

# 2025 RULE PROPOSAL SUMMARY

Per Rule 2.109, these following rule proposals are considered for adoption at the 2025 Annual Business Meeting on October 1, 2025.



## 1.101 REVISE DEFINITION OF 'ABSCOND;' 4.109-2 ABSCONDING VIOLATION; 5.103-1 RETAKING ABSCONDERS

Proposed by **Executive Committee**

- Redefine 'abscond;'
- Expand investigation activities prior to reporting and absconder;'
- Create a 30 day 'holding period' for the receiving state to keep the ICOTS case open pending apprehension.
- Allows for mutual agreement to forego retaking
- Ensures due process is afforded prior to retaking

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Rules

Committee  
Support?

YES

## 1.101-REVISE DEFINITION OF 'COMPACT ADMINISTRATOR'

Proposed by **Rules Committee**

Resolves inconsistency between definition language in the rules and statute

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Rules

Committee  
Support?

YES

## 1.101-REVISE DEFINITION OF 'RELOCATE'

Proposed by **Rules Committee**

Strikes unnecessary language 'in any 12 month period.'

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Rules

Committee  
Support?

YES

## 1.101-NEW DEFINITION OF 'REVOCATION'

Proposed by **Rules Committee**

Defining 'revocation' ensures consistency in application and that retaking decisions are not made arbitrarily, but rather follow a structured, transparent procedure that respects due process.

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Rules

Committee  
Support?

YES

## 2.106-DEFERRED SENTENCING

Proposed by **South Region**

Clarifies criteria for qualifying deferred sentences

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Rules

Committee  
Support?

YES

## 2.110 TRANSFER OF SUPERVISED INDIVIDUALS UNDER THIS COMPACT

Proposed by **Executive Committee**

Clarifies how violations of this rule are determined and investigated and promotes swift coordination between states providing discretion for a supervised individual to remain in the receiving state.

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Rules

Committee  
Support?

YES

### 3.XXX REPORTING INSTRUCTIONS FOR SEX OFFENDERS

Rules  
Committee  
Support?

YES

Proposed by **Midwest Region**

New Rule: Moves existing language (Rule 3.101-3) regarding reporting instructions for sex offenders to new rule and addresses virtual sentencing. Adds conviction paperwork to required documentation if available.

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### 3.XXX MANDATORY REPORTING INSTRUCTIONS FOR SUPERVISED INDIVIDUALS RELEASED FROM INCARCERATION IN THE RECEIVING STATE

Rules  
Committee  
Support?

YES

Proposed by **Midwest Region**

Moves existing language (Rule 3.102) regarding reporting instructions for incarceration releases to new rule.

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### 3.103 MANDATORY REPORTING INSTRUCTIONS FOR SUPERVISED INDIVIDUALS LIVING IN THE RECEIVING STATE

Rules  
Committee  
Support?

YES

Proposed by **Midwest Region**

Re-write of rule for clarity and consistent application to those living in the receiving state at the time of sentencing or after disposition of a violation or revocation.

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### 3.104-1-ACCEPTANCE OF SUPERVISED INDIVIDUAL; ISSUANCE OF REPORTING INSTRUCTIONS

Rules  
Committee  
Support?

YES

Proposed by **Rules Committee**

Enhances clarity of rule language and resolves inconsistent language

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### 3.108-VICTIM'S RIGHT TO BE HEARD AND COMMENT

Rules  
Committee  
Support?

YES

Proposed by **Rules Committee**

Minor revision and clarification that the supervised individual does not 'submit' a request to transfer.

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### 3.110 TO 4.XXX TRAVEL PERMITS TO THE SENDING STATE DURING SUPERVISION

Rules  
Committee  
Support?

YES

Proposed by **Rules Committee**

Title and numbering change to travel permit rule.

[View Proposal](#)

### 4.101 MANNER AND DEGREE OF SUPERVISION IN RECEIVING STATE

Rules  
Committee  
Support?

YES

Proposed by **Executive Committee**

Establishes requirements for documentation/communication and clarifies the receiving state's authority to impose sanctions, ensuring consistency with locally sentenced individuals and reinforcing the 'treat like your own' principle.

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#### 4.105 ARRIVAL AND DEPARTURE NOTIFICATIONS

Proposed by **Rules Committee**

The proposed revision establishes a standardized timeframe for submission of departure notices and removes language that is commonly misinterpreted by ICOTS users creating inefficiencies in the transfer process.

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#### 4.106 PROGRESS REPORTS

Proposed by **Executive Committee**

Reinstates annual progress reports and ensures documentation related to supervision is detailed and includes supervision/risk level as well as current criminogenic needs of the supervised individual.

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#### 4.111 SUPERVISED INDIVIDUALS RETURNING TO THE SENDING STATE

Proposed by **Rules Committee**

Proposal provides clearer, more specific guidelines regarding the return of a supervised individual to the sending state.

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#### 4.112 CLOSING SUPERVISION BY THE RECEIVING STATE

Proposed by **Rules Committee**

Re-word (a)(1) for simplicity and clarity and added reference to 'subsequent state transfers.'

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#### 5.101-2 DISCRETIONARY PROCESS FOR VIOLATION DISPOSITION

Proposed by **Rules Committee**

Re-write of rule to standardize process and documentation requirements when sending states dispose of violations occurring outside the sending state. This proposal retains requirement for retaking when incarceration sentence partially satisfies; mandatory retake not required if sentenced to 'supervision.'

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#### 5.108 PROBABLE CAUSE HEARING IN THE RECEIVING STATE

Proposed by **East Region**

Establishes a new 30 calendar day timeframe for conducting a probable cause hearing. Clarifies 'availability' pending PC.

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#### 5.XXX RETAKING PROCEDURES & 5.XXX SENDING STATE TRANSPORT & AUTHORITY DURING RETAKING

Proposed by **Executive Committee**

Consolidates rules for retaking procedures and the sending state's authority to retake individuals from other states.

[View Proposal](#)

Rules Committee Support?

YES

Rules Committee Support?

YES

Rules Committee Support?

YES

Rules Committee Support?

YES

Rules Committee Support?

YES

Rules Committee Support?

YES

Rules Committee Support?

YES

## *Definition*

Rule 1.101 ***Abscond*** – means to be absent from the supervised individual's approved place of residence and employment; and failing to comply with reporting requirements.

### **Rule 1.101 *Abscond* – means:**

- (a) Supervision personnel are unable to establish contact or locate the supervised individual; and
  - (b) The supervised individual took action to make themselves unavailable for supervision and failed to comply with reporting requirements.
- 

## *Activities Required for Reporting an Absconder*

### **Rule 4.109-2 Absconding Violation**

- (a) If there is suspicion that a supervised individual has absconded, the receiving state shall ~~attempt~~ make reasonable efforts to locate the individual. ~~Such activities~~ Reasonable efforts shall include, but are not limited to documented attempts to contact the individual, detailing the dates, times, methods used and outcomes of each attempt, including:
  - ~~1. Documenting communication attempts directly to the supervised individual, 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.~~
    - 1. Attempts to locate the individual at their last known place of residence;
    - 2. Contacting the individual's employer and/or school, if applicable;
    - 3. Contacting the community agencies providing services to the individual;
    - 4. Contacting known family members and collateral contacts, including those identified in the original transfer request; and
    - 5. Conducting record checks utilizing available databases to assist in locating the individual.
- (b) If the supervised individual is not located after 30 calendar days of the start of the investigation, the receiving state shall submit a violation report pursuant to Rule 4.109(b)(8).
- (c) The receiving state may forgo subsection (b) and immediately submit a violation report to the sending state for the following extenuating circumstances:
  - 1. The individual is alleged to have committed a new criminal offense of a violent, sexual, or serious nature;
  - 2. The individual has fled the apprehension of law enforcement or escaped detention;
  - 3. The individual has removed an electronic monitoring/GPS device; or

4. The individual has a documented history of violent behavior, escalating violations, or is a clear risk to victim safety.
  - (d) Within 15 business days of receiving a violation report for an absconded supervised individual, the sending state shall issue a warrant.
  - (e) If the supervised individual is apprehended within the receiving state, the sending state shall file a detainer with the holding facility where the individual is in custody.
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### *Retaking Requirements for Absconders*

#### **Rule 5.103-1-Mandatory retaking for supervised individuals who abscond Retaking Absconders**

- ~~(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, file a detainer with the holding facility where the supervised individual is in custody.~~
  - ~~(a) If a supervised individual who has absconded is apprehended on a sending state's warrant within the jurisdiction of in the receiving state on a warrant issued by the sending state, and the apprehension occurs within 30 calendar days of the warrant's issuance, the sending state is not required to retake the individual, provided both the sending and receiving states mutually agree.~~ 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).
  - (b) If a supervised individual who has absconded is apprehended within the jurisdiction of the receiving state on a warrant issued by a sending state, and more than 30 calendar days have passed since the warrant was issued or the sending and receiving states did not mutually agree under subsection (a), the receiving state shall establish probable cause as outlined in Rule 5.108.
  - (c) When determined that a supervised individual who has absconded requires retaking and probable cause is established pursuant to Rule 5.108, the sending state shall retake the supervised individual from the receiving state.
  - (d) The sending state shall keep its warrant and detainer in place until the supervised individual is retaken pursuant to subsection (c) or supervision is resumed pursuant to subsection (a).
  - ~~(e) Upon a finding of probable cause the sending state shall retake the supervised individual 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 is retaken pursuant to paragraph (c) or supervision is resumed pursuant to paragraph (d).~~
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**Justification:** The current absconder rules mandate retaking without adequately evaluating the individual circumstances or the potential for rehabilitation. This often results in unnecessary resource expenditure and can inadvertently escalate the issue, rather than resolving it effectively.

