



# Interstate Commission for Adult Offender Supervision

*Ensuring Public Safety for the 21<sup>st</sup> Century*

**To:** ICAOS Commissioners

**From:** Tracy Hudrlik, Rules Committee Chair

**Date:** May 14, 2024

**Re:** **2024 Rule Amendments – Language Change Package**

As the Chair of the Rules Committee, I am pleased to present a rules package incorporating a language change in the Commission's Rules. On November 29, 2023, The Executive Committee unanimously approved replacing the term 'offender' with 'supervised individual' in the Commission's publications, Rules, and official website.

This change is not merely semantic; it reflects a shift in our approach towards those within our system. By referring to individuals as "supervised" rather than "offenders," we emphasize their status as individuals actively engaged in a process of supervision and support. This language acknowledges their inherent dignity and potential for positive change. It also demonstrates the Commission's commitment to evolving practices that align with the values of dignity and respect.

Since its approval, the Rules Committee has diligently worked to integrate this change into all the Commission's rules. While this is not a formal rule-making year, the Rules Committee acknowledges the significance of promptly implementing this change. Doing so will ensure that the rules up for consideration next year seamlessly incorporate the language change, and that any forthcoming amendments already reflect the change.

On behalf of the Rules Committee, I urge all Compact Commissioners, deputy compact administrators, and any other staff involved in the Compact to carefully review these recommendations and provide feedback during the comment period. You will notice that certain rules require more than a simple replacement of the term "offender" to "supervised individual". In those instances, the language has been adjusted for readability. The Rules Committee took great care to preserve the original meaning of the rule and made no substantive changes, only editorial adjustments. The Rules Committee respectfully requests that you approve this package at the 2024 Annual Business Meeting.



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## 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 supervised individual's ~~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 to a supervised individual ~~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 a supervised individual ~~an offender~~ at the time of the supervised individual's ~~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 supervised individuals ~~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 a supervised individual ~~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 supervised individual ~~offender~~ of the terms and conditions of supervision ordered by the court.

Detainer – means an order to hold a supervised individual ~~an offender~~ in custody.

Discharge – means the final completion of the sentence that was imposed on a supervised individual ~~an offender~~ by the sending state.

Extradition – means the return of a fugitive to a state in which the supervised individual ~~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.

~~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.~~

Plan of Supervision – means the terms under which a supervised individual ~~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 a supervised individual ~~an offender~~ accused of violating the terms or conditions of the supervised individual's ~~offender's~~ parole or probation.

Receiving State – means a state to which a supervised individual ~~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.

Reporting Instructions – means the orders given to a supervised individual ~~an offender~~ by a sending or receiving state directing the individual ~~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 supervised individual ~~offender~~ is directed to report in the receiving state.

Resident – means a person who 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 intends that such state shall be the person's principal place of residence; and 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 has resided in the receiving state for 180 calendar days or longer as of the date of the transfer request; and indicates willingness and ability to assist the supervised individual ~~offender~~ as specified in the plan of supervision.

Retaking – means the act of a sending state in physically removing or causing to have a supervised individual ~~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 a supervised individual ~~an offender~~, or which transfers supervision of a supervised individual ~~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 a supervised individual ~~an offender~~ is transferred that is not the sending state or the original receiving state.

Substantial Compliance – means that a supervised individual ~~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.

Supervised Individual – means an “offender” defined by Article II of the Interstate Compact for Adult Offender Supervision as 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 Compact.

Supervision – means the oversight exercised by authorities of a sending or receiving state over a supervised individual ~~an offender~~ for a period of time determined by a court or releasing authority, during which time the supervised individual ~~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 supervised individual ~~offender~~ at the time of ~~the offender’s~~ release to the community or during the period of supervision in the community.

Supervision Fee – means a fee collected by the receiving state for the supervision of a supervised individual ~~an offender~~.

Travel Permit – means the written permission granted to a supervised individual ~~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 a supervised individual ~~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 a supervised individual ~~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 a supervised individual ~~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.

