

# APPENDIX

## B

**INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS**

**PREAMBLE**

- **Whereas: The interstate compact for the supervision of Parolees and Probationers was established in 1937, it is the earliest corrections "compact" established among the states and has not been amended since its adoption over 62 years ago;**
  
- **Whereas: This compact is the only vehicle for the controlled movement of adult parolees and probationers across state lines, and it currently has jurisdiction over more than a quarter of a million offenders;**
  
- **Whereas: The complexities of the compact have become more difficult to administer, and many jurisdictions have expanded supervision expectations to include currently unregulated practices such as victim input, victim notification requirements and sex offender registration;**
  
- **Whereas: After hearings, national surveys, and a detailed study by a task force appointed by the National Institute of Corrections, the overwhelming recommendation has been to amend the document to bring about an effective management capacity that addresses public safety concerns and offender accountability;**
  
- **Whereas: Upon the adoption of this Interstate Compact for Adult Offender Supervision, it is the intention of the legislature to repeal the previous Interstate Compact for the Supervision of Parolees and Probationers on the effective date of this Compact.**

Be it enacted by the General Assembly (Legislature) of the state of \_\_\_\_\_:

Short title: This Act may be cited as The Interstate Compact for Adult Offender Supervision.

## **ARTICLE I**

### **PURPOSE**

The compacting states to this Interstate Compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the Bylaws and Rules of this compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdictions. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime. It is the purpose of this compact and the Interstate Commission created hereunder, through means of joint and cooperative action among the compacting states: to provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community; to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and to equitably distribute the costs, benefits and obligations of the compact among the compacting states. In addition, this compact will: create a Interstate Commission which will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies which will promulgate rules to achieve the purpose of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators; monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct non-compliance; and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.

The compacting states recognize that there is no “right” of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of this compact and Bylaws and Rules promulgated hereunder. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and are therefore public business.

## **ARTICLE II**

### **DEFINITIONS**

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

- **“Adult”** means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.
- **“By –laws”** mean those by-laws established by the Interstate Commission for its governance, or for directing or controlling the Interstate Commission’s actions or conduct.
- **“Compact Administrator”** means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state’s supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.
- **“Compacting state”** means any state which has enacted the enabling legislation for this compact.
- **“Commissioner”** means the voting representative of each compacting state appointed pursuant to Article III of this compact.
- **“Interstate Commission”** means the Interstate Commission for Adult Offender Supervision established by this compact.
- **“Member”** means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner.

- **“Non Compacting state”** means any state which has not enacted the enabling legislation for this compact.
- **“Offender”** means an adult placed under, or subject, to supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies.
- **“Person”** means any individual, corporation, business enterprise, or other legal entity, either public or private.
- **“Rules”** means acts of the Interstate Commission, duly promulgated pursuant to Article VIII of this compact, substantially affecting interested parties in addition to the Interstate Commission, which shall have the force and effect of law in the compacting states.
- **“State”** means a state of the United States, the District of Columbia and any other territorial possessions of the United States.
- **“State Council”** means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article III of this compact.

### **ARTICLE III**

#### **THE COMPACT COMMISSION**

The compacting states hereby create the “Interstate Commission for Adult Offender Supervision.” The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

The Interstate Commission shall consist of Commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state.

In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of

interested organizations; such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (nonvoting) members. The Interstate Commission may provide in its by-laws for such additional, ex-officio, non-voting members as it deems necessary.

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

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

The Interstate Commission shall establish an Executive Committee which shall include commission officers, members and others as shall be determined by the By-laws. The Executive Committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact. The Executive Committee oversees the day-to-day activities managed by the Executive Director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and as directed by the Interstate Commission and performs other duties as directed by Commission or set forth in the By-laws.

#### **ARTICLE IV**

#### **THE STATE COUNCIL**

Each member state shall create a State Council for Interstate Adult Offender Supervision which shall be responsible for the appointment of the commissioner who shall serve on the Interstate Commission from that state. Each state council shall appoint as its commissioner the Compact Administrator from that state to serve on the Interstate Commission in such capacity under or

pursuant to applicable law of the member state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups and compact administrators. Each compacting state retains the right to determine the qualifications of the Compact Administrator who shall be appointed by the state council or by the Governor in consultation with the Legislature and the Judiciary. In addition to appointment of its commissioner to the National Interstate Commission, each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state including but not limited to, development of policy concerning operations and procedures of the compact within that state.

## **ARTICLE V**

### **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

The Interstate Commission shall have the following powers:

- To adopt a seal and suitable by-laws governing the management and operation of the Interstate Commission
- To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.
- To oversee, supervise and coordinate the interstate movement of offenders subject to the terms of this compact and any by-laws adopted and rules promulgated by the compact commission.
- To enforce compliance with compact provisions, Interstate Commission rules, and by-laws, using all necessary and proper means, including but not limited to, the use of judicial process.
- To establish and maintain offices.
- To purchase and maintain insurance and bonds
- To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs.

