

SENATE BILL 85

Unofficial Copy
E2
SB 366/00 - JPR

2001 Regular Session
11r0724

By: **Senators Frosh and Green**

Introduced and read first time: January 12, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Interstate Compact for Adult Offender Supervision**

3 FOR the purpose of repealing the Uniform Act for Out-of-State Parolee Supervision;
4 enacting the Interstate Compact for Adult Offender Supervision; establishing
5 the purpose of the Interstate Compact; defining certain terms; establishing the
6 Interstate Commission for Adult Offender Supervision; providing for the
7 creation of a State Council for Interstate Adult Offender Supervision; specifying
8 membership of the Council; providing for appointment of a Compact
9 Administrator; specifying the powers and duties of the Interstate Commission;
10 requiring the adoption of certain bylaws by the Interstate Commission;
11 providing for the election of certain officers of the Interstate Commission;
12 providing for certain immunities from liability for certain officers and
13 employees of the Interstate Commission; establishing the rights of members of
14 the Interstate Commission to vote; specifying certain meeting requirements for
15 the Commission; specifying certain data be collected by the Interstate
16 Commission; requiring the Commission to establish certain rules; establishing a
17 procedure for promulgating rules for the Interstate Commission; requiring the
18 Interstate Commission to address certain subjects within a certain time period;
19 requiring the Interstate Commission to take certain actions in regard to the
20 interstate movement of adult offenders; providing a mechanism for resolving
21 disputes among the compacting states; providing for enforcement of the
22 provisions of the Compact; establishing a funding mechanism for the Interstate
23 Commission; providing for the effective date of the Compact; providing a
24 mechanism for amending the Compact; providing for a compacting state's
25 withdrawal from the Compact; providing for a compacting state's default from
26 the Compact; providing for the Interstate Commission's judicial enforcement of
27 the Compact; providing for dissolution of the Compact; providing for the
28 severability of this Act; providing for the construction of the Compact; providing
29 for enforcement of the Compact in the event of a conflict with other State laws;
30 providing for the binding effect of the Compact; providing for a certain
31 contingency; providing for the effective date of this Act; and generally relating to
32 the Interstate Compact for Adult Offender Supervision.

33 BY repealing

34 Article - Correctional Services

1 Section 6-201 through 6-205, inclusive, and the subtitle "Subtitle 2. Uniform
2 Act for Out-of-State Parolee Supervision"
3 Annotated Code of Maryland
4 (1999 Volume and 2000 Supplement)

5 BY adding to
6 Article - Correctional Services
7 Section 6-201 through 6-215, inclusive, to be under the new subtitle "Subtitle
8 2. Interstate Compact for Adult Offender Supervision"
9 Annotated Code of Maryland
10 (1999 Volume and 2000 Supplement)

11 Preamble

12 WHEREAS, The Interstate Compact for the Supervision of Parolees and
13 Probationers was established in 1937, it is the earliest corrections "Compact"
14 established among the states and has not been amended since its adoption over 62
15 years ago; and

16 WHEREAS, This Compact is the only vehicle for the controlled movement of adult
17 parolees and probationers across state lines, and it currently has jurisdiction over
18 more than a quarter of a million offenders; and

19 WHEREAS, The complexities of the Compact have become more difficult to
20 administer, and many jurisdictions have expanded supervision expectations to
21 include currently unregulated practices such as victim input, victim notification
22 requirements, and sex offender registration; and

23 WHEREAS, After hearings, national surveys, and a detailed study by a task force
24 appointed by the National Institute of Corrections, the overwhelming
25 recommendation has been to amend the document to bring about an effective
26 management capacity that addresses public safety concerns and offender
27 accountability; and

28 WHEREAS, Upon the adoption of this Interstate Compact for Adult Offender
29 Supervision, it is the intention of the Legislature to repeal the previous Interstate
30 Compact for the Supervision of Parolees and Probationers on the effective date of this
31 Compact; now, therefore,

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
33 MARYLAND, That Section(s) 6-201 through 6-205, inclusive, and the subtitle
34 "Subtitle 2. Uniform Act for Out-of-State Parolee Supervision" of Article -
35 Correctional Services of the Annotated Code of Maryland be repealed.

36 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
37 read as follows:

1 **Article - Correctional Services**

2 SUBTITLE 2. INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION.

3 6-201.

4 THIS SUBTITLE MAY BE CITED AS THE INTERSTATE COMPACT FOR ADULT
5 OFFENDER SUPERVISION.

6 6-202.

7 ARTICLE I. PURPOSE.

8 (A) THE COMPACTING STATES TO THIS INTERSTATE COMPACT RECOGNIZE
9 THAT:

10 (1) EACH STATE IS RESPONSIBLE FOR THE SUPERVISION OF ADULT
11 OFFENDERS IN THE COMMUNITY WHO ARE AUTHORIZED PURSUANT TO THE BYLAWS
12 AND RULES OF THIS COMPACT TO TRAVEL ACROSS STATE LINES BOTH TO AND FROM
13 EACH COMPACTING STATE IN SUCH A MANNER AS TO TRACK THE LOCATION OF
14 OFFENDERS, TRANSFER SUPERVISION AUTHORITY IN AN ORDERLY AND EFFICIENT
15 MANNER, AND WHEN NECESSARY RETURN OFFENDERS TO THE ORIGINATING
16 JURISDICTIONS; AND

17 (2) CONGRESS, BY ENACTING THE CRIME CONTROL ACT, 4 U.S.C.
18 SECTION 112 (1965), HAS AUTHORIZED AND ENCOURAGED COMPACTS FOR
19 COOPERATIVE EFFORTS AND MUTUAL ASSISTANCE IN THE PREVENTION OF CRIME.

20 (B) IT IS THE PURPOSE OF THIS COMPACT AND THE INTERSTATE COMMISSION
21 CREATED HEREUNDER, THROUGH MEANS OF JOINT AND COOPERATIVE ACTION
22 AMONG THE COMPACTING STATES:

23 (1) TO PROVIDE THE FRAMEWORK FOR THE PROMOTION OF PUBLIC
24 SAFETY AND PROTECT THE RIGHT OF VICTIMS THROUGH THE CONTROL AND
25 REGULATION OF THE INTERSTATE MOVEMENT OF OFFENDERS IN THE COMMUNITY;

26 (2) TO PROVIDE FOR THE EFFECTIVE TRACKING, SUPERVISION, AND
27 REHABILITATION OF THESE OFFENDERS BY THE SENDING AND RECEIVING STATES;
28 AND

29 (3) TO EQUITABLY DISTRIBUTE THE COSTS, BENEFITS, AND
30 OBLIGATIONS OF THE COMPACT AMONG THE COMPACTING STATES.

31 (C) THIS COMPACT WILL:

32 (1) CREATE AN INTERSTATE COMMISSION WHICH WILL ESTABLISH
33 UNIFORM PROCEDURES TO MANAGE THE MOVEMENT BETWEEN STATES OF ADULTS
34 PLACED UNDER COMMUNITY SUPERVISION AND RELEASED TO THE COMMUNITY
35 UNDER THE JURISDICTION OF COURTS, PAROLING AUTHORITIES, CORRECTIONS, OR

1 OTHER CRIMINAL JUSTICE AGENCIES WHICH WILL PROMULGATE RULES TO
2 ACHIEVE THE PURPOSE OF THIS COMPACT;

3 (2) ENSURE AN OPPORTUNITY FOR INPUT AND TIMELY NOTICE TO
4 VICTIMS AND TO JURISDICTIONS WHERE DEFINED OFFENDERS ARE AUTHORIZED TO
5 TRAVEL OR TO RELOCATE ACROSS STATE LINES;

6 (3) ESTABLISH A SYSTEM OF UNIFORM DATA COLLECTION, ACCESS TO
7 INFORMATION ON ACTIVE CASES BY AUTHORIZED CRIMINAL JUSTICE OFFICIALS,
8 AND REGULAR REPORTING OF COMPACT ACTIVITIES TO HEADS OF STATE COUNCILS,
9 STATE EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES AND CRIMINAL JUSTICE
10 ADMINISTRATORS;

11 (4) MONITOR COMPLIANCE WITH RULES GOVERNING INTERSTATE
12 MOVEMENT OF OFFENDERS AND INITIATE INTERVENTIONS TO ADDRESS AND
13 CORRECT NONCOMPLIANCE; AND

14 (5) COORDINATE TRAINING AND EDUCATION REGARDING
15 REGULATIONS OF INTERSTATE MOVEMENT OF OFFENDERS FOR OFFICIALS
16 INVOLVED IN SUCH ACTIVITY.