## CHAPTER 2: GENERAL PROVISIONS

### RULE 2.101: Involvement of Interstate Compact Offices

- (a) Acceptance, rejection or termination of supervision of a supervised individual ~~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 a supervised individual ~~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 a supervised individual ~~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 supervised individuals ~~offenders~~ under this compact shall be transmitted only through direct communication of the compact offices of the sending and receiving states.

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 supervised individual ~~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 supervised individuals ~~offenders~~ sent from and received by a state divided by Total number of supervised individuals ~~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.

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.



RULE 2.105: Misdemeanants

- (a) A misdemeanor supervised individual 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 supervised individual offender to register as a sex offender in the sending state.

RULE 2.106: ~~Offenders Subject to~~ Deferred Sentences

Supervised individuals ~~Offenders~~ subject to deferred sentences are eligible for transfer of supervision under the same eligibility requirements, terms, and conditions applicable to all other supervised individuals ~~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.

RULE 2.107: ~~Offenders on Furlough,~~or Work Release

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

RULE 2.108: Supervised Individuals ~~Offenders~~ with Disabilities

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

## 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.

RULE 2.110: ~~Transfer of~~ Supervision ~~Offenders~~ Under this Compact

- (a) No state shall permit a supervised individual ~~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) A supervised individual ~~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 supervised individual ~~offender~~ to return to the sending state within 15 business days of receiving such notice. If the supervised individual ~~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 supervised individual's ~~offender's~~ failure to appear in the sending state.



## 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 supervised individuals ~~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 supervised individual ~~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.

## CHAPTER 3: TRANSFER OF SUPERVISION

### RULE 3.101: Mandatory Transfer of Supervision

At the discretion of the sending state, a supervised individual ~~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 supervised individual ~~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.

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, a supervised individual ~~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*— A supervised individual ~~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 supervised individuals ~~offenders~~ who live with family who are members of the military*—A supervised individual ~~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 supervised individual ~~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*—A supervised individual ~~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 supervised individual ~~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 supervised individual ~~offender~~ to another state*—A supervised individual ~~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*—A supervised individual ~~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 supervised individual 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 a supervised individual 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 a supervised individual 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.

### 3.101-2: Discretionary Transfer of Supervision

- (a) A sending state may request transfer of ~~supervision of a supervised individual an-~~  
~~offender~~ who does not meet the eligibility requirements in Rule 3.101, where acceptance in the receiving state would support the successful completion of supervision, rehabilitation of the supervised individual ~~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.

### 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 **sex** 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 **sex** 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 **sex** 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 **sex** offender’s contact with victims or any other person; and
  4. Victim information to include the name, sex, age and relationship to the **sex** 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 sex 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.

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 a supervised individual ~~an offender~~ to another state shall submit a completed transfer request with all required information to the receiving state prior to allowing the supervised individual ~~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 supervised individual ~~offender~~ to travel to the receiving state until the receiving state has replied to the transfer request.
- (c) A supervised individual ~~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 supervised individual ~~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 supervised individual ~~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 a supervised individual ~~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 supervised individual's ~~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 signatures ~~the offender's signature~~ on the "Application for Interstate Compact Transfer" and any other on any ~~that may be required~~ 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.



3.103: Reporting Instructions; Supervised Individual ~~Offender~~ Living in the Receiving State at the Time of Sentencing or After the Disposition of a Violation or Revocation Proceeding

(a)

1. A request for reporting instructions for a supervised individual ~~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 a supervised individual ~~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 supervised individual ~~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 supervised individual ~~offender~~ signs all forms required ~~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 supervised individuals ~~offenders~~ incarcerated for 6 months or less and released to probation supervision.
- (b) The sending state retains supervisory responsibility until the supervised individual's ~~offender's~~ arrival in the receiving state.
- (c) A receiving state shall assume responsibility for supervision of a supervised individual ~~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 a supervised individual ~~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 a supervised individual ~~an offender~~ who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the supervised individual's ~~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 a supervised individual ~~an offender~~ who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the supervised individual's ~~offender's~~ return to the sending state under the requirements of [Rule 4.111](#).

