

INTERSTATE COMMISSION FOR
ADULT OFFENDER SUPERVISION

# ICAOS RULES

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# Chapter 1: Definitions - Rule 1.101

As used in these rules, unless the context clearly requires a different construction-

**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.

'Abscond' adopted November 3, 2003, effective August 1, 2004; amended August 28, 2013, effective March 1, 2014; amended October 9, 2019, effective April 1, 2020; amended September 11, 2024, effective November 1, 2024; amended October 1, 2025, effective April 1, 2026

**Adult** – means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.

'Adult' adopted November 3, 2003, effective August 1, 2004; amended August 28, 2013, effective March 1, 2014; amended October 9, 2019, effective April 1, 2020; amended September 11, 2024, effective November 1, 2024

**Application Fee** – means a reasonable sum of money charged to a supervised individual by the sending state for each application for transfer prepared by the sending state.

'Application fee' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024

**Arrival** – means to report to the location and officials designated in reporting instructions given to a supervised individual at the time of the supervised individual's departure from a sending state under an interstate compact transfer of supervision.

'Arrival' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024

**Behavior Requiring Retaking** – means an act or pattern of non-compliance with conditions of supervision that could not be successfully addressed through the use of documented corrective action or graduated responses and would result in a request for revocation of supervision in the

receiving state.

'Behavior Requiring Retaking' adopted September 14, 2016, effective June 1, 2017

**By-Laws** – means those by-laws established by the Interstate Commission for Adult Offender Supervision for its governance, or for directing or controlling the Interstate Commission’s actions or conduct.

'By-laws' adopted November 3, 2003, effective August 1, 2004; amended August 28, 2013, effective March 1, 2014; amended October 9, 2019, effective April 1, 2020; amended September 11, 2024, effective November 1, 2024

**Compact** – means the Interstate Compact for Adult Offender Supervision.

'Compact' adopted September 13, 2005, effective January 1, 2006

**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 the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.

'Compact Administrator' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024; amended October 1, 2025, effective April 1, 2026

**"Compact Commissioner" or “Commissioner”** – means the voting representative of each compacting state appointed under the terms of the Interstate Compact for Adult Offender Supervision as adopted in the member state.

'"Compact Commissioner" or "Commissioner"' adopted November 3, 2003, effective August 1, 2004; amended August 28, 2013, effective March 1, 2014; amended October 9, 2019, effective April 1, 2020; amended September 11, 2024, effective November 1, 2024

**Compliance** – means that a supervised individual is abiding by all terms and conditions of supervision, including payment of restitution, family support, fines, court costs or other financial obligations imposed by the sending state.

'Compliance' adopted November 3, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 11, 2024, effective November 1, 2024

**Deferred Sentence** – means a sentence the imposition of which is postponed pending the

successful completion by the supervised individual of the terms and conditions of supervision ordered by the court.

'Deferred sentence' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024

**Detainer** – means an order to hold a supervised individual in custody.

'Detainer' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024

**Discharge** – means the final completion of the sentence that was imposed on a supervised individual by the sending state.

'Discharge' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024.

**Extradition** – means the return of a fugitive to a state in which the supervised individual is accused, or has been convicted of, committing a criminal offense, by order of the governor of the state to which the fugitive has fled to evade justice or escape prosecution.

'Extradition' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024.

*References:*

*ICAOS Advisory Opinion*

3-2012 [When the individual's supervision was never transferred to a receiving state under the Compact and no application for transfer or waiver of extradition ever occurred, neither the Compact nor the ICAOS rules apply to this individual who, as a 'fugitive from justice' having absconded from probation in California, must be apprehended and returned under the extradition clause of the U.S. Constitution.]

*Reference:*

*ICAOS Advisory Opinion*

9-2004 [Individuals sentenced under New Jersey's Community Supervision for Life (CSL) statute meet the definition of supervised individuals and are eligible for transfer and return under ICAOS]

**Plan of Supervision** – means the terms under which a supervised individual will be supervised, including proposed residence, proposed employment or viable means of support and the terms and conditions of supervision.

'Plan of supervision' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024

**Probable Cause Hearing** – a hearing in compliance with the decisions of the U.S. Supreme Court, conducted on behalf of a supervised individual accused of violating the terms or conditions of the supervised individual's parole or probation.

'Probable Cause Hearing' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024

**Receiving State** – means a state to which a supervised individual requests transfer of supervision or is transferred.

'Receiving state' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024

**Relocate** – means to remain in another state for more than 45 consecutive days.

'Relocate' adopted November 3, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended October 1, 2025, effective April 1, 2026

**Reporting Instructions** – means the orders given to a supervised individual by a sending or receiving state directing the individual to report to a designated person or place, at a specified date and time, in another state. Reporting instructions shall include place, date, and time on which the supervised individual is directed to report in the receiving state.

'Reporting Instructions' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024

**Resident** – means a person who

1. has resided in a state for at least 1 year continuously and immediately prior to either the supervision start date or sentence date for the original offense for which transfer is being requested; and
2. intends that such state shall be the person’s principal place of residence; and
3. has not, unless incarcerated or on active military orders, remained in another state or states for a continuous period of 6 months or more with the intent to establish a new principal place of residence.

'Resident' adopted November 3, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005, effective January 1, 2006; amended September 14, 2011, effective March 1, 2012; amended September 29, 2021, effective April 1, 2022

**Resident Family** – means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who

1. has resided in the receiving state for 180 calendar days or longer as of the date of the transfer request; and
2. indicates willingness and ability to assist the supervised individual as specified in the plan of supervision.

'Resident family' adopted November 3, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended August 28, 2013, effective March 1, 2014; amended September 11, 2024, effective November 1, 2024

**Retaking** – means the act of a sending state physically removing or causing to have a supervised individual removed, from a receiving state.

'Retaking' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024.

**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' adopted October 1, 2025, effective April 1, 2026.

**Rules** – means acts of the Interstate Commission, which have the force and effect of law in the compacting states, and are promulgated under the Interstate Compact for Adult Offender Supervision, and substantially affect interested parties in addition to the Interstate Commission.

'Rules' adopted November 3, 2003, effective August 1, 2004; amended August 28, 2013, effective March 1, 2014; amended October 9, 2019, effective April 1, 2020; amended September 11, 2024, effective November 1, 2024

**Sending State** – means a state requesting the transfer of a supervised individual, or which transfers supervision of a supervised individual, under the terms of the Compact and its rules.

'Sending state' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024

**Sex Offender** – means an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is registered or required to register as a sex offender in the sending state or is under sex offender terms and conditions in the sending state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

'Sex offender' adopted September 26, 2007, effective January 1, 2008; amended October 9, 2019, effective April 1, 2020

**Shall** – means that a state or other actor is required to perform an act, the nonperformance of which may result in the imposition of sanctions as permitted by the Interstate Compact for Adult Offender Supervision, its by-laws and rules.

'Shall' adopted November 3, 2003, effective August 1, 2004; amended August 28, 2013, effective March 1, 2014; amended October 9, 2019, effective April 1, 2020; amended September 11, 2024, effective November 1, 2024

**Subsequent Receiving State** – means a state to which a supervised individual is transferred that is not the sending state or the original receiving state.

