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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 319 Session of  
2003

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

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AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 25, 2003

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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 establishing the State Council for Interstate Juvenile  
6 Supervision; and making a repeal.

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

9 Section 1. Short title.

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

12 Section 2. Authority to execute compact.

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

18 THE INTERSTATE COMPACT FOR JUVENILES

1 ARTICLE I

2 PURPOSE

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

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

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

1 responsibilities for the prompt return and acceptance of  
2 juveniles subject to the provisions of this compact. The  
3 provisions of this compact shall be reasonably and liberally  
4 construed to accomplish the purposes and policies of the  
5 compact.

## 6 ARTICLE II

### 7 DEFINITIONS

8 As used in this compact, unless the context clearly requires  
9 a different construction:

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

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

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

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

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

27 F. "Deputy Compact Administrator" means: the individual, if  
28 any, in each compacting state appointed to act on behalf of a  
29 Compact Administrator pursuant to the terms of this compact  
30 responsible for the administration and management of the state's

1 supervision and transfer of juveniles subject to the terms of  
2 this compact, the rules adopted by the Interstate Commission and  
3 policies adopted by the State Council under this compact.

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

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

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

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

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

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

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

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

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

29 K. "Rule" means: a written statement by the Interstate  
30 Commission promulgated pursuant to Article VI of this compact

1 that is of general applicability, implements, interprets or  
2 prescribes a policy or provision of the Compact, or an  
3 organizational, procedural, or practice requirement of the  
4 Commission, and has the force and effect of statutory law in a  
5 compacting state, and includes the amendment, repeal, or  
6 suspension of an existing rule.

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

### 11 ARTICLE III

#### 12 INTERSTATE COMMISSION FOR JUVENILES

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

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

30 C. In addition to the commissioners who are the voting

1 representatives of each state, the Interstate Commission shall  
2 include individuals who are not commissioners, but who are  
3 members of interested organizations. Such non-commissioner  
4 members must include a member of the national organizations of  
5 governors, legislators, state chief justices, attorneys general,  
6 Interstate Compact for Adult Offender Supervision, Interstate  
7 Compact for the Placement of Children, juvenile justice and  
8 juvenile corrections officials, and crime victims. All non-  
9 commissioner members of the Interstate Commission shall be ex-  
10 officio (non-voting) members. The Interstate Commission may  
11 provide in its by-laws for such additional ex-officio (non-  
12 voting) members, including members of other national  
13 organizations, in such numbers as shall be determined by the  
14 commission.

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

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

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

1 the compact. The executive committee shall oversee the day-to-  
2 day activities of the administration of the compact managed by  
3 an executive director and Interstate Commission staff;  
4 administers enforcement and compliance with the provisions of  
5 the compact, its by-laws and rules, and performs such other  
6 duties as directed by the Interstate Commission or set forth in  
7 the by-laws.

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

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

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



1 meeting would be likely to:

2 1. Relate solely to the Interstate Commission's internal  
3 personnel practices and procedures;

4 2. Disclose matters specifically exempted from  
5 disclosure by statute;

6 3. Disclose trade secrets or commercial or financial  
7 information which is privileged or confidential;

8 4. Involve accusing any person of a crime, or formally  
9 censuring any person;

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

13 6. Disclose investigative records compiled for law  
14 enforcement purposes;

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

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

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

26 J. For every meeting closed pursuant to this provision, the  
27 Interstate Commission's legal counsel shall publicly certify  
28 that, in the legal counsel's opinion, the meeting may be closed  
29 to the public, and shall reference each relevant exemptive  
30 provision. The Interstate Commission shall keep minutes which

1 shall fully and clearly describe all matters discussed in any  
2 meeting and shall provide a full and accurate summary of any  
3 actions taken, and the reasons therefore, including a  
4 description of each of the views expressed on any item and the  
5 record of any roll call vote (reflected in the vote of each  
6 member on the question). All documents considered in connection  
7 with any action shall be identified in such minutes.

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

#### 16 ARTICLE IV

##### 17 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

18 The commission shall have the following powers and duties:

19 1. To provide for dispute resolution among compacting  
20 states.

