

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 391 Session of
2001

INTRODUCED BY GREENLEAF, COSTA, LEMMOND, EARLL, GERLACH, O'PAKE,
HOLL, KITCHEN, SCHWARTZ, STACK, TARTAGLIONE AND THOMPSON,
FEBRUARY 8, 2001

REFERRED TO JUDICIARY, FEBRUARY 8, 2001

AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the
2 Interstate Compact for the Supervision of Adult Offenders;
3 providing for the form of the compact; imposing additional
4 powers and duties on the Governor, the Secretary of the
5 Commonwealth and the Compact Administrator; and making a
6 repeal.

7 Whereas, The Interstate Compact for the Supervision of
8 Parolees and Probationers was established in 1937 and is the
9 earliest corrections "compact" established among the states and
10 has not been amended since its adoption over 62 years ago; and

11 Whereas, This compact is the only vehicle for the controlled
12 movement of adult parolees and probationers across state lines
13 and it currently has jurisdiction over more than a quarter of a
14 million offenders; and

15 Whereas, The complexities of the compact have become more
16 difficult to administer and many jurisdictions have expanded
17 supervision expectations to include currently unregulated
18 practices such as victim input, victim notification requirements
19 and sex offender registration; and

1 orderly and efficient manner, and when necessary return
2 offenders to the originating jurisdictions. The compacting
3 states also recognize that Congress, by enacting the Crime
4 Control Act, 4 U.S.C. Section 112, has authorized and encouraged
5 compacts for cooperative efforts and mutual assistance in the
6 prevention of crime. It is the purpose of this compact and the
7 Interstate Commission created hereunder, through means of joint
8 and cooperative action among the compacting states: to provide
9 the framework for the promotion of public safety and protect the
10 rights of victims through the control and regulation of the
11 interstate movement of offenders in the community; to provide
12 for the effective tracking, supervision, and rehabilitation of
13 these offenders by the sending and receiving states; and to
14 equitably distribute the costs, benefits and obligations of the
15 compact among the compacting states. In addition, this compact
16 will: create an Interstate Commission which will establish
17 uniform procedures to manage the movement between states of
18 adults placed under community supervision and released to the
19 community under the jurisdiction of courts, paroling
20 authorities, corrections or other criminal justice agencies
21 which will promulgate rules to achieve the purpose of this
22 compact; ensure an opportunity for input and timely notice to
23 victims and to jurisdictions where defined offenders are
24 authorized to travel or to relocate across state lines;
25 establish a system of uniform data collection, access to
26 information on active cases by authorized criminal justice
27 officials, and regular reporting of Compact activities to heads
28 of state councils, state executive, judicial, and legislative
29 branches and criminal justice administrators; monitor compliance
30 with rules governing interstate movement of offenders and

1 initiate interventions to address and correct non-compliance;
2 and coordinate training and education regarding regulations of
3 interstate movement of offenders for officials involved in such
4 activity. The compacting states recognize that there is no
5 "right" of any offender to live in another state and that duly
6 accredited officers of a sending state may at all times enter a
7 receiving state and there apprehend and retake any offender
8 under supervision subject to the provisions of this compact and
9 Bylaws and Rules promulgated hereunder. It is the policy of the
10 compacting states that the activities conducted by the
11 Interstate Commission created herein are the formation of public
12 policies and are therefore public business.

13 ARTICLE II

14 DEFINITIONS

15 As used in this compact, unless the context clearly requires a
16 different construction:

17 "Adult" means both individuals legally classified as adults
18 and juveniles treated as adults by court order, statute, or
19 operation of law.

20 "By-laws" means those by-laws established by the Interstate
21 Commission for its governance, or for directing or controlling
22 the Interstate Commission's actions or conduct.

23 "Compact Administrator" means the individual in each
24 compacting state appointed pursuant to the terms of this compact
25 responsible for the administration and management of the state's
26 supervision and transfer of offenders subject to the terms of
27 this compact, the rules adopted by the Interstate Commission and
28 policies adopted by the State Council under this compact.

29 "Compacting state" means any state which has enacted the
30 enabling legislation for this compact.

1 "Commissioner" means the voting representative of each
2 compacting state appointed pursuant to Article III of this
3 compact.

4 "Interstate Commission" means the Interstate Commission for
5 Adult Offender Supervision established by this compact.

6 "Member" means the commissioner of a compacting state or
7 designee, who shall be a person officially connected with the
8 commissioner.

