

# SENATE BILL 371

E3

71r0321

---

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

Introduced and read first time: February 1, 2007

Assigned to: Judicial Proceedings

---

Committee Report: Favorable

Senate action: Adopted

Read second time: February 19, 2007

---

## CHAPTER \_\_\_\_\_

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

---

**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



mechanism for resolving disputes among the compacting states; providing for enforcement of the provisions of the Compact; establishing a funding mechanism for the Interstate Commission; providing for the creation of a State Council for Interstate Juvenile Supervision; specifying membership of the Council; specifying the powers and duties of the State Council; providing for the 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.**

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

**9-302.**

**ARTICLE I. PURPOSE.**

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

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

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

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

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

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

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

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

7           (4) TO MAKE CONTRACTS FOR THE COOPERATIVE  
8 INSTITUTIONALIZATION IN PUBLIC FACILITIES IN MEMBER STATES FOR  
9 DELINQUENT YOUTH NEEDING SPECIAL SERVICES;

10          (5) TO PROVIDE FOR THE EFFECTIVE TRACKING AND  
11 SUPERVISION OF JUVENILES;

12          (6) TO EQUITABLY ALLOCATE THE COSTS, BENEFITS, AND  
13 OBLIGATIONS OF THE COMPACTING STATES;

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

19          (8) TO INSURE IMMEDIATE NOTICE TO JURISDICTIONS WHERE  
20 DEFINED OFFENDERS ARE AUTHORIZED TO TRAVEL OR TO RELOCATE ACROSS  
21 STATE LINES;

22          (9) TO ESTABLISH PROCEDURES TO RESOLVE PENDING CHARGES  
23 (DETAINERS) AGAINST JUVENILE OFFENDERS PRIOR TO TRANSFER OR RELEASE  
24 TO THE COMMUNITY UNDER THE TERMS OF THIS COMPACT;

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

1           (11) TO MONITOR COMPLIANCE WITH RULES GOVERNING  
2 INTERSTATE MOVEMENT OF JUVENILES AND INITIATE INTERVENTIONS TO  
3 ADDRESS AND CORRECT NONCOMPLIANCE;

4           (12) TO COORDINATE TRAINING AND EDUCATION REGARDING THE  
5 REGULATION OF INTERSTATE MOVEMENT OF JUVENILES FOR OFFICIALS  
6 INVOLVED IN SUCH ACTIVITY; AND

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

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

21 **9-303.**

## 22                           **ARTICLE II. DEFINITIONS.**

23           (A) AS USED IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE  
24 MEANINGS INDICATED, UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT  
25 CONSTRUCTION.

26           (B) “BYLAWS” MEANS THOSE BYLAWS ESTABLISHED BY THE  
27 INTERSTATE COMMISSION FOR ITS GOVERNANCE, OR FOR DIRECTING OR  
28 CONTROLLING ITS ACTIONS OR CONDUCT.

29           (C) “COMPACT ADMINISTRATOR” MEANS THE INDIVIDUAL IN EACH  
30 COMPACTING STATE APPOINTED PURSUANT TO THE TERMS OF THIS COMPACT  
31 RESPONSIBLE FOR THE ADMINISTRATION AND MANAGEMENT OF THE STATE’S

1 SUPERVISION AND TRANSFER OF JUVENILES SUBJECT TO THE TERMS OF THIS  
2 COMPACT, THE RULES ADOPTED BY THE INTERSTATE COMMISSION, AND  
3 POLICIES ADOPTED BY THE STATE COUNCIL UNDER THIS COMPACT.

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

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

8 (F) "COURT" MEANS ANY COURT HAVING JURISDICTION OVER  
9 DELINQUENT, NEGLECTED, OR DEPENDENT CHILDREN.

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

17 (H) "INTERSTATE COMMISSION" MEANS THE INTERSTATE COMMISSION  
18 FOR JUVENILES CREATED BY ARTICLE III OF THIS COMPACT.

19 (I) (1) "JUVENILE" MEANS ANY PERSON DEFINED AS A JUVENILE IN  
20 ANY MEMBER STATE OR BY THE RULES OF THE INTERSTATE COMMISSION.

21 (2) "JUVENILE" INCLUDES:

22 (I) AN ACCUSED DELINQUENT OR PERSON CHARGED WITH  
23 AN OFFENSE THAT, IF COMMITTED BY AN ADULT, WOULD BE A CRIMINAL  
24 OFFENSE;

25 (II) AN ADJUDICATED DELINQUENT OR PERSON FOUND TO  
26 HAVE COMMITTED AN OFFENSE THAT, IF COMMITTED BY AN ADULT, WOULD BE  
27 A CRIMINAL OFFENSE;

1                   (III) AN ACCUSED STATUS OFFENDER OR PERSON CHARGED  
2 WITH AN OFFENSE THAT WOULD NOT BE A CRIMINAL OFFENSE IF COMMITTED  
3 BY AN ADULT;

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

7                   (V) A NONOFFENDER OR PERSON IN NEED OF SUPERVISION  
8 WHO HAS NOT BEEN ACCUSED OR ADJUDICATED A STATUS OFFENDER OR  
9 DELINQUENT.