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

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

30 4. To enforce compliance with the compact provisions, the

1 rules promulgated by the Interstate Commission, and the by-laws,  
2 using all necessary and proper means, including but not limited  
3 to the use of judicial process.

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

6 6. To purchase and maintain insurance and bonds.

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

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

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

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

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

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

30 13. To establish a budget and make expenditures and levy

1 dues as provided in Article VIII of this compact.

2 14. To sue and be sued.

3 15. To adopt a seal and by-laws governing the management and  
4 operation of the Interstate Commission.

5 16. To perform such functions as may be necessary or  
6 appropriate to achieve the purposes of this compact.

7 17. To report annually to the legislatures, governors,  
8 judiciary, and state councils of the compacting states  
9 concerning the activities of the Interstate Commission during  
10 the preceding year. Such reports shall also include any  
11 recommendations that may have been adopted by the Interstate  
12 Commission.

13 18. To coordinate education, training and public awareness  
14 regarding the interstate movement of juveniles for officials  
15 involved in such activity.

16 19. To establish uniform standards of the reporting,  
17 collecting and exchanging of data.

18 20. The Interstate Commission shall maintain its corporate  
19 books and records in accordance with the By-laws.

20 ARTICLE V

21 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

22 Section A. By-laws

23 1. The Interstate Commission shall, by a majority of the  
24 members present and voting, within twelve months after the first  
25 Interstate Commission meeting, adopt by-laws to govern its  
26 conduct as may be necessary or appropriate to carry out the  
27 purposes of the compact, including, but not limited to:

28 a. Establishing the fiscal year of the Interstate  
29 Commission;

30 b. Establishing an executive committee and such other

committees as may be necessary;

c. Provide for the establishment of committees governing any general or specific delegation of any authority or function of the Interstate Commission;

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

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

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

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

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

#### Section B. Officers and Staff

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

1 responsibilities as officers of the Interstate Commission.

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

9 Section C. Qualified Immunity, Defense and Indemnification

10       1. The Commission's executive director and employees shall  
11 be immune from suit and liability, either personally or in their  
12 official capacity, for any claim for damage to or loss of  
13 property or personal injury or other civil liability caused or  
14 arising out of or relating to any actual or alleged act, error,  
15 or omission that occurred, or that such person had a reasonable  
16 basis for believing occurred within the scope of Commission  
17 employment, duties, or responsibilities; provided, that any such  
18 person shall not be protected from suit or liability for any  
19 damage, loss, injury, or liability caused by the intentional or  
20 willful and wanton misconduct of any such person.

21       2. The liability of any commissioner, or the employee or  
22 agent of a commissioner, acting within the scope of such  
23 person's employment or duties for acts, errors, or omissions  
24 occurring within such person's state may not exceed the limits  
25 of liability set forth under the Constitution and laws of that  
26 state for state officials, employees, and agents. Nothing in  
27 this subsection shall be construed to protect any such person  
28 from suit or liability for any damage, loss, injury, or  
29 liability caused by the intentional or willful and wanton  
30 misconduct of any such person.



1 rules in order to effectively and efficiently achieve the  
2 purposes of the compact.

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

14 C. When promulgating a rule, the Interstate Commission  
15 shall, at a minimum:

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

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

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

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

27 D. Allow, not later than sixty days after a rule is  
28 promulgated, any interested person to file a petition in the  
29 United States District Court for the District of Columbia or in  
30 the Federal District Court where the Interstate Commission's



1 principal office is located for judicial review of such rule. If  
2 the court finds that the Interstate Commission's action is not  
3 supported by substantial evidence in the rulemaking record, the  
4 court shall hold the rule unlawful and set it aside. For  
5 purposes of this subsection, evidence is substantial if it would  
6 be considered substantial evidence under the Model State  
7 Administrative Procedures Act.

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

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

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

## 24 ARTICLE VII

### 25 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE 26 COMMISSION

#### 27 Section A. Oversight

28 1. The Interstate Commission shall oversee the  
29 administration and operations of the interstate movement of  
30 juveniles subject to this compact in the compacting states and

1 shall monitor such activities being administered in non-  
2 compacting states which may significantly affect compacting  
3 states.