9 "Non Compacting state" means any state which has not enacted
10 the enabling legislation for this compact.

11 "Offender" means an adult placed under, or subject, to
12 supervision as the result of the commission of a criminal
13 offense and released to the community under the jurisdiction of
14 courts, paroling authorities, corrections, or other criminal
15 justice agencies.

16 "Person" means any individual, corporation, business
17 enterprise, or other legal entity, either public or private.

18 "Rules" means acts of the Interstate Commission, duly
19 promulgated pursuant to Article VIII of this compact,
20 substantially affecting interested parties in addition to the
21 Interstate Commission, which shall have the force and effect of
22 law in the compacting states.

23 "State" means a state of the United States, the District of
24 Columbia and any other territorial possessions of the United
25 States.

26 "State Council" means the resident members of the State
27 Council for Interstate Adult Offender Supervision created by
28 each state under Article III of this compact.

29 ARTICLE III

30 THE COMPACT COMMISSION

1 The compacting states hereby create the "Interstate Commission
2 for Adult Offender Supervision." The Interstate Commission shall
3 be a body corporate and joint agency of the compacting states.
4 The Interstate Commission shall have all the responsibilities,
5 powers and duties set forth herein, including the power to sue
6 and be sued, and such additional powers as may be conferred upon
7 it by subsequent action of the respective legislatures of the
8 compacting states in accordance with the terms of this compact.
9 The Interstate Commission shall consist of Commissioners
10 selected and appointed by resident members of a State Council
11 for Interstate Adult Offender Supervision for each state.
12 In addition to the Commissioners who are the voting
13 representatives of each state, the Interstate Commission shall
14 include individuals who are not commissioners but who are
15 members of interested organizations; such non-commissioner
16 members must include a member of the national organizations of
17 governors, legislators, state chief justices, attorneys general
18 and crime victims. All non-commissioner members of the
19 Interstate Commission shall be ex-officio (nonvoting) members.
20 The Interstate Commission may provide in its by-laws for such
21 additional, ex-officio, non-voting members as it deems
22 necessary.
23 Each compacting state represented at any meeting of the
24 Interstate Commission is entitled to one vote. A majority of the
25 compacting states shall constitute a quorum for the transaction
26 of business, unless a larger quorum is required by the by-laws
27 of the Interstate Commission.
28 The Interstate Commission shall meet at least once each calendar
29 year. The chairperson may call additional meetings and, upon the
30 request of 27 or more compacting states, shall call additional

1 meetings. Public notice shall be given of all meetings and
2 meetings shall be open to the public.
3 The Interstate Commission shall establish an Executive Committee
4 which shall include commission officers, members and others as
5 shall be determined by the By-laws. The Executive Committee
6 shall have the power to act on behalf of the Interstate
7 Commission during periods when the Interstate Commission is not
8 in session, with the exception of rulemaking and/or amendment to
9 the Compact. The Executive Committee oversees the day-to-day
10 activities managed by the Executive Director and Interstate
11 Commission staff; administers enforcement and compliance with
12 the provisions of the compact, its by-laws and as directed by
13 the Interstate Commission and performs other duties as directed
14 by Commission or set forth in the By-laws.

15 ARTICLE IV

16 THE STATE COUNCIL

17 Each member state shall create a State Council for Interstate
18 Adult Offender Supervision which shall be responsible for the
19 appointment of the commissioner who shall serve on the
20 Interstate Commission from that state. Each state council shall
21 appoint as its commissioner the Compact Administrator from that
22 state to serve on the Interstate Commission in such capacity
23 under or pursuant to applicable law of the member state. While
24 each member state may determine the membership of its own state
25 council, its membership must include at least one representative
26 from the legislative, judicial, and executive branches of
27 government, victims groups and compact administrators. Each
28 compacting state retains the right to determine the
29 qualifications of the Compact Administrator who shall be
30 appointed by the state council or by the Governor in

1 consultation with the Legislature and the Judiciary. In addition
2 to appointment of its commissioner to the National Interstate
3 Commission, each state council shall exercise oversight and
4 advocacy concerning its participation in Interstate Commission
5 activities and other duties as may be determined by each member
6 state including but not limited to, development of policy
7 concerning operations and procedures of the compact within that
8 state.

