



2002–2022



Interstate Commission for
Adult Offender Supervision



Annual Business Meeting Docket Book

September 26–28, 2022

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
2022 ANNUAL BUSINESS MEETING DOCKET BOOK

September 26 – 28, 2022

New York Hilton Midtown Hotel, New York, NY



- Agenda
- 2021 Annual Business Meeting Minutes
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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
2022 ANNUAL BUSINESS MEETING AGENDA



Monday, September 26

New York Hilton Midtown Hotel, New York, NY

8:30 a.m. – 5:00 p.m.

Time	Topic	Presenters
8:45 am – 10:00 am	Executive Committee Meeting - <i>Nassau, 2nd floor</i>	
8:30 am – 8:45 am	Welcome & Introductions <i>DCA Training Institute - Gramercy, 2nd floor</i>	Vice Chair Hope Cooper (KS) DCA Liaison Committee Chair Suzanne Brooks (OH)
8:45 am – 9:45 am	Embracing the Spirit of the Compact <i>Attendees will receive a general overview of DCA responsibilities, share ideas for effective communication and understand the importance of elevating compact related issues when necessary.</i>	DCA Liaison Committee Chair Suzanne Brooks (OH) DCA Region Chairs: Denis Clark (ME), East Simona Hammond (IA), Midwest Timothy Strickland (FL), South Mark Patterson (OR), West
9:45 am – 10:00 am	BREAK	
10:00 am – noon	Great Plans for Great Outcomes: <i>Sending State's Role in the Transfer Process</i> <i>This session will highlight and focus on best practices for improving outgoing transfer acceptance rates and efficiencies as a follow-up to the FY22 Rejection Assessment.</i>	DCA Tracy Hudrlik (MN) DCA Miriam Dyson (GA) DCA Tanja Gilmore (WA)
Noon – 1:15 pm	New DCAs Luncheon – <i>Chairman Suite</i>	
1:15 pm – 3:15 pm	Changing Landscape of Substance Abuse and its Impact on Supervision <i>Participants will discuss the effects of decriminalization of drug laws and its impact on supervision for Compact offenders when the laws differ between the sending and receiving states.</i>	Chair Jeremiah Stromberg (OR) Ex Officio Holly Busby, National Institute of Corrections Commissioner Mary Kay Hudson (IN) Commissioner Joselyn Lopez (WI)
3:15 pm – 3:30 pm	BREAK	
3:30 pm – 5:00 pm	Interstate Compact and Tolling Issues <i>Attendees will examine issues surrounding state's ability to toll cases in ICOTS. Participants will discuss recommendations and best practices for handling tolling cases.</i>	DCA Liaison Committee Chair Suzanne Brooks (OH) DCA Region Chairs: Denis Clark (ME), East Simona Hammond (IA), Midwest Timothy Strickland (FL), South Mark Patterson (OR), West

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
2022 ANNUAL BUSINESS MEETING AGENDA



Tuesday, September 27

New York Hilton Midtown Hotel, New York, NY

8:30 a.m. – 6:00 p.m.

Time	Topic	Presenters
8:30 am – 8:45am	Opening Remarks - <i>Gramercy, 2nd floor</i>	Chair Jeremiah Stromberg (OR)
8:45 am – 10:00 am	Lessons Learned: COVID <i>Attendees will discuss challenges and positive changes resulting from the COVID-19 pandemic.</i>	Chair Jeremiah Stromberg (OR)
10:00 am – 10:15 am	BREAK	
10:15 am – 11:30 am	Past, Present, Future: Engaging Victims <i>Attendees will learn why the Compact was rewritten, its current impact on victims, and how a victim centered approach can influence the future.</i>	Vice Chair Hope Cooper (KS) Victims Representative Pat Tuthill Anna Nasset, 2021 Peyton Tuthill Award Winner Ex Officio Victims Representative John Gillis (NOVA)
11:30 am – 12:45 pm	LUNCH [on your own]	
12:45 pm – 1:45 pm	East Region - <i>Bryant, 2nd floor</i> Midwest Region - <i>Murray Hill West, 2nd floor</i> South Region - <i>Nassau, 2nd floor</i> West Region - <i>Murray Hill East, 2nd floor</i>	
1:45 pm – 2:00 pm	BREAK	
2:00 pm – 4:15 pm	The Road Home: A Compact Documentary <i>An opportunity to see the Compact from multiple lenses, attendees will watch a documentary that tells the real-life stories of adults who transferred under the Compact. Viewers will get a close-up look from their perspective as they navigate the Compact. The audience will learn the critical role that NIC and ICAOS play and hear firsthand accounts from subject matter experts.</i> <i>The session will conclude with interviews of the individuals featured in the film and discussions with the film's director.</i>	Chair Jeremiah Stromberg (OR) Devin Tau, Director and Producer Ex Officio Holly Busby, National Institute of Corrections Individuals from Documentary: Samuel Ortiz (CA) Dawn Craig (TX)
4:30 pm – 6:00 pm	Reception - <i>Herb N' Kitchen, 1st floor</i>	

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
2022 ANNUAL BUSINESS MEETING AGENDA



Wednesday, September 28

New York Hilton Midtown Hotel, New York, NY

8:30 a.m. – 5:30 p.m.

Time	Topic	Presenters
8:30 am – 8:45am	General Session - <i>Sutton Center, 2nd floor</i> <i>Call to Order</i> <i>Flag Presentation</i> <i>Roll Call</i> <i>Approval of Agenda & Minutes</i>	Chair Jeremiah Stromberg (OR)
8:45 am – 9:15 am	Welcome Address	Chair Jeremiah Stromberg (OR) Commissioner Robert Maccarone (NY) Governor Kathy Hochul (NY)
9:15 am – 10:00 am	ICAOS - Why Our Practice is Essential to Community Safety	Commissioner Robert Maccarone (NY)
10:00 am – 10:45 am	Committee Reports <ul style="list-style-type: none"> • <i>ABM Workgroup</i> • <i>Compliance Committee</i> • <i>DCA Liaison Committee</i> • <i>Finance Committee</i> • <i>Training, Education & Public Relations Committee</i> • <i>Rules Committee</i> • <i>Information Technology Committee</i> 	
10:45 am – 11:00 am	BREAK	
11:00 pm – noon	Leading Change: Improving Outcomes <i>Commissioners will examine their role in improving outcomes in light of the FY22 Rejection Assessment, as well as how to establish the state council so that it can be used as a support mechanism.</i>	Executive Director Ashley Lippert Commissioner Andrew Zavaras (CO) Commissioner Allen Godfrey (MN) Commissioner Susan Gagnon (ME)
Noon – 1:15 pm	LUNCH [on your own]	
1:15 pm – 2:45 pm	Meeting the Mission: A Compact Study <i>Since the Compact's passage in 2002, no formal study has been conducted to determine whether it's fulfilling its mission and purpose. This study examined the individuals impacted by the Compact, including justice-involved clients and corrections practitioners as well as the benefits and drawbacks of interstate transfers. Commissioners will also learn what outcomes resulted from the study and potential areas for future improvements.</i>	Chair Jeremiah Stromberg (OR) University of Cincinnati Corrections Institute (OH): Timothy G. Edgemon, PhD Andrew Krebs, PhD Myrinda Schweitzer Smith, PhD
2:45 pm – 3:00 pm	BREAK	

3:00 pm – 3:45 pm	<p>The Next 20 Years</p> <p><i>The Commission’s 20th Anniversary meeting will conclude with a discussion of how to move the Compact forward and what future goals it should pursue.</i></p>	<p>Chair Jeremiah Stromberg (OR) DCA Liaison Committee Chair Suzanne Brooks (OH)</p>
3:45 pm – 4:00 pm	<p>Awards Presentation</p> <ul style="list-style-type: none"> • <i>Executive Chair Award</i> • <i>Executive Director Award</i> • <i>Peyton Tuthill Award</i> • <i>Officers and committee chair recognition awards</i> 	<p>Chair Jeremiah Stromberg (OR) Executive Director Ashley Lippert</p>
4:00 pm – 4:30 pm	<p>Old Business / New Business</p> <ul style="list-style-type: none"> • <i>Call to the Public</i> • <i>Officer Elections</i> 	
4:30 pm	<p>Adjournment</p>	
5:00 pm – 5:30 pm	<p>Executive Committee Meeting <i>(Officers and Region Chairs Only)</i> <i>Nassau West, 2nd floor</i></p>	



2021 ANNUAL BUSINESS MEETING MINUTES

Interstate Commission for Adult Offender Supervision

Virtual Annual Business Meeting
September 29, 2021

Call to Order

Chair J. Stromberg (OR) called the meeting to order at 2:01 p.m. ET.

Roll Call

Executive Director A. Lippert called the roll. Forty-nine out of fifty-three members were present, thereby constituting a quorum.

- | | |
|-------------------------|------------------------------------|
| 1. Alabama | Tom Langer, Commissioner |
| 2. Alaska | Rebecca Brunger, Commissioner |
| 3. Arizona | Dori Littler, Commissioner |
| 4. Arkansas | Amber Schubert, Commissioner |
| 5. California | Guillermo Viera Rosa, Commissioner |
| 6. Colorado | Andrew Zavaras, Commissioner |
| 7. Connecticut | Gary Roberge, Commissioner |
| 8. Delaware | <i>Not in attendance</i> |
| 9. District of Columbia | <i>Not in attendance</i> |
| 10. Florida | Joe Winkler, Commissioner |
| 11. Georgia | Chris Moore, Commissioner |
| 12. Hawaii | Brook Mamizuka, Commissioner |
| 13. Idaho | Denton Darrington, Commissioner |
| 14. Illinois | <i>Not in attendance</i> |
| 15. Indiana | Mary Kay Hudson, Commissioner |
| 16. Iowa | Sally Kreamer, Commissioner |
| 17. Kansas | Hope Cooper, Commissioner |
| 18. Kentucky | Steve Turner, Commissioner |
| 19. Louisiana | Bobby Lee, Commissioner |
| 20. Maine | Susan Gagnon, Commissioner |
| 21. Maryland | Martha Danner, Commissioner |
| 22. Massachusetts | Gloriann Moroney, Commissioner |
| 23. Michigan | Russell Marlan, Commissioner |
| 24. Minnesota | Allen Godfrey, Commissioner |
| 25. Mississippi | Nathan Blevins, Commissioner |
| 26. Missouri | Julie Kempker, Commissioner |
| 27. Montana | Cathy Gordon, Commissioner |

28. Nebraska	Sally Reinhardt-Stewart, Commissioner
29. Nevada	Deborah Dreyer, Commissioner
30. New Hampshire	David Cady, Commissioner
31. New Jersey	Dina Rogers, Official Designee
32. New Mexico	Roberta Cohen, Commissioner
33. New York	Robert Maccarone, Commissioner
34. North Carolina	Timothy Moose, Commissioner
35. North Dakota	Amy Vorachek, Commissioner
36. Ohio	Katrina Ransom, Commissioner
37. Oklahoma	James Rudek, Commissioner
38. Oregon	Jeremiah Stromberg, Commissioner
39. Pennsylvania	<i>Not in attendance</i>
40. Puerto Rico	Raquel Colon, Commissioner
41. Rhode Island	Ingrid Siliezar, Official Designee
42. South Carolina	Jerry Adger, Commissioner
43. South Dakota	Brad Lewandowski, Commissioner
44. Tennessee	Lisa Helton, Commissioner
45. Texas	David Gutierrez, Commissioner
46. Utah	Dan Blanchard, Commissioner
47. Vermont	Dale Crook, Commissioner
48. Virginia	Jim Parks, Commissioner
49. Virgin Islands	Wynnie Testamark, Commissioner
50. Washington	Mac Pevey, Commissioner
51. West Virginia	Diann Skiles, Commissioner
52. Wisconsin	Joselyn López, Commissioner
53. Wyoming	Coltan Harrington, Commissioner

Executive Director A. Lippert recognized ex-officio members:

- American Jail Association (AJA) – Chris Daniels
- American Probation and Parole Association (APPA) – *Not in attendance*
- Association of Paroling Authorities International (APAI) – *Not in attendance*
- Association of Prosecuting Attorneys (APA) – *Not in attendance*
- Conference of Chief Justices (CCJ) – *Not in attendance*
- Conference of State Court Administrators (COSCA) – Katherine Stocks
- International Association of Chiefs of Police (IACP) – *Not in attendance*
- Interstate Commission for Juveniles (ICJ) – Jedd Pelander
- National Association for Public Defense (NAPD) – *Not in attendance*
- National Association of Attorneys General (NAAG) – Bereket Tesfu
- National Association of Police Organizations (NAPO) – *Not in attendance*
- National Conference of State Legislatures (NCSL) – Amanda Essex
- National Criminal Justice Association (NCJA) – *Not in attendance*
- National Governors Association (NGA) – *Not in attendance*
- National Institute of Corrections (NIC) – Holly Busby
- National Organization for Victim Assistance (NOVA) – John Gillis
- National Sheriffs' Association (NSA) – *Not in attendance*

Chair J. Stromberg (OR) welcomed Commission members to the 19th annual business meeting. He stated that the Commission continued to demonstrate remarkable resolve and adapting to the “new normal.” He added that even though the Commission could not meet in person, the virtual platform for 2021 Annual Business Meeting enabled more staff to attend and eliminated on-going issues with travel restrictions and public health concerns. He thanked the attendees for their work and commitment to the Interstate Compact’s mission.

Approval of Agenda and Minutes

Commissioner G. Roberge (CT) moved to approve the agenda as presented. Commissioner R. Maccarone (NY) seconded. Agenda approved.

Commissioner M. Pevey (WA) moved to approve the Annual Business Meeting’s minutes from September 16, 2020, as drafted. Commissioner R. Marlan (MI) seconded. Minutes approved.

COVID-19 Pandemic

Chair J. Stromberg (OR) asked the Commission to reflect on the pandemic, its effects, and the Commission’s responses to it. He noted that earlier this year, the Executive Committee voted to rescind Emergency Rule 2.111. Despite the continuation of the pandemic, compact offices across the country continued to perform admirably, meeting their obligations, and adapting practices to accommodate pandemic-related restrictions. He added that even with the current Delta variant of COVID-19, states appeared to be in a much better position now than at the outset of the pandemic. He opened the floor for discussion on the matter.

Commissioner A. Godfrey (MN), Compliance Committee chair, stated that the Executive Committee recently reviewed 01 -2020 ICAOS Administrative Policy on Emergency Guidelines to see what accommodations it allowed given the ongoing nature of COVID. There was some concern that invoking Rule 2.111 would set a precedent that may allow states or territories to be less than diligent in seeking solutions when operations were diminished. Therefore, rather than authorizing on the front end, the Executive Committee adopted changes to the emergency policy that would allow states to seek relief from compliance standards or enforcement.

Commissioner R. Maccarone (NY) thanked the Executive Committee for providing states with flexibility in the face of a disaster. He expressed his appreciation to all Commission members for their cooperation and support.

ABM Planning Workgroup Report

Commissioner H. Cooper (KS), vice-chair and the ABM Planning Workgroup chair, presented the workgroup report to the Commission. She thanked the workgroup members: Commissioner Tom Langer (AL), Commissioner Sally Kreamer (IA), Commissioner Jeremiah Stromberg (OR), Commissioner Dale Crook (VT), Commissioner Mac Pevey (WA), Commissioner Joselyn López (WI), DCA Miriam Dyson (GA), DCA Suzanne Brooks (OH), and DCA Brandon Watts (TX).

The workgroup recommends an annual business meeting (ABM) agenda to the Executive Committee for the upcoming year. They do this by reviewing feedback from previous annual

business meetings and considering input from regions or committees and emerging trends in supervision.

Commissioner H. Cooper (KS) noted that this year, the workgroup considered in-person, hybrid, and virtual options for the business meeting. With uncertainties around the pandemic, the workgroup recommended the virtual format to make sure the Commission could accomplish essential business and vote on the proposed rule amendments.

She encouraged all attendees to complete the post-meeting survey. The workgroup will meet in a few months to review the feedback and work on the 2022 Annual Business Meeting and celebration of the Commission's 20th Anniversary. The event will take place in New York City, NY. Some of the highlights of the meeting will include the DCA Training Institute, a documentary about the Commission, and a compact study.

Chair J. Stromberg (OR) accepted the ABM Planning Workgroup Report on behalf of the Commission.

Compliance Committee Report

Commissioner A. Godfrey (MN), the Compliance Committee chair, expressed his appreciation for the national office staff and committee members' commitment and hard work throughout the year.

The Compliance Committee was responsible for monitoring compliance of member states with the terms of the Compact and the Commission's rules. In addition, the committee oversaw developing appropriate enforcement procedures for the Commission's consideration.

The Committee set three goals for this year:

- Continue to review compliance trends and make recommendations, if necessary.
- Meet and review compliance issues within 30 days of an Executive Committee referral.
- Develop processes to enhance proactive compliance by monitoring trends and working collaboratively with other committees.

During the reporting year, the Compliance Committee reviewed the FY 2022 audit plan for acceptance rates that included a pilot involving Minnesota, Maine, and Colorado. The purpose of the audit was to identify factors impeding acceptance rates. The national office will complete the full audit by December 2021. Commissioner A. Godfrey (MN) stated that for the State of Minnesota, it was very helpful to see the acceptance data broken down by race and gender and recommended states review their existing policies and procedures. He challenged Commission members to look at the Compact's operation from a client perspective.

He noted that last year, the Commission did not have any complaints filed and attributed it to excellent communications between commissioners and DCAs.

Commissioner A. Godfrey (MN) stated that based on the compliance dashboard reports, Commission members continued to maintain a high level of excellence operating above the 80% threshold. States' adherence to the outcomes measured across the compliance dashboards continued to trend upward in four of the six primary categories in the last five years and in all primary categories in the last three years. Between FY 2017 and FY 2021, significant compliance increases

occurred in Case Closure Replies (2.6%), Transfer Request Replies (3.0%) and Violation Responses (3.9%). While Case Closure Notices and Requested Progress Reports have leveled, they remain relatively high for compliance. Commissioner A. Godfrey (MN) thanked states for their hard work to adhere to the Compact rules.

In the upcoming year, the committee will establish benchmark for acceptance rates, reinforce proactive processes at the local level, and use Emergency Rule 2.111 and ICAOS Policy 01-2020 Emergency Guidelines if needed.

Commissioner G. Roberge (CT) moved to accept the Compliance Committee report as presented. Commissioner R. Cohen (NM) seconded.

Motion carried.

DCA Liaison Committee Report

DCA S. Brooks (OH), the DCA Liaison Committee chair, presented her report to the Commission. She thanked the national office staff and the committee members for their work: East DCA region chair Natalie Latulippe (CT), Midwest DCA region chair Matthew Billinger (KS), South DCA region chair Timothy Strickland (FL), West DCA region chair Tanja Gilmore (WA), East region representative Denis Clark (ME), Midwest region representative Simona Hammond (IA), South region representative Brandon Watts (TX), and West region representative Pat Odell (WY). She welcomed newly elected DCA West region chair Mark Patterson (OR) and announced a vacancy in the South region.

DCA S. Brooks (OH) stated that the DCA Liaison Committee's mission was to provide a mechanism for Deputy Compact Administrators to communicate concerns or needs and act as a liaison to improve the communication and relationship between Commissioners and DCAs.

The committee's goals for the year were:

- Identify issues or concerns affecting DCAs and support effective discussion and action to find resolution.
- Identify issues of relevance for referral to standing committees.
- Support the DCAs through partnership with the Training Committee, mentorship, and effective communication through newsletters and other forms.

A significant area of focus for the committee this year was to further discuss and develop the DCA Liaison Committee's Best Practice & Dashboard Usage Program. Acknowledging that DCAs across the nation had varying degrees of experience in utilizing the current dashboard reports was an important topic of discussion as tools needed to be developed for users at all skill levels. The DCA Liaison Committee identified four quarterly topics of review for FY 2022 to include: offender management; retaking management; rejected case clean up (withdraw/close); and user cleanup (remove roles, deactivate after 12 months, etc.). While providing an avenue for cleanup of ICOTS data, the intent of the Best Practice & Dashboard Usage Program was to help develop best practices for states to properly address these topics moving forward.

DCA S. Brooks (OH) reminded the Commission about the DCA Mentoring Program. The mentoring program was designed to coach, train, and counsel new and existing DCAs on compact

office operations. The mentoring program encouraged active participation in the Commission's operation and collaboration with member states to promote successful strategies and best practices.

Commissioner J. Adger (SC) moved to accept the DCA Liaison Committee report as presented. Commissioner G. Roberge (CT) seconded.

Motion carried.

Finance Committee Report

Commissioner G. Roberge (CT), Treasurer and the Finance Committee Chair, thanked the national office staff, and the Finance Committee members for their work and diligence throughout the past year.

Commissioner G. Roberge (CT) stated that in FY 2021, the Commission's total expenses were \$1,365,946.55 and the total revenue was \$1,552,799.75. The Commission cash reserve is \$1,295,018.94. The Commission maintains investments in two long-term Vanguard investment accounts. These funds include an investment grade bond fund and a total stock market index fund. Currently, the balance in the Vanguard funds as of June 30, 2021, totaled \$2,399,908.59, a 23.92% increase over the previous year.

Commissioner G. Roberge (CT) stated that the Commission successfully completed a financial audit by an independent auditor. The auditor found the Commission in good financial status and provided a clean and unmodified report. The audit report was included in the FY 2021 Annual Report.

The Commission has not needed to increase membership dues since 2008 and no dues increase is recommended for FY 2022. However, the 2020 decennial census provided the Commission with an opportunity to update state populations and evaluate any resulting change in individual, as well as Commission-wide funding totals. Accordingly, the Finance Committee recommends maintaining the six-tiered structure utilizing the existing funding formula and relative dues ratio ranges.

Under the proposed FY 2023 dues scenario using the newest decennial census figures, total revenue increases to \$1,532,298.30, a change of slightly more than one percent. Using this structure resulted in the following individual state tier changes:

- Idaho increases from Tier 2 to Tier 3;
- Tennessee increases from Tier 3 to Tier 4;
- Michigan decreases from Tier 4 to Tier 3; and,
- Florida increases from Tier 5 to Tier 6.

Commissioner G. Roberge (CT) presented the FY 2023 budget for Commission's vote. The total Commission's expenses for the FY 2023 are estimated as \$1,757,484. He stated that this budget was higher than budgets from previous years mostly due to increased cost for the 2022 Annual Business Meeting to commemorate the Commission's 20th anniversary.

Commissioner S. Kreamer (IA) moved to approve the FY 2023 budget as presented. Commissioner R. Maccarone (NY) seconded.

Motion carried by vote 43 to 0.

Commissioner M. Pevey (WA) moved to accept the Finance Committee report as presented. Commissioner C. Moore (GA) seconded.

Motion carried.

Training, Education & Public Relations Committee Report

Commissioner J. López (WI), the Training Committee Chair, recognized the committee members: Commissioner Martha Danner (MD), Commissioner Russell Marlan (MI), Commissioner Sally Reinhardt-Stewart (NE), Commissioner Roberta Cohen (NM), Commissioner Katrina Ransom (OH), Commissioner Patricia Coyne-Fague (RI), Commissioner Jim Parks (VA), DCA Tracy Hudrlik (MN), DCA Mark Patterson (OR), and DCA Tanja Gilmore (WA). She also thanked the national office staff for their assistance and support throughout the year.

The Training Committee continued to follow its mission to enhance public safety through awareness and consistent administration. The committee developed and enhanced educational resources and training materials for use by member states and stakeholders.

Commissioner J. López (WI) listed the committee's goals for FY 2022:

- Expand the outreach to stakeholders and other organizations to increase education on the mission of the Compact.
- Provide training on rule amendments and ICOTS enhancements for warrant tracking.

Commissioner J. López (WI) presented notable accomplishments to the Commission:

- Provided recommendations on the State Council Toolkit revisions
- Provided trainings for Compact Staff on the 2021 ICOTS Enhancements
- Issued Training Bulletin 1-2021i to address data issues
- Assisted with the roundtable discussions on the following topics:
 - Remote Hearings (Mar 2021)
 - Electronic Signatures (Mar 2021)
 - Retaking Challenges (Aug 2021)
- Presented at the APPA 2021 Winter & Summer Institutes
- Worked with the DCA Liaison Committee on the DCA Dashboard Program planning
- Launched New Learning Management System (Nov 2020)

Commissioner J. López (WI) noted that in the past year, over 6,000 individuals accessed on-demand modules which was consistent with the numbers from last year.

Commissioner G. Roberge (CT) moved to accept the Training, Education & Public Relations Committee report as presented. Commissioner R. Maccarone (NY) seconded.

Motion carried.

Rules Committee Report

Commissioner M. Hudson (IN), the Rules Committee Chair, thanked the Rules Committee members for their hard work. The Rules Committee members were Commissioner and Vice-chair

Dori Littler (AZ), Commissioner Rebecca Brunger (AK), Commissioner Amber Schubert (AR), Commissioner Chris Moore (GA), Commissioner Susan Gagnon (ME), Commissioner Amy Vorachek (ND), Commissioner Robert Maccarone (NY), DCA Timothy Strickland (FL), DCA Tracy Hudrlik (MN), DCA Margaret Thompson (PA), and DCA Patricia Odell (WY).

The Rules Committee mission was to administer the Commission's rulemaking procedures and objectively review or develop rule change proposals as appropriate.

The committee's FY 2021 goals were:

- Review rule amendment proposals and make recommendations to the proposing entity to adopt, revise, or withdraw, as appropriate.
- Review public comment on proposed rules.
- Present the proposed rule amendments for Commission's consideration at the 2021 Annual Business Meeting.

Commissioner M. Hudson (IN) presented a proposal to amend Bylaws Article 2, Section 2 proposed by the Executive Committee. The proposal invites National District Attorneys Association (NDAA) to become an ex-officio member. NDAA had a large membership base, encompassing both large and small jurisdictions.

ICAOS Bylaws, 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 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. In addition representatives of the National Institute of Corrections, the American Probation and Parole Association, 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, [National District Attorneys Association](#) and the International Association of Chief of Police may be ex-officio members of the Commission.

Justification:

This amendment adds the National District Attorney Association (NDAA) as an ex-officio member. NDAA is a national association that provides training, technical assistance and services to prosecutors around the country. It is the oldest and largest association of prosecutors in the country with over 5,000 members, their mission is to be the voice of America's prosecutors and to support their efforts to protect the rights and safety of the people by providing its members with the knowledge, skills, and support they need to ensure justice is attained.

