

**SENATE . . . . . No. 00056**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Thomas M. McGee*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act establishing the interstate compact for juveniles.

\_\_\_\_\_  
PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Thomas M. McGee</i>	<i>Third Essex and Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Robert F. Fennell</i>	<i>10th Essex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Kathi-Anne Reinstein</i>	<i>16th Suffolk</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>

# SENATE . . . . . No. 00056

By Mr. McGee, petition (accompanied by bill, Senate, No. 56) of Spilka, Reinstein, Provost and other members of the General Court for legislation to establish the interstate compact for juveniles [Joint Committee on Children, Families and Persons with Disabilities].

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ SENATE  
□ , NO. 2189 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act establishing the interstate compact for juveniles.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 687 of the acts of 1955 is hereby repealed.

2 SECTION 2. The governor shall execute a compact, on behalf of the commonwealth,  
3 with any other state or states legally joined therein in the form substantially set out in section 3;  
4 provided, however, that the commissioner of the department of youth services shall serve as the  
5 compact administrator; and provided further, that accused status offenders and non-offender  
6 juveniles shall not be detained in a secure detention facility or as otherwise prohibited by the  
7 purpose and intent of applicable state or federal laws.

8           SECTION 3. The General Laws are hereby amended by inserting after chapter 120 the  
9 following chapter: CHAPTER 120A INTERSTATE COMPACT ON JUVENILES

10           Section 1. The compacting states to this Interstate compact recognize that each state is  
11 responsible for the proper supervision or return of juveniles, delinquents and status offenders  
12 who are on probation or parole and who have absconded, escaped or run away from supervision  
13 and control and, in so doing, have endangered their own safety and the safety of others. The  
14 compacting states also recognize that each state is responsible for the safe return of juveniles  
15 who have run away from home and, in so doing, have left their state of residence. The  
16 compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C.  
17 Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual  
18 assistance in the prevention of crime.

19           It is the purpose of this compact, through means of joint and cooperative action among  
20 the compacting states to: (A) ensure that adjudicated juveniles and status offenders subject to this  
21 compact are provided adequate supervision and services in the receiving state as ordered by the  
22 adjudicating judge or parole authority in the sending state; (B) ensure that the public safety  
23 interests of citizens, including the victims of juvenile offenders, in both the sending and  
24 receiving states are adequately protected; (C) return juveniles who have run away, absconded or  
25 escaped from supervision or control or have been accused of an offense to the state requesting  
26 their return; (D) make contracts for the cooperative institutionalization in public facilities in  
27 member states for delinquent youth needing special services; (E) provide for the effective  
28 tracking and supervision of juveniles; (F) equitably allocate the costs, benefits and obligations of  
29 the compacting states; (G) establish procedures to manage the movement between states of  
30 juvenile offenders released to the community under the jurisdiction of courts, juvenile

31 departments or any other criminal or juvenile justice agency which has jurisdiction over juvenile  
32 offenders; (H) insure immediate notice to jurisdictions where defined offenders are authorized to  
33 travel or to relocate across state lines; (I) establish procedures to resolve pending charges against  
34 juvenile offenders prior to transfer or release to the community under the terms of this compact;  
35 (J) establish a system of uniform data collection on information pertaining to juveniles subject to  
36 this compact that allows access by authorized juvenile justice and criminal justice officials, and  
37 regular reporting of compact activities to heads of state executive, judicial and legislative  
38 branches and juvenile and criminal justice administrators; (K) monitor compliance with rules  
39 governing interstate movement of juveniles and initiate interventions to address and correct non-  
40 compliance; (L) coordinate training and education regarding the regulation of interstate  
41 movement of juveniles for officials involved in such activity; and (M) coordinate the  
42 implementation and operation of the compact with the interstate compact for the placement of  
43 children, the interstate compact for adult offender supervision and other compacts affecting  
44 juveniles, particularly in those cases in which concurrent or overlapping supervision issues arise.  
45 It is the policy of the compacting states that the activities conducted by the interstate commission  
46 created herein are the formation of public policies and therefore are public business.  
47 Furthermore, the compacting states shall cooperate and observe their individual and collective  
48 duties and responsibilities for the prompt return and acceptance of juveniles subject to this  
49 compact. The provisions of this compact shall be reasonably and liberally construed to  
50 accomplish the purposes and policies of the compact.

