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LRB094 16039 RLC 57695 a

1 AMENDMENT TO HOUSE BILL 4398

2 AMENDMENT NO. _____. Amend House Bill 4398 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Interstate Compact for Juveniles Act of 2006.

6 Section 5. Purposes.

7 (a) The interstate compact on juveniles was established in
8 1955 and is the compact addressing the needs of juveniles
9 within the juvenile justice system who move between states and
10 has not been sufficiently updated in its more than 50-year
11 existence.

12 (b) This compact is the only vehicle for the interstate
13 supervision of juvenile offenders, the return of absconders and
14 escapees, and runaways.

15 (c) 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
19 requirements, and sex offender registration, and age-related
20 issues.

21 (d) After the successful adoption 4 years ago of a new
22 interstate compact for adult offenders, the need for an updated
23 compact for juveniles became apparent.

24 (e) After exhaustive research and a detailed study, the

1 Office of Juvenile Justice and Delinquency Prevention and the
2 Council of State Governments has recommended that the following
3 compact be adopted by each state and territory in the United
4 States, to better address public safety, enforcement,
5 accountability, and communications among the states.

6 (f) The National District Attorneys Association, the
7 National Center for Mission and Exploited Children, the
8 National Juvenile Detention Association all join with the
9 Office of Juvenile Justice and Delinquency Prevention and the
10 Council of State Governments to recommend the adoption of this
11 interstate compact.

12 Section 10. Interstate Compact for Juveniles. The Governor
13 is hereby authorized to enter into a compact on behalf of this
14 State with any of the United States legally joining therein in
15 the form substantially as follows:

16 THE INTERSTATE COMPACT FOR JUVENILES

17 ARTICLE I

18 PURPOSE

19 The compacting states to this Interstate Compact recognize
20 that each state is responsible for the proper supervision or
21 return of juveniles, delinquents and status offenders who are
22 on probation or parole and who have absconded, escaped or run
23 away from supervision and control and in so doing have
24 endangered their own safety and the safety of others. The
25 compacting states also recognize that each state is responsible
26 for the safe return of juveniles who have run away from home
27 and in doing so have left their state of residence. The
28 compacting states also recognize that Congress, by enacting the
29 Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized
30 and encouraged compacts for cooperative efforts and mutual
31 assistance in the prevention of crime.

32 It is the purpose of this compact, through means of joint
33 and cooperative action among the compacting states to: (A)

1 ensure that the adjudicated juveniles and status offenders
2 subject to this compact are provided adequate supervision and
3 services in the receiving state as ordered by the adjudicating
4 judge or parole authority in the sending state; (B) ensure that
5 the public safety interests of the citizens, including the
6 victims of juvenile offenders, in both the sending and
7 receiving states are adequately protected; (C) return
8 juveniles who have run away, absconded or escaped from
9 supervision or control or have been accused of an offense to
10 the state requesting their return; (D) make contracts for the
11 cooperative institutionalization in public facilities in
12 member states for delinquent youth needing special services;
13 (E) provide for the effective tracking and supervision of
14 juveniles; (F) equitably allocate the costs, benefits and
15 obligations of the compacting states; (G) establish procedures
16 to manage the movement between states of juvenile offenders
17 released to the community under the jurisdiction of courts,
18 juvenile departments, or any other criminal or juvenile justice
19 agency which has jurisdiction over juvenile offenders; (H)
20 insure immediate notice to jurisdictions where defined
21 offenders are authorized to travel or to relocate across state
22 lines; (I) establish procedures to resolve pending charges
23 (detainers) against juvenile offenders prior to transfer or
24 release to the community under the terms of this compact; (J)
25 establish a system of uniform data collection on information
26 pertaining to juveniles subject to this compact that allows
27 access by authorized juvenile justice and criminal justice
28 officials, and regular reporting of Compact activities to heads
29 of state executive, judicial, and legislative branches and
30 juvenile and criminal justice administrators; (K) monitor
31 compliance with rules governing interstate movement of
32 juveniles and initiate interventions to address and correct
33 non-compliance; (L) coordinate training and education
34 regarding the regulation of interstate movement of juveniles

1 for officials involved in such activity; and (M) coordinate the
2 implementation and operation of the compact with the Interstate
3 Compact for the Placement of Children, the Interstate Compact
4 for Adult Offender Supervision and other compacts affecting
5 juveniles particularly in those cases where concurrent or
6 overlapping supervision issues arise. It is the policy of the
7 compacting states that the activities conducted by the
8 Interstate Commission created herein are the formation of
9 public policies and therefore are public business.
10 Furthermore, the compacting states shall cooperate and observe
11 their individual and collective duties and responsibilities
12 for the prompt return and acceptance of juveniles subject to
13 the provisions of this compact. The provisions of this compact
14 shall be reasonably and liberally construed to accomplish the
15 purposes and policies of the compact.

