

SENATE FILE NO. SF0005

Interstate Compact for Juveniles.

Sponsored by: Senator(s) Hanes and Representative(s)
Buchanan

A BILL

for

1 AN ACT relating to juveniles; creating the Interstate
2 Compact for Juveniles; repealing the previous Interstate
3 Compact on Juveniles; specifying powers and duties of the
4 Interstate Commission for Juveniles; specifying obligations
5 and duties of compacting states; requiring an assessment of
6 compacting states for the operation of the interstate
7 commission; providing for dispute resolution as specified;
8 providing procedures for the withdrawal and re-entry of a
9 compacting state and the dissolution of the compact; and
10 providing for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 14-6-102 is created to read:

15

1 **14-6-102. Interstate Compact for Juveniles; compact**
2 **provisions generally.**

3
4 ARTICLE I

5 PURPOSE

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

21
22 (b) It is the purpose of this compact, through means
23 of joint and cooperative action among the compacting states
24 to:

1

2 (i) Ensure that the adjudicated juveniles and
3 status offenders subject to this compact are provided
4 adequate supervision and services in the receiving state as
5 ordered by the adjudicating judge or parole authority in
6 the sending state;

7

8 (ii) Ensure that the public safety interests of
9 the citizens, including the victims of juvenile offenders,
10 in both the sending and receiving states are adequately
11 protected;

12

13 (iii) Return juveniles who have run away,
14 absconded or escaped from supervision or control or have
15 been accused of an offense to the state requesting their
16 return;

17

18 (iv) Make contracts for the cooperative
19 institutionalization in public facilities in member states
20 for delinquent youth needing special services;

21

22 (v) Provide for the effective tracking and
23 supervision of juveniles;

24

1 (vi) Equitably allocate the costs, benefits and
2 obligations of the compacting states;

3

4 (vii) Establish procedures to manage the
5 movement between states of juvenile offenders released to
6 the community under the jurisdiction of courts, juvenile
7 departments, or any other criminal or juvenile justice
8 agency which has jurisdiction over juvenile offenders;

9

10 (viii) Insure immediate notice to jurisdictions
11 where defined offenders are authorized to travel or to
12 relocate across state lines;

13

14 (ix) Establish procedures to resolve pending
15 charges (detainers) against juvenile offenders prior to
16 transfer or release to the community under the terms of
17 this compact;

18

19 (x) Establish a system of uniform data
20 collection on information pertaining to juveniles subject
21 to this compact that allows access by authorized juvenile
22 justice and criminal justice officials, and regular
23 reporting of compact activities to heads of state
24 executive, judicial, and legislative branches and juvenile

1 and criminal justice administrators;

2

3 (xi) Monitor compliance with rules governing
4 interstate movement of juveniles and initiate interventions
5 to address and correct noncompliance;

6

7 (xii) Coordinate training and education
8 regarding the regulation of interstate movement of
9 juveniles for officials involved in such activity; and

10

11 (xiii) Coordinate the implementation and
12 operation of the compact with the Interstate Compact for
13 the Placement of Children, the Interstate Compact for Adult
14 Offender Supervision and other compacts affecting juveniles
15 particularly in those cases where concurrent or overlapping
16 supervision issues arise. It is the policy of the
17 compacting states that the activities conducted by the
18 interstate commission created herein are the formation of
19 public policies and therefore are public business.
20 Furthermore, the compacting states shall cooperate and
21 observe their individual and collective duties and
22 responsibilities for the prompt return and acceptance of
23 juveniles subject to the provisions of this compact. The
24 provisions of this compact shall be reasonably and

1 liberally construed to accomplish the purposes and policies
2 of the compact.