Rule 3.104: Time Allowed for Investigation by Receiving State

- (a) A receiving state shall complete ~~an~~ investigation and respond to a sending state's request for ~~a supervised individual's~~ a supervised individual's ~~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 ~~a~~ a ~~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 ~~supervised individual~~ supervised individual ~~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 ~~a supervised individual's~~ a supervised individual's ~~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 ~~supervised individual~~ supervised individual ~~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.

Rule 3.104-1: Acceptance of Transfer ~~Offender~~; Issuance of Reporting Instructions

- (a) If a receiving state accepts transfer of the supervised individual ~~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 supervised individual's ~~offender's~~ departure as required under Rule 4.105.
- (c) A receiving state shall assume responsibility for supervision ~~of an offender~~ upon the supervised individual's ~~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 supervised individual ~~offender~~ does not report to the receiving state by the 5th business day following transmission of the notice of departure and shall provide immediate notice of such withdrawal to the sending state.

### 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 a supervised individual's ~~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 supervised individual ~~offender~~ has been withdrawn or denied.
- (c) A receiving state may withdraw its acceptance of the transfer request if the supervised individual ~~offender~~ does not report to the receiving state by the 5th business day following the individual's ~~offender's~~ intended date of departure and shall provide immediate notice of such withdrawal to the sending state.

## 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 a supervised individual ~~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 supervised individual ~~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 supervised individual's ~~offender's~~ departure.  
  
(B) The sending state shall ensure that the supervised individual ~~offender~~ signs all forms required ~~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 a supervised individual ~~an offender~~ who is granted reporting instructions during the investigation of the individual's ~~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 a supervised individual ~~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 a supervised individual ~~an offender~~ who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the supervised individual's ~~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 a supervised individual ~~an offender~~ who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the supervised individual's ~~offender's~~ return to the sending state under the requirements of Rule 4.111.

### Rule 3.107: Transfer Request

- (a) A transfer request for a supervised individual ~~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 the supervised individual ~~offender~~;
  3. conditions of supervision;
  4. any orders restricting the supervised individual's ~~offender's~~ contact with victims or any other person;
  5. any known orders protecting the supervised individual ~~offender~~ from contact with any other person;
  6. information as to whether the supervised individual ~~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 supervised individual ~~offender~~ has a known gang affiliation, and the gang with which the individual ~~offender~~ is known to be affiliated;
  9. supervision history, if the supervised individual ~~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 supervised individual ~~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 application for transfer ~~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 supervised individual ~~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.



### Rule 3.108: Victims' Right to be Heard and Comment

- (a) When a supervised individual ~~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 supervised individual ~~offender~~ of their right to be heard and comment. Victims of the supervised individual ~~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 supervised individual ~~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 supervised individual ~~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.

Rule 3.108-1: Victim Notification and Requests for ~~Offender~~ Information

- (a) *Notification to victims upon transfer of supervised individuals ~~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 supervised individual ~~offender~~ in accordance with its own laws.
- (b) The receiving state shall respond to requests for ~~offender~~ information regarding the supervised individual from the sending state by ~~no later than~~ the 5th business day following the receipt of the request.

Rule 3.109: Waiver of Extradition

- (a) A supervised individual ~~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 individual ~~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 supervised individuals ~~offenders~~ who are fugitives from justice.

### 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 a supervised individual ~~an offender~~ traveling to the sending state.
- (b) This rule does not apply to supervised individuals ~~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 supervised individual ~~offender~~ shall return to the receiving state immediately upon completion of the appointment or employment.

## CHAPTER 4: SUPERVISION IN RECEIVING STATE

### RULE 4.101: Manner and Degree of Supervision in the Receiving State

A receiving state shall supervise individuals transferred under the interstate compact in a manner ~~offenders~~ consistent with the supervision of other similar individuals ~~offenders~~ sentenced in the receiving state, including the use of incentives, corrective actions, graduated responses, and other supervision techniques.

