



CONNECTICUT JUDICIAL BRANCH
Court Support Services Division

INTERSTATE COMPACT & THE COURTS

www.interstatecompact.org

[Connecticut General Statute 54-133](#)

The purpose of this document is to provide guidance to the courts and refers solely to probationers and their transfer under the Interstate Compact for Adult Offender Supervision.

The Interstate Compact for Adult Offender Supervision is a formal agreement between member states, which is intended to promote public safety by controlling and tracking the interstate movement of certain adult offenders. Currently, all 50 states, Washington D.C., Puerto Rico and the U.S. Virgin Islands are members of this Compact.

The Interstate Commission for Adult Offender Supervision is a quasi-governmental administrative body with broad regulatory authority and rulemaking powers. The Commission is responsible for ensuring all states comply with the rules of the Compact as **these rules have the force and effect of federal law** and supersede any conflicting state statutes, (C.G.S. 54-133), rules or policies. The Commission promulgates these rules to achieve the goals of the Compact and to ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to relocate across state lines.

The Commission coordinates reporting of compact activities to heads of state councils, state executive, judicial and legislative branches as well as criminal justice administrators. If the Commission determines a state has failed to comply with these rules, penalties may be imposed, including but not limited to fines/fees, legal enforcement, or suspension/termination of Compact membership.

Interstate Compact Transfer Required for:	
1.	An offender under supervision for a felony ; and/or
2.	A misdemeanor offender whose sentence includes 1 year or more of supervision and the instant offense includes one or more of the following: • An offense in which a person has incurred direct or threatened physical or psychological harm; • An offense that involves the use or possession of a firearm; • A second or subsequent conviction of driving while impaired by drugs or alcohol; • A sexual offense that requires the offender to register as a sex offender in the sending state; and/or
3.	An offender under supervision for a felony and/or qualifying misdemeanor, whose sentence was deferred , provided there was a plea or finding of guilt.

NOTE: No state shall permit an offender who is required to transfer under the Interstate Compact, to relocate to another state except as provided by the Compact and these rules. By Compact definition, to relocate means to remain in another state for more than 45 consecutive days in any 12-month period. It should be noted, this would include offenders participating in a treatment program in another state.

NOTE: If a CT offender relocates to another state in violation of the Compact, or if the offender is in the receiving state with granted reporting instructions and the transfer request is rejected, he/she must be ordered to return to CT. If the offender fails to return, CT **must** issue a warrant with a nationwide pick-up radius and make arrangements to retake the offender.

Out of State Residents

When sentencing an offender to probation who resides out of state, please coordinate with Probation in advance, whenever possible.

Reporting Instructions

Any offender placed under supervision for an offense which meets the Interstate Compact Transfer requirements, who requests to relocate to another state, must be directed to report to probation prior to returning or relocating to another state. A Probation Officer (PO) will review the offender's case to determine if he/she is eligible for reporting instructions and if so, whether or not the offender qualifies to return home immediately after sentencing. If the offender is eligible for reporting instructions and qualifies to return home immediately after sentencing, he/she will be issued a travel permit and the PO will submit a request for reporting instructions to the receiving state. If granted, reporting instructions will allow the offender to be in the receiving state while the investigation is being conducted. If the offender is not eligible for reporting instructions or if the request is denied, the offender will be required to remain in CT for up to 45 calendar days while the receiving state conducts their investigation.

SEX OFFENDER REGISTRATION FOR AN OFFENSE SEXUAL IN NATURE: An offender who is placed under supervision for an offense that is sexual in nature may be subject to registration requirements in the receiving state, **even if he/she is not required to register in CT.**

Transfer Requests

When an offender requests to transfer to another state, he/she must be in substantial compliance and the PO must confirm the offender has a valid plan of supervision in the receiving state before the process can be initiated. If the PO determines the request is appropriate, a transfer request will be submitted to the receiving state for a full investigation. The offender, unless already in the receiving state with granted reporting instructions, must remain in CT pending the official acceptance. The receiving state has 45 calendar days to reply.

MANDATORY	
The receiving state must accept supervision provided the offender satisfies the criteria outlined below:	
• There is more than 90 calendar days of supervision remaining at the time the sending state submits a Transfer Request; • The offender has a valid plan of supervision; • The offender is in substantial compliance; • Reasons: ◦ Resident of the Receiving State; Resident Family AND Employment or Means of Support in the Receiving State; Military member transfer of offender or family member; Employment transfer of offender or family member; Veteran transferring for Mental Health and/or Medical Services. (see page 4 for compact definitions and descriptions)	
DISCRETIONARY	
The receiving state has the discretion to accept or reject supervision:	
• If the offender does not meet the mandatory criteria and the decision is made to pursue a discretionary transfer: ◦ The sending state must be able to articulate how acceptance in the receiving state would support successful completion of supervision, rehabilitation of the offender, promote public safety, and protect the rights of victims.	

