

Amendments

Interstate Commission for Adult Offender Supervision Annual Meeting 2005 - Phoenix, AZ

DAY 1: September 13, 2005

I.) Bylaw Amendment *ATTACHED*

- Article VII Section 3. Regional Representatives

II.) Amendments passed during Rules Committee Report *ATTACHED*

- RULE 2.109 Adoption of rules; amendment
- RULE 1.101 Definitions (ff) "Victim"
- RULE 1.101 Definitions (ii) "Relocate"
- RULE 1.101 Definitions (jj) "Compact"
- RULE 1.101 Definitions (r) "Resident"
- RULE 1.101 Definitions (ee) "Travel permit"
- RULE 2.110 Transfer of offenders under this compact
- RULE 3.101 Mandatory transfer of supervision, 3.101-1 Mandatory Transfers of Military, Families of Military, and Family Members Employed, 3.101-2 Discretionary transfer of supervision
- RULE 3.104 Time allowed for investigation by receiving state
- RULE 3.104-1 Acceptance of offender; issuance of reporting instructions
- RULE 3.107 Transfer Request
- RULE 4.103 Special conditions
- RULE 4.105 Arrival and departure notifications; withdrawal of reporting instructions
- RULE 4.110 Transfer to a subsequent receiving state

III.) Amendments referred to Rules Committee during Rules Committee Report

ATTACHED

- RULE 1.101 Definitions (ii) "Relocate"
- RULE 3.103 Acceptance of the offender by receiving state; exception
- RULE 3.106 Request for expedited reporting instructions

DAY 2: September 14, 2005

IV.) Amendments passed with 'Emergency Motion' *ATTACHED*

- RULE 2.102 Data collection and reporting

V.) Rules referred to Rules Committee during New Business

- RULE 1.101 Definitions (ii) "Relocate" (to be voted on in 120 days)
- RULE 1.101 Definitions "Formal Communication (to define)
- RULE 2.105 Misdemeanants
- RULE 3.101 Mandatory transfer of supervision
- RULE 3.103 Acceptance of the offender by receiving state; exception (to be voted on in 120 days)
- RULE 3.103 section: (b)(1)(F)
- RULE 3.105 Request for transfer of a paroling offender
- RULE 3.106 Request for expedited reporting instructions (to be voted on in 120 days)
- RULE 3.108 Victim Notification
- RULE 4.111 Return to the Sending State

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

I.) Bylaw Amendment

Article VII Section 3. Regional Representatives

Section3. Regional Representatives

A regional representative of each of the four regions of the United States, Northeastern, Midwestern, Southern, and Western, shall be elected or reelected ~~every two years~~, beginning with the 2005 annual meeting, by a plurality vote of the commissioners of each region, and shall serve for two years or until a successor is elected by the commissioners of that region. The states and territories comprising each region shall be determined by reference to the regional divisions used by the Council of State Governments.

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

II.) Amendments passed during Rules Committee Report (Sept. 13, 2005)

RULE 2.109 Adoption of rules; amendment

~~Additional~~ Proposed new rules or amendments to the rules shall be adopted by majority vote of the members of the Interstate Commission in the following manner.

- ~~(a) Prior to promulgation and adoption of a final rule by the Interstate Commission, the text of the proposed rule or amendment shall be published by the Rules Committee not later than 30 days prior to the meeting at which vote on the rule is scheduled, on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.~~
- ~~(b) Each administrative rule or amendment shall state—~~
- (a) Proposed new rules and amendments to existing rules shall be submitted to the Interstate Commission office for referral to the Rules Committee in the following manner:
- (1) Any Commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual Commission meeting. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
 - (2) Standing ICAOS Committees may propose rules or rule amendments by a majority vote of that committee.
 - (3) ICAOS Regions may propose rules or rule amendments by a majority vote of members of that region.
- (b) The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Commissioners for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the Commission's website upon receipt. Based on the comments made by the Commissioners the Rules Committee shall prepare a final draft

of the proposed rule(s) or amendments for consideration by the Commission not later than the next annual meeting.

(c) Prior to the Commission voting on any proposed rule or amendment, the text of the proposed rule or amendment shall be published by the Rules Committee not later than 30 days prior to the meeting at which vote on the rule is scheduled, on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.

