

The Interstate Compact for Juveniles

The Council of State Governments, in cooperation with the Office of Juvenile Justice and Delinquency Prevention, is currently supervising the introduction of The Interstate Compact for Juveniles. At issue are the management, monitoring, supervision and return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away from supervision and control to states other than where they were sentenced. Also at issue is the safe return of juveniles who have run away from home and in doing so have left their state of residence.

The Interstate Compact on Juveniles, as currently written and/or utilized, is not an effective instrument for use by the juvenile justice system. Its language and methods are antiquated, its rules and procedures are not widely followed or understood and its structure and overall management is powerless to meet the real needs of juveniles within the modern justice system. Not all states maintain identical contextual language, and rules of the current compact are problematic and potentially detrimental to juveniles themselves.

These concerns, raised by both the public and corrections practitioners, have allowed CSG to take a lead role in amending the existing Interstate Compact. CSG is committed to ensuring that it remains an effective management tool for those juveniles who travel to, or are supervised in, states other than where they were sentenced or reside.

Primary changes to the original Juvenile Compact (1955) include:

- The establishment of an independent compact operating authority to administer ongoing compact activity, including a provision for staff support;
- Gubernatorial appointment representations of all member states on a national governing commission which meets annually to elect the compact operating authority members, and to attend to general business and rule making procedures;
- Rule-making authority;
- Provision for significant sanctions to support essential compact operations;
- Mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, training/education, etc.), and
- Compelling collection of standardized information.

Submitted as:

Model

Status: As of May 2003, Arizona, Montana, New Mexico, North Dakota, and Washington have enacted this compact into law.

Suggested State Legislation

(Title, enacting clause, etc.)

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THE INTERSTATE COMPACT FOR JUVENILES

ARTICLE I PURPOSE

The compacting states to this Interstate Compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away from supervision and control

9 and in so doing have endangered their own safety and the safety of others. The compacting
10 states also recognize that each state is responsible for the safe return of juveniles who have run
11 away from home and in doing so have left their state of residence. The compacting states also
12 recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has
13 authorized and encouraged compacts for cooperative efforts and mutual assistance in the
14 prevention of crime.

15 It is the purpose of this Compact, through means of joint and cooperative action among
16 the compacting states to: (A) ensure that the adjudicated juveniles and status offenders subject
17 to this Compact are provided adequate supervision and services in the receiving state as ordered
18 by the adjudicating judge or parole authority in the sending state; (B) ensure that the public
19 safety interests of the citizens, including the victims of juvenile offenders, in both the sending
20 and receiving states are adequately protected; (C) return juveniles who have run away,
21 absconded or escaped from supervision or control or have been accused of an offense to the
22 state requesting their return; (D) make contracts for the cooperative institutionalization in public
23 facilities in member states for delinquent youth needing special services; (E) provide for the
24 effective tracking and supervision of juveniles; (F) equitably allocate the costs, benefits and
25 obligations of the compacting states; (G) establish procedures to manage the movement between
26 states of juvenile offenders released to the community under the jurisdiction of courts, juvenile
27 departments, or any other criminal or juvenile justice agency which has jurisdiction over
28 juvenile offenders; (H) insure immediate notice to jurisdictions where defined offenders are
29 authorized to travel or to relocate across state lines; (I) establish procedures to resolve pending
30 charges (detainers) against juvenile offenders prior to transfer or release to the community under
31 the terms of this Compact; (J) establish a system of uniform data collection on information
32 pertaining to juveniles subject to this Compact that allows access by authorized juvenile justice
33 and criminal justice officials, and regular reporting of Compact activities to heads of state
34 executive, judicial, and legislative branches and juvenile and criminal justice administrators; (K)
35 monitor compliance with rules governing interstate movement of juveniles and initiate
36 interventions to address and correct non-compliance; (L) coordinate training and education
37 regarding the regulation of interstate movement of juveniles for officials involved in such
38 activity; and (M) coordinate the implementation and operation of the Compact with the
39 Interstate Compact for the Placement of Children, the Interstate Compact for Adult Offender
40 Supervision and other compacts affecting juveniles particularly in those cases where concurrent
41 or overlapping supervision issues arise. It is the policy of the compacting states that the
42 activities conducted by the Interstate Commission created herein are the formation of public
43 policies and therefore are public business. Furthermore, the compacting states shall cooperate
44 and observe their individual and collective duties and responsibilities for the prompt return and
45 acceptance of juveniles subject to the provisions of this Compact. The provisions of this
46 Compact shall be reasonably and liberally construed to accomplish the purposes and policies of
47 the Compact.

