

By: Representative Hines

To: Juvenile Justice;  
Appropriations

HOUSE BILL NO. 1557

1 AN ACT TO AUTHORIZE THE GOVERNOR TO EXECUTE THE INTERSTATE  
 2 COMPACT FOR JUVENILES; TO PRESCRIBE ITS PURPOSE AND TO DEFINE  
 3 CERTAIN TERMS; TO CREATE THE INTERSTATE COMMISSION FOR JUVENILES  
 4 FROM THE COMPACTING STATES AND TO PRESCRIBE ITS POWERS AND DUTIES;  
 5 TO ESTABLISH THE ORGANIZATION AND OPERATION OF THE INTERSTATE  
 6 COMMISSION; TO PRESCRIBE THE RULEMAKING FUNCTIONS OF THE  
 7 INTERSTATE COMMISSION; TO PROVIDE THAT OVERSIGHT, ENFORCEMENT AND  
 8 DISPUTE RESOLUTION BE DONE BY THE INTERSTATE COMMISSION; TO  
 9 PROVIDE FOR THE FINANCING OF THE INTERSTATE COMMISSION; TO PROVIDE  
 10 THAT EACH MEMBER STATE OF THE COMPACT SHALL CREATE A STATE COUNCIL  
 11 FOR INTERSTATE JUVENILE SUPERVISION; TO PROVIDE FOR THE  
 12 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT  
 13 PROCEDURES OF THE COMPACT; TO REPEAL SECTIONS 43-25-1 THROUGH  
 14 43-25-17, MISSISSIPPI CODE OF 1972, WHICH PROVIDE THE INTERSTATE  
 15 COMPACT ON JUVENILES; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** The Governor, on behalf of this state, may  
 18 execute a compact in substantially the following form, and the  
 19 Legislature signifies in advance its approval and ratification of  
 20 the compact:

**THE INTERSTATE COMPACT FOR JUVENILES**

**ARTICLE I**

**PURPOSE**

24 The compacting states to this Interstate Compact recognize  
 25 that each state is responsible for the proper supervision or  
 26 return of juveniles, delinquents and status offenders who are on  
 27 probation or parole and who have absconded, escaped or run away  
 28 from supervision and control and in so doing have endangered their  
 29 own safety and the safety of others. The compacting states also  
 30 recognize that each state is responsible for the safe return of  
 31 juveniles who have run away from home and in doing so have left  
 32 their state of residence. The compacting states also recognize  
 33 that Congress, be enacting the Crime Control Act, 4 USCS Section

34 112 (1965), has authorized and encouraged compacts for cooperative  
35 efforts and mutual assistance in the prevention of crime.

36 It is the purpose of this compact, through means of joint and  
37 cooperative action among the compacting states to;

38 (a) Ensure that the adjudicated juveniles and status  
39 offenders subject to this compact are provided adequate  
40 supervision and services in the receiving state as ordered by the  
41 adjudicating judge or parole authority in the sending state;

42 (b) Ensure that the public safety interests of the  
43 citizens, including the victims of juvenile offenders, in both the  
44 sending and receiving states are adequately protected.

45 (c) Return juveniles who have run away, absconded or  
46 escaped from supervision or control or have been accused of an  
47 offense to the state requesting their return;

48 (d) Make contracts for the cooperative  
49 institutionalization in public facilities in member states for  
50 delinquent youth needing special services;

51 (e) Provide for the effective tracking and supervision  
52 of juveniles;

53 (f) Equitably allocate the costs, benefits and  
54 obligations of the compacting states;

55 (g) Establish procedures to manage the movement between  
56 states of juvenile offenders released to the community under the  
57 jurisdiction of courts, juvenile departments, or any other  
58 criminal or juvenile justice agency that has jurisdiction over  
59 juvenile offenders;

60 (h) Insure immediate notice to jurisdictions where  
61 defined offenders are authorized to travel or to relocate across  
62 state lines;

63 (i) Establish procedures to resolve pending charges  
64 (detainers) against juvenile offenders before transfer or release  
65 to the community under the terms of this compact.



