

1 eligibility for compacting states; providing an
2 initial effective date for the compact and for
3 amendments thereto; providing for withdrawal,
4 default, judicial enforcement, and termination
5 of the compact; providing for severability and
6 construction; providing for binding effect of
7 the compact and effect of other laws thereon;
8 providing an effective date.

9
10 WHEREAS, the Interstate Compact for the Supervision of
11 Parolees and Probationers was established in 1937, is the
12 earliest corrections compact established among the states, and
13 has not been amended since its adoption over 62 years ago, and

14 WHEREAS, this compact is the only vehicle for the
15 controlled movement of adult parolees and probationers across
16 state lines, and it currently has jurisdiction over more than
17 a quarter of a million offenders, and

18 WHEREAS, the complexities of the compact have become
19 more difficult to administer, and many jurisdictions have
20 expanded supervision expectations to include currently
21 unregulated practices such as victim input, victim
22 notification requirements, and sex offender registration, and

23 WHEREAS, after hearings, national surveys, and a
24 detailed study by a task force appointed by the National
25 Institute of Corrections, the overwhelming recommendation has
26 been to amend the document to bring about an effective
27 management capacity that addresses public safety concerns and
28 offender accountability, and

29 WHEREAS, upon the adoption of this Interstate Compact
30 for Adult Offender Supervision, it is the intention of the
31 Legislature to repeal the previous Interstate Compact for the

1 Supervision of Parolees and Probationers on the effective date
2 of this act, NOW, THEREFORE,

3

4 Be It Enacted by the Legislature of the State of Florida:

5

6 Section 1. Short title.--This act may be cited as the
7 "Interstate Compact for Adult Offender Supervision."

8 Section 2. Compact.--The Interstate Compact for Adult
9 Offender Supervision is hereby enacted into law and entered
10 into by this state with all states legally joining therein in
11 the form substantially as follows:

12

13

ARTICLE I

14

15

PURPOSE.--

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17 (1) The compacting states to this interstate compact
18 recognize that each state is responsible for the supervision
19 of adult offenders in the community who are authorized
20 pursuant to the bylaws and rules of this compact to travel
21 across state lines both to and from each compacting state in
22 such a manner as to track the location of offenders, transfer
23 supervision authority in an orderly and efficient manner, and,
24 when necessary, return offenders to the originating
25 jurisdictions.

26

27 (2) The compacting states also recognize that the
28 United States Congress, by enacting the Crime Control Act, 4
29 U.S.C. s. 112 (1965), has authorized and encouraged compacts
30 for cooperative efforts and mutual assistance in the
31 prevention of crime.

32

33 (3) It is the purpose of this compact and the
34 Interstate Commission created hereunder, through means of

1 joint and cooperative action among the compacting states, to
2 provide the framework for the promotion of public safety and
3 protect the rights of victims through the control and
4 regulation of the interstate movement of offenders in the
5 community; to provide for the effective tracking, supervision,
6 and rehabilitation of these offenders by the sending and
7 receiving states; and to equitably distribute the costs,
8 benefits, and obligations of the compact among the compacting
9 states.

10 (4) In addition, this compact shall create an
11 Interstate Commission which shall establish uniform procedures
12 to manage the movement between states of adults placed under
13 community supervision and released to the community under the
14 jurisdiction of courts, paroling authorities, or corrections
15 or other criminal justice agencies which shall adopt rules to
16 achieve the purpose of this compact; ensure an opportunity for
17 input and timely notice to victims and to jurisdictions where
18 defined offenders are authorized to travel or to relocate
19 across state lines; establish a system of uniform data
20 collection, access to information on active cases by
21 authorized criminal justice officials, and regular reporting
22 of compact activities to heads of state councils, state
23 executive, judicial, and legislative branches, and criminal
24 justice administrators; monitor compliance with rules
25 governing interstate movement of offenders and initiate
26 interventions to address and correct noncompliance; and
27 coordinate training and education regarding regulation of
28 interstate movement of offenders for officials involved in
29 such activity.

30 (5) The compacting states recognize that there is no
31 "right" of any offender to live in another state and that duly

1 accredited officers of a sending state may at all times enter
2 a receiving state and there apprehend and retake any offender
3 under supervision subject to the provisions of this compact
4 and bylaws and rules adopted hereunder.