9 ARTICLE V

10 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

11 The Interstate Commission shall have the following powers:

12 To adopt a seal and suitable by-laws governing the management
13 and operation of the Interstate Commission.

14 To promulgate rules which shall have the force and effect of
15 statutory law and shall be binding in the compacting states to
16 the extent and in the manner provided in this compact.

17 To oversee, supervise and coordinate the interstate movement
18 of offenders subject to the terms of this compact and any
19 by-laws adopted and rules promulgated by the compact
20 commission.

21 To enforce compliance with compact provisions, Interstate
22 Commission rules, and by-laws, using all necessary and proper
23 means, including but not limited to, the use of judicial
24 process.

25 To establish and maintain offices.

26 To purchase and maintain insurance and bonds.

27 To borrow, accept, or contract for services of personnel,
28 including, but not limited to, members and their staffs.

29 To establish and appoint committees and hire staff which
30 it deems necessary for the carrying out of its functions

1 including, but not limited to, an executive committee as
2 required by Article III which shall have the power to act on
3 behalf of the Interstate Commission in carrying out its
4 powers and duties hereunder.

5 To elect or appoint such officers, attorneys, employees,
6 agents, or consultants, and to fix their compensation, define
7 their duties and determine their qualifications; and to
8 establish the Interstate Commission's personnel policies
9 and programs relating to, among other things,
10 conflicts of interest, rates of compensation, and
11 qualifications of personnel.

12 To accept any and all donations and grants of money,
13 equipment, supplies, materials, and services, and to
14 receive, utilize, and dispose of same.

15 To lease, purchase, accept contributions or donations of, or
16 otherwise to own, hold, improve or use any property, real,
17 personal, or mixed.

18 To sell, convey, mortgage, pledge, lease, exchange, abandon,
19 or otherwise dispose of any property, real, personal
20 or mixed.

21 To establish a budget and make expenditures and levy dues as
22 provided in Article X of this compact.

23 To sue and be sued.

24 To provide for dispute resolution among Compacting States.

25 To perform such functions as may be necessary or
26 appropriate to achieve the purposes of this compact.

27 To report annually to the legislatures, governors, judiciary,
28 and state councils of the compacting states concerning the
29 activities of the Interstate Commission during the preceding
30 year.

1 Such reports shall also include any recommendations that may
2 have been adopted by the Interstate Commission.

3 To coordinate education, training and public awareness
4 regarding the interstate movement of offenders for officials
5 involved in such activity.

6 To establish uniform standards for the reporting, collecting,
7 and exchanging of data.

8 ARTICLE VI

9 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

10 Section A. By-laws

11 The Interstate Commission shall, by a majority of the Members,
12 within twelve months of the first Interstate Commission meeting,
13 adopt By-laws to govern its conduct as may be necessary or
14 appropriate to carry out the purposes of the Compact, including,
15 but not limited to:

16 establishing the fiscal year of the Interstate Commission;

17 establishing an executive committee and such other committees as
18 may be necessary

19 providing reasonable standards and procedures:

20 (i) for the establishment of committees, and

21 (ii) governing any general or specific delegation of any
22 authority or function of the Interstate Commission;

23 providing reasonable procedures for calling and conducting
24 meetings of the Interstate Commission, and ensuring reasonable
25 notice of each such meeting;

26 establishing the titles and responsibilities of the officers of
27 the Interstate Commission;

28 providing reasonable standards and procedures for the
29 establishment of the personnel policies and programs of the
30 Interstate Commission. Notwithstanding any civil service or

1 other similar laws of any Compacting State, the By-laws shall
2 exclusively govern the personnel policies and programs of the
3 Interstate Commission; and
4 providing a mechanism for winding up the operations of the
5 Interstate Commission and the equitable return of any surplus
6 funds that may exist upon the termination of the Compact after
7 the payment and/or reserving of all of its debts and
8 obligations;
9 providing transition rules for "start up" administration of the
10 compact;
11 establishing standards and procedures for compliance and
12 technical assistance in carrying out the compact.