3

4

ARTICLE II

5

DEFINITIONS

6

7 (a) As used in this compact, unless the context
8 clearly requires a different construction:

9

10 (i) "Bylaws" means those bylaws established by
11 the interstate commission for its governance, or for
12 directing or controlling its actions or conduct;

13

14 (ii) "Compact administrator" means the
15 individual in each compacting state appointed pursuant to
16 the terms of this compact, responsible for the
17 administration and management of the state's supervision
18 and transfer of juveniles subject to the terms of this
19 compact, the rules adopted by the interstate commission and
20 policies adopted by the state council under this compact;

21

22 (iii) "Compacting state" means any state which
23 has enacted the enabling legislation for this compact;

24

1 (iv) "Commissioner" means the voting
2 representative of each compacting state appointed pursuant
3 to article III of this compact;

4
5 (v) "Court" means any court having jurisdiction
6 over delinquent, neglected or dependent children;

7
8 (vi) "Deputy compact administrator" means the
9 individual, if any, in each compacting state appointed to
10 act on behalf of a compact administrator pursuant to the
11 terms of this compact responsible for the administration
12 and management of the state's supervision and transfer of
13 juveniles subject to the terms of this compact, the rules
14 adopted by the interstate commission and policies adopted
15 by the state council under this compact;

16
17 (vii) "Interstate commission" means the
18 Interstate Commission for Juveniles created by article III
19 of this compact;

20
21 (viii) "Juvenile" means any person defined as a
22 juvenile in any member state or by the rules of the
23 interstate commission, including:

24

1 (A) Accused delinquent - a person charged
2 with an offense that, if committed by an adult, would be a
3 criminal offense;

4
5 (B) Adjudicated delinquent - a person found
6 to have committed an offense that, if committed by an
7 adult, would be a criminal offense;

8
9 (C) Accused status offender - a person
10 charged with an offense that would not be a criminal
11 offense if committed by an adult;

12
13 (D) Adjudicated status offender - a person
14 found to have committed an offense that would not be a
15 criminal offense if committed by an adult; and

16
17 (E) Nonoffender - a person in need of
18 supervision who has not been accused or adjudicated a
19 status offender or delinquent.

20
21 (ix) "Noncompacting state" means any state which
22 has not enacted the enabling legislation for this compact;

23
24 (x) "Probation or parole" means any kind of

1 supervision or conditional release of juveniles authorized
2 under the laws of the compacting states;

3
4 (xi) "Rule" means a written statement by the
5 interstate commission promulgated pursuant to article VI of
6 this compact that is of general applicability, implements,
7 interprets or prescribes a policy or provision of the
8 compact, or an organizational, procedural or practice
9 requirement of the commission, and has the force and effect
10 of statutory law in a compacting state, and includes the
11 amendment, repeal or suspension of an existing rule;

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

17
18 ARTICLE III

19 INTERSTATE COMMISSION FOR JUVENILES

20
21 (a) The compacting states hereby create the
22 Interstate Commission for Juveniles. The commission shall
23 be a body corporate and joint agency of the compacting
24 states. The commission shall have all the responsibilities,

1 powers and duties set forth herein, and any additional
2 powers as may be conferred upon it by subsequent action of
3 the respective legislatures of the compacting states in
4 accordance with the terms of this compact.

5

6 (b) The interstate commission shall consist of
7 commissioners appointed by the appropriate appointing
8 authority in each state pursuant to the rules and
9 requirements of each compacting state and in consultation
10 with the state council for interstate juvenile supervision
11 created hereunder. The commissioner shall be the compact
12 administrator, deputy compact administrator or designee
13 from that state who shall serve on the interstate
14 commission in that capacity under or pursuant to the
15 applicable law of the compacting state.

16

17 (c) In addition to the commissioners who are the
18 voting representatives of each state, the interstate
19 commission shall include individuals who are not
20 commissioners, but who are members of interested
21 organizations. The noncommissioner members shall include a
22 member of the national organizations of governors,
23 legislators, state chief justices, attorneys general,
24 Interstate Compact for Adult Offender Supervision,

1 Interstate Compact for the Placement of Children, juvenile
2 justice and juvenile corrections officials and crime
3 victims. All noncommissioner members of the interstate
4 commission shall be nonvoting ex officio members. The
5 interstate commission may provide in its bylaws for
6 additional nonvoting ex officio members, including members
7 of other national organizations, in numbers as shall be
8 determined by the commission.

9

10 (d) Each compacting state represented at any meeting
11 of the commission is entitled to one (1) vote. A majority
12 of the compacting states shall constitute a quorum for the
13 transaction of business, unless a larger quorum is required
14 by the bylaws of the interstate commission.

