

SENATE FILE NO. SF0005

Interstate Compact for Juveniles.

Sponsored by: Senator(s) Hanes and Representative(s)  
Buchanan

A BILL

for

1 AN ACT relating to juveniles; creating the Interstate  
 2 Compact for Juveniles; repealing the previous Interstate  
 3 Compact on Juveniles; specifying powers and duties of the  
 4 Interstate Commission for Juveniles; specifying obligations  
 5 and duties of compacting states; requiring an assessment of  
 6 compacting states for the operation of the interstate  
 7 commission; providing for dispute resolution as specified;  
 8 providing procedures for the withdrawal and re-entry of a  
 9 compacting state and the dissolution of the compact; and  
 10 providing for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 14-6-102 is created to read:

15

1           **14-6-102. Interstate Compact for Juveniles; compact**  
2 **provisions generally.**

3  
4                                   ARTICLE I

5                                   PURPOSE

6  
7           (a) The compacting states to this interstate compact  
8 recognize that each state is responsible for the proper  
9 supervision or return of juveniles, delinquents and status  
10 offenders who are on probation or parole and who have  
11 absconded, escaped or run away from supervision and control  
12 and in so doing have endangered their own safety and the  
13 safety of others. The compacting states also recognize that  
14 each state is responsible for the safe return of juveniles  
15 who have run away from home and in doing so have left their  
16 state of residence. The compacting states also recognize  
17 that Congress, by enacting the Crime Control Act, 4 U.S.C.  
18 Section 112 (1965), has authorized and encouraged compacts  
19 for cooperative efforts and mutual assistance in the  
20 prevention of crime.

21  
22           (b) It is the purpose of this compact, through means  
23 of joint and cooperative action among the compacting states  
24 to:

1

2 (i) Ensure that the adjudicated juveniles and  
3 status offenders subject to this compact are provided  
4 adequate supervision and services in the receiving state as  
5 ordered by the adjudicating judge or parole authority in  
6 the sending state;

7

8 (ii) Ensure that the public safety interests of  
9 the citizens, including the victims of juvenile offenders,  
10 in both the sending and receiving states are adequately  
11 protected;

12

13 (iii) Return juveniles who have run away,  
14 absconded or escaped from supervision or control or have  
15 been accused of an offense to the state requesting their  
16 return;

17

18 (iv) Make contracts for the cooperative  
19 institutionalization in public facilities in member states  
20 for delinquent youth needing special services;

21

22 (v) Provide for the effective tracking and  
23 supervision of juveniles;

24

1           (vi) Equitably allocate the costs, benefits and  
2 obligations of the compacting states;

3

4           (vii) Establish procedures to manage the  
5 movement between states of juvenile offenders released to  
6 the community under the jurisdiction of courts, juvenile  
7 departments, or any other criminal or juvenile justice  
8 agency which has jurisdiction over juvenile offenders;

9

10           (viii) Insure immediate notice to jurisdictions  
11 where defined offenders are authorized to travel or to  
12 relocate across state lines;

13

14           (ix) Establish procedures to resolve pending  
15 charges (detainers) against juvenile offenders prior to  
16 transfer or release to the community under the terms of  
17 this compact;

18

19           (x) Establish a system of uniform data  
20 collection on information pertaining to juveniles subject  
21 to this compact that allows access by authorized juvenile  
22 justice and criminal justice officials, and regular  
23 reporting of compact activities to heads of state  
24 executive, judicial, and legislative branches and juvenile

1 and criminal justice administrators;

2

3 (xi) Monitor compliance with rules governing  
4 interstate movement of juveniles and initiate interventions  
5 to address and correct noncompliance;

6

7 (xii) Coordinate training and education  
8 regarding the regulation of interstate movement of  
9 juveniles for officials involved in such activity; and

10

11 (xiii) Coordinate the implementation and  
12 operation of the compact with the Interstate Compact for  
13 the Placement of Children, the Interstate Compact for Adult  
14 Offender Supervision and other compacts affecting juveniles  
15 particularly in those cases where concurrent or overlapping  
16 supervision issues arise. It is the policy of the  
17 compacting states that the activities conducted by the  
18 interstate commission created herein are the formation of  
19 public policies and therefore are public business.  
20 Furthermore, the compacting states shall cooperate and  
21 observe their individual and collective duties and  
22 responsibilities for the prompt return and acceptance of  
23 juveniles subject to the provisions of this compact. The  
24 provisions of this compact shall be reasonably and

1 liberally construed to accomplish the purposes and policies  
2 of the compact.