The updated definition of "abscond" now includes not only being absent from an approved place of residence and employment, but also actively avoiding contact with supervision personnel. This expanded definition ensures a more precise identification of absconders and allows states to better differentiate between individuals who are truly avoiding supervision and those who may have mitigating circumstances, ensuring that decisions are made with a full understanding of the individual's situation.

The new provisions under Rule 4.109-2 outline specific activities that must be conducted when investigating an absconder. These activities, which include enhanced efforts like contacting known family members, employers, and community agencies, as well as utilizing relevant databases, ensure that efforts to locate absconders are thorough, consistent, and transparent. This process will provide a clearer picture of the individual's situation, which is essential for making well-informed decisions about their supervision status.

The revisions to Rule 5.103-1 introduce the option for sending and receiving states to mutually agree to forgo retaking if the absconder is apprehended within 30 days of warrant issuance. This provides flexibility for states to work together and avoid unnecessary returns when the situation may be resolved without the need for retaking. This collaborative approach fosters better communication and coordination between states, ensuring that decisions made regarding absconders are both fair and appropriate. This change also prevents a rigid, one-size-fits-all approach to absconding violations, allowing for more discretion and tailored responses that can better address public safety and rehabilitative needs.

**Problem Statement:** The current absconder process lacks sufficient due diligence in determining whether an individual is truly an absconder before moving to mandatory retaking. The existing rules focus on limited methods for locating absconders and fail to fully account for the complexities of each case. This results in hasty retaking decisions, which may not accurately reflect the individual's actual status. By bypassing a thorough investigation and assessment of circumstances, states risk unnecessary retaking actions, prolonged supervision, and wasted resources.

**Impact on Compliance:** A more comprehensive, due-diligence-driven process will ensure accurate identification of absconders, prioritize public safety, and avoid unwarranted actions.

**ICOTS Impact:** Screen modifications and new data fields to be implemented in the new system (ICOTS redesign.) Prior to that states may manage through the review process to ensure a thorough investigation is done in the 30-day period prior to reporting an absconder, requiring a warrant.

**Effective Date:** April 1, 2026

**Region/Committee Action:**

- RNR Workgroup 2/27/2025: Motion to recommend rule package for absconder definition, activities to determine and retaking procedures made by Commissioner R. Covington (LA,) seconded by Commissioner J. Lopez (WI.) Motion carries unanimously.
- Rules Committee 3/18/2025: Motion to recommend rule package for absconder definition, activities to determine and retaking procedures for Commission approval made by Commissioner K. Ransom (OH,) seconded by Commissioner J. Vukich (WY.) Motion carries unanimously.
- Executive Committee 3/26/2025: Motion to recommend RNR rule package for absconder definition, activities to determine and retaking procedures incorporating the Rules Committee recommendations for Commission approval made by Commissioner K. Ransom (OH,) seconded by Commissioner C. Moore (GA.) Motion carries unanimously.
- Rules Committee 6/5/2025: Comments were reviewed highlighting concerns with ‘multiple attempts,’ ‘records checks,’ ‘other residences frequented’ and ‘after 30 days’ in 4.109-2 as well as ‘requirement for PC’ in 5.103-1. Motion to recommend additional amendments to (a) and (b) made by Commissioner J. Mosley (MO,) seconded by Commissioner D. Cady (NH.) Motion carried unanimously.
- Executive Committee 6/26/2025: Motion to modify Rule 4.109-2 (a) as recommended by the Rules Committee made by Commissioner D. Crook (VT,) seconded by Commissioner C. Moore (GA.) Motion carried unanimously. *Rules Committee recommendation for 4.109-2 (b) to change ‘after’ to ‘within’ was not supported as it changes the intent of the proposal.*

## **Rule 1.101\_Definition of ‘Compact Administrator’:**

**Compact Administrator** - As defined by Article II of the Interstate Compact for Adult Offender Supervision means the individual in each compacting state appointed pursuant to ~~under~~ the terms of this compact ~~and~~ responsible for the administration and management of the state's supervision and transfer of offenders supervised individuals 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.

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**Justification:** The 2024 rule changes approved by the Commission introduced a definition for "Compact Administrator" in the context of supervised individuals. However, upon further review, it was identified that the term "Compact Administrator" is also defined by the statute governing the Interstate Compact, and as such, cannot be altered through administrative rules. This oversight created an inconsistency between the rule's definition and the statutory language.

**Problem Statement:** To resolve this inconsistency and ensure compliance with the statutory framework, this amendment aligns the rule's definition of "Compact Administrator" with the language in the statute.

**Impact on Compliance:** Ensures ICAOS rules and statute are referenced appropriately.

**ICOTS Impact:** None

**Effective Date:** April 1, 2026

### **Committee Action:**

- Rules Committee 11/6/2024: Motion to recommend amendment to Rule 1.101 definition of ‘compact administrator’ made by Commissioner A. Vorachek (ND,) seconded by Commissioner J. Vukich (WY.) Motion approved unanimously.



## **Rule 1.101\_Definition of ‘Relocate’**

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

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**Justification:** Strike language ‘in any 12 month period.’ Language is unnecessary and sometimes leads to confusion regarding consecutive versus cumulative days. Furthermore, AO 4-2012 appears to support this amendment.

**Problem Statement:** Language is unnecessary and causes confusion.

**Impact on Compliance:** Addresses confusion regarding consecutive versus cumulative.

**ICOTS Impact:** None

**Effective Date:** April 1, 2026

### **Committee Region Action:**

- Rule Committee 6/3/2024: Motion to recommend proposal to the definition of ‘relocate’ for Commission approval made by Commissioner K. Ransom (OH,) seconded by C. Moore (GA.) Motion approved unanimously.

## **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.

**Problem Statement:** Inconsistency of states’ interpretation leads to misunderstandings among states regarding the definition of ‘behavior requiring retaking’ and the retaking process as well as leads to disparities in how compact individuals are supervised and retaken.

**Impact on Compliance:** The proposed definition of ‘revocation’ should ensure a more consistent application of ‘behavior requiring retaking,’ promoting transparency and upholding

due process in retaking decisions. A clear definition enhances consistency, minimizes discrepancies, supports graduated responses, and prevents unnecessary incarceration, ensuring that retaking is reserved for individuals who present a genuine risk to public safety.

**ICOTS Impact:** None

**Effective Date:** April 1, 2026

**Committee/Region Action:**

- Rules Committee 3/4/2025: Motion to recommend adoption of new definition of 'revocation' for Commission approval made by Commissioner J. Vukich (WY,) seconded by Commissioner C. Moore (GA.) Motion approved unanimously.
- Rules Committee 7/10/2025: Comments from forum were reviewed. Committee members agreed the forum comments mostly reflect state process differences rather than concerns with the proposal's intent to improve consistency. No changes were made; comments will be addressed in training.

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

(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 (a), (b,) and (c) 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.

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**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. Incorporating the criteria into the rule provides enforceable clarity and ensures consistent interpretation and application.

**Problem statement:** The only clarification of what an eligible deferred sentence is comes from two advisory opinions. By incorporating the clarification from these opinions into the rule, it ensures clarity and compliance.

**Impact on Compliance:** Incorporating criteria into the rule allows for clarity when enforcing the rule.

**ICOTS Impact:** None

**Effective Date:** April 1, 2026

### **Region/Committee action:**

- South Region 1/21/2025: Motion to forward proposed amendment to Rule 2.106 made by Commissioner C. Moore (GA), seconded by Commissioner J. Parks (VA) Motion approved unanimously.
- Rules Committee 2/4/2025: Motion to support proposal to Rule 2.106 for Commission approval made by Commissioner K. Ransom (OH), seconded by Commissioner D. McDaniels (NV.) Motion approved unanimously.
- Rules Committee 6/24/2025: Motion to suggest additional edits to specify the rule only applies to 3.101 (a) (b) and (c) made by Commissioner A. Voracek (ND,) seconded by Commissioner J. Mosley (MO.) Motion carried unanimously.
- South Region 7/22/2025: Motion to incorporate the rules committee's recommendations into the 2.106 proposal made by Commissioner C. Moore (GA,) seconded by Commissioner J. Winkler (FL.) Motion carries unanimously.