5 (6) It is the policy of the compacting states that the
6 activities conducted by the Interstate Commission created
7 herein are the formation of public policies and are therefore
8 public business.

9
10 ARTICLE II

11
12 DEFINITIONS.--As used in this compact, unless the
13 context clearly requires a different construction:

14 (1) "Adult" means both an individual legally
15 classified as an adult and a juvenile treated as an adult by
16 court order, statute, or operation of law.

17 (2) "Bylaws" means those bylaws established by the
18 Interstate Commission for its governance or for directing or
19 controlling the commission's actions or conduct.

20 (3) "Compact administrator" means the individual in
21 each compacting state appointed pursuant to the terms of this
22 compact responsible for the administration and management of
23 the state's supervision and transfer of offenders subject to
24 the terms of this compact, rules adopted by the Interstate
25 Commission, and policies adopted by the state council under
26 this compact.

27 (4) "Compacting state" means any state which has
28 enacted the enabling legislation for this compact.

29 (5) "Commissioner" means the voting representative of
30 each compacting state appointed pursuant to Article III.

31

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

10 (2) The Interstate Commission shall consist of
11 commissioners selected and appointed by resident members of a
12 State Council for Interstate Adult Offender Supervision for
13 each state. While each member state may determine the
14 membership of its own state council, its membership must
15 include at least one representative from the legislative,
16 judicial, and executive branches of government, victims'
17 groups, and compact administrators. Each state council shall
18 appoint as its commissioner the compact administrator from
19 that state to serve on the commission in such capacity under
20 the applicable law of the member state. Each compacting state
21 retains the right to determine the qualifications of the
22 compact administrator, who shall be appointed by the state
23 council or by the governor in consultation with the
24 legislature and the judiciary. In addition to appointment of
25 its commissioner to the National Interstate Commission, each
26 state council shall exercise oversight and advocacy concerning
27 its participation in commission activities and other duties as
28 may be determined by each member state, including, but not
29 limited to, development of policy concerning operations and
30 procedures of the compact within that state.

1 (3) In addition to the commissioners who are the
2 voting representatives of each state, the Interstate
3 Commission shall include individuals who are not commissioners
4 but who are members of interested organizations. Such
5 noncommissioner members must include a member of the national
6 organizations of governors, legislators, state chief justices,
7 attorneys general, and crime victims. All noncommissioner
8 members of the commission shall be ex officio nonvoting
9 members. The commission may provide in its bylaws for such
10 additional ex officio nonvoting members as it deems necessary.

11 (4) Each compacting state represented at any meeting
12 of the Interstate Commission is entitled to one vote. A
13 majority of the compacting states shall constitute a quorum
14 for the transaction of business, unless a larger quorum is
15 required by the bylaws of the commission.

16 (5) The Interstate Commission shall meet at least once
17 each calendar year. The chairperson may call additional
18 meetings and, upon the request of 27 or more compacting
19 states, shall call additional meetings. Public notice shall be
20 given of all meetings and meetings shall be open to the
21 public.

22 (6) The Interstate Commission shall establish an
23 executive committee which shall include commission officers,
24 members, and others as determined by the bylaws. The executive
25 committee shall have the power to act on behalf of the
26 commission during periods when the commission is not in
27 session, with the exception of rulemaking or amendment to the
28 compact. The executive committee shall oversee the day-to-day
29 activities managed by the executive director and commission
30 staff; administer enforcement and compliance with the
31 provisions of the compact and its bylaws, as directed by the

1 commission; and perform other duties as directed by the
2 commission or as set forth in the bylaws.

3
4 ARTICLE IV

5
6 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.--The
7 Interstate Commission shall have the following powers:

8 (1) To adopt a seal and suitable bylaws governing the
9 management and operation of the Interstate Commission.

10 (2) To adopt rules which shall have the force and
11 effect of statutory law and shall be binding in the compacting
12 states to the extent and in the manner provided in this
13 compact.

14 (3) To oversee, supervise, and coordinate the
15 interstate movement of offenders, subject to the terms of this
16 compact and any bylaws and rules adopted by the commission.

17 (4) To enforce compliance with compact provisions and
18 Interstate Commission rules and bylaws using all necessary and
19 proper means, including, but not limited to, the use of
20 judicial process.

21 (5) To establish and maintain offices.

22 (6) To purchase and maintain insurance and bonds.