ICAOS has collaborated with NDAA over the last year to deliver training, share information and collaborate on issues affecting both organizations. Inviting NDAA to become an Ex Officio formalizes our partnership and cooperative efforts.

Effective date:

September 29, 2021

Commissioner D. Littler (AZ) moved to amend Bylaws Article 2, Section 2 by adding the National District Attorney Association as an ex-officio member. Commissioner S. Reinhardt-Stewart (NE) seconded.

Motion carried by vote 48 to 0.

Commissioner M. Hudson (IN) presented a proposal to amend Rule 1.101 Definition of Resident proposed by the Rules Committee. She stated that the committee clarified and made changes to the existing rule as it was overly restrictive. The committee added ‘continuously and immediately’ to section 1 clarifying the trigger for when the 1-year timeframe for qualification for a resident starts.

Rule 1.101 Definitions

“Resident” means a person who—

1. has resided in a state for at least 1 year continuously and immediately prior to either the supervision start date or sentence date for the original offense for which transfer is being requested ~~has continuously inhabited a state for at least 1 year prior to the commission of the offense for which the offender is under supervision;~~ and
2. intends that such state shall be the person’s principal place of residence.; and
3. has not, unless incarcerated or under active military orders deployment, remained in another state or states for a continuous period of 6 months or more with the intent to establish a new principal place of residence.

Justification:

The current definition of resident in Rule 1.101 is overly restrictive and does not address the circumstances of individuals who have resided in a receiving state for an extended time, especially between commission of the offense and placement on supervision. Moreover, the current definition makes it particularly challenging for the sending state to provide proper documentation to support residency in such circumstances. The misapplication and limitations of the current definition often result in unnecessary delays or denials of the transfer request because the individual does not meet the current criteria of “resident”, despite having a valid plan of supervision in the receiving state. This proposal maintains the protections provided to the receiving state under the existing “resident” rule, while recognizing individuals who have established themselves with the requisite supports in the receiving state. Lastly, this proposal ensures that the request for transfer under the qualifying reason remains tied to the commission of the offense for which the offender is placed under supervision.

Effect on other rules, advisory opinions or dispute resolutions:

Benchbook updates required. Possible AO footnotes/changes needed.

ICOTS impact:

Cost: \$1,020

Effective date:

April 1, 2022

Commissioner D. Littler (AZ) moved to approve amendment to Rule 1.101 Definition of ‘Resident’ and related ICOTS impact. Commissioner D. Skiles (WV) seconded.

Motion carried by vote 49 to 0.

Commissioner M. Hudson (IN) presented a proposal to amend Rule 5.108 Probable Cause Hearing in the Receiving State proposed by the Midwest Region for the Commission's consideration. The proposal clarified that probable cause must be established prior to retaking on a violation that is revokable in the receiving state.

Rule 5.108 – Probable cause hearing in receiving state

(a) An offender subject to retaking that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.

(b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to 1 or more violations of the conditions of supervision that would result in the pursuance of revocation of supervision in the receiving state and require retaking.

(c) A copy of a judgment of conviction regarding the conviction of a new criminal offense by the offender shall be deemed conclusive proof that an offender may be retaken by a sending state without the need for further proceedings.

(d) The offender shall be entitled to the following rights at the probable cause hearing:

1. Written notice of the alleged violation(s);
2. Disclosure of non-privileged or non-confidential evidence regarding the alleged violation(s);
3. The opportunity to be heard in person and to present witnesses and documentary evidence relevant to the alleged violation(s);
4. The opportunity to confront and cross-examine adverse witnesses, unless the hearing officer determines that a risk of harm to a witness exists.

(e) The receiving state shall prepare and submit to the sending state a written report within 10 business days of the hearing that identifies the time, date and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state.

(f) If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision that would result in the pursuance of revocation of supervision, the receiving state shall hold the offender in custody, and the sending state shall, within 15 business days of receipt of the hearing officer's report, notify the receiving state of the decision to retake or other action to be taken.

(g) If probable cause is not established, the receiving state shall:

1. Continue supervision if the offender is not in custody.
2. Notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state's warrant.
3. Vacate the receiving state's warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody.

Justification:

Added language to this rule would align it more with both ICAOS Bench Book and ICAOS training of this rule. In 2016 this rule was amended to remove language as the commission no longer used the term "significant" in referring to violations resulting in revocation in order to be consistent with

the supervision of probationers and parolees in the receiving state. The intent was to create a single standard of supervision in the respective states by eliminating the three significant violations. However, by removing the word significant it leaves open interpretation that any admission of any violation could result in the requirement for retaking. For example, a receiving state may report a combination of violations including major violations such as violence or prohibited contact, in addition to a minor violation of failing to report. Should the offender only admit guilt to the failing to report, many could and do interpret that to create a mandatory retaking situation. In discussion of this amendment, multiple states reported this occurring multiple times. In this situation, it would then require the sending state to request further action from the sending or be forced to conduct a probable cause hearing in the sending state, foregoing rights such as the opportunity to confront witnesses, and have the hearing near the location of the violation.

This is in accordance with the ICAOS Bench Book 4.7.3.3 Probable Cause Waiver, where it states that the effect of waiving the probable cause hearing is “in effect, an admission that they have committed an offense of sufficient gravity as to justify revocation...”. Also that “by waiving the hearing, the offender is implicitly admitting that their actions could justify revocation of supervised release”. It is important to clarify that the intent of the rule is that the offender must admit guilt to a violation that would result in revocation.

In accordance with ICAOS Bench Book 4.7.3.2.2 Probable Cause Hearing Report it discusses that the purpose of Rule 5.103 – Offender behavior requiring retaking is “that officials in the receiving state must show through documentation that the offender has engaged in behavior requiring retaking. Therefore, by adding language to both (a) and (f) it supports that the waiver or evidence of a violation that would result in revocation, be supplied to the sending state.

Effect on other rules, advisory opinions or dispute resolutions:

Consistent with ICAOS Benchbook and Hearing Officer Guide on Rule 5.108.

ICOTS impact:

None.

Effective date:

April 1, 2022

Commissioner J. Adger (SC) moved to approve amendments to Rule 5.108 (b) and (f) as proposed. Commissioner D. Littler (AZ) seconded.

Motion carried by vote 48 to 1.

Commissioner M. Hudson (IN) presented the warrant timeframe proposal package proposed by the Rules Committee for the Commission’s consideration. The package expanded the timeframe for issuing compact compliant warrants to a standard 15-business day, when an offender fails to arrive or return as instructed or is subject to retaking.

Warrant Timeframe Amendments-Rules 2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1

Summary & Justification:

The following rules package includes amendments to six (6) rules (2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1) expanding the timeframe for issuing compact compliant warrants to a standard 15 business days when an offender fails to arrive/return as instructed or is subject to retaking. In

addition, this proposal includes a proposed ICOTS enhancement to create new managed processes for tracking warrants for compact offenders enhancing the Commission's efforts and goals to provide effective tracking and communication.

This package is thought to improve stakeholder training efforts (due to confusion over various timeframes in current rules) while ensuring the timeframe supports public safety and efficient actions for managing offender movement as required in each state's compact statute.

Rule 2.110 Transfer of offenders under this compact

- (a) No state shall permit an offender who is eligible for transfer under this compact to relocate to another state except as provided by the Compact and these rules.
- (b) An offender who is not eligible for transfer under this Compact is not subject to these rules and remains subject to the laws and regulations of the state responsible for the offender's supervision.
- (c) Upon violation of section (a), the sending state shall direct the offender to return to the sending state within 15 business days of receiving such notice. If the offender does not return to the sending state as ordered, the sending state shall issue a warrant that is effective in all compact member states, without limitation as to specific geographic area, no later than ~~10~~ 15 business days following the offender's failure to appear in the sending state.

4.111 Offenders returning to the sending state

- (a) 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 felony or violent crime in the receiving state. The receiving state shall provide the sending state with the reason(s) for the offender's return. 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 who has arrived in the receiving state with approved 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, unless 3.104 (b) or (c) applies or if the location of the offender is unknown, conduct activities pursuant to Rule 4.109-2.
- (c) Except as provided in subsection (e), the sending state shall grant the request no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The instructions shall direct the offender to return to the sending state within 15 business days from the date the request was received.
- (d) The receiving state shall provide the offender reporting instructions and determine the offender's intended departure date. If unable to locate the offender to provide the reporting instructions, the receiving state shall conduct activities pursuant to Rule 4.109-2.
- (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, 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). The sending state shall notify the receiving state of the offender's arrival or failure to arrive as required by Rule 4.105 (b) prior to validating the case closure notice.

- (f) If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than ~~40~~ 15 business days following the offender's failure to appear in the sending state.

Rule 5.101 Discretionary retaking by the sending state

- (a) Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 at its sole discretion, a sending state may order the return of an offender. The sending state must notify the receiving state within 15 business days of their issuance of the directive to the offender to return. The receiving state shall request return reporting instructions under Rule 4.111. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant no later than ~~30 calendar~~ 15 business days following the offender's failure to appear in the sending state.
- (b) Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 at its sole discretion, a sending state may retake an offender via warrant. The sending state must notify the receiving state within 15 business days of the issuance of their warrant. The receiving state shall assist with the apprehension of the offender and shall notify the sending state once the offender is in custody on the sending state's warrant.

Rule 5.102 Mandatory retaking for a new felony or new violent crime conviction

- (a) Upon a request from the receiving state, a sending state shall retake an offender from the receiving state or a subsequent receiving state after the offender's conviction for a new felony offense or new violent crime and:
- (1) completion of a term of incarceration for that conviction; or
 - (2) placement under supervision for that felony or violent crime offense.
- (b) When a sending state is required to retake an offender, the sending state shall issue a warrant no later than 15 business days and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

Rule 5.103 Offender behavior requiring retaking

- (a) Upon a request by the receiving state and documentation that the offender's behavior requires retaking, 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 violation report.
- (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 report 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 ~~40~~ 15 business days following the offender's failure to appear in the sending state.
- (d) If the sending state issues a warrant under subsection (c) of this rule, the receiving state shall attempt to apprehend the offender on the sending state's warrant and provide notification to the sending state. If the receiving state is unable to locate the offender to affect the apprehension, the receiving state shall follow Rule 4.109-2 (a) and (b).

Rule 5.103-1 Mandatory retaking for offenders who abscond

- (a) ~~Upon~~ **Within 15 business days of** receipt of an absconder violation report and case closure, the sending state shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.
- (b) If an offender who has absconded is apprehended on a sending state's warrant within the jurisdiction of the receiving state that issued the violation report and case closure, the receiving state shall, upon request by the sending state, conduct a probable cause hearing as provided in Rule 5.108 (d) and (e) unless waived as provided in Rule 5.108 (b).
- (c) Upon a finding of probable cause, the sending state shall retake the offender from the receiving state.
- (d) If probable cause is not established, the receiving state shall resume supervision upon the request of the sending state.
- (e) The sending state shall keep its warrant and detainer in place until the offender is retaken pursuant to paragraph (c) or supervision is resumed pursuant to paragraph (d).

Effect on other rules, advisory opinions or dispute resolutions:

Possible footnote to **Advisory Opinion 3-2012**.

ICOTS impact:

A separate ICOTS Enhancement to create a compliance measuring tool for warrant issuance will be proposed at the Annual Business Meeting as a separate vote. Review the functional specifications for this enhancement.

Effective date:

April 1, 2022

Commissioner D. Littler (AZ) spoke in favor of the proposal package. She noted that adopting the standard timeframes for compact compliant warrants would be beneficial with judicial training resulting in better compliance.

Commissioner G. Viera Rosa (CA) opposed the proposed changes to the rules. He stated that even though California agreed with the concept of the package, his state was not prepared to implement the changes and would end up being out of compliance.

Commissioner R. Maccarone (NY) stated that New York State had already implemented these changes. They learned during their implementation process that it was important to distinguish interstate warrants from the other warrants. Judges want to ensure due process related to normal warrants; but, in Interstate Compact, the due diligence had already been managed by the receiving state. He added that 15 business days translated to 22 calendar days.

Commissioner R. Maccarone (NY) stated that this was the most important rule proposal the Commission had to vote on in the last few years. He reminded the Commission that the Compact was about public safety and victims' safety. He urged the Commission to vote for this package.

Commissioner D. Gutierrez (TX) stated that even though the proposal brings value to Compact operations, Texas would vote against the proposal. He expressed his concerns that Texas would not

be able to meet the proposed 15-day timeframe due to its size, geographical diversity, and decentralized structure of the Compact Office. He urged to postpone the vote for a later time when the Commission was ready to adhere to the new standards and was not impacted by the pandemic.

Commissioner D. Littler (AZ) moved to approve the amendments to Rules 2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1, expanding the timeframe for issuing compact compliant warrants to a standard 15 business days when an offender fails to arrive/return as instructed or is subject to retaking. Commissioner R. Maccarone (NY) seconded.

Motion carried by vote 40 to 9.

Commissioner M. Hudson (IN) reminded the Commission that the Rules Committee would provide assistance to states with implementation challenges.

Commissioner D. Littler (AZ) moved to accept the Rules Committee report as presented. Commissioner R. Maccarone (NY) seconded. Motion carried.

Information Technology Report

Commissioner C. Moore (GA), the Information Technology Committee Chair, thanked the national office staff and the Information Technology Committee members for their service: Commissioner Sally Kreamer (IA), Commissioner Steve Turner (KY), Commissioner Dan Blanchard (UT), Commissioner Mac Pevey (WA), Commissioner Joselyn López (WI), DCA Natalie Latulippe (CT), DCA Matthew Billinger (KS), and DCA Alyssa Miller (ND).

Commissioner C. Moore (GA) listed the committee's goals for FY 2022:

- Implement ICOTS changes prior to the effective date of any rule changes.
- Provide guidance on future ICOTS enhancements.
- Continue to explore options to expand and enhance data sharing opportunities with federal and local criminal justice agencies.
- Continue to pursue value enhancing data export of ICOTS offender and case information with state agencies.
- Continue to work on the NCIC initiative to improve the Wanted Person File related to IC warrants and bond information for retaking purposes.

In FY 2021, the committee reviewed and approved six ICOTS enhancement proposals with the total cost of \$38,820. Among these proposals were *Email Notification Changes*, *New Compact Action Request Specialization*, *New Addendum to Violation Report* to no longer require retaking. The enhancements were released on April 28, 2021.

Commissioner C. Moore (GA) stated that the Technology Committee proposed ICOTS enhancement to create warrant tracking process that consisted of two parts:

1. Warrant Status Bundle. Cost - \$56,565.
 - a. Special status – Warrant Status: \$36,525
 - b. New warrant status email notifications: \$16,500
 - c. Warrant Status data fields to data export: \$3,540

2. New Discretionary Retaking activity. Cost - \$38,625.

After comprehensive discussion, the Technology Committee decided to present the warrant tracking enhancements as separate votes and recommend the Commission approve the warrant tracking bundle at a cost of \$56,565. The committee remained neutral on prioritizing the new discretionary retaking at a cost of \$38,625.

Create ICOTS Processes to Track Warrant Status and New Activity for Discretionary Retaking proposed by the Rules & Technology Committees

Users Impacted:

PO (Field User), Supervisor, Compact Office

Statement of Need:

In November 2020, the ICAOS Rules Committee formally recommended an ICOTS enhancement to create new managed warrant tracking process for compact offenders. This recommendation aimed to provide an effective tracking, communication, and measurable compliance tool.

Importantly, there will also be proposed rule amendments related to warrants. However, the ICOTS enhancement will be considered as a separate vote at the 2021 ABM.

‘Warrant’ – means a written order of the court or authorities of a sending or receiving state or other body of competent jurisdiction which is made on behalf of the state, or United States, issued pursuant to statute and/or rule and which commands law enforcement to arrest an offender. The warrant shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius with no bond amount set.

The Technology Committee approved functional specifications for a new ‘warrant status,’ initiated by retaking or failure to report and new activity for ‘Discretionary Retaking.’ The Technology Committee recommended three components to this enhancement proposal:

1. New Warrant Status for ICOTS records: User entered data related to compact compliant warrants.
2. New email notifications managing the Warrant Status information based on triggers (Failure to Arrive, Disc Retaking, Mandatory Retaking, updates to Warrant Status information)
 - a. Warrant Status Needed-when no warrant record exists and/or data fields for ‘Issuing authority’ and ‘NCIC verification date’ are NULL
 - b. Warrant Status Updated-when any data is added to a warrant record
3. New managed activity for Discretionary Retaking

Current Practices:

States continue to face significant challenges identified in the FY2020 Warrant Audit. Reported delays (primarily probation cases) result from multi-step processes involving various stakeholders and a lack of consistent or identified tracking efforts. Moreover, although the ICOTS Dashboards provide data on cases where a warrant is required, (e.g., failure to arrive, warrant issued/requested) tracking warrants and warrant compliance is accomplished outside of ICOTS.

Justification of Enhancement Priority:

The need to track warrants in ICOTS, although discussed in prior years, was a focal point in the FY2020 Warrant Audit. That audit asked states to provide data on randomly selected absconder

cases. Data gathered in the audit had flaws due to inconsistent self-reporting. Further, 21 percent of cases were unsuitable for audit.

Provision of warrant-related tracking data in ICOTS would enhance public safety, compliance measurement, and reporting capacity as defined by Compact goals.

Commissioner A. Godfrey (MN) moved to approve the ICOTS enhancement on warrant tracking bundle at a cost of \$56, 565. Commissioner K. Ransom (OH) seconded.

Motion carried by vote 48 to one.

Commissioner J. Adger (SC) moved to approve the ICOTS enhancement on the new discretionary retaking at a cost of \$38, 625. Commissioner S. Kremer (IA) seconded.

Motion carried by vote 45 to 3 with 1 abstaining from the vote.

Commissioner C. Moore (GA) stated that the enhancements would go into production on or before April 1, 2022.

Commissioner R. Maccarone (NY) moved to accept the Information Technology Committee Report as presented. Commissioner S. Gagnon (ME) seconded. Motion carried.

Chair J. Stromberg (OR) thanked the committee chairs for their hard work in achieving their goals despite the difficult year. He reminded the commission members that they could find written reports from each committee and region in the Annual Business Meeting's docket book.

Chair J. Stromberg (OR) informed the states that the Commission was pursuing some exciting projects. The findings will be presented at the Commission's 20th anniversary at the 2022 ABM in New York City, NY.

Justice Reinvestment Initiative – Warrant notifications: Motivated by continuing warrant-centric discussions, the ICAOS National Office has partnered with the National Consortium for Justice Information and Statistics (SEARCH) and the Interstate Commission for Juveniles (ICJ) on a grant from the Department of Justice. The project creates a subscription service for warrant notifications to help compact offices, supervisors, and field officers meet their obligations. States who subscribe to the service automatically receive a notification when:

1. A warrant is issued and forwarded to the NCIC Wanted Persons File, and a warrant is issued by 16 states that maintain state warrant systems, and
2. When a transferred offender has a serious encounter with law enforcement that prompts a wants and warrants check by a law enforcement official.

While this project is still in its initial development phase, the national office will share more in the coming year about how states may take part in this project.

Compact Study: Since the Compact passed in 2002, no formal study has been conducted to evaluate aspects relevant to how the interstate compact is meeting its mission and purpose. The

Commission's objectives include tracking the location of offenders, transferring supervision in an orderly and efficient manner, and returning offenders when necessary. Each of those objectives has a broader aim of promoting public safety, protecting victims, and supporting offender accountability through tracking, supervision, and rehabilitation.

The Executive Committee sought to analyze the Commission's efforts to meet these stated objectives. To perform an independent Commission-wide evaluation, the Committee engaged the University of Cincinnati Corrections Institute (UCCI). The evaluation itself will include an analysis of ICOTS data, survey responses from ICOTS supervising officers, and interviews with supervision officers as well as justice involved individuals.

Compact Documentary: Last year, the ICAOS National Office engaged the National Institute of Corrections (NIC) for a documentary project following offenders going through the interstate compact transfer process. NIC agreed to fund the production for a 60-minute documentary.

The documentary features adults on parole or probation as they navigate the interstate transfer process, giving the audience a glimpse into their challenges and hopes of reuniting with families or returning to their states of residence. The filmmaker intends to show the interplay between ICAOS and NIC and how these organizations perform important roles in the American judicial system. Additional topics include a historical primer and an examination of the pivotal 2002 milestone told through the lens of firsthand subject matter experts. Through this expansive effort, the documentary will create a testament and lasting appreciation of the Commission and its role in public safety and offender success.

The Commission viewed a trailer for the Compact documentary.

Award Presentations

Executive Chair Award presented to Commissioner R. Cohen (NM). An active and supportive leader, Roberta maintains focus on the compact's goals and its primary mission of ensuring public safety.

Executive Director Award presented to DCA T. Hudrlik (MN). DCA Hudrlik's service exceeds the bounds of her state responsibilities. Her steady daily administration of Compact responsibilities and her passionate support of the Compact's mission are greatly appreciated and valued.

Peyton Tuthill Award presented to Victim Advocate Anna Nasset. After surviving a terrifying stalking journey, she became a remarkable advocate for crime victims. She emerged as one of the few people able to speak openly about the harrowing experience of being stalked for a decade.

Ms. Nasset has become a nationally recognized subject matter expert, speaker, and author on stalking and the rights of crime victims. She regularly speaks on college campuses, military installations, and communities across the country. Further, she embodies the activist spirit of the Peyton Tuthill award and her representation of victims honors Peyton and her family.

Old Business/ New Business

Call to Public: Chair J. Stromberg (OR) opened the floor for public comments. No comments were received.

Region Chairs Recognition: Chair J. Stromberg (OR) recognized the region chairs for their service and dedication: Dale Crook – East Region Chair, Russell Marlan – Midwest Region Chair, Julie Kempker – South Region Chair, and Roberta Cohen – West Region Chair.

The regions met last week and elected their chairs: Dale Crook – East Region Chair, Sally Kreamer – Midwest Region Chair, Julie Kempker – South Region Chair, and Mac Pevey – West Region Chair. This year, the oath of office will be secured in writing.

Chair J. Stromberg (OR) announced that the Commission would be convening face-to-face for its 20th anniversary on September 26-28, 2022, in New York City, NY. This will be the first post-pandemic face-to-face event, and a celebration to commemorate two decades of accomplishments. It will be an opportunity to reflect on the return to normal operations and once again see each other in person.

Adjourn

Commissioner J. Adger (SC) moved to adjourn. Commissioner R. Maccarone (NY) seconded.

The meeting adjourned at 3:58 pm ET.