51 Section 2. As used in sections 1 to 20, inclusive, unless the context clearly requires otherwise,  
52 the following words shall have the following meanings:- “By –laws”, those by-laws established

53 by the interstate commission for its governance, or for directing or controlling its actions or  
54 conduct.

55 “Compact administrator”, the individual in each compacting state responsible for the  
56 administration and management of the state's supervision and transfer of juveniles subject to the  
57 terms of this compact, the rules adopted by the interstate commission and policies adopted by the  
58 state council under this compact. “Compacting state”, any state which has enacted the enabling  
59 legislation for this compact. “Commissioner”, the voting representative of each compacting state  
60 appointed pursuant to section 3. “Court”, any court having jurisdiction over delinquent,  
61 neglected or dependent children. “Deputy compact administrator”, the individual, if any, in each  
62 compacting state appointed to act on behalf of a compact administrator, pursuant to the terms of  
63 this compact, responsible for the administration and management of the state's supervision and  
64 transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate  
65 commission and policies adopted by the state council under this compact. “Interstate  
66 commission”, the interstate commission for juveniles created by section 3. “Juvenile”, any  
67 person defined as a juvenile in any member state or by the rules of the interstate commission,  
68 including:

69 (1)“Accused delinquent”, a person charged with an offense that, if committed by an adult,  
70 would be a criminal offense; (2) “Adjudicated delinquent”, a person found to have committed an  
71 offense that, if committed by an adult, would be a criminal offense;

72 (3)“Accused status offender”, a person charged with an offense that would not be a  
73 criminal offense if committed by an adult;(4)“Adjudicated status offender”, a person found to  
74 have committed an offense that would not be a criminal offense if committed by an adult;

75 and(5)“Non-offender”, a person in need of supervision who has not been accused or adjudicated  
76 a status offender or a delinquent.

77 “Non-compacting state”, any state which has not enacted the enabling legislation for this  
78 compact. “Probation or parole”, any kind of supervision or conditional release of juveniles  
79 authorized under the laws of the compacting states. “Rule”, a written statement by the interstate  
80 commission adopted pursuant to section 4 that is of general applicability, implements, interprets  
81 or prescribes a policy or provision of the compact, or an organizational, procedural or practice  
82 requirement of the commission, and has the force and effect of statutory law in a compacting  
83 state, and includes the amendment, repeal or suspension of an existing rule. “State”, a state of the  
84 United States, the District of Columbia, or its designee, the Commonwealth of Puerto Rico, the  
85 United States Virgin Islands, Guam, American Samoa and the Northern Marianas Islands.

86 Section 3. (a) The compacting states hereby create the interstate commission for juveniles. The  
87 commission shall be a body corporate and joint agency of the compacting states. The  
88 commission shall have all the responsibilities, powers and duties set forth herein, and such  
89 additional powers as may be conferred upon it by subsequent action of the respective legislatures  
90 of the compacting states in accordance with the terms of this compact. (b) The interstate  
91 commission shall consist of commissioners appointed by the appropriate appointing authority in  
92 each state pursuant to the rules and requirements of each compacting state and in consultation  
93 with the state council for interstate juvenile supervision created hereunder. The commissioner  
94 shall be the compact administrator, deputy compact administrator or designee from a state who  
95 shall serve on the interstate commission in such capacity pursuant to the applicable law of such  
96 compacting state. (c) In addition to the commissioners, who shall be the voting representatives of  
97 each state, the interstate commission shall include individuals who are not commissioners, but

98 who are members of interested organizations. Such non-commissioner members shall include a  
99 member of the national organizations of governors, legislators, state chief justices, attorneys  
100 general, interstate compact for adult offender supervision, interstate compact for the placement  
101 of children, juvenile justice and juvenile corrections officials and crime victims. All non-  
102 commissioner members of the interstate commission shall be ex-officio members. The interstate  
103 commission may provide in its by-laws for such additional ex-officio members, including  
104 members of other national organizations, in such numbers as shall be determined by the  
105 commission. (d) Each compacting state represented at any meeting of the commission shall be  
106 entitled to 1 vote. A majority of the compacting states shall constitute a quorum for the  
107 transaction of business, unless a larger quorum is required by the by-laws of the interstate  
108 commission. (e) The commission shall meet at least once each calendar year. The chairperson  
109 may call additional meetings and, upon the request of a simple majority of the compacting states,  
110 shall call additional meetings. Public notice shall be given of all meetings and meetings shall be  
111 open to the public. (f) The interstate commission shall establish an executive committee, which  
112 shall include commission officers, members and others as determined by the by-laws. The  
113 executive committee shall have the power to act on behalf of the interstate commission during  
114 periods when the interstate commission is not in session, with the exception of rulemaking power  
115 or power to amend the compact. The executive committee shall oversee the day-to-day activities  
116 of the administration of the compact managed by an executive director and interstate commission  
117 staff; administer enforcement and compliance with the compact, its by-laws and rules; and  
118 perform such other duties as directed by the interstate commission or set forth in the by-laws. (g)  
119 Each member of the interstate commission shall have the right and power to cast a vote to which  
120 that compacting state is entitled and to participate in the business and affairs of the interstate

