

LEGAL AUTHORITY OF ICAOS



Idaho Code 20-301, Out-of-State Parolee Supervision Act;

Article I, Section 10, clause 3 of the U.S. Constitution authorizes compacts between states;

Crime Control Act of 1934 gave Congressional consent to ICAOS;

A compact with Congressional consent becomes a "law of the United States" Texas vs. New Mexico, 482 U.S. 124 (1987);

Legal Authority of ICAOS Rules;

The U.S. Supreme Court recognized that Congressional consent transforms a compact into federal law under the Compact Clause Cuyler vs. Adams, 449 U.S. 433 (1981);

Compact rules supersede any state laws in conflict with them.

SUPERVISION

Sending state determines duration of supervision.

Receiving state determines level of supervision.



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Interstate Commission for Adult
Offender Supervision
interstatecompact.org

IDAHO DEPARTMENT OF CORRECTION



INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

THE PURPOSE OF THE INTERSTATE COMPACT AGREEMENT IS TO:

- Promote public safety
- Protect rights of victims
- Control movement of offenders
- Provide for effective tracking
- Rehabilitate the offender



No more, "Get out of town by sundown!"

No Order can be issued allowing an offender to relocate to another state. Only the receiving state has authority to give permission for an offender to move to their state.

ELIGIBILITY

FELONS:

Three months or more or an indefinite period of supervision remaining.

In substantial compliance with terms of supervision in sending state.

Resident* of receiving state; or

- Has resident family** in receiving state who are willing to assist and have ability to assist as specified in the plan of supervision; and
- Can obtain employment in the receiving state or has visible means of support.

- ✓ Offenders subject to deferred sentences **are eligible**.
- ✓ Offenders under pre-trial intervention program, bail or similar program are **not eligible**.
- ✓ Offenders released from incarceration under furlough, work-release, or other pre-parole programs are **not eligible** for transfer under the Compact.

MILITARY:

- Military members transferred to another state and who meet the above criteria shall be immediately eligible for transfer of supervision.
- Offenders who live with family who are members of the military who have been deployed to another state, shall be immediately eligible for transfer provided they will live with the military member in the receiving state.

MISDEMEANANTS:

Must meet same eligibility as felons and their instant offense must include 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 misdemeanor offense 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.

Misdemeanants with lesser offenses may move without interstate compact providing the Idaho supervisor continues supervision via mail or phone.

* **Resident** - 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,
2. intends that such state shall be the person's principal place of residence; and
3. has not, unless incarcerated, relocated to 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** - 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 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.