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SENATE BILL 5133

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State of Washington

58th Legislature

2003 Regular Session

By Senators Carlson, Stevens, Hargrove, McCaslin, Kline, Sheahan, Kohl-Welles, Schmidt, McAuliffe, Oke, Rossi, Regala, Esser, Deccio, Swecker, Brandland, Parlette, Zarelli and Rasmussen

Read first time 01/15/2003. Referred to Committee on Children & Family Services & Corrections.

1 AN ACT Relating to the interstate compact for juveniles; adding a  
2 new section to chapter 13.24 RCW; repealing RCW 13.24.010; and  
3 providing a contingent effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.24 RCW  
6 to read as follows:

7 THE INTERSTATE COMPACT FOR JUVENILES

8 ARTICLE I - Purpose

9 The compacting states to this interstate compact recognize that  
10 each state is responsible for the proper supervision or return of  
11 juveniles, delinquents, and status offenders who are on probation or  
12 parole and who have absconded, escaped, or run away from supervision  
13 and control and in so doing have endangered their own safety and the  
14 safety of others. The compacting states also recognize that each state  
15 is responsible for the safe return of juveniles who have run away from  
16 home and in doing so have left their state of residence. The  
17 compacting states also recognize that congress, by enacting the crime

1 control act, 4 U.S.C. Sec. 112 (1965), has authorized and encouraged  
2 compacts for cooperative efforts and mutual assistance in the  
3 prevention of crime.

4 It is the purpose of this compact, through means of joint and  
5 cooperative action among the compacting states, to: (1) Ensure that  
6 the adjudicated juveniles and status offenders subject to this compact  
7 are provided adequate supervision and services in the receiving state  
8 as ordered by the adjudicating judge or parole authority in the sending  
9 state; (2) ensure that the public safety interests of the citizens,  
10 including the victims of juvenile offenders, in both the sending and  
11 receiving states are adequately protected; (3) return juveniles who  
12 have run away, absconded, or escaped from supervision or control or  
13 have been accused of an offense to the state requesting their return;  
14 (4) make contracts for the cooperative institutionalization in public  
15 facilities in member states for delinquent youth needing special  
16 services; (5) provide for the effective tracking and supervision of  
17 juveniles; (6) equitably allocate the costs, benefits, and obligations  
18 of the compacting states; (7) establish procedures to manage the  
19 movement between states of juvenile offenders released to the community  
20 under the jurisdiction of courts, juvenile departments, or any other  
21 criminal or juvenile justice agency that has jurisdiction over juvenile  
22 offenders; (8) ensure immediate notice to jurisdictions where defined  
23 offenders may travel or relocate across state lines; (9) establish  
24 procedures to resolve pending charges (detainers) against juvenile  
25 offenders before transfer or release to the community under the terms  
26 of this compact; (10) establish a system of uniform data collection on  
27 information pertaining to juveniles subject to this compact that allows  
28 access by authorized juvenile justice and criminal justice officials,  
29 and regular reporting of compact activities to heads of state  
30 executive, judicial, and legislative branches and juvenile and criminal  
31 justice administrators; (11) monitor compliance with rules governing  
32 interstate movement of juveniles and initiate interventions to address  
33 and correct noncompliance; (12) coordinate training and education  
34 regarding the regulation of interstate movement of juveniles for  
35 officials involved in such activity; and (13) coordinate the  
36 implementation and operation of the compact with the interstate compact  
37 for the placement of children, the interstate compact for adult  
38 offender supervision, and other compacts affecting juveniles

1 particularly in those cases where concurrent or overlapping supervision  
2 issues arise. It is the policy of the compacting states that the  
3 activities conducted by the interstate commission created in this  
4 section are the formation of public policies and therefore are public  
5 business. Furthermore, the compacting states shall cooperate and  
6 observe their individual and collective duties and responsibilities for  
7 the prompt return and acceptance of juveniles subject to the provisions  
8 of this compact. The provisions of this compact shall be reasonably  
9 and liberally construed to accomplish the purposes and policies of the  
10 compact.

11 ARTICLE II - Definitions

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

14 (1) "Bylaws" means those bylaws established by the interstate  
15 commission for its governance, or for directing or controlling its  
16 actions or conduct.

