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H.749

Introduced by Representative Pugh of South Burlington

Referred to Committee on

Date:

Subject: Human services; Interstate Compact for Juveniles

Statement of purpose: This bill proposes to enact an updated version of the Interstate Compact for Juveniles, an earlier version of which was adopted in Vermont in 1967.

An act relating to the Interstate Compact for Juveniles

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 33 V.S.A. chapter 57 is amended by repealing sections 5701–5715 and adding sections 5721–5733 to read:

§ 5721. PURPOSE

(a) The compacting states to this Interstate Compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and in so doing have endangered their own safety and the safety of others. 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 state of

1 residence. The compacting states also recognize that Congress, by enacting the
2 Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and
3 encouraged compacts for cooperative efforts and mutual assistance in the
4 prevention of crime.

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

7 (1) ensure that the adjudicated juveniles and status offenders subject to
8 this compact are provided adequate supervision and services in the receiving
9 state as ordered by the adjudicating judge or parole authority in the sending
10 state;

11 (2) ensure that the public safety interests of the citizens, including the
12 victims of juvenile offenders, in both the sending and receiving states are
13 adequately protected;

14 (3) return juveniles who have run away, absconded, or escaped from
15 supervision or control or have been accused of an offense to the state
16 requesting their return;

17 (4) make contracts for the cooperative institutionalization in public
18 facilities in member states for delinquent youth needing special services;

19 (5) provide for the effective tracking and supervision of juveniles;

20 (6) equitably allocate the costs, benefits, and obligations of the
21 compacting states;

1 (7) establish procedures to manage the movement between states of
2 juvenile offenders released to the community under the jurisdiction of courts,
3 juvenile departments, or any other criminal or juvenile justice agency which
4 has jurisdiction over juvenile offenders;

5 (8) ensure immediate notice to jurisdictions where defined offenders are
6 authorized to travel or to relocate across state lines;

7 (9) establish procedures to resolve pending charges (detainers) against
8 juvenile offenders prior to transfer or release to the community under the terms
9 of this compact;

10 (10) establish a system of uniform data collection on information
11 pertaining to juveniles subject to this compact that allows access by authorized
12 juvenile justice and criminal justice officials, and regular reporting of compact
13 activities to heads of state, executive, judicial, and legislative branches, and
14 juvenile and criminal justice administrators;

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

17 (12) coordinate training and education regarding the regulation of
18 interstate movement of juveniles for officials involved in such activity; and

19 (13) coordinate the implementation and operation of the compact with
20 the Interstate Compact for the Placement of Children, the Interstate Compact
21 for Adult Offender Supervision, and other compacts affecting juveniles,

1 particularly in those cases where concurrent or overlapping supervision issues
2 arise.

3 (c) It is the policy of the compacting states that the activities conducted by
4 the Interstate Commission created in this chapter are the formation of public
5 policies and therefore are public business. Furthermore, the compacting states
6 shall cooperate and observe their individual and collective duties and
7 responsibilities for the prompt return and acceptance of juveniles subject to the
8 provisions of this compact. The provisions of this compact shall be reasonably
9 and liberally construed to accomplish the purposes and policies of the compact.

10 § 5722. DEFINITIONS

11 As used in this chapter, unless the context clearly requires a different
12 construction:

13 (1) "Bylaws" means those bylaws established by the Interstate
14 Commission for its governance, or for directing or controlling its actions or
15 conduct.

16 (2) "Commissioner" means the voting representative of each
17 compacting state appointed pursuant to section 5723 of this title.

18 (3) "Compact administrator" means the individual in each compacting
19 state appointed pursuant to the terms of this compact responsible for the
20 administration and management of the state's supervision and transfer of
21 juveniles subject to the terms of this compact, the rules adopted by the

1 Interstate Commission, and policies adopted by the state council under this
2 compact.

3 (4) “Compacting state” means any state which has enacted the enabling
4 legislation for this compact.

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

7 (6) “Deputy compact administrator” means the individual, if any, in
8 each compacting state appointed to act on behalf of a compact administrator
9 pursuant to the terms of this compact responsible for the administration and
10 management of the state’s supervision and transfer of juveniles subject to the
11 terms of this compact, the rules adopted by the interstate commission, and
12 policies adopted by the state council under this compact.

13 (7) “Interstate commission” means the Interstate Commission for
14 juveniles created by section 5723 of this title.

