



SPONSOR: Rep. Wagner & Rep. Schwartzkopf;
& Sen. Vaughn; Reps. Spence, Booth,
Buckworth, DiPinto, Ewing, Maier,
Miro, Ulbrich, Houghton, Mulrooney,
Plant

HOUSE OF REPRESENTATIVES

142nd GENERAL ASSEMBLY

HOUSE BILL NO. 84

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO THE INTERSTATE COMPACT ON JUVENILES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Title 31 of the Delaware Code by deleting Section 5203 and enacting thereto as follows:

2 "THE INTERSTATE COMPACT FOR JUVENILES.

3 § 5203. The Interstate Compact on the Placement of Children is enacted into law and entered into with
4 all other jurisdictions legally joining therein in form substantially as follows:

5 ARTICLE I.

6 PURPOSE.

7 The compacting states to this Interstate Compact recognize that each state is responsible for the proper
8 supervision or return of juveniles, delinquents and status offenders who are on probation or parole and who have
9 absconded, escaped or run away from supervision and control and in so doing have endangered their own safety
10 and the safety of others. The compacting states also recognize that each state is responsible for the safe return of
11 juveniles who have run away from home and in doing so have left their state of residence. The compacting states
12 also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized
13 and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

14 It is the purpose of this Compact, through means of joint and cooperative action among the compacting states to:

15 (A) ensure that the adjudicated juveniles and status offenders subject to this Compact are provided adequate
16 supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the
17 sending state; (B) ensure that the public safety interests of the citizens, including the victims of juvenile

18 offenders, in both the sending and receiving states are adequately protected; (C) return juveniles who have run
19 away, absconded or escaped from supervision or control or have been accused of an offense to the state
20 requesting their return; (D) make contracts for the cooperative institutionalization in public facilities in member
21 states for delinquent youth needing special services; (E) provide for the effective tracking and supervision of
22 juveniles; (F) equitably allocate the costs, benefits and obligations of the compacting states; (G) establish
23 procedures to manage the movement between states of juvenile offenders released to the community under the
24 jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency which has
25 jurisdiction over juvenile offenders; (H) insure immediate notice to jurisdictions where defined offenders are
26 authorized to travel or to relocate across state lines; (I) establish procedures to resolve pending charges
27 (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this
28 Compact; (J) establish a system of uniform data collection on information pertaining to juveniles subject to this
29 Compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of
30 Compact activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice
31 administrators; (K) monitor compliance with rules governing interstate movement of juveniles and initiate
32 interventions to address and correct non-compliance; (L) coordinate training and education regarding the
33 regulation of interstate movement of juveniles for officials involved in such activity; and (M) coordinate the
34 implementation and operation of the Compact with the Interstate Compact for the Placement of Children, the
35 Interstate Compact for Adult Offender Supervision and other compacts affecting juveniles particularly in those
36 cases where concurrent or overlapping supervision issues arise. It is the policy of the compacting states that the
37 activities conducted by the Interstate Commission created herein are the formation of public policies and
38 therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual
39 and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the
40 provisions of this Compact. The provisions of this Compact shall be reasonably and liberally construed to
41 accomplish the purposes and policies of the Compact.