ICAOS Budget
Fiscal Years 2022-2024

	FY22
	<u>Actual YTD</u>
<u>REVENUE</u>	
Dues Assessment	\$1,061,778.46
Cash Reserve	\$340,000.00
Dividend Income	\$38,986.67
Operating Interest	\$664.47
Total Administration Revenue	\$1,441,429.60
<u>EXPENSE</u>	
60000 SALARIES & WAGES	\$536,574.95
61000 EMPLOYEE BENEFITS	\$153,145.61
61009 PAYROLL TAX	\$42,977.10
61040 ACCOUNTING	\$16,857.32
61079 EDUCATION, ACCREDITATION	\$1,901.27
61089 PROFESSIONAL MEMBERSHIPS	\$375.00
62000 SUPPLIES	\$1,925.39
62010 POSTAGE	\$868.92
62090 COMPUTER SERVICES	\$28,417.63
62130 OUTSIDE WEB SUPPORT	\$9,692.00
62140 SOFTWARE PURCHASE	\$4,934.12
62280 INSURANCE	\$11,154.00
62310 PHOTOCOPY	
62360 DIRECT TELEPHONE EXPENSE	\$521.11
62370 CELL PHONE EXPENSE	\$3,523.83
66000 EQUIPMENT PURCHASE	\$9,543.01
68200 WEB/VIDEO CONFERENCE	\$6,685.16
68230 MEETING EXPENSE	\$148.02
72000 CONSULTANT SERVICES	\$3,606.54
74000 STAFF TRAVEL	\$5,766.04
80000 LEGAL SERVICES	\$12,451.60
85000 RENT	
Total Administration Expenditures	\$851,068.62
<u>OTHER EXPENSE</u>	
02 Executive Committee	\$18,539.31
XX Annual Meeting	\$23,822.87
03 Finance Committee	
04 Rules Committee	
05 Technology Committee	\$675.30
06 Training/Education Committee	\$10,767.69
07 Compliance Committee	
09 ICOTS	\$518,476.52
10 DCA Liaison Committee	
11 Annual Report	\$1,655.36
12 ABM Workgroup	\$16,403.64
13 Compact Study	
00 Defense Litigation	
Total Other Expense	\$590,340.69
Total Commission Expenses	\$1,441,409.31

Interstate Commission for Adult Offender Supervision
FY2023 & FY2024 Dues Table

State	State Dues Ratio	State Population	US Population	State Offender Transfers	US Offender Transfers	FY2023 State Dues	FY2024 State Dues 5.25% Increase*
U.S. Virgin Islands	0.000265264	104,425	334,839,580	47	214,943	\$10,314.65	\$10,856.17
Alaska	0.001769735	733,391	334,839,580	290	214,943	\$20,629.30	\$21,712.33
Vermont	0.002290862	643,077	334,839,580	572	214,943	\$20,629.30	\$21,712.33
Hawaii	0.003066347	1,455,271	334,839,580	384	214,943	\$20,629.30	\$21,712.33
Maine	0.003306776	1,362,359	334,839,580	547	214,943	\$20,629.30	\$21,712.33
Dist. of Columbia	0.003528001	689,545	334,839,580	1,074	214,943	\$20,629.30	\$21,712.33
Delaware	0.003723023	989,948	334,839,580	965	214,943	\$20,629.30	\$21,712.33
South Dakota	0.003854921	886,667	334,839,580	1,088	214,943	\$20,629.30	\$21,712.33
Wyoming	0.003873811	576,851	334,839,580	1295	214,943	\$20,629.30	\$21,712.33
New Hampshire	0.004076138	1,377,529	334,839,580	868	214,943	\$20,629.30	\$21,712.33
Rhode Island	0.004283551	1,097,379	334,839,580	1,137	214,943	\$20,629.30	\$21,712.33
North Dakota	0.004417735	779,094	334,839,580	1,399	214,943	\$20,629.30	\$21,712.33
Montana	0.005222302	1,084,225	334,839,580	1,549	214,943	\$20,629.30	\$21,712.33
Puerto Rico	0.005723135	3,285,874	334,839,580	351	214,943	\$20,629.30	\$21,712.33
Nebraska	0.005785592	1,961,504	334,839,580	1,228	214,943	\$20,629.30	\$21,712.33
New Mexico	0.007332868	2,117,522	334,839,580	1,793	214,943	\$20,629.30	\$21,712.33
West Virginia	0.007447177	1,793,716	334,839,580	2,050	214,943	\$20,629.30	\$21,712.33
Utah	0.007821010	3,271,616	334,839,580	1,262	214,943	\$20,629.30	\$21,712.33
Connecticut	0.009336795	3,605,944	334,839,580	1,699	214,943	\$28,651.80	\$30,156.02
Idaho	0.009499203	1,839,106	334,839,580	2,903	214,943	\$28,651.80	\$30,156.02
Nevada	0.010667804	3,104,614	334,839,580	2,593	214,943	\$28,651.80	\$30,156.02
Iowa	0.011265750	3,190,369	334,839,580	2,795	214,943	\$28,651.80	\$30,156.02
Kansas	0.012063450	2,937,880	334,839,580	3,300	214,943	\$28,651.80	\$30,156.02
Oregon	0.012203269	4,237,256	334,839,580	2,526	214,943	\$28,651.80	\$30,156.02
Mississippi	0.013663922	2,961,279	334,839,580	3,973	214,943	\$28,651.80	\$30,156.02
Oklahoma	0.015370635	3,959,353	334,839,580	4,066	214,943	\$28,651.80	\$30,156.02
Massachusetts	0.015405718	7,029,917	334,839,580	2,110	214,943	\$28,651.80	\$30,156.02
South Carolina	0.015884820	5,118,425	334,839,580	3,543	214,943	\$28,651.80	\$30,156.02
Louisiana	0.016208823	4,657,757	334,839,580	3,978	214,943	\$28,651.80	\$30,156.02
Arkansas	0.017153809	3,011,524	334,839,580	5,441	214,943	\$28,651.80	\$30,156.02
Washington	0.018584550	7,705,281	334,839,580	3,043	214,943	\$28,651.80	\$30,156.02
Alabama	0.018779925	5,024,279	334,839,580	4,848	214,943	\$28,651.80	\$30,156.02
Minnesota	0.019547415	5,706,494	334,839,580	4,740	214,943	\$28,651.80	\$30,156.02
Maryland	0.019971190	6,177,224	334,839,580	4,620	214,943	\$28,651.80	\$30,156.02
Colorado	0.020152576	5,773,714	334,839,580	4,957	214,943	\$28,651.80	\$30,156.02
Wisconsin	0.020210810	5,893,718	334,839,580	4,905	214,943	\$28,651.80	\$30,156.02
Kentucky	0.020331957	4,505,836	334,839,580	5,848	214,943	\$28,651.80	\$30,156.02
Arizona	0.021716807	7,151,502	334,839,580	4,745	214,943	\$28,651.80	\$30,156.02
Indiana	0.021870501	6,785,528	334,839,580	5,046	214,943	\$28,651.80	\$30,156.02
Michigan	0.024280679	10,077,331	334,839,580	3,969	214,943	\$28,651.80	\$30,156.02
New Jersey	0.025104023	9,288,994	334,839,580	4,829	214,943	\$36,674.30	\$38,599.70
Missouri	0.027423579	6,154,913	334,839,580	7,838	214,943	\$36,674.30	\$38,599.70
Tennessee	0.028263920	6,910,840	334,839,580	7,714	214,943	\$36,674.30	\$38,599.70
North Carolina	0.029089895	10,439,388	334,839,580	5,804	214,943	\$36,674.30	\$38,599.70
Virginia	0.031884582	8,631,393	334,839,580	8,166	214,943	\$36,674.30	\$38,599.70
Ohio	0.032753799	11,799,448	334,839,580	6,506	214,943	\$36,674.30	\$38,599.70
Illinois	0.036716040	12,812,508	334,839,580	7,559	214,943	\$36,674.30	\$38,599.70
Pennsylvania	0.038649319	13,002,700	334,839,580	8,268	214,943	\$36,674.30	\$38,599.70
New York	0.046074432	20,201,249	334,839,580	6,839	214,943	\$44,696.81	\$47,043.39
Georgia	0.046243136	10,711,908	334,839,580	13,003	214,943	\$44,696.81	\$47,043.39
Florida	0.060076326	21,538,187	334,839,580	12,000	214,943	\$52,719.31	\$55,487.07
California	0.076542860	39,538,223	334,839,580	7,524	214,943	\$52,719.31	\$55,487.08
Texas	0.079219431	29,145,505	334,839,580	15,346	214,943	\$52,719.31	\$55,487.08

\$1,532,298.26

\$1,612,743.92

*Pending Approval



Interstate Commission for Adult Offender Supervision

Ensuring Public Safety for the 21st Century

July 25, 2022

Dear fellow Commissioners,

I am communicating with you today to provide an update with respect to the Commission's financial status. Please rest assured, the Commission is in strong financial standing; however, as the Chair of the Finance Committee, I have a responsibility to bring to your attention a recent analysis of our annual dues assessment, annual operating expenses, and other capital improvement projects underway.

The Finance Committee's analysis found that the Commission's total operating expenses began to exceed available dues and interest income in FY22. The operating deficit is a result of cumulative inflationary growth of approximately 33% since the last dues increase in 2009. Although the Commission has executed strong financial management by ending the last five fiscal years under budget, in addition to implementing significant cost cutting measures such as disaffiliating with the Council of State Governments, transitioning to remote work environments, and consistent reductions in other administrative costs, we still find ourselves underfunded within our current dues structure.

To successfully prepare for Commission's future, while supporting current programs and technologies, the Finance Committee recognized that we must act now to ensure our continued strong financial standing. To that end, the Finance Committee recommended to the Executive Committee a minimal dues increase beginning in FY24. The Executive Committee accepted the Finance Committee's recommendation at its July 20, 2022 meeting.

Prior to any increase taking effect, the full Commission must vote on the proposal, which we will discuss at our annual business meeting in September. Before the annual business meeting, I wanted to give you an opportunity to ask any questions you may have concerning this information. I am planning to attend each of the regional meetings in August to discuss this with you all during those meetings. However, if you have any questions prior to those meetings, please feel free to reach out to me.

Your thoughtful consideration of this information, and ultimate support of the Finance Committee's recommendation, are critical to the Commission's strategic success. I would like to thank you for your attention to this information, and I look forward to discussing this recommendation further with you.

Sincerely,

Gary Roberge

Gary Roberge
Treasurer



+1 859 721 1050



www.interstatecompact.org
icaos@interstatecompact.org



3070 Lakecrest Circle
Suite 400-264
Lexington, Kentucky 40513

ICAOS Finance Committee Dues Recommendation 2022

History of the Commission's Dues Revenue

The Commission approved a three-year dues increase of 6% per year at the 2007 Annual Business Meeting. This increase was intended to fund ICOTS, permit one DCA from each state to attend the annual business meeting, and establish a reserve fund; however, the increase was not required in 2010 due to cost-cutting measures implemented by the third year.

Despite rising program and operational expenses resulting from a 33% cumulative inflation rate between 2010 and today, the Commission's annual dues assessment has remained unchanged since 2010. Consequently, revenue increased only marginally after two states moved to higher dues tiers following the decennial Census review.

Long-term Investments

In 2011, the Commission started a long-term investment fund. It funded the investment portfolio actively until 2015.

Annual Budget Forecasting

Roughly a third of the Commission's budget goes directly to ICOTS, which fulfills a statutory requirement while also being crucial to the organization's day-to-day operations. The Commission spends approximately \$500k per year on system upgrades, maintenance, and hosting. With a system upgrade or rewrite, the Commission anticipates the need for financial adjustments to ensure stability and solvency of the Compact's finances.

In addition to capital expenditures for ICOTS, the Commission's total annual operating expenses have begun to exceed available dues and interest income. As the commissioners are aware, the Commission has already implemented significant cost-cutting measures such as disaffiliating with the Council of State Governments, transitioning to remote work environments, and proactively reducing administrative costs. The only remaining alternative to ensure the Commission's continued financial stability is a dues increase.

Figure A depicts annual dues income versus annual expenses, demonstrating how the Commission's cash balance continues to decline as it covers the shortfall between income and expense. In addition, under the Commission's by-laws, we must keep \$500k in the cash balance to cover operating expenses. When the balance falls below that threshold, funds are transferred from the long-term investment fund (LTI). According to current projections, and assuming no additional major expenses, the first transfer could occur around FY2025.

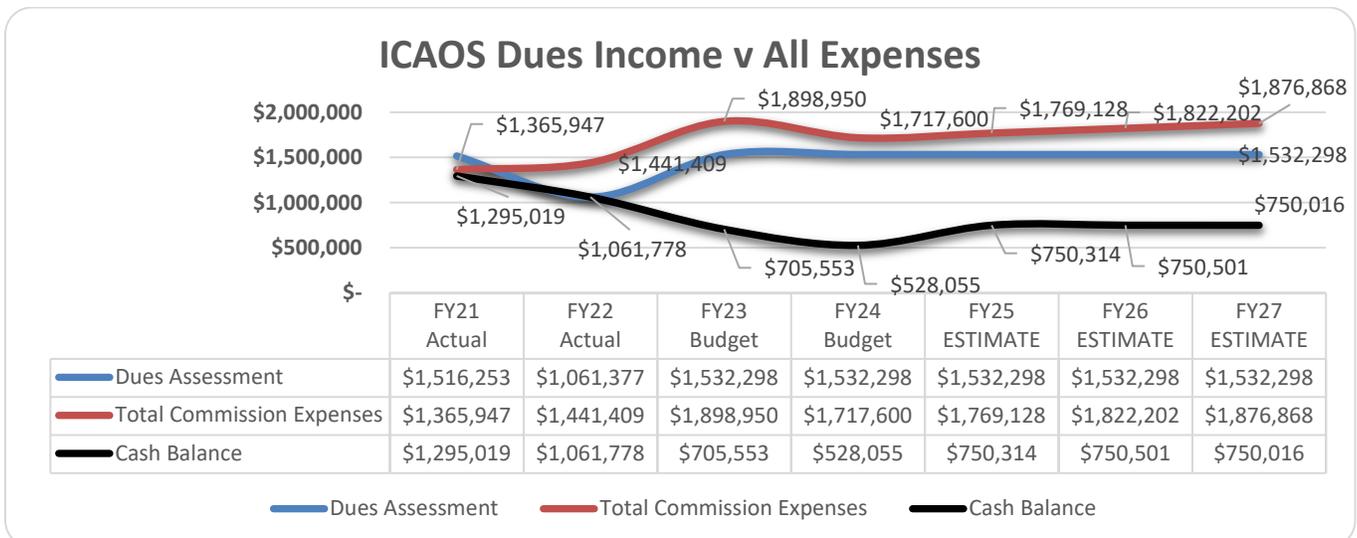


Figure A

Figure B depicts the long-term investment fund as it is used to balance the Commission’s budget. Juxtaposed with the declining LTI balance is a long-held Executive Committee position to maintain one full year’s expenses in reserve. The fund transfers to maintain operating expenses (as shown in Figure A) cause the LTI fund to drop below the annual operating expense threshold between FY2025 and FY2026. Please note that this projection does not include any major system upgrades or changes to ICOTS.

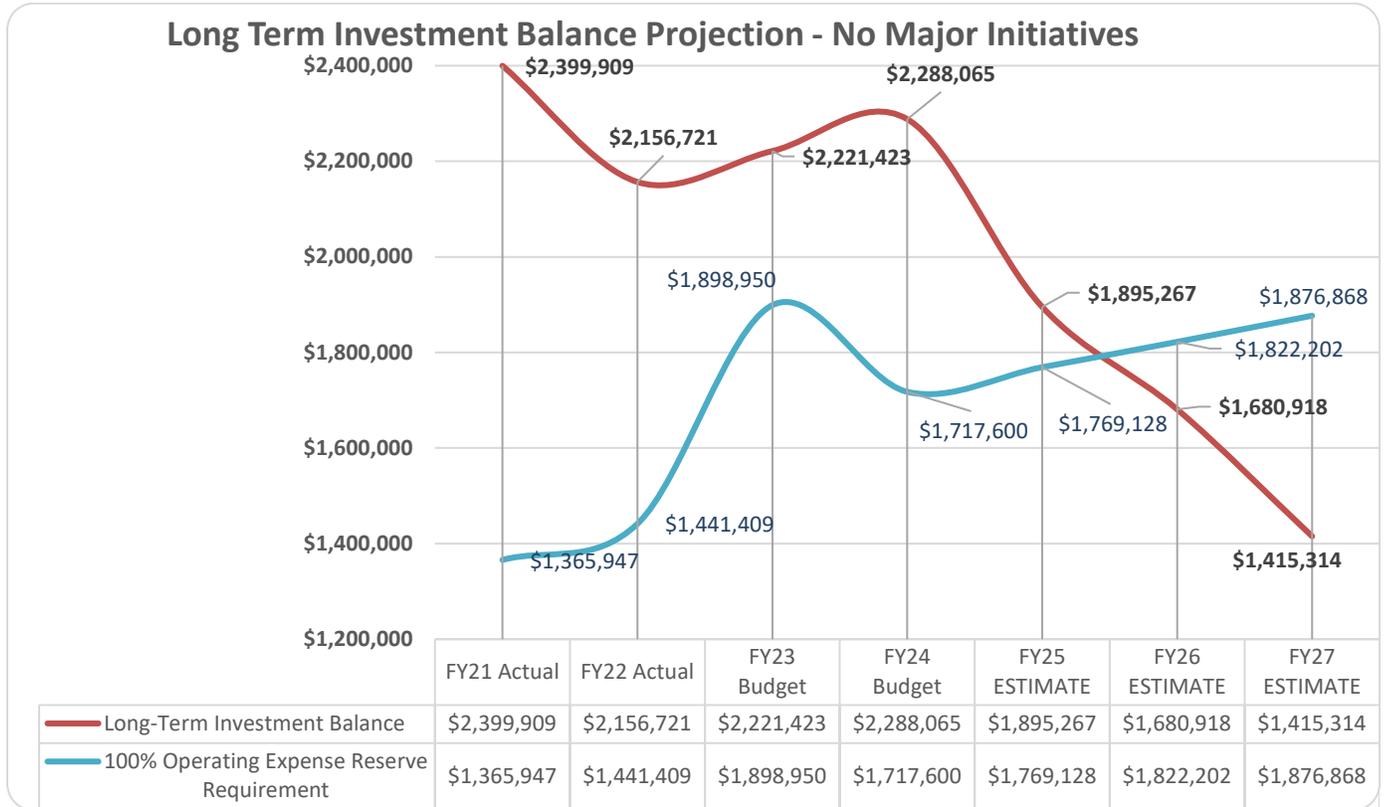


Figure B

Figure C adds context by showing budget projections with an emphasis on the effect of Undedicated Reserves. Here, annual dues and expenses are reflected with accompanying projected shortfalls that must be paid through the Commission’s cash balance.

ICAOS Budget Projection - No Major Initiatives							
	FY21 Actual	FY22 Actual	FY23 Budget	FY24 Budget	FY25 ESTIMATE	FY26 ESTIMATE	FY27 ESTIMATE
Annual Dues Assessment	\$1,516,253	\$1,061,377	\$1,532,298	\$1,532,298	\$1,532,298	\$1,532,298	\$1,532,298
Total Commission Expenses	\$1,365,947	\$1,441,409	\$1,898,950	\$1,717,600	\$1,769,128	\$1,822,202	\$1,876,868
NET INCOME	\$150,307	(\$380,032)	(\$366,652)	(\$185,302)	(\$236,830)	(\$289,904)	(\$344,570)
Designated Funds							
Dedicated Cash Balance	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
Dedicated Long Term Investment	\$1,365,947	\$1,441,409	\$1,898,950	\$1,717,600	\$1,769,128	\$1,822,202	\$1,876,868
Total Designated Funds	\$1,865,947	\$1,941,409	\$2,398,950	\$2,217,600	\$2,269,128	\$2,322,202	\$2,376,868
Cash Flow Minus Funds	(\$1,715,640)	(\$2,321,441)	(\$2,765,602)	(\$2,402,902)	(\$2,505,958)	(\$2,612,105)	(\$2,721,438)
Reserve Balances							
Cash Balance	\$1,295,019	\$1,061,778	\$705,553	\$528,055	\$750,314	\$750,501	\$750,016
Long-Term Investment Balance	\$2,399,909	\$2,156,721	\$2,221,423	\$2,288,065	\$1,895,267	\$1,680,918	\$1,415,314
Total Reserves Available	\$3,694,928	\$3,371,193	\$2,926,976	\$2,816,121	\$2,645,581	\$2,431,419	\$2,165,330
Remaining Undedicated Reserves	\$1,979,288	\$1,049,752	\$161,374	\$413,219	\$139,623	(\$180,686)	(\$556,108)

Figure C

Recommendation

In FY2024, the Commission should increase dues by a standard 5.25% for five years. In FY2029, the standard annual increase reduces to 3%. This recommendation was approved by the Finance Committee on June 22, 2022 and the Executive Committee on July 20, 2022.

Total Increase Per Year FY24-FY29

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Tier 6
Current Dues	\$10,315	\$20,629	\$28,652	\$36,674	\$44,697	\$52,719
5.25% Increase FY24	\$542	\$1,083	\$1,504	\$1,925	\$2,347	\$2,768
5.25% Increase FY25	\$570	\$1,140	\$1,583	\$2,026	\$2,470	\$2,913
5.25% Increase FY26	\$600	\$1,200	\$1,666	\$2,133	\$2,599	\$3,066
5.25% Increase FY27	\$631	\$1,263	\$1,754	\$2,245	\$2,736	\$3,227
5.25% Increase FY28	\$665	\$1,329	\$1,846	\$2,363	\$2,880	\$3,396
3% Increase FY29*	\$400	\$799	\$1,110	\$1,421	\$1,732	\$2,043

*The 3% increase implemented in FY29 would be ongoing and applied to all future years.

INCOMING AND OUTGOING CASES - COMPACT SUPERVISION OFFENDERS AS OF 6/30/2022

State	Incoming Cases			Incoming Offenders	Outgoing Cases			Outgoing Offenders	Total Offenders
	Parole Only	Probation Only	Probation & Parole		Parole Only	Probation Only	Probation & Parole		
Alabama	618	2,579	95	3,222	414	1,149	5	1,556	4,778
Alaska	52	89	1	139	31	59	57	136	275
Arizona	677	1,313	-	1,950	223	2,517	-	2,722	4,672
Arkansas	568	1,630	19	2,179	1,657	1,802	23	3,453	5,632
California	1,260	3,635	87	4,923	678	1,641	1	2,306	7,229
Colorado	380	1,294	-	1,644	661	2,733	-	3,314	4,958
Connecticut	139	650	-	776	125	774	-	891	1,667
Delaware	204	593	2	758	10	313	7	329	1,087
District of	141	645	7	717	-	337	-	334	1,051
Florida	1,709	4,852	201	6,612	218	5,478	7	5,666	12,278
Georgia	1,335	3,845	25	5,080	873	6,180	770	7,714	12,794
Hawaii	26	101	-	126	130	111	-	241	367
Idaho	167	409	34	606	734	1,589	11	2,327	2,933
Illinois	1,284	3,544	-	4,721	943	2,368	-	3,281	8,002
Indiana	654	2,164	-	2,780	246	2,474	-	2,695	5,475
Iowa	301	1,166	15	1,446	430	1,098	5	1,514	2,960
Kansas	414	1,054	9	1,444	541	1,492	3	2,007	3,451
Kentucky	495	1,896	26	2,384	824	2,810	8	3,602	5,986
Louisiana	585	1,649	22	2,228	867	974	9	1,820	4,048
Maine	79	238	4	318	2	175	-	177	495
Maryland	520	2,462	24	2,918	502	1,422	11	1,705	4,623
Massachusetts	159	1,090	-	1,226	121	887	-	978	2,204
Michigan	703	1,988	48	2,682	390	806	1	1,189	3,871
Minnesota	488	1,557	50	2,064	436	2,594	-	2,920	4,984
Mississippi	530	1,396	31	1,923	630	1,505	7	2,136	4,059
Missouri	945	3,084	36	3,988	1,281	2,843	-	4,020	8,008
Montana	117	357	13	480	134	603	236	971	1,451
Nebraska	152	580	-	714	70	520	-	584	1,298
Nevada	330	845	23	1,182	526	807	5	1,326	2,508
New Hampshire	75	475	1	541	183	208	1	388	929
New Jersey	451	1,679	-	2,075	965	1,583	1	2,512	4,587
New Mexico	191	941	2	1,120	199	519	7	651	1,771
New York	674	2,930	3	3,510	961	1,576	-	2,516	6,026
North Carolina	1,038	3,505	122	4,539	387	1,120	22	1,495	6,034
North Dakota	132	760	19	883	33	366	72	467	1,350
Ohio	976	2,760	35	3,720	967	1,820	2	2,749	6,469
Oklahoma	896	1,977	21	2,829	222	1,321	19	1,556	4,385
Oregon	298	927	51	1,258	569	662	32	1,257	2,515
Pennsylvania	658	2,067	18	2,667	1,719	3,932	1	5,512	8,179
Puerto Rico	124	134	1	255	41	89	1	131	386
Rhode Island	36	348	-	368	43	728	1	767	1,135
South Carolina	522	2,019	155	2,653	193	590	1	782	3,435
South Dakota	108	386	-	484	234	341	-	573	1,057
Tennessee	916	3,589	104	4,538	528	2,816	32	3,366	7,904
Texas	2,274	4,476	1	6,635	2,559	6,870	1	9,305	15,940
Utah	181	544	18	731	220	263	1	483	1,214
Vermont	71	195	-	261	76	225	3	303	564
Virgin Islands	3	25	1	29	16	7	-	23	52
Virginia	593	1,647	44	2,215	314	5,509	57	5,579	7,794
Washington	638	1,565	89	2,267	72	588	7	663	2,930
West Virginia	184	942	12	1,092	484	443	2	923	2,015
Wisconsin	308	1,388	11	1,667	1,637	1,910	58	3,552	5,219
Wyoming	69	304	12	375	129	741	5	874	1,249
Total	26,448	82,288	1,492	107,942	26,448	82,288	1,492	108,341	216,283



COMPLIANCE COMMITTEE REPORT

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: Allen Godfrey, Chair, Compliance Committee and Commissioner, State of Minnesota

Compliance Committee Members

Allen Godfrey (MN), Chair, Commissioner	Amy Vorachek (ND), Commissioner
Hope Cooper (KS), Commissioner	Dale Crook (VT), Commissioner
Gloriann Moroney (MA), Commissioner	Diann Skiles (WV), Commissioner
Cathy Gordon (MT), Commissioner	Jacey Rader (NE), Ex-officio, DCA
Sally Reinhardt-Stewart (NE), Commissioner	Suzanne Brooks (OH), Ex-officio, DCA

The Compliance Committee is responsible for monitoring compliance of member states with the terms of the Compact and the Commission's rules. In addition, the committee is responsible for developing appropriate enforcement procedures for the Commission's consideration.

Goals and Objectives

1. Review compliance issues and make fair and consistent recommendations if necessary.
2. Meet and review compliance issues within 30 days of referral.
3. Develop processes to enhance proactive compliance by monitoring trends and working collaboratively with other committees.
4. Develop processes for improving dashboard outcomes

Compliance Issues and Outcomes

During the reporting year, the Committee reviewed and made recommendations to the Executive Committee on the following matters:

- **December 21, 2021:** The Compliance Committee added a new goal of reviewing the dashboard compliance outcomes to determine if new measures should be established or current outcomes removed. To establish a process for determining, the Committee recommend reviewing the following: past compliance audit results, complaints filed with the National Office, and surveying the deputy compact administrators on areas that further compliance outcome dashboard measures may be helpful.

The Committee also reviewed a complaint referred by the National Office for failing to issue a nationwide warrant. The complaint was substantiated and was resolved prior to the Compliance Committee meeting. While no formal action was referred to the Executive Committee, the state was required to provide a written response to the Compliance Committee on how they are going to remedy future issues of nationwide warrants. The Committee received the state's written response and was approved on the March 17, 2022, meeting.

- **March 17, 2022:** The Committee reviewed the FY22 audit on discretionary transfers in comparison from FY2015 to FY2022 data. Upon review of the total acceptance rates, they slightly increased as Commission in FY2015 from 76.3% to 79.1%. A modest increase of 9%. In addition, 70% of the rejections were due to failing to verify transfer plans and provide sufficient justification in the transfer request. This highlighted that sending states can play a significant role to increase their overall acceptance rates for outgoing cases. The Committee recommended highlighting the results at the upcoming annual business meeting and the sending states will start to receive their acceptance statistics twice a year starting on January 1, 2023.

The Compliance Committee reviewed the FY2023 audit plan on reviewing data entry accuracy. Correct data entry and cleaning up duplicate clients in our system are vital to ensuring outcome reporting is accurate. The FY2023 audit will focus on the following ICOTS data elements: demographic; photo; junk/duplicate client profiles; rejected cases and clients awaiting retaking. The committee recommended the Executive Committee approve the FY2023 data integrity audit.

Lastly, the Committee discussed the 2021 State Council Report, finding that most states met the policy requirement to have a council with required named members for executive, legislative, judicial, and victims' advocate. As evidenced by the 15 states that did not report a meeting in 2021, the policy did not create an expectation for meetings to be held. Discussion about how to manage the important role of functioning state councils was therefore placed on the agenda for the 2022 annual business meeting.

- **May 11, 2022:** The Compliance Committee reviewed a survey from the DCA Liaison Committee to evaluate compliance measures, identify deficiencies, and determine what if any compliance standards/tools should be added to the compliance summary and quarterly emails. The committee reviewed current compliance quarterly emails and options for additional data. While the Committee recommended no changes to the current compliance dashboards, the Committee did recommend, in addition to the transfer acceptance rates sent out quarterly, to also include data on retaking. The Committee also agreed to audit the compliance dashboards every other year.

Dashboard Trends

States' adherence to the outcomes measured across the compliance dashboard continued to trend well above the 80 percentiles in all six primary categories in the last five years and in all primary categories in the last three years.