3

4

## ARTICLE II

5

### DEFINITIONS

6

7 (a) As used in this compact, unless the context  
8 clearly requires a different construction:

9

10 (i) "Bylaws" means those bylaws established by  
11 the interstate commission for its governance, or for  
12 directing or controlling its actions or conduct;

13

14 (ii) "Compact administrator" means the  
15 individual in each compacting state appointed pursuant to  
16 the terms of this compact, responsible for the  
17 administration and management of the state's supervision  
18 and transfer of juveniles subject to the terms of this  
19 compact, the rules adopted by the interstate commission and  
20 policies adopted by the state council under this compact;

21

22 (iii) "Compacting state" means any state which  
23 has enacted the enabling legislation for this compact;

24

1           (iv) "Commissioner" means the voting  
2 representative of each compacting state appointed pursuant  
3 to article III of this compact;

4  
5           (v) "Court" means any court having jurisdiction  
6 over delinquent, neglected or dependent children;

7  
8           (vi) "Deputy compact administrator" means the  
9 individual, if any, in each compacting state appointed to  
10 act on behalf of a compact administrator pursuant to the  
11 terms of this compact responsible for the administration  
12 and management of the state's supervision and transfer of  
13 juveniles subject to the terms of this compact, the rules  
14 adopted by the interstate commission and policies adopted  
15 by the state council under this compact;

16  
17           (vii) "Interstate commission" means the  
18 Interstate Commission for Juveniles created by article III  
19 of this compact;

20  
21           (viii) "Juvenile" means any person defined as a  
22 juvenile in any member state or by the rules of the  
23 interstate commission, including:

24

1                   (A) Accused delinquent - a person charged  
2 with an offense that, if committed by an adult, would be a  
3 criminal offense;

4  
5                   (B) Adjudicated delinquent - a person found  
6 to have committed an offense that, if committed by an  
7 adult, would be a criminal offense;

8  
9                   (C) Accused status offender - a person  
10 charged with an offense that would not be a criminal  
11 offense if committed by an adult;

12  
13                   (D) Adjudicated status offender - a person  
14 found to have committed an offense that would not be a  
15 criminal offense if committed by an adult; and

16  
17                   (E) Nonoffender - a person in need of  
18 supervision who has not been accused or adjudicated a  
19 status offender or delinquent.

20  
21                   (ix) "Noncompacting state" means any state which  
22 has not enacted the enabling legislation for this compact;

23  
24                   (x) "Probation or parole" means any kind of



1 supervision or conditional release of juveniles authorized  
2 under the laws of the compacting states;

3

4 (xi) "Rule" means a written statement by the  
5 interstate commission promulgated pursuant to article VI of  
6 this compact that is of general applicability, implements,  
7 interprets or prescribes a policy or provision of the  
8 compact, or an organizational, procedural or practice  
9 requirement of the commission, and has the force and effect  
10 of statutory law in a compacting state, and includes the  
11 amendment, repeal or suspension of an existing rule;

12

13 (xii) "State" means a state of the United  
14 States, the District of Columbia (or its designee), the  
15 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam,  
16 American Samoa and the Northern Mariana Islands.

17

18 ARTICLE III

19 INTERSTATE COMMISSION FOR JUVENILES

20

21 (a) The compacting states hereby create the  
22 Interstate Commission for Juveniles. The commission shall  
23 be a body corporate and joint agency of the compacting  
24 states. The commission shall have all the responsibilities,

1 powers and duties set forth herein, and any additional  
2 powers as may be conferred upon it by subsequent action of  
3 the respective legislatures of the compacting states in  
4 accordance with the terms of this compact.