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

12           (K) “PROBATION OR PAROLE” MEANS ANY KIND OF SUPERVISION OR  
13 CONDITIONAL RELEASE OF JUVENILES AUTHORIZED UNDER THE LAWS OF THE  
14 COMPACTING STATES.

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

18                   (I) IS OF GENERAL APPLICABILITY;

19                   (II) IMPLEMENTS, INTERPRETS, OR PRESCRIBES A POLICY  
20 OR PROVISION OF THE COMPACT, OR AN ORGANIZATIONAL, PROCEDURAL, OR  
21 PRACTICE REQUIREMENT OF THE COMMISSION; AND

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

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

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

1 **9-304.**

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

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

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

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



1           (C)   EACH COMPACTING STATE REPRESENTED AT ANY MEETING OF THE  
2   COMMISSION IS ENTITLED TO ONE VOTE. A MAJORITY OF THE COMPACTING  
3   STATES SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS,  
4   UNLESS A LARGER QUORUM IS REQUIRED BY THE BYLAWS OF THE INTERSTATE  
5   COMMISSION. THE COMMISSION SHALL MEET AT LEAST ONCE EACH CALENDAR  
6   YEAR. THE CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND, UPON THE  
7   REQUEST OF A SIMPLE MAJORITY OF THE COMPACTING STATES, SHALL CALL  
8   ADDITIONAL MEETINGS. PUBLIC NOTICE SHALL BE GIVEN OF ALL MEETINGS  
9   AND MEETINGS SHALL BE OPEN TO THE PUBLIC.

10          (D)   THE INTERSTATE COMMISSION SHALL ESTABLISH AN EXECUTIVE  
11   COMMITTEE, WHICH SHALL INCLUDE COMMISSION OFFICERS, MEMBERS, AND  
12   OTHERS AS DETERMINED BY THE BYLAWS. THE EXECUTIVE COMMITTEE SHALL  
13   HAVE THE POWER TO ACT ON BEHALF OF THE INTERSTATE COMMISSION  
14   DURING PERIODS WHEN THE INTERSTATE COMMISSION IS NOT IN SESSION,  
15   WITH THE EXCEPTION OF RULEMAKING AND/OR AMENDMENT TO THE COMPACT.

16          (E)   THE EXECUTIVE COMMITTEE SHALL:

17               (1)   OVERSEE THE DAY-TO-DAY ACTIVITIES OF THE  
18   ADMINISTRATION OF THE COMPACT MANAGED BY AN EXECUTIVE DIRECTOR  
19   AND INTERSTATE COMMISSION STAFF;

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

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

24          (F)   EACH MEMBER OF THE INTERSTATE COMMISSION SHALL HAVE THE  
25   RIGHT AND POWER TO CAST A VOTE TO WHICH THAT COMPACTING STATE IS  
26   ENTITLED AND TO PARTICIPATE IN THE BUSINESS AND AFFAIRS OF THE  
27   INTERSTATE COMMISSION. A MEMBER SHALL VOTE IN PERSON AND SHALL NOT  
28   DELEGATE A VOTE TO ANOTHER COMPACTING STATE. HOWEVER, A  
29   COMMISSIONER, IN CONSULTATION WITH THE STATE COUNCIL, SHALL APPOINT  
30   ANOTHER AUTHORIZED REPRESENTATIVE, IN THE ABSENCE OF THE  
31   COMMISSIONER FROM THAT STATE, TO CAST A VOTE ON BEHALF OF THE  
32   COMPACTING STATE AT A SPECIFIED MEETING. THE BYLAWS MAY PROVIDE FOR

1 MEMBERS' PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF  
2 TELECOMMUNICATION OR ELECTRONIC COMMUNICATION.

3 (G) THE INTERSTATE COMMISSION'S BYLAWS SHALL ESTABLISH  
4 CONDITIONS AND PROCEDURES UNDER WHICH THE INTERSTATE COMMISSION  
5 SHALL MAKE ITS INFORMATION AND OFFICIAL RECORDS AVAILABLE TO THE  
6 PUBLIC FOR INSPECTION OR COPYING. THE INTERSTATE COMMISSION MAY  
7 EXEMPT FROM DISCLOSURE ANY INFORMATION OR OFFICIAL RECORDS TO THE  
8 EXTENT THEY WOULD ADVERSELY AFFECT PERSONAL PRIVACY RIGHTS OR  
9 PROPRIETARY INTERESTS.

