

By: Representative Malone

To: Penitentiary; Interstate Cooperation

HOUSE BILL NO. 1403

1 AN ACT TO AUTHORIZE THE GOVERNOR TO EXECUTE THE INTERSTATE  
2 COMPACT FOR ADULT OFFENDER SUPERVISION; TO PRESCRIBE ITS PURPOSE;  
3 TO DEFINE CERTAIN TERMS; TO ESTABLISH THE COMPACT COMMISSION AND  
4 PRESCRIBE ITS POWERS AND DUTIES; TO CREATE A STATE COUNCIL FOR  
5 INTERSTATE ADULT OFFENDER SUPERVISION AND PRESCRIBE ITS POWERS AND  
6 DUTIES; TO PROVIDE FOR THE ORGANIZATION AND OPERATION OF THE  
7 INTERSTATE COMMISSION; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** The Governor, on behalf of this state, may  
10 execute a compact, in substantially the following form, and the  
11 Legislature signifies in advance its approval and ratification of  
12 such compact:

13 **THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION**

14 **ARTICLE I**

15 **PURPOSE**

16 The compacting states to this interstate compact recognize  
17 that each state is responsible for the supervision of adult  
18 offenders in the community who are authorized, pursuant to the  
19 bylaws and rules of this compact, to travel across state lines  
20 both to and from each compacting state in such a manner as to:  
21 track the location of offenders; transfer supervision authority in  
22 an orderly and efficient manner; and when necessary, return  
23 offenders to the originating jurisdictions.

24 The compacting states also recognize that Congress, by  
25 enacting the Crime Control Act, 4 USCS Section 112 (1965), has  
26 authorized and encouraged compacts for cooperative efforts and  
27 mutual assistance in the prevention of crime.

28 It is the purpose of this compact and the interstate  
29 commission created under this compact, through means of joint and



30 cooperative action among the compacting states: to provide the  
31 framework for the promotion of public safety and to protect the  
32 rights of victims through the control and regulation of the  
33 interstate movement of offenders in the community; to provide for  
34 the effective tracking, supervision and rehabilitation of these  
35 offenders by the sending and receiving states; and to equitably  
36 distribute the costs, benefits and obligations of the compact  
37 among the compacting states.

38 In addition, this compact will: create an interstate  
39 commission that will establish uniform procedures to manage the  
40 movement between states of adults placed under community  
41 supervision and released to the community under the jurisdiction  
42 of courts, paroling authorities, corrections or other criminal  
43 justice agencies that will promulgate rules to achieve the purpose  
44 of this compact; ensure an opportunity for input and timely notice  
45 to victims and to jurisdictions where defined offenders are  
46 authorized to travel or to relocate across state lines; establish  
47 a system of uniform data collection, access to information on  
48 active cases by authorized criminal justice officials, and regular  
49 reporting of compact activities to heads of state councils, state  
50 executive, judicial and legislative branches and criminal justice  
51 administrators; monitor compliance with rules governing interstate  
52 movement of offenders and initiate interventions to address and  
53 correct noncompliance; and coordinate training and education  
54 regarding regulations of interstate movement of offenders for  
55 officials involved in such activity.

56 The compacting states recognize that there is no "right" of  
57 any offender to live in another state and that duly accredited  
58 officers of a sending state may enter a receiving state and  
59 apprehend and retake any offender under supervision subject to the  
60 provisions of this compact and bylaws and rules promulgated under  
61 the compact.



62           It is the policy of the compacting states that the activities  
63 conducted by the interstate commission created in this compact are  
64 the formation of public policies and are therefore public  
65 business.

66   **ARTICLE II**

67   **DEFINITIONS**

68           As used in this compact, the following words and terms have  
69 the following meanings, unless a different meaning clearly appears  
70 from the context:

71           (a) "Adult" means individuals legally classified as adults  
72 and juveniles treated as adults by court order, statute or  
73 operation of law.

74           (b) "Bylaws" mean those bylaws established by the interstate  
75 commission for its governance or for directing or controlling the  
76 interstate commission's actions or conduct.

77           (c) "Compact administrator" means the individual in each  
78 compacting state appointed under this compact who is responsible  
79 for the administration and management of the state's supervision  
80 and transfer of offenders subject to the terms of this compact,  
81 the rules adopted by the interstate commission and policies  
82 adopted by the state council under this compact.

83           (d) "Compacting state" means any state that has enacted the  
84 enabling legislation for this compact.

85           (e) "Commissioner" means the voting representative of each  
86 compacting state appointed under Article III of this compact.