17 (D) THE COMPACTING STATES RECOGNIZE THAT THERE IS NO "RIGHT" OF ANY
18 OFFENDER TO LIVE IN ANOTHER STATE AND THAT DULY ACCREDITED OFFICERS OF
19 A SENDING STATE MAY AT ALL TIMES ENTER A RECEIVING STATE AND THERE
20 APPREHEND AND RETAKE ANY OFFENDER UNDER SUPERVISION SUBJECT TO THE
21 PROVISIONS OF THIS COMPACT AND BYLAWS AND RULES PROMULGATED
22 HEREUNDER. IT IS THE POLICY OF THE COMPACTING STATES THAT THE ACTIVITIES
23 CONDUCTED BY THE INTERSTATE COMMISSION CREATED HEREIN ARE THE
24 FORMATION OF PUBLIC POLICIES AND ARE THEREFORE PUBLIC BUSINESS.

25 6-203.

26 ARTICLE II. DEFINITIONS.

27 (A) AS USED IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE
28 MEANINGS INDICATED, UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT
29 CONSTRUCTION.

30 (B) "ADULT" MEANS BOTH INDIVIDUALS LEGALLY CLASSIFIED AS ADULTS
31 AND JUVENILES TREATED AS ADULTS BY COURT ORDER, STATUTE, OR OPERATION
32 OF LAW.

33 (C) "BYLAWS" MEAN THOSE BYLAWS ESTABLISHED BY THE INTERSTATE
34 COMMISSION FOR ITS GOVERNANCE, OR FOR DIRECTING OR CONTROLLING THE
35 INTERSTATE COMMISSION'S ACTIONS OR CONDUCT.

36 (D) "COMPACT ADMINISTRATOR" MEANS THE INDIVIDUAL IN EACH
37 COMPACTING STATE APPOINTED PURSUANT TO THE TERMS OF THIS COMPACT
38 RESPONSIBLE FOR THE ADMINISTRATION AND MANAGEMENT OF THE STATE'S
39 SUPERVISION AND TRANSFER OF OFFENDERS SUBJECT TO THE TERMS OF THIS

1 COMPACT, THE RULES ADOPTED BY THE INTERSTATE COMMISSION, AND POLICIES
2 ADOPTED BY THE STATE COUNCIL UNDER THIS COMPACT.

3 (E) "COMPACTING STATE" MEANS ANY STATE WHICH HAS ENACTED THE
4 ENABLING LEGISLATION FOR THIS COMPACT.

5 (F) "COMMISSIONER" MEANS THE VOTING REPRESENTATIVE OF EACH
6 COMPACTING STATE APPOINTED PURSUANT TO ARTICLE III OF THIS COMPACT.

7 (G) "INTERSTATE COMMISSION" MEANS THE INTERSTATE COMMISSION FOR
8 ADULT OFFENDER SUPERVISION ESTABLISHED BY THIS COMPACT.

9 (H) "MEMBER" MEANS THE COMMISSIONER OF A COMPACTING STATE OR
10 DESIGNEE, WHO SHALL BE A PERSON OFFICIALLY CONNECTED WITH THE
11 COMMISSIONER.

12 (I) "NONCOMPACTING STATE" MEANS ANY STATE WHICH HAS NOT ENACTED
13 THE ENABLING LEGISLATION FOR THIS COMPACT.

14 (J) "OFFENDER" MEANS AN ADULT PLACED UNDER, OR SUBJECT TO,
15 SUPERVISION AS THE RESULT OF THE COMMISSION OF A CRIMINAL OFFENSE AND
16 RELEASED TO THE COMMUNITY UNDER THE JURISDICTION OF COURTS, PAROLING
17 AUTHORITIES, CORRECTIONS, OR OTHER CRIMINAL JUSTICE AGENCIES.

18 (K) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, BUSINESS
19 ENTERPRISE, OR OTHER LEGAL ENTITY, EITHER PUBLIC OR PRIVATE.

20 (L) "RULES" MEANS ACTS OF THE INTERSTATE COMMISSION, DULY
21 PROMULGATED PURSUANT TO ARTICLE VIII OF THIS COMPACT, SUBSTANTIALLY
22 AFFECTING INTERESTED PARTIES IN ADDITION TO THE INTERSTATE COMMISSION,
23 WHICH SHALL HAVE THE FORCE AND EFFECT OF LAW IN THE COMPACTING STATES.

24 (M) "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF
25 COLUMBIA, AND ANY OTHER TERRITORIAL POSSESSIONS OF THE UNITED STATES.

26 (N) "STATE COUNCIL" MEANS THE RESIDENT MEMBERS OF THE STATE
27 COUNCIL FOR INTERSTATE ADULT OFFENDER SUPERVISION CREATED BY EACH
28 STATE UNDER ARTICLE III OF THIS COMPACT.

29 6-204.

30 ARTICLE III. THE COMPACT COMMISSION.

31 (A) THE COMPACTING STATES HEREBY CREATE THE "INTERSTATE
32 COMMISSION FOR ADULT OFFENDER SUPERVISION". THE INTERSTATE COMMISSION
33 SHALL BE A BODY CORPORATE AND JOINT AGENCY OF THE COMPACTING STATES.
34 THE INTERSTATE COMMISSION SHALL HAVE ALL THE RESPONSIBILITIES, POWERS,
35 AND DUTIES SET FORTH HEREIN, INCLUDING THE POWER TO SUE AND BE SUED, AND
36 SUCH ADDITIONAL POWERS AS MAY BE CONFERRED UPON IT BY SUBSEQUENT

1 ACTION OF THE RESPECTIVE LEGISLATURES OF THE COMPACTING STATES IN
2 ACCORDANCE WITH THE TERMS OF THIS COMPACT.

3 (B) THE INTERSTATE COMMISSION SHALL CONSIST OF COMMISSIONERS
4 SELECTED AND APPOINTED BY RESIDENT MEMBERS OF A STATE COUNCIL FOR
5 INTERSTATE ADULT OFFENDER SUPERVISION FOR EACH STATE. IN ADDITION TO THE
6 COMMISSIONERS WHO ARE THE VOTING REPRESENTATIVES OF EACH STATE, THE
7 INTERSTATE COMMISSION SHALL INCLUDE INDIVIDUALS WHO ARE NOT
8 COMMISSIONERS BUT WHO ARE MEMBERS OF INTERESTED ORGANIZATIONS; SUCH
9 NONCOMMISSIONER MEMBERS MUST INCLUDE A MEMBER OF THE NATIONAL
10 ORGANIZATIONS OF GOVERNORS, LEGISLATORS, STATE CHIEF JUSTICES,
11 ATTORNEYS GENERAL, AND CRIME VICTIMS. ALL NONCOMMISSIONER MEMBERS OF
12 THE INTERSTATE COMMISSION SHALL BE EX OFFICIO (NONVOTING) MEMBERS. THE
13 INTERSTATE COMMISSION MAY PROVIDE IN ITS BYLAWS FOR SUCH ADDITIONAL, EX
14 OFFICIO, NONVOTING MEMBERS AS IT DEEMS NECESSARY.