121 commission. A member shall vote in person and shall not delegate a vote to another compacting  
122 state. However, a commissioner, in consultation with the state council, shall appoint another  
123 authorized representative, in the absence of such commissioner from that state, to cast a vote on  
124 behalf of such compacting state at a specified meeting. The by-laws may provide for members'  
125 participation in meetings by telephone or other means of telecommunication or electronic  
126 communication. (h) The interstate commission's by-laws shall establish conditions and  
127 procedures under which the interstate commission shall make its information and official records  
128 available to the public for inspection or copying. The interstate commission may exempt from  
129 disclosure any information or official records to the extent that they would adversely affect  
130 personal privacy rights or proprietary interests. (i) Public notice shall be given of all meetings  
131 and all meetings shall be open to the public, except as set forth in the rules or as otherwise  
132 provided in the compact. The interstate commission and any of its committees may close a  
133 meeting to the public if it determines, by two-thirds vote, that an open meeting would be likely  
134 to:

135 (1) relate solely to the interstate commission's internal personnel practices and  
136 procedures;

137 (2) disclose matters specifically exempted from disclosure by statute;

138 (3) disclose trade secrets or commercial or financial information which is privileged or  
139 confidential;

140 (4) involve accusing any person of a crime or formally censuring any person;

141 (5) disclose information of a personal nature if disclosure would constitute a clearly  
142 unwarranted invasion of personal privacy;



143 (6)disclose investigative records compiled for law enforcement purposes;

144 (7)disclose information contained in, or related to, examination, operating or condition  
145 reports prepared by, or on behalf of or for the use of, the interstate commission relative to a  
146 regulated person or entity for the purpose of regulation or supervision of such person or entity;

147 (8)disclose information, the premature disclosure of which would significantly endanger  
148 the stability of a regulated person or entity; or

149 (9)specifically relate to the interstate commission's issuance of a subpoena, or its  
150 participation in a civil action or other legal proceeding.

151 (j)For every meeting closed pursuant to this section, the interstate commission's legal  
152 counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to  
153 the public, and shall reference each relevant exemption. The interstate commission shall keep  
154 minutes which shall fully and clearly describe all matters discussed in any meeting and shall  
155 provide a full and accurate summary of any actions taken, and the reasons therefore, including a  
156 description of each of the views expressed on any item and the record of any roll call vote  
157 reflected in the vote of each member on the question. All documents considered in connection  
158 with any action shall be identified in the minutes.

159 (k)The interstate commission shall collect standardized data relative to the interstate  
160 movement of juveniles as directed through its rules which shall specify the data to be collected,  
161 the means of collection and data exchange and reporting requirements. Such methods of data  
162 collection, exchange and reporting shall, insofar as is reasonably possible, conform to up-to-date  
163 technology and coordinate its information functions with the appropriate repository of records.

164 Section 4. The commission shall have the following powers and duties:

165 (1) to provide for dispute resolution among compacting states;

166 (2) to promulgate rules to effect the purposes and obligations as enumerated in this  
167 compact, which shall have the force and effect of statutory law and shall be binding in the  
168 compacting states to the extent and in the manner provided in this compact;

169 (3) to oversee, supervise and coordinate the interstate movement of juveniles subject to  
170 the terms of this compact and any by-laws adopted and rules adopted by the interstate  
171 commission;

172 (4) to enforce compliance with the compact provisions, the rules adopted by the interstate  
173 commission and the by-laws, using all necessary and proper means including, but not limited to,  
174 the use of judicial process;

175 (5) to establish and maintain offices which shall be located within 1 or more of the  
176 compacting states;

177 (6) to purchase and maintain insurance and bonds;

178 (7) to borrow, accept, hire or contract for services of personnel;