RULE 4.102: Duration of Supervision in the Receiving State

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

#### 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 a supervised individual ~~an offender~~ if that condition would have been imposed on a supervised individual ~~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 supervised individual ~~offender~~.
- (c) A sending state shall inform the receiving state of any conditions to which the supervised individual ~~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.

#### 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.



Rule 4.104: ~~Offender~~ Registration or DNA Testing in Receiving or Sending State

A receiving state shall require that a supervised individual ~~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.

#### 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 supervised individual ~~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 supervised individual ~~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 a supervised individual ~~an offender~~ to arrive as instructed, the intended receiving state shall immediately notify the state from which the supervised individual ~~offender~~ departed, and, if applicable, the sending state, through the electronic information system of the supervised individual's ~~offender's~~ arrival or failure to arrive.
- (c) A receiving state may withdraw its reporting instructions if the supervised individual ~~offender~~ does not report to the receiving state as directed.

#### 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 for supervised individuals 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 supervised individual's ~~offender's~~ response to such actions.
- (c) A progress report shall include—
1. supervised individual's ~~offender's~~ name;
  2. supervised individual's ~~offender's~~ current residence address;
  3. supervised individual's ~~offender's~~ current telephone number and current electronic mail address;
  4. name and address of the supervised individual's ~~offender's~~ current employer;
  5. supervising officer's summary of the supervised individual's ~~offender's~~ conduct, progress and attitude, and compliance with conditions of supervision;
  6. treatment programs of ~~treatment~~ attempted and completed by the supervised individual ~~offender~~;
  7. information about any sanctions that have been imposed on the supervised individual ~~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.

Rule 4.107: Fees

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

(b) *Supervision fee*—

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

#### 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 a supervised individual ~~the offender~~.
- (b) Upon notice by the sending state that the supervised individual ~~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 supervised individual of the offender ~~that the offender is in~~ violation of the conditions of supervision and the individual's requirement to ~~must~~ comply. The receiving state shall inform the supervised individual ~~offender~~ of the address to which payments are to be sent.

#### 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. supervised individual's offender's name and location;
  2. supervised individual's 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 supervised individual's 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 supervised individual 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 supervised individual 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.

#### Rule 4.109-1: Authority to Arrest and Detain

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

#### Rule 4.109-2: Absconding Violation

- (a) If there is reasonable suspicion that a supervised individual ~~an offender~~ has absconded, the receiving state shall attempt to locate the individual ~~offender~~. Such activities shall include, but are not limited to:
1. Documenting communication attempts directly to the supervised individual ~~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 supervised individual ~~offender~~ is not located, the receiving state shall submit a violation report pursuant to Rule 4.109(b)(8).



#### Rule 4.110: Transfer to a Subsequent Receiving State

- (a) At the request of a supervised individual ~~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 supervised individual's ~~offender's~~ signature on the "Application for Interstate Compact Transfer" and any ~~other~~ forms requiring a signature ~~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 supervised individual's ~~offender's~~ progress under supervision.
- (d) The receiving state shall issue a travel permit to the supervised individual ~~offender~~ when the sending state informs the receiving state that the individual's ~~offender's~~ transfer to the subsequent receiving state has been approved.
- (e) Notification of the supervised individual's ~~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 supervised individual ~~offender~~ terminates the receiving state's supervisory obligations. ~~for the offender.~~

#### Rule 4.111: ~~Offenders~~ Returning to the Sending State

- (a) For a supervised individual ~~an offender~~ returning to the sending state, the receiving state shall request reporting instructions, unless the individual ~~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 supervised individual ~~offender~~ shall remain in the receiving state until receipt of reporting instructions.
- (b) If the receiving state rejects the transfer request for a supervised individual ~~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 individual ~~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 supervised individual ~~offender~~ to return to the sending state within 15 business days from the date the request was received.
- (d) The receiving state shall provide reporting instructions to the supervised individual ~~offender~~ ~~reporting instructions~~ and determine the ~~offender's~~ intended departure date. If unable to locate the supervised individual ~~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 supervised individual's ~~offender's~~ arrival or failure to arrive as required by Rule 4.105 (b) prior to validating the case closure notice.
- (f) If the supervised individual ~~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 individual's ~~offender's~~ failure to appear in the sending state.