15 (C) EACH COMPACTING STATE REPRESENTED AT ANY MEETING OF THE
16 INTERSTATE COMMISSION IS ENTITLED TO ONE VOTE. A MAJORITY OF THE
17 COMPACTING STATES SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF
18 BUSINESS, UNLESS A LARGER QUORUM IS REQUIRED BY THE BYLAWS OF THE
19 INTERSTATE COMMISSION. THE INTERSTATE COMMISSION SHALL MEET AT LEAST
20 ONCE EACH CALENDAR YEAR. THE CHAIRPERSON MAY CALL ADDITIONAL MEETINGS
21 AND, UPON THE REQUEST OF 27 OR MORE COMPACTING STATES, SHALL CALL
22 ADDITIONAL MEETINGS. PUBLIC NOTICE SHALL BE GIVEN OF ALL MEETINGS AND
23 MEETINGS SHALL BE OPEN TO THE PUBLIC.

24 (D) THE INTERSTATE COMMISSION SHALL ESTABLISH AN EXECUTIVE
25 COMMITTEE WHICH SHALL INCLUDE COMMISSION OFFICERS, MEMBERS, AND
26 OTHERS AS SHALL BE DETERMINED BY THE BYLAWS. THE EXECUTIVE COMMITTEE
27 SHALL HAVE THE POWER TO ACT ON BEHALF OF THE INTERSTATE COMMISSION
28 DURING PERIODS WHEN THE INTERSTATE COMMISSION IS NOT IN SESSION, WITH
29 THE EXCEPTION OF RULEMAKING AND/OR AMENDMENT TO THE COMPACT.

30 (E) THE EXECUTIVE COMMITTEE SHALL:

31 (1) OVERSEE THE DAY-TO-DAY ACTIVITIES MANAGED BY THE
32 EXECUTIVE DIRECTOR AND INTERSTATE COMMISSION STAFF;

33 (2) ADMINISTER ENFORCEMENT AND COMPLIANCE WITH THE
34 PROVISIONS OF THE COMPACT AND ITS BYLAWS, AS DIRECTED BY THE INTERSTATE
35 COMMISSION; AND

36 (3) PERFORM OTHER DUTIES AS DIRECTED BY THE COMMISSION OR SET
37 FORTH IN THE BYLAWS.

1 6-205.

2

ARTICLE IV. THE STATE COUNCIL.

3 (A) EACH MEMBER STATE SHALL CREATE A STATE COUNCIL FOR INTERSTATE
4 ADULT OFFENDER SUPERVISION WHICH SHALL BE RESPONSIBLE FOR THE
5 APPOINTMENT OF THE COMMISSIONER WHO SHALL SERVE ON THE INTERSTATE
6 COMMISSION FROM THAT STATE.

7 (B) EACH STATE COUNCIL SHALL APPOINT AS ITS COMMISSIONER THE
8 COMPACT ADMINISTRATOR FROM THAT STATE TO SERVE ON THE INTERSTATE
9 COMMISSION IN SUCH CAPACITY UNDER OR PURSUANT TO APPLICABLE LAW OF THE
10 MEMBER STATE.

11 (C) WHILE EACH MEMBER STATE MAY DETERMINE THE MEMBERSHIP OF ITS
12 OWN STATE COUNCIL, ITS MEMBERSHIP MUST INCLUDE AT LEAST ONE
13 REPRESENTATIVE FROM THE LEGISLATIVE, JUDICIAL, AND EXECUTIVE BRANCHES
14 OF GOVERNMENT, VICTIMS' GROUPS, AND COMPACT ADMINISTRATORS.

15 (D) EACH COMPACTING STATE RETAINS THE RIGHT TO DETERMINE THE
16 QUALIFICATIONS OF THE COMPACT ADMINISTRATOR WHO SHALL BE APPOINTED BY
17 THE STATE COUNCIL OR BY THE GOVERNOR IN CONSULTATION WITH THE
18 LEGISLATURE AND THE JUDICIARY.

19 (E) IN ADDITION TO APPOINTMENT OF ITS COMMISSIONER TO THE NATIONAL
20 INTERSTATE COMMISSION, EACH STATE COUNCIL SHALL EXERCISE OVERSIGHT AND
21 ADVOCACY CONCERNING ITS PARTICIPATION IN INTERSTATE COMMISSION
22 ACTIVITIES AND OTHER DUTIES AS MAY BE DETERMINED BY EACH MEMBER STATE
23 INCLUDING BUT NOT LIMITED TO, DEVELOPMENT OF POLICY CONCERNING
24 OPERATIONS AND PROCEDURES OF THE COMPACT WITHIN THAT STATE.

25 6-206.

26 ARTICLE V. POWERS AND DUTIES OF THE INTERSTATE COMMISSION.

27 THE INTERSTATE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

28 (1) TO ADOPT A SEAL AND SUITABLE BYLAWS GOVERNING THE
29 MANAGEMENT AND OPERATION OF THE INTERSTATE COMMISSION;

30 (2) TO PROMULGATE RULES WHICH SHALL HAVE THE FORCE AND
31 EFFECT OF STATUTORY LAW AND SHALL BE BINDING IN THE COMPACTING STATE TO
32 THE EXTENT AND IN THE MANNER PROVIDED IN THIS COMPACT;

33 (3) TO OVERSEE, SUPERVISE, AND COORDINATE THE INTERSTATE
34 MOVEMENT OF OFFENDERS SUBJECT TO THE TERMS OF THIS COMPACT AND ANY
35 BYLAWS ADOPTED AND RULES PROMULGATED BY THE COMPACT COMMISSION;

- 1 (4) TO ENFORCE COMPLIANCE WITH COMPACT PROVISIONS,
2 INTERSTATE COMMISSION RULES, AND BYLAWS, USING ALL NECESSARY AND
3 PROPER MEANS, INCLUDING BUT NOT LIMITED TO, THE USE OF JUDICIAL PROCESS;
- 4 (5) TO ESTABLISH AND MAINTAIN OFFICES;
- 5 (6) TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;
- 6 (7) TO BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF PERSONNEL,
7 INCLUDING, BUT NOT LIMITED TO, MEMBERS AND THEIR STAFFS;
- 8 (8) TO ESTABLISH AND APPOINT COMMITTEES AND HIRE STAFF WHICH
9 IT DEEMS NECESSARY FOR THE CARRYING OUT OF ITS FUNCTIONS INCLUDING, BUT
10 NOT LIMITED TO, AN EXECUTIVE COMMITTEE AS REQUIRED BY ARTICLE III OF THIS
11 COMPACT WHICH SHALL HAVE THE POWER TO ACT ON BEHALF OF THE INTERSTATE
12 COMMISSION IN CARRYING OUT ITS POWERS AND DUTIES HEREUNDER;
- 13 (9) TO ELECT OR APPOINT SUCH OFFICERS, ATTORNEYS, EMPLOYEES,
14 AGENTS, OR CONSULTANTS, AND TO FIX THEIR COMPENSATION, DEFINE THEIR
15 DUTIES AND DETERMINE THEIR QUALIFICATIONS; AND TO ESTABLISH THE
16 INTERSTATE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS RELATING TO,
17 AMONG OTHER THINGS, CONFLICTS OF INTEREST, RATES OF COMPENSATION, AND
18 QUALIFICATIONS OF PERSONNEL;
- 19 (10) TO ACCEPT ANY AND ALL DONATIONS AND GRANTS OF MONEY,
20 EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND TO RECEIVE, UTILIZE, AND
21 DISPOSE OF SAME;
- 22 (11) TO LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF,
23 OR OTHERWISE TO OWN, HOLD, IMPROVE OR USE ANY PROPERTY, REAL, PERSONAL,
24 OR MIXED;
- 25 (12) TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
26 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR MIXED;
- 27 (13) TO ESTABLISH A BUDGET AND MAKE EXPENDITURES AND LEVY
28 DUES AS PROVIDED IN ARTICLE X OF THIS COMPACT;
- 29 (14) TO SUE AND BE SUED;
- 30 (15) TO PROVIDE FOR DISPUTE RESOLUTION AMONG COMPACTING
31 STATES;
- 32 (16) TO PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR
33 APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT;
- 34 (17) TO REPORT ANNUALLY TO THE LEGISLATURES, GOVERNORS,
35 JUDICIARY, AND STATE COUNCILS OF THE COMPACTING STATES CONCERNING THE
36 ACTIVITIES OF THE INTERSTATE COMMISSION DURING THE PRECEDING YEAR. SUCH