179 (8) to establish and appoint committees and hire staff which it deems necessary for the  
180 carrying out of its functions including, but not limited to, an executive committee, as required by  
181 section 3, which shall have the power to act on behalf of the interstate commission in carrying  
182 out its powers and duties hereunder;

183 (9)to elect or appoint such officers, attorneys, employees, agents or consultants and to fix  
184 their compensation, define their duties and determine their qualifications and to establish the  
185 interstate commission's personnel policies and programs relating to, inter alia, conflicts of  
186 interest, rates of compensation and qualifications of personnel;

187 (10)to accept any and all donations and grants of money, equipment, supplies, materials  
188 and services and to receive, utilize and dispose of same;

189 (11)to lease, purchase, accept contributions or donations of, or otherwise to own, hold,  
190 improve or use any property, real, personal or mixed;

191 (12)to sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of  
192 any property, real, personal or mixed;

193 (13)to establish a budget and make expenditures and levy dues as provided in section 11;

194 (14)to sue and be sued;

195 (15)to adopt a seal and by-laws governing the management and operation of the interstate  
196 commission;

197 (16)to perform such functions as may be necessary or appropriate to achieve the purposes  
198 of this compact;

199 (17)to report annually to the legislatures, governors, judiciary, and state councils of the  
200 compacting states relative to the activities of the interstate commission during the preceding  
201 year, including any recommendations that may have been adopted by the interstate commission;

202 (18)to coordinate education, training and public awareness relative to the interstate  
203 movement of juveniles for officials involved in such activity; and

204 (19)to establish uniform standards of the reporting, collecting and exchanging of data.the  
205 interstate commission shall maintain its corporate books and records in accordance with the by-  
206 laws.

207 Section 5. The interstate commission shall, by a majority of the members present and  
208 voting, within 12 months after the first interstate commission meeting, adopt by-laws to govern  
209 its conduct as may be necessary or appropriate to carry out the purposes of the compact  
210 including, but not limited to:

211 (1)establishing the fiscal year of the interstate commission;

212 (2)establishing an executive committee and such other committees as may be necessary;

213 (3)providing for the establishment of committees governing any general or specific  
214 delegation of any authority or function of the interstate commission;

215 (4)providing reasonable procedures for calling and conducting meetings of the interstate  
216 commission and ensuring reasonable notice of each such meeting;

217 (5)establishing the titles and responsibilities of the officers of the interstate commission;

218 (6)providing a mechanism for concluding the operations of the interstate commission and  
219 the return of any surplus funds that may exist upon the termination of the compact after the  
220 payment or reserving of all of its debts and obligations.

221 (7)providing “start-up” rules for initial administration of the compact; and

222 (8)establishing standards and procedures for compliance and technical assistance in  
223 carrying out the compact.

224 Section 6. (a) The interstate commission shall, by a majority of the members, elect  
225 annually from among its members a chairperson and a vice chairperson, each of whom shall have  
226 such authority and duties as may be specified in the by-laws. The chairperson or, in the  
227 chairperson's absence or disability, the vice-chairperson shall preside at all meetings of the  
228 interstate commission. The officers so elected shall serve without compensation or remuneration  
229 from the interstate commission but, subject to the availability of budgeted funds, the officers  
230 shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the  
231 performance of their duties and responsibilities as officers of the interstate commission.

232 (b)The interstate commission shall, through its executive committee, appoint or retain an  
233 executive director for such period, upon such terms and conditions and for such compensation as  
234 the interstate commission may deem appropriate. The executive director shall serve as secretary  
235 to the interstate commission, but shall not be a member and shall hire and supervise such other  
236 staff as may be authorized by the interstate commission.

237 Section 7. (a) The commission's executive director and employees shall be immune from  
238 suit and liability, either personally or in their official capacity, for any claim for damage to or  
239 loss of property or personal injury or other civil liability caused or arising out of or relating to  
240 any actual or alleged act, error or omission that occurred, or that such person had a reasonable  
241 basis for believing occurred within the scope of commission employment, duties or  
242 responsibilities except that any such person shall not be protected from suit or liability for any

243 damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of  
244 any such person.

245 (b)The liability of any commissioner, or the employee or agent of a commissioner, acting  
246 within the scope of such person's employment or duties for acts, errors or omissions occurring  
247 within such person's state may not exceed the limits of liability set forth under the Constitution  
248 and laws of that state for state officials, employees and agents. Nothing in this section shall be  
249 construed to protect any such person from suit or liability for any damage, loss, injury or liability  
250 caused by the intentional or willful and wanton misconduct of such person.