#### 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 supervised individual ~~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 supervised individual's ~~offender~~ absconding ~~of the offender~~ from supervision in the receiving state;
  3. Notification to the sending state that the supervised individual ~~offender~~ has been sentenced to incarceration for 180 calendar days or longer, including judgment and sentencing documents and information about the individual's ~~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 supervised individual. ~~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.

## CHAPTER 5: RETAKING

### 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 a supervised individual ~~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 supervised individual ~~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 a supervised individual ~~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 supervised individual ~~offender~~ and shall notify the sending state once the individual ~~offender~~ is in custody on the sending state's warrant.

### Rule 5.101-1: Pending Felony or Violent Crime Charges

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

## 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 a supervised individual ~~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 supervised individual ~~offender~~.

- (a) Unless waived by the supervised individual ~~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 supervised individual's ~~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 supervised individual's ~~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).

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 a supervised individual ~~an offender~~ from the receiving state or a subsequent receiving state after the individual's ~~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 a supervised individual ~~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 individual ~~offender~~ is in custody.

### Rule 5.103: ~~Offender~~ Behavior Requiring Retaking

- (a) Upon a request by the receiving state and documentation that the supervised individual's ~~offender's~~ behavior requires retaking, a sending state shall issue a warrant to retake or order the return of the individual ~~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 supervised individual ~~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 supervised individual's ~~offender's~~ directed departure date. If the supervised individual ~~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 individual's ~~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 supervised individual ~~offender~~ on the sending state's warrant and provide notification to the sending state. If the receiving state is unable to locate the supervised individual ~~offender~~ to affect the apprehension, the receiving state shall follow Rule 4.109-2 (a) and (b).



Rule 5.103-1: Mandatory Retaking for Absconders ~~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 supervised individual ~~offender~~ is in custody.
- (b) If a supervised individual ~~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 supervised individual ~~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 supervised individual ~~offender~~ is retaken pursuant to paragraph (c) or supervision is resumed pursuant to paragraph (d).

Rule 5.104: Cost of Retaking ~~an Offender~~

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

Rule 5.105: Time Allowed for Retaking ~~an Offender~~

A sending state shall retake a supervised individual ~~an offender~~ within 30 calendar days after the individual ~~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.~~

### Rule 5.106: Cost of Incarceration in the Receiving State

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

Rule 5.107: Officers Retaking a Supervised Individual ~~an Offender~~

- (a) Officers authorized under the law of a sending state may enter a state where the supervised individual ~~offender~~ is found and apprehend and retake the individual ~~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 supervised individual ~~offender~~ to be retaken.

Rule 5.108: Probable Cause Hearing in the Receiving State

- (a) A supervised individual ~~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 supervised individual ~~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 a supervised individual ~~an offender~~ may be retaken by a sending state without the need for further proceedings.
- (d) The supervised individual ~~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 supervised individual ~~offender~~ has committed the alleged violations of conditions of supervision that would result in the pursuance of revocation of supervision, the receiving state may hold the individual ~~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 supervised individual ~~offender~~ is not in custody.

2. Notify the sending state to vacate the warrant, and continue supervision upon release if the supervised individual offender is in custody on the sending state's warrant.
3. Vacate the receiving state's warrant and release the supervised individual offender back to supervision within 24 hours of the hearing if the individual offender is in custody.

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 supervised individuals offenders through the state without interference.



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 a supervised individual ~~an offender~~ from a local, state or federal correctional facility at the expiration of the sentence or the individual's ~~offender's~~ release from that facility provided that—

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

Rule 5.111: Denial of Bail or Other Release Conditions to Certain Supervised  
Individuals ~~Offenders~~

A supervised individual ~~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.