- To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.
- To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel.
- To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same.
- To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.
- To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.
- To establish a budget and make expenditures and levy dues as provided in Article X of this compact.
- To sue and be sued.
- To provide for dispute resolution among Compacting States.
- To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.
- To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.
- To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity.
- To establish uniform standards for the reporting, collecting, and exchanging of data.

## ARTICLE VI

### ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

#### Section A. By-laws

The Interstate Commission shall, by a majority of the Members, within twelve months of the first Interstate Commission meeting, adopt By-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact, including, but not limited to:

establishing the fiscal year of the Interstate Commission;

establishing an executive committee and such other committees as may be necessary.

providing reasonable standards and procedures:

(i) for the establishment of committees, and

(ii) governing any general or specific delegation of any authority or function of the Interstate Commission;

providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

establishing the titles and responsibilities of the officers of the Interstate Commission;

providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Interstate Commission. Notwithstanding any civil service or other similar laws of any Compacting State, the By-laws shall exclusively govern the personnel policies and programs of the Interstate Commission; and

providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations;

providing transition rules for "start up" administration of the compact;

establishing standards and procedures for compliance and technical assistance in carrying out the compact.

### **Section B. Officers and Staff**

The Interstate Commission shall, by a majority of the Members, elect from among its Members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the By-laws. The chairperson or, in his or her absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission. The Officers so elected shall serve without compensation or remuneration from the Interstate Commission; PROVIDED THAT, subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, and hire and supervise such other staff as may be authorized by the Interstate Commission, but shall not be a member.

### **Section C. Corporate Records of the Interstate Commission**

The Interstate Commission shall maintain its corporate books and records in accordance with the By-laws.

### **Section D. Qualified Immunity, Defense and Indemnification**

The Members, officers, executive director and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities; PROVIDED, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person.

The Interstate Commission shall defend the Commissioner of a Compacting State, or his or her representatives or employees, or the Interstate Commission's representatives or employees, in any civil action seeking to impose liability, arising out of any actual or alleged act, error or

omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities; PROVIDED, that the actual or alleged act, error or omission did not result from intentional wrongdoing on the part of such person.

The Interstate Commission shall indemnify and hold the Commissioner of a Compacting State, the appointed designee or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgement obtained against such persons arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided, that the actual or alleged act, error or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

## **ARTICLE VII**

### **ACTIVITIES OF THE INTERSTATE COMMISSION**

The Interstate Commission shall meet and take such actions as are consistent with the provisions of this Compact.

Except as otherwise provided in this Compact and unless a greater percentage is required by the By-laws, in order to constitute an act of the Interstate Commission, such act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present.

Each Member of the Interstate Commission shall have the right and power to cast a vote to which that Compacting State is entitled and to participate in the business and affairs of the Interstate Commission. A Member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the

member state at a specified meeting. The By-laws may provide for Members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person.

The Interstate Commission shall meet at least once during each calendar year. The chairperson of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the Members, shall call additional meetings.

The Interstate Commission's By-laws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such Rules, the Interstate Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission shall promulgate Rules consistent with the principles contained in the "Government in Sunshine Act," 5 U.S.C. Section 552(b), as may be amended. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

- relate solely to the Interstate Commission's internal personnel practices and procedures;
- disclose matters specifically exempted from disclosure by statute;
- disclosure trade secrets or commercial or financial information which is privileged or confidential;
- involve accusing any person of a crime, or formally censuring any person;

- disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- disclose investigatory records compiled for law enforcement purposes;
- disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated entity for the purpose of regulation or supervision of such entity;
- disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity;
- specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or proceeding.

For every meeting closed pursuant to this provision, the Interstate Commission's chief legal officer shall publicly certify that, in his or her opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflected in the vote of each Member on the question). All documents considered in connection with any action shall be identified in such minutes.

The Interstate Commission shall collect standardized data concerning the interstate movement of offenders as directed through its By-laws and Rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements.

## **ARTICLE VIII**

### **RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

The Interstate Commission shall promulgate Rules in order to effectively and efficiently achieve the purposes of the Compact including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states;

Rulemaking shall occur pursuant to the criteria set forth in this Article and the By-laws and Rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 U.S.C.S. section 551 et seq., and the Federal Advisory Committee Act, 5 U.S.C.S. app. 2, section 1 et seq., as may be amended (hereinafter "APA").

All Rules and amendments shall become binding as of the date specified in each Rule or amendment.

If a majority of the legislatures of the Compacting States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such Rule shall have no further force and effect in any Compacting State.

When promulgating a Rule, the Interstate Commission shall:

- publish the proposed Rule stating with particularity the text of the Rule which is proposed and the reason for the proposed Rule;
- allow persons to submit written data, facts, opinions and arguments, which information shall be publicly available;
- provide an opportunity for an informal hearing; and
- promulgate a final Rule and its effective date, if appropriate, based on the rulemaking record.

Not later than sixty days after a Rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such Rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence, (as defined in the APA), in the rulemaking record, the court shall hold the Rule unlawful and set it aside.