'Subsequent Receiving State', adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024

**Substantial Compliance** – means that a supervised individual is sufficiently in compliance with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending state.

'Substantial Compliance' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024

*Reference:*
*ICAOS Advisory Opinion*
7-2004 [determining “substantial compliance” when there are pending charges in a receiving state]

**Supervised Individual** – means an “offender” defined by Article II of the Interstate Compact for

Adult Offender Supervision as an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to request transfer of supervision under the Compact.

'Supervised Individual' adopted September 11, 2024, effective November 1, 2024

**Supervision** – means the oversight exercised by authorities of a sending or receiving state over a supervised individual for a period of time determined by a court or releasing authority, during which time the supervised individual is required to report to or be monitored by supervising authorities, and to comply with regulations and conditions, other than monetary conditions, imposed on the supervised individual at the time of release to the community or during the period of supervision in the community.

'Supervision' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024

*References:*

*ICAOS Advisory Opinions*

9-2004 [Individuals sentenced under New Jersey's Community Supervision for Life (CSL) statute meet the definition of supervised individuals and are eligible for transfer and return under ICAOS.]

3-2010 & 4-2010 [When a court orders reporting or treatment and directly oversees compliance, this may constitute sufficient supervision to trigger Compact applicability, even if an agency's ability to supervise is limited.]

**Supervision Fee** – means a fee collected by the receiving state for the supervision of a supervised individual.

'Supervision Fee' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024

**Travel Permit** – means the written permission granted to a supervised individual authorizing the supervised individual to travel from one state to another.

'Travel permit' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024

**Victim** – means a natural person or the family of a natural person who has incurred direct or threatened physical or psychological harm as a result of an act or omission of a supervised

individual.

'Victim' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024

**Violent Crime** – means any crime involving the unlawful exertion of physical force with the intent to cause injury or physical harm to a person; or an offense in which a person has incurred direct or threatened physical or psychological harm as defined by the criminal code of the state in which the crime occurred; or the use of a deadly weapon in the commission of a crime; or any sex offense requiring registration.

'Violent Crime' adopted October 13, 2010, effective March 1, 2011

**Waiver** – means the voluntary relinquishment, in writing, of a known constitutional right or other right, claim or privilege by a supervised individual.

'Waiver' adopted November 3, 2003, effective August 1, 2004; amended September 11, 2024, effective November 1, 2024

**Warrant** – means a written order of the court or authorities of a sending or receiving state or other body of competent jurisdiction which is made on behalf of the state, or United States, issued pursuant to statute and/or rule and which commands law enforcement to arrest a supervised individual. The warrant shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius with no bond amount set.

'Warrant' adopted October 13, 2010, effective March 1, 2011; amended September 11, 2024, effective November 1, 2024

**Repealed Definitions**

'Offender' adopted November 3, 2003, effective August 1, 2004; repealed September 11, 2024, effective November 1, 2024

'Significant Violation' adopted November 3, 2003, effective August 1, 2004; repealed September 14, 2016, effective June 1, 2017

'Special Condition' adopted November 3, 2003, effective August 1, 2004; repealed September 14, 2016, effective June 1, 2017

'Temporary travel permit' adopted November 3, 2003, effective August 1, 2004; repealed October 9, 2019, effective April 1, 2020

'Victim sensitive' adopted November 3, 2003, effective August 1, 2004; repealed October 9, 2019, effective April 1, 2020

'Violent Offender' adopted October 13, 2010, effective March 1, 2011; amended September 14, 2011, effective March 1, 2012; repealed August 28, 2013, effective March 1, 2014

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## Chapter 2: General Provisions

***Rules governing the general provisions of the***
***Interstate Commission for Adult Offender Supervision***

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## 2.101 - Involvement of Interstate Compact Offices

(a) Acceptance, rejection or termination of supervision of a supervised individual under this compact shall be made only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies.

(b) All formal written, electronic, and oral communication regarding a supervised individual under this compact shall be made only through the office of a state's compact administrator or the compact administrator's designated deputies.

(c) Transfer, modification or termination of supervision authority for a supervised individual under this compact may be authorized only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies.

(d) Violation reports or other notices regarding supervised individuals under this compact shall be transmitted only through direct communication of the compact offices of the sending and receiving states.

**History: Adopted November 3, 2003, effective August 1, 2004, amended September 11, 2024, effective November 1, 2024**

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## 2.102 - Data collection and reporting [Expired; See history]

(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) This Rule will not expire until the Electronic Information System approved by the commission is fully implemented and functional.

[Expired; See history]

**History: Adopted November 3, 2003, effective August 1, 2004; amended September 14, 2005, effective December 31, 2005. On November 4, 2009, the commission found that the electronic information system in (c) is fully implemented and functional, and ordered that this rule expire, effective December 31, 2009.**

# 2.103 - Dues Formula

(a) The commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 calendar days prior to the Commission meeting at which the proposed revision will be considered.

(b) The commission shall consider the population of the states and the volume of supervised individual transfers between states in determining and adjusting the assessment formula.

(c) The approved formula and resulting assessments for all member states shall be distributed by the commission to each member state annually.

(d)

1. The dues formula is the—
   (Population of the state **divided by** Population of the United States) **plus** (Number of supervised individuals sent from and received by a state **divided by** Total number of supervised individuals sent from and received by all states) divided by 2.
2. The resulting ratios derived from the dues formula in Rule 2.103 (d)(1) shall be used to rank the member states and to determine the appropriate level of dues to be paid by each state under a tiered dues structure approved and adjusted by the Commission at its discretion.

**History: Adopted November 3, 2003, effective August 1, 2004;  amended August 28, 2013, effective March 1, 2014, amended September 11, 2024, effective November 1, 2024**

# 2.104 - Forms

(a) States shall use the forms or electronic information system authorized by the commission.

(b) Section (a) shall not be construed to prohibit written, electronic or oral communication between compact offices.

**History: Adopted November 3, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010; amended October 11, 2017, effective March 1, 2018, amended September 11, 2024, effective November 1, 2024**

# 2.105 - Misdemeanants

(a) A misdemeanor supervised individual whose sentence includes 1 year or more of supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified in Rule 3.101 *Mandatory Transfer of Supervision,* have been satisfied; and the instant offense includes one or more of the following—

1. an offense in which a person has incurred direct or threatened physical or psychological harm;
2. an offense that involves the use or possession of a firearm;
3. a 2nd or subsequent misdemeanor conviction of driving while impaired by drugs or alcohol;
4. a sexual offense that requires the supervised individual to register as a sex offender in the sending state.

*References:*

*ICAOS Advisory Opinions*

4-2005 [Supervised individuals not meeting criteria of 2.105 may be transferred under Rule 3.101-2, discretionary transfer]

7-2006 [There are no exceptions to applicability of (a)(3)based on either the time period between the 1st and subsequent offense(s) or the jurisdiction in which the convictions occurred]

16-2006 [If the law of the sending state recognizes the use of an automobile as an element in an assault offense and the supervised individual is so adjudicated, Rule 2.105 (a)(1) applies]

1-2011 [All violations involving the use or possession of a firearm, including hunting, are subject to Compact transfer.]