15

16 (e) The commission shall meet at least once each
17 calendar year. The chairperson may call additional meetings
18 and, upon the request of a simple majority of the
19 compacting states, shall call additional meetings. Public
20 notice shall be given of all meetings and meetings shall be
21 open to the public.

22

23 (f) The interstate commission shall establish an
24 executive committee, which shall include commission

1 officers, members and others as determined by the bylaws.
2 The executive committee shall have the power to act on
3 behalf of the interstate commission during periods when the
4 interstate commission is not in session, with the exception
5 of rulemaking and amendment to the compact. The executive
6 committee shall:

7

8 (i) Oversee the day-to-day activities of the
9 administration of the compact managed by an executive
10 director and interstate commission staff;

11

12 (ii) Administer enforcement and compliance with
13 the provisions of the compact, its bylaws and rules; and

14

15 (iii) Perform other duties as directed by the
16 interstate commission or set forth in the bylaws.

17

18 (g) Each member of the interstate commission shall
19 have the right and power to cast a vote to which that
20 compacting state is entitled and to participate in the
21 business and affairs of the interstate commission. A member
22 shall vote in person and shall not delegate a vote to
23 another compacting state. However, a commissioner, in
24 consultation with the state council, shall appoint another

1 authorized representative, in the absence of the
2 commissioner from that state, to cast a vote on behalf of
3 the compacting state at a specified meeting. The bylaws may
4 provide for members' participation in meetings by telephone
5 or other means of telecommunication or electronic
6 communication.

7

8 (h) The interstate commission's bylaws shall
9 establish conditions and procedures under which the
10 interstate commission shall make its information and
11 official records available to the public for inspection or
12 copying. The interstate commission may exempt from
13 disclosure any information or official records to the
14 extent they would adversely affect personal privacy rights
15 or proprietary interests.

16

17 (j) Public notice shall be given of all meetings and
18 all meetings shall be open to the public, except as set
19 forth in the rules or as otherwise provided in the compact.
20 The interstate commission and any of its committees may
21 close a meeting to the public where it determines by two-
22 thirds (2/3) vote that an open meeting would be likely to:

23

24 (i) Relate solely to the interstate commission's

1 internal personnel practices and procedures;

2

3 (ii) Disclose matters specifically exempted from
4 disclosure by statute;

5

6 (iii) Disclose trade secrets or commercial or
7 financial information which is privileged or confidential;

8

9 (iv) Involve accusing any person of a crime, or
10 formally censuring any person;

11

12 (v) Disclose information of a personal nature
13 where disclosure would constitute a clearly unwarranted
14 invasion of personal privacy;

15

16 (vi) Disclose investigative records compiled for
17 law enforcement purposes;

18

19 (vii) Disclose information contained in or
20 related to examination, operating or condition reports
21 prepared by, or on behalf of or for the use of, the
22 interstate commission with respect to a regulated person or
23 entity for the purpose of regulation or supervision of the
24 person or entity;

1

2 (viii) Disclose information, the premature
3 disclosure of which would significantly endanger the
4 stability of a regulated person or entity; or

5

6 (ix) Specifically relate to the interstate
7 commission's issuance of a subpoena, or its participation
8 in a civil action or other legal proceeding.

9

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

23

24 (m) The interstate commission shall collect

1 standardized data concerning the interstate movement of
2 juveniles as directed through its rules which shall specify
3 the data to be collected, the means of collection and data
4 exchange and reporting requirements. The methods of data
5 collection, exchange and reporting shall insofar as is
6 reasonably possible conform to up-to-date technology and
7 coordinate its information functions with the appropriate
8 repository of records.