(d) Each proposed rule or amendment shall state—

- (1) The place, time, and date of the scheduled public hearing;
- (2) The manner in which interested persons may submit notice to the Interstate Commission of their intention to attend the public hearing and any written comments; and
- (3) The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

~~(c) All persons wishing to be heard at the hearing shall notify the Interstate Commission in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.~~

~~(d) If no written notice of intent to attend the public hearing by interested parties is received by the Interstate Commission, the Interstate Commission may choose to cancel the public hearing. The Interstate Commission shall provide notice of cancellation of the public hearing on the Interstate Commission's website.~~

(e) Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment ~~whether or not the person has given the notice contemplated by subsection (c) of this section.~~ No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Interstate Commission from making a transcript or recording of the public hearing if it so chooses.

(f) Nothing in this section shall be construed as requiring a separate public hearing on each rule. Rules may be grouped for the convenience of the Interstate Commission at public hearings required by this section.

- (g) Following the scheduled public hearing date, ~~or by the close of business on the scheduled hearing date if the hearing was not held~~, the Interstate Commission shall consider all written and oral comments received.
- (h) The Interstate Commission shall, by majority vote of a quorum of the commissioners, take final action on the proposed rule or amendment by a vote of yes/no or by referring the rule back to the Rules Committee for further action. The Commission shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
- (i) Not later than sixty days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States District Court of the District of Columbia or in the federal district court where the Interstate Commission's principal office is located. If the court finds that the Interstate Commission's action is not supported by substantial evidence, as defined in the federal Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside. In the event that a petition for judicial review of a rule is filed against the Interstate Commission by a state, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
- (j) Upon determination that an emergency exists, the Interstate Commission may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to--
- (1) Meet an imminent threat to public health, safety, or welfare;
 - (2) Prevent a loss of federal or state funds;
 - (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
 - (4) Protect human health and the environment.

Effective Date: September 13, 2005

History: Adopted November 3, 2003; amended September 13, 2005

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

RULE 1.101 Definitions

(ff) **“Victim”** means a natural person or the family of a natural person who has ~~suffered physical injury or serious emotional harm~~ incurred direct or threatened physical or psychological harm as a result of an act or omission of an offender.

(ii) **“Relocate”** means to remain in another state for more than 90 days in any 12 month period.

(jj) **“Compact”** means the Interstate Compact for Adult Offender Supervision.

(r) **“Resident”** means a person who—

- (1) has continuously inhabited a state for at least one year prior to the commission of the offense for which the offender is under supervision; and
- (2) intends that such state shall be the person’s principal place of residence; and
- (3) has not, unless incarcerated, ~~relocated to~~ remained in another state or states for a continuous period of six months or more with the intent to establish a new principal place of residence.

(ee) **“Travel permit”** means the written permission granted to an offender authorizing the offender to ~~relocate~~ travel from one state to another.

Effective Date: January 1, 2006

History: Adopted November 3, 2003. Rule 1.101(h) amended October 26, 2004; Rule 1.101(r) amended October 26, 2004; Rule 1.101(s) amended October 26, 2004; Rule 1.101(aa) adopted October 26, 2004; Rule 1.101 (bb) amended October 26, 2004; Rule 1.101(ee) amended September 13, 2005; Rule 1.101(ff) amended September 13, 2005; Rule 1.101(ii) adopted September 13, 2005; Rule 1.101(jj) adopted September 13, 2005; Rule 1.101(r) amended September 13, 2005.

The amendments are presented using the following:

- Deleted language is *struck through*
- Added language is underlined

RULE 2.110 Transfer of offenders under this compact

~~No state shall permit a person who is eligible for transfer under this compact to relocate to another state except as provided by the Interstate Compact for Adult Offender Supervision and these rules.~~

- (a) No state shall permit an offender who is eligible for transfer under this compact to relocate to another state except as provided by the Compact and these rules.
- (b) An offender who is not eligible for transfer under this Compact is not subject to these rules and remains subject to the laws and regulations of the state responsible for the offender's supervision.

