

HOUSE BILL No. 4145

February 4, 2003, Introduced by Reps. LaSata, Wenke, Bieda, Lipsey, Richardville and Nofs and referred to the Committee on Criminal Justice.

A bill to enter into the interstate compact for the supervision or return of certain juveniles, delinquents, and status offenders and for related purposes; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "interstate compact for juveniles".

3 Sec. 2. The interstate compact for the supervision or
4 return of juveniles, delinquents, and status offenders is enacted
5 into law and entered into with all jurisdictions legally joining
6 in the compact, in the form substantially as follows:

ARTICLE I

PURPOSE

9 The compacting states to this Interstate Compact recognize
10 that each state is responsible for the proper supervision or

1 return of juveniles, delinquents and status offenders who are on
2 probation or parole and who have absconded, escaped or run away
3 from supervision and control and in so doing have endangered
4 their own safety and the safety of others. The compacting states
5 also recognize that each state is responsible for the safe return
6 of juveniles who have run away from home and in doing so have
7 left their state of residence. The compacting states also
8 recognize that Congress, by enacting the Crime Control Act, 4
9 U.S.C. Section 112 (1965), has authorized and encouraged compacts
10 for cooperative efforts and mutual assistance in the prevention
11 of crime.

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

1 manage the movement between states of juvenile offenders released
2 to the community under the jurisdiction of courts, juvenile
3 departments, or any other criminal or juvenile justice agency
4 which has jurisdiction over juvenile offenders; (H) insure
5 immediate notice to jurisdictions where defined offenders are
6 authorized to travel or to relocate across state lines; (I)
7 establish procedures to resolve pending charges (detainers)
8 against juvenile offenders prior to transfer or release to the
9 community under the terms of this compact; (J) establish a system
10 of uniform data collection on information pertaining to juveniles
11 subject to this compact that allows access by authorized juvenile
12 justice and criminal justice officials, and regular reporting of
13 Compact activities to heads of state executive, judicial, and
14 legislative branches and juvenile and criminal justice
15 administrators; (K) monitor compliance with rules governing
16 interstate movement of juveniles and initiate interventions to
17 address and correct non-compliance; (L) coordinate training and
18 education regarding the regulation of interstate movement of
19 juveniles for officials involved in such activity; and (M)
20 coordinate the implementation and operation of the compact with
21 the Interstate Compact for the Placement of Children, the
22 Interstate Compact for Adult Offender Supervision and other
23 compacts affecting juveniles particularly in those cases where
24 concurrent or overlapping supervision issues arise. It is the
25 policy of the compacting states that the activities conducted by
26 the Interstate Commission created herein are the formation of
27 public policies and therefore are public business. Furthermore,

1 the compacting states shall cooperate and observe their
2 individual and collective duties and responsibilities for the
3 prompt return and acceptance of juveniles subject to the
4 provisions of this compact. The provisions of this compact shall
5 be reasonably and liberally construed to accomplish the purposes
6 and policies of the compact.

7 ARTICLE II

8 DEFINITIONS

9 As used in this compact, unless the context clearly requires
10 a different construction:

11 A. "By-laws" means: those by-laws established by the
12 Interstate Commission for its governance, or for directing or
13 controlling its actions or conduct.

14 B. "Compact Administrator" means: the individual in each
15 compacting state appointed pursuant to the terms of this compact,
16 responsible for the administration and management of the state's
17 supervision and transfer of juveniles subject to the terms of
18 this compact, the rules adopted by the Interstate Commission and
19 policies adopted by the State Council under this compact.

20 C. "Compacting State" means: any state which has enacted the
21 enabling legislation for this compact.

22 D. "Commissioner" means: the voting representative of each
23 compacting state appointed pursuant to Article III of this
24 compact.

25 E. "Court" means: any court having jurisdiction over
26 delinquent, neglected, or dependent children.

27 F. "Deputy Compact Administrator" means: the individual, if

1 any, in each compacting state appointed to act on behalf of a
2 Compact Administrator pursuant to the terms of this compact
3 responsible for the administration and management of the state's
4 supervision and transfer of juveniles subject to the terms of
5 this compact, the rules adopted by the Interstate Commission and
6 policies adopted by the State Council under this compact.

