

Senate Bill 245

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Enacts Interstate Compact for Juveniles.

A BILL FOR AN ACT

Relating to Interstate Compact for Juveniles.

Be It Enacted by the People of the State of Oregon:

SECTION 1. The Interstate Compact for Juveniles is hereby enacted into law and entered into on behalf of this state with all other states legally joining in the compact in a form substantially as follows:

ARTICLE I PURPOSE

(a) **The compacting states to this interstate compact recognize that each state is responsible for the proper supervision or return of juveniles who are on probation or parole and who have absconded, escaped or run away from supervision and control. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in so doing have left their states of residence. The compacting states also recognize that the United States Congress, by enacting 4 U.S.C. 112, has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.**

(b) **It is the purpose of this compact, through means of joint and cooperative action among the compacting states, to:**

(1) **Ensure that adjudicated delinquents and adjudicated status offenders are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state;**

(2) **Ensure that the public safety interests of the citizens, including the victims of accused and adjudicated delinquents, in both the sending and receiving states are adequately protected;**

(3) **Ensure that juveniles who have run away, absconded or escaped from supervision or control or have been accused of an offense are returned to the state requesting their return;**

(4) **Encourage contracts for the cooperative institutionalization in public facilities in compacting states for accused and adjudicated delinquents needing special services;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (5) Provide for the effective tracking and supervision of juveniles;

2 (6) Equitably allocate the costs, benefits and obligations of the compacting states;

3 (7) Establish procedures to manage the interstate movement of juveniles released to the
4 community under the jurisdiction of courts, juvenile departments or any other criminal or
5 juvenile justice agency that has jurisdiction over juveniles;

6 (8) Ensure immediate notice to jurisdictions in which defined offenders are authorized to
7 travel or to relocate;

8 (9) Establish procedures to resolve pending charges against juveniles prior to transfer
9 or release to the community under the terms of this compact;

10 (10) Establish a system of uniform data collection pertaining to juveniles subject to this
11 compact that allows access by authorized juvenile justice and criminal justice officials and
12 provides for regular reporting of activities under this compact to heads of the state execu-
13 tive, judicial and legislative branches and juvenile and criminal justice agencies;

14 (11) Monitor compliance with rules governing the interstate movement of juveniles and
15 initiate interventions to address and correct noncompliance;

16 (12) Coordinate training and education regarding the regulation of the interstate move-
17 ment of juveniles for officials involved in the interstate movement of juveniles; and

18 (13) Coordinate the implementation and operation of this compact with the Interstate
19 Compact on the Placement of Children, the Interstate Compact for Adult Offender Super-
20 vision and other compacts affecting juveniles, particularly when concurrent or overlapping
21 supervision issues arise.

22 (c) It is the policy of the compacting states that the activities conducted by the Inter-
23 state Commission for Juveniles that is created in Article III of this compact include the
24 formation of public policies and are public business. Furthermore, the compacting states
25 shall cooperate with each other and observe their individual and collective duties and re-
26 sponsibilities for the prompt return and acceptance of juveniles.

27
28 **ARTICLE II**
29 **DEFINITIONS**

30
31 **As used in this compact, unless the context requires a different construction:**

32 (a) “Accused delinquent” means a person charged with an offense that would be a crim-
33 inal offense if committed by an adult.

34 (b) “Accused status offender” means a person charged with an act that would not be a
35 criminal offense if committed by an adult.

36 (c) “Adjudicated delinquent” means a person found to have committed an offense that
37 would be a criminal offense if committed by an adult.

38 (d) “Adjudicated status offender” means a person found to have committed an act that
39 would not be a criminal offense if committed by an adult.

40 (e) “Bylaws” means bylaws for the governance of the Interstate Commission for Juve-
41 niles or for directing or controlling the interstate commission’s actions or conduct.

42 (f) “Commissioner” means the voting representative of each compacting state appointed
43 to the interstate commission pursuant to Article III of this compact.

