Mr. Gilliam answered it was approximately one and a half weeks ago. Senator Sykes asked Mr. Gilliam if he notified the other members of the Council. Mr. Gilliam responded that he did not.

Representative McCullough brought up a point of order regarding placing the election of a new chairperson under new business. He asked if we would be following the proper guidelines. Senator Sykes clarified that the question was whether the election of the chair and vice chair would be proper under new business during this meeting. The question was deferred to Mr. Baggett. Mr. Baggett replied that under the Open Meetings Act, the definition of new business is something that came up in the twenty-four hours prior to the time of the meeting. Marcia Smith said it had to be something that came up within twenty-four hours of the posting of the agenda. Representative McCullough asked if it would be more appropriate to address under old business. Senator Sykes replied we are still under old business and he would take the point of order under advisement.

### VII. New Business

Senator Sykes stated the first order of business is the issue of the election of chair and vice chair. Given the previous discussion, Senator Sykes ruled it out of order and not timely to be considered under new business.

Also, since the Council has known about setting up a meeting schedule for 2012 for more than twenty-four hours, Senator Sykes ruled that item out of order as well. He stated the statute is clear about when the meetings are to occur.

### Adjournment

With no further business before the council, Senator Sykes entertained a motion to adjourn. Marcia Smith moved to adjourn. Representative McCullough seconded.

The meeting adjourned at 11:05 p.m.

Submitted by: ________________________________
Milton Gilliam

Approved by: ____________________________ Date: ________________
Senator Anthony Sykes, Vice Chairman