7 G. "Interstate Commission" means: the Interstate Commission
8 for Juveniles created by Article III of this compact.

9 H. "Juvenile" means: any person defined as a juvenile in any
10 member state or by the rules of the Interstate Commission,
11 including:

12 (1) Accused Delinquent -- a person charged with an offense
13 that, if committed by an adult, would be a criminal offense;

14 (2) Adjudicated Delinquent -- a person found to have
15 committed an offense that, if committed by an adult, would be a
16 criminal offense;

17 (3) Accused Status Offender -- a person charged with an
18 offense that would not be a criminal offense if committed by an
19 adult;

20 (4) Adjudicated Status Offender -- a person found to have
21 committed an offense that would not be a criminal offense if
22 committed by an adult; and

23 (5) Non-Offender -- a person in need of supervision who has
24 not been accused or adjudicated a status offender or delinquent.

25 I. "Non-Compacting state" means: any state which has not
26 enacted the enabling legislation for this compact.

27 J. "Probation or Parole" means: any kind of supervision or

1 conditional release of juveniles authorized under the laws of the
2 compacting states.

3 K. "Rule" means: a written statement by the Interstate
4 Commission promulgated pursuant to Article VI of this compact
5 that is of general applicability, implements, interprets or
6 prescribes a policy or provision of the Compact, or an
7 organizational, procedural, or practice requirement of the
8 Commission, and has the force and effect of statutory law in a
9 compacting state, and includes the amendment, repeal, or
10 suspension of an existing rule.

11 L. "State" means: a state of the United States, the District
12 of Columbia (or its designee), the Commonwealth of Puerto Rico,
13 the U.S. Virgin Islands, Guam, American Samoa, and the Northern
14 Marianas Islands.

15 ARTICLE III

16 INTERSTATE COMMISSION FOR JUVENILES

17 A. The compacting states hereby create the "Interstate
18 Commission for Juveniles." The commission shall be a body
19 corporate and joint agency of the compacting states. The
20 commission shall have all the responsibilities, powers and duties
21 set forth herein, and such additional powers as may be conferred
22 upon it by subsequent action of the respective legislatures of
23 the compacting states in accordance with the terms of this
24 compact.

25 B. The Interstate Commission shall consist of commissioners
26 appointed by the appropriate appointing authority in each state
27 pursuant to the rules and requirements of each compacting state

1 and in consultation with the State Council for Interstate
2 Juvenile Supervision created hereunder. The commissioner shall
3 be the compact administrator, deputy compact administrator or
4 designee from that state who shall serve on the Interstate
5 Commission in such capacity under or pursuant to the applicable
6 law of the compacting state.

7 C. In addition to the commissioners who are the voting
8 representatives of each state, the Interstate Commission shall
9 include individuals who are not commissioners, but who are
10 members of interested organizations. Such non-commissioner
11 members must include a member of the national organizations of
12 governors, legislators, state chief justices, attorneys general,
13 Interstate Compact for Adult Offender Supervision, Interstate
14 Compact for the Placement of Children, juvenile justice and
15 juvenile corrections officials, and crime victims. All
16 non-commissioner members of the Interstate Commission shall be
17 ex-officio (non-voting) members. The Interstate Commission may
18 provide in its by-laws for such additional ex-officio
19 (non-voting) members, including members of other national
20 organizations, in such numbers as shall be determined by the
21 commission.

22 D. Each compacting state represented at any meeting of the
23 commission is entitled to one vote. A majority of the compacting
24 states shall constitute a quorum for the transaction of business,
25 unless a larger quorum is required by the by-laws of the
26 Interstate Commission.

27 E. The commission shall meet at least once each calendar

1 year. The chairperson may call additional meetings and, upon the
2 request of a simple majority of the compacting states, shall call
3 additional meetings. Public notice shall be given of all
4 meetings and meetings shall be open to the public.