48 49 ARTICLE II 50 DEFINITIONS 51

52 As used in this Compact, unless the context clearly requires a different construction:

53 A. "Bylaws" means: those bylaws established by the Interstate Commission for its
54 governance, or for directing or controlling its actions or conduct.

55 B. "Compact Administrator" means: the individual in each compacting state appointed
56 pursuant to the terms of this Compact, responsible for the administration and management of the
57 state's supervision and transfer of juveniles subject to the terms of this Compact, the rules

58 adopted by the Interstate Commission and policies adopted by the State Council under this
59 Compact.

60 C. "Compacting State" means: any state which has enacted the enabling legislation for
61 this Compact.

62 D. "Commissioner" means: the voting representative of each compacting state
63 appointed pursuant to Article III of this Compact.

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

66 F. "Deputy Compact Administrator" means: the individual, if any, in each compacting
67 state appointed to act on behalf of a Compact Administrator pursuant to the terms of this
68 compact responsible for the administration and management of the state's supervision and
69 transfer of juveniles subject to the terms of this Compact, the rules adopted by the Interstate
70 Commission and policies adopted by the State Council under this Compact.

71 G. "Interstate Commission" means: the Interstate Commission for Juveniles created by
72 Article III of this Compact.

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

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

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

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

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

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

85 I. "Non-Compacting State" means: any state which has not enacted the enabling
86 legislation for this Compact.

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

89 K. "Rule" means: a written statement by the Interstate Commission promulgated
90 pursuant to Article VI of this Compact that is of general applicability, implements, interprets or
91 prescribes a policy or provision of the Compact, or an organizational, procedural, or practice
92 requirement of the Commission, and has the force and effect of statutory law in a compacting
93 state, and includes the amendment, repeal, or suspension of an existing rule.

94 L. "State" means: a state of the United States, the District of Columbia (or its designee),
95 the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the
96 Northern Mariana Islands.

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ARTICLE III INTERSTATE COMMISSION FOR JUVENILES

101 A. The compacting states hereby create the "Interstate Commission for Juveniles." The
102 commission shall be a body corporate and joint agency of the compacting states. The
103 commission shall have all the responsibilities, powers and duties set forth herein, and such
104 additional powers as may be conferred upon it by subsequent action of the respective
105 legislatures of the compacting states in accordance with the terms of this Compact.

106 B. The Interstate Commission shall consist of commissioners appointed by the
107 appropriate appointing authority in each state pursuant to the rules and requirements of each
108 compacting state and in consultation with the State Council for Interstate Juvenile Supervision
109 created hereunder. The commissioner shall be the compact administrator, deputy compact
110 administrator or designee from that state who shall serve on the Interstate Commission in such
111 capacity under or pursuant to the applicable law of the compacting state.

112 C. In addition to the commissioners who are the voting representatives of each state, the
113 Interstate Commission shall include individuals who are not commissioners, but who are
114 members of interested organizations. Such non-commissioner members must include a member
115 of the national organizations of governors, legislators, state chief justices, attorneys general,
116 Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of
117 Children, juvenile justice and juvenile corrections officials, and crime victims. All non-
118 commissioner members of the Interstate Commission shall be ex-officio (non-voting) members.
119 The Interstate Commission may provide in its bylaws for such additional ex-officio (non-voting)
120 members, including members of other national organizations, in such numbers as shall be
121 determined by the commission.

122 D. Each compacting state represented at any meeting of the commission is entitled to
123 one vote. A majority of the compacting states shall constitute a quorum for the transaction of
124 business, unless a larger quorum is required by the bylaws of the Interstate Commission.