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

#### 19 Section B. Dispute Resolution

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

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

1 the compacting states.

2 3. The Interstate Commission, in the reasonable exercise of  
3 its discretion, shall enforce the provisions and rules of this  
4 compact using any or all means set forth in Article XI of this  
5 compact.

6 ARTICLE VIII

7 FINANCE

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

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

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

28 D. The Interstate Commission shall keep accurate accounts of  
29 all receipts and disbursements. The receipts and disbursements  
30 of the Interstate Commission shall be subject to the audit and

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

## 7 ARTICLE IX

### 8 THE STATE COUNCIL

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

## 23 ARTICLE X

### 24 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

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

30 B. The compact shall become effective and binding upon

1 legislative enactment of the compact into law by no less than 35  
2 of the states. The initial effective date shall be the later of  
3 July 1, 2004 or upon enactment into law by the 35th  
4 jurisdiction. Thereafter it shall become effective and binding  
5 as to any other compacting state upon enactment of the compact  
6 into law by that state. The governors of non-member states or  
7 their designees shall be invited to participate in the  
8 activities of the Interstate Commission on a non-voting basis  
9 prior to adoption of the compact by all states and territories  
10 of the United States.

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

16 ARTICLE XI

17 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

18 Section A. Withdrawal

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

24 2. The effective date of withdrawal is the effective date of  
25 the repeal.

26 3. The withdrawing state shall immediately notify the  
27 chairperson of the Interstate Commission in writing upon the  
28 introduction of legislation repealing this compact in the  
29 withdrawing state. The Interstate Commission shall notify the  
30 other compacting states of the withdrawing state's intent to

1 withdraw within sixty days of its receipt thereof.

2 4. The withdrawing state is responsible for all assessments,  
3 obligations and liabilities incurred through the effective date  
4 of withdrawal, including any obligations, the performance of  
5 which extend beyond the effective date of withdrawal.

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

10 Section B. Technical Assistance, Fines, Suspension, Termination  
11 and Default

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

17 a. Remedial training and technical assistance as  
18 directed by the Interstate Commission;

19 b. Alternative Dispute Resolution;

20 c. Fines, fees, and costs in such amounts as are deemed  
21 to be reasonable as fixed by the Interstate Commission; and

22 d. Suspension or termination of membership in the  
23 compact, which shall be imposed only after all other  
24 reasonable means of securing compliance under the by-laws and  
25 rules have been exhausted and the Interstate Commission has  
26 therefore determined that the offending state is in default.

27 Immediate notice of suspension shall be given by the  
28 Interstate Commission to the Governor, the Chief Justice or  
29 the Chief Judicial Officer of the state, the majority and  
30 minority leaders of the defaulting state's legislature, and

1 the state council. The grounds for default include, but are  
2 not limited to, failure of a compacting state to perform such  
3 obligations or responsibilities imposed upon it by this  
4 compact, the by-laws, or duly promulgated rules and any other  
5 grounds designated in commission by-laws and rules. The  
6 Interstate Commission shall immediately notify the defaulting  
7 state in writing of the penalty imposed by the Interstate  
8 Commission and of the default pending a cure of the default.  
9 The commission shall stipulate the conditions and the time  
10 period within which the defaulting state must cure its  
11 default. If the defaulting state fails to cure the default  
12 within the time period specified by the commission, the  
13 defaulting state shall be terminated from the compact upon an  
14 affirmative vote of a majority of the compacting states and  
15 all rights, privileges and benefits conferred by this compact  
16 shall be terminated from the effective date of termination.

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

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

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

30 5. Reinstatement following termination of any compacting

1 state requires both a reenactment of the compact by the  
2 defaulting state and the approval of the Interstate Commission  
3 pursuant to the rules.

#### 4 Section C. Judicial Enforcement

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

#### 15 Section D. Dissolution of Compact

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

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

### 24 ARTICLE XII

#### 25 SEVERABILITY AND CONSTRUCTION

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

30 B. The provisions of this compact shall be liberally



1 construed to effectuate its purposes.

