

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 319 Session of
2003

INTRODUCED BY GREENLEAF, ERICKSON, SCHWARTZ, KITCHEN, LEMMOND,
RHOADES, BOSCOLA, PILEGGI, TARTAGLIONE, RAFFERTY AND
THOMPSON, FEBRUARY 13, 2003

REFERRED TO JUDICIARY, FEBRUARY 13, 2003

AN ACT

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

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Interstate
10 Compact for Juveniles Act.

11 Section 2. Authority to execute compact.

12 The Governor of Pennsylvania, on behalf of this State, is
13 hereby authorized to execute a compact in substantially the
14 following form with any one or more of the states of the United
15 States and the General Assembly hereby signifies in advance its
16 approval and ratification of such compact:

17 THE INTERSTATE COMPACT FOR JUVENILES

18 ARTICLE I

19 PURPOSE

1 The compacting states to this Interstate Compact recognize
2 that each state is responsible for the proper supervision or
3 return of juveniles, delinquents and status offenders who are on
4 probation or parole and who have absconded, escaped or run away
5 from supervision and control and in so doing have endangered
6 their own safety and the safety of others. The compacting states
7 also recognize that each state is responsible for the safe
8 return of juveniles who have run away from home and in doing so
9 have left their state of residence. The compacting states also
10 recognize that Congress, by enacting the Crime Control Act, 4
11 U.S.C. § 112 (1965), has authorized and encouraged compacts for
12 cooperative efforts and mutual assistance in the prevention of
13 crime.

14 It is the purpose of this compact, through means of joint and
15 cooperative action among the compacting states to: (A) ensure
16 that the adjudicated juveniles and status offenders subject to
17 this compact are provided adequate supervision and services in
18 the receiving state as ordered by the adjudicating judge or
19 parole authority in the sending state; (B) ensure that the
20 public safety interests of the citizens, including the victims
21 of juvenile offenders, in both the sending and receiving states
22 are adequately protected; (C) return juveniles who have run
23 away, absconded or escaped from supervision or control or have
24 been accused of an offense to the state requesting their return;
25 (D) make contracts for the cooperative institutionalization in
26 public facilities in member states for delinquent youth needing
27 special services; (E) provide for the effective tracking and
28 supervision of juveniles; (F) equitably allocate the costs,
29 benefits and obligations of the compacting states; (G) establish
30 procedures to manage the movement between states of juvenile

1 offenders released to the community under the jurisdiction of
2 courts, juvenile departments, or any other criminal or juvenile
3 justice agency which has jurisdiction over juvenile offenders;
4 (H) insure immediate notice to jurisdictions where defined
5 offenders are authorized to travel or to relocate across state
6 lines; (I) establish procedures to resolve pending charges
7 (detainers) against juvenile offenders prior to transfer or
8 release to the community under the terms of this compact; (J)
9 establish a system of uniform data collection on information
10 pertaining to juveniles subject to this compact that allows
11 access by authorized juvenile justice and criminal justice
12 officials, and regular reporting of Compact activities to heads
13 of state executive, judicial, and legislative branches and
14 juvenile and criminal justice administrators; (K) monitor
15 compliance with rules governing interstate movement of juveniles
16 and initiate interventions to address and correct noncompliance;
17 (L) coordinate training and education regarding the regulation
18 of interstate movement of juveniles for officials involved in
19 such activity; and (M) coordinate the implementation and
20 operation of the compact with the Interstate Compact for the
21 Placement of Children, the Interstate Compact for Adult Offender
22 Supervision and other compacts affecting juveniles particularly
23 in those cases where concurrent or overlapping supervision
24 issues arise. It is the policy of the compacting states that the
25 activities conducted by the Interstate Commission created herein
26 are the formation of public policies and therefore are public
27 business. Furthermore, the compacting states shall cooperate and
28 observe their individual and collective duties and
29 responsibilities for the prompt return and acceptance of
30 juveniles subject to the provisions of this compact. The

1 provisions of this compact shall be reasonably and liberally
2 construed to accomplish the purposes and policies of the
3 compact.