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

129 F. The Interstate Commission shall establish an executive committee, which shall
130 include commission officers, members, and others as determined by the bylaws. The executive
131 committee shall have the power to act on behalf of the Interstate Commission during periods
132 when the Interstate Commission is not in session, with the exception of rulemaking and/or
133 amendment to the Compact. The executive committee shall oversee the day-to-day activities of
134 the administration of the Compact managed by an executive director and Interstate Commission
135 staff; administers enforcement and compliance with the provisions of the Compact, its bylaws
136 and rules, and performs such other duties as directed by the Interstate Commission or set forth in
137 the bylaws.

138 G. Each member of the Interstate Commission shall have the right and power to cast a
139 vote to which that compacting state is entitled and to participate in the business and affairs of
140 the Interstate Commission. A member shall vote in person and shall not delegate a vote to
141 another compacting state. However, a commissioner, in consultation with the state council,
142 shall appoint another authorized representative, in the absence of the commissioner from that
143 state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may
144 provide for members' participation in meetings by telephone or other means of
145 telecommunication or electronic communication.

146 H. The Interstate Commission's bylaws shall establish conditions and procedures under
147 which the Interstate Commission shall make its information and official records available to the
148 public for inspection or copying. The Interstate Commission may exempt from disclosure any
149 information or official records to the extent they would adversely affect personal privacy rights
150 or proprietary interests.

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

- 155 1. Relate solely to the Interstate Commission's internal personnel practices and
156 procedures;
- 157 2. Disclose matters specifically exempted from disclosure by statute;
- 158 3. Disclose trade secrets or commercial or financial information which is
159 privileged or confidential;
- 160 4. Involve accusing any person of a crime, or formally censuring any person;
- 161 5. Disclose information of a personal nature where disclosure would constitute a
162 clearly unwarranted invasion of personal privacy;
- 163 6. Disclose investigative records compiled for law enforcement purposes;
- 164 7. Disclose information contained in or related to examination, operating or
165 condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with
166 respect to a regulated person or entity for the purpose of regulation or supervision of such
167 person or entity;
- 168 8. Disclose information, the premature disclosure of which would significantly
169 endanger the stability of a regulated person or entity; or
- 170 9. Specifically relate to the Interstate Commission's issuance of a subpoena, or
171 its participation in a civil action or other legal proceeding.

172 J. For every meeting closed pursuant to this provision, the Interstate Commission's
173 legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be
174 closed to the public, and shall reference each relevant exemptive provision. The Interstate
175 Commission shall keep minutes which shall fully and clearly describe all matters discussed in
176 any meeting and shall provide a full and accurate summary of any actions taken, and the reasons
177 therefore, including a description of each of the views expressed on any item and the record of
178 any roll call vote (reflected in the vote of each member on the question). All documents
179 considered in connection with any action shall be identified in such minutes.

180 K. The Interstate Commission shall collect standardized data concerning the interstate
181 movement of juveniles as directed through its rules which shall specify the data to be collected,
182 the means of collection and data exchange and reporting requirements. Such methods of data
183 collection, exchange and reporting shall insofar as is reasonably possible conform to up-to-date
184 technology and coordinate its information functions with the appropriate repository of records.

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ARTICLE IV

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POWERS AND DUTIES OF THE INTERSTATE COMMISSION

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189 The commission shall have the following powers and duties:

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1. To provide for dispute resolution among compacting states.

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2. To promulgate rules to effect the purposes and obligations as enumerated in this
192 Compact, which shall have the force and effect of statutory law and shall be binding in the
193 compacting states to the extent and in the manner provided in this Compact.

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3. To oversee, supervise and coordinate the interstate movement of juveniles
195 subject to the terms of this Compact and any bylaws adopted and rules promulgated by the
196 Interstate Commission.

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4. To enforce compliance with the Compact provisions, the rules promulgated by
198 the Interstate Commission, and the bylaws, using all necessary and proper means, including but
199 not limited to the use of judicial process.

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

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6. To purchase and maintain insurance and bonds.

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

- 253 f. Providing a mechanism for concluding the operations of the Interstate
254 Commission and the return of any surplus funds that may exist upon the termination of the
255 Compact after the payment and/or reserving of all of its debts and obligations;
256 g. Providing “start-up” rules for initial administration of the Compact; and
257 h. Establishing standards and procedures for compliance and technical
258 assistance in carrying out the Compact.