13 Section B. Officers and Staff

14 The Interstate Commission shall, by a majority of the Members,
15 elect from among its Members a chairperson and a vice
16 chairperson, each of whom shall have such authorities and duties
17 as may be specified in the By-laws. The chairperson or, in his
18 or her absence or disability, the vice chairperson, shall
19 preside at all meetings of the Interstate Commission. The
20 Officers so elected shall serve without compensation or
21 remuneration from the Interstate Commission; PROVIDED THAT,
22 subject to the availability of budgeted funds, the officers
23 shall be reimbursed for any actual and necessary costs and
24 expenses incurred by them in the performance of their duties and
25 responsibilities as officers of the Interstate Commission.
26 The Interstate Commission shall, through its executive
27 committee, appoint or retain an executive director for such
28 period, upon such terms and conditions and for such compensation
29 as the Interstate Commission may deem appropriate. The executive
30 director shall serve as secretary to the Interstate Commission,

1 and hire and supervise such other staff as may be authorized by
2 the Interstate Commission, but shall not be a member.

3 Section C. Corporate Records of the Interstate Commission

4 The Interstate Commission shall maintain its corporate books and
5 records in accordance with the By-laws.

6 Section D. Qualified Immunity, Defense and Indemnification

7 The Members, officers, executive director and employees of the
8 Interstate Commission shall be immune from suit and liability,
9 either personally or in their official capacity, for any claim
10 for damage to or loss of property or personal injury or other
11 civil liability caused or arising out of any actual or alleged
12 act, error or omission that occurred within the scope of

13 Interstate Commission employment, duties or responsibilities;

14 PROVIDED, that nothing in this paragraph shall be construed to
15 protect any such person from suit and/or liability for any
16 damage, loss injury or liability caused by the intentional or
17 willful and wanton misconduct of any such person.

18 The Interstate Commission shall defend the Commissioner of a
19 Compacting State, or his or her representatives or employees, or
20 the Interstate Commission's representatives or employees, in any
21 civil action seeking to impose liability, arising out of any
22 actual or alleged act, error or omission that occurred within
23 the scope of Interstate Commission employment, duties or
24 responsibilities, or that the defendant had a reasonable basis
25 for believing occurred within the scope of Interstate Commission
26 employment, duties or responsibilities; PROVIDED, that the
27 actual or alleged act, error or omission did not result from
28 intentional wrongdoing on the part of such person.

29 The Interstate Commission shall indemnify and hold the
30 Commissioner of a Compacting State, the appointed designee or

1 employees, or the Interstate Commission's representatives or
2 employees, harmless in the amount of any settlement or judgment
3 obtained against such persons arising out of any actual or
4 alleged act, error or omission that occurred within the scope of
5 Interstate Commission employment, duties or responsibilities, or
6 that such persons had a reasonable basis for believing occurred
7 within the scope of Interstate Commission employment, duties or
8 responsibilities, PROVIDED, that the actual or alleged act,
9 error or omission did not result from gross negligence or
10 intentional wrongdoing on the part of such person.

11 ARTICLE VII

12 ACTIVITIES OF THE INTERSTATE COMMISSION

13 The Interstate Commission shall meet and take such actions as
14 are consistent with the provisions of this Compact.

15 Except as otherwise provided in this Compact and unless a
16 greater percentage is required by the By-laws, in order to
17 constitute an act of the Interstate Commission, such act shall
18 have been taken at a meeting of the Interstate Commission and
19 shall have received an affirmative vote of a majority of the
20 members present.

21 Each Member of the Interstate Commission shall have the right
22 and power to cast a vote to which that Compacting State is
23 entitled and to participate in the business and affairs of the
24 Interstate Commission. A Member shall vote in person on behalf
25 of the state and shall not delegate a vote to another member
26 state. However, a State Council shall appoint another authorized
27 representative, in the absence of the commissioner from that
28 state, to cast a vote on behalf of the member state at a
29 specified meeting. The By-laws may provide for Members'
30 participation in meetings by telephone or other means of

1 telecommunication or electronic communication. Any voting
2 conducted by telephone, or other means of telecommunication or
3 electronic communication shall be subject to the same quorum
4 requirements of meetings where members are present in person.
5 The Interstate Commission shall meet at least once during each
6 calendar year. The chairperson of the Interstate Commission may
7 call additional meetings at any time and, upon the request of a
8 majority of the Members, shall call additional meetings.
9 The Interstate Commission's By-laws shall establish conditions
10 and procedures under which the Interstate Commission shall make
11 its information and official records available to the public for
12 inspection or copying. The Interstate Commission may exempt from
13 disclosure any information or official records to the extent
14 they would adversely affect personal privacy rights or
15 proprietary interests. In promulgating such Rules, the
16 Interstate Commission may make available to law enforcement
17 agencies records and information otherwise exempt from
18 disclosure, and may enter into agreements with law enforcement
19 agencies to receive or exchange information or records subject
20 to nondisclosure and confidentiality provisions.
21 Public notice shall be given of all meetings and all meetings
22 shall be open to the public, except as set forth in the Rules or
23 as otherwise provided in the Compact. The Interstate Commission
24 shall promulgate Rules consistent with the principles contained
25 in the "Government in Sunshine Act," 5 U.S.C. Section 552(b), as
26 may be amended. The Interstate Commission and any of its
27 committees may close a meeting to the public where it determines
28 by two-thirds vote that an open meeting would be likely to:
29 relate solely to the Interstate Commission's internal
30 personnel practices and procedures;