Compliance Standard	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	5 Year Change	3 Year Change
Case Closure Notices	96.2%	96.2%	96.4%	96.8%	95.9%	-0.3%	-0.5%
Case Closure Replies	90.1%	91.1%	92.0%	92.4%	91.8%	1.7%	-0.2%
Requested Progress Reports	88.1%	88.8%	91.1%	91.5%	90.1%	2.0%	-1.0%
Violation Responses	86.1%	88.2%	88.7%	89.9%	88.2%	2.1%	-0.5%
Transfer Request Replies	92.0%	93.2%	93.2%	94.0%	93.4%	1.4%	0.2%
RFRI Replies	97.1%	97.8%	97.4%	97.9%	97.4%	0.3%	0.0%

Respectfully submitted,

Allen Godfrey

Allen Godfrey
Chair, Compliance Committee
Commissioner, State of Minnesota



DCA LIAISON COMMITTEE REPORT

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: Suzanne Brooks, Chair, DCA Liaison Committee and Deputy Compact Administrator, State of Ohio

Committee Members

Suzanne Brooks (OH), Chair, DCA

DCA Region Chairs:

East – Dennis Clark (ME), DCA
Midwest – Simona Hammond (IA), DCA
South – Timothy Strickland (FL), DCA
West – Mark Patterson (OR), DCA

Region Representatives:

East – Vacant, DCA
Midwest – Daryn Cobb (MI), DCA
South – Linda Mustafa (AR), DCA
West – Patricia Odell (WY), DCA

Committee Mission

Provide a mechanism for Deputy Compact Administrators (DCAs) to communicate concerns or needs and act as a liaison to improve the communication and relationship between Commissioners and DCAs.

Committee Goals

1. Identify issues or concerns affecting DCAs and support effective discussion/action to find resolution.
2. Identify issues of relevance for referral to standing committees.
3. Supporting the DCAs through partnership with the Training Committee, mentorship, and effective communication through newsletters and other forms.

Committee Work

Since the last report, the DCA Liaison Committee has met three times. The committee reviewed its mission and goals and continued with the same intent. A significant area of focus for this group in early 2022 was to further discuss and develop the *DCA Liaison Committee's Best Practice & Dashboard Usage Program* that was approved by the Executive Committee for implementation in December 2020. Discussions were held to analyze the impact and if there was a desire to continue with the program into FY 2023. After discussion and reviewing data from the ICAOS National Office, it was determined that there was value in continuing to develop the program as states continue to become familiar with the dashboard reports and develop best practices within their own states. Additionally, as we continue to see an influx of new DCAs being appointed, the

dashboard program is a tool that is beneficial to assist new DCAs in identifying strengths and weaknesses within their own states as they enter their new role. While the FY 2022 dashboard program focused on a quarterly approach, the DCA Liaison Committee felt that a better approach, given staffing issues across the nation and time constraints for DCAs, would be to focus on two high priority topics for FY 2023. As states work through the implementation of the rule amendments and ICOTS enhancements surrounding warrants that went into effect earlier this year, the DCA Liaison Committee identified this as one of the areas of focus for FY 2023. Data management regarding warrant tracking will provide DCAs an opportunity to identify both areas of concern and success as well as to share best practices amongst each other. Transfer decisions was also identified by the DCA Liaison Committee as the other area of focus in FY 2023. While states received their rejection assessments in 2022, there has been a lot of discussion amongst DCAs and commissioners regarding the results of the analysis. As this will also be discussed during the 2022 ABM, the committee felt that it would be beneficial to further explore this topic in the FY 2023 dashboard program. The intent of the DCA Liaison Committee is to help develop best practices for states to properly address these topics moving forward.

Issues surrounding the interpretation of rules, training bulletins, and advisory opinions were brought to the DCA Liaison Committee for review since the last report. Conversations held amongst all representatives allowed for the opportunity to discuss varying interpretations from region to region and to further identify how to provide a consistent message to all DCAs. As issues have been identified, it has been articulated to the DCA region chairs that the expectation is for these topics to be addressed during region meetings and if additional issues or concerns arise, there could be further communication with the Training Committee for possible collaboration to provide additional training resources or opportunities. Also, the DCA Liaison Committee has worked closely with the Compliance Committee on various topics since the last report. Namely, discussions regarding the quarterly compliance notifications and the FY 22 transfer rejection assessment.

As implemented in 2021, the DCA Liaison Committee continues to invite new DCAs to the DCA Liaison Committee meetings to provide formal introductions with the chair, DCA region chairs, and region representatives. In addition to formal introductions, the chair and region chairs provide a formal overview of the DCA mentoring program, the dashboard reports, and the importance of the DCA/commissioner relationship. Two members of the DCA Liaison Committee participated in the planning for the 2022 ABM. As the 2022 ABM is a year for the DCA Training Institute, the chair and region chairs have been heavily involved in presentation development. In addition to the DCA Training Institute, the DCA Liaison Committee works closely with the Training Committee, ABM Planning Workgroup, and ICAOS National Office staff to coordinate training and presentations throughout the year.

Lastly, this committee has seen some significant changes amongst the region chairs due to the promotion of DCA Matthew Billinger (KS) and the retirement of DCA Natalie Latulippe (CT). Their contributions to this committee, and to the commission as a whole, have been unprecedented and they will be greatly missed. DCA Simona Hammond (IA) and DCA Denis Clark (ME) have graciously agreed to fill these vacancies.

DCA Mentoring Program

The committee assists in the planning and training of compact office staff through the mentoring program. There has been a significant amount of new DCAs across the nation and several are actively participating in the DCA mentoring program. The mission of the mentoring program is to coach, train, and counsel new and existing DCAs on the operations of a compact office and to provide guidance to DCAs, who need assistance resolving difficult compliance issues in their state. The mentoring program encourages active participation in Commission and regional activities and collaboration with member states to promote successful strategies and best practices.

- *Participant:* Any DCA who is either new or requests (through their commissioner) additional coaching or assistance.
- *Mentor:* The DCA Liaison Committee regional chair or another DCA who has demonstrated an understanding of their role and is recognized for their communication skills. Mentors will communicate regularly and offer feedback, guidance, and support.
- *Mentoring period:* Typically, one year. Extensions may be granted, if needed.

Respectfully submitted,

Suzanne Brooks

Suzanne Brooks
Chair, DCA Liaison Committee
Deputy Compact Administrator, State of Ohio



TREASURER REPORT

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: Gary Roberge, ICAOS Treasurer and Commissioner, State of Connecticut

As the world continues to recover from a global health crisis, the Commission now faces an economic challenge. Even though the Commission completed fiscal year 2022 in a healthy financial position, years of dues stagnation in conjunction with current inflationary growth pose a significant threat to our financial wellbeing. The Finance Committee anticipates that the Commission's total operating expenses will begin to exceed existing dues and interest income in this fiscal year.

Since the Commission's last dues increase in 2009, our operating deficit has increased by approximately 33% due to cumulative inflationary growth. Despite strong financial management that resulted in the Commission finishing the last five fiscal years under budget, we are still underfunded given the current dues rates. To responsibly plan for the Commission's future, we must act now to ensure that our financial position remains strong. As a result, the Finance Committee proposes a minimal dues increase beginning in fiscal year 2024.

I appreciate that you provided me an opportunity to participate in region calls with Commissioners to discuss the Finance Committee's analysis of the Commission's financial status and this proposal. Moreover, I appreciate everyone's careful and thoughtful consideration and support for the Finance Committee's recommendation. This proposal, and its passage, are critical to the Commission's ongoing financial and operational success.

With respect to our current financial standing, reserve funding supported balancing the Commission's budget in fiscal year 2022; however, the year ended requiring 11% less than budgeted (totaling \$340,000). At the end of fiscal year 2022, the Commission's cash reserves totaled \$1,253,300.87, which is held in a savings account earning .05 percent interest per year. Additionally, despite using reserve funds to support the 30 percent dues reduction implemented in fiscal year 2022, no funds were transferred from the long-term investment accounts to support the dues reduction.

The Commission's investment in two long-term Vanguard accounts includes an investment grade bond fund and a total stock market index fund. Although this investment account has performed

very well for years, current economic factors have negatively impacted the Commission's portfolio, which ended the year 10.1% lower than the previous year, with a balance of \$2,156,721.35 as of June 30, 2022.

Respectfully submitted,

Gary Roberge

Gary Roberge, Treasurer
Chair, Finance Committee
Commissioner, State of Connecticut



TRAINING, EDUCATION & PUBLIC RELATIONS COMMITTEE REPORT COMMITTEE REPORT

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: Joselyn López, Chair, Training, Education & Public Relations Committee
and Commissioner, State of Wisconsin

Training Committee Members

Joselyn López (WI), chair, Commissioner
Andrew Zavaras (CO), Commissioner
Martha Danner (MD), Commissioner
Russell Marlan (MI), Commissioner
Sally Reinhardt-Stewart (NE), Commissioner
Roberta Cohen (NM), Commissioner
Katrina Ransom (OH), Commissioner

Patricia Coyne-Fague (RI), Commissioner
Jim Parks (VA), Commissioner
Holly Kassube (IL), Ex-officio, DCA
Tracy Hudrlik (MN), Ex-officio, DCA
Tanja Gilmore (WA), Ex-officio, DCA
Katherine Stocks (COSCA), Ex-officio

The Training, Education and Public Relations Committee is responsible for developing and enhancing educational resources and training materials for use by affected member states and stakeholders. In addition, the committee is responsible for enhancing public safety through awareness and consistent administration.

The committee continued its outreach efforts and training resources to support states in educating criminal justice professionals involved in Interstate Compact business, with some accomplishments highlighted below.

ICAOS Workshops

Once again, ICAOS was provided a platform at the American Probation and Parole Association (APPA) Winter and Annual Training Institutes. During the 2022 APPA Winter Training Institute in Atlanta, Georgia, the presentation focused on good transfer verification and documentation as well as the importance of communication. In August 2022, our in-person presentation “Successful Supervision Through Interstate Compact” highlighted eligibility criteria, the transfer process and how to successfully apply the compact rules and tools. Special thanks to DCA Suzanne Brooks (OH) and Training Coordinator Mindy Spring for their work and support during these presentations.

The Commission also had the pleasure to present at the Association of Paroling Authorities International (APAI) Annual Training Conference in May 2022 and to the National Association of Extradition Officials (NAEO) in June 2022. Commission members can find all of the resources and presentations of all the trainings on the [ICAOS Support site](#).

National Website Updates:

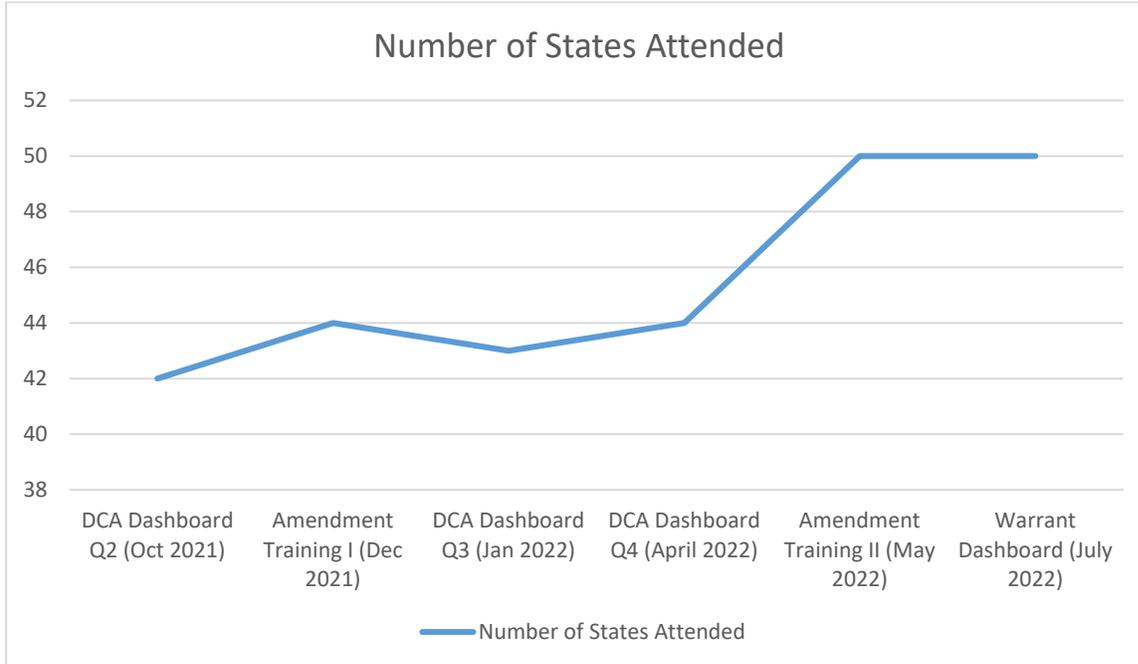
- All ICAOS Rule modules were re-formatted with a new modern software prior to 2022 amendments going into effect. The ICOTS Privacy Policy was also updated after policy changes were approved in April. This year, learners from forty-seven states have taken advantage of the online trainings to compliment state's training efforts on the rules and ICOTS.
- The [eligibility worksheet](#) was converted as an online form to aid clients and clients' family with determining eligibility for transfer of supervision.
- Navigating the Compact and frequently asked questions will be updated later this year to improve accessibility of information and will include a section to aid client and clients' family with determining eligibility for transfer of supervision.

National Compact Staff training

Training Coordinator Mindy Spring delivered several compact staff trainings throughout the year covering the following updates and new ICOTS features:

- DCA Dashboard Q2 (Oct 2021): Retaking Management and clean-up of the 'Awaiting Retaking Report'
- Amendment Training I (Dec 2021): Review of the Rules Amendments and ICOTS Enhancements passed at the 2021 ABM.
- DCA Dashboard Q3 (Jan 2022): Junk offender and rejected cases dashboards for data clean-up.
- DCA Dashboard Q4 (April 2022): User administration dashboard training, introduced new 'hard bounce' tool available to ICOTS administrators, ICOTS privacy policy changes and FY23 compliance audit preparations.
- Amendment Training II (May 2022): 2022 Approved ICOTS enhancements for warrant status, discretionary retaking activity, offender management restrictions launched into ICOTS June 1st. Session also included presentation of the new 'tolled cases' dashboard.
- New Warrant Dashboard (July 2022): Report training and ABM discussion preparation (decriminalization, state's use of tolling feature, victim impact, FY22 Rejection Assessment)

The chart below showcases the increased support from the members of the Commission:



Identified goals for 2023

1. Expand our outreach to stakeholders and other organizations to increase education on the mission of the compact.
2. Increase training opportunities and resources for our stakeholders

I want to thank our committee members for their increased collaboration and ongoing support this year. We asked for further involvement and we received great support, feedback, and partnership from all of you. We also appreciate the support from the staff at the national office, without all of your extra hands we would not have met all the goals this year. Thank you for all you do to support our mission.

If you have a desire to help build on our training, education, and outreach, please consider joining us next year and share our resources! Thank you to all Commission members for your attention and continuous support to the efforts of the Training, Education, and Public Relations Committee.

Respectfully submitted,

Joselyn López

Joselyn López
Chair, Training, Education & Public Relations Committee
Commissioner, State of Wisconsin



RULES COMMITTEE REPORT

To: Commissioners of the Interstate Commission for Adult Offender Supervision

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

Rules Committee Members

Mary Kay Hudson (IN), Chair, Commissioner	Robert Maccarone (NY), Commissioner
Dori Littler (AZ), Vice-chair, Commissioner	Christian Stephens (PA), Commissioner
Amber Schubert (AR), Commissioner	Timothy Strickland (FL), ex-officio, DCA
Chris Moore (GA), Commissioner	Tracy Hudrlik (MN), Ex-officio, DCA
Susan Gagnon (ME), Commissioner	Margaret Thompson (PA), Ex-officio, DCA
Amy Vorachek (ND), Commissioner	Patricia Odell (WY), Ex-officio, DCA
	Thomas Travis, Legal Counsel

Mission

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

Goals

- Review rule amendment proposals and make recommendations to the proposing entity to adopt, revise, or withdraw, as appropriate.
- Review public comment on proposed rules.
- Present the proposed rule amendments for Commission's consideration at the 2023 Annual Business Meeting.
- Review prevailing issues to determine rule amendment needs.

Committee Actions

Following the 2021 Annual Business Meeting, the committee met on the following dates:

- February 17, 2022
- June 8, 2022

The Rules Committee adopted its 2022 goals, adding a fourth goal to "review prevailing issues to determine rule amendment needs." This reflects the Committees long standing practice of accepting requests to review current rules for clarity and intent.

The Committee also adopted the [FY 2022-2023 ICAOS Rule Committees Calendar](#).

At the request of Commissioner Godfrey (MN), the committee reviewed Rule 2.110 to clarify its intent regarding a state's obligation to issue a compact compliant warrant. To aid in its discussion, the committee requested a legal opinion from ICAOS General Counsel Travis regarding what event in the transfer process triggers the requirements for a state to issue compact compliant warrants. The committee will discuss the general counsel's analysis at its November meeting.

The committee established a workgroup to examine issues related to differences in tolling practices among state and provide recommendations regarding ICOTS, training, or rule revisions. Commissioner D. Littler (AZ) serves as chair. Commissioner R. Maccarone (NY), Commissioner A. Vorachek (ND), Commissioner C. Stephens (PA), and DCA T. Strickland (FL) volunteered to serve on the workgroup. The workgroup is scheduled convene next after the annual business meeting.

Respectfully Submitted,

Mary Kay Hudson

Mary Kay Hudson
Rules Committee Chair
Commissioner, Indiana



INFORMATION TECHNOLOGY COMMITTEE REPORT

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: Chris Moore, Chair, Information Technology Committee Chair and Commissioner,
State of Georgia

Information Technology Committee Members

Chris Moore (GA), chair, Commissioner
Sally Kreamer (IA), Commissioner
Steve Turner (KY), Commissioner
Dan Blanchard (UT), Commissioner
Mac Pevey (WA), Commissioner

Joselyn López (WI), Commissioner
Natalie Latulippe (CT), Ex-Officio
Matthew Billinger (KS), Ex-officio
Alyssa Miller (ND), Ex-Officio

The Information Technology Committee conducted four meetings since last year's Annual Business Meeting. The following are highlights of the Information Technology Committee's fiscal year 2022 activities:

ICOTS FY 2022 Enhancements

Two major and one minor enhancements were launched during FY 2022. The first major enhancement package addressed Warrant Status tracking in ICOTS, including a special status for warrants, email notifications, and external data export fields. The second major enhancement tracks discretionary retaking, including a new compact activity, email notifications, and external data export fields. The minor enhancement added a number of small improvements to the management of duplicate records.

ICOTS FY 2023 Enhancements

The committee received 16 proposed enhancement requests from regions and standing committees. Three were incorporated into the user interface redesign and three were not recommended for inclusion in ICOTS. The committee reviewed all 16 and posted the ten recommended enhancements for Commission comment in May 2022.

Appriss notified ICAOS of their decision to not renew the ICOTS contract at the beginning of June 2022. All proposed enhancements and updates to ICOTS are currently tabled until ICOTS has a new hosting and development provider.

ICOTS Redesign

The ICAOS National Office began discussions with Appriss in October 2021 to redesign the ICOTS user interface. Priorities for the redesign were established, and draft user interface changes were documented.

The national office conducted an ICOTS user survey to gather feedback on the most important ICOTS changes. The survey was distributed to 3,494 users, with 968 completed responses, yielding a 27.7% response rate. The survey results will be used to inform any future changes to the system's design.

Notice of Appriss' intent not to renew the ICOTS contract put the redesign efforts on hold. All work and feedback for redesigning the ICOTS user interface will be used in future endeavors with a new hosting and development partner.

ICAOS Dashboards

Several new dashboards were built or updated during FY 2022 to assist the commission in business processes and self-auditing. Those dashboards include:

- Progress Report Activity Details (Incoming & Outgoing)
- Transfer Decisions (Incoming & Outgoing)
- Transfer Decisions Summary
- CAR Details (Incoming & Outgoing) – added comment fields
- Tolling Cases (Incoming & Outgoing)
- Warrant Status Details (Incoming & Outgoing)

ICOTS Migration

After learning that Appriss would not renew the ICOTS agreement, the National Office hired SEARCH to help create an RFP for migrating ICOTS to a new hosting environment and providing ongoing infrastructure maintenance. On August 1, 2022, the RFP was distributed to prospective vendors. A vendor will be selected by this fall with the project set to begin shortly after.

ICOTS Privacy Policy Update

To assist in enforcement and clarification of the ICOTS Privacy Policy, several changes were recommended and approved by the Executive Committee on April 5, 2022. The changes clarify language, remove fees, and condense data sharing sections. More importantly, timeframes for handling data entry errors are now included in the policy to ensure compliance.

The following are identified goals and challenges for FY 2023:

- Provide guidance on the migration and new hosting environment for ICOTS

- Continue to explore options to expand and enhance data sharing opportunities with federal and local criminal justice agencies.
- Continue to pursue value enhancing data export of ICOTS information with state agencies.

Thank you for your attention and continued support of the Commission's technology projects.

Respectfully submitted,

Chris Moore

Chris Moore
Chair, Information Technology Committee
Commissioner, State of Georgia



ICAOS GENERAL COUNSEL REPORT

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: Thomas Travis, ICAOS General Counsel

The general counsel assists the Commission in rule-making processes and by providing legal guidance on issues arising under the compact, its bylaws, or administrative rules. Counsel advocates for consistent application and compliance with Commission requirements, including the coordination and active participation in enforcement litigation.

Legal Issues Addressed in the Past Year

- The Commission received a request for a dispute resolution in a matter involving Minnesota and Arizona. The matter involved a client seeking a transfer under Rule 3.103, which was denied by Arizona.

Counsel advised the Executive Committee that the sending state determines whether a client is eligible for transfer under Rule 3.103. Once eligibility has been determined, the receiving state is obligated to issue reporting instructions. As a result, the client was properly considered to be living in Arizona at the time of his initial sentencing under Rule 3.103, and Arizona should have issued reporting instructions to Minnesota. The transfer request however may still be subsequently denied by the receiving state if requirements for transfer are not met.

- The Commission responded to a letter sent on behalf of an individual by the Rocky Mountain Victim Law Center alleging that two member states failed to fully comply with ICAOS Rules. The Center was informed that the Compact did not create private rights of action but that, after a thorough review, the Commission found no significant violations by either state.
- Minnesota sought an advisory opinion for an issue related to warrant requirements under Rule 2.110. The matter was subsequently deferred to the Rules Committee where it continues to be discussed.

Compliance Issues

The Commission took action in a complaint filed by the State of Washington against the Commonwealth of Kentucky for failing to issue a nationwide warrant. In response, Kentucky issued its warrant and addressed the concerns presented by Washington. The Compliance Committee did not seek enforcement action, but instead requested a written response from Kentucky outlining its efforts to address future similar issues, which was accepted by the Compliance Committee.

Litigation Matters

No litigation matters came before the Commission since the last annual business meeting.

Respectfully Submitted,

Tom Travis

Tom Travis General Counsel
Interstate Commission for Adult Client Supervision



EX-OFFICIO VICTIM REPRESENTATIVE REPORT

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: John W. Gillis, Ex-Officio, National Organization for Victim Assistance (NOVA)

One of the most frequent complaints from crime victims is “the criminal justice system is insensitive to victim issues and not responsive to victim complaints.” These complaints are not just directed towards First Responders, but it is a resounding echo throughout the entire criminal justice system, including parole and probation. With each passing year, ICAOS has continued its efforts to be more innovative, and sensitive to crime victim issues by continuing to work closely with victim organizations through its executive committee ex-officio member representing the National Organization for Victim Assistance (NOVA). During an executive committee meeting, in late 2020, the ex-officio member stated victims had no established method to direct problems to ICAOS. Based on the information provided, the Board approved the establishment of a national email address to be used by crime victims encountering ICAOS case problems.

With the collaboration between ICAOS and NOVA Executive Directors, an email address was established, and fully operational, at the beginning of 2021. Crime victims can now contact the ICAOS National Office and state their problem. If the problem is strictly ICAOS related, it is addressed by the ICAOS National Office. If the problem is strictly victim assistance/service, it is handled by NOVA staff. In either case the victim is contacted within two business days after contacting ICAOS. In most cases the problems have been resolved through the joint efforts of NOVA and ICAOS. The program has been extremely successful during 2021, and we expect to serve more victims during 2022.

Here are excerpts from cases handled by ICAOS and NOVA. Information that could identify the victim, including the states involved, has been omitted:

1. My brother was murdered [REDACTED]. He was paroled to [REDACTED] from [REDACTED] and had since moved to [REDACTED]. I find this upsetting as none of my family were notified of this move. He had threatened my family and family friends while he was incarcerated. He is still a threat to all of us. I would like to know what my rights are in this situation.

2. Hello, I am writing you because I am a domestic violence survivor. My current husband is incarcerated [REDACTED] in the county jail awaiting transport to DOC, and I am concerned that my ex-husband who is incredibly manipulative and calculating is about to be incarcerated with him, which will put him in serious danger. My children and I came to [REDACTED] to escape my ex-husband and his harassment, but now my husband is not safe I feel. We are wanting to request an Interstate Compact, but I am wanting to make sure we understand the process correctly, especially right now with the pandemic. If someone could please reach out to me, I would greatly appreciate it!
3. Good morning, I received notification thru the VINE network in [REDACTED] that the above named subject was being transferred "out of state". After calling no less than 15 different numbers, I was able to find out he was transferred to [REDACTED].
4. I have called several numbers and still cannot find out where in [REDACTED] he is or why he has been transferred. In 2007 [REDACTED] raped, murdered and sodomized my little sister. After panicking, he tried to dump her body on an island in the middle of [REDACTED]. I just want to know where he is and why he is there. My mother, younger brother, and 3 remaining sisters want to know also. Please help, thank you.

Respectfully submitted,

John W. Gillis

John W. Gillis
National Organization for Victim Assistance
(NOVA), Ex-Officio



EAST REGION REPORT

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: Dale Crook, Chair, East Region and Commissioner, State of Vermont

As the East Region Chair, I am immensely proud to represent this region. The East Region is actively engaged in the Commission's operations with our commissioners and deputy compact administrators (DCA) involved in all committees. Including the last Annual Business Meeting, the East Region met on three occasions and had productive and informational meetings.

Every year, we have to say goodbye to some friends and welcome new commissioners and DCAs to the Commission. The outgoing members are Commissioner Terra Taylor (DE), DCA Natalie Latulippe (CT), DCA Margaret Thompson (PA), and DCA Parole James Carswell (NY).