4 ARTICLE II

5 DEFINITIONS

6 As used in this compact, unless the context clearly requires
7 a different construction:

8 A. "By-laws" means: those by-laws established by the
9 Interstate Commission for its governance, or for directing or
10 controlling its actions or conduct.

11 B. "Compact Administrator" means: the individual in each
12 compacting state appointed pursuant to the terms of this
13 compact, responsible for the administration and management of
14 the state's supervision and transfer of juveniles subject to the
15 terms of this compact, the rules adopted by the Interstate
16 Commission and policies adopted by the State Council under this
17 compact.

18 C. "Compacting State" means: any state which has enacted the
19 enabling legislation for this compact.

20 D. "Commissioner" means: the voting representative of each
21 compacting state appointed pursuant to Article III of this
22 compact.

23 E. "Court" means: any court having jurisdiction over
24 delinquent, neglected, or dependent children.

25 F. "Deputy Compact Administrator" means: the individual, if
26 any, in each compacting state appointed to act on behalf of a
27 Compact Administrator pursuant to the terms of this compact
28 responsible for the administration and management of the state's
29 supervision and transfer of juveniles subject to the terms of
30 this compact, the rules adopted by the Interstate Commission and

1 policies adopted by the State Council under this compact.

2 G. "Interstate Commission" means: the Interstate Commission
3 for Juveniles created by Article III of this compact.

4 H. "Juvenile" means: any person defined as a juvenile in any
5 member state or by the rules of the Interstate Commission,
6 including:

7 (1) Accused Delinquent - a person charged with an
8 offense that, if committed by an adult, would be a criminal
9 offense;

10 (2) Adjudicated Delinquent - a person found to have
11 committed an offense that, if committed by an adult, would be
12 a criminal offense;

13 (3) Accused Status Offender - a person charged with an
14 offense that would not be a criminal offense if committed by
15 an adult;

16 (4) Adjudicated Status Offender - a person found to have
17 committed an offense that would not be a criminal offense if
18 committed by an adult; and

19 (5) Non-Offender - a person in need of supervision who
20 has not been accused or adjudicated a status offender or
21 delinquent.

22 I. "Non-Compacting state" means: any state which has not
23 enacted the enabling legislation for this compact.

24 J. "Probation or Parole" means: any kind of supervision or
25 conditional release of juveniles authorized under the laws of
26 the compacting states.

27 K. "Rule" means: a written statement by the Interstate
28 Commission promulgated pursuant to Article VI of this compact
29 that is of general applicability, implements, interprets or
30 prescribes a policy or provision of the Compact, or an

1 organizational, procedural, or practice requirement of the
2 Commission, and has the force and effect of statutory law in a
3 compacting state, and includes the amendment, repeal, or
4 suspension of an existing rule.

5 L. "State" means: a state of the United States, the District
6 of Columbia (or its designee), the Commonwealth of Puerto Rico,
7 the U.S. Virgin Islands, Guam, American Samoa, and the Northern
8 Marianas Islands.

9 ARTICLE III

10 INTERSTATE COMMISSION FOR JUVENILES

11 A. The compacting states hereby create the "Interstate
12 Commission for Juveniles." The commission shall be a body
13 corporate and joint agency of the compacting states. The
14 commission shall have all the responsibilities, powers and
15 duties set forth herein, and such additional powers as may be
16 conferred upon it by subsequent action of the respective
17 legislatures of the compacting states in accordance with the
18 terms of this compact.

19 B. The Interstate Commission shall consist of commissioners
20 appointed by the appropriate appointing authority in each state
21 pursuant to the rules and requirements of each compacting state
22 and in consultation with the State Council for Interstate
23 Juvenile Supervision created hereunder. The commissioner shall
24 be the compact administrator, deputy compact administrator or
25 designee from that state who shall serve on the Interstate
26 Commission in such capacity under or pursuant to the applicable
27 law of the compacting state.

28 C. In addition to the commissioners who are the voting
29 representatives of each state, the Interstate Commission shall
30 include individuals who are not commissioners, but who are

1 members of interested organizations. Such non-commissioner
2 members must include a member of the national organizations of
3 governors, legislators, state chief justices, attorneys general,
4 Interstate Compact for Adult Offender Supervision, Interstate
5 Compact for the Placement of Children, juvenile justice and
6 juvenile corrections officials, and crime victims. All non-
7 commissioner members of the Interstate Commission shall be ex-
8 officio (non-voting) members. The Interstate Commission may
9 provide in its by-laws for such additional ex-officio (non-
10 voting) members, including members of other national
11 organizations, in such numbers as shall be determined by the
12 commission.