disclose matters specifically exempted from disclosure
by statute;
disclose trade secrets or commercial or financial
information which is privileged or confidential;
involve accusing any person of a crime, or formally censuring
any person;
disclose information of a personal nature where disclosure
would constitute a clearly unwarranted invasion of personal
privacy;
disclose investigatory records compiled for law enforcement
purposes;
disclose information contained in or related to examination,
operating or condition reports prepared by, or on behalf of
or for the use of, the Interstate Commission with respect to
a regulated entity for the purpose of regulation or
supervision of such entity;
disclose information, the premature disclosure of which would
significantly endanger the life of a person or the stability
of a regulated entity;
specifically relate to the Interstate Commission's issuance
of a subpoena, or its participation in a civil action or
proceeding.

For every meeting closed pursuant to this provision, the
Interstate Commission's chief legal officer shall publicly
certify that, in his or her opinion, the meeting may be closed
to the public, and shall reference each relevant exemptive
provision. The Interstate Commission shall keep minutes which
shall fully and clearly describe all matters discussed in any
meeting and shall provide a full and accurate summary of any
actions taken, and the reasons therefor, including a description

1 of each of the views expressed on any item and the record of any
2 rollcall vote (reflected in the vote of each Member on the
3 question). All documents considered in connection with any
4 action shall be identified in such minutes.

5 The Interstate Commission shall collect standardized data
6 concerning the interstate movement of offenders as directed
7 through its By-laws and Rules which shall specify the data to be
8 collected and the means of collection and data exchange and
9 reporting requirements.

10 ARTICLE VIII

11 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

12 The Interstate Commission shall promulgate Rules in order to
13 effectively and efficiently achieve the purposes of the Compact
14 including transition rules governing administration of the
15 compact during the period in which it is being considered and
16 enacted by the states;

17 Rulemaking shall occur pursuant to the criteria set forth in
18 this Article and the By-laws and Rules adopted pursuant thereto.
19 Such rulemaking shall substantially conform to the principles of
20 the "Federal Administrative Procedure Act," 5 U.S.C.S. section
21 551 et seq., and the Federal Advisory Committee Act, 5 U.S.C.S.
22 app. 2, section 1 et seq., as may be amended (hereinafter
23 "APA").

24 All Rules and amendments shall become binding as of the date
25 specified in each Rule or amendment.

26 If a majority of the legislatures of the Compacting States
27 rejects a Rule, by enactment of a statute or resolution in the
28 same manner used to adopt the compact, then such Rule shall have
29 no further force and effect in any Compacting State.

30 When promulgating a Rule, the Interstate Commission shall:

1 publish the proposed Rule stating with particularity the text
2 of the Rule which is proposed and the reason for the proposed
3 Rule;

4 allow persons to submit written data, facts, opinions and
5 arguments, which information shall be publicly available;
6 provide an opportunity for an informal hearing; and
7 promulgate a final Rule and its effective date, if
8 appropriate, based on the rulemaking record.

9 Not later than sixty days after a Rule is promulgated, any
10 interested person may file a petition in the United States
11 District Court for the District of Columbia or in the Federal
12 District Court where the Interstate Commission's principal
13 office is located for judicial review of such Rule. If the court
14 finds that the Interstate Commission's action is not supported
15 by substantial evidence, (as defined in the APA), in the
16 rulemaking record, the court shall hold the Rule unlawful and
17 set it aside.

18 Subjects to be addressed within 12 months after the first
19 meeting must at a minimum include:

20 notice to victims and opportunity to be heard;
21 offender registration and compliance;
22 violations/returns;
23 transfer procedures and forms;
24 eligibility for transfer;
25 collection of restitution and fees from offenders;
26 data collection and reporting;
27 the level of supervision to be provided by the receiving
28 state;
29 transition rules governing the operation of the compact and
30 the Interstate Commission during all or part of the period

1 between the effective date of the compact and the date
2 on which the last eligible state adopts the compact;
3 mediation, arbitration and dispute resolution.