23 (7) To borrow, accept, or contract for services of
24 personnel, including, but not limited to, members and their
25 staffs.

26 (8) To establish and appoint committees and hire staff
27 which the commission deems necessary for the carrying out of
28 its functions, including, but not limited to, an executive
29 committee as required by Article III, which shall have the
30 power to act on behalf of the commission in carrying out its
31 powers and duties.

- 1 (9) To elect or appoint such officers, attorneys,
2 employees, agents, or consultants, and to fix their
3 compensation, define their duties, and determine their
4 qualifications; and to establish the commission's personnel
5 policies and programs relating to, among other things,
6 conflicts of interest, rates of compensation, and
7 qualifications of personnel.
- 8 (10) To accept any and all donations and grants of
9 money, equipment, supplies, materials, and services, and to
10 receive, utilize, and dispose of same.
- 11 (11) To lease, purchase, accept contributions or
12 donations of, or otherwise to own, hold, improve, or use, any
13 property, real, personal, or mixed.
- 14 (12) To sell, convey, mortgage, pledge, lease,
15 exchange, abandon, or otherwise dispose of any property, real,
16 personal, or mixed.
- 17 (13) To establish a budget and make expenditures and
18 levy dues as provided in Article IX.
- 19 (14) To sue and be sued.
- 20 (15) To provide for dispute resolution among
21 compacting states.
- 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,
25 governors, judiciary, and state councils of the compacting
26 states concerning the activities of the Interstate Commission
27 during the preceding year. Such reports shall also include any
28 recommendations that may have been adopted by the commission.
- 29 (18) To coordinate education, training, and public
30 awareness regarding the interstate movement of offenders for
31 officials involved in such activity.

1 (7) Providing a mechanism for completing the
2 operations of the commission and the equitable return of any
3 surplus funds that may exist upon the termination of the
4 compact after the payment or reserving of all of its debts and
5 obligations.

6 (8) Providing transition rules for startup
7 administration of the compact.

8 (9) Establishing standards and procedures for
9 compliance and technical assistance in carrying out the
10 compact.

11 Section B. Officers and staff.--

12 (1) The Interstate Commission, by a majority vote of
13 the members, shall elect from among its members a chairperson
14 and a vice chairperson, each of whom shall have such authority
15 and duties as may be specified in the bylaws. The chairperson
16 or, in his or her absence or disability, the vice chairperson,
17 shall preside at all meetings of the commission. The officers
18 so elected shall serve without compensation or remuneration
19 from the commission; provided that, subject to the
20 availability of budgeted funds, the officers shall be
21 reimbursed for any actual and necessary costs and expenses
22 incurred by them in the performance of their duties and
23 responsibilities as officers of the commission.

24 (2) The Interstate Commission, through its executive
25 committee, shall appoint or retain an executive director for
26 such period, upon such terms and conditions, and for such
27 compensation as the commission may deem appropriate. The
28 executive director shall serve as secretary to the commission
29 and hire and supervise such other staff as may be authorized
30 by the commission, but shall not be a member.

31

1 Section C. Corporate records of the Interstate
2 Commission.--The Interstate Commission shall maintain its
3 corporate books and records in accordance with the bylaws.

4 Section D. Qualified immunity, defense, and
5 indemnification.--

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

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

29 (3) The Interstate Commission shall indemnify and hold
30 the commissioner of a compacting state, the appointed designee
31 or employees, or the commission's representatives or employees

1 harmless in the amount of any settlement or judgment obtained
2 against such persons arising out of any actual or alleged act,
3 error, or omission that occurred within the scope of
4 commission employment, duties, or responsibilities, or that
5 such persons had a reasonable basis for believing occurred
6 within the scope of commission employment, duties, or
7 responsibilities; provided that the actual or alleged act,
8 error, or omission did not result from gross negligence or
9 intentional wrongdoing on the part of such person.

10
11 ARTICLE VI

12
13 ACTIVITIES OF THE INTERSTATE COMMISSION.--

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

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

22 (3) Each member of the Interstate Commission shall
23 have the right and power to cast a vote to which that
24 compacting state is entitled and to participate in the
25 business and affairs of the commission. A member shall vote in
26 person on behalf of the state and shall not delegate a vote to
27 another member state. However, a state council shall appoint
28 another authorized representative, in the absence of the
29 commissioner from that state, to cast a vote on behalf of the
30 member state at a specified meeting. The bylaws may provide
31 for members' participation in meetings by telephone or other

1 means of telecommunication or electronic communication. Any
2 voting conducted by telephone or other means of
3 telecommunication or electronic communication shall be subject
4 to the same quorum requirements of meetings where members are
5 present in person.