Subjects to be addressed within 12 months after the first meeting must at a minimum include:

- notice to victims and opportunity to be heard;
- offender registration and compliance;
- violations/returns;
- transfer procedures and forms;
- eligibility for transfer;
- collection of restitution and fees from offenders;

- data collection and reporting;
- the level of supervision to be provided by the receiving state;
- transition rules governing the operation of the compact and the Interstate Commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact;
- Mediation, arbitration and dispute resolution.

The existing rules governing the operation of the previous compact superceded by this Act shall be null and void twelve (12) months after the first meeting of the Interstate Commission created hereunder.

Upon determination by the Interstate Commission that an emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule.

## **ARTICLE IX**

### **OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION**

#### **Section A. Oversight**

The Interstate Commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in Non-compacting States which may significantly affect Compacting States.

The courts and executive agencies in each Compacting State shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. In any judicial or administrative proceeding in a Compacting State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

### **Section B. Dispute Resolution**

The Compacting States shall report to the Interstate Commission on issues or activities of concern to them, and cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities.

The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the Compact and which may arise among Compacting States and Non-compacting States.

The Interstate Commission shall enact a By-law or promulgate a Rule providing for both mediation and binding dispute resolution for disputes among the Compacting States.

### **Section C. Enforcement**

The Interstate Commission, in the reasonable exercise of its' discretion, shall enforce the provisions of this compact using any or all means set forth in Article XII, Section B, of this compact.

## **ARTICLE X**

### **FINANCE**

The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

The Interstate Commission shall levy on and collect an annual assessment from each Compacting State to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each Compacting State and shall promulgate a Rule binding upon all Compacting States which governs said assessment.

The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its By-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

## **ARTICLE XI**

### **COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT**

Any state, as defined in Article II of this compact, is eligible to become a Compacting State.

The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than 35 of the States. The initial effective date shall be the later of July 1, 2001, or upon enactment into law by the 35<sup>th</sup> jurisdiction. Thereafter it shall become effective and binding, as to any other Compacting State, upon enactment of the Compact into law by that State. The governors of Non-member states or their designees will be invited to participate in Interstate Commission activities on a non-voting basis prior to adoption of the compact by all states and territories of the United States.

Amendments to the Compact may be proposed by the Interstate Commission for enactment by the Compacting States. No amendment shall become effective and binding upon the Interstate Commission and the Compacting States unless and until it is enacted into law by unanimous consent of the Compacting States.

## **ARTICLE XII**

### **WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT**

### **Section A. Withdrawal**

Once effective, the Compact shall continue in force and remain binding upon each and every Compacting State; PROVIDED, that a Compacting State may withdraw from the Compact ("Withdrawing State") by enacting a statute specifically repealing the statute which enacted the Compact into law.

The effective date of withdrawal is the effective date of the repeal.

The Withdrawing State shall immediately notify the Chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this Compact in the Withdrawing State.

The Interstate Commission shall notify the other Compacting States of the Withdrawing State's intent to withdraw within sixty days of its receipt thereof.

The Withdrawing State is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

Reinstatement following withdrawal of any Compacting State shall occur upon the Withdrawing State reenacting the Compact or upon such later date as determined by the Interstate Commission

### **Section B. Default**

If the Interstate Commission determines that any Compacting State has at any time defaulted ("Defaulting State") in the performance of any of its obligations or responsibilities under this Compact, the By-laws or any duly promulgated Rules the Interstate Commission may impose any or all of the following penalties:

Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;

Remedial training and technical assistance as directed by the Interstate Commission;

Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the By-laws and Rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the

Governor, the Chief Justice or Chief Judicial Officer of the state; the majority and minority leaders of the defaulting state's legislature, and the State Council.

The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission By-laws, or duly promulgated Rules. The Interstate Commission shall immediately notify the Defaulting State in writing of the penalty imposed by the Interstate Commission on the Defaulting State pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the Defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Compacting States and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension. Within sixty days of the effective date of termination of a Defaulting State, the Interstate Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer and the Majority and Minority Leaders of the Defaulting State's legislature and the state council of such termination.

The Defaulting State is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

The Interstate Commission shall not bear any costs relating to the Defaulting State unless otherwise mutually agreed upon between the Interstate Commission and the Defaulting State. Reinstatement following termination of any Compacting State requires both a reenactment of the Compact by the Defaulting State and the approval of the Interstate Commission pursuant to the Rules.

### **Section C. Judicial Enforcement**

The Interstate Commission may, by majority vote of the Members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its offices to enforce

compliance with the provisions of the Compact, its duly promulgated Rules and By-laws, against any Compacting State in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees.

**Section D. Dissolution of Compact**

The Compact dissolves effective upon the date of the withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State.

Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the By-laws.

**ARTICLE XIII**

**SEVERABILITY AND CONSTRUCTION**

The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

The provisions of this Compact shall be liberally constructed to effectuate its purposes.

**ARTICLE XIV**

**BINDING EFFECT OF COMPACT AND OTHER LAWS**

**Section A. Other Laws**

Nothing herein prevents the enforcement of any other law of a Compacting State that is not inconsistent with this Compact.

All Compacting States' laws conflicting with this Compact are superseded to the extent of the conflict.

