

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. McGee

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act establishing the interstate compact for juveniles.

PETITION OF:

NAME:

Mr. McGee

DISTRICT/ADDRESS:

Third Essex and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00089 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ESTABLISHING THE INTERSTATE COMPACT FOR JUVENILES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 **SECTION 1.** Chapter 687 of the Acts of 1955 is hereby repealed.

2 **SECTION 2.** The governor is hereby authorized and directed to execute a compact on behalf of
3 this commonwealth with any other state or states legally joined therein in the form substantially
4 set out in Section 3 of this act.

5 **SECTION 3.** The General Laws are hereby amended by inserting after [Chapter 120](#) the
6 following new chapter:

7 Chapter 120A - Interstate Compact on Juveniles

8 Section 1. Purpose. The compacting states to this Interstate Compact recognize that each state is
9 responsible for the proper supervision or return of juveniles, delinquents and status offenders
10 who are on probation or parole and who have absconded, escaped or run away from supervision

11 and control and in so doing have endangered their own safety and the safety of others. The
12 compacting states also recognize that each state is responsible for the safe return of juveniles
13 who have run away from home and in doing so have left their state of residence. The compacting
14 states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112
15 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in
16 the prevention of crime.

17 It is the purpose of this compact, through means of joint and cooperative action among the
18 compacting states to: (A) ensure that the adjudicated juveniles and status offenders subject to this
19 compact are provided adequate supervision and services in the receiving state as ordered by the
20 adjudicating judge or parole authority in the sending state; (B) ensure that the public safety
21 interests of the citizens, including the victims of juvenile offenders, in both the sending and
22 receiving states are adequately protected; (C) return juveniles who have run away, absconded or
23 escaped from supervision or control or have been accused of an offense to the state requesting
24 their return; (D) make contracts for the cooperative institutionalization in public facilities in
25 member states for delinquent youth needing special services; (E) provide for the effective
26 tracking and supervision of juveniles; (F) equitably allocate the costs, benefits and obligations of
27 the compacting states; (G) establish procedures to manage the movement between states of
28 juvenile offenders released to the community under the jurisdiction of courts, juvenile
29 departments, or any other criminal or juvenile justice agency which has jurisdiction over juvenile
30 offenders; (H) insure immediate notice to jurisdictions where defined offenders are authorized to
31 travel or to relocate across state lines; (I) establish procedures to resolve pending charges
32 (detainers) against juvenile offenders prior to transfer or release to the community under the
33 terms of this compact; (J) establish a system of uniform data collection on information pertaining

34 to juveniles subject to this compact that allows access by authorized juvenile justice and criminal
35 justice officials, and regular reporting of compact activities to heads of state executive, judicial,
36 and legislative branches and juvenile and criminal justice administrators; (K) monitor
37 compliance with rules governing interstate movement of juveniles and initiate interventions to
38 address and correct non-compliance; (L) coordinate training and education regarding the
39 regulation of interstate movement of juveniles for officials involved in such activity; and (M)
40 coordinate the implementation and operation of the compact with the Interstate Compact for the
41 Placement of Children, the Interstate Compact for Adult Offender Supervision and other
42 compacts affecting juveniles particularly in those cases where concurrent or overlapping
43 supervision issues arise. It is the policy of the compacting states that the activities conducted by
44 the Interstate Commission created herein are the formation of public policies and therefore are
45 public business. Furthermore, the compacting states shall cooperate and observe their individual
46 and collective duties and responsibilities for the prompt return and acceptance of juveniles
47 subject to the provisions of this compact. The provisions of this compact shall be reasonably and
48 liberally construed to accomplish the purposes and policies of the compact.

49 Section 2. Definitions. As used in sections 1 to 20 inclusive, unless the context clearly requires a
50 different construction, the following words shall have the following meanings:-

51 “By –laws”, those by-laws established by the Interstate Commission for its governance, or for
52 directing or controlling its actions or conduct.