17 (2) "Commissioner" means the voting representative of each  
18 compacting state appointed under Article III of this compact.

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

25 (4) "Compacting state" means any state that has enacted the  
26 enabling legislation for this compact.

27 (5) "Court" means any court having jurisdiction over delinquent,  
28 neglected, or dependent children.

29 (6) "Deputy compact administrator" means the individual, if any, in  
30 each compacting state appointed to act on behalf of a compact  
31 administrator under the terms of this compact responsible for the  
32 administration and management of the state's supervision and transfer  
33 of juveniles subject to the terms of this compact, the rules adopted by  
34 the interstate commission, and policies adopted by the state council  
35 under this compact.

36 (7) "Interstate commission" means the interstate commission for  
37 juveniles created by Article III of this compact.

1 (8) "Juvenile" means any person defined as a juvenile in any member  
2 state or by the rules of the interstate commission, including:

3 (a) An accused delinquent, meaning a person charged with an offense  
4 that, if committed by an adult, would be a criminal offense;

5 (b) An adjudicated delinquent, meaning a person found to have  
6 committed an offense that, if committed by an adult, would be a  
7 criminal offense;

8 (c) An accused status offender, meaning a person charged with an  
9 offense that would not be a criminal offense if committed by an adult;

10 (d) An adjudicated status offender, meaning a person found to have  
11 committed an offense that would not be a criminal offense if committed  
12 by an adult; and

13 (e) A nonoffender, meaning a person in need of supervision who has  
14 not been accused or adjudicated a status offender or delinquent.

15 (9) "Noncompacting state" means any state that has not enacted the  
16 enabling legislation for this compact.

17 (10) "Probation or parole" means any kind of supervision or  
18 conditional release of juveniles authorized under the laws of the  
19 compacting states.

20 (11) "Rule" means a written statement by the interstate commission  
21 issued under Article VI of this compact that is of general  
22 applicability, implements, interprets, or prescribes a policy or  
23 provision of the compact or an organizational, procedural, or practice  
24 requirement of the commission, and has the force and effect of  
25 statutory law in a compacting state. This includes the amendment,  
26 repeal, or suspension of an existing rule.

27 (12) "State" means a state of the United States, the District of  
28 Columbia (or its designee), the Commonwealth of Puerto Rico, the United  
29 States Virgin Islands, Guam, American Samoa, and the Northern Marianas  
30 Islands.

31 ARTICLE III - Interstate Commission for Juveniles

32 (1) The compacting states hereby create the "interstate commission  
33 for juveniles." The interstate commission shall be a body corporate  
34 and joint agency of the compacting states. The interstate commission  
35 shall have all the responsibilities, powers, and duties set forth in  
36 this section, and such additional powers as may be conferred upon it by  
37 subsequent action of the respective legislatures of the compacting  
38 states in accordance with the terms of this compact.

1 (2) The interstate commission shall consist of commissioners  
2 appointed by the appropriate appointing authority in each state under  
3 the rules and requirements of each compacting state and in consultation  
4 with the state council for interstate juvenile supervision. The  
5 commissioner shall be the compact administrator, deputy compact  
6 administrator, or designee from that state who shall serve on the  
7 interstate commission in such capacity under the applicable law of the  
8 compacting state.

9 (3) In addition to the commissioners who are the voting  
10 representatives of each state, the interstate commission shall include  
11 individuals who are not commissioners, but who are members of  
12 interested organizations. Such noncommissioner members must include a  
13 member of the national organizations of governors, legislators, state  
14 chief justices, attorneys general, interstate compact for adult  
15 offender supervision, interstate compact for the placement of children,  
16 juvenile justice and juvenile corrections officials, and crime victims.  
17 All noncommissioner members of the interstate commission shall be  
18 nonvoting members. The interstate commission may provide in its bylaws  
19 for such additional nonvoting members, including members of other  
20 national organizations, in such numbers as shall be determined by the  
21 commission.

22 (4) Each compacting state represented at any meeting of the  
23 commission is entitled to one vote. A majority of the compacting  
24 states shall constitute a quorum for the transaction of business,  
25 unless a larger quorum is required by the bylaws of the interstate  
26 commission.