## Rule 2.110 Transfer of Supervised Individuals Under this Compact

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

1. If a supervised individual is in the receiving state without proper approval, the sending or receiving state shall immediately notify each other.
2. Upon confirmation that a supervised individual is in the receiving state without proper approval, the sending and receiving states may mutually agree to allow the supervised individual to remain in the receiving state and issue reporting instructions while the investigation is completed. If an agreement is not reached, the sending state shall direct the individual to return to the sending state within 15 business days.
3. If the supervised individual 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 failure to appear in the sending state.

(c) A supervised individual 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 supervision.

~~(e) Upon violation of section (a), the sending state shall direct the supervised individual to return to the sending state within 15 business days of receiving such notice. If the supervised individual 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 failure to appear in the sending state.~~

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**Justification:** Clearly defining violations of this rule and granting receiving states discretion to allow individuals to remain during investigations can help prevent unnecessary returns. States often reject cases by citing this rule without considering how the supervised individual entered the receiving state, especially when virtual sentencing may not involve actual relocation. Requiring prompt notice, coordination, investigation, and communication can improve outcomes, reduce unnecessary returns, and enhance victim safety in the sending state.

**Problem Statement:** The current language is vague as to what constitutes a violation of '(a)' as well as who determines there is a violation of this rule. Further, this is the only rule where a state's failure to adhere to a rule directly punishes a supervised individual by requiring return.

**Impact on Compliance:** Requires confirmation an individual is in a receiving state without approval prior to enforcing return as well as provides discretion to allow a supervised individual to remain in the receiving state pending an investigation when both states agree.

**ICOTS Impact:** None

**Effective Date:** April 1, 2026

**Committee Action:**

- RNR Workgroup 2/27/2025: Motion to recommend rule proposal to Rule 2.110 made by Commissioner J. Stromberg (OR,) seconded by Commissioner R. Covington (LA.) Motion carries unanimously.
- Rules Committee 3/18/2025: Motion to recommend rule proposal for Rule 2.110 for Commission adoption made by Commissioner D. Cady (NH,) seconded by Commissioner C. Moore (GA.) Motion carries unanimously.
- Executive Committee 3/26/2025: Motion to recommend RNR rule proposal for Rule 2.110 incorporating Rules Committee recommendations for Commission adoption made by Commissioner A. Voracek (ND,) seconded by Commissioner S. Turner (KY.) Motion carries unanimously.
- Rules Committee 6/5/2025: Comments were reviewed highlighting concerns for 'relocate,' 'without permission' and 'immediate notice.' Motion to recommend changes to 2.110 (b) made by Commissioner K. Ransom (OH,) seconded by Commissioner D. Cady (NH.) Motion carried unanimously.
- Executive Committee 6/26/2025: Motion to approve the Rules Committee's recommend changes to the proposal for 2.110 (b) made by Commissioner A. Voracek (ND,) seconded by Commissioner J. Lopez (WI.) Motion carried unanimously.

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

[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 (e).~~

~~(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:**

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,
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; 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 [New Incarceration Release proposal, if adopted] apply to the transfer of sex offenders, as defined by the compact, except:**

1. 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.
2. 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 [New Incarceration Release proposal, if adopted] or if the sentencing or disposition was conducted via electronic hearing.

**(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.**

**Effect on Other Rules:** Language struck from Rule 3.101-3 moved to new Rule 3.XXX [sexoffender\_RIs]; Editorial reference to other proposed rule regarding reporting instructions for incarceration release may be required if both of these rules pass.



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**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.

**Problem Statement:** Information on the transfer of sex offender is only found in Rule 3.101-3 'Transfer of supervision of sex offenders' and is not immediately clear in the title of the current rule. Persons seeking information on reporting instructions would not intuitively look to the current rule. Separating this into a new rule would ensure requirements for reporting instructions for sex offenders are easier to locate for both mandatory and expedited situations.

**Impact on Compliance:** Elevate issue over using solely as a reason to deny. Ensure corrective action.

**ICOTS Impact:** ICOTS could be improved by prompting the user for the specified required documentation when submitting a request for reporting instructions for sex offenders.

**Effective Date:** April 1, 2026

**Region/Committee action:**

- Midwest Region 12/4/2024: Region members reviewed the proposal for new Rule 3.XXX regarding reporting instructions for sex offenders and scored (1=Strongly Disagree-5=Strongly Agree) as follows:
  - 4.1 The requirements are simple, clear, and easy to understand, directly benefitting supervision practices of my state
  - 4.0 The requirements are enforceable and straightforward to implement
  - 4.2 The proposal addresses the problem outlined in the justification
  - 4.3 The proposal aligns with other rules
  - 4.2 It protects victims' rights, promotes public safety, supports fair supervision, and allows flexibility for special cases

Motion to forward proposal for new Rule 3.XXX [sexoffender\_RIs] made by Commissioner K. Ransom (OH), seconded by Commissioner T. Hudrlik (MN) Motion approved unanimously.

- Midwest Region 1/14/2025: Motion to rescind 12/4/2024 motion for new rule regarding sex offender reporting instructions and recommend new language for Commission approval and forward to Rules Committee made by Commissioner T. Hudrlik (MN,) seconded by Commissioner J. Rader (NE.) Motion approved unanimously.

- Rules Committee 2/4/2025: Motion to support rule proposal for new Rule 3.XXX [sexoffender\_Ris] made by Commissioner K. Ransom (OH,) seconded by Commissioner C. Moore (GA.) Motion approved unanimously.
- Rules Committee 6/24/2025: Motion to recommend modifications to the Midwest's proposal for NEW RULE 3.XXX (Reporting Instructions for Sex Offenders) made by Commissioner J. Mosley (MO) seconded by Commissioner C. Moore (GA) Motion approved unanimously.
- Midwest Region 7/15/2025: Motion to accept the Rules Committee's recommendation to re-word (b)(2) to mirror existing rule language referencing virtual hearings made by Commissioner M. Smith (IL,) seconded by Commissioner B. Lewandowski (SD.) Motion carried unanimously.

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

[Move language from 3.102 to new rule; reference this 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**

- (a) 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.
  - (b) The receiving state shall assist the sending state in acquiring the signatures on any other forms required under Rule 3.107.
  - (c) The reporting instructions request shall include but is not limited to:
    - 1. the supervised individual's address and contact information,
    - 2. documentation or details regarding how the supervised individual's receiving state residence status was verified.
  - (d) The sending state shall submit the request for reporting instructions within 10 business days of the supervised individual's release.
  - (e) 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.
  - (f) 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. Separating this into a new rule would ensure requirements for reporting instructions for those released from incarceration in a receiving state are easy to find.

**Problem Statement:** Rules related to transfers of individuals released from incarceration in the receiving state is only found in Rule 3.102 Submission of transfer request to a receiving state and is not immediately clear in the title of the current rule. Persons seeking information on reporting instructions would not intuitively look to that rule. Further, these RI's are considered mandatory, but marking these are 'expedited' is not in line with Rule 3.106 which are discretionary reporting instructions for emergencies where both states agree.

**Impact on Compliance:** Elevate issue over using solely as a reason to deny. Ensure corrective action.

**ICOTS Impact:** ICOTS could be improved by capturing this as a new reason for reporting instructions with ability to provide statistics and use data in an audit/assessment report or tool.

**Effective Date:** April 1, 2026

**Region/Committee action:**

- Midwest Region 12/4/2024: Region members reviewed the proposal for new Rule 3.XXX regarding reporting instructions for those released from incarceration in the receiving state and scored (1=Strongly Disagree-5=Strongly Agree) as follows:
  - **3.9** The requirements are simple, clear, and easy to understand, directly benefitting supervision practices of my state
  - **3.9** The requirements are enforceable and straightforward to implement
  - **4.2** The proposal addresses the problem outlined in the justification
  - **3.9** The proposal aligns with other rules
  - **4.1** It protects victims' rights, promotes public safety, supports fair supervision, and allows flexibility for special cases

Commissioner B. Levandowski (SD) moved to revise the proposal based on the timeline and references to other rules. In addition, he requested clarification from ICAOS Legal Counsel regarding this proposal to create a new rule concerning federal supervision. Once the proposal is finalized, it should be forwarded to the Midwest Region commissioners via email for a vote. Commissioner K. Ransom (OH) seconded the motion. The motion passed unanimously.

- Midwest Region 1/14/2025: Motion to forward proposal for Rules Committee review and Commission consideration made by Commissioner T. Hudrlik (MN,) seconded by K. Ransom (OH.) Motion passed unanimously.
- Rules Committee 2/4/2025: Motion to recommend proposal for New Rule 3.XXX for Commission approval made by K. Ransom (OH), seconded by J. Mosley (MO). Motion passed unanimously.
- Rules Committee 6/24/2025: Motion to recommend modifications to the Midwest's proposal for NEW RULE 3.XXX (Mandatory reporting instructions for supervised individuals released from incarceration in the receiving state) made by Commissioner J. Mosley (MO) seconded by Commissioner D. Cady (NH.) Motion approved unanimously.
- Midwest Region 7/15/2025: Motion to accept the Rules Committee's recommendations to change (c) to 'documentation or details,' and decrease the timeframe in section (d) to 10 business days made by Commissioner K. Ransom (OH,) seconded by Commissioner T. Hudrlik (MN.) Motion carried unanimously.