**History: Adopted November 3, 2003, effective August 1, 2004; amended March 12, 2004; amended October 26, 2004, effective January 1, 2005; amended October 7, 2015, effective March 1, 2016, amended September 11, 2024, effective November 1, 2024**

## 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 *Mandatory Transfer of Supervision*, subsections (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.

(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.

*References:*
*ICAOS Advisory Opinions*
6-2005 [Deferred prosecution may be equivalent to deferred sentence if a finding or plea of guilt has been entered and all that is left is for the Court to impose sentence]

**History: Adopted November 3, 2003, effective August 1, 2004; amended March 12, 2004; amended October 26, 2004, effective January 1, 2005; amended November 4, 2009, effective March 1, 2010, amended September 11, 2024, effective November 1, 2024; amended October 1, 2025, effective April 1, 2026.**

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## 2.107 - Furlough or Work Release

A person who is released from incarceration under furlough, work-release, or other preparole program is not eligible for transfer under the compact.

**History: Adopted November 3, 2003, effective August 1, 2004, amended September 11, 2024, effective November 1, 2024**

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## 2.108 - Supervised Individuals with Disabilities

A receiving state shall continue supervising individuals who become mentally ill or exhibit signs of mental illness or who develop a physical disability while supervised in the receiving state.

**History: Adopted November 3, 2003, effective August 1, 2004, amended September 11, 2024, effective November 1, 2024**

# 2.109 - Adoption of Rules; Amendment

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) 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 falling in an odd-numbered year.

(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 calendar 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.

(e) Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. 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, the Interstate Commission shall consider all written and oral comments received.

(h) The Interstate Commission shall, by majority vote of the commissioners, take final action on the proposed rule or amendment by a vote of yes/no. 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 60 calendar 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 90 calendar 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.

(k) The Chair of the Rules Committee may direct revisions to a rule or amendment adopted by the Commission, for purposes of correcting typographical errors, errors in format or grammatical errors. Public notice of any revisions shall be posted 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. For a period of 30 calendar days after posting, the revision is subject to challenge by any commissioner. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Executive Director of the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without approval of the commission.

**History: Adopted November 3, 2003, effective August 1, 2004; amended September 13, 2005, effective September 13, 2005; amended October 4, 2006, effective October 4, 2006; amended September 26, 2007, effective January 1, 2008; amended August 28, 2013, effective March 1, 2014, amended September 11, 2024, effective November 1, 2024**

## 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.

(b) 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.

*References:*

*ICAOS Advisory Opinions*

3-2012 [When the individual's supervision was never transferred to a receiving state under the Compact and no application for transfer or waiver of extradition ever occurred, neither the Compact nor the ICAOS rules apply to this individual who, as a 'fugitive from justice' having absconded from probation in California, must be apprehended and returned under the extradition clause of the U.S. Constitution.]

**History: Adopted November 3, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014; amended September 29, 2021, effective April 1, 2022, amended September 11, 2024, effective November 1, 2024; amended October 1, 2026, effective April 1, 2026**

## 2.111 - Emergency Suspension of Enforcement

(a) Upon a declaration of a national emergency by the President of the United States and/or the declaration of emergency by one or more Governors of the compact member states in response to a crisis, the Commission may, by majority vote, authorize the Executive Committee to temporarily suspend enforcement of Commission rules or parts thereof, but shall not suspend enforcement of any Compact powers and duties specified in the statute. Such suspension shall be justified based upon:

1. The degree of disruption of procedures or timeframes regulating the movement of supervised individuals under the applicable provisions of the Compact, which is the basis for the suspension;
2. The degree of benefit (or detriment) of such suspension to the supervised individual and/or public safety; and
3. The anticipated duration of the emergency.

(b) The length of any suspension shall be subject to the length of the national/state declaration(s) of emergency, or preemptively concluded by majority vote of the Executive Committee, whichever occurs sooner.

(c) States shall still maintain all of their duties under the Compact, unless instructed otherwise.

**History: Adopted April 21, 2020, effective April 21, 2020, amended September 11, 2024, effective November 1, 2024**

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# Chapter 3: Transfer of Supervision

***Rules governing transfer of supervision under the compact of the Interstate Commission for Adult Offender Supervision***

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# 3.101 - Mandatory Transfer of Supervision

At the discretion of the sending state, a supervised individual shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer, if the supervised individual:

(a) has more than 90 calendar days or an indefinite period of supervision remaining at the time the sending state transmits the transfer request; 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 means of support.

*References:*

*ICAOS Advisory Opinions*

7-2004 [While the sending state initially controls the decision to allow the supervised individual to transfer under the Compact, the receiving state has no discretion in whether or not to accept the case, as long as the individual satisfies the criteria provided in this rule]

9-2004 [Individuals sentenced under New Jersey's Community Supervision for Life (CSL) statute meet the definition of supervised individuals and are eligible for transfer and return under ICAOS]

4-2005 [Supervised individuals not meeting criteria of 2.105 or 3.101 may be transferred under Rule 3.101-2, discretionary transfer]

8-2005 [The sending state determines if a supervised individual is in substantial compliance. If a sending state has taken no action on outstanding warrants or pending charges the individual is considered to be in substantial compliance]

5-2006 [Rule 3.101 does not permit a receiving state to place conditions and requirements on supervised individuals prior to transfer under the compact.]

2-2007 [A receiving state is not authorized to deny a transfer based solely on the fact that the supervised individual intends to reside in Section 8 housing]

**History: Adopted November 3, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended August 28, 2013, effective March 1, 2014, amended September 11, 2024, effective November 1, 2024**

## 3.101-1 - Mandatory Reporting Instructions and Transfers of Military, Families of Military, Family Members Employed, Employment Transfer, and Veterans for Medical or Mental Health Services

(a) At the discretion of the sending state, a supervised individual shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer for:

1. *Transfers of military members*—A supervised individual who is a member of the military and is under orders in another state, shall be eligible for reporting instructions and transfer of supervision. A copy of the military orders shall be provided at the time of the request.
2. *Transfer of supervised individuals who live with family who are members of the military*—A supervised individual who meets the criteria specified in Rules 3.101 *Mandatory Transfer of Supervision, subsections* (a), (b), & (c) and (e)(2) and who lives with a family member who is under orders in another state, shall be eligible for reporting instructions and transfer of supervision, provided that the supervised individual will live with the military member in the receiving state. A copy of the military orders shall be provided at the time of the request.
3. *Employment transfer of family member to another state*—A supervised individual who meets the criteria specified in Rules 3.101 *Mandatory Transfer of Supervision, subsections* (a), (b), & (c) and (e)(2) and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision, provided that the supervised individual will live with the family member in the receiving state. Documentation from the current employer noting the requirements shall be provided at the time of the request.
4. *Employment transfer of the supervised individual to another state*—A supervised individual who meets the criteria specified in Rules 3.101 *Mandatory Transfer of Supervision, subsections* (a), (b), & (c) and is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision. Documentation from the current employer noting the requirements shall be provided at the time of the request.
5. *Transfers of veterans for medical or mental health services*—A supervised individual who

meets the criteria specified in Rules 3.101 *Mandatory Transfer of Supervision, subsections (a), (b), & (c)* and who is a veteran of the United States military services who is eligible to receive health care through the United States Department of Veterans Affairs, Veterans Health Administration and is referred for medical and/or mental health services by the Veterans Health Administration to a regional Veterans Health Administration facility in the receiving state shall be eligible for reporting instructions and transfer of supervision provided:

(A) the sending state provides documentation to the receiving state of the medical and/or mental health referral or acceptance; and

(B) the transfer of supervision will be accepted if the supervised individual is approved for care at the receiving state Veterans Health Administration facility.

