

2026 RULE & BY-LAW PROPOSAL SUMMARY

Per Rule 2.109, these following rule proposals are considered for adoption at the 2026 Annual Business Meeting on Sept 23, 2026.



Rules
Committee
Support?

YES

REMOVE 'GRADUATED RESPONSES' FROM 1.101, 4.101, 4.106 & 4.109

Proposed by **Rules Committee**

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- Removes references to “graduated responses” across ICAOS rules to eliminate redundancy and align terminology with modern community supervision practices.
- Confirms that corrective actions already encompass these practices, ensuring no change in operational expectations while improving clarity and consistency in rule interpretation.

Rules
Committee
Support?

YES

3.103-2-ADD ADDRESS VERIFICATION OR DETAILS

Proposed by **Rules Committee**

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- Requires residence verification documentation or details, consistent with related reporting instruction rules adopted in 2025.
- Eliminates subsections (d) and (e) to remove redundancy and ensure alignment with established Compact return procedures, improving consistency and reducing interpretive confusion.

Rules
Committee
Support?

YES

3.103-3-ADD ADDRESS VERIFICATION OR DETAILS

Proposed by **Rules Committee**

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- Requires residence verification documentation or details, consistent with related reporting instruction rules adopted in 2025 while preserving distinctions in the reporting instructions versus the formal transfer request processes.

Rules
Committee
Support?

YES

CHAPTER 5 REVISIONS & VIOLATION RESPONSE TOOL

Proposed by **Executive Committee**

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- Introduces the Violation Response Tool (VRT), a structured framework that assesses risk, violation severity, and stability factors, and requires standardized evaluation and documentation to support consistent, transparent, evidence-based decisions on retaking or local corrective action.
- Addresses gaps in Chapter 5 by establishing a common framework for violation assessment, reducing inconsistent retaking decisions, and improving alignment with evidence-based practices.

Rules
Committee
Support?

YES

NEW 'CODE OF CONDUCT' ADDED TO BYLAWS

Proposed by **Executive Committee**

[View Proposal](#)

- Promotes consistent professional conduct, accountability, and efficient, transparent collaboration to ensure Commission business is conducted in a respectful and productive manner.

Remove 'graduated responses' from Rules 1.101, 4.101, 4.106 & 4.109

Justification: The proposed removal of the term “graduated responses” from five ICAOS rules is intended to improve clarity, align the rules with current supervision terminology, and eliminate redundancy within the rule framework.

When the Commission first incorporated graduated responses into its rules, the term reflected emerging supervision practices designed to address noncompliant behavior in a manner consistent with the compact’s “treat as your own” principle. Since that time, supervision practices have evolved, and the broader concept of corrective actions has become the standard terminology used across community supervision agencies.

Under current practice, graduated responses are considered a subset of corrective actions which are structured interventions applied to address noncompliant behavior in a manner that is proportional and designed to promote behavioral change. Because corrective actions already encompass the range of supervision strategies used to address noncompliance, the continued use of the separate term “graduated responses” is unnecessary and duplicative.

Removing the term does not change the substance of the rules or the expectations placed on states. States will continue to be expected to apply appropriate supervision strategies to address noncompliant behavior prior to seeking retaking where possible. The rules will continue to recognize and support the use of structured, proportional responses to behavior, but those practices will now fall under the broader and more widely recognized category of corrective actions.

Problem Statement: Two definitions and three ICAOS rules reference “graduated responses,” a term that is not defined in the Compact and is increasingly outdated in modern community supervision practice.

Impact on Compliance: This amendment is expected to have minimal operational impact while improving compliance clarity. Because states already document responses to non-compliant behavior as corrective actions in ICOTS, removing the term “graduated responses” reduces ambiguity and promotes more consistent interpretation of Compact requirements.

