

HOUSE BILL REPORT

EHB 1148

As Passed House:

February 19, 2003

Title: An act relating to the interstate compact for juveniles.

Brief Description: Adopting the revised interstate compact for juveniles.

Sponsors: By Representatives Dickerson, Delvin and O'Brien.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 1/30/03, 2/6/03 [DPA].

Floor Activity:

Passed House: 2/19/03, 86-11.

Brief Summary of Engrossed Bill

- Adopts the new Interstate Compact for Juveniles, which would make Washington a voting member of the Interstate Commission;
- Authorizes the Interstate Commission to adopt rules, establish uniform standards of reporting, collecting, and exchanging data concerning the interstate movement of juveniles, and collect an annual assessment from compacting states.
- Requires Washington to have a state council for interstate juvenile supervision.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass as amended. Signed by 5 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Eickmeyer and Upthegrove.

Minority Report: Do not pass. Signed by 2 members: Representatives Carrell and Hinkle.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

Compacts are agreements, like contracts, between two or more states. Washington has compacts with other states governing a variety of interstate matters. In the 2002 session the Legislature passed the Interstate Compact for Adult Offender Supervision, which updated the adult compact that was originally adopted in 1937.

The Interstate Compact for Juveniles (ICJ) was created in 1955 after representatives from numerous professional organizations developed a uniform set of procedures for: (a) cooperative supervision of juvenile offenders residing in states other than the original state of adjudication; and (b) the return of juveniles who have run away or escaped across state lines.

The ICJ was eventually adopted by all 50 states, as well as by the Virgin Islands, Guam and the District of Columbia. However, since 1958, amendments to the compact have been drafted, and not all states have adopted all amendments.

Under the current ICJ, the governor of each state appoints an official to serve as the ICJ Administrator. Compact Administrators are responsible for the daily administration of the ICJ in their states. Administrators also meet with the administrators of other states to adopt rules for the operation of the ICJ.

Summary of Engrossed Bill:

Washington will adopt the new Interstate Compact on Juveniles (ICJ), which will take effect when the compact is adopted by 35 states, but no sooner than July 1, 2004.

Creation of the Interstate Commission for Juveniles

The compacting states will create the Interstate Commission for Juveniles (IC). The IC will consist of commissioners appointed by each compacting state. The commissioner of the state will serve on the IC as a voting representative for the state.

The IC has specific powers and duties, including, but not limited to the following:

- adopt rules to effect the purposes and obligations of the compact which shall have the force and effect of law and shall be binding in the compacting states;
- oversee, supervise, and coordinate the interstate movement of juveniles subject to the compact;
- enforce compliance with the compact provisions;
- establish a budget and make expenditures and levy dues; and
- establish uniform standards of reporting, collecting, and exchanging data concerning the interstate movement of juveniles.

Rulemaking Authority of the IC

The IC must, by a majority vote of the members present and within 12 months of their first meeting, adopt bylaws to govern its conduct. Nonmember states may participate in

the activities of the IC on a nonvoting basis. Specific procedures are set forth that the IC must follow when adopting rules. The existing rules governing the interstate compact on juveniles are superceded 12 months after the first meeting of the IC.

Oversight by the IC

The IC must oversee the administration and operation of the interstate movement of juveniles subject to the compact. The courts and agencies in each compacting state must enforce the compact and must take all actions necessary and appropriate to effectuate the compact's purposes.

Financing the IC

The IC shall collect an annual assessment from each compacting state to cover the cost of its operations and activities. The assessment amount must be allocated between states based on a formula that takes into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state. According to the Council of State Governments, which is supervising the introduction of the ICJ, Washington's estimated assessment would be \$22,000.

Designation of State Councils

Each member state shall create a state council for interstate juvenile supervision. The membership of the council must include at least one representative from the legislative, judicial, and executive branches of government; victims groups; and the compact administrator, deputy compact administrator, or designee. The Governor designates the state council.

Default by a Compacting State

If the IC determines that a compacting state has defaulted in the performance of its obligations or responsibilities under the compact, bylaws, or adopted rules, the IC may impose penalties such as remedial training and technical assistance; alternative dispute resolution; fines, fees, and costs; and suspension or termination of membership in the compact. The IC may, by majority vote of the members, initiate legal action in federal district court to enforce compliance with the provisions of the compact, bylaws, or adopted rules.

Effect on Other Laws

Nothing in the compact prevents the enforcement of any other state law that is consistent with the compact. Nothing in the compact interferes with Washington's authority to determine policy regarding juveniles in this state. If there is a conflict between a state law and the compact, other than a state constitutional law, the compact supersedes to the extent of the conflict.

Other Provisions

There are numerous other provisions in the compact regarding the creation of an executive committee, dispute resolution between compacting states, liability of state

commissioners, and withdrawal by a compacting state from the compact.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2004 or when the interstate compact for juveniles is adopted by 35 or more states, whichever occurs later.

Testimony For: The old compact from 1955 is out of date and new technology creates new problems that must be addressed. If Washington wants to have a voice in writing the rules for the new compact, we must adopt this compact. Washington already has an adult compact. Washington's sentencing of juveniles is different than other states. It's important that we be at the table when compacting states vote on rules. There's no fiscal impact until 2005.

Testimony Against: None.

Testified: (In support) Representative Dickerson, prime sponsor; Cheryl Stephani, Juvenile Rehabilitation Administration and Department of Social and Health Services; and Ryan Pinto, Juvenile Rehabilitation Administration.