259 Section B. Officers and Staff

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

268 2. The Interstate Commission shall, through its executive committee, appoint or retain
269 an executive director for such period, upon such terms and conditions and for such
270 compensation as the Interstate Commission may deem appropriate. The executive director shall
271 serve as secretary to the Interstate Commission, but shall not be a Member and shall hire and
272 supervise such other staff as may be authorized by the Interstate Commission.

273 Section C. Qualified Immunity, Defense and Indemnification

274 1. The Commission’s executive director and employees shall be immune from suit and
275 liability, either personally or in their official capacity, for any claim for damage to or loss of
276 property or personal injury or other civil liability caused or arising out of or relating to any
277 actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis
278 for believing occurred within the scope of Commission employment, duties, or responsibilities;
279 provided, that any such person shall not be protected from suit or liability for any damage, loss,
280 injury, or liability caused by the intentional or willful and wanton misconduct of any such
281 person.

282 2. The liability of any commissioner, or the employee or agent of a commissioner,
283 acting within the scope of such person’s employment or duties for acts, errors, or omissions
284 occurring within such person’s state may not exceed the limits of liability set forth under the
285 Constitution and laws of that state for state officials, employees, and agents. Nothing in this
286 subsection shall be construed to protect any such person from suit or liability for any damage,
287 loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such
288 person.

289 3. The Interstate Commission shall defend the executive director or the employees or
290 representatives of the Interstate Commission and, subject to the approval of the Attorney
291 General of the state represented by any commissioner of a compacting state, shall defend such
292 commissioner or the commissioner’s representatives or employees in any civil action seeking to
293 impose liability arising out of any actual or alleged act, error or omission that occurred within
294 the scope of Interstate Commission employment, duties or responsibilities, or that the defendant
295 had a reasonable basis for believing occurred within the scope of Interstate Commission
296 employment, duties, or responsibilities, provided that the actual or alleged act, error, or
297 omission did not result from intentional or willful and wanton misconduct on the part of such
298 person.

299 4. The Interstate Commission shall indemnify and hold the commissioner of a
300 compacting state, or the commissioner's representatives or employees, or the Interstate
301 Commission’s representatives or employees, harmless in the amount of any settlement or

302 judgment obtained against such persons arising out of any actual or alleged act, error, or
303 omission that occurred within the scope of Interstate Commission employment, duties, or
304 responsibilities, or that such persons had a reasonable basis for believing occurred within the
305 scope of Interstate Commission employment, duties, or responsibilities, provided that the actual
306 or alleged act, error, or omission did not result from intentional or willful and wanton
307 misconduct on the part of such persons.

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309 ARTICLE VI
310 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION
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312 A. The Interstate Commission shall promulgate and publish rules in order to effectively
313 and efficiently achieve the purposes of the Compact.

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

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

323 1. Publish the proposed rule's entire text stating the reason(s) for that proposed
324 rule;

325 2. Allow and invite any and all persons to submit written data, facts, opinions
326 and arguments, which information shall be added to the record, and be made publicly available;

327 3. Provide an opportunity for an informal hearing if petitioned by ten (10) or
328 more persons; and

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

331 D. Allow, not later than sixty days after a rule is promulgated, any interested person to
332 file a petition in the United States District Court for the District of Columbia or in the Federal
333 District Court where the Interstate Commission's principal office is located for judicial review
334 of such rule. If the court finds that the Interstate Commission's action is not supported by
335 substantial evidence in the rule-making record, the court shall hold the rule unlawful and set it
336 aside. For purposes of this subsection, evidence is substantial if it would be considered
337 substantial evidence under the Model State Administrative Procedures Act.

338 E. If a majority of the legislatures of the compacting states rejects a rule, those states
339 may, by enactment of a statute or resolution in the same manner used to adopt the Compact,
340 cause that such rule shall have no further force and effect in any compacting state.

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

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

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350 ARTICLE VII

351 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE
352 COMMISSION

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354 Section A. Oversight

355 1. The Interstate Commission shall oversee the administration and operations of the
356 interstate movement of juveniles subject to this Compact in the compacting states and shall
357 monitor such activities being administered in non-compacting states which may significantly
358 affect compacting states.

