



General Assembly

January Session, 2003

**Raised Bill No. 6475**

LCO No. 3277

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT ADOPTING THE INTERSTATE COMPACT FOR JUVENILES.**

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

1 Section 1. (NEW) (*Effective July 1, 2004, or upon enactment of the*  
2 *Interstate Compact for Juveniles by thirty-five jurisdictions, whichever is*  
3 *later*) The Interstate Compact for Juveniles is hereby enacted into law  
4 and entered into by this state with all jurisdictions legally joining  
5 therein, in the form substantially as follows:

6 ARTICLE I

7 PURPOSE

8 The compacting states to this Interstate Compact recognize that each  
9 state is responsible for the proper supervision or return of juveniles,  
10 delinquents and status offenders who are on probation or parole and  
11 who have absconded, escaped or run away from supervision and  
12 control and in so doing have endangered their own safety and the  
13 safety of others. The compacting states also recognize that each state is  
14 responsible for the safe return of juveniles who have run away from  
15 home and in doing so have left their state of residence. The compacting

16 states also recognize that Congress, by enacting the Crime Control Act,  
17 4 USC Section 112 (1965), has authorized and encouraged compacts for  
18 cooperative efforts and mutual assistance in the prevention of crime.

19 It is the purpose of this compact, through means of joint and  
20 cooperative action among the compacting states to: (A) Ensure that the  
21 adjudicated juveniles and status offenders subject to this compact are  
22 provided adequate supervision and services in the receiving state as  
23 ordered by the adjudicating judge or parole authority in the sending  
24 state; (B) ensure that the public safety interests of the citizens,  
25 including the victims of juvenile offenders, in both the sending and  
26 receiving states are adequately protected; (C) return juveniles who  
27 have run away, absconded or escaped from supervision or control or  
28 have been accused of an offense to the state requesting their return; (D)  
29 make contracts for the cooperative institutionalization in public  
30 facilities in member states for delinquent youth needing special  
31 services; (E) provide for the effective tracking and supervision of  
32 juveniles; (F) equitably allocate the costs, benefits and obligations of  
33 the compacting states; (G) establish procedures to manage the  
34 movement between states of juvenile offenders released to the  
35 community under the jurisdiction of courts, juvenile departments, or  
36 any other criminal or juvenile justice agency which has jurisdiction  
37 over juvenile offenders; (H) ensure immediate notice to jurisdictions  
38 where defined offenders are authorized to travel or to relocate across  
39 state lines; (I) establish procedures to resolve pending charges  
40 (detainers) against juvenile offenders prior to transfer or release to the  
41 community under the terms of this compact; (J) establish a system of  
42 uniform data collection on information pertaining to juveniles subject  
43 to this compact that allows access by authorized juvenile justice and  
44 criminal justice officials, and regular reporting of compact activities to  
45 heads of state executive, judicial and legislative branches and juvenile  
46 and criminal justice administrators; (K) monitor compliance with rules  
47 governing interstate movement of juveniles and initiate interventions  
48 to address and correct non-compliance; (L) coordinate training and  
49 education regarding the regulation of interstate movement of juveniles

50 for officials involved in such activity; and (M) coordinate the  
51 implementation and operation of the compact with the Interstate  
52 Compact for the Placement of Children, the Interstate Compact for  
53 Adult Offender Supervision and other compacts affecting juveniles  
54 particularly in those cases where concurrent or overlapping  
55 supervision issues arise. It is the policy of the compacting states that  
56 the activities conducted by the Interstate Commission created herein  
57 are the formation of public policies and therefore are public business.  
58 Furthermore, the compacting states shall cooperate and observe their  
59 individual and collective duties and responsibilities for the prompt  
60 return and acceptance of juveniles subject to the provisions of this  
61 compact. The provisions of this compact shall be reasonably and  
62 liberally construed to accomplish the purposes and policies of the  
63 compact.

64 ARTICLE II

65 DEFINITIONS

66 As used in this compact, unless the context clearly requires a  
67 different construction:

68 A. "Bylaws" means those bylaws established by the Interstate  
69 Commission for its governance, or for directing or controlling its  
70 actions or conduct.