87           (f) "Interstate commission" means the Interstate Commission  
88 for Adult Offender Supervision established by this compact.

89           (g) "Member" means the commissioner of a compacting state or  
90 the commissioner's designee, who shall be a person officially  
91 connected with the commissioner.

92           (h) "Noncompacting state" means any state that has not  
93 enacted the enabling legislation for this compact.



94 (i) "Offender" means an adult placed under, or subject to,  
95 supervision as the result of the commission of a criminal offense  
96 and released to the community under the jurisdiction of courts,  
97 paroling authorities, corrections or other criminal justice  
98 agencies.

99 (j) "Person" means any individual, corporation, business  
100 enterprise or other legal entity, either public or private.

101 (k) "Rules" mean acts of the interstate commission, duly  
102 promulgated pursuant to Article VII of this compact, substantially  
103 affecting interested parties in addition to the interstate  
104 commission, which shall have the force and effect of law in the  
105 compacting states.

106 (l) "State" means a state of the United States, the District  
107 of Columbia and any other territorial possessions of the United  
108 States.

109 (m) "State council" means the resident members of the  
110 respective state council for interstate adult offender supervision  
111 created by each state under Article III of this compact.

### 112 **ARTICLE III**

#### 113 **THE COMPACT COMMISSION**

114 (A) The compacting states create the "Interstate Commission  
115 for Adult Offender Supervision." The interstate commission shall  
116 be a body corporate and joint agency of the compacting states.  
117 The interstate commission shall have all the responsibilities,  
118 powers and duties set forth in this compact, including the power  
119 to sue and be sued, and such additional powers as may be conferred  
120 upon it by subsequent action of the respective legislatures of the  
121 compacting states in accordance with the terms of this compact.

122 (B) The interstate commission shall consist of commissioners  
123 selected and appointed by resident members of a state council for  
124 interstate adult offender supervision or the Governor for each  
125 state. While each member state may determine the membership of  
126 its own state council, its membership must include at least one



127 (1) representative from the legislative, judicial and executive  
128 branches of government, victims groups and compact administrators.  
129 The Mississippi state council will be appointed by the compact  
130 administrator. The compact administrator also may appoint  
131 additional representatives to the state council when he deems such  
132 appointments necessary. The commissioner of corrections or his  
133 designee shall serve as the compact administrator and as the  
134 state's commissioner on the interstate commission in such capacity  
135 pursuant to applicable law of the member state. Each compacting  
136 state retains the right to determine the qualifications of the  
137 compact administrator who shall be appointed by the Governor.

138 The commissioner of corrections shall serve as compact  
139 administrator and chairperson of the state council for interstate  
140 adult offender supervision. If the commissioner of corrections  
141 appoints a designee, the designee must be a deputy commissioner of  
142 corrections or the division director in the office of community  
143 services that has operational authority over the interstate  
144 compact division.

145 The term of office for state council members shall be four  
146 (4) years. The state council shall meet at least twice a year.  
147 The state council may advise the compact administrator on  
148 participation in the interstate commission activities and  
149 administration of the compact. Members of the council are  
150 entitled to reimbursement for travel and expenses related to the  
151 interstate commission as provided by state law.

152 In addition to appointment of its commissioner to the  
153 National Interstate Commission, each state council shall exercise  
154 oversight and advocacy concerning its participation in interstate  
155 commission activities and other duties as may be determined by  
156 each member state, including, but not limited to, development of  
157 policy concerning operations and procedures of the compact within  
158 that state.



159           (C) In addition to the commissioners who are the voting  
160 representatives of each state, the interstate commission shall  
161 include individuals who are not commissioners, but who are members  
162 of interested organizations; the noncommissioner members must  
163 include a member of the national organizations of governors,  
164 legislators, state chief justices, attorneys general and crime  
165 victims. All noncommissioner members of the interstate commission  
166 shall be ex officio (nonvoting) members. The interstate  
167 commission may provide in its bylaws for such additional, ex  
168 officio (nonvoting) members as it deems necessary.

169           (D) Each compacting state represented at any meeting of the  
170 interstate commission is entitled to one (1) vote. A majority of  
171 the compacting states constitutes a quorum for the transaction of  
172 business, unless a larger quorum is required by the bylaws of the  
173 interstate commission.

174           (E) The interstate commission shall meet at least once each  
175 calendar year. The chairperson may call additional meetings and,  
176 upon the request of twenty-seven (27) or more compacting states,  
177 shall call additional meetings. Public notice shall be given of  
178 all meetings and meetings shall be open to the public.

