

By the Committees on Appropriations, Criminal Justice and
Senators Clary and Smith

309-1816-01

1 A bill to be entitled
2 An act relating to public protection; amending
3 s. 944.605, F.S.; requiring that the state
4 attorney and a victim's parent, guardian, next
5 of kin, or lawful representative be notified
6 under certain circumstances after the inmate
7 who committed the crime is approved for
8 community work release; amending s. 958.07,
9 F.S.; authorizing the victim of a crime or the
10 victim's parent, guardian, or next of kin to
11 review the presentence investigation report
12 under certain circumstances; amending s.
13 960.001, F.S.; requiring that a victim's
14 parent, guardian, or representative be allowed
15 to be informed, present, and heard in a
16 criminal or juvenile proceeding; requiring that
17 a crime victim or witness be informed of the
18 address confidentiality program; requiring
19 notice when an inmate is approved for community
20 work release; requiring that the victim of a
21 sex offense be informed of the right to have
22 the courtroom cleared of certain persons when
23 the victim is testifying about the offense;
24 prescribing standing of certain persons to
25 assert a victim's rights; amending s. 921.143,
26 F.S.; prescribing the right of the parent or
27 guardian of a minor victim, or the lawful
28 representative of any of them, to appear and
29 make a statement at a sentencing hearing;
30 amending s. 944.606, F.S.; requiring
31 notification of the victim, the victim's parent

1 or guardian when the victim is a minor, the
2 lawful representative of any of them, or the
3 next of kin of a homicide victim when a sexual
4 offender is being released; amending s. 948.10,
5 F.S.; requiring notification of the victim, the
6 victim's parent or guardian when the victim is
7 a minor, or the next of kin of a homicide
8 victim when an offender is placed on community
9 control; amending s. 960.28, F.S.; prohibiting
10 a medical provider who performs an initial
11 forensic examination from billing the parent or
12 guardian of a minor victim for that
13 examination; amending s. 949.07, F.S.;
14 providing a compact for the supervision of
15 adult offenders; authorizing and directing the
16 Governor to enter into the compact on behalf of
17 the state; providing purpose; providing
18 definitions; providing for an Interstate
19 Commission; providing for governance of the
20 commission; providing for a State Council for
21 Interstate Adult Offender Supervision;
22 providing for membership of the state council;
23 specifying powers and duties of the Interstate
24 Commission; providing for organization and
25 operation of the commission; providing
26 activities of the commission; authorizing the
27 commission to adopt rules; providing for
28 oversight, enforcement, and resolution of
29 disputes between compacting states; providing
30 for financing the activities of the commission;
31 providing for the effective date of the

1 compact; providing for withdrawal, default, or
2 termination of member states; providing for
3 judicial enforcement; providing for
4 severability and construction of the compact;
5 providing that the compact binds the member
6 states; amending s. 949.071, F.S.; redefining
7 the term "state" for purposes of the compact;
8 creating s. 949.072. F.S.; establishing the
9 State Council for Interstate Adult Offender
10 Supervision; providing for membership and
11 duties; amending s. 949.08, F.S.; providing
12 certain limitations on the amount paid by the
13 state under the compact; amending s. 949.09,
14 F.S.; redesignating ss. 949.07-949.08, F.S., as
15 the "Interstate Compact for Adult Offender
16 Supervision"; providing an effective date.

17

18 WHEREAS, the Interstate Compact for the Supervision of
19 Parolees and Probationers was established in 1937, is the
20 earliest corrections compact established among the states, and
21 has not been amended since its adoption over 62 years ago, and

22 WHEREAS, the complexities of the compact have become
23 more difficult to administer, and many jurisdictions have
24 expanded supervision expectations to include practices that
25 are currently unregulated, such a victim input,
26 victim-notification requirements, and sex-offender
27 registration, and

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

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

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

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6 Section 1. Subsection (1) of section 944.605, Florida
7 Statutes, is amended to read:

8 944.605 Inmate release; notification.--

9 (1) Within 6 months before the release of an inmate
10 from the custody of the Department of Corrections or a private
11 correctional facility by expiration of sentence under s.
12 944.275, any release program provided by law, or parole under
13 chapter 947, or as soon as possible if the offender is
14 released earlier than anticipated, notification of such
15 anticipated release date shall be made known by the Department
16 of Corrections ~~appropriate agency~~ to the chief judge of the
17 circuit in which the offender was sentenced, the appropriate
18 state attorney, the original arresting law enforcement agency,
19 the Department of Law Enforcement, and the sheriff as chief
20 law enforcement officer of the county in which the inmate
21 plans to reside. In addition, unless otherwise requested by
22 the victim, the victim's parent or guardian if the victim is a
23 minor, the lawful representative of the victim or of the
24 victim's parent or guardian if the victim is a minor, the
25 victim's next of kin in the case of a homicide, ~~or the~~
26 ~~personal representative of the victim,~~ the state attorney or,
27 the Department of Corrections, ~~the Control Release Authority,~~
28 ~~or the Parole Commission,~~ whichever is appropriate, shall
29 notify such person within 6 months before the inmate's
30 release, or as soon as possible if the offender is released
31 earlier than anticipated, when the name and address of such

1 victim, or the name and address of the parent, guardian, next
2 of kin, or lawful representative of the victim has been
3 furnished to the agency. The state attorney shall provide the
4 latest address documented for the victim, or for the victim's
5 parent, guardian, next of kin, or lawful representative, as
6 applicable, to the sheriff with the other documents required
7 by law for the delivery of inmates to those agencies for
8 service of sentence. Upon request, within 30 days after an
9 inmate is approved for community work release, the state
10 attorney, the victim, the victim's parent or guardian if the
11 victim is a minor, the victim's next of kin in the case of a
12 homicide, or the lawful representative of the victim or of the
13 victim's parent or guardian if the victim is a minor shall be
14 notified that the inmate has been approved for community work
15 release. ~~For the purposes of this section, the Parole~~
16 ~~Commission or the Control Release Authority is the appropriate~~
17 ~~agency for any type of release it grants, and the Department~~
18 ~~of Corrections is the appropriate agency for any type of~~
19 ~~release it authorizes.~~ This section does not imply any repeal
20 or modification of any provision of law relating to
21 notification of victims.

22 Section 2. Section 958.07, Florida Statutes, is
23 amended to read:

24 958.07 Presentence report; access by defendant.--The
25 defendant is entitled to an opportunity to present to the
26 court facts which would materially affect the decision of the
27 court to adjudicate the defendant a youthful offender. The
28 defendant, his or her attorney, and the state shall be
29 entitled to inspect all factual material contained in the
30 comprehensive presentence report or diagnostic reports
31 prepared or received by the department. The victim, the

1 victim's parent or guardian if the victim is a minor, the
2 lawful representative of the victim or of the victim's parent
3 or guardian if the victim is a minor, or the victim's next of
4 kin in the case of a homicide may review the presentence
5 investigation report as provided in s. 960.001(1)(g)2.The
6 court may withhold from disclosure to the defendant and his or
7 her attorney sources of information which have been obtained
8 through a promise of confidentiality. In all cases in which
9 parts of the report are not disclosed, the court shall state
10 for the record the reasons for its action and shall inform the
11 defendant and his or her attorney that information has not
12 been disclosed.

