

1 of juveniles who have run away from home and in doing so have
2 left their state of residence. The compacting states also
3 recognize that Congress, by enacting the Crime Control Act, 4
4 U.S.C. Section 112 (1965), has authorized and encouraged compacts
5 for cooperative efforts and mutual assistance in the prevention
6 of crime.

7 It is the purpose of this compact, through means of joint
8 and cooperative action among the compacting states to:

- 9 (1) Ensure that the adjudicated juveniles and status
10 offenders subject to this compact are provided
11 adequate supervision and services in the receiving
12 state as ordered by the adjudicating judge or parole
13 authority in the sending state;
- 14 (2) Ensure that the public safety interests of the
15 citizens, including the victims of juvenile offenders,
16 in both the sending and receiving states are adequately
17 protected;
- 18 (3) Return juveniles who have run away, absconded, or
19 escaped from supervision or control, or have been
20 accused of an offense to the state requesting their
21 return;



- 1 (4) Make contracts for the cooperative
2 institutionalization in public facilities in member
3 states for delinquent youth needing special services;
- 4 (5) Provide for the effective tracking and supervision of
5 juveniles;
- 6 (6) Equitably allocate the costs, benefits, and
7 obligations of the compacting states;
- 8 (7) Establish procedures to manage the movement between
9 states of juvenile offenders released to the community
10 under the jurisdiction of courts, juvenile departments,
11 or any other criminal or juvenile justice agency that
12 has jurisdiction over juvenile offenders;
- 13 (8) Ensure immediate notice to jurisdictions where defined
14 offenders are authorized to travel or to relocate
15 across state lines;
- 16 (9) Establish procedures to resolve pending charges
17 (detainers) against juvenile offenders prior to
18 transfer or release to the community under the terms of
19 this compact;
- 20 (10) Establish a system of uniform data collection on
21 information pertaining to juveniles subject to this
22 compact that allows access by authorized juvenile



1 justice and criminal justice officials, and regular
2 reporting of compact activities to heads of state
3 executive, judicial, and legislative branches and
4 juvenile and criminal justice administrators;

5 (11) Monitor compliance with rules governing interstate
6 movement of juveniles and initiate interventions to
7 address and correct noncompliance;

8 (12) Coordinate training and education regarding the
9 regulation of interstate movement of juveniles for
10 officials involved in such activity; and

11 (13) Coordinate the implementation and operation of the
12 compact with the interstate compact for the placement
13 of children, the interstate compact for adult offender
14 supervision and other compacts affecting juveniles,
15 particularly in those cases where concurrent or
16 overlapping supervision issues arise.

17 It is the policy of the compacting states that the
18 activities conducted by the interstate commission created herein
19 are the formation of public policies and therefore are public
20 business. Furthermore, the compacting states shall cooperate and
21 observe their individual and collective duties and
22 responsibilities for the prompt return and acceptance of

1 juveniles subject to the provisions of this compact. The
2 provisions of this compact shall be reasonably and liberally
3 construed to accomplish the purposes and policies of the compact.

4 **ARTICLE II**

5 **DEFINITIONS**

6 As used in this compact, unless the context clearly requires
7 a different construction:

8 "Bylaws" means those bylaws established by the interstate
9 commission for its governance, or for directing or controlling
10 its actions or conduct.

11 "Compact administrator" means the individual in each
12 compacting state appointed pursuant to the terms of this compact,
13 responsible for the administration and management of the state's
14 supervision and transfer of juveniles subject to the terms of
15 this compact, the rules adopted by the interstate commission, and
16 the policies adopted by the state council under this compact.

17 "Commissioner" means the voting representative of each
18 compacting state appointed pursuant to article III of this
19 compact.

20 "Compacting state" means any state that has enacted the
21 enabling legislation for this compact.



1 "Court" means any court having jurisdiction over delinquent,
2 neglected, or dependent children.

3 "Deputy compact administrator" means the individual, if any,
4 in each compacting state appointed to act on behalf of a compact
5 administrator pursuant to the terms of this compact, responsible
6 for the administration and management of the state's supervision
7 and transfer of juveniles subject to the terms of this compact,
8 the rules adopted by the interstate commission, and the policies
9 adopted by the state council under this compact.