INSITE Change Considerations:

None, term is not used in the electronic information system

Region/Committee Action

- RNR Workgroup 1/6/2026: As revisions to Chapter 5 were proposed, workgroup members identified concerns regarding the use of the term “graduated responses” in the ICAOS rules. Although the Executive Committee and workgroup’s proposals to *Violation Reports Requiring Retaking** doesn’t use that term, it requests the Rules Committee review all rules containing this language and consider whether amendments are necessary to ensure consistency with current supervision practices.
- Rules Committee 3/9/2026: Motion by K. Ransom (OH) to recommend amended language in the rules presented (Rule 1.101 definitions, 4.101, 4.106 and 4.109* to be for Commission consideration in 2026 was adopted. **Note: 4.109 will be excluded from amendments should the Executive Committee’s revisions to Chapter 5 be adopted as it also removes the term ‘graduated responses.’*

POST COMMENT PERIOD

- Rules Committee 6/16/2026: Comments were reviewed that focused on changes to Rule 4.106. Motion by C. Moore (GA) change ‘response to’ to ‘compliance with’ in section (b) was adopted.

Rule 1.101 Definitions

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 actions ~~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.~~

Rule 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.

Rule 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 ~~submit~~ 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~~ The report shall ~~include~~ provide: the date(s), description(s) and documentation regarding the use of ~~any~~ incentives, corrective actions, ~~including graduated responses~~ or other supervision techniques ~~used in response~~ to address the behavior in the receiving state, and the supervised individual's ~~compliance with~~ 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.

Rule 4.109 Violation Reports 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.

What's Changing?

Removing the term graduated responses does not change the applicability of these definitions or rules. Additional revisions to Rule 4.106, including removing the phrase "that do not require retaking," are intended to reduce confusion by clarifying that documenting noncompliance in a Progress Report does not preclude the same behavior from later being documented in a Violation Report to support retaking. This approach promotes evidence-based decision-making by ensuring the individual's full pattern of behavior and circumstances can be considered when evaluating whether retaking is appropriate.

** Rule 4.109 will be excluded from these amendments if the Executive Committee's Chapter 5 revisions are adopted, as those revisions also remove the term "graduated responses."*

Add 'address verification' to Rule 3.103-2 Expedited Reporting Instructions

Justification: This amendment aligns Rule 3.103-2 with other reporting instruction rules by adding requirements for justification of the request, address information, and documentation or details verifying the supervised individual's proposed residence. This language mirrors similar provisions added to two reporting instruction rules in 2025 but was inadvertently omitted from this rule.

Requiring documentation or verification details ensures the receiving state has sufficient information to assess the validity of the proposed residence, supporting consistent decision-making and reducing delays in the reporting instructions process.

Subsections (d) and (e) are also removed to align this rule with existing Compact provisions governing return procedures under Rules 3.104 and 4.111, eliminating redundancy and potential confusion.

Problem Statement: The rule lacks consistent requirements for justification, address information, and documentation to verify a supervised individual's residence, and includes redundant return provisions, creating confusion and misalignment with other reporting instruction and return rules. Without this information, the receiving state's ability to assess the validity of the proposed residence and make timely, informed decisions is limited.

Impact on Compliance: This amendment is intended to clarify expectations and improve consistency, not to create barriers to approving reporting instructions when sufficient documentation or details are provided, regardless of format.

INSITE Change Considerations:

Add a new field to both Reporting Instructions and Transfer Requests requiring verification details.

Region/Committee Action

- RNR Workgroup 4/20/2026: Motion by C. Moore (GA) to propose adding verification documentation or details to Rule 3.103-2 and recommend for Commission adoption was adopted.

POST COMMENT PERIOD

- Rules Committee 6/16/2026: Comments were reviewed. No changes were made as suggestions are addressed in the proposal justification.

Rule 3.103-2 Request for Expedited Reporting Instructions

- (a) 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.~~ The reporting instructions request shall include but is not limited to:
1. reason/justification for the request;
 2. supervised individual's proposed address and contact information; and
 3. documentation or details regarding how the supervised individual's proposed address was verified.
- (b) 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*.
- (c) 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.
- (d) 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.
- (e) 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*.
- (f) 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.

What's Changing?

Updates Rule 3.103-2 to require consistent residence verification, resolves conflicts with rules 3.104 and 4.111, and clearly distinguishes the reporting instruction process from the formal transfer process.

~~(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.~~

Add 'address verification' to Rule 3.103-3 Reporting Instructions for Sex Offenders

Justification: This amendment aligns Rule 3.103-3 with other reporting instruction rules by adding the requirement to include documentation or details verifying the supervised individual's proposed residence. This language mirrors similar provisions added to two reporting instruction rules in 2025 but was inadvertently omitted from this rule.

