



INTERSTATE COMMISSION FOR ADULT  
OFFENDER SUPERVISION

**2015 APPROVED RULE  
AMENDMENTS**

Portland, Oregon  
October 7, 2015

**Effective: March 1, 2016**

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

## **Rule 2.105 Misdemeanants**

- (a) A misdemeanor offender whose sentence includes 1 year or more of supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified in Rule 3.101, have been satisfied; and the instant offense includes 1 or more of the following—
- (1) an offense in which a person has incurred direct or threatened physical or psychological harm;
  - (2) an offense that involves the use or possession of a firearm;
  - (3) a 2nd or subsequent misdemeanor ~~offense~~ conviction of driving while impaired by drugs or alcohol;
  - (4) a sexual offense that requires the offender to register as a sex offender in the sending state.

### ***Justification***

*Changing the word 'offense' to 'conviction' clarifies that there has to be a conviction on a previous DUI in order for the instant offense to be considered a 2nd or subsequent offense and an eligible misdemeanor. This question is asked frequently, especially by new or casual users, because the word offense does not necessarily mean a conviction occurred. During ICAOS rules trainings the fact that this rule refers to convictions only is always stated to clarify what this means because with the existing language it is not clear.*

**Effective: March 1, 2016**

---

## **Rule 3.101-1 Mandatory reporting instructions and transfers of military, families of military, family members employed, employment transfer, and veterans for medical or mental health services**

- (a) At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer for:
- (1) *Transfers of military members-* An offender who is a member of the military and has been deployed by the military to another state, shall be eligible for reporting instructions and transfer of supervision.

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

- (2) *Transfer of offenders who live with family who are members of the military-* An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and who lives with a family member who has been deployed to another state, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state.
- (3) *Employment transfer of family member to another state-* An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state.
- (4) *Employment transfer of the offender to another state –* An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision.
- (5) *Transfers of veterans for medical or mental health services-* An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and who is a veteran of the United States military services who is eligible to receive health care through the United States Department of Veterans Affairs, Veterans Health Administration and is referred for medical and/or mental health services by the Veterans Health Administration to a regional Veterans Health Administration facility in the receiving state shall be eligible for reporting instructions and transfer of supervision provided:
- (A) the sending state provides documentation to the receiving state of the medical and/or mental health referral; and
- (B) the transfer of supervision will be accepted if the offender is approved for care at the receiving state Veterans Health Administration facility.
- (b) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
- (c) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

initiate the offender's return to the sending state under the requirements of Rule 4.111.

- (d) If the sending state fails to send a completed transfer request by the 15th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.

### ***Justification***

*Using the existing functionality for offenders returning due to a rejection and/or violation makes sense as part of the Commission's goal to enhance public safety by tracking offender movement.*

*The use of reporting instructions ensures the offender is returned timely while tracking the movement of the offender in ICOTS. The changes also allow the receiving state to clearly indicate whether the rejection was due to incompleteness allowing the offender to remain or is a rejection in which the offender will be required to return to the sending state.*

*Requiring a warrant for any instance where an offender fails to appear back in the sending state as ordered enhances public safety.*

### ***Rule Application:***

*This proposal references Rule 4.111 as a standard procedure for requesting reporting instructions for offenders returning to a sending state. Each scenario and Rule covers three different circumstances for why an offender supervised in a receiving state would return to a sending state.*

*#1 offenders returning based on a rejected Transfer Request after approval of reporting instructions*

*#2 returning based on an offender's request to return*

*#3 returning an offender under Rule 5.103 in lieu of retaking*

**Effective: March 1, 2016**

---

## ***Rule 3.101-2 Discretionary transfer of supervision***

- (a) A sending state may request transfer of supervision of an offender who does not meet the eligibility requirements in Rule 3.101, where acceptance in the receiving state would support successful completion of supervision, rehabilitation of the offender, promote public safety, and protect the rights of victims.