4 The existing rules governing the operation of the previous
5 compact superceded by this Act shall be null and void twelve
6 (12) months after the first meeting of the Interstate Commission
7 created hereunder.

8 Upon determination by the Interstate Commission that an
9 emergency exists, it may promulgate an emergency rule which
10 shall become effective immediately upon adoption, provided that
11 the usual rulemaking procedures provided hereunder shall be
12 retroactively applied to said rule as soon as reasonably
13 possible, in no event later than 90 days after the effective
14 date of the rule.

15 ARTICLE IX

16 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE 17 COMMISSION

18 Section A. Oversight

19 The Interstate Commission shall oversee the interstate movement
20 of adult offenders in the compacting states and shall monitor
21 such activities being administered in Non-compacting States
22 which may significantly affect Compacting States.

23 The courts and executive agencies in each Compacting State shall
24 enforce this Compact and shall take all actions necessary and
25 appropriate to effectuate the Compact's purposes and intent. In
26 any judicial or administrative proceeding in a Compacting State
27 pertaining to the subject matter of this Compact which may
28 affect the powers, responsibilities or actions of the Interstate
29 Commission, the Interstate Commission shall be entitled to
30 receive all service of process in any such proceeding, and shall

1 have standing to intervene in the proceeding for all purposes.

2 Section B. Dispute Resolution

3 The Compacting States shall report to the Interstate Commission
4 on issues or activities of concern to them, and cooperate with
5 and support the Interstate Commission in the discharge of its
6 duties and responsibilities.

7 The Interstate Commission shall attempt to resolve any disputes
8 or other issues which are subject to the compact and which may
9 arise among Compacting States and Non-compacting States.

10 The Interstate Commission shall enact a By-law or promulgate a
11 Rule providing for both mediation and binding dispute resolution
12 for disputes among the Compacting States.

13 Section C. Enforcement

14 The Interstate Commission, in the reasonable exercise of its
15 discretion, shall enforce the provisions of this compact using
16 any or all means set forth in Article XII, Section B, of this
17 compact.

18 ARTICLE X

19 FINANCE

20 The Interstate Commission shall pay or provide for the payment
21 of the reasonable expenses of its establishment, organization
22 and ongoing activities.

23 The Interstate Commission shall levy on and collect an annual
24 assessment from each Compacting State to cover the cost of the
25 internal operations and activities of the Interstate Commission
26 and its staff which must be in a total amount sufficient to
27 cover the Interstate Commission's annual budget as approved each
28 year. The aggregate annual assessment amount shall be allocated
29 based upon a formula to be determined by the Interstate
30 Commission, taking into consideration the population of the

1 state and the volume of interstate movement of offenders in each
2 Compacting State and shall promulgate a Rule binding upon all
3 Compacting States which governs said assessment.

4 The Interstate Commission shall not incur any obligations of any
5 kind prior to securing the funds adequate to meet the same; nor
6 shall the Interstate Commission pledge the credit of any of the
7 compacting states, except by and with the authority of the
8 compacting state.

9 The Interstate Commission shall keep accurate accounts of all
10 receipts and disbursements. The receipts and disbursements of
11 the Interstate Commission shall be subject to the audit and
12 accounting procedures established under its By-laws. However,
13 all receipts and disbursements of funds handled by the
14 Interstate Commission shall be audited yearly by a certified or
15 licensed public accountant and the report of the audit shall be
16 included in and become part of the annual report of the
17 Interstate Commission.

18 ARTICLE XI

19 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

20 Any state, as defined in Article II of this compact, is eligible
21 to become a Compacting State. The Compact shall become effective
22 and binding upon legislative enactment of the Compact into law
23 by no less than 35 of the States. The initial effective date
24 shall be the later of July 1, 2001, or upon enactment into law
25 by the 35th jurisdiction. Thereafter it shall become effective
26 and binding, as to any other Compacting State, upon enactment of
27 the Compact into law by that State. The governors of Non-member
28 states or their designees will be invited to participate in
29 Interstate Commission activities on a non-voting basis prior to
30 adoption of the compact by all states and territories of the

1 United States.

2 Amendments to the Compact may be proposed by the Interstate
3 Commission for enactment by the Compacting States. No amendment
4 shall become effective and binding upon the Interstate
5 Commission and the Compacting States unless and until it is
6 enacted into law by unanimous consent of the Compacting States.

