



General Assembly

February Session, 2000

Raised Bill No. 5127

LCO No. 108

Referred to Committee on Judiciary

Introduced by:
(JUD)

An Act Adopting The Interstate Compact For Adult Offender Supervision.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-133 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 [(a) The Governor is authorized and directed to execute a compact
4 on behalf of the state of Connecticut with any of the United States
5 legally joining therein in the form substantially as follows: A compact
6 entered into by and among the contracting states, signatories hereto,
7 with the consent of the Congress of the United States of America,
8 granted by an act entitled "An act granting the consent of Congress to
9 any two or more states to enter into agreements or compacts for
10 cooperative effort and mutual assistance in the prevention of crime
11 and for other purposes". The contracting states solemnly agree: (1)
12 That it shall be competent for the duly constituted judicial and
13 administrative authorities of a state party to this compact (herein
14 called "sending state"), to permit any person convicted of an offense
15 within such state and placed on probation or released on parole to
16 reside in any other state party to this compact (herein called "receiving

17 state"), while on probation or parole, if (A) such person is in fact a
18 resident of, or has his family residing within, and is able to obtain
19 employment within, the receiving state; (B) though such person is not
20 a resident of the receiving state and has no family residing therein, the
21 receiving state consents to allow him to reside therein; provided,
22 before such permission shall be granted, opportunity shall be granted
23 to the receiving state to investigate the home and prospective
24 employment of such person; a resident of the receiving state, within
25 the meaning of this section, being construed to be one who has been an
26 actual inhabitant of such state continuously for more than one year
27 prior to his coming to the sending state and who has not resided
28 within the sending state more than six continuous months
29 immediately preceding the commission of the offense for which he has
30 been convicted; (2) that each receiving state shall assume the duties of
31 visitation of and supervision over probationers or parolees of any
32 sending state and in the exercise of such duties will be governed by the
33 same standards that prevail for its own probationers and parolees; (3)
34 that duly accredited officers of a sending state may, at all times, enter a
35 receiving state and there apprehend and retake any person on
36 probation or parole, and for that purpose no formalities shall be
37 required other than establishing the authority of the officer and the
38 identity of the person to be retaken; all legal requirements to obtain
39 extradition of fugitives from justice are being expressly waived on the
40 part of the states party hereto, as to such persons and the decision of
41 the sending state to retake a person on probation or parole to be
42 conclusive upon and not reviewable within the receiving state;
43 provided, if, at the time when a state shall seek to retake a probationer
44 or parolee, there shall be pending against him within the receiving
45 state any criminal charge, or he shall be suspected of having
46 committed within such state a criminal offense, he shall not be retaken
47 without the consent of the receiving state until discharged from
48 prosecution or from imprisonment for such offense; (4) that the duly
49 accredited officers of the sending state shall be permitted to transport
50 prisoners being retaken through any and all states parties to this

51 compact, without interference; (5) that the governor of each contracting
52 state may designate an officer who, acting jointly with like officers of
53 other contracting states, if and when appointed, shall promulgate such
54 rules and regulations as may be deemed necessary to more effectively
55 carry out the terms of this compact; (6) that this compact shall become
56 operative immediately upon its execution by any state as between it
57 and any other state or states so executing and, when executed, it shall
58 have the full force and effect of law within such state, the form of
59 execution to be in accordance with the laws of the executing state; (7)
60 that this compact shall continue in force and remain binding upon each
61 executing state until renounced by it, that the duties and obligations
62 hereunder of a renouncing state shall continue as to parolees or
63 probationers residing therein at the time of withdrawal until they shall
64 be retaken or finally discharged by the sending state and that
65 renunciation of this compact shall be by the same authority which
66 executed it, by the sending of six months' notice in writing of its
67 intention to withdraw from the compact to each other state party
68 hereto. Whenever the duly constituted judicial and administrative
69 authorities in a sending state shall determine that incarceration of a
70 probationer or reincarceration of a parolee is necessary or desirable,
71 said officials may direct that the incarceration or reincarceration be in a
72 prison or other correctional institution within the territory of the
73 receiving state, such receiving state to act in that regard solely as agent
74 for the sending state.

75 (b) If any section, sentence, subdivision or clause of this section is
76 for any reason held invalid or to be unconstitutional, such decision
77 shall not affect the validity of the remaining portions of this section.