The new members are Commissioner Heidi Collier (DE), DCA Alexandra Modica (CT), DCA Matthew Reed (PA), and DCA Parole Robert Fall (NY).

The East Region states continue to stand strong and collaborate with each other to guide transfers in a manner that promotes effective supervision strategies consistent with public safety, offender accountability, and victim rights. I am thankful to all East Region DCAs who are the backbone of our effective operations.

East Region Mission

Serve as a liaison between the Commission and states within a defined geographic area, provide assistance, share best practices, recommend rule changes, and report to the Executive Committee.

East Region Goals

1. Develop a list of known best practices, emerging trends, and training opportunities.
2. Engage discussions on aligning compact practices with principles of reentry and justice reinvestment.

East Region Meetings

- September 22, 2021
- January 31, 2022
- August 17, 2022

Agenda items and topics of discussion at the meetings included:

- Region Chair Election
- Rule and ICOTS enhancement proposals for Commission’s consideration at the 2021 Annual Business Meeting
 - Bylaws Article 2, Section 2
 - Rule 1.101 Definition of Resident
 - Rule 5.108 – Probable cause hearing in receiving state
 - Warrant rule proposal package
 - ICOTS Enhancement to create warrant tracking process
 - Warrant Status Tracking
 - New Discretionary retaking activity
- States’ COVID-19 update
- FY 2023 Dues Assessment changes based on 2020 census and offender numbers
- FY 2023 ICOTS Enhancements Process Dates
- ICOTS enhancement proposals:
 - “ER_2023_XX_CARNoReplyOption to create option to select “No Reply Necessary” on CARs proposed by Pennsylvania
 - ER_2023_XX_NewRVR Option, to create new violation response option of “Deficient, in Need of Revision” proposed by Pennsylvania
- Annual dues assessment recommendation
- Rule proposal deadline for FY23

Respectfully submitted,

Dale Crook

Dale Crook
Chair, East Region
Commissioner, State of Vermont



MIDWEST REGION REPORT

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: Sally Kreamer, Midwest Region Chair and Commissioner, State of Iowa

The Midwest Region continues to be well represented within all committees in the Commission. Since the last business meeting, no new commissioners or deputy compact administrators (DCA) were appointed.

Midwest Region Mission

Serve as a liaison between the Commission and states within a defined geographic area. Provide assistance, share best practices, recommend rule changes, and report to the Executive Committee.

Midwest Region Goals

1. Develop a list of known best practices, emerging trends, and training opportunities.
2. Engage discussions on aligning compact practices with principles of reentry and justice reinvestment.

Midwest Region Meetings

The Midwest Region commissioners and DCAs met five times including the Annual Business Meeting (ABM).

At its **September 22, 2021**, meeting, the region reviewed rule and ICOTS enhancement proposals for Commission's consideration at the 2021 Annual Business Meeting including the warrant proposal package. States expressed concern with ability to comply, including COVID related reductions in courts' efficiency. Afterward, region members provided COVID-19 update for their state. The majority of states experienced problems with rising offender transportation cost.

The region reviewed FY 2023 dues assessment changes based on 2020 census and offender numbers. Lastly, the region elected a new region chair – Commissioner Sally Kreamer (IA).

At its **November 15, 2021**, meeting, Nebraska asked for clarification on Advisory Opinion 1-2019 which indicates states should reopen compact cases when an offender has been apprehended in the receiving state after being reported as an absconder. The region concluded the meeting by sharing best practices and solution to offset climbing retaking cost.

The region met again on **February 23, 2022**. The region analyzed and forwarded new ICOTS enhancement proposals proposed by the State of Minnesota to the Technology Committee for consideration. The member states continued their discussion about high inflation for extradition costs. At the conclusion, the region reviewed the FY 2022 rejection assessment report, the FY 2023 data integrity audit, 2022 ICOTS enhancement proposals comment period, 2023 rule amendment deadline and the DCA Midwest Region report provided by DCA M. Billinger (KS).

Treasurer G. Roberge (CT) attended **August 23, 2022**, meeting, where he presented the Executive Committee recommendation to increase annual dues by 5.25% for the next five fiscal years and by 3% thereafter. The region was in support of the proposal.

Respectfully submitted,

Sally Kreamer

Sally Kreamer
Chair, Midwest Region
Commissioner, State of Iowa



SOUTH REGION REPORT

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: Julie Kempker, Chair, South Region and Commissioner, State of Missouri

The South Region had one new commissioner and four new DCAs appointed since the last business meeting – Commissioner Christopher Hill (TN), DCA Darla Hood (LA), DCA Alison Woodruff (MO), DCA Cynthia Stout (TX), and DCA Jocelyn Angton (TX).

The South Region continues to be well represented within all committees in the Commission.

South Region Mission

Serve as a liaison between the Commission and states within a defined geographic area, provide assistance, share best practices, recommend rule changes, and report to the Executive Committee.

South Region Goals

1. Develop a list of known best practices, emerging trends, and training opportunities.
2. Engage discussions on aligning compact practices with principles of reentry and justice reinvestment.

South Region Meetings

The South Region commissioners and deputy compact administrators (DCAs) met four times including a meeting at the last Annual Business Meeting (ABM).

At its **September 23, 2021**, meeting, the region reviewed the rule and ICOTS enhancement proposals for Commission's consideration at the 2021 Annual Business Meeting. The region had a lively discussion on the Warrant Proposal Package to expand the timeframe for issuing compact compliant warrants to a standard 15-business days. Concerns were discussed on states' ability to meet proposed warrant timeframes and the challenges states face, particularly on the probation side. The region also examined changes to the annual dues assessment resulted from the latest census results.

The meeting concluded with state updates on their COVID-19 status and associated challenges and the election of new region chair - Commissioner Julie Kempker (MO).

At its **January 25, 2022**, meeting, the region reviewed the FY 2023 ICOTS Enhancements process dates and states provided their COVID update, challenges, and solutions. The executive director provided the national office update to the region.

At its **April 19, 2022**, meeting, the region discussed FY 2022 rejection assessment findings. States found the report helpful to compare their state assessment results to the national assessment results and discussed incorporating the assessment's best practices and tools in their in-state trainings.

In addition, the region discussed upcoming FY 2023 data integrity audit that was adopted by the executive committee to ensure the ICOTS data extracts contain valid, dependable, and timely information for Commission's internal and external partners. The region reviewed revised and retired ICAOS administrative policies as well as the upcoming annual business meeting information and the 2022 ICOTS enhancement proposals comment period.

The region met again on **July 28, 2022**. The region disused the executive committee's recommendation to increase the annual dues by a standard 5.25% for five years starting in FY2024. In FY2029, the standard annual increase reduces to 3%. The region was in support of the increase.

The region analyzed proposals to amend Rule 5.101-2 and Rules 4.104-1 proposed by the State of Florida. Based on the discussion, Florida will revise the proposals and present the final drafts at the next meeting.

In conclusion, I would like to thank all South Region commissioners and DCAs who continue to work together to uphold the purposes of the Compact.

Respectfully submitted,

Julie Kempker

Julie Kempker
Chair, South Region
Commissioner, State of Missouri



WEST REGION REPORT

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: Mac Pevey, West Region Chair and Commissioner, State of Washington

The West Region continued to work hard and collaboratively during the COVID-19 pandemic to achieve the mission of the Interstate Commission for Adult Offender Supervision (ICAOS). While many of the Interstate Compact offices turned to telework during the challenging times of the pandemic to preserve the health safety of their staff, some states have started to transition back to normal in-person operations. Compact staff continued to work hard in providing effective tracking, transferring and supervision. The West Region Commissioners and the Deputy Compact Administrators (DCAs) continued having robust conversations regarding the business of the Compact while ensuring we provide effective supervision to clients amongst the states.

The West Region Commissioners and DCAs continue to contribute and provide meaningful feedback in most of the standing ICAOS committees. As the West Region Chair, I am presenting this report regarding the region's work and activities since the 2021 Virtual Annual Business Meeting (ABM).

West Region Mission

Serve as a liaison between the Commission and states within a defined geographic area. Provide assistance, share best practices, recommend rule changes, and report to the Executive Committee.

West Region Goals

1. Develop a list of known best practices, emerging trends, and training opportunities.
2. Engage discussions on aligning compact practices with principles of reentry and justice reinvestment.

West Region Meetings

- November 30, 2021
- January 25, 2022
- April 19, 2022
- June 21, 2022
- August 16, 2022

Agenda items and topics of discussion at the meetings included:

- Compliance audit

- Revised and retired ICAOS Administrative Policies
- Revised ICOTS Privacy Policy
- ICOTS Enhancements
- Working with tribes and best practices
- Annual dues assessment and discussion

The West Region had one new commissioner appointed since the last annual business meeting, Taryn Link (AK).

During this upcoming year, the West Region will continue in our efforts and commitment to work towards maintaining compliance with the Compact, but to also bring new ideas to the table to advance our practices to enhance reentry, prevent further harm to victims, and promote public safety.

Respectfully submitted,

Mac B. Pevey

Mac B. Pevey
Chair, West Region
Commissioner, State of Washington

INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS

PREAMBLE

- Whereas: The interstate compact for the supervision of Parolees and Probationers was established in 1937, it is the earliest corrections “compact” established among the states and has not been amended since its adoption over 62 years ago;

- Whereas: This compact is the only vehicle for the controlled movement of adult parolees and probationers across state lines, and it currently has jurisdiction over more than a quarter of a million offenders;

- Whereas: The complexities of the compact have become more difficult to administer, and many jurisdictions have expanded supervision expectations to include currently unregulated practices such as victim input, victim notification requirements and sex offender registration;

- Whereas: After hearings, national surveys, and a detailed study by a task force appointed by the National Institute of Corrections, the overwhelming recommendation has been to amend the document to bring about an effective management capacity that addresses public safety concerns and offender accountability;

- Whereas: Upon the adoption of this Interstate Compact for Adult Offender Supervision, it is the intention of the legislature to repeal the previous Interstate Compact for the Supervision of Parolees and Probationers on the effective date of this Compact.

Be it enacted by the General Assembly (Legislature) of the state of _____:

Short title: This Act may be cited as The Interstate Compact for Adult Offender Supervision.

ARTICLE I

PURPOSE

The compacting states to this Interstate Compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the Bylaws and Rules of this compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdictions. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime. It is the purpose of this compact and the Interstate Commission created hereunder, through means of joint and cooperative action among the compacting states: to provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community; to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and to equitably distribute the costs, benefits and obligations of the compact among the compacting states. In addition, this compact will: create a Interstate Commission which will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies which will promulgate rules to achieve the purpose of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators; monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct non-compliance; and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.

The compacting states recognize that there is no “right” of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of this compact and Bylaws and Rules promulgated hereunder. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and are therefore public business.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

- **“Adult”** means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.
- **“By –laws”** mean those by-laws established by the Interstate Commission for its governance, or for directing or controlling the Interstate Commission’s actions or conduct.
- **“Compact Administrator”** means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state’s supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.
- **“Compacting state”** means any state which has enacted the enabling legislation for this compact.
- **“Commissioner”** means the voting representative of each compacting state appointed pursuant to Article III of this compact.
- **“Interstate Commission”** means the Interstate Commission for Adult Offender Supervision established by this compact.
- **“Member”** means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner.

- **“Non Compacting state”** means any state which has not enacted the enabling legislation for this compact.
- **“Offender”** means an adult placed under, or 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.
- **“Person”** means any individual, corporation, business enterprise, or other legal entity, either public or private.
- **“Rules”** means acts of the Interstate Commission, duly promulgated pursuant to Article VIII of this compact, substantially affecting interested parties in addition to the Interstate Commission, which shall have the force and effect of law in the compacting states.
- **“State”** means a state of the United States, the District of Columbia and any other territorial possessions of the United States.
- **“State Council”** means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article III of this compact.

ARTICLE III

THE COMPACT COMMISSION

The compacting states hereby create the “Interstate Commission for Adult Offender Supervision.” The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

The Interstate Commission shall consist of Commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state.

In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of

interested organizations; such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (nonvoting) members. The Interstate Commission may provide in its by-laws for such additional, ex-officio, non-voting members as it deems necessary.

Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission.

The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of 27 or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

The Interstate Commission shall establish an Executive Committee which shall include commission officers, members and others as shall be determined by the By-laws. The Executive Committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact. The Executive Committee oversees the day-to-day activities managed by the Executive Director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and as directed by the Interstate Commission and performs other duties as directed by Commission or set forth in the By-laws.

ARTICLE IV

THE STATE COUNCIL

Each member state shall create a State Council for Interstate Adult Offender Supervision which shall be responsible for the appointment of the commissioner who shall serve on the Interstate Commission from that state. Each state council shall appoint as its commissioner the Compact Administrator from that state to serve on the Interstate Commission in such capacity under or

pursuant to applicable law of the member state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups and compact administrators. Each compacting state retains the right to determine the qualifications of the Compact Administrator who shall be appointed by the state council or by the Governor in consultation with the Legislature and the Judiciary. In addition to appointment of its commissioner to the National Interstate Commission, each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state including but not limited to, development of policy concerning operations and procedures of the compact within that state.

ARTICLE V

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

- To adopt a seal and suitable by-laws governing the management and operation of the Interstate Commission
- To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.
- To oversee, supervise and coordinate the interstate movement of offenders subject to the terms of this compact and any by-laws adopted and rules promulgated by the compact commission.
- To enforce compliance with compact provisions, Interstate Commission rules, and by-laws, using all necessary and proper means, including but not limited to, the use of judicial process.
- To establish and maintain offices.
- To purchase and maintain insurance and bonds
- To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs.

- To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.
- To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel.
- To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same.
- To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.
- To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.
- To establish a budget and make expenditures and levy dues as provided in Article X of this compact.
- To sue and be sued.
- To provide for dispute resolution among Compacting States.
- To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.
- To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.
- To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity.
- To establish uniform standards for the reporting, collecting, and exchanging of data.

ARTICLE VI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Section A. By-laws

The Interstate Commission shall, by a majority of the Members, within twelve months of the first Interstate Commission meeting, adopt By-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact, including, but not limited to:

establishing the fiscal year of the Interstate Commission;

establishing an executive committee and such other committees as may be necessary.

providing reasonable standards and procedures:

(i) for the establishment of committees, and

(ii) governing any general or specific delegation of any authority or function of the Interstate Commission;

providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

establishing the titles and responsibilities of the officers of the Interstate Commission;

providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Interstate Commission. Notwithstanding any civil service or other similar laws of any Compacting State, the By-laws shall exclusively govern the personnel policies and programs of the Interstate Commission; and

providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations;

providing transition rules for "start up" administration of the compact;

establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Section B. Officers and Staff

The Interstate Commission shall, by a majority of the Members, elect from among its Members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the By-laws. The chairperson or, in his or her absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission. The Officers so elected shall serve without compensation or remuneration from the Interstate Commission; PROVIDED THAT, subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, and hire and supervise such other staff as may be authorized by the Interstate Commission, but shall not be a member.

Section C. Corporate Records of the Interstate Commission

The Interstate Commission shall maintain its corporate books and records in accordance with the By-laws.

Section D. Qualified Immunity, Defense and Indemnification

The Members, officers, executive director and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities; PROVIDED, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person.

The Interstate Commission shall defend the Commissioner of a Compacting State, or his or her representatives or employees, or the Interstate Commission's representatives or employees, in any civil action seeking to impose liability, arising out of any actual or alleged act, error or

omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities; PROVIDED, that the actual or alleged act, error or omission did not result from intentional wrongdoing on the part of such person.

The Interstate Commission shall indemnify and hold the Commissioner of a Compacting State, the appointed designee or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgement obtained against such persons arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided, that the actual or alleged act, error or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

ARTICLE VII

ACTIVITIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall meet and take such actions as are consistent with the provisions of this Compact.

Except as otherwise provided in this Compact and unless a greater percentage is required by the By-laws, in order to constitute an act of the Interstate Commission, such act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present.

Each Member of the Interstate Commission shall have the right and power to cast a vote to which that Compacting State is entitled and to participate in the business and affairs of the Interstate Commission. A Member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the

member state at a specified meeting. The By-laws may provide for Members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person.

The Interstate Commission shall meet at least once during each calendar year. The chairperson of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the Members, shall call additional meetings.

The Interstate Commission's By-laws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such Rules, the Interstate Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission shall promulgate Rules consistent with the principles contained in the "Government in Sunshine Act," 5 U.S.C. Section 552(b), as may be amended. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

- relate solely to the Interstate Commission's internal personnel practices and procedures;
- disclose matters specifically exempted from disclosure by statute;
- disclosure trade secrets or commercial or financial information which is privileged or confidential;
- involve accusing any person of a crime, or formally censuring any person;

- disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- disclose investigatory records compiled for law enforcement purposes;
- disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated entity for the purpose of regulation or supervision of such entity;
- disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity;
- specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or proceeding.

For every meeting closed pursuant to this provision, the Interstate Commission's chief legal officer shall publicly certify that, in his or her opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflected in the vote of each Member on the question). All documents considered in connection with any action shall be identified in such minutes.

The Interstate Commission shall collect standardized data concerning the interstate movement of offenders as directed through its By-laws and Rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements.

ARTICLE VIII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

The Interstate Commission shall promulgate Rules in order to effectively and efficiently achieve the purposes of the Compact including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states;

Rulemaking shall occur pursuant to the criteria set forth in this Article and the By-laws and Rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 U.S.C.S. section 551 et seq., and the Federal Advisory Committee Act, 5 U.S.C.S. app. 2, section 1 et seq., as may be amended (hereinafter "APA"). All Rules and amendments shall become binding as of the date specified in each Rule or amendment.

If a majority of the legislatures of the Compacting States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such Rule shall have no further force and effect in any Compacting State.

When promulgating a Rule, the Interstate Commission shall:

- publish the proposed Rule stating with particularity the text of the Rule which is proposed and the reason for the proposed Rule;
- allow persons to submit written data, facts, opinions and arguments, which information shall be publicly available;
- provide an opportunity for an informal hearing; and
- promulgate a final Rule and its effective date, if appropriate, based on the rulemaking record.

Not later than sixty days after a Rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such Rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence, (as defined in the APA), in the rulemaking record, the court shall hold the Rule unlawful and set it aside.

Subjects to be addressed within 12 months after the first meeting must at a minimum include:

- notice to victims and opportunity to be heard;
- offender registration and compliance;
- violations/returns;
- transfer procedures and forms;
- eligibility for transfer;
- collection of restitution and fees from offenders;

- data collection and reporting;
- the level of supervision to be provided by the receiving state;
- transition rules governing the operation of the compact and the Interstate Commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact;
- Mediation, arbitration and dispute resolution.

The existing rules governing the operation of the previous compact superceded by this Act shall be null and void twelve (12) months after the first meeting of the Interstate Commission created hereunder.

Upon determination by the Interstate Commission that an emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule.

ARTICLE IX
OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE
COMMISSION

Section A. Oversight

The Interstate Commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in Non-compacting States which may significantly affect Compacting States.

The courts and executive agencies in each Compacting State shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. In any judicial or administrative proceeding in a Compacting State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

Section B. Dispute Resolution

The Compacting States shall report to the Interstate Commission on issues or activities of concern to them, and cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities.

The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the Compact and which may arise among Compacting States and Non-compacting States.

The Interstate Commission shall enact a By-law or promulgate a Rule providing for both mediation and binding dispute resolution for disputes among the Compacting States.

Section C. Enforcement

The Interstate Commission, in the reasonable exercise of its' discretion, shall enforce the provisions of this compact using any or all means set forth in Article XII, Section B, of this compact.

ARTICLE X

FINANCE

The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

The Interstate Commission shall levy on and collect an annual assessment from each Compacting State to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each Compacting State and shall promulgate a Rule binding upon all Compacting States which governs said assessment.

The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its By-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XI

COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

Any state, as defined in Article II of this compact, is eligible to become a Compacting State.

The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than 35 of the States. The initial effective date shall be the later of July 1, 2001, or upon enactment into law by the 35th jurisdiction. Thereafter it shall become effective and binding, as to any other Compacting State, upon enactment of the Compact into law by that State. The governors of Non-member states or their designees will be invited to participate in Interstate Commission activities on a non-voting basis prior to adoption of the compact by all states and territories of the United States.

Amendments to the Compact may be proposed by the Interstate Commission for enactment by the Compacting States. No amendment shall become effective and binding upon the Interstate Commission and the Compacting States unless and until it is enacted into law by unanimous consent of the Compacting States.

ARTICLE XII

WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

Section A. Withdrawal

Once effective, the Compact shall continue in force and remain binding upon each and every Compacting State; PROVIDED, that a Compacting State may withdraw from the Compact ("Withdrawing State") by enacting a statute specifically repealing the statute which enacted the Compact into law.

The effective date of withdrawal is the effective date of the repeal.

The Withdrawing State shall immediately notify the Chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this Compact in the Withdrawing State.

The Interstate Commission shall notify the other Compacting States of the Withdrawing State's intent to withdraw within sixty days of its receipt thereof.

The Withdrawing State is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

Reinstatement following withdrawal of any Compacting State shall occur upon the Withdrawing State reenacting the Compact or upon such later date as determined by the Interstate Commission

Section B. Default

If the Interstate Commission determines that any Compacting State has at any time defaulted ("Defaulting State") in the performance of any of its obligations or responsibilities under this Compact, the By-laws or any duly promulgated Rules the Interstate Commission may impose any or all of the following penalties:

Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;

Remedial training and technical assistance as directed by the Interstate Commission;

Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the By-laws and Rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the

Governor, the Chief Justice or Chief Judicial Officer of the state; the majority and minority leaders of the defaulting state's legislature, and the State Council.

The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission By-laws, or duly promulgated Rules. The Interstate Commission shall immediately notify the Defaulting State in writing of the penalty imposed by the Interstate Commission on the Defaulting State pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the Defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Compacting States and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension. Within sixty days of the effective date of termination of a Defaulting State, the Interstate Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer and the Majority and Minority Leaders of the Defaulting State's legislature and the state council of such termination.

The Defaulting State is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

The Interstate Commission shall not bear any costs relating to the Defaulting State unless otherwise mutually agreed upon between the Interstate Commission and the Defaulting State.

Reinstatement following termination of any Compacting State requires both a reenactment of the Compact by the Defaulting State and the approval of the Interstate Commission pursuant to the Rules.

Section C. Judicial Enforcement

The Interstate Commission may, by majority vote of the Members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its offices to enforce

compliance with the provisions of the Compact, its duly promulgated Rules and By-laws, against any Compacting State in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees.

Section D. Dissolution of Compact

The Compact dissolves effective upon the date of the withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State.

Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the By-laws.

ARTICLE XIII

SEVERABILITY AND CONSTRUCTION

The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

The provisions of this Compact shall be liberally constructed to effectuate its purposes.

ARTICLE XIV

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other Laws

Nothing herein prevents the enforcement of any other law of a Compacting State that is not inconsistent with this Compact.

All Compacting States' laws conflicting with this Compact are superseded to the extent of the conflict.

Section B. Binding Effect of the Compact

All lawful actions of the Interstate Commission, including all Rules and By-laws promulgated by the Interstate Commission, are binding upon the Compacting States.

All agreements between the Interstate Commission and the Compacting States are binding in accordance with their terms.

Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the Compacting States, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any Compacting State, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the Compacting State and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective.



Interstate Commission for Adult Offender Supervision

Ensuring Public Safety for the 21st Century

Interstate Commission for Adult Offender Supervision

Bylaws

Effective
September 29, 2021



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BYLAWS

ARTICLE I

COMMISSION PURPOSE, FUNCTION AND BY-LAWS

Section 1. Purpose.

Pursuant to the terms of the Interstate Compact for Adult Offender Supervision, (the "Compact"), the Interstate Commission for Adult Offender Supervision (the "Commission") is established to fulfill the objectives of the Compact, through means of joint cooperative action among the Compacting States: to promote, develop and facilitate safe, orderly, efficient, cost effective and uniform transfer and supervision of adult offenders in the community who are authorized pursuant to the bylaws and rules of this Compact to travel across state lines both to and from each compacting state, and, when necessary, return offenders to the originating jurisdictions.

Section 2. Functions.

In pursuit of the fundamental objectives set forth in the Compact, the Commission shall, as necessary or required, exercise all of the powers and fulfill all of the duties delegated to it by the Compacting States. The Commission's activities shall include, but are not limited to, the following: the promulgation of binding rules and operating procedures; oversight and coordination of offender transfer and supervision activities in Compacting States; provision of a framework for the promotion of public safety and protection of victims; provision for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; equitable distribution of the costs, benefits and obligations of the Compact among the Compacting States; enforcement of Commission Rules, Operating Procedures and By-laws; provision for dispute resolution; coordination of training and education regarding the regulation of interstate movement of offenders for officials involved in such activity; and the collection and dissemination of information concerning the activities of the Compact, as provided by the Compact, or as determined by the Commission to be warranted by, and consistent with, the objectives and provisions of the Compact.

Section 3. By-laws.

As required by the Compact, these By-laws shall govern the management and operations of the Commission. As adopted and subsequently amended, these By-laws shall remain at all times subject to, and limited by, the terms of the Compact.

BYLAWS

ARTICLE II

MEMBERSHIP

Section 1. Commissioners

The Commission Membership shall be comprised as provided by the Compact. Each Compacting State shall have and be limited to one Member. A Member shall be the Commissioner of the Compacting State. Each Compacting State shall forward the name of its Commissioner to the Commission chairperson. The Commission chairperson shall promptly advise the Governor and State Council for Interstate Adult Supervision of the Compacting State of the need to appoint a new Commissioner upon the expiration of a designated term or the occurrence of mid-term vacancies.

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 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. In addition, representatives of the National Institute of Corrections, the American Probation and Parole Association, 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, the National Association for Public Defense, National District Attorneys Association and the International Association of Chief of Police may be ex-officio members of the Commission.

BYLAWS
ARTICLE III
OFFICERS

Section 1. Election and Succession.

The officers of the Commission shall include a chairperson, vice chairperson, secretary and treasurer. The officers shall be duly appointed Commission Members, except that if the Commission appoints an Executive Director, then the Executive Director shall serve as the secretary. Officers shall be elected every two years by the Commission at any meeting at which a quorum is present, and shall serve for two years or until their successors are elected by the Commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Compact.

Section 2. Duties.

