



## Interstate Commission for Adult Offender Supervision

### Rules Committee Meeting MINUTES

February 4, 2025 - 1:00 pm ET

Teleconference

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#### **Members in Attendance:**

1. Tracy Hudrlik (MN), Chair
2. Chris Moore (GA)
3. Amy Vorachek (ND)
4. David Cady (NH)
5. John Mosley (MO)
6. Deon McDaniel (NV)
7. Katrina Ransom (OH)
8. Jeremy Vukich (WY)
9. Brenna Kojis (WI), Ex-Officio
10. Matthew Reed (PA), Ex-officio
11. Tom Travis, Legal Counsel

#### **Staff:**

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

#### **Call to Order**

Chair T. Hudrlik (MN) called the meeting to order at 1:00 pm ET. Executive Director A. Lippert called the roll. All voting members were present, a quorum was established.

#### **Approval of Agenda and Minutes**

**Commissioner C. Moore (GA) moved to approve the agenda as presented. Commissioner K. Ransom (OH) seconded. Agenda approved.**

**Commissioner D. McDaniel (NV) moved to approve the minutes from January 7, 2025, meeting as drafted. Commissioner J. Vukich (WY) seconded. Minutes approved.**

#### **Discussion**

*Rule Proposals:* The committee reviewed a proposal to amend *Rule 2.106 Supervised Individuals Subject to Deferred Sentences*, submitted by the South Region.

#### **Rule 2.106 Supervised Individuals Subject to Deferred Sentences**

Proposed change

- (a) Supervised individuals subject to deferred sentences are eligible for transfer of supervision provided that all other criteria for transfer, as specified in Rule 3.101, have been satisfied and the:
1. supervised individual has waived their right to trial and entered plea of guilt or no contest, and
  2. plea has been accepted by the court.
- ~~under the same eligibility requirements, terms, and conditions applicable to all other supervised individuals under this compact~~
- (b) 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.

**Justification**

Like Rule 2.105 for misdemeanors, this proposal provides clear criteria for what deferred sentences should qualify for compact transfers as listed in advisory opinions 4-2004 & 6-2005. Advisory opinions are not binding and incorporating the criteria into the rule provides enforceable clarity.

**Commissioner K. Ransom (OH) moved to support the proposal to amend *Rule 2.106 Supervised Individuals Subject to Deferred Sentences* for the Commission’s consideration and vote at the 2025 Annual Business Meeting. Commissioner D. McDaniels (NV) seconded. Motion passed.**

The committee reviewed a proposal to amend *Rule 3.101-3 & 3.XXX Reporting Instructions for Sex Offenders*, submitted by the Midwest Region.

**Rule 3.101-3 & 3.XXX (NEW RULE): Reporting instructions for sex offenders**

Proposed Change: Move existing language to New Rule; add ‘judgment and sentencing documents’ to required documentation

**Rule 3.101-3 Transfer of Supervision of Sex Offenders (Strike d, e, f & g)**

(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.~~

### **3.XXX (NEW RULE): Reporting instructions for sex offenders**

(a) Reporting instructions requests for sex offenders shall include:

- a. 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;
- b. Conditions of supervision;
- c. Any orders restricting the sex offender's contact with victims or any other person,
- d. Victim information to include the name, sex, age and relationship to the sex offender, if available and if distribution is not prohibited by law; and
5. Judgment and sentencing documents pertaining to the sex offense, if available.

(b) Mandatory Reporting Instructions: Rules 3.101-1, 3.103 and 3.XXX apply to the transfer of sex offenders, as defined by the compact, except:

- a. 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.
- b. No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state; except as provided in Rules 3.102 (c), 3.XXX or if the supervised individual was sentenced virtually and was in the receiving state, not in the sending state, at the time of sentencing

(c) Expedited (Discretionary) Reporting Instructions: Rule 3.106 applies to the transfer of sex offender, 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 request.

### **Justification**

Create new rule for reporting instruction qualifications and processes for sex offenders to improve accessibility to requirements. The addition of requesting the conviction paperwork (judgment and sentencing) pertaining to the sex offense, if available, is helpful for states to better determine registration/requirements in the receiving state, especially in cases where the instant offense is not the registerable sex offense.

Including reference to virtual sentencings will acknowledge in the rule the practice that many states have and will support the interpretation of this rule issued in the Legal Implications of Remote Hearings in Relation to ICAOS Rules issued in 2021 and avoid unnecessary denials of reporting instructions in these situations.

