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LEGAL AUTHORITY AND  
HISTORY OF ICAOS

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Article 1, Section 10, Clause 3 of the U.S. Constitution authorizes compacts between states.

Crime Control Act of 1934 gave Congressional consent to ICAOS.

Establishment of the Interstate Compact for the Supervision of Parolees & Probationers—1937 (as to felons).

There is no “right” of convicted persons to travel across state lines or to control where they live. See *Bagley v Harvey*, 718 F.2d 921 (9<sup>th</sup> Cir. 1988); *Williams v. Wisconsin*, 336 F.3d 576 (7<sup>th</sup> Cir. 2003).

Interstate Compact for Adult Supervision “ICAOS” effective to certain misdemeanors ESHB 1402, Ohio laws of 2005.

All 50 states are members of this interstate agreement, as are the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

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**CHARDON MUNICIPAL COURT**  
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**CHARDON MUNICIPAL COURT**

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INTERSTATE COMMISSION for  
ADULT OFFENDER  
SUPERVISION of  
MISDEMEANANTS



*Process to Begin Transfer of  
Misdemeanant to Another  
State*

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## ELIGIBILITY AND APPLICATION

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### WHO MUST APPLY FOR INTERSTATE TRANSFER

If you are subject to the Court's jurisdiction for 365 days or more and you have received a suspended sentence or deferred prosecution for any of the following offenses:

- An offense in which a person has incurred direct or threatened physical or psychological harm;
- An offense that involves the use or possession of firearm;
- A second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol, including DUI;
- A sexual offense that requires the offender to register as a sex offender in Ohio, including Communication with a Minor for Immoral Purposes and Sexual Misconduct with a Minor.

**OFFENDERS MUST REMAIN IN THE STATE OF OHIO UNTIL THE APPROVAL PROCESS IS COMPLETE.**

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## ELIGIBILITY FOR TRANSFER

**If you have three (3) months or more remaining on your court jurisdiction, you may initiate an application for transfer if:**

1. You are in substantial compliance with court obligations; and,
2. You are a resident of the receiving state, or you have a resident family member in the receiving state with whom you will reside; and,
3. You have employment in the resident state or a visible and verifiable means of support.
4. You have no active warrants or pending cases.

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## MILITARY MEMBERS AND DEPENDANTS

**You may qualify for immediate or expedited transfer if you have been deployed to another state or you live with a military member who has been deployed.**

1. You must be in substantial compliance with your court obligations.
2. If you are a dependant, you must plan to live with the military member in the receiving state and obtain employment or have a visible means of support.
3. You must file and applications.

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## STEPS TO PROCESS YOUR APPLICATION

1. Obtain an interstate transfer application from the court office or online at <http://www.interstatecompact.org/>
  2. Obtain written proof of employment in the receiving state.
  3. Obtain written proof of residency in receiving state, or
  4. Obtain written proof that you will be living with a relative in the receiving state.
  5. Obtain a photo of yourself—passport type.
  6. Obtain proof of compliance with all legal obligations in Ohio State. If you have legal obligations with another court, you must also notify them of your desire to move, obtain proof that you are in compliance, and receive their permission to move.
  7. Schedule an appointment with the Probation Dept. to submit completed application.
  8. After application is reviewed, the Probation Department will schedule a hearing for you before the judge.
  9. Upon approval by the judge, the application will be forwarded to the Ohio State Compact Office for review after payment of the \$80 application fee (\$40 money order payable to Interstate Compact plus \$40 to Chardon Municipal Court.
  10. Investigation by the Compact Office may take up to 90 days.
  11. If approved, you will receive reporting instructions from the receiving state.
  12. After transfer, Ohio will continue to receive reports from the receiving state regarding your compliance with court obligations.
  13. You may be required to return to Ohio under certain circumstances.
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