10 "Interstate commission" means the interstate commission for
11 juveniles created by article III of this compact.

12 "Juvenile" means any person defined as a juvenile in any
13 member state or by the rules of the interstate commission,
14 including:

- 15 (1) An accused delinquent, who is a person charged with an
16 offense that, if committed by an adult, would be a
17 criminal offense;
- 18 (2) An adjudicated delinquent, who is a person found to
19 have committed an offense that, if committed by an
20 adult, would be a criminal offense;



- 1 3) An accused status offender, who is a person charged
- 2 with an offense that would not be a criminal offense if
- 3 committed by an adult;
- 4 4) An adjudicated status offender, who is a person found
- 5 to have committed an offense that would not be a
- 6 criminal offense if committed by an adult; and
- 7 5) A nonoffender, who is a person in need of supervision
- 8 who has not been accused or adjudicated a status
- 9 offender or delinquent.

10 Noncompacting state" means any state that has not enacted

11 the enabling legislation for this compact.

12 Probation or parole" means any kind of supervision or

13 conditional release of juveniles authorized under the laws of the

14 compacting states.

15 Rule" means a written statement by the interstate

16 commission adopted pursuant to article VI of this compact that is

17 of general applicability, implements, interprets, or prescribes a

18 policy or provision of the compact, or an organizational,

19 procedural, or practice requirement of the Commission, and has

20 the force and effect of statutory law in a compacting state, and

21 includes the amendment, repeal, or suspension of an existing

22 rule.



1 State" means a state of the United States, the District of
2 Columbia (or its designee), the Commonwealth of Puerto Rico, the
3 United States Virgin Islands, Guam, American Samoa, and the
4 Northern Marianas Islands.

5 **ARTICLE III**

6 **INTERSTATE COMMISSION FOR JUVENILES**

7 (a) The compacting states hereby create the interstate
8 commission for juveniles. The commission shall be a body
9 corporate and joint agency of the compacting states. The
10 commission shall have all the responsibilities, powers, and
11 duties set forth herein, and such additional powers as may be
12 conferred upon it by subsequent action of the respective
13 legislatures of the compacting states in accordance with the
14 terms of this compact.

15 (b) The interstate commission shall consist of
16 commissioners appointed by the appropriate appointing authority
17 in each state pursuant to the rules and requirements of each
18 compacting state and in consultation with the state council for
19 interstate juvenile supervision created hereunder. The
20 commissioner shall be the compact administrator, deputy compact
21 administrator, or designee from that state who shall serve on the



1 commission in such capacity under or pursuant to the applicable
2 law of the compacting state.

3 (c) In addition to the commissioners who are the voting
4 representatives of each state, the interstate commission shall
5 include individuals who are not commissioners, but who are
6 members of interested organizations. Noncommissioner members
7 shall include a member of the national organizations of
8 governors, legislators, state chief justices, attorneys general,
9 interstate compact for adult offender supervision, interstate
10 compact for the placement of children, juvenile justice and
11 juvenile corrections officials, and crime victims. All
12 noncommissioner members of the commission shall be ex-officio
13 (nonvoting) members. The interstate commission may provide in its
14 bylaws for such additional ex-officio (nonvoting) members,
15 including members of other national organizations, in such
16 numbers as shall be determined by the commission.

17 (d) Each compacting state represented at any meeting of the
18 commission is entitled to one vote. A majority of the compacting
19 states shall constitute a quorum for the transaction of business,
20 unless a larger quorum is required by the bylaws of the
21 interstate commission.



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

6 (f) The interstate commission shall establish an executive
7 committee, which shall include commission officers, members, and
8 others as determined by the bylaws. The executive committee
9 shall have the power to act on behalf of the interstate
10 commission during periods when the interstate commission is not
11 in session, with the exception of rulemaking and/or amendment to
12 the compact. The executive committee shall oversee the day-to-
13 day activities of the administration of the compact managed by an
14 executive director and interstate commission staff; administer
15 enforcement and compliance with the provisions of the compact,
16 its bylaws, and rules, and perform such other duties as directed
17 by the interstate commission or set forth in the bylaws.