Effective Date: January 1, 2006

History: Adopted November 3, 2003; amended September 13, 2005

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

RULE 3.101 Eligibility for Mandatory transfer of supervision

At the discretion of the sending state, an offender ~~who has three months or more or an indefinite period of supervision remaining~~ shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer, if the offender ~~pursuant to a valid plan of supervision~~:

- (a) has more than 90 days or an indefinite period of supervision remaining; and
 - (b) has a valid plan of supervision; and
 - (c) is in substantial compliance with the terms of supervision in the sending state; and
 - (d) is a resident of the receiving state; or
 - (e) (1) has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and
(2) can obtain employment in the receiving state or has a visible means of support.
- ~~(b)(1) *Military members* An offender who is a member of the military and has been deployed by the military to another state, and who meets the other criteria specified in Rules 3.101 (a)(1) and 3.101 (a)(3)(B), shall be immediately eligible for transfer of supervision.~~
- ~~(2) *Offenders who live with family who are members of the military* An offender who meets the other criteria specified in Rules 3.101(a)(1) and 3.101(a)(3)(B) and who lives with a family member who has been deployed to another state, shall be immediately eligible for transfer, provided that the offender will live with the military member in the receiving state.~~
- ~~(3) *Employment of family member in another state* An offender who meets the other criteria specified in Rules 3.101(a)(1) and 3.101(a)(3)(B), and whose family member, with whom he or she resides, is transferred to another state and obtains full time employment, shall be immediately eligible for transfer, unless the receiving state can show good cause for rejecting the transfer request provided that the offender will live with the family member in the receiving state.~~

- (c) ~~A receiving state, for good cause shown, may consent to the transfer of supervision of an offender who does not otherwise qualify for transfer of supervision.~~

RULE 3.101-1 Mandatory Transfers of Military, Families of Military, and Family Members Employed;

- (a) Transfer of Military members- An offender who is a member of the military and has been deployed by the military to another state, shall be immediately eligible for reporting instructions and transfer of supervision.
- (b) Transfer of Offenders who live with family who are members of the military- An offender who meets the other criteria specified in Rules 3.101 (c) and 3.101 (e)(2) and who lives with a family member who has been deployed to another state, shall be immediately eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state.-
- (c) Employment transfer of family member to another state- An offender who meets the other criteria specified in Rules 3.101(c) and 3.101(e)(2), and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, shall be immediately eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state.

RULE 3.101-2 Discretionary transfer of supervision

- (a) A sending state may request transfer of supervision of an offender who does not meet the eligibility requirements in Rule 3.101
- (b) The sending state must provide sufficient documentation to justify the requested transfer.
- (c) The receiving state shall have the discretion to accept or reject the transfer of supervision in a manner consistent with the purpose of the compact.

Effective Date: January 1, 2006

History: Rule 3.101 adopted November 3, 2003; Rule 3.101 amended October 26, 2004; Rule 3.101 amended September 13, 2005; Rule 3.101-1 adopted September 13, 2005; Rule 3.101-2 adopted September 13, 2005.

The amendments are presented using the following:

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RULE 3.104 Time allowed for investigation by receiving state

(a) A receiving state shall complete investigation and respond to a sending state's request for an offender's transfer of supervision no later than the 45th calendar day following receipt of a completed transfer request in the receiving state's compact office. ~~Receipt of completed transfer request shall be presumed to occur by the fifth business day following transmission.~~

(b) If a receiving state determines that an offender transfer request is incomplete the receiving state shall notify the sending state by rejecting the transfer request with the specific reason(s) for the rejection. ~~of that determination and the nature of the incompleteness no later than five business days following receipt of the transfer request by the receiving state.~~

~~(2) A sending state that has been notified of an incomplete transfer request shall, within five business days following receipt of notice of incompleteness, remedy the incompleteness by providing the missing material or demonstrating good cause why the incompleteness cannot be remedied within five business days, which the receiving state shall consider. Receipt by the sending state of notice of an incomplete transfer request shall be presumed to occur by the fifth business day following transmission by the receiving state.~~

~~(3) The 45-calendar-day period for investigation of and response to a sending state's request for transfer of an offender's supervision shall be suspended until the sending state supplies the missing material in the transfer request.~~

Effective Date: Upon implementation of electronic system; date to be determined by Executive Committee

History: Adopted November 4, 2003; amended October 26, 2004; amended September 13, 2005.

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

RULE. 3.104-1 Acceptance of offender; issuance of reporting instructions

- (a) If a receiving state accepts transfer of the offender, the receiving state's acceptance shall include reporting instructions.
- (b) Upon notice of acceptance of transfer by the receiving state, the sending state shall issue a travel permit to the offender and notify the receiving state of the offender's departure as required under Rule 4.105.
- (c) An acceptance by the receiving state shall be valid for 120 calendar days. If the sending state has not sent a Departure Notice to the receiving state in that time frame, the receiving state may withdraw its acceptance and close interest in the case. This does not apply to paroling offenders. See Rule 3.105 (c)(1).