13 Section 3. Paragraphs (a), (c), (e), (g), and (q) of
14 subsection (1) and subsection (7) of section 960.001, Florida
15 Statutes, are amended to read:

16 960.001 Guidelines for fair treatment of victims and
17 witnesses in the criminal justice and juvenile justice
18 systems.--

19 (1) The Department of Legal Affairs, the state
20 attorneys, the Department of Corrections, the Department of
21 Juvenile Justice, the Parole Commission, the State Courts
22 Administrator and circuit court administrators, the Department
23 of Law Enforcement, and every sheriff's department, police
24 department, or other law enforcement agency as defined in s.
25 943.10(4) shall develop and implement guidelines for the use
26 of their respective agencies, which guidelines are consistent
27 with the purposes of this act and s. 16(b), Art. I of the
28 State Constitution and are designed to implement the
29 provisions of s. 16(b), Art. I of the State Constitution and
30 to achieve the following objectives:

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1 (a) Information concerning services available to
2 victims of adult and juvenile crime.--Witness coordination
3 offices as provided in s. 43.35 shall gather information
4 regarding the following services in the geographic boundaries
5 of their respective circuits and shall provide such
6 information to each law enforcement agency with jurisdiction
7 within such geographic boundaries. Law enforcement personnel
8 shall ensure, through distribution of a victim's rights
9 information card or brochure at the crime scene, during the
10 criminal investigation, and in any other appropriate manner,
11 that victims are given, as a matter of course at the earliest
12 possible time, information about:

13 1. The availability of crime victim compensation, when
14 applicable;

15 2. Crisis intervention services, supportive or
16 bereavement counseling, social service support referrals, and
17 community-based victim treatment programs;

18 3. The role of the victim in the criminal or juvenile
19 justice process, including what the victim may expect from the
20 system as well as what the system expects from the victim;

21 4. The stages in the criminal or juvenile justice
22 process which are of significance to the victim and the manner
23 in which information about such stages can be obtained;

24 5. The right of a victim, who is not incarcerated,
25 including the victim's parent or guardian if the victim is a
26 minor, the lawful representative of the victim or of the
27 victim's parent or guardian if the victim is a minor, and the
28 next of kin of a homicide victim, to be informed, to be
29 present, and to be heard when relevant, at all crucial stages
30 of a criminal or juvenile proceeding, to the extent that this
31 right does not interfere with constitutional rights of the

1 accused, as provided by s. 16(b), Art. I of the State
2 Constitution;

3 6. In the case of incarcerated victims, the right to
4 be informed and to submit written statements at all crucial
5 stages of the criminal proceedings, parole proceedings, or
6 juvenile proceedings; and

7 7. The right of a victim to a prompt and timely
8 disposition of the case in order to minimize the period during
9 which the victim must endure the responsibilities and stress
10 involved to the extent that this right does not interfere with
11 the constitutional rights of the accused.

12 (c) Information concerning protection available to
13 victim or witness.--A victim or witness shall be furnished, as
14 a matter of course, with information on steps that are
15 available to law enforcement officers and state attorneys to
16 protect victims and witnesses from intimidation. Victims of
17 domestic violence shall also be given information about the
18 address confidentiality program provided under s. 741.403.

19 (e) Advance notification to victim or relative of
20 victim concerning judicial proceedings; right to be
21 present.--Any victim, parent, guardian, or lawful
22 representative ~~relative~~ of a minor who is a victim, or
23 relative of a homicide victim shall receive from the
24 appropriate agency, at the address found in the police report
25 or the victim notification card if such has been provided to
26 the agency, prompt advance notification, unless the agency
27 itself does not have advance notification, of judicial and
28 postjudicial proceedings relating to his or her case,
29 including all proceedings or hearings relating to:

30 1. The arrest of an accused;

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1 2. The release of the accused pending judicial
2 proceedings or any modification of release conditions; and

3 3. Proceedings in the prosecution or petition for
4 delinquency of the accused, including the filing of the
5 accusatory instrument, the arraignment, disposition of the
6 accusatory instrument, trial or adjudicatory hearing,
7 sentencing or disposition hearing, appellate review,
8 subsequent modification of sentence, collateral attack of a
9 judgment, and, when a term of imprisonment, detention, or
10 residential commitment is imposed, the release of the
11 defendant or juvenile offender from such imprisonment,
12 detention, or residential commitment by expiration of sentence
13 or parole and any meeting held to consider such release.

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15 A victim, a victim's parent or guardian if the victim is a
16 minor, a lawful representative of the victim or of the
17 victim's parent or guardian if the victim is a minor, or a
18 victim's next of kin may not be excluded from any portion of
19 any hearing, trial, or proceeding pertaining to the offense
20 based solely on the fact that such person is subpoenaed to
21 testify, unless, upon motion, the court determines such
22 person's presence to be prejudicial. The appropriate agency
23 with respect to notification under subparagraph 1. is the
24 arresting law enforcement agency, and the appropriate agency
25 with respect to notification under subparagraphs 2. and 3. is
26 the Attorney General or state attorney, unless the
27 notification relates to a hearing concerning parole, in which
28 case the appropriate agency is the Parole Commission. The
29 Department of Corrections, the Department of Juvenile Justice,
30 or the sheriff is the appropriate agency with respect to
31 release by expiration of sentence or any other release program

1 provided by law. Any victim may waive notification at any
2 time, and such waiver shall be noted in the agency's files.

3 (g)~~†~~. Consultation with victim or guardian or family
4 of victim.--

5 1. In addition to being notified of the provisions of
6 s. 921.143, the victim of a felony involving physical or
7 emotional injury or trauma or, in a case in which the victim
8 is a minor child or in a homicide, the guardian or family of
9 the victim shall be consulted by the state attorney in order
10 to obtain the views of the victim or family about the
11 disposition of any criminal or juvenile case brought as a
12 result of such crime, including the views of the victim or
13 family about:

14 a. The release of the accused pending judicial
15 proceedings;

16 b. Plea agreements;

17 c. Participation in pretrial diversion programs; and

18 d. Sentencing of the accused.

19 2. Upon request, the state attorney shall permit the
20 victim, the victim's parent or guardian if the victim is a
21 minor, the lawful representative of the victim or of the
22 victim's parent or guardian if the victim is a minor, or the
23 victim's next of kin in the case of a homicide to review a
24 copy of the presentence investigation report prior to the
25 sentencing hearing if one was completed. Any confidential
26 information that pertains to medical history, mental health,
27 or substance abuse and any information that pertains to any
28 other victim shall be redacted from the copy of the report.
29 Any person who reviews the report pursuant to this paragraph
30 must maintain the confidentiality of the report and shall not
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1 disclose its contents to any person except statements made to
2 the state attorney or the court.