16 ARTICLE II

17 DEFINITIONS

18 As used in this compact, unless the context clearly
19 requires a different construction:

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

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

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

32 D. "Commissioner" means: the voting representative of each
33 compacting state appointed pursuant to Article III of this
34 compact.

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

3 F. "Deputy Compact Administrator" means: the individual,
4 if any, in each compacting state appointed to act on behalf of
5 a Compact Administrator pursuant to the terms of this compact
6 responsible for the administration and management of the
7 state's supervision and transfer of juveniles subject to the
8 terms of this compact, the rules adopted by the Interstate
9 Commission and policies adopted by the State Council under this
10 compact.

11 G. "Interstate Commission" means: the Interstate
12 Commission for Juveniles created by Article III of this
13 compact.

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

17 (1) Accused Delinquent - a person charged with an
18 offense that, if committed by an adult, would be a criminal
19 offense;

20 (2) Adjudicated Delinquent - a person found to have
21 committed an offense that, if committed by an adult, would
22 be a criminal offense;

23 (3) Accused Status Offender - a person charged with an
24 offense that would not be a criminal offense if committed
25 by an adult;

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

29 (5) Non-Offender - a person in need of supervision who
30 has not been accused or adjudicated a status offender or
31 delinquent.

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

34 J. "Probation or Parole" means: any kind of supervision or

1 conditional release of juveniles authorized under the laws of
2 the compacting states.

3 K. "Rule" means: a written statement by the Interstate
4 Commission promulgated pursuant to Article VI of this compact
5 that is of general applicability, implements, interprets or
6 prescribes a policy or provision of the Compact, or an
7 organizational, procedural, or practice requirement of the
8 Commission, and has the force and effect of statutory law in a
9 compacting state, and includes the amendment, repeal, or
10 suspension of an existing rule.

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

15 ARTICLE III

16 INTERSTATE COMMISSION FOR JUVENILES

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

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

34 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
6 general, Interstate Compact for Adult Offender Supervision,
7 Interstate Compact for the Placement of Children, juvenile
8 justice and juvenile corrections officials, and crime victims.
9 All non-commissioner members of the Interstate Commission
10 shall be ex-officio (non-voting) members. The Interstate
11 Commission may provide in its by-laws for such additional
12 ex-officio (non-voting) members, including members of other
13 national organizations, in such numbers as shall be determined
14 by the commission.

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

20 E. The commission shall meet at least once each calendar
21 year. The chairperson may call additional meetings and, upon
22 the request of a simple majority of the compacting states,
23 shall call additional meetings. Public notice shall be given of
24 all 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,
27 and others as determined by the by-laws. The executive
28 committee shall have the power to act on behalf of the
29 Interstate Commission during periods when the Interstate
30 Commission is not in session, with the exception of rulemaking
31 and/or amendment to the compact. The executive committee shall
32 oversee the day-to-day activities of the administration of the
33 compact managed by an executive director and Interstate
34 Commission staff; administers enforcement and compliance with

1 the provisions of the compact, its by-laws and rules, and
2 performs such other duties as directed by the Interstate
3 Commission or set forth in the by-laws.

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

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

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

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

31 2. Disclose matters specifically exempted from
32 disclosure by statute;

33 3. Disclose trade secrets or commercial or financial
34 information which is privileged or confidential;

1 4. Involve accusing any person of a crime, or formally
2 censuring any person;

3 5. Disclose information of a personal nature where
4 disclosure would constitute a clearly unwarranted invasion
5 of personal privacy;

6 6. Disclose investigative records compiled for law
7 enforcement purposes;

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

14 8. Disclose information, the premature disclosure of
15 which would significantly endanger the stability of a
16 regulated person or entity; or

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

20 J. For every meeting closed pursuant to this provision, the
21 Interstate Commission's legal counsel shall publicly certify
22 that, in the legal counsel's opinion, the meeting may be closed
23 to the public, and shall reference each relevant exemptive
24 provision. The Interstate Commission shall keep minutes which
25 shall fully and clearly describe all matters discussed in any
26 meeting and shall provide a full and accurate summary of any
27 actions taken, and the reasons therefore, including a
28 description of each of the views expressed on any item and the
29 record of any roll call vote (reflected in the vote of each
30 member on the question). All documents considered in connection
31 with any action shall be identified in such minutes.