7 ARTICLE XII

8 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

9 Section A. Withdrawal

10 Once effective, the Compact shall continue in force and remain
11 binding upon each and every Compacting State; PROVIDED, that a
12 Compacting State may withdraw from the Compact ("Withdrawing
13 State") by enacting a statute specifically repealing the statute
14 which enacted the Compact into law.

15 The effective date of withdrawal is the effective date of the
16 repeal.

17 The Withdrawing State shall immediately notify the chairperson
18 of the Interstate Commission in writing upon the introduction of
19 legislation repealing this Compact in the Withdrawing State.

20 The Interstate Commission shall notify the other Compacting
21 States of the Withdrawing State's intent to withdraw within
22 sixty days of its receipt thereof.

23 The Withdrawing State is responsible for all assessments,
24 obligations and liabilities incurred through the effective date
25 of withdrawal, including any obligations, the performance of
26 which extend beyond the effective date of withdrawal.

27 Reinstatement following withdrawal of any Compacting State shall
28 occur upon the Withdrawing State reenacting the Compact or upon
29 such later date as determined by the Interstate Commission.

30 Section B. Default

1 If the Interstate Commission determines that any Compacting
2 State has at any time defaulted ("Defaulting State") in the
3 performance of any of its obligations or responsibilities under
4 this Compact, the By-laws or any duly promulgated Rules the
5 Interstate Commission may impose any or all of the following
6 penalties:

7 Fines, fees and costs in such amounts as are deemed to be
8 reasonable as fixed by the Interstate Commission;
9 Remedial training and technical assistance as directed by the
10 Interstate Commission;
11 Suspension and termination of membership in the compact.
12 Suspension shall be imposed only after all other reasonable
13 means of securing compliance under the By-laws and Rules have
14 been exhausted. Immediate notice of suspension shall be given by
15 the Interstate Commission to the Governor, the Chief Justice or
16 Chief Judicial Officer of the state; the majority and minority
17 leaders of the defaulting state's legislature, and the State
18 Council.

19 The grounds for default include, but are not limited to, failure
20 of a Compacting State to perform such obligations or
21 responsibilities imposed upon it by this compact, Interstate
22 Commission By-laws, or duly promulgated Rules. The Interstate
23 Commission shall immediately notify the Defaulting State in
24 writing of the penalty imposed by the Interstate Commission on
25 the Defaulting State pending a cure of the default. The
26 Interstate Commission shall stipulate the conditions and the
27 time period within which the Defaulting State must cure its
28 default. If the Defaulting State fails to cure the default
29 within the time period specified by the Interstate Commission,
30 in addition to any other penalties imposed herein, the

1 Defaulting State may be terminated from the Compact upon an
2 affirmative vote of a majority of the Compacting States and all
3 rights, privileges and benefits conferred by this Compact shall
4 be terminated from the effective date of suspension. Within
5 sixty days of the effective date of termination of a Defaulting
6 State, the Interstate Commission shall notify the Governor, the
7 Chief Justice or Chief Judicial Officer and the Majority and
8 Minority Leaders of the Defaulting State's legislature and the
9 state council of such termination.

10 The Defaulting State is responsible for all assessments,
11 obligations and liabilities incurred through the effective date
12 of termination including any obligations, the performance of
13 which extends beyond the effective date of termination.

14 The Interstate Commission shall not bear any costs relating to
15 the Defaulting State unless otherwise mutually agreed upon
16 between the Interstate Commission and the Defaulting State.

17 Reinstatement following termination of any Compacting State
18 requires both a reenactment of the Compact by the Defaulting
19 State and the approval of the Interstate Commission pursuant to
20 the Rules.

21 Section C. Judicial Enforcement

22 The Interstate Commission may, by majority vote of the Members,
23 initiate legal action in the United States District Court for
24 the District of Columbia or, at the discretion of the Interstate
25 Commission, in the Federal District where the Interstate
26 Commission has its offices to enforce compliance with the
27 provisions of the Compact, its duly promulgated Rules and By-
28 laws, against any Compacting State in default. In the event
29 judicial enforcement is necessary the prevailing party shall be
30 awarded all costs of such litigation including reasonable

1 attorneys fees.

