STATE COUNCIL MEETING AGENDA
INTERSTATE CORRECTIONS COMPACT
April 19, 2007
11:00 AM to NOON (CST)
TELECONFERENCE
(605-773-2323 then 3571#)

The state council is made up of the following:
Chairman J.P. Duniphan, R-Rapid City
The Honorable Jim Tucker, Judge, Third Circuit Court
Tim Reisch, Secretary of Corrections
Brian Zeeb, Division of Criminal Investigation
Open Position, Victims Advocate
Ed Ligtenberg, Executive Director of the Board of Pardons and Paroles
Nancy Allard, Director of Trial Court Services.

Meeting Agenda

1. Review / Approve November 2006 minutes
2. Filling Vacant Council seat update
4. 3-22-2007 Regional Meeting update
5. ICAOS Advisory Opinions
   a. Rule 2.105(a)(1) - Interpretation of “physical harm”. (March 6, 2007)
6. Rule Committee update
Present:
Ed Ligtenberg, Exec. Director of Board of Pardons and Paroles
Tim Reisch, Secretary of Corrections
Hon. Tim Tucker, Third Circuit Court Judge
Brian Zeeb, Division of Criminal Investigation
Nancy Allard, Director of Trial Court Services, UJS

The meeting was called to order at 11:08 am.

1. **Election of Chair**
   Tim Reisch nominated Judge Tucker for chair. Motion was seconded by Ed and passed unanimously.

2. **Review/Approve November 20, 2006, Minutes**
   Motion was made by Ed and seconded by Nancy to accept the minutes as presented. Motion passed unanimously.

3. **Filling Vacant Council Seat**
   In order to get back into compliance with the executive order on State Council Membership, new appointments are necessary. Tim Reisch, Nancy Allard and Ed Ligtenberg are permanent members; all others were appointed in 2002 for three-year terms. In addition, the victim’s advocate representative position is vacant. It was agreed that Judge Tucker will write letters to Chief Justice Gilbertson, Attorney General Long and Jim Fry requesting the necessary appointments/reappointments.

4. **National Meeting in Florida September 2007**
   Ed informed the Council that the meeting will be in Florida in September, but he doesn’t have many more specifics.

5. **Annual Court Services Officer Training**
   Nancy reported that Don Blackburn is scheduled to make a six-hour presentation to all the adult officers at the Annual CSO Training next week in Spearfish. Warren Emmer, Compact Administrator from North Dakota and Chair of the ICAOS may also attend.
5. **Regional Meeting Report**
   Ed advised that there was nothing significant to report from the regional meeting held March 22, 2007.

6. **ICAOS Advisory Opinions**
   - The interpretation of the “physical harm” requirement of 2.105(a)(1) — Each state establishes elements of its own criminal laws; if the law in the sending state recognizes use of an automobile as an element in the crime, the rule applies.
   - Clarification of Rules 5.108 and 4.109-1 – States follow the rules of their state in determining whether detainment is allowed and whether it requires a court order.

7. **Rule Committee Update**
   Ed advised that he plans to vote “yes” to the following amendments:
   - Rule 1.101, Definition of offender
   - Rule 2.104, Forms
   - Rule 2.109, Adoption of rules: amendments
   - Rule 3.101, Mandatory transfer of supervision
   - Rule 3.101-1, Mandatory transfers of military, families of military and family members employed
   - Rule 3.101.3, Mandatory transfer of offenders subject to federal supervision
   - Rule 3.102(a), Submission of transfer request to a receiving state
   - Rule 3.103, Reporting instructions, offender living in receiving state at time of sentencing or disposition of violation
   - Rule 3.107, Application for transfer of supervision
   - Rule 4.104, Offender registration or DNA testing in receiving or sending state
   - Rule 4.109, Violation reports
   - Rule 4.110, Transfer to subsequent receiving state
   - Rule 4.111, Return to sending state
   - Rule 4.112, Closing of supervision by receiving state
   - Rule 5.101, Retaking by sending state
   - Rule 5.102, Mandatory retaking for new felony conviction
   - Rule 5.103, Mandatory retaking for violation of conditions of supervision
   - Rule 5.108, Probable cause hearing in receiving state
   - Rule 5.112, Retaking offender accepted under Rule 3.101-2
   - Rule 6.101, Informal communication to resolve disputes or controversies and obtain interpretation of rules

   Ed reported that he plans to vote “no” to the following rule amendments:
- Rule 3.102(b), Submission of transfer request to a receiving state – Motion by Tim Reisch, seconded by Judge Tucker, the Council is opposed to changing the rule.
- Rule 3.105-1, Pre-dispositional transfer requests – Motion by Tim Reisch, seconded by Brian Zeeb, that Council is opposed to changing the rule.
- Rule 5.111, Denial of bail to certain offenders

Motion was made and seconded to approve the voting as reported by Ed.

8. Ed advised that when he sent the annual reports in January, he included letters to Attorney General Long and Jim Fry reminding them that according to statute, it is time for them to appoint/reappoint members to the Council.

9. **Next Meeting**
The next meeting will be sometime after the annual meeting in September.

Motion to adjourn was made by Ed, seconded by Tim. Motion passed.