179           (F) The interstate commission shall establish an executive  
180 committee that shall include commission officers, members and  
181 others as determined by the bylaws. The executive committee has  
182 the power to act on behalf of the interstate commission during  
183 periods when the interstate commission is not in session, with the  
184 exception of rule-making or amendment to the compact, or both.  
185 The executive committee: oversees the day-to-day activities  
186 managed by the executive director and interstate commission staff;  
187 administers enforcement and compliance with the provisions of the  
188 compact, its bylaws and as directed by the interstate commission;  
189 and performs other duties as directed by the commission or set  
190 forth in the bylaws.

191

#### ARTICLE IV



192                   **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

193           The interstate commission shall have the following powers:

194                   (1) To adopt a seal and suitable bylaws governing the  
195 management and operation of the interstate commission.

196                   (2) To promulgate rules that have the force and effect  
197 of statutory law and are binding in the compacting states to the  
198 extent and in the manner provided in this compact.

199                   (3) To oversee, supervise and coordinate the interstate  
200 movement of offenders subject to the terms of this compact and any  
201 bylaws adopted and rules promulgated by the compact commission.

202                   (4) To enforce compliance with compact provisions,  
203 interstate commission rules and bylaws, using all necessary and  
204 proper means, including, but not limited to, the use of judicial  
205 process.

206                   (5) To establish and maintain offices.

207                   (6) To purchase and maintain insurance and bonds.

208                   (7) To borrow, accept or contract for services of  
209 personnel, including, but not limited to, members and their  
210 staffs.

211                   (8) To establish and appoint committees and hire staff  
212 that it deems necessary for the carrying out of its functions  
213 including, but not limited to, an executive committee as required  
214 by Article III, which shall have the power to act on behalf of the  
215 interstate commission in carrying out its powers and duties  
216 hereunder.

217                   (9) To elect or appoint such officers, attorneys,  
218 employees, agents or consultants and to fix their compensation,  
219 define their duties and determine their qualifications; and to  
220 establish the interstate commission's personnel policies and  
221 programs relating to, among other things, conflicts of interest,  
222 rates of compensation and qualifications of personnel.



223 (10) To accept any and all donations and grants of  
224 money, equipment, supplies, materials and services, and to  
225 receive, utilize and dispose of same.

226 (11) To lease, purchase, accept contributions or  
227 donations of, or otherwise to own, hold, improve or use any  
228 property, real, personal or mixed.

229 (12) To sell, convey, mortgage, pledge, lease,  
230 exchange, abandon or otherwise dispose of any property, real,  
231 personal or mixed.

232 (13) To establish a budget and make expenditures and  
233 levy dues as provided in Article IX of this compact.

234 (14) To sue and be sued.

235 (15) To provide for dispute resolution among compacting  
236 states.

237 (16) To perform such functions as may be necessary or  
238 appropriate to achieve the purposes of this compact.

239 (17) To report annually to the legislatures, governors,  
240 judiciary and state councils of the compacting states concerning  
241 the activities of the interstate commission during the preceding  
242 year. These reports shall include any recommendations that may  
243 have been adopted by the interstate commission.

244 (18) To coordinate education, training and public  
245 awareness regarding the interstate movement of offenders for  
246 officials involved in that activity.

247 (19) To establish uniform standards for the reporting,  
248 collecting and exchanging of data.

249 **ARTICLE V**

250 **ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION**

251 **Section A. Bylaws**

252 The interstate commission, by a majority of the members  
253 within twelve (12) months of the first interstate commission  
254 meeting, shall adopt such bylaws to govern its conduct as may be





255 necessary or appropriate to carry out the purposes of the compact,  
256 including, but not limited to:

257           (a) Establishing the fiscal year of the interstate  
258 commission;

259           (b) Establishing an executive committee and such other  
260 committees as may be necessary;

261           (c) Providing reasonable standards and procedures: (i)  
262 for the establishment of committees; and (ii) governing any  
263 general or specific delegation of any authority or function of the  
264 interstate commission;

265           (d) Providing reasonable procedures for calling and  
266 conducting meetings of the interstate commission, and ensuring  
267 reasonable notice of each commission meeting;

268           (e) Establishing the titles and responsibilities of the  
269 officers of the interstate commission;

270           (f) Providing reasonable standards and procedures for  
271 the establishment of the personnel policies and programs of the  
272 interstate commission. Notwithstanding any civil service or other  
273 similar laws of any compacting state, the bylaws shall govern  
274 exclusively the personnel policies and programs of the interstate  
275 commission;

276           (g) Providing a mechanism for concluding the operations  
277 of the interstate commission and the equitable return of any  
278 surplus funds that may exist upon the termination of the compact  
279 after the payment or reserving, or both, of all of its debts and  
280 obligations;

281           (h) Providing transition rules for the "start up"  
282 administration of the compact; and

283           (i) Establishing standards and procedures for  
284 compliance and technical assistance in carrying out the compact.