Effective Date: January 1, 2006

History: Adopted October 26, 2004; amended September 13, 2005.

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

RULE 3.107 Transfer Request

- An application for transfer of supervision of an offender shall contain—
- (a) ~~offender's full name and any aliases by which the offender is known;~~
 - (b) ~~indication of whether the offender seeks transfer to the receiving state based on residency in the receiving state, family residing in the receiving state, or consent of the receiving state;~~
 - (c) ~~name, address, and telephone number of family in the receiving state if the offender bases the transfer request on family's residency in the receiving state;~~
 - (d) ~~offender's proposed residence in the receiving state;~~
 - (e) ~~offender's current or prospective employer in the receiving state;~~
 - (f) ~~offender's criminal justice identification number in the sending state;~~
 - (g) ~~offender's date of birth;~~
 - (h) ~~offender's social security number, if known;~~
 - (i) ~~county of conviction or imposition of supervision;~~
 - (j) ~~indication of the type of criminal justice supervision to which the offender has been sentenced;~~
 - (k) ~~instant offense in sufficient detail to describe the type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;~~
 - (l) ~~offender's criminal history;~~
 - (m) ~~notice, if applicable, indicating that the supervision of the offender is a victim sensitive matter;~~
 - (n) ~~date supervision is to begin, if known;~~
 - (o) ~~date supervision is to terminate, if known;~~
 - (p) ~~name and title of supervising officer;~~
 - (q) ~~signed "Offender Application for Interstate Compact Transfer" form, which shall include "Agreement to Return on Demand of the sending state" and "Waiver of Extradition";~~
 - (r) ~~signed "Consent to Random Drug or Alcohol Testing and to Searches Based on Reasonable Suspicion" form;~~
 - (s) ~~signed "Authorization for Release of Medical and Psychological Information" form;~~
 - (t) ~~photograph of offender;~~
 - (u) ~~conditions of supervision;~~
 - (v) ~~any orders restricting the offender's contact with victims or any other person;~~
 - (w) ~~any known orders protecting the offender from contact with any other person;~~
 - (x) ~~information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;~~

- ~~(y) judgment and commitment documents;~~
 - ~~(z) pre-sentence investigation report, if available;~~
 - ~~(aa) supervision history, if available;~~
 - ~~(bb) information relating to any court ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made.~~
 - ~~(cc) medical information, if available; and~~
 - ~~(dd) psychological evaluation, if available.~~
- (a) A Transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—
- (1) transfer request form;
 - (2) instant offense in sufficient detail to describe the type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
 - (3) photograph of offender;
 - (4) conditions of supervision;
 - (5) any orders restricting the offender’s contact with victims or any other person;
 - (6) any known orders protecting the offender from contact with any other person;
 - (7) information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
 - (8) pre-sentence investigation report, if available;
 - (9) supervision history, if available;
 - (10) information relating to any court-ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made.
- (b) The Offender Application for Interstate Compact Transfer shall be maintained in the sending state.
- (c) Additional documents, such as the Judgment and Commitment, and any other information may be requested from the sending state following acceptance of the offender. The sending state shall provide the documents if available.

Effective Date: Upon implementation of electronic system; date to be determined by Executive Committee

History: Adopted November 4, 2003; amended October 26, 2004; amended September 13, 2005.

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

RULE 4.103 Special conditions

- (a) At the time of ~~investigation~~ acceptance or during the term of supervision, the compact administrator or supervising authority in the receiving state may impose a special condition on an offender transferred under the interstate compact if that special condition would have been imposed on the offender if sentence had been imposed in the receiving state.
- (b) A receiving state shall notify a sending state that it intends to impose or has imposed a special condition on the offender, the nature of the special condition, and the purpose.
- (c) A sending state shall inform the receiving state of any special conditions to which the offender is subject at the time the request for transfer is made or ~~when it becomes available~~ at any time thereafter.
- (d) A receiving state that is unable to enforce a special condition imposed in the sending state shall notify the sending state of its inability to enforce a special condition at the time of request for transfer of supervision is made.

Effective Date: January 1, 2006

History: Adopted November 4, 2003; amended September 13, 2005.

