

RULE 2.111

EMERGENCY SUSPENSION OF ENFORCEMENT

(a) Upon a declaration of a national emergency by the President of the United States and/or the declaration of emergency by one or more Governors of the compact member states in response to a crisis, the Commission may, by majority vote, authorize the Executive Committee to temporarily suspend enforcement of Commission rules or parts thereof, but shall not suspend enforcement of any Compact powers and duties specified in the statute. Such suspension shall be justified based upon:

1. The degree of disruption of procedures or timeframes regulating the movement of offenders under the applicable provisions of the Compact, which is the basis for the suspension;
2. The degree of benefit (or detriment) of such suspension to the offender and/or public safety; and
3. The anticipated duration of the emergency.

(b) The length of any suspension shall be subject to the length of the national/state declaration(s) of emergency, or preemptively concluded by majority vote of the Executive Committee, whichever occurs sooner.

(c) States shall still maintain all of their duties under the Compact, unless instructed otherwise.

History: [Adopted April 21, 2020](#), effective April 21, 2020.

RULE 2-108

Emergency Suspension of Enforcement

1. Upon a declaration of a national emergency by the President of the United States and/or the declaration of emergency by one or more Governors of the compact member states in response to a crisis, the Commission may, by majority vote, authorize the Executive Committee to temporarily suspend enforcement of Commission rules or any part(s) thereof. Such suspension shall be justified based upon:
 - a. The degree of disruption of procedures or timeframes regulating the movement of juveniles under the applicable provisions of the Compact;
 - b. The degree of benefit (or detriment) of such suspension to the offender and/or public safety; and
 - c. The anticipated duration of the emergency.
2. Regardless of any suspension of enforcement, each member state shall perform all duties required by the Compact to the greatest extent possible, including returns and transfers of supervision.
3. Any suspension of enforcement of Commission rules shall cease 30 calendar days after the termination of the national/state declaration(s) of emergency, unless preemptively concluded by majority vote of the Executive Committee.
4. Any suspension of enforcement of Commission rules shall not apply to duties specified in the Compact statute which are necessary for the operation of the Commission, including but not limited to, payment of dues and appointments of compact administrators and commissioners.

History: Adopted as an emergency rule pursuant to ICJ Rule 2-103(10) on April 23, 2020, effective April 23, 2020



January 29, 2020

SENATE BILL No. 317

DIGEST OF SB 317 (Updated January 28, 2020 12:41 pm - DI 133)

Citations Affected: IC 11-13.

Synopsis: Interstate commission transportation fund. Allows a community corrections agency to access funds from the county offender transportation fund to defray the cost of transporting offenders and delinquent children as requested by a court, a probation department, a community corrections agency, or a county sheriff.

Effective: July 1, 2020.

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January 13, 2020, read first time and referred to Committee on Tax and Fiscal Policy.
January 28, 2020, reported favorably — Do Pass.

SB 317—LS 6694/DI 139



January 29, 2020

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 317

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-13-4.5-8, AS ADDED BY P.L.137-2011,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 8. (a) The fiscal body of each county shall
4 establish a county offender transportation fund for the purpose of
5 defraying the costs of ~~returning to the state probationers~~ **transporting**
6 **offenders and delinquent children** who ~~violate their conditions of~~
7 ~~supervision are subject to retaking under this chapter. the rules of~~
8 **the interstate commission for adult offender supervision and the**
9 **interstate commission for juveniles.**
10 (b) The fiscal body of the county shall appropriate money from the
11 county offender transportation fund to ~~the probation department~~ **defray**
12 **the costs of transporting offenders and delinquent children** as
13 requested by a:
14 (1) court;
15 (2) probation department;
16 (3) community corrections agency; or
17 (4) county sheriff.

SB 317—LS 6694/DI 139



1 (c) Any money remaining in the fund at the end of the year does not
2 revert to any other fund but continues in the county offender
3 transportation fund.



COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 317, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 317 as introduced.)

HOLDMAN, Chairperson

Committee Vote: Yeas 9, Nays 0





U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

May 11, 2020

Ms. Ashley H. Lippert
Executive Director
Interstate Commission for
Adult Offender Supervision
836 Euclid Avenue, Suite 322
Lexington, KY 40502

Dear Ms. Lippert:

Reference is made to your email dated March 19, 2020, and prior letter dated September 4, 2019, requesting access to the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Division's systems by the Interstate Commission for Adult Offender Supervision (ICAOS). This request is to support information sharing and National Crime Information Center (NCIC) activity notification services between the state offices which manage the interstate movement of supervised offenders and the Interstate Compact Offender Tracking System (ICOTS).

The CJIS Division, in collaboration with the FBI's Office of the General Counsel, have reviewed the documentation packet and workflow chart provided. After a comprehensive review, the CJIS Division has determined ICAOS is not a criminal justice agency (CJA) performing the administration of criminal justice as a primary function as defined in Title 28, Code of Federal Regulations (C.F.R.), Part 20, Subpart A.

While the documentation submitted indicates ICAOS manages the supervision of offenders subject to the Interstate Compact at a national level through oversight, coordination, and compliance enforcement, it does not demonstrate ICAOS is regularly engaging in or performing the supervision of offenders as a primary function. When implementing the regulations, the definitions of a CJA in 28 C.F.R. §20.3(g) and the administration of criminal justice in §20.3(b) must be considered together. In addition, a substantial part of an agency's budget (as interpreted by the United States Department of Justice (DOJ) to mean greater than 50 percent) must be allocated to criminal justice functions in order to be considered a criminal justice agency.

Ms. Ashley H. Lippert

When reviewing the functions of agencies applying for access to criminal justice systems, the CJIS Division uses long-standing guidance provided by the DOJ in its *Privacy and Security Planning Instructions for Criminal Justice Information Systems* (Planning Instructions), which are attached for reference. These Planning Instructions provide guidance to help understand and interpret 28 C.F.R. Part 20. In this situation, the Planning Instructions are instructive when they state, "agencies and individuals who provide only funding, oversight, staff services, general supervision, or policy guidance without regularly engaging in the day-to-day management or administration of criminal justice activities (detection, apprehension, etc.) are not criminal justice agencies under the regulations".

As an alternative to direct access to CJIS Division systems, ICAOS can explore the option of entering into agreements with the state supervision offices to manage and facilitate notifications of offender information between the states and the ICOTS. The staff within the NCIC Operations and Policy Unit with which you have been communicating can assist you with further guidance on this option as needed.

If you have any questions, or require further information, please contact Mr. Travis L. Olson at 304-625-2978 or by email at tolson@fbi.gov.

Sincerely yours,



Trudy Lou Ford
Section Chief
Global Law Enforcement Support Section
Criminal Justice Information
Services Division

Enclosure