
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

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 11, 2002

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

1 and sex offender registration; and

2 Whereas, After hearings, national surveys and a detailed
3 study by a task force appointed by the National Institute of
4 Corrections, the overwhelming recommendation has been to amend
5 the document to bring about an effective management capacity
6 that addresses public safety concerns and offender
7 accountability; and

8 Whereas, Upon the adoption of this Interstate Compact for
9 Adult Offender Supervision, it is the intention of the
10 legislature to repeal the previous Interstate Compact for the
11 Supervision of Parolees and Probationers on the effective date
12 of this Compact.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Short title.

16 This act shall be known and may be cited as the Interstate
17 Compact for the Supervision of Adult Offenders Act.

18 Section 2. Authority to execute compact.

19 The Governor of Pennsylvania, on behalf of this State, is
20 hereby authorized to execute a compact in substantially the
21 following form with any one or more of the states of the United
22 States and the General Assembly hereby signifies in advance its
23 approval and ratification of such compact:

24 ARTICLE I

25 PURPOSE

26 The compacting states to this Interstate Compact recognize that
27 each state is responsible for the supervision of adult offenders
28 in the community who are authorized pursuant to the Bylaws and
29 Rules of this compact to travel across state lines both to and
30 from each compacting state in such a manner as to track the

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

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

14 ARTICLE II

15 DEFINITIONS

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

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

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

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

30 "Compacting state" means any state which has enacted the

1 enabling legislation for this compact.

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

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

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

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

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

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

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

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

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

30 ARTICLE III

1 THE COMPACT COMMISSION

2 The compacting states hereby create the "Interstate Commission
3 for Adult Offender Supervision." The Interstate Commission shall
4 be a body corporate and joint agency of the compacting states.
5 The Interstate Commission shall have all the responsibilities,
6 powers and duties set forth herein, including the power to sue
7 and be sued, and such additional powers as may be conferred upon
8 it by subsequent action of the respective legislatures of the
9 compacting states in accordance with the terms of this compact.

10 The Interstate Commission shall consist of Commissioners
11 selected and appointed by resident members of a State Council
12 for Interstate Adult Offender Supervision for each state.

13 In addition to the Commissioners who are the voting
14 representatives of each state, the Interstate Commission shall
15 include individuals who are not commissioners but who are
16 members of interested organizations; such non-commissioner
17 members must include a member of the national organizations of
18 governors, legislators, state chief justices, attorneys general
19 and crime victims. All non-commissioner members of the
20 Interstate Commission shall be ex-officio (nonvoting) members.

21 The Interstate Commission may provide in its by-laws for such
22 additional, ex-officio, non-voting members as it deems
23 necessary.

24 Each compacting state represented at any meeting of the
25 Interstate Commission is entitled to one vote. A majority of the
26 compacting states shall constitute a quorum for the transaction
27 of business, unless a larger quorum is required by the by-laws
28 of the Interstate Commission.

29 The Interstate Commission shall meet at least once each calendar
30 year. The chairperson may call additional meetings and, upon the

1 request of 27 or more compacting states, shall call additional
2 meetings. Public notice shall be given of all meetings and
3 meetings shall be open to the public.
4 The Interstate Commission shall establish an Executive Committee
5 which shall include commission officers, members and others as
6 shall be determined by the By-laws. The Executive Committee
7 shall have the power to act on behalf of the Interstate
8 Commission during periods when the Interstate Commission is not
9 in session, with the exception of rulemaking and/or amendment to
10 the Compact. The Executive Committee oversees the day-to-day
11 activities managed by the Executive Director and Interstate
12 Commission staff; administers enforcement and compliance with
13 the provisions of the compact, its by-laws and as directed by
14 the Interstate Commission and performs other duties as directed
15 by Commission or set forth in the By-laws.

16 ARTICLE IV

17 THE STATE COUNCIL

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

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

10 ARTICLE V

11 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

12 The Interstate Commission shall have the following powers:

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

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

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

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

26 To establish and maintain offices.

27 To purchase and maintain insurance and bonds.

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

30 To establish and appoint committees and hire staff which

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

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

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

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

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

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

24 To sue and be sued.

25 To provide for dispute resolution among Compacting States.

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

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

1 year.