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

- (b) The sending state ~~must~~ shall provide sufficient documentation to justify the requested transfer.
- (c) The receiving state shall have the discretion to accept or reject the transfer of supervision in a manner consistent with the purpose of the compact specifying the discretionary reasons for rejection.

### ***Justification***

*Increases the likelihood for acceptances of discretionary case by providing more information that supports the purpose of the compact.*

**Effective: March 1, 2016**

---

## **Rule 3.101-3 Transfer of supervision of sex offenders**

- (a) *Eligibility for Transfer*-At the discretion of the sending state a sex offender shall be eligible for transfer to a receiving state under the Compact rules. A sex offender shall not be allowed to leave the sending state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state. In addition to the other provisions of Chapter 3 of these rules, the following criteria will apply.
- (b) *Application for Transfer*-In addition to the information required in an application for transfer pursuant to Rule 3.107, in an application for transfer of supervision of a sex offender the sending state shall provide the following information, if available, to assist the receiving state in supervising the offender:
- (1) assessment information, including sex offender specific assessments;
  - (2) social history;
  - (3) information relevant to the sex offender's criminal sexual behavior;
  - (4) law enforcement report that provides specific details of sex offense;
  - (5) victim information
    - (A) the name, sex, age and relationship to the offender;
    - (B) the statement of the victim or victim's representative;
  - (6) the sending state's current or recommended supervision and treatment plan.
- (c) *Reporting instructions for sex offenders ~~living in the receiving state at the time of sentencing~~*- Rules 3.101-1, 3.103 and 3.106 apply to the transfer of sex offenders, as defined by the compact, except for the following:
- (1) The receiving state shall have 5 business days to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instruction. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.
  - (2) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state; except for 3.102 (c).

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

### **Justification**

*The current language only applies to sex offenders living in the receiving state at the time of sentencing; therefore, that language was removed from the proposed amendment to make this section of the rule apply to all sex offenders. The language of 'as defined by the compact' was also added to emphasize that, in order to know if this rule applies in lieu of 3.103, the registration requirements of both state must be known.*

*When a receiving state receives an RFRI for a reason other than 'living in the receiving state at the time of sentencing' and only has 2 business days to respond, the tendency is to deny without taking the reasons for the request into consideration. If the receiving state has 5 business days to determine the suitability of the home plan for any sex offender request for reporting instructions, it is more likely the request will be given fair consideration. Additionally, the language 'except for 3.102 (c)' was added under (c)(2) to clarify that sex offenders may be permitted to be in the receiving state, like any other offender, for the reasons outlined under rule 3.102(c). It is a common misconception that 3.101-3(c)(2) trumps all other rules with regard to sex offender travel when, in fact, offenders can be in the receiving state per 3.102(c) if they meet the condition of that rule.*

**Effective: March 1, 2016**

---

### **Rule 3.102 Submission of transfer request to a receiving state**

- (a) Except as provided in sections (c) & (d), and subject to the exceptions in Rule 3.103 and 3.106, a sending state seeking to transfer supervision of an offender to another state shall submit a completed transfer request with all required information to the receiving state prior to allowing the offender to leave the sending state.
- (b) Except as provided in sections (c) & (d), and subject to the exceptions in Rule 3.103 and 3.106, the sending state shall not allow the offender to travel to the receiving state until the receiving state has replied to the transfer request.
- (c) An offender who is employed or attending treatment or medical appointments, in the receiving state at the time the transfer request is submitted and has been permitted to travel to the receiving state for ~~the employment, treatment or medical appointments purposes~~ may be permitted to continue to travel to the receiving state for the employment these purposes while the transfer request is being investigated, provided that the following conditions are met:
- (1) Travel is limited to what is necessary to report to work, and perform the duties of the job or to attend treatment or medical appointments and return to the sending state.
  - (2) The offender shall return to the sending state daily, immediately upon completion of the appointment or employment ~~during non-working hours~~, and

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

(3) The Transfer Request shall include notice that the offender has permission to travel to and from the receiving state, pursuant to this rule, while the transfer request is investigated.