**Rule 3.103: Reporting Instructions; Supervised Individual Mandatory reporting instructions for supervised individuals living in the receiving state at the time of sentencing or after the disposition of a violation or revocation proceeding**

[Proposed Change to Re-write Rule]

~~(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 a supervised individual 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 requiring the supervised individual's offender's signature under Rule 3.107 prior to granting a travel permit to the supervised individual 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 supervised individual's 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 supervised individual 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.~~

- (a) At the discretion of the sending state, supervised individuals who live in the receiving state at the time of sentencing or after the disposition of a violation or revocation proceeding qualify for reporting instructions.
  - (b) The sending state shall ensure that the supervised individual signs all forms required under Rule 3.107 prior to departing the sending state, obtain signatures electronically, or request assistance from the receiving state if the sentencing or disposition was conducted via electronic hearing.
  - (c) The reporting instructions request shall include but is not limited to:
    - a. the supervised individual's address and contact information,
    - b. documentation or details regarding how the supervised individual's receiving state residence status was verified.
  - (d) The sending state shall submit the request for reporting instructions within 10 business days of either the:
    - a. initial sentencing date,
    - b. date of the disposition of a violation or revocation proceeding, or
    - c. release date from incarceration to supervision, if this occurs within 90 days of the sentence.
  - (e) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
  - (f) The sending state shall submit a completed transfer request no later than 15 business days of the granting of reporting instructions.
- 

**Justification:** Rule 3.103 has historically been subject to various interpretations by compact member states, resulting in issues such as unnecessary rejections, punitive actions against supervised individuals, gaps in supervision, and inaccurate data entry, which compromises the integrity of the database used to track supervised individuals' locations.

The primary objective of Rule 3.103 is to allow residents of a receiving state to return to their residence once they have been sentenced by a court or sentencing authority as well as when there has been a violation or revocation proceeding resulting in immediate supervision. Rule 3.103 outlines the responsibilities of both the sending and the receiving states. It's important to note that the compact rules do not dictate how judges or sentencing authorities should sentence individuals who commit crimes or violate supervision requirements. Instead, they focus on managing the supervision imposed by these authorities and ensuring proper communication occurs between states.

For individuals under supervision who have a verified residence in the receiving state at the time of sentencing or disposition, this rule aims to prevent their displacement pending a transfer

investigation. The revision of this rule aims to clarify the qualifications and documentation required for a receiving state to assume supervisory authority during a transfer investigation. The proposed language seeks to prevent hardships and instability, particularly in cases where the supervised individual's only available resources are in the receiving state.

Additionally, the revised rule clarifies the sending state's discretion to allow a supervised individual to return to their residence, which can better protect victims in the sending state and the public at large. This clarification enhances the overall effectiveness and fairness of the supervision process under the compact.

Other notes:

- Title change consistent with other mandatory RI reasons covered in Rule 3.101-1.
- Clarifies what documentation should be required, including requiring documentation or details related to how the receiving state's residence was verified.
- Expands the timeframe to submit the reporting instructions request to account for virtual sentencing and dispositions and where more time may be needed to verify the receiving state's residence.
- Removes unnecessary and confusing rule language covered in other rules or processes. For example, Rules 3.104, 3.104-1, 4.105 and 4.111.
- Addresses the need for receiving state assistance to obtain signed forms when physical signatures may be needed when sentenced electronically.
- Changes language from including individuals incarcerated for six months or less to "release date from incarceration to supervision, if this occurs within 90 days of the sentence" as a full transfer request should be submitted under Rule 3.105 for longer periods of incarceration. Reporting instructions can be sent when there is not enough time to submit a transfer request/reply to transfer request post sentencing to avoid displacement upon release and prior to formal acceptance. This also removes the unintended consequence of not qualifying for reporting instructions when credit for a long period of incarceration pre-sentence is given at sentencing.

**Problem Statement:** Varying interpretations of this rule have created unnecessary hardships and instability, particularly in cases where the supervised individual's only available resources are in the receiving state. The FY22 Transfer Assessment also revealed the inconsistencies in how states apply this rule resulting in punitive actions against supervised individuals, gaps in supervision, and inaccurate data entry, which compromises the integrity of the database used to track supervised individuals' locations.

**Impact on Compliance:** Proposal simplifies criteria and aims to reduce unnecessary rejections, punitive actions against supervised individuals, gaps in supervision, and inaccurate data entry. The primary objective of Rule 3.103 is to allow residents of a receiving state to return to their residence once they have been sentenced by a court or sentencing authority as well as when there has been a violation or revocation proceeding resulting in immediate supervision after retaking.

**ICOTS Impact:** None



**Effective Date:** April 1, 2026

**Region/Committee Action:**

- Midwest Region 10/23/2024: Region members reviewed the proposal for 3.103 and scored (1=Strongly Disagree-5=Strongly Agree) as follows:
  - **3.8** The requirements are simple, clear, and easy to understand, directly benefitting supervision practices of my state
  - **3.8** The requirements are enforceable and straightforward to implement
  - **3.9** The proposal addresses the problem outlined in the justification
  - **3.8** The proposal aligns with other rules
  - **3.7** It protects victims' rights, promotes public safety, supports fair supervision, and allows flexibility for special cases

Motion to forward proposal to Rule 3.103 made by Commissioner T. Hudrlik-MN, seconded by Commissioner B. Lewandowski-SD. Motion approved unanimously.

- Rules Committee 1/7/2025: Motion to recommend Midwest's proposal to amend rule 3.103 made by A. Voracek (ND,) seconded by K. Ransom (OH) with the suggestion to change 'should' to 'shall' in section (c). Midwest chair A. Voracek will address this revision at the Midwest's upcoming meeting. Motion approved unanimously.
- Midwest Region 1/14/2025: Motion to accept Rules Committee's language recommendation changing 'should' to 'shall' in section (c) made by Commissioner M. Smith (IL,) seconded by Commissioner K. Ransom (OH.) Motion approved unanimously.
- Rules Committee 6/24/2025: Motion to recommend modifications to the Midwest's proposal for 3.103 (c) (d) and (e) based on Commission's comments made by Commissioner A. Voracek (ND,) seconded by Commissioner K. Ransom (OH.) Motion approved unanimously.
- Midwest Region 7/15/2025: Motion to accept the Rules Committee's recommendations to change (c) to 'documentation or details,' decrease the timeframe in section (d) to 10 business days and expand the timeframe in section (e) to 90 calendar days made by Commissioner K. Ransom (OH,) seconded by Commissioner T. Hudrlik (MN.) Motion carried unanimously.

### Rule 3.104-1 – Acceptance of Supervised Individual; Issuance of Reporting Instructions

- (a) ~~If a receiving state accepts transfer of the supervised individual~~ The receiving state's acceptance shall include reporting instructions, unless the supervised individual is in the receiving state with approved reporting instructions during the investigation.
- (b) Upon notice of acceptance of transfer by the receiving state, the sending state shall confirm the supervised individual's departure and ~~issue a travel permit and~~ notify the receiving state ~~of the supervised individual's departure~~ as required under Rule 4.105.
- (c) A receiving state shall assume responsibility for supervision upon the supervised individual'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 supervised individual does not depart ~~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 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.~~

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**Justification:** This revision enhances clarity for responsibilities and resolves inconsistencies in language. The rule is updated to ensure it is not directly dependent on ICOTS processes but instead aligns with the governing rule (Rule 4.105). This approach maintains flexibility for potential system redesigns that may not include the same forms or processes currently in use. Removing section (e) aims to eliminate confusion between reporting a 'failure to arrive' and prematurely withdrawing an acceptance, which often leads to unnecessary inefficiencies during the transfer process.

**Problem statement:** The existing rule lacks clarity and contains inconsistent language regarding acceptance, reporting instructions, and the withdrawal process. Additionally, tying the rule explicitly to ICOTS processes may create challenges if system modifications occur in the future. A clearer, rule-based framework is necessary to ensure uniform application and compliance across jurisdictions.

**Impact on Compliance:** Revisions intend to enhance compliance by clarifying responsibilities and resolving inconsistent language.

**ICOTS Impact:** None

**Effective Date:** April 1, 2026

**Region/Committee action:**

- Rules Committee 3/18/2025: Motion to recommend Rules Committee proposal to Rule 3.104-1 made by Commissioner C. Moore (GA,) seconded by Commissioner K. Ransom (OH.) Motion carried unanimously.

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

- (a) When a supervised individual ~~submits a request to transfer~~ is transmitted to a receiving state or a subsequent receiving state, or a request is made to return to a sending state, the victim notification authority in the sending state shall inform victims of the supervised individual of their right to be heard and comment. Victims of the supervised individual 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 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 a 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 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.
- 

**Justification:** Minor revision and clarification that the supervised individual does not 'submit' a request to transfer.