18 (g) Each member of the interstate commission may cast a
19 vote to which that compacting state is entitled and participate
20 in the business and affairs of the interstate commission. A
21 member shall vote in person and shall not delegate a vote to
22 another compacting state; provided that a commissioner, in



1 consultation with the state council, shall appoint another
2 authorized representative, in the absence of the commissioner
3 from that state, to cast a vote on behalf of the compacting state
4 at a specified meeting. The bylaws may provide for members'
5 participation in meetings by telephone or other means of
6 telecommunication or electronic communication.

7 (h) The interstate commission's bylaws shall establish
8 conditions and procedures under which the interstate commission
9 shall make its information and official records available to the
10 public for inspection or copying. The interstate commission may
11 exempt from disclosure any information or official records to the
12 extent that disclosure would adversely affect personal privacy
13 rights or proprietary interests.

14 (i) Public notice shall be given of all meetings and all
15 meetings shall be open to the public, except as set forth in the
16 rules or as otherwise provided in the compact. The interstate
17 commission and any of its committees may close a meeting to the
18 public where it determines by two-thirds vote that an open
19 meeting would be likely to:

20 (1) Relate solely to the interstate commission's internal
21 personnel practices and procedures;



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- 1 (2) Disclose matters specifically exempted from disclosure
2 by statute;
- 3 (3) Disclose trade secrets or commercial or financial
4 information which is privileged or confidential;
- 5 (4) Involve accusing any person of a crime, or formally
6 censuring any person;
- 7 (5) Disclose information of a personal nature where
8 disclosure would constitute a clearly unwarranted
9 invasion of personal privacy;
- 10 (6) Disclose investigative records compiled for law
11 enforcement purposes;
- 12 (7) Disclose information contained in or related to
13 examination, operating or condition reports prepared
14 by, or on behalf of, or for the use of, the interstate
15 commission with respect to a regulated person or entity
16 for the purpose of regulation or supervision of such
17 person or entity;
- 18 (8) Disclose information, the premature disclosure of which
19 would significantly endanger the stability of a
20 regulated person or entity; or



1 (9) Specifically relate to the interstate commission's
2 issuance of a subpoena, or its participation in a
3 civil action or other legal proceeding.

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

16 (k) The interstate commission shall collect standardized
17 data concerning the interstate movement of juveniles as directed
18 by its rules that shall specify the data to be collected, the
19 means of collection and data exchange, and reporting
20 requirements. Insofar as is reasonably possible, methods of data
21 collection, exchange, and reporting shall conform to up-to-date



1 technology and coordinate their information functions with the
2 appropriate repository of records.

3 **ARTICLE IV**

4 **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

5 The commission shall have the following powers and duties:

- 6 (1) To provide for dispute resolution among compacting
7 states;
- 8 (2) To adopt rules to effect the purposes and obligations
9 as enumerated in this compact, which shall have the
10 force and effect of statutory law and shall be binding
11 in the compacting states to the extent and in the
12 manner provided in this compact;
- 13 (3) To oversee, supervise, and coordinate the interstate
14 movement of juveniles subject to the terms of this
15 compact and any bylaws adopted and rules promulgated by
16 the interstate commission;
- 17 (4) To enforce compliance with the compact provisions, the
18 rules adopted by the interstate commission, and the
19 bylaws, using all necessary and proper means, including
20 but not limited to, the use of judicial process;
- 21 (5) To establish and maintain offices that shall be located
22 within one or more of the compacting states;