99           (b) "Compact Administrator" means the individual in  
100 each compacting state appointed under the terms of this compact,  
101 responsible for the administration and management of the state's  
102 supervision and transfer of juveniles subject to the terms of this  
103 compact, the rules adopted by the Interstate Commission and  
104 policies adopted by the State Council under this compact.

105           (c) "Compacting State" means any state that has enacted  
106 the enabling legislation for this compact.

107           (d) "Commissioner" means the voting representative of  
108 each compacting state appointed pursuant to Article III of this  
109 compact.

110           (e) "Court" means any court having jurisdiction over  
111 delinquent, neglected or dependent children.

112           (f) "Deputy Compact Administrator" means the  
113 individual, if any, in each compacting state appointed to act on  
114 behalf of a compact administrator under the terms of this compact  
115 responsible for the administration and management of the state's  
116 supervision and transfer of juveniles subject to the terms of this  
117 compact, the rules adopted by the Interstate Commission and  
118 policies adopted by the State Council under this compact.

119           (g) "interstate Commission" means the Interstate  
120 Commission for Juveniles created by Article III of this compact.

121           (h) "Juvenile" means any person defined as a juvenile  
122 in any member state or by the rules of the Interstate Commission,  
123 including:

124           (i) Accused Delinquent, which is a person charged  
125 with an offense that, if committed by an adult, would be a  
126 criminal offense;

127           (ii) Adjudicated Delinquent, which is a person  
128 found to have committed an offense that, if committed by an adult,  
129 would be a criminal offense;

130 (iii) Accused Status Offender, which is a person  
131 charged with an offense that would not be a criminal offense if  
132 committed by an adult;

133 (iv) Adjudicated Status Offender, which is a  
134 person found to have committed an offense that would not be a  
135 criminal offense if committed by an adult; and

136 (v) Nonoffender which is, a person in need of  
137 supervision who has not been accused or adjudicated a status  
138 offender or delinquent.

139 (i) "Noncompacting state" means any state that has not  
140 enacted the enabling legislation for this compact.

141 (j) "Probation or Parole" means any kind of supervision  
142 or conditional release of juveniles authorized under the laws of  
143 the compacting states.

144 (k) "Rules" means a written statement by the Interstate  
145 Commission promulgated under Article VI of this compact that is of  
146 general applicability, implements, interprets or prescribes a  
147 policy or provision of the compact, or an organizational,  
148 procedural, or practice requirement of the Commission, and has the  
149 force and effect of statutory law in a compacting state, and  
150 includes the amendment, repeal or suspension of an existing rule.

151 (l) "State" means a state of the United States, the  
152 District of Columbia (or its designee), the Commonwealth of Puerto  
153 Rico, the United States Virgin Islands, Guam, American Samoa, and  
154 the Northern Marianas Islands.

### 155 **ARTICLE III**

#### 156 **INTERSTATE COMMISSION FOR JUVENILES**

157 (1) The compacting states create the "Interstate Commission  
158 for Juveniles." The commission shall be a body corporate and  
159 joint agency of the compacting states. The commission shall have  
160 all the responsibilities, powers and duties set forth in this  
161 compact, and such additional powers as may be conferred upon it by

162 subsequent action of the respective legislatures of the compacting  
163 states in accordance with the terms of this compact.

164 (2) The Interstate commission shall consist of commissioners  
165 appointed by the appropriate appointing authority in each state  
166 pursuant to the rules and requirements of each compacting state  
167 and in consultation with the State Council for Interstate Juvenile  
168 Supervision created under this compact. The commissioner shall be  
169 the compact administrator, deputy compact administrator or  
170 designee from that state who shall serve on the Interstate  
171 Commission in such capacity under the applicable law of the  
172 compacting state.