Requiring documentation and verification details ensures the receiving state has sufficient information to assess the validity of the proposed residence, supporting consistent decision-making and reducing delays in the reporting instructions process.

Problem Statement: The rule lacks consistent requirements for documentation or details to verify a supervised individual's residence creating misalignment with other reporting instruction rules. Without this information, the receiving state's ability to assess the validity of the proposed residence and make timely, informed decisions is limited.

Impact on Compliance: This amendment is intended to clarify expectations and improve consistency, not to create barriers to approving reporting instructions when sufficient documentation or details are provided, regardless of format.

INSITE Change Considerations:

Add a new field to both Reporting Instructions and Transfer Requests requiring verification details.

Region/Committee Action

- RNR Workgroup 4/20/2026: Motion by J. Mosely (MO) to propose adding verification documentation or details to Rule 3.103-3 and recommend for Commission adoption was adopted.

POST COMMENT PERIOD

- Rules Committee 6/16/2026: Comments were reviewed. No changes were made as suggestions are addressed in the proposal justification.

Rule 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; and
 - 6. Documentation or details regarding how the supervised individual's proposed address was verified.
- (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.

What's Changing?

Updates Rule 3.103-3 to require consistent residence verification and clearly distinguishes the reporting instruction process from the formal transfer process.

Chapter 5 Proposal Package

Justification

The Violation Response Tool (VRT) 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.

Problem Statement: Current Chapter 5 rules do not provide a structured, evidence-based framework for evaluating violations and retaking decisions. As a result, states continue to experience inconsistent application of the rules, uncertainty regarding appropriate responses to violations, and unnecessary retaking actions despite years of training and rule revisions.

Impact on Compliance: The lack of a consistent decision-making framework has contributed to inconsistent documentation and application of retaking requirements, and limited consideration of risk, supervision progress, and stability factors. These challenges reduce uniformity and transparency among member states and hinder the Compact's goal of consistent, effective interstate supervision.

INSITE Change Considerations

Integration of the VRT and update OVR response options to reflect 'return in lieu of retaking.'

Region/Committee Action

- RNR Workgroup 1/6/2026: Amendments finalized for Executive & Rules Committee consideration
- Executive Committee 1/21/2026: Amendments recommended (w/minor revision to Rule 5.102) for consideration at the 2026 ABM per motions by A. Voracek (ND,) S. Turner (KY) and G. Roberge (CT.)
- Rules Committee 2/5/2026: A 30-calendar day timeframe to Rule 5.102-1(1) was recommended per motion by D. Cady (NH) and the Chapter 5 proposal was recommended for adoption per motion by J. Mosley (MO.)
- Executive Committee 2/18/2026: Rules Committee's recommendation to add a 30-calendar day timeframe to Rule 5.102-1(1) was adopted per motion by T. Hudrlik (MN.)
- Executive Committee 4/15/2026: Language in 5.102 (a) was updated to better clarify the intent of the tool per motion by T. Link (AK.)
- Rules Committee 4/21/2026: Support for the Executive's Committee's change to 5.102 (a) to better clarify the intent of the tool was supported per motion by D. Cady (NH.)

POST COMMENT PERIOD

- Rules Committee 6/16/2026: Changes to rules 5.102, 5.102-1 and a title change to 5.103 were recommended made based on comments per motion by D. Cady (NH.)
- RNR Workgroup 6/23/2026: Rules Committee recommendations to rules 5.102, 5.102-1 and a title change to 5.103 were supported per motion by J. Lopez (WI.)
- Executive Committee 6/24/2026: Rules Committee recommendations to rules 5.102, 5.102-1 and a title change to 5.103 were supported per motion by D. Crook (VT.)

Chapter 5 Violations & Retaking (Table of Contents)

5.101	<u>Return and Retaking by the Sending State</u> [New Title & Language]
5.102	<u>Evaluating Violations and Stability for Retaking Decisions</u> [New Title & Language]
5.102-1	Reporting Violations Requiring Retaking [Current 4.109 w/ revisions]
5.103	Pending Felony or Violent Crime Charges <u>Availability for Retaking</u> [Title change only]
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]

What's Changing?

