

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, **eligible misdemeanor** or **eligible deferred sentence**; 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 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.