1 REPORTS SHALL ALSO INCLUDE ANY RECOMMENDATIONS THAT MAY HAVE BEEN
2 ADOPTED BY THE INTERSTATE COMMISSION;

3 (18) TO COORDINATE EDUCATION, TRAINING, AND PUBLIC AWARENESS
4 REGARDING THE INTERSTATE MOVEMENT OF OFFENDERS FOR OFFICIALS
5 INVOLVED IN SUCH ACTIVITY; AND

6 (19) TO ESTABLISH UNIFORM STANDARDS FOR THE REPORTING,
7 COLLECTING, AND EXCHANGING OF DATA.

8 6-207.

9 ARTICLE VI. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.

10 (A) THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF THE MEMBERS,
11 WITHIN 12 MONTHS OF THE FIRST INTERSTATE COMMISSION MEETING, ADOPT
12 BYLAWS TO GOVERN ITS CONDUCT AS MAY BE NECESSARY OR APPROPRIATE TO
13 CARRY OUT THE PURPOSES OF THE COMPACT, INCLUDING, BUT NOT LIMITED TO:

14 (1) ESTABLISHING THE FISCAL YEAR OF THE INTERSTATE COMMISSION;

15 (2) ESTABLISHING AN EXECUTIVE COMMITTEE AND SUCH OTHER
16 COMMITTEES AS MAY BE NECESSARY;

17 (3) PROVIDING REASONABLE STANDARDS AND PROCEDURES:

18 (I) FOR THE ESTABLISHMENT OF COMMITTEES; AND

19 (II) GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY
20 AUTHORITY OR FUNCTION OF THE INTERSTATE COMMISSION;

21 (4) PROVIDING REASONABLE PROCEDURES FOR CALLING AND
22 CONDUCTING MEETINGS OF THE INTERSTATE COMMISSION, AND ENSURING
23 REASONABLE NOTICE OF EACH SUCH MEETING;

24 (5) ESTABLISHING THE TITLES AND RESPONSIBILITIES OF THE
25 OFFICERS OF THE INTERSTATE COMMISSION;

26 (6) PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR THE
27 ESTABLISHMENT OF THE PERSONNEL POLICIES AND PROGRAMS OF THE
28 INTERSTATE COMMISSION;

29 (7) PROVIDING A MECHANISM FOR WINDING UP THE OPERATIONS OF
30 THE INTERSTATE COMMISSION AND THE EQUITABLE RETURN OF ANY SURPLUS
31 FUNDS THAT MAY EXIST UPON THE TERMINATION OF THE COMPACT AFTER THE
32 PAYMENT AND/OR RESERVING OF ALL OF ITS DEBTS AND OBLIGATIONS;

33 (8) PROVIDING TRANSITION RULES FOR "START UP" ADMINISTRATION
34 OF THE COMPACT; AND

1 (9) ESTABLISHING STANDARDS AND PROCEDURES FOR COMPLIANCE
2 AND TECHNICAL ASSISTANCE IN CARRYING OUT THE COMPACT.

3 (B) NOTWITHSTANDING ANY CIVIL SERVICE OR OTHER SIMILAR LAWS OF ANY
4 COMPACTING STATE, THE BYLAWS SHALL EXCLUSIVELY GOVERN THE PERSONNEL
5 POLICIES AND PROGRAMS OF THE INTERSTATE COMMISSION.

6 (C) (1) THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF THE
7 MEMBERS, ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND A VICE
8 CHAIRPERSON, EACH OF WHOM SHALL HAVE SUCH AUTHORITIES AND DUTIES AS
9 MAY BE SPECIFIED IN THE BYLAWS. THE CHAIRPERSON OR, IN THE CHAIRPERSON'S
10 ABSENCE OR DISABILITY, THE VICE CHAIRPERSON, SHALL PRESIDE AT ALL
11 MEETINGS OF THE INTERSTATE COMMISSION.

12 (2) THE OFFICERS SO ELECTED SHALL SERVE WITHOUT
13 COMPENSATION OR REMUNERATION FROM THE INTERSTATE COMMISSION;
14 PROVIDED THAT, SUBJECT TO THE AVAILABILITY OF BUDGETED FUNDS, THE
15 OFFICERS SHALL BE REIMBURSED FOR ANY ACTUAL AND NECESSARY COSTS AND
16 EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR DUTIES AND
17 RESPONSIBILITIES AS OFFICERS OF THE INTERSTATE COMMISSION.

18 (3) THE INTERSTATE COMMISSION SHALL, THROUGH ITS EXECUTIVE
19 COMMITTEE, APPOINT OR RETAIN AN EXECUTIVE DIRECTOR FOR SUCH PERIOD,
20 UPON SUCH TERMS AND CONDITIONS AND FOR SUCH COMPENSATION AS THE
21 INTERSTATE COMMISSION MAY DEEM APPROPRIATE. THE EXECUTIVE DIRECTOR
22 SHALL SERVE AS SECRETARY TO THE INTERSTATE COMMISSION, AND HIRE AND
23 SUPERVISE SUCH OTHER STAFF AS MAY BE AUTHORIZED BY THE INTERSTATE
24 COMMISSION, BUT SHALL NOT BE A MEMBER.

25 (D) THE INTERSTATE COMMISSION SHALL MAINTAIN ITS CORPORATE BOOKS
26 AND RECORDS IN ACCORDANCE WITH THE BYLAWS.

27 (E) (1) THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, AND EMPLOYEES
28 OF THE INTERSTATE COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY,
29 EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR
30 DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL
31 LIABILITY CAUSED OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR
32 OMISSION THAT OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION
33 EMPLOYMENT, DUTIES OR RESPONSIBILITIES; PROVIDED, THAT NOTHING IN THIS
34 PARAGRAPH SHALL BE CONSTRUED TO PROTECT ANY SUCH PERSON FROM SUIT
35 AND/OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE
36 INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF ANY SUCH PERSON.

37 (2) THE INTERSTATE COMMISSION SHALL DEFEND THE COMMISSIONER
38 OF A COMPACTING STATE, THE COMMISSIONER'S REPRESENTATIVES OR
39 EMPLOYEES, OR THE INTERSTATE COMMISSION'S REPRESENTATIVES OR
40 EMPLOYEES IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY, ARISING OUT OF
41 ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE
42 SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES,

1 OR THAT THE DEFENDANT HAD A REASONABLE BASIS FOR BELIEVING OCCURRED
2 WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR
3 RESPONSIBILITIES; PROVIDED, THAT THE ACTUAL OR ALLEGED ACT, ERROR OR
4 OMISSION DID NOT RESULT FROM INTENTIONAL WRONGDOING ON THE PART OF
5 SUCH PERSON.

