

SENATE BILL 371

E3

71r0321

By: **Senators Muse, Frosh, Pugh, and Rosapepe**

Introduced and read first time: February 1, 2007

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Interstate Compact for Juveniles**

3 FOR the purpose of repealing the Interstate Compact on Juveniles; enacting the
4 Interstate Compact for Juveniles; establishing the purpose of the Interstate
5 Compact; defining certain terms; establishing the Interstate Commission for
6 Juveniles; specifying membership of the Interstate Commission; providing for
7 the appointment of a state's Compact Administrator; requiring the Interstate
8 Commission to establish an Executive Committee; specifying the duties of the
9 Executive Committee; establishing the rights of members of the Interstate
10 Commission to vote; specifying certain meeting requirements for the Interstate
11 Commission; requiring the Interstate Commission to establish certain rules
12 concerning its official records and public hearings; authorizing the Interstate
13 Commission to close meetings for certain reasons; specifying the powers and
14 duties of the Interstate Commission; requiring the adoption of certain bylaws by
15 the Interstate Commission; providing for the election of certain officers of the
16 Interstate Commission; providing for certain immunities from liability for
17 certain officers and employees of the Interstate Commission; establishing a
18 procedure for promulgating rules for the Interstate Commission; requiring the
19 Interstate Commission to address certain subjects within a certain time period;
20 requiring the Interstate Commission to take certain actions in regard to the
21 interstate movement of juveniles subject to the Compact; providing a
22 mechanism for resolving disputes among the compacting states; providing for
23 enforcement of the provisions of the Compact; establishing a funding
24 mechanism for the Interstate Commission; providing for the creation of a State
25 Council for Interstate Juvenile Supervision; specifying membership of the
26 Council; specifying the powers and duties of the State Council; providing for the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



effective date of the Compact; providing for a compacting state's withdrawal from the Compact; providing for a compacting state's default from the Compact; specifying certain procedures for the Interstate Commission to follow in regard to a compact state's default; specifying certain penalties the Interstate Commission may impose on a defaulting compact state; providing for the Interstate Commission's judicial enforcement of the Compact; providing for the dissolution of the Compact; providing for the severability of this Act; providing for the construction of the Compact; providing for enforcement of the Compact in the event of a conflict with other State laws; providing for the binding effect of the Compact; providing for a certain contingency; providing for the effective date of this Act; and generally relating to the Interstate Compact for Juveniles.

BY repealing

Article – Human Services

Section 9–301 through 9–310 and the subtitle “Subtitle 3. Interstate Compact on Juveniles”

Annotated Code of Maryland

(As enacted by Chapter ____ (S.B. 6) of the Acts of the General Assembly of 2007)

BY adding to

Article – Human Services

Section 9–301 through 9–314 to be under the new subtitle “Subtitle 3. Interstate Compact for Juveniles”

Annotated Code of Maryland

(As enacted by Chapter ____ (S.B. 6) of the Acts of the General Assembly of 2007)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 9–301 through 9–310, and the subtitle “Subtitle 3. Interstate Compact on Juveniles” of Article – Human Services of the Annotated Code of Maryland (as enacted by Chapter __ (S.B. 6) of the Acts of the General Assembly of 2007) be repealed.

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

Article – Human Services

SUBTITLE 3. INTERSTATE COMPACT FOR JUVENILES.

9–301.

1 **THIS SUBTITLE MAY BE CITED AS THE INTERSTATE COMPACT FOR**
2 **JUVENILES.**

3 **9-302.**

4 **ARTICLE I. PURPOSE.**

5 **(A) THE COMPACTING STATES TO THIS INTERSTATE COMPACT**
6 **RECOGNIZE THAT:**

7 **(1) EACH STATE IS RESPONSIBLE FOR THE PROPER SUPERVISION**
8 **OR RETURN OF JUVENILES, DELINQUENTS AND STATUS OFFENDERS WHO ARE**
9 **ON PROBATION OR PAROLE AND WHO HAVE ABSCONDED, ESCAPED, OR RUN**
10 **AWAY FROM SUPERVISION AND CONTROL AND IN SO DOING HAVE ENDANGERED**
11 **THEIR OWN SAFETY AND THE SAFETY OF OTHERS;**

12 **(2) EACH STATE IS RESPONSIBLE FOR THE SAFE RETURN OF**
13 **JUVENILES WHO HAVE RUN AWAY FROM HOME AND IN DOING SO HAVE LEFT**
14 **THEIR STATE OF RESIDENCE; AND**

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

19 **(B) IT IS THE PURPOSE OF THIS COMPACT, THROUGH MEANS OF JOINT**
20 **AND COOPERATIVE ACTION AMONG THE COMPACTING STATES:**

21 **(1) TO ENSURE THAT THE ADJUDICATED JUVENILES AND STATUS**
22 **OFFENDERS SUBJECT TO THIS COMPACT ARE PROVIDED ADEQUATE**
23 **SUPERVISION AND SERVICES IN THE RECEIVING STATE AS ORDERED BY THE**
24 **ADJUDICATING JUDGE OR PAROLE AUTHORITY IN THE SENDING STATE;**

25 **(2) TO ENSURE THAT THE PUBLIC SAFETY INTERESTS OF THE**
26 **CITIZENS, INCLUDING THE VICTIMS OF JUVENILE OFFENDERS, IN BOTH THE**
27 **SENDING AND RECEIVING STATES ARE ADEQUATELY PROTECTED;**

1 **(3) TO RETURN JUVENILES WHO HAVE RUN AWAY, ABSCONDED,**
2 **OR ESCAPED FROM SUPERVISION OR CONTROL OR HAVE BEEN ACCUSED OF AN**
3 **OFFENSE TO THE STATE REQUESTING THEIR RETURN;**

4 **(4) TO MAKE CONTRACTS FOR THE COOPERATIVE**
5 **INSTITUTIONALIZATION IN PUBLIC FACILITIES IN MEMBER STATES FOR**
6 **DELINQUENT YOUTH NEEDING SPECIAL SERVICES;**

7 **(5) TO PROVIDE FOR THE EFFECTIVE TRACKING AND**
8 **SUPERVISION OF JUVENILES;**

9 **(6) TO EQUITABLY ALLOCATE THE COSTS, BENEFITS, AND**
10 **OBLIGATIONS OF THE COMPACTING STATES;**

11 **(7) TO ESTABLISH PROCEDURES TO MANAGE THE MOVEMENT**
12 **BETWEEN STATES OF JUVENILE OFFENDERS RELEASED TO THE COMMUNITY**
13 **UNDER THE JURISDICTION OF COURTS, JUVENILE DEPARTMENTS, OR ANY**
14 **OTHER CRIMINAL OR JUVENILE JUSTICE AGENCY WHICH HAS JURISDICTION**
15 **OVER JUVENILE OFFENDERS;**

16 **(8) TO INSURE IMMEDIATE NOTICE TO JURISDICTIONS WHERE**
17 **DEFINED OFFENDERS ARE AUTHORIZED TO TRAVEL OR TO RELOCATE ACROSS**
18 **STATE LINES;**

19 **(9) TO ESTABLISH PROCEDURES TO RESOLVE PENDING CHARGES**
20 **(DETAINERS) AGAINST JUVENILE OFFENDERS PRIOR TO TRANSFER OR RELEASE**
21 **TO THE COMMUNITY UNDER THE TERMS OF THIS COMPACT;**