53 “Compact Administrator”, the individual in each compacting state appointed pursuant to the
54 terms of this compact, responsible for the administration and management of the state's
55 supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by
56 the Interstate Commission and policies adopted by the State Council under this compact.

57 “Compacting State”, any state which has enacted the enabling legislation for this compact.

58 “Commissioner”, the voting representative of each compacting state appointed pursuant to
59 section 3 of this compact.

60 “Court”, any court having jurisdiction over delinquent, neglected, or dependent children.

61 “Deputy Compact Administrator”, the individual, if any, in each compacting state appointed to
62 act on behalf of a Compact Administrator pursuant to the terms of this compact responsible for
63 the administration and management of the state's supervision and transfer of juveniles subject to
64 the terms of this compact, the rules adopted by the Interstate Commission and policies adopted
65 by the State Council under this compact.

66 “Interstate Commission”, the Interstate Commission for Juveniles created by section 3 of this
67 compact.

68 “Juvenile”, any person defined as a juvenile in any member state or by the rules of the Interstate
69 Commission, including:

70 (1) “Accused Delinquent”, a person charged with an offense that, if committed by an adult,
71 would be a criminal offense;

72 (2) “Adjudicated Delinquent”, a person found to have committed an offense that, if
73 committed by an adult, would be a criminal offense;

74 (3) “Accused Status Offender”, a person charged with an offense that would not be a
75 criminal offense if committed by an adult;

76 (4) “Adjudicated Status Offender”, a person found to have committed an offense that would
77 not be a criminal offense if committed by an adult; and

78 (5) “Non-Offender”, a person in need of supervision who has not been
79 accused or adjudicated a status offender or delinquent.

80 “Non-Compacting state”, any state which has not enacted the enabling legislation for this
81 compact.

82 “Probation or Parole”, any kind of supervision or conditional release of juveniles authorized
83 under the laws of the compacting states.

84 “Rule”, a written statement by the Interstate Commission promulgated pursuant to section 4 of
85 this compact that is of general applicability, implements, interprets or prescribes a policy or
86 provision of the compact, or an organizational, procedural, or practice requirement of the
87 Commission, and has the force and effect of statutory law in a compacting state, and includes the
88 amendment, repeal, or suspension of an existing rule.

89 “State”, a state of the United States, the District of Columbia (or its designee), the
90 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the
91 Northern Marianas Islands.

92 Section 3. The Compact Commission.

93 (a) The compacting states hereby create the “Interstate Commission for Juveniles.” The
94 commission shall be a body corporate and joint agency of the compacting states. The
95 commission shall have all the responsibilities, powers and duties set forth herein, and such
96 additional powers as may be conferred upon it by subsequent action of the respective legislatures
97 of the compacting states in accordance with the terms of this compact.

98 (b) The Interstate Commission shall consist of commissioners appointed by the appropriate
99 appointing authority in each state pursuant to the rules and requirements of each compacting
100 state and in consultation with the State Council for Interstate Juvenile Supervision created
101 hereunder. The commissioner shall be the compact administrator, deputy compact administrator
102 or designee from that state who shall serve on the Interstate Commission in such capacity under

103 or pursuant to the applicable law of the compacting state.

104 (c) In addition to the commissioners who are the voting representatives of each state, the
105 Interstate Commission shall include individuals who are not commissioners, but who are
106 members of interested organizations. Such non-commissioner members must include a member
107 of the national organizations of governors, legislators, state chief justices, attorneys general,
108 Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of
109 Children, juvenile justice and juvenile corrections officials, and crime victims. All non-
110 commissioner members of the Interstate Commission shall be ex-officio (non-voting) members.
111 The Interstate Commission may provide in its by-laws for such additional ex-officio (non-voting)
112 members, including members of other national organizations, in such numbers as shall be
113 determined by the commission.

114 (d) Each compacting state represented at any meeting of the commission is entitled to one vote.
115 A majority of the compacting states shall constitute a quorum for the transaction of business,
116 unless a larger quorum is required by the by-laws of the Interstate Commission.