9

10

ARTICLE IV

11

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

12

13 (a) The commission shall have the following powers
14 and duties:

15

16 (i) To provide for dispute resolution among
17 compacting states;

18

19 (ii) To promulgate rules to effect the purposes
20 and obligations as enumerated in this compact, which shall
21 have the force and effect of statutory law and shall be
22 binding in the compacting states to the extent and in the
23 manner provided in this compact;

24

1 (iii) To oversee, supervise and coordinate the
2 interstate movement of juveniles subject to the terms of
3 this compact and any bylaws adopted and rules promulgated
4 by the interstate commission;

5
6 (iv) To enforce compliance with the compact
7 provisions, the rules promulgated by the interstate
8 commission and the bylaws, using all necessary and proper
9 means, including but not limited to, the use of judicial
10 process;

11
12 (v) To establish and maintain offices which
13 shall be located within one (1) or more of the compacting
14 states;

15
16 (vi) To purchase and maintain insurance and
17 bonds;

18
19 (vii) To borrow, accept, hire or contract for
20 services of personnel;

21
22 (viii) To establish and appoint committees and
23 hire staff which it deems necessary for the carrying out of
24 its functions including, but not limited to, an executive

1 committee as required by article III which shall have the
2 power to act on behalf of the interstate commission in
3 carrying out its powers and duties hereunder;

4
5 (ix) To elect or appoint officers, attorneys,
6 employees, agents or consultants, and to fix their
7 compensation, define their duties and determine their
8 qualifications and to establish the interstate commission's
9 personnel policies and programs relating to, inter alia,
10 conflicts of interest, rates of compensation and
11 qualifications of personnel;

12
13 (x) To accept any and all donations and grants
14 of money, equipment, supplies, materials and services, and
15 to receive, utilize and dispose of it;

16
17 (xi) To lease, purchase, accept contributions or
18 donations of, or otherwise to own, hold, improve or use any
19 real, personal or mixed property;

20
21 (xii) To sell, convey, mortgage, pledge, lease,
22 exchange, abandon or otherwise dispose of any real,
23 personal or mixed property;

24

1 (xiii) To establish a budget and make
2 expenditures and levy dues as provided in article VIII of
3 this compact;

4
5 (xiv) To sue and be sued;

6
7 (xv) To adopt a seal and bylaws governing the
8 management and operation of the interstate commission;

9
10 (xvi) To perform functions as may be necessary
11 or appropriate to achieve the purposes of this compact;

12
13 (xvii) To report annually to the legislatures,
14 governors, judiciary and state councils of the compacting
15 states concerning the activities of the interstate
16 commission during the preceding year. The reports shall
17 also include any recommendations that may have been adopted
18 by the interstate commission;

19
20 (xviii) To coordinate education, training and
21 public awareness regarding the interstate movement of
22 juveniles for officials involved in those activities;

23
24 (xix) To establish uniform standards of the

1 reporting, collecting and exchanging of data;

2

3 (xx) The interstate commission shall maintain
4 its corporate books and records in accordance with the
5 bylaws.

6

7

ARTICLE V

8

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

9

10

Section A. Bylaws

11

12 (a) The interstate commission shall, by a majority of
13 the members present and voting, within twelve (12) months
14 after the first interstate commission meeting, adopt bylaws
15 to govern its conduct as may be necessary or appropriate to
16 carry out the purposes of the compact, including, but not
17 limited to:

18

19 (i) Establishing the fiscal year of the
20 interstate commission;

21

22 (ii) Establishing an executive committee and
23 other committees as may be necessary;

24

1 (iii) Provide for the establishment of
2 committees governing any general or specific delegation of
3 any authority or function of the interstate commission;
4

5 (iv) Providing reasonable procedures for calling
6 and conducting meetings of the interstate commission and
7 ensuring reasonable notice of each meeting;
8

9 (v) Establishing the titles and responsibilities
10 of the officers of the interstate commission;
11

12 (vi) Providing a mechanism for concluding the
13 operations of the interstate commission and the return of
14 any surplus funds that may exist upon the termination of
15 the compact after the payment and reserving of all of its
16 debts and obligations;
17

18 (vii) Providing "start-up" rules for initial
19 administration of the compact; and
20

21 (viii) Establishing standards and procedures for
22 compliance and technical assistance in carrying out the
23 compact.
24

1 Section B. Officers and Staff

2

3 (a) The interstate commission shall, by a majority of
4 the members, elect annually from among its members a
5 chairperson and a vice chairperson, each of whom shall have
6 authority and duties as may be specified in the bylaws. The
7 chairperson or, in the chairperson's absence or disability,
8 the vice-chairperson shall preside at all meetings of the
9 interstate commission. The elected officers shall serve
10 without compensation or remuneration from the interstate
11 commission; provided that, subject to the availability of
12 budgeted funds, the officers shall be reimbursed for any
13 ordinary and necessary costs and expenses incurred by them
14 in the performance of their duties and responsibilities as
15 officers of the interstate commission.