285           **Section B. Officers and Staff**

286           (1) The interstate commission shall elect from among its  
287 members, by a majority of the members, a chairperson and a vice



288 chairperson, each of whom shall have such authorities and duties  
289 as may be specified in the bylaws. The chairperson or, in the  
290 chairperson's absence or disability, the vice chairperson, shall  
291 preside at all meetings of the interstate commission. The  
292 officers so elected shall serve without compensation or  
293 remuneration from the interstate commission; however, subject to  
294 the availability of budgeted funds, the officers shall be  
295 reimbursed for any actual and necessary costs and expenses  
296 incurred by them in the performance of their duties and  
297 responsibilities as officers of the interstate commission.

298 (2) The interstate commission, through its executive  
299 committee, shall appoint or retain an executive director for such  
300 period, upon such terms and conditions and for such compensation  
301 as the interstate commission may deem appropriate. The executive  
302 director shall serve as secretary to the interstate commission,  
303 and hire and supervise such other staff as may be authorized by  
304 the interstate commission, but the executive director shall not be  
305 a member of the interstate commission.

306 **Section C. Corporate Records of the Interstate Commission**

307 The interstate commission shall maintain its corporate books  
308 and records in accordance with the bylaws.

309 **Section D. Qualified Immunity, Defense and Indemnification**

310 (1) The members, officers, executive director and employees  
311 of the interstate commission shall be immune from suit and  
312 liability, either personally or in their official capacity, for  
313 any claim for damage to or loss of property or personal injury or  
314 other civil liability caused or arising out of any actual or  
315 alleged act, error or omission that occurred within the scope of  
316 interstate commission employment, duties or responsibilities;  
317 however, nothing in this paragraph may be construed to protect any  
318 such person from suit or liability, or both, for any damage, loss,  
319 injury or liability caused by the intentional or willful and  
320 wanton misconduct of any such person.



321 (2) The interstate commission shall defend the commissioner  
322 of a compacting state, or the commissioner's representatives or  
323 employees, or the interstate commission's representatives or  
324 employees, in any civil action seeking to impose liability,  
325 arising out of any actual or alleged act, error or omission that  
326 occurred within the scope of interstate commission employment,  
327 duties or responsibilities, or which the defendant had a  
328 reasonable basis for believing occurred within the scope of  
329 interstate commission employment, duties or responsibilities if  
330 the actual or alleged act, error or omission did not result from  
331 intentional wrongdoing on the part of such person.

332 (3) The interstate commission shall indemnify and hold the  
333 commissioner of a compacting state, the appointed designee or  
334 employees, or the interstate commission's representatives or  
335 employees, harmless in the amount of any settlement or judgement  
336 obtained against such persons arising out of any actual or alleged  
337 act, error or omission that occurred within the scope of  
338 interstate commission employment, duties or responsibilities, or  
339 which such persons had a reasonable basis for believing occurred  
340 within the scope of interstate commission employment, duties or  
341 responsibilities if the actual or alleged act, error or omission  
342 did not result from gross negligence or intentional wrongdoing on  
343 the part of such person.

## 344 **ARTICLE VI**

### 345 **ACTIVITIES OF THE INTERSTATE COMMISSION**

346 (1) The interstate commission shall meet and take such  
347 actions as are consistent with this compact.

348 (2) Except as otherwise provided in this compact and unless  
349 a greater percentage is required by the bylaws, in order to  
350 constitute an act of the interstate commission, the act must be  
351 taken at a meeting of the interstate commission and must receive  
352 an affirmative vote of a majority of the members present.



353           (3) Each member of the interstate commission has the right  
354 and power to cast a vote to which that compacting state is  
355 entitled and to participate in the business and affairs of the  
356 interstate commission. A member shall vote in person on behalf of  
357 the state and may not delegate a vote to another member state.  
358 However, the compact administrator shall appoint another  
359 authorized representative, in the absence of the commissioner from  
360 that state, to cast a vote on behalf of the member state at a  
361 specified meeting. The bylaws may provide for members'  
362 participation in meetings by telephone or other means of  
363 telecommunication or electronic communication. Any voting  
364 conducted by telephone or other means of telecommunication or  
365 electronic communication shall be subject to the same quorum  
366 requirements of meetings where members are present in person.

