



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 the
86 administration and management of the state's supervision and transfer
87 of juveniles subject to the terms of this compact, the rules adopted by
88 the Interstate Commission and policies adopted by the State Council
89 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 Interstate Commission, and has the force and effect
115 of 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 United States
119 Virgin Islands, Guam, American Samoa and the Northern Marianas
120 Islands.

121 ARTICLE III

122 INTERSTATE COMMISSION FOR JUVENILES

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

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

139 C. In addition to the commissioners who are the voting
140 representatives of each state, the Interstate Commission shall include
141 individuals who are not commissioners, but who are members of
142 interested organizations. Such non-commissioner members must

143 include a member of the national organizations of governors,
144 legislators, state chief justices, attorneys general, Interstate Compact
145 for Adult Offender Supervision, Interstate Compact for the Placement
146 of Children, juvenile justice and juvenile corrections officials, and
147 crime victims. All non-commissioner members of the Interstate
148 Commission shall be ex-officio (non-voting) members. The Interstate
149 Commission may provide in its bylaws for such additional ex-officio
150 (non-voting) members, including members of other national
151 organizations, in such numbers as shall be determined by the Interstate
152 Commission.

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

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

163 F. The Interstate Commission shall establish an executive
164 committee, which shall include Interstate Commission officers,
165 members and others as determined by the bylaws. The executive
166 committee shall have the power to act on behalf of the Interstate
167 Commission during periods when the Interstate Commission is not in
168 session, with the exception of rulemaking and/or amendment to the
169 compact. The executive committee shall oversee the day-to-day
170 activities of the administration of the compact managed by an
171 executive director and Interstate Commission staff; administer
172 enforcement and compliance with the provisions of the compact, its
173 bylaws and rules, and perform such other duties as directed by the
174 Interstate Commission or set forth in the bylaws.

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

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

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

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

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

199 3. Disclose trade secrets or commercial or financial information
200 which is privileged or confidential;

201 4. Involve accusing any person of a crime, or formally censuring any
202 person;

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

205 6. Disclose investigative records compiled for law enforcement
206 purposes;

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

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

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

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

228 K. The Interstate Commission shall collect standardized data
229 concerning the interstate movement of juveniles as directed through its
230 rules which shall specify the data to be collected, the means of
231 collection and data exchange and reporting requirements. Such
232 methods of data collection, exchange and reporting shall insofar as is
233 reasonably possible conform to up-to-date technology and coordinate
234 its information functions with the appropriate repository of records.

235

ARTICLE IV

236 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

237 The Interstate Commission shall have the following powers and
238 duties:

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

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

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

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

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

253 6. To purchase and maintain insurance and bonds.

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

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

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

264 conflicts of interest, rates of compensation and qualifications of
265 personnel.

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

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

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

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

276 14. To sue and be sued.

277 15. To adopt a seal and bylaws governing the management and
278 operation of the Interstate Commission.

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

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

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

289 19. To establish uniform standards of the reporting, collecting and
290 exchanging of data.

291 20. To maintain its corporate books and records in accordance with

292 the bylaws.

293 ARTICLE V

294 ORGANIZATION AND OPERATION OF THE INTERSTATE
295 COMMISSION

296 Section A. Bylaws

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

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

303 b. Establishing an executive committee and such other committees
304 as may be necessary;

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

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

311 e. Establishing the titles and responsibilities of the officers of the
312 Interstate Commission;

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

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

319 h. Establishing standards and procedures for compliance and
320 technical assistance in carrying out the compact.

321 Section B. Officers and Staff

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

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

340 Section C. Qualified Immunity, Defense and Indemnification

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

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

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

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

384

ARTICLE VI

385

RULEMAKING FUNCTIONS OF THE INTERSTATE

386

COMMISSION

387

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

390

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

401

402 C. When promulgating a rule, the Interstate Commission shall, at a
403 minimum:

403

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

405

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

408

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

410

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

412

D. Allow, not later than sixty days after a rule is promulgated, any

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

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

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

429 G. Upon determination by the Interstate Commission that a state-of-
430 emergency exists, it may promulgate an emergency rule which shall
431 become effective immediately upon adoption, provided that the usual
432 rulemaking procedures provided hereunder shall be retroactively
433 applied to said rule as soon as reasonably possible, but no later than
434 ninety days after the effective date of the emergency rule.