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

121 (f) The Interstate Commission shall establish an executive committee, which shall include
122 commission officers, members, and others as determined by the by-laws. The executive
123 committee shall have the power to act on behalf of the Interstate Commission during periods
124 when the Interstate Commission is not in session, with the exception of rulemaking and/or
125 amendment to the compact. The executive committee shall oversee the day-to-day activities of

126 the administration of the compact managed by an executive director and Interstate Commission
127 staff; administers enforcement and compliance with the provisions of the compact, its by-laws
128 and rules, and performs such other duties as directed by the Interstate Commission or set forth in
129 the by-laws.

130 (g) Each member of the Interstate Commission shall have the right and power to cast a vote to
131 which that compacting state is entitled and to participate in the business and affairs of the
132 Interstate Commission. A member shall vote in person and shall not delegate a vote to another
133 compacting state. However, a commissioner, in consultation with the state council, shall appoint
134 another authorized representative, in the absence of the commissioner from that state, to cast a
135 vote on behalf of the compacting state at a specified meeting. The by-laws may provide for
136 members' participation in meetings by telephone or other means of telecommunication or
137 electronic communication.

138 (h) The Interstate Commission's by-laws shall establish conditions and procedures under which
139 the Interstate Commission shall make its information and official records available to the public
140 for inspection or copying. The Interstate Commission may exempt from disclosure any
141 information or official records to the extent they would adversely affect personal privacy rights
142 or proprietary interests.

143 (i) Public notice shall be given of all meetings and all meetings shall be open to the public,
144 except as set forth in the Rules or as otherwise provided in the compact. The Interstate
145 Commission and any of its committees may close a meeting to the public where it determines by
146 two-thirds vote that an open meeting would be likely to:

- 147 1) Relate solely to the Interstate Commission's internal personnel practices and procedures;
- 148 2) Disclose matters specifically exempted from disclosure by statute;

149 3) Disclose trade secrets or commercial or financial information which is privileged or
150 confidential;

151 4) Involve accusing any person of a crime, or formally censuring any person;

152 5) Disclose information of a personal nature where disclosure would constitute a clearly
153 unwarranted invasion of personal privacy;

154 6) Disclose investigative records compiled for law enforcement purposes;

155 7) Disclose information contained in or related to examination, operating or condition reports
156 prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a
157 regulated person or entity for the purpose of regulation or supervision of such person or entity;

158 8) Disclose information, the premature disclosure of which would significantly endanger the
159 stability of a regulated person or entity; or

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

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

170 (k) The Interstate Commission shall collect standardized data concerning the interstate
171 movement of juveniles as directed through its rules which shall specify the data to be collected,

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

175 Section 4. The Powers and Duties of the Interstate Commission. The commission shall have the
176 following powers and duties:

- 177 1) To provide for dispute resolution among compacting states.
- 178 2) To promulgate rules to effect the purposes and obligations as enumerated in this compact,
179 which shall have the force and effect of statutory law and shall be binding in the compacting
180 states to the extent and in the manner provided in this compact.
- 181 3) To oversee, supervise and coordinate the interstate movement of juveniles subject to the
182 terms of this compact and any by-laws adopted and rules promulgated by the Interstate
183 Commission.
- 184 4) To enforce compliance with the compact provisions, the rules promulgated by the
185 Interstate Commission, and the by-laws, using all necessary and proper means, including but not
186 limited to the use of judicial process.
- 187 5) To establish and maintain offices which shall be located within one or more of the
188 compacting states.
- 189 6) To purchase and maintain insurance and bonds.
- 190 7) To borrow, accept, hire or contract for services of personnel.
- 191 8) To establish and appoint committees and hire staff which it deems necessary for the
192 carrying out of its functions including, but not limited to, an executive committee as required by
193 section 3 which shall have the power to act on behalf of the Interstate Commission in carrying
194 out its powers and duties hereunder.