367           (4) The interstate commission shall meet at least once  
368 during each calendar year. The chairperson of the interstate  
369 commission may call additional meetings at any time and, upon the  
370 request of a majority of the members, shall call additional  
371 meetings.

372           (5) The interstate commission's bylaws shall establish  
373 conditions and procedures under which the interstate commission  
374 shall make its information and official records available to the  
375 public for inspection or copying. The interstate commission may  
376 exempt from disclosure any information or official records to the  
377 extent that they would adversely affect personal privacy rights or  
378 proprietary interests. In promulgating such rules, the interstate  
379 commission may make available to law enforcement agencies records  
380 and information otherwise exempt from disclosure, and may enter  
381 into agreements with law enforcement agencies to receive or  
382 exchange information or records subject to nondisclosure and  
383 confidentiality provisions.

384           (6) Public notice shall be given of all meetings and all  
385 meetings shall be open to the public, except as set forth in the



386 rules or as otherwise provided in the compact. The interstate  
387 commission shall promulgate rules consistent with the principles  
388 contained in the "Government in Sunshine Act," 5 USCS Section  
389 552(b), as may be amended. The interstate commission and any of  
390 its committees may close a meeting to the public where it  
391 determines, by two-thirds (2/3) vote, that an open meeting would  
392 be likely to: (a) relate solely to the interstate commission's  
393 internal personnel practices and procedures; (b) disclose matters  
394 specifically exempted from disclosure by statute; (c) disclosure  
395 trade secrets or commercial or financial information which is  
396 privileged or confidential; (d) involve accusing any person of a  
397 crime or formally censuring any person; (e) disclose information  
398 of a personal nature where disclosure would constitute a clearly  
399 unwarranted invasion of personal privacy; (f) disclose  
400 investigatory records compiled for law enforcement purposes; (g)  
401 disclose information contained in or related to examination,  
402 operating or condition reports prepared by, or on behalf of or for  
403 the use of, the interstate commission with respect to a regulated  
404 entity for the purpose of regulation or supervision of such  
405 entity; (h) disclose information, the premature disclosure of  
406 which would significantly endanger the life of a person or the  
407 stability of a regulated entity; (i) specifically relate to the  
408 interstate commission's issuance of a subpoena, or its  
409 participation in a civil action or proceeding.

410 (7) For every meeting closed pursuant to this provision, the  
411 interstate commission's chief legal officer shall certify publicly  
412 that, in the legal officer's opinion, the meeting may be closed to  
413 the public and shall reference each relevant exemptive provision.  
414 The interstate commission shall keep minutes that shall describe  
415 fully and clearly, all matters discussed in any meeting and shall  
416 provide a full and accurate summary of any actions taken and the  
417 reasons therefor, including, a description of each of the views  
418 expressed on any item and the record of any roll call vote



419 (reflected in the vote of each member on the question). All  
420 documents considered in connection with any action shall be  
421 identified in such minutes.

422 (8) The interstate commission shall collect standardized  
423 data concerning the interstate movement of offenders as directed  
424 through its bylaws and rules, which shall specify the data to be  
425 collected, the means of collection and data exchange and reporting  
426 requirements.

## 427 **ARTICLE VII**

### 428 **RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

429 (1) The interstate commission shall promulgate rules in  
430 order to effectively and efficiently achieve the purposes of the  
431 compact, including transition rules governing administration of  
432 the compact during the period in which it is being considered and  
433 enacted by the states.

434 (2) Rule-making shall occur pursuant to the criteria set  
435 forth in this article and the bylaws and rules adopted pursuant  
436 thereto. Such rule-making shall substantially conform to the  
437 principles of the federal Administrative Procedure Act, 5 USCS  
438 Section 551 et seq., and the Federal Advisory Committee Act, 5  
439 USCS App. 2, Section 1 et seq., as may be amended (hereinafter  
440 "APA").

441 (3) All rules and amendments shall become binding as of the  
442 date specified in each rule or amendment.

443 (4) If a majority of the legislatures of the compacting  
444 states rejects a rule, by enactment of a statute or resolution in  
445 the same manner used to adopt the compact, then that rule shall  
446 have no further force and effect in any compacting state.

447 (5) When promulgating a rule, the interstate commission  
448 shall: (a) publish the proposed rule stating with particularity  
449 the text of the rule that is proposed and the reason for the  
450 proposed rule; (b) allow persons to submit written data, facts,  
451 opinions and arguments, which information shall be publicly



452 available; (c) provide an opportunity for an informal hearing; and  
453 (d) promulgate a final rule and its effective date, if  
454 appropriate, based on the rule-making record.

