



**INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
NATIONAL TELECONFERENCE MEETING**

**January 19, 2006
2:00 pm EST**

Session 697 695 293

Call to Order

- The meeting was called to order by Chairman D. Guntharp at 2:10 pm. The purpose of this meeting is to vote on the three rules that were referred back to the Rules Committee for a vote within 180 days from the 2005 Annual Business Meeting

Roll Call

- Roll was called by D. Blackburn. 48 out of 53 member states were in attendance establishing a quorum

1. Alabama	Robert Oakes
2. Alaska	Leitoni Tupou
3. Arizona	Dori Ege
4. Arkansas	David Guntharp
5. California	Karen Stoll
6. Colorado	Jeaneene Miller
7. Connecticut	Theresa Lantz
8. Delaware	Karl Hines
9. District of Columbia	Paul Quander, Jr.
10. Florida	R. Beth Atchison
11. Georgia	Joe Kuebler
12. Hawaii	Ronald Hajime
13. Idaho	David Nelson
14. Illinois	Michelle Buscher
15. Indiana	Jane Seigel
16. Kansas	Keven Pellant
17. Kentucky	Lelia VanHoose
18. Louisiana	Genie Powers
19. Maine	Wayne Theriault
20. Maryland	Judith Sachwald
21. Massachusetts	Maureen Walsh
22. Michigan	Joan Yukins

23. Minnesota	Rose Ann Bisch
24. Mississippi	Ivy Keys
25. Missouri	Wanda LaCour
26. Montana	Mike Ferriter
27. Nebraska	James McKenzie
28. Nevada	John Gonska
29. New Hampshire	Jeanne Stewart
30. New Jersey	John D'Amico
31. New Mexico	Edward Gonzales
32. New York	Michael DePietro
33. North Carolina	Robert Lee Guy
34. North Dakota	Warren Emmer
35. Ohio	Harry Hageman
36. Oklahoma	Milton Gilliam
37. Pennsylvania	Benjamin Martinez
38. Puerto Rico	Alexis Bird
39. Rhode Island	A. T. Wall
40. South Carolina	D. Ann Hyde
41. South Dakota	Ed Ligtenberg
42. Tennessee	Gary Tullock
43. Texas	Kathie Winckler
44. Virginia	James Camache
45. Virgin Islands	Arline Swan
46. Washington	Doreen Geiger
47. West Virginia	Henry Lowery
48. Wisconsin	William Rankin
49. Wyoming	Shane Sconce

- Legal Counsel R. Masters reviewed Rule 2.109 to clarify how rules are adopted. R. Masters stated that a vote to adopt a rule is separate from a vote to refer a rule back to the Rules Committee.
- D. Blackburn stated that all appointment letters for voting members at the meeting have been received by the national office.
- D. Blackburn recognized ex-officios Pat Tuthill and Gerald Vandewalle

Rules Vote

RULE 1.101

(ii) “Relocate” means to remain overnight ~~in any one state~~ outside a sending state for more than either 30 consecutive days or 60 cumulative days in any 12 month period. *Effective 30 days after vote.*

- Motion to adopt the proposed amendment to Rule 1.101 Relocate by M. Gilliam, seconded by M. DePietro. Motion failed.
 - The question was called by J. Sachwald, seconded by D. Ege. Motion to end debate failed.
 - Motion to refer Rule 1.101 Relocate back to the Rules Committee made by M. DePietro, seconded by B. Martinez. Motion carried.
 - Discussion of issues of defining “Relocate”

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. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.
- (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

Effective: Upon the Implementation of electronic system. Date to be determined by Executive Committee

- Motion to adopt the proposed amendment to Rule 3.103 made by M. Gilliam, seconded by J. D'Amico. Motion failed.
 - The question was called by M. DePietro, seconded by K. Stoll. Motion to end discussion carried.
 - Motion to refer the proposed amendment to Rule 3.103 back to the Rules Committee made by J. Kuebler, seconded by B. Martinez. Motion carried.

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. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.
- (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.

- (1) 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.
- (2) 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.

Effective: Upon the Implementation of electronic system. Date to be determined by Executive Committee

- Motion to adopt the proposed amendment to Rule 3.106 made by M. Gilliam, seconded by J. D'Amico. Motion carried.
- M. Gilliam announced the Rules Committee will meet the end of February to review proposed Rule amendments from the Annual meeting. M. Gilliam requested that Commissioners comment on proposed amendments.
- H. Hageman requested that the Committee give feedback back to Commissioners about their comments.
- K. Winckler asked that the Rules Committee agenda be published on the ICAOS website.
- D. Blackburn noted that comments and actions will be posted on the website and making that part of the website secure.
- D. Guntharp announced that dates for NACIS implementation will be set at a later date.

Motion to adjourn made by J. D'Amico, seconded by H. Lowery. The meeting adjourned at 3:18 pm EST.