78 (c) Sections 54-132 to 54-138, inclusive, may be cited as the "Uniform
79 Act for Out-of-State Parolee Supervision".]

80 The Interstate Compact for Adult Offender Supervision is hereby
81 enacted into law and entered into by this state with all jurisdictions
82 legally joining therein, in the form substantially as follows:

83

ARTICLE I

84

PURPOSE

85 The compacting states to this Interstate Compact recognize that each
86 state is responsible for the supervision of adult offenders in the
87 community who are authorized pursuant to the bylaws and rules of
88 this compact to travel across state lines both to and from each
89 compacting state in such a manner as to: Track the location of
90 offenders, transfer supervision authority in an orderly and efficient
91 manner, and when necessary return offenders to the originating
92 jurisdictions.

93 The compacting states also recognize that Congress, by enacting the
94 Crime Control Act, 4 USC Section 112 (1965), has authorized and
95 encouraged compacts for cooperative efforts and mutual assistance in
96 the prevention of crime.

97 It is the purpose of this compact and the Interstate Commission
98 created hereunder, through means of joint and cooperative action
99 among the compacting states: To provide the framework for the
100 promotion of public safety and protect the rights of victims through
101 the control and regulation of the interstate movement of offenders in
102 the community; to provide for the effective tracking, supervision and
103 rehabilitation of these offenders by the sending and receiving states;
104 and to equitably distribute the costs, benefits and obligations of the
105 compact among the compacting states.

106 In addition, this compact will: Create an Interstate Commission
107 which will establish uniform procedures to manage the movement
108 between states of adults placed under community supervision and
109 released to the community under the jurisdiction of courts, paroling
110 authorities, corrections or other criminal justice agencies which will
111 promulgate rules to achieve the purpose of this compact; ensure an
112 opportunity for input and timely notice to victims and to jurisdictions
113 where defined offenders are authorized to travel or to relocate across

114 state lines; establish a system of uniform data collection, access to
115 information on active cases by authorized criminal justice officials and
116 regular reporting of compact activities to heads of state councils, state
117 executive, judicial and legislative branches and criminal justice
118 administrators; monitor compliance with rules governing interstate
119 movement of offenders and initiate interventions to address and
120 correct non-compliance; and coordinate training and education
121 regarding regulation of interstate movement of offenders for officials
122 involved in such activity.

123 The compacting states recognize that there is no right of any
124 offender to live in another state and that duly accredited officers of a
125 sending state may at all times enter a receiving state and there
126 apprehend and retake any offender under supervision subject to the
127 provisions of this compact and bylaws and rules promulgated
128 hereunder.

129 It is the policy of the compacting states that the activities conducted
130 by the Interstate Commission created herein are the formation of
131 public policies and are therefore public business.

132 ARTICLE II

133 DEFINITIONS

134 As used in this compact, unless the context clearly requires a
135 different construction:

136 A. "Adult" means both individuals legally classified as adults and
137 juveniles treated as adults by court order, statute or operation of law.

138 B. "Bylaws" mean those bylaws established by the Interstate
139 Commission for its governance or for directing or controlling the
140 Interstate Commission's actions or conduct.

141 C. "Compact administrator" means the individual in each
142 compacting state appointed pursuant to the terms of this compact

143 responsible for the administration and management of the state's
144 supervision and transfer of offenders subject to the terms of this
145 compact, the rules adopted by the Interstate Commission and policies
146 adopted by the state council under this compact.

147 D. "Compacting state" means any state which has enacted the
148 enabling legislation for this compact.

149 E. "Commissioner" means the voting representative of each
150 compacting state appointed pursuant to Article III of this compact.

151 F. "Interstate Commission" means the Interstate Commission for
152 Adult Offender Supervision established by this compact.

153 G. "Member" means the commissioner of a compacting state or
154 designee, who shall be a person officially connected with the
155 commissioner.

156 H. "Noncompacting state" means any state which has not enacted
157 the enabling legislation for this compact.

158 I. "Offender" means an adult placed under, or subject to, supervision
159 as the result of the commission of a criminal offense and released to the
160 community under the jurisdiction of courts, paroling authorities,
161 corrections or other criminal justice agencies.

162 J. "Person" means any individual, corporation, business enterprise,
163 or other legal entity, either public or private.

164 K. "Rules" means acts of the Interstate Commission, duly
165 promulgated pursuant to Article VII of this compact, substantially
166 affecting interested parties in addition to the Interstate Commission,
167 which shall have the force and effect of law in the compacting states.