435 ARTICLE VII

436 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY
437 THE INTERSTATE COMMISSION

438

439 Section A. Oversight

440 1. The Interstate Commission shall oversee the administration and
441 operations of the interstate movement of juveniles subject to this
442 compact in the compacting states and shall monitor such activities

443 being administered in non-compacting states which may significantly
444 affect compacting states.

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

458 Section B. Dispute Resolution

459 1. The compacting states shall report to the Interstate Commission
460 on all issues and activities necessary for the administration of the
461 compact as well as issues and activities pertaining to compliance with
462 the provisions of the compact and the bylaws and rules of the
463 Interstate Commission.

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

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

473

ARTICLE VIII

474

FINANCE

475 A. The Interstate Commission shall pay or provide for the payment
476 of the reasonable expenses of its establishment, organization and
477 ongoing activities.

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

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

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

501

ARTICLE IX

502

THE STATE COUNCIL

503 Each member state shall create a State Council for Interstate Juvenile

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

516 **ARTICLE X**

517 **COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT**

518 A. Any state, the District of Columbia (or its designee), the
519 Commonwealth of Puerto Rico, the United States Virgin Islands,
520 Guam, American Samoa, and the Northern Marianas Islands as
521 defined in Article II of this compact is eligible to become a compacting
522 state.

523 B. The compact shall become effective and binding upon legislative
524 enactment of the compact into law by not less than thirty-five states.
525 The initial effective date shall be the later of July 1, 2004, or upon
526 enactment into law by the thirty-fifth jurisdiction. Thereafter it shall
527 become effective and binding as to any other compacting state upon
528 enactment of the compact into law by that state. The governors of non-
529 member states or their designees shall be invited to participate in the
530 activities of the Interstate Commission on a non-voting basis prior to
531 adoption of the compact by all states and territories of the United
532 States.

533 C. The Interstate Commission may propose amendments to the
534 compact for enactment by the compacting states. No amendment shall
535 become effective and binding upon the Interstate Commission and the

536 compacting states unless and until it is enacted into law by unanimous
537 consent of the compacting states.

538 ARTICLE XI

539 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL
540 ENFORCEMENT

541 Section A. Withdrawal

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

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

547 3. The withdrawing state shall immediately notify the chairperson
548 of the Interstate Commission in writing upon the introduction of
549 legislation repealing this compact in the withdrawing state. The
550 Interstate Commission shall notify the other compacting states of the
551 withdrawing state's intent to withdraw within sixty days of its receipt
552 thereof.

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

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

560 Section B. Technical Assistance, Fines, Suspension, Termination and
561 Default

562 1. If the Interstate Commission determines that any compacting
563 state has at any time defaulted in the performance of any of its

564 obligations or responsibilities under this compact, or the bylaws or
565 duly promulgated rules, the Interstate Commission may impose any or
566 all of the following penalties:

567 a. Remedial training and technical assistance as directed by the
568 Interstate Commission;

569 b. Alternative Dispute Resolution;

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

572 d. Suspension or termination of membership in the compact, which
573 shall be imposed only after all other reasonable means of securing
574 compliance under the bylaws and rules have been exhausted and the
575 Interstate Commission has therefore determined that the offending
576 state is in default. Immediate notice of suspension shall be given by the
577 Interstate Commission to the Governor, the Chief Justice or the chief
578 judicial officer of the state, the majority and minority leaders of the
579 defaulting state's legislature, and the state council. The grounds for
580 default include, but are not limited to, failure of a compacting state to
581 perform such obligations or responsibilities imposed upon it by this
582 compact, the bylaws, or duly promulgated rules and any other
583 grounds designated in Interstate Commission bylaws and rules. The
584 Interstate Commission shall immediately notify the defaulting state in
585 writing of the penalty imposed by the Interstate Commission and of
586 the default pending a cure of the default. The Interstate Commission
587 shall stipulate the conditions and the time period within which the
588 defaulting state must cure its default. If the defaulting state fails to
589 cure the default within the time period specified by the Interstate
590 Commission, the defaulting state shall be terminated from the compact
591 upon an affirmative vote of a majority of the compacting states and all
592 rights, privileges and benefits conferred by this compact shall be
593 terminated from the effective date of termination.