15 (8) “Juvenile” means any person defined as a juvenile in any member
16 state or by the rules of the Interstate Commission, including:

17 (A) an accused delinquent (a person charged with an offense that, if
18 committed by an adult, would be a criminal offense);

19 (B) an adjudicated delinquent (a person found to have committed an
20 offense that, if committed by an adult, would be a criminal offense);

1 (C) an accused status offender (a person charged with an offense that
2 would not be a criminal offense if committed by an adult);

3 (D) an adjudicated status offender (a person found to have committed
4 an offense that would not be a criminal offense if committed by an adult); and

5 (E) a nonoffender (a person in need of supervision who has not been
6 accused or adjudicated a status offender or delinquent).

7 (9) “Noncompacting state” means any state which has not enacted the
8 enabling legislation for this compact.

9 (10) “Probation or parole” means any kind of supervision or conditional
10 release of juveniles authorized under the laws of the compacting states.

11 (11) “Rule” means a written statement by the Interstate Commission
12 promulgated pursuant to section 5726 of this title that is of general
13 applicability; implements, interprets, or prescribes a policy or provision of the
14 compact, or an organizational, procedural, or practice requirement of the
15 commission; and has the force and effect of statutory law in a compacting
16 state, and includes the amendment, repeal, or suspension of an existing rule.

17 (12) “State” means a state of the United States, the District of Columbia
18 (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands,
19 Guam, American Samoa, and the Northern Marianas Islands.

1 § 5723. INTERSTATE COMMISSION FOR JUVENILES

2 (a) The compacting states hereby create the Interstate Commission for
3 Juveniles. The commission shall be a body corporate and joint agency of the
4 compacting states. The commission shall have all the responsibilities, powers,
5 and duties set forth in this chapter, and such additional powers as may be
6 conferred upon it by subsequent action of the respective legislatures of the
7 compacting states in accordance with the terms of this compact.

8 (b) The Interstate Commission shall consist of commissioners appointed by
9 the appropriate appointing authority in each state pursuant to the rules and
10 requirements of each compacting state and in consultation with the state
11 council for interstate juvenile supervision created in this chapter. The
12 commissioner shall be the compact administrator, deputy compact
13 administrator, or designee from that state who shall serve on the Interstate
14 Commission in such capacity under or pursuant to the applicable law of the
15 compacting state.

16 (c) In addition to the commissioners who are the voting representatives of
17 each state, the Interstate Commission shall include individuals who are not
18 commissioners, but who are members of interested organizations. The
19 noncommissioner members shall include a member of the National
20 Organizations of Governors, legislators, state chief justices, attorneys general,
21 Interstate Compact for Adult Offender Supervision, Interstate Compact for the

1 Placement of Children, juvenile justice and juvenile corrections officials, and
2 crime victims. All noncommissioner members of the Interstate Commission
3 shall be ex-officio (nonvoting) members. The Interstate Commission may
4 provide in its bylaws for such additional ex-officio members, including
5 members of other national organizations, in such numbers as shall be
6 determined by the commission.

7 (d) Each compacting state represented at any meeting of the commission is
8 entitled to one vote. A majority of the compacting states shall constitute a
9 quorum for the transaction of business, unless a larger quorum is required by
10 the bylaws of the Interstate Commission.

11 (e) The commission shall meet at least once each calendar year. The
12 chairperson may call additional meetings and, upon the request of a simple
13 majority of the compacting states, shall call additional meetings. Public notice
14 shall be given of all meetings, and meetings shall be open to the public.

15 (f) The Interstate Commission shall establish an executive committee,
16 which shall include commission officers, members, and others as determined
17 by the bylaws. The executive committee shall have the power to act on behalf
18 of the Interstate Commission during periods when the Interstate Commission is
19 not in session, with the exception of rulemaking or amending the compact.
20 The executive committee shall: oversee the day-to-day activities of the
21 administration of the compact, managed by an executive director and Interstate

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

4 (g) Each member of the Interstate Commission shall have the right and
5 power to cast a vote to which that compacting state is entitled and to
6 participate in the business and affairs of the Interstate Commission. A member
7 shall vote in person and shall not delegate a vote to another compacting state.
8 However, a commissioner, in consultation with the state council, shall appoint
9 another authorized representative, in the absence of the commissioner from
10 that state, to cast a vote on behalf of the compacting state at a specified
11 meeting. The bylaws may provide for members' participation in meetings by
12 telephone or other means of telecommunication or electronic communication.