168 L. "State" means a state of the United States, the District of Columbia
169 and any other territorial possession of the United States.

170 M. "State Council" means the resident members of the State Council
171 for Interstate Adult Offender Supervision created by each state under
172 Article III of this compact.

173 ARTICLE III

174 THE COMPACT COMMISSION

175 A. The compacting states hereby create the "Interstate Commission
176 for Adult Offender Supervision." The Interstate Commission shall be a
177 body corporate and joint agency of the compacting states. The
178 Interstate Commission shall have all the responsibilities, powers and
179 duties set forth herein, including the power to sue and be sued, and
180 such additional powers as may be conferred upon it by subsequent
181 action of the respective legislatures of the compacting states in
182 accordance with the terms of this compact.

183 B. The Interstate Commission shall consist of commissioners
184 selected and appointed by resident members of a State Council for
185 Interstate Adult Offender Supervision for each state. While each
186 member state may determine the membership of its own State Council,
187 its membership must include at least one representative from the
188 legislative, judicial and executive branches of government, victims
189 groups and compact administrators. Each State Council shall appoint
190 as its commissioner the compact administrator from that state to serve
191 on the Interstate Commission in such capacity under or pursuant to
192 applicable law of the member state. Each compacting state retains the
193 right to determine the qualifications of the compact administrator who
194 shall be appointed by the State Council or by the Governor in
195 consultation with the legislature and the judiciary.

196 In addition to appointment of its commissioner to the Interstate
197 Commission, each State Council shall exercise oversight and advocacy
198 concerning its participation in Interstate Commission activities and
199 other duties as may be determined by each member state, including,
200 but not limited to, development of policy concerning operations and

201 procedures of the compact within that state.

202 C. In addition to the commissioners who are the voting
203 representatives of each state, the Interstate Commission shall include
204 individuals who are not commissioners but who are members of
205 interested organizations; such non-commissioner members must
206 include a member of the national organizations of governors,
207 legislators, state chief justices, attorneys general and crime victims. All
208 non-commissioner members of the Interstate Commission shall be ex
209 officio, nonvoting, members. The Interstate Commission may provide
210 in its bylaws for such additional, ex officio, nonvoting members as it
211 deems necessary.

212 D. Each compacting state represented at any meeting of the
213 Interstate Commission is entitled to one vote. A majority of the
214 compacting states shall constitute a quorum for the transaction of
215 business, unless a larger quorum is required by the bylaws of the
216 Interstate Commission.

217 E. The Interstate Commission shall meet at least once each calendar
218 year. The chairperson may call additional meetings and, upon the
219 request of twenty-seven or more compacting states, shall call
220 additional meetings. Public notice shall be given of all meetings and
221 meetings shall be open to the public.

222 F. The Interstate Commission shall establish an executive committee
223 which shall include commission officers, members and others as shall
224 be determined by the bylaws. The executive committee shall have the
225 power to act on behalf of the Interstate Commission during periods
226 when the Interstate Commission is not in session, with the exception of
227 rulemaking and/or amendment to the compact. The executive
228 committee oversees the day-to-day activities managed by the executive
229 director and Interstate Commission staff; administers enforcement and
230 compliance with the provisions of the compact, its bylaws and as
231 directed by the Interstate Commission and performs other duties as

232 directed by the Interstate Commission or set forth in the bylaws.

233 ARTICLE IV

234 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

235 The Interstate Commission shall have the following powers:

236 1. To adopt a seal and suitable bylaws governing the management
237 and operation of the Interstate Commission.

238 2. To promulgate rules which shall have the force and effect of
239 statutory law and shall be binding in the compacting states to the
240 extent and in the manner provided in this compact.

241 3. To oversee, supervise and coordinate the interstate movement of
242 offenders subject to the terms of this compact and any bylaws adopted
243 and rules promulgated by the compact commission.

244 4. To enforce compliance with compact provisions, Interstate
245 Commission rules, and bylaws, using all necessary and proper means
246 including, but not limited to, the use of judicial process.

247 5. To establish and maintain offices.

248 6. To purchase and maintain insurance and bonds.

249 7. To borrow, accept or contract for services of personnel, including,
250 but not limited to, members and their staffs.

251 8. To establish and appoint committees and hire staff which it
252 deems necessary for the carrying out of its functions including, but not
253 limited to, an executive committee as required by Article III which
254 shall have the power to act on behalf of the Interstate Commission in
255 carrying out its powers and duties hereunder.