- 1 (6) To purchase and maintain insurance and bonds;
- 2 (7) To borrow, accept, hire, or contract for services of
- 3 personnel;
- 4 (8) To establish and appoint committees and hire staff that
- 5 the commission deems necessary for the carrying out of
- 6 its functions, including but not limited to an
- 7 executive committee as required by article III, which
- 8 shall have the power to act on behalf of the interstate
- 9 commission in carrying out its powers and duties
- 10 hereunder;
- 11 (9) To elect or appoint officers, attorneys, employees,
- 12 agents, or consultants; to fix their compensation,
- 13 define their duties, and determine their
- 14 qualifications; and to establish the interstate
- 15 commission's personnel policies and programs relating
- 16 to, inter alia, conflicts of interest, rates of
- 17 compensation, and qualifications of personnel;
- 18 (10) To accept, receive, utilize, and dispose of donations
- 19 and grants of money, equipment, supplies, materials,
- 20 and services;



- 1 (11) To lease, purchase, accept contributions or donations
2 of, or otherwise to own, hold, improve, or use any
3 property, real, personal, or mixed;
- 4 (12) To sell, convey, mortgage, pledge, lease, exchange,
5 abandon, or otherwise dispose of any property, real,
6 personal, or mixed;
- 7 (13) To establish a budget and make expenditures and levy
8 dues as provided in article VIII of this compact;
- 9 (14) To sue and be sued;
- 10 (15) To adopt a seal and bylaws governing the management and
11 operation of the interstate commission;
- 12 (16) To perform functions necessary or appropriate to
13 achieve the purposes of this compact;
- 14 (17) To report annually to the legislatures, governors,
15 judiciary, and state councils of the compacting states
16 concerning the activities of the interstate commission
17 during the preceding year. Annual reports shall also
18 include any recommendations that have been adopted by
19 the interstate commission;
- 20 (18) To coordinate education, training, and public awareness
21 regarding the interstate movement of juveniles for
22 officials involved in such activity;



- 1 (19) To establish uniform standards for reporting,
- 2 collecting, and exchanging of data; and
- 3 (20) To maintain the interstate commission's corporate books
- 4 and records in accordance with the bylaws.

ARTICLE V

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

7 **Section A. Bylaws.** The interstate commission, by a
8 majority of the members present and voting, and within twelve
9 months after the first interstate commission meeting, shall
10 adopt bylaws to govern its conduct as may be necessary or
11 appropriate to carry out the purposes of the compact, including,
12 but not limited to:

- 13 (1) Establishing the fiscal year of the interstate
- 14 commission;
- 15 (2) Establishing an executive committee and other
- 16 necessary committees;
- 17 (3) Providing for the establishment of committees
- 18 governing the general or specific delegation of any
- 19 authority or function of the interstate commission;
- 20 (4) Providing reasonable procedures for calling and
- 21 conducting meetings of the interstate commission, and
- 22 ensuring reasonable notice of each meeting;



- 1 (5) Establishing the titles and responsibilities of the
- 2 officers of the interstate commission;
- 3 (6) Providing a mechanism for concluding the operations of
- 4 the interstate commission and the return of any
- 5 surplus funds that may exist upon the termination of
- 6 the compact after the payment and reserving of all of
- 7 its debts and obligations;
- 8 (7) Providing "start-up" rules for initial administration
- 9 of the compact; and
- 10 (8) Establishing standards and procedures for compliance
- 11 and technical assistance in carrying out the compact.

12 **Section B. Officers and staff.** (a) The interstate
13 commission, by a majority of the voting members, shall elect
14 annually from among its voting members a chairperson and a vice
15 chairperson, each of whom shall have authority and duties
16 specified in the bylaws. The chairperson or, in the
17 chairperson's absence or disability, the vice chairperson, shall
18 preside at all meetings of the commission. The officers so
19 elected shall serve without compensation or remuneration from the
20 interstate commission; provided that, subject to the availability
21 of budgeted funds, the officers shall be reimbursed for any
22 ordinary and necessary costs and expenses incurred by them in the



1 performance of their duties and responsibilities as officers of
2 the commission.

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

10 **Section C. Qualified immunity, defense, and**

11 **indemnification.** (a) The interstate commission's executive
12 director and employees shall be immune from suit and liability,
13 either personally or in their official capacities, for any claim
14 for damage to or loss of property or personal injury or other
15 civil liability caused or arising out of or relating to any
16 actual or alleged act, error, or omission that occurred, or that
17 such person had a reasonable basis for believing occurred within
18 the scope of commission employment, duties, or responsibilities;
19 provided that nothing in this subsection shall be construed to
20 protect any person from suit or liability for any damage, loss,
21 injury, or liability caused by the intentional or willful and
22 wanton misconduct of any such person.