5

6 (b) The interstate commission shall consist of  
7 commissioners appointed by the appropriate appointing  
8 authority in each state pursuant to the rules and  
9 requirements of each compacting state and in consultation  
10 with the state council for interstate juvenile supervision  
11 created hereunder. The commissioner shall be the compact  
12 administrator, deputy compact administrator or designee  
13 from that state who shall serve on the interstate  
14 commission in that capacity under or pursuant to the  
15 applicable law of the compacting state.

16

17 (c) In addition to the commissioners who are the  
18 voting representatives of each state, the interstate  
19 commission shall include individuals who are not  
20 commissioners, but who are members of interested  
21 organizations. The noncommissioner members shall include a  
22 member of the national organizations of governors,  
23 legislators, state chief justices, attorneys general,  
24 Interstate Compact for Adult Offender Supervision,

1 Interstate Compact for the Placement of Children, juvenile  
2 justice and juvenile corrections officials and crime  
3 victims. All noncommissioner members of the interstate  
4 commission shall be nonvoting ex officio members. The  
5 interstate commission may provide in its bylaws for  
6 additional nonvoting ex officio members, including members  
7 of other national organizations, in numbers as shall be  
8 determined by the commission.

9

10 (d) Each compacting state represented at any meeting  
11 of the commission is entitled to one (1) vote. A majority  
12 of the compacting states shall constitute a quorum for the  
13 transaction of business, unless a larger quorum is required  
14 by the bylaws of the interstate commission.

15

16 (e) The commission shall meet at least once each  
17 calendar year. The chairperson may call additional meetings  
18 and, upon the request of a simple majority of the  
19 compacting states, shall call additional meetings. Public  
20 notice shall be given of all meetings and meetings shall be  
21 open to the public.

22

23 (f) The interstate commission shall establish an  
24 executive committee, which shall include commission

1 officers, members and others as determined by the bylaws.  
2 The executive committee shall have the power to act on  
3 behalf of the interstate commission during periods when the  
4 interstate commission is not in session, with the exception  
5 of rulemaking and amendment to the compact. The executive  
6 committee shall:

7

8 (i) Oversee the day-to-day activities of the  
9 administration of the compact managed by an executive  
10 director and interstate commission staff;

11

12 (ii) Administer enforcement and compliance with  
13 the provisions of the compact, its bylaws and rules; and

14

15 (iii) Perform other duties as directed by the  
16 interstate commission or set forth in the bylaws.

17

18 (g) Each member of the interstate commission shall  
19 have the right and power to cast a vote to which that  
20 compacting state is entitled and to participate in the  
21 business and affairs of the interstate commission. A member  
22 shall vote in person and shall not delegate a vote to  
23 another compacting state. However, a commissioner, in  
24 consultation with the state council, shall appoint another

1 authorized representative, in the absence of the  
2 commissioner from that state, to cast a vote on behalf of  
3 the compacting state at a specified meeting. The bylaws may  
4 provide for members' participation in meetings by telephone  
5 or other means of telecommunication or electronic  
6 communication.

7

8 (h) The interstate commission's bylaws shall  
9 establish conditions and procedures under which the  
10 interstate commission shall make its information and  
11 official records available to the public for inspection or  
12 copying. The interstate commission may exempt from  
13 disclosure any information or official records to the  
14 extent they would adversely affect personal privacy rights  
15 or proprietary interests.

16

17 (j) Public notice shall be given of all meetings and  
18 all meetings shall be open to the public, except as set  
19 forth in the rules or as otherwise provided in the compact.  
20 The interstate commission and any of its committees may  
21 close a meeting to the public where it determines by two-  
22 thirds (2/3) vote that an open meeting would be likely to:

23

24 (i) Relate solely to the interstate commission's

1 internal personnel practices and procedures;

2

3 (ii) Disclose matters specifically exempted from  
4 disclosure by statute;

5

6 (iii) Disclose trade secrets or commercial or  
7 financial information which is privileged or confidential;

8

9 (iv) Involve accusing any person of a crime, or  
10 formally censuring any person;

11

12 (v) Disclose information of a personal nature  
13 where disclosure would constitute a clearly unwarranted  
14 invasion of personal privacy;

15

16 (vi) Disclose investigative records compiled for  
17 law enforcement purposes;

18

19 (vii) Disclose information contained in or  
20 related to examination, operating or condition reports  
21 prepared by, or on behalf of or for the use of, the  
22 interstate commission with respect to a regulated person or  
23 entity for the purpose of regulation or supervision of the  
24 person or entity;

1

2 (viii) Disclose information, the premature  
3 disclosure of which would significantly endanger the  
4 stability of a regulated person or entity; or

5

6 (ix) Specifically relate to the interstate  
7 commission's issuance of a subpoena, or its participation  
8 in a civil action or other legal proceeding.