6 (4) The Interstate Commission shall meet at least once
7 during each calendar year. The chairperson of the commission
8 may call additional meetings at any time and, upon the request
9 of a majority of the members, shall call additional meetings.

10 (5) The Interstate Commission's bylaws shall establish
11 conditions and procedures under which the commission shall
12 make its information and official records available to the
13 public for inspection or copying. The commission may exempt
14 from disclosure any information or official records to the
15 extent they would adversely affect personal privacy rights or
16 proprietary interests. In adopting such rules, the commission
17 may make available to law enforcement agencies records and
18 information otherwise exempt from disclosure and may enter
19 into agreements with law enforcement agencies to receive or
20 exchange information or records subject to nondisclosure and
21 confidentiality provisions.

22 (6) Public notice shall be given of all meetings and
23 all meetings shall be open to the public, except as set forth
24 in the rules or as otherwise provided in the compact. The
25 Interstate Commission shall adopt rules consistent with the
26 principles contained in the "Government in Sunshine Act," 5
27 U.S.C. s. 552(b), as may be amended. The commission and any of
28 its committees may close a meeting to the public where it
29 determines by two-thirds vote that an open meeting would be
30 likely to:

31

- 1 (a) Relate solely to the commission's internal
2 personnel practices and procedures;
- 3 (b) Disclose matters specifically exempted from
4 disclosure by statute;
- 5 (c) Disclose trade secrets or commercial or financial
6 information which is privileged or confidential;
- 7 (d) Involve accusing any person of a crime or formally
8 censuring any person;
- 9 (e) Disclose information of a personal nature where
10 disclosure would constitute a clearly unwarranted invasion of
11 personal privacy;
- 12 (f) Disclose investigatory records compiled for law
13 enforcement purposes;
- 14 (g) Disclose information contained in or related to
15 examination, operating, or condition reports prepared by, on
16 behalf of, or for the use of the commission with respect to a
17 regulated entity for the purpose of regulation or supervision
18 of such entity;
- 19 (h) Disclose information, the premature disclosure of
20 which would significantly endanger the life of a person or the
21 stability of a regulated entity; or
- 22 (i) Specifically relate to the commission's issuance
23 of a subpoena, or the commission's participation in a civil
24 action or proceeding.
- 25 (7) For every meeting closed pursuant to this
26 provision, the Interstate Commission's chief legal officer
27 shall publicly certify that, in his or her opinion, the
28 meeting may be closed to the public and the chief legal
29 officer shall reference each relevant exemptive provision. The
30 commission shall keep minutes which shall fully and clearly
31 describe all matters discussed in any meeting and shall

1 provide a full and accurate summary of any actions taken, and
2 the reasons therefor, including a description of each of the
3 views expressed on any item and the record of any roll call
4 vote. All documents considered in connection with any action
5 shall be identified in such minutes.

6 (8) The Interstate Commission shall collect
7 standardized data concerning the interstate movement of
8 offenders as directed through its bylaws and rules which shall
9 specify the data to be collected, the means of collection, and
10 data exchange and reporting requirements.

11
12 ARTICLE VII
13

14 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.--

15 (1) The Interstate Commission shall adopt rules in
16 order to effectively and efficiently achieve the purposes of
17 the compact, including transitional rules governing the
18 administration of the compact during the period in which it is
19 being considered and enacted by the states.

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

27 (3) All rules and amendments shall become binding as
28 of the date specified in each rule or amendment.