1 (b) The liability of any commissioner, or the employee or
2 agent of a commissioner, acting within the scope of the person's
3 employment or duties for acts, errors, or omissions occurring
4 within such person's state may not exceed the limits of
5 liability set forth under the constitution and laws of that
6 state for state officials, employees, and agents. Nothing in
7 this subsection shall be construed to protect any person from
8 suit or liability for any damage, loss, injury, or liability
9 caused by the intentional or willful and wanton misconduct of
10 the person.

11 (c) The interstate commission shall defend the executive
12 director or the employees or representatives of the interstate
13 commission and, subject to the approval of the attorney general
14 of the state represented by any commissioner of a compacting
15 state, shall defend the commissioner or the commissioner's
16 representatives or employees in any civil action seeking to
17 impose liability arising out of any actual or alleged act, error,
18 or omission that occurred within the scope of interstate
19 commission employment, duties, or responsibilities, or that the
20 defendant had a reasonable basis for believing occurred within
21 the scope of interstate commission employment, duties, or
22 responsibilities, provided that the actual or alleged act, error,



1 or omission did not result from intentional or willful and wanton
2 misconduct on the part of the person.

3 (d) The interstate commission shall indemnify and hold the
4 commissioner of a compacting state, or the commissioner's
5 representatives or employees, or the interstate commission's
6 representatives or employees, harmless in the amount of any
7 settlement or judgment obtained against such persons arising out
8 of any actual or alleged act, error, or omission that occurred
9 within the scope of interstate commission employment, duties, or
10 responsibilities, or that such persons had a reasonable basis for
11 believing occurred within the scope of interstate commission
12 employment, duties, or responsibilities, provided that the actual
13 or alleged act, error, or omission did not result from
14 intentional or willful and wanton misconduct on the part of such
15 persons.

16 **ARTICLE VI**

17 **RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

18 (a) The interstate commission shall adopt and publish rules
19 to effectively and efficiently achieve the purposes of the
20 compact.

21 (b) Rulemaking shall occur pursuant to the criteria set
22 forth in this article and the bylaws and rules adopted pursuant



1 thereto. Rulemaking shall substantially conform to the
2 principles of the Model State Administrative Procedure Act, 1981
3 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or other
4 administrative procedures act, as the interstate commission
5 deems appropriate, consistent with due process requirements
6 under the Constitution of the United States. All rules and
7 amendments shall become binding as of the date specified, as
8 published with the final version of the rule as approved by the
9 commission.

10 (c) When adopting a rule, the interstate commission shall:

- 11 (1) Publish the proposed rule's entire text stating the
12 reason for the proposed rule;
- 13 (2) Allow persons to submit written data, facts, opinions,
14 and arguments, which information shall be added to the
15 record, and be made publicly available;
- 16 (3) Provide an opportunity for an informal hearing if
17 petitioned by ten or more persons; and
- 18 (4) Adopt a final rule and its effective date, if
19 appropriate, based on comment from state or local
20 officials, or interested parties.

21 (d) Not later than sixty days after a rule is adopted, any
22 interested person may file a petition in the United States



1 District Court for the District of Columbia or in the federal
2 district court where the interstate commission's principal
3 office is located for judicial review of the rule. If the court
4 finds that the interstate commission's action is not supported
5 by substantial evidence in the rulemaking record, the court
6 shall hold the rule unlawful and set it aside. For purposes of
7 this subsection, evidence is substantial if it would be
8 considered substantial evidence under the Model State
9 Administrative Procedures Act.

10 (e) If a majority of the legislatures of the compacting
11 states rejects a rule, those states, by enactment of a statute
12 or resolution in the same manner used to adopt the compact, may
13 cause the rule to have no further force and effect in any
14 compacting state.