(b) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.

(c) If the receiving state rejects the transfer request for a supervised individual who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the return to the sending state under the requirements of Rule 4.111*Supervised Individuals Returning to the Sending State*.

(d) If the sending state fails to send a completed transfer request by the 15th business day for a supervised individual who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the return to the sending state under the requirements of Rule 4.111*Supervised Individuals Returning to the Sending State.*

**History: Adopted September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016; amended October 11, 2017, effective March 1, 2018; amended October 9, 2019, effective April 1, 2020, amended September 11, 2024, effective November 1, 2024**

## 3.101-2 - Discretionary Transfer of Supervision

(a) A sending state may request transfer of supervision of a supervised individual who does not meet the eligibility requirements in Rule 3.101*Mandatory Transfer of Supervision*, where acceptance in the receiving state would support successful completion of supervision, rehabilitation of the supervised individual, promote public safety, and protect the rights of victims.

(b) The sending state shall 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 specifying the discretionary reasons for rejection.

*References:*

*ICAOS Advisory Opinions*

4-2005 [Supervised individuals not eligible for transfer under the provisions of Rule 2.105 and Rule 3.101 are eligible for transfer of supervision as a discretionary transfer]

**History: Adopted September 13, 2005, effective January 1, 2006; amended October 7, 2015, effective March 1, 2016, amended September 11, 2024, effective November 1, 2024**

# 3.101-3 - Transfer of Supervision of Sex Offenders

(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 *Transfer Request,* 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.

**History: Adopted September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008; amended October 7, 2015, effective March 1, 2016; amended October 9, 2019, effective April 1, 2020; amended September 11, 2024, effective November 1, 2024; amended October 1, 2025, effective April 1, 2026**

## 3.102 - Submission of Transfer Request to a Receiving State

(a) Except as provided in sections (c) & (d), and subject to the exceptions in Rule 3.103 *Mandatory Reporting Instructions for Supervised Individuals Living in the Receiving State at the Time of Sentencing or After Disposition of a Violation or Revocation Proceeding*, 3.103-1 *Mandatory Reporting Instructions for Supervised Individuals Released from Incarceration in the Receiving State*, and 3.103-2 *Request for Expedited Reporting Instructions*, 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 *Mandatory Reporting Instructions for Supervised Individuals Living in the Receiving State at the Time of Sentencing or After Disposition of a Violation or Revocation Proceeding*, 3.103-1 *Mandatory Reporting Instructions for Supervised Individuals Released from Incarceration in the Receiving State*, and 3.103-2 *Request for Expedited Reporting Instructions*, 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.

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1,**

**2010; amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016, amended September 11, 2024, effective November 1, 2024; amended October 1, 2025, effective April 1, 2026**

# 3.103 - Mandatory Reporting Instructions for Supervised Individuals Living in the Receiving State at the Time of Sentencing or After Disposition of a Violation or Revocation Proceeding

***Rules governing qualification for reporting instructions, providing permission to be in a receiving state during the transfer investigation***

(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 Transfer Request 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:

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 either the:

1. initial sentencing date,
2. date of the disposition of a violation or revocation proceeding, or
3. 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.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; editorial change effective**

**February 17, 2008; amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016, amended September 11, 2024, effective November 1, 2024; amended October 1, 2026, effective April 1, 2026**

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## 3.103-1 - 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 *Mandatory Transfer of Supervision*, subsections (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 Transfer Request.

(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.

### History: Adopted October 1, 2025, effective April 1, 2026

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## 3.103-2 - Request for Expedited Reporting Instructions

(a)

1. A sending state may request that a receiving state agree to expedited reporting instructions for a supervised individual 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 supervised individual shall not proceed to the receiving state until an acceptance is received under Rule 3.104-1 *Acceptance of Supervised Individual; Issuance of Reporting Instructions*.
2. (A) A receiving state shall provide a response for expedited reporting instructions to the sending state no later than 2 business days following receipt of such a request. The sending state shall transmit a departure notice to the receiving state upon the supervised individual's departure.

   (B) The sending state shall ensure that the supervised individual signs all forms required under Rule 3.107 *Transfer Request* prior to granting reporting instructions. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.

(b) A receiving state shall assume responsibility for supervision of a supervised individual who is granted reporting instructions during the investigation of the individual's plan of supervision upon arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105 *Arrival and Departure Notifications*.

(c) A sending state shall transmit a completed transfer request for a supervised individual granted reporting instructions no later than the 7th business day following the granting of reporting instructions.

(d) If the receiving state rejects the transfer request for a supervised individual who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the supervised individual's return to the sending state under the requirements of Rule 4.111 *Supervised Individuals Returning to the Sending State.*

(e) If the sending state fails to send a completed transfer request by the 7th business day for a supervised individual who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the supervised individual's return to the sending

state under the requirements of Rule 4.111 *Supervised Individuals Returning to the Sending State*.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016, amended September 11, 2024, effective November 1, 2024; renumbered on December 4, 2025, [3.106 to 3.103-2] effective April 1, 2026**

## 3.103-3 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 *Mandatory Reporting Instructions and Transfers of Military, Families of Military, Family Members Employed, Employment Transfer, and Veterans for Medical or Mental Health Services*, 3.103 *Mandatory Reporting Instructions for Supervised Individuals Living in the Receiving State at the Time of Sentencing or After Disposition of a Violation or Revocation Proceeding* and 3.103-1 *Mandatory Reporting Instructions for Supervised Individuals Released from Incarceration in the Receiving State* 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 *Submission of Transfer Request to a Receiving State Reporting Instructions*, subsection (c), 3.103-1 *Mandatory Reporting Instructions for Supervised Individuals Released from Incarceration in the Receiving State* or if the sentencing or disposition was conducted via electronic hearing.

(c) Expedited Reporting Instructions: Rule 3.103-2 *Request for Expedited Reporting Instructions* 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.

**History: Adopted October 1, 2025, effective April 1, 2026**

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## 3.104 - Time Allowed for Investigation by Receiving State

(a) A receiving state shall complete an investigation and respond to a sending state's request for a supervised individual'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.

(b) If a receiving state determines that a 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. If the supervised individual is in the receiving state with reporting instructions, those instructions shall remain in effect provided that the sending state submits a completed transfer request within 15 business days following the rejection.

