

**\*\*\*Adopted\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 636**

**By Senator(s) Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

9           **SECTION 1.** The Governor on behalf of this state is hereby  
10 authorized to execute a compact, in substantially the following  
11 form, and the Legislature hereby signifies in advance its approval  
12 and ratification of 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 both  
20 to and from each compacting state in such a manner as to: track  
21 the location of offenders, transfer supervision authority in an  
22 orderly and efficient manner, and when necessary return offenders  
23 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 hereunder, through means of joint and  
30 cooperative action among the compacting states: to provide the  
31 framework for the promotion of public safety and 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 which 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 which will promulgate rules to achieve the  
44 purpose of this compact; ensure an opportunity for input and  
45 timely notice to victims and to jurisdictions where defined  
46 offenders are authorized to travel or to relocate across state  
47 lines; establish a system of uniform data collection, access to  
48 information on active cases by authorized criminal justice  
49 officials, and regular reporting of compact activities to heads of  
50 state councils, state executive, judicial, and legislative  
51 branches and criminal justice administrators; monitor compliance  
52 with rules governing interstate movement of offenders and initiate  
53 interventions to address and correct noncompliance; and coordinate  
54 training and education regarding regulations of interstate  
55 movement of offenders for 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 at all times enter a receiving  
59 state and there apprehend and retake any offender under  
60 supervision subject to the provisions of this compact and bylaws  
61 and rules promulgated hereunder.

62 It is the policy of the compacting states that the activities  
63 conducted by the Interstate Commission created herein are the

64 formation of public policies and are therefore public business.

65 **ARTICLE II**

66 **DEFINITIONS**

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

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

73 (B) "Bylaws" mean those bylaws established by the Interstate  
74 Commission for its governance, or for directing or controlling the  
75 Interstate Commission's actions or conduct.

76 (C) "Compact administrator" means the individual in each  
77 compacting state appointed pursuant to the terms of this compact  
78 responsible for the administration and management of the state's  
79 supervision and transfer of offenders subject to the terms of this  
80 compact, the rules adopted by the Interstate Commission and  
81 policies adopted by the state council under this compact.

82 (D) "Compacting state" means any state which has enacted the  
83 enabling legislation for this compact.

84 (E) "Commissioner" means the voting representative of each  
85 compacting state appointed pursuant to Article III of this  
86 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 designee, who shall be a person officially connected with the  
91 commissioner.

92 (H) "Noncompacting state" means any state which 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" means 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 state  
110 council for Interstate Adult Offender Supervision created by each  
111 state under Article III of this compact.

### 112 **ARTICLE III**

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

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

123 (B) The Interstate Commission shall consist of commissioners  
124 selected and appointed by resident members of a state council for  
125 Interstate Adult Offender Supervision or the Governor for each  
126 state. While each member state may determine the membership of  
127 its own state council, its membership must include at least one  
128 (1) representative from the legislative, judicial, and executive  
129 branches of government, victims groups and compact administrators.

130 In addition to members appointed by the state council or the  
131 Governor, the state council shall include: the Chairman of the  
132 Senate Corrections Committee, the Chairman of the House  
133 Penitentiary Committee, one (1) Senator appointed by the President

134 of the Senate and one (1) member of the House of Representatives  
135 appointed by the Speaker of the House. Each state council shall  
136 appoint as its commissioner the compact administrator from that  
137 state to serve on the Interstate Commission in such capacity under  
138 or pursuant to applicable law of the member state. Each  
139 compacting state retains the right to determine the qualifications  
140 of the compact administrator who shall be appointed by the  
141 Governor in consultation with the Legislature and the judiciary.

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

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

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

166 (D) Each compacting state represented at any meeting of the  
167 Interstate Commission is entitled to one (1) vote. A majority of  
168 the compacting states shall constitute a quorum for the

169 transaction of business, unless a larger quorum is required by the  
170 bylaws of the Interstate Commission.

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

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

#### 188 **ARTICLE IV**

##### 189 **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

190 The Interstate Commission shall have the following powers:

191 (1) To adopt a seal and suitable bylaws governing the  
192 management and operation of the Interstate Commission.

193 (2) To promulgate rules which shall have the force and  
194 effect of statutory law and shall be binding in the compacting  
195 states to the extent and in the manner provided in this compact.

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

199 (4) To enforce compliance with compact provisions,  
200 Interstate Commission rules, and bylaws, using all necessary and  
201 proper means, including, but not limited to, the use of judicial  
202 process.

203 (5) To establish and maintain offices.

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

205 (7) To borrow, accept, or contract for services of  
206 personnel, including, but not limited to, members and their  
207 staffs.

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

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

220 (10) To accept any and all donations and grants of  
221 money, equipment, supplies, materials, and services, and to  
222 receive, utilize, and dispose of same.