15 (f) The existing rules governing the operation of the
16 interstate compact on juveniles superseded by this act are void
17 twelve months after the first meeting of the interstate
18 commission.

19 (g) Upon determination by the interstate commission that a
20 state of emergency exists, the commission may adopt an emergency
21 rule that becomes effective immediately upon adoption; provided
22 that the usual rulemaking procedures provided in this article



1 shall be retroactively applied to the rule as soon as reasonably
2 possible, but no later than ninety days after the effective date
3 of the emergency rule.

4 **ARTICLE VII**

5 **OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION**

6 **BY THE INTERSTATE COMMISSION**

7 **Section A. Oversight.** (a) The interstate commission
8 shall oversee the administration and operations of the
9 interstate movement of juveniles subject to this compact in the
10 compacting states and shall monitor such activities being
11 administered in noncompacting states that may significantly
12 affect compacting states.

13 (b) The courts and executive agencies in each compacting
14 state shall enforce this compact and shall take all actions
15 necessary and appropriate to effectuate the compact's purposes
16 and intent. This compact and the rules adopted under this
17 compact shall be received by all the judges, public officers,
18 commissions, and departments of the state government as evidence
19 of the authorized statute and administrative rules. All courts
20 shall take judicial notice of the compact and the rules. In any
21 judicial or administrative proceeding in a compacting state
22 pertaining to the subject matter of this compact that may affect



1 the powers, responsibilities, or actions of the interstate
2 commission, the commission is entitled to receive all service of
3 process in the proceeding, and has standing to intervene in the
4 proceeding for all purposes.

5 **Section B. Dispute resolution.** (a) The compacting states
6 shall report to the interstate commission on all issues and
7 activities necessary for the administration of the compact as
8 well as issues and activities pertaining to compliance with the
9 compact and its bylaws and rules.

10 (b) The interstate commission, upon the request of a
11 compacting state, shall attempt to resolve any disputes or other
12 issues that are subject to the compact and that may arise among
13 compacting states and between compacting and noncompacting
14 states. The commission shall adopt a rule providing for both
15 mediation and binding dispute resolution for disputes among the
16 compacting states.

17 (c) The interstate commission, in the reasonable exercise
18 of its discretion, shall enforce the provisions and rules of this
19 compact using any or all means set forth in article XI of this
20 compact.

21 **ARTICLE VIII**

22 **FINANCE**



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

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

15 (c) The interstate commission shall not incur any
16 obligations of any kind prior to securing the funds adequate to
17 meet the same; nor shall the interstate commission pledge the
18 credit of any of the compacting states, except by and with the
19 authority of the compacting state.

20 (d) The interstate commission shall keep accurate accounts
21 of all receipts and disbursements. The receipts and
22 disbursements of the interstate commission shall be subject to



1 the audit and accounting procedures established under its bylaws;
2 provided that all receipts and disbursements of funds handled by
3 the interstate commission shall be audited yearly by a licensed
4 certified public accountant, and the report of the audit shall be
5 included in and become part of the annual report of the
6 interstate commission.

7 **ARTICLE IX**

8 **COMPACT ADMINISTRATOR AND STATE COUNCIL**

9 (a) The chief court administrator of the first circuit, or
10 a designee, shall serve as the compact administrator. The
11 compact administrator or designee shall serve as the State's
12 commissioner to the interstate commission.

13 (b) The Hawaii state council for interstate juvenile
14 supervision is established, consisting of six members. The
15 compact administrator or designee is a member of the state
16 council and serves as chairperson. The remaining members of the
17 state council shall be composed of the following:

- 18 (1) One member of the house of representatives, appointed
19 by the speaker of the house of representatives;
20 (2) One member of the senate, appointed by the senate
21 president;



1 (3) One member of the judiciary, appointed by the chief
2 justice of the supreme court;

3 (4) The executive director of the office of youth
4 services, or the director's designee; and

5 (5) One member from the general public representing
6 victims' groups, appointed by the governor.

7 (c) With the exception of the compact administrator or
8 designee, the term of office of a member shall be four years.

9 (d) The state council may advise the compact administrator
10 or designee on participation in the commission activities and
11 administration of the compact.