3 3. When an inmate has been approved for community work
4 release, the Department of Corrections shall, upon request and
5 as provided in s. 944.605, notify the victim, the victim's
6 parent or guardian if the victim is a minor, the lawful
7 representative of the victim or of the victim's parent or
8 guardian if the victim is a minor, or the victim's next of kin
9 if the victim is a homicide victim.

10 (q) Presence of victim advocate during discovery
11 deposition; testimony of victim of a sexual offense.--At the
12 request of the victim or the victim's parent, guardian, or
13 lawful representative, the victim advocate designated by state
14 attorney's office, sheriff's office, or municipal police
15 department, or one representative from a not-for-profit victim
16 services organization, including, but not limited to, rape
17 crisis centers, domestic violence advocacy groups, and alcohol
18 abuse or substance abuse groups shall be permitted to attend
19 and be present during any deposition of the victim. The victim
20 of a sexual offense shall be informed of the right to have the
21 courtroom cleared of certain persons as provided in s. 918.16
22 when the victim is testifying concerning that offense.

23 (7) The victim of a crime, the victim's parent or
24 guardian if the victim is a minor, and the state attorney,
25 with the consent of the victim or the victim's parent or
26 guardian if the victim is a minor, have standing to assert the
27 rights of a crime victim which are provided by law or s.
28 16(b), Art. I of the State Constitution.

29 Section 4. Subsections (1) and (2) of section 921.143,
30 Florida Statutes, are amended to read:

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1 921.143 Appearance of victim or next of kin to make
2 statement at sentencing hearing; submission of written
3 statement.--

4 (1) At the sentencing hearing, and prior to the
5 imposition of sentence upon any defendant who has been
6 convicted of any felony or who has pleaded guilty or nolo
7 contendere to any crime, including a criminal violation of a
8 provision of chapter 316, the sentencing court shall permit
9 the victim of the crime for which the defendant is being
10 sentenced, the victim's parent or guardian if the victim is a
11 minor, the lawful representative of the victim or of the
12 victim's parent or guardian if the victim is a minor, or the
13 next of kin of the victim if the victim has died from causes
14 related to the crime, to:

15 (a) Appear before the sentencing court for the purpose
16 of making a statement under oath for the record; and

17 (b) Submit a written statement under oath to the
18 office of the state attorney, which statement shall be filed
19 with the sentencing court.

20 (2) The state attorney or any assistant state attorney
21 shall advise all victims or, when appropriate, the victim's
22 parent, guardian,~~their~~ next of kin, or lawful representative
23 that statements, whether oral or written, shall relate to the
24 facts of the case and the extent of any harm, including
25 social, psychological, or physical harm, financial losses,
26 loss of earnings directly or indirectly resulting from the
27 crime for which the defendant is being sentenced, and any
28 matter relevant to an appropriate disposition and sentence.

29 Section 5. Paragraph (b) of subsection (3) of section
30 944.606, Florida Statutes, is amended to read:

31 944.606 Sexual offenders; notification upon release.--

1 (3)

2 (b) The department must provide the information

3 described in subparagraph (a)1. to:

4 1. The sheriff of the county from where the sexual

5 offender was sentenced;

6 2. The sheriff of the county and, if applicable, the

7 police chief of the municipality, where the sexual offender

8 plans to reside;

9 3. The Florida Department of Law Enforcement; ~~and~~

10 4. When requested, the victim of the offense, the

11 victim's parent or legal guardian if the victim is a minor,

12 the lawful representative of the victim or of the victim's

13 parent or guardian if the victim is a minor, or the next of

14 kin if the victim is a homicide victim; and

15 ~~5.4.~~ Any person who requests such information,

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17 either within 6 months prior to the anticipated release of a

18 sexual offender, or as soon as possible if an offender is

19 released earlier than anticipated. All such information

20 provided to the Department of Law Enforcement must be

21 available electronically as soon as the information is in the

22 agency's database and must be in a format that is compatible

23 with the requirements of the Florida Crime Information Center.

24 Section 6. Subsection (6) of section 948.10, Florida

25 Statutes, is amended to read:

26 948.10 Community control programs.--

27 (6) Upon written request, when an offender is placed

28 on community control, the department shall notify:

29 (a) The original arresting law enforcement agency;

30 (b) The sheriff or chief law enforcement officer of

31 the county in which the offender is to be placed; ~~and~~

1 (c) The chief officer of any local law enforcement
2 agency within whose jurisdiction the offender is to be placed.

3 (d) The victim of the offense, the victim's parent or
4 guardian if the victim is a minor, the lawful representative
5 of the victim or the victim's parent or guardian if the victim
6 is a minor, or the next of kin if the victim is a homicide
7 victim.

8
9 Such notification shall include the name and street address of
10 the offender, the length of supervision, and the nature of the
11 offense. Update notification must be provided with respect to
12 violation of the terms or conditions of the placement.

13 Section 7. Subsection (1) of section 960.28, Florida
14 Statutes, is amended to read:

15 960.28 Payment for victims' initial forensic physical
16 examinations.--

17 (1) A medical provider who performs an initial
18 forensic physical examination may not bill a victim or the
19 victim's parent or guardian if the victim is a minor directly
20 or indirectly for that examination.

21 Section 8. Section 949.07, Florida Statutes, is
22 amended to read:

23 (Substantial rewording of section. See
24 s. 949.07, F.S., for present text.)

25 949.07 Compact for the supervision of adult
26 offenders.--

27 (1) The Legislature finds and declares that this
28 section is necessary for the immediate preservation of the
29 public peace, health, and safety.

30 (2) The Governor is authorized and directed to enter
31 into a compact on behalf of the state with any state of the

1 United States legally joining therein in a form substantially
2 as follows:

3
4 ARTICLE I

5 PURPOSE

6 (1) The compacting states to this interstate compact
7 recognize that each state is responsible for the supervision
8 of adult offenders in the community who are authorized
9 pursuant to the by-laws and rules of this compact to travel
10 across state lines both to and from each compacting state, in
11 such a manner as to track the location of offenders, transfer
12 supervision authority in an orderly and efficient manner, and,
13 when necessary, return offenders to the originating
14 jurisdictions. The compacting states also recognize that
15 Congress, by enacting the "Crime Control Act," 4 U.S.C. s.
16 112, has authorized and encouraged compacts for cooperative
17 efforts and mutual assistance in the prevention of crime.