The officers shall perform all duties of their respective offices as provided by the Compact and these By-laws. Such duties shall include, but are not limited to, the following:

- a. *Chairperson.* The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee shall prepare agendas for such meetings, shall make appointments to all committees of the Commission, and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings.
- b. *Vice Chairperson.* The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting chairperson until a new chairperson is elected by the Commission.
- c. *Secretary.* The secretary shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and the business of the Commission.
- d. *Treasurer.* The treasurer, with the assistance of the Commission's executive director, shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive director and any other officers, Commission Members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.

Section 3. Costs and Expense Reimbursement.

Subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by the officers in the performance of their duties and responsibilities as officers of the Commission.

Section 4. Vacancies.

Upon the resignation, removal, or death of an officer of the Commission before the next annual meeting of the Commission, a majority of the Executive Committee shall appoint a successor to hold office for the unexpired portion of the term of the officer whose position shall so become vacant or until the next regular or special meeting of the Commission at which the vacancy is filled by majority vote of the Commission, whichever first occurs.

BYLAWS

ARTICLE IV

COMMISSION PERSONNEL

Section 1. Commission Staff and Offices.

The Commission may by a majority of its Members, or through its executive committee appoint or retain an executive director, who shall serve at its pleasure and who shall act as secretary to the Commission, but shall not be a Member of the Commission. The executive director shall hire and supervise such other staff as may be authorized by the Commission. The executive director shall establish and manage the Commission's office or offices, which shall be located in one or more of the Compacting States as determined by the Commission.

Section 2. Duties of the Executive Director.

As the Commission's principal administrator, the executive director shall also perform such other duties as may be delegated by the Commission or required by the Compact and these By-laws, including, but not limited to, the following:

- a. Recommend general policies and program initiatives for the Commission's consideration;
- b. Recommend for the Commission's consideration administrative personnel policies governing the recruitment, hiring, management, compensation and dismissal of Commission staff;
- c. Implement and monitor administration of all policies programs, and initiatives adopted by Commission;
- d. Prepare draft annual budgets for the Commission's consideration;
- e. Monitor all Commission expenditures for compliance with approved budgets, and maintain accurate records of account;
- f. Assist Commission Members as directed in securing required assessments from the Compacting States;
- g. Execute contracts on behalf of the Commission as directed;
- h. Receive service of process on behalf of the Commission;
- i. Prepare and disseminate all required reports and notices directed by the Commission; and
- j. Otherwise assist the Commission's officers in the performance of their duties under Article III herein.

BYLAWS

ARTICLE V

QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

Section 1. Immunity.

The Commission, its Members, officers, executive director, and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability, or both, for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

Section 2. Defense

Subject to the provisions of the Compact and rules promulgated thereunder, the Commission shall defend the Commissioner of a Compacting State, the Commissioner's representatives or employees, or the Commission, and its representatives or employees in any civil action seeking to impose liability against such person arising out of or relating to any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

Section 3. Indemnification.

The Commission shall indemnify and hold the Commissioner of a Compacting State, his or her representatives or employees, or the Commission, and its representatives or employees harmless in the amount of any settlement or judgment obtained against such person arising out of or relating to any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

BYLAWS

ARTICLE VI

MEETINGS OF THE COMMISSION

Section 1. Meetings and Notice.

The Commission shall meet at least once each calendar year at a time and place to be determined by the Commission. Additional meetings may be scheduled at the discretion of the chairperson, and must be called upon the request of a majority of Commission Members, as provided by the Compact. All Commission Members shall be given written notice of Commission meetings at least thirty (30) days prior to their scheduled dates. Final agendas shall be provided to all Commission Members no later than ten (10) days prior to any meeting of the Commission. Thereafter, additional agenda items requiring Commission action may not be added to the final agenda, except by an affirmative vote of a majority of the Members. All Commission meetings shall be open to the public, except as set forth in Commission Rules or as otherwise provided by the Compact. Prior public notice shall be provided in a manner consistent with the federal Government in Sunshine Act, 5 U.S.C. § 552b, including, but not limited to, the following: publication of notice of the meeting at least ten (10) days prior to the meeting in a nationally distributed newspaper or an official newsletter regularly published by or on behalf of the Commission and distribution to interested parties who have requested in writing to receive such notices. A meeting may be closed to the public where the Commission determines by two-thirds (2/3rds) vote of its Members that there exists at least one of the conditions for closing a meeting, as provided by the Compact or Commission Rules.

Section 2. Quorum.

Commission Members representing a majority of the Compacting States shall constitute a quorum for the transaction of business, except as otherwise required in these By-laws. The participation of a Commission Member from a Compacting State in a meeting is sufficient to constitute the presence of that state for purposes of determining the existence of a quorum, provided the Member present is entitled to vote on behalf of the Compacting State represented. The presence of a quorum must be established before any vote of the Commission can be taken.

Section 3. Voting.

Each Compacting State represented at any meeting of the Commission by its Member is entitled to one vote. A Member shall vote himself or herself and shall not delegate his or her vote to another Member. Members may participate and vote in meetings of the Commission and its duly authorized committees by telephone or other means of telecommunication or electronic communication. Except as otherwise required by the Compact or these By-laws, any question submitted to a vote of the Commission shall be determined by a simple majority.

Section 4. Procedure.

Matters of parliamentary procedure not covered by these By-laws shall be governed by Robert's Rules of Order.

BYLAWS

ARTICLE VII

COMMITTEES

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-chairpersons 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 and the Chair of the DCA Liaison Committee shall also serve as ex-officio, non-voting, members of the executive committee and the ex-officio victims' representative, immediate past chairperson, and Chair of the DCA Liaison Committee 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 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 3. Ad hoc Committees.

The Commission may establish ad hoc committees to perform special purposes or functions. Upon creation of an ad hoc committee, the chairperson of the Commission shall issue a charge to the committee, describing the committee's duties and responsibilities. The charge shall specify the date by which the ad hoc committee shall complete its business and shall specify the means by which the ad hoc committee shall report its activities to the Commission.

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.

BYLAWS
ARTICLE VIII
FINANCE

Section 1. Fiscal Year.

The Commission's fiscal year shall begin on July 1 and end on June 30.

Section 2. Budget.

The Commission shall operate on an annual budget cycle and shall, in any given year, adopt budgets for the following fiscal year or years only after notice and comment as provided by the Compact.

Section 3. Accounting and Audit.

The Commission, with the assistance of the executive director, shall keep accurate and timely accounts of its internal receipts and disbursements of the Commission funds, other than receivership assets. The treasurer, through the executive director, shall cause the Commission's financial accounts and reports, including the Commission's system of internal controls and procedures, to be audited annually by an independent certified or licensed public accountant, as required by the Compact, upon the determination of the Commission, but no less frequently than once each year. The report of such independent audit shall be made available to the public and shall be included in and become part of the annual report to the governors, legislatures, and judiciary of the Compacting States. The Commission's internal accounts, any workpapers related to any internal audit, and any workpapers related to the independent audit shall be confidential; provided, that such materials shall be made available: (i) in compliance with the order of any court of competent jurisdiction; (ii) pursuant to such reasonable rules as the Commission shall promulgate; and (iii) to any Commissioner of a Compacting State, or their duly authorized representatives.

Section 4. Public Participation in Meetings.

Upon prior written request to the Commission, any person who desires to present a statement on a matter that is on the agenda shall be afforded an opportunity to present an oral statement to the Commission at an open meeting. The chairperson may, depending on the circumstances, afford any person who desires to present a statement on a matter that is on the agenda an opportunity to be heard absent a prior written request to the Commission. The chairperson may limit the time and manner of any such statements at any open meeting.

Section 5. Debt Limitations.

The Commission shall monitor its own and its committees' affairs for compliance with all provisions of the Compact, its rules and these By-laws governing the incurring of debt and the pledging of credit.

Section 6. Travel Reimbursements.

Subject to the availability of budgeted funds and unless otherwise provided by the Commission, Commission Members shall be reimbursed for any actual and necessary expenses incurred pursuant to their attendance at all duly convened meetings of the Commission or its committees as provided by

the Compact.

BYLAWS

ARTICLE IX

WITHDRAWAL, DEFAULT, AND TERMINATION

Compacting States may withdraw from the Compact only as provided by the Compact. The Commission may terminate a Compacting State as provided by the Compact.

BYLAWS

ARTICLE X

ADOPTION AND AMENDMENT OF BY-LAWS

Any By-law may be adopted, amended or repealed by a majority vote of the Members, provided that written notice and the full text of the proposed action is provided to all Commission Members at least thirty (30) days prior to the meeting at which the action is to be considered. Failing the required notice, a two-third (2/3rds) majority vote of the Members shall be required for such action.

BYLAWS

ARTICLE XI

DISSOLUTION OF THE COMPACT

The Compact shall dissolve effective upon the date of the withdrawal or the termination by default of a Compacting State that reduces membership in the Compact to one Compacting State as provided by the Compact.

Upon dissolution of the Compact, the Compact becomes null and void and shall be of no further force and effect, and the business and affairs of the Commission shall be wound up. Each Compacting State in good standing at the time of the Compact's dissolution shall receive a pro rata distribution of surplus funds based upon a ratio, the numerator of which shall be the amount of its last paid annual assessment, and the denominator of which shall be the sum of the last paid annual assessments of all Compacting States in good standing at the time of the Compact's dissolution. A Compacting State is in good standing if it has paid its assessments timely.

History: Adopted/effective November 20, 2002; amended/effective November 3, 2003; amended/effective October 27, 2004; amended /effective September 13, 2005; amended/effective October 4, 2006; amended September 14, 2011, effective March 1, 2012; amended October 7, 2015, effective March 1, 2016; amended/effective October 3, 2018; amended/effective October 9, 2019; amended September 29, 2021; effective April 1, 2022



Interstate Commission for Adult Offender Supervision

Ensuring Public Safety for the 21st Century

ICAOS Rules

General information

Effective Date:
April 1, 2022



INTRODUCTION

ICAOS RULES

The Interstate Commission for Adult Offender Supervision is charged with overseeing the day-to-day operations of the Interstate Compact for Adult Offender Supervision, a formal agreement between member states that seeks to promote public safety by systematically controlling the interstate movement of certain adult offenders. As a creature of an interstate compact, the Commission is a quasi-governmental administrative body vested by the states with broad regulatory authority. Additionally, the Interstate Compact for Adult Offender Supervision has congressional consent under Article I, § 10 of the United States Constitution and pursuant to Title 4, Section 112(a) of the United States Code.

Through its rulemaking powers, the Commission seeks to achieve the goals of the compact by creating a regulatory system applicable to the interstate movement of adult offenders, provide an opportunity for input and timely notice to victims of crime and to the jurisdictions where offenders are authorized to travel or to relocate, establish a system of uniform data collection, provide access to information on active cases to authorized criminal justice officials, and coordinate regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators. The Commission is also empowered to monitor compliance with the interstate compact and its duly promulgated rules, and where warranted to initiate interventions to address and correct noncompliance. The Commission will coordinate training and education regarding regulations of interstate movement of offenders for state officials involved in such activity.

These rules are promulgated by the Interstate Commission for Adult Offender Supervision pursuant to Article V and Article VIII of the Interstate Compact for Adult Offender Supervision. The rules are intended to effectuate the purposes of the compact and assist the member states in complying with their obligations by creating a uniform system applicable to all cases and persons subject to the terms and conditions of the compact. Under Article V, Rules promulgated by the Commission—“shall have the force and effect of statutory law and shall be binding in the compacting states[.]” All state officials and state courts are required to effectuate the terms of the compact and ensure compliance with these rules. To the extent that state statutes, rules or policies conflict with the terms of the compact or rules duly promulgated by the Commission, such statutes, rules or policies are superseded by these rules to the extent of any conflict.

To further assist state officials in implementing the Compact and complying with its terms and these rules, the Commission has issued a number of advisory opinions. Additionally, informal opinions can be obtained from the Commission as warranted. Advisory opinions, contact information and other important information, can be found on the Commission’s website at <https://www.interstatecompact.org>.

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Each rule references and links to appropriate Definitions, Advisory Opinions, Rule History, and Justifications where applicable. Justifications for rule amendments are available for [2009](#), [2010](#), [2011](#), [2013](#), [2015](#), [2016](#), [2017](#), [2019](#), [2020](#). ***Disclaimer:*** *The information contained in the justification statements is only for the limited purpose of explaining the purpose of a rule or proposed rule. It is not intended as an expression of interpretation, support or opposition to a proposed rule and, while believed to be accurate, is provided for informational purposes only.*

CHAPTER 1: DEFINITIONS

RULE 1.101

As used in these rules, unless the context clearly requires a different construction-

Abscond - means to be absent from the offender's approved place of residence and employment; and failing to comply with reporting requirements.

Adult - means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.

Application Fee - means a reasonable sum of money charged an interstate compact offender by the sending state for each application for transfer prepared by the sending state

Arrival - means to report to the location and officials designated in reporting instructions given to an offender at the time of the offender's departure from a sending state under an interstate compact transfer of supervision.

Behavior Requiring Retaking - means an act or pattern of non-compliance with conditions of supervision that could not be successfully addressed through the use of documented corrective action or graduated responses and would result in a request for revocation of supervision in the receiving state.

By-Laws - means those by-laws established by the Interstate Commission for Adult Offender Supervision for its governance, or for directing or controlling the Interstate Commission's actions or conduct.

Compact - means the Interstate Compact for Adult Offender Supervision.

Compact Administrator - means the individual in each compacting state appointed under the terms of this compact and responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission for Adult Offender Supervision, and policies adopted by the State Council under this compact.

Compact Commissioner or "Commissioner" - means the voting representative of each compacting state appointed under the terms of the Interstate Compact for Adult Offender Supervision as adopted in the member state.

Compliance - means that an offender is abiding by all terms and conditions of supervision, including payment of restitution, family support, fines, court costs or other financial obligations imposed by the sending state.

Deferred Sentence - means a sentence the imposition of which is postponed pending the successful completion by the offender of the terms and conditions of supervision ordered by the court.

Detainer - means an order to hold an offender in custody.

Discharge - means the final completion of the sentence that was imposed on an offender by the sending state.

Extradition - means the return of a fugitive to a state in which the offender is accused, or has been convicted of, committing a criminal offense, by order of the governor of the state to which the fugitive

has fled to evade justice or escape prosecution.

References:

ICAOS Advisory Opinion

[3-2012](#) [When an offender's supervision was never transferred to a receiving state under the Compact and no application for transfer or waiver of extradition ever occurred, neither the Compact nor the ICAOS rules apply to this offender who, as a 'fugitive from justice' having absconded from probation in California, must be apprehended and returned under the extradition clause of the U.S. Constitution.]

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 required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

Reference:

ICAOS Advisory Opinion

[9-2004](#) [CSL offenders seeking transfer of supervision are subject to ICAOS-New Jersey]

Plan of Supervision - means the terms under which an offender will be supervised, including proposed residence, proposed employment or viable means of support and the terms and conditions of supervision.

Probable Cause Hearing - a hearing in compliance with the decisions of the U.S. Supreme Court, conducted on behalf of an offender accused of violating the terms or conditions of the offender's parole or probation.

Receiving State - means a state to which an offender requests transfer of supervision or is transferred.

Relocate - means to remain in another state for more than 45 consecutive days in any 12 month period.

Reference:

ICAOS Advisory Opinion

[4-2012](#) ['Relocate' does not appear to limit the cumulative number of days within which an offender may be permitted to remain in another state to a total of 45 cumulative days during the same 12 month period.]

Reporting Instructions - means the orders given to an offender by a sending or receiving state directing the offender to report to a designated person or place, at a specified date and time, in another state. Reporting instructions shall include place, date, and time on which the offender is directed to report in the receiving state.

Resident - means a person who

1. has resided in a state for at least 1 year continuously and immediately prior to either the supervision start date or sentence date for the original offense for which transfer is being requested; and
2. intends that such state shall be the person's principal place of residence; and
3. has not, unless incarcerated or on active military orders, remained in another state or states for a continuous period of 6 months or more with the intent to establish a new principal place of residence.

Resident Family - means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who

1. has resided in the receiving state for 180 calendar days or longer as of the date of the transfer request; and
2. indicates willingness and ability to assist the offender as specified in the plan of supervision.

Retaking - means the act of a sending state in physically removing an offender, or causing to have an offender removed, from a receiving state.

Rules - means acts of the Interstate Commission, which have the force and effect of law in the compacting states, and are promulgated under the Interstate Compact for Adult Offender Supervision, and substantially affect interested parties in addition to the Interstate Commission.

Sending State - means a state requesting the transfer of an offender, or which transfers supervision of an offender, under the terms of the Compact and its rules.

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 in the sending 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.

Shall - means that a state or other actor is required to perform an act, the nonperformance of which may result in the imposition of sanctions as permitted by the Interstate Compact for Adult Offender Supervision, its by-laws and rules.

Subsequent Receiving State - means a state to which an offender is transferred that is not the sending state or the original receiving state.

Substantial Compliance - means that an offender is sufficiently in compliance with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending state.

Reference:

ICAOS Advisory Opinion

[7-2004](#) [determining "substantial compliance" when there are pending charges in a receiving state]

Supervision - means the oversight exercised by authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which time the offender is required to report to or be monitored by supervising authorities, and to comply with regulations and conditions, other than monetary conditions, imposed on the offender at the time of the offender's release to the community or during the period of supervision in the community.

References:

ICAOS Advisory Opinions

[9-2004](#) [CSL offenders released to the community under the jurisdiction of the Courts]

[3-2010](#) & [4-2010](#) [Offenders not subject to supervision by corrections may be subject to ICAOS if reporting to the courts is required.]

Supervision Fee - means a fee collected by the receiving state for the supervision of an offender.

Travel Permit - means the written permission granted to an offender authorizing the offender to travel from one state to another.

Victim - means a natural person or the family of a natural person who has incurred direct or threatened physical or psychological harm as a result of an act or omission of an offender.

Violent Crime - means any crime involving the unlawful exertion of physical force with the intent to cause injury or physical harm to a person; or an offense in which a person has incurred direct or threatened physical or psychological harm as defined by the criminal code of the state in which the crime occurred; or the use of a deadly weapon in the commission of a crime; or any sex offense requiring registration.

Waiver - means the voluntary relinquishment, in writing, of a known constitutional right or other right, claim or privilege by an offender.

Warrant - means a written order of the court or authorities of a sending or receiving state or other body of competent jurisdiction which is made on behalf of the state, or United States, issued pursuant to statute and/or rule and which commands law enforcement to arrest an offender. The warrant shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius with no bond amount set.

History:

Adopted November 3, 2003, effective August 1, 2004; "Compliance" amended October 26, 2004, effective January 1, 2005; "Resident" amended October 26, 2004, effective January 1, 2005; "Resident family" amended October 26, 2004, effective January 1, 2005; "Substantial compliance" adopted October 26, 2004, effective January 1, 2005; "Supervision" amended October 26, 2004, effective January 1, 2005; "Travel permit" amended September 13, 2005, effective January 1, 2006; "Victim" amended September 13, 2005, effective January 1, 2006; "Relocate" adopted September 13, 2005, effective January 1, 2006; "Compact" adopted September 13, 2005, effective January 1, 2006; "Resident" amended September 13, 2005, effective January 1, 2006; "Relocate" amended October 4, 2006, effective January 1, 2007; "Sex offender" adopted September 26, 2007, effective January 1, 2008; "[Supervision](#)" amended November 4, 2009, effective March 1, 2010; "[Warrant](#)" adopted October 13, 2010, effective March 1, 2011; "[Violent Crime](#)" adopted October 13, 2010, effective March 1, 2011; "[Violent Offender](#)" adopted October 13, 2010, effective March 1, 2011; "[Resident](#)" amended September 14, 2011, effective March 1, 2012 "[Violent Offender](#)" amended September 14, 2011, effective

March 1, 2012; ["Abscond"](#) amended August 28, 2013, effective March 1, 2014; ["Resident Family"](#) amended August 28, 2013, effective March 1, 2014; ["Temporary Travel Permit"](#) amended August 28, 2013, effective March 1, 2014; ["Warrant"](#) amended August 28, 2013, effective March 1, 2014; ["Violent Offender"](#) repealed August 28, 2013, effective March 1, 2014; ["Behavior Requiring Retaking"](#) adopted September 14, 2016, effective June 1, 2017; ["Significant Violation"](#) repealed September 14, 2016, effective June 1, 2017; ["Special Condition"](#) repealed September 14, 2016, effective June 1, 2017; ["Abscond"](#) amended October 9, 2019, effective April 1, 2020; ["Sex offender"](#) amended October 9, 2019, effective April 1, 2020; ["Temporary travel permit"](#) repealed October 9, 2019, effective April 1, 2020; ["Victim sensitive"](#) repealed October 9, 2019, effective April 1, 2020; ["Resident"](#) amended September 29, 2021, effective April 1, 2022

CHAPTER 2: GENERAL PROVISIONS

Rules governing the general provisions of the Interstate Commission for Adult Offender Supervision

RULE 2.101

INVOLVEMENT OF INTERSTATE COMPACT OFFICES

(a) Acceptance, rejection or termination of supervision of an offender under this compact shall be made only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies.

(b) All formal written, electronic, and oral communication regarding an offender under this compact shall be made only through the office of a state's compact administrator or the compact administrator's designated deputies.

(c) Transfer, modification or termination of supervision authority for an offender under this compact may be authorized only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies.

(d) Violation reports or other notices regarding offenders under this compact shall be transmitted only through direct communication of the compact offices of the sending and receiving states.

History: Adopted November 3, 2003, effective August 1, 2004.

RULE 2.102

DATA COLLECTION AND REPORTING [EXPIRED; SEE HISTORY]

(a) As required by the compact, and as specified by the operational procedures and forms approved by the commission, the states shall gather, maintain and report data regarding the transfer and supervision of offenders supervised under this compact.

(b)

1. Each state shall report to the commission each month the total number of offenders supervised under the compact in that state.
2. Each state shall report to the commission each month the numbers of offenders transferred to and received from other states in the previous month.
3. Reports required under Rule 2.102 (b)(1) and (2) shall be received by the commission no later than the 15th day of each month.

(c) This Rule will not expire until the Electronic Information System approved by the commission is fully implemented and functional.

[Expired; See history]

History: Adopted November 3, 2003, effective August 1, 2004; amended September 14, 2005, effective December 31, 2005. On November 4, 2009, the commission found that the electronic information system in (c) is fully implemented and functional, and ordered that this rule expire, effective December 31, 2009.

RULE 2.103
DUES FORMULA

(a) The commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 calendar days prior to the Commission meeting at which the proposed revision will be considered.

(b) The commission shall consider the population of the states and the volume of offender transfers between states in determining and adjusting the assessment formula.

(c) The approved formula and resulting assessments for all member states shall be distributed by the commission to each member state annually.

(d)

1. The dues formula is the—
(Population of the state **divided by** Population of the United States) **plus** (Number of offenders sent from and received by a state **divided by** Total number of offenders sent from and received by all states) divided by 2.
2. The resulting ratios derived from the dues formula in Rule 2.103 (d)(1) shall be used to rank the member states and to determine the appropriate level of dues to be paid by each state under a tiered dues structure approved and adjusted by the Commission at its discretion.

History: Adopted November 3, 2003, effective August 1, 2004; [amended August 28, 2013](#), effective March 1, 2014.

RULE 2.104

FORMS

(a) States shall use the forms or electronic information system authorized by the commission.

(b) Section (a) shall not be construed to prohibit written, electronic or oral communication between compact offices.

History: Adopted November 3, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; [amended November 4, 2009](#), effective March 1, 2010; [amended October 11, 2017](#), effective March 1, 2018.

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 one 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 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.

References:

ICAOS Advisory Opinions

[4-2005](#) [Misdemeanant offender not meeting criteria of 2.105 may be transferred under Rule 3.101-2, discretionary transfer]

[7-2006](#) [There are no exceptions to applicability of (a)(3) based on either the time period between the 1st and subsequent offense(s) or the jurisdiction in which the convictions occurred]

[16-2006](#) [If the law of the sending state recognizes the use of an automobile as an element in an assault offense and the offender is so adjudicated, Rule 2.105 (a)(1) applies]

[2-2008](#) [Based upon the provisions of the ICAOS rules, offenders not subject to ICAOS may, depending on the terms and conditions of their sentences, be free to move across state lines without prior approval from the receiving state and neither judges nor probation officers are prohibited by ICAOS from allowing such offenders to travel from Texas to another state]

[1-2011](#) [All violations involving the use or possession of a firearm, including hunting, are subject to Compact transfer.]

History: Adopted November 3, 2003, effective August 1, 2004; amended March 12, 2004; amended October 26, 2004, effective January 1, 2005; [amended October 7, 2015](#), effective March 1, 2016.

RULE 2.106

OFFENDERS SUBJECT TO DEFERRED SENTENCES

Offenders subject to deferred sentences are eligible for transfer of supervision under the same eligibility requirements, terms, and conditions applicable to all other offenders under this compact. Persons subject to supervision pursuant to a pre-trial release program, bail, or similar program are not eligible for transfer under the terms and conditions of this compact.

References:

ICAOS Advisory Opinions

[4-2004](#) [Determining eligibility should be based on legal actions of a court rather than legal definitions]

[6-2005](#) [Deferred prosecution may be equivalent to deferred sentence if a finding or plea of guilt has been entered and all that is left is for the Court to impose sentence]

History: Adopted November 3, 2003, effective August 1, 2004; amended March 12, 2004; amended October 26, 2004, effective January 1, 2005; [amended November 4, 2009](#), effective March 1, 2010.

RULE 2.107

OFFENDERS ON FURLOUGH, WORK RELEASE

A person who is released from incarceration under furlough, work-release, or other preparole program is not eligible for transfer under the compact.

History: Adopted November 3, 2003, effective August 1, 2004.

RULE 2.108

OFFENDERS WITH DISABILITIES

A receiving state shall continue to supervise offenders who become mentally ill or exhibit signs of mental illness or who develop a physical disability while supervised in the receiving state.

History: Adopted November 3, 2003, effective August 1, 2004.

RULE 2.109

ADOPTION OF RULES; AMENDMENT

Proposed new rules or amendments to the rules shall be adopted by majority vote of the members of the Interstate Commission in the following manner.

(a) Proposed new rules and amendments to existing rules shall be submitted to the Interstate Commission office for referral to the Rules Committee in the following manner:

1. Any Commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual Commission meeting. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
2. Standing ICAOS Committees may propose rules or rule amendments by a majority vote of that committee.
3. ICAOS Regions may propose rules or rule amendments by a majority vote of members of that region.