13 D. Each compacting state represented at any meeting of the
14 commission is entitled to one vote. A majority of the compacting
15 states shall constitute a quorum for the transaction of
16 business, unless a larger quorum is required by the by-laws of
17 the Interstate Commission.

18 E. The commission shall meet at least once each calendar
19 year. The chairperson may call additional meetings and, upon the
20 request of a simple majority of the compacting states, shall
21 call additional meetings. Public notice shall be given of all
22 meetings and meetings shall be open to the public.

23 F. The Interstate Commission shall establish an executive
24 committee, which shall include commission officers, members, and
25 others as determined by the by-laws. The executive committee
26 shall have the power to act on behalf of the Interstate
27 Commission during periods when the Interstate Commission is not
28 in session, with the exception of rulemaking and/or amendment to
29 the compact. The executive committee shall oversee the day-to-
30 day activities of the administration of the compact managed by

1 an executive director and Interstate Commission staff;
2 administers enforcement and compliance with the provisions of
3 the compact, its by-laws and rules, and performs such other
4 duties as directed by the Interstate Commission or set forth in
5 the by-laws.

6 G. Each member of the Interstate Commission shall have the
7 right and power to cast a vote to which that compacting state is
8 entitled and to participate in the business and affairs of the
9 Interstate Commission. A member shall vote in person and shall
10 not delegate a vote to another compacting state. However, a
11 commissioner, in consultation with the state council, shall
12 appoint another authorized representative, in the absence of the
13 commissioner from that state, to cast a vote on behalf of the
14 compacting state at a specified meeting. The by-laws may provide
15 for members' participation in meetings by telephone or other
16 means of telecommunication or electronic communication.

17 H. The Interstate Commission's by-laws shall establish
18 conditions and procedures under which the Interstate Commission
19 shall make its information and official records available to the
20 public for inspection or copying. The Interstate Commission may
21 exempt from disclosure any information or official records to
22 the extent they would adversely affect personal privacy rights
23 or proprietary interests.

24 I. Public notice shall be given of all meetings and all
25 meetings shall be open to the public, except as set forth in the
26 Rules or as otherwise provided in the Compact. The Interstate
27 Commission and any of its committees may close a meeting to the
28 public where it determines by two-thirds vote that an open
29 meeting would be likely to:

30 1. Relate solely to the Interstate Commission's internal

1 personnel practices and procedures;

2 2. Disclose matters specifically exempted from
3 disclosure by statute;

4 3. Disclose trade secrets or commercial or financial
5 information which is privileged or confidential;

6 4. Involve accusing any person of a crime, or formally
7 censuring any person;

8 5. Disclose information of a personal nature where
9 disclosure would constitute a clearly unwarranted invasion of
10 personal privacy;

11 6. Disclose investigative records compiled for law
12 enforcement purposes;

13 7. Disclose information contained in or related to
14 examination, operating or condition reports prepared by, or
15 on behalf of or for the use of, the Interstate Commission
16 with respect to a regulated person or entity for the purpose
17 of regulation or supervision of such person or entity;

18 8. Disclose information, the premature disclosure of
19 which would significantly endanger the stability of a
20 regulated person or entity; or

21 9. Specifically relate to the Interstate Commission's
22 issuance of a subpoena, or its participation in a civil
23 action or other legal proceeding.

24 J. For every meeting closed pursuant to this provision, the
25 Interstate Commission's legal counsel shall publicly certify
26 that, in the legal counsel's 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 therefore, including a
2 description of each of the views expressed on any item and the
3 record of any roll call vote (reflected in the vote of each
4 member on the question). All documents considered in connection
5 with any action shall be identified in such minutes.

6 K. The Interstate Commission shall collect standardized data
7 concerning the interstate movement of juveniles as directed
8 through its rules which shall specify the data to be collected,
9 the means of collection and data exchange and reporting
10 requirements. Such methods of data collection, exchange and
11 reporting shall insofar as is reasonably possible conform to up-
12 to-date technology and coordinate its information functions with
13 the appropriate repository of records.

