INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

South Dakota Council for Interstate Adult Offenders Supervision
via Conference Call
11:30 a.m. to 11:45 a.m.(CST)
February 5, 2004

A conference call was held on February 5, 2004 with the following present:

Senator J. P. Duniphan, Chairman
Keith Bonenberger, Member
RoAnn Redlin, Member
Judge Tim Tucker, Member
Tim Reisch, Secretary of Corrections
Ed Ligtenberg, Member
David Geffre
Linda Ott
Kathleen Bongers

The meeting was called to order by Chairman Senator Duniphan at 11:30 A.M. Senator Duniphan called for a roll call and subsequently made note that a quorum is present.

Ed Ligtenberg reported regarding the supervision of misdemeanants. This is not a problem in South Dakota, but it does present difficulty with many of the states in the commission because these states do not ordinarily supervise misdemeanants. This makes it difficult because we don’t want to create a new standard which would require less on the new compact than it required in the previous compact. A change in the language was proposed which passed. Some states still contend that they cannot follow the directive. The final vote was a tie and since a majority vote is required the motion was defeated.

Chairman David Guntharp has appointed an ad hoc committee to study the misdemeanor issue. The committee report offered a proposed amendment that would define which misdemeanants are subject to the directive and which are not. This report has been made available to members of this state council prior to this meeting. The amendment states that a misdemeanor is subject to the rules of the compact as long as the offender is subject to at least 1 year of correctional supervision or more than 6 months of confinement upon revocation of probation; and satisfies all other criteria for transfer as specified in 3.101. For purposes of this section, a minor offense does not include a misdemeanor offense involving personal bodily injury, a second or subsequent misdemeanor DUI offense or a sexual offense. Also included was a definition of corrective supervision.

At the executive Board meeting the amendment and the definition passed. This will be presented at the next commission meeting in October at Atlanta. The revisions will be presented to the states prior to August 2004.

Keith Bonenberger spoke regarding the issue. His only concern on the prior compact rule had been that some neighboring states supervise DUI first offenders while SD does not require that. The language of the amendment will alleviate that issue.
RoAnn Redlin stated that she and the victims advisory group are happy with the exceptions as stated.

Judge Tucker stated that the amendment addresses the concerns about limited resources while still concentrating on the most serious misdemeanants. He feels that it is a good change.

Judge Tucker made a motion to approve the work of the commission in re defining the misdemeanor amendment and definition of correctional supervision. Motion was seconded by Keith Bonenberger. All members voting aye; the motion passed. With a unanimous vote, the amendments are deemed adopted.

In March 14, 15 and 16, 2004, David Geffre and Keith Bonenberger will attend national training in Arizona. These new developments should be included in the training. It is expected that a couple of staff members from each state will be attending this training. Keith and David ask for comments and information to take to the training. In essence, this will be a training for trainers.

In regards to the next meeting, Ro Ann asked that it not be scheduled for April 15th and 16th as she has a prior commitment for those dates.

Ed Ligtenberg informed the group that Brian Zeeb has been called up and is doing duty in Iraq. It has been brought to the attention of Larry Long in order that he has an opportunity to appoint someone else in the interim if he wishes to do so.

Motion brought by Ed Ligtenberg to adjourn; seconded by RoAnn Redlin. All members voting aye; the meeting adjourned at 11:45 A.M.