**Problem statement:** Current language alludes the supervised individual 'submits' a request to transfer.

**Impact on Compliance:** Clarifies the responsibility to notify a victim when a request for transfer or return is made.

**ICOTS Impact:** None

**Effective Date:** April 1, 2026

**Region/Committee action:**

- Rules Committee 3/18/2025: Motion to recommend Rules Committee proposal to Rule 3.108 for Commission adoption made by Commissioner A. Voracek (ND,) seconded by Commissioner K. Ransom (OH.) Motion carried unanimously.

**Rule ~~4.XXX~~ 3.110: Travel Permits to the Sending State During Supervision**

[Title only-No change to Rule Language]

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

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**Justification:** Rule 3.110 adopted in 2020 covers travel permits to the sending state during supervision. As the rule is not part of the transfer process, but rather a process during the term of supervision in the receiving state, the rule should be re-numbered to Chapter 4 of ICAOS rules. The title should also be revised to reflect the circumstances of when the rule is applied.

**Problem Statement:** As the rule is not part of the transfer process, but rather a process during the term of supervision in the receiving state, the rule should be re-numbered to Chapter 4 of ICAOS rules.

**Impact on Compliance:** Ensures criteria and requirements are easy to find in the rules.

**ICOTS Impact:** None

**Effective Date:** April 1, 2026

**Committee Action:**

- Rules Committee 6/3/2024 Motion to support proposal for commission vote made by Commissioner M. Charton (NY,) seconded by Commissioner K. Ransom (OH.) Motion approved unanimously.

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

- (a) A receiving state shall supervise individuals transferred under the interstate compact in a manner consistent with the supervision and risk level of ~~other~~ similarly sentenced individuals ~~sentenced~~ in the receiving state.
- (b) If a supervised individual violates conditions of supervision, the individual may be sanctioned in the receiving state during the term of supervision in a manner consistent with similarly sentenced individuals in the receiving state.
- (c) Receiving states shall document ~~including~~ the use of incentives, corrective actions, graduated responses, and other supervision techniques.
- 

**Justification:** The FY25 Retaken/Retransferred Assessment highlights inconsistencies in supervision documentation and the need for improvement. It found that risk assessments and related documentation are rarely shared, though crucial for managing violations and supervision. This proposal establishes requirements for documentation/communication and clarifies the receiving state's authority to impose sanctions, ensuring consistency with locally sentenced individuals and reinforcing the 'treat like your own' principle.

**Problem Statement:** The current rule does not require states to document or share information regarding risk level or that supervision techniques must be documented. This information is critical when making decisions for retaking or modifying an individual's supervision term.

**Impact on Compliance:** Enhances expectations to better ensure states are treating compact supervised individuals as their own.

**ICOTS Impact:** See ICOTS impact for Rule 4.106 proposal: Screen modifications and new data fields may be considered for the Progress Report to better direct users.

**Effective Date:** April 1, 2026

### **Region/Committee Action:**

- RNR Workgroup 2/27/2025: Motion to recommend proposal to Rule 4.101 made by Commissioner D. Crook (VT,) seconded by Commissioner J. Lopez (WI.) Motion carried unanimously.
- Rules Committee 3/18/2025: Motion to recommend proposal to Rule 4.101 made by Commissioner J. Vukich (WY,) seconded by Commissioner C. Moore (GA.) Motion carried unanimously.
- Executive Committee 3/26/2025: Motion to recommend RNR proposal to Rule 4.101 with incorporating the Rules Committee revisions made by Commissioner T, Hudrlik (MN,) seconded by Commissioner D. Crook (VT.) Motion carried unanimously.
- Rules Committee 6/5/2025: Comments were reviewed. No recommendations were made to revise proposal.

## **Rule 4.105 – Arrival and Departure Notifications; Withdrawal of Reporting Instructions**

[Re-write Rule]

~~(a) Departure notifications—At the time of departure from any state pursuant to a transfer of supervision or the granting of reporting instructions, the state from which the supervised individual 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 intended departure and the date by which the supervised individual has been instructed to arrive.~~

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

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

Revised Version:

(a) Departure notifications - A departure notification shall be issued by any state no earlier than 5 business days prior to the supervised individual's intended departure date.

1. This rule applies to individuals granted reporting instructions under any applicable ICAOS Rule or pursuant to an accepted transfer.
2. The departure notification shall include the method of travel and date by which the supervised individual is instructed to arrive.

(b) Arrival notifications – Upon the arrival of a supervised individual in any state due to a transfer of supervision, issuance of reporting instructions, or if the individual fails to arrive as instructed, the intended receiving state shall immediately notify the state from which the individual departed as well as the applicable sending state.

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**Justification:** The proposed revision establishes a standardized timeframe by requiring departure notifications to be transmitted no earlier than five (5) business days prior to the intended departure date. This ensures consistency across jurisdictions and enhances the effectiveness of interagency coordination. By explicitly mandating the inclusion of travel details, the revision improves tracking capabilities and accountability. Additionally, clarifying that this rule applies to individuals under all applicable ICAOS rules ensures comprehensive coverage and uniform compliance. Removal of language in section (c) will help reduce confusion among ICOTS users, as withdrawing reporting instructions prematurely can result in unnecessary work and confusion during the transfer process.

**Problem statement:** The current rule lacks specificity regarding the timeframe within which departure notifications must be issued, which can lead to inconsistencies in reporting and difficulties in tracking supervised individuals' movements. The absence of a clear window for

submitting departure notifications may result in premature or delayed reporting, impacting the receiving state's ability to adequately prepare for the individual's arrival. Additionally, the rule does not explicitly require details on the method of travel, which could hinder efforts to locate a supervised individual if issues arise during transit.

**Impact on Compliance:** This revision promotes better adherence to notification procedures, minimizing gaps in communication and ensuring all involved states have timely and accurate information. It reduces the risk of supervised individuals traveling without proper oversight and enhances accountability within the transfer process.

**ICOTS Impact:** None

**Effective Date:** April 1, 2026

**Region/Committee action:**

- Rules Committee 3/18/2025: Motion to recommend Rules Committee proposal to Rule 4.105 for Commission adoption made by Commissioner A. Voracek (ND,) seconded by Commissioner D. Cady (NH.) Motion carried unanimously.



## **Rule 4.106: Progress Reports on Supervised Individual Compliance and Non-Compliance**

- (a) A receiving state shall submit a progress report to the sending state annually, and within 30 calendar days of receiving a request.
- (b) A receiving state shall submit progress reports to the sending state that documents the supervised individual's ~~may initiate a progress report to document compliant or noncompliant behavior that does not require retaking. This report shall enable the sending state to determine whether to modify the conditions of supervision, extend or shorten the supervision term, or consider early termination.~~ for supervised individuals that do not require retaking as well as incentives, corrective actions or graduated responses imposed.
- (c) A progress report shall include the following current information about the supervised individual:
1. ~~supervised individual's name;~~
  1. ~~supervised individual's current residence~~ residential address;
  2. ~~supervised individual's current telephone number and current electronic mail address;~~
  3. name and address of the ~~supervised individual's~~ employer;
  4. supervision level;
  5. criminogenic needs to be addressed;
  6. supervising officer's summary of the ~~supervised individual's~~ conduct, progress and attitude, and compliance with conditions of supervision;
  7. date(s), description(s) and documentation regarding the use of any incentives and rewards to reinforce compliant behavior;
  8. treatment programs attempted and completed ~~by the supervised individual;~~
  9. date(s), description(s) and documentation ~~information~~ about any sanctions, corrective actions, or other supervision techniques that have been imposed ~~on the supervised individual to address noncompliant behavior in the receiving state, and the response to such actions;~~ since the previous progress report;
  10. any other information requested by the sending state that is available from ~~in~~ the receiving state; and
  11. supervising officer's recommendation.
-

**Justification:** In 2016, the Commission approved a revision to Rule 4.106, removing the requirement for annual progress reports and transitioning ICOTS to a managed process for handling these reports. This change required compact offices to review submissions for completeness and detail. Consequently, the number of progress reports submitted declined significantly (see ICOTS data below).

Following the FY25 Retaken/Retransferred Assessment, the Risk, Needs, and Responsivity (RNR) Workgroup recommends reinstating the annual progress report requirement. Mandating these reports will enhance states' ability to monitor supervision outcomes and intervene early when necessary. Regular updates provide a clear, consistent record of an individual's progress, enabling states to allocate resources efficiently and make informed decisions.