32 K. The Interstate Commission shall collect standardized
33 data concerning the interstate movement of juveniles as
34 directed through its rules which shall specify the data to be

1 collected, the means of collection and data exchange and
2 reporting requirements. Such methods of data collection,
3 exchange and reporting shall insofar as is reasonably possible
4 conform to up-to-date technology and coordinate its
5 information functions with the appropriate repository of
6 records.

7 ARTICLE IV

8 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

9 The commission shall have the following powers and duties:

10 1. To provide for dispute resolution among compacting
11 states.

12 2. To promulgate rules to effect the purposes and
13 obligations as enumerated in this compact, which shall have the
14 force and effect of statutory law and shall be binding in the
15 compacting states to the extent and in the manner provided in
16 this compact.

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

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

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

27 6. To purchase and maintain insurance and bonds.

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

30 8. To establish and appoint committees and hire staff which
31 it deems necessary for the carrying out of its functions
32 including, but not limited to, an executive committee as
33 required by Article III which shall have the power to act on
34 behalf of the Interstate Commission in carrying out its powers

1 and duties hereunder.

2 9. To elect or appoint such officers, attorneys, employees,
3 agents, or consultants, and to fix their compensation, define
4 their duties and determine their qualifications; and to
5 establish the Interstate Commission's personnel policies and
6 programs relating to, inter alia, conflicts of interest, rates
7 of compensation, and qualifications of personnel.

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

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

14 12. To sell, convey, mortgage, pledge, lease, exchange,
15 abandon, or otherwise dispose of any property, real, personal
16 or mixed.

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

19 14. To sue and be sued.

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

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

24 17. To report annually to the legislatures, governors,
25 judiciary, and state councils of the compacting states
26 concerning the activities of the Interstate Commission during
27 the preceding year. Such reports shall also include any
28 recommendations that may have been adopted by the Interstate
29 Commission.

30 18. To coordinate education, training and public awareness
31 regarding the interstate movement of juveniles for officials
32 involved in such activity.

33 19. To establish uniform standards of the reporting,
34 collecting and exchanging of data.

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

13 2. The Interstate Commission shall, through its executive
14 committee, appoint or retain an executive director for such
15 period, upon such terms and conditions and for such
16 compensation as the Interstate Commission may deem
17 appropriate. The executive director shall serve as secretary to
18 the Interstate Commission, but shall not be a Member and shall
19 hire and supervise such other staff as may be authorized by the
20 Interstate Commission.

21 Section C. Qualified Immunity, Defense and Indemnification

22 1. The Commission's executive director and employees shall
23 be immune from suit and liability, either personally or in
24 their official capacity, for any claim for damage to or loss of
25 property or personal injury or other civil liability caused or
26 arising out of or relating to any actual or alleged act, error,
27 or omission that occurred, or that such person had a reasonable
28 basis for believing occurred within the scope of Commission
29 employment, duties, or responsibilities; provided, that any
30 such person shall not be protected from suit or liability for
31 any damage, loss, injury, or liability caused by the
32 intentional or willful and wanton misconduct of any such
33 person.

34 2. The liability of any commissioner, or the employee or

1 agent of a commissioner, acting within the scope of such
2 person's employment or duties for acts, errors, or omissions
3 occurring within such person's state may not exceed the limits
4 of liability set forth under the Constitution and laws of that
5 state for state officials, employees, and agents. Nothing in
6 this subsection shall be construed to protect any such person
7 from suit or liability for any damage, loss, injury, or
8 liability caused by the intentional or willful and wanton
9 misconduct of any such person.

10 3. The Interstate Commission shall defend the executive
11 director or the employees or representatives of the Interstate
12 Commission and, subject to the approval of the Attorney General
13 of the state represented by any commissioner of a compacting
14 state, shall defend such commissioner or the commissioner's
15 representatives or employees in any civil action seeking to
16 impose liability arising out of any actual or alleged act,
17 error or omission that occurred within the scope of Interstate
18 Commission employment, duties or responsibilities, or that the
19 defendant had a reasonable basis for believing occurred within
20 the scope of Interstate Commission employment, duties, or
21 responsibilities, provided that the actual or alleged act,
22 error, or omission did not result from intentional or willful
23 and wanton misconduct on the part of such person.

24 4. The Interstate Commission shall indemnify and hold the
25 commissioner of a compacting state, or the commissioner's
26 representatives or employees, or the Interstate Commission's
27 representatives or employees, harmless in the amount of any
28 settlement or judgment obtained against such persons arising
29 out of any actual or alleged act, error, or omission that
30 occurred within the scope of Interstate Commission employment,
31 duties, or responsibilities, or that such persons had a
32 reasonable basis for believing occurred within the scope of
33 Interstate Commission employment, duties, or responsibilities,
34 provided that the actual or alleged act, error, or omission did

1 not result from intentional or willful and wanton misconduct on
2 the part of such persons.