(b) The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Commissioners for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the Commission's website upon receipt. Based on the comments made by the Commissioners the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission not later than the next annual meeting falling in an odd-numbered year.

(c) Prior to the Commission voting on any proposed rule or amendment, the text of the proposed rule or amendment shall be published by the Rules Committee not later than 30 calendar days prior to the meeting at which vote on the rule is scheduled, on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.

(d) Each proposed rule or amendment shall state—

1. The place, time, and date of the scheduled public hearing;
2. The manner in which interested persons may submit notice to the Interstate Commission of their intention to attend the public hearing and any written comments; and
3. The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

(e) Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Interstate Commission from making a transcript or recording of the public hearing if it so chooses.

(f) Nothing in this section shall be construed as requiring a separate public hearing on each rule. Rules may be grouped for the convenience of the Interstate Commission at public hearings required by this section.

(g) Following the scheduled public hearing date, the Interstate Commission shall consider all written and oral comments received.

(h) The Interstate Commission shall, by majority vote of the commissioners, take final action on the proposed rule or amendment by a vote of yes/no. The Commission shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(i) Not later than 60 calendar days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States District Court of the District of Columbia or in the federal district court where the Interstate Commission's principal office is located. If the court finds that the Interstate Commission's action is not supported by substantial evidence, as defined in the federal Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside. In the event that a petition for judicial review of a rule is filed against the Interstate Commission by a state, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(j) Upon determination that an emergency exists, the Interstate Commission may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 calendar days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to—

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of federal or state funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect human health and the environment.

(k) The Chair of the Rules Committee may direct revisions to a rule or amendment adopted by the Commission, for purposes of correcting typographical errors, errors in format or grammatical errors. Public notice of any revisions shall be posted on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. For a period of 30 calendar days after posting, the revision is subject to challenge by any commissioner. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Executive Director of the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without approval of the commission.

History: Adopted November 3, 2003, effective August 1, 2004; amended September 13, 2005, effective September 13, 2005; amended October 4, 2006, effective October 4, 2006; amended September 26, 2007, effective January 1, 2008; [amended August 28, 2013](#), effective March 1, 2014.

RULE 2.110

TRANSFER OF OFFENDERS UNDER THIS COMPACT

(a) No state shall permit an offender who is eligible for transfer under this compact to relocate to another state except as provided by the Compact and these rules.

(b) An offender who is not eligible for transfer under this Compact is not subject to these rules and remains subject to the laws and regulations of the state responsible for the offender's supervision.

(c) Upon violation of section (a), the sending state shall direct the offender to return to the sending state within 15 business days of receiving such notice. If the offender does not return to the sending state as ordered, the sending state shall issue a warrant that is effective in all compact member states, without limitation as to specific geographic area, no later than 15 business days following the offender's failure to appear in the sending state.

References:

ICAOS Advisory Opinions

[9-2006](#) [States which allow eligible offenders to travel to a receiving state pending investigations are in violation of Rule 2.110 and Rule 3.102. In such circumstances the receiving state may properly reject the request for transfer]

[2-2008](#) [The provisions of Rule 2.110 (a) limit the applicability of the ICAOS rules regarding transfer of supervision to eligible offenders who 'relocate' to another state]

[3-2012](#) [When an offender's supervision was never transferred to a receiving state under the Compact and no application for transfer or waiver of extradition ever occurred, neither the Compact nor the ICAOS rules apply to this offender who, as a 'fugitive from justice' having absconded from probation in California, must be apprehended and returned under the extradition clause of the U.S. Constitution.]

[4-2012](#) ['Relocate' does not appear to limit the cumulative number of days within which an offender may be permitted to remain in another state to a total of 45 cumulative days during the same 12 month period.]

History: Adopted November 3, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; [amended November 4, 2009](#), effective March 1, 2010; [amended August 28, 2013](#), effective March 1, 2014; [amended September 29, 2021](#), effective April 1 2022.

RULE 2.111

EMERGENCY SUSPENSION OF ENFORCEMENT

(a) Upon a declaration of a national emergency by the President of the United States and/or the declaration of emergency by one or more Governors of the compact member states in response to a crisis, the Commission may, by majority vote, authorize the Executive Committee to temporarily suspend enforcement of Commission rules or parts thereof, but shall not suspend enforcement of any Compact powers and duties specified in the statute. Such suspension shall be justified based upon:

1. The degree of disruption of procedures or timeframes regulating the movement of offenders under the applicable provisions of the Compact, which is the basis for the suspension;
2. The degree of benefit (or detriment) of such suspension to the offender and/or public safety; and
3. The anticipated duration of the emergency.

(b) The length of any suspension shall be subject to the length of the national/state declaration(s) of emergency, or preemptively concluded by majority vote of the Executive Committee, whichever occurs sooner.

(c) States shall still maintain all of their duties under the Compact, unless instructed otherwise.

History: [Adopted April 21, 2020](#), effective April 21, 2020.

CHAPTER 3: TRANSFER OF SUPERVISION

Rules governing transfer of supervision under the compact of the Interstate Commission for Adult Offender Supervision

RULE 3.101

MANDATORY TRANSFER OF SUPERVISION

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, if the offender:

- (a) has more than 90 calendar days or an indefinite period of supervision remaining at the time the sending state transmits the transfer request; and
- (b) has a valid plan of supervision; and
- (c) is in substantial compliance with the terms of supervision in the sending state; and
- (d) is a resident of the receiving state; or
- (e)
 - 1. has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and
 - 2. can obtain employment in the receiving state or has means of support.

References:

ICAOS Advisory Opinions

[7-2004](#) [While a sending state controls the decision of whether or not to transfer an offender under the Compact, the receiving state has no discretion as to whether or not to accept the case as long as the offender satisfies the criteria provided in this rule]

[9-2004](#) [Upon proper application and documentation for verification of mandatory criteria of Rule 3.101, CSL offenders are subject to supervision under the Compact]

[4-2005](#) [Are offenders who are not eligible to transfer under the provisions of Rule 3.101 (a) or Rule 2.105 of the Rules of the Interstate Compact for Adult Offender Supervision permitted to transfer under Rule 3.101 (c) as a discretionary transfer?]

[8-2005](#) [The sending state determines if an offender is in substantial compliance. If a sending state has taken no action on outstanding warrants or pending charges the offender is considered to be in substantial compliance]

[5-2006](#) [Time allowed for investigation by receiving state, Rule 4.101 - Manner and degree of supervision.]

[6-2006](#) [Clarification of 90 day period of supervision is determined.]

[13-2006](#) [An undocumented immigrant who meets the definition of "offender" and seeks transfer under the Compact is subject to its jurisdiction and would not be a per se disqualification as long as the immigrant establishes the prerequisites of Rule 3.101 have been satisfied]

[2-2007](#) [A receiving state is not authorized to deny a transfer of an offender based solely on the fact that the offender intends to reside in Section 8 housing]

[1-2010](#) [ICAOS member states may not refuse otherwise valid mandatory transfers of supervision under the compact on the basis that additional information, not required by Rule 3.107, has not been provided.]

History: Adopted November 3, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; [amended August 28, 2013](#), effective March 1, 2014.

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 is under orders in another state, shall be eligible for reporting instructions and transfer of supervision. A copy of the military orders shall be provided at the time of the request.
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 is under orders in 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. A copy of the military orders shall be provided at the time of the request.
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. Documentation from the current employer noting the requirements shall be provided at the time of the request.
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. Documentation from the current employer noting the requirements shall be provided at the time of the request.
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 or acceptance; 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 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](#).

History: Adopted September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; [amended November 4, 2009](#), effective March 1, 2010; [amended August 28, 2013](#), effective March 1, 2014; [amended October 7, 2015](#), effective March 1, 2016; [amended October 11, 2017](#), effective March 1, 2018; [amended October 9, 2019](#), effective April 1, 2020.

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.
- (b) The sending state 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.

References:

ICAOS Advisory Opinions

[4-2005](#) [Offenders not eligible for transfer under the provisions of Rule 2.105 and Rule 3.101 are eligible for transfer of supervision as a discretionary transfer]

[8-2006](#) [Special condition(s) imposed on discretionary cases may result in retaking if the offender fails to fulfill requirements of the condition(s)]

History: Adopted September 13, 2005, effective January 1, 2006; [amended October 7, 2015](#), 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](#), the sending state shall provide the following information, if available, to assist the receiving state in the investigation of the transfer request of a sex offender:

1. All assessment information, completed by the sending state;
2. Victim information if distribution is not prohibited by law
 - (A) the name, sex, age and relationship to the offender;
 - (B) the statement of the victim or victim’s representative;
3. the sending state’s current or recommended supervision and treatment plan.

(c) Additional documents necessary for supervision in the receiving state, such as a law enforcement report regarding the offender’s prior sex offense(s), sending state’s risk and needs score, or case plan may be requested from the sending state following acceptance of the offender. If available, the sending state shall provide the documents within 30 calendar days from the date of the request unless distribution is prohibited by law.

(d) A sending state shall provide the following for reporting instructions requests submitted pursuant to this section:

1. A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge was reduced at the time of imposition of sentence;
2. Conditions of supervision;
3. Any orders restricting the offender’s contact with victims or any other person; and
4. Victim information to include the name, sex, age and relationship to the offender, if available and if distribution is not prohibited by law.

(e) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state; except as provided in Rule 3.102 (c).

(f) *Reporting instructions for sex offenders living in the receiving state at the time of sentencing, transfers of military members, families of military members, employment transfer of the offender or family member, or veterans for medical or mental health services*—Rules [3.101-1](#) & [3.103](#) apply to the transfer of sex offenders, as defined by the compact, except:

The receiving state shall issue reporting instructions no later than 5 business days following the receipt

of such a request from the sending state unless similar sex offenders sentenced in the receiving state would not be permitted to live at the proposed residence

(g) Expedited reporting instructions for sex offenders - Rule 3.106 applies to the transfer of sex offenders, as defined by the compact; except, the receiving state shall provide a response to the sending state no later than 5 business days following receipt of such a request.

References:

ICAOS Advisory Opinions

[1-2008](#) [An investigation in such cases would be largely meaningless without the cooperation of the sending state in providing sufficient details concerning the sex offense in question and a refusal to provide such information so as to allow the receiving state to make a reasonable determination as to whether the proposed residence violates local policies or laws would appear to violate the intent of this rule]

History: Adopted September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008; [amended October 7, 2015](#), effective March 1, 2016; [amended October 9, 2019](#), effective April 1, 2020.

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 employment, treatment or medical appointment purposes may be permitted to continue to travel to the receiving state for 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, and
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.

References:

ICAOS Advisory Opinions

[9-2006](#) [States which allow eligible offenders to travel to a receiving state, without the receiving state's permission, are in violation of [Rule 2.110](#) and 3.102. In such circumstances, the receiving state can properly reject the request for transfer of such an offender]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; [amended November 4, 2009](#), effective March 1, 2010; [amended](#)

August 28, 2013, effective March 1, 2014; **amended October 7, 2015**, 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 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.
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](#).

References:

ICAOS Advisory Opinions

[3-2007](#) [If the investigation has not been completed, reporting instructions are required to be issued as provided in Rule 3.103(a). Upon completion of investigation, if the receiving state subsequently denies the transfer on the same basis or upon failure to satisfy any of the other requirements of Rule 3.101, the provisions of Rule 3.103(e)(1) and (2) clearly require the offender to return to the sending state or be retaken upon issuance of a warrant]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008; [amended August 28, 2013](#), effective March 1, 2014; [amended October 7, 2015](#), effective March 1, 2016.

RULE 3.104

TIME ALLOWED FOR INVESTIGATION BY RECEIVING STATE

(a) A receiving state shall complete investigation and respond to a sending state's request for an offender's transfer of supervision no later than the 45th calendar day following receipt of a completed transfer request in the receiving state's compact office.

(b) If a receiving state determines that an offender transfer request is incomplete, the receiving state shall notify the sending state by rejecting the transfer request with the specific reason(s) for the rejection. If the offender is in the receiving state with reporting instructions, those instructions shall remain in effect provided that the sending state submits a completed transfer request within 15 business days following the rejection.

(c) If a receiving state determines that an offender's plan of supervision is invalid, the receiving state shall notify the sending state by rejecting the transfer request with specific reason(s) for the rejection. If the receiving state determines there is an alternative plan of supervision for investigation, the receiving state shall notify the sending state at the time of rejection. If the offender is in the receiving state with reporting instructions, those instructions shall remain in effect provided that the sending state submits a completed transfer request with the new plan of supervision within 15 business days following the rejection.

References:

ICAOS Advisory Opinions

[5-2006](#) [45 calendar days is the maximum time the receiving state has under the rules to respond to a sending state's request for transfer]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005, effective June 1, 2009; [amended November 4, 2009](#), effective March 1, 2010; [amended August 28, 2013](#), effective March 1, 2014; [amended October 11, 2017](#), effective March 1, 2018.

RULE 3.104-1

ACCEPTANCE OF OFFENDER; ISSUANCE OF REPORTING INSTRUCTIONS

- (a) If a receiving state accepts transfer of the offender, the receiving state's acceptance shall include reporting instructions.
- (b) Upon notice of acceptance of transfer by the receiving state, the sending state shall issue a travel permit to the offender and notify the receiving state of the offender's departure as required under [Rule 4.105](#).
- (c) A receiving state shall assume responsibility for supervision of an offender upon the offender's arrival in the receiving state and shall submit notification of arrival as required under [Rule 4.105](#).
- (d) An acceptance by the receiving state shall be valid for 120 calendar days. If the sending state has not sent a Departure Notice to the receiving state in that time frame, the receiving state may withdraw its acceptance and close interest in the case.
- (e) A receiving state may withdraw its acceptance of the transfer request if the offender does not report to the receiving state by the 5th business day following transmission of notice of departure and shall provide immediate notice of such withdrawal to the sending state.

History: Adopted October 26, 2004, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; [amended November 4, 2009](#), effective March 1, 2010; [amended August 28, 2013](#), effective March 1, 2014.

RULE 3.105

PRE-RELEASE TRANSFER REQUEST

(a) A sending state may submit a completed request for transfer of supervision no earlier than 120 calendar days prior to an offender's planned release from a correctional facility.

(b) If a pre-release transfer request has been submitted, a sending state shall notify a receiving state:

1. if the planned release date changes; or
2. if recommendation for release of the offender has been withdrawn or denied.

(c) A receiving state may withdraw its acceptance of the transfer request if the offender does not report to the receiving state by the 5th business day following the offender's intended date of departure and shall provide immediate notice of such withdrawal to the sending state.

References:

ICAOS Advisory Opinions

[1-2009](#) [A sending state may request that a receiving state investigate a request to transfer supervision under the compact prior to the offender's release from incarceration when the offender is subject to a "split sentence" of jail or prison time and release to probation supervision.]

[2-2012](#) [Neither the acceptance of a request for transfer by a receiving state nor approval of reporting instructions can be the basis for either the determination of whether the sending state will release an offender from a correctional facility or the planned release date.]

History: Adopted November 4, 2003, effective August 1, 2004; [amended September 14, 2011](#), effective March 1, 2012; [amended August 28, 2013](#), effective March 1, 2014.

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](#).

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; [amended August 28, 2013](#), effective March 1, 2014; [amended October 7, 2015](#), effective March 1, 2016.

RULE 3.107
TRANSFER REQUEST

(a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain:

1. A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
2. photograph of offender;
3. conditions of supervision;
4. any orders restricting the offender's contact with victims or any other person;
5. any known orders protecting the offender from contact with any other person;
6. information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
7. pre-sentence investigation report, unless distribution is prohibited by law or it does not exist;
8. information as to whether the offender has a known gang affiliation, and the gang with which the offender is known to be affiliated;
9. supervision history, if the offender has been on supervision for more than 30 calendar days at the time the transfer request is submitted;
10. information relating to any court-ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made;
11. summary of prison discipline and mental health history during the last 2 years, if available, unless distribution is prohibited by law.

(b) A copy of the signed Offender Application for Interstate Compact Transfer shall be attached to the transfer request.

(c) Additional documents, necessary for supervision in the receiving state, such as the Judgment and Commitment, may be requested from the sending state following acceptance of the offender. If available, the sending state shall provide the documents within 30 calendar days from the date of the request unless distribution is prohibited by law.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005 (to be effective upon the implementation of electronic system; date to be determined by Executive Committee), effective October 6, 2008; amended September 26, 2007, effective January 1, 2008; [amended November 4, 2009](#), effective March 1, 2010; [amended October 13, 2010](#), effective March 1, 2011; [amended September 14, 2011](#), effective March 1, 2012; [amended August 28, 2013](#), effective March 1, 2014; [amended October 11, 2017](#), effective March 1, 2018; [amended October 9, 2019](#), effective April 1, 2020.

RULE 3.108

VICTIMS' RIGHT TO BE HEARD AND COMMENT

(a) When an offender submits a request to transfer to a receiving state or a subsequent receiving state, or to return to a sending state, the victim notification authority in the sending state shall inform victims of the offender of their right to be heard and comment. Victims of the offender have the right to be heard regarding their concerns relating to the transfer request for their safety and family members' safety. Victims have the right to contact the sending state's interstate compact office regarding their concerns relating to the transfer request for their safety and family members' safety. The victim notification authority in the sending state shall provide victims of the offender with information regarding how to respond and be heard if the victim chooses.

(b)

(1) Victims shall have 15 business days from receipt of notice required in [Rule 3.108\(a\)](#) to respond to the sending state. Receipt of notice shall be presumed to have occurred by the 5th business day following its sending.

(2) The receiving state shall continue to investigate the transfer request while awaiting response from the victim.

(c) The sending state shall consider victim related concerns. Victims' comments shall be confidential and shall not be disclosed to the public. The sending state or receiving state may impose conditions of supervision on the offender to address victim related concerns.

(d) The sending state shall respond to the victim no later than 5 business days following receipt of victim related concerns.

History: Adopted November 4, 2003, effective August 1, 2004; [amended October 11, 2017](#), effective March 1, 2018; [amended October 9, 2019](#), effective April 1, 2020.

RULE 3.108-1

VICTIM NOTIFICATION AND REQUESTS FOR OFFENDER INFORMATION

(a) *Notification to victims upon transfer of offenders*—Within 1 business day of the issuance of reporting instructions or acceptance of transfer by the receiving state, the sending state shall initiate notification procedures to victims of the transfer of supervision of the offender in accordance with its own laws.

(b) The receiving state shall respond to requests for offender information from the sending state no later than the 5th business day following the receipt of the request.

History: Adopted November 4, 2003, effective August 1, 2004; [amended September 14, 2016](#), effective June 1, 2017; [amended October 9, 2019](#), effective April 1, 2020.

RULE 3.109

WAIVER OF EXTRADITION

(a) An offender applying for interstate supervision shall execute, at the time of application for transfer, a waiver of extradition from any state to which the offender may abscond while under supervision in the receiving state.

(b) States that are party to this compact waive all legal requirements to extradition of offenders who are fugitives from justice.

References:

ICAOS Advisory Opinions

[2-2005](#) [In seeking a compact transfer of supervision, the offender accepts that a sending state can retake them at anytime and that formal extradition hearings would not be required.]

[3-2012](#) [Whether an offender whose supervision was never transferred under the Compact, and who subsequently absconds supervision, is subject to the terms of the Compact or the Extradition Clause of the U.S. Constitution.]

History: Adopted November 4, 2003, effective August 1, 2004.

RULE 3.110
TRAVEL PERMITS

(a) Notification of travel permits - The receiving state shall notify the sending state prior to the issuance of a travel permit for an offender traveling to the sending state.

(b) This rule does not apply to offenders who are employed or attending treatment or medical appointments in the sending state, 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
2. The offender shall return to the receiving state immediately upon completion of the appointment or employment.

Adopted October 9, 2019, effective April 1, 2020.

CHAPTER 4: SUPERVISION IN RECEIVING STATE

Rules governing supervision in the receiving state under the compact of the Interstate Commission for Adult Offender Supervision

RULE 4.101

MANNER AND DEGREE OF SUPERVISION IN RECEIVING STATE

A receiving state shall supervise offenders consistent with the supervision of other similar offenders sentenced in the receiving state, including the use of incentives, corrective actions, graduated responses, and other supervision techniques.

References:

ICAOS Advisory Opinions

[2-2005](#) [Arresting & Detaining Compact Probationers and Parolees. Authority of officers to arrest an out-of-state offender sent to Florida under the ICAOS on probation violations.]

[5-2006](#) [45 calendar days is the maximum time the receiving state has under the rules to respond to a sending state's request for transfer]

[3-2008](#) [Guidance Concerning Out-of-State Travel for Sex Offenders]

History: Adopted November 4, 2003, effective August 1, 2004; [amended September 14, 2016](#), effective June 1, 2017.

RULE 4.102

DURATION OF SUPERVISION IN THE RECEIVING STATE

A receiving state shall supervise an offender transferred under the interstate compact for a length of time determined by the sending state.

History: Adopted November 4, 2003, effective August 1, 2004.

RULE 4.103

CONDITIONS OF SUPERVISION

- (a) At the time of acceptance or during the term of supervision, the receiving state may impose a condition on an offender if that condition would have been imposed on an offender sentenced in the receiving state.
- (b) A receiving state shall notify a sending state that it intends to impose, or has imposed, a condition on the offender.
- (c) A sending state shall inform the receiving state of any conditions to which the offender is subject at the time the request for transfer is made or at any time thereafter.
- (d) A receiving state that is unable to enforce a condition imposed in the sending state shall notify the sending state of its inability to enforce a condition at the time of request for transfer of supervision is made.

References:

ICAOS Advisory Opinions

[2-2005](#) [In seeking a compact transfer of supervision, the offender accepts that a sending state can retake them at any time and that formal extradition hearings would not be required and that he or she is subject to the same type of supervision afforded to other offenders in the receiving state... The receiving state can even add additional requirements on an offender as a condition of transfer]

[5-2006](#) [Special conditions may be imposed by the receiving state after an offender has transferred]

[1-2008](#) [Rule 4.103 concerning special conditions does not authorize a receiving state to deny a mandatory transfer of an offender under the compact who meets the requirements of such a transfer under Rule 3.101]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; [amended September 14, 2016](#), effective June 1, 2017.

RULE 4.103-1

FORCE AND EFFECT OF CONDITIONS IMPOSED BY A RECEIVING STATE

The sending state shall give the same force and effect to conditions imposed by a receiving state as if those conditions had been imposed by the sending state.

History: Adopted October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; [amended September 14, 2016](#), effective June 1, 2017.

RULE 4.104**OFFENDER REGISTRATION OR DNA TESTING IN RECEIVING OR SENDING STATE**

A receiving state shall require that an offender transferred under the interstate compact comply with any offender registration and DNA testing requirements in accordance with the laws or policies of the receiving state and shall assist the sending state to ensure DNA testing requirements and offender registration requirements of a sending state are fulfilled.

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008

RULE 4.105

ARRIVAL AND DEPARTURE NOTIFICATIONS; WITHDRAWAL OF REPORTING INSTRUCTIONS

(a) *Departure notifications*—At the time of an offender’s departure from any state pursuant to a transfer of supervision or the granting of reporting instructions, the state from which the offender departs shall notify the intended receiving state, and, if applicable, the sending state, through the electronic information system of the date and time of the offender’s intended departure and the date by which the offender has been instructed to arrive.

(b) *Arrival notifications*—At the time of an offender’s arrival in any state pursuant to a transfer of supervision or the granting of reporting instructions, or upon the failure of an offender to arrive as instructed, the intended receiving state shall immediately notify the state from which the offender departed, and, if applicable, the sending state, through the electronic information system of the offender’s arrival or failure to arrive.

(c) A receiving state may withdraw its reporting instructions if the offender does not report to the receiving state as directed.

History: Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective June 1, 2009.

RULE 4.106

PROGRESS REPORTS ON OFFENDER COMPLIANCE AND NON-COMPLIANCE

(a) A receiving state shall submit a progress report to the sending state within 30 calendar days of receiving a request.

(b) A receiving state may initiate a progress report to document offender compliant or noncompliant behavior that does not require retaking as well as incentives, corrective actions or graduated responses imposed. The receiving state shall provide: date(s), description(s) and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior in the receiving state, and the offender's response to such actions.

(c) A progress report shall include-

1. offender's name;
2. offender's current residence address;
3. offender's current telephone number and current electronic mail address;
4. name and address of offender's current employer;
5. supervising officer's summary of offender's conduct, progress and attitude, and compliance with conditions of supervision;
6. programs of treatment attempted and completed by the offender;
7. information about any sanctions that have been imposed on the offender since the previous progress report;
8. supervising officer's recommendation;
9. any other information requested by the sending state that is available in the receiving state.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; [amended November 4, 2009](#), effective March 1, 2010; [amended September 14, 2016](#), effective June 1, 2017; [amended October 9, 2019](#), effective April 2020.

RULE 4.107

FEES

(a) *Application fee*—A sending state may impose a fee for each transfer application prepared for an offender.

(b) *Supervision fee*—

1. A receiving state may impose a reasonable supervision fee on an offender whom the state accepts for supervision, which shall not be greater than the fee charged to the state's own offenders.
2. A sending state shall not impose a supervision fee on an offender whose supervision has been transferred to a receiving state.

References:

ICAOS Advisory Opinions

[14-2006](#) [A fee imposed by a sending state for purposes of defraying costs for sex offender registration and victim notification, not appearing to fit criteria of a "supervision fee," may be collected on Compact offenders at a sending state's responsibility]

History: Adopted November 4, 2003, effective August 1, 2004.

RULE 4.108

COLLECTION OF RESTITUTION, FINES AND OTHER COSTS

(a) A sending state is responsible for collecting all fines, family support, restitution, court costs, or other financial obligations imposed by the sending state on the offender.

(b) Upon notice by the sending state that the offender is not complying with family support and restitution obligations, and financial obligations as set forth in subsection (a), the receiving state shall notify the offender that the offender is in violation of the conditions of supervision and must comply. The receiving state shall inform the offender of the address to which payments are to be sent.

References:

ICAOS Advisory Opinions

[14-2006](#) [A fee imposed by a sending state for purposes of defraying costs for sex offender registration and victim notification, not appearing to fit criteria of a "supervision fee," may be collected on Compact offenders at a sending state's responsibility. A receiving state would be obligated for notifying the offender to comply with such financial responsibility under Rule 4.108 (b)]

History: Adopted November 4, 2003, effective August 1, 2004.