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

RULE 4.105 Arrival and departure notifications; withdrawal of reporting instructions

(a) *Departure notifications*

At the time of an offender's departure from any state pursuant to a transfer of supervision or the granting of a ~~travel permit~~ reporting instructions, the state from which the offender departs shall notify the intended receiving state, and, if applicable, the sending state, ~~by telephone, electronic mail or telefax~~ through the electronic information system of the date and time of the offender's intended departure and the date by which the offender has been instructed to arrive.

(b) *Arrival notifications*

At the time of an offender's arrival in any state pursuant to a transfer of supervision or the granting of a ~~travel permit~~ reporting instructions, or upon the failure of an offender to arrive as instructed, the intended receiving state shall immediately notify the state from which the offender departed, and, if applicable, the sending state, ~~by telephone, electronic mail or telefax~~ through the electronic information system of the offender's arrival or failure to arrive.

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

~~(d) A receiving state that withdraws its reporting instructions or subsequently determines that an offender granted a travel permit has absconded, shall immediately notify the sending state.~~

Effective Date: Upon implementation of electronic system; date to be determined by Executive Committee

History: Adopted November 4, 2003; amended September 13, 2005.

The amendments are presented using the following:

- Deleted language is *struck through*
- Added language is underlined

RULE 4.110 Transfer to a subsequent receiving state

- (a) At the request of an offender for transfer to a subsequent receiving state, and with the approval of the sending state, the sending state shall prepare and transmit a request for transfer to the subsequent state in the same manner as an initial request for transfer is made.
- (b) The receiving state shall assist the sending state in acquiring the offender's signature on the "Application for Interstate Compact Transfer" ~~the "Agreement to Return on Demand of the sending state"~~ and the ~~"Consent to Random Drug Testing and to Searches Based on Reasonable Suspicion"~~ forms and any other forms that may be required under Rule 3.107 (a), and shall transmit these forms to the sending state.
- (c) The receiving state shall submit a statement to the sending state summarizing the offender's progress under supervision.
- (d) The receiving state shall issue a travel permit to the offender when the sending state informs the receiving state that the offender's transfer to the subsequent receiving state has been approved.
- (e) Notification of offender's departure and arrival shall be made as required under Rule 4.105.
- (f) Acceptance of the offender's transfer of supervision by a subsequent state and issuance of reporting instructions to the offender terminate the receiving state's supervisory obligations for the offender.

Effective Date: Upon implementation of electronic system; date to be determined by Executive Committee

History: Adopted November 4, 2003; amended October 26, 2004; amended September 13, 2005.

III.) Amendments referred to Rules Committee during Rules Committee Report

RULE 1.101 Definitions

(ii) **“Relocate”** means to remain in another state for more than 90 days in any 12 month period.

The referred amendments are presented using the following:

- Highlighted language is amended language at the 2005 Annual Business Meeting
- Proposed Deleted language is ~~struck through~~
- Proposed Added language is underlined

RULE 3.103 Acceptance of the offender by receiving state; exception

(a) A sending state shall not allow an offender ~~under supervision in the sending state~~ to relocate to a receiving state without the receiving state's acceptance of the transfer of supervision.

(b) Exception—

~~(1)(A) A sending state may grant a travel permit to an offender who was living in the receiving state at the time of sentencing.~~

(1)(A) A sending state may request reporting instructions from a receiving state through the electronic information system and may grant a seven day travel permit to an offender who was living in the receiving state at the time of sentencing. Prior to granting a travel permit to an offender, the sending state shall verify that the offender is living in the receiving state.

~~(B) This exception is not applicable to offenders released to supervision from prison.~~

(B) The receiving state shall issue reporting instructions no later than two business days following receipt of such a request from the sending state.

(C) The sending state shall ensure that the offender sign all forms requiring the offender's signature under Rule 3.107 (a) prior to granting a travel permit to the offender. Signed forms shall be maintained in the sending state until termination of compact supervision.

(D) The sending state shall transmit a departure notice to the receiving state per Rule 4.105 (a).

(E) This exception is applicable to offenders sentenced to jail as a condition of probation and released to probation supervision from a jail facility.

(F) This exception is not applicable to offenders released to supervision from prison.