42 ARTICLE II.

43 DEFINITIONS.

44 As used in this Compact, unless the context clearly requires a different construction:

- 45 A. 'By –laws' means: those by-laws established by the Interstate Commission for its governance,
46 or for directing or controlling its actions or conduct.
- 47 B. 'Compact Administrator' means: the individual in each compacting state appointed pursuant to
48 the terms of this Compact, responsible for the administration and management of the state's
49 supervision and transfer of juveniles subject to the terms of this Compact, the rules adopted
50 by the Interstate Commission and policies adopted by the State Council under this Compact.
- 51 C. 'Compacting State' means: any state which has enacted the enabling legislation for this
52 Compact.
- 53 D. 'Commissioner' means: the voting representative of each compacting state appointed pursuant
54 to Article III of this Compact.
- 55 E. 'Court' means: any court having jurisdiction over delinquent, neglected, or dependent children.
- 56 F. 'Deputy Compact Administrator' means: the individual, if any, in each compacting state
57 appointed to act on behalf of a Compact Administrator pursuant to the terms of this Compact
58 responsible for the administration and management of the state's supervision and transfer of
59 juveniles subject to the terms of this Compact, the rules adopted by the Interstate Commission
60 and policies adopted by the State Council under this Compact.
- 61 G. 'Interstate Commission' means: the Interstate Commission for Juveniles created by Article III
62 of this Compact.
- 63 H. 'Juvenile' means: any person defined as a juvenile in any member state or by the rules of the
64 Interstate Commission, including:
- 65 (1) Accused Delinquent – a person charged with an offense that, if committed by an adult,
66 would be a criminal offense;
- 67 (2) Adjudicated Delinquent – a person found to have committed an offense that, if committed
68 by an adult, would be a criminal offense;
- 69 (3) Accused Status Offender – a person charged with an offense that would not be a criminal
70 offense if committed by an adult;
- 71 (4) Adjudicated Status Offender - a person found to have committed an offense that would not
72 be a criminal offense if committed by an adult; and

- 73 (5) Non-Offender – a person in need of supervision who has not been
74 accused or adjudicated a status offender or delinquent.
- 75 I. 'Non-Compacting state' means: any state which has not enacted the enabling legislation for this
76 Compact.
- 77 J. 'Probation or Parole' means: any kind of supervision or conditional release of juveniles
78 authorized under the laws of the compacting states.
- 79 K. 'Rule' means: a written statement by the Interstate Commission promulgated pursuant to Article
80 VI of this Compact that is of general applicability, implements, interprets or prescribes a policy
81 or provision of the Compact, or an organizational, procedural, or practice requirement of the
82 Commission, and has the force and effect of statutory law in a compacting state, and includes
83 the amendment, repeal, or suspension of an existing rule.
- 84 L. 'State' means: a state of the United States, the District of Columbia (or its designee), the
85 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the
86 Northern Marianas Islands.

87 ARTICLE III.

88 INTERSTATE COMMISSION FOR JUVENILES.

- 89 A. The compacting states hereby create the “Interstate Commission for Juveniles.” The Commission
90 shall be a body corporate and joint agency of the compacting states. The Commission shall have all
91 the responsibilities, powers and duties set forth herein, and such additional powers as may be
92 conferred upon it by subsequent action of the respective legislatures of the compacting states in
93 accordance with the terms of this Compact.
- 94 B. The Interstate Commission shall consist of Commissioners appointed by the appropriate appointing
95 authority in each state pursuant to the rules and requirements of each compacting state and in
96 consultation with the State Council for Interstate Juvenile Supervision created hereunder. The
97 Commissioner shall be the Compact Administrator, Deputy Compact Administrator or designee
98 from that state who shall serve on the Interstate Commission in such capacity under or pursuant to
99 the applicable law of the compacting state.

- 100 C. In addition to the Commissioners who are the voting representatives of each state, the Interstate
101 Commission shall include individuals who are not commissioners, but who are members of
102 interested organizations. Such non-commissioner members must include a member of the National
103 Organizations of Governors, Legislators, State Chief Justices, Attorneys General, Interstate
104 Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children,
105 juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner
106 members of the Interstate Commission shall be ex-officio (non-voting) members. The Interstate
107 Commission may provide in its by-laws for such additional ex-officio (non-voting) members,
108 including members of other national organizations, in such numbers as shall be determined by the
109 Commission.
- 110 D. Each compacting state represented at any meeting of the Commission is entitled to one vote. A
111 majority of the compacting states shall constitute a quorum for the transaction of business, unless a
112 larger quorum is required by the by-laws of the Interstate Commission.
- 113 E. The Commission shall meet at least once each calendar year. The Chairperson may call additional
114 meetings and, upon the request of a simple majority of the compacting states, shall call additional
115 meetings. Public notice shall be given of all meetings and meetings shall be open to the public.
- 116 F. The Interstate Commission shall establish an Executive Committee, which shall include
117 Commission officers, members, and others as determined by the by-laws. The Executive
118 Committee shall have the power to act on behalf of the Interstate Commission during periods when
119 the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to
120 the Compact. The executive committee shall oversee the day-to-day activities of the administration
121 of the Compact managed by an Executive Director and Interstate Commission staff; administers
122 enforcement and compliance with the provisions of the Compact, its by-laws and rules, and
123 performs such other duties as directed by the Interstate Commission or set forth in the by-laws.
- 124 G. Each member of the Interstate Commission shall have the right and power to cast a vote to which
125 that compacting state is entitled and to participate in the business and affairs of the Interstate
126 Commission. A member shall vote in person and shall not delegate a vote to another compacting
127 state. However, a Commissioner, in consultation with the State Council, shall appoint another