71 B. "Compact administrator" means the individual in each  
72 compacting state appointed pursuant to the terms of this compact,  
73 responsible for the administration and management of the state's  
74 supervision and transfer of juveniles subject to the terms of this  
75 compact, the rules adopted by the Interstate Commission and policies  
76 adopted by the State Council under this compact.

77 C. "Compacting state" means any state which has enacted the  
78 enabling legislation for this compact.

79 D. "Commissioner" means the voting representative of each

80 compacting state appointed pursuant to Article III of this compact.

81 E. "Court" means any court having jurisdiction over delinquent,  
82 neglected or dependent children.

83 F. "Deputy compact administrator" means the individual, if any, in  
84 each compacting state appointed to act on behalf of a Compact  
85 Administrator pursuant to the terms of this compact responsible for  
86 the administration and management of the state's supervision and  
87 transfer of juveniles subject to the terms of this compact, the rules  
88 adopted by the Interstate Commission and policies adopted by the  
89 State Council under this compact.

90 G. "Interstate Commission" means the Interstate Commission for  
91 Juveniles created by Article III of this compact.

92 H. "Juvenile" means any person defined as a juvenile in any member  
93 state or by the rules of the Interstate Commission, including:

94 (1) Accused Delinquent - a person charged with an offense that, if  
95 committed by an adult, would be a criminal offense;

96 (2) Adjudicated Delinquent - a person found to have committed an  
97 offense that, if committed by an adult, would be a criminal offense;

98 (3) Accused Status Offender - a person charged with an offense that  
99 would not be a criminal offense if committed by an adult;

100 (4) Adjudicated Status Offender - a person found to have committed  
101 an offense that would not be a criminal offense if committed by an  
102 adult; and

103 (5) Non-Offender - a person in need of supervision who has not  
104 been accused or adjudicated a status offender or delinquent.

105 I. "Non-compacting state" means any state which has not enacted  
106 the enabling legislation for this compact.

107 J. "Probation or parole" means any kind of supervision or  
108 conditional release of juveniles authorized under the laws of the  
109 compacting states.

110 K. "Rule" means a written statement by the Interstate Commission  
111 promulgated pursuant to Article VI of this compact that is of general  
112 applicability, implements, interprets or prescribes a policy or provision  
113 of the compact, or an organizational, procedural or practice  
114 requirement of the commission, and has the force and effect of  
115 statutory law in a compacting state, and includes the amendment,  
116 repeal or suspension of an existing rule.

117 L. "State" means a state of the United States, the District of Columbia  
118 (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin  
119 Islands, Guam, American Samoa and the Northern Marianas Islands.

120 ARTICLE III

121 INTERSTATE COMMISSION FOR JUVENILES

122 A. The compacting states hereby create the "Interstate Commission  
123 for Juveniles". The commission shall be a body corporate and joint  
124 agency of the compacting states. The commission shall have all the  
125 responsibilities, powers and duties set forth herein, and such  
126 additional powers as may be conferred upon it by subsequent action of  
127 the respective legislatures of the compacting states in accordance with  
128 the terms of this compact.

129 B. The Interstate Commission shall consist of commissioners  
130 appointed by the appropriate appointing authority in each state  
131 pursuant to the rules and requirements of each compacting state and  
132 in consultation with the State Council for Interstate Juvenile  
133 Supervision created hereunder. The commissioner shall be the  
134 compact administrator, deputy compact administrator or designee  
135 from that state who shall serve on the Interstate Commission in such  
136 capacity under or pursuant to the applicable law of the compacting

137 state.

138 C. In addition to the commissioners who are the voting  
139 representatives of each state, the Interstate Commission shall include  
140 individuals who are not commissioners, but who are members of  
141 interested organizations. Such non-commissioner members must  
142 include a member of the national organizations of governors,  
143 legislators, state chief justices, attorneys general, Interstate Compact  
144 for Adult Offender Supervision, Interstate Compact for the Placement  
145 of Children, juvenile justice and juvenile corrections officials, and  
146 crime victims. All non-commissioner members of the Interstate  
147 Commission shall be ex-officio (non-voting) members. The Interstate  
148 Commission may provide in its bylaws for such additional ex-officio  
149 (non-voting) members, including members of other national  
150 organizations, in such numbers as shall be determined by the  
151 commission.