455 (6) Not later than sixty (60) days after a rule is  
456 promulgated, any interested person may file a petition in the  
457 United States District Court for the District of Columbia or in  
458 the federal district court where the interstate commission's  
459 principal office is located for judicial review of the rule. If  
460 the court finds that the interstate commission's action is not  
461 supported by substantial evidence (as defined in the APA) in the  
462 rule-making record, the court shall hold the rule unlawful and set  
463 it aside.

464 (7) Subjects to be addressed within twelve (12) months after  
465 the first meeting must include, at a minimum: (a) notice to  
466 victims and opportunity to be heard; (b) offender registration and  
467 compliance; (c) violations and returns; (d) transfer procedures  
468 and forms; (e) eligibility for transfer; (f) collection of  
469 restitution and fees from offenders; (g) data collection and  
470 reporting; (h) the level of supervision to be provided by the  
471 receiving state; (i) transition rules governing the operation of  
472 the compact and the interstate commission during all or part of  
473 the period between the effective date of the compact and the date  
474 on which the last eligible state adopts the compact; and (j)  
475 mediation, arbitration and dispute resolution.

476 The existing rules governing the operation of the previous  
477 compact superceded by this act shall be null and void twelve (12)  
478 months after the first meeting of the interstate commission  
479 created under this compact.

480 (8) Upon determination by the interstate commission that an  
481 emergency exists, the interstate commission may promulgate an  
482 emergency rule that shall become effective immediately upon  
483 adoption; however, the usual rule-making procedures provided under  
484 this compact shall be applied retroactively to that rule as soon



485 as reasonably possible, and in no event, later than ninety (90)  
486 days after the effective date of the rule.

487 **ARTICLE VIII**

488 **OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE**  
489 **INTERSTATE COMMISSION**

490 **Section A. Oversight**

491 (1) The interstate commission shall oversee the interstate  
492 movement of adult offenders in the compacting states and shall  
493 monitor such activities being administered in noncompacting states  
494 which significantly may affect compacting states.

495 (2) The courts and executive agencies in each compacting  
496 state shall enforce this compact and shall take all actions  
497 necessary and appropriate to effectuate the compact's purposes and  
498 intent. In any judicial or administrative proceeding in a  
499 compacting state pertaining to the subject matter of this compact  
500 which may affect the powers, responsibilities or actions of the  
501 interstate commission, the interstate commission shall be entitled  
502 to receive all service of process in any such proceeding and shall  
503 have standing to intervene in the proceeding for all purposes.

504 **Section B. Dispute Resolution**

505 (1) The compacting states shall report to the interstate  
506 commission on issues or activities of concern to them and shall  
507 cooperate with and support the interstate commission in the  
508 discharge of its duties and responsibilities.

509 (2) The interstate commission shall attempt to resolve any  
510 disputes or other issues that are subject to the compact and which  
511 may arise among compacting states and noncompacting states.

512 (3) The interstate commission shall enact a bylaw or  
513 promulgate a rule providing for both mediation and binding dispute  
514 resolution for disputes among the compacting states.

515 **Section C. Enforcement**





516 The interstate commission, in the reasonable exercise of its  
517 discretion, shall enforce the provisions of this compact using any  
518 or all means set forth in Article XI, Section B, of this compact.

519 **Section D. Retaking Cases From Another Jurisdiction**

520 The duly accredited officers of a sending state may enter a  
521 receiving state and apprehend and retake any person on probation  
522 or parole according to the laws of the United States. For that  
523 purpose, the sending state must establish the authority of the  
524 officer and the identity of the person or persons to be retaken.  
525 The person or persons must be afforded a preliminary hearing  
526 consistent with due process requirements under the United States  
527 Constitution as interpreted by the Supreme Court of the United  
528 States. All legal requirements to extradition of fugitives from  
529 justice are waived expressly on the part of states that are  
530 parties to this compact as to such persons. The decision of the  
531 sending state to retake a person on probation or parole is  
532 conclusive and not reviewable within the receiving state; however,  
533 if, at the time a state seeks to retake a probationer or parolee,  
534 there is pending against him within the receiving state a criminal  
535 charge or if he is suspected of having committed within that state  
536 a criminal offense, the probationer or parolee may not be retaken  
537 without the consent of the receiving state until the probationer  
538 or parolee is discharged from prosecution or from imprisonment for  
539 such offense. The duly accredited officers of the sending state  
540 may transport prisoners being retaken through any state that is a  
541 party to this compact without interference.

542 **ARTICLE IX**

543 **FINANCE**

544 (1) The interstate commission shall pay or provide for the  
545 payment of the reasonable expenses of its establishment,  
546 organization and ongoing activities.