128 authorized representative, in the absence of the Commissioner from that state, to cast a vote on
129 behalf of the compacting state at a specified meeting. The by-laws may provide for members'
130 participation in meetings by telephone or other means of telecommunication or electronic
131 communication.

132 H. The Interstate Commission's by-laws shall establish conditions and procedures under which the
133 Interstate Commission shall make its information and official records available to the public for
134 inspection or copying. The Interstate Commission may exempt from disclosure any information or
135 official records to the extent they would adversely affect personal privacy rights or proprietary
136 interests.

137 I. Public notice shall be given of all meetings and all meetings shall be open to the public, except as
138 set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission and any
139 of its committees may close a meeting to the public where it determines by two-thirds vote that an
140 open meeting would be likely to:

- 141 1. Relate solely to the Interstate Commission's internal personnel practices and procedures;
- 142 2. Disclose matters specifically exempted from disclosure by statute;
- 143 3. Disclose trade secrets or commercial or financial information which is privileged or
144 confidential;
- 145 4. Involve accusing any person of a crime, or formally censuring any person;
- 146 5. Disclose information of a personal nature where disclosure would constitute a clearly
147 unwarranted invasion of personal privacy;
- 148 6. Disclose investigative records compiled for law enforcement purposes;
- 149 7. Disclose information contained in or related to examination, operating or condition reports
150 prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a
151 regulated person or entity for the purpose of regulation or supervision of such person or entity;
- 152 8. Disclose information, the premature disclosure of which would significantly endanger the
153 stability of a regulated person or entity; or
- 154 9. Specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in
155 a civil action or other legal proceeding.

- 156 J. For every meeting closed pursuant to this provision, the Interstate Commission's legal counsel shall
157 publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and
158 shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes
159 which shall fully and clearly describe all matters discussed in any meeting and shall provide a full
160 and accurate summary of any actions taken, and the reasons therefore, including a description of
161 each of the views expressed on any item and the record of any roll call vote (reflected in the vote of
162 each member on the question). All documents considered in connection with any action shall be
163 identified in such minutes.
- 164 K. The Interstate Commission shall collect standardized data concerning the interstate movement of
165 juveniles as directed through its rules which shall specify the data to be collected, the means of
166 collection and data exchange and reporting requirements. Such methods of data collection,
167 exchange and reporting shall insofar as is reasonably possible conform to up-to-date technology
168 and coordinate its information functions with the appropriate repository of records.

169 ARTICLE IV.

170 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.

171 The Commission shall have the following powers and duties:

- 172 1. To provide for dispute resolution among compacting states.
- 173 2. To promulgate rules to effect the purposes and obligations as enumerated in this Compact, which
174 shall have the force and effect of statutory law and shall be binding in the compacting states to the
175 extent and in the manner provided in this Compact.
- 176 3. To oversee, supervise and coordinate the interstate movement of juveniles subject to the terms of
177 this Compact and any by-laws adopted and rules promulgated by the Interstate Commission.
- 178 4. To enforce compliance with the Compact provisions, the rules promulgated by the Interstate
179 Commission, and the by-laws, using all necessary and proper means, including but not limited to
180 the use of judicial process.
- 181 5. To establish and maintain offices which shall be located within one or more of the compacting
182 states.
- 183 6. To purchase and maintain insurance and bonds.