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

226 (12) To sell, convey, mortgage, pledge, lease,  
227 exchange, abandon, or otherwise dispose of any property, real,  
228 personal or mixed.

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

231 (14) To sue and be sued.

232 (15) To provide for dispute resolution among compacting  
233 states.

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

236 (17) To report annually to the legislatures, governors,  
237 judiciary, and state councils of the compacting states concerning  
238 the activities of the Interstate Commission during the preceding

239 year. Such reports shall also include any recommendations that  
240 may have been adopted by the Interstate Commission.

241 (18) To coordinate education, training and public  
242 awareness regarding the interstate movement of offenders for  
243 officials involved in such activity.

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

## 246 ARTICLE V

### 247 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

#### 248 Section A. Bylaws

249 (1) The Interstate Commission shall, by a majority of the  
250 members, within twelve (12) months of the first Interstate  
251 Commission meeting, adopt bylaws to govern its conduct as may be  
252 necessary or appropriate to carry out the purposes of the compact,  
253 including, but not limited to:

254 (a) Establishing the fiscal year of the Interstate  
255 Commission;

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

258 (c) Providing reasonable standards and procedures: (i)  
259 for the establishment of committees, and (ii) governing any  
260 general or specific delegation of any authority or function of the  
261 Interstate Commission;

262 (d) Providing reasonable procedures for calling and  
263 conducting meetings of the Interstate Commission, and ensuring  
264 reasonable notice of each such meeting;

265 (e) Establishing the titles and responsibilities of the  
266 officers of the Interstate Commission;

267 (f) Providing reasonable standards and procedures for  
268 the establishment of the personnel policies and programs of the  
269 Interstate Commission. Notwithstanding any civil service or other  
270 similar laws of any compacting state, the bylaws shall exclusively  
271 govern the personnel policies and programs of the Interstate  
272 Commission; and

273 (g) Providing a mechanism for concluding the operations



274 of the Interstate Commission and the equitable return of any  
275 surplus funds that may exist upon the termination of the compact  
276 after the payment and/or reserving of all of its debts and  
277 obligations;

278 (h) Providing transition rules for "start up"  
279 administration of the compact;

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

282 **Section B. Officers and Staff**

283 (1) The Interstate Commission shall, by a majority of the  
284 members, elect from among its members a chairperson and a vice  
285 chairperson, each of whom shall have such authorities and duties  
286 as may be specified in the bylaws. The chairperson or, in his or  
287 her absence or disability, the vice chairperson, shall preside at  
288 all meetings of the Interstate Commission. The officers so  
289 elected shall serve without compensation or remuneration from the  
290 Interstate Commission; provided that, subject to the availability  
291 of budgeted funds, the officers shall be reimbursed for any actual  
292 and necessary costs and expenses incurred by them in the  
293 performance of their duties and responsibilities as officers of  
294 the Interstate Commission.

295 (2) The Interstate Commission shall, through its executive  
296 committee, appoint or retain an executive director for such  
297 period, upon such terms and conditions and for such compensation  
298 as the Interstate Commission may deem appropriate. The executive  
299 director shall serve as Secretary to the Interstate Commission,  
300 and hire and supervise such other staff as may be authorized by  
301 the Interstate Commission, but shall not be a member.

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

303 The Interstate Commission shall maintain its corporate books  
304 and records in accordance with the bylaws.

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

306 (1) The members, officers, executive director and employees  
307 of the Interstate Commission shall be immune from suit and  
308 liability, either personally or in their official capacity, for

309 any claim for damage to or loss of property or personal injury or  
310 other civil liability caused or arising out of any actual or  
311 alleged act, error or omission that occurred within the scope of  
312 Interstate Commission employment, duties or responsibilities;  
313 provided, that nothing in this paragraph shall be construed to  
314 protect any such person from suit and/or liability for any damage,  
315 loss, injury or liability caused by the intentional or willful and  
316 wanton misconduct of any such person.

317 (2) The Interstate Commission shall defend the commissioner  
318 of a compacting state, or his or her representatives or employees,  
319 or the Interstate Commission's representatives or employees, in  
320 any civil action seeking to impose liability, arising out of any  
321 actual or alleged act, error or omission that occurred within the  
322 scope of Interstate Commission employment, duties or  
323 responsibilities, or that the defendant had a reasonable basis for  
324 believing occurred within the scope of Interstate Commission  
325 employment, duties or responsibilities; provided, that the actual  
326 or alleged act, error or omission did not result from intentional  
327 wrongdoing on the part of such person.

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

#### 340 **ARTICLE VI**

#### 341 **ACTIVITIES OF THE INTERSTATE COMMISSION**

342 (1) The Interstate Commission shall meet and take such  
343 actions as are consistent with the provisions of this compact.