18 (2) It is the purpose of this compact and the
19 Interstate Commission created hereunder, through means of
20 joint and cooperative action among the compacting states, to
21 provide the framework for the promotion of public safety and
22 protect the rights of victims through the control and
23 regulation of the interstate movement of offenders in the
24 community; to provide for the effective tracking, supervision,
25 and rehabilitation of these offenders by the sending and
26 receiving states; and to equitably distribute the costs,
27 benefits, and obligations of the compact among the compacting
28 states.

29 (3) In addition, this compact:

30 (a) Creates an Interstate Commission that will
31 establish uniform procedures and rules for managing the

1 movement between states of adults placed under community
2 supervision and released to the community under the
3 jurisdiction of courts, paroling authorities, corrections
4 agencies, or other criminal justice agencies;

5 (b) Ensures an opportunity for input and timely notice
6 to victims and to jurisdictions where defined offenders are
7 authorized to travel or to relocate across state lines;

8 (c) Establishes a system of uniform data collection,
9 access to information on active cases by authorized criminal
10 justice officials, and regular reporting of compact activities
11 to heads of state councils; state executive, judicial, and
12 legislative branches; and criminal justice administrators;

13 (d) Provides for monitoring compliance with rules
14 governing interstate movement of offenders and initiating
15 interventions to address and correct noncompliance; and

16 (e) Provides for coordinating training and education
17 regarding regulations of interstate movement of offenders for
18 officials involved in such activity.

19 (4) The compacting states recognize that offenders
20 have no right to live in another state and that duly
21 accredited officers of a sending state may at all times enter
22 a receiving state and apprehend and retake any offender under
23 supervision subject to the provisions of this compact and
24 by-laws and rules adopted under this compact. It is the policy
25 of the compacting states that the purpose of the Interstate
26 Commission is the formation of public policies and that the
27 commission's activities therefore constitute public business.

28
29 ARTICLE II

30 DEFINITIONS

31 (1) As used in this compact, the term:

1 (a) "Adult" refers to individuals legally classified
2 as adults and to juveniles treated as adults by court order,
3 statute, or operation of law.

4 (b) "By-laws" means those by-laws established by the
5 Interstate Commission for its governance or for directing or
6 controlling the Interstate Commission's actions or conduct.

7 (c) "Compact administrator" means the individual in
8 each compacting state appointed pursuant to the terms of this
9 compact who is responsible for the administration and
10 management of the state's supervision and transfer of
11 offenders subject to the terms of this compact, the rules
12 adopted by the Interstate Commission, and policies adopted by
13 the state council under this compact.

14 (d) "Compacting state" means any state that has
15 enacted the enabling legislation for this compact.

16 (e) "Commissioner" means the voting representative of
17 each compacting state appointed pursuant to article III of
18 this compact.

19 (f) "Interstate Commission" means the Interstate
20 Commission for Adult Offender Supervision established by this
21 compact.

22 (g) "Member" means the commissioner of a compacting
23 state or designee, who must be a person officially connected
24 with the commissioner.

25 (h) "Noncompacting state" means any state that has not
26 enacted the enabling legislation for this compact.

27 (i) "Offender" means an adult placed under, or subject
28 to, supervision as the result of the commission of a criminal
29 offense and released to the community under the jurisdiction
30 of courts, paroling authorities, corrections agencies, or
31 other criminal justice agencies.

1 (j) "Person" means any individual, corporation,
2 business enterprise, or other legal entity, either public or
3 private.

4 (k) "Rules" means acts of the Interstate Commission,
5 duly adopted pursuant to article VIII of this compact,
6 substantially affecting interested parties in addition to the
7 Interstate Commission, which shall have the force and effect
8 of law in the compacting states.

9 (l) "State" means a state of the United States, the
10 District of Columbia, and any other territorial possessions of
11 the United States.

12 (m) "State council" means the resident members of the
13 State Council for Interstate Adult Offender Supervision
14 created by each state under article IV of this compact.

15
16 ARTICLE III

17 THE COMPACT COMMISSION

18 (1) The compacting states hereby create the Interstate
19 Commission for Adult Offender Supervision. The Interstate
20 Commission shall be a body corporate and a joint agency of the
21 compacting states. The Interstate Commission shall have all
22 the responsibilities, powers, and duties set forth in this
23 compact, including the power to sue and be sued, and such
24 additional powers as are conferred upon it by subsequent
25 action of the respective legislatures of the compacting states
26 in accordance with the terms of this compact.

27 (2) The Interstate Commission shall consist of
28 commissioners selected and appointed by resident members of a
29 state council for Interstate Adult Offender Supervision for
30 each state. In addition to the commissioners who are the
31 voting representatives of each state, the Interstate

1 Commission shall include individuals who are not commissioners
2 but who are members of interested organizations. Such
3 noncommissioner members shall include a member of the national
4 organizations of governors, legislators, state chief justices,
5 attorneys general, and crime victims. All noncommissioner
6 members of the Interstate Commission shall be ex officio,
7 nonvoting members. The Interstate Commission may provide in
8 its by-laws for such additional, ex officio, nonvoting members
9 as it deems necessary.

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

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

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

1 and performs other duties as directed by the Interstate
2 Commission or set forth in the by-laws.

4 ARTICLE IV

5 THE STATE COUNCIL

6 (1) Each member state shall create a State Council for
7 Interstate Adult Offender Supervision, which shall appoint the
8 commissioner who shall serve on the Interstate Commission from
9 that state. Each state council shall appoint as its
10 commissioner the compact administrator from that state to
11 serve on the Interstate Commission in such capacity under or
12 pursuant to applicable law of the member state. While each
13 member state may determine the membership of its own state
14 council, its membership must include at least one
15 representative each from victims groups and compact
16 administrators.

17 (2) The State Council for Interstate Adult Offender
18 Supervision in this state shall consist of seven members.
19 These members shall include the compact administrator, a
20 representative from a victim's assistance organization, and
21 one at-large member.

22 (a) The Secretary of Corrections, or the secretary's
23 designee, shall serve as compact administrator and chairperson
24 of the State Council for Interstate Adult Offender
25 Supervision. If the Secretary of Corrections elects to appoint
26 a designee, the designee shall be:

- 27 1. The Deputy Secretary of Corrections;
28 2. The Director of the Office of Community
29 Corrections; or
30
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1 3. The bureau chief in the Office of Community
2 Corrections that has operational authority over the Interstate
3 Compact Bureau.

4 (b) The Governor shall appoint the remaining members
5 of the State Council.

6 (c) The term of office of a member is 4 years.

7 (d) The State Council shall meet at least twice a
8 year.

9 (e) The State Council may advise the Compact
10 Administrator on participation in the Interstate Commission
11 activities and administration of the compact.

12 (3) Members of the council are entitled to
13 reimbursement for travel and expenses related to the
14 Interstate Commission as provided by state law.

15 (4) The State Council shall exercise oversight and
16 advocacy concerning its participation in Interstate Commission
17 activities and other duties as determined by each member
18 state, including, but not limited to, development of policy
19 concerning operations and procedures of the compact within
20 that state.