44 (g) “Compact administrator” means the individual in each compacting state, appointed
45 pursuant to Article IX of this compact, who is responsible for the administration and man-

1 agement of the state’s supervision and transfer of juveniles subject to the terms of this
 2 compact, the rules promulgated by the interstate commission and the policies adopted by the
 3 State Council for Interstate Juvenile Supervision under this compact.

4 (h) “Compacting state” means any state that has enacted this compact.

5 (i) “Court” means any court having jurisdiction over delinquent, neglected or dependent
 6 children.

7 (j) “Deputy compact administrator” means the individual, if any, in each compacting
 8 state appointed to act on behalf of the compact administrator.

9 (k) “Interstate commission” means the Interstate Commission for Juveniles created in
 10 Article III of this compact.

11 (L) “Juvenile” means any person defined as a juvenile in any compacting state or by the
 12 rules of the interstate commission, including an accused delinquent, adjudicated delinquent,
 13 accused status offender, adjudicated status offender and nonoffender.

14 (m) “Noncompacting state” means any state that has not enacted this compact.

15 (n) “Nonoffender” means a person in need of supervision who has not been accused or
 16 adjudicated as a status offender or delinquent.

17 (o) “Probation or parole” means any kind of supervision or conditional release of juve-
 18 niles authorized under the laws of the compacting states.

19 (p) “Rule” means a written statement by the interstate commission promulgated pursu-
 20 ant to Article VI of this compact that is of general applicability and implements, interprets
 21 or prescribes:

22 (1) A policy or provision of this compact; or

23 (2) An organizational, procedural or practice requirement of the interstate commission.

24 (q) “State” means a state of the United States, the District of Columbia, the Common-
 25 wealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa and the
 26 Northern Mariana Islands.

27
 28 **ARTICLE III**
 29 **INTERSTATE COMMISSION FOR JUVENILES**

30
 31 (a) The compacting states hereby create the Interstate Commission for Juveniles. The
 32 interstate commission is a body corporate and joint agency of the compacting states. The
 33 interstate commission has the responsibilities, powers and duties set forth in this compact
 34 and any additional responsibilities, powers and duties that may be conferred upon the com-
 35 mission by subsequent action of the respective legislatures of the compacting states in ac-
 36 cordance with the terms of this compact.

37 (b) Each compacting state shall appoint one commissioner to the interstate commission.
 38 The appointment shall be made by the appropriate appointing authority in each state pursu-
 39 ant to the rules and requirements of each compacting state and in consultation with the
 40 State Council for Interstate Juvenile Supervision created in Article IX of this compact. The
 41 individual appointed as commissioner must be the compact administrator or deputy compact
 42 administrator from the compacting state.

43 (c) In addition to the commissioners, the interstate commission shall include individuals
 44 who are not commissioners but who are members of interested organizations. The noncom-
 45 missioner members must include a member of the national organizations of governors, leg-

1 islators, state chief justices and attorneys general, members of the Interstate Commission
2 for Adult Offender Supervision and the Interstate Compact on the Placement of Children and
3 persons representing juvenile justice and juvenile corrections officials and crime victims. The
4 interstate commission may provide in its bylaws for additional noncommissioner members,
5 including members of other national organizations. Noncommissioner members of the inter-
6 state commission are nonvoting members.

7 (d) Each compacting state represented at any meeting of the interstate commission is
8 entitled to one vote. A majority of the commissioners constitutes a quorum for the trans-
9 action of business, unless a larger quorum is required in the bylaws.

10 (e) The interstate commission shall meet at least once each calendar year. The chair-
11 person elected under Article V (b)(1) of this compact may call additional meetings and, upon
12 the request of a simple majority of the commissioners, shall call additional meetings.

13 (f) The interstate commission shall establish an executive committee that includes com-
14 mission officers, members and others as determined in the bylaws. The executive committee
15 may act on behalf of the interstate commission during periods when the interstate commis-
16 sion is not in session, but may not promulgate rules or amendments to this compact. The
17 executive committee shall oversee the day-to-day activities of the administration of this
18 compact as managed by an executive director and interstate commission staff, administer
19 enforcement of and compliance with the provisions of this compact and the bylaws and rules,
20 and perform other duties as directed by the interstate commission or as set forth in the
21 bylaws.