(d) When a sending state verifies an offender is released from incarceration in a receiving state and the offender requests to relocate there and the offender meets the eligibility requirements of Rule 3.101 (a), (b) & (c), the sending state shall request expedited reporting instructions within 2 business days of the notification of the offender's release. The receiving state shall issue the reporting instructions no later than 2 business days. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.

(1) The receiving state shall assist the sending state in acquiring the offender's signature on the "Application for Interstate Compact Transfer" and any other forms that may be required under Rule 3.107, and shall transmit these forms to the sending state within 7 business days and mail the original to the sending state.

(2) The provisions of Rule 3.106 (b), (c) & (d) apply.

### ***Justification***

*Offenders who reside close to state borders are often forced to seek treatment or attend medical appointments across state lines due to limited options or because the location in the other state is the closest facility that meets their specific needs. These offenders need to be in the receiving state during the investigation so treatment is not interrupted and they can return to the sending state daily similarly to the offenders working in the receiving state. It is counterproductive to have an offender under these circumstances discontinue needed treatment pending the time it takes to complete an investigation.*

**Effective: March 1, 2016**

---

### ***Rule 3.103 Reporting instructions; offender living in the receiving state at the time of sentencing or after disposition of a violation or revocation proceeding***

(a)

(1) A request for reporting instructions ~~request~~ for an offender who was living in the receiving state at the time of initial sentencing or after disposition of a violation or revocation proceeding shall be submitted by the sending state within 7 business days of the initial sentencing date, disposition of violation, revocation proceeding or release from incarceration to probation supervision. The sending state may grant a 7 day travel permit to an offender who was living in the receiving state at the time of initial sentencing or disposition of violation or revocation proceeding. Prior to granting a travel permit to an offender, the sending state shall verify that the offender is living in the receiving state.

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

- (2) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
  - (3) The sending state shall ensure that the offender signs all forms requiring the offender's signature under Rule 3.107 prior to granting a travel permit to the offender. Upon request from the receiving state, the sending state shall transmit all signed forms within 5 business days.
  - (4) The sending state shall transmit a departure notice to the receiving state per Rule 4.105.
  - (5) This section is applicable to offenders incarcerated for 6 months or less and released to probation supervision.
- (b) The sending state retains supervisory responsibility until the offender's arrival in the receiving state.
  - (c) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.
  - (d) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than 15 business days following the granting to the offender of the reporting instructions.
  - (e) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.
  - (f) If the sending state fails to send a completed transfer request by the 15th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.
    - (1) ~~If the receiving state rejects the transfer request for an offender granted reporting instructions, or if the sending state fails to send a completed transfer request by the 15 business day following the granting of reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state within 15 business days of receiving notice of rejection or failure to send a transfer request. The receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant.~~
    - (2) ~~If the offender does not return to the sending state, as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant that is effective in all states without limitation as to specific geographic area, no later than 10 business days following the offender's failure to appear in the sending state.~~

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

### **Justification**

*Section (a): When offenders given Reporting Instructions under Rule 3.103 (Living in the Receiving State at the Time of Sentencing) are retaken by the sending state to face revocation and are then returned to supervision after serving 6 months or less on the revocation, they currently do not qualify again as Living in the RS at Sentencing because “sentencing” has been interpreted to mean the initial sentencing only and not the revocation sentencing.*

*This often creates a hardship for an offender who still has no ties to the sending state and may have to wait up to 45 calendar days before being allowed to return to their home and job if discretionary Reporting Instructions are not approved.*

*The new, mandatory Request for Reporting Instructions would be submitted under a new case number since the old one would have been closed out when the offender was retaken. A transfer request investigation of the plan would still be conducted. New Notices of Departure and Arrival would still be submitted.*

*Section (e) & (f): Using the existing functionality for offenders returning due to a rejection and/or violation makes sense as part of the Commission’s goal to enhance public safety by tracking offender movement.*