359 2. The courts and executive agencies in each compacting state shall enforce this
360 Compact and shall take all actions necessary and appropriate to effectuate the Compact's
361 purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall
362 be received by all the judges, public officers, commissions, and departments of the state
363 government as evidence of the authorized statute and administrative rules. All courts shall take
364 judicial notice of the Compact and the rules. In any judicial or administrative proceeding in a
365 compacting state pertaining to the subject matter of this Compact which may affect the powers,
366 responsibilities or actions of the Interstate Commission, it shall be entitled to receive all service
367 of process in any such proceeding, and shall have standing to intervene in the proceeding for all
368 purposes.

369 Section B. Dispute Resolution

370 1. The compacting states shall report to the Interstate Commission on all issues and
371 activities necessary for the administration of the Compact as well as issues and activities
372 pertaining to compliance with the provisions of the Compact and its bylaws and rules.

373 2. The Interstate Commission shall attempt, upon the request of a compacting state, to
374 resolve any disputes or other issues which are subject to the Compact and which may arise
375 among compacting states and between compacting and non-compacting states. The commission
376 shall promulgate a rule providing for both mediation and binding dispute resolution for disputes
377 among the compacting states.

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

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382 ARTICLE VIII
383 FINANCE

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

387 B. The Interstate Commission shall levy on and collect an annual assessment from each
388 compacting state to cover the cost of the internal operations and activities of the Interstate
389 Commission and its staff which must be in a total amount sufficient to cover the Interstate
390 Commission's annual budget as approved each year. The aggregate annual assessment amount
391 shall be allocated based upon a formula to be determined by the Interstate Commission, taking
392 into consideration the population of each compacting state and the volume of interstate
393 movement of juveniles in each compacting state and shall promulgate a rule binding upon all
394 compacting states which governs said assessment.

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

398 D. The Interstate Commission shall keep accurate accounts of all receipts and
399 disbursements. The receipts and disbursements of the Interstate Commission shall be subject to

400 the audit and accounting procedures established under its bylaws. However, all receipts and
401 disbursements of funds handled by the Interstate Commission shall be audited yearly by a
402 certified or licensed public accountant and the report of the audit shall be included in and
403 become part of the annual report of the Interstate Commission.

404
405 ARTICLE IX
406 THE STATE COUNCIL
407

408 Each member state shall create a State Council for Interstate Juvenile Supervision.
409 While each state may determine the membership of its own state council, its membership must
410 include at least one representative from the legislative, judicial, and executive branches of
411 government, victims groups, and the compact administrator, deputy compact administrator or
412 designee. Each compacting state retains the right to determine the qualifications of the compact
413 administrator or deputy compact administrator. Each state council will advise and may exercise
414 oversight and advocacy concerning that state's participation in Interstate Commission activities
415 and other duties as may be determined by that state, including but not limited to, development of
416 policy concerning operations and procedures of the Compact within that state.

417
418 ARTICLE X
419 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT
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421 A. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto
422 Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands as
423 defined in Article II of this Compact is eligible to become a compacting state.

424 B. The Compact shall become effective and binding upon legislative enactment of the
425 compact into law by no less than 35 of the states. The initial effective date shall be the later of
426 July 1, 2004 or upon enactment into law by the 35th jurisdiction. Thereafter it shall become
427 effective and binding as to any other compacting state upon enactment of the Compact into law
428 by that state. The governors of non-member states or their designees shall be invited to
429 participate in the activities of the Interstate Commission on a non-voting basis prior to adoption
430 of the Compact by all states and territories of the United States.

431 C. The Interstate Commission may propose amendments to the Compact for enactment
432 by the compacting states. No amendment shall become effective and binding upon the Interstate
433 Commission and the compacting states unless and until it is enacted into law by unanimous
434 consent of the compacting states.

435
436 ARTICLE XI
437 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT
438

439 Section A. Withdrawal

440 1. Once effective, the Compact shall continue in force and remain binding upon each
441 and every compacting state; provided that a compacting state may withdraw from the Compact
442 by specifically repealing the statute which enacted the Compact into law.

