

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Criminal Justice Committee

BILL: SB 274

SPONSOR: Senator Crist

SUBJECT: Interstate Compact for Juveniles

DATE: March 4, 2005

REVISED: 03/09/05

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/1 amendment</u>
2.	<u>                    </u>	<u>                    </u>	<u>JU</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>GO</u>	<u>                    </u>
4.	<u>                    </u>	<u>                    </u>	<u>JA</u>	<u>                    </u>
5.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
6.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

**Please see last section for Summary of Amendments**

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

**I. Summary:**

Senate Bill 274 substantially amends s. 985.502, F.S., to revise and update the provisions of the current Interstate Compact on Juveniles, which provides for cooperation among states in supervising and returning juveniles who have run away or escaped from detention across state boundaries as follows:

- Establishes an independent compact administrative agency with the authority to administer ongoing compact activity, including a provision for full-time staff support (National Commission).
- Provides gubernatorial appointment of authorized voting representatives for all member states on a national governing commission, which meets at least annually to attend to general business, rule making, and enforcement procedures on behalf of the administrative body.
- Delegates rule making authority to the National Commission and makes provisions for sanctions to administer and enforce the operation of the compact.
- Provides a mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, and training/education).
- Provides for the collection of standardized information and information sharing systems.
- Provides for the coordination and cooperation with other interstate compacts which have “overlapping” jurisdiction (like the Interstate Compact on the Placement of Children and the Interstate Compact for Adult Offender Supervision).

- Mandates states to create a state council to oversee state participation in the activities of the Interstate Commission for Juveniles, to be comprised of a compact administrator, representatives from each of the three branches of government, a victim advocate representative, and a parent of a youth not in the juvenile justice system.
- Creates the State Council by providing for membership, terms of office, record storage, property transfer, and reimbursement for travel and per diem expenses.
- Creates additional duties and responsibilities for the compact administrator.

According to the Council of State Governments (CSG) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP), 21 states have passed legislation revising and updating the interstate compact and many more states, like Florida, are taking up the legislation for consideration. Once 35 states have passed the new compact language, it will go into effect. The CSG and the OJJDP estimate this to be in the spring or fall of 2006.

This bill substantially amends section 985.502 and repeals sections 985.503, 985.504, 985.505, 985.506, and 985.507, Florida Statutes.

## II. Present Situation:

Part V of Chapter 985, F.S., (ss. 985.501- 985.507), contains the Interstate Compact on Juveniles. This compact provides for the movement of juveniles across state lines as follows:

- Transfer of supervision of delinquent juveniles on probation or parole from one state to another;
- Extradition of juveniles who have been adjudicated by the court and escaped or absconded to other states while under the court's jurisdiction;
- Extradition of juveniles who have not yet been adjudicated delinquent but who have been "charged" as being delinquent; and
- Return of non-delinquent runaways to their home state when informal arrangements cannot be made between the holding facility and the runaway's parent or guardian.

The Council of State Governments (CSG) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) are the agencies overseeing the drafting and introduction of the updated Interstate Compact for Juveniles among all the states. According to these oversight agencies, the current compact was written 48 years ago to serve a juvenile population that looks very different now. The compact authorizes state compact administrators to act jointly with other state administrators to adopt rules and regulations that are more effective in implementing the terms of the compact. However, the Association of Juvenile Compact Administrators (AJCA) is not specifically authorized to function in this capacity, which leaves AJCA powerless to enforce the current rules and regulations.

Another problem is some states interpret the interstate compact laws differently and there is no central body that can provide uniform interpretation or legal opinion of the current laws, rules, and regulations. In addition, some participating states choose not to cooperate or claim they have no funding to cooperate with other states in moving juveniles across state lines. There are currently no legal consequences for violating the compact. Moreover, many jurisdictions have expanded supervision and program expectations to include victim input and notification

requirements, as well as sex offender registration, none of which are covered under the current compact law.

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### **III. Effect of Proposed Changes:**

Senate Bill 274 substantially amends s. 985.502, F.S., to revise and update the provisions of the current Interstate Compact on Juveniles, which provides for cooperation among states in supervising and returning juveniles who have run away or escaped from detention across state boundaries as follows:

- Establishes an independent compact administrative agency with the authority to administer ongoing compact activity, including a provision for full-time staff support (National Commission).
- Provides gubernatorial appointment of authorized voting representatives for all member states on a national governing commission, which meets at least annually to attend to general business, rule making, and enforcement procedures on behalf of the administrative body.
- Delegates rule making authority to the National Commission and makes provisions for sanctions to administer and enforce the operation of the compact.
- Provides a mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, and training/education).
- Provides for the collection of standardized information and information sharing systems.
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- Mandates states to create a state council to oversee state participation in the activities of the Interstate Commission for Juveniles, to be comprised of a compact administrator, representatives from each of the three branches of government, a victim advocate representative, and a parent of a youth not in the juvenile justice system.
- Creates the State Council by providing for membership, terms of office, record storage, property transfer, and reimbursement for travel and per diem expenses.
- Creates additional duties and responsibilities for the compact administrator.

According to the DJJ, this bill will provide for the development of better enforcement and accountability measures, provide more training to local and state juvenile justice officials, and improve the speed and quality of communication through the use of technology. The department states that Florida is currently operating under the rules and regulations of the AJCA. If this new compact is passed, Florida will have a law making these current rules and regulations as binding as law. But as a practical matter, the current operating procedures for the Florida Interstate Compact for Juveniles will not be affected.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

According to the DJJ, there will be a state fiscal impact as a result of this legislation; however, it will not affect the budget until approximately 2005-2006. (This is after 35 states have passed the legislation and the National Commission has been established.) Dues paid to the National Commission are based upon the population served. *It is estimated the fiscal impact to Florida will be \$37,000 annually.* This amount may be reduced, depending on whether the National Commission on the Interstate Compact for Juveniles decides to use the same National Commission staff that's used for the Interstate Compact for Adult Offender Supervision.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The DJJ states that Florida has the largest caseload of “Interstate Compact on Juveniles” in the nation and will be greatly impacted by passage of this new law. Florida sends more requests for supervision transfer than it receives. If Florida does not adopt this legislation by the time it has been passed by 35 other states, it will negatively impact the state’s juvenile justice system and the juvenile offenders leaving and entering the state, according to the DJJ. The department states that not passing this legislation will also impact juvenile extradition and the return of non-delinquent runaways to and from Florida, thus possibly creating a greater liability with regard to the offenders leaving the state under Florida court jurisdiction.

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This Senate staff analysis does not reflect the intent or official position of the bill’s sponsor or the Florida Senate.

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## VIII. Summary of Amendments:

### **Barcode 871818 by Criminal Justice:**

Changes the effective date of the bill to July 1, 2005, *or upon enactment of the compact into law by the 35th compacting state, whichever occurs later.* (Makes sure the law does not become effective until the compact is adopted by 35 compacting states.)

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