22 **(10) TO ESTABLISH A SYSTEM OF UNIFORM DATA COLLECTION ON**
23 **INFORMATION PERTAINING TO JUVENILES SUBJECT TO THIS COMPACT THAT**
24 **ALLOWS ACCESS BY AUTHORIZED JUVENILE JUSTICE AND CRIMINAL JUSTICE**
25 **OFFICIALS, AND REGULAR REPORTING OF COMPACT ACTIVITIES TO HEADS OF**
26 **STATE EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES AND JUVENILE AND**
27 **CRIMINAL JUSTICE ADMINISTRATORS;**

28 **(11) TO MONITOR COMPLIANCE WITH RULES GOVERNING**
29 **INTERSTATE MOVEMENT OF JUVENILES AND INITIATE INTERVENTIONS TO**
30 **ADDRESS AND CORRECT NONCOMPLIANCE;**

1 (12) TO COORDINATE TRAINING AND EDUCATION REGARDING THE
2 REGULATION OF INTERSTATE MOVEMENT OF JUVENILES FOR OFFICIALS
3 INVOLVED IN SUCH ACTIVITY; AND

4 (13) TO COORDINATE THE IMPLEMENTATION AND OPERATION OF
5 THE COMPACT WITH THE INTERSTATE COMPACT FOR THE PLACEMENT OF
6 CHILDREN, THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION,
7 AND OTHER COMPACTS AFFECTING JUVENILES PARTICULARLY IN THOSE CASES
8 WHERE CONCURRENT OR OVERLAPPING SUPERVISION ISSUES ARISE.

9 (C) IT IS THE POLICY OF THE COMPACTING STATES THAT THE
10 ACTIVITIES CONDUCTED BY THE INTERSTATE COMMISSION CREATED HEREIN
11 ARE THE FORMATION OF PUBLIC POLICIES AND ARE THEREFORE PUBLIC
12 BUSINESS. THE COMPACTING STATES SHALL COOPERATE AND OBSERVE THEIR
13 INDIVIDUAL AND COLLECTIVE DUTIES AND RESPONSIBILITIES FOR THE PROMPT
14 RETURN AND ACCEPTANCE OF JUVENILES SUBJECT TO THE PROVISIONS OF
15 THIS COMPACT. THE PROVISIONS OF THIS COMPACT SHALL BE REASONABLY
16 AND LIBERALLY CONSTRUED TO ACCOMPLISH THE PURPOSES AND POLICIES OF
17 THE COMPACT.

18 **9-303.**

19 **ARTICLE II. DEFINITIONS.**

20 (A) AS USED IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE
21 MEANINGS INDICATED, UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT
22 CONSTRUCTION.

23 (B) “BYLAWS” MEANS THOSE BYLAWS ESTABLISHED BY THE
24 INTERSTATE COMMISSION FOR ITS GOVERNANCE, OR FOR DIRECTING OR
25 CONTROLLING ITS ACTIONS OR CONDUCT.

26 (C) “COMPACT ADMINISTRATOR” MEANS THE INDIVIDUAL IN EACH
27 COMPACTING STATE APPOINTED PURSUANT TO THE TERMS OF THIS COMPACT
28 RESPONSIBLE FOR THE ADMINISTRATION AND MANAGEMENT OF THE STATE’S
29 SUPERVISION AND TRANSFER OF JUVENILES SUBJECT TO THE TERMS OF THIS
30 COMPACT, THE RULES ADOPTED BY THE INTERSTATE COMMISSION, AND
31 POLICIES ADOPTED BY THE STATE COUNCIL UNDER THIS COMPACT.

1 (D) **“COMPACTING STATE” MEANS ANY STATE WHICH HAS ENACTED THE**
2 **ENABLING LEGISLATION FOR THIS COMPACT.**

3 (E) **“COMMISSIONER” MEANS THE VOTING REPRESENTATIVE OF EACH**
4 **COMPACTING STATE APPOINTED PURSUANT TO ARTICLE III OF THIS COMPACT.**

5 (F) **“COURT” MEANS ANY COURT HAVING JURISDICTION OVER**
6 **DELINQUENT, NEGLECTED, OR DEPENDENT CHILDREN.**

7 (G) **“DEPUTY COMPACT ADMINISTRATOR” MEANS THE INDIVIDUAL, IF**
8 **ANY, IN EACH COMPACTING STATE APPOINTED TO ACT ON BEHALF OF A**
9 **COMPACT ADMINISTRATOR PURSUANT TO THE TERMS OF THIS COMPACT**
10 **RESPONSIBLE FOR THE ADMINISTRATION AND MANAGEMENT OF THE STATE’S**
11 **SUPERVISION AND TRANSFER OF JUVENILES SUBJECT TO THE TERMS OF THIS**
12 **COMPACT, THE RULES ADOPTED BY THE INTERSTATE COMMISSION, AND**
13 **POLICIES ADOPTED BY THE STATE COUNCIL UNDER THIS COMPACT.**

14 (H) **“INTERSTATE COMMISSION” MEANS THE INTERSTATE COMMISSION**
15 **FOR JUVENILES CREATED BY ARTICLE III OF THIS COMPACT.**

16 (I) (1) **“JUVENILE” MEANS ANY PERSON DEFINED AS A JUVENILE IN**
17 **ANY MEMBER STATE OR BY THE RULES OF THE INTERSTATE COMMISSION.**

18 (2) **“JUVENILE” INCLUDES:**

19 (I) **AN ACCUSED DELINQUENT OR PERSON CHARGED WITH**
20 **AN OFFENSE THAT, IF COMMITTED BY AN ADULT, WOULD BE A CRIMINAL**
21 **OFFENSE;**

22 (II) **AN ADJUDICATED DELINQUENT OR PERSON FOUND TO**
23 **HAVE COMMITTED AN OFFENSE THAT, IF COMMITTED BY AN ADULT, WOULD BE**
24 **A CRIMINAL OFFENSE;**

25 (III) **AN ACCUSED STATUS OFFENDER OR PERSON CHARGED**
26 **WITH AN OFFENSE THAT WOULD NOT BE A CRIMINAL OFFENSE IF COMMITTED**
27 **BY AN ADULT;**

1 (IV) AN ADJUDICATED STATUS OFFENDER OR PERSON
2 FOUND TO HAVE COMMITTED AN OFFENSE THAT WOULD NOT BE A CRIMINAL
3 OFFENSE IF COMMITTED BY AN ADULT; OR

4 (V) A NONOFFENDER OR PERSON IN NEED OF SUPERVISION
5 WHO HAS NOT BEEN ACCUSED OR ADJUDICATED A STATUS OFFENDER OR
6 DELINQUENT.

7 (J) “NONCOMPACTING STATE” MEANS ANY STATE WHICH HAS NOT
8 ENACTED THE ENABLING LEGISLATION FOR THIS COMPACT.

9 (K) “PROBATION OR PAROLE” MEANS ANY KIND OF SUPERVISION OR
10 CONDITIONAL RELEASE OF JUVENILES AUTHORIZED UNDER THE LAWS OF THE
11 COMPACTING STATES.