152 D. Each compacting state represented at any meeting of the  
153 commission is entitled to one vote. A majority of the compacting states  
154 shall constitute a quorum for the transaction of business, unless a  
155 larger quorum is required by the bylaws of the Interstate Commission.

156 E. The commission shall meet at least once each calendar year. The  
157 chairperson may call additional meetings and, upon the request of a  
158 simple majority of the compacting states, shall call additional  
159 meetings. Public notice shall be given of all meetings and meetings  
160 shall be open to the public.

161 F. The Interstate Commission shall establish an executive  
162 committee, which shall include commission officers, members and  
163 others as determined by the bylaws. The executive committee shall  
164 have the power to act on behalf of the Interstate Commission during  
165 periods when the Interstate Commission is not in session, with the  
166 exception of rulemaking and/or amendment to the compact. The  
167 executive committee shall oversee the day-to-day activities of the  
168 administration of the compact managed by an executive director and

169 Interstate Commission staff; administer enforcement and compliance  
170 with the provisions of the compact, its bylaws and rules, and perform  
171 such other duties as directed by the Interstate Commission or set forth  
172 in the bylaws.

173 G. Each member of the Interstate Commission shall have the right  
174 and power to cast a vote to which that compacting state is entitled and  
175 to participate in the business and affairs of the Interstate Commission.  
176 A member shall vote in person and shall not delegate a vote to another  
177 compacting state. However, a commissioner, in consultation with the  
178 state council, shall appoint another authorized representative, in the  
179 absence of the commissioner from that state, to cast a vote on behalf of  
180 the compacting state at a specified meeting. The bylaws may provide  
181 for members' participation in meetings by telephone or other means of  
182 telecommunication or electronic communication.

183 H. The Interstate Commission's bylaws shall establish conditions  
184 and procedures under which the Interstate Commission shall make its  
185 information and official records available to the public for inspection  
186 or copying. The Interstate Commission may exempt from disclosure  
187 any information or official records to the extent they would adversely  
188 affect personal privacy rights or proprietary interests.

189 I. Public notice shall be given of all meetings and all meetings shall  
190 be open to the public, except as set forth in the rules or as otherwise  
191 provided in the compact. The Interstate Commission and any of its  
192 committees may close a meeting to the public where it determines by  
193 two-thirds vote that an open meeting would be likely to:

194 1. Relate solely to the Interstate Commission's internal personnel  
195 practices and procedures;

196 2. Disclose matters specifically exempted from disclosure by statute;

197 3. Disclose trade secrets or commercial or financial information  
198 which is privileged or confidential;

199 4. Involve accusing any person of a crime, or formally censuring any  
200 person;

201 5. Disclose information of a personal nature where disclosure would  
202 constitute a clearly unwarranted invasion of personal privacy;

203 6. Disclose investigative records compiled for law enforcement  
204 purposes;

205 7. Disclose information contained in or related to examination,  
206 operating or condition reports prepared by, or on behalf of or for the  
207 use of, the Interstate Commission with respect to a regulated person or  
208 entity for the purpose of regulation or supervision of such person or  
209 entity;

210 8. Disclose information, the premature disclosure of which would  
211 significantly endanger the stability of a regulated person or entity; or

212 9. Specifically relate to the Interstate Commission's issuance of a  
213 subpoena, or its participation in a civil action or other legal  
214 proceeding.

215 J. For every meeting closed pursuant to this provision, the Interstate  
216 Commission's legal counsel shall publicly certify that, in the legal  
217 counsel's opinion, the meeting may be closed to the public, and shall  
218 reference each relevant exemptive provision. The Interstate  
219 Commission shall keep minutes which shall fully and clearly describe  
220 all matters discussed in any meeting and shall provide a full and  
221 accurate summary of any actions taken, and the reasons therefor,  
222 including a description of each of the views expressed on any item and  
223 the record of any roll call vote (reflected in the vote of each member on  
224 the question). All documents considered in connection with any action  
225 shall be identified in such minutes.