5 F. The Interstate Commission shall establish an executive
6 committee, which shall include commission officers, members, and
7 others as determined by the by-laws. The executive committee
8 shall have the power to act on behalf of the Interstate
9 Commission during periods when the Interstate Commission is not
10 in session, with the exception of rulemaking and/or amendment to
11 the compact. The executive committee shall oversee the
12 day-to-day activities of the administration of the compact
13 managed by an executive director and Interstate Commission staff;
14 administers enforcement and compliance with the provisions of the
15 compact, its by-laws and rules, and performs such other duties as
16 directed by the Interstate Commission or set forth in the
17 by-laws.

18 G. Each member of the Interstate Commission shall have the
19 right and power to cast a vote to which that compacting state is
20 entitled and to participate in the business and affairs of the
21 Interstate Commission. A member shall vote in person and shall
22 not delegate a vote to another compacting state. However, a
23 commissioner, in consultation with the state council, shall
24 appoint another authorized representative, in the absence of the
25 commissioner from that state, to cast a vote on behalf of the
26 compacting state at a specified meeting. The by-laws may provide
27 for members' participation in meetings by telephone or other

1 means of telecommunication or electronic communication.

2 H. The Interstate Commission's by-laws shall establish
3 conditions and procedures under which the Interstate Commission
4 shall make its information and official records available to the
5 public for inspection or copying. The Interstate Commission may
6 exempt from disclosure any information or official records to the
7 extent they would adversely affect personal privacy rights or
8 proprietary interests.

9 I. Public notice shall be given of all meetings and all
10 meetings shall be open to the public, except as set forth in the
11 Rules or as otherwise provided in the Compact. The Interstate
12 Commission and any of its committees may close a meeting to the
13 public where it determines by two-thirds vote that an open
14 meeting would be likely to:

15 1. Relate solely to the Interstate Commission's internal
16 personnel practices and procedures;

17 2. Disclose matters specifically exempted from disclosure by
18 statute;

19 3. Disclose trade secrets or commercial or financial
20 information which is privileged or confidential;

21 4. Involve accusing any person of a crime, or formally
22 censuring any person;

23 5. Disclose information of a personal nature where
24 disclosure would constitute a clearly unwarranted invasion of
25 personal privacy;

26 6. Disclose investigative records compiled for law
27 enforcement purposes;

1 7. Disclose information contained in or related to
2 examination, operating or condition reports prepared by, or on
3 behalf of or for the use of, the Interstate Commission with
4 respect to a regulated person or entity for the purpose of
5 regulation or supervision of such person or entity;

6 8. Disclose information, the premature disclosure of which
7 would significantly endanger the stability of a regulated person
8 or entity; or

9 9. Specifically relate to the Interstate Commission's
10 issuance of a subpoena, or its participation in a civil action or
11 other legal proceeding.

12 J. For every meeting closed pursuant to this provision, the
13 Interstate Commission's legal counsel shall publicly certify
14 that, in the legal counsel's opinion, the meeting may be closed
15 to the public, and shall reference each relevant exemptive
16 provision. The Interstate Commission shall keep minutes which
17 shall fully and clearly describe all matters discussed in any
18 meeting and shall provide a full and accurate summary of any
19 actions taken, and the reasons therefore, including a description
20 of each of the views expressed on any item and the record of any
21 roll call vote (reflected in the vote of each member on the
22 question). All documents considered in connection with any
23 action shall be identified in such minutes.

24 K. The Interstate Commission shall collect standardized data
25 concerning the interstate movement of juveniles as directed
26 through its rules which shall specify the data to be collected,
27 the means of collection and data exchange and reporting

1 requirements. Such methods of data collection, exchange and
2 reporting shall insofar as is reasonably possible conform to
3 up-to-date technology and coordinate its information functions
4 with the appropriate repository of records.

5 ARTICLE IV

6 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

7 The commission shall have the following powers and duties:

8 1. To provide for dispute resolution among compacting
9 states.

10 2. To promulgate rules to effect the purposes and
11 obligations as enumerated in this compact, which shall have the
12 force and effect of statutory law and shall be binding in the
13 compacting states to the extent and in the manner provided in
14 this compact.