173 (3) In addition to the commissioners who are the voting  
174 representatives of each state, the Interstate Commission shall  
175 include individuals who are not commissioners, but who are members  
176 of interested organizations. Those noncommissioner members must  
177 include a member of the national organizations of governors,  
178 legislators, state chief justices, attorneys general, Interstate  
179 Compact for Adult Offender for Adult Offender Supervision,  
180 Interstate Compact for the Placement of Children, juvenile justice  
181 and juvenile corrections officials and crime victims. All  
182 noncommissioner members of the Interstate Commission shall be  
183 exofficio nonvoting members. The Interstate Commission may  
184 provide in its bylaws for additional exofficio nonvoting members,  
185 including members of other national organizations, in such numbers  
186 as determined by the commission.

187 (4) Each compacting state represented at any meeting of the  
188 commission is entitled to one (1) vote. A majority of the  
189 compacting states shall constitute a quorum for the transaction of  
190 business, unless a larger quorum is required by the bylaws of the  
191 Interstate Commission.

192 (5) The commission shall meet at least once each calendar  
193 year. The chairperson may call additional meetings and, upon the  
194 request of a simple majority of the compacting states, shall call

195 additional meetings. Public notice shall be given of all meetings  
196 and meetings shall be open to the public.

197 (6) The Interstate Commission shall establish an executive  
198 committee, which shall include commission officers, members and  
199 others as determined by the bylaws. The executive committee shall  
200 have the power to act on behalf of the Interstate Commission  
201 during periods when the Interstate Commission is not in session,  
202 with the exception of rulemaking and/or amendment to the compact.  
203 The executive committee shall oversee the day-to -day activities  
204 of the administration of the compact managed by an executive  
205 director and Interstate Commission staff; administers enforcement  
206 and compliance with the provisions of the compact, its bylaws and  
207 rules and performs such other duties as directed by the Interstate  
208 Commission or set forth in the bylaws.

209 (7) Each member of the Interstate Commission shall have the  
210 right and power to cast a vote to which that compacting state is  
211 entitled and to participate in the business and affairs of the  
212 Interstate Commission. A member shall vote in person and shall  
213 not delegate a vote to another compacting state. However, a  
214 commissioner, in consultation with the state council, shall  
215 appoint another authorized representative, in the absence of the  
216 commissioner from that state, to cast a vote on behalf of the  
217 compacting state at a specified meeting. The bylaws may provide  
218 for members' participation in meetings by telephone or other means  
219 of telecommunication or electronic communication.

220 (8) The Interstate Commission's bylaws shall establish  
221 conditions and procedures under which the Interstate Commission  
222 shall make its information and official records available to the  
223 public for inspection or copying. The Interstate Commission may  
224 exempt from disclosure any information or official records to the  
225 extent they would adversely affect personal privacy rights or  
226 proprietary interests.

227           (9) Public notice shall be given of all meetings and all  
228 meeting shall be open to the public, except as set forth in the  
229 Rules or as otherwise provided in the compact. The Interstate  
230 Commission and any of its committees may close a meeting to the  
231 public where it determines by two-thirds (2/3) vote that an open  
232 meeting would be likely to:

233           (a) Relate solely to the Interstate Commission's  
234 internal personnel practice and procedures;

235           (b) Disclose matters specifically exempted from  
236 disclosure by statute;

237           (c) Disclose trade secrets or commercial or financial  
238 information that is privileged or confidential;

239           (d) Involve accusing any person of a crime, or formally  
240 censuring any person;

241           (e) Disclose information of a personal nature where  
242 disclosure would constitute a clearly unwarranted invasion of  
243 personal privacy;

244           (f) Disclose investigative records compiled for law  
245 enforcement purposes;

246           (g) Disclose information contained in or related to  
247 examination, operating or condition reports prepared by, or on  
248 behalf of or for the use of, the Interstate Commission with  
249 respect to a regulated person or entity for the purpose of  
250 regulation or supervision of the person or entity;

251           (h) Disclose information, the premature disclosure of  
252 which would significantly endanger the stability of a regulated  
253 person or entity; or

254           (i) Specifically relate to the Interstate Commission's  
255 issuance of a subpoena, or its participation in a civil action or  
256 other legal proceeding.