256 9. To elect or appoint such officers, attorneys, employees, agents or
257 consultants, and to fix their compensation, define their duties and

258 determine their qualifications; and to establish the Interstate
259 Commission's personnel policies and programs relating to, among
260 other things, conflicts of interest, rates of compensation and
261 qualifications of personnel.

262 10. To accept any and all donations and grants of money,
263 equipment, supplies, materials and services, and to receive, utilize and
264 dispose of same.

265 11. To lease, purchase, accept contributions or donations of, or
266 otherwise to own, hold, improve or use any property, real, personal or
267 mixed.

268 12. To sell, convey, mortgage, pledge, lease, exchange, abandon or
269 otherwise dispose of any property, real, personal or mixed.

270 13. To establish a budget and make expenditures and levy dues as
271 provided in Article IX of this compact.

272 14. To sue and be sued.

273 15. To provide for dispute resolution among compacting states.

274 16. To perform such functions as may be necessary or appropriate to
275 achieve the purposes of this compact.

276 17. To report annually to the legislatures, governors, judiciary and
277 state councils of the compacting states concerning the activities of the
278 Interstate Commission during the preceding year. Such reports shall
279 also include any recommendations that may have been adopted by the
280 Interstate Commission.

281 18. To coordinate education, training and public awareness
282 regarding the interstate movement of offenders for officials involved in
283 such activity.

284 19. To establish uniform standards for the reporting, collecting and

285 exchanging of data.

286 ARTICLE V

287 ORGANIZATION AND OPERATION OF THE INTERSTATE
288 COMMISSION

289 Section A. Bylaws

290 1. The Interstate Commission shall, by a majority of the members,
291 within twelve months of the first Interstate Commission meeting,
292 adopt bylaws to govern its conduct as may be necessary or appropriate
293 to carry out the purposes of the compact, including, but not limited to:

294 a. Establishing the fiscal year of the Interstate Commission;

295 b. Establishing an executive committee and such other committees
296 as may be necessary.

297 c. Providing reasonable standards and procedures: (i) For the
298 establishment of committees, and (ii) governing any general or specific
299 delegation of any authority or function of the Interstate Commission;

300 d. Providing reasonable procedures for calling and conducting
301 meetings of the Interstate Commission, and ensuring reasonable notice
302 of each such meeting;

303 e. Establishing the titles and responsibilities of the officers of the
304 Interstate Commission;

305 f. Providing reasonable standards and procedures for the
306 establishment of the personnel policies and programs of the Interstate
307 Commission. Notwithstanding any civil service or other similar laws
308 of any compacting state, the bylaws shall exclusively govern the
309 personnel policies and programs of the Interstate Commission; and

310 g. Providing a mechanism for winding up the operations of the
311 Interstate Commission and the equitable return of any surplus funds

312 that may exist upon the termination of the compact after the payment
313 and/or reserving of all of its debts and obligations;

314 h. Providing transition rules for "start up" administration of the
315 compact;

316 i. Establishing standards and procedures for compliance and
317 technical assistance in carrying out the compact.

318 Section B. Officers and staff

319 1. The Interstate Commission shall, by a majority of the members,
320 elect from among its members a chairperson and a vice chairperson,
321 each of whom shall have such authority and duties as may be specified
322 in the bylaws. The chairperson or, in his or her absence or disability,
323 the vice chairperson, shall preside at all meetings of the Interstate
324 Commission. The officers so elected shall serve without compensation
325 or remuneration from the Interstate Commission; provided that,
326 subject to the availability of budgeted funds, the officers shall be
327 reimbursed for any actual and necessary costs and expenses incurred
328 by them in the performance of their duties and responsibilities as
329 officers of the Interstate Commission.

330 2. The Interstate Commission shall, through its executive committee,
331 appoint or retain an executive director for such period, upon such
332 terms and conditions and for such compensation as the Interstate
333 Commission may deem appropriate. The executive director shall serve
334 as secretary to the Interstate Commission, and hire and supervise such
335 other staff as may be authorized by the Interstate Commission, but
336 shall not be a member.