22 (g) A commissioner shall cast the vote to which the compacting state represented by the
23 commissioner is entitled and may participate in the business and affairs of the interstate
24 commission. A commissioner shall vote in person and may not delegate a vote to another
25 compacting state. However, a commissioner, in consultation with the State Council for
26 Interstate Juvenile Supervision created in Article IX of this compact, shall appoint a repre-
27 sentative to cast a vote on behalf of the compacting state at a specified meeting at which
28 the commissioner is absent.

29 (h) The bylaws must establish conditions and procedures under which the interstate
30 commission shall make its information and official records available to the public for in-
31 spection or copying. The interstate commission may exempt from disclosure any information
32 or official records to the extent the disclosure of which would adversely affect personal pri-
33 vacy rights or proprietary interests.

34 (i) Public notice must be given of all meetings and all meetings must be open to the
35 public, except as set forth in the rules or as otherwise provided in this compact. The inter-
36 state commission and any of its committees may close a meeting to the public if the inter-
37 state commission or committee determines by a two-thirds vote that the meeting is likely
38 to:

39 (1) Relate solely to the interstate commission's internal personnel practices and proce-
40 dures;

41 (2) Disclose matters specifically exempted from disclosure by statute;

42 (3) Disclose trade secrets or commercial or financial information that is privileged or
43 confidential;

44 (4) Involve accusing a person of a crime or formally censuring a person;

45 (5) Disclose information of a personal nature that would constitute a clearly unwarranted

1 **invasion of personal privacy;**

2 **(6) Disclose investigative records compiled for law enforcement purposes;**

3 **(7) Disclose information contained in or related to reports prepared by, on behalf of or**
 4 **for the use of the interstate commission with respect to a regulated person or entity for the**
 5 **purpose of regulation or supervision of the person or entity;**

6 **(8) Disclose information, the premature disclosure of which would significantly endanger**
 7 **the stability of a regulated person or entity; or**

8 **(9) Specifically relate to the interstate commission's issuance of a subpoena or partic-**
 9 **ipation in a civil action or other legal proceeding.**

10 **(j) For every meeting closed pursuant to subsection (i) of this Article, the interstate**
 11 **commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the**
 12 **meeting may be closed to the public, and shall reference each relevant exemptive provision.**
 13 **The interstate commission shall keep minutes that fully and clearly describe all matters**
 14 **discussed in a meeting and shall provide a full and accurate summary of any actions taken,**
 15 **and the reasons for those actions, including a description of each of the views expressed on**
 16 **any item and the record of any roll call vote. All documents considered in connection with**
 17 **any action shall be identified in the minutes.**

18 **(k) The interstate commission shall collect standardized data concerning the interstate**
 19 **movement of juveniles as directed through its rules, which shall specify the data to be col-**
 20 **lected, the methods of collection and the data exchange and reporting requirements. The**
 21 **methods of data collection, exchange and reporting shall insofar as is reasonably possible**
 22 **conform to up-to-date technology and coordinate the information functions of the interstate**
 23 **commission with the appropriate repository of records.**

24
 25 **ARTICLE IV**
 26 **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**
 27

28 **The Interstate Commission for Juveniles has the following powers and duties:**

29 **(a) To provide for dispute resolution among compacting states.**

30 **(b) To promulgate rules to effect the purposes and obligations enumerated in this com-**
 31 **compact. Rules promulgated by the interstate commission are binding in the compacting states**
 32 **to the extent and in the manner provided in this compact.**

33 **(c) To oversee, supervise and coordinate the interstate movement of juveniles subject to**
 34 **the terms of this compact and to any bylaws adopted and rules promulgated by the interstate**
 35 **commission.**

36 **(d) To enforce compliance with the provisions of this compact and with the bylaws**
 37 **adopted and rules promulgated by the interstate commission, using all necessary and proper**
 38 **means, including but not limited to the use of judicial process.**

39 **(e) To establish and maintain offices located within one or more of the compacting states.**

40 **(f) To purchase and maintain insurance and bonds.**

41 **(g) To borrow, accept, hire or contract for services of personnel.**

42 **(h) To establish and appoint committees and hire staff that the interstate commission**
 43 **deems necessary for carrying out its functions.**

44 **(i) To elect or appoint officers, attorneys, employees, agents or consultants, and to fix**
 45 **their compensation, define their duties and determine their qualifications.**

1 (j) To establish the interstate commission's policies and programs relating to personnel,
2 including conflicts of interest, rates of compensation and qualifications.

