



Interstate Commission for Adult Offender Supervision

Rules Committee Meeting MINUTES

**March 4, 2025 - 11:00 am ET
Teleconference**

Members in Attendance:

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

Members not in Attendance:

1. Amy Vorachek (ND)

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 11:00 am ET. Executive Director A. Lippert called the roll. Seven out of eight 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 J. Vukich (WY) seconded. Agenda approved.

Commissioner K. Ransom (OH) moved to approve the minutes from February 4, 2025, meeting as drafted. Commissioner D. Cady (NV) seconded. Minutes approved.

Discussion

Rule Proposals: The committee reviewed a proposal to amend *Rule 5.101-2 Discretionary process for disposition of violation in the sending state* ~~for after~~ a new crime conviction or incarceration as a result of revocation/violation proceeding, submitted by the Midwest Region.

Rule 5.101-2 Discretionary process for disposition of violation in the sending state ~~for after~~ a new crime conviction or incarceration as a result of revocation/violation proceeding.

[Proposed Change to Re-write Rule]

~~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).~~

At the discretion of the sending state, a proceeding—either electronic or in-person—may be conducted to address violations that occur after a new crime conviction or a violation/revocation proceeding resulting in a sentence of incarceration or supervision outside the sending state. This requires approval from the sentencing or releasing authority in the sending state and consent from the supervised individual.

(a) The sending state must notify the receiving state about the proceeding and provide the violation proceeding results within 10 business days.

(b) If the new crime conviction or violation/revocation sentence fully satisfies the sending state's sentence for the original violation, the sending state is no longer required to retake the individual, provided that Rules 5.102, 5.103, and 5.103-1 apply.

(c) If the new crime conviction or violation/revocation sentence only partially satisfies the sending state's sentence for the original violation, the sending state is required to retake the individual, provided that Rules 5.102, 5.103, and 5.103-1 apply.

Justification: This revision aims to enhance clarity and readability while maintaining the essential information and structure of the original passage. Given the complexity of navigating violation situations and retaking individuals under supervision across state lines, the aim of this rule is to ensure that violations are handled appropriately and timely, taking into account factors such as the severity of the violation, whether it's related or unrelated to a new crime conviction, violation, or revocation resulting in incarceration or a new term of supervision.

With the increase in remote sentencing and a focus on swift and certain supervision, the updated language clarifies that remote hearings are permissible for a sending state to address violations while concurrently dealing with a sentence of incarceration or supervision for a new crime/violation/revocation committed outside of the sending state.

The committee discussed the inclusion of the word "after" in the title and first sentence of the proposal. After deliberation, the committee decided to post the proposal for public comment to gather feedback.

The committee reviewed a proposal to amend *Rule 5.101-2 Discretionary process for disposition of violation in the sending state for a new crime conviction*, submitted by the South Region.

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 and/or supervision on a supervised individual 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.

(a) For a new conviction with a sentence of incarceration:

1. Unless waived by the supervised individual, the sending state shall conduct, at its own expense, an electronic or in-person violation hearing.
2. The sending state shall send the violation hearing results to the receiving state within 10 business days.
3. If the supervised individual'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.
4. If the supervised individual'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.
5. The receiving state may close the case under Rule 4.112 (a)(3).

(b) For a new conviction with a sentence of supervision:

1. Unless waived by the supervised individual, the sending state shall conduct, at its own expense, an electronic or in-person violation hearing.
2. The sending state shall send the violation hearing results to the receiving state within 10 business days.
3. If the violation sentence is to continue, modify or extend supervision, the sending state is no longer required to retake if Rules 5.102 and 5.103 apply.

Justification

With the expansion of remote sentencing during the pandemic many states have become use to remote/electronic hearings and sentencing. When offenders are convicted of a new crime where supervision in the receiving state is the sentence, the receiving state has determined that the offender is suitable for continued community supervision. This update will provide an alternative mechanism for disposition of a VOP due to a new crime conviction outside of the sending state where supervision is the sentence. In these cases revocation is not likely and this rule change will provide clarity that the offender does not have to currently be incarcerated to utilize the electronic hearing alternative process to dispose of a VOP where incarceration or supervision is ordered in the new conviction.

Commissioner K. Ransom (OH) moved to recommend the Midwest Region's proposal to amend Rule 5.101-2 for the Commission's approval at the 2025 Annual Business Meeting. Commissioner D. McDaniel (NV) seconded. Motion approved.

The committee determined not to recommend the South Region's proposal for Commission approval since the justification did not align with the language of the rule. Specifically, the absence of language clarifying that the rule does not apply to absconders would create challenges in enforcement.

Commissioner C. Moore (GA) moved to not recommend the South Region's proposal to amend Rule 5.101-2 for Commission approval at the 2025 Annual Business Meeting. Commissioner K. Ransom (OH) seconded. Motion approved

Rule 1.101 - Definition of 'revocation': At its last meeting, the committee discussed a proposal to define the term revocation in the ICAOS Rules. The national office prepared two proposals for the committee's review and consideration.

After the discussion, the committee agreed on the following proposal:

Rule 1.101 _Definition of 'Revocation':

Revocation - means the course of action by a court, sentencing authority or paroling authority to rescind a supervised individual's supervision term and impose a jail or prison sentence due to an act or pattern of behavior that could not be successfully addressed through documented corrective actions or graduated responses in the community.

'Revocation' is used in 4 rules with various phrases:

- Rule 1.101 *Behavior Requiring Retaking*: 'Request for revocation of supervision'
- Rule 1.101 *Substantial Compliance*: 'Initiation of revocation of supervision'
- Rule 3.103: 'Revocation proceeding'
- Rule 5.108: 'A revocation' & 'Pursuance of revocation of supervision'

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.

Commissioner J. Vukich (WY) moved to recommend adoption of a new definition for 'revocation' for Commission approval at the 2025 Annual Business Meeting. Commissioner C. Moore (GA) seconded. Motion approved.

Old/New Business

There was no old/new business.

Adjourn

Commissioner J. Mosley (MO) moved to adjourn. Commissioner K. Ransom (OH) seconded.

The meeting adjourned at 12:04 pm ET.

DRAFT