15 3. To oversee, supervise and coordinate the interstate
16 movement of juveniles subject to the terms of this compact and
17 any by-laws adopted and rules promulgated by the Interstate
18 Commission.

19 4. To enforce compliance with the compact provisions, the
20 rules promulgated by the Interstate Commission, and the by-laws,
21 using all necessary and proper means, including but not limited
22 to the use of judicial process.

23 5. To establish and maintain offices which shall be located
24 within one or more of the compacting states.

25 6. To purchase and maintain insurance and bonds.

26 7. To borrow, accept, hire or contract for services of
27 personnel.

1 8. To establish and appoint committees and hire staff which
2 it deems necessary for the carrying out of its functions
3 including, but not limited to, an executive committee as required
4 by Article III which shall have the power to act on behalf of the
5 Interstate Commission in carrying out its powers and duties
6 hereunder.

7 9. To elect or appoint such officers, attorneys, employees,
8 agents, or consultants, and to fix their compensation, define
9 their duties and determine their qualifications; and to establish
10 the Interstate Commission's personnel policies and programs
11 relating to, inter alia, conflicts of interest, rates of
12 compensation, and qualifications of personnel.

13 10. To accept any and all donations and grants of money,
14 equipment, supplies, materials, and services, and to receive,
15 utilize, and dispose of it.

16 11. To lease, purchase, accept contributions or donations
17 of, or otherwise to own, hold, improve or use any property, real,
18 personal, or mixed.

19 12. To sell, convey, mortgage, pledge, lease, exchange,
20 abandon, or otherwise dispose of any property, real, personal or
21 mixed.

22 13. To establish a budget and make expenditures and levy
23 dues as provided in Article VIII of this compact.

24 14. To sue and be sued.

25 15. To adopt a seal and by-laws governing the management and
26 operation of the Interstate Commission.

27 16. To perform such functions as may be necessary or

1 appropriate to achieve the purposes of this compact.

2 17. To report annually to the legislatures, governors,
3 judiciary, and state councils of the compacting states concerning
4 the activities of the Interstate Commission during the preceding
5 year. Such reports shall also include any recommendations that
6 may have been adopted by the Interstate Commission.

7 18. To coordinate education, training and public awareness
8 regarding the interstate movement of juveniles for officials
9 involved in such activity.

10 19. To establish uniform standards of the reporting,
11 collecting and exchanging of data.

12 20. The Interstate Commission shall maintain its corporate
13 books and records in accordance with the By-laws.

14 ARTICLE V

15 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

16 Section A. By-laws

17 1. The Interstate Commission shall, by a majority of the
18 members present and voting, within twelve months after the first
19 Interstate Commission meeting, adopt by-laws to govern its
20 conduct as may be necessary or appropriate to carry out the
21 purposes of the compact, including, but not limited to:

22 a. Establishing the fiscal year of the Interstate
23 Commission;

24 b. Establishing an executive committee and such other
25 committees as may be necessary;

26 c. Provide for the establishment of committees governing any
27 general or specific delegation of any authority or function of

1 the Interstate Commission;

2 d. Providing reasonable procedures for calling and
3 conducting meetings of the Interstate Commission, and ensuring
4 reasonable notice of each such meeting;

5 e. Establishing the titles and responsibilities of the
6 officers of the Interstate Commission;

7 f. Providing a mechanism for concluding the operations of
8 the Interstate Commission and the return of any surplus funds
9 that may exist upon the termination of the Compact after the
10 payment and/or reserving of all of its debts and obligations.

11 g. Providing "start-up" rules for initial administration of
12 the compact; and

13 h. Establishing standards and procedures for compliance and
14 technical assistance in carrying out the compact.