251 (c)The interstate commission shall defend the executive director or the employees or  
252 representatives of the interstate commission and, subject to the approval of the attorney general  
253 of the state represented by any commissioner of a compacting state, shall defend such  
254 commissioner or the commissioner's representatives or employees in any civil action seeking to  
255 impose liability arising out of any actual or alleged act, error or omission that occurred within the  
256 scope of interstate commission employment, duties or responsibilities, or that the defendant had  
257 a reasonable basis for believing occurred within the scope of interstate commission employment,  
258 duties or responsibilities, unless the actual or alleged act, error or omission did not result from  
259 intentional or willful and wanton misconduct on the part of such person.

260 (d)The interstate commission shall indemnify and hold the commissioner of a compacting  
261 state or the commissioner's representatives or employees and the interstate commission's  
262 representatives or employees harmless in the amount of any settlement or judgment obtained  
263 against such persons arising out of any actual or alleged act, error or omission that occurred  
264 within the scope of interstate commission employment, duties or responsibilities, or that such

265 persons had a reasonable basis for believing occurred within the scope of interstate commission  
266 employment, duties or responsibilities, if the actual or alleged act, error or omission did not  
267 result from intentional or willful and wanton misconduct on the part of such persons.

268           Section 8. (a) The interstate commission shall promulgate and publish rules in order to  
269 effectively and efficiently achieve the purposes of the compact.

270           (b)Rulemaking shall occur pursuant to the criteria set forth in this section and the by-laws  
271 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the  
272 principles of the “Model State Administrative Procedures Act,” 1981 Act, Uniform Laws  
273 Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the interstate  
274 commission deems appropriate, consistent with due process requirements under the United States  
275 Constitution as now or hereafter interpreted by the United States Supreme Court. All rules and  
276 amendments shall become binding, as of the date specified, as published with the final version of  
277 the rule as approved by the commission.

278           (c)When promulgating a rule, the interstate commission shall, at a minimum:

279           (1)publish the proposed rule's entire text, stating the reasons for such proposed rule;

280           (2)allow and invite any and all persons to submit written data, facts, opinions and  
281 arguments, which information shall be added to the record and be made publicly available;

282           (3)provide an opportunity for an informal hearing if petitioned by 10 or more persons;

283 and

284           (4)promulgate a final rule and its effective date, if appropriate, based on input from  
285 state or local officials or interested parties.

286 (d)Allow, not later than 60 days after a rule is promulgated, any interested person to file a  
287 petition in the United States District Court for the District of Columbia or in the Federal District  
288 Court where the interstate commission's principal office is located for judicial review of such  
289 rule. If the court finds that the interstate commission's action is not supported by substantial  
290 evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For  
291 purposes of this section, evidence is substantial if it would be considered substantial evidence  
292 under the Model State Administrative Procedures Act.

293 (e)If a majority of the legislatures of the compacting states rejects a rule, those states  
294 may, by enactment of a statute or resolution in the same manner used to adopt the compact,  
295 cause that such rule shall have no further force and effect in any compacting state.

296 (f)The existing rules governing the operation of the interstate compact on juveniles  
297 superseded by this act shall be null and void 12 months after the first meeting of the interstate  
298 commission.

299 (g)Upon determination by the interstate commission that a state-of-emergency exists, it  
300 may promulgate an emergency rule which shall become effective immediately upon adoption,  
301 but the rulemaking procedures provided hereunder shall be retroactively applied to such rule as  
302 soon as reasonably possible, but not later than 90 days after the effective date of the emergency  
303 rule.

304 Section 9.(a) The interstate commission shall oversee the administration and operations  
305 of the interstate movement of juveniles subject to this compact in the compacting states and shall  
306 monitor such activities being administered in non-compacting states which may significantly  
307 affect compacting states.



308 (b) The courts and executive agencies in each compacting state shall enforce this compact  
309 and shall take all actions necessary and appropriate to effectuate the compact's purposes and  
310 intent. This compact, and the rules adopted thereby, shall be received by all the judges, public  
311 officers, commissions and departments of the state government as evidence of the authorized  
312 statute and administrative rules. All courts shall take judicial notice of the compact and the rules.  
313 In any judicial or administrative proceeding in a compacting state relative to the subject matter of  
314 this compact which may affect the powers, responsibilities or actions of the interstate  
315 commission, it shall be entitled to receive all service of process in any such proceeding, and shall  
316 have standing to intervene in the proceeding for all purposes.