27 (5) The interstate commission shall meet at least once each  
28 calendar year. The chair may call additional meetings and, upon the  
29 request of a simple majority of the compacting states, shall call  
30 additional meetings. Public notice shall be given of all meetings and  
31 meetings shall be open to the public.

32 (6) The interstate commission shall establish an executive  
33 committee, which shall include commission officers, members, and others  
34 as determined by the bylaws. The executive committee shall have the  
35 power to act on behalf of the interstate commission during periods when  
36 the interstate commission is not in session, with the exception of rule  
37 making and/or amendment to the compact. The executive committee shall  
38 oversee the day-to-day activities of the administration of the compact

1 managed by an executive director and interstate commission staff,  
2 administer enforcement and compliance with the compact, its bylaws, and  
3 rules, and perform such other duties as directed by the interstate  
4 commission or set forth in the bylaws.

5 (7) Each member of the interstate commission may cast a vote to  
6 which that compacting state is entitled and to participate in the  
7 business and affairs of the interstate commission. A member shall vote  
8 in person and shall not delegate a vote to another compacting state.  
9 However, a commissioner, in consultation with the state council, shall  
10 appoint another authorized representative, in the absence of the  
11 commissioner from that state, to cast a vote on behalf of the  
12 compacting state at a specified meeting. The bylaws may provide for  
13 members' participation in meetings by telephone or other means of  
14 telecommunication or electronic communication.

15 (8) The interstate commission's bylaws shall establish conditions  
16 and procedures under which the interstate commission shall make its  
17 information and official records available to the public for inspection  
18 or copying. The interstate commission may exempt from disclosure any  
19 information or official records to the extent they would adversely  
20 affect personal privacy rights or proprietary interests.

21 (9) Public notice shall be given of all meetings and all meetings  
22 shall be open to the public, except as set forth in the rules or as  
23 otherwise provided in the compact. The interstate commission and any  
24 of its committees may close a meeting to the public where it determines  
25 by two-thirds vote that an open meeting would be likely to:

26 (a) Relate solely to the interstate commission's internal personnel  
27 practices and procedures;

28 (b) Disclose matters specifically exempted from disclosure by  
29 statute;

30 (c) Disclose trade secrets or commercial or financial information  
31 that is privileged or confidential;

32 (d) Involve accusing any person of a crime, or formally censuring  
33 any person;

34 (e) Disclose information of a personal nature where disclosure  
35 would constitute a clearly unwarranted invasion of personal privacy;

36 (f) Disclose investigative records compiled for law enforcement  
37 purposes;

1 (g) Disclose information contained in or related to examination,  
2 operating, or condition reports prepared by, or on behalf of or for the  
3 use of, the interstate commission with respect to a regulated person or  
4 entity for the purpose of regulation or supervision of such person or  
5 entity;

6 (h) Disclose information, the premature disclosure of which would  
7 significantly endanger the stability of a regulated person or entity;  
8 or

9 (i) Specifically relate to the interstate commission's issuance of  
10 a subpoena, or its participation in a civil action or other legal  
11 proceeding.

12 (10) For every closed meeting, the interstate commission's legal  
13 counsel shall publicly certify that, in the legal counsel's opinion,  
14 the meeting may be closed to the public, and shall reference each  
15 relevant exemptive provision. The interstate commission shall keep  
16 minutes that fully and clearly describe all matters discussed in any  
17 meeting and shall provide a full and accurate summary of any actions  
18 taken, and the reasons therefore, including a description of each of  
19 the views expressed on any item and the record of any roll call vote  
20 reflected in the vote of each member on the question. All documents  
21 considered in connection with any action shall be identified in the  
22 minutes.

23 (11) The interstate commission shall collect standardized data  
24 concerning the interstate movement of juveniles as directed through its  
25 rules that specify the data to be collected, the means of collection  
26 and data exchange, and reporting requirements. Such methods of data  
27 collection, exchange, and reporting shall insofar as is reasonably  
28 possible conform to current technology and coordinate its information  
29 functions with the appropriate repository of records.