594 2. Within sixty days of the effective date of termination of a
595 defaulting state, the Interstate Commission shall notify the Governor,

596 the Chief Justice or chief judicial officer, the majority and minority
597 leaders of the defaulting state's legislature, and the state council of
598 such termination.

599 3. The defaulting state is responsible for all assessments, obligations
600 and liabilities incurred through the effective date of termination
601 including any obligations, the performance of which extends beyond
602 the effective date of termination.

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

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

609 Section C. Judicial Enforcement

610 The Interstate Commission may, by majority vote of the members,
611 initiate legal action in the United States District Court for the District of
612 Columbia or, at the discretion of the Interstate Commission, in the
613 federal district where the Interstate Commission has its offices, to
614 enforce compliance with the provisions of the compact, its duly
615 promulgated rules and bylaws, against any compacting state in
616 default. In the event judicial enforcement is necessary, the prevailing
617 party shall be awarded all costs of such litigation including reasonable
618 attorney's fees.

619 Section D. Dissolution of Compact

620 1. The compact dissolves effective upon the date of the withdrawal
621 or default of the compacting state, which reduces membership in the
622 compact to one compacting state.

623 2. Upon the dissolution of this compact, the compact becomes null
624 and void and shall be of no further force or effect, and the business and
625 affairs of the Interstate Commission shall be concluded and any

626 surplus funds shall be distributed in accordance with the bylaws.

627 **ARTICLE XII**

628 **SEVERABILITY AND CONSTRUCTION**

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

632 B. The provisions of this compact shall be liberally construed to
633 effectuate its purposes.

634 **ARTICLE XIII**

635 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

636 **Section A. Other Laws**

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

639 2. All compacting states' laws other than state constitutions and
640 other interstate compacts conflicting with this compact are superseded
641 to the extent of the conflict.

642 **Section B. Binding Effect of the Compact**

643 1. All lawful actions of the Interstate Commission, including all
644 rules and bylaws promulgated by the Interstate Commission, are
645 binding upon the compacting states.

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

648 3. Upon the request of a party to a conflict over meaning or
649 interpretation of Interstate Commission actions, and upon a majority
650 vote of the compacting states, the Interstate Commission may issue
651 advisory opinions regarding such meaning or interpretation.

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

660 Sec. 2. Section 17a-6 of the general statutes is repealed and the
661 following is substituted in lieu thereof (*Effective July 1, 2004, or upon*
662 *enactment of the Interstate Compact for Juveniles by thirty-five jurisdictions,*
663 *whichever is later*):

664 The commissioner or the commissioner's designee shall:

665 (a) Establish or contract for the use of a variety of facilities and
666 services for identification, evaluation, discipline, rehabilitation,
667 aftercare, treatment and care of children and youth in need of the
668 department's services;

669 (b) Administer in a coordinated and integrated manner all
670 institutions and facilities which are or may come under the jurisdiction
671 of the department and may appoint advisory groups for any such
672 institution or facility;

673 (c) Encourage the development of programs and the establishment
674 of facilities for children and youth by public or private agencies and
675 groups;

676 (d) Enter into cooperative arrangements with public or private
677 agencies outside the state;

678 (e) Insure that all children under the commissioner's supervision
679 have adequate food, clothing, shelter and adequate medical, dental,
680 psychiatric, psychological, social, religious and other services;

681 (f) Provide, in the commissioner's discretion, needed service to any

682 municipality, agency, or person, whether or not such person is
683 committed to the commissioner;

684 (g) Adopt and enforce regulations and establish rules for the
685 internal operation and administration of the department in accordance
686 with chapter 54;

687 (h) Undertake, contract for or otherwise stimulate research
688 concerning children and youth;

689 (i) Subject to the provisions of chapter 67, appoint such professional,
690 technical and other personnel as may be necessary for the efficient
691 operation of the department;

692 (j) Coordinate the activities of the department with those of other
693 state departments, municipalities and private agencies concerned with
694 providing services for children and youth and their families;

695 (k) Act as administrator of the [Interstate Compact on Juveniles
696 established by section 46b-151a, when so designated by the Governor
697 in accordance with section 46b-151c] Interstate Compact for Juveniles
698 under section 1 of this act;