443 2. The effective date of withdrawal is the effective date of the repeal.

444 3. The withdrawing state shall immediately notify the chairperson of the Interstate
445 Commission in writing upon the introduction of legislation repealing this Compact in the
446 withdrawing state. The Interstate Commission shall notify the other compacting states of the
447 withdrawing state's intent to withdraw within sixty days of its receipt thereof.

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

451 5. Reinstatement following withdrawal of any compacting state shall occur upon the
452 withdrawing state reenacting the Compact or upon such later date as determined by the
453 Interstate Commission.

454 Section B. Technical Assistance, Fines, Suspension, Termination and Default

455 1. If the Interstate Commission determines that any compacting state has at any time
456 defaulted in the performance of any of its obligations or responsibilities under this Compact, or
457 the bylaws or duly promulgated rules, the Interstate Commission may impose any or all of the
458 following penalties:

459 a. Remedial training and technical assistance as directed by the Interstate
460 Commission;

461 b. Alternative Dispute Resolution;

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

464 d. Suspension or termination of membership in the Compact, which shall be
465 imposed only after all other reasonable means of securing compliance under the bylaws and
466 rules have been exhausted and the Interstate Commission has therefore determined that the
467 offending state is in default. Immediate notice of suspension shall be given by the Interstate
468 Commission to the Governor, the Chief Justice or the Chief Judicial Officer of the state, the
469 majority and minority leaders of the defaulting state's legislature, and the state council. The
470 grounds for default include, but are not limited to, failure of a compacting state to perform such
471 obligations or responsibilities imposed upon it by this compact, the bylaws, or duly promulgated
472 rules and any other grounds designated in commission bylaws and rules. The Interstate
473 Commission shall immediately notify the defaulting state in writing of the penalty imposed by
474 the Interstate Commission and of the default pending a cure of the default. The commission
475 shall stipulate the conditions and the time period within which the defaulting state must cure its
476 default. If the defaulting state fails to cure the default within the time period specified by the
477 commission, the defaulting state shall be terminated from the compact upon an affirmative vote
478 of a majority of the compacting states and all rights, privileges and benefits conferred by this
479 compact shall be terminated from the effective date of termination.

480 2. Within sixty days of the effective date of termination of a defaulting state, the
481 commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the Majority
482 and Minority Leaders of the defaulting state's legislature, and the state council of such
483 termination.

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

487 4. The Interstate Commission shall not bear any costs relating to the defaulting state
488 unless otherwise mutually agreed upon in writing between the Interstate Commission and the
489 defaulting state.

490 5. Reinstatement following termination of any compacting state requires both a
491 reenactment of the Compact by the defaulting state and the approval of the Interstate
492 Commission pursuant to the rules.

493 Section C. Judicial Enforcement

494 The Interstate Commission may, by majority vote of the members, initiate legal action
495 in the United States District Court for the District of Columbia or, at the discretion of the
496 Interstate Commission, in the federal district where the Interstate Commission has its offices, to

497 enforce compliance with the provisions of the Compact, its duly promulgated rules and bylaws,
498 against any compacting state in default. In the event judicial enforcement is necessary the
499 prevailing party shall be awarded all costs of such litigation including reasonable attorney's
500 fees.

501 Section D. Dissolution of Compact

502 1. The Compact dissolves effective upon the date of the withdrawal or default of the
503 compacting state, which reduces membership in the Compact to one compacting state.

504 2. Upon the dissolution of this Compact, the Compact becomes null and void and shall
505 be of no further force or effect, and the business and affairs of the Interstate Commission shall
506 be concluded and any surplus funds shall be distributed in accordance with the bylaws.

507

508

ARTICLE XII

509

SEVERABILITY AND CONSTRUCTION

510

511 A. The provisions of this Compact shall be severable, and if any phrase, clause,
512 sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall
513 be enforceable.

514 B. The provisions of this Compact shall be liberally construed to effectuate its
515 purposes.

516

517

ARTICLE XIII

518

BINDING EFFECT OF COMPACT AND OTHER LAWS

519

520

Section A. Other Laws

521

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

524

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

527

Section B. Binding Effect of the Compact

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

531

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

534

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

538

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