- 195 9) To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix
196 their compensation, define their duties and determine their qualifications; and to establish the
197 Interstate Commission's personnel policies and programs relating to, inter alia, conflicts of
198 interest, rates of compensation, and qualifications of personnel.
- 199 10) To accept any and all donations and grants of money, equipment, supplies, materials, and
200 services, and to receive, utilize, and dispose of it.
- 201 11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve
202 or use any property, real, personal, or mixed.
- 203 12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
204 property, real, personal or mixed.
- 205 13) To establish a budget and make expenditures and levy dues as provided in Article VIII of
206 this compact.
- 207 14) To sue and be sued.
- 208 15) To adopt a seal and by-laws governing the management and operation of the Interstate
209 Commission.
- 210 16) To perform such functions as may be necessary or appropriate to achieve the purposes of
211 this compact.
- 212 17) To report annually to the legislatures, governors, judiciary, and state councils of the
213 compacting states concerning the activities of the Interstate Commission during the preceding
214 year. Such reports shall also include any recommendations that may have been adopted by the
215 Interstate Commission.
- 216 18) To coordinate education, training and public awareness regarding the interstate movement of
217 juveniles for officials involved in such activity.

218 19) To establish uniform standards of the reporting, collecting and exchanging of data.

219 20) The Interstate Commission shall maintain its corporate books and records in accordance
220 with the By-laws.

221 Section 5. By-Laws of the Interstate Commission

222 The Interstate Commission shall, by a majority of the members present and voting, within twelve
223 months after the first Interstate Commission meeting, adopt by-laws to govern its conduct as may
224 be necessary or appropriate to carry out the purposes of the compact, including, but not limited
225 to:

226 1) Establishing the fiscal year of the Interstate Commission;

227 2) Establishing an executive committee and such other committees as may be necessary;

228 3) Provide for the establishment of committees governing any general or specific delegation
229 of any authority or function of the Interstate Commission;

230 4) Providing reasonable procedures for calling and conducting meetings of the Interstate
231 Commission, and ensuring reasonable notice of each such meeting;

232 5) Establishing the titles and responsibilities of the officers of the Interstate Commission;

233 6) Providing a mechanism for concluding the operations of the Interstate Commission and the
234 return of any surplus funds that may exist upon the termination of the compact after the payment
235 and/or reserving of all of its debts and obligations.

236 7) Providing “start-up” rules for initial administration of the compact; and

237 8) Establishing standards and procedures for compliance and technical assistance in carrying
238 out the compact.

239 Section 6. Officers and Staff of the Interstate Commission

240 (a) The Interstate Commission shall, by a majority of the members, elect annually from among

241 its members a chairperson and a vice chairperson, each of whom shall have such authority and
242 duties as may be specified in the by-laws. The chairperson or, in the chairperson's absence or
243 disability, the vice-chairperson shall preside at all meetings of the Interstate Commission. The
244 officers so elected shall serve without compensation or remuneration from the Interstate
245 Commission; provided that, subject to the availability of budgeted funds, the officers shall be
246 reimbursed for any ordinary and necessary costs and expenses incurred by them in the
247 performance of their duties and responsibilities as officers of the Interstate Commission.

248 (b) The Interstate Commission shall, through its executive committee, appoint or retain an
249 executive director for such period, upon such terms and conditions and for such compensation as
250 the Interstate Commission may deem appropriate. The executive director shall serve as secretary
251 to the Interstate Commission, but shall not be a Member and shall hire and supervise such other
252 staff as may be authorized by the Interstate Commission.

253 Section 7. Qualified Immunity, Defense and Indemnification.

254 (a) The Commission's executive director and employees shall be immune from suit and liability,
255 either personally or in their official capacity, for any claim for damage to or loss of property or
256 personal injury or other civil liability caused or arising out of or relating to any actual or alleged
257 act, error, or omission that occurred, or that such person had a reasonable basis for believing
258 occurred within the scope of Commission employment, duties, or responsibilities; provided, that
259 any such person shall not be protected from suit or liability for any damage, loss, injury, or
260 liability caused by the intentional or willful and wanton misconduct of any such
261 person.