9

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

23

24 (m) The interstate commission shall collect

1 standardized data concerning the interstate movement of  
2 juveniles as directed through its rules which shall specify  
3 the data to be collected, the means of collection and data  
4 exchange and reporting requirements. The methods of data  
5 collection, exchange and reporting shall insofar as is  
6 reasonably possible conform to up-to-date technology and  
7 coordinate its information functions with the appropriate  
8 repository of records.

9

10

## ARTICLE IV

11

## POWERS AND DUTIES OF THE INTERSTATE COMMISSION

12

13 (a) The commission shall have the following powers  
14 and duties:

15

16 (i) To provide for dispute resolution among  
17 compacting states;

18

19 (ii) To promulgate rules to effect the purposes  
20 and obligations as enumerated in this compact, which shall  
21 have the force and effect of statutory law and shall be  
22 binding in the compacting states to the extent and in the  
23 manner provided in this compact;

24



1           (iii) To oversee, supervise and coordinate the  
2 interstate movement of juveniles subject to the terms of  
3 this compact and any bylaws adopted and rules promulgated  
4 by the interstate commission;

5  
6           (iv) To enforce compliance with the compact  
7 provisions, the rules promulgated by the interstate  
8 commission and the bylaws, using all necessary and proper  
9 means, including but not limited to, the use of judicial  
10 process;

11  
12           (v) To establish and maintain offices which  
13 shall be located within one (1) or more of the compacting  
14 states;

15  
16           (vi) To purchase and maintain insurance and  
17 bonds;

18  
19           (vii) To borrow, accept, hire or contract for  
20 services of personnel;

21  
22           (viii) To establish and appoint committees and  
23 hire staff which it deems necessary for the carrying out of  
24 its functions including, but not limited to, an executive

1 committee as required by article III which shall have the  
2 power to act on behalf of the interstate commission in  
3 carrying out its powers and duties hereunder;

4

5 (ix) To elect or appoint officers, attorneys,  
6 employees, agents or consultants, and to fix their  
7 compensation, define their duties and determine their  
8 qualifications and to establish the interstate commission's  
9 personnel policies and programs relating to, inter alia,  
10 conflicts of interest, rates of compensation and  
11 qualifications of personnel;

12

13 (x) To accept any and all donations and grants  
14 of money, equipment, supplies, materials and services, and  
15 to receive, utilize and dispose of it;

16

17 (xi) To lease, purchase, accept contributions or  
18 donations of, or otherwise to own, hold, improve or use any  
19 real, personal or mixed property;

20

21 (xii) To sell, convey, mortgage, pledge, lease,  
22 exchange, abandon or otherwise dispose of any real,  
23 personal or mixed property;

24

1           (xiii) To establish a budget and make  
2 expenditures and levy dues as provided in article VIII of  
3 this compact;

4

5           (xiv) To sue and be sued;

6

7           (xv) To adopt a seal and bylaws governing the  
8 management and operation of the interstate commission;

9

10           (xvi) To perform functions as may be necessary  
11 or appropriate to achieve the purposes of this compact;

12

13           (xvii) To report annually to the legislatures,  
14 governors, judiciary and state councils of the compacting  
15 states concerning the activities of the interstate  
16 commission during the preceding year. The reports shall  
17 also include any recommendations that may have been adopted  
18 by the interstate commission;

19

20           (xviii) To coordinate education, training and  
21 public awareness regarding the interstate movement of  
22 juveniles for officials involved in those activities;

23

24           (xix) To establish uniform standards of the

1 reporting, collecting and exchanging of data;

2

3 (xx) The interstate commission shall maintain  
4 its corporate books and records in accordance with the  
5 bylaws.