3 (k) To accept donations and grants of money, equipment, supplies, materials and ser-
4 vices, and to receive, utilize and dispose of the donations and grants.

5 (L) To lease, purchase or accept contributions or donations of, or otherwise to own, hold,
6 improve or use, any real, personal or mixed property.

7 (m) To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of
8 any real, personal or mixed property.

9 (n) To establish a budget, make expenditures and levy assessments as provided in Article
10 VIII of this compact.

11 (o) To sue and be sued.

12 (p) To adopt a seal and bylaws.

13 (q) To perform such functions as may be necessary and appropriate to achieve the pur-
14 poses of this compact.

15 (r) To report annually to the legislatures, governors, judiciary and state councils of the
16 compacting states concerning the activities of the interstate commission during the preced-
17 ing year. The reports shall also include any recommendations that may have been made by
18 the interstate commission.

19 (s) To coordinate education, training and public awareness regarding the interstate
20 movement of juveniles for officials involved in such activity.

21 (t) To establish uniform standards for collecting, exchanging and reporting data.

22 (u) To maintain corporate books and records in accordance with the bylaws.

23
24 **ARTICLE V**
25 **ORGANIZATION AND OPERATION**
26 **OF THE INTERSTATE COMMISSION**
27

28 (a) The Interstate Commission for Juveniles shall, by a majority of the commissioners
29 present and voting, within 12 months after the first interstate commission meeting, adopt
30 bylaws as may be necessary and appropriate to carry out the purposes of this compact, in-
31 cluding but not limited to:

32 (1) Establishing the fiscal year of the interstate commission;

33 (2) Establishing an executive committee as provided in Article III (f) of this compact and
34 other committees as may be necessary;

35 (3) Providing for the establishment of committees governing any general or specific del-
36 egation of any authority or function of the interstate commission;

37 (4) Providing reasonable procedures for calling and conducting meetings of the interstate
38 commission and ensuring reasonable notice of each meeting;

39 (5) Establishing the responsibilities of the officers of the interstate commission;

40 (6) Providing a mechanism for concluding the operations of the interstate commission
41 and returning surplus funds that may exist upon the termination of this compact after the
42 payment and reserving of all of the interstate commission's debts and obligations;

43 (7) Providing start-up rules for initial administration of this compact;

44 (8) Establishing standards and procedures for compliance with and technical assistance
45 in carrying out the provisions of this compact; and

1 **(9) Providing for members' participation in meetings by telephone or other means of**
2 **telecommunication or electronic communication.**

3 **(b)(1) The interstate commission shall, by a majority of the commissioners, elect annually**
4 **from among its members a chairperson and a vice chairperson, each of whom shall have the**
5 **authority and duties specified in the bylaws. The chairperson or, in the chairperson's absence**
6 **or disability, the vice chairperson shall preside at all meetings of the interstate commission.**
7 **The chairperson and vice chairperson serve without compensation or remuneration from the**
8 **interstate commission. However, subject to the availability of budgeted funds, the chair-**
9 **person and vice chairperson shall be reimbursed for any ordinary and necessary costs and**
10 **expenses incurred by them in the performance of their duties and responsibilities.**

11 **(2) The interstate commission shall, through its executive committee, appoint or retain**
12 **an executive director for the period, upon the terms and conditions and for the compensation**
13 **the interstate commission deems appropriate. The executive director serves as secretary to**
14 **the interstate commission but may not be a member of the interstate commission, and shall**
15 **hire and supervise other staff as authorized by the interstate commission.**