21
22 ARTICLE V

23 POWERS AND DUTIES OF

24 THE INTERSTATE COMMISSION

25 (1) The Interstate Commission may:

26 (a) Adopt a seal and suitable by-laws governing the
27 management and operation of the Interstate Commission.

28 (b) Adopt rules that shall have the force and effect
29 of statutory law and shall be binding in the compacting states
30 to the extent and in the manner provided in this compact.

31

1 (c) Oversee, supervise, and coordinate the interstate
2 movement of offenders subject to the terms of this compact and
3 any by-laws and rules adopted by the Interstate Commission.

4 (d) Enforce compliance with compact provisions,
5 Interstate Commission rules, and by-laws using all necessary
6 and proper means, including, but not limited to, the use of
7 the judicial process.

8 (e) Establish and maintain offices.

9 (f) Purchase and maintain insurance and bonds.

10 (g) Borrow, accept, or contract for services of
11 personnel, including, but not limited to, members and their
12 staffs.

13 (h) Establish and appoint committees and hire staff
14 that it deems necessary for the carrying out of its functions,
15 including, but not limited to, an executive committee as
16 required by article III, which shall have the power to act on
17 behalf of the Interstate Commission in carrying out its powers
18 and duties under this compact.

19 (i) Elect or appoint such officers, attorneys,
20 employees, agents, or consultants as the commission considers
21 necessary, and to fix their compensation, define their duties,
22 and determine their qualifications, and to establish the
23 commission's personnel policies and programs relating to,
24 among other things, conflicts of interest, rates of
25 compensation, and qualifications of personnel.

26 (j) Accept any and all donations and grants of money,
27 equipment, supplies, materials, and services, and receive,
28 use, and dispose of the same.

29 (k) Lease, purchase, accept contributions or donations
30 of, or otherwise own, hold, improve, or use, any property,
31 real, personal, or mixed.

1 (l) Sell, convey, mortgage, pledge, lease, exchange,
2 abandon, or otherwise dispose of any property, real, personal,
3 or mixed.

4 (m) Establish a budget and make expenditures and levy
5 dues as provided in article X of this compact.

6 (n) Sue and be sued.

7 (o) Provide for dispute resolution among compacting
8 states.

9 (p) Perform functions necessary or appropriate to
10 achieve the purposes of this compact.

11 (q) Report annually to the legislatures, governors,
12 judiciary, and state councils of the compacting states
13 concerning the activities of the commission during the
14 preceding year. Such reports must also include any
15 recommendations that may have been adopted by the commission.

16 (r) Coordinate education, training, and public
17 awareness regarding the interstate movement of offenders for
18 officials involved in such activity.

19 (s) Establish uniform standards for reporting,
20 collecting, and exchanging data.

21
22 ARTICLE VI

23 ORGANIZATION AND OPERATION

24 OF THE INTERSTATE COMMISSION

25 (1) BY-LAWS.--The Interstate Commission, by a majority
26 of the members, within 1 year after the first commission
27 meeting, shall adopt by-laws to govern its conduct as
28 necessary or appropriate to carry out the purposes of the
29 compact, including, but not limited to:

30 (a) Establishing the fiscal year of the commission.
31

1 (b) Establishing an executive committee and other
2 committees as necessary and providing reasonable standards and
3 procedures:

- 4 1. For the establishment of committees; and
5 2. Governing any general or specific delegation of any
6 authority or function of the commission.

7 (c) Providing reasonable procedures for calling and
8 conducting meetings of the commission and for ensuring
9 reasonable notice of each meeting.

10 (d) Establishing the titles and responsibilities of
11 the officers of the commission.

12 (e) Providing reasonable standards and procedures for
13 the establishment of the personnel policies and programs of
14 the commission. Notwithstanding any civil service or other
15 similar laws of any compacting state, the by-laws shall
16 exclusively govern the personnel policies and programs of the
17 commission.

18 (f) Providing a mechanism for concluding the
19 operations of the commission and the equitable return of any
20 surplus funds that may exist upon the termination of the
21 compact after the payment or reserving of all of its debts and
22 obligations.

23 (g) Providing transition rules for the implementation
24 of the compact.

25 (h) Establishing standards and procedures for
26 compliance and technical assistance in carrying out the
27 compact.

28 (2) OFFICERS AND STAFF.--

29 (a) The Interstate Commission, by a majority of the
30 members, shall elect from among its members a chairperson and
31 a vice chairperson, each of whom shall have the authorities

1 and duties specified in the by-laws. The chairperson or, in
2 his or her absence or disability, the vice chairperson, shall
3 preside at all meetings of the commission. The officers so
4 elected shall serve without compensation or remuneration from
5 the commission. However, subject to the availability of
6 budgeted funds, the officers shall be reimbursed for any
7 actual and necessary costs and expenses incurred by them in
8 the performance of their duties and responsibilities as
9 officers of the commission.

10 (b) The commission, through its executive committee,
11 shall appoint or retain an executive director for such period,
12 upon such terms and conditions, and for such compensation as
13 the commission deems appropriate. The executive director shall
14 serve as secretary to the commission and hire and supervise
15 other staff as authorized by the commission, but may not be a
16 member.

17 (3) CORPORATE RECORDS OF THE INTERSTATE
18 COMMISSION.--The Interstate Commission shall maintain its
19 corporate books and records in accordance with the by-laws.

20 (4) QUALIFIED IMMUNITY, DEFENSE, AND
21 INDEMNIFICATION.--

22 (a) The members, officers, executive director, and
23 employees of the Interstate Commission shall be immune from
24 suit and liability, either personally or in their official
25 capacity, for any claim for damage to or loss of property or
26 personal injury or other civil liability caused or arising out
27 of any actual or alleged act, error, or omission that occurred
28 within the scope of commission employment, duties, or
29 responsibilities. However, this paragraph does not protect any
30 such person from suit or liability for any damage, loss,
31

1 injury, or liability caused by the intentional or willful and
2 wanton misconduct of any such person.

3 (b) The Interstate Commission shall defend the
4 commissioner of a compacting state, or his or her
5 representatives or employees, or the commission's
6 representatives or employees in any civil action seeking to
7 impose liability arising out of any actual or alleged act,
8 error, or omission that occurred within the scope of
9 Interstate Commission employment, duties, or responsibilities
10 or that the defendant had a reasonable basis for believing
11 occurred within the scope of Interstate Commission employment,
12 duties, or responsibilities, if the actual or alleged act,
13 error, or omission did not result from intentional wrongdoing
14 on the part of such person.