29 (4) If a majority of the legislatures of the
30 compacting states rejects a rule, by enactment of a statute or
31 resolution in the same manner used to adopt the compact, then

1 such rule shall have no further force and effect in any
2 compacting state.
3 (5) When adopting a rule, the Interstate Commission
4 shall:
5 (a) Publish the proposed rule stating with
6 particularity the text of the rule which is proposed and the
7 reason for the proposed rule.
8 (b) Allow persons to submit written data, facts,
9 opinions, and arguments, which information shall be publicly
10 available.
11 (c) Provide an opportunity for an informal hearing.
12 (d) Adopt a final rule and its effective date, if
13 appropriate, based on the rulemaking record.
14 (6) Not later than 60 days after a rule is adopted,
15 any interested person may file a petition in the United States
16 District Court for the District of Columbia or in the federal
17 district court where the Interstate Commission's principal
18 office is located for judicial review of such rule. If the
19 court finds that the commission's action is not supported by
20 substantial evidence, as defined in the APA, the court shall
21 hold the rule unlawful and set it aside.
22 (7) Subjects to be addressed within 12 months after
23 the first meeting must, at a minimum, include:
24 (a) Notice to victims and the opportunity to be heard.
25 (b) Offender registration and compliance.
26 (c) Violations and returns.
27 (d) Transfer procedures and forms.
28 (e) Eligibility for transfer.
29 (f) Collection of restitution and fees from offenders.
30 (g) Data collection and reporting.
31

1 (h) The level of supervision to be provided by the
2 receiving state.

3 (i) Transition rules governing the operation of the
4 compact and the Interstate Commission during all or part of
5 the period between the effective date of the compact and the
6 date on which the last eligible state adopts the compact.

7 (j) Mediation, arbitration, and dispute resolution.

8
9 The existing rules governing the operation of the previous
10 compact superceded by this act shall be null and void 12
11 months after the first meeting of the Interstate Commission
12 created hereunder.

13 (8) Upon determination by the Interstate Commission
14 that an emergency exists, it may adopt an emergency rule which
15 shall become effective immediately upon adoption, provided
16 that the usual rulemaking procedures provided hereunder shall
17 be retroactively applied to said rule as soon as reasonably
18 possible and in no event later than 90 days after the
19 effective date of the rule.

20
21 ARTICLE VIII

22
23 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT BY THE
24 INTERSTATE COMMISSION.--

25 Section A. Oversight.--

26 (1) The Interstate Commission shall oversee the
27 interstate movement of adult offenders in the compacting
28 states and shall monitor such activities being administered in
29 noncompacting states which may significantly affect compacting
30 states.

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COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT.--

(1) Any state, as defined in Article II, is eligible to become a compacting state.

(2) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2001, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall become effective and binding with regard to any other compacting state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in Interstate Commission activities on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

(3) Amendments to the compact may be proposed by the Interstate Commission for enactment by the compacting states. No amendment shall become effective and binding upon the commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XI

WITHDRAWAL, DEFAULT, JUDICIAL ENFORCEMENT, AND TERMINATION.--

Section A. Withdrawal.--

(1) Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the compact by enacting a statute specifically repealing the statute which

1 enacted the compact into law. That state shall be known as a
2 "withdrawing state."

3 (2) The effective date of withdrawal is the effective
4 date of the repeal of the enacting statute.

5 (3) The withdrawing state shall immediately notify the
6 chairperson of the Interstate Commission in writing upon the
7 introduction of legislation to repeal this compact in the
8 withdrawing state.

9 (4) The Interstate Commission shall notify the other
10 compacting states of the withdrawing state's intent to
11 withdraw within 60 days after its receipt of such notice.

12 (5) The withdrawing state is responsible for all
13 assessments, obligations, and liabilities incurred through the
14 effective date of withdrawal, including any obligation the
15 performance of which extends beyond the effective date of
16 withdrawal.

17 (6) Reinstatement following withdrawal of any
18 compacting state shall occur upon the withdrawing state
19 reenacting the compact or upon such later date as determined
20 by the Interstate Commission.

21 Section B. Default.--

22 (1) If the Interstate Commission determines that any
23 compacting state has at any time defaulted, which state shall
24 be known as a "defaulting state," in the performance of any of
25 its obligations or responsibilities under this compact, the
26 bylaws, or any duly adopted rules, the commission may impose
27 any or all of the following penalties:

28 (a) Fines, fees, and costs in such amounts as are
29 deemed to be reasonable as fixed by the commission;

30 (b) Remedial training and technical assistance as
31 directed by the commission; or

