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Testimony of Rick Masters, Special Counsel for Interstate Compacts
The Council of State Governments Re: Interstate Compact for Juveniles

RE: SB 109

Before the Hawaii Senate Committee on Judiciary and Government Operations

February 10, 2009 @ 9:00 a.m.

Honorable Chair and Members of the Committee, I am Rick Masters, Special Counsel for Interstate Compacts for the Council of State Governments and I am also Interim Counsel to the newly created Interstate Commission for Juveniles. I hold a J.D. from the Brandeis School of Law of the University of Louisville and I am licensed to practice law in the Commonwealth of Kentucky as well as both of its U.S. District Courts, I am also admitted to practice before the U.S. Courts of Appeals for the 4th and 6th Circuits as well as the District of Columbia Circuit and the United States Supreme Court.

I was formerly an Assistant Attorney General for the Commonwealth of Kentucky and I am a former General Counsel for the Council of State Governments and have continued to serve as Special Counsel for Interstate Compacts for the last ten (10) years.

I have acted as the primary drafter of a number of national compacts including the Interstate Compact for Adult Offender Supervision, which has been adopted by all 50 states, D.C., Puerto Rico, and the U.S. Virgin Islands and the Interstate Compact for the Placement of Children, Interstate Compact on Educational Opportunity for Military Children, and the Interstate Compact for Juveniles which is the subject of SB 109

I have also provided legal advice to a number of existing compact commissions and have litigated court cases concerning disputes in which interstate compact provisions have been at issue in a number of U.S. District Courts and U.S. Courts of Appeals. In addition I was a co-author of a book on the subject of interstate compacts published by the American Bar Association in 2006 containing the largest compilation of legal authorities and case citations ever printed on the subject.

This project is a **joint effort by the Council of State Governments and the U.S. Department of Justice/Office of Juvenile Justice and Delinquency Prevention** to address deficiencies documented in the current Interstate Compact for Juveniles of which Hawaii is a member to provide greater accountability for juvenile criminal offenders and other juveniles who are under supervision, treatment, or who have runaway from their state of residence.

To give input into the drafting process **stakeholders involved in juvenile justice in this country served as an advisory group which directed the work of the drafting team. *These groups included The National Council of Juvenile and Family Court Judges, The National Center for Juvenile Justice, The Council of Juvenile Corrections, The National Juvenile Detention Association, The National Center for Victims of Crime, and The National District Attorneys Association.***

The new compact became effective upon the enactment of at least thirty-five (35) states. Since January of this year at least three (3) additional states have introduced the bill including Massachusetts, Hawaii, and Mississippi. California, Ohio and Alaska are actively considering the legislation.

Interstate compacts are a time tested and court tested means of resolving interstate problems which are authorized under Article I, Section 10, Clause 3 of the U.S. Constitution. In our country's 220 year history some 200 compacts have been adopted of which Hawaii is a member of at least 15 interstate compacts.

Interstate compacts have been used for three primary purposes: 1) Boundary disputes between states' 2) Management of environmental resources 3) regulatory compacts which apply to a wide variety of multi-state problems including transportation, insurance regulation, taxation, interstate placement of foster and adopted children, criminal justice and corrections matters such as the transfer of adult offenders across state lines and education.

Compacts allow the states to exercise collective control over matters which are traditionally regulated by the states without surrendering state control to the federal government. Interstate compacts allow the states to avoid the problem of 'fifty (50) different sets of rules' with which to solve interstate problems through a uniform approach while still subject to joint state authority.

This Compact seeks to remedy the problems with the current compact by adding provisions for meaningful enforcement, administration, finances, communications, data collection and exchange, and training.

Hawaii's participation in the new compact is important for the proper accountability and care of the juveniles transferred across state lines in order to promote both public safety and proper supervision and treatment of these youth.

In summary, the new Interstate Compact for Juveniles will provide a better framework for the protection of public safety, the welfare of juveniles, and the protection of victims within the states through the improved control and regulation of the interstate movement of juveniles.

Thank you for the opportunity to address the Committee about this important public policy matter and I will be happy to respond to any questions.