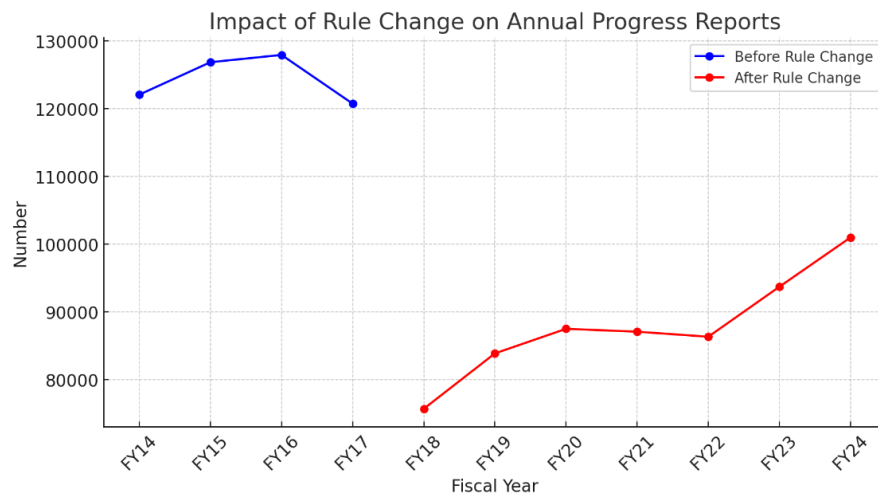
The decline in reliable supervision documentation, including lack of comprehensive progress reports, has contributed to an increase in out-of-state subpoenas, as sending states struggle to make informed decisions due to incomplete case information. This reporting gap makes it difficult to track an individual's success or challenges during supervision. Reinstating annual progress reports will help address these issues by ensuring sending states have accurate, up-to-date information to guide their decisions and reduce risks associated with insufficient documentation.

Annual progress reports are critical for ensuring that supervision decisions remain responsive to the evolving needs of supervised individuals. Their reinstatement serves four key purposes:

- **Comprehensive Documentation for Supervision:** Regular progress reports maintain a consistent record of an individual's compliance, status, and supervision history. They ensure transparency and accountability, supporting both incentives and corrective actions.
- **Informed Decision-Making by Sending States:** Routine reporting provides essential insights into an individual's compliance, progress, and response to interventions, allowing sending states to make informed decisions about supervision conditions, modifications, or early termination.
- **Risk-Based Supervision and Compliance Monitoring:** Progress reports enable supervision agencies to adjust risk levels and tailor responses appropriately. This supports a graduated response model that balances accountability with effective interventions, rather than relying solely on punitive measures.
- **Addressing Criminogenic Needs:** Regular documentation ensures that treatment participation and completion are tracked consistently, providing a clear picture of rehabilitation efforts. This enables supervision agencies to adjust treatment plans, apply supportive measures, and promote behavioral change—ultimately enhancing public safety and reducing recidivism.

Reinstating annual progress reports will strengthen oversight, improve decision-making, and ensure that supervision remains responsive to the needs of individuals under supervision.

**ICOTS data:**



*Before Rule Change:*

FY14: 122,051  
 FY15: 126,836  
 FY16: 127,912  
 FY17: 120,721

*After Rule Change:*

FY18: 75,714  
 FY19: 83,883  
 FY20: 87,510  
 FY21: 87,085  
 FY22: 86,343  
 FY23: 93,721  
 FY24: 100,995

**Problem Statement:** The absence of annual or regular progress reports, along with information on supervision levels and criminogenic needs, hinders informed decision-making by the sending state, appropriate risk-based supervision, and the ability of receiving states to address criminogenic needs. This proposal promotes transparency, accountability, and more effective supervision techniques, ultimately leading to safer communities and improved rehabilitation outcomes.

**Impact on Compliance:** Requiring annual progress reports ensures documentation is regularly shared with the sending state during the term of supervision.

**ICOTS Impact:** Annual progress report notices to be implemented in the new system (ICOTS redesign.) Prior to that states may manage through ICOTS dashboards. Screen modifications and new data fields may be considered to better direct users.

**Effective Date:** April 1, 2026

**Region/Committee Action:**

- RNR Workgroup 2/27/2025: Motion to recommend proposal to Rule 4.106 made by Commissioner J. Stromberg (OR,) seconded by Commissioner R. Convington (LA.) Motion carried unanimously.
- Rules Committee 3/18/2025: Motion to recommend proposal to Rule 4.106 for Commission adoption made by Commissioner D. Cady (NH,) seconded by Commissioner K. Ransom (OH.) Motion carried unanimously.
- Executive Committee 3/26/2025: Motion to recommend RNR proposal to Rule 4.106 for Commission adoption made by Commissioner C. Moore (GA,) seconded by Commissioner A. Voracek (ND.) Motion carried unanimously.

- Rules Committee 6/5/2025: Comments were reviewed. Motion to recommend changes to (a) ('or' to 'and') made by Commissioner D. Cady (NH,) seconded by Commissioner K. Ransom (OH.) Motion carried unanimously.
- Executive Committee 6/26/2025: Motion to modify proposal to 4.106 as recommended by the Rules Committee made by Commissioner D. Crook (VT,) seconded by Commissioner G. Roberge (CT.) Motion carried unanimously.

#### **Rule 4.111 Supervised individuals returning to the sending state [Re-write Rule]**

- ~~(a) For a supervised individual returning to the sending state, the receiving state shall request reporting instructions, unless the individual 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 return. The supervised individual shall remain in the receiving state until receipt of reporting instructions.~~
- ~~(b) If the receiving state rejects the transfer request for a supervised individual 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 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 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 and determine the intended departure date. If unable to locate the supervised individual 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 until the 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 arrival or failure to arrive as required by Rule 4.105 (b) prior to validating the case closure notice.~~
- ~~(f) If the supervised individual 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 failure to appear in the sending state.~~
- (a) The receiving state shall request reporting instructions for a supervised individual returning to the sending state, unless the individual is under active criminal investigation or is charged with a subsequent felony or violent crime in the receiving state.
- (b) The receiving state may initiate the return to the sending state:
  1. At the request of the supervised individual,
  2. At the direction of the sending state, or
  3. After a transfer request is rejected for an individual with approved reporting instructions who has arrived in the receiving state, unless Rule 3.104 (b) or (c) applies.
- (c) The sending state shall grant the request for reporting instructions no later than 2 business days of receiving the request from the receiving state. The receiving state shall provide reporting instructions to the supervised individual and set the intended departure date. If the

supervised individual cannot be located, the receiving state shall conduct activities pursuant to Rule 4.109-2.

- (d) Upon departure, the receiving state shall notify the sending state as required by Rule 4.105 (a) and transmit a case closure as required by Rule 4.112 (a)(5). The sending state shall notify the receiving state of the supervised individual's arrival or failure to arrive as required by Rule 4.105 (b) prior to validating the case closure notice.
  - (e) If the supervised individual fails to return to the sending state as ordered, the sending state shall issue a warrant no later than 15 business days following the individual's failure to appear in the sending state.
  - (f) The receiving state retains supervisory authority until the supervised individual's departure.
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**Justification:** This rule revision provides clearer, more specific guidelines regarding the return of a supervised individual to the sending state. Under the revised rule, receiving states cannot simply send an individual back unless there is a clear violation, and the individual is unwilling to return voluntarily, they must provide adequate reason for the return. The proposal enhances procedural efficiency, reduces ambiguity in the return process, and promotes a more effective interjurisdictional management framework for supervised individuals. This proposal serves to uphold public safety while ensuring due process and compliance with existing regulations.

**Problem Statement:** The current rule governing the return of supervised individuals to the sending state lacks clarity and consistency in addressing circumstances under which the receiving state may initiate a return. Specifically, there is a need to explicitly define the authority of the receiving state in cases where a supervised individual requests return, the sending state directs return, or when a transfer request is rejected after the individual has already arrived. The absence of clear procedures for these scenarios leads to delays, misinterpretations, or procedural inefficiencies in the transfer process. Furthermore, the rule must ensure consistency with Rule 3.104 (b) and (c) to prevent conflicts in application.

**Impact on Compliance:** Specifying reasons for return should enhance compliance.

**ICOTS Impact:** Relabel of 'comment' in ICOTS re-design of the return RI process to require a reason for return.

**Effective Date:** April 1, 2026

**Region/Committee Action:**

- Rules Committee 3/18/2025: Motion to recommend Rules Committee proposal to re-write 4.111 for Commission adoption made by Commissioner K. Ransom (OH,) seconded by Commissioner J. Vuchik (WY.) Motion carried unanimously.

## Rule 4.112 – Closing Supervision by the Receiving State

(a) The receiving state may close and cease supervision upon–

1. ~~The date of discharge indicated for the supervised individual at the time of application for supervision unless informed of an earlier or later date~~ Discharge of supervision as determined by the sending state;
2. Notification to the sending state of the supervised individual's absconding from supervision in the receiving state;
3. Notification to the sending state that the supervised individual has been sentenced to incarceration for 180 calendar days or longer, including judgment and sentencing documents and information about the individual's location;
4. Notification of death; ~~or~~
5. Return to sending state; or
6. Departure pursuant to a subsequent state transfer.

(b) A receiving state shall not terminate its supervision while the sending state is in the process of retaking the supervised individual.

(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.

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**Justification:** Re-word (a)(1) for simplicity and clarity and added reference to ‘subsequent state transfers.’

