



Interstate Commission for Adult Offender Supervision

Rules Committee Meeting MINUTES

October 3, 2018
Orlando, Florida

Members in Attendance:

1. Jane Seigel IN, Chair
2. Dori Littler AZ
3. Jenny Nimer FL
4. Chris Moore GA
5. Linda Rosenberg PA
6. Robert Maccarone NY
7. Doug Clark SD
8. Coltan Harrington WY
9. Brody Burks TX
10. Tim Strickland Ex-Officio, FL
11. Margaret Thompson Ex-Officio, PA

Members not in Attendance:

1. Shawn Arruti NV
2. Tracy Hudrlik Ex-Officio, MN
3. Pat Odell Ex-Officio, WY

Guests:

1. Christopher Clifton NV
2. Deon McDaniel NV
3. Joel Gruber IN
4. Anthony Oliveri AZ
5. Miriam Dyson IN
6. Beverly Gilder AL
7. Christopher Lane FL
8. Sheri Sliva NV
9. Brook Mamizuka HI
10. Amber Shubert AR
11. Victoria Vigil NM
12. David LaBahn APA
13. Leslie Thomas NC
14. Tracy Lee NC
15. Pamela Thielke TX

Staff:

1. Mindy Spring, Administrative and Training Coordinator

Call to Order

Commissioner J. Seigel called the meeting to order at 10:26 am ET. Nine voting members were present constituting a quorum.

Approval of Agenda and Minutes

Commissioner D. Littler (AZ) moved to approve the agenda as presented. Commissioner J. Nimer (FL) seconded. Agenda approved.

Commissioner D. Littler (AZ) moved to approve the minutes from the August 8, 2018 meeting as presented. Commissioner J. Nimer (FL) seconded. Minutes approved.

Discussion

Sex-Offender Rule Review: Commissioner D. Littler provided a recap from the work of the sub group tasked to address issues brought forward to the committee to address in a proposal to the sex offender rules. Most notably the confusion under the current definition for sex offender which is strictly tied to the requirement for registration in either the sending or receiving state. This creates issues when the offender is not registered in the sending state as the rule is silent on the responsibilities to determine whether the offender is required to register in the receiving state. The proposal drafted by the sub group is expected to address such issues within the transfer process and does not prevent a receiving state from requiring registration as a sex offender even if the offender is not registered in the sending state.

RULES COMMITTEE WORKGROUP VERSION

“Sex offender” means an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is registered or required to register as a sex offender ~~either in the sending or receiving state~~ or is under sex offender terms and conditions in the sending state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

DCA T. Strickland (FL) presented alternative language to the sex offender definition. Consensus from the group concluded the alternative version provided does not address the underlying issue the committee has been tasked to address and would likely create more confusion than what the commission sees now with the rules. Knowing whether the offender has a prior conviction would likely be more challenging than knowing registration requirements in the current rule as many offenders may have very old sex offender cases.

FLORIDA VERSION

“Sex offender” means an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is registered or required to register as a sex offender ~~either in the sending or receiving state~~ or is under sex offender terms and conditions in the sending state or has a prior conviction for a sex offense and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

Motion to move forward with the RULES COMMITTEE WORKGROUP version of Rule 1.101 definition of ‘sex offender’ made by D. Littler, seconded by B. Burks. Motion carried unanimously.

Rule 3.101-3: Commissioner D. Littler explained the proposals for Rule 3.101-3 which intends to simplify the processes and separate reporting instructions process and the transfer processes. Commissioner R. Maccarone noted New York has suggested language to ensure sex offenders living in the receiving state at the time of sentencing are allowed to go home when warranted. Draft language will be provided soon to the committee. The committee agreed the sections regarding reporting instructions needed more discussion and to table for next meeting to review language provided by the subcommittee, DCA T. Strickland, and Commissioner R. Maccarone. As suggested by guest, David LaBahn (APA), the committee will also look at language in the rules where it states “if distribution is not prohibited by law.”

Lifetime Supervision Survey Results: Chair J. Seigel (IN) presented the survey results which as expected show there is simply no consistency in how states apply lifetime supervision terms. At this time the committee will encourage states to look at these cases, challenging stakeholders with issues that may arise with compact rules. No rule proposals are expected to be made by the committee at this time.

Old Business

Victim Notification Rules: Discussion tabled for next meeting.

New Business

Rules Committee Calendar: The committee set deadline for proposals to be forwarded by February 15, 2019. The next meeting will be scheduled on WebEx on November 8, 2018 at 2 pm ET for 90 mins.

Commissioner B. Burks (TX) requested the committee consider a proposal from Texas regarding the definition of spouse and include a discussion on requirement for providing victim’s age as it pertains to the sex offender rule discussion.

Adjourn

Motion to adjourn made by Commissioner R. Maccarone (NY), seconded by Commissioner J. Nimer. The meeting adjourned at 11:40 am ET.