226 K. The Interstate Commission shall collect standardized data  
227 concerning the interstate movement of juveniles as directed through its  
228 rules which shall specify the data to be collected, the means of

229 collection and data exchange and reporting requirements. Such  
230 methods of data collection, exchange and reporting shall insofar as is  
231 reasonably possible conform to up-to-date technology and coordinate  
232 its information functions with the appropriate repository of records.

233

234 ARTICLE IV

235 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

236 The commission shall have the following powers and duties:

237 1. To provide for dispute resolution among compacting states.

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

242 3. To oversee, supervise and coordinate the interstate movement of  
243 juveniles subject to the terms of this compact and any bylaws adopted  
244 and rules promulgated by the Interstate Commission.

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

249 5. To establish and maintain offices which shall be located within  
250 one or more of the compacting states.

251 6. To purchase and maintain insurance and bonds.

252 7. To borrow, accept, hire or contract for services of personnel.

253 8. To establish and appoint committees and hire staff which it  
254 deems necessary for the carrying out of its functions including, but not

255 limited to, an executive committee as required by Article III which  
256 shall have the power to act on behalf of the Interstate Commission in  
257 carrying out its powers and duties hereunder.

258 9. To elect or appoint such officers, attorneys, employees, agents or  
259 consultants, and to fix their compensation, define their duties and  
260 determine their qualifications; and to establish the Interstate  
261 Commission's personnel policies and programs relating to, inter alia,  
262 conflicts of interest, rates of compensation and qualifications of  
263 personnel.

264 10. To accept any and all donations and grants of money,  
265 equipment, supplies, materials and services, and to receive, utilize and  
266 dispose of it.

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

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

272 13. To establish a budget and make expenditures and levy dues as  
273 provided in Article VIII of this compact.

274 14. To sue and be sued.

275 15. To adopt a seal and bylaws governing the management and  
276 operation of the Interstate Commission.

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

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

283 Interstate Commission.

284 18. To coordinate education, training and public awareness  
285 regarding the interstate movement of juveniles for officials involved in  
286 such activity.

287 19. To establish uniform standards of the reporting, collecting and  
288 exchanging of data.

289 20. To maintain its corporate books and records in accordance with  
290 the bylaws.

291 ARTICLE V

292 ORGANIZATION AND OPERATION OF THE INTERSTATE  
293 COMMISSION

294 Section A. Bylaws

295 1. The Interstate Commission shall, by a majority of the members  
296 present and voting, within twelve months after the first Interstate  
297 Commission meeting, adopt bylaws to govern its conduct as may be  
298 necessary or appropriate to carry out the purposes of the compact,  
299 including, but not limited to:

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

301 b. Establishing an executive committee and such other committees  
302 as may be necessary;

303 c. Providing for the establishment of committees governing any  
304 general or specific delegation of any authority or function of the  
305 Interstate Commission;

306 d. Providing reasonable procedures for calling and conducting  
307 meetings of the Interstate Commission, and ensuring reasonable notice  
308 of each such meeting;

309 e. Establishing the titles and responsibilities of the officers of the  
310 Interstate Commission;

311 f. Providing a mechanism for concluding the operations of the  
312 Interstate Commission and the return of any surplus funds that may  
313 exist upon the termination of the Compact after the payment and/or  
314 reserving of all of its debts and obligations;

315 g. Providing "start-up" rules for initial administration of the  
316 compact; and

317 h. Establishing standards and procedures for compliance and  
318 technical assistance in carrying out the compact.

319 Section B. Officers and Staff

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

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

338 Section C. Qualified Immunity, Defense and Indemnification

339 1. The commission's executive director and employees shall be  
340 immune from suit and liability, either personally or in their official  
341 capacity, for any claim for damage to or loss of property or personal  
342 injury or other civil liability caused or arising out of or relating to any  
343 actual or alleged act, error or omission that occurred, or that such  
344 person had a reasonable basis for believing occurred within the scope  
345 of Commission employment, duties or responsibilities; provided, that  
346 any such person shall not be protected from suit or liability for any  
347 damage, loss, injury or liability caused by the intentional or wilful and  
348 wanton misconduct of any such person.