30 ARTICLE IV - Powers and Duties of the Interstate Commission

31 The commission has the following powers and duties:

32 (1) Provide for dispute resolution among compacting states;

33 (2) Adopt rules to effect the purposes and obligations of this  
34 compact which shall have the force and effect of statutory law and  
35 shall be binding in the compacting states to the extent and in the  
36 manner provided in this compact;

37 (3) Oversee, supervise, and coordinate the interstate movement of

- 1 juveniles subject to this compact and any bylaws adopted and rules  
2 adopted by the interstate commission;
- 3 (4) Enforce compliance with the compact provisions, the rules  
4 adopted by the interstate commission, and the bylaws, using all  
5 necessary and proper means, including but not limited to the use of  
6 judicial process;
- 7 (5) Establish and maintain offices that are located within one or  
8 more of the compacting states;
- 9 (6) Purchase and maintain insurance and bonds;
- 10 (7) Borrow, accept, hire, or contract for personnel services;
- 11 (8) Establish and appoint committees and hire staff that it deems  
12 necessary to carry out its functions including, but not limited to, an  
13 executive committee as required by Article III of this compact that may  
14 act on behalf of the interstate commission in carrying out its powers  
15 and duties;
- 16 (9) Elect or appoint officers, attorneys, employees, agents, or  
17 consultants, and to fix their compensation, define their duties and  
18 determine their qualifications, and to establish the interstate  
19 commission's personnel policies and programs relating to inter alia,  
20 conflicts of interest, rates of compensation, and qualifications of  
21 personnel;
- 22 (10) Accept any and all donations and grants of money, equipment,  
23 supplies, materials, and services, and to receive, use, and dispose of  
24 the donations and grants;
- 25 (11) Lease, purchase, accept contributions or donations of, or  
26 otherwise to own, hold, improve, or use any property, real, personal,  
27 or mixed;
- 28 (12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or  
29 otherwise dispose of any property, real, personal, or mixed;
- 30 (13) Establish a budget and make expenditures and levy dues as  
31 provided in Article VIII of this compact;
- 32 (14) Sue and be sued;
- 33 (15) Adopt a seal and bylaws governing the management and operation  
34 of the interstate commission;
- 35 (16) Perform such functions as may be necessary or appropriate to  
36 achieve the purposes of this compact;
- 37 (17) Report annually to the legislatures, governors, judiciary, and



1 state councils of the compacting states concerning the activities of  
2 the interstate commission during the preceding year. Reports shall  
3 also include any recommendations adopted by the interstate commission;

4 (18) Coordinate education, training, and public awareness regarding  
5 the interstate movement of juveniles for officials involved in such  
6 activity;

7 (19) Establish uniform standards of the reporting, collecting, and  
8 exchanging of data; and

9 (20) Maintain its corporate books and records in accordance with  
10 the bylaws.

11 ARTICLE V - Organization and Operation of the Interstate Commission

12 Section A. Bylaws

13 The interstate commission shall, by a majority of the members  
14 present and voting, within twelve months after the first interstate  
15 commission meeting, adopt bylaws to govern its conduct as may be  
16 necessary or appropriate to carry out the purposes of the compact,  
17 including, but not limited to:

18 (1) Establishing the fiscal year of the interstate commission;

19 (2) Establishing an executive committee and such other committees  
20 as may be necessary;

21 (3) Providing for the establishment of committees governing any  
22 general or specific delegation of any authority or function of the  
23 interstate commission;

24 (4) Providing reasonable procedures for calling and conducting  
25 meetings of the interstate commission, and ensuring reasonable notice  
26 of each such meeting;

27 (5) Establishing the titles and responsibilities of the officers of  
28 the interstate commission;

29 (6) Providing a mechanism for concluding the operations of the  
30 interstate commission and the return of any surplus funds that may  
31 exist upon the termination of the compact after the payment and/or  
32 reserving of all of its debts and obligations;

33 (7) Providing "start-up" rules for initial administration of the  
34 compact; and

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

37 Section B. Officers and staff

1 (1) The interstate commission shall, by a majority of the members,  
2 elect annually from among its members a chair and a vice-chair, each of  
3 whom has the authority and duties that are specified in the bylaws.  
4 The chair or, in the chair's absence or disability, the vice-chair  
5 shall preside at all meetings of the interstate commission. The  
6 officers so elected shall serve without compensation or remuneration  
7 from the interstate commission. However, subject to the availability  
8 of budgeted funds, the officers shall be reimbursed for any ordinary  
9 and necessary costs and expenses incurred by them in the performance of  
10 their duties and responsibilities as officers of the interstate  
11 commission.