- (2) The sending state retains supervisory responsibility until the offender's arrival in the receiving state.
- (3) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions during the investigation of the offender's plan of supervision upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.
- (4) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than 15 calendar days following the granting to the offender of the reporting instructions.
- (5)(A) If the receiving state rejects the transfer request for an offender granted a travel permit reporting instructions, or if the sending state fails to send a completed transfer request by the 15th day following the granting of a travel permit reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request from the receiving state, direct the offender to return to the sending state by a date specified by the sending state within 30 calendar days after the receipt of notification of the rejection of the transfer request.
- (B) If the offender does not return to the sending state, as directed, the sending state shall initiate the retaking of the offender by issuing a warrant or an order to return no later than 10 calendar days following the offender's failure to appear in the sending state.
- (C) The receiving state shall continue to supervise the offender until a warrant is issued or notice is given by the sending state as required under Rule 4.105.

The referred amendments are presented using the following:

- Highlighted language is amended language at the 2005 Annual Business Meeting
- Proposed Deleted language is ~~struck through~~
- Proposed Added language is underlined

RULE 3.106 Request for expedited reporting instructions

- (a)(1) A sending state may request that a receiving state agree to expedited transfer reporting instructions of an offender if the sending state believes that emergency circumstances exist and the receiving state agrees with that determination. If the receiving state does not agree with that determination, the offender shall not proceed to the receiving state until an acceptance is received under Rule 3.104-1.
- (2) (A) A receiving state that agrees to expedited transfer reporting instructions of an offender shall immediately issue reporting instructions for the offender, and a sending state shall immediately issue a travel permit transmit a departure notice.
- (B) The sending state shall ensure that the offender signs all forms requiring the offender's signature under Rule 3.107 (a) prior to granting a travel permit reporting instructions to the offender. The sending state shall immediately transmit the signed forms electronically or by telefax to the receiving state Signed forms shall be maintained in the sending state until termination of compact supervision.
- (C) At the time of transmission of the signed forms, the sending state shall provide the receiving state with a copy of the offender's orders and conditions, documentation of the offender's residency, copy of any available pre-sentence report, copy of any order of protection, where applicable, and whether the offender is subject to sex offender registration in the sending state.
- (b) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions during the investigation of the offender's plan of supervision upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.
- (c) A sending state shall transmit a completed transfer request for an offender granted a travel permit reporting instructions no later than the seventh calendar day following the granting to the offender of the travel permit reporting instructions.

- (d)(1) If the receiving state rejects the transfer request for an offender granted ~~a travel permit~~ reporting instructions, or if the sending state fails to send a completed transfer request by the ~~7th~~ seventh calendar day following the granting of ~~a travel permit~~ reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state ~~by a date specified by the sending state~~ within 30 calendar days after receipt of notification of the rejection of the transfer request.
- (2) If the offender does not return to the sending state as directed, the sending state shall initiate the retaking of the offender no later than 10 calendar days following the offender's failure to appear in the sending state.
- (3) The receiving state shall continue to supervise the offender until a warrant is issued or notice is given by the sending state as required under Rule 4.105.

The amendments are presented using the following:

- Deleted language is ~~struck through~~
- Added language is underlined

III.) Amendments passed with ‘Emergency Motion’

RULE 2.102 Data collection and reporting

- (a) As required by the compact, and as specified by the operational procedures and forms approved by the commission, the states shall gather, maintain and report data regarding the transfer and supervision of offenders supervised under this compact.
- (b) (1) Each state shall report to the commission each month the total number of offenders supervised under the compact in that state.
(2) Each state shall report to the commission each month the numbers of offenders transferred to and received from other states in the previous month.
(3) Reports required under Rule 2.102 (b)(1) and (2) shall be received by the commission no later than the 15th day of each month.
- (c) ~~Unless readopted, this rule shall expire on December 31, 2005.~~ This Rule will not expire until the Electronic Information System approved by the commission is fully implemented and functional.

Effective Date: December 31, 2005

History: Adopted November 3, 2003; amended September 14, 2005

IV.) Rules referred back to Rules Committee during New Business

RULE 1.101 Definitions (ii) “Relocate” (to be voted on in 120 days)

RULE 1.101 Definitions “Formal Communication (to define)

RULE 2.105 Misdemeanants

RULE 3.101 Mandatory transfer of supervision

RULE 3.103 Acceptance of the offender by receiving state; exception (to be voted on in 120 days)

RULE 3.103 section: (b)(1)(F)

RULE 3.105 Request for transfer of a paroling offender

RULE 3.106 Request for expedited reporting instructions (to be voted on in 120 days)

RULE 3.108 Victim Notification

RULE 4.111 Return to the Sending State