257           (10) For every meeting closed under this provision, the  
258 Interstate Commission's legal counsel shall publicly certify that,  
259 in the legal counsel's opinion, the meeting may be closed to the



260 public, and shall reference each relevant exemptive provision.  
261 The Interstate Commission shall keep minutes that shall fully and  
262 clearly describe all matters discussed in any meeting and shall  
263 provide a full and accurate summary of any actions taken, and the  
264 reasons therefor, including a description of each of the views  
265 expressed on any item and the record of any roll call vote  
266 (reflected in the vote of each member on the question). All  
267 documents considered in connection with any action shall be  
268 identified in the minutes.

269 (11) The Interstate Commission shall collect standardized  
270 data concerning the interstate movement of juveniles as directed  
271 through its rules, which shall specify the data to be collected,  
272 the means of collection, data exchange and reporting requirements.  
273 Those methods of data collection, exchange and reporting shall,  
274 insofar as is reasonably possible, conform to up-to-date  
275 technology and coordinate its information functions with the  
276 appropriate repository of records.

#### 277 **ARTICLE IV**

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

279 The commission shall have the following powers and duties:

280 (a) To provide for dispute resolution among compacting  
281 state.

282 (b) To promulgate rules to effect the purposes and  
283 obligations as enumerated in this compact, which shall have the  
284 force and effect of statutory law and shall be binding in the  
285 compacting states to the extent and in the manner provided in this  
286 compact.

287 (c) To oversee, supervise and coordinate the interstate  
288 movement of juveniles subject to the terms of this compact and any  
289 bylaws adopted and rules promulgated by the Interstate Commission.

290 (d) To enforce compliance with the compact provision,  
291 the rules promulgated by the Interstate commission, and the

292 bylaws, using all necessary and proper means, including but not  
293 limited to the use of judicial process.

294 (e) To establish and maintain offices, which shall be  
295 located within one or more of the compacting states.

296 (f) To purchase and maintain insurance and bonds.

297 (g) To borrow, accept, hire or contract for services of  
298 personnel.

299 (h) To establish and appoint committees and hire staff  
300 that it deems necessary for the carrying out of its functions  
301 including, but not limited to, an executive committee as required  
302 by Article III, which shall have the power to act on behalf of the  
303 Interstate Commission in carrying out its powers and duties under  
304 this compact.

305 (i) To elect or appoint officers, attorneys, employees,  
306 agents or consultants, and to fix their compensation, define their  
307 duties and determine their qualifications; and to establish  
308 the Interstate Commission's personnel policies and programs  
309 relating to, inter alia, conflicts of interest, rates of  
310 compensation and qualifications of personnel.

311 (j) To accept any and all donations and grants of  
312 money, equipment, supplies, materials and services, and to  
313 receive, utilize and dispose of it.

314 (k) To lease, purchase, accept contributions or  
315 donations of or otherwise to own, hold, improve or use any  
316 property, real, personal or mixed.

317 (l) To sell, convey, mortgage, pledge, lease, exchange,  
318 abandon or otherwise dispose of any property, real, personal or  
319 mixed.

320 (m) To establish a budget and make expenditures and  
321 levy dues as provided in Article VIII of this compact.

322 (n) To sue and be sued.

323 (o) To adopt a seal and bylaws governing the management  
324 and operation of the Interstate Commission.



358 (f) Providing a mechanism for concluding the operations  
359 of the Interstate Commission and the return of any surplus funds  
360 that may exist upon the termination of the compact after the  
361 payment and/or reserving of all of its debts and obligations;

362 (g) Providing "start-up" rules for initial  
363 administration of the compact; and

364 (h) Establishing standards and procedures for  
365 compliance and technical assistance in carrying out the compact.

366 (2) **Officers and Staff.** (a) The Interstate Commission  
367 shall, by a majority of the members, elect annually from among its  
368 members a chairperson and a vice chairperson each of whom shall  
369 have such authority and duties as may be specified in the bylaws.  
370 The chairperson or, in the chairperson's absence or disability,  
371 the vice chairperson shall preside at all meetings of the  
372 Interstate Commission. The officers so elected shall serve  
373 without compensation or remuneration from the Interstate  
374 Commission; however, subject to the availability of budgeted  
375 funds, the officers shall be reimbursed for any ordinary and  
376 necessary costs and expenses incurred by them in the performance  
377 of their duties and responsibilities as officers of the Interstate  
378 Commission.