12 (L) (1) “RULE” MEANS A WRITTEN STATEMENT BY THE INTERSTATE
13 COMMISSION PROMULGATED PURSUANT TO ARTICLE VI OF THIS COMPACT
14 THAT:

15 (I) IS OF GENERAL APPLICABILITY;

16 (II) IMPLEMENTS, INTERPRETS, OR PRESCRIBES A POLICY
17 OR PROVISION OF THE COMPACT, OR AN ORGANIZATIONAL, PROCEDURAL, OR
18 PRACTICE REQUIREMENT OF THE COMMISSION; AND

19 (III) HAS THE FORCE AND EFFECT OF STATUTORY LAW IN A
20 COMPACTING STATE.

21 (2) “RULE” INCLUDES THE AMENDMENT, REPEAL, OR
22 SUSPENSION OF AN EXISTING RULE.

23 (M) “STATE” MEANS A STATE OF THE UNITED STATES, THE DISTRICT
24 OF COLUMBIA OR ITS DESIGNEE, THE COMMONWEALTH OF PUERTO RICO, THE
25 U.S. VIRGIN ISLANDS, GUAM, AMERICAN SAMOA, AND THE NORTHERN
26 MARIANAS ISLANDS.

27 **9-304.**

28 **ARTICLE III. INTERSTATE COMMISSION FOR JUVENILES.**

1 (A) THE COMPACTING STATES HEREBY CREATE THE “INTERSTATE
2 COMMISSION FOR JUVENILES.” THE COMMISSION SHALL BE A BODY
3 CORPORATE AND JOINT AGENCY OF THE COMPACTING STATES. THE
4 COMMISSION SHALL HAVE ALL THE RESPONSIBILITIES, POWERS, AND DUTIES
5 SET FORTH HEREIN, AND SUCH ADDITIONAL POWERS AS MAY BE CONFERRED
6 UPON IT BY SUBSEQUENT ACTION OF THE RESPECTIVE LEGISLATURES OF THE
7 COMPACTING STATES IN ACCORDANCE WITH THE TERMS OF THIS COMPACT.

8 (B) (1) THE INTERSTATE COMMISSION SHALL CONSIST OF
9 COMMISSIONERS APPOINTED BY THE APPROPRIATE APPOINTING AUTHORITY IN
10 EACH STATE PURSUANT TO THE RULES AND REQUIREMENTS OF EACH
11 COMPACTING STATE AND IN CONSULTATION WITH THE STATE COUNCIL FOR
12 INTERSTATE JUVENILE SUPERVISION CREATED HEREUNDER. THE
13 COMMISSIONER SHALL BE THE COMPACT ADMINISTRATOR, DEPUTY COMPACT
14 ADMINISTRATOR, OR DESIGNEE FROM THAT STATE WHO SHALL SERVE ON THE
15 INTERSTATE COMMISSION IN SUCH CAPACITY UNDER OR PURSUANT TO THE
16 APPLICABLE LAW OF THE COMPACTING STATE.

17 (2) IN ADDITION TO THE COMMISSIONERS WHO ARE THE VOTING
18 REPRESENTATIVES OF EACH STATE, THE INTERSTATE COMMISSION SHALL
19 INCLUDE INDIVIDUALS WHO ARE NOT COMMISSIONERS, BUT WHO ARE MEMBERS
20 OF INTERESTED ORGANIZATIONS. SUCH NONCOMMISSIONER MEMBERS MUST
21 INCLUDE A MEMBER OF THE NATIONAL ORGANIZATIONS OF GOVERNORS,
22 LEGISLATORS, STATE CHIEF JUSTICES, ATTORNEYS GENERAL, INTERSTATE
23 COMPACT FOR ADULT OFFENDER SUPERVISION, INTERSTATE COMPACT FOR
24 THE PLACEMENT OF CHILDREN, JUVENILE JUSTICE AND JUVENILE
25 CORRECTIONS OFFICIALS, AND CRIME VICTIMS. ALL NONCOMMISSIONER
26 MEMBERS OF THE INTERSTATE COMMISSION SHALL BE EX OFFICIO
27 (NONVOTING) MEMBERS. THE INTERSTATE COMMISSION MAY PROVIDE IN ITS
28 BYLAWS FOR SUCH ADDITIONAL EX OFFICIO (NONVOTING) MEMBERS,
29 INCLUDING MEMBERS OF OTHER NATIONAL ORGANIZATIONS, IN SUCH NUMBERS
30 AS SHALL BE DETERMINED BY THE COMMISSION.

31 (C) EACH COMPACTING STATE REPRESENTED AT ANY MEETING OF THE
32 COMMISSION IS ENTITLED TO ONE VOTE. A MAJORITY OF THE COMPACTING
33 STATES SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS,
34 UNLESS A LARGER QUORUM IS REQUIRED BY THE BYLAWS OF THE INTERSTATE

1 COMMISSION. 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 MEETINGS
5 AND MEETINGS SHALL BE OPEN TO THE PUBLIC.

6 (D) 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 SHALL
9 HAVE THE POWER TO ACT ON BEHALF OF THE INTERSTATE COMMISSION
10 DURING PERIODS WHEN THE INTERSTATE COMMISSION IS NOT IN SESSION,
11 WITH THE EXCEPTION OF RULEMAKING AND/OR AMENDMENT TO THE COMPACT.

12 (E) THE EXECUTIVE COMMITTEE SHALL:

13 (1) OVERSEE THE DAY-TO-DAY ACTIVITIES OF THE
14 ADMINISTRATION OF THE COMPACT MANAGED BY AN EXECUTIVE DIRECTOR
15 AND INTERSTATE COMMISSION STAFF;

16 (2) ADMINISTER ENFORCEMENT AND COMPLIANCE WITH THE
17 PROVISIONS OF THE COMPACT, ITS BYLAWS, AND RULES; AND

18 (3) PERFORM SUCH OTHER DUTIES AS DIRECTED BY THE
19 INTERSTATE COMMISSION OR SET FORTH IN THE BYLAWS.

20 (F) EACH MEMBER OF THE INTERSTATE COMMISSION SHALL HAVE THE
21 RIGHT AND POWER TO CAST A VOTE TO WHICH THAT COMPACTING STATE IS
22 ENTITLED AND TO PARTICIPATE IN THE BUSINESS AND AFFAIRS OF THE
23 INTERSTATE COMMISSION. A MEMBER SHALL VOTE IN PERSON AND SHALL NOT
24 DELEGATE A VOTE TO ANOTHER COMPACTING STATE. HOWEVER, A
25 COMMISSIONER, IN CONSULTATION WITH THE STATE COUNCIL, SHALL APPOINT
26 ANOTHER AUTHORIZED REPRESENTATIVE, IN THE ABSENCE OF THE
27 COMMISSIONER FROM THAT STATE, TO CAST A VOTE ON BEHALF OF THE
28 COMPACTING STATE AT A SPECIFIED MEETING. THE BYLAWS MAY PROVIDE FOR
29 MEMBERS' PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF
30 TELECOMMUNICATION OR ELECTRONIC COMMUNICATION.

31 (G) THE INTERSTATE COMMISSION'S BYLAWS SHALL ESTABLISH
32 CONDITIONS AND PROCEDURES UNDER WHICH THE INTERSTATE COMMISSION

1 SHALL MAKE ITS INFORMATION AND OFFICIAL RECORDS AVAILABLE TO THE
2 PUBLIC FOR INSPECTION OR COPYING. THE INTERSTATE COMMISSION MAY
3 EXEMPT FROM DISCLOSURE ANY INFORMATION OR OFFICIAL RECORDS TO THE
4 EXTENT THEY WOULD ADVERSELY AFFECT PERSONAL PRIVACY RIGHTS OR
5 PROPRIETARY INTERESTS.