Triggering the compact: The decision to initiate the transfer of an offender's supervision through the Interstate Compact is at the discretion of the sending state. There is no right to transfer even if eligibility criteria are met. Upon acceptance by the receiving state, only the offender's supervision is transferred, not the jurisdiction of the case.

Length of supervision: The sending state determines the sentence and length of supervision.

Level of supervision: The receiving state shall supervise offenders consistent with the supervision of other similar offenders sentenced in their state including, the use of incentives, corrective actions, graduated responses and other supervision techniques.

Imposition of conditions: At the time of acceptance or during the term of supervision, the receiving state may impose conditions on an offender if those conditions would have been imposed on an offender sentenced in the 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.

Supervision fees: Offenders who transfer their probation may be subject to a supervision fee in the receiving state.

Violations and Retaking by the Sending State

When an offender requests to transfer to another state, he/she must sign the Offender's Application for Interstate Compact Transfer. By signing the application, the offender agrees to return to the sending state when directed to do so and waives any right he/she may have to extradition.

Retaking is the act of a sending state physically removing an offender or causing to have an offender removed from a receiving state. An offender charged with a new felony and/or violent crime in the receiving state is not available for retaking until the charges are dismissed, sentence has been satisfied, or the offender has been released to supervision for the subsequent offense, unless the sending and receiving states mutually agree to the retaking or return.

There are 2 types of retaking - Mandatory and Discretionary:

- A mandatory retaking would occur when an offender:
 - has demonstrated behavior requiring retaking, which is 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; *and/or*
 - is convicted of a new felony or violent crime; *and/or*
 - is declared an absconder.
- A discretionary retaking can be initiated by the sending state at any time outside of the mandatory guidelines.

When violations reported by the receiving state require a retaking, the sending state must take one of the following actions:

If the Receiving State requires a retaking after reporting the offender has:	The Sending State must:
Demonstrated behavior requiring retaking	Issue a warrant <i>OR</i> order the offender to return within 15 business days
Been convicted of new felony	Issue a warrant
Been convicted of new violent crime	Issue a warrant
Absconded	Issue a warrant

Per rule 5.101-2, there is a discretionary process for disposition of a violation of probation in the sending state for a new crime conviction. A sentence imposing a period of incarceration on an offender convicted of a new crime which occurred outside the sending state during the compact period may satisfy or partially satisfy the sentence imposed by the sending state for the violation committed. This process requires the approval of the sentencing or releasing authority in the sending state and the consent of the offender.

When the sending state intends on physically retaking an offender, the sending state must issue a warrant and enter it into the National Crime Information Center (NCIC) database with a nationwide pick-up radius.

When an offender is ordered to return to the sending state in lieu of retaking and he/she fails to return as directed, the sending state must issue a warrant and enter it into NCIC with a nationwide pick-up radius, no later than 15 business days following the offender's failure to return.

When CT Probation officers take an IC offender into custody on a sending state's warrant, a detainer must be lodged with the holding facility. If another agency takes the offender into custody, Probation should be contacted so they can place an Interstate Compact detainer at the holding facility. When the offender is brought before the court, he/she does *not* need to be charged as a Fugitive from Justice *and* he/she is not subject to bail, bond or any other release conditions.

The sending state shall retake an offender within 30 calendar days after the offender has been taken into custody on the sending state's warrant and the offender is being held solely on the sending state's warrant.

Compact Definitions and Descriptions

“Deferred sentence” means a sentence the imposition of which is postponed pending the successful completion by the offender of the terms and conditions of supervision ordered by the court.

“Employment transfer of family member to another state” An offender 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. Supporting documentation required.

“Employment transfer of the offender to another state” An offender who is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment. Supporting documentation required.

“Plan of supervision” means the terms under which an offender will be supervised, including proposed residence, proposed employment or viable means of support and the terms and conditions of supervision.

“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 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.

“Retaking” means the act of a sending state in physically removing an offender, or causing to have an offender removed, from a receiving state.

“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.

“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.

“Transfer of military members” An offender who is a member of the military and has been deployed by the military to another state. A copy of the military order is required.

“Transfer of offenders who live with family who are members of the military” An offender who currently lives with a family member who has been deployed to another state, provided the offender will continue to reside with the same family member in the receiving state. A copy of the military order is required.

“Transfers of veterans for medical or mental health services” An offender 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 offender is approved for care at the receiving state Veterans Health Administration facility.

Please go to www.interstatecompact.org for the ICAOS Rules and Bench Book for Judges and Court Personnel as both contain additional information courts can use as a quick reference guide on important compact issues.

For questions or additional information, contact:

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