- 184 7. To borrow, accept, hire or contract for services of personnel.
- 185 8. To establish and appoint committees and hire staff which it deems necessary for the carrying out of
- 186 its functions including, but not limited to, an Executive Committee as required by Article III which
- 187 shall have the power to act on behalf of the Interstate Commission in carrying out its powers and
- 188 duties hereunder.
- 189 9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their
- 190 compensation, define their duties and determine their qualifications; and to establish the Interstate
- 191 Commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of
- 192 compensation, and qualifications of personnel.
- 193 10. To accept any and all donations and grants of money, equipment, supplies, materials, and services,
- 194 and to receive, utilize, and dispose of it.
- 195 11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use
- 196 any property, real, personal, or mixed.
- 197 12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property,
- 198 real, personal or mixed.
- 199 13. To establish a budget and make expenditures and levy dues as provided in Article VIII of this
- 200 Compact.
- 201 14. To sue and be sued.
- 202 15. To adopt a seal and by-laws governing the management and operation of the Interstate
- 203 Commission.
- 204 16. To perform such functions as may be necessary or appropriate to achieve the purposes of this
- 205 Compact.
- 206 17. To report annually to the legislatures, governors, judiciary, and State councils of the compacting
- 207 states concerning the activities of the Interstate Commission during the preceding year. Such
- 208 reports shall also include any recommendations that may have been adopted by the Interstate
- 209 Commission.
- 210 18. To coordinate education, training and public awareness regarding the interstate movement of
- 211 juveniles for officials involved in such activity.

- 212 19. To establish uniform standards of the reporting, collecting and exchanging of data.
213 20. The Interstate Commission shall maintain its corporate books and records in accordance with the
214 by-laws.

215 ARTICLE V.

216 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.

217 Section A. By-laws.

- 218 1. The Interstate Commission shall, by a majority of the members present and voting, within twelve
219 months after the first Interstate Commission meeting, adopt by-laws to govern its conduct as may
220 be necessary or appropriate to carry out the purposes of the Compact, including, but not limited to:
221 a. Establishing the fiscal year of the Interstate Commission;
222 b. Establishing an Executive Committee and such other committees as may be necessary;
223 c. Provide for the establishment of committees governing any general or specific delegation of
224 any authority or function of the Interstate Commission;
225 d. Providing reasonable procedures for calling and conducting meetings of the Interstate
226 Commission, and ensuring reasonable notice of each such meeting;
227 e. Establishing the titles and responsibilities of the officers of the Interstate Commission;
228 f. Providing a mechanism for concluding the operations of the Interstate Commission and the
229 return of any surplus funds that may exist upon the termination of the Compact after the
230 payment and/or reserving of all of its debts and obligations.
231 g. Providing "start-up" rules for initial administration of the Compact; and
232 h. Establishing standards and procedures for compliance and technical assistance in carrying out
233 the Compact.

234 Section B. Officers and Staff.

- 235 1. The Interstate Commission shall, by a majority of the members, elect annually from among its
236 members a chairperson and a vice chairperson, each of whom shall have such authority and duties
237 as may be specified in the by-laws. The chairperson or, in the chairperson's absence or disability,
238 the vice-chairperson shall preside at all meetings of the Interstate Commission. The officers so
239 elected shall serve without compensation or remuneration from the Interstate Commission;

240 provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any
241 ordinary and necessary costs and expenses incurred by them in the performance of their duties and
242 responsibilities as officers of the Interstate Commission.

243 2. The Interstate Commission shall, through its Executive Committee, appoint or retain an Executive
244 Director for such period, upon such terms and conditions and for such compensation as the
245 Interstate Commission may deem appropriate. The Executive Director shall serve as secretary to the
246 Interstate Commission, but shall not be a member and shall hire and supervise such other staff as
247 may be authorized by the Interstate Commission.

248 Section C. Qualified Immunity, Defense and Indemnification.

249 1. The Commission's Executive Director and employees shall be immune from suit and liability,
250 either personally or in their official capacity, for any claim for damage to or loss of property or
251 personal injury or other civil liability caused or arising out of or relating to any actual or alleged
252 act, error, or omission that occurred, or that such person had a reasonable basis for believing
253 occurred within the scope of Commission employment, duties, or responsibilities; provided, that
254 any such person shall not be protected from suit or liability for any damage, loss, injury, or liability
255 caused by the intentional or willful and wanton misconduct of any such person.