RULE 4.109

VIOLATION REPORT(S) REQUIRING RETAKING

(a) A receiving state shall notify a sending state of an act or pattern of behavior requiring retaking within 30 calendar days of discovery or determination by submitting a violation report.

(b) A violation report shall contain-

1. offender's name and location;
2. offender's state-issued identifying numbers;
3. date(s) and description of the behavior requiring retaking;
4. date(s), description(s) and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior requiring retaking in the receiving state, and the offender's response to such actions;
5. date(s), description(s) and documentation regarding the status and disposition, if any, of offense(s) or behavior requiring retaking;
6. date(s), description(s) and documentation of previous non-compliance, to include a description of the use of corrective actions, graduated responses or other supervision techniques;
7. name and title of the officer making the report;
8. if the offender has absconded, the offender's last known address and telephone number, name and address of the offender's employer, and the date of the offender's last personal contact with the supervising officer and details regarding how the supervising officer determined the offender to be an absconder.
9. supporting documentation regarding the violation.

(c)

1. The sending state shall respond to a report of a violation made by the receiving state no later than 10 business days following transmission by the receiving state.
2. The response by the sending state shall include action to be taken by the sending state and the date by which that action will begin and its estimated completion date.

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; [amended October 13, 2010](#), effective March 1, 2011; [amended August 28, 2013](#), effective March 1, 2014; [amended September 14, 2016](#), effective June 1, 2017.

RULE 4.109-1

AUTHORITY TO ARREST AND DETAIN

An offender in violation of the conditions of supervision may be taken into custody or continued in custody by the receiving state.

History: Adopted October 4, 2006, effective January 1, 2007; [amended September 14, 2016](#), effective June 1, 2017.

RULE 4.109-2
ABSCONDING VIOLATION

(a) If there is reasonable suspicion that an offender has absconded, the receiving state shall attempt to locate the offender. Such activities shall include, but are not limited to:

1. Documenting communication attempts directly to the offender, including dates of each attempt;
2. Conducting a field contact at the last known place of residence;
3. Contacting the last known place of employment, if applicable;
4. Contacting known family members and collateral contacts, which shall include contacts identified in original transfer request.

(b) If the offender is not located, the receiving state shall submit a violation report pursuant to [Rule 4.109\(b\)\(8\)](#).

History: [Adopted October 13, 2010](#), effective March 1, 2011; amended October 9, 2019, effective April 1, 2020.

RULE 4.110

TRANSFER TO A SUBSEQUENT RECEIVING STATE

(a) At the request of an offender for transfer to a subsequent receiving state, and with the approval of the sending state, the sending state shall prepare and transmit a request for transfer to the subsequent state in the same manner as an initial request for transfer is made.

(b) 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.

(c) The receiving state shall submit a statement to the sending state summarizing the offender's progress under supervision.

(d) The receiving state shall issue a travel permit to the offender when the sending state informs the receiving state that the offender's transfer to the subsequent receiving state has been approved.

(e) Notification of offender's departure and arrival shall be made as required under [Rule 4.105](#).

(f) Acceptance of the offender's transfer of supervision by a subsequent state and issuance of reporting instructions to the offender terminate the receiving state's supervisory obligations for the offender.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005 (to be effective upon the implementation of electronic system; date to be determined by Executive Committee) amended September 26, 2007, effective January 1, 2008.

RULE 4.111

OFFENDERS RETURNING TO THE SENDING STATE

(a) 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 felony or violent crime in the receiving state. The receiving state shall provide the sending state with the reason(s) for the offender's return. 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 who has arrived in the receiving state with approved 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, unless [Rule 3.104 \(b\) or \(c\)](#) applies or if the location of the offender is unknown, conduct activities pursuant to [Rule 4.109-2](#).

(c) The sending state shall grant the request no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The instructions shall direct the offender to return to the sending state within 15 business days from the date the request was received.

(d) The receiving state shall provide the offender reporting instructions and determine the offender's intended departure date. If unable to locate the offender to provide the reporting instructions, the receiving state shall conduct activities pursuant to [Rule 4.109-2](#).

(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, 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 \(a\)\(5\)](#). The sending state shall notify the receiving state of the offender's arrival or failure to arrive as required by [Rule 4.105 \(b\)](#) prior to validating the case closure notice.

(f) If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than 15 business days following the offender's failure to appear in the sending state.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective day January 1, 2005; amended September 26, 2007, effective January 1, 2008; amended September 14, 2011, effective March 1, 2012; amended October 7, 2015, effective March 1, 2016; amended October 11, 2017, effective March 1, 2018; amended October 9, 2019, effective April 1, 2020; amended September 29, 2021, effective April 1, 2022

RULE 4.112

CLOSING OF SUPERVISION BY THE RECEIVING STATE

- (a) The receiving state may close its supervision of an offender and cease supervision upon-
1. The date of discharge indicated for the offender at the time of application for supervision unless informed of an earlier or later date by the sending state;
 2. Notification to the sending state of the absconding of the offender from supervision in the receiving state;
 3. Notification to the sending state that the offender has been sentenced to incarceration for 180 calendar days or longer, including judgment and sentencing documents and information about the offender's location;
 4. Notification of death; or
 5. Return to sending state.
- (b) A receiving state shall not terminate its supervision of an offender while the sending state is in the process of retaking the offender.
- (c) At the time a receiving state closes supervision, a case closure notice shall be provided to the sending state which shall include last known address and employment. The receiving state shall transmit a case closure notice within 10 business days after the maximum expiration date.
- (d) The sending state shall submit the case closure notice reply to the receiving state within 10 business days of receipt.

References:

ICAOS Advisory Opinions

[11-2006](#) [A receiving state closing supervision interest, does not preclude the jurisdiction of the Compact except for cases where the original term of supervision has expired]

[2-2010](#) [If a sending state modifies a sentencing order so that the offender no longer meets the definition of "supervision," no further jurisdiction exists to supervise the offender under the compact and qualifies as a discharge requiring a receiving state to close supervision.]

[1-2019](#) [Except in those excluded cases where the offender is discharged from supervision under the original application for supervision, absconders who are subsequently apprehended are subject to the compact and Rules 4.112 (b) and 5.107.]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 26, 2007, effective January 1, 2008; amended September 14, 2011, effective March 1, 2012; amended August 28, 2013, effective March 1, 2014.

CHAPTER 5: RETAKING

Rules governing retaking an offender under the compact of the Interstate Commission for Adult Offender Supervision

RULE 5.101

DISCRETIONARY RETAKING BY THE SENDING STATE

(a) Except as required in [Rules 5.101-1](#), [5.102](#), [5.103](#) and [5.103-1](#) at its sole discretion, a sending state may order the return of an offender. The sending state must notify the receiving state within 15 business days of their issuance of the directive to the offender to return. The receiving state shall request return reporting instructions under Rule 4.111. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant no later than 15 business days following the offender's failure to appear in the sending state.

(b) Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 at its sole discretion, a sending state may retake an offender via warrant. The sending state must notify the receiving state within 15 business days of the issuance of their warrant. The receiving state shall assist with the apprehension of the offender and shall notify the sending state once the offender is in custody on the sending state's warrant.

References:

ICAOS Advisory Opinions

[13-2006](#) [Retaking of an undocumented immigrant is at the sole discretion of the sending state unless the offender comes within the exceptions provided in Rule [5.102](#)]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; [amended October 13, 2010](#), effective March 1, 2011; [amended August 28, 2013](#), effective March 1, 2014; [amended October 9, 2019](#), effective April 1, 2020; [amended September 29, 2021](#), effective April 1, 2022

RULE 5.101-1

PENDING FELONY OR VIOLENT CRIME CHARGES

Notwithstanding any other rule, if an offender is charged with a subsequent felony or violent crime, the offender shall not be retaken or ordered to return until criminal charges have been dismissed, sentence has been satisfied, or the offender has been released to supervision for the subsequent offense, unless the sending and receiving states mutually agree to the retaking or return.

References:

ICAOS Advisory Opinions

[1-2019](#) [The language of Rule 5.101-1 anticipates the exercise of discretion by prosecutors and other state authorities in the determination of whether an offender or absconder should be held subject to retaking bonds or to be detained on bonds set in connection with a new offense.]

History: [Adopted August 28, 2013](#), effective **March 1, 2014**.

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.

(a) Unless waived by the offender, the sending state shall conduct, at its own expense, an electronic or in-person violation hearing.

(b) The sending state shall send the violation hearing results to the receiving state within 10 business days.

(c) 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.

(d) 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.

(e) The receiving state may close the case under [Rule 4.112 \(a\)\(3\)](#).

History: [Adopted October 7, 2015](#), effective March 1, 2016.

RULE 5.102

MANDATORY RETAKING FOR A NEW FELONY OR NEW VIOLENT CRIME CONVICTION

(a) Upon a request from the receiving state, a sending state shall retake an offender from the receiving state or a subsequent receiving state after the offender's conviction for a new felony offense or new violent crime and:

1. completion of a term of incarceration for that conviction; or
2. placement under supervision for that felony or violent crime offense.

(b) When a sending state is required to retake an offender, the sending state shall issue a warrant no later than 15 business days and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; [amended October 13, 2010](#), effective March 1, 2011; [amended August 28, 2013](#), effective March 1, 2014; [amended September 29, 2021](#), effective April 1, 2022

RULE 5.103

OFFENDER BEHAVIOR REQUIRING RETAKING

- (a) Upon a request by the receiving state and documentation that the offender's behavior requires retaking, 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 violation report.
- (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 report 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 15 business days following the offender's failure to appear in the sending state.
- (d) If the sending state issues a warrant under subsection (c) of this rule, the receiving state shall attempt to apprehend the offender on the sending state's warrant and provide notification to the sending state. If the receiving state is unable to locate the offender to affect the apprehension, the receiving state shall follow Rule 4.109-2 (a) and (b).

References:

ICAOS Advisory Opinions

[2-2005](#) [An out of state offender may be arrested and detained by a receiving state who are subject to retaking based on violations of supervision, See Rule [4.109-1](#)]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016; amended September 14, 2016, effective June 1, 2017; amended September 29, 2021, effective April 1, 2022

RULE 5.103-1

MANDATORY RETAKING FOR OFFENDERS WHO ABSCOND

(a) Within 15 business days of receipt of an absconder violation report and case closure, the sending state shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

(b) If an offender who has absconded is apprehended on a sending state's warrant within the jurisdiction of the receiving state that issued the violation report and case closure, the receiving state shall, upon request by the sending state, conduct a probable cause hearing as provided in [Rule 5.108 \(d\) and \(e\)](#) unless waived as provided in [Rule 5.108 \(b\)](#).

(c) Upon a finding of probable cause the sending state shall retake the offender from the receiving state.

(d) If probable cause is not established, the receiving state shall resume supervision upon the request of the sending state.

(e) The sending state shall keep its warrant and detainer in place until the offender is retaken pursuant to paragraph (c) or supervision is resumed pursuant to paragraph (d).

History: [Adopted October 13, 2010](#), effective March 1, 2011, [amended September 29, 2021](#), effective April 1, 2022

RULE 5.103-2

MANDATORY RETAKING FOR VIOLENT OFFENDERS AND VIOLENT CRIMES [REPEALED]

REPEALED effective March 1, 2014

History: [Adopted October 13, 2010](#), effective March 1, 2011; [repealed August 28, 2013](#), effective March 1, 2014.

RULE 5.104

COST OF RETAKING AN OFFENDER

A sending state shall be responsible for the cost of retaking the offender.

History: Adopted November 4, 2003, effective August 1, 2004.

RULE 5.105

TIME ALLOWED FOR RETAKING AN OFFENDER

A sending state shall retake an offender within 30 calendar days after the offender has been taken into custody on the sending state's warrant and the offender is being held solely on the sending state's warrant.

History: Adopted November 4, 2003, effective August 1, 2004; [amended August 28, 2013](#), effective March 1, 2014.

RULE 5.106

COST OF INCARCERATION IN RECEIVING STATE

A receiving state shall be responsible for the cost of detaining the offender in the receiving state pending the offender's retaking by the sending state.

History: Adopted November 4, 2003, effective August 1, 2004.

RULE 5.107

OFFICERS RETAKING AN OFFENDER

(a) Officers authorized under the law of a sending state may enter a state where the offender is found and apprehend and retake the offender, subject to this compact, its rules, and due process requirements.

(b) The sending state shall be required to establish the authority of the officer and the identity of the offender to be retaken.

References:

ICAOS Advisory Opinions

[11-2006](#) [Officers of a sending state are specifically authorized to enter a state where the offender is found and apprehend and retake the offender notwithstanding case closure]

History: Adopted November 4, 2003, effective August 1, 2004.

RULE 5.108

PROBABLE CAUSE HEARING IN RECEIVING STATE

(a) An offender subject to retaking that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.

(b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to 1 or more violations of the conditions of supervision that would result in the pursuance of revocation of supervision in the receiving state and require retaking.

(c) A copy of a judgment of conviction regarding the conviction of a new criminal offense by the offender shall be deemed conclusive proof that an offender may be retaken by a sending state without the need for further proceedings.

(d) The offender shall be entitled to the following rights at the probable cause hearing:

1. Written notice of the alleged violation(s);
2. Disclosure of non-privileged or non-confidential evidence regarding the alleged violation(s);
3. The opportunity to be heard in person and to present witnesses and documentary evidence relevant to the alleged violation(s);
4. The opportunity to confront and cross-examine adverse witnesses, unless the hearing officer determines that a risk of harm to a witness exists.

(e) The receiving state shall prepare and submit to the sending state a written report within 10 business days of the hearing that identifies the time, date and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state.

(f) If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision that would result in the pursuance of revocation of supervision, the receiving state shall hold the offender in custody, and the sending state shall, within 15 business days of receipt of the hearing officer's report, notify the receiving state of the decision to retake or other action to be taken.

(g) If probable cause is not established, the receiving state shall:

1. Continue supervision if the offender is not in custody.
2. Notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state's warrant.
3. Vacate the receiving state's warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody.

References:

ICAOS Advisory Opinions

[2-2005](#) [Although Rule 5.108 requires that a probable cause hearing take place for an offender subject to retaking for violations of conditions that may result in revocation as outlined in subsection (a), allegations of due process violations in the actual revocation of probation or parole are matters addressed during proceedings in the sending state after the offender's return]

Case Law

[Gagnon v. Scarpelli, 411 U.S. 778 \(1973\)](#)

Ogden v. Klundt, 550 P.2d 36, 39 (Wash. Ct. App. 1976)

See, People ex rel. Crawford v. State, 329 N.Y.S.2d 739 (N.Y. 1972)

State ex rel. Nagy v. Alvis, 90 N.E.2d 582 (Ohio 1950)

State ex rel. Reddin v. Meekma, 306 N.W.2d 664 (Wis. 1981)

Bills v. Shulsen, 700 P.2d 317 (Utah 1985)

California v. Crump, 433 A.2d 791 (N.J. Super. Ct. App. Div. 1981)

California v. Crump, 433 A.2d at 794, *Fisher v. Crist*, 594 P.2d 1140 (Mont. 1979)

State v. Maglio, 459 A.2d 1209 (N.J. Super. Ct. 1979)

In re Hayes, 468 N.E.2d 1083 (Mass. Ct. App. 1984)

[Morrissey v. Brewer, 408 U.S. 471 \(1972\)](#)

In State v. Hill, 334 N.W.2d 746 (Iowa 1983)

See e.g., State ex rel. Ohio Adult Parole Authority v. Coniglio, 610 N.E.2d 1196, 1198 (Ohio Ct. App. 1993)

History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended August 28, 2013, effective March 1, 2014; amended September 14, 2016, effective June 1, 2017; amended September 29, 2021, effective April 1, 2022

RULE 5.109

TRANSPORT OF OFFENDERS

States that are party to this compact shall allow officers authorized by the law of the sending or receiving state to transport offenders through the state without interference.

History: Adopted November 4, 2003, effective August 1, 2004.

RULE 5.110

RETAKING OFFENDERS FROM LOCAL, STATE OR FEDERAL CORRECTIONAL FACILITIES

(a) Officers authorized by the law of a sending state may take custody of an offender from a local, state or federal correctional facility at the expiration of the sentence or the offender's release from that facility provided that-

1. No detainer has been placed against the offender by the state in which the correctional facility lies; and
2. No extradition proceedings have been initiated against the offender by a third-party state.

History: Adopted November 4, 2003, effective August 1, 2004.

RULE 5.111

DENIAL OF BAIL OR OTHER RELEASE CONDITIONS TO CERTAIN OFFENDERS

An offender against whom retaking procedures have been instituted by a sending or receiving state shall not be admitted to bail or other release conditions in any state.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008.

CHAPTER 6: DISPUTE RESOLUTION AND INTERPRETATION OF RULES

Rules governing dispute resolution and interpretation of rules under the compact of the Interstate Commission for Adult Offender Supervision

RULE 6.101

INFORMAL COMMUNICATION TO RESOLVE DISPUTES OR CONTROVERSIES AND OBTAIN INTERPRETATION OF THE RULES

(a) Through the office of a state's compact administrator, states shall attempt to resolve disputes or controversies by communicating with each other by telephone, telefax, or electronic mail.

(b) *Failure to resolve dispute or controversy—*

1. Following an unsuccessful attempt to resolve controversies or disputes arising under this compact, its by-laws or its rules as required under Rule 6.101 (a), states shall pursue 1 or more of the informal dispute resolution processes set forth in Rule 6.101 (b)(2) prior to resorting to formal dispute resolution alternatives.
2. Parties shall submit a written request to the executive director for assistance in resolving the controversy or dispute. The executive director shall provide a written response to the parties within 10 business days and may, at the executive director's discretion, seek the assistance of legal counsel or the executive committee in resolving the dispute. The executive committee may authorize its standing committees or the executive director to assist in resolving the dispute or controversy.

(c) *Interpretation of the rules—*Any state may submit an informal written request to the executive director for assistance in interpreting the rules of this compact. The executive director may seek the assistance of legal counsel, the executive committee, or both, in interpreting the rules. The executive committee may authorize its standing committees to assist in interpreting the rules. Interpretations of the rules shall be issued in writing by the executive director or the executive committee and shall be circulated to all of the states.

History: Adopted November 4, 2003, effective August 1, 2004.

RULE 6.102

FORMAL RESOLUTION OF DISPUTES AND CONTROVERSIES

(a) *Alternative dispute resolution*—Any controversy or dispute between or among parties that arises from or relates to this compact that is not resolved under [Rule 6.101](#) may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

(b) *Mediation and arbitration*

1. Mediation

(A) A state that is party to a dispute may request, or the executive committee may require, the submission of a matter in controversy to mediation.

(B) Mediation shall be conducted by a mediator appointed by the executive committee from a list of mediators approved by the national organization responsible for setting standards for mediators, and pursuant to procedures customarily used in mediation proceedings.

2. Arbitration

(A) Arbitration may be recommended by the executive committee in any dispute regardless of the parties' previous submission of the dispute to mediation.

(B) Arbitration shall be administered by at least 1 neutral arbitrator or a panel of arbitrators not to exceed 3 members. These arbitrators shall be selected from a list of arbitrators maintained by the commission staff.

(C) The arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator.

(D) Upon the demand of any party to a dispute arising under the compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.

(E)

(i) The arbitrator in all cases shall assess all costs of arbitration, including fees of the arbitrator and reasonable attorney fees of the prevailing party, against the party that did not prevail.

(ii) The arbitrator shall have the power to impose any sanction permitted by this compact and other laws of the state or the federal district in which the commission has its principal offices.

(F) Judgment on any award may be entered in any court having jurisdiction.

History: Adopted November 4, 2003, effective August 1, 2004.

RULE 6.103

ENFORCEMENT ACTIONS AGAINST A DEFAULTING STATE

(a) If the Interstate Commission determines that any state has at any time defaulted (“defaulting state”) in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Interstate Commission may impose any or all of the following penalties-

1. Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;
2. Remedial training and technical assistance as directed by the Interstate Commission;
3. Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state’s legislature, and the state council.

(b) The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission by-laws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the potential penalties that may be imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension.

(c) Within 60 calendar days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice or chief judicial officer and the majority and minority leaders of the defaulting state’s legislature and the state council of such termination.

(d) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

(e) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state.

(f) Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

History: Adopted November 4, 2003, effective August 1, 2004; [amended August 28, 2013](#), effective March 1, 2014.

RULE 6.104**JUDICIAL ENFORCEMENT**

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

History: Adopted November 4, 2003, effective August 1, 2004.

A Motion Chart for Robert's Rules

When you're using Robert's Rules to help your meeting run well, the following chart can come in very handy when you're in the thick of debate on a main motion. It's designed to help you choose the right motion for the right reason. (In the chart, the subsidiary and privileged motions are listed in descending order of precedence; that is, motions lower on the list can't be made if anything higher is pending.)

			Can Interrupt	Requires Second	Debatable	Amendable	Vote Required	Can Reconsider	
SECONDARY MOTIONS	PRIVILEGED	Fix the Time to Which to Adjourn		S		A	M	R	
		Adjourn		S			M		
		Recess		S		A	M		
		Raise a Question of Privilege	I				Chair decides		
		Call for Orders of the Day	I				Chair decides		
	SUBSIDIARY	Lay on the Table			S			M	Negative Only*
		Previous Question			S			2/3	R*
		Limit or Extend Limits of Debate			S		A	2/3	R*
		Postpone Definitely			S	D	A	M	R*
		Commit (or Refer)			S	D	A	M	R*
		Amend			S	D*	A*	M	R
		Postpone Indefinitely			S	D		M	Affirmative Only
	Main Motion				S	D	A	M	R
	* See text for exceptions							M = Majority vote	

Consult a book on Robert's Rules for clarification on the exceptions.

Making and Handling Motions According to Robert's Rules

When that light bulb goes off in your head and you have a great idea, you make a motion according to Robert's Rules to get your idea discussed and a decision made. Following are the eight steps required from start to finish to make a motion and get the group to decide whether it agrees. Each step is a required part of the process.

Step	What to Say
1. The member rises and addresses the chair.	"Madam Chairman. . . ."
2. The chair recognizes the member.	"The chair recognizes Ms. Gliggenschlapp."
3. The member makes a motion.	"I move to purchase a copy of <i>Robert's Rules For Dummies</i> for our president."
4. Another member seconds the motion.	"Second."
5. The chair states the motion.	"It is moved and seconded to purchase a copy of <i>Robert's Rules For Dummies</i> for your president. Are you ready for the question?"
6. The members debate the motion.	"The chair recognizes Ms. Gliggenschlapp to speak to her motion. . . ."
7. The chair puts the question and the members vote.	"All those in favor of adopting the motion to buy a copy of <i>Robert's Rules For Dummies</i> for your president will say 'aye,' [pause] those opposed will say 'no'."
8. The chair announces the result of the vote.	"The ayes have it and the motion carries, and a copy of <i>Robert's Rules For Dummies</i> will be purchased for your president."

Guidelines

- Obtain the floor (the right to speak) by being the first to stand when the person speaking has finished; state Mr./Madam Chairman. Raising your hand means nothing, and standing while another has the floor is out of order! Must be recognized by the Chair before speaking!
- Debate cannot begin until the Chair has stated the motion or resolution and asked "are you ready for the question?" If no one rises, the chair calls for the vote!
- Before the motion is stated by the Chair (the question) members may suggest modification of the motion; the mover can modify as he pleases, or even withdraw the motion without consent of the seconder; if mover modifies, the seconder can withdraw the second.
- The "immediately pending question" is the last question stated by the Chair!
Motion/Resolution - Amendment - Motion to Postpone
- The member moving the "immediately pending question" is entitled to preference to the floor!
- No member can speak twice to the same issue until everyone else wishing to speak has spoken to it once!
- All remarks must be directed to the Chair. Remarks must be courteous in language and deportment - avoid all personalities, never allude to others by name or to motives!
- The agenda and all committee reports are merely recommendations! When presented to the assembly and the question is stated, debate begins and changes occur!

The Rules

- **Point of Privilege:** Pertains to noise, personal comfort, etc. - may interrupt only if necessary!
- **Parliamentary Inquiry:** Inquire as to the correct motion - to accomplish a desired result, or raise a point of order
- **Point of Information:** Generally applies to information desired from the speaker: "I should like to ask the (speaker) a question."
- **Orders of the Day (Agenda):** A call to adhere to the agenda (a deviation from the agenda requires Suspending the Rules)
- **Point of Order:** Infraction of the rules, or improper decorum in speaking. Must be raised immediately after the error is made
- **Main Motion:** Brings new business (the next item on the agenda) before the assembly
- **Divide the Question:** Divides a motion into two or more separate motions (must be able to stand on their own)
- **Consider by Paragraph:** Adoption of paper is held until all paragraphs are debated and amended and entire paper is satisfactory; after all paragraphs are

considered, the entire paper is then open to amendment, and paragraphs may be further amended. Any Preamble can not be considered until debate on the body of the paper has ceased.

- **Amend:** Inserting or striking out words or paragraphs, or substituting whole paragraphs or resolutions
- **Withdraw/Modify Motion:** Applies only after question is stated; mover can accept an amendment without obtaining the floor
- **Commit /Refer/Recommit to Committee:** State the committee to receive the question or resolution; if no committee exists include size of committee desired and method of selecting the members (election or appointment).
- **Extend Debate:** Applies only to the immediately pending question; extends until a certain time or for a certain period of time
- **Limit Debate:** Closing debate at a certain time, or limiting to a certain period of time
- **Postpone to a Certain Time:** State the time the motion or agenda item will be resumed
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated
- **Lay on the Table:** Temporarily suspends further consideration/action on pending question; may be made after motion to close debate has carried or is pending
- **Take from the Table:** Resumes consideration of item previously "laid on the table" - state the motion to take from the table
- **Reconsider:** Can be made only by one on the prevailing side who has changed position or view
- **Postpone Indefinitely:** Kills the question/resolution for this session - exception: the motion to reconsider can be made this session
- **Previous Question:** Closes debate if successful - may be moved to "**Close Debate**" if preferred
- **Informal Consideration:** Move that the assembly go into "**Committee of the Whole**" - informal debate as if in committee; this committee may limit number or length of speeches or close debate by other means by a 2/3 vote. All votes, however, are formal.
- **Appeal Decision of the Chair:** Appeal for the assembly to decide - must be made before other business is resumed; NOT debatable if relates to decorum, violation of rules or order of business
- **Suspend the Rules:** Allows a violation of the assembly's own rules (except Constitution); the object of the suspension must be specified