16 **(c)(1) The interstate commission's executive director and employees are immune from**
17 **suit and liability, either personally or in their official capacities, for any claim for damage**
18 **to or loss of property or personal injury or other civil liability caused or arising out of or**
19 **relating to any act, error or omission that occurred, or that the executive director or em-**
20 **ployee had a reasonable basis for believing occurred, within the scope of interstate commis-**
21 **sion employment, duties or responsibilities. However, the executive director or employee is**
22 **not protected from suit or liability for any damage, loss, injury or liability caused by the in-**
23 **tentional or willful and wanton misconduct of the executive director or employee.**

24 **(2) The liability of any commissioner, or the employee or agent of a commissioner, acting**
25 **within the scope of the person's employment or duties for acts, errors or omissions occur-**
26 **ring within the person's state, may not exceed the limits of liability set forth under the**
27 **constitution and laws of that state for state officials, employees and agents. Nothing in this**
28 **paragraph protects the person from suit or liability for any damage, loss, injury or liability**
29 **caused by the intentional or willful and wanton misconduct of the person.**

30 **(3) The interstate commission shall defend the executive director and the employees of**
31 **the interstate commission and, subject to the approval of the Attorney General of the state**
32 **represented by any commissioner, shall defend the commissioner or the commissioner's**
33 **agents or employees in any civil action seeking to impose liability arising out of any act,**
34 **error or omission that occurred within the scope of interstate commission employment, du-**
35 **ties or responsibilities, or that the person had a reasonable basis for believing occurred**
36 **within the scope of interstate commission employment, duties or responsibilities, provided**
37 **that the act, error or omission did not result from intentional or willful and wanton mis-**
38 **conduct on the part of the person.**

39 **(4) The interstate commission shall indemnify and hold the commissioner of a compacting**
40 **state, or the commissioner's agents or employees, or the interstate commission's executive**
41 **director or employees, harmless in the amount of any settlement or judgment obtained**
42 **against the person arising out of any act, error or omission that occurred within the scope**
43 **of interstate commission employment, duties or responsibilities, or that the person had a**
44 **reasonable basis for believing occurred within the scope of interstate commission employ-**
45 **ment, duties or responsibilities, provided that the act, error or omission did not result from**

1 intentional or willful and wanton misconduct on the part of the person.

2
3 **ARTICLE VI**

4 **RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

5
6 (a) The Interstate Commission for Juveniles shall promulgate and publish rules in order
7 to effectively and efficiently achieve the purposes and obligations of this compact.

8 (b) Rulemaking shall occur pursuant to the criteria set forth in this Article and the by-
9 laws adopted pursuant to Article V of this compact. Rulemaking shall substantially conform
10 to the principles of the 1981 Model State Administrative Procedure Act or other administra-
11 tive procedures Act that the interstate commission deems appropriate consistent with due
12 process requirements under the United States Constitution as interpreted by the United
13 States Supreme Court. All rules become binding on the date specified, as published with the
14 final version of the rule approved by the interstate commission.

15 (c) When promulgating a rule, the interstate commission shall, at a minimum:

16 (1) Publish the proposed rule's entire text with a statement of the reason for the pro-
17 posed rule;

18 (2) Allow and invite any and all persons to submit written data, facts, opinions and ar-
19 guments that shall be added to the record and made publicly available;

20 (3) Provide an opportunity for an informal hearing if requested by petition of 10 or more
21 persons; and

22 (4) Promulgate the final rule and its effective date, if appropriate, based on input from
23 state or local officials, or interested persons.

24 (d) Not later than 60 days after a final rule is promulgated, any interested person may
25 file a petition in the United States District Court for the District of Columbia or in the fed-
26 eral district court for the district where the interstate commission's principal office is lo-
27 cated for judicial review of the rule. If the court finds that the interstate commission's
28 action is not supported by substantial evidence in the rulemaking record, the court shall hold
29 the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if
30 it would be considered substantial evidence under the 1981 Model State Administrative Pro-
31 cedure Act.