15 Section B. Officers and Staff

16 1. The Interstate Commission shall, by a majority of the
17 members, elect annually from among its members a chairperson and
18 a vice chairperson, each of whom shall have such authority and
19 duties as may be specified in the by-laws. The chairperson or,
20 in the chairperson's absence or disability, the vice-chairperson
21 shall preside at all meetings of the Interstate Commission. The
22 officers so elected shall serve without compensation or
23 remuneration from the Interstate Commission; provided that,
24 subject to the availability of budgeted funds, the officers shall
25 be reimbursed for any ordinary and necessary costs and expenses
26 incurred by them in the performance of their duties and
27 responsibilities as officers of the Interstate Commission.

1 2. The Interstate Commission shall, through its executive
2 committee, appoint or retain an executive director for such
3 period, upon such terms and conditions and for such compensation
4 as the Interstate Commission may deem appropriate. The executive
5 director shall serve as secretary to the Interstate Commission,
6 but shall not be a Member and shall hire and supervise such other
7 staff as may be authorized by the Interstate Commission.

8 Section C. Qualified Immunity, Defense and Indemnification

9 1. The Commission's executive director and employees shall
10 be immune from suit and liability, either personally or in their
11 official capacity, for any claim for damage to or loss of
12 property or personal injury or other civil liability caused or
13 arising out of or relating to any actual or alleged act, error,
14 or omission that occurred, or that such person had a reasonable
15 basis for believing occurred within the scope of Commission
16 employment, duties, or responsibilities; provided, that any such
17 person shall not be protected from suit or liability for any
18 damage, loss, injury, or liability caused by the intentional or
19 willful and wanton misconduct of any such person.

20 2. The liability of any commissioner, or the employee or
21 agent of a commissioner, acting within the scope of such person's
22 employment or duties for acts, errors, or omissions occurring
23 within such person's state may not exceed the limits of liability
24 set forth under the Constitution and laws of that state for state
25 officials, employees, and agents. Nothing in this subsection
26 shall be construed to protect any such person from suit or
27 liability for any damage, loss, injury, or liability caused by

1 the intentional or willful and wanton misconduct of any such
2 person.

3 3. The Interstate Commission shall defend the executive
4 director or the employees or representatives of the Interstate
5 Commission and, subject to the approval of the Attorney General
6 of the state represented by any commissioner of a compacting
7 state, shall defend such commissioner or the commissioner's
8 representatives or employees in any civil action seeking to
9 impose liability arising out of any actual or alleged act, error
10 or omission that occurred within the scope of Interstate
11 Commission employment, duties or responsibilities, or that the
12 defendant had a reasonable basis for believing occurred within
13 the scope of Interstate Commission employment, duties, or
14 responsibilities, provided that the actual or alleged act, error,
15 or omission did not result from intentional or willful and wanton
16 misconduct on the part of such person.

17 4. The Interstate Commission shall indemnify and hold the
18 commissioner of a compacting state, or the commissioner's
19 representatives or employees, or the Interstate Commission's
20 representatives or employees, harmless in the amount of any
21 settlement or judgment obtained against such persons arising out
22 of any actual or alleged act, error, or omission that occurred
23 within the scope of Interstate Commission employment, duties, or
24 responsibilities, or that such persons had a reasonable basis for
25 believing occurred within the scope of Interstate Commission
26 employment, duties, or responsibilities, provided that the actual
27 or alleged act, error, or omission did not result from

1 intentional or willful and wanton misconduct on the part of such
2 persons.

3 ARTICLE VI

4 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

5 A. The Interstate Commission shall promulgate and publish
6 rules in order to effectively and efficiently achieve the
7 purposes of the compact.

8 B. Rulemaking shall occur pursuant to the criteria set forth
9 in this article and the by-laws and rules adopted pursuant
10 thereto. Such rulemaking shall substantially conform to the
11 principles of the "Model State Administrative Procedures Act,"
12 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000), or such
13 other administrative procedures act, as the Interstate Commission
14 deems appropriate consistent with due process requirements under
15 the U.S. Constitution as now or hereafter interpreted by the
16 U.S. Supreme Court. All rules and amendments shall become
17 binding as of the date specified, as published with the final
18 version of the rule as approved by the Commission.