256 2. The liability of any Commissioner, or the employee or agent of a Commissioner, acting within the
257 scope of such person's employment or duties for acts, errors, or omissions occurring within such
258 person's state may not exceed the limits of liability set forth under the Constitution and laws of that
259 state for state officials, employees, and agents. Nothing in this subsection shall be construed to
260 protect any such person from suit or liability for any damage, loss, injury, or liability caused by the
261 intentional or willful and wanton misconduct of any such person.

262 3. The Interstate Commission shall defend the Executive Director or the employees or representatives
263 of the Interstate Commission and, subject to the approval of the Attorney General of the state
264 represented by any Commissioner of a compacting state, shall defend such Commissioner or the
265 Commissioner's representatives or employees in any civil action seeking to impose liability arising
266 out of any actual or alleged act, error or omission that occurred within the scope of Interstate
267 Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for

268 believing occurred within the scope of Interstate Commission employment, duties, or
269 responsibilities, provided that the actual or alleged act, error, or omission did not result from
270 intentional or willful and wanton misconduct on the part of such person.

271 4. The Interstate Commission shall indemnify and hold the Commissioner of a compacting state, or
272 the Commissioner's representatives or employees, or the Interstate Commission's representatives or
273 employees, harmless in the amount of any settlement or judgment obtained against such persons
274 arising out of any actual or alleged act, error, or omission that occurred within the scope of
275 Interstate Commission employment, duties, or responsibilities, or that such persons had a
276 reasonable basis for believing occurred within the scope of Interstate Commission employment,
277 duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result
278 from intentional or willful and wanton misconduct on the part of such persons.

279 ARTICLE VI.

280 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.

281 A. The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently
282 achieve the purposes of the Compact.

283 B. Rulemaking shall occur pursuant to the criteria set forth in this article and the by-laws and rules
284 adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the
285 'Model State Administrative Procedures Act,' 1981 Act, Uniform Laws Annotated, Vol. 15, p.1
286 (2000), or such other administrative procedures act, as the Interstate Commission deems
287 appropriate consistent with due process requirements under the U.S. Constitution as now or
288 hereafter interpreted by the U. S. Supreme Court. All rules and amendments shall become binding
289 as of the date specified, as published with the final version of the rule as approved by the
290 Commission.

291 C. When promulgating a rule, the Interstate Commission shall, at a minimum:
292 1. publish the proposed rule's entire text stating the reason(s) for that proposed rule;
293 2. allow and invite any and all persons to submit written data, facts, opinions and arguments,
294 which information shall be added to the record, and be made publicly available;
295 3. provide an opportunity for an informal hearing if petitioned by ten (10) or more persons; and

- 296 4. promulgate a final rule and its effective date, if appropriate, based on input from state or local
297 officials, or interested parties.
- 298 D. Allow, not later than sixty days after a rule is promulgated, any interested person to file a petition in
299 the United States District Court for the District of Columbia or in the Federal District Court where
300 the Interstate Commission's principal office is located for judicial review of such rule. If the Court
301 finds that the Interstate Commission's action is not supported by substantial evidence in the
302 rulemaking record, the Court shall hold the rule unlawful and set it aside. For purposes of this
303 subsection, evidence is substantial if it would be considered substantial evidence under the Model
304 State Administrative Procedures Act.
- 305 E. If a majority of the legislatures of the compacting states rejects a rule, those states may, by
306 enactment of a statute or resolution in the same manner used to adopt the Compact, cause that such
307 rule shall have no further force and effect in any compacting state.
- 308 F. The existing rules governing the operation of the Interstate Compact on Juveniles superceded by
309 this Act shall be null and void twelve (12) months after the first meeting of the Interstate
310 Commission created hereunder.
- 311 G. Upon determination by the Interstate Commission that a state-of-emergency exists, it may
312 promulgate an emergency rule which shall become effective immediately upon adoption, provided
313 that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule
314 as soon as reasonably possible, but no later than ninety (90) days after the effective date of the
315 emergency rule.

316 ARTICLE VII.

317 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE 318 COMMISSION.

319 Section A. Oversight.

- 320 1. The Interstate Commission shall oversee the administration and operations of the interstate
321 movement of juveniles subject to this Compact in the compacting states and shall monitor such
322 activities being administered in non-compacting states which may significantly affect compacting
323 states.