14 ARTICLE IV

15 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

16 The commission shall have the following powers and duties:

17 1. To provide for dispute resolution among compacting
18 states.

19 2. To promulgate rules to effect the purposes and
20 obligations as enumerated in this compact, which shall have the
21 force and effect of statutory law and shall be binding in the
22 compacting states to the extent and in the manner provided in
23 this compact.

24 3. To oversee, supervise and coordinate the interstate
25 movement of juveniles subject to the terms of this compact and
26 any by-laws adopted and rules promulgated by the Interstate
27 Commission.

28 4. To enforce compliance with the compact provisions, the
29 rules promulgated by the Interstate Commission, and the by-laws,
30 using all necessary and proper means, including but not limited

1 to the use of judicial process.

2 5. To establish and maintain offices which shall be located
3 within one or more of the compacting states.

4 6. To purchase and maintain insurance and bonds.

5 7. To borrow, accept, hire or contract for services of
6 personnel.

7 8. To establish and appoint committees and hire staff which
8 it deems necessary for the carrying out of its functions
9 including, but not limited to, an executive committee as
10 required by Article III which shall have the power to act on
11 behalf of the Interstate Commission in carrying out its powers
12 and duties hereunder.

13 9. To elect or appoint such officers, attorneys, employees,
14 agents, or consultants, and to fix their compensation, define
15 their duties and determine their qualifications; and to
16 establish the Interstate Commissions personnel policies and
17 programs relating to, inter alia, conflicts of interest, rates
18 of compensation, and qualifications of personnel.

19 10. To accept any and all donations and grants of money,
20 equipment, supplies, materials, and services, and to receive,
21 utilize, and dispose of it.

22 11. To lease, purchase, accept contributions or donations
23 of, or otherwise to own, hold, improve or use any property,
24 real, personal, or mixed.

25 12. To sell, convey, mortgage, pledge, lease, exchange,
26 abandon, or otherwise dispose of any property, real, personal or
27 mixed.

28 13. To establish a budget and make expenditures and levy
29 dues as provided in Article VIII of this compact.

30 14. To sue and be sued.

1 any general or specific delegation of any authority or
2 function of the Interstate Commission;

3 d. Providing reasonable procedures for calling and
4 conducting meetings of the Interstate Commission, and
5 ensuring reasonable notice of each such meeting;

6 e. Establishing the titles and responsibilities of the
7 officers of the Interstate Commission;

8 f. Providing a mechanism for concluding the operations
9 of the Interstate Commission and the return of any surplus
10 funds that may exist upon the termination of the Compact
11 after the payment and/or reserving of all of its debts and
12 obligations.

13 g. Providing "start-up" rules for initial administration
14 of the compact; and

15 h. Establishing standards and procedures for compliance
16 and technical assistance in carrying out the compact.

17 Section B. Officers and Staff

18 1. The Interstate Commission shall, by a majority of the
19 members, elect annually from among its members a chairperson and
20 a vice chairperson, each of whom shall have such authority and
21 duties as may be specified in the by-laws. The chairperson or,
22 in the chairpersons absence or disability, the vice-chairperson
23 shall preside at all meetings of the Interstate Commission. The
24 officers so elected shall serve without compensation or
25 remuneration from the Interstate Commission; provided that,
26 subject to the availability of budgeted funds, the officers
27 shall be reimbursed for any ordinary and necessary costs and
28 expenses incurred by them in the performance of their duties and
29 responsibilities as officers of the Interstate Commission.

30 2. The Interstate Commission shall, through its executive

1 committee, appoint or retain an executive director for such
2 period, upon such terms and conditions and for such compensation
3 as the Interstate Commission may deem appropriate. The executive
4 director shall serve as secretary to the Interstate Commission,
5 but shall not be a Member and shall hire and supervise such
6 other staff as may be authorized by the Interstate Commission.