337 Section C. Corporate records of the Interstate Commission

338 The Interstate Commission shall maintain its corporate books and
339 records in accordance with the bylaws.

340 Section D. Qualified immunity, defense and indemnification

341 1. The members, officers, executive director and employees of the
342 Interstate Commission shall be immune from suit and liability, either
343 personally or in their official capacity, for any claim for damage to or
344 loss of property or personal injury or other civil liability caused or
345 arising out of any actual or alleged act, error or omission that occurred
346 within the scope of Interstate Commission employment, duties or
347 responsibilities; provided, that nothing in this paragraph shall be
348 construed to protect any such person from suit and/or liability for any
349 damage, loss, injury or liability caused by the intentional or wilful and
350 wanton misconduct of any such person.

351 2. The Interstate Commission shall defend the commissioner of a
352 compacting state, or his or her representatives or employees, or the
353 Interstate Commission's representatives or employees, in any civil
354 action seeking to impose liability, arising out of any actual or alleged
355 act, error or omission that occurred within the scope of Interstate
356 Commission employment, duties or responsibilities, or that the
357 defendant had a reasonable basis for believing occurred within the
358 scope of Interstate Commission employment, duties or responsibilities;
359 provided, that the actual or alleged act, error or omission did not result
360 from intentional wrongdoing on the part of such person.

361 3. The Interstate Commission shall indemnify and hold the
362 commissioner of a compacting state, the appointed designee or
363 employees, or the Interstate Commission's representatives or
364 employees, harmless in the amount of any settlement or judgment
365 obtained against such persons arising out of any actual or alleged act,
366 error or omission that occurred within the scope of Interstate
367 Commission employment, duties or responsibilities, or that such
368 persons had a reasonable basis for believing occurred within the scope
369 of Interstate Commission employment, duties or responsibilities,
370 provided, that the actual or alleged act, error or omission did not result
371 from gross negligence or intentional wrongdoing on the part of such
372 person.

373

ARTICLE VI

374

ACTIVITIES OF THE INTERSTATE COMMISSION

375

376

1. The Interstate Commission shall meet and take such actions as are consistent with the provisions of this compact.

377

378

379

380

381

2. Except as otherwise provided in this compact and unless a greater percentage is required by the bylaws, in order to constitute an act of the Interstate Commission, such act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present.

382

383

384

385

386

387

388

389

390

391

392

393

394

3. Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person.

395

396

397

398

4. The Interstate Commission shall meet at least once during each calendar year. The chairperson of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the members, shall call additional meetings.

399

400

401

402

5. The Interstate Commission's bylaws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure

403 any information or official records to the extent they would adversely
404 affect personal privacy rights or proprietary interests. In promulgating
405 such rules, the Interstate Commission may make available to law
406 enforcement agencies records and information otherwise exempt from
407 disclosure, and may enter into agreements with law enforcement
408 agencies to receive or exchange information or records subject to
409 nondisclosure and confidentiality provisions.

410 6. Public notice shall be given of all meetings and all meetings shall
411 be open to the public, except as set forth in the rules or as otherwise
412 provided in the compact. The Interstate Commission shall promulgate
413 rules consistent with the principles contained in the "Government in
414 Sunshine Act," 5 USC Section 552(b), as may be amended. The
415 Interstate Commission and any of its committees may close a meeting
416 to the public where it determines by two-thirds vote that an open
417 meeting would be likely to: a. Relate solely to the Interstate
418 Commission's internal personnel practices and procedures; b. disclose
419 matters specifically exempted from disclosure by statute; c. disclose
420 trade secrets or commercial or financial information which is
421 privileged or confidential; d. involve accusing any person of a crime,
422 or formally censuring any person; e. disclose information of a personal
423 nature where disclosure would constitute a clearly unwarranted
424 invasion of personal privacy; f. disclose investigatory records compiled
425 for law enforcement purposes; g. disclose information contained in or
426 related to examination, operating or condition reports prepared by, or
427 on behalf of or for the use of, the Interstate Commission with respect to
428 a regulated entity for the purpose of regulation or supervision of such
429 entity; h. disclose information, the premature disclosure of which
430 would significantly endanger the life of a person or the stability of a
431 regulated entity; i. specifically relate to the Interstate Commission's
432 issuance of a subpoena, or its participation in a civil action or
433 proceeding.