344           (2) Except as otherwise provided in this compact and unless  
345 a greater percentage is required by the bylaws, in order to  
346 constitute an act of the Interstate Commission, such act shall  
347 have been taken at a meeting of the Interstate Commission and  
348 shall have received an affirmative vote of a majority of the  
349 members present.

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

364           (4) The Interstate Commission shall meet at least once  
365 during each calendar year. The Chairperson of the Interstate  
366 Commission may call additional meetings at any time and, upon the  
367 request of a majority of the members, shall call additional  
368 meetings.

369           (5) The Interstate Commission's bylaws shall establish  
370 conditions and procedures under which the Interstate Commission  
371 shall make its information and official records available to the  
372 public for inspection or copying. The Interstate Commission may  
373 exempt from disclosure any information or official records to the  
374 extent they would adversely affect personal privacy rights or  
375 proprietary interests. In promulgating such rules, the Interstate  
376 Commission may make available to law enforcement agencies records  
377 and information otherwise exempt from disclosure, and may enter  
378 into agreements with law enforcement agencies to receive or

379 exchange information or records subject to nondisclosure and  
380 confidentiality provisions.

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

407 (7) For every meeting closed pursuant to this provision, the  
408 Interstate Commission's chief legal officer shall publicly certify  
409 that, in his or her opinion, the meeting may be closed to the  
410 public, and shall reference each relevant exemptive provision.  
411 The Interstate Commission shall keep minutes which shall fully and  
412 clearly describe all matters discussed in any meeting and shall  
413 provide a full and accurate summary of any actions taken, and the

414 reasons therefor, including, a description of each of the views  
415 expressed on any item and the record of any roll call vote  
416 (reflected in the vote of each member on the question). All  
417 documents considered in connection with any action shall be  
418 identified in such minutes.

419 (8) The Interstate Commission shall collect standardized  
420 data concerning the interstate movement of offenders as directed  
421 through its bylaws and rules which shall specify the data to be  
422 collected, the means of collection and data exchange and reporting  
423 requirements.

## 424 **ARTICLE VII**

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

426 (1) The Interstate Commission shall promulgate rules in  
427 order to effectively and efficiently achieve the purposes of the  
428 compact including transition rules governing administration of the  
429 compact during the period in which it is being considered and  
430 enacted by the states;

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

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

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

444 (5) When promulgating a rule, the Interstate Commission  
445 shall: (a) publish the proposed rule stating with particularity  
446 the text of the rule which is proposed and the reason for the  
447 proposed rule; (b) allow persons to submit written data, facts,  
448 opinions and arguments, which information shall be publicly

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

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

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

473 The existing rules governing the operation of the previous  
474 compact superceded by this act shall be null and void twelve (12)  
475 months after the first meeting of the Interstate Commission  
476 created hereunder.

477 (8) Upon determination by the Interstate Commission that an  
478 emergency exists, it may promulgate an emergency rule which shall  
479 become effective immediately upon adoption, provided that the  
480 usual rule-making procedures provided hereunder shall be  
481 retroactively applied to said rule as soon as reasonably possible,  
482 in no event later than ninety (90) days after the effective date  
483 of the rule.

484 **ARTICLE VIII**

485 **OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE**  
486 **INTERSTATE COMMISSION**

487 **Section A. Oversight**

488 (1) The Interstate Commission shall oversee the interstate  
489 movement of adult offenders in the compacting states and shall  
490 monitor such activities being administered in noncompacting states  
491 which may significantly affect compacting states.

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

502 **Section B. Dispute Resolution**

503 (1) The compacting states shall report to the Interstate  
504 Commission on issues or activities of concern to them, and  
505 cooperate with and support the Interstate Commission in the  
506 discharge of its duties and responsibilities.

507 (2) The Interstate Commission shall attempt to resolve any  
508 disputes or other issues which are subject to the compact and  
509 which may arise among compacting states and noncompacting states.

510 (3) The Interstate Commission shall enact a bylaw or  
511 promulgate a rule providing for both mediation and binding dispute  
512 resolution for disputes among the compacting states.

513 **Section C. Enforcement**

514 The Interstate Commission, in the reasonable exercise of its  
515 discretion, shall enforce the provisions of this compact using any  
516 or all means set forth in Article XI, Section B, of this compact.

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

518 The duly accredited officers of a sending state may at all

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

541 **ARTICLE IX**

542 **FINANCE**

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

546 (2) The Interstate Commission shall levy on and collect an  
547 annual assessment from each compacting state to cover the cost of  
548 the internal operations and activities of the Interstate  
549 Commission and its staff which must be in a total amount  
550 sufficient to cover the Interstate Commission's annual budget as  
551 approved each year. The aggregate annual assessment amount shall  
552 be allocated based upon a formula to be determined by the  
553 Interstate Commission, taking into consideration the population of



554 the state and the volume of interstate movement of offenders in  
555 each compacting state and shall promulgate a rule binding upon all  
556 compacting states which governs said assessment. After the  
557 initial assessment, any increase in the annual assessment shall be  
558 subject to an appropriation by the compacting state legislature.

