



Interstate Commission for Adult Offender Supervision

Rules Committee Meeting MINUTES

June 8, 2022 - 1:00 pm ET
Video Conference

Members in Attendance:

1. Mary Kay Hudson (IN), Chair
2. Dori Littler (AZ), Vice-Chair
3. Amber Schubert (AR)
4. Chris Moore (GA)
5. Robert Maccarone (NY)
6. Tim Strickland (FL), Ex-Officio
7. Tracy Hudrlik (MN), Ex-Officio
8. Pat Odell (WY), Ex-Officio
9. Thomas Travis, Legal Counsel

Members not in Attendance:

1. Susan Gagnon (ME)
2. Amy Vorachek (ND)
3. Christina Stephens (PA)
4. Margaret Thompson (PA), Ex-Officio

Guests:

1. Matthew Charton (NY)

Staff:

1. Ashley Lippert, Executive Director
2. Barno Saturday, Logistics Coordinator
3. Mindy Spring, Administrative and Training Coordinator
4. Xavier Donnelly, ICOTS Project Manager
5. Drake Greeott, Web Development Manager

Call to Order

Chair M. Hudson (IN) called the meeting to order at 1:02 pm ET. Executive Director A. Lippert called the roll. Six out of nine voting members were present, a quorum was established.

Approval of Agenda and Minutes

Commissioner R. Maccarone (NY) moved to approve the agenda as presented. Commissioner C. Moore (GA) seconded. Agenda approved.

Commissioner D. Littler (AZ) moved to approve the minutes from the February 17, 2022 meeting as drafted. Commissioner C. Moore (GA) seconded. Minutes approved.

Discussion

Request to review 2.110: DCA T. Hudrlik (MN) on behalf of Commissioner A. Godfrey (MN) requested the Rules Committee review Rule 2.110 for clarification of intent or interpretation.

She stated that per Rule 2.110 no state could permit a Compact eligible offender to reside in another state, without going through the Compact. Once notified of a violation, the offender must return to the sending state, or a nationwide warrant is issued. She asked the committee about a situation when the offender leaves the state without the sending state's authorization.

She continued that most states interpreted this situation as the Compact did not apply and a nationwide warrant was not necessary. Advisory Opinion 3-2012 supported this interpretation.

DCA T. Hudrlik (MN) shared a scenario where a transfer request was initiated, the receiving state was investigating, but the offender left without permission, prior to the transfer reply. It would appear appropriate to order the offender's return or request a nationwide warrant, but there is not a rule or an interpretation that would require a state to issue the warrant. If that was the intent of the rule, the sentencing state could issue a limited extradition warrant without having the offender physically return to the sending state.

The committee discussed the matter.

DCA T. Strickland (FL) noted that based on the offender transfer application's language, if an offender signed it, they were automatically considered a Compact offender. Therefore, even if their application was denied, Florida would issue a nationwide warrant.

The committee discussed whether this was overreach and if signing the compact application makes an offender subject to the Compact.

The committee discussed Rule 2.110 and 5.101.

Commissioner R. Maccarone (NY) expressed his concerns that this issue created liability where there should not be one.

Commissioner A. Schubert (AR) noted that the issue was not specific to a rule, and suggested revising Rule 1.101 Definitions instead.

Commissioner R. Maccarone (NY) suggested examining expectations listed in the offender application to make sure they were clearly outlined.

The committee asked Legal Counsel T. Travis to prepare an analysis on this matter and share it at the next committee meeting.

Old Business

Update on Tolling Issues workgroup: Commissioner D. Littler (AZ) informed the committee that the workgroup met and discussed issues around the process of tolling in ICOTS. Commissioner D. Littler (AZ) assigned the workgroup members to analyze the Compact and state procedures as well as review the tolling data in ICOTS.

The Tolling Issues workgroup will meet again in June.

She will report the findings at the next committee meeting.

New Business

New Rule Amendment Process: Executive Director A. Lippert informed the committee that the national office announced the 2022 rule amendment deadline in the Commission's monthly newsletter. In addition, the national office will inform states about the deadline at the region meetings.

The Rules Committee will meet again in August.

Adjourn

The meeting adjourned at 2:08 pm ET.