12 **ARTICLE X**

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

14 (a) Any state, the District of Columbia (or its designee),
15 the Commonwealth of Puerto Rico, the United States Virgin
16 Islands, Guam, American Samoa, and the Northern Marianas Islands
17 as defined in article II of this compact is eligible to become a
18 compacting state.

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



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

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

13 **ARTICLE XI**

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

15 **Section A. Withdrawal.** (a) Once effective, the compact
16 shall continue in force and remain binding upon each compacting
17 state; provided that a compacting state may withdraw from the
18 compact by specifically repealing the statute that enacted the
19 compact into law.

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



1 (c) The withdrawing state shall immediately notify the
2 chairperson of the interstate commission in writing upon the
3 introduction of legislation repealing this compact in the
4 withdrawing state. The interstate commission shall notify the
5 other compacting states of the withdrawing state's intent to
6 withdraw within sixty days of its receipt thereof.

7 (d) The withdrawing state is responsible for all
8 assessments, obligations, and liabilities incurred through the
9 effective date of withdrawal, including any obligations, the
10 performance of which extend beyond the effective date of
11 withdrawal.

12 (e) Reinstatement following withdrawal of any compacting
13 state shall occur upon the withdrawing state reenacting the
14 compact or upon such later date as determined by the interstate
15 commission.

16 **Section B. Technical assistance, fines, suspension,**
17 **termination, and default.** (a) If the interstate commission
18 determines that any compacting state has defaulted in the
19 performance of any of its obligations or responsibilities under
20 this compact, or the bylaws or duly adopted rules, the interstate
21 commission may impose any or all of the following penalties:



- 1 (1) Remedial training and technical assistance as directed
2 by the interstate commission;
- 3 (2) Alternative dispute resolution;
- 4 (3) Fines, fees, and costs in amounts deemed to be
5 reasonable by the interstate commission; and
- 6 (4) Suspension or termination of membership in the compact,
7 which shall be imposed only after all other reasonable
8 means of securing compliance under the bylaws and rules
9 have been exhausted and the interstate commission has
10 therefore determined that the offending state is in
11 default. Immediate notice of suspension shall be given
12 by the interstate commission to the governor, the chief
13 justice or the chief judicial officer of the State, the
14 majority and minority leaders of the defaulting state's
15 legislature, and the state council. The grounds for
16 default include, but are not limited to, failure of a
17 compacting state to perform obligations or
18 responsibilities imposed upon it by this compact, the
19 bylaws, or duly adopted rules and any other grounds
20 designated in commission bylaws and rules. The
21 interstate commission shall immediately notify the
22 defaulting state in writing of the penalty imposed by



1 the interstate commission and of the default pending a
2 cure of the default. The commission shall stipulate
3 the conditions and the time period within which the
4 defaulting state must cure its default. If the
5 defaulting state fails to cure the default within the
6 time period specified by the commission, the defaulting
7 state shall be terminated from the compact upon an
8 affirmative vote of a majority of the compacting states
9 and all rights, privileges, and benefits conferred by
10 this compact shall be terminated from the effective
11 date of termination.

12 (b) Within sixty days of the effective date of termination
13 of a defaulting state, the interstate commission shall notify
14 the governor, the chief justice or chief judicial officer, the
15 majority and minority leaders of the defaulting state's
16 legislature, and the state council of the termination.

17 (c) The defaulting state is responsible for all
18 assessments, obligations, and liabilities incurred through the
19 effective date of termination including any obligations, the
20 performance of which extends beyond the effective date of
21 termination.



1 (d) The interstate commission shall not bear any costs
2 relating to the defaulting state unless otherwise mutually agreed
3 upon in writing between the interstate commission and the
4 defaulting state.

5 (e) Reinstatement following termination of any compacting
6 state requires both a reenactment of the compact by the
7 defaulting state and the approval of the interstate commission
8 pursuant to the rules.