7 Section C. Qualified Immunity, Defense and Indemnification

8 1. The Commission's executive director and employees shall
9 be immune from suit and liability, either personally or in their
10 official capacity, for any claim for damage to or loss of
11 property or personal injury or other civil liability caused or
12 arising out of or relating to any actual or alleged act, error,
13 or omission that occurred, or that such person had a reasonable
14 basis for believing occurred within the scope of Commission
15 employment, duties, or responsibilities; provided, that any such
16 person shall not be protected from suit 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 2. The liability of any commissioner, or the employee or
20 agent of a commissioner, acting within the scope of such
21 person's employment or duties for acts, errors, or omissions
22 occurring within such person's state may not exceed the limits
23 of liability set forth under the Constitution and laws of that
24 state for state officials, employees, and agents. Nothing in
25 this subsection shall be construed to protect any such person
26 from suit or liability for any damage, loss, injury, or
27 liability caused by the intentional or willful and wanton
28 misconduct of any such person.

29 3. The Interstate Commission shall defend the executive
30 director or the employees or representatives of the Interstate

1 Commission and, subject to the approval of the Attorney General
2 of the state represented by any commissioner of a compacting
3 state, shall defend such commissioner or the commissioner's
4 representatives or employees in any civil action seeking to
5 impose liability arising out of any actual or alleged act, error
6 or omission that occurred within the scope of Interstate
7 Commission employment, duties or responsibilities, or that the
8 defendant had a reasonable basis for believing occurred within
9 the scope of Interstate Commission employment, duties or
10 responsibilities, provided that the actual or alleged act, error
11 or omission did not result from intentional or willful and
12 wanton misconduct on the part of such person.

13 4. The Interstate Commission shall indemnify and hold the
14 commissioner of a compacting state, or the commissioner's
15 representatives or employees, or the Interstate Commission's
16 representatives or employees, harmless in the amount of any
17 settlement or judgment obtained against such persons arising out
18 of any actual or alleged act, error, or omission that occurred
19 within the scope of Interstate Commission employment, duties, or
20 responsibilities, or that such persons had a reasonable basis
21 for believing occurred within the scope of Interstate Commission
22 employment, duties, or responsibilities, provided that the
23 actual or alleged act, error, or omission did not result from
24 intentional or willful and wanton misconduct on the part of such
25 persons.

26 ARTICLE VI

27 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

28 A. The Interstate Commission shall promulgate and publish
29 rules in order to effectively and efficiently achieve the
30 purposes of the compact.

1 B. Rulemaking shall occur pursuant to the criteria set forth
2 in this article and the by-laws and rules adopted pursuant
3 thereto. Such rulemaking shall substantially conform to the
4 principles of the "Model State Administrative Procedures Act,"
5 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such
6 other administrative procedures act, as the Interstate
7 Commission deems appropriate consistent with due process
8 requirements under the U.S. Constitution as now or hereafter
9 interpreted by the U.S. Supreme Court. All rules and amendments
10 shall become binding as of the date specified, as published with
11 the final version of the rule as approved by the Commission.

12 C. When promulgating a rule, the Interstate Commission
13 shall, at a minimum:

14 1. publish the proposed rule's entire text stating the
15 reason(s) for that proposed rule;

16 2. allow and invite any and all persons to submit
17 written data, facts, opinions and arguments, which
18 information shall be added to the record, and be made
19 publicly available;

20 3. provide an opportunity for an informal hearing if
21 petitioned by ten or more persons; and

22 4. Promulgate a final rule and its effective date, if
23 appropriate, based on input from state or local officials or
24 interested parties.

25 D. Allow, not later than sixty days after a rule is
26 promulgated, any interested person to file a petition in the
27 United States District Court for the District of Columbia or in
28 the Federal District Court where the Interstate Commission's
29 principal office is located for judicial review of such rule. If
30 the court finds that the Interstate Commission's action is not

1 supported by substantial evidence in the rulemaking record, the
2 court shall hold the rule unlawful and set it aside. For
3 purposes of this subsection, evidence is substantial if it would
4 be considered substantial evidence under the Model State
5 Administrative Procedures Act.

6 E. If a majority of the legislatures of the compacting
7 states rejects a rule, those states may, by enactment of a
8 statute or resolution in the same manner used to adopt the
9 compact, cause that such rule shall have no further force and
10 effect in any compacting state.