3 ARTICLE VI

4 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

5 A. The Interstate Commission shall promulgate and publish
6 rules in order to effectively and efficiently achieve the
7 purposes of the compact.

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

20 C. When promulgating a rule, the Interstate Commission
21 shall, at a minimum:

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

24 2. allow and invite any and all persons to submit
25 written data, facts, opinions and arguments, which
26 information shall be added to the record, and be made
27 publicly available;

28 3. provide an opportunity for an informal hearing if
29 petitioned by ten (10) or more persons; and

30 4. promulgate a final rule and its effective date, if
31 appropriate, based on input from state or local officials,
32 or interested parties.

33 D. Allow, not later than sixty days after a rule is
34 promulgated, any interested person to file a petition in the

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

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

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

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

26 ARTICLE VII

27 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE

28 INTERSTATE COMMISSION

29 Section A. Oversight

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

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

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

34

ARTICLE VIII

1 FINANCE

2 A. The Interstate Commission shall pay or provide for the
3 payment of the reasonable expenses of its establishment,
4 organization and ongoing activities.

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

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

22 D. The Interstate Commission shall keep accurate accounts
23 of all receipts and disbursements. The receipts and
24 disbursements of the Interstate Commission shall be subject to
25 the audit and accounting procedures established under its
26 by-laws. However, all receipts and disbursements of funds
27 handled by the Interstate Commission shall be audited yearly by
28 a certified or licensed public accountant and the report of the
29 audit shall be included in and become part of the annual report
30 of the Interstate Commission.

31 ARTICLE IX

32 THE STATE COUNCIL

33 Each member state shall create a State Council for
34 Interstate Juvenile Supervision. While each state may

1 determine the membership of its own state council, its
2 membership must include at least one representative from the
3 legislative, judicial, and executive branches of government,
4 victims groups, and the compact administrator, deputy compact
5 administrator or designee. Each compacting state retains the
6 right to determine the qualifications of the compact
7 administrator or deputy compact administrator. Each state
8 council will advise and may exercise oversight and advocacy
9 concerning that state's participation in Interstate Commission
10 activities and other duties as may be determined by that state,
11 including but not limited to, development of policy concerning
12 operations and procedures of the compact within that state.

13 ARTICLE X

14 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

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

20 B. The compact shall become effective and binding upon
21 legislative enactment of the compact into law by no less than
22 35 of the states. The initial effective date shall be the later
23 of July 1, 2004 or upon enactment into law by the 35th
24 jurisdiction. Thereafter it shall become effective and binding
25 as to any other compacting state upon enactment of the compact
26 into law by that state. The governors of non-member states or
27 their designees shall be invited to participate in the
28 activities of the Interstate Commission on a non-voting basis
29 prior to adoption of the compact by all states and territories
30 of the United States.

31 C. The Interstate Commission may propose amendments to the
32 compact for enactment by the compacting states. No amendment
33 shall become effective and binding upon the Interstate
34 Commission and the compacting states unless and until it is

1 enacted into law by unanimous consent of the compacting states.

2 ARTICLE XI

3 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

4 Section A. Withdrawal

5 1. Once effective, the compact shall continue in force and
6 remain binding upon each and every compacting state; provided
7 that a compacting state may withdraw from the compact by
8 specifically repealing the statute which enacted the compact
9 into law.

10 2. The effective date of withdrawal is the effective date
11 of the repeal.

12 3. The withdrawing state shall immediately notify the
13 chairperson of the Interstate Commission in writing upon the
14 introduction of legislation repealing this compact in the
15 withdrawing state. The Interstate Commission shall notify the
16 other compacting states of the withdrawing state's intent to
17 withdraw within sixty days of its receipt thereof.

18 4. The withdrawing state is responsible for all
19 assessments, obligations and liabilities incurred through the
20 effective date of withdrawal, including any obligations, the
21 performance of which extend beyond the effective date of
22 withdrawal.

23 5. Reinstatement following withdrawal of any compacting
24 state shall occur upon the withdrawing state reenacting the
25 compact or upon such later date as determined by the Interstate
26 Commission.