16

17 (b) The interstate commission shall, through its
18 executive committee, appoint or retain an executive
19 director for a designated period, upon terms and conditions
20 and for compensation as the interstate commission may deem
21 appropriate. The executive director shall serve as
22 secretary to the interstate commission, but shall not be a
23 member and shall hire and supervise other staff as may be
24 authorized by the interstate commission.

1

2

Section C. Qualified Immunity, Defense

3

and Indemnification

4

5

(a) The commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, any actual or alleged act, error or omission that occurred, or that the person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the person shall not be protected from suit or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of the person.

17

18

(b) The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of the person's employment or duties for acts, errors or omissions occurring within the person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees and agents. Nothing in this subsection shall be

24

1 construed to protect any person from suit or liability for
2 any damage, loss, injury or liability caused by the
3 intentional or willful and wanton misconduct of the person.
4

5 (c) The interstate commission shall defend the
6 executive director or the employees or representatives of
7 the interstate commission and, subject to the approval of
8 the attorney general of the state represented by any
9 commissioner of a compacting state, shall defend the
10 commissioner or the commissioner's representatives or
11 employees in any civil action seeking to impose liability
12 arising out of any actual or alleged act, error or omission
13 that occurred within the scope of interstate commission
14 employment, duties or responsibilities, or that the
15 defendant had a reasonable basis for believing occurred
16 within the scope of interstate commission employment,
17 duties or responsibilities, provided that the actual or
18 alleged act, error or omission did not result from
19 intentional or willful and wanton misconduct on the part of
20 the person.
21

22 (d) The interstate commission shall indemnify and
23 hold the commissioner of a compacting state, or the
24 commissioner's representatives or employees, or the

1 interstate commission's representatives or employees,
2 harmless in the amount of any settlement or judgment
3 obtained against those persons arising out of any actual or
4 alleged act, error or omission that occurred within the
5 scope of interstate commission employment, duties or
6 responsibilities, or that those persons had a reasonable
7 basis for believing occurred within the scope of interstate
8 commission employment, duties or responsibilities, provided
9 that the actual or alleged act, error or omission did not
10 result from intentional or willful and wanton misconduct on
11 the part of those persons.

12

13 ARTICLE VI

14 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

15

16 (a) The interstate commission shall promulgate and
17 publish rules in order to effectively and efficiently
18 achieve the purposes of the compact.

19

20 (b) Rulemaking shall occur pursuant to the criteria
21 set forth in this article and the bylaws and rules adopted
22 pursuant thereto. The rulemaking shall substantially
23 conform to the principles of the "Model State
24 Administrative Procedures Act," 1981 Act, Uniform Laws

1 Annotated, Vol. 15, p.1 (2000), or another administrative
2 procedures act, as the interstate commission deems
3 appropriate consistent with due process requirements under
4 the Unites States Constitution as now or hereafter
5 interpreted by the United States Supreme Court. All rules
6 and amendments shall become binding as of the date
7 specified, as published with the final version of the rule
8 as approved by the commission.

9
10 (c) When promulgating a rule, the interstate
11 commission shall, at a minimum:

12
13 (i) Publish the proposed rule's entire text
14 stating the reason for that proposed rule;

15
16 (ii) Allow and invite any person to submit
17 written data, facts, opinions and arguments, which
18 information shall be added to the record and be made
19 publicly available;

20
21 (iii) Provide an opportunity for an informal
22 hearing if petitioned by ten (10) or more persons; and

23
24 (iv) Promulgate a final rule and its effective

1 date, if appropriate, based on input from state or local
2 officials or interested parties.