15 (c) The Interstate Commission shall indemnify and hold
16 the commissioner of a compacting state, his or her appointed
17 designee or employees, or the Interstate Commission's
18 representatives harmless in the amount of any settlement or
19 judgment obtained against such persons arising out of any
20 actual or alleged act, error, or omission that occurred within
21 the scope of Interstate Commission employment, duties, or
22 responsibilities or that such persons had a reasonable basis
23 for believing occurred within the scope of Interstate
24 Commission employment, duties, or responsibilities, if the
25 actual or alleged act, error, or omission did not result from
26 gross negligence or intentional wrongdoing on the part of such
27 person.

28
29 ARTICLE VII

30 ACTIVITIES OF THE INTERSTATE COMMISSION

31

1 (1) The Interstate Commission shall meet and take such
2 actions as are consistent with this compact.

3 (2) Except as otherwise provided in this compact and
4 unless a greater percentage is required by the by-laws, in
5 order to constitute an act of the Interstate Commission, such
6 act must be taken at a meeting of the commission and must
7 receive an affirmative vote of a majority of the members
8 present.

9 (3) Each member of the commission may cast a vote to
10 which that compacting state is entitled and may participate in
11 the business and affairs of the commission. A member shall
12 vote in person on behalf of the state and may not delegate a
13 vote to another member state. However, a state council shall
14 appoint another authorized representative, in the absence of
15 the commissioner from that state, to cast a vote on behalf of
16 the member state at a specified meeting. The by-laws may
17 provide for members' participation in meetings by telephone or
18 other means of telecommunication or electronic communication.
19 Any voting conducted by telephone or other means of
20 telecommunication or electronic communication is subject to
21 the same quorum requirements as meetings where members are
22 present in person.

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

27 (5) The Interstate Commission's by-laws shall
28 establish conditions and procedures under which the commission
29 shall make its information and official records available to
30 the public for inspection or copying. The commission may
31 exempt from disclosure any information or official records to

1 the extent that they would adversely affect personal privacy
2 rights or proprietary interests. In adopting such rules, the
3 Interstate Commission may make available to law enforcement
4 agencies records and information otherwise exempt from
5 disclosure and may enter into agreements with law enforcement
6 agencies to receive or exchange information or records subject
7 to nondisclosure and confidentiality provisions.

8 (6) Public notice shall be given of all meetings and
9 all meetings shall be open to the public, except as set forth
10 in the rules or as otherwise provided in the compact. The
11 Interstate Commission shall adopt rules consistent with the
12 principles contained in the "Government in Sunshine Act," 5
13 U.S.C. s. 552(b), as amended.

14 (a) The Interstate Commission shall keep minutes that
15 fully and clearly describe all matters discussed in any
16 meeting and provide a full and accurate summary of any actions
17 taken and the reasons therefor, including a description of
18 each of the views expressed on any item and the record of any
19 roll call vote, reflecting the vote of each member on the
20 question. All documents considered in connection with any
21 action must be identified in the minutes.

22 (b) The Interstate Commission shall collect
23 standardized data concerning the interstate movement of
24 offenders as directed through its by-laws and rules, which
25 shall specify the data to be collected, the means of
26 collection, and data exchange and reporting requirements.

27
28 ARTICLE VIII

29 RULEMAKING FUNCTIONS OF
30 THE INTERSTATE COMMISSION

31

1 (1) The Interstate Commission shall adopt rules in
2 order to effectively and efficiently achieve the purposes of
3 the compact, including transition rules governing
4 administration of the compact during the period in which it is
5 being considered and enacted by the states.

6 (2) Rulemaking shall occur pursuant to the criteria
7 set forth in this article and the by-laws and rules adopted
8 pursuant thereto. Such rulemaking shall substantially conform
9 to the principles of the federal "Administrative Procedure
10 Act," 5 U.S.C.S. s. 551 et seq., and the federal "Advisory
11 Committee Act," 5 U.S.C.S. App. 2, s. 1 et seq., as amended.
12 All rules and amendments take effect on the date specified in
13 each rule or amendment.

14 (3) If a majority of the legislatures of the
15 compacting states rejects a rule by enactment of a statute or
16 resolution in the same manner used to adopt the compact, such
17 rule shall have no further force and effect in any compacting
18 state.

19 (4) When adopting a rule, the Interstate Commission
20 shall:

21 (a) Publish the proposed rule stating with
22 particularity the text of the rule that is proposed and the
23 reason for the proposed rule;

24 (b) Allow persons to submit written data, facts,
25 opinions, and arguments, which information must be publicly
26 available;

27 (c) Provide an opportunity for an informal hearing;
28 and

29 (d) Adopt a final rule and its effective date, if
30 appropriate, based on the rulemaking record. Not later than 60
31 days after a rule is adopted, any interested person may file a

1 petition in the United States District Court for the District
2 of Columbia or in the federal district court where the
3 Interstate Commission's principal office is located for
4 judicial review of such rule. If the court finds that the
5 Interstate Commission's action is not supported by substantial
6 evidence, as defined in the federal Administrative Procedure
7 Act, in the rulemaking record, the court shall hold the rule
8 unlawful and set it aside. Subjects to be addressed within 12
9 months after the first meeting must, at a minimum, include:

10 1. Notice to victims and opportunity to be heard;
11 2. Offender registration and compliance;
12 3. Violations and returns;
13 4. Transfer procedures and forms;
14 5. Eligibility for transfer;
15 6. Collection of restitution and fees from offenders;
16 7. Data collection and reporting;
17 8. The level of supervision to be provided by the
18 receiving state;

19 9. Transition rules governing the operation of the
20 compact and the Interstate Commission during all or part of
21 the period between the effective date of the compact and the
22 date on which the last eligible state adopts the compact; and

23 10. Mediation, arbitration, and dispute resolution.

24 (5) The existing rules governing the operation of the
25 previous compact superseded by this act shall be null and void
26 12 months after the first meeting of the Interstate Commission
27 created under this compact.

28 (6) Upon determination by the Interstate Commission
29 that an emergency exists, it may adopt an emergency rule that
30 takes effect immediately upon adoption. However, the usual
31 rulemaking procedures provided under this compact must be

1 retroactively applied to the rule as soon as reasonably
2 possible, but not later than 90 days after the effective date
3 of the rule.

4
5 ARTICLE IX

6 OVERSIGHT, ENFORCEMENT, AND

7 DISPUTE RESOLUTION BY THE

8 INTERSTATE COMMISSION

9 (1) OVERSIGHT.--

10 (a) The Interstate Commission shall oversee the
11 interstate movement of adult offenders in the compacting
12 states and shall monitor activities being administered in
13 noncompacting states which may significantly affect compacting
14 states.

15 (b) The courts and executive agencies in each
16 compacting state shall enforce this compact and shall take all
17 actions necessary and appropriate to effectuate the compact's
18 purposes and intent. In any judicial or administrative
19 proceeding in a compacting state pertaining to the subject
20 matter of this compact which may affect the powers,
21 responsibilities, or actions of the Interstate Commission, the
22 commission is entitled to receive all service of process in
23 any such proceeding and has standing to intervene in the
24 proceeding for all purposes.

