



RULES COMMITTEE REPORT

Interstate Commission for Adult Offender Supervision

2020 Annual Business Meeting

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: Mary Kay Hudson, Chair, Rules Committee and Commissioner, State of Indiana

Compliance Committee Members

- Mary Kay Hudson (IN), chair, commissioner
- Dori Littler (AZ), vice-chair, commissioner
- Rebecca Brunger (AK), commissioner
- Joselyn Lopez (WI), commissioner
- Robert Maccarone (NY), commissioner
- Chris Moore (GA), commissioner
- Linda Rosenberg (PA), commissioner
- Joe Winkler (FL), commissioner
- Turran Blazier (IN), ex-officio member, DCA
- Tracy Hudrlik (MN), ex-officio member, DCA
- Patricia Odell (WY), ex-officio member, DCA
- Timothy Strickland (FL), ex-officio member, DCA
- Margaret Thompson (PA), ex-officio member, DCA

Committee Mission

Administer the Commission's rulemaking procedures and objectively review or develop rule change proposals as appropriate.

Rule Committee Objectives

1. Collaborate with the Compliance Committee on the analysis of the fiscal year 2020's warrant review and provide recommendations for the fiscal year 2021 audit.
2. Review warrant timeframes already established in the rules and rules that do not provide a timeframe to obtain compact compliant warrants.
3. Revisit proposal to Rule 3.103 withdrawn by the West Region.
4. Look at the Misdemeanor Rule (2.105) and the transfer and retaking processes for misdemeanants
5. Review the West's concept rule proposal of managing offenders convicted of domestic violence.
6. Monitor the implementation process of the 2019 approved amendments as they go into effect April 1, 2020.

Committee Actions

Following the 2019 Annual Business Meeting, the committee met on the following dates:

- December 18, 2019
- February 12, 2020
- April 7, 2020 – scheduled face-to-face – amended to teleconference due to pandemic
- July 29, 2020

In collaboration with the Compliance Committee, we developed recommendations for the fiscal year 2021 audit and helped to establish relevant questions for the pending fiscal year 2021 audit. However, due to the onset of the global pandemic, the Executive Committee postponed the audit, allowing compact offices to maintain focus on essential services.

Notwithstanding, the Rules Committee evaluated timeframes for issuing warrants in established rules, finding varied time frames or no timeframes when requiring warrants. After discovering a significant conflict between Rules 4.111(f) and 5.101(b), the committee instructed legal counsel to guide the committee in this effort. Subsequent analysis by counsel found that 5.101(a) implicitly repealed lesser warrant-related time requirements. Accordingly, the committee formed a working group to prepare a legally sound and attainable standard for issuing warrants as part of its rule proposals for 2021.

The committee took no action on the West Region's withdrawn proposal to Rule 3.103, which would have required retaking and that a formal court or paroling authority conduct a proceeding for an offender to qualify to return. As well, misdemeanor rule (2.105) received a review as a result of the fiscal year 2019 warrant audit revealing that these cases present challenges when issuing nationwide warrants. Subsequently, the committee declined to take action. Similarly, a potential rule change to define domestic violence under the compact did not receive support at this time due to concerns about scope.

By early 2020, the national office developed detailed training for implementing rules approved at the 2019 annual business meeting. This allowed states to engage in training and/or request any required technical or training assistance related to the amendments and ICOTS enhancements before their effective date. Rule 3.110 Travel Permits created questions regarding sufficiency of verbal versus written orders. As well, Rule 3.108-1 Victim Notification and Requests for Offender Information was addressed, clarifying that the five (5) day timeframe in the Rule only applied to offenders with noted victim-related issues.

Finally, the global pandemic prompted the Rules Committee to draft an emergency rule that provides a legally adequate framework for current as well as future crises. Rule 2.111 provides the Executive Committee the discretion to suspend enforcement of the Commission rules when the state or federal authorities declare emergencies. However, it continues to hold states accountable, limiting restrictions on compact operations and promoting a return to normal operations.

Respectfully Submitted,

Mary Kay Hudson

Mary Kay Hudson
Rules Committee Chair
Indiana State Commissioner