324 2. The Courts and executive agencies in each compacting state shall enforce this Compact and shall
325 take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The
326 provisions of this Compact and the rules promulgated hereunder shall be received by all the judges,
327 public officers, commissions, and departments of the State government as evidence of the
328 authorized statute and administrative rules. All Courts shall take judicial notice of the Compact and
329 the rules. In any judicial or administrative proceeding in a compacting state pertaining to the
330 subject matter of this Compact which may affect the powers, responsibilities or actions of the
331 Interstate Commission, it shall be entitled to receive all service of process in any such proceeding,
332 and shall have standing to intervene in the proceeding for all purposes.

333 Section B. Dispute Resolution.

- 334 1. The compacting states shall report to the Interstate Commission on all issues and activities
335 necessary for the administration of the Compact as well as issues and activities pertaining to
336 compliance with the provisions of the Compact and its bylaws and rules.
- 337 2. The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any
338 disputes or other issues which are subject to the Compact and which may arise among compacting
339 states and between compacting and non-compacting states. The Commission shall promulgate a
340 rule providing for both mediation and binding dispute resolution for disputes among the
341 compacting states.
- 342 3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions
343 and rules of this Compact using any or all means set forth in Article XI of this Compact.

344 ARTICLE VIII.

345 FINANCE.

- 346 A. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its
347 establishment, organization and ongoing activities.
- 348 B. The Interstate Commission shall levy on and collect an annual assessment from each compacting
349 state to cover the cost of the internal operations and activities of the Interstate Commission and its
350 staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget
351 as approved each year. The aggregate annual assessment amount shall be allocated based upon a

352 formula to be determined by the Interstate Commission, taking into consideration the population of
353 each compacting state and the volume of interstate movement of juveniles in each compacting state
354 and shall promulgate a rule binding upon all compacting states which governs said assessment.

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

358 D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The
359 receipts and disbursements of the Interstate Commission shall be subject to the audit and
360 accounting procedures established under its by-laws. However, all receipts and disbursements of
361 funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public
362 accountant and the report of the audit shall be included in and become part of the annual report of
363 the Interstate Commission.

364 ARTICLE IX.

365 THE STATE COUNCIL.

366 Each member state shall create a State Council for Interstate Juvenile Supervision. While each state
367 may determine the membership of its own State Council, its membership must include at least one representative
368 from the legislative, judicial, and executive branches of government, victims groups, and the Compact
369 Administrator, Deputy Compact Administrator or designee. Each compacting state retains the right to determine
370 the qualifications of the Compact Administrator or Deputy Administrator. Each State Council will advise and
371 may exercise oversight and advocacy concerning that state's participation in Interstate Commission activities and
372 other duties as may be determined by that state, including but not limited to, development of policy concerning
373 operations and procedures of the Compact within that state.

374 ARTICLE X.

375 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT.

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

- 379 B. The Compact shall become effective and binding upon legislative enactment of the Compact into
380 law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2004 or
381 upon enactment into law by the 35th jurisdiction. Thereafter it shall become effective and binding
382 as to any other compacting state upon enactment of the Compact into law by that state. The
383 governors of non-member states or their designees shall be invited to participate in the activities of
384 the Interstate Commission on a non-voting basis prior to adoption of the Compact by all states and
385 territories of the United States.
- 386 C. The Interstate Commission may propose amendments to the Compact for enactment by the
387 compacting states. No amendment shall become effective and binding upon the Interstate
388 Commission and the compacting states unless and until it is enacted into law by unanimous consent
389 of the compacting states.

390 ARTICLE XI.

391 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT.