*The use of reporting instructions ensures the offender is returned timely while tracking the movement of the offender in ICOTS. The changes also allow the receiving state to clearly indicate whether the rejection was due to incompleteness allowing the offender to remain or is a rejection in which the offender will be required to return to the sending state.*

*Requiring a warrant for any instance where an offender fails to appear back in the sending state as ordered enhances public safety.*

### **Rule Application:**

*This proposal references Rule 4.111 as a standard procedure for requesting reporting instructions for offenders returning to a sending state. Each scenario and Rule covers three different circumstances for why an offender supervised in a receiving state would return to a sending state.*

*#1 offenders returning based on a rejected Transfer Request after approval of reporting instructions*

*#2 returning based on an offender’s request to return*

*#3 returning an offender under Rule 5.103 in lieu of retaking*

**Effective: March 1, 2016**

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

### **Rule 3.106 Request for expedited reporting instructions**

- (a)
- (1) A sending state may request that a receiving state agree to expedited reporting instructions for an offender if the sending state believes that emergency circumstances exist and the receiving state agrees with that determination. If the receiving state does not agree with that determination, the offender shall not proceed to the receiving state until an acceptance is received under Rule 3.104-1.
- (2)
- (A) A receiving state shall provide a response for expedited reporting instructions to the sending state no later than 2 business days following receipt of such a request. The sending state shall transmit a departure notice to the receiving state upon the offender's departure.
- (B) The sending state shall ensure that the offender signs all forms requiring the offender's signature under Rule 3.107 prior to granting reporting instructions to the offender. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.
- (b) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions during the investigation of the offender's plan of supervision upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.
- (c) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than the 7th business day following the granting to the offender of the reporting instructions.
- (d) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.
- (e) If the sending state fails to send a completed transfer request by the 7th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.
- (1) ~~If the receiving state rejects the transfer request for an offender granted reporting instructions, or if the sending state fails to send a completed transfer request by the 7th business day following the granting of reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a~~

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

- ~~required transfer request, direct the offender to return to the sending state within 15 business days of receiving notice of rejection or failure to send a transfer request. The receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant.~~
- (2) ~~If the offender does not return to the sending state, as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant that is effective in all states without limitation as to specific geographic area, no later than 10 business days following the offender's failure to appear in the sending state.~~

### ***Justification***

*Using the existing functionality for offenders returning due to a rejection and/or violation makes sense as part of the Commission's goal to enhance public safety by tracking offender movement.*

*The use of reporting instructions ensures the offender is returned timely while tracking the movement of the offender in ICOTS. The changes also allow the receiving state to clearly indicate whether the rejection was due to incompleteness allowing the offender to remain or is a rejection in which the offender will be required to return to the sending state.*

*Requiring a warrant for any instance where an offender fails to appear back in the sending state as ordered enhances public safety.*

### ***Rule Application:***

*This proposal references Rule 4.111 as a standard procedure for requesting reporting instructions for offenders returning to a sending state. Each scenario and Rule covers three different circumstances for why an offender supervised in a receiving state would return to a sending state.*

*#1 offenders returning based on a rejected Transfer Request after approval of reporting instructions*

*#2 returning based on an offender's request to return*

*#3 returning an offender under Rule 5.103 in lieu of retaking*

**Effective: March 1, 2016**

---

## ***Rule 4.111 Offender requesting Offenders returning to the sending state***

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

- (a) ~~Upon an offender's request to return~~ For an offender returning to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent criminal offense in the receiving state. The offender shall remain in the receiving state until receipt of reporting instructions.
- (b) If the receiving state rejects the transfer request for an offender granted reporting instructions under Rules 3.101-1, 3.101-3, 3.103 or 3.106 the receiving state shall, upon submitting notice of rejection, submit a request for return reporting instructions within 7 business days.
- (c) Except as provided in subsection ~~(e)~~ (d), the sending state shall grant the request and provide reporting instructions no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The sending state shall direct the offender to return to the sending state within 15 business days of the reporting instructions request.
- (d) In a victim sensitive case, the sending state shall not provide reporting instructions until the victim notification provisions of Rule 3.108 (b)(1)(C) have been followed.
- (e) The receiving state retains authority to supervise the offender until the offender's directed departure date or issuance of the sending state's warrant. Upon departing, a the receiving state shall notify the sending state as required in Rule 4.105 (a) and submit a case closure as required by Rule 4.112 (a)(5).