6 (3) THE INTERSTATE COMMISSION SHALL INDEMNIFY AND HOLD THE
7 COMMISSIONER OF A COMPACTING STATE, THE APPOINTED DESIGNEE OR
8 EMPLOYEES, OR THE INTERSTATE COMMISSION'S REPRESENTATIVES OR
9 EMPLOYEES, HARMLESS IN THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT
10 OBTAINED AGAINST SUCH PERSONS ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,
11 ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF INTERSTATE
12 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT SUCH
13 PERSONS HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE
14 OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,
15 PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT
16 RESULT FROM GROSS NEGLIGENCE OR INTENTIONAL WRONGDOING ON THE PART
17 OF SUCH PERSON.

18 6-208.

19 ARTICLE VII. ACTIVITIES OF THE INTERSTATE COMMISSION.

20 (A) THE INTERSTATE COMMISSION SHALL MEET AND TAKE SUCH ACTIONS AS
21 ARE CONSISTENT WITH THE PROVISIONS OF THIS COMPACT.

22 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS COMPACT AND UNLESS A
23 GREATER PERCENTAGE IS REQUIRED BY THE BYLAWS, IN ORDER TO CONSTITUTE AN
24 ACT OF THE INTERSTATE COMMISSION, SUCH ACT SHALL HAVE BEEN TAKEN AT A
25 MEETING OF THE INTERSTATE COMMISSION AND SHALL HAVE RECEIVED AN
26 AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS PRESENT.

27 (C) EACH MEMBER OF THE INTERSTATE COMMISSION SHALL HAVE THE
28 RIGHT AND POWER TO CAST A VOTE TO WHICH THAT COMPACTING STATE IS
29 ENTITLED AND TO PARTICIPATE IN THE BUSINESS AND AFFAIRS OF THE INTERSTATE
30 COMMISSION. A MEMBER SHALL VOTE IN PERSON ON BEHALF OF THE STATE AND
31 SHALL NOT DELEGATE A VOTE TO ANOTHER MEMBER STATE. HOWEVER, A STATE
32 COUNCIL SHALL APPOINT ANOTHER AUTHORIZED REPRESENTATIVE, IN THE
33 ABSENCE OF THE COMMISSIONERS FROM THAT STATE, TO CAST A VOTE ON BEHALF
34 OF THE MEMBER STATE AT A SPECIFIED MEETING. THE BYLAWS MAY PROVIDE FOR
35 MEMBERS' PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF
36 TELECOMMUNICATION OR ELECTRONIC COMMUNICATION. ANY VOTING
37 CONDUCTED BY TELEPHONE, OR OTHER MEANS OF TELECOMMUNICATION OR
38 ELECTRONIC COMMUNICATION SHALL BE SUBJECT TO THE SAME QUORUM
39 REQUIREMENTS OF MEETINGS WHERE MEMBERS ARE PRESENT IN PERSON.

40 (D) THE INTERSTATE COMMISSION SHALL MEET AT LEAST ONCE DURING
41 EACH CALENDAR YEAR. THE CHAIRPERSON OF THE INTERSTATE COMMISSION MAY

1 CALL ADDITIONAL MEETINGS AT ANY TIME AND, UPON THE REQUEST OF A
2 MAJORITY OF THE MEMBERS, SHALL CALL ADDITIONAL MEETINGS.

3 (E) THE INTERSTATE COMMISSION'S BYLAWS SHALL ESTABLISH CONDITIONS
4 AND PROCEDURES UNDER WHICH THE INTERSTATE COMMISSION SHALL MAKE ITS
5 INFORMATION AND OFFICIAL RECORDS AVAILABLE TO THE PUBLIC FOR INSPECTION
6 OR COPYING. THE INTERSTATE COMMISSION MAY EXEMPT FROM DISCLOSURE ANY
7 INFORMATION OR OFFICIAL RECORDS TO THE EXTENT THEY WOULD ADVERSELY
8 AFFECT PERSONAL PRIVACY RIGHTS OR PROPRIETARY INTERESTS. IN
9 PROMULGATING SUCH RULES, THE INTERSTATE COMMISSION MAY MAKE
10 AVAILABLE TO LAW ENFORCEMENT AGENCIES RECORDS AND INFORMATION
11 OTHERWISE EXEMPT FROM DISCLOSURE, AND MAY ENTER INTO AGREEMENTS WITH
12 LAW ENFORCEMENT AGENCIES TO RECEIVE OR EXCHANGE INFORMATION OR
13 RECORDS SUBJECT TO NONDISCLOSURE AND CONFIDENTIALITY PROVISIONS.

14 (F) (1) PUBLIC NOTICE SHALL BE GIVEN OF ALL MEETINGS AND ALL
15 MEETINGS SHALL BE OPEN TO THE PUBLIC, EXCEPT AS SET FORTH IN THE RULES OR
16 AS OTHERWISE PROVIDED IN THE COMPACT. THE INTERSTATE COMMISSION SHALL
17 PROMULGATE RULES CONSISTENT WITH THE PRINCIPLES CONTAINED IN THE
18 "GOVERNMENT IN SUNSHINE ACT", 5 U.S.C. SECTION 552(B), AS MAY BE AMENDED.
19 THE INTERSTATE COMMISSION AND ANY OF ITS COMMITTEES MAY CLOSE A
20 MEETING TO THE PUBLIC WHERE IT DETERMINES BY TWO-THIRDS VOTE THAT AN
21 OPEN MEETING WOULD BE LIKELY TO:

22 (I) RELATE SOLELY TO THE INTERSTATE COMMISSION'S INTERNAL
23 PERSONNEL PRACTICES AND PROCEDURES;

24 (II) DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM
25 DISCLOSURE BY STATUTE;

26 (III) DISCLOSE TRADE SECRETS OR COMMERCIAL OR FINANCIAL
27 INFORMATION WHICH IS PRIVILEGED OR CONFIDENTIAL;

28 (IV) INVOLVE ACCUSING ANY PERSON OF A CRIME OR FORMALLY
29 CENSURING ANY PERSON;

30 (V) DISCLOSE INFORMATION OF A PERSONAL NATURE WHERE
31 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF
32 PERSONAL PRIVACY;

33 (VI) DISCLOSE INVESTIGATORY RECORDS COMPILED FOR LAW
34 ENFORCEMENT PURPOSES;

35 (VII) DISCLOSE INFORMATION CONTAINED IN OR RELATED TO
36 EXAMINATION, OPERATING OR CONDITION REPORTS PREPARED BY, OR ON BEHALF
37 OF OR FOR THE USE OF, THE INTERSTATE COMMISSION WITH RESPECT TO A
38 REGULATED ENTITY FOR THE PURPOSE OF REGULATION OR SUPERVISION OF SUCH
39 ENTITY;

1 (VIII) DISCLOSE INFORMATION, THE PREMATURE DISCLOSURE OF
2 WHICH WOULD SIGNIFICANTLY ENDANGER THE LIFE OF A PERSON OR THE
3 STABILITY OF A REGULATED ENTITY; AND

4 (IX) SPECIFICALLY RELATE TO THE INTERSTATE COMMISSION'S
5 ISSUANCE OF A SUBPOENA OR ITS PARTICIPATION IN A CIVIL ACTION OR
6 PROCEEDING.

7 (2) FOR EVERY MEETING CLOSED PURSUANT TO THIS SUBSECTION, THE
8 INTERSTATE COMMISSION'S CHIEF LEGAL OFFICER SHALL PUBLICLY CERTIFY THAT,
9 IN THE CHIEF LEGAL OFFICER'S OPINION, THE MEETING MAY BE CLOSED TO THE
10 PUBLIC, AND SHALL REFERENCE EACH RELEVANT EXEMPTIVE PROVISION. THE
11 INTERSTATE COMMISSION SHALL KEEP MINUTES WHICH SHALL FULLY AND
12 CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN ANY MEETING AND SHALL
13 PROVIDE A FULL AND ACCURATE SUMMARY OF ANY ACTIONS TAKEN, AND THE
14 REASONS THEREFOR, INCLUDING A DESCRIPTION OF EACH OF THE VIEWS
15 EXPRESSED ON ANY ITEM AND THE RECORD OF ANY ROLL CALL VOTE (REFLECTED
16 IN THE VOTE OF EACH MEMBER ON THE QUESTION). ALL DOCUMENTS CONSIDERED
17 IN CONNECTION WITH ANY ACTION SHALL BE IDENTIFIED IN SUCH MINUTES.