6

7

#### ARTICLE V

8

#### ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

9

10

#### Section A. Bylaws

11

12 (a) The interstate commission shall, by a majority of  
13 the members present and voting, within twelve (12) months  
14 after the first interstate commission meeting, adopt bylaws  
15 to govern its conduct as may be necessary or appropriate to  
16 carry out the purposes of the compact, including, but not  
17 limited to:

18

19 (i) Establishing the fiscal year of the  
20 interstate commission;

21

22 (ii) Establishing an executive committee and  
23 other committees as may be necessary;

24

1           (iii) Provide for the establishment of  
2 committees governing any general or specific delegation of  
3 any authority or function of the interstate commission;

4  
5           (iv) Providing reasonable procedures for calling  
6 and conducting meetings of the interstate commission and  
7 ensuring reasonable notice of each meeting;

8  
9           (v) Establishing the titles and responsibilities  
10 of the officers of the interstate commission;

11  
12           (vi) Providing a mechanism for concluding the  
13 operations of the interstate commission and the return of  
14 any surplus funds that may exist upon the termination of  
15 the compact after the payment and reserving of all of its  
16 debts and obligations;

17  
18           (vii) Providing "start-up" rules for initial  
19 administration of the compact; and

20  
21           (viii) Establishing standards and procedures for  
22 compliance and technical assistance in carrying out the  
23 compact.

24

1                   Section B. Officers and Staff

2

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

16

17           (b) The interstate commission shall, through its  
18 executive committee, appoint or retain an executive  
19 director for a designated period, upon terms and conditions  
20 and for compensation as the interstate commission may deem  
21 appropriate. The executive director shall serve as  
22 secretary to the interstate commission, but shall not be a  
23 member and shall hire and supervise other staff as may be  
24 authorized by the interstate commission.

1

2

## Section C. Qualified Immunity, Defense

3

## and Indemnification

4

5 (a) The commission's executive director and employees  
6 shall be immune from suit and liability, either personally  
7 or in their official capacity, for any claim for damage to  
8 or loss of property or personal injury or other civil  
9 liability caused or arising out of, or relating to, any  
10 actual or alleged act, error or omission that occurred, or  
11 that the person had a reasonable basis for believing  
12 occurred within the scope of commission employment, duties  
13 or responsibilities, provided that the person shall not be  
14 protected from suit or liability for any damage, loss,  
15 injury or liability caused by the intentional or willful  
16 and wanton misconduct of the person.

17

18 (b) The liability of any commissioner, or the  
19 employee or agent of a commissioner, acting within the  
20 scope of the person's employment or duties for acts, errors  
21 or omissions occurring within the person's state may not  
22 exceed the limits of liability set forth under the  
23 constitution and laws of that state for state officials,  
24 employees and agents. Nothing in this subsection shall be

1 construed to protect any person from suit or liability for  
2 any damage, loss, injury or liability caused by the  
3 intentional or willful and wanton misconduct of the person.

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

21  
22 (d) The interstate commission shall indemnify and  
23 hold the commissioner of a compacting state, or the  
24 commissioner's representatives or employees, or the



1 interstate commission's representatives or employees,  
2 harmless in the amount of any settlement or judgment  
3 obtained against those persons arising out of any actual or  
4 alleged act, error or omission that occurred within the  
5 scope of interstate commission employment, duties or  
6 responsibilities, or that those persons had a reasonable  
7 basis for believing occurred within the scope of interstate  
8 commission employment, duties or responsibilities, provided  
9 that the actual or alleged act, error or omission did not  
10 result from intentional or willful and wanton misconduct on  
11 the part of those persons.

12

13

## ARTICLE VI

14

## RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

15

16 (a) The interstate commission shall promulgate and  
17 publish rules in order to effectively and efficiently  
18 achieve the purposes of the compact.

19

20 (b) Rulemaking shall occur pursuant to the criteria  
21 set forth in this article and the bylaws and rules adopted  
22 pursuant thereto. The rulemaking shall substantially  
23 conform to the principles of the "Model State  
24 Administrative Procedures Act," 1981 Act, Uniform Laws

1 Annotated, Vol. 15, p.1 (2000), or another administrative  
2 procedures act, as the interstate commission deems  
3 appropriate consistent with due process requirements under  
4 the Unites States Constitution as now or hereafter  
5 interpreted by the United States Supreme Court. All rules  
6 and amendments shall become binding as of the date  
7 specified, as published with the final version of the rule  
8 as approved by the commission.