(c) If a receiving state determines that a supervised individual's plan of supervision is invalid, the receiving state shall notify the sending state by rejecting the transfer request with specific reason(s) for the rejection. If the receiving state determines there is an alternative plan of supervision for investigation, the receiving state shall notify the sending state at the time of rejection. If the supervised individual is in the receiving state with reporting instructions, those instructions shall remain in effect provided that the sending state submits a completed transfer request with the new plan of supervision within 15 business days following the rejection.

*References:*

*ICAOS Advisory Opinions*

5-2006 [45 calendar days is the maximum time the receiving state has under the rules to respond to a sending state's request for transfer]

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005, effective June 1, 2009; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014; amended October 11, 2017, effective March 1, 2018, amended September 11, 2024, effective November 1, 2024**

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

(a)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 notify the receiving state as required under Rule 4.105 *Arrival and Departure Notifications*.

(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 *Arrival and Departure Notifications*.

(d) An acceptance by the receiving state shall be valid for 120 calendar days. If the supervised individual does not depart in that time frame, the receiving state may withdraw its acceptance and close interest in the case.

**History: Adopted October 26, 2004, effective January 1, 2005; amended September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014, amended September 11, 2024, effective November 1, 2024; amended October 1, 2025, effective April 1, 2026**

# 3.105 - Pre-Release Transfer Request

(a) A sending state may submit a completed request for transfer of supervision no earlier than 120 calendar days prior to a supervised individual's planned release from a correctional facility.

(b) If a pre-release transfer request has been submitted, a sending state shall notify a receiving state:

1. if the planned release date changes; or
2. if recommendation for release of the supervised individual has been withdrawn or denied.

(c) 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 the individual's intended date of departure and shall provide immediate notice of such withdrawal to the sending state.

*References:*

*ICAOS Advisory Opinions*

2-2012 [Neither a receiving state's acceptance of a transfer nor approval of reporting instructions may determine or change an individual's release date. Any decision to condition release on the receiving state's willingness or ability to accept a transfer is solely within the sending state's authority.]

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 14, 2011, effective March 1, 2012; amended August 28, 2013, effective March 1, 2014, amended September 11, 2024, effective November 1, 2024**

# 3.107 - Transfer Request

(a) A transfer request for a supervised individual shall be transmitted through the electronic information system authorized by the commission and shall contain:

1. A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
2. photograph of the supervised individual;
3. conditions of supervision;
4. any orders restricting the supervised individual's contact with victims or any other person;
5. any known orders protecting the supervised individual from contact with any other person;
6. information as to whether the supervised individual is subject to sex offender registry requirements in the sending state along with supportive documentation;
7. pre-sentence investigation report, unless distribution is prohibited by law or it does not exist;
8. information as to whether the supervised individual has a known gang affiliation, and the gang with which the individual is known to be affiliated;
9. supervision history, if the supervised individual has been on supervision for more than 30 calendar days at the time the transfer request is submitted;
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 supervised individual on each; and the address of the office to which payment must be made;
11. summary of prison discipline and mental health history during the last 2 years, if available, unless distribution is prohibited by law.

(b) A copy of the signed application for transfer shall be attached to the transfer request.

(c) Additional documents, necessary for supervision in the receiving state, such as the Judgment and Commitment, may be requested from the sending state following acceptance of the supervised individual. 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.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26,**

**2004, effective January 1, 2005; amended September 13, 2005 (to be effective upon the implementation of electronic system; date to be determined by Executive Committee), effective October 6, 2008; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010; amended October 13, 2010, effective March 1, 2011; amended September 14, 2011, effective March 1, 2012; amended August 28, 2013, effective March 1, 2014; amended October 11, 2017, effective March 1, 2018; amended October 9, 2019, effective April 1, 2020, amended September 11, 2024, effective November 1, 2024**

## 3.108 - Victims’ Right to be Heard and Comment

(a) When 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 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.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 11, 2017, effective March 1, 2018; amended October 9, 2019, effective April 1, 2020, amended September 11, 2024, effective November 1, 2024; amended October 1, 2025, effective April 1, 2026**

## 3.108-1 - Victim Notification and Requests for a Supervised Individual's Information

(a) *Notification to victims upon transfer of supervised individuals*—Within 1 business day of the issuance of reporting instructions or acceptance of transfer by the receiving state, the sending state shall initiate notification procedures to victims of the transfer of supervision of the supervised individual in accordance with its own laws.

(b) The receiving state shall respond to requests for information regarding the supervised individual from the sending state by the 5th business day following the receipt of the request.

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 14, 2016, effective June 1, 2017; amended October 9, 2019, effective April 1, 2020, amended September 11, 2024, effective November 1, 2024**

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## 3.109 - Waiver of Extradition

(a) A supervised individual applying for interstate supervision shall execute, at the time of application for transfer, a waiver of extradition from any state to which the individual may abscond while under supervision in the receiving state.

(b) States that are party to this compact waive all legal requirements to extradition of supervised individuals who are fugitives from justice.

*References:*

*ICAOS Advisory Opinions*

3-2012 [Whether an individual whose supervision was never transferred under the Compact, and who subsequently absconds supervision, is subject to the terms of the Compact or the Extradition Clause of the U.S. Constitution.]

**History: Adopted November 4, 2003, effective August 1, 2004, amended September 11, 2024, effective November 1, 2024**

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# Chapter 4: Supervision in Receiving State

***Rules governing supervision in the receiving state under the compact of the Interstate Commission for Adult Offender Supervision***

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## 4.101 - Manner and Degree of Supervision in 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 the use of incentives, corrective actions, graduated responses, and other supervision techniques.

*References:*
*ICAOS Advisory Opinions*
5-2006 [45 calendar days is the maximum time the receiving state has under the rules to respond to a sending state's request for transfer]
3-2008 [Guidance Concerning Out-of-State Travel for Sex Offenders]

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 14, 2016, effective June 1, 2017, amended September 11, 2024, effective November 1, 2024; amended October 1, 2025, effective April 1, 2026**

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## 4.101-1 - Authority to Arrest and Detain

A supervised individual in violation of the conditions of supervision may be taken into custody or continued in custody by the receiving state.

**History: Adopted October 4, 2006, effective January 1, 2007; amended September 14, 2016, effective June 1, 2017, amended September 11, 2024, effective November 1, 2024; renumbered December 4, 2025 [4.109-1 to 4.101-1], effective April 1, 2026**

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## 4.102 - Duration of Supervision in the Receiving State

A receiving state shall supervise individuals transferred under the interstate compact for a length of time determined by the sending state.

**History: Adopted November 4, 2003, effective August 1, 2004, amended September 11, 2024, effective November 1, 2024**

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## 4.103 - Conditions of Supervision

(a) At the time of acceptance or during the term of supervision, the receiving state may impose a condition on a supervised individual if that condition would have been imposed on a supervised individual sentenced in the receiving state.

(b) A receiving state shall notify a sending state that it intends to impose, or has imposed, a condition on the supervised individual.

(c) A sending state shall inform the receiving state of any conditions to which the supervised individual is subject at the time the request for transfer is made or at any time thereafter.

(d) A receiving state that is unable to enforce a condition imposed in the sending state shall notify the sending state of its inability to enforce a condition at the time of request for transfer of supervision is made.