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

19 Section C. Qualified immunity, defense, and indemnification

20 (1) The commission's executive director and employees are immune  
21 from suit and liability, either personally or in their official  
22 capacity, for any claim for damage to, loss of property, personal  
23 injury, or other civil liability caused or arising out of or relating  
24 to any actual or alleged act, error, or omission that occurred, or that  
25 such person had a reasonable basis for believing occurred within the  
26 scope of commission employment, duties, or responsibilities. However,  
27 any such person is not protected from suit or liability for any damage,  
28 loss, injury, or liability caused by the intentional or willful and  
29 wanton misconduct of any such person.

30 (2) The liability of any commissioner, or the employee or agent of  
31 a commissioner, acting within the scope of such person's employment or  
32 duties for acts, errors, or omissions occurring within such person's  
33 state may not exceed the limits of liability set forth under the  
34 constitution and laws of that state for state officials, employees, and  
35 agents. Nothing in this subsection shall be construed to protect any  
36 such person from suit or liability for any damage, loss, injury, or

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

3 (3) The interstate commission shall defend the executive director  
4 or the employees or representatives of the interstate commission and,  
5 subject to the approval of the attorney general of the state  
6 represented by any commissioner of a compacting state, shall defend  
7 such commissioner or the commissioner's representatives or employees in  
8 any civil action seeking to impose liability arising out of any actual  
9 or alleged act, error, or omission that occurred within the scope of  
10 interstate commission employment, duties, or responsibilities, or that  
11 the defendant had a reasonable basis for believing occurred within the  
12 scope of interstate commission employment, duties, or responsibilities,  
13 if the actual or alleged act, error, or omission did not result from  
14 intentional or willful and wanton misconduct on the part of such  
15 person.

16 (4) The interstate commission shall indemnify and hold the  
17 commissioner of a compacting state, or the commissioner's  
18 representatives or employees, or the interstate commission's  
19 representatives or employees, harmless in the amount of any settlement  
20 or judgment obtained against such persons arising out of any actual or  
21 alleged act, error, or omission that occurred within the scope of  
22 interstate commission employment, duties, or responsibilities, or that  
23 such persons had a reasonable basis for believing occurred within the  
24 scope of interstate commission employment, duties, or responsibilities,  
25 if the actual or alleged act, error, or omission did not result from  
26 intentional or willful and wanton misconduct on the part of such  
27 persons.

28 ARTICLE VI - Rule-making Functions of the Interstate Commission

29 (1) The interstate commission shall adopt and publish rules in  
30 order to effectively and efficiently achieve the purposes of the  
31 compact.

32 (2) Rule making shall occur pursuant to the criteria set forth in  
33 this article and the bylaws and rules adopted pursuant thereto. Such  
34 rule making shall substantially conform to the principles of the "model  
35 state administrative procedures act," 1981 Act, Uniform Laws Annotated,  
36 Vol. 15, p.1 (2000), or such other administrative procedures act, as  
37 the interstate commission deems appropriate consistent with due process  
38 requirements under the United States Constitution as now or hereafter

1 interpreted by the United States supreme court. All rules and  
2 amendments become binding as of the date specified, as published with  
3 the final version of the rule as approved by the commission.

4 (3) When adopting a rule, the interstate commission shall, at a  
5 minimum:

6 (a) Publish the proposed rule's entire text stating the reason or  
7 reasons for that proposed rule;

8 (b) Allow and invite any and all persons to submit written data,  
9 facts, opinions, and arguments, which information shall be added to the  
10 record, and be made publicly available;

11 (c) Provide an opportunity for an informal hearing if petitioned by  
12 ten or more persons; and

13 (d) Adopt a final rule and its effective date, if appropriate,  
14 based on input from state or local officials, or interested parties.