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

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

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

9 ARTICLE VI

10 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

11 Section A. By-laws

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

17 establishing the fiscal year of the Interstate Commission;

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

20 providing reasonable standards and procedures:

21 (i) for the establishment of committees, and

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

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

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

29 providing reasonable standards and procedures for the
30 establishment of the personnel policies and programs of the

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

14 Section B. Officers and Staff

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

27 The Interstate Commission shall, through its executive
28 committee, appoint or retain an executive director for such
29 period, upon such terms and conditions and for such compensation
30 as the Interstate Commission may deem appropriate. The executive

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

4 Section C. Corporate Records of the Interstate Commission

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

7 Section D. Qualified Immunity, Defense and Indemnification

8 The Members, officers, executive director and employees of the
9 Interstate Commission shall be immune from suit and liability,
10 either personally or in their official capacity, for any claim
11 for damage to or loss of property or personal injury or other
12 civil liability caused or arising out of any actual or alleged
13 act, error or omission that occurred within the scope of
14 Interstate Commission employment, duties or responsibilities;
15 PROVIDED, that nothing in this paragraph shall be construed to
16 protect any such person from suit and/or liability for any
17 damage, loss injury or liability caused by the intentional or
18 willful and wanton misconduct of any such person.

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

30 The Interstate Commission shall indemnify and hold the

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

12 ARTICLE VII

13 ACTIVITIES OF THE INTERSTATE COMMISSION

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

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

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

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

1 personnel practices and procedures;
2 disclose matters specifically exempted from disclosure
3 by statute;
4 disclose trade secrets or commercial or financial
5 information which is privileged or confidential;
6 involve accusing any person of a crime, or formally censuring
7 any person;
8 disclose information of a personal nature where disclosure
9 would constitute a clearly unwarranted invasion of personal
10 privacy;
11 disclose investigatory records compiled for law enforcement
12 purposes;
13 disclose information contained in or related to examination,
14 operating or condition reports prepared by, or on behalf of
15 or for the use of, the Interstate Commission with respect to
16 a regulated entity for the purpose of regulation or
17 supervision of such entity;
18 disclose information, the premature disclosure of which would
19 significantly endanger the life of a person or the stability
20 of a regulated entity;
21 specifically relate to the Interstate Commission's issuance
22 of a subpoena, or its participation in a civil action or
23 proceeding.

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

1 actions taken, and the reasons therefor, including a description
2 of each of the views expressed on any item and the record of any
3 rollcall vote (reflected in the vote of each Member on the
4 question). All documents considered in connection with any
5 action shall be identified in such minutes.

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

11 ARTICLE VIII

12 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

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

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

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

1 When promulgating a Rule, the Interstate Commission shall:
2 publish the proposed Rule stating with particularity the text
3 of the Rule which is proposed and the reason for the proposed
4 Rule;
5 allow persons to submit written data, facts, opinions and
6 arguments, which information shall be publicly available;
7 provide an opportunity for an informal hearing; and
8 promulgate a final Rule and its effective date, if
9 appropriate, based on the rulemaking record.

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

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

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

1 the Interstate Commission during all or part of the period
2 between the effective date of the compact and the date
3 on which the last eligible state adopts the compact;
4 mediation, arbitration and dispute resolution.

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

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

16 ARTICLE IX

17 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE 18 COMMISSION

19 Section A. Oversight

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

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

1 receive all service of process in any such proceeding, and shall
2 have standing to intervene in the proceeding for all purposes.

3 Section B. Dispute Resolution

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

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

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

14 Section C. Enforcement

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

19 Section D. Extradition

20 The duly accredited officers of a sending state may at all times
21 enter a receiving state, and there apprehend and retake any
22 person on probation or parole. For that purpose, no formalities
23 will be required other than establishing the authority of the
24 officer and the identity of the person to be retaken. All legal
25 requirements to OBTAIN extradition of fugitives from justice are <—
26 hereby expressly waived on the part of states party hereto as to
27 such persons. THE DECISION OF THE SENDING STATE TO RETAKE A <—
28 PERSON ON PROBATION OR PAROLE SHALL BE CONCLUSIVE UPON AND NOT
29 REVIEWABLE WITHIN THE RECEIVING STATE. If at the time when a
30 state seeks to retake a probationer or parolee, there should be

1 pending against him within the receiving state any criminal
2 charge, or he is suspected of having committed within such state
3 a criminal offense, he shall not be retaken without the consent
4 of the receiving state until discharged from prosecution or from
5 imprisonment for such offense. The duly accredited officers of
6 the sending state will be permitted to transport prisoners being
7 retaken through any and all states parties to this compact
8 without interference.

9 ARTICLE X

10 FINANCE

11 The Interstate Commission shall pay or provide for the payment
12 of the reasonable expenses of its establishment, organization
13 and ongoing activities.

14 The Interstate Commission shall levy on and collect an annual
15 assessment from each Compacting State to cover the cost of the
16 internal operations and activities of the Interstate Commission
17 and its staff which must be in a total amount sufficient to
18 cover the Interstate Commission's annual budget as approved each
19 year. The aggregate annual assessment amount shall be allocated
20 based upon a formula to be determined by the Interstate
21 Commission, taking into consideration the population of the
22 state and the volume of interstate movement of offenders in each
23 Compacting State and shall promulgate a Rule binding upon all
24 Compacting States which governs said assessment.