317 Section 10.(a) The compacting states shall report to the interstate commission on all  
318 issues and activities necessary for the administration of the compact as well as issues and  
319 activities relative to compliance with the compact and its by-laws and rules.

320 (b)The interstate commission shall attempt, upon the request of a compacting state, to  
321 resolve any disputes or other issues which are subject to the compact and which may arise among  
322 compacting states and between compacting and non-compacting states. The commission shall  
323 promulgate a rule providing for both mediation and binding dispute resolution for disputes  
324 among the compacting states.

325 (c)The interstate commission, in the reasonable exercise of its discretion, shall enforce  
326 the provisions and rules of this compact using any or all means set forth in section 16.

327 Section 11.(a) The interstate commission shall pay or provide for the payment of the  
328 reasonable expenses of its establishment, organization and ongoing activities.

329 (b)The interstate commission shall levy on and collect an annual assessment from each  
330 compacting state to cover the cost of the internal operations and activities of the interstate  
331 commission and its staff which must be in a total amount sufficient to cover the interstate  
332 commission's annual budget as approved each year. The aggregate annual assessment amount  
333 shall be allocated based upon a formula to be determined by the interstate commission, taking  
334 into consideration the population of each compacting state and the volume of interstate  
335 movement of juveniles in each compacting state and shall promulgate a rule binding upon all  
336 compacting states which governs such assessment.

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

340 (d)The interstate commission shall keep accurate accounts of all receipts and  
341 disbursements. The receipts and disbursements of the interstate commission shall be subject to  
342 the audit and accounting procedures established under its by-laws. However, all receipts and  
343 disbursements of funds handled by the interstate commission shall be audited yearly by a  
344 certified or licensed public accountant and the report of the audit shall be included in and become  
345 part of the annual report of the interstate commission.

346 Section 12. Each member state shall create a state council for interstate juvenile  
347 supervision. While each state may determine the membership of its own state council, its  
348 membership must include at least 1 representative from the legislative, judicial, and executive  
349 branches of government, victims groups, and the compact administrator, deputy compact  
350 administrator or designee. Each compacting state shall retain the right to determine the

351 qualifications of the compact administrator or deputy compact administrator. Each state council  
352 shall advise and may exercise oversight and advocacy relative to such state's participation in  
353 interstate commission activities and other duties as may be determined by such state including,  
354 but not limited to, development of policy relative to operations and procedures of the compact  
355 within such state.

356           Section 13. (a) Any state, the District of Columbia, or its designee, the Commonwealth of  
357 Puerto Rico, the United States Virgin Islands, Guam, American Samoa and the Northern  
358 Marianas Islands as defined in section 2 shall be eligible to become a compacting state.

359           (b)The compact shall become effective and binding upon legislative enactment of the  
360 compact into law by not less than 35 of the states. The initial effective date shall be the later of  
361 July 1, 2004 or upon enactment into law by the thirty-fifth jurisdiction. Thereafter, it shall  
362 become effective and binding as to any other compacting state upon enactment of the compact  
363 into law by such state. The governors of non-member states or their designees shall be invited to  
364 participate in the activities of the interstate commission, on a non-voting basis, prior to adoption  
365 of the compact by all states and territories of the United States.

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

370           Section 14. (a) Once effective, the compact shall continue in force and remain binding  
371 upon each compacting state but a compacting state may withdraw from the compact by repealing  
372 the statute which enacted the compact into law in such state.

373 (b)The effective date of withdrawal shall be the effective date of the repeal.

374 (c)The withdrawing state shall immediately notify the chairperson of the interstate  
375 commission, in writing, upon the introduction of legislation repealing the compact in the  
376 withdrawing state. The interstate commission shall notify the other compacting states of the  
377 withdrawing state's intent to withdraw within 60 days of its receipt thereof.

378 (1)The withdrawing state shall be responsible for all assessments, obligations and  
379 liabilities incurred through the effective date of withdrawal, including any obligations, the  
380 performance of which extend beyond the effective date of withdrawal.

381 (2)Reinstatement following withdrawal of any compacting state shall occur upon the  
382 withdrawing state reenacting the compact or upon such later date as determined by the interstate  
383 commission.