27 Section B. Technical Assistance, Fines, Suspension,
28 Termination and Default

29 1. If the Interstate Commission determines that any
30 compacting state has at any time defaulted in the performance
31 of any of its obligations or responsibilities under this
32 compact, or the by-laws or duly promulgated rules, the
33 Interstate Commission may impose any or all of the following
34 penalties:

1 a. Remedial training and technical assistance as
2 directed by the Interstate Commission;

3 b. Alternative Dispute Resolution;

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

6 d. Suspension or termination of membership in the
7 compact, which shall be imposed only after all other
8 reasonable means of securing compliance under the by-laws
9 and rules have been exhausted and the Interstate Commission
10 has therefore determined that the offending state is in
11 default. Immediate notice of suspension shall be given by
12 the Interstate Commission to the Governor, the Chief
13 Justice or the Chief Judicial Officer of the state, the
14 majority and minority leaders of the defaulting state's
15 legislature, and the state council. The grounds for default
16 include, but are not limited to, failure of a compacting
17 state to perform such obligations or responsibilities
18 imposed upon it by this compact, the by-laws, or duly
19 promulgated rules and any other grounds designated in
20 commission by-laws and rules. The Interstate Commission
21 shall immediately notify the defaulting state in writing of
22 the penalty imposed by the Interstate Commission and of the
23 default pending a cure of the default. The commission shall
24 stipulate the conditions and the time period within which
25 the defaulting state must cure its default. If the
26 defaulting state fails to cure the default within the time
27 period specified by the commission, the defaulting state
28 shall be terminated from the compact upon an affirmative
29 vote of a majority of the compacting states and all rights,
30 privileges and benefits conferred by this compact shall be
31 terminated from the effective date of termination.

32 2. Within sixty days of the effective date of termination
33 of a defaulting state, the Commission shall notify the
34 Governor, the Chief Justice or Chief Judicial Officer, the

1 Majority and Minority Leaders of the defaulting state's
2 legislature, and the state council of such termination.

3 3. The defaulting state is responsible for all assessments,
4 obligations and liabilities incurred through the effective
5 date of termination including any obligations, the performance
6 of which extends beyond the effective date of termination.

7 4. The Interstate Commission shall not bear any costs
8 relating to the defaulting state unless otherwise mutually
9 agreed upon in writing between the Interstate Commission and
10 the defaulting state.

11 5. Reinstatement following termination of any compacting
12 state requires both a reenactment of the compact by the
13 defaulting state and the approval of the Interstate Commission
14 pursuant to the rules.

15 Section C. Judicial Enforcement

16 The Interstate Commission may, by majority vote of the
17 members, initiate legal action in the United States District
18 Court for the District of Columbia or, at the discretion of the
19 Interstate Commission, in the federal district where the
20 Interstate Commission has its offices, to enforce compliance
21 with the provisions of the compact, its duly promulgated rules
22 and by-laws, against any compacting state in default. In the
23 event judicial enforcement is necessary the prevailing party
24 shall be awarded all costs of such litigation including
25 reasonable attorneys fees.

26 Section D. Dissolution of Compact

27 1. The compact dissolves effective upon the date of the
28 withdrawal or default of the compacting state, which reduces
29 membership in the compact to one compacting state.

30 2. Upon the dissolution of this compact, the compact
31 becomes null and void and shall be of no further force or
32 effect, and the business and affairs of the Interstate
33 Commission shall be concluded and any surplus funds shall be
34 distributed in accordance with the by-laws.

1 ARTICLE XII

2 SEVERABILITY AND CONSTRUCTION

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

7 B. The provisions of this compact shall be liberally
8 construed to effectuate its purposes.

9 ARTICLE XIII

10 BINDING EFFECT OF COMPACT AND OTHER LAWS

11 Section A. Other Laws

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

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

18 Section B. Binding Effect of the Compact

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

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

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

29 4. In the event any provision of this compact exceeds the
30 constitutional limits imposed on the legislature of any
31 compacting state, the obligations, duties, powers or
32 jurisdiction sought to be conferred by such provision upon the
33 Interstate Commission shall be ineffective and such
34 obligations, duties, powers or jurisdiction shall remain in the

1 compacting state and shall be exercised by the agency thereof
2 to which such obligations, duties, powers or jurisdiction are
3 delegated by law in effect at the time this compact becomes
4 effective.

5 Section 75. The Illinois Administrative Procedure Act is
6 amended by changing Section 1-5 as follows:

7 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

8 Sec. 1-5. Applicability.

9 (a) This Act applies to every agency as defined in this
10 Act. Beginning January 1, 1978, in case of conflict between the
11 provisions of this Act and the Act creating or conferring power
12 on an agency, this Act shall control. If, however, an agency
13 (or its predecessor in the case of an agency that has been
14 consolidated or reorganized) has existing procedures on July 1,
15 1977, specifically for contested cases or licensing, those
16 existing provisions control, except that this exception
17 respecting contested cases and licensing does not apply if the
18 Act creating or conferring power on the agency adopts by
19 express reference the provisions of this Act. Where the Act
20 creating or conferring power on an agency establishes
21 administrative procedures not covered by this Act, those
22 procedures shall remain in effect.