32 (e) If a majority of the legislatures of the compacting states rejects a rule, those states
33 may, by enactment of a statute or resolution in the same manner used to adopt the compact,
34 provide that the rule has no further force and effect in any compacting state.

35 (f) The existing rules governing the operation of the Interstate Compact on Juveniles
36 superseded by this compact are null and void 12 months after the first meeting of the
37 interstate commission created in Article III of this compact.

38 (g) Upon determination by the interstate commission that an emergency exists, the
39 interstate commission may promulgate an emergency rule that becomes effective imme-
40 diately upon promulgation provided that the usual rulemaking procedures provided pursuant
41 to this compact shall be retroactively applied to the rule as soon as reasonably possible, but
42 no later than 90 days after the effective date of the emergency rule.

43
44 **ARTICLE VII**

45 **OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION**

BY THE INTERSTATE COMMISSION

1
2
3 (a)(1) The Interstate Commission for Juveniles shall oversee the interstate movement of
4 juveniles in the compacting states and shall monitor the interstate movement of juveniles in
5 noncompacting states that may significantly affect compacting states.

6 (2) The courts and executive agencies in each compacting state shall enforce this com-
7 pact and take all actions necessary and appropriate to effectuate this compact's purposes
8 and intent. The provisions of this compact and the rules promulgated under this compact
9 shall be received by all the judges, public officers, commissions and departments of the state
10 governments of the compacting states as evidence of the authorized statute and adminis-
11 trative rules. All courts shall take judicial notice of this compact and the rules promulgated
12 pursuant to it. In any judicial or administrative proceeding in a compacting state pertaining
13 to the subject matter of this compact that may affect the powers, responsibilities or duties
14 of the interstate commission, the interstate commission shall receive all service of process
15 in the proceeding and has standing to intervene in the proceeding for all purposes.

16 (b)(1) The compacting states shall report to the interstate commission on all issues and
17 activities necessary for the administration of this compact as well as issues and activities
18 pertaining to compliance with the provisions of this compact and the bylaws and rules.

19 (2) The interstate commission shall attempt, upon the request of a compacting state, to
20 resolve any disputes or other issues that are subject to this compact and that may arise
21 among compacting states and between compacting states and noncompacting states. The
22 interstate commission shall promulgate a rule providing for both mediation and binding dis-
23 pute resolution for disputes among the compacting states.

24 (3) The interstate commission, in the reasonable exercise of its discretion, shall enforce
25 the provisions and rules of this compact using any or all means set forth in Article XI of this
26 compact.

ARTICLE VIII
FINANCE

27
28
29
30
31 (a) The Interstate Commission for Juveniles shall pay or provide for the payment of its
32 expenses.

33 (b) The interstate commission shall levy on and collect an annual assessment from each
34 compacting state to cover the cost of the internal operations and activities of the interstate
35 commission. The assessment must be in an amount sufficient to cover the interstate com-
36 mission's annual budget as approved each year. The aggregate annual assessment amount
37 shall be allocated based upon a formula to be determined by the interstate commission,
38 taking into consideration the population of each compacting state and the volume of inter-
39 state movement of juveniles in each compacting state. The interstate commission shall
40 promulgate a rule that governs the assessment.

41 (c) The interstate commission may not incur any obligations of any kind before securing
42 funds adequate to meet those obligations and may not pledge the credit of any of the com-
43 pacting states, except by and with the authority of the compacting state.

44 (d) The interstate commission shall keep accurate accounts of all receipts and disburse-
45 ments. In addition to any audit required by the bylaws, all receipts and disbursements of

1 funds handled by the interstate commission shall be audited yearly by a certified or licensed
 2 public accountant, and the report of the audit shall be included in and become part of the
 3 annual report of the interstate commission.

4 (e) An assessment levied or any other financial obligation imposed under this compact
 5 is effective against the State of Oregon only to the extent that moneys to pay the assessment
 6 or meet the financial obligation have been appropriated to the Oregon Youth Authority and
 7 deposited in the Oregon Youth Authority Account established in ORS 420A.030.