547 (2) The interstate commission shall levy on and collect an  
548 annual assessment from each compacting state to cover the cost of



549 the internal operations and activities of the interstate  
550 commission and its staff, which levy must be in a total amount  
551 sufficient to cover the interstate commission's annual budget as  
552 approved each year. The aggregate annual assessment amount shall  
553 be allocated based upon a formula to be determined by the  
554 interstate commission, taking into consideration the population of  
555 the state and the volume of interstate movement of offenders in  
556 each compacting state. The interstate commission shall promulgate  
557 a rule binding upon all compacting states which governs the  
558 assessment.

559 (3) The interstate commission shall not incur any  
560 obligations of any kind before securing the funds adequate to meet  
561 the obligations. The interstate commission may not pledge the  
562 credit of any of the compacting states, except by and with the  
563 authority of the compacting state.

564 (4) The interstate commission shall keep accurate accounts  
565 of all receipts and disbursements. The receipts and disbursements  
566 of the interstate commission shall be subject to the audit and  
567 accounting procedures established under its bylaws. However, all  
568 receipts and disbursements of funds handled by the interstate  
569 commission shall be audited yearly by a certified or licensed  
570 public accountant, and the report of the audit shall be included  
571 in and become part of the annual report of the interstate  
572 commission.

## 573 **ARTICLE X**

### 574 **COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT**

575 (1) Any state, as defined in Article II of this compact, is  
576 eligible to become a compacting state.

577 (2) The compact shall become effective and binding upon  
578 legislative enactment of the compact into law by no less than  
579 thirty-five (35) of the states. The initial effective date shall  
580 be the later of July 1, 2002, or upon enactment into law by the  
581 thirty-fifth jurisdiction. Thereafter, it shall become effective



582 and binding, as to any other compacting state, upon enactment of  
583 the compact into law by that state. The governors of nonmember  
584 states or their designees will be invited to participate in  
585 interstate commission activities on a nonvoting basis before  
586 adoption of the compact by all states and territories of the  
587 United States.

588 (3) Amendments to the compact may be proposed by the  
589 interstate commission for enactment by the compacting states. No  
590 amendment shall become effective and binding upon the interstate  
591 commission and the compacting states unless it is enacted into law  
592 by unanimous consent of the compacting states.

#### 593 **ARTICLE XI**

#### 594 **WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT**

#### 595 **Section A. Withdrawal**

596 (1) Once effective, the compact shall continue in force and  
597 remain binding upon every compacting state; however, a compacting  
598 state may withdraw from the compact ("withdrawing state") by  
599 enacting a statute specifically repealing the statute that enacted  
600 the compact into law.

601 (2) The effective date of withdrawal is the effective date  
602 of the repeal.

603 (3) The withdrawing state shall notify immediately the  
604 chairperson of the interstate commission in writing upon the  
605 introduction of legislation repealing this compact in the  
606 withdrawing state.

607 (4) The interstate commission shall notify the other  
608 compacting states of the withdrawing state's intent to withdraw  
609 within sixty (60) days of its receipt of the notification.

610 (5) The withdrawing state is responsible for all  
611 assessments, obligations and liabilities incurred through the  
612 effective date of withdrawal, including any obligations, the  
613 performance of which extend beyond the effective date of  
614 withdrawal.



615 (6) Reinstatement following withdrawal of any compacting  
616 state shall occur upon the withdrawing state reenacting the  
617 compact or upon such later date as determined by the interstate  
618 commission.

619 **Section B. Default**

620 (1) If the interstate commission determines that any  
621 compacting state has at any time defaulted ("defaulting state") in  
622 the performance of any of its obligations or responsibilities  
623 under this compact, the bylaws or any duly promulgated rules, the  
624 interstate commission may impose any or all of the following  
625 penalties:

626 (a) Fines, fees and costs in such amounts as are deemed  
627 to be reasonable, as fixed by the interstate commission;

628 (b) Remedial training and technical assistance as  
629 directed by the interstate commission;

630 (c) Suspension and termination of membership in the  
631 compact. Suspension shall be imposed only after all other  
632 reasonable means of securing compliance under the bylaws and rules  
633 have been exhausted. Immediate notice of suspension shall be  
634 given by the interstate commission: to the Governor, the Chief  
635 Justice or chief judicial officer of the state; the majority and  
636 minority leaders of the defaulting state's Legislature; and the  
637 state council. The grounds for default include, but are not  
638 limited to, failure of a compacting state to perform such  
639 obligations or responsibilities imposed upon it by this compact,  
640 interstate commission bylaws or duly promulgated rules. The  
641 interstate commission shall immediately notify the defaulting  
642 state in writing of the penalty imposed by the interstate  
643 commission on the defaulting state pending a cure of the default.  
644 The interstate commission shall stipulate the conditions and the  
645 time period within which the defaulting state must cure its  
646 default. If the defaulting state fails to cure the default within  
647 the time period specified by the interstate commission, in



648 addition to any other penalties imposed, the defaulting state may  
649 be terminated from the compact upon an affirmative vote of a  
650 majority of the compacting states and all rights, privileges and  
651 benefits conferred by this compact shall be terminated from the  
652 effective date of suspension.