**Commissioner K. Ransom (OH) moved to support the proposal to amend *Rule 3.101-3 & 3.XXX Reporting instructions for sex offenders* for the Commission’s consideration and vote at the 2025 Annual Business Meeting. Commissioner D. McDaniels (NV) seconded. Motion passed.**

The committee reviewed a proposal to amend *Rule 3.102 & 3.XXX Mandatory reporting instructions for supervised individuals released from incarceration in the receiving state* submitted by the Midwest Region.

### **Rule 3.102 & 3.XXX (NEW RULE): Mandatory reporting instructions for supervised individuals released from incarceration in the receiving state**

Proposed: Move language from 3.102 to new rule; reference new rule as exception in (a) and (b)

#### **Rule 3.102 Submission of Transfer Request to a Receiving State (Strike d, add new rule reference exception)**

- (a) Except as provided in sections (c) ~~& (d)~~, and subject to the exceptions in Rule 3.103, 3.106 and 3.XXX, a sending state seeking to transfer a supervised individual to another state shall submit a completed transfer request with all required information to the receiving state prior to allowing the supervised individual to leave the sending state.
- (b) Except as provided in sections (c) ~~& (d)~~, and subject to the exceptions in Rule 3.103, 3.106 and 3.XXX the sending state shall not allow the supervised individual to travel to the receiving state until the receiving state has replied to the transfer request.
- (c) A supervised individual 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 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 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 is released from incarceration in a receiving state and requests to relocate there and 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 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 signatures on any forms 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.XXX (NEW RULE): Mandatory Reporting instructions for supervised individuals released from incarceration in the receiving state**

(d) At the discretion of the sending state, a supervised individual released from incarceration in a receiving state who requests to relocate there and meets the eligibility requirements of Rule 3.101 (a), (b) & (c), qualifies for reporting instructions.

(e) The receiving state shall assist the sending state in acquiring the signatures on any other forms required under Rule 3.107.

(f) The reporting instructions request shall include but is not limited to:

- a. the supervised individual's address and contact information,
- b. documentation and details regarding how the supervised individual's receiving state residence status was verified.

(g) The sending state shall submit the request for reporting instructions within 15 business days of the supervised individual's release.

(h) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.

(i) The sending state shall submit a completed transfer request no later than 15 business days of the granting of reporting instructions.

**Justification**

Currently the information regarding reporting instructions being submitted after release from incarceration in the receiving state is listed under Rule 3.102 which is titled 'submission of transfer request to a receiving state.' To make the rules more accessible and information easy to find, create a new rule with this information as it is a different issue/process. Procedure language in proposal mirrors Midwest's proposal for Rule 3.103 keeping the processes consistent.

Executive Director A. Lippert noted that any rule proposals requiring changes to ICOTS will be implemented with the launch of the new electronic system.

**Commissioner K. Ransom (OH) moved to support the proposal to amend *Rule 3.102 & 3.XXX Mandatory reporting instructions for supervised individuals released from incarceration in the receiving state* for the Commission's consideration and vote at the 2025 Annual Business Meeting. Commissioner J. Mosley (MO) seconded. Motion passed.**

The committee reviewed a proposal to amend *Rule 4.110 Transfer to a Subsequent Receiving State* submitted by the South Region.

**Rule 4.110 Transfer to a Subsequent Receiving State**

Proposed Change: Add new section for subsequent state transfers.

- (a) At the request of a supervised individual 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 signature on the any other forms requiring a signature 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 progress under supervision.
- (d) The receiving state shall issue a travel permit to the supervised individual when the sending state informs the receiving state that the individual's transfer to the subsequent receiving state has been approved.
- (e) Notification of the supervised individual's departure and arrival shall be made as required under Rule 4.105.
- (f) The receiving state retains authority to supervise until ~~Acceptance of supervision by a subsequent state and issuance of reporting instructions. to the supervised individual terminates the receiving state's supervisory obligations.~~ Upon departing, the receiving state shall notify the sending state as required in Rule 4.105 and submit a closure notice under Rule 4.112.

**Justification**

Provides clarity on retention of supervision authority of the receiving state until a notice of departure is submitted to the sending state pursuant to a subsequent state transfer.

The committee expressed concerns about the clarity of the proposal, particularly regarding the duplicity of the language. Additionally, there were concerns about the lack of necessary technology to effectively implement the rule.