379 (b) The Interstate Commission shall, through its  
380 executive committee, appoint or retain an executive director for  
381 such period, upon such terms and conditions and for such  
382 compensation as the Interstate Commission may deem appropriate.  
383 The executive director shall serve as secretary to the Interstate  
384 Commission, but shall not be a member and shall hire and supervise  
385 such other staff as may be authorized by the Interstate  
386 Commission.

387 (3) **Qualified Immunity, Defense and Indemnification.** (a)  
388 The Commission's executive director and employees shall be immune  
389 from suit and liability, either personally or in their official  
390 capacity, for any claim for damage to or loss of property,

391 personal injury or other civil liability caused or arising out of  
392 or relating to any actual or alleged act, error, or omission that  
393 occurred, or that the person had a reasonable basis for believing  
394 occurred within the scope of Commission employment, duties or  
395 responsibilities; however, any such person shall not be protected  
396 from suit or liability for any damage, loss, injury or liability  
397 caused by the intentional or willful and wanton misconduct of any  
398 such person.

399           (b) The liability of any commissioner, or the employee  
400 of agent of a commissioner, acting within the scope of the  
401 person's employment or duties for acts, errors or omissions  
402 occurring within the person's state may not exceed the limits of  
403 liability set forth under the Constitution and laws of that state  
404 for state officials, employees and agents. Nothing in this  
405 subsection shall be construed to protect any such person from suit  
406 or liability for any damage, loss, injury or liability caused by  
407 the intentional or willful and wanton misconduct of any such  
408 person.

409           (c) The Interstate Commission shall defend the  
410 executive director or the employees or representatives of the  
411 Interstate Commission and, subject to the approval of the Attorney  
412 General of the state represented by any commissioner of a  
413 compacting state, shall defend the commissioner or the  
414 commissioner's representatives or employees in any civil action  
415 seeking to impose liability arising out of any actual or alleged  
416 act, error or omission that occurred within the scope of  
417 Interstate Commission employment, duties or responsibilities, or  
418 that the defendant has a reasonable basis for believing occurred  
419 within the scope of Interstate Commission employment, duties or  
420 responsibilities, provided that the actual or alleged act, error  
421 or omission did not result from intentional or willful and wanton  
422 misconduct on the part of the person.

423 (d) The Interstate Commission shall indemnify and hold  
424 the commissioner of a compacting state, or the commissioner's  
425 representatives or employees or the Interstate Commission's  
426 representatives or employees, harmless in the amount of any  
427 settlement or judgment obtained against those persons arising out  
428 of any actual or alleged act, error or omission that occurred  
429 within the scope of Interstate Commission employment, duties or  
430 responsibilities, or that those persons had a reasonable basis for  
431 believing occurred within the scope of Interstate Commission  
432 employment, duties or responsibilities, provide that the actual or  
433 alleged act, error or omission did not result from intentional or  
434 willful and wanton misconduct on the part of such persons.

#### 435 **ARTICLE VI**

##### 436 **RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

437 (1) The Interstate Commission shall promulgate and publish  
438 rules in order to effectively and efficiently achieve the purposes  
439 of the compact.

440 (2) Rule making shall occur using the criteria set forth in  
441 this article and the bylaws and rules adopted under this article.  
442 That rulemaking shall substantially conform to the principles of  
443 the "Model State Administrative Procedures Act," 1981 Act, Uniform  
444 Laws Annotated, Vol. 15, p.1 (2000), or such other administrative  
445 procedures act, as the Interstate Commission deems appropriate  
446 consistent with due process requirements under the United States  
447 Constitution as now or hereafter interpreted by the United States  
448 Supreme Court. All rules and amendments shall become binding as  
449 of the date specified, as published with the final version of the  
450 rule as approved by the Commission.