19 C. When promulgating a rule, the Interstate Commission
20 shall, at a minimum:

21 1. publish the proposed rule's entire text stating the
22 reason(s) for that proposed rule;

23 2. allow and invite any and all persons to submit written
24 data, facts, opinions and arguments, which information shall be
25 added to the record, and be made publicly available;

26 3. provide an opportunity for an informal hearing if
27 petitioned by ten (10) or more persons; and

1 4. promulgate a final rule and its effective date, if
2 appropriate, based on input from state or local officials, or
3 interested parties.

4 D. Allow, not later than sixty days after a rule is
5 promulgated, any interested person to file a petition in the
6 United States District Court for the District of Columbia or in
7 the Federal District Court where the Interstate Commission's
8 principal office is located for judicial review of such rule. If
9 the court finds that the Interstate Commission's action is not
10 supported by substantial evidence in the rulemaking record, the
11 court shall hold the rule unlawful and set it aside. For
12 purposes of this subsection, evidence is substantial if it would
13 be considered substantial evidence under the Model State
14 Administrative Procedures Act.

15 E. If a majority of the legislatures of the compacting
16 states rejects a rule, those states may, by enactment of a
17 statute or resolution in the same manner used to adopt the
18 compact, cause that such rule shall have no further force and
19 effect in any compacting state.

20 F. The existing rules governing the operation of the
21 Interstate Compact on Juveniles superseded by this act shall be
22 null and void twelve (12) months after the first meeting of the
23 Interstate Commission created hereunder.

24 G. Upon determination by the Interstate Commission that a
25 state-of-emergency exists, it may promulgate an emergency rule
26 which shall become effective immediately upon adoption, provided
27 that the usual rulemaking procedures provided hereunder shall be

1 retroactively applied to said rule as soon as reasonably
2 possible, but no later than ninety (90) days after the effective
3 date of the emergency rule.

4 ARTICLE VII

5 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE
6 COMMISSION

7 Section A. Oversight

8 1. The Interstate Commission shall oversee the
9 administration and operations of the interstate movement of
10 juveniles subject to this compact in the compacting states and
11 shall monitor such activities being administered in
12 non-compacting states which may significantly affect compacting
13 states.

14 2. The courts and executive agencies in each compacting
15 state shall enforce this compact and shall take all actions
16 necessary and appropriate to effectuate the compact's purposes
17 and intent. The provisions of this compact and the rules
18 promulgated hereunder shall be received by all the judges, public
19 officers, commissions, and departments of the state government as
20 evidence of the authorized statute and administrative rules. All
21 courts shall take judicial notice of the compact and the rules.
22 In any judicial or administrative proceeding in a compacting
23 state pertaining to the subject matter of this compact which may
24 affect the powers, responsibilities or actions of the Interstate
25 Commission, it shall be entitled to receive all service of
26 process in any such proceeding, and shall have standing to
27 intervene in the proceeding for all purposes.

Section B. Dispute Resolution

1. The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.

2. The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and between compacting and non-compacting states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in Article XI of this compact.

ARTICLE VIII

FINANCE

A. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

B. The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as

1 approved each year. The aggregate annual assessment amount shall
2 be allocated based upon a formula to be determined by the
3 Interstate Commission, taking into consideration the population
4 of each compacting state and the volume of interstate movement of
5 juveniles in each compacting state and shall promulgate a rule
6 binding upon all compacting states which governs said
7 assessment.

8 C. The Interstate Commission shall not incur any obligations
9 of any kind prior to securing the funds adequate to meet the
10 same; nor shall the Interstate Commission pledge the credit of
11 any of the compacting states, except by and with the authority of
12 the compacting state.

13 D. The Interstate Commission shall keep accurate accounts of
14 all receipts and disbursements. The receipts and disbursements
15 of the Interstate Commission shall be subject to the audit and
16 accounting procedures established under its by-laws. However,
17 all receipts and disbursements of funds handled by the Interstate
18 Commission shall be audited yearly by a certified or licensed
19 public accountant and the report of the audit shall be included
20 in and become part of the annual report of the Interstate
21 Commission.