18 (G) THE INTERSTATE COMMISSION SHALL COLLECT STANDARDIZED DATA
19 CONCERNING THE INTERSTATE MOVEMENT OF OFFENDERS AS DIRECTED THROUGH
20 ITS BYLAWS AND RULES WHICH SHALL SPECIFY THE DATA TO BE COLLECTED, THE
21 MEANS OF COLLECTION, AND DATA EXCHANGE AND REPORTING REQUIREMENTS.

22 6-209.

23 ARTICLE VIII. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.

24 (A) THE INTERSTATE COMMISSION SHALL PROMULGATE RULES IN ORDER TO
25 EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES OF THE COMPACT
26 INCLUDING TRANSITION RULES GOVERNING ADMINISTRATION OF THE COMPACT
27 DURING THE PERIOD IN WHICH IT IS BEING CONSIDERED AND ENACTED BY THE
28 STATES.

29 (B) RULEMAKING SHALL OCCUR PURSUANT TO THE CRITERIA SET FORTH IN
30 THIS SECTION AND THE BYLAWS AND RULES ADOPTED PURSUANT THERETO. SUCH
31 RULEMAKING SHALL SUBSTANTIALLY CONFORM TO THE PRINCIPLES OF THE
32 FEDERAL ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C.S. § 551 ET SEQ., AND THE
33 FEDERAL ADVISORY COMMITTEE ACT, 5 U.S.C.S. APP. § 1 ET SEQ., AS MAY BE
34 AMENDED (HEREINAFTER "APA"). ALL RULES AND AMENDMENTS SHALL BECOME
35 BINDING AS OF THE DATE SPECIFIED IN EACH RULE OR AMENDMENT.

36 (C) IF A MAJORITY OF THE LEGISLATURES OF THE COMPACTING STATES
37 REJECTS A RULE, BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE SAME
38 MANNER USED TO ADOPT THE COMPACT, THEN SUCH RULE SHALL HAVE NO
39 FURTHER FORCE AND EFFECT IN ANY COMPACTING STATE.

40 (D) WHEN PROMULGATING A RULE, THE INTERSTATE COMMISSION SHALL:

1 (1) PUBLISH THE PROPOSED RULE STATING WITH PARTICULARITY THE
2 TEXT OF THE RULE WHICH IS PROPOSED AND THE REASON FOR THE PROPOSED
3 RULE;

4 (2) ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS, AND
5 ARGUMENTS, WHICH INFORMATION SHALL BE PUBLICLY AVAILABLE;

6 (3) PROVIDE AN OPPORTUNITY FOR AN INFORMAL HEARING; AND

7 (4) PROMULGATE A FINAL RULE AND ITS EFFECTIVE DATE, IF
8 APPROPRIATE, BASED ON THE RULEMAKING RECORD.

9 (E) NOT LATER THAN 60 DAYS AFTER A RULE IS PROMULGATED, ANY
10 INTERESTED PERSON MAY FILE A PETITION IN THE UNITED STATES DISTRICT COURT
11 FOR THE DISTRICT OF COLUMBIA OR IN THE FEDERAL DISTRICT COURT WHERE THE
12 INTERSTATE COMMISSION'S PRINCIPAL OFFICE IS LOCATED FOR JUDICIAL REVIEW
13 OF SUCH RULE. IF THE COURT FINDS THAT THE INTERSTATE COMMISSION'S ACTION
14 IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE, (AS DEFINED IN THE APA), IN THE
15 RULEMAKING RECORD, THE COURT SHALL HOLD THE RULE UNLAWFUL AND SET IT
16 ASIDE.

17 (F) SUBJECTS TO BE ADDRESSED WITHIN 12 MONTHS AFTER THE FIRST
18 MEETING MUST AT A MINIMUM INCLUDE:

19 (1) NOTICE TO VICTIMS AND OPPORTUNITY TO BE HEARD;

20 (2) OFFENDER REGISTRATION AND COMPLIANCE;

21 (3) VIOLATIONS/RETURNS;

22 (4) TRANSFER PROCEDURES AND FORMS;

23 (5) ELIGIBILITY FOR TRANSFER;

24 (6) COLLECTION OF RESTITUTION AND FEES FROM OFFENDERS;

25 (7) DATA COLLECTION AND REPORTING;

26 (8) THE LEVEL OF SUPERVISION TO BE PROVIDED BY THE RECEIVING
27 STATE;

28 (9) TRANSITION RULES GOVERNING THE OPERATION OF THE COMPACT
29 AND THE INTERSTATE COMMISSION DURING ALL OR PART OF THE PERIOD BETWEEN
30 THE EFFECTIVE DATE OF THE COMPACT AND THE DATE ON WHICH THE LAST
31 ELIGIBLE STATE ADOPTS THE COMPACT; AND

32 (10) MEDIATION, ARBITRATION, AND DISPUTE RESOLUTION.

33 (G) THE EXISTING RULES GOVERNING THE OPERATION OF THE PREVIOUS
34 COMPACT SUPERCEDED BY THIS ACT SHALL BE NULL AND VOID 12 MONTHS AFTER
35 THE FIRST MEETING OF THE INTERSTATE COMMISSION CREATED HEREUNDER.

1 (H) UPON DETERMINATION BY THE INTERSTATE COMMISSION THAT AN
2 EMERGENCY EXISTS, IT MAY PROMULGATE AN EMERGENCY RULE WHICH SHALL
3 BECOME EFFECTIVE IMMEDIATELY UPON ADOPTION, PROVIDED THAT THE USUAL
4 RULEMAKING PROCEDURES PROVIDED HEREUNDER SHALL BE RETROACTIVELY
5 APPLIED TO SAID RULE AS SOON AS REASONABLY POSSIBLE, AND IN NO EVENT
6 LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THE RULE.

7 6-210.

8 ARTICLE IX. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE
9 INTERSTATE COMMISSION.

10 (A) (1) THE INTERSTATE COMMISSION SHALL OVERSEE THE INTERSTATE
11 MOVEMENT OF ADULT OFFENDERS IN THE COMPACTING STATES AND SHALL
12 MONITOR SUCH ACTIVITIES BEING ADMINISTERED IN NONCOMPACTING STATES
13 WHICH MAY SIGNIFICANTLY AFFECT COMPACTING STATES.

14 (2) THE COURTS AND EXECUTIVE AGENCIES IN EACH COMPACTING
15 STATE SHALL ENFORCE THIS COMPACT AND SHALL TAKE ALL ACTIONS NECESSARY
16 AND APPROPRIATE TO EFFECTUATE THE COMPACT'S PURPOSES AND INTENT. IN ANY
17 JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A COMPACTING STATE PERTAINING
18 TO THE SUBJECT MATTER OF THIS COMPACT WHICH MAY AFFECT THE POWERS,
19 RESPONSIBILITIES, OR ACTIONS OF THE INTERSTATE COMMISSION, THE
20 INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE ALL SERVICE OF
21 PROCESS IN ANY PROCEEDING, AND SHALL HAVE STANDING TO INTERVENE IN THE
22 PROCEEDING FOR ALL PURPOSES.

23 (B) (1) THE COMPACTING STATES SHALL REPORT TO THE INTERSTATE
24 COMMISSION ON ISSUES OR ACTIVITIES OF CONCERN TO THEM, AND COOPERATE
25 WITH AND SUPPORT THE INTERSTATE COMMISSION IN THE DISCHARGE OF ITS
26 DUTIES AND RESPONSIBILITIES.