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

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

18 (2) DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM  
19 DISCLOSURE BY STATUTE;

20 (3) DISCLOSE TRADE SECRETS OR COMMERCIAL OR FINANCIAL  
21 INFORMATION WHICH IS PRIVILEGED OR CONFIDENTIAL;

22 (4) INVOLVE ACCUSING ANY PERSON OF A CRIME, OR FORMALLY  
23 CENSURING ANY PERSON;

24 (5) DISCLOSE INFORMATION OF A PERSONAL NATURE WHEN  
25 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF  
26 PERSONAL PRIVACY;

27 (6) DISCLOSE INVESTIGATIVE RECORDS COMPILED FOR LAW  
28 ENFORCEMENT PURPOSES;

29 (7) DISCLOSE INFORMATION CONTAINED IN OR RELATED TO  
30 EXAMINATION, OPERATING, OR CONDITION REPORTS PREPARED BY, OR ON

1 BEHALF OF OR FOR THE USE OF, THE INTERSTATE COMMISSION WITH RESPECT  
2 TO A REGULATED PERSON OR ENTITY FOR THE PURPOSE OF REGULATION OR  
3 SUPERVISION OF SUCH PERSON OR ENTITY;

4 (8) DISCLOSE INFORMATION, THE PREMATURE DISCLOSURE OF  
5 WHICH WOULD SIGNIFICANTLY ENDANGER THE STABILITY OF A REGULATED  
6 PERSON OR ENTITY; OR

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

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

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

30 **9-305.**

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

1           (A) THE INTERSTATE COMMISSION SHALL HAVE THE FOLLOWING  
2 POWERS AND DUTIES:

3                   (1) TO PROVIDE FOR DISPUTE RESOLUTION AMONG COMPACTING  
4 STATES;

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

8                   (3) TO OVERSEE, SUPERVISE, AND COORDINATE THE INTERSTATE  
9 MOVEMENT OF JUVENILES SUBJECT TO THE TERMS OF THIS COMPACT AND ANY  
10 BYLAWS ADOPTED AND RULES PROMULGATED BY THE INTERSTATE  
11 COMMISSION;

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

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

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

19                   (7) TO BORROW, ACCEPT, HIRE, OR CONTRACT FOR SERVICES OF  
20 PERSONNEL;

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

27                   (9) TO ELECT OR APPOINT SUCH OFFICERS, ATTORNEYS,  
28 EMPLOYEES, AGENTS, OR CONSULTANTS, AND TO FIX THEIR COMPENSATION,  
29 DEFINE THEIR DUTIES, AND DETERMINE THEIR QUALIFICATIONS; AND TO  
30 ESTABLISH THE INTERSTATE COMMISSION'S PERSONNEL POLICIES AND

1 PROGRAMS RELATING TO, AMONG OTHER THINGS, CONFLICTS OF INTEREST,  
2 RATES OF COMPENSATION, AND QUALIFICATIONS OF PERSONNEL;

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

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

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

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

14 (14) TO SUE AND BE SUED;

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

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

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

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

27 (19) TO ESTABLISH UNIFORM STANDARDS OF THE REPORTING,  
28 COLLECTING, AND EXCHANGING OF DATA.

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

3 **9-306.**

4           **ARTICLE V. ORGANIZATION AND OPERATION OF THE INTERSTATE**  
5 **COMMISSION.**

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

11                   **(1) ESTABLISHING THE FISCAL YEAR OF THE INTERSTATE**  
12 **COMMISSION;**

13                   **(2) ESTABLISHING AN EXECUTIVE COMMITTEE AND SUCH OTHER**  
14 **COMMITTEES AS MAY BE NECESSARY;**

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

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

21                   **(5) ESTABLISHING THE TITLES AND RESPONSIBILITIES OF THE**  
22 **OFFICERS OF THE INTERSTATE COMMISSION;**

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

28                   **(7) PROVIDING “START-UP” RULES FOR INITIAL**  
29 **ADMINISTRATION OF THE COMPACT; AND**

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

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

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

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

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

1           (2) THE LIABILITY OF ANY COMMISSIONER, OR THE EMPLOYEE  
2 OR AGENT OF A COMMISSIONER, ACTING WITHIN THE SCOPE OF SUCH PERSON'S  
3 EMPLOYMENT OR DUTIES FOR ACTS, ERRORS, OR OMISSIONS OCCURRING  
4 WITHIN SUCH PERSON'S STATE MAY NOT EXCEED THE LIMITS OF LIABILITY SET  
5 FORTH UNDER THE CONSTITUTION AND LAWS OF THAT STATE FOR STATE  
6 OFFICIALS, EMPLOYEES, AND AGENTS. NOTHING IN THIS SUBSECTION SHALL BE  
7 CONSTRUED TO PROTECT ANY SUCH PERSON FROM SUIT OR LIABILITY FOR ANY  
8 DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR  
9 WILLFUL AND WANTON MISCONDUCT OF ANY SUCH PERSON.