25 (2) DISPUTE RESOLUTION.--

26 (a) The compacting states shall report to the
27 Interstate Commission on issues or activities of concern to
28 them and cooperate with and support the commission in the
29 discharge of its duties and responsibilities.

30 (b) The Interstate Commission shall attempt to resolve
31 any disputes or other issues that are subject to the compact

1 and that arise among compacting states and noncompacting
2 states.

3 (c) The Interstate Commission shall enact a by-law or
4 adopt a rule providing for both mediation and binding dispute
5 resolution for disputes among the compacting states.

6 (3) ENFORCEMENT.--The Interstate Commission, in the
7 reasonable exercise of its discretion, shall enforce the
8 provisions of this compact using any or all means set forth in
9 article XII (2) of this compact.

10
11 ARTICLE X

12 FINANCE

13 (1) The Interstate Commission shall pay or provide for
14 the payment of the reasonable expenses of its establishment,
15 organization, and ongoing activities.

16 (2) The Interstate Commission shall levy on and
17 collect an annual assessment from each compacting state to
18 cover the cost of the internal operations and activities of
19 the Interstate Commission and its staff, which must be in a
20 total amount sufficient to cover the Interstate Commission's
21 annual budget as approved each year. The aggregate annual
22 assessment amount shall be allocated based upon a formula to
23 be determined by the Interstate Commission, taking into
24 consideration the population of the state and the volume of
25 interstate movement of offenders in each compacting state. The
26 Interstate Commission shall adopt a rule that is binding upon
27 all compacting states and that governs the assessment.

28 (3) The Interstate Commission may not incur any
29 obligations of any kind prior to securing the funds adequate
30 to meet the obligations, and the Interstate Commission may not
31

1 pledge the credit of any of the compacting states except by
2 and with the authority of the compacting state.

3 (4) The Interstate Commission shall keep accurate
4 accounts of all receipts and disbursements. The receipts and
5 disbursements of the commission are subject to the audit and
6 accounting procedures established under its by-laws. However,
7 all receipts and disbursements of funds handled by the
8 commission shall be audited yearly by a certified or licensed
9 public accountant, and the report of the audit must be
10 included in and become part of the annual report of the
11 commission.

12
13 ARTICLE XI

14 COMPACTING STATES, EFFECTIVE

15 DATE, AND AMENDMENT

16 (1) Any state, as defined in article II of this
17 compact, is eligible to become a compacting state.

18 (2) The compact shall become effective and binding
19 upon legislative enactment of the compact into law by not less
20 than 35 of the states. The initial effective date shall be the
21 later of July 1, 2001, or upon enactment into law by the 35th
22 jurisdiction. Thereafter, the compact shall become effective
23 and binding as to any other compacting state upon enactment of
24 the compact into law by that state. The governors of nonmember
25 states or their designees will be invited to participate in
26 Interstate Commission activities on a nonvoting basis prior to
27 adoption of the compact by all states and territories of the
28 United States.

29 (3) Amendments to the compact may be proposed by the
30 Interstate Commission for enactment by the compacting states.
31 An amendment does not become effective and binding upon the

1 Interstate Commission or the compacting states unless and
2 until it is enacted into law by unanimous consent of the
3 compacting states.

4
5 ARTICLE XII

6 WITHDRAWAL, DEFAULT, TERMINATION,
7 AND JUDICIAL ENFORCEMENT

8 (1) WITHDRAWAL.--

9 (a) Once effective, the compact shall continue in
10 force and remain binding upon each and every compacting state.
11 However, a compacting state may withdraw from the compact by
12 enacting a law specifically repealing the statute that enacted
13 the compact into law.

14 (b) The effective date of withdrawal is the effective
15 date of the repeal.

16 (c) The withdrawing state shall immediately notify the
17 chairperson of the Interstate Commission in writing upon the
18 introduction of legislation repealing this compact in the
19 withdrawing state. The Interstate Commission shall notify the
20 other compacting states of the withdrawing state's intent to
21 withdraw within 60 days after its receipt of the notice.

22 (d) The withdrawing state is responsible for all
23 assessments, obligations, and liabilities incurred by it
24 through the effective date of withdrawal, including any
25 obligations the performance of which extend beyond the
26 effective date of withdrawal.

27 (e) Reinstatement following withdrawal of any
28 compacting state shall occur upon the withdrawing state
29 reenacting the compact or upon such later date as determined
30 by the Interstate Commission.

31 (2) DEFAULT.--

1 (a) If the Interstate Commission determines that any
2 compacting state has at any time defaulted in the performance
3 of any of its obligations or responsibilities under this
4 compact, the by-laws, or any adopted rules, the commission may
5 impose any or all of the following penalties:

6 1. Fines, fees, or costs in amounts deemed to be
7 reasonable, as fixed by the Interstate Commission;

8 2. Remedial training and technical assistance, as
9 directed by the Interstate Commission;

10 3. Suspension and termination of membership in the
11 compact. Suspension shall be imposed only after all other
12 reasonable means of securing compliance under the by-laws and
13 rules have been exhausted. Immediate notice of suspension
14 shall be given by the Interstate Commission to the Governor,
15 the Chief Justice or chief judicial officer of the state, the
16 majority and minority leaders of the defaulting state's
17 legislature, and the state council.

18 (b) The grounds for default include, but are not
19 limited to, failure of a compacting state to perform the
20 obligations or responsibilities imposed upon it by this
21 compact or by Interstate Commission by-laws or rules. The
22 Interstate Commission shall immediately notify the defaulting
23 state in writing of the penalty imposed by the commission on
24 the defaulting state pending a cure of the default. The
25 commission shall stipulate the conditions and the time period
26 within which the defaulting state must cure its default. If
27 the defaulting state fails to cure the default within the time
28 specified by the commission, in addition to any other
29 penalties imposed the defaulting state may be terminated from
30 the compact upon an affirmative vote of a majority of the
31 compacting states and all rights, privileges, and benefits

1 conferred by this compact shall be terminated from the
2 effective date of suspension. Within 60 days after the
3 effective date of termination of a defaulting state, the
4 Interstate Commission must notify the Governor, the Chief
5 Justice or chief judicial officer, the majority and minority
6 leaders of the defaulting state's legislature, and the state
7 council of such termination.

8 (c) The defaulting state is responsible for all
9 assessments, obligations, and liabilities incurred through the
10 effective date of termination, including any obligations the
11 performance of which extends beyond the effective date of
12 termination.

13 (d) The Interstate Commission may not bear any costs
14 relating to the defaulting state unless otherwise mutually
15 agreed upon between the Interstate Commission and the
16 defaulting state. Reinstatement following termination of any
17 compacting state requires a reenactment of the compact by the
18 defaulting state and the approval of the Interstate Commission
19 pursuant to the rules.