25 The Interstate Commission shall not incur any obligations of any
26 kind prior to securing the funds adequate to meet the same; nor
27 shall the Interstate Commission pledge the credit of any of the
28 compacting states, except by and with the authority of the
29 compacting state.

30 The Interstate Commission shall keep accurate accounts of all

1 receipts and disbursements. The receipts and disbursements of
2 the Interstate Commission shall be subject to the audit and
3 accounting procedures established under its By-laws. However,
4 all receipts and disbursements of funds handled by the
5 Interstate Commission shall be audited yearly by a certified or
6 licensed public accountant and the report of the audit shall be
7 included in and become part of the annual report of the
8 Interstate Commission.

9 ARTICLE XI

10 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

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

23 Amendments to the Compact may be proposed by the Interstate
24 Commission for enactment by the Compacting States. No amendment
25 shall become effective and binding upon the Interstate
26 Commission and the Compacting States unless and until it is
27 enacted into law by unanimous consent of the Compacting States.

28 ARTICLE XII

29 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

30 Section A. Withdrawal

1 Once effective, the Compact shall continue in force and remain
2 binding upon each and every Compacting State; PROVIDED, that a
3 Compacting State may withdraw from the Compact ("Withdrawing
4 State") by enacting a statute specifically repealing the statute
5 which enacted the Compact into law.

6 The effective date of withdrawal is the effective date of the
7 repeal.

8 The Withdrawing State shall immediately notify the chairperson
9 of the Interstate Commission in writing upon the introduction of
10 legislation repealing this Compact in the Withdrawing State.

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

14 The Withdrawing State is responsible for all assessments,
15 obligations and liabilities incurred through the effective date
16 of withdrawal, including any obligations, the performance of
17 which extend beyond the effective date of withdrawal.

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

21 Section B. Default

22 If the Interstate Commission determines that any Compacting
23 State has at any time defaulted ("Defaulting State") in the
24 performance of any of its obligations or responsibilities under
25 this Compact, the By-laws or any duly promulgated Rules the
26 Interstate Commission may impose any or all of the following
27 penalties:

28 Fines, fees and costs in such amounts as are deemed to be
29 reasonable as fixed by the Interstate Commission;

30 Remedial training and technical assistance as directed by the

1 Interstate Commission;
2 Suspension and termination of membership in the compact.
3 Suspension shall be imposed only after all other reasonable
4 means of securing compliance under the By-laws and Rules have
5 been exhausted. Immediate notice of suspension shall be given by
6 the Interstate Commission to the Governor, the Chief Justice or
7 Chief Judicial Officer of the state; the majority and minority
8 leaders of the defaulting state's legislature, and the State
9 Council.
10 The grounds for default include, but are not limited to, failure
11 of a Compacting State to perform such obligations or
12 responsibilities imposed upon it by this compact, Interstate
13 Commission By-laws, or duly promulgated Rules. The Interstate
14 Commission shall immediately notify the Defaulting State in
15 writing of the penalty imposed by the Interstate Commission on
16 the Defaulting State pending a cure of the default. The
17 Interstate Commission shall stipulate the conditions and the
18 time period within which the Defaulting State must cure its
19 default. If the Defaulting State fails to cure the default
20 within the time period specified by the Interstate Commission,
21 in addition to any other penalties imposed herein, the
22 Defaulting State may be terminated from the Compact upon an
23 affirmative vote of a majority of the Compacting States and all
24 rights, privileges and benefits conferred by this Compact shall
25 be terminated from the effective date of suspension. Within
26 sixty days of the effective date of termination of a Defaulting
27 State, the Interstate Commission shall notify the Governor, the
28 Chief Justice or Chief Judicial Officer and the Majority and
29 Minority Leaders of the Defaulting State's legislature and the
30 state council of such termination.

1 The Defaulting State is responsible for all assessments,
2 obligations and liabilities incurred through the effective date
3 of termination including any obligations, the performance of
4 which extends beyond the effective date of termination.

5 The Interstate Commission shall not bear any costs relating to
6 the Defaulting State unless otherwise mutually agreed upon
7 between the Interstate Commission and the Defaulting State.

8 Reinstatement following termination of any Compacting State
9 requires both a reenactment of the Compact by the Defaulting
10 State and the approval of the Interstate Commission pursuant to
11 the Rules.

12 Section C. Judicial Enforcement

13 The Interstate Commission may, by majority vote of the Members,
14 initiate legal action in the United States District Court for
15 the District of Columbia or, at the discretion of the Interstate
16 Commission, in the Federal District where the Interstate
17 Commission has its offices to enforce compliance with the
18 provisions of the Compact, its duly promulgated Rules and By-
19 laws, against any Compacting State in default. In the event
20 judicial enforcement is necessary the prevailing party shall be
21 awarded all costs of such litigation including reasonable
22 attorneys fees.