13 (h) The Interstate Commission's bylaws shall establish conditions and
14 procedures under which the Interstate Commission shall make its information
15 and official records available to the public for inspection or copying. The
16 Interstate Commission may exempt from disclosure any information or official
17 records to the extent they would adversely affect personal privacy rights or
18 proprietary interests.

19 (i) Public notice shall be given of all meetings and all meetings shall be
20 open to the public, except as set forth in the rules or as otherwise provided in
21 the compact. The Interstate Commission and any of its committees may close

1 a meeting to the public where it determines by two-thirds vote that an open
2 meeting would be likely to:

3 (1) relate solely to the Interstate Commission's internal personnel
4 practices and procedures;

5 (2) disclose matters specifically exempted from disclosure by statute;

6 (3) disclose trade secrets or commercial or financial information which
7 is privileged or confidential;

8 (4) involve accusing any person of a crime, or formally censuring any
9 person;

10 (5) disclose information of a personal nature where disclosure would
11 constitute a clearly unwarranted invasion of personal privacy;

12 (6) disclose investigative records compiled for law enforcement
13 purposes;

14 (7) disclose information contained in or related to examination,
15 operating, or condition reports prepared by or on behalf of or for the use of the
16 Interstate Commission with respect to a regulated person or entity for the
17 purpose of regulation or supervision of such person or entity;

18 (8) disclose information, the premature disclosure of which would
19 significantly endanger the stability of a regulated person or entity; or

20 (9) specifically relate to the Interstate Commission's issuance of a
21 subpoena, or its participation in a civil action or other legal proceeding.

1 (j) For every meeting closed pursuant to this provision, the Interstate
2 Commission's legal counsel shall publicly certify that, in the legal counsel's
3 opinion, the meeting may be closed to the public, and shall reference each
4 relevant exemptive provision. The Interstate Commission shall keep minutes
5 which shall fully and clearly describe all matters discussed in any meeting and
6 shall provide a full and accurate summary of any actions taken, and the reasons
7 therefore, including a description of each of the views expressed on any item
8 and the record of any roll call vote (reflected in the vote of each member on the
9 question). All documents considered in connection with any action shall be
10 identified in such minutes.

11 (k) The Interstate Commission shall collect standardized data concerning
12 the interstate movement of juveniles as directed through its rules which shall
13 specify the data to be collected, the means of collection, and data exchange and
14 reporting requirements. Such methods of data collection, exchange, and
15 reporting shall, insofar as is reasonably possible, conform to up-to-date
16 technology and coordinate its information functions with the appropriate
17 repository of records.

18 § 5724. POWERS AND DUTIES

19 (a) The commission shall have the following powers and duties:

20 (1) To provide for dispute resolution among compacting states.

1 (2) To promulgate rules to effect the purposes and obligations as
2 enumerated in this compact, which shall have the force and effect of statutory
3 law and shall be binding in the compacting states to the extent and in the
4 manner provided in this compact.

5 (3) To oversee, supervise, and coordinate the interstate movement of
6 juveniles subject to the terms of this compact and any bylaws adopted and
7 rules promulgated by the Interstate Commission.

8 (4) To enforce compliance with the compact provisions, the rules
9 promulgated by the Interstate Commission, and the bylaws, using all necessary
10 and proper means, including the use of judicial process.

11 (5) To establish and maintain offices which shall be located within one
12 or more of the compacting states.

13 (6) To purchase and maintain insurance and bonds.

14 (7) To borrow, accept, hire, or contract for services of personnel.

15 (8) To establish and appoint committees and hire staff which it deems
16 necessary for the carrying out of its functions, including an executive
17 committee as required by section 5723 of this title which shall have the power
18 to act on behalf of the Interstate Commission in carrying out its powers and
19 duties hereunder.

20 (9) To elect or appoint such officers, attorneys, employees, agents, or
21 consultants, and to fix their compensation, define their duties, and determine

1 their qualifications; and to establish the Interstate Commission's personnel
2 policies and programs relating to, inter alia, conflicts of interest, rates of
3 compensation, and qualifications of personnel.

4 (10) To accept any and all donations and grants of money, equipment,
5 supplies, materials, and services, and to receive, utilize, and dispose of it.

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

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

10 (13) To establish a budget and make expenditures and levy dues as
11 provided in section 5728 of this title.