8
 9 **ARTICLE IX**
 10 **STATE COUNCIL FOR**
 11 **INTERSTATE JUVENILE SUPERVISION**
 12

13 Each compacting state shall create a State Council for Interstate Juvenile Supervision.
 14 While each compacting state may determine the membership of its own state council, the
 15 membership of each state council must include at least one representative from the legisla-
 16 tive, judicial and executive branches of government, at least one person representing victims'
 17 groups and the state's compact administrator or deputy compact administrator. Each com-
 18 pacting state retains the right to determine the qualifications of and to appoint the compact
 19 administrator and deputy compact administrator. The compact administrator is responsible
 20 for the administration and management of the state's supervision and transfer of juveniles
 21 subject to the terms of this compact, the rules promulgated by the Interstate Commission
 22 for Juveniles and the policies adopted by the state council under this compact. Each state
 23 council shall advise and may exercise oversight and advocacy concerning that state's par-
 24 ticipation in interstate commission activities and other duties, including but not limited to
 25 development of policy concerning operations and procedures of this compact within that
 26 state.
 27

28 **ARTICLE X**
 29 **COMPACTING STATES, EFFECTIVE DATE AND AMENDMENTS**
 30

31 (a) Any state is eligible to become a compacting state.

32 (b) This compact becomes effective and binding upon legislative enactment of the com-
 33 pact into law by no fewer than 35 states. The initial effective date shall be the later of July
 34 1, 2004, or upon the effective date of the compact's enactment by the 35th jurisdiction.
 35 Thereafter this compact becomes effective and binding as to any other compacting state
 36 upon enactment of the compact into law by that state. The governors of noncompacting
 37 states or their designees shall be invited to participate in the activities of the Interstate
 38 Commission for Juveniles on a nonvoting basis prior to enactment of the compact by all
 39 states.

40 (c) The interstate commission may propose amendments to the compact for enactment
 41 by the compacting states. An amendment does not become effective and binding upon the
 42 interstate commission and the compacting states unless and until it is enacted into law by
 43 unanimous consent of the compacting states.
 44

45 **ARTICLE XI**

**WITHDRAWAL, DEFAULT, TERMINATION
AND JUDICIAL ENFORCEMENT**

1
2
3
4 (a)(1) Once effective, this compact continues in force and remains binding on each com-
5 pacting state. A compacting state may withdraw from the compact by repealing the statute
6 that enacted the compact into law.

7 (2) The effective date of withdrawal is the effective date of the repeal.

8 (3) A compacting state that intends to withdraw from the compact shall immediately
9 notify the chairperson of the Interstate Commission for Juveniles in writing upon the in-
10 troduction of legislation repealing this compact in that state. No later than 60 days after the
11 chairperson receives notice under this paragraph, the chairperson shall notify the other
12 compacting states of the state's intent to withdraw.

13 (4) A state that withdraws from the compact is responsible for all assessments, obli-
14 gations and liabilities incurred through the effective date of withdrawal, including any obli-
15 gations the performance of which extends beyond the effective date of withdrawal.

16 (5) Reinstatement following withdrawal of a state occurs upon reenactment of the com-
17 pact by the withdrawing state or upon a later date determined by the interstate commission.

18 (b)(1) If the interstate commission determines that any compacting state has at any time
19 defaulted in the performance of any of its obligations or responsibilities under this compact,
20 or the bylaws or rules, the interstate commission may impose any or all of the following
21 penalties:

22 (i) Remedial training and technical assistance as directed by the interstate commission;

23 (ii) Alternative dispute resolution;

24 (iii) Fines, fees and costs in amounts deemed to be reasonable as fixed by the interstate
25 commission; and

26 (iv) Suspension or termination of membership in the compact, which shall be imposed
27 only after all other reasonable means of securing compliance under the bylaws and rules
28 have been exhausted and the interstate commission has determined that the compacting
29 state is in default.