6 (H) PUBLIC NOTICE SHALL BE GIVEN OF ALL MEETINGS AND ALL
7 MEETINGS SHALL BE OPEN TO THE PUBLIC, EXCEPT AS SET FORTH IN THE
8 RULES OR AS OTHERWISE PROVIDED IN THE COMPACT. THE INTERSTATE
9 COMMISSION AND ANY OF ITS COMMITTEES MAY CLOSE A MEETING TO THE
10 PUBLIC WHERE IT DETERMINES BY TWO-THIRDS VOTE THAT AN OPEN MEETING
11 WOULD BE LIKELY TO:

12 (1) RELATE SOLELY TO THE INTERSTATE COMMISSION'S
13 INTERNAL PERSONNEL PRACTICES AND PROCEDURES;

14 (2) DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM
15 DISCLOSURE BY STATUTE;

16 (3) DISCLOSE TRADE SECRETS OR COMMERCIAL OR FINANCIAL
17 INFORMATION WHICH IS PRIVILEGED OR CONFIDENTIAL;

18 (4) INVOLVE ACCUSING ANY PERSON OF A CRIME, OR FORMALLY
19 CENSURING ANY PERSON;

20 (5) DISCLOSE INFORMATION OF A PERSONAL NATURE WHEN
21 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF
22 PERSONAL PRIVACY;

23 (6) DISCLOSE INVESTIGATIVE RECORDS COMPILED FOR LAW
24 ENFORCEMENT PURPOSES;

25 (7) DISCLOSE INFORMATION CONTAINED IN OR RELATED TO
26 EXAMINATION, OPERATING, OR CONDITION REPORTS PREPARED BY, OR ON
27 BEHALF OF OR FOR THE USE OF, THE INTERSTATE COMMISSION WITH RESPECT
28 TO A REGULATED PERSON OR ENTITY FOR THE PURPOSE OF REGULATION OR
29 SUPERVISION OF SUCH PERSON OR ENTITY;

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

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

7 (I) FOR EVERY MEETING CLOSED PURSUANT TO THIS PROVISION, THE
8 INTERSTATE COMMISSION'S LEGAL COUNSEL SHALL PUBLICLY CERTIFY THAT,
9 IN THE LEGAL COUNSEL'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 THEREFORE, INCLUDING A DESCRIPTION OF EACH OF THE VIEWS
15 EXPRESSED ON ANY ITEM AND THE RECORD OF ANY ROLL CALL VOTE
16 (REFLECTED IN THE VOTE OF EACH MEMBER ON THE QUESTION). ALL
17 DOCUMENTS CONSIDERED IN CONNECTION WITH ANY ACTION SHALL BE
18 IDENTIFIED IN SUCH MINUTES.

19 (J) THE INTERSTATE COMMISSION SHALL COLLECT STANDARDIZED
20 DATA CONCERNING THE INTERSTATE MOVEMENT OF JUVENILES AS DIRECTED
21 THROUGH ITS RULES WHICH SHALL SPECIFY THE DATA TO BE COLLECTED, THE
22 MEANS OF COLLECTION AND DATA EXCHANGE, AND REPORTING
23 REQUIREMENTS. SUCH METHODS OF DATA COLLECTION, EXCHANGE, AND
24 REPORTING SHALL INsofar AS IS REASONABLY POSSIBLE CONFORM TO
25 UP-TO-DATE TECHNOLOGY AND COORDINATE ITS INFORMATION FUNCTIONS
26 WITH THE APPROPRIATE REPOSITORY OF RECORDS.

27 **9-305.**

28 **ARTICLE IV. POWERS AND DUTIES OF THE INTERSTATE COMMISSION.**

29 (A) THE INTERSTATE COMMISSION SHALL HAVE THE FOLLOWING
30 POWERS AND DUTIES:

31 (1) TO PROVIDE FOR DISPUTE RESOLUTION AMONG COMPACTING
32 STATES;

1 (2) TO PROMULGATE RULES WHICH SHALL HAVE THE FORCE AND
2 EFFECT OF STATUTORY LAW AND SHALL BE BINDING IN THE COMPACTING
3 STATES TO THE EXTENT AND IN THE MANNER PROVIDED IN THIS COMPACT;

4 (3) TO OVERSEE, SUPERVISE, AND COORDINATE THE INTERSTATE
5 MOVEMENT OF JUVENILES SUBJECT TO THE TERMS OF THIS COMPACT AND ANY
6 BYLAWS ADOPTED AND RULES PROMULGATED BY THE INTERSTATE
7 COMMISSION;

8 (4) TO ENFORCE COMPLIANCE WITH THE COMPACT PROVISIONS,
9 THE RULES PROMULGATED BY THE INTERSTATE COMMISSION, AND THE
10 BYLAWS, USING ALL NECESSARY AND PROPER MEANS, INCLUDING BUT NOT
11 LIMITED TO, THE USE OF JUDICIAL PROCESS;

12 (5) TO ESTABLISH AND MAINTAIN OFFICES WHICH SHALL BE
13 LOCATED WITHIN ONE OR MORE OF THE COMPACTING STATES;

14 (6) TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;

15 (7) TO BORROW, ACCEPT, HIRE, OR CONTRACT FOR SERVICES OF
16 PERSONNEL;

17 (8) TO ESTABLISH AND APPOINT COMMITTEES AND HIRE STAFF
18 WHICH IT DEEMS NECESSARY FOR THE CARRYING OUT OF ITS FUNCTIONS
19 INCLUDING, BUT NOT LIMITED TO, AN EXECUTIVE COMMITTEE AS REQUIRED BY
20 ARTICLE III WHICH SHALL HAVE THE POWER TO ACT ON BEHALF OF THE
21 INTERSTATE COMMISSION IN CARRYING OUT ITS POWERS AND DUTIES
22 HEREUNDER;

23 (9) TO ELECT OR APPOINT SUCH OFFICERS, ATTORNEYS,
24 EMPLOYEES, AGENTS, OR CONSULTANTS, AND TO FIX THEIR COMPENSATION,
25 DEFINE THEIR DUTIES, AND DETERMINE THEIR QUALIFICATIONS; AND TO
26 ESTABLISH THE INTERSTATE COMMISSION'S PERSONNEL POLICIES AND
27 PROGRAMS RELATING TO, AMONG OTHER THINGS, CONFLICTS OF INTEREST,
28 RATES OF COMPENSATION, AND QUALIFICATIONS OF PERSONNEL;

1 **(10) TO ACCEPT ANY AND ALL DONATIONS AND GRANTS OF MONEY,**
2 **EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND TO RECEIVE, UTILIZE,**
3 **AND DISPOSE OF THE SAME;**

4 **(11) TO LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR**
5 **DONATIONS OF, OR OTHERWISE TO OWN, HOLD, IMPROVE, OR USE ANY**
6 **PROPERTY, REAL, PERSONAL, OR MIXED;**

7 **(12) TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,**
8 **ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL, OR**
9 **MIXED;**