699 (l) Provide or arrange for the provision of suitable education for
700 every child under the commissioner's supervision, either in public
701 schools, special educational programs, private schools, educational
702 programs within the institutions or facilities under the commissioner's
703 jurisdiction, or work and training programs otherwise provided by
704 law. The suitability of educational programs provided by the
705 commissioner shall be subject to review by the Department of
706 Education;

707 (m) Submit to the state advisory council for its comment proposals
708 for new policies or programs and the proposed budget for the
709 department;

710 (n) Have any and all other powers and duties as are necessary to
711 administer the department and implement the purposes of sections

712 17a-1 to 17a-26, inclusive, and 17a-28 to 17a-49, inclusive;

713 (o) Conduct and render a final decision in administrative hearings;
714 and

715 (p) Provide programs for juvenile offenders that are gender specific
716 in that they comprehensively address the unique needs of a targeted
717 gender group.

718 Sec. 3. Section 17a-96 of the general statutes is repealed and the
719 following is substituted in lieu thereof (*Effective July 1, 2004, or upon*
720 *enactment of the Interstate Compact for Juveniles by thirty-five jurisdictions,*
721 *whichever is later*):

722 The institutions having custody of such children and the agencies
723 and persons licensed by authority of sections 17a-90 to 17a-124,
724 inclusive, 17a-145 to 17a-155, inclusive, and 17a-175 to 17a-182,
725 inclusive, 17a-185 [and 46b-151 to 46b-151g, inclusive,] shall make such
726 reports to the Commissioner of Children and Families at such
727 reasonable times and in such form and covering such data as the
728 commissioner directs. The commissioner and his deputy and agents
729 shall supervise the placing of such children in foster homes. The
730 commissioner may place children who have not been properly placed
731 in homes suitable for their care and protection. In placing any child in
732 a foster home, the commissioner shall, if practicable, select a home of
733 like religious faith to that of the parent or parents of such child, if such
734 faith is known or ascertainable by the exercise of reasonable care.

735 Sec. 4. Subsection (f) of section 46b-149 of the general statutes is
736 repealed and the following is substituted in lieu thereof (*Effective July*
737 *1, 2004, or upon enactment of the Interstate Compact for Juveniles by thirty-*
738 *five jurisdictions, whichever is later*):

739 (f) If it appears from the allegations of a petition or other sworn
740 affirmations that there is: (1) A strong probability that the child may do
741 something that is injurious to himself prior to court disposition; (2) a
742 strong probability that the child will run away prior to the hearing; or

743 (3) a need to hold the child for another jurisdiction, a judge may vest
 744 temporary custody of such child in some suitable person or agency. No
 745 nondelinquent juvenile runaway from another state may be held in a
 746 state-operated detention home in accordance with the provisions of
 747 [sections 46b-151 to 46b-151g, inclusive, Interstate Compact on
 748 Juveniles] section 1 of this act, the Interstate Compact for Juveniles. A
 749 hearing on temporary custody shall be held not later than ten days
 750 after the date on which a judge signs an order of temporary custody.
 751 Following such hearing, the judge may order that the child's
 752 temporary custody continue to be vested in some suitable person or
 753 agency. Any expenses of temporary custody shall be paid in the same
 754 manner as provided in subsection (b) of section 46b-129.

755 Sec. 5. *(Effective July 1, 2004, or upon enactment of the Interstate*
 756 *Compact for Juveniles by thirty-five jurisdictions, whichever is later)*
 757 Sections 46b-151 to 46b-151g, inclusive, of the general statutes are
 758 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>
Sec. 3	<i>July 1, 2004, or upon enactment of the Interstate Compact for Juveniles by thirty-five jurisdictions, whichever is later</i>
Sec. 4	<i>July 1, 2004, or upon enactment of the Interstate Compact for Juveniles by thirty-five jurisdictions, whichever is later</i>
Sec. 5	<i>July 1, 2004, or upon enactment of the Interstate Compact for Juveniles by thirty-five jurisdictions, whichever is later</i>

Statement of Legislative Commissioners:

Technical changes were made in section 1 for consistency, and sections 2 to 4, inclusive, were added to reflect the proposed repeal of the current compact and the enactment of a new compact.

JUD *Joint Favorable Subst.-LCO*