



Interstate Commission for Adult Offender Supervision

Ensuring Public Safety for the 21st Century

Rule Proposal Guide

ICAOS

Version 1.0
August 9, 2017



Introduction

This guide provides general instructions for drafting non-emergency rule proposals to be considered for adoption. (*See Rule 2.109 for comprehensive guidelines.*) This guide is intended to help individuals prepare initial proposal drafts, committee/region chairs in referring proposals and the Rules Committee in preparing final proposals for vote.

Per Rule 2.109, Commissioners may refer proposals for new rules or amendments in three ways.

1. At an Annual Business Meeting by majority vote
2. Standing Committees by majority vote of that committee
3. Regions by majority vote of that region

Upon referral, proposals go through a review process prior to being presented at an Annual Business Meeting by the Rules Committee. Every odd numbered year, the Rules Committee establishes a spring due date for proposals as the review and posting requirements typically require 6-8 months.

This guide explains:

- Preparing an initial draft (New Rule & Amendment to existing rule)
- Referral process
- Rules Committee action & responsibilities
- Final action for official adoption of new rules or amendments

Preparing an Initial Draft

When proposing a new rule or amendments to existing rules, the proposal should include how it addresses a public safety issue, as well as supports the goals of the compact. Upon presenting a draft to a Region or Committee for referral, notify the appropriate Region/Committee Chair and ensure the proposal is circulated to the National Office (preferably in MS Word) for distribution well in advance of the meeting. (*See attached template*) If approved by majority of vote of a Region/Committee, the national office assists the Region/Committee Chair in forwarding the proposal to the Rules Committee Chair in a timely manner.

New Rule

1. Proposed Rule Title
2. Proposed Rule Text
3. Clear Justification
 - a. Why rule is needed [rule proposal versus addressing as a training issue]
 - b. Case Example
 - c. Description/Frequency of issue
4. Is there an impact to other rules? *If amendment impacts another rule, proposal may include multiple rules as one proposal.*
5. Is the issue addressed in an ICAOS Advisory Opinion or Court Case?
6. Is an ICOTS impact anticipated?
 - a. User Experience-*Anticipated impact to users*
 - b. Enhancement Needed?

Amendment to Existing Rule

1. Use most current rule version
2. If possible, ensure deleted language is ~~struck through~~ and added language is underlined
3. Clear justification
 - a. Why rule is needed [rule proposal versus addressing as a training issue]
 - b. Case Example
 - c. Description/Frequency of issue
4. Is there an impact to other rules? *If amendment impacts another rule, proposal may include multiple rules as one proposal.*
5. Is the issue addressed in an ICAOS Advisory Opinion or Court Case?
6. Is an ICOTS impact anticipated?
 - a. User Experience-*Anticipated impact to users*
 - b. Enhancement Needed?

ICOTS Impact: *Occasionally, proposals require changes to ICOTS. Since the Rules are intended to be a framework, and not an ICOTS user guide, avoid using ICOTS specific terms such as 'ICOTS' or 'Compact Action Request' when drafting proposals. Be sure to clearly distinguish between a rule proposal and an ICOTS enhancement request, which may be proposed through the Commission's Administrative Policy for Enhancement Requests.*

Rules Committee Action

Once referred, the Rules Committee discusses and reviews the proposals taking into consideration the following:

- Proposal Language
- Need/justification for the proposal
- Impact to other Rules
- Formatting
 - Technical or Substantive (requires notification to referring Region/Committee Chair)
- Recommendation to support the proposal
- Determine Effective Date
 - *Considering training and ICOTS impacts- this is **typically** set as March 1st after an ABM*
- Legal issues; if applicable
- ICOTS impact; if applicable
 - *This may include ICOTS data related to proposal to determine scope of issue and anticipated compliance measures*
 - *This may include estimated costs to change ICOTS*

Proposal Draft Format Changes

Formatting or technical modifications may be made prior to posting proposals for comment. This may include grammar, numbering (Rule and subsections) and language modifications that do not affect the intent of the proposal or the justification. Any formatting changes are conveyed to the referring Region/Committee Chair, who can dispute the format change for context.

Rules Committee Recommendations or Proposal Draft Substantive Changes

When discussing a referred proposal, the rules committee may or may not support the proposal. In some instances, the Rules Committee may draft its own version for consideration if the proposal idea is supported by members of the committee, but the language is not supported in its entirety.

Substantive Changes/Alternate Proposal

If the Rules Committee determines substantive changes are needed, the proposal is returned to the referring Region/Committee with clear reasoning and justification for the suggested changes. The Region/Committee may approve the Rules Committee's changes, or proceed with its original submission or withdraw its original submission. Any adjustments made to a proposal are done by majority vote of that Region/Committee.

Initial Commission Comment Period

The Rules Committee posts all proposals publicly, allowing Commission members to submit comments. These comments are critical in preparing the final proposal drafts. Referring Regions/Committees should discuss comments prior to the proposal's final drafting and posting. The comment period typically lasts thirty days.

Final Drafting, Posting & Public Hearing

After the comment period, the Rules Committee meets to discuss and consider the comments to determine if any changes are needed. According to Rule 2.109, the Rules Committee must post final rule proposals no later than 30 days prior to the scheduled vote at the Annual Business meeting. Additionally, ICAOS statute requires a Public Hearing to allow public input regarding any rule changes. Comments may also be submitted and read at the Public Hearing.

Annual Business Meeting

The Rules Committee may clarify and educate Commission members on the proposals prior to vote at the general session via a designated training session, Q & A session or through Rules Committee representation at region meetings. The Commission adopts rule proposals and their effective date by majority vote of Commissioners at the Annual Business meeting.

RULE PROPOSAL TEMPLATE

[YEAR]-[COMMITTEE_NAME/REGION_NAME/FULLCOMM]-[RULE_NUMBER1]

Proposal to create/amend rules:

[Rule title]

[language proposed: use ~~striketrough~~ to show deleted language and underline to show added language]

Justification:

[Justification, impact to public safety, how it meets goals of the compact, and case examples]

The following information is drafted by the Rules Committee or National Office

Effect on other rules, advisory opinions or dispute resolutions:

[Note whether the proposal affects/addresses/conflicts with any other rules, advisory opinions or dispute resolutions.]

ICOTS impact:

[Note impact to ICOTS users and whether the proposal can be implemented without modification to ICOTS]

Scope and Metric

[This section may include ICOTS data pulled by the national office which may be relevant to number of cases anticipated to be affected and/or options for compliance measures]

Proposal History/Committee action:

[All motions regarding the history of the proposal will be documented here. Also prior to posting, the Rules Committee provides discussion points and recommendation for or against adoption]

Effective date:

[Date the proposal should be effective, e.g. March 1, 2018.]