3

4 (d) Allow, not later than sixty (60) days after a
5 rule is promulgated, any interested person to file a
6 petition in the United States district court for the
7 District of Columbia or in the federal district court where
8 the interstate commission's principal office is located for
9 judicial review of the rule. If the court finds that the
10 interstate commission's action is not supported by
11 substantial evidence in the rulemaking record, the court
12 shall hold the rule unlawful and set it aside. For purposes
13 of this subsection, evidence is substantial if it would be
14 considered substantial evidence under the Model State
15 Administrative Procedures Act.

16

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

22

23 (f) The existing rules governing the operation of the
24 Interstate Compact on Juveniles superceded by this act

1 shall be null and void twelve (12) months after the first
2 meeting of the interstate commission created hereunder.

3
4 (g) Upon determination by the interstate commission
5 that a state-of-emergency exists, it may promulgate an
6 emergency rule which shall become effective immediately
7 upon adoption, provided that the usual rulemaking
8 procedures provided hereunder shall be retroactively
9 applied to the rule as soon as reasonably possible, but no
10 later than ninety (90) days after the effective date of the
11 emergency rule.

12
13 ARTICLE VII

14 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION

15 BY THE INTERSTATE COMMISSION

16
17 Section A. Oversight

18
19 (a) The interstate commission shall oversee the
20 administration and operations of the interstate movement of
21 juveniles subject to this compact in the compacting states
22 and shall monitor the activities being administered in
23 noncompacting states which may significantly affect
24 compacting states.

1

2 (b) The courts and executive agencies in each
3 compacting state shall enforce this compact and shall take
4 all actions necessary and appropriate to effectuate the
5 compact's purposes and intent. The provisions of this
6 compact and the rules promulgated hereunder shall be
7 received by all the judges, public officers, commissions
8 and departments of the state government as evidence of the
9 authorized statute and administrative rules. All courts
10 shall take judicial notice of the compact and the rules. In
11 any judicial or administrative proceeding in a compacting
12 state pertaining to the subject matter of this compact
13 which may affect the powers, responsibilities or actions of
14 the interstate commission, it shall be entitled to receive
15 all service of process in the proceeding, and shall have
16 standing to intervene in the proceeding for all purposes.

17

18 Section B. Dispute Resolution

19

20 (a) The compacting states shall report to the
21 interstate commission on all issues and activities
22 necessary for the administration of the compact as well as
23 issues and activities pertaining to compliance with the
24 provisions of the compact and its bylaws and rules.

1

2 (b) The interstate commission shall attempt, upon the
3 request of a compacting state, to resolve any disputes or
4 other issues which are subject to the compact and which may
5 arise among compacting states and between compacting and
6 noncompacting states. The commission shall promulgate a
7 rule providing for both mediation and binding dispute
8 resolution for disputes among the compacting states.

9

10 (c) The interstate commission, in the reasonable
11 exercise of its discretion, shall enforce the provisions
12 and rules of this compact using any or all means set forth
13 in article XI of this compact.

14

15 ARTICLE VIII

16 FINANCE

17

18 (a) The interstate commission shall pay or provide
19 for the payment of the reasonable expenses of its
20 establishment, organization and ongoing activities.

21

22 (b) The interstate commission shall levy on and
23 collect an annual assessment from each compacting state to
24 cover the cost of the internal operations and activities of

1 the interstate commission and its staff which shall be in a
2 total amount sufficient to cover the interstate
3 commission's annual budget as approved each year. The
4 aggregate annual assessment amount shall be allocated based
5 upon a formula to be determined by the interstate
6 commission, taking into consideration the population of
7 each compacting state and the volume of interstate movement
8 of juveniles in each compacting state and shall promulgate
9 a rule binding upon all compacting states which governs the
10 assessment.

11

12 (c) The interstate commission shall not incur any
13 obligations of any kind prior to securing the funds
14 adequate to meet the same; nor shall the interstate
15 commission pledge the credit of any of the compacting
16 states, except by and with the authority of the compacting
17 state.

18

19 (d) The interstate commission shall keep accurate
20 accounts of all receipts and disbursements. The receipts
21 and disbursements of the interstate commission shall be
22 subject to the audit and accounting procedures established
23 under its bylaws. However, all receipts and disbursements
24 of funds handled by the interstate commission shall be

1 audited yearly by a certified or licensed public accountant
2 and the report of the audit shall be included in and become
3 part of the annual report of the interstate commission.