349 2. The liability of any commissioner, or the employee or agent of a  
350 commissioner, acting within the scope of such person's employment or  
351 duties for acts, errors or omissions occurring within such person's state  
352 may not exceed the limits of liability set forth under the Constitution  
353 and laws of that state for state officials, employees and agents. Nothing  
354 in this subsection shall be construed to protect any such person from  
355 suit or liability for any damage, loss, injury or liability caused by the  
356 intentional or wilful and wanton misconduct of any such person.

357 3. The Interstate Commission shall defend the executive director or  
358 the representatives or employees of the Interstate Commission and,  
359 subject to the approval of the Attorney General of the state represented  
360 by any commissioner of a compacting state, shall defend such  
361 commissioner or the commissioner's representatives or employees in  
362 any civil action seeking to impose liability arising out of any actual or  
363 alleged act, error or omission that occurred within the scope of  
364 Interstate Commission employment, duties or responsibilities, or that  
365 the defendant had a reasonable basis for believing occurred within the  
366 scope of Interstate Commission employment, duties or responsibilities,  
367 provided that the actual or alleged act, error or omission did not result  
368 from intentional or wilful and wanton misconduct on the part of such  
369 person.

370 4. The Interstate Commission shall indemnify and hold the

371 commissioner of a compacting state, or the commissioner's  
372 representatives or employees, or the Interstate Commission's  
373 representatives or employees, harmless in the amount of any  
374 settlement or judgment obtained against such persons arising out of  
375 any actual or alleged act, error or omission that occurred within the  
376 scope of Interstate Commission employment, duties or responsibilities,  
377 or that such persons had a reasonable basis for believing occurred  
378 within the scope of Interstate Commission employment, duties or  
379 responsibilities, provided that the actual or alleged act, error or  
380 omission did not result from intentional or wilful and wanton  
381 misconduct on the part of such persons.

382 ARTICLE VI

383 RULEMAKING FUNCTIONS OF THE INTERSTATE  
384 COMMISSION

385 A. The Interstate Commission shall promulgate and publish rules in  
386 order to effectively and efficiently achieve the purposes of the  
387 compact.

388 B. Rulemaking shall occur pursuant to the criteria set forth in this  
389 article and the bylaws and rules adopted pursuant thereto. Such  
390 rulemaking shall substantially conform to the principles of the "Model  
391 State Administrative Procedures Act", 1981 Act, Uniform Laws  
392 Annotated, Vol. 15, p. 1 (2000), or such other administrative  
393 procedures act, as the Interstate Commission deems appropriate  
394 consistent with due process requirements under the United States  
395 Constitution as now or hereafter interpreted by the United States  
396 Supreme Court. All rules and amendments shall become binding as of  
397 the date specified, as published with the final version of the rule as  
398 approved by the commission.

399 C. When promulgating a rule, the Interstate Commission shall, at a  
400 minimum:

401 1. Publish the proposed rule's entire text stating the reason or  
402 reasons for that proposed rule;

403 2. Allow and invite any and all persons to submit written data, facts,  
404 opinions and arguments, which information shall be added to the  
405 record, and be made publicly available;

406 3. Provide an opportunity for an informal hearing if petitioned by  
407 ten or more persons; and

408 4. Promulgate a final rule and its effective date, if appropriate, based  
409 on input from state or local officials, or interested parties.

410 D. Allow, not later than sixty days after a rule is promulgated, any  
411 interested person to file a petition in the United States District Court  
412 for the District of Columbia or in the federal district court where the  
413 Interstate Commission's principal office is located for judicial review of  
414 such rule. If the court finds that the Interstate Commission's action is  
415 not supported by substantial evidence in the rulemaking record, the  
416 court shall hold the rule unlawful and set it aside. For purposes of this  
417 subsection, evidence is substantial if it would be considered substantial  
418 evidence under the Model State Administrative Procedures Act.

419 E. If a majority of the legislatures of the compacting states rejects a  
420 rule, those states may, by enactment of a statute or resolution in the  
421 same manner used to adopt the compact, cause that such rule shall  
422 have no further force and effect in any compacting state.