23 (b) The provisions of this Act do not apply to (i)
24 preliminary hearings, investigations, or practices where no
25 final determinations affecting State funding are made by the
26 State Board of Education, (ii) legal opinions issued under
27 Section 2-3.7 of the School Code, (iii) as to State colleges
28 and universities, their disciplinary and grievance
29 proceedings, academic irregularity and capricious grading
30 proceedings, and admission standards and procedures, and (iv)
31 the class specifications for positions and individual position
32 descriptions prepared and maintained under the Personnel Code.

1 Those class specifications shall, however, be made reasonably
2 available to the public for inspection and copying. The
3 provisions of this Act do not apply to hearings under Section
4 20 of the Uniform Disposition of Unclaimed Property Act.

5 (c) Section 5-35 of this Act relating to procedures for
6 rulemaking does not apply to the following:

7 (1) Rules adopted by the Pollution Control Board that,
8 in accordance with Section 7.2 of the Environmental
9 Protection Act, are identical in substance to federal
10 regulations or amendments to those regulations
11 implementing the following: Sections 3001, 3002, 3003,
12 3004, 3005, and 9003 of the Solid Waste Disposal Act;
13 Section 105 of the Comprehensive Environmental Response,
14 Compensation, and Liability Act of 1980; Sections 307(b),
15 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal
16 Water Pollution Control Act; and Sections 1412(b),
17 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking
18 Water Act.

19 (2) Rules adopted by the Pollution Control Board that
20 establish or amend standards for the emission of
21 hydrocarbons and carbon monoxide from gasoline powered
22 motor vehicles subject to inspection under Section 13A-105
23 of the Vehicle Emissions Inspection Law and rules adopted
24 under Section 13B-20 of the Vehicle Emissions Inspection
25 Law of 1995.

26 (3) Procedural rules adopted by the Pollution Control
27 Board governing requests for exceptions under Section 14.2
28 of the Environmental Protection Act.

29 (4) The Pollution Control Board's grant, pursuant to an
30 adjudicatory determination, of an adjusted standard for
31 persons who can justify an adjustment consistent with
32 subsection (a) of Section 27 of the Environmental
33 Protection Act.

34 (5) Rules adopted by the Pollution Control Board that

1 are identical in substance to the regulations adopted by
2 the Office of the State Fire Marshal under clause (ii) of
3 paragraph (b) of subsection (3) of Section 2 of the
4 Gasoline Storage Act.

5 (d) Pay rates established under Section 8a of the Personnel
6 Code shall be amended or repealed pursuant to the process set
7 forth in Section 5-50 within 30 days after it becomes necessary
8 to do so due to a conflict between the rates and the terms of a
9 collective bargaining agreement covering the compensation of
10 an employee subject to that Code.

11 (e) Section 10-45 of this Act shall not apply to any
12 hearing, proceeding, or investigation conducted under Section
13 13-515 of the Public Utilities Act.

14 (f) Article 10 of this Act does not apply to any hearing,
15 proceeding, or investigation conducted by the State Council for
16 the State of Illinois created under Section 3-3-11.05 of the
17 Unified Code of Corrections or by the Interstate Commission
18 ~~Commission~~ for Adult Offender Supervision created under the
19 Interstate Compact for Adult Offender Supervision or by the
20 Interstate Commission for Juveniles created under the
21 Interstate Compact for Juveniles.

22 (Source: P.A. 92-571, eff. 6-26-02; revised 7-25-02.)

23 Section 80. The Unified Code of Corrections is amended by
24 changing Sections 3-2.5-20, 3-3-11.05, 3-3-11.1, and 3-3-11.2
25 and by adding Section 3-2.5-110 as follows:

26 (730 ILCS 5/3-2.5-20)

27 (This Section may contain text from a Public Act with a
28 delayed effective date)

29 Sec. 3-2.5-20. General powers and duties.

30 (a) In addition to the powers, duties, and responsibilities
31 which are otherwise provided by law or transferred to the
32 Department as a result of this Article, the Department, as

1 determined by the Director, shall have, but are not limited to,
2 the following rights, powers, functions and duties:

3 (1) To accept juveniles committed to it by the courts
4 of this State for care, custody, treatment, and
5 rehabilitation.

6 (2) To maintain and administer all State juvenile
7 correctional institutions previously under the control of
8 the Juvenile and Women's & Children Divisions of the
9 Department of Corrections, and to establish and maintain
10 institutions as needed to meet the needs of the youth
11 committed to its care.