If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.

### ***Justification***

*Using the existing functionality for offenders returning due to a rejection and/or violation makes sense as part of the Commission's goal to enhance public safety by tracking offender movement.*

*The use of reporting instructions ensures the offender is returned timely while tracking the movement of the offender in ICOTS. The changes also allow the receiving state to clearly indicate whether the rejection was due to incompleteness allowing the offender to remain or is a rejection in which the offender will be required to return to the sending state.*

*Requiring a warrant for any instance where an offender fails to appear back in the sending state as ordered enhances public safety.*

*Rule Application:*

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

*This proposal references Rule 4.111 as a standard procedure for requesting reporting instructions for offenders returning to a sending state. Each scenario and Rule covers three different circumstances for why an offender supervised in a receiving state would return to a sending state.*

*#1 offenders returning based on a rejected Transfer Request after approval of reporting instructions*

*#2 returning based on an offender's request to return*

*#3 returning an offender under Rule 5.103 in lieu of retaking*

**Effective: March 1, 2016**

---

### **Rule 5.101-2 Discretionary process for disposition of violation in the sending state for a new crime conviction**

Notwithstanding any other rule, a sentence imposing a period of incarceration on an offender convicted of a new crime which occurred outside the sending state during the compact period may satisfy or partially satisfy the sentence imposed by the sending state for the violation committed. This requires the approval of the sentencing or releasing authority in the sending state and consent of the offender.

- Unless waived by the offender, the sending state shall conduct, at its own expense, an electronic or in-person violation hearing.
- The sending state shall send the violation hearing results to the receiving state within 10 business days.
- If the offender's sentence to incarceration for the new crime fully satisfies the sentence for the violation imposed by the sending state for the new crime, the sending state is no longer required to retake if Rules 5.102 and 5.103 apply.
- If the offender's sentence to incarceration for the new crime only partially satisfies the sentence for the violation imposed by the sending state for the new crime, the sending state is required to retake if Rules 5.102 and 5.103 apply.
- The receiving state may close the case under Rule 4.112 (a)(3).

#### ***Justification***

*This new rule is intended to:*

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

- *promote joint and cooperative supervision of offenders who commit new crimes outside the sending state*
- *provide for offender accountability*
- *promote victim safety*
- *allocate supervision responsibility between sending and receiving states in the interest of public safety*
- *reduce costs to states associated with retaking offenders where imposition of sentence can best be carried out by the supervising state*
- *promote “swift and certain” violation sanctions as advocated by justice reinvestment*
- *increase the likelihood that supervision is continued in lieu of early termination of supervision*

**Effective: March 1, 2016**

---

### **Rule 5.103 Mandatory retaking for violation of conditions of supervision**

- (a) Upon a request by the receiving state and a showing that the offender has committed 3 or more significant violations, as defined by the compact, arising from separate incidents that establish a pattern of non-compliance of the conditions of supervision, a sending state shall issue a warrant to retake or order the return of an offender from the receiving state or a subsequent receiving state within 15 business days of the receipt of the request by the receiving state.
- (b) If the offender is ordered to return in lieu of retaking, the receiving state shall request reporting instructions per Rule 4.111 within 7 business days following the receipt of the violation response.
- (c) The receiving state retains authority to supervise until the offender’s directed departure date. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant, no later than 10 business days following the offender’s failure to appear in the sending state.