9 **Section C. Judicial enforcement.** The interstate
10 commission, by majority vote of the members, may initiate legal
11 action in the United States District Court for the District of
12 Columbia or, at the discretion of the interstate commission, in
13 the federal district where the interstate commission has its
14 offices, to enforce compliance with the provisions of the
15 compact, and its duly adopted rules and bylaws, against any
16 compacting state in default. If judicial enforcement is
17 necessary, the prevailing party shall be awarded all costs of the
18 litigation, including reasonable attorney's fees.

19 **Section D. Dissolution of compact.** (a) The compact
20 dissolves effective upon the date of the withdrawal or default of
21 the compacting state, which reduces membership in the compact to
22 one compacting state.



1 (b) Upon the dissolution of this compact, the compact
2 becomes void and shall be of no further effect, and the business
3 and affairs of the interstate commission shall be concluded and
4 any surplus funds shall be distributed in accordance with the
5 bylaws.

6 **ARTICLE XII**

7 **SEVERABILITY AND CONSTRUCTION**

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

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

14 **ARTICLE XIII**

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

16 **Section A. Other laws.** (a) Nothing herein prevents the
17 enforcement of any other law of a compacting state that is not
18 inconsistent with this compact.

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



1 **Section B. Binding effect of the compact.** (a) All lawful
 2 actions of the interstate commission, including all rules and
 3 bylaws adopted by the interstate commission, are binding upon the
 4 compacting states.

5 (b) All agreements between the interstate commission and
 6 the compacting states are binding in accordance with their terms.

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

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

21 SECTION 2. Section 571-11, Hawaii Revised Statutes, is
 22 amended to read as follows:



1 "§571-11 Jurisdiction; children. Except as otherwise
2 provided in this chapter, the court shall have exclusive
3 original jurisdiction in proceedings:

4 (1) Concerning any person who is alleged to have committed
5 an act prior to achieving eighteen years of age which
6 would constitute a violation or attempted violation of
7 any federal, state, or local law or municipal
8 ordinance. Regardless of where the violation
9 occurred, jurisdiction may be taken by the court of
10 the circuit where the person resides, is living, or is
11 found, or in which the offense is alleged to have
12 occurred.

13 (2) Concerning any child living or found within the
14 circuit:

15 (A) Who is neglected as to or deprived of educational
16 services because of the failure of any person or
17 agency to exercise that degree of care for which
18 it is legally responsible;

19 (B) Who is beyond the control of the child's parent
20 or other custodian or whose behavior is injurious
21 to the child's own or others' welfare;



- 1 (C) Who is neither attending school nor receiving
- 2 educational services required by law whether
- 3 through the child's own misbehavior or
- 4 nonattendance or otherwise; or
- 5 (D) Who is in violation of curfew.
- 6 (3) To determine the custody of any child or appoint a
- 7 guardian of any child.
- 8 (4) For the adoption of a person under chapter 578.
- 9 (5) For the termination of parental rights under sections
- 10 571-61 to 571-63.
- 11 (6) For judicial consent to the marriage, employment, or
- 12 enlistment of a child, when such consent is required
- 13 by law.
- 14 (7) For the treatment or commitment of a mentally
- 15 defective, mentally retarded, or mentally ill child.
- 16 (8) Under the Interstate Compact on Juveniles under
- 17 chapter 582.
- 18 (9) For the protection of any child under chapter 587.
- 19 (10) For a change of name as provided in section 574-
- 20 5(a)(2)(C).
- 21 (11) Under the interstate compact for juveniles established
- 22 in chapter _____."



1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect:

3 (1) Upon the enactment into law of the interstate compact
4 for juveniles by the thirty-fifth state of the first
5 thirty-five states enacting the compact into law; and

6 (2) Upon the statewide publication of an executive order by
7 the governor stating that the interstate compact for
8 juveniles has taken effect according to the provisions
9 of article X(b) of the compact. The governor shall
10 transmit copies of the executive order to the president
11 of the senate, the speaker of the house of
12 representatives, and the chief justice of the supreme
13 court.

14

INTRODUCED BY:

By Request



SB. NO. 2612

Report Title:

Juveniles; Interstate Compact

Description:

Enacts interstate compact for juveniles to be adopted under certain conditions.