451 (3) When promulgating a rule, the Interstate Commission  
452 shall, at a minimum:

453 (a) Publish the proposed rule's entire text stating the  
454 reason(s) for that proposed rule;

455           (b) Allow and invite any and all persons to submit  
456 written data, facts, opinions, and arguments, which information  
457 shall be added to the record, and be made publicly available;

458           (c) Provide an opportunity for an informal hearing if  
459 petitioned by ten (10) or more persons; and

460           (d) Promulgate a final rule and its effective date, if  
461 appropriate, based on input from state or local officials, or  
462 interested parties.

463           (4) Allow not later than sixty (60) days after a rule is  
464 promulgated, any interested person to file a petition in the  
465 United States District Court for the District of Columbia or in  
466 the Federal District Court where the Interstate Commission's  
467 principal office is located for judicial review of the rule. If  
468 the court finds that the Interstate Commission's action is not  
469 supported by substantial evidence in the rulemaking record, the  
470 court shall hold the rule unlawful and set it aside. For purposes  
471 of this subsection, evidence is substantial if it would be  
472 considered substantial evidence under the Model State  
473 Administrative Procedures Act.

474           (5) If a majority of the legislatures of the compacting  
475 states rejects a rule, those states may, by enactment of a statute  
476 or resolution in the same manner used to adopt the compact, cause  
477 that the rule shall have no further force and effect in any  
478 compacting state.

479           (6) The existing rules governing the operation of the  
480 Interstate Compact on Juveniles superceded by this act shall be  
481 null and void twelve (12) months after the first meeting of the  
482 Interstate Commission created under this compact.

483           (7) Upon determination by the Interstate Commission that a  
484 state of emergency exists, it may promulgate an emergency rule  
485 that shall become effective immediately upon adoption, provided  
486 that the usual rulemaking procedures provided under this article  
487 retroactively applied to the rule as soon as reasonable possible,

488 but no later than ninety (90) days after the effective date of the  
489 emergency rule.

490 **ARTICLE VII**

491 **OVERSIGHT, ENFORCEMENT AND DISPUTES RESOLUTION BY THE INTERSTATE**  
492 **COMMISSION**

493 (1) **Oversight.** (a) The Interstate Commission shall  
494 oversee the administration and operations of the interstate  
495 movement of juveniles subject to this compact in the compacting  
496 states and shall monitor those activities being administered in  
497 noncompacting states that may significantly affect compacting  
498 states.

499 (b) The courts and executive agencies in each  
500 compacting state shall enforce this compact and shall take all  
501 actions necessary and appropriate to effectuate the compact's  
502 purposes and intent. The provisions of this compact and the rules  
503 promulgated under this compact shall be received by all the  
504 judges, public officers, commissions and departments of the state  
505 government as evidence of the authorized statute and  
506 administrative rules. All courts shall take judicial notice of  
507 the compact and the rules. In any judicial or administrative  
508 proceeding in a compacting state pertaining to the subject matter  
509 of this compact that may affect the powers, responsibilities or  
510 actions of the Interstate Commission, it shall be entitled to  
511 receive all service of process in any such proceeding, and shall  
512 have standing to intervene in the proceeding for all purposes.

513 (2) **Dispute Resolution.** (a) The compacting states shall  
514 report to the Interstate Commission on all issues and activities  
515 necessary for the administration of the compact, as well as issues  
516 and activities pertaining to compliance with the provisions of the  
517 compact and its bylaws and rules.

518 (b) The Interstate Commission shall attempt, upon the  
519 request of a compacting state, to resolve any disputes or other  
520 issues that are subject to the compact and that may arise among



521 compacting states and between compacting and noncompacting states.  
522 The commission shall promulgate a rule providing for both  
523 mediation and binding dispute resolution for disputes among the  
524 compacting states.

525 (c) The Interstate Commission, in the reasonable  
526 exercise of its discretion, shall enforce the provisions and rules  
527 of this compact using any or all means set forth in Article XI of  
528 this compact.