*References:*

*ICAOS Advisory Opinions*

5-2006 [Special conditions may be imposed by the receiving state after an individual has transferred]

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; amended September 14, 2016, effective June 1, 2017, amended September 11, 2024, effective November 1, 2024**

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## 4.103-1 - Force and Effect of Conditions Imposed by a Receiving State

The sending state shall give the same force and effect to conditions imposed by a receiving state as if those conditions had been imposed by the sending state.

**History: Adopted October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 14, 2016, effective June 1, 2017, amended September 11, 2024, effective November 1, 2024**

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## 4.104 - Supervised Individual Registration or DNA Testing in Receiving or Sending State

A receiving state shall require that a supervised individual transferred under the interstate compact comply with any registration and DNA testing requirements in accordance with the laws or policies of the receiving state and shall assist the sending state to ensure DNA testing requirements and registration requirements of a sending state are fulfilled.

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008, amended September 11, 2024, effective November 1, 2024**

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## 4.105 - Arrival and Departure Notifications; Withdrawal of Reporting Instructions

(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.

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective June 1, 2009, amended September 11, 2024, effective November 1, 2024; amended October 1, 2025, effective April 1, 2026**

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## 4.106 - Progress Reports on Supervised Individual Compliance and Non–Compliance

(a) A receiving state shall submit a progress report to the sending state within 30 calendar days of receiving a request.

(b) A receiving state may initiate a progress report to document compliant or noncompliant behavior for supervised individuals that do not require retaking as well as incentives, corrective actions or graduated responses imposed. The receiving state shall provide: date(s), description(s) and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior in the receiving state, and the supervised individual’s response to such actions.

(c) A progress report shall include–

1. supervised individual’s name;
2. supervised individual’s current residence address;
3. supervised individual’s current telephone number and current electronic mail address;
4. name and address of supervised individual’s current employer;
5. supervising officer’s summary of the supervised individual’s conduct, progress and attitude, and compliance with conditions of supervision;
6. treatment programs attempted and completed by the supervised individual;
7. information about any sanctions that have been imposed on the supervised individual since the previous progress report;
8. supervising officer’s recommendation;
9. any other information requested by the sending state that is available in the receiving state.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended November 4, 2009, effective March 1, 2010; amended September 14, 2016, effective June 1, 2017; amended October 9, 2019, effective April 2020, amended September 11, 2024, effective November 1, 2024**

# 4.107 - Fees

(a) Application fee—A sending state may impose a fee for each transfer application prepared for a supervised individual.

(b) Supervision fee—

1. A receiving state may impose a reasonable supervision fee on an individual whom the state accepts for supervision, which shall not be greater than the fee charged to the state's own individuals under supervision.
2. A sending state shall not impose a supervision fee on an individual whose supervision has been transferred to a receiving state.

*References:*

*ICAOS Advisory Opinions*

14-2006 [A fee imposed by a sending state for purposes of defraying costs for sex offender registration and victim notification, not appearing to fit criteria of a "supervision fee," may be collected on Compact individuals at a sending state's responsibility]

**History: Adopted November 4, 2003, effective August 1, 2004, amended September 11, 2024, effective November 1, 2024**

# 4.108 - Collection of Restitution, Fines and Other Costs

(a) A sending state is responsible for collecting all fines, family support, restitution, court costs, or other financial obligations imposed by the sending state on a supervised individual.

(b) Upon notice by the sending state that the supervised individual is not complying with family support and restitution obligations, and financial obligations as set forth in subsection (a), the receiving state shall notify the supervised individual of the violation of the conditions of supervision and the supervised individual's requirement to comply. The receiving state shall inform the supervised individual of the address to which payments are to be sent.

*References:*

*ICAOS Advisory Opinions*

14-2006 [A fee imposed by a sending state for purposes of defraying costs for sex offender registration and victim notification, not appearing to fit criteria of a “supervision fee,” may be collected on Compact individuals at a sending state’s responsibility. A receiving state would be obligated for notifying the individual to comply with such financial responsibility under Rule 4.108 (b)]

**History: Adopted November 4, 2003, effective August 1, 2004, amended September 11, 2024, effective November 1, 2024**

# 4.109 - Violation Report(s) Requiring Retaking

(a) A receiving state shall notify a sending state of an act or pattern of behavior requiring retaking within 30 calendar days of discovery or determination by submitting a violation report.

(b) A violation report shall contain–

1. supervised individual’s name and location;
2. supervised individual’s state-issued identifying numbers;
3. date(s) and description of the behavior requiring retaking;
4. date(s), description(s) and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior requiring retaking in the receiving state, and the supervised individual’s response to such actions;
5. date(s), description(s) and documentation regarding the status and disposition, if any, of offense(s) or behavior requiring retaking;
6. date(s), description(s) and documentation of previous non-compliance, to include a description of the use of corrective actions, graduated responses or other supervision techniques;
7. name and title of the officer making the report;
8. if the supervised individual has absconded, the last known address and telephone number, name and address of the employer, and the date of the last personal contact with the supervising officer and details regarding how the supervising officer determined the supervised individual to be an absconder.
9. supporting documentation regarding the violation.

(c)

1. The sending state shall respond to a report of a violation made by the receiving state no later than 10 business days following transmission by the receiving state.
2. The response by the sending state shall include action to be taken by the sending state and the date by which that action will begin and its estimated completion date.

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended October 13, 2010, effective March 1, 2011; amended August 28, 2013, effective March 1, 2014; amended September 14, 2016, effective June 1, 2017, amended September 11, 2024, effective November 1, 2024**

# 4.109-2 - Absconding Violation

(a) If there is suspicion that a supervised individual has absconded, the receiving state shall make reasonable efforts to locate the individual. 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. 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 *Violation Report(s) Requiring Retaking*, subsections (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.

**History: Adopted October 13, 2010, effective March 1, 2011; amended October 9, 2019, effective April 1, 2020, amended September 11, 2024, effective November 1, 2024; amended October 1, 2025, effective April 1, 2026**

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## 4.110 - Transfer to a Subsequent Receiving State

(a) At the request of a supervised individual 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 supervised individual's signature on any forms requiring a signature under Rule 3.107 *Transfer Request*, and shall transmit these forms to the sending state.

(c) The receiving state shall submit a statement to the sending state summarizing the supervised individual's progress under supervision.

(d) The receiving state shall issue a travel permit to the supervised individual when the sending state informs the receiving state that the individual's transfer to the subsequent receiving state has been approved.

(e) Notification of supervised individual's departure and arrival shall be made as required under Rule 4.105 *Arrival and Departure Notifications*.

(f) Acceptance of supervision by a subsequent state and issuance of reporting instructions to the supervised individual terminates the receiving state's supervisory obligations.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005 (to be effective upon the implementation of electronic system; date to be determined by Executive Committee) amended September 26, 2007, effective January 1, 2008, amended September 11, 2024, effective November 1, 2024**

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## 4.111 - Supervised Individuals Returning to 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 *Time Allowed for Investigation by Receiving State*, subsections (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 *Absconding Violation*.