12 (14) To sue and be sued.

13 (15) To adopt a seal and bylaws governing the management and
14 operation of the Interstate Commission.

15 (16) To perform such functions as may be necessary or appropriate to
16 achieve the purposes of this compact.

17 (17) To report annually to the legislatures, governors, judiciary, and
18 state councils of the compacting states concerning the activities of the
19 Interstate Commission during the preceding year. Such reports shall also
20 include any recommendations that may have been adopted by the Interstate
21 Commission.

1 (18) To coordinate education, training, and public awareness regarding
2 the interstate movement of juveniles for officials involved in such activity.

3 (19) To establish uniform standards of the reporting, collecting, and
4 exchanging of data.

5 (b) The Interstate Commission shall maintain its corporate books and
6 records in accordance with the bylaws.

7 § 5725. ORGANIZATION AND OPERATION

8 (a) Bylaws. The Interstate Commission shall, by a majority of the
9 members present and voting, within 12 months after the first Interstate
10 Commission meeting, adopt bylaws to govern its conduct as may be necessary
11 or appropriate to carry out the purposes of the compact, including:

12 (1) establishing the fiscal year of the Interstate Commission;

13 (2) establishing an executive committee and such other committees as
14 may be necessary;

15 (3) providing for the establishment of committees governing any general
16 or specific delegation of any authority or function of the Interstate
17 Commission;

18 (4) providing reasonable procedures for calling and conducting meetings
19 of the Interstate Commission, and ensuring reasonable notice of each such
20 meeting;

1 (5) establishing the titles and responsibilities of the officers of the
2 Interstate Commission;

3 (6) providing a mechanism for concluding the operations of the
4 Interstate Commission and the return of any surplus funds that may exist upon
5 the termination of the compact after the payment or reserving of all of its debts
6 and obligations.

7 (7) providing start-up rules for initial administration of the compact; and
8 (8) establishing standards and procedures for compliance and technical
9 assistance in carrying out the compact.

10 (b) Officers and staff.

11 (1) The Interstate Commission shall, by a majority of its members, elect
12 annually from among its members a chairperson and a vice chairperson, each
13 of whom shall have such authority and duties as may be specified in the
14 bylaws. The chairperson or, in the chairperson's absence or disability, the vice
15 chairperson, shall preside at all meetings of the Interstate Commission. The
16 officers so elected shall serve without compensation or remuneration from the
17 Interstate Commission, provided that, subject to the availability of budgeted
18 funds, the officers shall be reimbursed for any ordinary and necessary costs
19 and expenses incurred by them in the performance of their duties and
20 responsibilities as officers of the Interstate Commission.

1 (2) The Interstate Commission shall, through its executive committee,
2 appoint or retain an executive director for such period, upon such terms and
3 conditions, and for such compensation as the Interstate Commission may deem
4 appropriate. The executive director shall serve as secretary to the Interstate
5 Commission, but shall not be a member and shall hire and supervise such other
6 staff as may be authorized by the Interstate Commission.

7 (c) Qualified immunity, defense, and indemnification.

8 (1) The commission's executive director and employees shall be
9 immune from suit and liability, either personally or in their official capacity,
10 for any claim for damage to or loss of property or personal injury or other civil
11 liability caused or arising out of or relating to any actual or alleged act, error,
12 or omission that occurred, or that such person had a reasonable basis for
13 believing occurred within the scope of commission employment, duties, or
14 responsibilities, provided, that any such person shall not be protected from suit
15 or liability for any damage, loss, injury, or liability caused by the intentional or
16 willful and wanton misconduct of any such person.

17 (2) The liability of any commissioner, or the employee or agent of a
18 commissioner, acting within the scope of such person's employment or duties
19 for acts, errors, or omissions occurring within such person's state may not
20 exceed the limits of liability set forth under the Constitution and laws of that
21 state for state officials, employees, and agents. Nothing in this subsection shall

1 be construed to protect any such person from suit or liability for any damage,
2 loss, injury, or liability caused by the intentional or willful and wanton
3 misconduct of any such person.