Chapter 5 has been reorganized to provide a more logical flow of the violation and retaking process. Beyond introducing the Violation Response Tool (VRT), the amendments primarily streamline and relocate existing rules to improve clarity, reinforce evidence-based decision-making, and ensure retaking decisions are made when the supervised individual is available, while preserving existing requirements unless otherwise noted.

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*.

What's Changing?

Expands current Rule 5.101 by consolidating the sending state's authority to order discretionary retaking or return, as well as its discretion to direct a return in lieu of retaking when mandatory retaking applies.

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.~~

Rule 5.102: Evaluating Violations and Stability for Retaking Decisions

- (a) Upon discovery that a supervised individual has engaged in behavior that may require retaking, the receiving state shall utilize the Violation Response Tool, unless Rule 5.103 Availability for Retaking applies.
- (b) When the Violation Response Tool 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 'within 30 calendar days' of discovery.
- (c) When the Violation Response Tool 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.

What's Changing?

Current 5.102 incorporated into revisions to 5.102-1 to ensure consistency in applying behavior requiring retaking related to new convictions. New 5.102 incorporates the use of the Violation Response Tool when retaking is considered and the supervised individual is available.

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.~~

4.109 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.
- (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. when available for retaking, 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.

What's Changing?

Current 4.109, moves 30 day reporting timeframe to 5.102 for process clarification and emphasizes that retaking decisions using the VRT should be made when available for retaking.

Rule ~~5.101-1~~ 5.103: Availability for Retaking 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.

What's Changing?

Current 5.101-1; renumbering and title change only. 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 while retaining the sending state's discretion to order to return in lieu of retaking.

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).~~

Rule ~~5.101-2~~ 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~~ Reporting Violations Requiring Retaking, ~~5.103~~, and 5.10~~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~~ Reporting Violations Requiring Retaking, ~~5.103~~, and 5.10~~4~~-~~1~~ Retaking Absconders ~~3-4~~ apply.

What's Changing?

Current 5.101-2 with updated rule references added to (b) and (c)

Rule ~~4.109-2~~ 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.

What's Changing?

Current 4.109-2 with updated rule references added to (b)

Rule ~~5.103-1~~ 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).

What's Changing?

Current 5.103-1 with minor addition to (c)

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 effect 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.

NO CHANGES

Rule 5-108 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.

NO CHANGES

'Code of Conduct' Article II Section 3

Justification

This amendment incorporates the Commission's Code of Conduct into the ICAOS Bylaws to ensure broader awareness, transparency, and accountability among all Commission members.

While the Code of Conduct was previously adopted through policy, inclusion in the Bylaws provides an opportunity for Commission members to review and affirm expectations for professional behavior, communication, and collaboration. Given the importance of these standards to the Commission's operations and relationships among member states, the Executive Committee determined they should be formally adopted in the Bylaws rather than solely through Executive Committee action.

This change reinforces the Commission's commitment to maintaining a respectful, professional, and collaborative environment and ensures that all members have a clear understanding of expectations and the processes for addressing concerns.

Problem Statement: The Commission's Code of Conduct currently exists only as a policy adopted by the Executive Committee. As a result, expectations for professional conduct and accountability are not reflected in the Commission's governing document, reducing visibility and awareness among individuals participating in Commission business.

Impact on Compliance: This amendment promotes consistent professional conduct across the Commission, strengthens accountability, and enhances efficiency in collaboration and decision-making, helping ensure Commission business is conducted effectively and in accordance with the Commission's governing framework.

Region/Committee Action

- Executive Committee 4/15/2026: Motion to add new 'code of conduct' to by-laws made by G. Roberge (CT) was adopted.

POST COMMENT PERIOD

- Executive Committee 6/24/2026: Comments reviewed, no changes to proposal were made.

Article II Section 3. Code of Conduct

All Commissioners, Deputy Compact Administrators, committee members, and participants in ICAOS activities shall adhere to the Commission's Code of Conduct, as adopted by policy. The Code of Conduct sets expectations for professional behavior, communication, and collaboration, and establishes procedures for addressing violations. Failure to comply with the Code of Conduct may result in action by the Commission consistent with its compliance and enforcement policies.

What's Changing?

Incorporates the Commission's Code of Conduct into the ICAOS By-laws to strengthen accountability, efficiency, consistency, and clarity of expected professional conduct.