12 (3) To identify the need for and recommend the funding
13 and implementation of an appropriate mix of programs and
14 services within the juvenile justice continuum, including
15 but not limited to prevention, nonresidential and
16 residential commitment programs, day treatment, and
17 conditional release programs and services, with the
18 support of educational, vocational, alcohol, drug abuse,
19 and mental health services where appropriate.

20 (4) To establish and provide transitional and
21 post-release treatment programs for juveniles committed to
22 the Department. Services shall include but are not limited
23 to:

24 (i) family and individual counseling and treatment
25 placement;

26 (ii) referral services to any other State or local
27 agencies;

28 (iii) mental health services;

29 (iv) educational services;

30 (v) family counseling services; and

31 (vi) substance abuse services.

32 (5) To access vital records of juveniles for the
33 purposes of providing necessary documentation for
34 transitional services such as obtaining identification,

1 educational enrollment, employment, and housing.

2 (6) To develop staffing and workload standards and
3 coordinate staff development and training appropriate for
4 juvenile populations.

5 (7) To develop, with the approval of the Office of the
6 Governor and the Governor's Office of Management and
7 Budget, annual budget requests.

8 (8) To administer the Interstate Compact for
9 Juveniles, with respect to all juveniles under its
10 jurisdiction, and to cooperate with the Department of Human
11 Services with regard to all non-offender juveniles subject
12 to the Interstate Compact for Juveniles.

13 (b) The Department may employ personnel in accordance with
14 the Personnel Code and Section 3-2.5-15 of this Code, provide
15 facilities, contract for goods and services, and adopt rules as
16 necessary to carry out its functions and purposes, all in
17 accordance with applicable State and federal law.

18 (Source: P.A. 94-696, eff. 6-1-06.)

19 (730 ILCS 5/3-2.5-110 new)

20 Sec. 3-2.5-110. State Compact Administrator. A State
21 Compact Administrator for the Interstate Compact for Juveniles
22 shall be appointed by the Governor. The Juvenile State Compact
23 Administrator shall be a representative of the Illinois
24 Department of Juvenile Justice and shall act as the day-to-day
25 administrator for the Interstate Compact for Juveniles. The
26 State Compact Administrator shall serve as the State's
27 Commissioner to the Interstate Commission for Juveniles, as
28 provided in Article III of the Compact. One Deputy State
29 Compact Administrator from probation shall be appointed by the
30 Supreme Court. A second Deputy State Compact Administrator
31 shall be appointed by the Department of Human Services.

32 (730 ILCS 5/3-3-11.05)

1 Sec. 3-3-11.05. State Council for Interstate Compacts for
2 the State of Illinois.

3 (a) Membership and appointing authority.

4 (1) A State Compact Administrator for the Interstate
5 Compact for Adult Offender Supervision shall be appointed
6 by the Governor. The Adult Offender Supervision Compact
7 Administrator shall be a representative of the Illinois
8 Department of Corrections and shall ~~serve as Chairperson of~~
9 ~~the State Council, as well as~~ act as the day-to-day
10 administrator for the Interstate Compact for Adult
11 Offender Supervision. The State Compact Administrator
12 shall serve as the State's Commissioner to the Interstate
13 Commission for Adult Offenders, as provided in Article IV
14 of the Compact. The Adult Offender Supervision Compact
15 Administrator shall serve as Chairperson of the State
16 Council for Interstate Compacts, except that the State
17 Compact Administrator for the Interstate Compact for
18 Juveniles may be designated by the State Council to serve
19 as Chairperson for the State Council when juvenile issues
20 come before the council. The State Compact Administrator
21 ~~shall serve as the State's Commissioner to the Interstate~~
22 ~~Commission as provided in Article IV of the Compact.~~

23 (2) A Deputy Compact Administrator from probation
24 shall be appointed by the Supreme Court.

25 (3) A representative shall be appointed by the Speaker
26 of the House of Representatives.

27 (4) A representative shall be appointed by the Minority
28 Leader of the House of Representatives.

29 (5) A representative shall be appointed by the
30 President of the Senate.

31 (6) A representative shall be appointed by the Minority
32 Leader of the Senate.

33 (7) A judicial representative shall be appointed by the
34 Supreme Court.

1 (8) A representative from a crime victims' advocacy
2 group shall be appointed by the Governor.

3 (9) A parole representative shall be appointed by the
4 Director of Corrections.

5 (10) A probation representative shall be appointed by
6 the Director of the Administrative Office of the Illinois
7 Courts.

8 (11) A representative shall be appointed by the
9 Director of Juvenile Justice.