9

10 (c) When promulgating a rule, the interstate  
11 commission shall, at a minimum:

12

13 (i) Publish the proposed rule's entire text  
14 stating the reason for that proposed rule;

15

16 (ii) Allow and invite any person to submit  
17 written data, facts, opinions and arguments, which  
18 information shall be added to the record and be made  
19 publicly available;

20

21 (iii) Provide an opportunity for an informal  
22 hearing if petitioned by ten (10) or more persons; and

23

24 (iv) Promulgate a final rule and its effective

1 date, if appropriate, based on input from state or local  
2 officials or interested parties.

3

4 (d) Allow, not later than sixty (60) days after a  
5 rule is promulgated, any interested person to file a  
6 petition in the United States district court for the  
7 District of Columbia or in the federal district court where  
8 the interstate commission's principal office is located for  
9 judicial review of the rule. If the court finds that the  
10 interstate commission's action is not supported by  
11 substantial evidence in the rulemaking record, the court  
12 shall hold the rule unlawful and set it aside. For purposes  
13 of this subsection, evidence is substantial if it would be  
14 considered substantial evidence under the Model State  
15 Administrative Procedures Act.

16

17 (e) If a majority of the legislatures of the  
18 compacting states rejects a rule, those states may, by  
19 enactment of a statute or resolution in the same manner  
20 used to adopt the compact, cause that the rule shall have  
21 no further force and effect in any compacting state.

22

23 (f) The existing rules governing the operation of the  
24 Interstate Compact on Juveniles superceded by this act

1 shall be null and void twelve (12) months after the first  
2 meeting of the interstate commission created hereunder.

3  
4 (g) Upon determination by the interstate commission  
5 that a state-of-emergency exists, it may promulgate an  
6 emergency rule which shall become effective immediately  
7 upon adoption, provided that the usual rulemaking  
8 procedures provided hereunder shall be retroactively  
9 applied to the rule as soon as reasonably possible, but no  
10 later than ninety (90) days after the effective date of the  
11 emergency rule.

12  
13 ARTICLE VII

14 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION

15 BY THE INTERSTATE COMMISSION

16  
17 Section A. Oversight

18  
19 (a) The interstate commission shall oversee the  
20 administration and operations of the interstate movement of  
21 juveniles subject to this compact in the compacting states  
22 and shall monitor the activities being administered in  
23 noncompacting states which may significantly affect  
24 compacting states.

1

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

17

18 Section B. Dispute Resolution

19

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

1

2 (b) The interstate commission shall attempt, upon the  
3 request of a compacting state, to resolve any disputes or  
4 other issues which are subject to the compact and which may  
5 arise among compacting states and between compacting and  
6 noncompacting states. The commission shall promulgate a  
7 rule providing for both mediation and binding dispute  
8 resolution for disputes among the compacting states.

9

10 (c) The interstate commission, in the reasonable  
11 exercise of its discretion, shall enforce the provisions  
12 and rules of this compact using any or all means set forth  
13 in article XI of this compact.

14

15

## ARTICLE VIII

16

## FINANCE

17

18 (a) The interstate commission shall pay or provide  
19 for the payment of the reasonable expenses of its  
20 establishment, organization and ongoing activities.

21

22 (b) The interstate commission shall levy on and  
23 collect an annual assessment from each compacting state to  
24 cover the cost of the internal operations and activities of

1 the interstate commission and its staff which shall be in a  
2 total amount sufficient to cover the interstate  
3 commission's annual budget as approved each year. The  
4 aggregate annual assessment amount shall be allocated based  
5 upon a formula to be determined by the interstate  
6 commission, taking into consideration the population of  
7 each compacting state and the volume of interstate movement  
8 of juveniles in each compacting state and shall promulgate  
9 a rule binding upon all compacting states which governs the  
10 assessment.