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

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

36 **9-307.**



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

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

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

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

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

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

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

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

**(D) NOT LATER THAN 60 DAYS AFTER A RULE IS PROMULGATED, ANY INTERESTED PERSON MAY FILE A PETITION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR IN THE FEDERAL DISTRICT COURT**

1 WHERE THE INTERSTATE COMMISSION'S PRINCIPAL OFFICE IS LOCATED FOR  
2 JUDICIAL REVIEW OF SUCH RULE. IF THE COURT FINDS THAT THE INTERSTATE  
3 COMMISSION'S ACTION IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE, (AS  
4 DEFINED IN THE MODEL STATE ADMINISTRATIVE PROCEDURES ACT) IN THE  
5 RULEMAKING RECORD, THE COURT SHALL HOLD THE RULE UNLAWFUL AND SET  
6 IT ASIDE.

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

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

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

23 **9-308.**

24 **ARTICLE VII. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY**  
25 **THE INTERSTATE COMMISSION.**

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

31 (2) THE COURTS AND EXECUTIVE AGENCIES IN EACH  
32 COMPACTING STATE SHALL ENFORCE THIS COMPACT AND SHALL TAKE ALL

1 ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE COMPACT'S  
2 PURPOSES AND INTENT. THE PROVISIONS OF THIS COMPACT AND THE RULES  
3 PROMULGATED HEREUNDER SHALL BE RECEIVED BY ALL THE JUDGES, PUBLIC  
4 OFFICERS, COMMISSIONS, AND DEPARTMENTS OF THE STATE GOVERNMENT AS  
5 EVIDENCE OF THE AUTHORIZED STATUTE AND ADMINISTRATIVE RULES. ALL  
6 COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT AND THE RULES. IN  
7 ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A COMPACTING STATE  
8 PERTAINING TO THE SUBJECT MATTER OF THIS COMPACT WHICH MAY AFFECT  
9 THE POWERS, RESPONSIBILITIES, OR ACTIONS OF THE INTERSTATE  
10 COMMISSION, THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE  
11 ALL SERVICE OF PROCESS IN ANY SUCH PROCEEDING, AND SHALL HAVE  
12 STANDING TO INTERVENE IN THE PROCEEDING FOR ALL PURPOSES.

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

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

23 (3) THE COMMISSION SHALL PROMULGATE A RULE PROVIDING  
24 FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES  
25 AMONG THE COMPACTING STATES.

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

30 **9-309.**

31 **ARTICLE VIII. FINANCE.**

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

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

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

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

28 **9-310.**

29                           **ARTICLE IX. THE STATE COUNCIL.**

30           (A) EACH MEMBER STATE SHALL CREATE A STATE COUNCIL FOR  
31 INTERSTATE JUVENILE SUPERVISION. WHILE EACH STATE MAY DETERMINE  
32 THE MEMBERSHIP OF ITS OWN STATE COUNCIL, ITS MEMBERSHIP MUST  
33 INCLUDE AT LEAST ONE REPRESENTATIVE FROM THE LEGISLATIVE, JUDICIAL,

1 AND EXECUTIVE BRANCHES OF GOVERNMENT, VICTIMS' GROUPS, AND THE  
2 COMPACT ADMINISTRATOR, DEPUTY COMPACT ADMINISTRATOR, OR DESIGNEE.

3 (B) EACH COMPACTING STATE RETAINS THE RIGHT TO DETERMINE THE  
4 QUALIFICATIONS OF THE COMPACT ADMINISTRATOR OR DEPUTY COMPACT  
5 ADMINISTRATOR.

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

12 **9-311.**

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

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

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

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

30 **9-312.**

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

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

**(2) THE EFFECTIVE DATE OF WITHDRAWAL IS THE EFFECTIVE DATE OF THE REPEAL.**

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

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

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

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

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

1                   (II) ALTERNATIVE DISPUTE RESOLUTION;

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

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

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

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

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

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

1 MAJORITY AND MINORITY LEADERS OF THE DEFAULTING STATE'S  
2 LEGISLATURE, AND THE STATE COUNCIL OF SUCH TERMINATION.

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

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

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

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

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

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



1 **9-313.**

2 **ARTICLE XII. SEVERABILITY AND CONSTRUCTION.**

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

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

8 **9-314.**

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

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

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

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

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

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

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

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

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

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.