434 7. For every meeting closed pursuant to this provision, the Interstate
435 Commission's chief legal officer shall publicly certify that, in his or her

436 opinion, the meeting may be closed to the public, and shall reference
437 each relevant exemptive provision. The Interstate Commission shall
438 keep minutes which shall fully and clearly describe all matters
439 discussed in any meeting and shall provide a full and accurate
440 summary of any actions taken, and the reasons therefor, including a
441 description of each of the views expressed on any item and the record
442 of any roll call vote (reflected in the vote of each member on the
443 question). All documents considered in connection with any action
444 shall be identified in such minutes.

445 8. The Interstate Commission shall collect standardized data
446 concerning the interstate movement of offenders as directed through
447 its bylaws and rules which shall specify the data to be collected, the
448 means of collection and data exchange and reporting requirements.

449 ARTICLE VII

450 RULEMAKING FUNCTIONS OF THE INTERSTATE
451 COMMISSION

452 1. The Interstate Commission shall promulgate rules in order to
453 effectively and efficiently achieve the purposes of the compact
454 including transition rules governing administration of the compact
455 during the period in which it is being considered and enacted by the
456 states;

457 2. Rulemaking shall occur pursuant to the criteria set forth in this
458 article and the bylaws and rules adopted pursuant thereto. Such
459 rulemaking shall substantially conform to the principles of the federal
460 Administrative Procedure Act, 5 USC Section 551 et seq., and the
461 Federal Advisory Committee Act, 5 USC App. 2, Section 1 et seq., as
462 may be amended (hereinafter "APA").

463 3. All rules and amendments shall become binding as of the date
464 specified in each rule or amendment.

465 4. If a majority of the legislatures of the compacting states rejects a
466 rule, by enactment of a statute or resolution in the same manner used
467 to adopt the compact, then such rule shall have no further force and
468 effect in any compacting state.

469 5. When promulgating a rule, the Interstate Commission shall: a.
470 Publish the proposed rule stating with particularity the text of the rule
471 which is proposed and the reason for the proposed rule; b. allow
472 persons to submit written data, facts, opinions and arguments, which
473 information shall be publicly available; c. provide an opportunity for
474 an informal hearing; and d. promulgate a final rule and its effective
475 date, if appropriate, based on the rulemaking record.

476 6. Not later than sixty days after a rule is promulgated, any
477 interested person may file a petition in the United States District Court
478 for the District of Columbia or in the federal district court where the
479 Interstate Commission's principal office is located for judicial review of
480 such rule. If the court finds that the Interstate Commission's action is
481 not supported by substantial evidence, as defined in the APA, in the
482 rulemaking record, the court shall hold the rule unlawful and set it
483 aside.

484 7. Subjects to be addressed within twelve months after the first
485 meeting must at a minimum include: a. Notice to victims and
486 opportunity to be heard; b. offender registration and compliance; c.
487 violations/returns; d. transfer procedures and forms; e. eligibility for
488 transfer; f. collection of restitution and fees from offenders; g. data
489 collection and reporting; h. the level of supervision to be provided by
490 the receiving state; i. transition rules governing the operation of the
491 compact and the Interstate Commission during all or part of the period
492 between the effective date of the compact and the date on which the
493 last eligible state adopts the compact; j. mediation, arbitration and
494 dispute resolution.

495 The existing rules governing the operation of the previous compact

496 superceded by this act shall be null and void twelve months after the
497 first meeting of the Interstate Commission created hereunder.

498 8. Upon determination by the Interstate Commission that an
499 emergency exists, it may promulgate an emergency rule which shall
500 become effective immediately upon adoption, provided that the usual
501 rulemaking procedures provided hereunder shall be retroactively
502 applied to said rule as soon as reasonably possible, in no event later
503 than ninety days after the effective date of the rule.

504 ARTICLE VIII

505 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY
506 THE
507 INTERSTATE COMMISSION

508 Section A. Oversight

509 1. The Interstate Commission shall oversee the interstate movement
510 of adult offenders in the compacting states and shall monitor such
511 activities being administered in noncompacting states which may
512 significantly affect compacting states.

513 2. The courts and executive agencies in each compacting state shall
514 enforce this compact and shall take all actions necessary and
515 appropriate to effectuate the compact's purposes and intent. In any
516 judicial or administrative proceeding in a compacting state pertaining
517 to the subject matter of this compact which may affect the powers,
518 responsibilities or actions of the Interstate Commission, the Interstate
519 Commission shall be entitled to receive all service of process in any
520 such proceeding, and shall have standing to intervene in the
521 proceeding for all purposes.