4

5

ARTICLE IX

6

THE STATE COUNCIL

7

8 Each member state shall create a state council for
9 interstate juvenile supervision. While each state may
10 determine the membership of its own state council, its
11 membership shall include at least one (1) representative
12 from the legislative, judicial and executive branches of
13 government, victims groups and the compact administrator,
14 deputy compact administrator or designee. Each compacting
15 state retains the right to determine the qualifications of
16 the compact administrator or deputy compact administrator.
17 Each state council will advise and may exercise oversight
18 and advocacy concerning that state's participation in
19 interstate commission activities and other duties as may be
20 determined by that state, including but not limited to,
21 development of policy concerning operations and procedures
22 of the compact within that state.

23

24

ARTICLE X

1 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

2

3 (a) Any state, the District of Columbia, or its
4 designee, the Commonwealth of Puerto Rico, the U.S. Virgin
5 Islands, Guam, American Samoa and the Northern Mariana
6 Islands as defined in article II of this compact is
7 eligible to become a compacting state.

8

9 (b) The compact shall become effective and binding
10 upon legislative enactment of the compact into law by no
11 less than thirty-five (35) of the states. The initial
12 effective date shall be the later of July 1, 2004 or upon
13 enactment into law by the 35th jurisdiction. Thereafter it
14 shall become effective and binding as to any other
15 compacting state upon enactment of the compact into law by
16 that state. The governors of nonmember states or their
17 designees shall be invited to participate in the activities
18 of the interstate commission on a nonvoting basis prior to
19 adoption of the compact by all states and territories of
20 the United States.

21

22 (c) The interstate commission may propose amendments
23 to the compact for enactment by the compacting states. No
24 amendment shall become effective and binding upon the

1 interstate commission and the compacting states until it is
2 enacted into law by unanimous consent of the compacting
3 states.

4

5

ARTICLE XI

6

WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

7

8

Section A. Withdrawal

9

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

15

16 (b) The effective date of withdrawal is the effective
17 date of the repeal.

18

19 (c) The withdrawing state shall immediately notify
20 the chairperson of the interstate commission in writing
21 upon the introduction of legislation repealing this compact
22 in the withdrawing state. The interstate commission shall
23 notify the other compacting states of the withdrawing
24 state's intent to withdraw within sixty (60) days of its

1 receipt thereof.

2

3 (d) The withdrawing state is responsible for all
4 assessments, obligations and liabilities incurred through
5 the effective date of withdrawal, including any
6 obligations, the performance of which extend beyond the
7 effective date of withdrawal.

8

9 (e) Reinstatement following withdrawal of any
10 compacting state shall occur upon the withdrawing state
11 reenacting the compact or upon a later date as determined
12 by the interstate commission.

13

14 Section B. Technical Assistance, Fines, Suspension,
15 Termination and Default

16

17 (a) If the interstate commission determines that any
18 compacting state has at any time defaulted in the
19 performance of any of its obligations or responsibilities
20 under this compact, or the bylaws or duly promulgated
21 rules, the interstate commission may impose any or all of
22 the following penalties:

23

24 (i) Remedial training and technical assistance

1 as directed by the interstate commission;

2

3 (ii) Alternative dispute resolution;

4

5 (iii) Fines, fees and costs in amounts as are
6 deemed to be reasonable as fixed by the interstate
7 commission; and

8

9 (iv) Suspension or termination of membership in
10 the compact, which shall be imposed only after all other
11 reasonable means of securing compliance under the bylaws
12 and rules have been exhausted and the interstate commission
13 has therefore determined that the offending state is in
14 default. Immediate notice of suspension shall be given by
15 the interstate commission to the governor, the chief
16 justice or the chief judicial officer of the state, the
17 majority and minority leaders of the defaulting state's
18 legislature and the state council. The grounds for default
19 include, but are not limited to, failure of a compacting
20 state to perform the obligations or responsibilities
21 imposed upon it by this compact, the bylaws or duly
22 promulgated rules and any other grounds designated in
23 commission bylaws and rules. The interstate commission
24 shall immediately notify the defaulting state in writing of

1 the penalty imposed by the interstate commission and of the
2 default pending a cure of the default. The commission shall
3 stipulate the conditions and the time period within which
4 the defaulting state shall cure its default. If the
5 defaulting state fails to cure the default within the time
6 period specified by the commission, the defaulting state
7 shall be terminated from the compact upon an affirmative
8 vote of a majority of the compacting states and all rights,
9 privileges and benefits conferred by this compact shall be
10 terminated from the effective date of termination.