2 Section D. Dissolution of Compact

3 The Compact dissolves effective upon the date of the withdrawal
4 or default of the Compacting State which reduces membership in
5 the Compact to one Compacting State.

6 Upon the dissolution of this Compact, the Compact becomes null
7 and void and shall be of no further force or effect, and the
8 business and affairs of the Interstate Commission shall be wound
9 up and any surplus funds shall be distributed in accordance with
10 the By-laws.

11 ARTICLE XIII

12 SEVERABILITY AND CONSTRUCTION

13 The provisions of this Compact shall be severable, and if any
14 phrase, clause, sentence or provision is deemed unenforceable,
15 the remaining provisions of the Compact shall be enforceable.

16 The provisions of this Compact shall be liberally constructed to
17 effectuate its purposes.

18 ARTICLE XIV

19 BINDING EFFECT OF COMPACT AND OTHER LAWS

20 Section A. Other Laws

21 Nothing herein prevents the enforcement of any other law of a
22 Compacting State that is not inconsistent with this Compact.

23 All Compacting States' laws conflicting with this Compact are
24 superseded to the extent of the conflict.

25 Section B. Binding Effect of the Compact

26 All lawful actions of the Interstate Commission, including all
27 Rules and By-laws promulgated by the Interstate Commission, are
28 binding upon the Compacting States.

29 All agreements between the Interstate Commission and the
30 Compacting States are binding in accordance with their terms.

1 Upon the request of a party to a conflict over meaning or
2 interpretation of Interstate Commission actions, and upon a
3 majority vote of the Compacting States, the Interstate
4 Commission may issue advisory opinions regarding such meaning or
5 interpretation.

6 In the event any provision of this Compact exceeds the
7 constitutional limits imposed on the legislature of any
8 Compacting State, the obligations, duties, powers or
9 jurisdiction sought to be conferred by such provision upon the
10 Interstate Commission shall be ineffective and such obligations,
11 duties, powers or jurisdiction shall remain in the Compacting
12 State and shall be exercised by the agency thereof to which such
13 obligations, duties, powers or jurisdiction are delegated by law
14 in effect at the time this Compact becomes effective.

15 Section 3. When and how compact becomes operative.

16 (a) General rule.--When the Governor executes the Interstate
17 Compact for the Supervision of Adult Offenders on behalf of this
18 State and files a verified copy thereof with the Secretary of
19 the Commonwealth and when the compact is ratified by one or more
20 other states, then the compact shall become operative and
21 effective between this State and such other state or states. The
22 Governor is hereby authorized and directed to take such action
23 as may be necessary to complete the exchange of official
24 documents between this State and any other state ratifying the
25 compact.

26 (b) Notice in Pennsylvania Bulletin.--The Secretary of the
27 Commonwealth shall publish a notice in the Pennsylvania Bulletin
28 when the conditions set forth in subsection (a) are satisfied
29 and shall include in the notice the date on which the compact
30 became effective and operative between this State and any other

1 state or states in accordance with this act.

2 Section 4. Compensation and expenses of compact administrator.

3 The compact administrator who represents this State, as
4 provided for in Article IV of the Interstate Compact for the
5 Supervision of Adult Offenders, shall not be entitled to any
6 additional compensation for his duties and responsibilities as
7 compact administrator but shall be entitled to reimbursement for
8 reasonable expenses actually incurred in connection with his
9 duties and responsibilities as compact administrator in the same
10 manner as for expenses incurred in connection with other duties
11 and responsibilities of his office or employment.

12 Section 5. Repeals.

13 The following acts and parts of acts are repealed:

14 The act of June 25, 1937 (P.L.2086, No.415), entitled "An act
15 providing for the making of compacts by the Commonwealth with
16 other states for mutual helpfulness in relation to persons on
17 probation or parole; and imposing certain powers and duties on
18 the Governor and the Board of Pardons."

19 The act of July 20, 1968 (P.L.441, No.207), entitled "An act
20 providing for the incarceration of probationers or parolees in
21 certain other states under certain circumstances."

22 Section 6. Effective date.

23 This act shall take effect as follows:

24 Sections 1, 2, 3, 4 and this section shall take effect
25 immediately.

26 Section 5 shall take effect on the date that the Interstate
27 Compact for the Supervision of Adult Offenders becomes effective
28 and operative between this State and any other state or states
29 in accordance with section 3 of this act.