384 Section 15. (a) If the interstate commission determines that any compacting state has at  
385 any time defaulted in the performance of any of its obligations or responsibilities under this  
386 compact, or the by-laws or duly adopted rules, the interstate commission may impose any or all  
387 of the following penalties:

388 (1)remedial training and technical assistance as directed by the interstate commission;

389 (2)alternative dispute resolution;

390 (3)finest, fees and costs in such amounts as are deemed to be reasonable as fixed by the  
391 interstate commission; and

392 (4) suspension or termination of membership in the compact, which shall be imposed  
393 only after all other reasonable means of securing compliance under the by-laws and rules have

394 been exhausted and the interstate commission has therefore determined that the offending state is  
395 in default. Immediate notice of suspension shall be given by the interstate commission to the  
396 governor, the chief justice or the chief judicial officer of the state, the majority and minority  
397 leaders of the defaulting state's legislature and the state council. Grounds for default include, but  
398 are not limited to, failure of a compacting state to perform such obligations or responsibilities  
399 imposed upon it by this compact, the by-laws or duly adopted rules and any other grounds  
400 designated in interstate commission by-laws and rules. The interstate commission shall  
401 immediately notify the defaulting state, in writing, of the penalty imposed by the interstate  
402 commission and of the default, pending a cure of the default. The interstate commission shall  
403 stipulate the conditions and the time period within which the defaulting state must cure the  
404 default. If the defaulting state fails to cure the default within the time period specified by the  
405 interstate commission, the defaulting state shall be terminated from the compact upon an  
406 affirmative vote of a majority of the compacting states and all rights, privileges and benefits  
407 conferred by this compact shall be terminated from the effective date of termination of  
408 membership.

409 (b) Within 60 days of the effective date of termination of a defaulting state, the  
410 commission shall notify the governor, the chief Justice or chief judicial officer, the majority and  
411 minority leaders of the defaulting state's legislature and the state council of such termination.

412 (c) The defaulting state shall be responsible for all assessments, obligations and liabilities  
413 incurred through the effective date of termination including any obligations, the performance of  
414 which extends beyond the effective date of termination.

415 (d)The interstate commission shall not bear any costs relating to the defaulting state  
416 unless otherwise mutually agreed upon, in writing, between the interstate commission and the  
417 defaulting state.

418 (e)Reinstatement following termination of any compacting state requires both a  
419 reenactment of the compact by the defaulting state and the approval of the interstate commission  
420 pursuant to the rules.

421 Section 16. The interstate commission may, by majority vote of the members, initiate legal  
422 action in the United States District Court for the District of Columbia or, at the discretion of the  
423 interstate commission, in the federal district wherein the interstate commission offices are  
424 located, to enforce compliance with the compact, its duly adopted rules and by-laws, against any  
425 compacting state in default. In the event judicial enforcement is necessary, the prevailing party  
426 shall be awarded all costs of such litigation, including reasonable attorneys' fees.

427 Section 17. (a) The compact shall dissolve effective on the date of the withdrawal or  
428 default of the compacting state, which reduces membership in the compact to 1 compacting state.

429 (b)Upon the dissolution of this compact, the compact shall become null and void and  
430 shall be of no further force or effect, and the business and affairs of the interstate commission  
431 shall be concluded. Any surplus funds of the interstate commission shall be distributed in  
432 accordance with the by-laws.

433 Section 18. (a) The provisions of this compact shall be severable and, if any phrase,  
434 clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact  
435 shall be enforceable.

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

437 Section 19. (a) Nothing in this compact shall prevent the enforcement of any other law of  
438 a compacting state that is not inconsistent with this compact.

439 (b) All compacting states' laws other than state Constitutions and other interstate  
440 compacts conflicting with this compact are superseded to the extent of the conflict.

441 Section 20. (a) All lawful actions of the interstate commission, including all rules and  
442 by-laws adopted by the interstate commission, are binding upon the compacting states.

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

445 (c) Upon the request of a party to a conflict over meaning or interpretation of interstate  
446 commission actions, and upon a majority vote of the compacting states, the interstate  
447 commission may issue advisory opinions regarding such meaning or interpretation.

448 (d) In the event any provision of this compact exceeds the constitutional limits imposed  
449 on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought  
450 to be conferred by such provision upon the interstate commission shall be ineffective and such  
451 obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be  
452 exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are  
453 delegated by law in effect at the time this compact becomes effective.