10 **(13) TO ESTABLISH A BUDGET AND MAKE EXPENDITURES AND**
11 **LEVY DUES AS PROVIDED IN ARTICLE VIII OF THIS COMPACT;**

12 **(14) TO SUE AND BE SUED;**

13 **(15) TO ADOPT A SEAL AND BYLAWS GOVERNING THE**
14 **MANAGEMENT AND OPERATION OF THE INTERSTATE COMMISSION;**

15 **(16) TO PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR**
16 **APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT;**

17 **(17) TO REPORT ANNUALLY TO THE LEGISLATURES, GOVERNORS,**
18 **JUDICIARY, AND STATE COUNCILS OF THE COMPACTING STATES CONCERNING**
19 **THE ACTIVITIES OF THE INTERSTATE COMMISSION DURING THE PRECEDING**
20 **YEAR. SUCH REPORTS SHALL ALSO INCLUDE ANY RECOMMENDATIONS THAT**
21 **MAY HAVE BEEN ADOPTED BY THE INTERSTATE COMMISSION;**

22 **(18) TO COORDINATE EDUCATION, TRAINING, AND PUBLIC**
23 **AWARENESS REGARDING THE INTERSTATE MOVEMENT OF JUVENILES FOR**
24 **OFFICIALS INVOLVED IN SUCH ACTIVITY; AND**

25 **(19) TO ESTABLISH UNIFORM STANDARDS OF THE REPORTING,**
26 **COLLECTING, AND EXCHANGING OF DATA.**

27 **(B) THE INTERSTATE COMMISSION SHALL MAINTAIN ITS CORPORATE**
28 **BOOKS AND RECORDS IN ACCORDANCE WITH THE BYLAWS.**

1 **9-306.**

2 **ARTICLE V. ORGANIZATION AND OPERATION OF THE INTERSTATE**
3 **COMMISSION.**

4 (A) THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF THE
5 MEMBERS PRESENT AND VOTING, WITHIN 12 MONTHS AFTER THE FIRST
6 INTERSTATE COMMISSION MEETING, ADOPT BYLAWS TO GOVERN ITS CONDUCT
7 AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF THE
8 COMPACT, INCLUDING, BUT NOT LIMITED TO:

9 (1) ESTABLISHING THE FISCAL YEAR OF THE INTERSTATE
10 COMMISSION;

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

13 (3) PROVIDING FOR THE ESTABLISHMENT OF COMMITTEES
14 GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY AUTHORITY OR
15 FUNCTION OF THE INTERSTATE COMMISSION;

16 (4) PROVIDING REASONABLE PROCEDURES FOR CALLING AND
17 CONDUCTING MEETINGS OF THE INTERSTATE COMMISSION, AND ENSURING
18 REASONABLE NOTICE OF EACH SUCH MEETING;

19 (5) ESTABLISHING THE TITLES AND RESPONSIBILITIES OF THE
20 OFFICERS OF THE INTERSTATE COMMISSION;

21 (6) PROVIDING A MECHANISM FOR CONCLUDING THE
22 OPERATIONS OF THE INTERSTATE COMMISSION AND THE RETURN OF ANY
23 SURPLUS FUNDS THAT MAY EXIST UPON THE TERMINATION OF THE COMPACT
24 AFTER THE PAYMENT AND/OR RESERVING OF ALL OF ITS DEBTS AND
25 OBLIGATIONS;

26 (7) PROVIDING "START-UP" RULES FOR INITIAL
27 ADMINISTRATION OF THE COMPACT; AND

28 (8) ESTABLISHING STANDARDS AND PROCEDURES FOR
29 COMPLIANCE AND TECHNICAL ASSISTANCE IN CARRYING OUT THE COMPACT.

1 **(B) (1) THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF**
2 **THE MEMBERS, ELECT ANNUALLY FROM AMONG ITS MEMBERS A CHAIRPERSON**
3 **AND A VICE CHAIRPERSON, EACH OF WHOM SHALL HAVE SUCH AUTHORITY AND**
4 **DUTIES AS MAY BE SPECIFIED IN THE BYLAWS. THE CHAIRPERSON OR, IN THE**
5 **CHAIRPERSON'S ABSENCE OR DISABILITY, THE VICE CHAIRPERSON SHALL**
6 **PRESIDE AT ALL MEETINGS OF THE INTERSTATE COMMISSION.**

7 **(2) THE OFFICERS SO ELECTED SHALL SERVE WITHOUT**
8 **COMPENSATION OR REMUNERATION FROM THE INTERSTATE COMMISSION;**
9 **PROVIDED THAT, SUBJECT TO THE AVAILABILITY OF BUDGETED FUNDS, THE**
10 **OFFICERS SHALL BE REIMBURSED FOR ANY ORDINARY AND NECESSARY COSTS**
11 **AND EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR DUTIES**
12 **AND RESPONSIBILITIES AS OFFICERS OF THE INTERSTATE COMMISSION.**

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

20 **(C) (1) THE INTERSTATE COMMISSION'S EXECUTIVE DIRECTOR AND**
21 **EMPLOYEES SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER**
22 **PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE**
23 **TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY**
24 **CAUSED OR ARISING OUT OF OR RELATING TO ANY ACTUAL OR ALLEGED ACT,**
25 **ERROR, OR OMISSION THAT OCCURRED, OR THAT SUCH PERSON HAD A**
26 **REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF**
27 **COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES; PROVIDED, THAT**
28 **ANY SUCH PERSON SHALL NOT BE PROTECTED FROM SUIT OR LIABILITY FOR**
29 **ANY DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR**
30 **WILLFUL AND WANTON MISCONDUCT OF ANY SUCH PERSON.**

31 **(2) THE LIABILITY OF ANY COMMISSIONER, OR THE EMPLOYEE**
32 **OR AGENT OF A COMMISSIONER, ACTING WITHIN THE SCOPE OF SUCH PERSON'S**
33 **EMPLOYMENT OR DUTIES FOR ACTS, ERRORS, OR OMISSIONS OCCURRING**
34 **WITHIN SUCH PERSON'S STATE MAY NOT EXCEED THE LIMITS OF LIABILITY SET**

1 FORTH UNDER THE CONSTITUTION AND LAWS OF THAT STATE FOR STATE
2 OFFICIALS, EMPLOYEES, AND AGENTS. NOTHING IN THIS SUBSECTION SHALL BE
3 CONSTRUED TO PROTECT ANY SUCH PERSON FROM SUIT OR LIABILITY FOR ANY
4 DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR
5 WILLFUL AND WANTON MISCONDUCT OF ANY SUCH PERSON.

6 (3) THE INTERSTATE COMMISSION SHALL DEFEND THE
7 EXECUTIVE DIRECTOR OR THE EMPLOYEES OR REPRESENTATIVES OF THE
8 INTERSTATE COMMISSION AND, SUBJECT TO THE APPROVAL OF THE ATTORNEY
9 GENERAL OF THE STATE REPRESENTED BY ANY COMMISSIONER OF A
10 COMPACTING STATE, SHALL DEFEND SUCH COMMISSIONER OR THE
11 COMMISSIONER'S REPRESENTATIVES OR EMPLOYEES IN ANY CIVIL ACTION
12 SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,
13 ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF INTERSTATE
14 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT THE
15 DEFENDANT HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE
16 SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR
17 RESPONSIBILITIES; PROVIDED, THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR
18 OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON
19 MISCONDUCT ON THE PART OF SUCH PERSON.