27 (2) THE INTERSTATE COMMISSION SHALL ATTEMPT TO RESOLVE ANY
28 DISPUTES OR OTHER ISSUES WHICH ARE SUBJECT TO THE COMPACT AND WHICH
29 MAY ARISE AMONG COMPACTING STATES AND NONCOMPACTING STATES.

30 (3) THE INTERSTATE COMMISSION SHALL ENACT A BYLAW OR
31 PROMULGATE A RULE PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE
32 RESOLUTION FOR DISPUTES AMONG THE COMPACTING STATES.

33 (C) THE INTERSTATE COMMISSION, IN THE REASONABLE EXERCISE OF ITS
34 DISCRETION, SHALL ENFORCE THE PROVISIONS OF THIS COMPACT USING ANY OR
35 ALL MEANS SET FORTH IN § 6-213(B) OF THIS SUBTITLE.

1 6-211.

2 ARTICLE X. FINANCE.

3 (A) THE INTERSTATE COMMISSION SHALL PAY OR PROVIDE FOR THE
4 PAYMENT OF THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION,
5 AND ONGOING ACTIVITIES.

6 (B) THE INTERSTATE COMMISSION SHALL LEVY ON AND COLLECT AN
7 ANNUAL ASSESSMENT FROM EACH COMPACTING STATE TO COVER THE COST OF THE
8 INTERNAL OPERATIONS AND ACTIVITIES OF THE INTERSTATE COMMISSION AND ITS
9 STAFF WHICH MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER THE
10 INTERSTATE COMMISSION'S ANNUAL BUDGET AS APPROVED EACH YEAR. THE
11 AGGREGATE ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED UPON A
12 FORMULA TO BE DETERMINED BY THE INTERSTATE COMMISSION, TAKING INTO
13 CONSIDERATION THE POPULATION OF THE STATE AND THE VOLUME OF INTERSTATE
14 MOVEMENT OF OFFENDERS IN EACH COMPACTING STATE AND SHALL PROMULGATE
15 A RULE BINDING UPON ALL COMPACTING STATES WHICH GOVERNS SAID
16 ASSESSMENT.

17 (C) THE INTERSTATE COMMISSION SHALL NOT INCUR ANY OBLIGATIONS OF
18 ANY KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME; NOR
19 SHALL THE INTERSTATE COMMISSION PLEDGE THE CREDIT OF ANY OF THE
20 COMPACTING STATES, EXCEPT BY AND WITH THE AUTHORITY OF THE COMPACTING
21 STATE.

22 (D) THE INTERSTATE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF
23 ALL RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE
24 INTERSTATE COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING
25 PROCEDURES ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS AND
26 DISBURSEMENTS OF FUNDS HANDLED BY THE INTERSTATE COMMISSION SHALL BE
27 AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT AND THE
28 REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL
29 REPORT OF THE INTERSTATE COMMISSION.

30 6-212.

31 ARTICLE XI. COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT.

32 (A) ANY STATE IS ELIGIBLE TO BECOME A COMPACTING STATE.

33 (B) THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON
34 LEGISLATIVE ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN 35 OF THE
35 STATES. THE INITIAL EFFECTIVE DATE SHALL BE THE LATER OF JULY 1, 2002, OR
36 UPON ENACTMENT INTO LAW BY THE 35TH JURISDICTION. THEREAFTER IT SHALL
37 BECOME EFFECTIVE AND BINDING, AS TO ANY OTHER COMPACTING STATE, UPON
38 ENACTMENT OF THE COMPACT INTO LAW BY THAT STATE. THE GOVERNORS OF
39 NONMEMBER STATES OR THEIR DESIGNEES WILL BE INVITED TO PARTICIPATE IN

1 INTERSTATE COMMISSION ACTIVITIES ON A NONVOTING BASIS PRIOR TO ADOPTION
2 OF THE COMPACT BY ALL STATES AND TERRITORIES OF THE UNITED STATES.

3 (C) AMENDMENTS TO THE COMPACT MAY BE PROPOSED BY THE INTERSTATE
4 COMMISSION FOR ENACTMENT BY THE COMPACTING STATES. NO AMENDMENT
5 SHALL BECOME EFFECTIVE AND BINDING UPON THE INTERSTATE COMMISSION AND
6 THE COMPACTING STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY
7 UNANIMOUS CONSENT OF THE COMPACTING STATES.

8 6-213.

9 ARTICLE XII. WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL
10 ENFORCEMENT.

11 (A) (1) ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND
12 REMAIN BINDING UPON EACH AND EVERY COMPACTING STATE; PROVIDED, THAT A
13 COMPACTING STATE MAY WITHDRAW FROM THE COMPACT ("WITHDRAWING STATE")
14 BY ENACTING A STATUTE SPECIFICALLY REPEALING THE STATUTE WHICH ENACTED
15 THE COMPACT INTO LAW.

16 (2) THE EFFECTIVE DATE OF WITHDRAWAL IS THE EFFECTIVE DATE OF
17 THE REPEAL.

18 (3) THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE
19 CHAIRPERSON OF THE INTERSTATE COMMISSION IN WRITING UPON THE
20 INTRODUCTION OF LEGISLATION REPEALING THIS COMPACT IN THE WITHDRAWING
21 STATE. THE INTERSTATE COMMISSION SHALL NOTIFY THE OTHER COMPACTING
22 STATES OF THE WITHDRAWING STATE'S INTENT TO WITHDRAW WITHIN 60 DAYS OF
23 ITS RECEIPT THEREOF.

24 (4) THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL ASSESSMENTS,
25 OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF
26 WITHDRAWAL, INCLUDING ANY OBLIGATIONS, THE PERFORMANCE OF WHICH
27 EXTEND BEYOND THE EFFECTIVE DATE OF WITHDRAWAL.

28 (5) REINSTATEMENT FOLLOWING WITHDRAWAL OF ANY COMPACTING
29 STATE SHALL OCCUR UPON THE WITHDRAWING STATE REENACTING THE COMPACT
30 OR UPON SUCH LATER DATE AS DETERMINED BY THE INTERSTATE COMMISSION.

31 (B) (1) IF THE INTERSTATE COMMISSION DETERMINES THAT ANY
32 COMPACTING STATE HAS AT ANY TIME DEFAULTED ("DEFAULTING STATE") IN THE
33 PERFORMANCE OF ANY OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER THIS
34 COMPACT, THE BYLAWS, OR ANY DULY PROMULGATED RULES, THE INTERSTATE
35 COMMISSION MAY IMPOSE ANY OR ALL OF THE FOLLOWING PENALTIES:

36 (I) FINES, FEES, AND COSTS IN SUCH AMOUNT AS ARE DEEMED TO
37 BE REASONABLE AS FIXED BY THE INTERSTATE COMMISSION;

38 (II) REMEDIAL TRAINING AND TECHNICAL ASSISTANCE AS
39 DIRECTED BY THE INTERSTATE COMMISSION; OR

1 (III) SUSPENSION AND TERMINATION OF MEMBERSHIP IN THE
2 COMPACT.

3 (2) (I) SUSPENSION SHALL BE IMPOSED ONLY AFTER ALL OTHER
4 REASONABLE MEANS OF SECURING COMPLIANCE UNDER THE BYLAWS AND RULES
5 HAVE BEEN EXHAUSTED.

6 (II) IMMEDIATE NOTICE OF SUSPENSION SHALL BE GIVEN BY THE
7 INTERSTATE COMMISSION TO THE GOVERNOR, THE CHIEF JUSTICE OR CHIEF
8 JUDICIAL OFFICER OF THE STATE, THE MAJORITY AND MINORITY LEADERS OF THE
9 DEFAULTING STATE'S LEGISLATURE, AND THE STATE COUNCIL.