11

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

18

19 (d) The interstate commission shall keep accurate  
20 accounts of all receipts and disbursements. The receipts  
21 and disbursements of the interstate commission shall be  
22 subject to the audit and accounting procedures established  
23 under its bylaws. However, all receipts and disbursements  
24 of funds handled by the interstate commission shall be

1 audited yearly by a certified or licensed public accountant  
2 and the report of the audit shall be included in and become  
3 part of the annual report of the interstate commission.

4

5

#### ARTICLE IX

6

#### THE STATE COUNCIL

7

8 Each member state shall create a state council for  
9 interstate juvenile supervision. While each state may  
10 determine the membership of its own state council, its  
11 membership shall consist of one (1) member of the  
12 legislature appointed on an alternating basis by the  
13 president of the senate and the speaker of the house, with  
14 the president appointing the first member. The board of  
15 judicial policy and administration shall appoint one (1)  
16 member. There shall be one (1) representative of the victim  
17 services division of the attorney general's office and two  
18 (2) members from the executive branch appointed by the  
19 governor one (1) of whom shall be designated as the  
20 commissioner. The appointments shall be made for two (2)  
21 year terms beginning on the enactment of the Interstate  
22 Compact for Juveniles into law by the thirty-fifth  
23 jurisdiction or July 1, 2004, whichever date occurs later.  
24 The department of family services shall provide support for



1 the council and expenses as provided for in W.S. 9-3-102  
2 and 9-3-103. The state council shall appoint the compact  
3 administrator and may appoint a deputy compact  
4 administrator who shall be members of the council and whose  
5 terms shall be concurrent with the council members. Each  
6 compacting state retains the right to determine the  
7 qualifications of the compact administrator or deputy  
8 compact administrator. Each state council will advise and  
9 may exercise oversight and advocacy concerning that state's  
10 participation in interstate commission activities and other  
11 duties as may be determined by that state, including but  
12 not limited to, development of policy concerning operations  
13 and procedures of the compact within that state.

14

15

## ARTICLE X

16

## COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

17

18 (a) Any state, the District of Columbia, or its  
19 designee, the Commonwealth of Puerto Rico, the U.S. Virgin  
20 Islands, Guam, American Samoa and the Northern Mariana  
21 Islands as defined in article II of this compact is  
22 eligible to become a compacting state.

23

24 (b) The compact shall become effective and binding

1 upon legislative enactment of the compact into law by no  
2 less than thirty-five (35) of the states. The initial  
3 effective date shall be the later of July 1, 2004 or upon  
4 enactment into law by the 35th jurisdiction. Thereafter it  
5 shall become effective and binding as to any other  
6 compacting state upon enactment of the compact into law by  
7 that state. The governors of nonmember states or their  
8 designees shall be invited to participate in the activities  
9 of the interstate commission on a nonvoting basis prior to  
10 adoption of the compact by all states and territories of  
11 the United States.

12

13 (c) The interstate commission may propose amendments  
14 to the compact for enactment by the compacting states. No  
15 amendment shall become effective and binding upon the  
16 interstate commission and the compacting states until it is  
17 enacted into law by unanimous consent of the compacting  
18 states.

19

20

## ARTICLE XI

21

## WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

22

23

## Section A. Withdrawal

24

1           (a) Once effective, the compact shall continue in  
2 force and remain binding upon each compacting state,  
3 provided that a compacting state may withdraw from the  
4 compact by specifically repealing the statute which enacted  
5 the compact into law.

6

7           (b) The effective date of withdrawal is the effective  
8 date of the repeal.

9

10          (c) The withdrawing state shall immediately notify  
11 the chairperson of the interstate commission in writing  
12 upon the introduction of legislation repealing this compact  
13 in the withdrawing state. The interstate commission shall  
14 notify the other compacting states of the withdrawing  
15 state's intent to withdraw within sixty (60) days of its  
16 receipt thereof.

17

18          (d) The withdrawing state is responsible for all  
19 assessments, obligations and liabilities incurred through  
20 the effective date of withdrawal, including any  
21 obligations, the performance of which extend beyond the  
22 effective date of withdrawal.

23

24          (e) Reinstatement following withdrawal of any

1 compacting state shall occur upon the withdrawing state  
2 reenacting the compact or upon a later date as determined  
3 by the interstate commission.