## **Section B. Binding Effect of the Compact**

All lawful actions of the Interstate Commission, including all Rules and By-laws promulgated by the Interstate Commission, are binding upon the Compacting States.

All agreements between the Interstate Commission and the Compacting States are binding in accordance with their terms.

Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the Compacting States, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any Compacting State, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the Compacting State and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective.

### **Organizational Overview: Interstate Compact for Adult Offender Supervision**

It is the purpose of this compact to provide the framework for the promotion of public safety and to protect the rights of victims through the control and regulation of the interstate movement of offenders in the community; to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and to equitably distribute the costs, benefits and obligations of the compact among the compacting states.

<i>State Council</i> (State Council for Interstate Adult Offender Supervision)	<i>National Commission</i> (Interstate Commission for Adult Offender Supervision)	<i>Executive Committee</i>
<ul style="list-style-type: none"> <li>• Each state must have a State Council. The meeting frequency and scope of authority are a matter for each state to determine.</li> <li>• State Council membership must include at least one representative from the legislative, executive and judicial branches of government, victim groups and the Compact Administrator. Others may be added.</li> <li>• The State Council, among other stakeholders, will receive reports from the Commission at least annually, and will be formally notified in the event of their states' suspension or default.</li> <li>• State Councils exercise oversight and advocacy concerning state participation in Commission activities, and other duties as may be determined by the member state.</li> <li>• State Councils designate the state representative to a National Commission meeting in the event the Compact Administrator is unable to attend.</li> </ul>	<ul style="list-style-type: none"> <li>• Must meet at least annually; at the call of the chairperson; or upon request by a majority of the member states. Public notice of meetings is required, and meetings are open to the public.</li> <li>• Voting members are the Compact Administrators from each member state. Ex-officio (non-voting) members must include a member of national organizations of governors, legislators, state chief justices, attorneys general and crime victims. Through Bylaws, the Commission may provide for additional ex-officio members.</li> <li>• The Commission must establish Bylaws: for the Commissions' governance, and for directing the Commission's actions or conduct.</li> <li>• The Commission must establish Rules: to effectively and efficiently achieve the purposes of the Compact. (Proposed rules must be published, and provision must be made for written submissions and opportunity for an informal hearing before passage.)</li> <li>• Commission Bylaws and Rules have the force and effect of law on member states. However, if a majority of legislatures of Compacting States reject a Rule, it will have no further force and effect in any Compacting State.</li> <li>• The Commission elects the Executive Committee and establishes such other committees as may be necessary.</li> </ul>	<ul style="list-style-type: none"> <li>• Article III empowers the Executive Committee to act on behalf of the Commission during periods when the Commission is not in session; with the exception of rulemaking authority and/or power to amend to the Compact.</li> <li>• Members must be Compact Administrators of member states elected to the Executive Committee by the National Commission. Positions include the Chairperson, Vice-Chairperson, and others to be determined through Bylaws.</li> <li>• On behalf of the Commission, the Executive Committee appoints or retains an Executive Director.</li> <li>• The Executive Committee oversees the day-to-day activities managed by the Executive Director and Commission staff, administers enforcement and compliance with Compact provisions, its by-laws and other duties as directed by the Commission or set forth in the By-laws</li> </ul> <p style="text-align: center;"><b>Executive Director:</b></p> <ul style="list-style-type: none"> <li>• Serves as Secretary to the Commission, but is not a member.</li> <li>• Hires and supervises staff as authorized by the Commission.</li> </ul>

- INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION -

The Compact must be passed by states with identical content. However, the way it is implemented will vary from state to state. When a state is enacting this proposed legislation at least three key state specific areas must be addressed: Finance, the Compact Administrator, and State Councils.

## Key Decisions States Must Make When Enacting the Compact

### Finance:

Determine the process and funding source necessary to insure timely payment of your states' annual assessment to cover costs of the internal operations and activities of the Interstate Commission (Article X, sec. 2)

Among items to consider:

- During the first 12 months of existence the Commission must promulgate a Rule binding upon member states specifying an assessment formula that takes into consideration state population and its' volume of interstate movement of offenders.
- It is not possible to specify the amount of a state assessment before an operating budget is approved by the Commission and the funding formula has been established. However, an estimate of the start-up costs and operating budgets for the Commissions' first three years has been completed and is part of this set of information.

### Compact Administrator:

Determine qualifications of Compact Administrator..... (Art. II-C; Art. IV)

**AND**

Determine who appoints the Compact Administrator: ..... (Art. IV)

1. The Governor, in consultation with the Legislature and the Judiciary; or
2. The State Council.

- Under the existing compact, who is currently the official Compact Administrator? *(Do not confuse this authority with the position of "Deputy Compact Administrator(s)" where much of the daily activity occurs.)*
- Does the Compact Administrator responsibility require a full time position in your state, or should these duties be part of the responsibilities of another position?
- Where will the position be located within the state organizational structure?
- The Compact Administrator, as your states' representative on the National Commission, represents the interests of your state through his/her vote. What additional authority or responsibility, if any, will be specified for the position within your state?

- INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION -

**Creation of State Councils:** .....(Art. IV)

Among items to consider:

- Your state may have an existing function that, with minimal modification, can also fulfill the state council responsibility.
- Some states may want a "hands-on" state council that meets frequently, requires staff support and a clear organizational designation.
- Others states may fashion a state council role that requires few meetings with staff support provided by the compact administrators' office, or other pre-existing resources.

1. State Council resources and organizational location.
2. Membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and the Compact Administrator.  
How are the appointments to be made in your state?
  - i In statute?
  - ii By Executive Order?
  - ii Other.Will appointments be made for a specific term or time frame?
2. How will the state councils be required to conduct business? I.E.:  
Quorums  
Roberts Rules of Order  
State administrative regulations  
State council rules or other determinations.
4. Legislative enactment language in Article IV states: "Each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and **other duties as may be determined by each member state**, including, but not limited to, development of policy concerning operations and procedures of the compact within that state."
  1. Does your state wish to specify any **other duties** for your State Council?

# APPENDIX

## C

STATE	BILL #	ADJOURN DATE	AMENDED/ SUBSTITUTED	STATUS
Alabama	No legislation	May 15		Adjourned
Alaska	No legislation	May 9		Adjourned
Arizona	No legislation	May 7		Adjourned
Arkansas	-	No Regular Session in 2000		
California	SB 2023	Aug 31		9/18/00 Enrolled to Governor at 3:00 PM
Colorado	SB 191	May 4	Limit on \$ assessment	Signed into law, 4/10/00
Connecticut	HB 5127	May 3		Signed into law, 6/1/00
Delaware	No legislation	June 30		
Florida	No legislation	May 5		Adjourned
Georgia	No legislation	Mid March		Adjourned
Hawaii	SB 2152	Early May	Amended	6/9 Awaiting Governor's signature. (deleting language stating rules have "full force & effect statutory law")
Idaho	SB 1391	Mid March	No Changes	Signed into law, 4/17/00
Illinois	No legislation	Throughout the year		
Indiana	No legislation	March 15		Adjourned
Iowa	HB 2489	Late April		2/28 Introduced and referred to Judiciary Cmte. (dead)
Kansas	HB 3025	Late April		Adjourned
Kentucky	HB 454	April 12	No Changes	Signed into law, 4/21/00
Louisiana	No legislation	June 7		Adjourned
Maine	SB 2612	April 19		Adjourned
Maryland	HB 330 HB 366	April 10		Adjourned
Massachusetts	No legislation	Throughout the year		

<i>STATE</i>	<i>BILL #</i>	<i>ADJOURN DATE</i>	<i>AMENDED/ SUBSTITUTED</i>	<i>STATUS</i>
<i>Michigan</i>	No legislation	Throughout the year		
<i>Minnesota</i>	No legislation	Late April		
<i>Mississippi</i>	No legislation	May 7		
<i>Missouri</i>	HB 1321	May 30	Amended	6/27 Approved by Governor 6/27 Delivered to Secretary of State
<i>Montana</i>	-	No regular session in 2000		
<i>Nebraska</i>	No legislation	Mid April		Adjourned
<i>Nevada</i>	-	No regular session in 2000		
<i>New Hampshire</i>	No legislation	Mid June		
<i>New Jersey</i>	-	No regular session in 2000		
<i>New Mexico</i>	No legislation	Feb 16		Adjourned
<i>New York</i>	-	No regular session in 2000		
<i>North Carolina</i>	No legislation	July		
<i>North Dakota</i>	-	No regular session in 2000		
<i>Ohio</i>	No legislation	Meets throughout the year		
<i>Oklahoma</i>	SB 1565	May 26		Signed into law 6/01/00
<i>Oregon</i>	-	No regular session 2000		
<i>Pennsylvania</i>	No legislation	Meets throughout the year		
<i>Rhoda Island</i>	No legislation	Late June		
<i>South Carolina</i>	No legislation	June 01		Adjourned

STATE	BILL #	ADJOURN DATE	AMENDED/ SUBSTITUTED	STATUS
South Dakota	No legislation	Mid March		Adjourned
Tennessee	No legislation	Late April		Adjourned
Utah	No legislation	May 01		Adjourned
Vermont	SB 311	Early May	No Changes	Signed into law 4/27/00
Virginia	SJR 86 HB 446	March 11		Tabled until 2001 Session Tabled until 2001 Session
Washington	SB 6621	March 9		Effective June 8, 2000 TASK FORCE CREATION
West Virginia	No legislation	March 11		Adjourned
Wisconsin	No legislation	Meets throughout the year		
Wyoming	No legislation	March 10		Adjourned

September 22, 2000

# APPENDIX

D

1  
2 **REVISION**  
3 **INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION**

4 Short title: This Act may be cited as The Interstate Compact for Adult Offender Supervision.

5  
6 The compact is authorized by the Crime Control Act of 1934, 4 U.S.C. sec. 112, which  
7 authorizes states to enter into compacts for cooperative effort and mutual assistance in the  
8 prevention of crime.  
9

