STATE COUNCIL MEETING AGENDA
INTERSTATE CORRECTIONS COMPACT
February 21, 2006
1:00 PM to 2:00 PM (CST)
Room 412 State Capitol, Pierre, South Dakota

The state council is made up of the following:

Chairman Senator J.P. Duniphan, R-Rapid City
The Honorable Jim Tucker, Judge, Third Circuit Court
Tim Reisch, Secretary of Corrections
RoAnn Redlin, SD Coalition Against Domestic Violence
Brian Zeeb, Division of Criminal Investigation
Ed Ligtenberg, Executive Director of the Board of Pardons and Paroles
Keith Bonenberger, Director of Court Services.

Meeting Agenda

1. Review / Approve November 2005 minutes
2. National Meetings Update - Ed Ligtenberg
3. Regional Meetings Update - Ed Ligtenberg
4. ICAOS National Teleconference (1-19-2006) - Proposed Rules Change vote
   a. Rule 1.101 - Relocate
   b. Rule 3.103 - Acceptance of the offender by receiving state
   c. Rule 3.106 - Request for expedited reporting instructions
5. Tennessee Legal Action
6. ICAOS Advisory Opinion - Can an Offender be not considered in Substantial compliance because of an arrest in the receiving state during the Investigation
7. ICAOS Advisory Opinion - Shock Probation released from prison
8. ICAOS Advisor Opinion - Supervision Fees
9. NACIS (National Adult Compact Information System)
10. Open Forum/General Discussion/Question & Answer
INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

Present
Chair, Sen. J.P. Duniphan, Rapid City
Ed Ligtenberg, Exec. Director of Board of Pardons & Paroles
Keith Bonenberger, Director of Court Services
Tim Reisch, Secretary of Corrections
Tim Tucker, Third Circuit Court Judge

Absent
Brian Zeeb, Division of Criminal Investigation
RoAnn Redlin, SD Coalition Against Domestic Violence

The meeting was called to order by Chair Senator Duniphan at 1:10 p.m. and noted that a quorum is present.

1. Review/Approve November 2005 Minutes
Keith Bonenberger moved approval of the November 2005 minutes. The motion was seconded by Tim Reisch, and passed unanimously.

Ed Ligtenberg reported that membership dues for the compact increased by 2%, 1% for half a year. The cost to South Dakota is currently $18,000, half paid by the Department of Corrections and half by the Unified Judicial System. Ed indicated that as there is no funding for the database, the membership fees would probably increase.

3. Regional Update – Ed Ligtenberg
Chair Duniphan suggested giving copies of the ICAOS Annual report to the Governor, Supreme Court and to LRC.

4. ICAOS National Teleconference (1/19/2006) – Proposed Rules Change Vote

   A. Rule 1.101, “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 is to be voted upon within 120 days (around the end of April).

   Ed indicated that some concerns expressed about the revised definition were: what do you do with people who want or need to travel between states, such as out-of-state employment for offenders who drive trucks across state lines, those who follow crops during growing seasons, firefighters, etc.
Probationers can go on vacation and travel through several states without notifying the states they travel through, and there is concern about this when the probationer is a sex offender. Judge Tucker suggested treating sex offenders differently than other offenders, which led to a discussion about the difficulty of and time required to track the number of days any offender spends outside the sending state.

Ed said he needs to know how tough he should be when the committee meets again to vote on the definition. Keith asked for time to study this issue; he will get back to Ed and will keep the council apprised.

B. *Rule 3.103, Acceptance of the offender by receiving state; exception* failed because database will not be in operation until September.

C. *Rule 3.106, Request for expedited reporting instructions*, passed at the national meeting.

5. **Tennessee Legal Action**
   Tennessee was requiring offenders to furnish or submit to psychological evaluations before they were transferred even after the state was warned against doing so. The ruling in the Tennessee case gives compacts the weight equivalent to federal law and makes them enforceable under the Supremacy Clause.

6. **ICAOS Advisory Opinion – Offender not in substantial compliance because of arrest in receiving state during investigation**
   Opinion requested by Illinois. If an offender who met criteria for transfer and was given reporting instructions gets arrested for a new offense in the receiving state during the investigation period, is the offender still considered to be in substantial compliance? The transfer cannot be rejected solely on this basis; the receiving state must accept the case as long as the offender satisfies the criteria.

7. **ICAOS Advisory Opinion - Shock probation released from prison**
   Ohio requested this advisory opinion regarding a probationer’s eligibility for compact services in shock probation situations (offenders who are on probation after serving a short term of incarceration as a condition of their probation). The ICAOS advisory opinion provided that “as long as an offender is sentenced to supervised probation rather than parole or post-release control, the exception should apply.
8. **ICAOS Advisory Opinion – Supervision fees collected by sending state**
Pennsylvania requested an opinion about whether a sending state can collect supervision fees on a case that is transferred to a receiving state that has no law authorizing collection of supervision fees. The opinion is that once an offender has been transferred, the sending state cannot charge or collect a supervision fee.

9. **The December 2005 Issue of NACIS (National Adult Compact Information System) News** indicates that the training, integration, legacy, and implementation phases are delayed because of issues with the technical specifications. Ohio director Harry Hageman wants to ensure that the ICAOS owns the programming for CaseOne, not Softscape.

**10. Open Forum/General Discussion/Question & Answer**
The statue says the state council is to meet twice a year.

Motion was made by Tim Reisch, seconded by Judge Tucker, to adjourn. Meeting was adjourned at 1:45 p.m.