11

12 (b) Within sixty (60) days of the effective date of
13 termination of a defaulting state, the commission shall
14 notify the governor, the chief justice or chief judicial
15 officer, the majority and minority leaders of the
16 defaulting state's legislature and the state council of the
17 termination.

18

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

24

1 (d) The interstate commission shall not bear any
2 costs relating to the defaulting state unless otherwise
3 mutually agreed upon in writing between the interstate
4 commission and the defaulting state.

5

6 (e) Reinstatement following termination of any
7 compacting state requires both a reenactment of the compact
8 by the defaulting state and the approval of the interstate
9 commission pursuant to the rules.

10

11 Section C. Judicial Enforcement

12

13 The interstate commission may, by majority vote of the
14 members, initiate legal action in the United States
15 district court for the District of Columbia or, at the
16 discretion of the interstate commission, in the federal
17 district where the interstate commission has its offices,
18 to enforce compliance with the provisions of the compact,
19 its duly promulgated rules and bylaws, against any
20 compacting state in default. In the event judicial
21 enforcement is necessary the prevailing party shall be
22 awarded all costs of the litigation, including reasonable
23 attorneys fees.

24

1 Section D. Dissolution of Compact

2

3 (a) The compact dissolves effective upon the date of
4 the withdrawal or default of the compacting states, which
5 reduces membership in the compact to one (1) compacting
6 state.

7

8 (b) Upon the dissolution of this compact, the compact
9 becomes null and void and shall be of no further force or
10 effect, and the business and affairs of the interstate
11 commission shall be concluded and any surplus funds shall
12 be distributed in accordance with the bylaws.

13

14 ARTICLE XII

15 SEVERABILITY AND CONSTRUCTION

16

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

21

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

24

1 ARTICLE XIII

2 BINDING EFFECT OF COMPACT AND OTHER LAWS

3

4 Section A. Other Laws

5

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

9

10 (b) All compacting states' laws other than state
11 constitutions and other interstate compacts conflicting
12 with this compact are superseded to the extent of the
13 conflict.

14

15 Section B. Binding Effect of the Compact

16

17 (a) All lawful actions of the interstate commission,
18 including all rules and bylaws promulgated by the
19 interstate commission, are binding upon the compacting
20 states.

21

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

1

2 (c) Upon the request of a party to a conflict over
3 meaning or interpretation of interstate commission actions,
4 and upon a majority vote of the compacting states, the
5 interstate commission may issue advisory opinions regarding
6 the meaning or interpretation.

7

8 (d) In the event any provision of this compact
9 exceeds the constitutional limits imposed on the
10 legislature of any compacting state, the obligations,
11 duties, powers or jurisdiction sought to be conferred by
12 the provision upon the interstate commission shall be
13 ineffective and the obligations, duties, powers or
14 jurisdiction shall remain in the compacting state and shall
15 be exercised by the agency thereof to which the
16 obligations, duties, powers or jurisdiction are delegated
17 by law in effect at the time this compact becomes
18 effective.

19

20 **Section 2.** W.S. 14-6-101 is repealed, effective upon
21 certification by the governor of the state of Wyoming to
22 the Wyoming secretary of state that at least thirty-four
23 (34) other states have enacted the Interstate Compact for
24 Juveniles.

1

2 **Section 3.** This act is effective July 1, 2004, or
3 when the governor of the state of Wyoming certifies to the
4 Wyoming secretary of state that at least thirty-four (34)
5 other states have enacted the Interstate Compact for
6 Juveniles, whichever occurs later.

7

8

(END)