10 **ARTICLE I**  
11 **PURPOSE**  
12

13 The purposes of this compact are to—  
14

- 15 (a) Promote public safety by providing adequate supervision in the community of adult  
16 offenders who are subject to this compact;  
17 (b) Provide a means to track the location of offenders under this compact's supervision;  
18 (c) Provide a means to transfer supervision authority in an orderly and efficient manner;  
19 (d) Provide a means to return offenders to the originating jurisdictions when necessary;  
20 (e) Provide a means to give timely notice to victims of the location of offenders subject to this  
21 compact;  
22 (f) Distribute the costs, benefits and obligations of this compact equitably among the states;  
23 (g) Establish a system of uniform data collection for offenders under supervision of this compact  
24 and allow access to information by authorized criminal justice officials;  
25 (h) Monitor compliance with rules established under this compact;  
26 (i) Coordinate training and education regarding regulations of interstate movement of offenders  
27 for officials involved in such activity.  
28  
29

30 **ARTICLE II**  
31 **DEFINITIONS**  
32

33 As used in this compact, unless the context clearly requires a different construction—  
34

- 35 (a) "Adult" means an individual legally classified as an adult or a juvenile treated as an adult by  
36 court order, statute, or operation of law.  
37 (b) "By-laws" mean those by-laws established by the Interstate Commission for its governance,  
38 or for directing or controlling the Interstate Commission's actions or conduct.  
39 (c) "Compact Administrator" means the individual in each compacting state appointed to  
40 administer and manage the state's supervision and transfer of offenders subject to the terms  
41 of this compact.  
42 (d) "Compacting state" means any state that has adopted this compact by legislative enactment.  
43 (e) "Commissioner" means the voting representative of each compacting state appointed  
44 pursuant to Article IV of this compact.  
45 (f) "Commissioner's designee" means a person designated by the Commissioner to represent  
46 him or her at meetings of the Interstate Commission and to exercise the vote of that  
47 Commissioner in the absence or disability of the Commissioner.

- 1 (g) "Defaulting State" means any state that fails to pay the annual assessment levied by the  
2 Interstate Commission; refuses, following reasonable notice, to remove an offender from a  
3 receiving state; sends an offender to a receiving state without receiving consent from the  
4 Compact Administrator of the receiving state; unreasonably refuses to accept an offender for  
5 supervision; or enacts legislation inconsistent with this compact.  
6 (h) "Interstate Commission" means the Interstate Commission for Adult Offender Supervision  
7 established by this compact.  
8 (i) "Member" means the commissioner of a compacting state or the commissioner's designee.  
9 (j) "Non-compacting State" means any state that has not enacted this compact.  
10 (k) "Offender" means an adult placed under, or made subject to, supervision as the result of the  
11 commission of a criminal offense and released to the community under the jurisdiction of  
12 courts, paroling authorities, corrections, or other criminal justice agencies.  
13 (l) "Receiving State" means the state in which an offender is granted permission to reside  
14 subject to this compact.  
15 (m) "Rules" means acts of the Interstate Commission, adopted pursuant to Article IX of this  
16 compact.  
17 (n) "Sending State" means the state in which an offender is placed under criminal justice  
18 supervision and from which he or she seeks residence in another state.  
19 (o) "State" means a state of the United States, the District of Columbia and any other territorial  
20 possessions of the United States.  
21 (p) "State Council" means the State Council for Interstate Adult Offender Supervision created  
22 by each state under Article V of this compact.  
23  
24

25 **ARTICLE III**  
26 **INTERSTATE COMPACT OFFENDERS**  
27

- 28 (a) Offenders Subject to Interstate Compact—No offender shall be permitted to reside in any  
29 compacting or non-compacting state without the permission of the receiving state. An  
30 offender shall only be eligible to seek permission from the receiving state to reside in that  
31 state if—  
32  
33 (1)  
34 (A) such offender has been an actual inhabitant of the receiving state continuously  
35 for more than one year prior to his coming to the sending state; and  
36 (B) has not resided within the sending state more than 6 continuous months  
37 immediately preceding the commission of the offense for which supervision has  
38 been imposed; or  
39 (1)  
40 (A) has family residing continuously for one year or more within the receiving state;  
41 and  
42 (B) the offender can find employment in the receiving state or has a bona fide offer  
43 of admission to an accredited educational program or institution; or  
44 (1) the receiving state consents to the offender's residing in that state.  
45  
46 (a) No Right Created—This Compact does not create any right of an offender to reside in any  
47 state.  
48

1 (b) Extradition Not Required—The compacting states waive all requirements of the Uniform  
2 Criminal Extradition Act that an order of extradition be obtained for offenders subject to  
3 this compact. Duly accredited officers of a sending state may at all times enter a  
4 receiving state and apprehend and retake an offender under supervision of this compact.  
5 An officer entering a state to retake an offender subject to this compact shall establish the  
6 authority of such officer to retake and the identity of the offender to be retaken with the  
7 local law enforcement agency of the jurisdiction where the offender to be retaken is  
8 located.  
9