**Commissioner J. Mosley (MO) moved that the rules committee not support the proposal to amend *Rule 4.110 Transfer to a Subsequent Receiving State* proposed by the South Region. Commissioner C. Moore (GA) seconded. Motion passed.**

*Definition of Revocation:* Executive Director A. Lippert shared that in preparation for the 2024 Annual Business Meeting, the DCA Liaison Committee hosted a series of open forums for DCAs. One topic that emerged was the need for a clear definition of "revocation." However, during subsequent discussions at the ABM, opinions were divided, with some questioning whether such a definition was needed. As a result, the national office referred the matter to the Rules Committee to determine whether to move forward with a definition or retire it.

The committee agreed that defining the term is essential to prevent confusion among states. A proposed definition was presented with mixed support. Some members suggested using the word "recommendation," while the others focused on defining the term itself. The Rules Committee requested that the national office research how this term is used in other ICAOS Rules and prepare two versions of the rule for further discussion.

**Rule 1.101\_Definition of ‘Revocation’:**

Proposed Rule New Definition

**Revocation** - means a recommendation to a court, sentencing authority or paroling authority to rescind a supervised individual’s supervision term and execute a jail or prison sentence due to an act or behavior that could not be successfully addressed through the use of documented corrective action or graduated responses in the community.

**Justification**

States varying interpretations of ‘revocation’ create confusion in the retaking process. Some states define revocation as appearing before the court, while others define it as the removal of community supervision to incarceration. This inconsistency leads to misunderstandings among states regarding the retaking process and expectations. After a forum discussion among DCAs, the consensus that defining the term was necessary.

By defining "revocation" in the Commission’s rules, the same standard can be applied across all member states. Without a clear definition of revocation, member states may interpret and apply revocation procedures inconsistently, leading to disparities in how compact individuals are supervised and returned to sending states. Defining revocation helps ensure that all states adhere to the same standards, promoting fairness and reducing confusion.

Clear guidelines on what constitutes revocation can also help protect the legal rights of individuals moving through the Compact. As noted in the ICAOS Bench Book, "while numerous courts have held that convicted persons do not have a right to relocate from one state to another, courts have also recognized that once relocation is granted states should not lightly or arbitrarily revoke the relocation." A well-defined revocation process ensures that decisions are not made arbitrarily, but rather follow a structured, transparent procedure that respects due process.

Defining revocation also provides a clear framework for violations that will result in retaking. It helps outline the circumstances under which an individual’s supervision and relocation can be withdrawn. This clarity sets clear expectations and consistent enforcement of rules. It also ensures that all parties involved have a mutual understanding of the return process, which is critical for the Compact’s smooth operation.

*Remote Hearing Analysis:* Chair T. Hudrlik (MN) reminded the committee about its work on incorporating remote hearings into existing rules. The national office sent out a survey to gather feedback on states’ current practices and preferences regarding remote hearings to help determine the best way to incorporate them into the rule framework. The survey received forty-eight responses.

The committee reviewed the results of the survey:

*Should remote hearings be allowed to address violations and avoid retaking?*

- yes – 65%
- no – 35%

*Only rule 5.101-2 specifically addresses the use of electronic hearings. Should other rules also explicitly allow virtual or remote hearings?*

- yes – 31%
- no – 69%

*Prior to an individual qualifying for the compact, does your state (as the sending state) use remote or virtual hearings to sentence individuals in the receiving state?*

- yes – 50%
- no – 50%

*If yes, are receiving states providing necessary support?*

- yes – 75%
- no – 25%

The committee discussed potentially addressing remote hearings in the Benchbook. The committee will continue the conversation at its face-to-face meeting.

At its next meeting, the committee will review two proposals to amend Rule 5.101-2 submitted by the South Region and the Midwest Region. Chair T. Hudrlik (MN) noted that the committee needs to make it clear that the Commission members could vote only for one proposal or another.

At its upcoming in-person meeting, the committee will focus on the RNR workgroup's progress, remote hearing analysis, two versions of the revocation definition, and any other rule proposals that arise before the meeting.

### **Old Business**

*Proposals to Amend Rules 4.105 & 3.103:* Chair T. Hudrlik (MN) reminded the committee that at its last meeting, it voted not to support the proposal to amend Rule 4.105, submitted by the South Region. Subsequently, the region withdrew the proposal from consideration at the 2025 Annual Business Meeting.

In addition, at its January meeting, the Rules Committee reviewed the Midwest Region's proposal to amend Rule 3.103 and voted to accept the change, replacing "Should" with "Shall" in paragraph (c). Later the Midwest Region met and voted to accept with the Rules Committee's change to the language.

### **New Business**

There was no new business.

### **Adjourn**

**Commissioner C. Moore (GA) moved to adjourn. Commissioner K. Ransom (OH) seconded.**

The meeting adjourned at 2:08 pm ET.