**Problem statement:** Unnecessary language in (a)(1) leads to confusion and rule lacks reference to when a case may be closed when transferring to a subsequent receiving state.

**Impact on Compliance:** Revised language better aligns with governing Rule 4.102 Duration of Supervision in the Receiving State.

**ICOTS Impact:** None

**Effective Date:** April 1, 2026

**Region/Committee action:**

- Rules Committee 3/18/2025: Motion to recommend Rules Committee proposal to Rule 4.112 for Commission adoption made by Commissioner J. Vuchik (WY,) seconded by Commissioner J. Mosely (MO.) Motion carried unanimously.

**5.101-2 Discretionary process for disposition of violation in the sending state ~~for~~ to address  
a new crime conviction or revocation/violation proceeding.**

[Proposed Change to Re-write Rule]

~~Notwithstanding any other rule, a sentence imposing a period of incarceration 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) — Unless waived by the supervised individual, 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 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 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 a new crime conviction or a violation/revocation 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 or if the sentence is limited to supervision only, 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 includes incarceration and only partially satisfies the sending state's incarceration 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.



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**Justification:** This revision merges clarity and readability of the Midwest's proposal to 5.101-2 and the South's proposal to 5.101-2 to not require retaking when the sentence is 'supervision.' 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.

**Problem Statement:** Rule 5.101-2 saw limited use until the COVID-19 pandemic necessitated remote hearings and sentencing. During this time, the rule has been put into practice and has revealed areas where clarity is lacking.

**Impact on Compliance:** Compact rules primarily manage supervision and aren't intended to dictate sentencing or sentencing practices. Therefore, this language focuses on outlining communication and documentation requirements for resolving violations before retaking individuals when deemed appropriate. This approach aims to streamline processes and ensure efficient management of cases across state lines.

**ICOTS Impact:** None

**Effective Date:** April 1, 2026

**Region/Committee Action:**

- Rules Committee 3/18/2025: Motion to recommend Rules Committee proposal to Rule 5.101-2 merging language from the Midwest's proposal and the South's proposal made by Commissioner J. Mosley (MO,) seconded by Commissioner A. Voracek (ND.) Motion carried unanimously.
- Rules Committee 7/15/2025: Comments were reviewed. Motion to modify proposal to change 'after' to 'to address' in the title and rule language made by Commissioner C. Moore (GA,) seconded by Commissioner J. Mosley (MO.) Motion carried unanimously. The committee discussed the need to include waiver language and agreed 'consent' sufficiently covers waiver situations.

**Rule 5.108 Probable cause hearing in receiving state [Includes Editorial change for 5.103-1]**

- (a) A supervised individual 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) A receiving state shall conduct a probable cause hearing within 30 calendar days of a request made by a sending state for a supervised individual subject to retaking unless the supervised individual requests and is granted a postponement by the hearing officer.
- (c) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the supervised individual 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.
- (d) A copy of a judgment of conviction regarding the conviction of a new criminal offense by the offender shall be deemed conclusive proof that an offender may be retaken by a sending state without the need for further proceedings.
- (e) The offender shall be entitled to the following rights at the probable cause hearing:
  - 1. Written notice of the alleged violation(s);
  - 2. Disclosure of non-privileged or non-confidential evidence regarding the alleged violation(s);
  - 3. The opportunity to be heard in person and to present witnesses and documentary evidence relevant to the alleged violation(s);
  - 4. The opportunity to confront and cross-examine adverse witnesses, unless the hearing officer determines that a risk of harm to a witness exists.
- (f) 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; documents the alleged violations of conditions and the hearing officer's finding on each violation; 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.
- (g) The supervised individual shall not be considered available for retaking pursuant to Rule 5.105 [or new proposed retaking procedure consolidation rule] until the results of the probable cause hearing have been submitted to the sending state.
- (h) If the hearing officer determines that there is probable cause to believe that the supervised individual 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 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.

- (i) If probable cause is not established, the receiving state shall:
  - 1. Continue supervision if the offender is not in custody.
  - 2. Notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state's warrant.
  - 3. Vacate the receiving state's warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody.

**Effect on Other Rules:**

[editorial change]

**Rule 5.103-1 - Mandatory retaking for offenders who abscond**

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

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

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

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

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

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**Justification:**

One of the key components of due process centers around timeliness. In *Morrissey v. Brewer* the court held that due process requires a prompt inquiry. While *Morrissey* did not establish a specific time period to conduct the hearing, it did recognize the requirement of applying timeliness to due process. This proposal sets out to address those probable cause hearings requested by the sending state that far exceed what one could reasonably consider timely. Such delays or inaction violate and infringe upon a supervised individual's due process. The proposed language seeks to rectify such timeliness issues for transferred individuals who are subject to retaking and for whom a probable cause hearing has been requested by the sending state. Additionally, the new language will build on the framework of *Morrissey* and enhance Rule 5.108. The omission of such a time frame in the current language only acts to ignite a negative circumstance. No supervised individual should have his or her liberties restrained indefinitely on

a sending state's warrant as the receiving state fails to uphold the founding principle of timely due process.

The ICAOS rules provide a plethora of time frames for various actions. These time frames are set to ensure public safety, properly track the movement of a supervised individual and much more. Mandating a time frame to conduct the PCH fully supports these same reasons and purposes. The first aspect of this proposal is to establish a 30-calendar day time frame to hold a probable cause hearing when requested by the sending state for a supervised individual who is subject to retaking. The recommended 30-calendar day time frame was selected based on not only open-source research, but also the use of such a time frame in other aspects of the ICAOS rules. The goal is to establish a defined time frame that will then prompt such aspects as tracking of the request, ICOTS notifications pertaining to the deadline, enforcement, and an audit trail. Currently, states are having to set their own internal control to seek the status of a requested PCH. At this time, sending states do not have any enforcement tool when a requested PCH has not been held in months despite outreach via ICOTS and to the receiving state's compact office. Enacting a reasonable time frame will prevent supervised individuals from being held on a sending state's warrant for extensive periods of time before the PCH is actually held. Alleviating these scenarios will reduce the cost the receiving state incurs to detain a supervised individual and will support the timeliness aspects of *Morrissey*.

Open-source research was conducted on all 53 signatories with regards to established time frames to conduct their PCH hearing for their own population of supervised individuals. The results revealed that 33 signatories have an established time frame to conduct a PCH, ranging from 3 days to 60 days. Twenty states have no obvious timeframe and rely on language like "prompt" or "as soon as possible." Upon further review of the 33 signatories with a set time frame, the median number of days is 14 and the average is 18. Only three signatories (WI, IN, DC) have a timeframe greater than 30 days. Taking these findings into account, there are 30 signatories that would not be directly affected by this proposal as they are already required to hold a PCH in 30 days or less. It is vital to note the low impact as it builds additional support to ensure all signatories are operating under the same criteria when dealing with a transferred supervised individual's due process.

The proposal also looks to enhance the language related to the hearing report required to be submitted to the sending state within 10 business days. Currently, Rule 5.108(f) provides that a report must include the time, date, location of the hearing, list of the parties present, and a summary of the testimony and evidence. The rule omits any language that specifically requires the hearing officer to outline in their report which conditions specifically have probable cause established and which did not. Expanding this language will afford the sending state clear distinctions between those violations where PC is or is not established. A more accurate and concise report will assist the sending state in the revocation process after retake occurs. The additional requirement in this report will seek to eliminate unjustified retake when probable cause is established on violations that do not meet the ICAOS definition of behavior requiring retaking or those that do not meet the absconder definition.

Finally, the proposal seeks to provide clarity and enforcement upon when a supervised individual is available for retake when a PCH is requested by the sending state. Under Rule 5.105, a sending state is required to retake a supervised individual within 30 calendars of being held solely on the sending state's warrant. If a supervised individual is detained on a sending state's warrant in the receiving state due to a prior absconding situation, Rule 5.105 dictates the offender shall be retaken within 30 calendar days assuming no other matters are interfering with retaking. However, in many instances, a sending state will request a PCH per Rule 5.103-1(b). All too often, receiving state's holding facilities want the detained supervised individual retaken within the 30 days per Rule 5.105 regardless of any request made by the sending state for a PCH. Further, the holding facility may not be aware of the ICAOS rules or that a request for PCH has been made. The time and resources to rectify these matters can be alleviated with the imposition of this new language. The inclusion of section (g) in this proposal will eliminate the demand for retake prior to the PCH being conducted and results received. It will help to assure that no supervised individual is retaken prior to receiving all due process afforded by law. The language in this proposed section will eliminate the contradiction that is occurring now between Rule 5.105 and 5.103-1.