10  
11 **ARTICLE IV**  
12 **INTERSTATE COMMISSION**  
13

- 14 (a) The compacting states hereby create the "Interstate Commission for Adult Offender  
15 Supervision." The Interstate Commission shall be a body corporate and joint agency of the  
16 compacting states.  
17
- 18 (b) Commissioners—The Interstate Commission shall consist of Commissioners appointed in a  
19 manner provided for by state law.  
20
- 21 (c) Non-Commissioners—In addition to the Commissioners, who are the voting representatives  
22 of each state, the Interstate Commission shall include individuals who are not  
23 Commissioners but who represent interested organizations. Such non-commissioners  
24 serving on the Interstate Commission shall include representatives of each of the national  
25 organizations representing governors, legislators, state chief justices, attorneys general, and  
26 crime victims. Non-commissioners serving on the Interstate Commission are ex-officio and  
27 shall not be entitled to vote or to serve on the Executive Committee of the Interstate  
28 Commission. The Interstate Commission may provide in its by-laws for appointment to the  
29 Interstate Commission of additional non-commissioners as it deems necessary.  
30
- 31 (d) Vote—Each compacting state represented at any meeting of the Interstate Commission is  
32 entitled to one vote.  
33
- 34 (e) Quorum—A majority of the compacting states shall constitute a quorum for the transaction of  
35 business, unless a larger quorum is required by the by-laws of the Interstate Commission.  
36
- 37 (f) Meetings—The Interstate Commission shall meet at least once each calendar year. The chair  
38 may call additional meetings and, upon the request of 15 or more compacting states, shall  
39 call additional meetings. Public notice shall be given of all meetings, and meetings shall be  
40 open to the public unless closed subject to a provision of 5 U.S.C. sec. 552b.  
41
- 42 (g) Executive Committee—The Interstate Commission shall establish an Executive Committee  
43 that shall include commission officers, members and others as shall be determined by the  
44 By-laws. The Executive Committee shall have the power to act on behalf of the Interstate  
45 Commission during periods when the Interstate Commission is not meeting. The Executive  
46 Committee shall oversee the day-to-day activities of the Executive Director and Interstate  
47 Commission staff; administer, as directed by the Interstate Commission, enforcement and

1 compliance with the provisions of the compact, its by-laws and rules; and perform other  
2 duties as directed by the Interstate Commission or set forth in the by-laws.  
3

4 **ARTICLE V**  
5 **THE STATE COUNCIL**  
6

- 7 (a) Composition—Each compacting state shall create a State Council for Interstate Adult  
8 Offender Supervision. Each compacting state may determine the membership of its own  
9 State Council, which must include at least one representative from the legislative, judicial,  
10 and executive branches of government of the state, a victims' group, and the state's compact  
11 administrator.  
12
- 13 (b) Compact Administrator—Each compacting state shall provide by law for the appointment of  
14 the state's compact administrator, who shall be appointed to serve as the state's  
15 Commissioner on the Interstate Commission.  
16
- 17 (c) Duties—The State Council shall provide recommendations to the Compact Administrator  
18 regarding the activities of the state's Interstate Compact Office, exercise advocacy  
19 concerning the state's participation in Interstate Commission activities, and perform other  
20 duties as may be determined by each member state.  
21

22  
23 **ARTICLE VI**  
24 **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**  
25

- 26 (a) The Interstate Commission shall have the power to—  
27
- 28 (1) Adopt a seal and suitable by-laws governing the management and operation of the Interstate  
29 Commission;
  - 30 (2) Promulgate rules for the interstate movement of adult offenders subject to this compact;
  - 31 (3) Coordinate the interstate movement of offenders subject to this compact;
  - 32 (4) Enforce compliance with compact provisions, Interstate Commission rules, and by-laws;
  - 33 (5) Establish and maintain offices;
  - 34 (6) Purchase and maintain insurance and bonds;
  - 35 (7) Borrow, accept, or contract for services of personnel, including, but not limited to, members  
36 and their staffs;
  - 37 (8) Establish and appoint committees and hire staff necessary for carrying out the functions of  
38 the Interstate Commission including, but not limited to, an executive committee as  
39 required by Article IV, which shall have the power to act on behalf of the Interstate  
40 Commission during periods when the Interstate Commission is not meeting;
  - 41 (9) Elect or appoint officers, attorneys, employees, agents, or consultants, and to fix their  
42 compensation, define their duties and determine their qualifications;
  - 43 (10) Accept any and all donations and grants of money, equipment, supplies, materials, and  
44 services, and to receive, utilize, and dispose of same;
  - 45 (11) Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve  
46 or use any property, real, personal, or mixed;
  - 47 (12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any  
48 property, real, personal or mixed;

- 1 (13) Establish a budget and make expenditures and levy dues as provided in Article XI of this  
2 compact;
- 3 (14) Sue and be sued;
- 4 (15) Provide for dispute resolution among compacting states;
- 5 (16) Perform such functions as may be necessary or appropriate to achieve the purposes of this  
6 compact;
- 7 (17) Report annually to the legislatures, governors, judiciary, and state councils of the  
8 compacting states concerning the activities of the Interstate Commission during the  
9 preceding year. Such reports shall also include any recommendations that may have been  
10 adopted by the Interstate Commission;
- 11 (18) Coordinate education, training and public awareness regarding the interstate movement of  
12 offenders for officials involved in such activity;
- 13 (19) Establish uniform standards for the reporting, collecting, and exchanging of data.  
14  
15