15 (4) The interstate commission shall allow, not later than sixty  
16 days after a rule is adopted, any interested person to file a petition  
17 in the United States district court for the District of Columbia or in  
18 the federal district court where the interstate commission's principal  
19 office is located for judicial review of such rule. If the court finds  
20 that the interstate commission's action is not supported by substantial  
21 evidence in the rule-making record, the court shall hold the rule  
22 unlawful and set it aside. For purposes of this subsection, evidence  
23 is substantial if it would be considered substantial evidence under the  
24 model state administrative procedures act.

25 (5) If a majority of the legislatures of the compacting states  
26 rejects a rule, those states may, by enactment of a statute or  
27 resolution in the same manner used to adopt the compact, cause that  
28 rule to have no further force and effect in any compacting state.

29 (6) The existing rules governing the operation of the interstate  
30 compact on juveniles superceded by this act shall be null and void  
31 twelve months after the first meeting of the interstate commission  
32 created under this section.

33 (7) Upon determination by the interstate commission that a state of  
34 emergency exists, it may adopt an emergency rule that becomes effective  
35 immediately upon adoption. However, the usual rule-making procedures  
36 shall be retroactively applied to the rule as soon as reasonably  
37 possible, but no later than ninety days after the effective date of the  
38 emergency rule.

1 ARTICLE VII - Oversight, Enforcement, and Dispute Resolution by the  
2 Interstate Commission

3 Section A. Oversight

4 (1) The interstate commission shall oversee the administration and  
5 operations of the interstate movement of juveniles subject to this  
6 compact in the compacting states and shall monitor such activities  
7 being administered in noncompacting states that may significantly  
8 affect compacting states.

9 (2) The courts and executive agencies in each compacting state  
10 shall enforce this compact and shall take all actions necessary and  
11 appropriate to effectuate the compact's purposes and intent. The  
12 provisions of this compact and the rules adopted under this section  
13 shall be received by all the judges, public officers, commissions, and  
14 departments of the state government as evidence of the authorized  
15 statute and administrative rules. All courts shall take judicial  
16 notice of the compact and the rules. In any judicial or administrative  
17 proceeding in a compacting state pertaining to the subject matter of  
18 this compact which may affect the powers, responsibilities, or actions  
19 of the interstate commission, it shall be entitled to receive all  
20 service of process in any such proceeding, and shall have standing to  
21 intervene in the proceeding for all purposes.

22 Section B. Dispute resolution

23 (1) The compacting states shall report to the interstate commission  
24 on all issues and activities necessary for the administration of the  
25 compact as well as issues and activities pertaining to compliance with  
26 the compact and its bylaws and rules.

27 (2) The interstate commission shall attempt, upon the request of a  
28 compacting state, to resolve any disputes or other issues that are  
29 subject to the compact and that may arise among compacting states and  
30 between compacting and noncompacting states. The commission shall  
31 adopt a rule providing for both mediation and binding dispute  
32 resolution for disputes among the compacting states.

33 (3) The interstate commission, in the reasonable exercise of its  
34 discretion, shall enforce the provisions and rules of this compact  
35 using any or all means set forth in Article XI of this compact.

36 ARTICLE VIII - Finance

1 (1) The interstate commission shall pay or provide for the payment  
2 of the reasonable expenses of its establishment, organization, and  
3 ongoing activities.

4 (2) The interstate commission shall levy on and collect an annual  
5 assessment from each compacting state to cover the cost of the internal  
6 operations and activities of the interstate commission and its staff  
7 which must be in a total amount sufficient to cover the interstate  
8 commission's annual budget as approved each year. The aggregate annual  
9 assessment amount shall be allocated based upon a formula to be  
10 determined by the interstate commission, taking into consideration the  
11 population of each compacting state and the volume of interstate  
12 movement of juveniles in each compacting state and shall adopt a rule  
13 binding upon all compacting states that governs the assessment.

14 (3) The interstate commission shall not incur any obligations of  
15 any kind before securing the funds adequate to meet the same; nor shall  
16 the interstate commission pledge the credit of any of the compacting  
17 states, except by and with the authority of the compacting state.