522 Section B. Dispute resolution

523 1. The compacting states shall report to the Interstate Commission
524 on issues or activities of concern to them, and cooperate with and

525 support the Interstate Commission in the discharge of its duties and
526 responsibilities.

527 2. The Interstate Commission shall attempt to resolve any disputes
528 or other issues which are subject to the compact and which may arise
529 among compacting states and noncompacting states.

530 3. The Interstate Commission shall enact a bylaw or promulgate a
531 rule providing for both mediation and binding dispute resolution for
532 disputes among the compacting states.

533 Section C. Enforcement

534 The Interstate Commission, in the reasonable exercise of its
535 discretion, shall enforce the provisions of this compact using any or all
536 means set forth in Article XI, Section B, of this compact.

537 ARTICLE IX

538 FINANCE

539 1. The Interstate Commission shall pay or provide for the payment
540 of the reasonable expenses of its establishment, organization and
541 ongoing activities.

542 2. The Interstate Commission shall levy on and collect an annual
543 assessment from each compacting state to cover the cost of the internal
544 operations and activities of the Interstate Commission and its staff
545 which must be in a total amount sufficient to cover the Interstate
546 Commission's annual budget as approved each year. The aggregate
547 annual assessment amount shall be allocated based upon a formula to
548 be determined by the Interstate Commission, taking into consideration
549 the population of the state and the volume of interstate movement of
550 offenders in each compacting state and shall promulgate a rule binding
551 upon all compacting states which governs said assessment.

552 3. The Interstate Commission shall not incur any obligations of any

553 kind prior to securing the funds adequate to meet the same; nor shall
554 the Interstate Commission pledge the credit of any of the compacting
555 states, except by and with the authority of the compacting state.

556 4. The Interstate Commission shall keep accurate accounts of all
557 receipts and disbursements. The receipts and disbursements of the
558 Interstate Commission shall be subject to the audit and accounting
559 procedures established under its bylaws. However, all receipts and
560 disbursements of funds handled by the Interstate Commission shall be
561 audited yearly by a certified or licensed public accountant and the
562 report of the audit shall be included in and become part of the annual
563 report of the Interstate Commission.

564 ARTICLE X

565 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

566 1. Any state, as defined in Article II of this compact, is eligible to
567 become a compacting state.

568 2. The compact shall become effective and binding upon legislative
569 enactment of the compact into law by no less than thirty-five of the
570 states. The initial effective date shall be the later of July 1, 2001, or
571 upon enactment into law by the thirty-fifth jurisdiction. Thereafter it
572 shall become effective and binding, as to any other compacting state,
573 upon enactment of the compact into law by that state. The governors
574 of nonmember states or their designees will be invited to participate in
575 Interstate Commission activities on a nonvoting basis prior to adoption
576 of the compact by all states and territories of the United States.

577 3. Amendments to the compact may be proposed by the Interstate
578 Commission for enactment by the compacting states. No amendment
579 shall become effective and binding upon the Interstate Commission
580 and the compacting states unless and until it is enacted into law by
581 unanimous consent of the compacting states.

582

ARTICLE XI

583

WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL

584

ENFORCEMENT

585

Section A. Withdrawal

586

587

588

589

590

1. Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided, that a compacting state may withdraw from the compact ("withdrawing state") by enacting a statute specifically repealing the statute which enacted the compact into law.

591

2. The effective date of withdrawal is the effective date of the repeal.

592

593

594

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state.

595

596

597

4. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

598

599

600

601

5. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

602

603

604

6. Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

605

Section B. Default

606

607

608

1. If the Interstate Commission determines that any compacting state has at any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this compact, the

609 bylaws or any duly promulgated rules, the Interstate Commission may
610 impose any or all of the following penalties:

611 a. Fines, fees and costs in such amounts as are deemed to be
612 reasonable as fixed by the Interstate Commission;

613 b. Remedial training and technical assistance as directed by the
614 Interstate Commission;

615 c. Suspension and termination of membership in the compact.
616 Suspension shall be imposed only after all other reasonable means of
617 securing compliance under the bylaws and rules have been exhausted.
618 Immediate notice of suspension shall be given by the Interstate
619 Commission to the Governor, the Chief Justice or chief judicial officer
620 of the state; the majority and minority leaders of the defaulting state's
621 legislature, and the State Council. The grounds for default include, but
622 are not limited to, failure of a compacting state to perform such
623 obligations or responsibilities imposed upon it by this compact,
624 Interstate Commission bylaws, or duly promulgated rules. The
625 Interstate Commission shall immediately notify the defaulting state in
626 writing of the penalty imposed by the Interstate Commission on the
627 defaulting state pending a cure of the default. The Interstate
628 Commission shall stipulate the conditions and the time period within
629 which the defaulting state must cure its default. If the defaulting state
630 fails to cure the default within the time period specified by the
631 Interstate Commission, in addition to any other penalties imposed
632 herein, the defaulting state may be terminated from the compact upon
633 an affirmative vote of a majority of the compacting states and all
634 rights, privileges and benefits conferred by this compact shall be
635 terminated from the effective date of suspension.