4 (3) The Interstate Commission shall defend the executive director or the
5 employees or representatives of the Interstate Commission and, subject to the
6 approval of the attorney general of the state represented by any commissioner
7 of a compacting state, shall defend such commissioner or the commissioner's
8 representatives or employees in any civil action seeking to impose liability
9 arising out of any actual or alleged act, error, or omission that occurred within
10 the scope of Interstate Commission employment, duties, or responsibilities, or
11 that the defendant had a reasonable basis for believing occurred within the
12 scope of Interstate Commission employment, duties, or responsibilities,
13 provided that the actual or alleged act, error, or omission did not result from
14 intentional or willful and wanton misconduct on the part of such person.

15 (4) The Interstate Commission shall indemnify and hold the
16 commissioner of a compacting state, or the commissioner's representatives or
17 employees, or the Interstate Commission's representatives or employees,
18 harmless in the amount of any settlement or judgment obtained against such
19 persons arising out of any actual or alleged act, error, or omission that occurred
20 within the scope of Interstate Commission employment, duties, or
21 responsibilities, or that such persons had a reasonable basis for believing

1 occurred within the scope of Interstate Commission employment, duties, or
2 responsibilities, provided that the actual or alleged act, error, or omission did
3 not result from intentional or willful and wanton misconduct on the part of
4 such persons.

5 § 5726. RULEMAKING

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

8 (b) Rulemaking shall occur pursuant to the criteria set forth in this section
9 and the bylaws and rules adopted under it. Such rulemaking shall substantially
10 conform to the principles of the “Model State Administrative Procedures Act,”
11 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other
12 administrative procedures act as the Interstate Commission deems appropriate,
13 consistent with due process requirements under the United States and Vermont
14 Constitutions. All rules and amendments shall become binding as of the date
15 specified, as published with the final version of the rule as approved by the
16 Commission.

17 (c) When promulgating a rule, the Interstate Commission shall, at a
18 minimum:

19 (1) publish the proposed rule’s entire text, stating the reason for the
20 proposed rule;

1 (2) allow and invite any and all persons to submit written data, facts,
2 opinions, and arguments, which information shall be added to the record and
3 made publicly available;

4 (3) provide an opportunity for an informal hearing if petitioned by 10 or
5 more persons; and

6 (4) promulgate a final rule and its effective date, if appropriate, based on
7 input from state or local officials, or interested parties.

8 (d) The Interstate Commission shall allow any interested person to file a
9 petition for judicial review of a rule not later than 60 days after the rule is
10 promulgated. The petition shall be filed in the United States District Court for
11 the District of Columbia or in the Federal District Court where the Interstate
12 Commission's principal office is located. If the court finds that the Interstate
13 Commission's action is not supported by substantial evidence in the
14 rulemaking record, the court shall hold the rule unlawful and set it aside. For
15 purposes of this subsection, evidence is substantial if it would be considered
16 substantial evidence under the Model State Administrative Procedures Act.

17 (e) If a majority of the legislatures of the compacting states rejects a rule,
18 those states may, by enactment of a statute or resolution in the same manner
19 used to adopt the compact, cause that such rule shall have no further force and
20 effect in any compacting state.

1 (f) The existing rules governing the operation of the Interstate Compact on
2 Juveniles superseded by this chapter shall be null and void 12 months after the
3 first meeting of the Interstate Commission created by section 5723 of this title.

4 (g) Upon determination by the Interstate Commission that a
5 state-of-emergency exists, it may promulgate an emergency rule which shall
6 become effective immediately upon adoption, provided that the usual
7 rulemaking procedures of this section shall be retroactively applied to said rule
8 as soon as reasonably possible, but no later than 90 days after the effective date
9 of the emergency rule.

10 § 5727. OVERSIGHT; ENFORCEMENT; DISPUTE RESOLUTION

11 (a) Oversight.

12 (1) The Interstate Commission shall oversee the administration and
13 operations of the interstate movement of juveniles subject to this compact in
14 the compacting states and shall monitor such activities being administered in
15 noncompacting states which may significantly affect compacting states.

16 (2) The courts and executive agencies in each compacting state shall
17 enforce this compact and shall take all actions necessary and appropriate to
18 effectuate the compact's purposes and intent. The provisions of this compact
19 and the rules promulgated hereunder shall be received by all the judges, public
20 officers, commissions, and departments of the state government as evidence of
21 the authorized statute and administrative rules. All courts shall take judicial

1 notice of the compact and the rules. In any judicial or administrative
2 proceeding in a compacting state pertaining to the subject matter of this
3 compact which may affect the powers, responsibilities or actions of the
4 Interstate Commission, it shall be entitled to receive all service of process in
5 any such proceeding, and shall have standing to intervene in the proceeding for
6 all purposes.

