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:

1. has 3 months or more remaining on supervision; AND
2. is in **substantial compliance** in the Sending State; AND
3. 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 is stationed in another state OR is a veteran eligible and referred/accepted 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 is stationed in 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
4. 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
5. the transferring offense was a conviction for a felony, **eligible misdemeanor** or eligible **deferred sentence**; AND
6. 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 continuously inhabited a state for at least one year prior to the commission of the offense for which the offender is under supervision; and
2. that such state shall be the person’s principal place of residence; and
3. has not, unless incarcerated or on active military deployment, 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 conviction 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.

**Deferred Sentence**: Offenders subject to deferred sentences are eligible for transfer of supervision under the same eligibility requirements, terms and conditions applicable to all other offenders under this compact. Persons subject to supervision pursuant to a pre-trial release program, bail or similar program are not eligible for transfer under the terms and conditions of this compact.

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| ICAOS Logo copyICAOS Logo copy    (Revised 03/23/2020) | | **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 who is under order by the military in another state?  Yes  No  8.) Offender is a veteran eligible and referred/accepted 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 is under order by the  military in another state?  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.) Are #6-#11 “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 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..* | | | | |

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| **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: | |
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| 13.) Resident per Compact definition?  Yes  No  *If the answer to #13 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: | | | |
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| 14.) Is there resident family in the receiving state willing to assist?  Yes  No | | | | | | | | | |
| 15.) If yes, how are they willing and able to assist? Explain and provide documentation.    *If # 14 is yes and the plan is investigated and found to be valid, the receiving state must accept this case.* | | | | | | | | | |