### **Impact on Compliance:**

**ICOTS Impact:** There will be an impact on ICOTS due to the imposition of the 30-day time frame required to hold the PCH. Consideration to how ICOTS will perform to accomplish this task should come from current practices and established methods already in use in ICOTS. There is a level of expectation that the 30-day time frame can be viewed in either an ICOTS or Dashboard report for tracking and audit purposes. The proposed language will require ICOTS to create a tool (i.e. new special status similar to warrant tracking) to indicate when a request for a PCH is made by the sending state. In turn, ICOTS will need to provide a mechanism to acknowledge that the PCH was conducted within 30 days by the receiving state. Along the same lines, ICOTS would be expected to send auto-generated emails to alert the receiving state of the due date and overdue date. Emails would be sent in intervals similar to that of a Case Closure Notice. Consideration would need to be made in ICOTS as to how to acknowledge when the PCH report is conducted to prove the time frame to conduct in 30 calendar days is met.

**Effective Date:** April 1, 2026

### **Committee/Region Action:**

- East Region 7/25/2024: Motion to forward recommendation for Pennsylvania's rule proposal to Rule 5.108 (with editorial change to 5.103-1) made by NJ, 2nd MA. Motion carried unanimously.
- Rules Committee 1/7/2025: Motion to recommend adoption of East's proposal to amend rule 5.108 made by WY, seconded by MO. Motion carried unanimously.
- Rules Committee 6/24/2025: Comments were reviewed. No additional suggestions were suggested. As requested at the 6/5/2025 Rules Committee meeting, legal counsel reported there are no direct conflict with proposals to 5.105 and 5.108.

**Rule 5.107: Officers Retaking a Supervised Individual (move to new consolidation rule)**

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

**Rule 5.109: Transport (move to new consolidation rule)**

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

**Rule 5.110: Retaking from Local, State or Federal Correctional Facilities (move to new consolidation rule)**

- ~~(a) Officers authorized by the law of a sending state may take custody of a supervised individual from a local, state or federal correctional facility at the expiration of the sentence or the individual's release from that facility provided that~~
  - ~~1. No detainer has been placed against the supervised individual by the state in which the correctional facility lies; and~~
  - ~~2. No extradition proceedings have been initiated against the supervised individual by a third-party state.~~

**New Rule 5.XXX: Sending State Transport & Authority During Retaking**

- (a) Officers authorized under the laws of a sending state may enter any compact state to take custody of a supervised individual, provided they adhere to this compact, its rules, due process requirements, and confirm both their authority and the individual's identity.
- (b) Member states shall allow officers authorized by the laws of the sending or receiving state to transport supervised individuals through the state without interference.
- (c) Officers authorized by the laws of a sending state may take custody of a supervised individual from a local, state or federal correctional facility at the expiration of the period of confinement or the individual's release from that facility provided that:
  - 1. No detainer has been placed against the supervised individual by the state in which the correctional facility lies; and
  - 2. No extradition proceedings have been initiated against the supervised individual by a third-party jurisdiction.

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**Justification:** Consolidating these rules into a single provision ensures that all aspects of a sending state’s authority during retaking—entry into a receiving state, transport, and custody transfers—are clearly defined in one location. This eliminates the need to cross-reference multiple rules, reducing the risk of misinterpretation allowing sending and receiving states to efficiently coordinate retaking procedures. By clearly outlining due process requirements, transport permissions, and conditions under which custody transfers occur, the new rule also minimizes unnecessary delays in retaking. It also ensures that sending state officers can perform their duties without interference while respecting legal constraints such as detainers and extradition claims. This proposal ensures that supervised individuals are swiftly and securely retaken while minimizing administrative burdens and legal disputes between states. It also promotes efficient resource allocation by establishing clear protocols for interstate transport and correctional facility transfers.

**Problem Statement:** The existing ICAOS rules governing the authority of sending state officers during retaking—Rules 5.107 (Officers Retaking a Supervised Individual), 5.109 (Transport), and 5.110 (Retaking from Local, State, or Federal Correctional Facilities)—are spread across multiple provisions. This fragmentation creates inconsistencies in application, and difficulties in interpretation, particularly regarding the authorization, transport, and custody transfer of supervised individuals.

**Impact on Compliance:** This enhances compliance with ICAOS requirements by removing ambiguities related to officer authority, transport logistics, and facility transfers.

**ICOTS Impact:** None

**Effective Date:** April 1, 2026

**Committee Action:**

- RNR Workgroup 2/27/2025: Motion to recommend rule package for new rules 5.XXX Retaking Procedures & 5.XXX Sending State Transport & Authority During Retaking (consolidating current Chapter 5 rules) made by Commissioner J. Stromberg (OR,) seconded by Commissioner D. Crook (VT.) Motion carried unanimously.
- Rules Committee 3/18/2025: Motion to recommend rule package for new rules 5.XXX Retaking Procedures & 5.XXX Sending State Transport & Authority During Retaking (consolidating current Chapter 5 rules) for Commission adoption made by Commissioner J. Mosely (MO,) seconded by Commissioner A. Vorachek (ND.) Motion carried unanimously.
- Executive Committee 3/26/2025: Motion to support RNR proposal 5.XXX Sending State Transport & Authority During Retaking (consolidating current Chapter 5 rules) for Commission adoption made by Commissioner S. Turner (KY,) seconded by Commissioner S. Kreamer (IA.) Motion carried unanimously.
- Rules Committee 6/5/2025: Comments were reviewed. No recommendations were made.

**~~Rule 5.104: Cost of Retaking~~ (move to new consolidation rule)**

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

**~~Rule 5.105: Time Allowed for Retaking~~ (move to new consolidation rule)**

~~A sending state shall retake a supervised individual within 30 calendar days after the individual has been taken into custody on the sending state's warrant and is held solely on the sending state's warrant.~~

**~~Rule 5.106: Cost of Incarceration in the Receiving State~~ (move to new consolidation rule)**

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

**~~Rule 5.111 Denial of Bail or Other Release Conditions to Certain Supervised Individuals~~ (move to new consolidation rule)**

~~A supervised individual 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.~~

**NEW Rule 5.XXX: Managing Retaking Procedures & Responsibilities**

After determining that violations require retaking, the following procedures apply:

- a. The sending state shall issue a warrant within 15 business days upon receipt of the violation report.
- b. After the sending state issues a warrant for retaking, the receiving state shall apprehend the supervised individual on the sending state's warrant and provide notification to the sending state. If the receiving state is unable to locate the supervised individual to affect the apprehension, the receiving state shall follow Rule 4.109-2.
- c. A sending state shall retake a supervised individual within 30 calendar days after the individual has been taken into custody on the sending state's warrant and is held solely on the sending state's warrant. A supervised individual 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.
- d. A receiving state shall be responsible for the cost of detaining the supervised individual in the receiving state pending retaking by the sending state.
- e. A sending state shall be responsible for the cost of retaking the supervised individual.



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**Justification:** Consolidating these provisions into a single rule ensures that all aspects of retaking, timelines, financial obligations, and procedural responsibilities, are clearly outlined in one location. This reduces ambiguity and improves compliance by providing a singular reference point. A unified rule enhances accountability by defining clear procedural steps and responsibilities for both the sending and receiving states. The consolidation will help minimize disruptions in the retaking process, while also supporting states in fulfilling their obligations efficiently.

**Problem Statement:** The current ICAOS rules governing retaking responsibilities—Rules 5.104 (Cost of Retaking), 5.105 (Time Allowed for Retaking), 5.106 (Cost of Incarceration in the Receiving State) and 5.111 (Denial of Bail or Other Release Conditions to Certain Supervised Individuals) —are fragmented across multiple provisions. States must navigate multiple rules to understand their obligations. This dispersion results in inefficiencies, inconsistencies in application, and potential misinterpretation of obligations by member states.

**Impact on Compliance:** These revisions enhance clarity, streamline processes, and improve compliance among member states.

**ICOTS Impact:** None

**Effective Date:** April 1, 2026

**Committee Action:**

- RNR Workgroup 2/27/2025: Motion to recommend rule package for new rules 5.XXX Retaking Procedures & 5.XXX Sending State Transport & Authority During Retaking (consolidating current Chapter 5 rules) made by Commissioner J. Stromberg (OR,) seconded by Commissioner D. Crook (VT.) Motion carried unanimously.
- Rules Committee 3/18/2025: Motion to recommend rule package for new rules 5.XXX Retaking Procedures & 5.XXX Sending State Transport & Authority During Retaking (consolidating current Chapter 5 rules) for Commission adoption made by Commissioner J. Mosely (MO,) seconded by Commissioner A. Vorachek (ND.) Motion carried unanimously.
- Executive Committee 3/26/2025: Motion to recommend rule package for new rule 5.XXX Retaking Procedures made by Commissioner T. Hudrlik (MN,) seconded by Commissioner D. Crook (VT.) Motion carried unanimously.
- Rules Committee 6/5/2025: Comments were reviewed, highlighting concerns such as conflicts with 5.103 and Discretionary retaking when ‘ordering to return’ in lieu of retaking (this proposal only covers ‘retaking,’ returns are rather covered under Rule 4.111. The absence of Rule 5.111 as highlighted in the comments was a typographical error. Question raised regarding the East’s Proposal to 5.108; legal counsel reported at the 6/24/2025 meeting that no conflicts exist. No recommendations for changes were made.