

REQUIREMENTS FOR INTERSTATE COMPACT

Fee	Application Fee - \$300, which must be paid upon application (in full). In exchange, the monthly probation fee in Arizona is waived. The application fee may be waived, but is unlikely. There will also be the monthly probation fees of the receiving state
States	All states are involved, including D.C., U.S. Virgin Islands, and Puerto Rico
Time	Process takes about 60 days (time for a transfer request, and a response from the receiving state)
Qualifications	All Felonies with three months or more of probation Misdemeanors – the Interstate Compact is available to misdemeanor offenders if their sentence includes one year or more of supervised probation, all other criteria for transfer have been met, and is at least one of the following: <ul style="list-style-type: none">• An offense in which a person has incurred direct or threatened physical or psychological harm; or• An offense that involves the use or possession of a firearm; or• A second or subsequent misdemeanor offense of DUI; or• A sexual offense that requires the offender to register as a sex offender in the sending state

ELIGIBILITY:

- Receiving state shall accept supervision if:
 - There is three months or more of supervision remaining; and
 - There is a valid plan of supervision in other state; and
 - The offender must intend to relocate to other state for more than 45 consecutive days in 12 month period
- Eligibility is in the discretion of the sending state (Arizona)
- Offenders subject to deferred sentences are eligible
- Offenders under pre-trial intervention programs, bail, or a similar program are not eligible

LIMITATIONS:

- Offenders who are relocated to the receiving state under this compact are not allowed to relocate to another state except as provided by the rules of Interstate Compact
- Supervision duration is determined by the sending state. Supervision level is determined by the receiving state

MANDATORY ACCEPTANCE – an offender must be accepted into Interstate Compact if:

- Substantial compliance – offender is in substantial compliance with the terms of supervision in the sending state: sufficiently in-compliance with the terms and conditions of supervision so as not to result in the initiation of revocation procedures by the sending state

AND

- Offender is a resident of the receiving state:
 - Has continuously inhabited what would be the receiving state for at least one year prior to the commission of the offense for which the offender is under supervision; and
 - That state is the person's principle place of residence; and
 - 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 principle place of residence

OR

- Offender has family in the receiving state:
 - Family in receiving state are willing to assist and have the ability to assist; and
 - The offender can obtain employment or has visible means of support
 - *Resident family must:*
 - *Be a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent; and*
 - *Have resided in the receiving state for 180 days or longer as of the date of the transfer request; and*
 - *Indicate a willingness and ability to assist the offender as specified in the plan of supervision*

DISCRETIONARY ACCEPTANCE:

The sending state may request transfer of supervision of an offender who does not meet the mandatory requirements (above) if:

- The sending state provides sufficient documentation to justify the requested transfer; and
- The receiving state shall have the discretion to accept or reject the transfer of the supervision in a manner consistent with the purpose of the compact; and
- Offender shall not travel until
 - The application has been completed and submitted
 - Receiving state shall have the opportunity to investigate prior to offender's arrival. Arrival in the receiving state prior to acceptance and investigation may lead to automatic rejection.
 - Exceptions:
 - Sending state may grant travel permit to an offender living in receiving state at time of sentencing; or
 - Offender sentenced to a period of incarceration of six months or less and who were living in the receiving state at the time of sentencing will qualify for reporting instructions upon release to probation
 - *If the formal investigation is denied, Arizona must order the offender to return. If the offender fails to return within 10 days, Arizona must issue a nation-wide warrant*

Military Members or family of Military Members – first, the offender must meet the eligibility requirements, then:

- If the offender is a member of the military, and has been deployed by the military to another state, they shall be immediately eligible for transfer of supervision; or
- If the offender lives with a family member who has been deployed to another state, the offender shall be immediately eligible for transfer, provided that the offender will live with the military member in the receiving state

Employment of family members in another state – first, the offender must meet the eligibility requirements, then, the offender must live with the family member in the receiving state. When the family member is transferred to the other state by their full-time employer, the offender shall be immediately eligible for reporting instructions and transfer of supervision.

Transportation to receiving state – an offender will be given a 7-day travel permit to get to the receiving state after acceptance or receipt of approved reporting instructions from the receiving state. Getting to the receiving state is the offender's responsibility.

Victims – if any – will be notified of the offender's desire to enter into the interstate compact, and will be allowed to give their input

Waiver of extradition – prior to the offender being transferred to the receiving state, they shall sign a waiver of extradition to be sent back to the sending state if they violate the terms of their probation

Violations of probation – a violation of probation may result in the sending state (Arizona) "retaking" the offender for possible probation revocation procedures, unless there are charges in the receiving state.

HOW TO START THE PROCESS:

The probation officer has the forms, and will fill out the application, which the offender must sign. If the offender is in prison, and has a probation term following the prison sentence, this application process can begin 120 days prior to release. It takes \$300 to start the process, in the form of a money order or cashier's check, which can be paid by someone on the outside

NOTE: An application for interstate compact cannot be entered into prior to sentencing, but the offender can begin to gather the paperwork for acceptance (showing that a family member is willing to assist the offender, or proving residency in the receiving state) prior to sentencing.