11 F. The existing rules governing the operation of the
12 Interstate Compact on Juveniles superceded by this act shall be
13 null and void twelve (12) months after the first meeting of the
14 Interstate Commission created hereunder.

15 G. Upon determination by the Interstate Commission that a
16 state-of-emergency exists, it may promulgate an emergency rule
17 which shall become effective immediately upon adoption, provided
18 that the usual rulemaking procedures provided hereunder shall be
19 retroactively applied to said rule as soon as reasonably
20 possible, but no later than ninety (90) days after the effective
21 date of the emergency rule.

22 ARTICLE VII

23 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE 24 COMMISSION

25 Section A. Oversight

26 1. The Interstate Commission shall oversee the
27 administration and operations of the interstate movement of
28 juveniles subject to this compact in the compacting states and
29 shall monitor such activities being administered in non-
30 compacting states which may significantly affect compacting

1 states.

2 2. The courts and executive agencies in each compacting
3 state shall enforce this compact and shall take all actions
4 necessary and appropriate to effectuate the compact's purposes
5 and intent. The provisions of this compact and the rules
6 promulgated hereunder shall be received by all the judges,
7 public officers, commissions, and departments of the state
8 government as evidence of the authorized statute and
9 administrative rules. All courts shall take judicial notice of
10 the compact and the rules. In any judicial or administrative
11 proceeding in a compacting state pertaining to the subject
12 matter of this compact which may affect the powers,
13 responsibilities or actions of the Interstate Commission, it
14 shall be entitled to receive all service of process in any such
15 proceeding, and shall have standing to intervene in the
16 proceeding for all purposes.

17 Section B. Dispute Resolution

18 1. The compacting states shall report to the Interstate
19 Commission on all issues and activities necessary for the
20 administration of the compact as well as issues and activities
21 pertaining to compliance with the provisions of the compact and
22 its bylaws and rules.

23 2. The Interstate Commission shall attempt, upon the request
24 of a compacting state, to resolve any disputes or other issues
25 which are subject to the compact and which may arise among
26 compacting states and between compacting and non-compacting
27 states. The commission shall promulgate a rule providing for
28 both mediation and binding dispute resolution for disputes among
29 the compacting states.

30 3. The Interstate Commission, in the reasonable exercise of

1 its discretion, shall enforce the provisions and rules of this
2 compact using any or all means set forth in Article XI of this
3 compact.

4 ARTICLE VIII

5 FINANCE

6 A. The Interstate Commission shall pay or provide for the
7 payment of the reasonable expenses of its establishment,
8 organization and ongoing activities.

9 B. The Interstate Commission shall levy on and collect an
10 annual assessment from each compacting state to cover the cost
11 of the internal operations and activities of the Interstate
12 Commission and its staff which must be in a total amount
13 sufficient to cover the Interstate Commission's annual budget as
14 approved each year. The aggregate annual assessment amount shall
15 be allocated based upon a formula to be determined by the
16 Interstate Commission, taking into consideration the population
17 of each compacting state and the volume of interstate movement
18 of juveniles in each compacting state and shall promulgate a
19 rule binding upon all compacting states which governs said
20 assessment.

21 C. The Interstate Commission shall not incur any obligations
22 of any kind prior to securing the funds adequate to meet the
23 same; nor shall the Interstate Commission pledge the credit of
24 any of the compacting states, except by and with the authority
25 of the compacting state.

26 D. The Interstate Commission shall keep accurate accounts of
27 all receipts and disbursements. The receipts and disbursements
28 of the Interstate Commission shall be subject to the audit and
29 accounting procedures established under its by-laws. However,
30 all receipts and disbursements of funds handled by the

1 Interstate Commission shall be audited yearly by a certified or
2 licensed public accountant and the report of the audit shall be
3 included in and become part of the annual report of the
4 Interstate Commission.

