

Executive Committee 2026 Chapter 5 Rule Proposal Recommendations

5.101	Return and Retaking by the Sending State [New Language]
5.102	Evaluating Violations and Stability for Retaking Decisions [New Language]
5.102-1	Reporting Violations Requiring Retaking [Current 4.109 w/ revisions]
5.103	Pending Felony or Violent Crime Charges [Current 5.101-1-no changes]
5.103-1	Discretionary process for disposition of violation in the sending state to address a new crime conviction or revocation/violation proceeding [Current 5.101-2-no changes]
5.104	Absconding Violation [Current 4.109-2-no changes]
5.104-1	Retaking Absconders [Current 5.103-1- w/ minor revision (ref to new 5.102)]
5.105	Managing Retaking Procedures & Responsibilities [No changes]
5.106	Sending State Transport & Authority During Retaking [No changes]
5.107	Probable Cause Hearing in the Receiving State [Current 5.108-no changes]

Justification:

The Violation Response Tool utilizes a three-step decision-making matrix that evaluates the supervised individual's risk, the severity of the violation and the supervised individual's stability factors—such as housing, employment, treatment participation, and compliance history—which research has identified as contributing to long-term public safety. The framework is intended to promote consistent and objective assessments of violation behavior and to guide determinations regarding whether retaking is warranted or whether continued supervision with an appropriate local response is sufficient. Commission approval of these rules constitutes approval of the Violation Response Tool and requires its use when retaking is considered for violation behavior.

These proposed changes to Chapter 5 build upon existing practices by mandating standardized evaluations prior to retaking, thereby ensuring consistency and transparency in the documentation, factors assessed, and measures applied in retaking decision-making.

Region/Committee Action

- RNR Workgroup January 6, 2026: Amendments finalized for Executive & Rules Committee consideration
- Executive Committee January 21, 2026: Amendments formally recommended (which included a minor adjustment to Rule 5.102 as recommended by Rules Committee DCA K. O'Leary) to forward to the Rules Committee to prepare for comment and Commission consideration at the 2026 ABM.
- Rules Committee February 5, 2026: A motion by Commissioner D. Cady (NH) to recommend adding a 30-calendar day timeframe to Rule 5.102-1(1) was adopted.
- A motion by Commissioner J. Mosley (MO) to recommend the RNR Chapter 5 Rule Proposal package for approval was adopted.
- Executive Committee February 18, 2026: A motion by Commissioner T. Hurdlik (MN) to approve the Rules Committee's recommendation to add a 30-calendar day timeframe to Rule 5.102-1(1) was adopted.
- Executive Committee April 15, 2026: A motion by Commissioner T. Link (AK) to change language in 5.102 (a) to better clarify the intent of the tool was adopted.
- Rules Committee April 21, 2026: A motion by Commissioner D. Cady (NH) to support change to 5.102 (a) to better clarify the intent of the tool was adopted.

Rule 1.101 Definitions Referenced in Chapter 5 [No Changes]

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.

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.

[NEW Language]

Rule 5.101: Return and Retaking by the Sending State

- (a) A sending state, at its discretion, may order a supervised individual to return or retake a supervised individual via warrant unless Rule 5.103 *Pending Felony or Violent Crime Charges* and/or Rule 5.104-1 *Retaking Absconders* apply. The sending state shall notify the receiving state within 15 business days of issuing its directive to return or issuance of a warrant to retake.
1. Within 7 business days of receipt of the sending state's directive to return, the receiving state shall request return reporting instructions in accordance with Rule 4.111 *Supervised Individuals Returning to the Sending State*.
 2. When a sending state issues a warrant for retaking, procedures shall be followed in accordance with Rule 5.105 *Managing Retaking Processes and Procedures*.
- (b) If the supervised individual fails to return as ordered, the sending state shall issue a warrant no later than 15 business days following the failure to appear in the sending state and proceed with retaking in accordance with Rule 5.105 *Managing Retaking Processes and Procedures*.

~~Discretionary Retaking by the Sending State~~

- ~~(a) Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 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. 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, 5.102, 5.103 and 5.103-1 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.~~

[NEW Language: *Current 5.102 Incorporated into revisions to 5.102-1 to ensure consistency in applying behavior requiring retaking related to new convictions]*

Rule 5.102: Evaluating Violations and Stability for Retaking Decisions

- (a) If the supervised individual engages in behavior that may require retaking, the receiving state shall utilize the Violation Response Tool.
- (b) When (a) (1-4) has been applied and the receiving state determines the supervised individual must be retaken, the receiving state shall report its findings in accordance with Rule 5.102-1 *Reporting Violations Requiring Retaking.*
- (c) When (a) (1-4) has been applied and the receiving state makes a retaking decision that differs from the recommended action identified by the Violation Response Tool, the receiving state shall document the justification for that decision.

~~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.~~

[Current 4.109 with revised language]

5.102-1: Violation Reports Reporting Violations Requiring Retaking

- (a) A receiving state shall notify a the sending state of ~~an act or pattern of~~ behavior requiring retaking ~~within 30 calendar days of discovery or determination~~ as determined under Rule 5.102 Evaluating Violations and Stability for Retaking Decisions by submitting a violation report within 30 calendar days.
- (b) A violation report shall ~~contain~~ include the following current information about the supervised individual:
1. ~~supervised individual's name,~~ location, and custody status;
 2. ~~supervised individual's state-issued identifying numbers;~~
 3. date(s) and description of the violation(s);
 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;~~ of responses to behavior in the receiving state, including:
 - A. incentives, corrective actions, or other supervision techniques,
 - B. the supervised individual's response(s),
 - C. the status or disposition of any new offenses or convictions, and
 - D. the outcomes from the Violation Response Tool, including the recommended action regarding retaking.
 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.~~ the receiving state shall report the absconder information in accordance with Rule 5.104 Absconding Violation; and
 9. supporting documentation regarding the violation(s.)
- (c) 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. 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.

[Current 5.101-1; No changes; Current 5.103 Incorporated into revisions to 5.101, 5.102 & 5.102-1 to ensure consistency in applying behavior requiring retaking related to technical violations]

Rule 5.103: 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.

~~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 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 (a) and (b).~~

[Current 5.101-2; No changes Rule references updated in (b) and (c)]

Rule 5.103-1: Discretionary process for disposition of violation in the sending state to address 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-~~1~~ 1 *Reporting Violations Requiring Retaking*, 5.103, and 5.10~~4-1~~ 4-1 *Retaking Absconders* ~~3-4~~ 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-~~1~~ 1 *Reporting Violations Requiring Retaking*, 5.103, and 5.10~~4-1~~ 4-1 *Retaking Absconders* ~~3-4~~ apply.

[Current 4.109-2; No changes Rule reference updated in (b)]

Rule 5.104: 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 ~~4.109-5.102-1~~ (b)(8) *Reporting Violations Requiring Retaking*.

- (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.

[Current 5.103-1; minor addition to (c) to reference 5.102]

Rule 5.104-1: 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 5.107 *Probable Cause Hearing in Receiving State*.
- (c) Per Rule 5.102, *Evaluating Violations and Stability for Retaking Decisions* when it is determined that a supervised individual who has absconded requires retaking and probable cause is established pursuant to Rule 5.107 *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).

[No Changes]

Rule 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 5.104 *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.

[No Changes]

Rule 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.

[Current 5.108, no changes]

Rule 5.107: 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; documents the alleged violations of conditions and the hearing officer's finding on each violation; lists the parties present at the hearing; 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 Procedures & Responsibilities* 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.