PRESENT: Brian Zeeb, Division of Criminal Investigation; Krista Heeren-Graber, Victims Advocate; Mark Barnett, Circuit Judge, Sixth Circuit Court; Ed Ligtenberg, Executive Director of the Board of Pardons and Paroles; Nancy Allard, Director of Trial Court Services.

ABSENT: Tim Reisch, Secretary of Corrections; Joni Cutler, State House Representative.

OTHERS IN ATTENDANCE: David Geffre, Deputy Compact Administrator for Parole; Cheryl Frost, Interstate Compact Coordinator for Probation (Recorder).

In the absence of a Chairman, Ed Ligtenberg led this meeting.

REVIEW/APPROVE OCTOBER 2009 MINUTES

Motion was made by Nancy to approve the October 2009 minutes with no corrections or additions. Motion was seconded by Ed.

ELECTION OF CHAIRMAN

Motion was made by Ed to nominate Joni Cutler as Chairman for the State Council. Motion seconded by Judge Barnett. The Council unanimously voted for Joni Cutler as Chairman.

NOVEMBER 2009, ANNUAL ICAOS BUSINESS MEETING

Nancy attended the annual ICAOS meeting held in Reno, NV. New Rules amendments became effective March 1st, which were discussed and voted on at the annual meeting. Nancy reported to the Council the approved rule amendments. She also discussed the break-out sessions held, including processes for Probable Cause Hearings, ICOTS and ICAOS reports, and the Deputy Compact Administrator’s meeting.

JANUARY 2010, MIDWEST REGION MEETING REVIEW

Ed reported that budget issues and an update on ICOTS issues were discussed. No major issues requiring follow-up were identified.

APPLICATION FEE FOR PROBATION TRANSFERS

The council approved the concept of an application fee. Probation would like to assess a suggested $50 application fee. The fee has been approved by the Chief Justice and State Court Administrator to assess a $50 application fee at the time the application is filed. The fee will be charged for all applicants, with no exceptions or waivers. The intent is to reduce frivolous transfer requests. The plan is to use the funds for the UJS’s new case management system.
APPLICATION FEE FOR PAROLE TRANSFERS

Currently Parole has a $500 Compact Bond that parolees transferring to another state must pay. Parole has discussed removing the compact bond as a requirement and instead implement an application fee.

Motion made by Brian, seconded by Judge Barnett to support the implementation of a $50 application fee for both probationers and parolees requesting interstate compact transfer.

SEX OFFENDER BILLS

Nancy advised that the sex offender bills will not significantly impact interstate compact transfers any differently than non-compact cases. Subsequent to the meeting, SB 8 passed the Legislature which mandates that an out of state offender can not establish a residence outside the community safe zone unless they could do so where they committed the registerable offense. For example, South Dakota’s community safe zone is 500 ft., so if the other state’s Community Safe Zone where the offender committed the registerable offense is 1,000 feet, the offender can not reside within 1,000 feet in SD of the community safe zone.

NEW BUSINESS

No new business.

GENERAL DISCUSSION

The committee welcomed Judge Barnett, who was appointed by the Chief Justice to replace Judge Tucker who resigned from the committee after several years of service.

Brian asked that when a sex offender transfers to South Dakota, how we ensure they register. Ed advised that it is up to the offender to make sure they go in and register. David Geffre from DOC advised that when a sex offender applies for “parole” supervision transfer to South Dakota, there is a section on the application where the supervising agent indicates that the applicant is a registered sex offender. Nancy advised that it is the same for a “probation” transfer, and that it is also a requirement of the Court Services Officers to advise the offender who is transferring their probation to SD, of their duty to register as a sex offender. There is a form the CSO signs with the offender advising them of the duty to register and the offender’s responsibilities associated thereof.

MEETING ADJOURNED

Motion made by Judge Barnett to adjourn the meeting, seconded by Nancy.

The meeting was adjourned at 1:30 p.m.

Respectfully submitted by Cheryl F. Frost, Interstate Compact Coordinator for Probation.