423 F. The existing rules governing the operation of the Interstate  
424 Compact on Juveniles superceded by this act shall be null and void  
425 twelve months after the first meeting of the Interstate Commission  
426 created hereunder.

427 G. Upon determination by the Interstate Commission that a state-of-  
428 emergency exists, it may promulgate an emergency rule which shall  
429 become effective immediately upon adoption, provided that the usual  
430 rulemaking procedures provided hereunder shall be retroactively

431 applied to said rule as soon as reasonably possible, but no later than  
432 ninety days after the effective date of the emergency rule.

433 ARTICLE VII

434 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY  
435 THE INTERSTATE COMMISSION

436

437 Section A. Oversight

438 1. The Interstate Commission shall oversee the administration and  
439 operations of the interstate movement of juveniles subject to this  
440 compact in the compacting states and shall monitor such activities  
441 being administered in non-compacting states which may significantly  
442 affect compacting states.

443 2. The courts and executive agencies in each compacting state shall  
444 enforce this compact and shall take all actions necessary and  
445 appropriate to effectuate the compact's purposes and intent. The  
446 provisions of this compact and the rules promulgated hereunder shall  
447 be received by all the judges, public officers, commissions and  
448 departments of the state government as evidence of the authorized  
449 statute and administrative rules. All courts shall take judicial notice of  
450 the compact and the rules. In any judicial or administrative proceeding  
451 in a compacting state pertaining to the subject matter of this compact  
452 which may affect the powers, responsibilities or actions of the  
453 Interstate Commission, it shall be entitled to receive all service of  
454 process in any such proceeding, and shall have standing to intervene  
455 in the proceeding for all purposes.

456 Section B. Dispute Resolution

457 1. The compacting states shall report to the Interstate Commission  
458 on all issues and activities necessary for the administration of the  
459 compact as well as issues and activities pertaining to compliance with

460 the provisions of the compact and its bylaws and rules.

461 2. The Interstate Commission shall attempt, upon the request of a  
462 compacting state, to resolve any disputes or other issues which are  
463 subject to the compact and which may arise among compacting states  
464 and between compacting and non-compacting states. The commission  
465 shall promulgate a rule providing for both mediation and binding  
466 dispute resolution for disputes among the compacting states.

467 3. The Interstate Commission, in the reasonable exercise of its  
468 discretion, shall enforce the provisions and rules of this compact using  
469 any or all means set forth in Article XI of this compact.

470 ARTICLE VIII

471 FINANCE

472 A. The Interstate Commission shall pay or provide for the payment  
473 of the reasonable expenses of its establishment, organization and  
474 ongoing activities.

475 B. The Interstate Commission shall levy on and collect an annual  
476 assessment from each compacting state to cover the cost of the internal  
477 operations and activities of the Interstate Commission and its staff  
478 which must be in a total amount sufficient to cover the Interstate  
479 Commission's annual budget as approved each year. The aggregate  
480 annual assessment amount shall be allocated based upon a formula to  
481 be determined by the Interstate Commission, taking into consideration  
482 the population of each compacting state and the volume of interstate  
483 movement of juveniles in each compacting state and shall promulgate  
484 a rule binding upon all compacting states which governs said  
485 assessment.

486 C. The Interstate Commission shall not incur any obligations of any  
487 kind prior to securing the funds adequate to meet the same; nor shall  
488 the Interstate Commission pledge the credit of any of the compacting  
489 states, except by and with the authority of the compacting state.

490 D. The Interstate Commission shall keep accurate accounts of all  
491 receipts and disbursements. The receipts and disbursements of the  
492 Interstate Commission shall be subject to the audit and accounting  
493 procedures established under its bylaws. However, all receipts and  
494 disbursements of funds handled by the Interstate Commission shall be  
495 audited yearly by a certified or licensed public accountant and the  
496 report of the audit shall be included in and become part of the annual  
497 report of the Interstate Commission.