7 (b) Dispute resolution.

8 (1) The compacting states shall report to the Interstate Commission on
9 all issues and activities necessary for the administration of the compact as well
10 as issues and activities pertaining to compliance with the provisions of the
11 compact and its bylaws and rules.

12 (2) The Interstate Commission shall attempt, upon the request of a
13 compacting state, to resolve any disputes or other issues which are subject to
14 the compact and which may arise among compacting states and between
15 compacting and noncompacting states. The commission shall promulgate a
16 rule providing for both mediation and binding dispute resolution for disputes
17 among the compacting states.

18 (3) The Interstate Commission, in the reasonable exercise of its
19 discretion, shall enforce the provisions and rules of this compact using any or
20 all means set forth in section 5731 of this title.

1 § 5728. FINANCE

2 (a) The Interstate Commission shall pay or provide for the payment of the
3 reasonable expenses of its establishment, organization, and ongoing activities.

4 (b) The Interstate Commission shall levy on and collect an annual
5 assessment from each compacting state to cover the cost of the internal
6 operations and activities of the Interstate Commission and its staff which must
7 be in a total amount sufficient to cover the Interstate Commission's annual
8 budget as approved each year. The aggregate annual assessment amount shall
9 be allocated based upon a formula to be determined by the Interstate
10 Commission, taking into consideration the population of each compacting state
11 and the volume of interstate movement of juveniles in each compacting state,
12 and the Interstate Commission shall promulgate a rule binding upon all
13 compacting states which governs said assessment.

14 (c) The Interstate Commission shall not incur any obligations of any kind
15 prior to securing the funds adequate to meet them. The Interstate Commission
16 shall not pledge the credit of any of the compacting states, except by and with
17 the authority of the compacting state.

18 (d) The Interstate Commission shall keep accurate accounts of all receipts
19 and disbursements. The receipts and disbursements of the Interstate
20 Commission shall be subject to the audit and accounting procedures
21 established under its bylaws, provided that all receipts and disbursements of

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

4 § 5729. STATE COUNCIL

5 Each member state shall create a state council for Interstate Juvenile
6 Supervision. Each state may determine the membership of its own state
7 council, provided that its membership must include at least one representative
8 from the legislative, judicial, and executive branches of government, victims
9 groups, and the compact administrator, deputy compact administrator, or
10 designee. Each compacting state retains the right to determine the
11 qualifications of the compact administrator or deputy compact administrator.

12 Each state council shall advise and may exercise oversight and advocacy
13 concerning that state's participation in Interstate Commission activities and
14 other duties as may be determined by that state, including development of
15 policy concerning operations and procedures of the compact within that state.

16 § 5730. COMPACTING STATES; EFFECTIVE DATE; AMENDMENT

17 (a) Any state as defined in subdivision 5722(12) of this title is eligible to
18 become a compacting state.

19 (b) The compact shall become effective and binding upon legislative
20 enactment of the compact into law by no less than 35 of the states. The initial
21 effective date shall be the later of July 1, 2004, or upon enactment into law by

1 the 35th jurisdiction. Thereafter it shall become effective and binding as to
2 any other compacting state upon enactment of the compact into law by that
3 state. The governors of nonmember states or their designees shall be invited to
4 participate in the activities of the Interstate Commission on a nonvoting basis
5 prior to adoption of the compact by all states and territories of the United
6 States.

7 (c) The Interstate Commission may propose amendments to the compact
8 for enactment by the compacting states. No amendment shall become effective
9 and binding upon the Interstate Commission and the compacting states unless
10 and until it is enacted into law by unanimous consent of the compacting states.

11 § 5731. WITHDRAWAL; DEFAULT; TERMINATION; JUDICIAL

12 ENFORCEMENT

13 (a) Withdrawal.

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

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

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

1 shall notify the other compacting states of the withdrawing state's intent to
2 withdraw within 60 days of its receipt thereof.

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

7 (5) Reinstatement following withdrawal of any compacting state shall
8 occur upon the withdrawing state reenacting the compact or upon such later
9 date as determined by the Interstate Commission

10 (b) Technical assistance, fines, suspension, termination, and default.