559 (3) The Interstate Commission shall not incur any  
560 obligations of any kind prior to securing the funds adequate to  
561 meet the same; nor shall the Interstate Commission 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 in  
571 and become part of the annual report of the Interstate Commission.

## 572 **ARTICLE X**

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

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

576 (2) The compact shall become effective and binding upon  
577 legislative enactment of the compact into law by no less than  
578 thirty-five (35) of the states. The initial effective date shall  
579 be the later of July 1, 2001, or upon enactment into law by the  
580 thirty-fifth jurisdiction. Thereafter it shall become effective  
581 and binding, as to any other compacting state, upon enactment of  
582 the compact into law by that state. The governors of nonmember  
583 states or their designees will be invited to participate in  
584 Interstate Commission activities on a nonvoting basis prior to  
585 adoption of the compact by all states and territories of the  
586 United States.

587 (3) Amendments to the compact may be proposed by the  
588 Interstate Commission for enactment by the compacting states. No

589 amendment shall become effective and binding upon the Interstate  
590 Commission and the compacting states unless and until it is  
591 enacted into law by unanimous consent of the compacting states.

## 592 **ARTICLE XI**

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

#### 594 **Section A. Withdrawal**

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

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

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

606 (4) The Interstate Commission shall notify the other  
607 compacting states of the withdrawing state's intent to withdraw  
608 within sixty (60) days of its receipt thereof.

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

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

#### 618 **Section B. Default**

619 (1) If the Interstate Commission determines that any  
620 compacting state has at anytime defaulted ("defaulting state") in  
621 the performance of any of its obligations or responsibilities  
622 under this compact, the bylaws or any duly promulgated rules, the  
623 Interstate Commission may impose any or all of the following

624 penalties:

625 (a) Fines, fees and costs in such amounts as are deemed  
626 to be reasonable as fixed by the Interstate Commission;

627 (b) Remedial training and technical assistance as  
628 directed by the Interstate Commission;

629 (c) Suspension and termination of membership in the  
630 compact. Suspension shall be imposed only after all other  
631 reasonable means of securing compliance under the bylaws and rules  
632 have been exhausted. Immediate notice of suspension shall be  
633 given by the Interstate Commission to the Governor, the chief  
634 justice or chief judicial officer of the state; the majority and  
635 minority leaders of the defaulting state's legislature, and the  
636 state council. The grounds for default include, but are not  
637 limited to, failure of a compacting state to perform such  
638 obligations or responsibilities imposed upon it by this compact,  
639 Interstate Commission bylaws, or duly promulgated rules. The  
640 Interstate Commission shall immediately notify the defaulting  
641 state in writing of the penalty imposed by the Interstate  
642 Commission on the defaulting state pending a cure of the default.  
643 The Interstate Commission shall stipulate the conditions and the  
644 time period within which the defaulting state must cure its  
645 default. If the defaulting state fails to cure the default within  
646 the time period specified by the Interstate Commission, in  
647 addition to any other penalties imposed herein, the defaulting  
648 state may be terminated from the compact upon an affirmative vote  
649 of a majority of the compacting states and all rights, privileges  
650 and benefits conferred by this compact shall be terminated from  
651 the effective date of suspension.

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

657 (3) The defaulting state is responsible for all assessments,  
658 obligations and liabilities incurred before the effective date of

659 termination including any obligations, the performance of which  
660 extends beyond the effective date of termination.

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

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

668 **Section C. Judicial Enforcement**

669 The Interstate Commission may, by majority vote of the  
670 members, initiate legal action in the United States District Court  
671 for the District of Columbia or, at the discretion of the  
672 Interstate Commission, in the federal district where the  
673 Interstate Commission has its offices to enforce compliance with  
674 the provisions of the compact, its duly promulgated rules and  
675 bylaws, against any compacting state in default. In the event  
676 judicial enforcement is necessary the prevailing party shall be  
677 awarded all costs of such litigation including reasonable  
678 attorneys 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 constructed to effectuate its purposes.

696 **ARTICLE XIII**

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

698 **Section A. Other Laws**

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

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

703 **Section B. Binding Effect of the Compact**

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

707 (2) All agreements between the Interstate Commission and the  
708 compacting states are binding in accordance with their terms.

709 (3) Upon the request of a party to a conflict over meaning  
710 or interpretation of Interstate Commission actions, and upon a  
711 majority vote of the compacting states, the Interstate Commission  
712 may issue advisory opinions regarding such meaning or  
713 interpretation.

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

723 **SECTION 2.** This act shall take effect and be in force from  
724 and after July 1, 2002, and shall stand repealed on June 30, 2002.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.