22 ARTICLE IX

23 THE STATE COUNCIL

24 Each member state shall create a State Council for Interstate
25 Juvenile Supervision. While each state may determine the
26 membership of its own state council, its membership must include
27 at least one representative from the legislative, judicial, and

1 executive branches of government, victims groups, and the compact
2 administrator, deputy compact administrator or designee. Each
3 compacting state retains the right to determine the
4 qualifications of the compact administrator or deputy compact
5 administrator. Each state council will advise and may exercise
6 oversight and advocacy concerning that state's participation in
7 Interstate Commission activities and other duties as may be
8 determined by that state, including but not limited to,
9 development of policy concerning operations and procedures of the
10 compact within that state.

11 ARTICLE X

12 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

13 A. Any state, the District of Columbia (or its designee),
14 the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam,
15 American Samoa, and the Northern Marianas Islands as defined in
16 Article II of this compact is eligible to become a compacting
17 state.

18 B. The compact shall become effective and binding upon
19 legislative enactment of the compact into law by no less than 35
20 of the states. The initial effective date shall be the later of
21 July 1, 2004 or upon enactment into law by the 35th
22 jurisdiction. Thereafter it shall become effective and binding
23 as to any other compacting state upon enactment of the compact
24 into law by that state. The governors of non-member states or
25 their designees shall be invited to participate in the activities
26 of the Interstate Commission on a non-voting basis prior to
27 adoption of the compact by all states and territories of the

1 United States.

2 C. The Interstate Commission may propose amendments to the
3 compact for enactment by the compacting states. No amendment
4 shall become effective and binding upon the Interstate Commission
5 and the compacting states unless and until it is enacted into law
6 by unanimous consent of the compacting states.

7 ARTICLE XI

8 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

9 Section A. Withdrawal

10 1. Once effective, the compact shall continue in force and
11 remain binding upon each and every compacting state; provided
12 that a compacting state may withdraw from the compact by
13 specifically repealing the statute which enacted the compact into
14 law.

15 2. The effective date of withdrawal is the effective date of
16 the repeal.

17 3. The withdrawing state shall immediately notify the
18 chairperson of the Interstate Commission in writing upon the
19 introduction of legislation repealing this compact in the
20 withdrawing state. The Interstate Commission shall notify the
21 other compacting states of the withdrawing state's intent to
22 withdraw within sixty days of its receipt thereof.

23 4. The withdrawing state is responsible for all assessments,
24 obligations and liabilities incurred through the effective date
25 of withdrawal, including any obligations, the performance of
26 which extend beyond the effective date of withdrawal.

27 5. Reinstatement following withdrawal of any compacting

1 state shall occur upon the withdrawing state reenacting the
2 compact or upon such later date as determined by the Interstate
3 Commission

4 Section B. Technical Assistance, Fines, Suspension,
5 Termination and Default

6 1. If the Interstate Commission determines that any
7 compacting state has at any time defaulted in the performance of
8 any of its obligations or responsibilities under this compact, or
9 the by-laws or duly promulgated rules, the Interstate Commission
10 may impose any or all of the following penalties:

11 a. Remedial training and technical assistance as directed by
12 the Interstate Commission;

13 b. Alternative Dispute Resolution;

14 c. Fines, fees, and costs in such amounts as are deemed to
15 be reasonable as fixed by the Interstate Commission; and

16 d. Suspension or termination of membership in the compact,
17 which shall be imposed only after all other reasonable means of
18 securing compliance under the by-laws and rules have been
19 exhausted and the Interstate Commission has therefore determined
20 that the offending state is in default. Immediate notice of
21 suspension shall be given by the Interstate Commission to the
22 Governor, the Chief Justice or the Chief Judicial Officer of the
23 state, the majority and minority leaders of the defaulting
24 state's legislature, and the state council. The grounds for
25 default include, but are not limited to, failure of a compacting
26 state to perform such obligations or responsibilities imposed
27 upon it by this compact, the by-laws, or duly promulgated rules

1 and any other grounds designated in commission by-laws and
2 rules. The Interstate Commission shall immediately notify the
3 defaulting state in writing of the penalty imposed by the
4 Interstate Commission and of the default pending a cure of the
5 default. The commission shall stipulate the conditions and the
6 time period within which the defaulting state must cure its
7 default. If the defaulting state fails to cure the default
8 within the time period specified by the commission, the
9 defaulting state shall be terminated from the compact upon an
10 affirmative vote of a majority of the compacting states and all
11 rights, privileges and benefits conferred by this compact shall
12 be terminated from the effective date of termination.