498

ARTICLE IX

499

THE STATE COUNCIL

500 Each member state shall create a State Council for Interstate Juvenile  
501 Supervision. While each state may determine the membership of its  
502 own state council, its membership must include at least one  
503 representative from the legislative, judicial and executive branches of  
504 government, victims groups, and the compact administrator, deputy  
505 compact administrator or designee. Each compacting state retains the  
506 right to determine the qualifications of the compact administrator or  
507 deputy compact administrator. Each state council will advise and may  
508 exercise oversight and advocacy concerning that state's participation in  
509 Interstate Commission activities and other duties as may be  
510 determined by that state including, but not limited to, development of  
511 policy concerning operations and procedures of the compact within  
512 that state.

513

ARTICLE X

514

COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

515 A. Any state, the District of Columbia (or its designee), the  
516 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam,  
517 American Samoa, and the Northern Marianas Islands as defined in  
518 Article II of this compact is eligible to become a compacting state.

519

B. The compact shall become effective and binding upon legislative

520 enactment of the compact into law by no less than 35 of the states. The  
521 initial effective date shall be the later of July 1, 2004, or upon  
522 enactment into law by the 35<sup>th</sup> jurisdiction. Thereafter it shall become  
523 effective and binding as to any other compacting state upon enactment  
524 of the compact into law by that state. The governors of non-member  
525 states or their designees shall be invited to participate in the activities  
526 of the Interstate Commission on a non-voting basis prior to adoption of  
527 the compact by all states and territories of the United States.

528 C. The Interstate Commission may propose amendments to the  
529 compact for enactment by the compacting states. No amendment shall  
530 become effective and binding upon the Interstate Commission and the  
531 compacting states unless and until it is enacted into law by unanimous  
532 consent of the compacting states.

533 ARTICLE XI

534 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL  
535 ENFORCEMENT

536 Section A. Withdrawal

537 1. Once effective, the compact shall continue in force and remain  
538 binding upon each and every compacting state; provided that a  
539 compacting state may withdraw from the compact by specifically  
540 repealing the statute which enacted the compact into law.

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

542 3. The withdrawing state shall immediately notify the chairperson  
543 of the Interstate Commission in writing upon the introduction of  
544 legislation repealing this compact in the withdrawing state. The  
545 Interstate Commission shall notify the other compacting states of the  
546 withdrawing state's intent to withdraw within sixty days of its receipt  
547 thereof.

548 4. The withdrawing state is responsible for all assessments,

549 obligations and liabilities incurred through the effective date of  
550 withdrawal, including any obligations, the performance of which  
551 extend beyond the effective date of withdrawal.

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

555 Section B. Technical Assistance, Fines, Suspension, Termination and  
556 Default

557 1. If the Interstate Commission determines that any compacting  
558 state has at any time defaulted in the performance of any of its  
559 obligations or responsibilities under this compact, or the bylaws or  
560 duly promulgated rules, the Interstate Commission may impose any or  
561 all of the following penalties:

562 a. Remedial training and technical assistance as directed by the  
563 Interstate Commission;

564 b. Alternative Dispute Resolution;

565 c. Fines, fees and costs in such amounts as are deemed to be  
566 reasonable as fixed by the Interstate Commission; and

567 d. Suspension or termination of membership in the compact, which  
568 shall be imposed only after all other reasonable means of securing  
569 compliance under the bylaws and rules have been exhausted and the  
570 Interstate Commission has therefore determined that the offending  
571 state is in default. Immediate notice of suspension shall be given by the  
572 Interstate Commission to the Governor, the Chief Justice or the chief  
573 judicial officer of the state, the majority and minority leaders of the  
574 defaulting state's legislature, and the state council. The grounds for  
575 default include, but are not limited to, failure of a compacting state to  
576 perform such obligations or responsibilities imposed upon it by this  
577 compact, the bylaws, or duly promulgated rules and any other  
578 grounds designated in commission bylaws and rules. The Interstate

579 Commission shall immediately notify the defaulting state in writing of  
580 the penalty imposed by the Interstate Commission and of the default  
581 pending a cure of the default. The commission shall stipulate the  
582 conditions and the time period within which the defaulting state must  
583 cure its default. If the defaulting state fails to cure the default within  
584 the time period specified by the commission, the defaulting state shall  
585 be terminated from the compact upon an affirmative vote of a majority  
586 of the compacting states and all rights, privileges and benefits  
587 conferred by this compact shall be terminated from the effective date  
588 of termination.