2 ARTICLE XIII

3 BINDING EFFECT OF COMPACT AND OTHER LAWS

4 Section A. Other Laws

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

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

11 Section B. Binding Effect of the Compact

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

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

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

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

1 Section 3. When and how compact becomes operative.

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

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

17 ~~Section 4. State council and compact administrator.~~ <—

18 ~~(a) State council.~~

19 ~~(1) Consistent with Article IX of the Interstate Compact~~

20 SECTION 4. STATE COUNCIL FOR INTERSTATE JUVENILE SUPERVISION. <—

21 (A) ESTABLISHMENT.--CONSISTENT WITH ARTICLE IX OF THE  
22 INTERSTATE COMPACT for Juveniles, there is hereby established  
23 the State Council for Interstate Juvenile Supervision. THE <—

24 COUNCIL SHALL CONDUCT ALL BUSINESS PURSUANT TO 65 PA.C.S. CH. 7  
25 (RELATING TO OPEN MEETINGS) AND THE ACT OF JUNE 21, 1957

26 (P.L.390, NO.212), REFERRED TO AS THE RIGHT-TO-KNOW LAW. The  
27 council shall consist of ~~eleven members, seven~~ THIRTEEN MEMBERS, <—  
28 NINE 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 juvenile probation

1 officer, a DISTRICT ATTORNEY, A PUBLIC DEFENDER, A <—  
2 representative from the Executive Branch of Government, a  
3 representative of victims groups and the compact administrator.  
4 The President pro tempore of the Senate, the Minority Leader of  
5 the Senate, the Speaker of the House of Representatives and the  
6 Minority Leader of the House of Representatives shall each  
7 appoint a member of the General Assembly to serve as a member of  
8 the council.

9 ~~(2) The term of a member of the council hereafter~~ <—

10 (B) TERMS.--THE TERM OF A MEMBER OF THE COUNCIL HEREAFTER <—  
11 appointed, except to fill a vacancy, shall be four years and  
12 until a successor has been appointed, but in no event more than  
13 90 days beyond the expiration of the appointed term. The term of  
14 a member of the council who is appointed by virtue of serving as  
15 a member of the General Assembly, as a judge or as a county  
16 chief juvenile probation officer shall continue only as long as  
17 the individual remains in that office.

18 ~~(3) A vacancy occurring in an office of a member of the~~ <—

19 (C) VACANCY.--A VACANCY OCCURRING IN AN OFFICE OF A MEMBER <—  
20 OF THE council for any reason shall be filled by the appointing  
21 authority for the remainder of the term.

22 ~~(b) Appointment of administrator. The compact administrator~~ <—

23 SECTION 5. APPOINTMENT OF ADMINISTRATOR. <—

24 THE COMPACT ADMINISTRATOR shall be appointed by the Governor  
25 and shall serve as a member of the State Council for Interstate  
26 Juvenile Supervision and shall serve on the Interstate  
27 Commission for Juveniles established pursuant to the Interstate  
28 Compact for Juveniles.

29 ~~(c) Compensation and expenses of administrator. The compact~~ <—

30 SECTION 6. COMPENSATION AND EXPENSES OF ADMINISTRATOR. <—

1 THE COMPACT administrator who represents this State under the  
2 Interstate Compact for Juveniles shall not be entitled to any  
3 additional compensation his duties and responsibilities as  
4 compact administrator but shall be entitled to reimbursement for  
5 reasonable expenses actually incurred in connection with his  
6 duties and responsibilities as compact administrator in the same  
7 manner as for expenses incurred in connection with other duties  
8 and responsibilities of his office or employment.

9 Section ~~5~~ 7. Repeal. <—

10 Sections 731, 731.1, 732, 733, 734 and 735 of the act of June  
11 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, are  
12 repealed.

13 Section ~~6~~ 8. Effective date. <—

14 This act shall take effect as follows:

15 (1) Section ~~5~~ 7 shall take effect on the date on which <—  
16 the compact becomes effective and operative between this  
17 State and any other states; such date to be published in  
18 accordance with section 3(b).

19 (2) The remainder of this act shall take effect  
20 immediately.