20 (3) JUDICIAL ENFORCEMENT.--The Interstate Commission,
21 by majority vote of the members, may initiate legal action in
22 the United States District Court for the District of Columbia
23 or, at the discretion of the Interstate Commission, in the
24 federal district where the Interstate Commission has its
25 offices to enforce compliance with the provisions of the
26 compact for the commission's adopted rules and by-laws against
27 any compacting state in default. If judicial enforcement is
28 necessary, the prevailing party shall be awarded all costs of
29 such litigation, including reasonable attorney's fees.

30 (4) DISSOLUTION OF COMPACT.--
31

1 (a) The compact dissolves on the date of the
2 withdrawal or default of the compacting state which reduces
3 membership in the compact to one compacting state.

4 (b) Upon the dissolution of this compact, the compact
5 becomes null and void and shall have no further force or
6 effect, and the business and affairs of the Interstate
7 Commission shall be concluded and any surplus funds shall be
8 distributed in accordance with the by-laws.

9
10 ARTICLE XIII

11 SEVERABILITY AND CONSTRUCTION

12 (1) The provisions of this compact are severable, and
13 if any phrase, clause, sentence, or provision is deemed
14 unenforceable, the remaining provisions of the compact are
15 enforceable.

16 (2) The provisions of this compact shall be liberally
17 construed to carry out its purposes.

18
19 ARTICLE XIV

20 BINDING EFFECT OF

21 COMPACT AND OTHER LAWS

22 (1) OTHER LAWS.--

23 (a) Nothing in this compact prevents the enforcement
24 of any other law of a compacting state which is not
25 inconsistent with this compact.

26 (b) Any law of a compacting state which conflicts with
27 this compact is superseded to the extent of the conflict.

28 (2) BINDING EFFECT OF THE COMPACT.--

29 (a) All lawful actions of the Interstate Commission,
30 including all rules and by-laws adopted by the Interstate
31 Commission, are binding upon the compacting states.

1 (b) All agreements between the Interstate Commission
2 and the compacting states are binding in accordance with the
3 terms of the agreements.

4 (c) Upon the request of a party to a conflict over
5 meaning or interpretation of Interstate Commission actions,
6 and upon a majority vote of the compacting states, the
7 Interstate Commission may issue advisory opinions regarding
8 such meaning or interpretation.

9 (d) If any provision of this compact exceeds the
10 constitutional limits imposed on the legislature of any
11 compacting state, the obligations, duties, powers, or
12 jurisdiction sought to be conferred by such provision upon the
13 Interstate Commission shall be ineffective, and such
14 obligations, duties, powers, or jurisdiction shall remain in
15 the compacting state and shall be exercised by the agency
16 thereof to which such obligations, duties, powers, or
17 jurisdiction are delegated by law in effect at the time this
18 compact becomes effective.

19 Section 9. Section 949.071, Florida Statutes, is
20 amended to read:

21 949.071 Definition of "state" as used in s. 949.07;
22 further declaration relating to interstate compacts.--

23 (1) ~~It is hereby declared that~~ The term "state," as
24 used in s. 949.07, relating to and authorizing and directing
25 the Governor to enter into an interstate compact in behalf of
26 Florida with any state of the United States for out-of-state
27 supervision of probationers and parolees, and prescribing the
28 form to be substantially used for any such compact, means any
29 one of the several states, ~~and the Commonwealth of Puerto~~
30 ~~Rico, the Virgin Islands, and the District of Columbia, and~~
31 any other territorial possession of the United States.

1 (2) It is hereby recognized and further declared that
2 pursuant to the consent and authorization contained in s.
3 111(b) of Title 4 of the United States Code as added by Pub.
4 L. No. 970-84th Congress, Ch. 941-2d Session, this state shall
5 be a party to the ~~said~~ Interstate Compact for Adult Offender
6 ~~the~~ Supervision, ~~of parolees and probationers~~ with any
7 additional jurisdiction legally joining in the compact therein
8 when such jurisdiction enacts the ~~shall have enacted said~~
9 compact in accordance with the terms thereof.

10 Section 10. Section 949.072, Florida Statutes, is
11 created to read:

12 949.072 State Council for Interstate Adult Offender
13 Supervision.--

14 (1) The Secretary of Corrections, or the secretary's
15 designee, shall serve as the compact administrator for the
16 state and as the state's commissioner to the Interstate
17 Commission for Adult Offender Supervision.

18 (2) The State Council for Interstate Adult Offender
19 Supervision is established and shall consist of seven members.
20 The Secretary of Corrections, or the secretary's designee,
21 shall serve as chairperson of the state council. The Governor
22 shall appoint the remaining members of the state council,
23 which must include a representative of a victim's assistance
24 organization.

25 (a) Each member shall be appointed to a 4-year term of
26 office. In order to achieve staggered terms, of those members
27 first appointed, three members shall be appointed for terms of
28 2 years each, and three members shall be appointed for terms
29 of 4 years each.

30 (b) The state council shall meet at least twice a
31 year.

1 (c) The members of the state council shall serve
2 without compensation, but are entitled to reimbursement for
3 travel and per diem expenses in accordance with s. 112.061.

4 Section 11. Section 949.08, Florida Statutes, is
5 amended to read:

6 949.08 Department of Corrections to enact rules and
7 regulations relating to compacts; limitation on assessments.--

8 (1) The Department of Corrections may adopt ~~shall have~~
9 ~~power and shall be charged with the duty of promulgating such~~
10 ~~rules and~~ expend ~~regulations and the expenditures~~ of funds as
11 ~~may be deemed~~ necessary to carry out the terms, conditions,
12 and intents of a compact entered into by the state pursuant to
13 s. 949.07.

14 (2) Notwithstanding subsection (2) of article X of s.
15 949.07, the state shall reduce the amount paid as the state's
16 assessment under the compact entered into under s. 949.07 so
17 that the total collected from the annual assessment does not
18 exceed the amount appropriated for the assessment by the
19 Legislature for any single fiscal year.

20 Section 12. Section 949.09, Florida Statutes, is
21 amended to read:

22 949.09 Short title: ss. 949.07-949.08.--Sections
23 949.07-949.08 may be cited ~~shall be known~~ as the "Interstate
24 Compact for Adult Offender ~~Uniform Law for Out-of-state~~
25 ~~Probation and Parole~~ Supervision."

26 Section 13. This act shall take effect July 1, 2001.
27
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 306
4 Requires the Department of Corrections, rather than the Parole
5 Commission or the Control Release Authority, to notify
6 victims.
7 Amends numerous victim notification statutes to provide that
8 if a victim must be notified, that notification extends to:
9 the victim's parent or guardian if the victim is a minor; the
10 victim's next of kin in a homicide case; and the lawful
11 representative of the victim or the victim's parent or
12 guardian if the victim is a minor.
13 Prohibits a medical provider from billing a sexual offense
14 victim's parent or guardian for the victim's initial forensic
15 physical examination.
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