18 (4) The interstate commission shall keep accurate accounts of all  
19 receipts and disbursements. The receipts and disbursements of the  
20 interstate commission shall be subject to the audit and accounting  
21 procedures established under its bylaws. However, all receipts and  
22 disbursements of funds handled by the interstate commission shall be  
23 audited yearly by a certified or licensed public accountant and the  
24 report of the audit shall be included in and become part of the annual  
25 report of the interstate commission.

26 ARTICLE IX - The State Council

27 Each member state shall create a state council for interstate  
28 juvenile supervision. While each state may determine the membership of  
29 its own state council, its membership must include at least one  
30 representative from the legislative, judicial, and executive branches  
31 of government, victims groups, and the compact administrator, deputy  
32 compact administrator, or designee. Each compacting state retains the  
33 right to determine the qualifications of the compact administrator or  
34 deputy compact administrator. Each state council will advise and may  
35 exercise oversight and advocacy concerning that state's participation  
36 in interstate commission activities and other duties as may be

1 determined by that state, including but not limited to development of  
2 policy concerning operations and procedures of the compact within that  
3 state.

4 ARTICLE X - Compacting States, Effective Date, and Amendment

5 (1) Any state, the District of Columbia or its designee, the  
6 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam,  
7 American Samoa, and the Northern Marianas Islands as defined in Article  
8 II of this compact is eligible to become a compacting state.

9 (2) The compact shall become effective and binding upon legislative  
10 enactment of the compact into law by no less than thirty-five of the  
11 states. The initial effective date shall be the later of July 1, 2004,  
12 or upon enactment into law by the thirty-fifth jurisdiction.  
13 Thereafter, it shall become effective and binding as to any other  
14 compacting state upon enactment of the compact into law by that state.  
15 The governors of nonmember states or their designees shall be invited  
16 to participate in the activities of the interstate commission on a  
17 nonvoting basis before adoption of the compact by all states and  
18 territories of the United States.

19 (3) The interstate commission may propose amendments to the compact  
20 for enactment by the compacting states. No amendment shall become  
21 effective and binding upon the interstate commission and the compacting  
22 states unless and until it is enacted into law by unanimous consent of  
23 the compacting states.

24 ARTICLE XI - Withdrawal, Default, Termination,  
25 and Judicial Enforcement

26 Section A. Withdrawal

27 (1) Once effective, the compact shall continue in force and remain  
28 binding upon each and every compacting state. However, a compacting  
29 state may withdraw from the compact by repealing the statute that  
30 enacted the compact into law.

31 (2) The effective date of withdrawal is the effective date of the  
32 repeal.

33 (3) The withdrawing state shall immediately notify the chair of the  
34 interstate commission in writing upon the introduction of legislation  
35 repealing this compact in the withdrawing state. The interstate

1 commission shall notify the other compacting states of the withdrawing  
2 state's intent to withdraw within sixty days of its receipt thereof.

3 (4) The withdrawing state is responsible for all assessments,  
4 obligations, and liabilities incurred through the effective date of  
5 withdrawal, including any obligations, the performance of which extend  
6 beyond the effective date of withdrawal.

7 (5) Reinstatement following withdrawal of any compacting state  
8 shall occur upon the withdrawing state reenacting the compact or upon  
9 such later date as determined by the interstate commission.

10 Section B. Technical Assistance, Fines, Suspension, Termination, and  
11 Default

12 (1) If the interstate commission determines that any compacting  
13 state has at any time defaulted in the performance of any of its  
14 obligations or responsibilities under this compact, or the bylaws or  
15 adopted rules, the interstate commission may impose any or all of the  
16 following penalties:

17 (a) Remedial training and technical assistance as directed by the  
18 interstate commission;

19 (b) Alternative dispute resolution;

20 (c) Fines, fees, and costs in such amounts as set by the interstate  
21 commission; and