589 2. Within sixty days of the effective date of termination of a  
590 defaulting state, the commission shall notify the Governor, the Chief  
591 Justice or chief judicial officer, the majority and minority leaders of the  
592 defaulting state's legislature, and the state council of such termination.

593 3. The defaulting state is responsible for all assessments, obligations  
594 and liabilities incurred through the effective date of termination  
595 including any obligations, the performance of which extends beyond  
596 the effective date of termination.

597 4. The Interstate Commission shall not bear any costs relating to the  
598 defaulting state unless otherwise mutually agreed upon in writing  
599 between the Interstate Commission and the defaulting state.

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

603 Section C. Judicial Enforcement

604 The Interstate Commission may, by majority vote of the members,  
605 initiate legal action in the United States District Court for the District of  
606 Columbia or, at the discretion of the Interstate Commission, in the  
607 federal district where the Interstate Commission has its offices, to  
608 enforce compliance with the provisions of the compact, its duly

609 promulgated rules and bylaws, against any compacting state in  
610 default. In the event judicial enforcement is necessary, the prevailing  
611 party shall be awarded all costs of such litigation including reasonable  
612 attorney's fees.

613 Section D. Dissolution of Compact

614 1. The compact dissolves effective upon the date of the withdrawal  
615 or default of the compacting state, which reduces membership in the  
616 compact to one compacting state.

617 2. Upon the dissolution of this compact, the compact becomes null  
618 and void and shall be of no further force or effect, and the business and  
619 affairs of the Interstate Commission shall be concluded and any  
620 surplus funds shall be distributed in accordance with the bylaws.

621 ARTICLE XII

622 SEVERABILITY AND CONSTRUCTION

623 A. The provisions of this compact shall be severable, and if any  
624 phrase, clause, sentence or provision is deemed unenforceable, the  
625 remaining provisions of the compact shall be enforceable.

626 B. The provisions of this compact shall be liberally construed to  
627 effectuate its purposes.

628 ARTICLE XIII

629 BINDING EFFECT OF COMPACT AND OTHER LAWS

630 Section A. Other Laws

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

633 2. All compacting states' laws other than state constitutions and  
634 other interstate compacts conflicting with this compact are superseded

635 to the extent of the conflict.

636 Section B. Binding Effect of the Compact

637 1. All lawful actions of the Interstate Commission, including all  
638 rules and bylaws promulgated by the Interstate Commission, are  
639 binding upon the compacting states.

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

642 3. Upon the request of a party to a conflict over meaning or  
643 interpretation of Interstate Commission actions, and upon a majority  
644 vote of the compacting states, the Interstate Commission may issue  
645 advisory opinions regarding such meaning or interpretation.

646 4. In the event any provision of this compact exceeds the  
647 constitutional limits imposed on the legislature of any compacting  
648 state, the obligations, duties, powers or jurisdiction sought to be  
649 conferred by such provision upon the Interstate Commission shall be  
650 ineffective and such obligations, duties, powers or jurisdiction shall  
651 remain in the compacting state and shall be exercised by the agency  
652 thereof to which such obligations, duties, powers or jurisdiction are  
653 delegated by law in effect at the time this compact becomes effective.

654 Sec. 2. (*Effective July 1, 2004, or upon enactment of the Interstate*  
655 *Compact for Juveniles by thirty-five jurisdictions, whichever is later*)  
656 Sections 46b-151 to 46b-151g, inclusive, of the general statutes are  
657 repealed.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004, or upon enactment of the Interstate Compact for Juveniles by thirty-five jurisdictions, whichever is later</i>
Sec. 2	<i>July 1, 2004, or upon enactment of the Interstate Compact for Juveniles by thirty-five jurisdictions, whichever is later</i>

**Statement of Purpose:**

To adopt the updated Interstate Compact for Juveniles that addresses the management, monitoring, supervision and return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away from supervision and control to a state other than the state where they were sentenced.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*