262 (b) The liability of any commissioner, or the employee or agent of a commissioner, acting within
263 the scope of such person's employment or duties for acts, errors, or omissions occurring within

264 such person's state may not exceed the limits of liability set forth under the Constitution and
265 laws of that state for state officials, employees, and agents. Nothing in this subsection shall be
266 construed to protect any such person from suit or liability for any damage, loss, injury, or
267 liability caused by the intentional or willful and wanton misconduct of any such person.

268 (c) The Interstate Commission shall defend the executive director or the employees or
269 representatives of the Interstate Commission and, subject to the approval of the Attorney General
270 of the state represented by any commissioner of a compacting state, shall defend such
271 commissioner or the commissioner's representatives or employees in any civil action seeking to
272 impose liability arising out of any actual or alleged act, error or omission that occurred within the
273 scope of Interstate Commission employment, duties or responsibilities, or that the defendant had
274 a reasonable basis for believing occurred within the scope of Interstate Commission
275 employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission
276 did not result from intentional or willful and wanton misconduct on the part of such person.

277 (d) The Interstate Commission shall indemnify and hold the commissioner of a compacting state,
278 or the commissioner's representatives or employees, or the Interstate Commission's
279 representatives or employees, harmless in the amount of any settlement or judgment obtained
280 against such persons arising out of any actual or alleged act, error, or omission that occurred
281 within the scope of Interstate Commission employment, duties, or responsibilities, or that such
282 persons had a reasonable basis for believing occurred within the scope of Interstate Commission
283 employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission
284 did not result from intentional or willful and wanton misconduct on the part of such persons.

285 Section 8. Rulemaking Function of the Interstate Commission.

286 (a) The Interstate Commission shall promulgate and publish rules in order to effectively and

287 efficiently achieve the purposes of the compact.

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

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

- 297 1) publish the proposed rule's entire text stating the reason(s) for that proposed rule;
- 298 2) allow and invite any and all persons to submit written data, facts, opinions and arguments,
299 which information shall be added to the record, and be made publicly available;
- 300 3) provide an opportunity for an informal hearing if petitioned by ten (10) or more persons;
301 and
- 302 4) promulgate a final rule and its effective date, if appropriate, based on input from state or
303 local officials, or interested parties.

304 (d) Allow, not later than sixty days after a rule is promulgated, any interested person to file a
305 petition in the United States District Court for the District of Columbia or in the Federal District
306 Court where the Interstate Commission’s principal office is located for judicial review of such
307 rule. If the court finds that the Interstate Commission’s action is not supported by substantial
308 evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For
309 purposes of this subsection, evidence is substantial if it would be considered substantial evidence

310 under the Model State Administrative Procedures Act.

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

314 (f) The existing rules governing the operation of the Interstate Compact on Juveniles superceded
315 by this act shall be null and void twelve (12) months after the first meeting of the Interstate
316 Commission created hereunder.

317 (g) Upon determination by the Interstate Commission that a state-of-emergency exists, it may
318 promulgate an emergency rule which shall become effective immediately upon adoption,
319 provided that the usual rulemaking procedures provided hereunder shall be retroactively applied
320 to said rule as soon as reasonably possible, but no later than ninety (90) days after the effective
321 date of the emergency rule.

322 Section 9. Oversight and Enforcement by the Interstate Commission.

323 (a) The Interstate Commission shall oversee the administration and operations of the interstate
324 movement of juveniles subject to this compact in the compacting states and shall monitor such
325 activities being administered in non-compacting states which may significantly affect
326 compacting states.

327 (b) The courts and executive agencies in each compacting state shall enforce this compact and
328 shall take all actions necessary and appropriate to effectuate the compact's purposes and intent.
329 The provisions of this compact and the rules promulgated hereunder shall be received by all the
330 judges, public officers, commissions, and departments of the state government as evidence of the
331 authorized statute and administrative rules. All courts shall take judicial notice of the compact
332 and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the

333 subject matter of this compact which may affect the powers, responsibilities or actions of the
334 Interstate Commission, it shall be entitled to receive all service of process in any such
335 proceeding, and shall have standing to intervene in the proceeding for all purposes.

