

MONROE CIRCUIT COURT (MCC) PROBATION DEPARTMENT INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION ELIGIBILITY GUIDE

No state shall permit an offender who is eligible for transfer under the Interstate Compact for Adult Offender Supervision to relocate to another state except as provided in the Compact rules. Offenders are not permitted to apply for transfer of supervision (probation, parole, home detention) through the Compact until the case has reached final disposition. An offender applying for interstate supervision shall execute, at the time of application for transfer, a waiver of extradition from any state to which the offender may abscond while under supervision in the receiving state; the offender must accept that a sending state can retake them at anytime and that formal extradition hearings are not required. Before offender will be allowed to leave Sending state, they shall sign all forms required by the Compact.

Eligible offenses

1. Felony convictions that have more than 90 days of supervision remaining at the time of the transfer request.
2. Misdemeanor convictions with a sentence of 1 year or more of supervision and at least one of the following:
 - a) offense in which a person has incurred direct or threatened physical or psychological harm.
 - b) an offense that involves the use or possession of a firearm.
 - c) a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol.
 - d) a sexual offense that requires that an offender register as a sex offender in the sending state.
3. Deferred sentences are eligible under the same eligibility requirements, terms, and conditions applicable to all other offenders under the Compact.

Persons subject to supervision pursuant to a pre-trial release program, bail or similar programs are not eligible for transfer. Work release or work furlough programs are not eligible for Compact. Offenders sentenced to non-reporting/unsupervised terms of probation with special or standard conditions are required to be transferred through the Compact.

Fees

Offenders are required to pay the \$125 Interstate Compact Fee and the \$100 Probation Administrative Fee before the transfer request can be submitted. Other fees will be assessed by the Court/Probation but can be paid at a later date without affecting the transfer process. Cash or money orders are accepted for fee payment. Fees paid online can take up to 7 -10 days before they are processed, delaying the filing of the transfer request.

Getting a Head Start

If the offender meets Compact eligibility requirements, the Defense Attorney should contact the MCC Probation Department **at least 10 days prior to the final dispositional hearing** to schedule an initial intake appointment. This will allow the offender to be seen immediately after the dispositional hearing to begin the transfer process. Please contact Kyle Marcum, MCC Probation at (812) 349-2662 or by email, kmarcum@co.monroe.in.us to set up this appointment.

Resident of the receiving state at the time of sentencing:

- 1) If an offender was a resident in the receiving state at the time of sentencing, the sending state may grant a 7-day Travel Permit to the offender after verifying that the offender is in fact living in the receiving state. Offenders should be advised to report to their intake appointment with the MCC Probation Department with proof of residency. This could be in the form of a valid driver's license, state issued identification card, utility bills in their name, lease in their name, or letter from the person with whom they reside in the receiving state. The Travel Permit does not guarantee the receiving state will accept transfer of supervision.
- 2) Sending state must still request Reporting Instructions from the receiving state. This will be submitted at intake.
- 3) The MCC Probation Department will provide offenders with Reporting Instructions regarding when and where they are to report in person to the receiving states probation authority. Failing to report as directed can result in the Reporting Instructions being withdrawn by the receiving state requiring the offender to return to Sending state and await the approval of the transfer request which can take up to 45 calendar days.
- 4) If Reporting Instructions are granted and the transfer request is denied by the receiving state, the offender must return to Sending state when the Travel Permit expires.
- 5) States which allow eligible offenders to travel to a receiving state pending investigations are in violation of the Compact. In such circumstances the receiving state may properly reject the request for transfer.

Non-Resident of receiving state at the time of sentencing:

- 1) A receiving state has up to 45 calendar days to respond to a request for transfer. During this period the offender cannot be in the receiving state on a travel permit. Sending state cannot allow the offender to travel to the receiving state while awaiting the transfer request approval.
- 2) Offenders may be eligible to report to the receiving state prior to the transfer request being approved. However, they must first receive Reporting Instructions from the receiving state. Probation staff can submit the request for Reporting Instructions at the time of the initial intake if requested.
- 3) The receiving state has two (2) business days to respond to a request for Reporting Instructions. Offenders should plan to remain in Sending state for up to two (2) business days awaiting permission to travel to the receiving state.
- 4) The MCC Probation Department will provide offenders with Reporting Instructions regarding when and where they are to report in person to the receiving states probation authority. Failing to report as directed can result in the Reporting Instructions being withdrawn by the receiving state requiring the offender to return to Sending state and await the approval of the transfer request which can take up to 45 calendar days.
- 5) If Reporting Instructions are granted and the transfer request is denied by the receiving state, the offender must return to Sending state when the Travel Permit expires.
- 6) An offender who is employed in the receiving state at the time the transfer request is submitted and has been permitted to travel to the receiving state for the employment purposes may continue to travel to the receiving state while the transfer request is being considered, provided travel is limited to what is necessary to report to work, and perform the duties of the job and then return to the sending state daily during non-working hours.

Mandatory Transfers of Supervision

At the discretion of the sending state, an offender shall be eligible for transfer of supervision and must be accepted for supervision by the receiving state if the offender:

1. has more than 90 days of supervision remaining at the time of the transfer request; and
2. has a valid plan of supervision in the receiving state; and
3. is in substantial compliance with the terms of supervision in the sending state;

Additionally, one of the following must be met:

1. is a resident of the receiving state; or
 - a. has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and
 - b. can obtain employment in the receiving state or has means of support (employment, family support, SSD/SSI, workman's compensation, etc.)
2. is an active military member who has been deployed to another state OR is an offender who will live with an active military family member who has been deployed to another state (a copy of the orders or proof of deployment must be provided at the time of the request)
3. is an offender who will live with a family member who has been transferred to another state by the full-time employer as a condition of maintaining employment
4. the offender is transferred to another state by their full-time employer as a condition of maintaining employment (documentation from the employer indicating the requirement must be provided at the time of the request).

Sex Offenders

1. At the discretion of the sentencing Court, sex offenders are eligible to apply for transfer under the Compact.
2. A sex offender shall not be allowed to leave the sending state until Reporting Instructions have been issued by the receiving state or the transfer request for supervision has been approved.
3. The receiving state has 5 business days to review the transfer request. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions. If denied, the offender must remain in Sending state while transfer request is being investigated by receiving state which has 45 calendar days to respond. If accepted for supervision, receiving state will issue Reporting Instructions.
4. No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state.
5. A receiving state may require an offender to register even if a offense would not require registration in Indiana.

Discretionary Transfers of Supervision

Transfer requests that do not meet the above criteria are discretionary and must be accompanied by compelling reasons and documentation to justify the transfer. The receiving state shall have the discretion to accept or reject the transfer of supervision per rules of the Compact.

Pre-release Transfer Requests

Requests for transfer of supervision to a receiving state may be submitted no earlier than 120 days prior to an offender's planned release from a correctional facility.