

By: Representative Hines

To: Juvenile Justice;
Appropriations

HOUSE BILL NO. 761

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:

21 **THE INTERSTATE COMPACT FOR JUVENILES**

22 **ARTICLE I**

23 **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, by 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.

66 (j) Establish a system of uniform data collection on
67 information pertaining to juveniles subject to this compact that
68 allows access by authorized juvenile justice and criminal justice
69 officials, and regular reporting of compact activities to heads of
70 state executive, judicial, and legislative branches and juvenile
71 and criminal justice administrators;

72 (k) Monitor compliance with rules governing interstate
73 movement of juveniles and initiate interventions to address and
74 correct noncompliance;

75 (l) Coordinate training and education regarding the
76 regulation of interstate movement of juveniles for officials
77 involved in that activity; and

78 (m) Coordinate the implementation and operation of the
79 compact with the Interstate Compact for the Placement of Children,
80 the Interstate Compact for Adult Offender Supervision and other
81 compacts affecting juveniles particularly in those cases where
82 concurrent or overlapping supervision issues arise.

83 It is the policy of the compacting states that the activities
84 conducted by the Interstate Commission created by this compact are
85 the formation of public policies and therefore are public
86 business. Furthermore, the compacting states shall cooperate and
87 observe their individual and collective duties and
88 responsibilities for the prompt return and acceptance of juveniles
89 subject to the provisions of this compact. The provisions of this
90 compact shall be reasonably and liberally construed to accomplish
91 the purposes and policies of the compact.

92 **ARTICLE II**

93 **DEFINITIONS**

94 As used in this compact, unless the context clearly requires
95 a different construction:

96 (a) "Bylaws" means those bylaws established by the
97 Interstate Commission for its governance, or for directing or
98 controlling its actions or conduct.

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 ex
183 officio nonvoting members. The Interstate Commission may provide
184 in its bylaws for additional ex officio 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 of
204 the administration of the compact managed by an executive director
205 and Interstate Commission staff; administers enforcement and
206 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 meetings 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 states.

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 provisions,
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 an 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, provided that the actual
433 or alleged act, error or omission did not result from intentional
434 or 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 rule making shall substantially conform to the principles of
443 the "Model State Administrative Procedures Act," 1981 Act, Uniform
444 Laws Annotated, Volume 15, page 1 (2000), or such other
445 administrative procedures act, as the Interstate Commission deems
446 appropriate consistent with due process requirements under the
447 United States Constitution as now or hereafter interpreted by the
448 United States Supreme Court. All rules and amendments shall
449 become binding as of the date specified, as published with the
450 final version of the 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 rule making 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 reasonably 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 oversee
494 the administration and operations of the interstate movement of
495 juveniles subject to this compact in the compacting states and
496 shall monitor those activities being administered in noncompacting
497 states that may significantly affect compacting states.

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

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

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

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

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

528 **ARTICLE VIII**

529 **FINANCE**

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

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

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

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

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

557 **ARTICLE IX**

558 **THE STATE COUNCIL**

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

572 **ARTICLE X**

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

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

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

587 activities of the Interstate Commission on a nonvoting basis
588 before adoption of the compact by all states and territories of
589 the United States.

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

595 **ARTICLE XI**

596 **WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT**

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

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

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

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

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

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

627 (ii) Alternative dispute resolution;

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

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

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

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

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

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

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

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

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

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

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

691 **ARTICLE XII**

692 **SEVERABILITY AND CONSTRUCTION**

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

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

699 **ARTICLE XIII**

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

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

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

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

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

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

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

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

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

731 **SECTION 3.** This act shall take effect and be in force from
732 and after July 1, 2007.