## 529 **ARTICLE VIII**

### 530 **FINANCE**

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

534 (2) The Interstate Commission shall levy on and collect an  
535 annual assessment from each compacting state to cover the cost of  
536 the internal operations and activities of the Interstate  
537 Commission and its staff, which must be in a total amount  
538 sufficient to cover the Interstate Commission's annual budget as  
539 approved each year. The aggregate annual assessment amount shall  
540 be allocated based upon a formula to be determined by the  
541 Interstate Commission, taking into consideration the population of  
542 each compacting state and the volume of interstate movement of  
543 juveniles in each compacting state, and shall promulgate a rule  
544 binding upon all compacting states which governs the assessment.

545 (3) The Interstate Commission shall not incur any  
546 obligations of any kind before securing the funds adequate to meet  
547 the same; nor shall the Interstate Commission pledge the credit of  
548 any of the compacting states, except by and with the authority of  
549 the compacting state.

550 (4) The Interstate Commission shall keep accurate accounts  
551 of all receipts and disbursements. The receipts and disbursements  
552 of the Interstate Commission shall be subject to the audit and  
553 accounting procedures established under its bylaws. However, all

554 receipts and disbursements of funds handled by the Interstate  
555 Commission shall be audited yearly by a certified or licensed  
556 public accountant and the report of the audit shall be included in  
557 and become part of the annual report of the Interstate Commission.

558 **ARTICLE IX**

559 **THE STATE COUNCIL**

560 Each member state shall create a State Council for Interstate  
561 Juvenile Supervision. While each state may determine the  
562 membership of its own state council, its membership must include  
563 at least one (1) representative from the legislative, judicial,  
564 and executive branches of government, victims groups, and the  
565 compact administrator or designee. Each compacting state retains  
566 the right to determine the qualifications of the compact  
567 administrator or deputy compact administrator. Each state council  
568 will advise and may exercise oversight and advocacy concerning the  
569 state's participation in Interstate Commission activities and  
570 other duties as may be determined by that state, including, but  
571 not limited to, development of policy concerning operations and  
572 procedures of the compact within that state.

573 **ARTICLE X**

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

575 (1) Any state, the District of Columbia (or its designee),  
576 the Commonwealth of Puerto Rico, the United States Virgin Islands,  
577 Guam, American Samoa and the Northern Marianas Islands as defined  
578 in Article II of this compact is eligible to become a compacting  
579 state.

580 (2) The compact shall become effective and binding upon  
581 legislative enactment of the compact into law by no less than  
582 thirty-five (35) of the states. The initial effective date shall  
583 be the later of July 1, 2004 or upon enactment into law by the  
584 thirty-fifth jurisdiction. Thereafter, it shall become effective  
585 and binding as to any other compacting state upon enactment of the  
586 compact into law by that state. The governors of nonmember states

587 or their designees shall be invited to participate in the  
588 activities of the Interstate Commission on a nonvoting basis  
589 before adoption of the compact by all states and territories of  
590 the United States.

591 (3) The Interstate Commission may propose amendments to the  
592 compact for enactment by the compacting states. No amendment  
593 shall become effective and binding upon the Interstate Commission  
594 and the compacting states unless and until it is enacted into law  
595 by unanimous consent of the compacting states.

#### 596 **ARTICLE XI**

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

598 (1) **Withdrawal.** (a) Once effective, the compact shall  
599 continue in force and remain binding upon each and every  
600 compacting state; however, a compacting state may withdraw from  
601 the compact by specifically repealing the statute that enacted the  
602 compact into law.

603 (b) The effective date of withdrawal is the effective  
604 date of the repeal.

605 (c) The withdrawing state shall immediately notify the  
606 chairperson of the Interstate Commission in writing upon the  
607 introduction of legislation repealing this compact in the  
608 withdrawing state. The Interstate Commission shall notify the  
609 other compacting states of the withdrawing state's intent to  
610 withdraw within sixty (60) days of its receipt thereof.

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

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

620           (2) **Technical Assistance, Fines, Suspension, Termination and**  
621 **Default.** (a) If the Interstate Commission determines that any  
622 compacting state has at any time defaulted in the performance of  
623 any of its obligations or responsibilities under this compact, or  
624 the bylaws or duly promulgated rules, the Interstate Commission  
625 may impose any or all the following penalties.