(d) Upon departure, the receiving state shall notify the sending state as required by Rule 4.105 *Arrival and Departure Notifications*, subsection (a) and transmit a case closure as required by Rule 4.112 *Closing of Supervision by the Receiving State*, subsection (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 *Arrival and Departure Notifications*, subsection (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.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective day January 1, 2005; amended September 26, 2007, effective January 1, 2008; amended September 14, 2011, effective March 1, 2012; amended October 7,**

**2015, effective March 1, 2016; amended October 11, 2017, effective March 1, 2018; amended October 9, 2019, effective April 1, 2020; amended September 29, 2021, effective April 1, 2022, amended September 11, 2024, effective November 1, 2024; amended October 1, 2025, effective April 1, 2026**

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## 4.111-1 - Travel Permits to the Sending State During Supervision

(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.

**Adopted October 9, 2019, effective April 1, 2020, amended September 11, 2024, effective November 1, 2024; renumbered and retitled October 1, 2025, effective April 1, 2026**

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## 4.112 - Closing of Supervision by the Receiving State

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

1. 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;
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.

*References:*

*ICAOS Advisory Opinions*

1-2019 [Absconders who are later apprehended in the receiving state remain subject to the Compact unless the sending state has formally discharged supervision under Rule 4.112(a)(1). When this occurs, the receiving state should reopen the ICOTS case to document the individual’s status, location, related correspondence, and any probable-cause materials.]

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 26, 2007, effective January 1, 2008; amended September 14, 2011, effective March 1, 2012; amended August 28, 2013, effective March 1, 2014, amended September 11, 2024, effective November 1, 2024; amended October 1, 2025, effective April 1, 2026**

# Chapter 5: Retaking

***Rules governing retaking a supervised individual under the compact of the Interstate Commission for Adult Offender Supervision***

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## 5.101 - Discretionary Retaking by the Sending State

(a) Except as required in Rules 5.101-1 *Pending Felony or Violent Crime Charges*, 5.102 *Mandatory Retaking for a New Felony or New Violent Crime Conviction*, 5.103 *Supervised Individual Behavior Requiring Retaking* and 5.103-1 *Retaking Absconders* at its sole discretion, a sending state may order the return of a supervised individual. The sending state must notify the receiving state within 15 business days of their issuance of the directive to return. The receiving state shall request return reporting instructions under Rule 4.111 *Supervised Individuals Returning to the Sending State*. If the supervised individual does not return to the sending state as ordered, then the sending state shall issue a warrant no later than 15 business days following the failure to appear in the sending state.

(b) Except as required in Rules 5.101-1 *Pending Felony or Violent Crime Charges*, 5.102 *Mandatory Retaking for a New Felony or New Violent Crime Conviction*, 5.103 *Supervised Individual Behavior Requiring Retaking* and 5.103-1 *Retaking Absconders* at its sole discretion, a sending state may retake a supervised individual via warrant. The sending state must notify the receiving state within 15 business days of the issuance of their warrant. The receiving state shall assist with the apprehension of the supervised individual and shall notify the sending state once the individual is in custody on the sending state's warrant.

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended October 13, 2010, effective March 1, 2011; amended August 28, 2013, effective March 1, 2014; amended October 9, 2019, effective April 1, 2020; amended September 29, 2021, effective April 1, 2022, amended September 11, 2024, effective November 1, 2024**

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# 5.101-1 - Pending Felony or Violent Crime Charges

Notwithstanding any other rule, if a supervised individual is charged with a subsequent felony or violent crime, the individual shall not be retaken or ordered to return until criminal charges have been dismissed, sentence has been satisfied, or the individual has been released to supervision for the subsequent offense, unless the sending and receiving states mutually agree to the retaking or return.

*References:*

*ICAOS Advisory Opinions*

1-2019 [The language of Rule 5.101-1 anticipates the exercise of discretion by prosecutors and other state authorities in the determination of whether a supervised individual or absconder subsequently apprehended should be held subject to retaking bonds or to be detained on bonds set in connection with a new offense.]

**History: Adopted August 28, 2013, effective March 1, 2014, amended September 11, 2024, effective November 1, 2024**

## 5.101-2 - Discretionary Process for Disposition of Violation in the Sending State for a New Crime Conviction or Revocation/Violation Proceeding

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 *Mandatory Retaking for a New Felony or New Violent Crime Conviction*, 5.103 *Supervised Individual Behavior Requiring Retaking*, and 5.103-1 *Retaking Absconders* 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 *Mandatory Retaking for a New Felony or New Violent Crime Conviction*, 5.103 *Supervised Individual Behavior Requiring Retaking*, and 5.103-1 *Retaking Absconders* apply.

**History: Adopted October 7, 2015, effective March 1, 2016, amended September 11, 2024, effective November 1, 2024; amended October 1, 2025, effective April 1, 2026**

## 5.102 - Mandatory Retaking for a New Felony or New Violent Crime Conviction

(a) Upon a request from the receiving state, a sending state shall retake a supervised individual from the receiving state or a subsequent receiving state after the individual's conviction for a new felony offense or new violent crime and:

1. completion of a term of incarceration for that conviction; or
2. placement under supervision for that felony or violent crime offense.

(b) When a sending state is required to retake a supervised individual, the sending state shall issue a warrant no later than 15 business days and, upon apprehension, file a detainer with the holding facility where the individual is in custody.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended October 13, 2010, effective March 1, 2011; amended August 28, 2013, effective March 1, 2014; amended September 29, 2021, effective April 1, 2022, amended September 11, 2024, effective November 1, 2024**

## 5.103 - Supervised Individual Behavior Requiring Retaking

(a) Upon a request by the receiving state and documentation that the supervised individual's behavior requires retaking, a sending state shall issue a warrant to retake or order the return of the individual from the receiving state or a subsequent receiving state within 15 business days of the receipt of the violation report.

(b) If the supervised individual is ordered to return in lieu of retaking, the receiving state shall request reporting instructions per Rule 4.111 *Supervised Individuals Returning to the Sending State* within 7 business days following the receipt of the violation report response.

(c) The receiving state retains authority to supervise until the supervised individual's directed departure date. If the supervised individual does not return to the sending state as ordered, then the sending state shall issue a warrant, no later than 15 business days following the individual's failure to appear in the sending state.

(d) If the sending state issues a warrant under subsection (c) of this rule, the receiving state shall attempt to 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 *Absconding Violation* (a) and (b).

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016; amended September 14, 2016, effective June 1, 2017; amended September 29 , 2021, effective April1, 2022, amended September 11, 2024, effective November 1, 2024**

# 5.103-1 - Retaking Absconders

(a) If a supervised individual who has absconded is apprehended 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.

(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 *Probable Cause Hearing in Receiving State.*

(c) When determined that a supervised individual who has absconded requires retaking and probable cause is established pursuant to Rule 5.108 *Probable Cause Hearing in Receiving State*, 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).

*References:*

*ICAOS Advisory Opinions*

1-2019 [Absconders who are later apprehended in the receiving state remain subject to the Compact unless the sending state has formally discharged supervision under Rule 4.112(a)(1). When this occurs, the receiving state should reopen the ICOTS case to document the individual’s status, location, related correspondence, and any probable-cause materials.]