30 (2) The grounds for default include, but are not limited to, failure of a compacting state
31 to perform the obligations or responsibilities imposed upon the state by this compact, the
32 bylaws or rules and any other grounds designated in the bylaws and rules. The interstate
33 commission shall immediately notify the defaulting state in writing of the penalty imposed
34 by the interstate commission and of the default. If the penalty imposed is suspension, the
35 interstate commission shall give immediate notice of suspension to the Governor of the de-
36 faulting state, the Chief Justice or the chief judicial officer of the defaulting state, the ma-
37 jority and minority leaders of the defaulting state's legislature and the state council created
38 under Article IX of this compact. The interstate commission shall specify the conditions and
39 the time period within which the defaulting state may cure its default. If the defaulting state
40 fails to cure the default within the time period specified by the interstate commission, the
41 interstate commission may terminate the defaulting state's membership in the compact by
42 a majority vote of the commissioners. All rights, privileges and benefits conferred by this
43 compact are terminated from the effective date of termination of the membership.

44 (3) Within 60 days of the effective date of termination of the membership of a defaulting
45 state, the interstate commission shall notify the Governor, the Chief Justice or chief judicial

1 officer, the majority and minority leaders of the defaulting state's legislature and the state
2 council created under Article IX of this compact of the termination.

3 (4) The defaulting state is responsible for all assessments, obligations and liabilities in-
4 curred through the effective date of termination, including any obligations the performance
5 of which extends beyond the effective date of termination.

6 (5) The interstate commission has no responsibility for costs relating to the defaulting
7 state unless otherwise mutually agreed upon in writing between the interstate commission
8 and the defaulting state.

9 (6) Reinstatement following termination of the membership of a defaulting state requires
10 both a reenactment of the compact by the defaulting state and the approval of the interstate
11 commission pursuant to its rules.

12 (c) The interstate commission may, by majority vote of the commissioners, initiate legal
13 action in the United States District Court for the District of Columbia or, at the discretion
14 of the interstate commission, in the federal district court for the district in which the
15 interstate commission's principal office is located, to enforce compliance with the provisions
16 of the compact and with the bylaws and rules, against any compacting state that is in de-
17 fault. If judicial enforcement is necessary, the prevailing party shall be awarded all costs of
18 litigation, including reasonable attorney fees.

19 (d)(1) This compact dissolves effective upon the date of the withdrawal of a compacting
20 state or the termination of the membership of a compacting state if the withdrawal or ter-
21 mination reduces membership in the compact to one compacting state.

22 (2) Upon the dissolution of this compact, the compact becomes null and void and has no
23 further force or effect, and the business and affairs of the interstate commission shall be
24 concluded and any surplus funds shall be distributed in accordance with the bylaws.

25
26 **ARTICLE XII**
27 **SEVERABILITY AND CONSTRUCTION**
28

29 (a) The provisions of this compact are severable, and if any phrase, clause, sentence or
30 provision is deemed unenforceable, the remaining provisions of this compact are enforceable.

31 (b) The provisions of this compact shall be liberally construed to effectuate its purposes.
32

33 **ARTICLE XIII**
34 **BINDING EFFECT OF COMPACT AND OTHER LAWS**
35

36 (a)(1) Nothing in this compact prevents the enforcement of any other law of a compacting
37 state that is consistent with this compact.

38 (2) All compacting states' laws, other than state constitutions and other interstate
39 compacts, conflicting with this compact are superseded to the extent of the conflict.

40 (b)(1) All lawful actions of the Interstate Commission for Juveniles, including all bylaws
41 adopted and rules promulgated by the interstate commission, are binding upon the com-
42 pacting states.

43 (2) All agreements between the interstate commission and the compacting states are
44 binding in accordance with their terms.

45 (3) Upon the request of a party to a conflict over the meaning or interpretation of

1 interstate commission actions, and upon a majority vote of the commissioners, the interstate
2 commission may issue advisory opinions regarding the meaning or interpretation.

3 (4) If any provision of this compact exceeds the constitutional limits imposed on the
4 legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to
5 be conferred by the provision upon the interstate commission is ineffective and the obli-
6 gations, duties, powers or jurisdiction remains in the compacting state.

7 _____

8

9