13 2. Within sixty days of the effective date of termination of
14 a defaulting state, the Commission shall notify the Governor, the
15 Chief Justice or Chief Judicial Officer, the Majority and
16 Minority Leaders of the defaulting state's legislature, and the
17 state council of such termination.

18 3. The defaulting state is responsible for all assessments,
19 obligations and liabilities incurred through the effective date
20 of termination including any obligations, the performance of
21 which extends beyond the effective date of termination.

22 4. The Interstate Commission shall not bear any costs
23 relating to the defaulting state unless otherwise mutually agreed
24 upon in writing between the Interstate Commission and the
25 defaulting state.

26 5. Reinstatement following termination of any compacting
27 state requires both a reenactment of the compact by the

1 defaulting state and the approval of the Interstate Commission
2 pursuant to the rules.

3 Section C. Judicial Enforcement

4 The Interstate Commission may, by majority vote of the
5 members, initiate legal action in the United States District
6 Court for the District of Columbia or, at the discretion of the
7 Interstate Commission, in the federal district where the
8 Interstate Commission has its offices, to enforce compliance with
9 the provisions of the compact, its duly promulgated rules and
10 by-laws, against any compacting state in default. In the event
11 judicial enforcement is necessary the prevailing party shall be
12 awarded all costs of such litigation including reasonable
13 attorneys fees.

14 Section D. Dissolution of Compact

15 1. The compact dissolves effective upon the date of the
16 withdrawal or default of the compacting state, which reduces
17 membership in the compact to one compacting state.

18 2. Upon the dissolution of this compact, the compact becomes
19 null and void and shall be of no further force or effect, and the
20 business and affairs of the Interstate Commission shall be
21 concluded and any surplus funds shall be distributed in
22 accordance with the by-laws.

23 ARTICLE XII

24 SEVERABILITY AND CONSTRUCTION

25 A. The provisions of this compact shall be severable, and if
26 any phrase, clause, sentence or provision is deemed
27 unenforceable, the remaining provisions of the compact shall be

1 enforceable.

2 B. The provisions of this compact shall be liberally
3 construed to effectuate its purposes.

4 ARTICLE XIII

5 BINDING EFFECT OF COMPACT AND OTHER LAWS

6 Section A. Other Laws

7 1. Nothing herein prevents the enforcement of any other law
8 of a compacting state that is not inconsistent with this
9 compact.

10 2. All compacting states' laws other than state
11 Constitutions and other interstate compacts conflicting with this
12 compact are superseded to the extent of the conflict.

13 Section B. Binding Effect of the Compact

14 1. All lawful actions of the Interstate Commission,
15 including all rules and by-laws promulgated by the Interstate
16 Commission, are binding upon the compacting states.

17 2. All agreements between the Interstate Commission and the
18 compacting states are binding in accordance with their terms.

19 3. Upon the request of a party to a conflict over meaning or
20 interpretation of Interstate Commission actions, and upon a
21 majority vote of the compacting states, the Interstate Commission
22 may issue advisory opinions regarding such meaning or
23 interpretation.

24 4. In the event any provision of this compact exceeds the
25 constitutional limits imposed on the legislature of any
26 compacting state, the obligations, duties, powers or jurisdiction
27 sought to be conferred by such provision upon the Interstate

House Bill No. 4145 as amended May 13, 2003

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
4 obligations, duties, powers or jurisdiction are delegated by law
5 in effect at the time this compact becomes effective.

6 [Enacting section 1. 1958 PA 203, MCL 3.701 to 3.706, is repealed on
7 the date that the compact administrator appointed under this act
certifies to the secretary of state that the thirty-fifth state has
enacted this compact as provided in article X.]