336 Section 10. Dispute Resolution by the Interstate Commission.

337 (a) The compacting states shall report to the Interstate Commission on all issues and activities
338 necessary for the administration of the compact as well as issues and activities pertaining to
339 compliance with the provisions of the compact and its bylaws and rules.

340 (b) The Interstate Commission shall attempt, upon the request of a compacting state, to resolve
341 any disputes or other issues which are subject to the compact and which may arise among
342 compacting states and between compacting and non-compacting states. The commission shall
343 promulgate a rule providing for both mediation and binding dispute resolution for disputes
344 among the compacting states.

345 (c) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the
346 provisions and rules of this compact using any or all means set forth in section 16 of this
347 compact.

348 Section 11. Finance of the Interstate Commission

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

351 (b) The Interstate Commission shall levy on and collect an annual assessment from each
352 compacting state to cover the cost of the internal operations and activities of the Interstate
353 Commission and its staff which must be in a total amount sufficient to cover the Interstate
354 Commission's annual budget as approved each year. The aggregate annual assessment amount
355 shall be allocated based upon a formula to be determined by the Interstate Commission, taking

356 into consideration the population of each compacting state and the volume of interstate
357 movement of juveniles in each compacting state and shall promulgate a rule binding upon all
358 compacting states which governs said assessment.

359 (c) The Interstate Commission shall not incur any obligations of any kind prior to securing the
360 funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of
361 the compacting states, except by and with the authority of the compacting state.

362 (d) The Interstate Commission shall keep accurate accounts of all receipts and disbursements.
363 The receipts and disbursements of the Interstate Commission shall be subject to the audit and
364 accounting procedures established under its by-laws. However, all receipts and disbursements of
365 funds handled by the Interstate Commission shall be audited yearly by a certified or licensed
366 public accountant and the report of the audit shall be included in and become part of the annual
367 report of the Interstate Commission.

368 Section 12. The State Council. Each member state shall create a State Council for Interstate
369 Juvenile Supervision. While each state may determine the membership of its own state council,
370 its membership must include at least one representative from the legislative, judicial, and
371 executive branches of government, victims groups, and the compact administrator, deputy
372 compact administrator or designee. Each compacting state retains the right to determine the
373 qualifications of the compact administrator or deputy compact administrator. Each state council
374 will advise and may exercise oversight and advocacy concerning that state's participation in
375 Interstate Commission activities and other duties as may be determined by that state, including
376 but not limited to, development of policy concerning operations and procedures of the compact
377 within that state.

378 Section 13. Compacting States, Effective Date and Amendment.

379 (a) Any state, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the
380 U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in
381 section 2 of this compact is eligible to become a compacting state.

382 (b) The compact shall become effective and binding upon legislative enactment of the compact
383 into law by no less than 35 of the states. The initial effective date shall be the later of July 1,
384 2004 or upon enactment into law by the 35th jurisdiction. Thereafter it shall become effective
385 and binding as to any other compacting state upon enactment of the compact into law by that
386 state. The governors of non-member states or their designees shall be invited to participate in the
387 activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by
388 all states and territories of the United States.

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

393 Section 14. Withdrawal.

394 (a) Once effective, the compact shall continue in force and remain binding upon each and every
395 compacting state; provided that a compacting state may withdraw from the compact by
396 specifically repealing the statute which enacted the compact into law.

397 (b) The effective date of withdrawal is the effective date of the repeal.

398 (c) The withdrawing state shall immediately notify the chairperson of the Interstate Commission
399 in writing upon the introduction of legislation repealing this compact in the withdrawing state.
400 The Interstate Commission shall notify the other compacting states of the withdrawing state's
401 intent to withdraw within sixty days of its receipt thereof.

402 1) The withdrawing state is responsible for all assessments, obligations and liabilities incurred
403 through the effective date of withdrawal, including any obligations, the performance of which
404 extend beyond the effective date of withdrawal.

405 2) Reinstatement following withdrawal of any compacting state shall occur upon the
406 withdrawing state reenacting the compact or upon such later date as determined by the Interstate
407 Commission.