636 2. Within sixty days of the effective date of termination of a
637 defaulting state, the Interstate Commission shall notify the Governor,
638 the Chief Justice or chief judicial officer and the majority and minority
639 leaders of the defaulting state's legislature and the State Council of

640 such termination.

641 3. The defaulting state is responsible for all assessments, obligations
642 and liabilities incurred through the effective date of termination
643 including any obligations, the performance of which extends beyond
644 the effective date of termination.

645 4. The Interstate Commission shall not bear any costs relating to the
646 defaulting state unless otherwise mutually agreed upon between the
647 Interstate Commission and the defaulting state.

648 5. Reinstatement following termination of any compacting state
649 requires both a reenactment of the compact by the defaulting state and
650 the approval of the Interstate Commission pursuant to the rules.

651 Section C. Judicial enforcement

652 The Interstate Commission may, by majority vote of the members,
653 initiate legal action in the United States District Court for the District of
654 Columbia or, at the discretion of the Interstate Commission, in the
655 federal district where the Interstate Commission has its offices to
656 enforce compliance with the provisions of the compact, its duly
657 promulgated rules and bylaws, against any compacting state in
658 default. In the event judicial enforcement is necessary the prevailing
659 party shall be awarded all costs of such litigation including reasonable
660 attorneys' fees.

661 Section D. Dissolution of compact

662 1. The compact dissolves effective upon the date of the withdrawal
663 or default of the compacting state which reduces membership in the
664 compact to one compacting state.

665 2. Upon the dissolution of this compact, the compact becomes null
666 and void and shall be of no further force or effect, and the business and
667 affairs of the Interstate Commission shall be wound up and any
668 surplus funds shall be distributed in accordance with the bylaws.

669

ARTICLE XII

670

SEVERABILITY AND CONSTRUCTION

671 1. The provisions of this compact shall be severable, and if any
672 phrase, clause, sentence or provision is deemed unenforceable, the
673 remaining provisions of the compact shall be enforceable.

674 2. The provisions of this compact shall be liberally construed to
675 effectuate its purposes.

676

ARTICLE XIII

677

BINDING EFFECT OF COMPACT AND OTHER LAWS

678 Section A. Other laws

679 1. Nothing herein prevents the enforcement of any other law of a
680 compacting state that is not inconsistent with this compact.

681 2. All compacting states' laws conflicting with this compact are
682 superseded to the extent of the conflict.

683 Section B. Binding effect of the compact

684 1. All lawful actions of the Interstate Commission, including all
685 rules and bylaws promulgated by the Interstate Commission, are
686 binding upon the compacting states.

687 2. All agreements between the Interstate Commission and the
688 compacting states are binding in accordance with their terms.

689 3. Upon the request of a party to a conflict over meaning or
690 interpretation of Interstate Commission actions, and upon a majority
691 vote of the compacting states, the Interstate Commission may issue
692 advisory opinions regarding such meaning or interpretation.

693 4. In the event any provision of this compact exceeds the

694 constitutional limits imposed on the legislature of any compacting
695 state, the obligations, duties, powers or jurisdiction sought to be
696 conferred by such provision upon the Interstate Commission shall be
697 ineffective and such obligations, duties, powers or jurisdiction shall
698 remain in the compacting state and shall be exercised by the agency
699 thereof to which such obligations, duties, powers or jurisdiction are
700 delegated by law in effect at the time this compact becomes effective.

701 Sec. 2. Sections 54-132 and 54-134 to 54-138b, inclusive, of the
702 general statutes are repealed.

703 Sec. 3. This act shall take effect the later of July 1, 2001, or upon
704 enactment of the Interstate Compact for Adult Offender Supervision
705 by thirty-five jurisdictions.

JUD Committee Vote: Yea 37 Nay 0 JF