1 (c) Suspension and termination of membership in the
2 compact. Suspension shall be imposed only after all other
3 reasonable means of securing compliance under the bylaws and
4 rules have been exhausted. Immediate notice of suspension
5 shall be given by the commission to the governor, the Chief
6 Justice or the chief judicial officer of the defaulting state,
7 the majority and minority leaders of the defaulting state's
8 legislature, and the state council. The grounds for default
9 include, but are not limited to, failure of a compacting state
10 to perform the obligations or responsibilities imposed upon it
11 by this compact, commission bylaws, or duly adopted rules. The
12 commission shall immediately notify the defaulting state in
13 writing of the penalty imposed by the commission on the
14 defaulting state pending a cure of the default. The commission
15 shall stipulate the conditions and the time period within
16 which the defaulting state must cure its default. If the
17 defaulting state fails to cure the default within the time
18 period specified by the commission, in addition to any other
19 penalties imposed thereby, the defaulting state may be
20 terminated from the compact upon an affirmative vote of a
21 majority of the compacting states, and all rights, privileges,
22 and benefits conferred by this compact shall be terminated
23 from the effective date of suspension.

24 (2) Within 60 days after the effective date of
25 termination of a defaulting state, the Interstate Commission
26 shall notify the governor, the Chief Justice or the chief
27 judicial officer, the majority and minority leaders of the
28 defaulting state's legislature, and the state council of such
29 termination.

30 (3) The defaulting state is responsible for all
31 assessments, obligations, and liabilities incurred through the

1 effective date of termination, including any obligation the
2 performance of which extends beyond the effective date of
3 termination.

4 (4) The Interstate Commission shall not bear any costs
5 relating to the defaulting state unless otherwise mutually
6 agreed upon between the commission and the defaulting state.

7 (5) Reinstatement following termination of any
8 compacting state requires both a reenactment of the compact by
9 the defaulting state and the approval by the Interstate
10 Commission pursuant to the rules.

11 Section C. Judicial enforcement.--The Interstate
12 Commission, by majority vote of the members, may initiate
13 legal action in the United States District Court for the
14 District of Columbia or, at the discretion of the commission,
15 in the federal district where the commission has its offices
16 to enforce compliance with the provisions of the compact and
17 its duly adopted rules and bylaws against any compacting state
18 in default. In the event judicial enforcement is necessary,
19 the prevailing party shall be awarded all costs of such
20 litigation including reasonable attorney's fees.

21 Section D. Dissolution of compact.--

22 (1) The compact is dissolved effective upon the date
23 of the withdrawal or default by the compacting state which
24 reduces membership in the compact to one compacting state.

25 (2) Upon the dissolution of this compact, the compact
26 becomes null and void and shall be of no further force or
27 effect, and the business and affairs of the Interstate
28 Commission shall be completed and any surplus funds shall be
29 distributed in accordance with the bylaws.

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31 ARTICLE XII

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SEVERABILITY AND CONSTRUCTION.--

(1) The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(2) The provisions of this compact shall be liberally construed to effectuate its purposes.

ARTICLE XIII

OTHER LAWS AND BINDING EFFECT OF COMPACT.--

Section A. Other laws.--

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

(2) All compacting states' laws conflicting with this compact are superseded to the extent of the conflict.

Section B. Binding effect of the compact.--

(1) All lawful actions of the Interstate Commission, including all rules and bylaws adopted by the commission, are binding upon the compacting states.

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

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

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

11 Section 3. This act shall take effect upon becoming a
12 law.

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HOUSE SUMMARY

Creates the "Interstate Compact for Adult Offender Supervision." Provides purpose and responsibilities for states entering into the compact. Provides definitions. Creates the Interstate Commission for Adult Offender Supervision and provides responsibilities, powers, and duties of the commission. Provides for membership, meetings, and establishment of an executive committee. Provides for organization and operation, election of officers, retention of staff, and maintenance of corporate records. Provides for immunity from liability under certain circumstances and for defense and indemnification. Provides procedures for voting and requires the commission to meet annually.

Provides public notice requirements for meetings and authorizes disclosure of certain records and information to law enforcement agencies. Provides for closure of commission meetings under certain circumstances.

Requires collection of data with regard to interstate movement of offenders. Requires rulemaking by the commission. Provides for oversight, dispute resolution, and enforcement by the commission. Requires annual assessment by the commission to cover certain costs and requires accounting by the commission. Establishes eligibility for compacting states. Provides an initial effective date for the compact and for amendments thereto. Provides for withdrawal, default, judicial enforcement, and termination of the compact. Provides for severability and construction. Provides for binding effect of the compact and effect of other laws thereon.