20 (4) THE INTERSTATE COMMISSION SHALL INDEMNIFY AND HOLD
21 THE COMMISSIONER OF A COMPACTING STATE, OR THE COMMISSIONER'S
22 REPRESENTATIVES OR EMPLOYEES, OR THE INTERSTATE COMMISSION'S
23 REPRESENTATIVES OR EMPLOYEES, HARMLESS IN THE AMOUNT OF ANY
24 SETTLEMENT OR JUDGMENT OBTAINED AGAINST SUCH PERSONS ARISING OUT
25 OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED
26 WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR
27 RESPONSIBILITIES, OR THAT SUCH PERSONS HAD A REASONABLE BASIS FOR
28 BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION
29 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES; PROVIDED, THAT THE ACTUAL
30 OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM INTENTIONAL
31 OR WILLFUL AND WANTON MISCONDUCT ON THE PART OF SUCH PERSONS.

32 **9-307.**

33 **ARTICLE VI. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.**

1 (A) THE INTERSTATE COMMISSION SHALL PROMULGATE AND PUBLISH
2 RULES IN ORDER TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES
3 OF THE COMPACT.

4 (B) RULEMAKING SHALL OCCUR PURSUANT TO THE CRITERIA SET
5 FORTH IN THIS ARTICLE AND THE BYLAWS AND RULES ADOPTED PURSUANT
6 THERETO. SUCH RULEMAKING SHALL SUBSTANTIALLY CONFORM TO THE
7 PRINCIPLES OF THE “MODEL STATE ADMINISTRATIVE PROCEDURES ACT,”
8 1981 ACT, UNIFORM LAWS ANNOTATED, VOL. 15, P.1 (2000), OR SUCH OTHER
9 ADMINISTRATIVE PROCEDURES ACT, AS THE INTERSTATE COMMISSION DEEMS
10 APPROPRIATE CONSISTENT WITH DUE PROCESS REQUIREMENTS UNDER THE
11 U.S. CONSTITUTION AS NOW OR HEREAFTER INTERPRETED BY THE U.S.
12 SUPREME COURT. ALL RULES AND AMENDMENTS SHALL BECOME BINDING AS
13 OF THE DATE SPECIFIED, AS PUBLISHED WITH THE FINAL VERSION OF THE
14 RULE AS APPROVED BY THE COMMISSION.

15 (C) WHEN PROMULGATING A RULE, THE INTERSTATE COMMISSION
16 SHALL, AT A MINIMUM:

17 (1) PUBLISH THE PROPOSED RULE’S ENTIRE TEXT STATING THE
18 REASON FOR THAT PROPOSED RULE;

19 (2) ALLOW AND INVITE PERSONS TO SUBMIT WRITTEN DATA,
20 FACTS, OPINIONS, AND ARGUMENTS, WHICH INFORMATION SHALL BE ADDED TO
21 THE RECORD, AND BE MADE PUBLICLY AVAILABLE;

22 (3) PROVIDE AN OPPORTUNITY FOR AN INFORMAL HEARING IF
23 PETITIONED BY 10 OR MORE PERSONS; AND

24 (4) PROMULGATE A FINAL RULE AND ITS EFFECTIVE DATE, IF
25 APPROPRIATE, BASED ON INPUT FROM STATE OR LOCAL OFFICIALS OR
26 INTERESTED PARTIES.

27 (D) NOT LATER THAN 60 DAYS AFTER A RULE IS PROMULGATED, ANY
28 INTERESTED PERSON MAY FILE A PETITION IN THE UNITED STATES DISTRICT
29 COURT FOR THE DISTRICT OF COLUMBIA OR IN THE FEDERAL DISTRICT COURT
30 WHERE THE INTERSTATE COMMISSION’S PRINCIPAL OFFICE IS LOCATED FOR
31 JUDICIAL REVIEW OF SUCH RULE. IF THE COURT FINDS THAT THE INTERSTATE
32 COMMISSION’S ACTION IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE, (AS

1 **DEFINED IN THE MODEL STATE ADMINISTRATIVE PROCEDURES ACT) IN THE**
2 **RULEMAKING RECORD, THE COURT SHALL HOLD THE RULE UNLAWFUL AND SET**
3 **IT ASIDE.**

4 **(E) IF A MAJORITY OF THE LEGISLATURES OF THE COMPACTING STATES**
5 **REJECTS A RULE, THOSE STATES MAY, BY ENACTMENT OF A STATUTE OR**
6 **RESOLUTION IN THE SAME MANNER USED TO ADOPT THE COMPACT, CAUSE**
7 **THAT SUCH RULE SHALL HAVE NO FURTHER FORCE AND EFFECT IN ANY**
8 **COMPACTING STATE.**

9 **(F) THE EXISTING RULES GOVERNING THE OPERATION OF THE**
10 **INTERSTATE COMPACT ON JUVENILES SUPERSEDED BY THIS ACT SHALL BE**
11 **NULL AND VOID 12 MONTHS AFTER THE FIRST MEETING OF THE INTERSTATE**
12 **COMMISSION CREATED HEREUNDER.**

13 **(G) UPON DETERMINATION BY THE INTERSTATE COMMISSION THAT AN**
14 **EMERGENCY EXISTS, IT MAY PROMULGATE AN EMERGENCY RULE WHICH SHALL**
15 **BECOME EFFECTIVE IMMEDIATELY UPON ADOPTION, PROVIDED THAT THE**
16 **USUAL RULEMAKING PROCEDURES PROVIDED HEREUNDER SHALL BE**
17 **RETROACTIVELY APPLIED TO SAID RULE AS SOON AS REASONABLY POSSIBLE,**
18 **BUT NO LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THE EMERGENCY**
19 **RULE.**

20 **9-308.**

21 **ARTICLE VII. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY**
22 **THE INTERSTATE COMMISSION.**

23 **(A) (1) THE INTERSTATE COMMISSION SHALL OVERSEE THE**
24 **ADMINISTRATION AND OPERATIONS OF THE INTERSTATE MOVEMENT OF**
25 **JUVENILES SUBJECT TO THIS COMPACT IN THE COMPACTING STATES AND**
26 **SHALL MONITOR SUCH ACTIVITIES BEING ADMINISTERED IN NONCOMPACTING**
27 **STATES WHICH MAY SIGNIFICANTLY AFFECT COMPACTING STATES.**

28 **(2) THE COURTS AND EXECUTIVE AGENCIES IN EACH**
29 **COMPACTING STATE SHALL ENFORCE THIS COMPACT AND SHALL TAKE ALL**
30 **ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE COMPACT'S**
31 **PURPOSES AND INTENT. THE PROVISIONS OF THIS COMPACT AND THE RULES**
32 **PROMULGATED HEREUNDER SHALL BE RECEIVED BY ALL THE JUDGES, PUBLIC**

1 OFFICERS, COMMISSIONS, AND DEPARTMENTS OF THE STATE GOVERNMENT AS
2 EVIDENCE OF THE AUTHORIZED STATUTE AND ADMINISTRATIVE RULES. ALL
3 COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT AND THE RULES. IN
4 ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A COMPACTING STATE
5 PERTAINING TO THE SUBJECT MATTER OF THIS COMPACT WHICH MAY AFFECT
6 THE POWERS, RESPONSIBILITIES, OR ACTIONS OF THE INTERSTATE
7 COMMISSION, THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE
8 ALL SERVICE OF PROCESS IN ANY SUCH PROCEEDING, AND SHALL HAVE
9 STANDING TO INTERVENE IN THE PROCEEDING FOR ALL PURPOSES.