#### **Justification**

*Using the existing functionality for offenders returning due to a rejection and/or violation makes sense as part of the Commission’s goal to enhance public safety by tracking offender movement.*

*The use of reporting instructions ensures the offender is returned timely while tracking the movement of the offender in ICOTS. The changes also allow the receiving state to clearly indicate whether the rejection was due to incompleteness allowing the offender to*

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

*remain or is a rejection in which the offender will be required to return to the sending state.*

*Requiring a warrant for any instance where an offender fails to appear back in the sending state as ordered enhances public safety.*

*Rule Application:*

*This proposal references Rule 4.111 as a standard procedure for requesting reporting instructions for offenders returning to a sending state. Each scenario and Rule covers three different circumstances for why an offender supervised in a receiving state would return to a sending state.*

*#1 offenders returning based on a rejected Transfer Request after approval of reporting instructions*

*#2 returning based on an offender's request to return*

*#3 returning an offender under Rule 5.103 in lieu of retaking*

**Effective: March 1, 2016**

---

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

## **Bylaw Amendments**

### ***Article 2 Section 2. Ex-Officio Members***

The Commission membership shall also include but are not limited to individuals who are not commissioners and who shall not have a vote, but who are members of interested organizations. Such non-commissioner members must include a ~~member~~ representative of the National Governors Association, the National Conference of State Legislatures, the Conference of Chief Justices, the National Association of Attorneys General and the National Organization for Victim Assistance. ~~of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims.~~ In addition representatives of the National Institute of Corrections, the American Probation and Parole Association, ~~and~~ Association of Paroling Authorities International, the Interstate Commission for Juveniles, the Association of Prosecuting Attorneys, the Conference of State Court Administrators, the National Sheriff's Association, the American Jail Association, the National Association of Police Organizations, National Association for Public Defense and the International Association of Chief of Police ~~shall~~ may be ex-officio members of the Commission.

#### ***Justification***

*This amendment updates and expands the ex-officio organizations/members to reflect current practice and to allow for additional interested stakeholders to be considered ex-officio members as needed.*

**Effective: March 1, 2016**

---

### ***Article 7 Section 1. Executive Committee.***

The Commission may establish an executive committee, which shall be empowered to act on behalf of the Commission during the interim between Commission meetings, except for rulemaking or amendment of the Compact. The Committee shall be composed of all officers of the Interstate Commission, the chairpersons or vice-chairperson of each committee, the regional representatives or designees, and the ex-officio victims' representative to the Interstate Commission. The immediate past chairperson of the Commission shall also serve as an ex-officio member of the executive committee and both the ex-officio victims' representative and immediate past chairperson shall serve for a term of two years. The procedures, duties, budget, and tenure of such an executive committee shall be determined by the Commission. The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Commission, the Compact or these By-laws.

#### ***Section 2. Standing Committees.***

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

The Commission may establish such other committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance Committee; Rules Committee; Compliance Committee; Information Technology Committee; and Training, Education and Public Relations Committee. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission. In the event a chairperson of a standing committee is unable to attend a specified meeting of a standing committee or a meeting of the executive committee, each standing committee may designate a vice-chairperson to act on behalf of the standing committee at a specified standing or executive committee meeting.

#### ***Section 4. Regional Representatives.***

A regional representative of each of the four regions of the United States, Northeastern, Midwestern, Southern, and Western, shall be elected or reelected, beginning with the 2005 annual meeting, by a plurality vote of the commissioners of each region, and shall serve for two years or until a successor is elected by the commissioners of that region. The states and territories comprising each region shall be determined by reference to the regional divisions used by the Council of State Governments. In the event a regional representative is unable to attend a regional meeting or a meeting of the executive committee, that region shall be authorized to designate an alternative representative who is a commissioner from the same region to act on behalf of a regional representative at a specified regional or executive committee meeting.

#### ***Justification***

*This amendment allows a vice-chair of a committee or a designee of a region to serve in place of a committee chair or regional representative when that chair or representative is unavailable. This allows for business to be conducted in spite of those absences and therefore creates greater continuity of business. It also encourages an expansion of potential leadership for the Commission and formally defines the role of vice-chair and designee.*

**Effective: March 1, 2016**