

INTERSTATE COMPACT ELIGIBILITY GUIDE

At the discretion of the Sending State, an offender shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer, if the offender:

- has 3 months or more remaining on supervision; AND
- is in **substantial compliance** in the Sending State; AND
- is a **resident** of the Receiving State OR has **resident family** in the Receiving State willing and able to assist OR the offender is an active military member who has been deployed to another state OR is a veteran eligible and referred by the Veteran's Health Administration to another state for medical and/or mental health service OR is an offender who will live with an active military family member who has been deployed to another state OR is an offender who will live with a family member who has been transferred to another state by their fulltime employer as a condition of maintaining employment; OR the offender is transferred to another state by their fulltime employer as a condition of maintaining employment AND
- has a valid plan of supervision in the Receiving State with a visible means of support (employment, family support, SSD/SSI, Workman's Compensation, etc.); AND
- the transferring offense was a conviction for a felony, or **eligible misdemeanor**; AND
- is required to report or be monitored by the supervising authorities OR has any condition (other than monetary), qualification, special condition or requirement imposed. (*Offenders sentenced to non-reporting/unsupervised terms of probation with special or standard conditions will still need to be transferred through the Compact.*)

Requests that do not meet the above criteria are considered discretionary and can still be submitted; however, they must be accompanied by compelling reasons and documentation as to the merit of the transfer. 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.

Substantial Compliance means that an offender 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.

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; 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 six months or more with the intent to establish a new principal place of residence.

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 offender as specified in the plan of supervision.

Eligible Misdemeanor means a misdemeanor offense in which the offender received a sentence of **one year or more** of supervision **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 second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol;
- 4.) a sexual offense that requires that an offender register as a sex offender in the Sending State.

Fee is \$125 which must be paid prior to submission of a transfer request

Receiving state has 45 days to review the transfer request before they have to reply



Interstate Commission for Adult Offender Supervision

(Revised 03/1/14)

ELIGIBILITY WORKSHEET

For definitions, refer to the Eligibility Guide beginning on Page 1

Offender Name:

Date of Birth:

CASE ELIGIBILITY

- 1.) Offender has 3 months or more remaining on supervision? Yes No
- 2.) Offender is in Substantial Compliance? Yes No
- 3.) Offense is a felony, eligible misdemeanor or eligible deferred sentence? Yes No
- 4.) Does the offender appear to have a valid plan of supervision? Yes No

If the answers to 1 through 4 are all yes, continue.

REPORTING INSTRUCTIONS ELIGIBILITY

Date of sentence:

Address at time of sentencing:

City:

State:

Zip:

5.) Is the offender a sex offender* per Compact definition? Yes No

6.) Offender living in the receiving state on the date of sentencing? Yes No

If the answer to #6 is yes and the answer to #5 is no, the offender is entitled to reporting instructions & a 7 day travel permit. If the answers to both #5 and #6 are yes, the offender must remain in the sending state until the receiving state provides their decision.

7.) Offender deployed by the military to another state? Yes No

8.) Offender is a veteran eligible and referred to another state to receive medical and/or mental health services by the Veteran’s Health Administration? Yes No

9.) Offender’s family member with whom he or she resides with in the sending state and will reside with in the receiving state deployed by the military? Yes No

10.) Offender’s family member with whom he or she resides with in the sending state and will reside with in the receiving state transferred by their full time employer as a condition of maintaining employment? Yes No

11.) Offender transferred by their full time employer as a condition of maintaining employment? Yes No

If the answer to #7, #8 # 9 #10 or #11 is yes, the offender is entitled to reporting instructions. The offender must remain in the sending state until the reporting instructions are issued by the receiving state.

12.) #6-#11 are “No” but emergency circumstances exist in which the offender should be allowed to go to the receiving state prior to the acceptance of a transfer request? Yes No

If the answer to #12 is yes, Explain and provide documentation:

The offender is entitled to reporting instructions IF the receiving state agrees that an emergency circumstance exists. The offender must remain in the sending state until the reporting instructions are issued by the receiving state.

NO SEX OFFENDERS PER COMPACT DEFINITION ARE ENTITLED TO PROCEED TO THE RECEIVING STATE UNTIL REPORTING INSTRUCTIONS ARE ISSUED OR THE RECEIVING STATE INVESTIGATES & ACCEPTS THE CASE. ALL OTHER OFFENDERS NOT LIVING IN THE RECEIVING STATE AT THE TIME OF SENTENCING MUST REMAIN IN SENDING STATE UNTIL REPORTING INSTRUCTIONS ARE ISSUED OR THE RECEIVING STATE INVESTIGATES & ACCEPTS THE CASE.

**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 required to register as a sex offender either in the sending or receiving state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.*

MANDATORY ACCEPTANCE CRITERIA

Transfer Request based on Residency:

Date of offense:	Address at time of offense:	City:	State:	Zip:

List addresses beginning with the offender’s present address going back one year prior to the commission of the offense. Account for periods of incarceration, military duty, long-term hospitalizations/treatment, etc.

From: (month/year)	To: (month/year)	City:	State:

12.) Resident per Compact definition? Yes No

If the answer to #12 is yes and the plan is investigated and found to be valid, the receiving state must accept.

Transfer Request based on Resident Family:

Name:	Relationship:	Address:	Relative’s Length of time in RS:

13.) Is there resident family in the receiving state willing to assist? Yes No

14.) If yes, how are they willing and able to assist? Explain and provide documentation.

If # 13 is yes and the plan is investigated and found to be valid, the receiving state must accept this case.