653 (2) Within sixty (60) days of the effective date of  
654 termination of a defaulting state, the interstate commission shall  
655 notify the governor, the chief justice or chief judicial officer  
656 and the majority and minority leaders of the defaulting state's  
657 legislature and the state council of such termination.

658 (3) The defaulting state is responsible for all assessments,  
659 obligations and liabilities incurred through the effective date of  
660 termination including any obligations, the performance of which  
661 extends beyond the effective date of termination.

662 (4) The interstate commission shall not bear any costs  
663 relating to the defaulting state unless otherwise mutually agreed  
664 upon between the interstate commission and the defaulting state.

665 (5) Reinstatement following termination of any compacting  
666 state requires both a reenactment of the compact by the defaulting  
667 state and the approval of the interstate commission pursuant to  
668 the rules.

669 **Section C. Judicial Enforcement**

670 The interstate commission by majority vote of the members,  
671 may initiate legal action in the United States District Court for  
672 the District of Columbia or, at the discretion of the interstate  
673 commission, in the federal district where the interstate  
674 commission has its offices to enforce compliance with the compact,  
675 its duly promulgated rules and bylaws against any compacting state  
676 in default. If judicial enforcement is necessary, the prevailing  
677 party shall be awarded all costs of the litigation, including  
678 reasonable attorney's fees.

679 **Section D. Dissolution of Compact**



680 (1) The compact dissolves effective upon the date of the  
681 withdrawal or default of the compacting state which reduces  
682 membership in the compact to one (1) compacting state.

683 (2) Upon the dissolution of this compact, the compact  
684 becomes null and void and shall be of no further force or effect,  
685 and the business and affairs of the interstate commission shall be  
686 concluded and any surplus funds shall be distributed in accordance  
687 with the bylaws.

## 688 **ARTICLE XII**

### 689 **SEVERABILITY AND CONSTRUCTION**

690 (1) The provisions of this compact shall be severable, and  
691 if any phrase, clause, sentence or provision is deemed  
692 unenforceable, the remaining provisions of the compact shall be  
693 enforceable.

694 (2) The provisions of this compact shall be liberally  
695 construed to effectuate its purposes.

## 696 **ARTICLE XIII**

### 697 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

#### 698 **Section A. Other Laws**

699 (1) Nothing in this compact prevents the enforcement of any  
700 other law of a compacting state which is not inconsistent with  
701 this compact.

702 (2) All compacting states' laws conflicting with this  
703 compact are superseded to the extent of the conflict.

#### 704 **Section B. Binding Effect of the Compact**

705 (1) All lawful actions of the interstate commission,  
706 including all rules and bylaws promulgated by the interstate  
707 commission, are binding upon the compacting states.

708 (2) All agreements between the interstate commission and the  
709 compacting states are binding in accordance with their terms.

710 (3) Upon the request of a party to a conflict over the  
711 meaning or interpretation of interstate commission actions, and  
712 upon a majority vote of the compacting states, the interstate



713 commission may issue advisory opinions regarding such meaning or  
714 interpretation.

715 (4) If any provision of this compact exceeds the  
716 constitutional limits imposed on the legislature of any compacting  
717 state, the obligations, duties, powers or jurisdiction sought to  
718 be conferred by such provision upon the interstate commission  
719 shall be ineffective, and such obligations, duties, powers or  
720 jurisdiction shall remain in the compacting state and shall be  
721 exercised by the agency of that state to which the obligations,  
722 duties, powers or jurisdiction are delegated by law in effect at  
723 the time this compact becomes effective.

724 **SECTION 2.** Pursuant to the Interstate Compact for Adult  
725 Offender Supervision, the Department of Corrections may assume the  
726 duties of supervision over offenders of any sending state who were  
727 convicted of misdemeanors. The Department of Corrections may not  
728 supervise offenders convicted of misdemeanors of states that are  
729 not participating in the compact.

730 **SECTION 3.** This act shall take effect and be in force from  
731 and after July 1, 2002.