22 (d) Suspension or termination of membership in the compact, which  
23 shall be imposed only after all other reasonable means of securing  
24 compliance under the bylaws and rules have been exhausted and the  
25 interstate commission has determined that the offending state is in  
26 default. Immediate notice of suspension shall be given by the  
27 interstate commission to the governor, the chief justice or the chief  
28 judicial officer of the state, the majority and minority leaders of the  
29 defaulting state's legislature, and the state council. The grounds for  
30 default include, but are not limited to, failure of a compacting state  
31 to perform such obligations or responsibilities imposed upon it by this  
32 compact, the bylaws, or rules and any other grounds designated in  
33 commission bylaws and rules. The interstate commission shall  
34 immediately notify the defaulting state in writing of the penalty  
35 imposed by the interstate commission and of the default pending a cure  
36 of the default. The commission shall stipulate the conditions and the  
37 time period within which the defaulting state must cure its default.  
38 If the defaulting state fails to cure the default within the time



1 period specified by the commission, the defaulting state shall be  
2 terminated from the compact upon an affirmative vote of a majority of  
3 the compacting states and all rights, privileges, and benefits  
4 conferred by this compact shall be terminated from the effective date  
5 of termination.

6 (2) Within sixty days of the effective date of termination of a  
7 defaulting state, the interstate commission shall notify the governor,  
8 the chief justice or chief judicial officer, the majority and minority  
9 leaders of the defaulting state's legislature, and the state council of  
10 such termination.

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

15 (4) The interstate commission shall not bear any costs relating to  
16 the defaulting state unless otherwise mutually agreed upon in writing  
17 between the interstate commission and the defaulting state.

18 (5) Reinstatement following termination of any compacting state  
19 requires both a reenactment of the compact by the defaulting state and  
20 the approval of the interstate commission pursuant to the rules.

#### 21 Section C. Judicial enforcement

22 The interstate commission may, by majority vote of the members,  
23 initiate legal action in the United States district court for the  
24 District of Columbia or, at the discretion of the interstate  
25 commission, in the federal district where the interstate commission has  
26 its offices, to enforce compliance with the provisions of the compact,  
27 its rules, and bylaws against any compacting state in default. In the  
28 event judicial enforcement is necessary, the prevailing party shall be  
29 awarded all costs of such litigation including reasonable attorneys'  
30 fees.

#### 31 Section D. Dissolution of compact

32 (1) The compact dissolves effective upon the date of the withdrawal  
33 or default of the compacting state, which reduces membership in the  
34 compact to one compacting state.

35 (2) Upon the dissolution of this compact, the compact becomes null  
36 and void and shall be of no further force or effect, and the business

1 and affairs of the interstate commission shall be concluded and any  
2 surplus funds shall be distributed in accordance with the bylaws.

3 ARTICLE XII - Severability and Construction

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

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

9 ARTICLE XIII - Binding Effect of Compact and Other Laws

10 Section A. Other laws

11 (1) Nothing in this section prevents the enforcement of any other  
12 law of a compacting state that is consistent with this compact.

13 (2) All compacting states' laws other than state constitutions and  
14 other interstate compacts conflicting with this compact are superseded  
15 to the extent of the conflict.

16 Section B. Binding effect of the compact

17 (1) All lawful actions of the interstate commission, including all  
18 rules and bylaws adopted by the interstate commission, are binding upon  
19 the compacting states.

20 (2) All agreements between the interstate commission and the  
21 compacting states are binding in accordance with their terms.

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

26 (4) In the event any provision of this compact exceeds the  
27 constitutional limits imposed on the legislature of any compacting  
28 state, the obligations, duties, powers, or jurisdiction sought to be  
29 conferred by such provision upon the interstate commission shall be  
30 ineffective and such obligations, duties, powers, or jurisdiction shall  
31 remain in the compacting state and shall be exercised by the agency  
32 thereof to which such obligations, duties, powers, or jurisdiction are  
33 delegated by law in effect at the time this compact becomes effective.

34 NEW SECTION. **Sec. 2.** RCW 13.24.010 (Execution of compact) and  
35 1955 c 284 s 1 are each repealed.

1        NEW SECTION.   **Sec. 3.**   This act takes effect July 1, 2004, or when  
2   the interstate compact for juveniles is adopted by thirty-five or more  
3   states, whichever occurs later.

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