5 ARTICLE IX

6 THE STATE COUNCIL

7 Each member state shall create a State Council for Interstate
8 Juvenile Supervision. While each state may determine the
9 membership of its own state council, its membership must include
10 at least one representative from the legislative, judicial, and
11 executive branches of government, victims groups, and the
12 compact administrator, deputy compact administrator or designee.
13 Each compacting state retains the right to determine the
14 qualifications of the compact administrator or deputy compact
15 administrator. Each state council will advise and may exercise
16 oversight and advocacy concerning that state's participation in
17 Interstate Commission activities and other duties as may be
18 determined by that state, including but not limited to,
19 development of policy concerning operations and procedures of
20 the compact within that state.

21 ARTICLE X

22 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

23 A. Any state, the District of Columbia (or its designee),
24 the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam,
25 American Samoa and the Northern Marianas Islands as defined in
26 Article II of this compact is eligible to become a compacting
27 state.

28 B. The compact shall become effective and binding upon
29 legislative enactment of the compact into law by no less than 35
30 of the states. The initial effective date shall be the later of

1 July 1, 2004 or upon enactment into law by the 35th
2 jurisdiction. Thereafter it shall become effective and binding
3 as to any other compacting state upon enactment of the compact
4 into law by that state. The governors of non-member states or
5 their designees shall be invited to participate in the
6 activities of the Interstate Commission on a non-voting basis
7 prior to adoption of the compact by all states and territories
8 of the United States.

9 C. The Interstate Commission may propose amendments to the
10 compact for enactment by the compacting states. No amendment
11 shall become effective and binding upon the Interstate
12 Commission and the compacting states unless and until it is
13 enacted into law by unanimous consent of the compacting states.

14 ARTICLE XI

15 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT
16 Section A. Withdrawal

17 1. Once effective, the compact shall continue in force and
18 remain binding upon each and every compacting state; provided
19 that a compacting state may withdraw from the compact by
20 specifically repealing the statute which enacted the compact
21 into law.

22 2. The effective date of withdrawal is the effective date of
23 the repeal.

24 3. The withdrawing state shall immediately notify the
25 chairperson of the Interstate Commission in writing upon the
26 introduction of legislation repealing this compact in the
27 withdrawing state. The Interstate Commission shall notify the
28 other compacting states of the withdrawing state's intent to
29 withdraw within sixty days of its receipt thereof.

30 4. The withdrawing state is responsible for all assessments,

1 obligations and liabilities incurred through the effective date
2 of withdrawal, including any obligations, the performance of
3 which extend beyond the effective date of withdrawal.

4 5. Reinstatement following withdrawal of any compacting
5 state shall occur upon the withdrawing state reenacting the
6 compact or upon such later date as determined by the Interstate
7 Commission.

8 Section B. Technical Assistance, Fines, Suspension, Termination
9 and Default

10 1. If the Interstate Commission determines that any
11 compacting state has at any time defaulted in the performance of
12 any of its obligations or responsibilities under this compact,
13 or the by-laws or duly promulgated rules, the Interstate
14 Commission may impose any or all of the following penalties:

- 15 a. Remedial training and technical assistance as
16 directed by the Interstate Commission;
- 17 b. Alternative Dispute Resolution;
- 18 c. Fines, fees, and costs in such amounts as are deemed
19 to be reasonable as fixed by the Interstate Commission; and
- 20 d. Suspension or termination of membership in the
21 compact, which shall be imposed only after all other
22 reasonable means of securing compliance under the by-laws and
23 rules have been exhausted and the Interstate Commission has
24 therefore determined that the offending state is in default.
25 Immediate notice of suspension shall be given by the
26 Interstate Commission to the Governor, the Chief Justice or
27 the Chief Judicial Officer of the state, the majority and
28 minority leaders of the defaulting state's legislature, and
29 the state council. The grounds for default include, but are
30 not limited to, failure of a compacting state to perform such

1 obligations or responsibilities imposed upon it by this
2 compact, the by-laws, or duly promulgated rules and any other
3 grounds designated in commission by-laws and rules. The
4 Interstate Commission shall immediately notify the defaulting
5 state in writing of the penalty imposed by the Interstate
6 Commission and of the default pending a cure of the default.
7 The commission shall stipulate the conditions and the time
8 period within which the defaulting state must cure its
9 default. If the defaulting state fails to cure the default
10 within the time period specified by the commission, the
11 defaulting state shall be terminated from the compact upon an
12 affirmative vote of a majority of the compacting states and
13 all rights, privileges and benefits conferred by this compact
14 shall be terminated from the effective date of termination.