4

5 Section B. Technical Assistance, Fines, Suspension,  
6 Termination and Default

7

8 (a) If the interstate commission determines that any  
9 compacting state has at any time defaulted in the  
10 performance of any of its obligations or responsibilities  
11 under this compact, or the bylaws or duly promulgated  
12 rules, the interstate commission may impose any or all of  
13 the following penalties:

14

15 (i) Remedial training and technical assistance  
16 as directed by the interstate commission;

17

18 (ii) Alternative dispute resolution;

19

20 (iii) Fines, fees and costs in amounts as are  
21 deemed to be reasonable as fixed by the interstate  
22 commission; and

23

24 (iv) Suspension or termination of membership in

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

1 terminated from the effective date of termination.

2

3 (b) Within sixty (60) days of the effective date of  
4 termination of a defaulting state, the commission shall  
5 notify the governor, the chief justice or chief judicial  
6 officer, the majority and minority leaders of the  
7 defaulting state's legislature and the state council of the  
8 termination.

9

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

15

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

20

21 (e) Reinstatement following termination of any  
22 compacting state requires both a reenactment of the compact  
23 by the defaulting state and the approval of the interstate  
24 commission pursuant to the rules.

1

2

## Section C. Judicial Enforcement

3

4 The interstate commission may, by majority vote of the  
5 members, initiate legal action in the United States  
6 district court for the District of Columbia or, at the  
7 discretion of the interstate commission, in the federal  
8 district where the interstate commission has its offices,  
9 to enforce compliance with the provisions of the compact,  
10 its duly promulgated rules and bylaws, against any  
11 compacting state in default. In the event judicial  
12 enforcement is necessary the prevailing party shall be  
13 awarded all costs of the litigation, including reasonable  
14 attorneys fees.

15

16

## Section D. Dissolution of Compact

17

18 (a) The compact dissolves effective upon the date of  
19 the withdrawal or default of the compacting states, which  
20 reduces membership in the compact to one (1) compacting  
21 state.

22

23

24

(b) Upon the dissolution of this compact, the compact  
becomes null and void and shall be of no further force or

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

4

5

## ARTICLE XII

6

## SEVERABILITY AND CONSTRUCTION

7

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

12

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

15

16

## ARTICLE XIII

17

## BINDING EFFECT OF COMPACT AND OTHER LAWS

18

19

## Section A. Other Laws

20

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

24



1           (b) All compacting states' laws other than state  
2 constitutions and other interstate compacts conflicting  
3 with this compact are superseded to the extent of the  
4 conflict.

5

6           Section B. Binding Effect of the Compact

7

8           (a) All lawful actions of the interstate commission,  
9 including all rules and bylaws promulgated by the  
10 interstate commission, are binding upon the compacting  
11 states.

12

13           (b) All agreements between the interstate commission  
14 and the compacting states are binding in accordance with  
15 their terms.

16

17           (c) Upon the request of a party to a conflict over  
18 meaning or interpretation of interstate commission actions,  
19 and upon a majority vote of the compacting states, the  
20 interstate commission may issue advisory opinions regarding  
21 the meaning or interpretation.

22

23           (d) In the event any provision of this compact  
24 exceeds the constitutional limits imposed on the

1 legislature of any compacting state, the obligations,  
2 duties, powers or jurisdiction sought to be conferred by  
3 the provision upon the interstate commission shall be  
4 ineffective and the obligations, duties, powers or  
5 jurisdiction shall remain in the compacting state and shall  
6 be exercised by the agency thereof to which the  
7 obligations, duties, powers or jurisdiction are delegated  
8 by law in effect at the time this compact becomes  
9 effective.

10

11 **Section 2.** W.S. 14-6-101 is repealed, effective upon  
12 certification by the governor of the state of Wyoming to  
13 the Wyoming secretary of state that at least thirty-four  
14 (34) other states have enacted the Interstate Compact for  
15 Juveniles.

16

17 **Section 3.** This act is effective July 1, 2004, or  
18 when the governor of the state of Wyoming certifies to the  
19 Wyoming secretary of state that at least thirty-four (34)  
20 other states have enacted the Interstate Compact for  
21 Juveniles, whichever occurs later.

22

23

(END)