10 (12) The Deputy Compact Administrator (Juvenile)
11 appointed by the Secretary of Human Services.

12 (13) The State Compact Administrator of the Interstate
13 Compact for Juveniles.

14 (14) ~~(11)~~ The persons appointed under clauses (1)
15 through (13) ~~(10)~~ of this subsection (a) shall be voting
16 members of the State Council. With the approval of the
17 State Council, persons representing other organizations
18 that may have an interest in the Compact may also be
19 appointed to serve as non-voting members of the State
20 Council by those interested organizations. Those
21 organizations may include, but are not limited to, the
22 Illinois Sheriffs' Association, the Illinois Association
23 of Chiefs of Police, the Illinois State's Attorneys
24 Association, and the Office of Attorney General.

25 (b) Terms of appointment.

26 (1) The Compact Administrators ~~Administrator~~ and the
27 Deputy Compact Administrators ~~Administrator from Probation~~
28 shall serve at the will of their respective appointing
29 authorities.

30 (2) The crime victims' advocacy group representative
31 and the judicial representative shall each serve an initial
32 term of 2 years. Thereafter, they shall each serve for a
33 term of 4 years.

34 (3) The representatives appointed by the Speaker of the

1 House of Representatives, the President of the Senate, the
2 Minority Leader of the House of Representatives, and the
3 Minority Leader of the Senate shall each serve for a term
4 of 4 years. If one of these representatives shall not be
5 able to fulfill the completion of his or her term, then
6 another representative shall be appointed by his or her
7 respective appointing authority for the remainder of his or
8 her term.

9 (4) The probation representative and the parole
10 representative shall each serve a term of 2 years.

11 (5) The time frame limiting the initial term of
12 appointments for voting representatives listed in clauses
13 (2) through (4) of this subsection (b) shall not begin
14 until more than 50 percent of the appointments have been
15 made by the respective appointing authorities.

16 (c) Duties and responsibilities.

17 (1) The duties and responsibilities of the State
18 Council shall be:

19 (A) To appoint the State Compact Administrator as
20 Illinois' Commissioner on the Interstate Commission.

21 (B) To develop by-laws for the operation of the
22 State Council.

23 (C) To establish policies and procedures for the
24 Interstate Compact operations in Illinois.

25 (D) To monitor and remediate Compact compliance
26 issues in Illinois.

27 (E) To promote system training and public
28 awareness regarding the Compact's mission and
29 mandates.

30 (F) To meet at least twice a year and otherwise as
31 called by the Chairperson.

32 (G) To allow for the appointment of non-voting
33 members as deemed appropriate.

34 (H) To issue rules in accordance with Article 5 of

1 the Illinois Administrative Procedure Act.

2 (I) To publish Interstate Commission rules.

3 (d) Funding. The State shall appropriate funds to the
4 Department of Corrections to support the operations of the
5 State Council and its membership dues to the Interstate
6 Commission.

7 (e) Penalties. Procedures for assessment of penalties
8 imposed pursuant to Article XII of the Compact shall be
9 established by the State Council.

10 (f) Notification of ratification of Compact. The State
11 Compact Administrator shall notify the Governor and Secretary
12 of State when 35 States have enacted the Compact.

13 (Source: P.A. 92-571, eff. 6-26-02.)

14 (730 ILCS 5/3-3-11.1) (from Ch. 38, par. 1003-3-11.1)

15 Sec. 3-3-11.1. State defined. As used in Sections 3-3-11.05
16 through 3-3-11.3, unless the context clearly indicates
17 otherwise, the term "State" means a state of the United States,
18 the District of Columbia, the Commonwealth of Puerto Rico, and
19 any other territorial possessions of the United States.

20 (Source: P.A. 92-571, eff. 6-26-02.)

21 (730 ILCS 5/3-3-11.2) (from Ch. 38, par. 1003-3-11.2)

22 Sec. 3-3-11.2. Force and effect of compact.

23 When the Governor of this State shall sign and seal the
24 Interstate Compact for Adult Offender Supervision, the
25 Interstate Compact for Juveniles, ~~this compact~~ or any compact
26 with any other State, pursuant to the provisions of this Act,
27 such compact or compacts as between the State of Illinois and
28 such other State so signing shall have the force and effect of
29 law immediately upon the enactment by such other State of a law
30 giving it similar effect.

31 (Source: P.A. 77-2097.)

1 Section 99. Effective date. This Act takes effect June 1,
2 2006, except that Sections 1, 5, 10, and 75 of this Act take
3 effect upon the enactment of the Interstate Compact for
4 Juveniles by 35 states."