10 (B) (1) THE COMPACTING STATES SHALL REPORT TO THE
11 INTERSTATE COMMISSION ON ALL ISSUES AND ACTIVITIES NECESSARY FOR THE
12 ADMINISTRATION OF THE COMPACT AS WELL AS ISSUES AND ACTIVITIES
13 PERTAINING TO COMPLIANCE WITH THE PROVISIONS OF THE COMPACT AND ITS
14 BYLAWS AND RULES.

15 (2) THE INTERSTATE COMMISSION SHALL ATTEMPT, UPON THE
16 REQUEST OF A COMPACTING STATE, TO RESOLVE ANY DISPUTES OR OTHER
17 ISSUES WHICH ARE SUBJECT TO THE COMPACT AND WHICH MAY ARISE AMONG
18 COMPACTING STATES AND BETWEEN COMPACTING AND NONCOMPACTING
19 STATES.

20 (3) THE COMMISSION SHALL PROMULGATE A RULE PROVIDING
21 FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES
22 AMONG THE COMPACTING STATES.

23 (C) THE INTERSTATE COMMISSION, IN THE REASONABLE EXERCISE OF
24 ITS DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS
25 COMPACT USING ANY OR ALL MEANS SET FORTH IN ARTICLE XI OF THIS
26 COMPACT.

27 **9-309.**

28 **ARTICLE VIII. FINANCE.**

29 (A) THE INTERSTATE COMMISSION SHALL PAY OR PROVIDE FOR THE
30 PAYMENT OF THE REASONABLE EXPENSES OF ITS ESTABLISHMENT,
31 ORGANIZATION, AND ONGOING ACTIVITIES.

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

12 **(C) THE INTERSTATE COMMISSION SHALL NOT INCUR ANY**
13 **OBLIGATIONS OF ANY KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO**
14 **MEET THE SAME; NOR SHALL THE INTERSTATE COMMISSION PLEDGE THE**
15 **CREDIT OF ANY OF THE COMPACTING STATES, EXCEPT BY AND WITH THE**
16 **AUTHORITY OF THE COMPACTING STATE.**

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

25 **9-310.**

26 **ARTICLE IX. THE STATE COUNCIL.**

27 **(A) EACH MEMBER STATE SHALL CREATE A STATE COUNCIL FOR**
28 **INTERSTATE JUVENILE SUPERVISION. WHILE EACH STATE MAY DETERMINE**
29 **THE MEMBERSHIP OF ITS OWN STATE COUNCIL, ITS MEMBERSHIP MUST**
30 **INCLUDE AT LEAST ONE REPRESENTATIVE FROM THE LEGISLATIVE, JUDICIAL,**
31 **AND EXECUTIVE BRANCHES OF GOVERNMENT, VICTIMS' GROUPS, AND THE**
32 **COMPACT ADMINISTRATOR, DEPUTY COMPACT ADMINISTRATOR, OR DESIGNEE.**

1 **(B) EACH COMPACTING STATE RETAINS THE RIGHT TO DETERMINE THE**
2 **QUALIFICATIONS OF THE COMPACT ADMINISTRATOR OR DEPUTY COMPACT**
3 **ADMINISTRATOR.**

4 **(C) EACH STATE COUNCIL SHALL ADVISE AND MAY EXERCISE**
5 **OVERSIGHT AND ADVOCACY CONCERNING THAT STATE'S PARTICIPATION IN**
6 **INTERSTATE COMMISSION ACTIVITIES AND OTHER DUTIES AS MAY BE**
7 **DETERMINED BY THAT STATE, INCLUDING BUT NOT LIMITED TO, DEVELOPMENT**
8 **OF POLICY CONCERNING OPERATIONS AND PROCEDURES OF THE COMPACT**
9 **WITHIN THAT STATE.**

10 **9-311.**

11 **ARTICLE X. COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT.**

12 **(A) ANY STATE IS ELIGIBLE TO BECOME A COMPACTING STATE.**

13 **(B) THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON**
14 **LEGISLATIVE ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN 35 OF**
15 **THE STATES. THE INITIAL EFFECTIVE DATE SHALL BE THE LATER OF JULY 1,**
16 **2004, OR UPON ENACTMENT INTO LAW BY THE 35TH JURISDICTION.**
17 **THEREAFTER IT SHALL BECOME EFFECTIVE AND BINDING AS TO ANY OTHER**
18 **COMPACTING STATE UPON ENACTMENT OF THE COMPACT INTO LAW BY THAT**
19 **STATE. THE GOVERNORS OF NONMEMBER STATES OR THEIR DESIGNEES SHALL**
20 **BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE INTERSTATE**
21 **COMMISSION ON A NONVOTING BASIS PRIOR TO ADOPTION OF THE COMPACT BY**
22 **ALL STATES AND TERRITORIES OF THE UNITED STATES.**

23 **(C) THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO**
24 **THE COMPACT FOR ENACTMENT BY THE COMPACTING STATES. NO AMENDMENT**
25 **SHALL BECOME EFFECTIVE AND BINDING UPON THE INTERSTATE COMMISSION**
26 **AND THE COMPACTING STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY**
27 **UNANIMOUS CONSENT OF THE COMPACTING STATES.**

28 **9-312.**

29 **ARTICLE XI. WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL**
30 **ENFORCEMENT.**

1 (A) (1) ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE
2 AND REMAIN BINDING UPON EACH AND EVERY COMPACTING STATE; PROVIDED
3 THAT A COMPACTING STATE MAY WITHDRAW FROM THE COMPACT BY
4 SPECIFICALLY REPEALING THE STATUTE WHICH ENACTED THE COMPACT INTO
5 LAW.

6 (2) THE EFFECTIVE DATE OF WITHDRAWAL IS THE EFFECTIVE
7 DATE OF THE REPEAL.

8 (3) THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE
9 CHAIRPERSON OF THE INTERSTATE COMMISSION IN WRITING UPON THE
10 INTRODUCTION OF LEGISLATION REPEALING THIS COMPACT IN THE
11 WITHDRAWING STATE. THE INTERSTATE COMMISSION SHALL NOTIFY THE
12 OTHER COMPACTING STATES OF THE WITHDRAWING STATE'S INTENT TO
13 WITHDRAW WITHIN 60 DAYS OF ITS RECEIPT THEREOF.

14 (4) THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL
15 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE
16 EFFECTIVE DATE OF WITHDRAWAL, INCLUDING ANY OBLIGATIONS, THE
17 PERFORMANCE OF WHICH EXTEND BEYOND THE EFFECTIVE DATE OF
18 WITHDRAWAL.

19 (5) REINSTATEMENT FOLLOWING WITHDRAWAL OF ANY
20 COMPACTING STATE SHALL OCCUR UPON THE WITHDRAWING STATE
21 REENACTING THE COMPACT OR UPON SUCH LATER DATE AS DETERMINED BY
22 THE INTERSTATE COMMISSION.