626                   (i) Remedial training and technical assistance as  
627 directed by the Interstate Commission;

628                   (ii) Alternative Dispute Resolution;

629                   (iii) Fines, fees and costs in such amounts as are  
630 deemed to be reasonable as fixed by the Interstate Commission; and

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

653 conferred by this compact shall be terminated from the effective  
654 date of termination.

655 (b) Within sixty (60) days of the effective date of  
656 termination of a defaulting state, the Commission shall notify the  
657 governor, the chief justice of chief judicial officer, the  
658 majority and minority leaders of the defaulting state's  
659 legislature, and the state council of that termination.

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

665 (d) The Interstate Commission shall not bear any costs  
666 relating to the defaulting state unless otherwise mutually agreed  
667 upon in writing between the Interstate Commission and the  
668 defaulting state.

669 (e) Reinstatement following termination of any  
670 compacting state requires both a reenactment of the compact by the  
671 defaulting state and the approval of the Interstate Commission  
672 pursuant to the rules.

673 (3) **Judicial Enforcement.** The Interstate Commission may, by  
674 majority vote of the members, initiate legal action in the United  
675 States District Court for the District of Columbia or, at the  
676 discretion of the Interstate Commission, in the federal district  
677 where the Interstate Commission has its offices, to enforce  
678 compliance with the provisions of the compact, its duly  
679 promulgated rules and bylaws, against any compacting state in  
680 default. If judicial enforcement is necessary, the prevailing  
681 party shall be awarded all costs of the litigation, including  
682 reasonable attorney's fees.

683 (4) **Dissolution of Compact.** (a) The compact dissolves  
684 effective upon the date of the withdrawal or default of the

685 compacting state, which reduces membership in the compact to one  
686 (1) compacting state.

687 (b) Upon the dissolution of the compact, the compact  
688 becomes null and void and shall be of no further force or effect,  
689 and the business and affairs of the Interstate Commission shall be  
690 concluded and any surplus funds shall be distributed in accordance  
691 with the bylaws.

## 692 ARTICLE XII

### 693 SEVERABILITY AND CONSTRUCTION

694 (1) The provisions of this compact shall be severable, and  
695 if any phrase, clause, sentence or provision is deemed  
696 unenforceable, the remaining provisions of the compact shall be  
697 enforceable.

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

## 700 ARTICLE XIII

### 701 BINDING EFFECT OF COMPACT AND OTHER LAWS

702 (1) **Other Laws.** (a) Nothing in this compact prevents the  
703 enforcement of any other law of a compacting state that is not  
704 inconsistent with this compact.

705 (b) All compacting states' laws other than state  
706 constitutions and other interstate compacts conflicting with this  
707 compact are superseded to the extent of the conflict.

708 (2) **Binding Effect of the Compact.** (a) All lawful actions  
709 of the Interstate Commission, including all rules and bylaws  
710 promulgated by the Interstate Commission, are binding upon the  
711 compacting states.

712 (b) All agreements between the Interstate Commission  
713 and the compacting states are binding in accordance with their  
714 terms.

715 (c) Upon the request of a party to a conflict over  
716 meaning or interpretation of Interstate Commission actions, and  
717 upon a majority vote of the compacting states, the Interstate

718 Commission may issue advisory opinions regarding that meaning or  
719 interpretation.

720 (d) If any provision of this compact exceeds the  
721 constitutional limits imposed on the legislature of any compacting  
722 state, the obligations, duties, powers or jurisdiction sought to  
723 be conferred by that provision upon the Interstate Commission  
724 shall be ineffective and those obligation, duties, powers or  
725 jurisdiction shall remain in the compacting state and shall be  
726 exercised by the agency thereof to which those obligations,  
727 duties, powers or jurisdiction are delegated by law in effect at  
728 the time this compact becomes effective.

729 **SECTION 2.** Sections 43-25-1 through 43-25-17, Mississippi  
730 Code of 1972, which provide for the Interstate Compact on  
731 Juveniles, is repealed.

732 **SECTION 3.** This act shall take effect and be in force from  
733 and after July 1, 2004.