11 (1) If the Interstate Commission determines that any compacting state
12 has at any time defaulted in the performance of any of its obligations or
13 responsibilities under this compact, or the bylaws or duly promulgated rules,
14 the Interstate Commission may impose any or all of the following penalties:

15 (A) remedial training and technical assistance as directed by the
16 Interstate Commission;

17 (B) alternative dispute resolution;

18 (C) fines, fees, and costs in such amounts as are deemed to be
19 reasonable as fixed by the Interstate Commission; or

20 (D) suspension or termination of membership in the compact, which
21 shall be imposed only after all other reasonable means of securing compliance

1 under the bylaws and rules have been exhausted and the Interstate Commission
2 has determined that the offending state is in default. Immediate notice of
3 suspension shall be given by the Interstate Commission to the governor, the
4 chief justice or the chief judicial officer of the state, the majority and minority
5 leaders of the defaulting state's legislature, and the state council. The grounds
6 for default include failure of a compacting state to perform such obligations or
7 responsibilities imposed upon it by this compact, the bylaws, or duly
8 promulgated rules, and any other grounds designated in commission bylaws
9 and rules. The Interstate Commission shall immediately notify the defaulting
10 state in writing of the penalty imposed by the Interstate Commission and of the
11 default pending a cure of the default. The commission shall stipulate the
12 conditions and the time period within which the defaulting state must cure its
13 default. If the defaulting state fails to cure the default within the time period
14 specified by the commission, the defaulting state shall be terminated from the
15 compact upon an affirmative vote of a majority of the compacting states, and
16 all rights, privileges, and benefits conferred by this compact shall be
17 terminated from the effective date of termination.

18 (2) Within 60 days of the effective date of termination of a defaulting
19 state, the commission shall notify the governor, the chief justice or chief
20 judicial officer, the majority and minority leaders of the defaulting state's
21 legislature, and the state council of such termination.

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

5 (4) The Interstate Commission shall not bear any costs relating to the
6 defaulting state unless otherwise mutually agreed upon in writing between the
7 Interstate Commission and the defaulting state.

8 (5) Reinstatement following termination of any compacting state
9 requires both a reenactment of the compact by the defaulting state and the
10 approval of the Interstate Commission pursuant to the rules.

11 (c) Judicial enforcement. The Interstate Commission may, by majority
12 vote of the members, initiate legal action in the United States District Court for
13 the District of Columbia or, at the discretion of the Interstate Commission, in
14 the federal district where the Interstate Commission has its offices, to enforce
15 compliance with the provisions of the compact its duly promulgated rules and
16 bylaws against any compacting state in default. In the event judicial
17 enforcement is necessary, the prevailing party shall be awarded all costs of
18 such litigation, including reasonable attorney's fees.

1 (d) Dissolution of compact.

2 (1) The compact dissolves effective upon the date of the withdrawal or
3 default of the compacting state which reduces membership in the compact to
4 one compacting state.

5 (2) Upon the dissolution of this compact, the compact becomes null and
6 void and shall be of no further force or effect, and the business and affairs of
7 the Interstate Commission shall be concluded and any surplus funds shall be
8 distributed in accordance with the bylaws.

9 § 5732. SEVERABILITY; CONSTRUCTION

10 (a) The provisions of this compact shall be severable, and if any phrase,
11 clause, sentence, or provision is deemed unenforceable, the remaining
12 provisions of the compact shall be enforceable.

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

15 § 5733. BINDING EFFECT; OTHER LAWS

16 (a) Other laws.

17 (1) Nothing in this chapter prevents the enforcement of any other law of
18 a compacting state that is not inconsistent with this compact.

19 (2) All compacting states' laws other than state Constitutions and other
20 interstate compacts conflicting with this compact are superseded to the extent
21 of the conflict.

1 (b) Binding effect of compact.

2 (1) All lawful actions of the Interstate Commission, including all rules
3 and bylaws promulgated by the Interstate Commission, are binding upon the
4 compacting states.

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

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

11 (4) In the event any provision of this compact exceeds the constitutional
12 limits imposed on the legislature of any compacting state, the obligations,
13 duties, powers, or jurisdiction sought to be conferred by such provision upon
14 the Interstate Commission shall be ineffective, and such obligations, duties,
15 powers, or jurisdiction shall remain in the compacting state and shall be
16 exercised by the agency thereof to which such obligations, duties, powers, or
17 jurisdiction are delegated by law in effect at the time this compact becomes
18 effective.

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on July 1, 2010.