392 Section A. Withdrawal.

- 393 1. Once effective, the Compact shall continue in force and remain binding upon each and every
394 compacting state; provided that a compacting state may withdraw from the Compact by specifically
395 repealing the statute which enacted the Compact into law.
- 396 2. The effective date of withdrawal is the effective date of the repeal.
- 397 3. The withdrawing state shall immediately notify the Chairperson of the Interstate Commission in
398 writing upon the introduction of legislation repealing this Compact in the withdrawing state. The
399 Interstate Commission shall notify the other compacting states of the withdrawing state's intent to
400 withdraw within sixty days of its receipt thereof.
- 401 4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through
402 the effective date of withdrawal, including any obligations, the performance of which extend
403 beyond the effective date of withdrawal.
- 404 5. Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing
405 state reenacting the Compact or upon such later date as determined by the Interstate Commission

406 Section B. Technical Assistance, Fines, Suspension, Termination and Default.

- 407 1. If the Interstate Commission determines that any compacting state has at any time defaulted in the
408 performance of any of its obligations or responsibilities under this Compact, or the by-laws or duly
409 promulgated rules, the Interstate Commission may impose any or all of the following penalties:
- 410 a. Remedial training and technical assistance as directed by the Interstate Commission;
 - 411 b. Alternative Dispute Resolution;
 - 412 c. Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate
413 Commission; and
 - 414 d. Suspension or termination of membership in the Compact, which shall be imposed only after
415 all other reasonable means of securing compliance under the by-laws and rules have been
416 exhausted and the Interstate Commission has therefore determined that the offending state is in
417 default. Immediate notice of suspension shall be given by the Interstate Commission to the
418 Governor, the Chief Justice or the Chief Judicial Officer of the state, the majority and minority
419 leaders of the defaulting state's legislature, and the State Council. The grounds for default
420 include, but are not limited to, failure of a compacting state to perform such obligations or
421 responsibilities imposed upon it by this Compact, the by-laws, or duly promulgated rules and
422 any other grounds designated in commission by-laws and rules. The Interstate Commission
423 shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate
424 Commission and of the default pending a cure of the default. The Commission shall stipulate
425 the conditions and the time period within which the defaulting state must cure its default. If
426 the defaulting state fails to cure the default within the time period specified by the
427 Commission, the defaulting state shall be terminated from the Compact upon an affirmative
428 vote of a majority of the compacting states and all rights, privileges and benefits conferred by
429 this Compact shall be terminated from the effective date of termination.
- 430 2. Within sixty days of the effective date of termination of a defaulting state, the Commission shall
431 notify the Governor, the Chief Justice or Chief Judicial Officer, the Majority and Minority Leaders
432 of the defaulting state's legislature, and the State Council of such termination.

- 433 3. The defaulting state is responsible for all assessments, obligations and liabilities incurred through
434 the effective date of termination including any obligations, the performance of which extends
435 beyond the effective date of termination.
- 436 4. The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise
437 mutually agreed upon in writing between the Interstate Commission and the defaulting state.
- 438 5. Reinstatement following termination of any compacting state requires both a reenactment of the
439 Compact by the defaulting state and the approval of the Interstate Commission pursuant to the
440 rules.

441 Section C. Judicial Enforcement.

442 The Interstate Commission may, by majority vote of the members, initiate legal action in the United
443 States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the
444 federal district where the Interstate Commission has its offices, to enforce compliance with the provisions of
445 the Compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event
446 judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including
447 reasonable attorneys fees.

448 Section D. Dissolution of Compact.

- 449 1. The Compact dissolves effective upon the date of the withdrawal or default of the compacting state,
450 which reduces membership in the Compact to one compacting state.
- 451 2. Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no
452 further force or effect, and the business and affairs of the Interstate Commission shall be concluded
453 and any surplus funds shall be distributed in accordance with the by-laws.

454 ARTICLE XII.

455 SEVERABILITY AND CONSTRUCTION.

- 456 A. The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision
457 is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.
- 458 B. The provisions of this Compact shall be liberally construed to effectuate its purposes.

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ARTICLE XIII.

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BINDING EFFECT OF COMPACT AND OTHER LAWS.

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Section A. Other Laws.

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

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2. All compacting states' laws other than state Constitutions and other interstate Compacts conflicting with this Compact are superseded to the extent of the conflict.

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Section B. Binding Effect of the Compact.

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1. All lawful actions of the Interstate Commission, including all rules and by-laws promulgated by the Interstate Commission, are binding upon the compacting states.

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

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

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

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SYNOPSIS

This new Compact updates the law on the proper supervision and return of juveniles under their supervision and replaces a Compact that did not include sex-offender notification, victim notification, or public notification of escapees.