23 (B) (1) IF THE INTERSTATE COMMISSION DETERMINES THAT ANY
24 COMPACTING STATE HAS AT ANY TIME DEFAULTED IN THE PERFORMANCE OF
25 ANY OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER THIS COMPACT, OR THE
26 BYLAWS OR DULY PROMULGATED RULES, THE INTERSTATE COMMISSION MAY
27 IMPOSE ANY OR ALL OF THE FOLLOWING PENALTIES:

28 (I) REMEDIAL TRAINING AND TECHNICAL ASSISTANCE AS
29 DIRECTED BY THE INTERSTATE COMMISSION;

30 (II) ALTERNATIVE DISPUTE RESOLUTION;

1 (III) FINES, FEES, AND COSTS IN SUCH AMOUNTS AS ARE
2 DEEMED TO BE REASONABLE AS FIXED BY THE INTERSTATE COMMISSION; OR

3 (IV) SUSPENSION OR TERMINATION OF MEMBERSHIP IN THE
4 COMPACT.

5 (2) (I) SUSPENSION SHALL BE IMPOSED ONLY AFTER ALL
6 OTHER REASONABLE MEANS OF SECURING COMPLIANCE UNDER THE BYLAWS
7 AND RULES HAVE BEEN EXHAUSTED AND THE INTERSTATE COMMISSION HAS
8 DETERMINED THE OFFENDING STATE IS IN DEFAULT.

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

14 (3) THE GROUNDS FOR DEFAULT INCLUDE, BUT ARE NOT
15 LIMITED TO, FAILURE OF A COMPACTING STATE TO PERFORM SUCH
16 OBLIGATIONS OR RESPONSIBILITIES IMPOSED UPON IT BY THIS COMPACT, THE
17 BYLAWS, OR DULY PROMULGATED RULES AND ANY OTHER GROUNDS
18 DESIGNATED IN COMMISSION BYLAWS AND RULES.

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

1 (5) THE DEFAULTING STATE IS RESPONSIBLE FOR ALL
2 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE
3 EFFECTIVE DATE OF TERMINATION INCLUDING ANY OBLIGATIONS, THE
4 PERFORMANCE OF WHICH EXTENDS BEYOND THE EFFECTIVE DATE OF
5 TERMINATION.

6 (6) THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS
7 RELATING TO THE DEFAULTING STATE UNLESS OTHERWISE MUTUALLY AGREED
8 UPON IN WRITING BETWEEN THE INTERSTATE COMMISSION AND THE
9 DEFAULTING STATE.

10 (7) REINSTATEMENT FOLLOWING TERMINATION OF ANY
11 COMPACTING STATE REQUIRES BOTH A REENACTMENT OF THE COMPACT BY
12 THE DEFAULTING STATE AND THE APPROVAL OF THE INTERSTATE COMMISSION
13 PURSUANT TO THE RULES.

14 (C) THE INTERSTATE COMMISSION MAY, BY MAJORITY VOTE OF THE
15 MEMBERS, INITIATE LEGAL ACTION IN THE UNITED STATES DISTRICT COURT
16 FOR THE DISTRICT OF COLUMBIA OR, AT THE DISCRETION OF THE INTERSTATE
17 COMMISSION, IN THE FEDERAL DISTRICT WHERE THE INTERSTATE
18 COMMISSION HAS ITS OFFICES, TO ENFORCE COMPLIANCE WITH THE
19 PROVISIONS OF THE COMPACT, ITS DULY PROMULGATED RULES AND BYLAWS,
20 AGAINST ANY COMPACTING STATE IN DEFAULT. IN THE EVENT JUDICIAL
21 ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED
22 ALL COSTS OF SUCH LITIGATION INCLUDING REASONABLE ATTORNEYS' FEES.

23 (D) (1) THE COMPACT DISSOLVES EFFECTIVE UPON THE DATE OF
24 THE WITHDRAWAL OR DEFAULT OF THE COMPACTING STATE, WHICH REDUCES
25 MEMBERSHIP IN THE COMPACT TO ONE COMPACTING STATE.

26 (2) UPON DISSOLUTION OF THIS COMPACT, THE COMPACT
27 BECOMES NULL AND VOID AND SHALL BE OF NO FURTHER FORCE OR EFFECT,
28 AND THE BUSINESS AND AFFAIRS OF THE INTERSTATE COMMISSION SHALL BE
29 CONCLUDED AND ANY SURPLUS FUNDS SHALL BE DISTRIBUTED IN
30 ACCORDANCE WITH THE BYLAWS.

31 **9-313.**

32 **ARTICLE XII. SEVERABILITY AND CONSTRUCTION.**

1 (A) THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE, AND IF
2 ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION IS DEEMED UNENFORCEABLE,
3 THE REMAINING PROVISIONS OF THE COMPACT SHALL BE ENFORCEABLE.

4 (B) THE PROVISIONS OF THIS COMPACT SHALL BE LIBERALLY
5 CONSTRUED TO EFFECTUATE ITS PURPOSES.

6 **9-314.**

7 **ARTICLE XIII. BINDING EFFECT OF COMPACT AND OTHER LAWS.**

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

11 (2) ALL COMPACTING STATES' LAWS OTHER THAN STATE
12 CONSTITUTIONS AND OTHER INTERSTATE COMPACTS CONFLICTING WITH THIS
13 COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

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

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

20 (3) UPON THE REQUEST OF A PARTY TO A CONFLICT OVER
21 MEANING OR INTERPRETATION OF INTERSTATE COMMISSION ACTIONS, AND
22 UPON A MAJORITY VOTE OF THE COMPACTING STATES, THE INTERSTATE
23 COMMISSION MAY ISSUE ADVISORY OPINIONS REGARDING SUCH MEANING OR
24 INTERPRETATION.

25 (4) IN THE EVENT ANY PROVISION OF THIS COMPACT EXCEEDS
26 THE CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY
27 COMPACTING STATE, THE OBLIGATIONS, DUTIES, POWERS, OR JURISDICTION
28 SOUGHT TO BE CONFERRED BY SUCH PROVISION UPON THE INTERSTATE

1 **COMMISSION SHALL BE INEFFECTIVE AND SUCH OBLIGATIONS, DUTIES,**
2 **POWERS, OR JURISDICTION SHALL REMAIN IN THE COMPACTING STATE AND**
3 **SHALL BE EXERCISED BY THE AGENCY THEREOF TO WHICH SUCH OBLIGATIONS,**
4 **DUTIES, POWERS, OR JURISDICTION ARE DELEGATED BY LAW IN EFFECT AT THE**
5 **TIME THIS COMPACT BECOMES EFFECTIVE.**

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not take
7 effect until the later of July 1, 2008, or upon enactment of a similar Act by no less than
8 35 of the states; that no less than 35 states are requested to concur in this Act of the
9 General Assembly of Maryland by the passage of a similar Act; that the Department of
10 Legislative Services shall notify the appropriate officials of the passage of this Act; and
11 that upon concurrence in this Act by no less than 35 states and approval by the United
12 States Congress, the Governor of the State of Maryland shall issue a proclamation
13 declaring this Act valid and effective and shall forward a copy of the proclamation to
14 the Director of the Department of Legislative Services.

15 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of
16 this Act, this Act shall take effect July 1, 2008.