23 Section D. Dissolution of Compact

24 The Compact dissolves effective upon the date of the withdrawal
25 or default of the Compacting State which reduces membership in
26 the Compact to one Compacting State.

27 Upon the dissolution of this Compact, the Compact becomes null
28 and void and shall be of no further force or effect, and the
29 business and affairs of the Interstate Commission shall be wound
30 up and any surplus funds shall be distributed in accordance with

1 the By-laws.

2 ARTICLE XIII

3 SEVERABILITY AND CONSTRUCTION

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

7 The provisions of this Compact shall be liberally constructed to
8 effectuate its purposes.

9 ARTICLE XIV

10 BINDING EFFECT OF COMPACT AND OTHER LAWS

11 Section A. Other Laws

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

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

16 Section B. Binding Effect of the Compact

17 All lawful actions of the Interstate Commission, including all
18 Rules and By-laws promulgated by the Interstate Commission, are
19 binding upon the Compacting States.

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

22 Upon the request of a party to a conflict over meaning or
23 interpretation of Interstate Commission actions, and upon a
24 majority vote of the Compacting States, the Interstate
25 Commission may issue advisory opinions regarding such meaning or
26 interpretation.

27 In the event any provision of this Compact exceeds the
28 constitutional limits imposed on the legislature of any
29 Compacting State, the obligations, duties, powers or
30 jurisdiction sought to be conferred by such provision upon the

1 Interstate Commission shall be ineffective and such obligations,
2 duties, powers or jurisdiction shall remain in the Compacting
3 State and shall be exercised by the agency thereof to which such
4 obligations, duties, powers or jurisdiction are delegated by law
5 in effect at the time this Compact becomes effective.

6 Section 3. When and how compact becomes operative.

7 (a) General rule.--When the Governor executes the Interstate
8 Compact for the Supervision of Adult Offenders on behalf of this
9 State and files a verified copy thereof with the Secretary of
10 the Commonwealth and when the compact is ratified by one or more
11 other states, then the compact shall become operative and
12 effective between this State and such other state or states. The
13 Governor is hereby authorized and directed to take such action
14 as may be necessary to complete the exchange of official
15 documents between this State and any other state ratifying the
16 compact.

17 (b) Notice in Pennsylvania Bulletin.--The Secretary of the
18 Commonwealth shall publish a notice in the Pennsylvania Bulletin
19 when the conditions set forth in subsection (a) are satisfied
20 and shall include in the notice the date on which the compact
21 became effective and operative between this State and any other
22 state or states in accordance with this act.

23 Section 4. State council and compact administrator.

24 (a) State Council.--Consistent with Article IV of the
25 Interstate Compact for the Supervision of Adult Offenders, there
26 is hereby established the State Council for Interstate Adult
27 Offender Supervision. The council shall consist of nine members,
28 seven of whom shall be appointed by the Governor. At least two
29 members shall be judges of courts of record of this Commonwealth
30 and at least one shall be a county chief probation officer, a

1 representative from the executive branch of government, a
2 representative of victims groups and the Compact Administrator.
3 The President pro tempore of the Senate and the Speaker of the
4 House of Representatives shall each appoint a member of the
5 General Assembly to serve as a member of the council. The term
6 of a member of the council hereafter appointed, except to fill a
7 vacancy, shall be for four years and until a successor has been
8 appointed, but in no event more than 90 days beyond the
9 expiration of the appointed term. The term of a member of the
10 council who is appointed by virtue of serving as a member of the
11 General Assembly, as a judge or as a county chief probation
12 officer shall continue only as long as the individual remains in
13 that office. A vacancy occurring in an office of a member of the
14 council by expiration of term or for any other reason shall be
15 filled by the appointing authority for the remainder of the
16 term.

17 (b) Appointment of administrator.--The compact administrator
18 shall be appointed by the Governor and shall serve as a member
19 of the State Council for the Supervision of Adult Offenders and
20 shall serve on the Interstate Commission for Adult Offender
21 Supervision established pursuant to the Interstate Compact for
22 the Supervision of Adult Offenders.

23 (c) Compensation and expenses of administrator.--The compact
24 administrator who represents this State, as provided for in
25 Article IV of the Interstate Compact for the Supervision of
26 Adult Offenders, shall not be entitled to any additional
27 compensation for his duties and responsibilities as compact
28 administrator but shall be entitled to reimbursement for
29 reasonable expenses actually incurred in connection with his
30 duties and responsibilities as compact administrator in the same

1 manner as for expenses incurred in connection with other duties
2 and responsibilities of his office or employment.

3 Section 5. Repeals.

4 The following acts and parts of acts are repealed:

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

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

13 Section 6. Effective date.

14 This act shall take effect as follows:

15 Sections 1, 2, 3, 4 and this section shall take effect
16 immediately.

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