15 2. Within sixty days of the effective date of termination of
16 a defaulting state, the Commission shall notify the Governor,
17 the Chief Justice or Chief Judicial Officer, the Majority and
18 Minority Leaders of the defaulting states legislature, and the
19 state council of such termination.

20 3. The defaulting state is responsible for all assessments,
21 obligations and liabilities incurred through the effective date
22 of termination including any obligations, the performance of
23 which extends beyond the effective date of termination.

24 4. The Interstate Commission shall not bear any costs
25 relating to the defaulting state unless otherwise mutually
26 agreed upon in writing between the Interstate Commission and the
27 defaulting state.

28 5. Reinstatement following termination of any compacting
29 state requires both a reenactment of the compact by the
30 defaulting state and the approval of the Interstate Commission

1 pursuant to the rules.

2 Section C. Judicial Enforcement

3 The Interstate Commission may, by majority vote of the
4 members, initiate legal action in the United States District
5 Court for the District of Columbia or, at the discretion of the
6 Interstate Commission, in the federal district where the
7 Interstate Commission has its offices, to enforce compliance
8 with the provisions of the compact, its duly promulgated rules
9 and by-laws, against any compacting state in default. In the
10 event judicial enforcement is necessary the prevailing party
11 shall be awarded all costs of such litigation including
12 reasonable attorneys fees.

13 Section D. Dissolution of Compact

14 1. The compact dissolves effective upon the date of the
15 withdrawal or default of the compacting state, which reduces
16 membership in the compact to one compacting state.

17 2. Upon the dissolution of this compact, the compact becomes
18 null and void and shall be of no further force or effect, and
19 the business and affairs of the Interstate Commission shall be
20 concluded and any surplus funds shall be distributed in
21 accordance with the by-laws.

22 ARTICLE XII

23 SEVERABILITY AND CONSTRUCTION

24 A. The provisions of this compact shall be severable, and if
25 any phrase, clause, sentence or provision is deemed
26 unenforceable, the remaining provisions of the compact shall be
27 enforceable.

28 B. The provisions of this compact shall be liberally
29 construed to effectuate its purposes.

30 ARTICLE XIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other Laws

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

2. All compacting states laws other than state Constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

Section B. Binding Effect of the Compact

1. All lawful actions of the Interstate Commission, including all rules and by-laws promulgated by the Interstate Commission, are binding upon the compacting states.

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

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

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

Section 3. When and how compact becomes operative.

(a) General rule.--When the Governor executes the Interstate

1 Compact for Juveniles on behalf of this State and files a
2 verified copy thereof with the Secretary of the Commonwealth and
3 when the compact is ratified by at least thirty-five other
4 states, then the compact shall become operative and effective
5 between this State and such other states. The Governor is hereby
6 authorized and directed to take such action as may be necessary
7 to complete the exchange of official documents between this
8 State and any other state ratifying the compact.

9 (b) Notice in Pennsylvania Bulletin.--The Secretary of the
10 Commonwealth shall publish a notice in the Pennsylvania Bulletin
11 when the conditions set forth in subsection (a) are satisfied
12 and shall include in the notice the date on which the compact
13 became effective and operative between this State and any other
14 states in accordance with this act.

15 Section 4. Compensation and expenses of compact administrator.

16 The compact administrator who represents this State under the
17 Interstate Compact for Juveniles shall not be entitled to any
18 additional compensation his duties and responsibilities as
19 compact administrator but shall be entitled to reimbursement for
20 reasonable expenses actually incurred in connection with his
21 duties and responsibilities as compact administrator in the same
22 manner as for expenses incurred in connection with other duties
23 and responsibilities of his office or employment.

24 Section 5. Repeal.

25 Sections 731, 731.1, 732, 733, 734 and 735 of the act of June
26 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, are
27 repealed.

28 Section 6. Effective date.

29 This act shall take effect as follows:

30 (1) Section 5 shall take effect on the date on which the

1 compact becomes effective and operative between this State
2 and any other states; such date to be published in accordance
3 with section 3(b).

4 (2) The remainder of this act shall take effect
5 immediately.