**History: Adopted October 13, 2010, effective March 1, 2011, amended September 29, 2021, effective April 1, 2022, amended September 11, 2024, effective November 1, 2024; amended October 1, 2025, effective April 1, 2026**

## 5.103-2 - Mandatory retaking for violent offenders and violent crimes [Repealed]

*REPEALED effective March 1, 2014*

**History: Adopted October 13, 2010, effective March 1, 2011; repealed August 28, 2013, effective March 1, 2014.**

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## 5.105 - 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 *Absconding Violation*.

(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.

**History: Adopted October 1, 2025, effective April 1, 2026**

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## 5.106 - 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.

**History: Adopted October 1, 2025, effective April 1, 2026**

# 5.108 - Probable Cause Hearing in Receiving State

(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 shall be deemed conclusive proof that a supervised individual may be retaken by a sending state without the need for further proceedings.

(e) The supervised individual 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 *Managing Retaking Processes & Procedures* 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 individual 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 supervised individual is not in custody.
2. Notify the sending state to vacate the warrant, and continue supervision upon release if the supervised individual is in custody on the sending state's warrant.
3. Vacate the receiving state's warrant and release the supervised individual back to supervision within 24 hours of the hearing if the individual is in custody.

*References:*

ICAOS Hearing Officers Guide

*Case Law*

Gagnon v. Scarpelli, 411 U.S. 778 (1973)

*Ogden v. Klundt*, 550 P.2d 36, 39 (Wash. Ct. App. 1976)

*See, People ex rel. Crawford v. State*, 329 N.Y.S.2d 739 (N.Y. 1972)

*State ex rel. Nagy v. Alvis*, 90 N.E.2d 582 (Ohio 1950)

*State ex rel. Reddin v. Meekma*, 306 N.W.2d 664 (Wis. 1981)

*Bills v. Shulsen*, 700 P.2d 317 (Utah 1985)

*California v. Crump*, 433 A.2d 791 (N.J. Super. Ct. App. Div. 1981)

*California v. Crump*, 433 A.2d at 794, *Fisher v. Crist*, 594 P.2d 1140 (Mont. 1979)

*State v. Maglio*, 459 A.2d 1209 (N.J. Super. Ct. 1979)

*In re Hayes*, 468 N.E.2d 1083 (Mass. Ct. App. 1984)

Morrissey v. Brewer, 408 U.S. 471 (1972)

In *State v. Hill*, 334 N.W.2d 746 (Iowa 1983)

*See e.g., State ex rel. Ohio Adult Parole Authority v. Coniglio*, 610 N.E.2d 1196, 1198 (Ohio Ct. App. 1993

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1,**

**2008; amended August 28, 2013, effective March 1, 2014; amended September 14, 2016, effective June 1, 2017; amended September 29, 2021, effective April 1, 2022: amended September 20 2023, effective March 1, 2024, amended September 11, 2024, effective November 1, 2024; amended October 1, 2025, effective April 1, 2026**

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## Chapter 6: Dispute Resolution and Interpretation of Rules

***Rules governing dispute resolution and interpretation of rules under the compact of the***
***Interstate Commission for Adult Offender Supervision***

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## 6.101 - Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules

(a) Through the office of a state's compact administrator, states shall attempt to resolve disputes or controversies by communicating with each other by telephone, telefax, or electronic mail.

(b) *Failure to resolve dispute or controversy—*

1. Following an unsuccessful attempt to resolve controversies or disputes arising under this compact, its by–laws or its rules as required under Rule 6.101 (a), states shall pursue 1 or more of the informal dispute resolution processes set forth in Rule 6.101 (b)(2) prior to resorting to formal dispute resolution alternatives.
2. Parties shall submit a written request to the executive director for assistance in resolving the controversy or dispute. The executive director shall provide a written response to the parties within 10 business days and may, at the executive director's discretion, seek the assistance of legal counsel or the executive committee in resolving the dispute. The executive committee may authorize its standing committees or the executive director to assist in resolving the dispute or controversy.

(c) *Interpretation of the rules*—Any state may submit an informal written request to the executive director for assistance in interpreting the rules of this compact. The executive director may seek the assistance of legal counsel, the executive committee, or both, in interpreting the rules. The executive committee may authorize its standing committees to assist in interpreting the rules. Interpretations of the rules shall be issued in writing by the executive director or the executive committee and shall be circulated to all of the states.

**History: Adopted November 4, 2003, effective August 1, 2004, amended September 11, 2024, effective November 1, 2024**

# 6.102 - Formal Resolution of Disputes and Controversies

(a) *Alternative dispute resolution*—Any controversy or dispute between or among parties that arises from or relates to this compact that is not resolved under Rule 6.101 may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

(b) *Mediation and arbitration*

1. Mediation

    (A) A state that is party to a dispute may request, or the executive committee may require, the submission of a matter in controversy to mediation.

    (B) Mediation shall be conducted by a mediator appointed by the executive committee from a list of mediators approved by the national organization responsible for setting standards for mediators, and pursuant to procedures customarily used in mediation proceedings.

2. Arbitration

    (A) Arbitration may be recommended by the executive committee in any dispute regardless of the parties' previous submission of the dispute to mediation.

    (B) Arbitration shall be administered by at least 1 neutral arbitrator or a panel of arbitrators not to exceed 3 members. These arbitrators shall be selected from a list of arbitrators maintained by the commission staff.

    (C) The arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator.

    (D) Upon the demand of any party to a dispute arising under the compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.

    (E)

        (i) The arbitrator in all cases shall assess all costs of arbitration, including fees of the arbitrator and reasonable attorney fees of the prevailing party, against the party that did not prevail.

(ii) The arbitrator shall have the power to impose any sanction permitted by this compact and other laws of the state or the federal district in which the commission has its principal offices.

(F) Judgment on any award may be entered in any court having jurisdiction.

**History: Adopted November 4, 2003, effective August 1, 2004, amended September 11, 2024, effective November 1, 2024**

## 6.103 - Enforcement Actions Against a Defaulting State

(a) If the Interstate Commission determines that any state has at any time defaulted (“defaulting state”) in the performance of any of its obligations or responsibilities under this Compact, the by–laws or any duly promulgated rules the Interstate Commission may impose any or all of the following penalties–

1. Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;
2. Remedial training and technical assistance as directed by the Interstate Commission;
3. Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by–laws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state’s legislature, and the state council.

(b) The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission by–laws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the potential penalties that may be imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension.

(c) Within 60 calendar days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice or chief judicial officer and the majority and minority leaders of the defaulting state’s legislature and the state council of such termination.

(d) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which

extends beyond the effective date of termination.

(e) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state.

(f) Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

**History: Adopted November 4, 2003, effective August 1, 2004; amended August 28, 2013, effective March 1, 2014, amended September 11, 2024, effective November 1, 2024**

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## 6.104 - Judicial Enforcement

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated rules and by–laws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

**History: Adopted November 4, 2003, effective August 1, 2004, amended September 11, 2024, effective November 1, 2024**

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