10 (3) THE GROUNDS FOR DEFAULT INCLUDE, BUT ARE NOT LIMITED TO,
11 FAILURE OF A COMPACTING STATE TO PERFORM SUCH OBLIGATIONS OR
12 RESPONSIBILITIES IMPOSED UPON IT BY THIS COMPACT, INTERSTATE COMMISSION
13 BYLAWS, OR DULY PROMULGATED RULES.

14 (4) THE INTERSTATE COMMISSION SHALL IMMEDIATELY NOTIFY THE
15 DEFAULTING STATE IN WRITING OF THE PENALTY IMPOSED BY THE INTERSTATE
16 COMMISSION ON THE DEFAULTING STATE PENDING A CURE OF THE DEFAULT. THE
17 INTERSTATE COMMISSION SHALL STIPULATE THE CONDITIONS AND THE TIME
18 PERIOD WITHIN WHICH THE DEFAULTING STATE MUST CURE ITS DEFAULT. IF THE
19 DEFAULTING STATE FAILS TO CURE THE DEFAULT WITHIN THE TIME PERIOD
20 SPECIFIED BY THE INTERSTATE COMMISSION, IN ADDITION TO ANY OTHER
21 PENALTIES IMPOSED THEREIN, THE DEFAULTING STATE MAY BE TERMINATED
22 FROM THE COMPACT UPON AN AFFIRMATIVE VOTE OF A MAJORITY OF THE
23 COMPACTING STATES AND ALL RIGHTS, PRIVILEGES, AND BENEFITS CONFERRED BY
24 THIS COMPACT SHALL BE TERMINATED FROM THE EFFECTIVE DATE OF
25 SUSPENSION. WITHIN 60 DAYS OF THE EFFECTIVE DATE OF TERMINATION OF A
26 DEFAULTING STATE, THE INTERSTATE COMMISSION SHALL NOTIFY THE GOVERNOR,
27 THE CHIEF JUSTICE OR CHIEF JUDICIAL OFFICER, THE MAJORITY AND MINORITY
28 LEADERS OF THE DEFAULTING STATE'S LEGISLATURE, AND THE STATE COUNCIL OF
29 SUCH TERMINATION.

30 (5) THE DEFAULTING STATE IS RESPONSIBLE FOR ALL ASSESSMENTS,
31 OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF
32 TERMINATION INCLUDING ANY OBLIGATIONS, THE PERFORMANCE OF WHICH
33 EXTENDS BEYOND THE EFFECTIVE DATE OF TERMINATION.

34 (6) THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS
35 RELATING TO THE DEFAULTING STATE UNLESS OTHERWISE MUTUALLY AGREED
36 UPON BETWEEN THE INTERSTATE COMMISSION AND THE DEFAULTING STATE.
37 REINSTATEMENT FOLLOWING TERMINATION OF ANY COMPACTING STATE REQUIRES
38 BOTH A REENACTMENT OF THE COMPACT BY THE DEFAULTING STATE AND THE
39 APPROVAL OF THE INTERSTATE COMMISSION PURSUANT TO THE RULES.

40 (C) THE INTERSTATE COMMISSION MAY, BY MAJORITY VOTE OF THE
41 MEMBERS, INITIATE LEGAL ACTION IN THE UNITED STATES DISTRICT COURT FOR
42 THE DISTRICT OF COLUMBIA OR, AT THE DISCRETION OF THE INTERSTATE

1 COMMISSION, IN THE FEDERAL DISTRICT WHERE THE INTERSTATE COMMISSION
2 HAS ITS OFFICES TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THE
3 COMPACT, ITS DULY PROMULGATED RULES, AND BYLAWS, AGAINST ANY
4 COMPACTING STATE IN DEFAULT. IN THE EVENT JUDICIAL ENFORCEMENT IS
5 NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH
6 LITIGATION INCLUDING REASONABLE ATTORNEY'S FEES.

7 (D) (1) THE COMPACT DISSOLVES EFFECTIVE UPON THE DATE OF THE
8 WITHDRAWAL OR DEFAULT OF THE COMPACTING STATE WHICH REDUCES
9 MEMBERSHIP IN THE COMPACT TO ONE COMPACTING STATE.

10 (2) UPON DISSOLUTION OF THE COMPACT, THE COMPACT BECOMES
11 NULL AND VOID AND SHALL BE OF NO FURTHER FORCE OR EFFECT, AND THE
12 BUSINESS AND AFFAIRS OF THE INTERSTATE COMMISSION SHALL BE WOUND UP
13 AND ANY SURPLUS FUNDS SHALL BE DISTRIBUTED IN ACCORDANCE WITH THE
14 BYLAWS.

15 6-214.

16 ARTICLE XIII. SEVERABILITY AND CONSTRUCTION.

17 (A) THE PROVISION OF THIS COMPACT SHALL BE SEVERABLE, AND IF ANY
18 PHRASE, CLAUSE, SENTENCE, OR PROVISION IS DEEMED UNENFORCEABLE, THE
19 REMAINING PROVISION OF THE COMPACT SHALL BE ENFORCEABLE.

20 (B) THE PROVISIONS OF THIS COMPACT SHALL BE LIBERALLY CONSTRUCTED
21 TO EFFECTUATE ITS PURPOSES.

22 6-215.

23 ARTICLE XIV. BINDING EFFECT OF COMPACT AND OTHER LAWS.

24 (A) (1) NOTHING IN THIS SUBTITLE PREVENTS THE ENFORCEMENT OF ANY
25 OTHER LAW OF A COMPACTING STATE THAT IS NOT INCONSISTENT WITH THE
26 COMPACT.

27 (2) ALL COMPACTING STATES' LAWS CONFLICTING WITH THIS COMPACT
28 ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

29 (B) (1) ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION,
30 INCLUDING ALL RULES AND BYLAWS PROMULGATED BY THE INTERSTATE
31 COMMISSION, ARE BINDING UPON THE COMPACTING STATES.

32 (2) ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION AND
33 THE COMPACTING STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

34 (3) UPON THE REQUEST OF A PARTY TO A CONFLICT OVER MEANING OR
35 INTERPRETATION OF INTERSTATE COMMISSION ACTION, AND UPON A MAJORITY
36 VOTE OF THE COMPACTING STATES, THE INTERSTATE COMMISSION MAY ISSUE
37 ADVISORY OPINIONS REGARDING SUCH MEANING OR INTERPRETATION.

1 (4) IN THE EVENT ANY PROVISION OF THIS COMPACT EXCEEDS THE
2 CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY COMPACTING
3 STATE, THE OBLIGATIONS, DUTIES, POWERS, OR JURISDICTION SOUGHT TO BE
4 CONFERRED BY SUCH PROVISION UPON THE INTERSTATE COMMISSION SHALL BE
5 INEFFECTIVE AND SUCH OBLIGATIONS, DUTIES, POWERS, OR JURISDICTION SHALL
6 REMAIN IN THE COMPACTING STATE AND SHALL BE EXERCISED BY THE AGENCY
7 THEREOF TO WHICH SUCH OBLIGATIONS, DUTIES, POWERS, OR JURISDICTION ARE
8 DELEGATED BY LAW IN EFFECT AT THE TIME THIS COMPACT BECOMES EFFECTIVE.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not take
10 effect until the later of July 1, 2002 or upon enactment of a similar Act by no less than
11 35 of the states; that no less than 35 states are requested to concur in this Act of the
12 General Assembly of Maryland by the passage of a similar Act; that the Department
13 of Legislative Services shall notify the appropriate officials of the passage of this Act;
14 and that upon concurrence in this Act by no less than 35 states and approval by the
15 United States Congress, the Governor of the State of Maryland shall issue a
16 proclamation declaring this Act valid and effective and shall forward a copy of the
17 proclamation to the Director of the Department of Legislative Services.

18 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of
19 this Act, this Act shall take effect July 1, 2002.