408 Section 15. Technical Assistance, Fines, Suspension, Termination and Default.

409 (a) If the Interstate Commission determines that any compacting state has at any time defaulted
410 in the performance of any of its obligations or responsibilities under this compact, or the by-laws
411 or duly promulgated rules, the Interstate Commission may impose any or all of the following
412 penalties:

413 1) Remedial training and technical assistance as directed by the Interstate Commission;

414 2) Alternative Dispute Resolution;

415 3) Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the
416 Interstate Commission; and

417 4) Suspension or termination of membership in the compact, which shall be imposed only
418 after all other reasonable means of securing compliance under the by-laws and rules have been
419 exhausted and the Interstate Commission has therefore determined that the offending state is in
420 default. Immediate notice of suspension shall be given by the Interstate Commission to the
421 Governor, the Chief Justice or the Chief Judicial Officer of the state, the majority and minority
422 leaders of the defaulting state's legislature, and the state council. The grounds for default
423 include, but are not limited to, failure of a compacting state to perform such obligations or
424 responsibilities imposed upon it by this compact, the by-laws, or duly promulgated rules and any

425 other grounds designated in commission by-laws and rules. The Interstate Commission shall
426 immediately notify the defaulting state in writing of the penalty imposed by the Interstate
427 Commission and of the default pending a cure of the default. The commission shall stipulate the
428 conditions and the time period within which the defaulting state must cure its default. If the
429 defaulting state fails to cure the default within the time period specified by the commission, the
430 defaulting state shall be terminated from the compact upon an affirmative vote of a majority of
431 the compacting states and all rights, privileges and benefits conferred by this compact shall be
432 terminated from the effective date of termination.

433 (b) Within sixty days of the effective date of termination of a defaulting state, the Commission
434 shall notify the Governor, the Chief Justice or Chief Judicial Officer, the Majority and Minority
435 Leaders of the defaulting state's legislature, and the state council of such termination.

436 (c) The defaulting state is responsible for all assessments, obligations and liabilities incurred
437 through the effective date of termination including any obligations, the performance of which
438 extends beyond the effective date of termination.

439 (d) The Interstate Commission shall not bear any costs relating to the defaulting state unless
440 otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting
441 state.

442 (e) Reinstatement following termination of any compacting state requires both a reenactment of
443 the compact by the defaulting state and the approval of the Interstate Commission pursuant to the
444 rules.

445 Section 16. Judicial Enforcement. The Interstate Commission may, by majority vote of the
446 members, initiate legal action in the United States District Court for the District of Columbia or,
447 at the discretion of the Interstate Commission, in the federal district where the Interstate

448 Commission has its offices, to enforce compliance with the provisions of the compact, its duly
449 promulgated rules and by-laws, against any compacting state in default. In the event judicial
450 enforcement is necessary the prevailing party shall be awarded all costs of such litigation
451 including reasonable attorneys fees.

452 Section 17. Dissolution of the Compact

453 (a) The compact dissolves effective upon the date of the withdrawal or default of the compacting
454 state, which reduces membership in the compact to one compacting state.

455 (b) Upon the dissolution of this compact, the compact becomes null and void and shall be of no
456 further force or effect, and the business and affairs of the Interstate Commission shall be
457 concluded and any surplus funds shall be distributed in accordance with the by-laws.

458 Section 18. Severability and Construction.

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

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

463 Section 19. Effect of Compact on Other Laws.

464 (a) Nothing herein prevents the enforcement of any other law of a compacting state that is not
465 inconsistent with this compact.

466 (b) All compacting states' laws other than state Constitutions and other interstate compacts
467 conflicting with this compact are superseded to the extent of the conflict.

468 Section 20. Binding Effect of the Compact.

469 (a) All lawful actions of the Interstate Commission, including all rules and by-laws promulgated
470 by the Interstate Commission, are binding upon the compacting states.

471 (b) All agreements between the Interstate Commission and the compacting states are binding in
472 accordance with their terms.

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

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

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