16 **ARTICLE VII**  
17 **ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION**  
18

- 19 (a) By-laws—The Interstate Commission shall, by affirmative vote of a majority of the  
20 Members, within twelve months following the first Interstate Commission meeting, adopt  
21 by-laws to govern the internal operation of the Interstate Commission as may be necessary or  
22 appropriate to carry out the purposes of the Compact, including, but not limited to—
- 23 (1) Establishing the fiscal year of the Interstate Commission;
- 24 (2) Establishing an executive committee and such other committees as may be necessary;
- 25 (3) Providing reasonable procedures for calling and conducting meetings of the Interstate  
26 Commission, and ensuring reasonable notice of each such meeting;
- 27 (4) Establishing the titles and responsibilities of the officers of the Interstate Commission;
- 28 (5) Providing reasonable standards and procedures for the establishment of the personnel  
29 policies and programs of the Interstate Commission;
- 30 (6) Providing a mechanism for winding up the operations of the Interstate Commission and the  
31 equitable return of any surplus funds that may exist upon the termination of the compact  
32 after the payment and/or reserving of all of its debts and obligations.  
33
- 34 (a) Officers and Staff
- 35 (1) The Interstate Commission shall, by vote of a majority of the members, elect from among its  
36 members a chair and a vice chair, each of whom shall have such authorities and duties as  
37 may be specified in the by-laws. The chair or, in his or her absence or disability, the vice  
38 chair, shall preside at all meetings of the Interstate Commission.
- 39 (2) The officers so elected shall serve without compensation or remuneration from the Interstate  
40 Commission; provided that, subject to the availability of budgeted funds, the officers shall be  
41 reimbursed for any actual and necessary costs and expenses incurred by them in the  
42 performance of their duties and responsibilities as officers of the Interstate Commission.
- 43 (3) The Interstate Commission shall, through its executive committee, appoint or retain an  
44 executive director for such period, upon such terms and conditions, and for such  
45 compensation as the Interstate Commission may deem appropriate. The executive director  
46 shall serve as secretary to the Interstate Commission and shall hire and supervise such other  
47 staff as may be authorized by the Interstate Commission, but shall not be a member.
- 48 (4) Notwithstanding any civil service or other similar laws of any compacting state, the by-laws  
49 shall exclusively govern the personnel policies and programs of the Interstate Commission.

- 1  
2 (a) Corporate Records of the Interstate Commission--The Interstate Commission shall maintain  
3 its books and records in accordance with the by-laws, which shall establish standards in  
4 accordance with generally accepted governmental standards.  
5  
6 (a) Qualified Immunity, Defense and Indemnification  
7 (1) The members, officers, executive director, and employees of the Interstate Commission shall  
8 be immune from suit and liability, either personally or in their official capacity, for any  
9 claim for damage to or loss of property or personal injury or other civil liability caused by or  
10 arising out of any actual or alleged act, error or omission that occurred within the scope of  
11 Interstate Commission employment, duties or responsibilities; provided that nothing in this  
12 paragraph shall be construed to protect any such person from suit and/or liability for any  
13 damage, loss, injury or liability caused by the intentional misconduct or gross negligence of  
14 any such person.  
15  
16 (2) The Interstate Commission shall defend the Interstate Commission and its employees in any  
17 civil action seeking to impose liability, arising out of any actual or alleged act, error or  
18 omission that occurred within the scope of Interstate Commission employment, duties or  
19 responsibilities, or that the defendant had a reasonable basis for believing occurred within  
20 the scope of Interstate Commission employment, duties or responsibilities; provided that the  
21 actual or alleged act, error or omission did not result from intentional misconduct or gross  
22 negligence on the part of such person.  
23  
24 (3) The Interstate Commission shall indemnify and hold the commissioner of a compacting  
25 state, the appointed designee or employees, or the Interstate Commission's representatives or  
26 employees, harmless in the amount of any settlement or judgment obtained against such  
27 persons arising out of any actual or alleged act, error or omission that occurred within the  
28 scope of Interstate Commission employment, duties, or responsibilities, or that such persons  
29 had a reasonable basis for believing occurred within the scope of Interstate Commission  
30 employment, duties or responsibilities; provided, that the actual or alleged act, error, or  
31 omission did not result from intentional misconduct or gross negligence on the part of such  
32 person.  
33  
34

35 **ARTICLE VIII**  
36 **ACTIVITIES OF THE INTERSTATE COMMISSION**  
37

- 38 (a) The Interstate Commission shall meet and take such actions as are consistent with the  
39 provisions of this Compact.  
40  
41 (b) Except as otherwise provided in this Compact and unless a greater percentage is required by  
42 the by-laws, in order to constitute an act of the Interstate Commission, such act shall have  
43 been taken at a meeting of the Interstate Commission and shall have received an affirmative  
44 vote of a majority of the members present.  
45  
46 (c) Each member of the Interstate Commission shall have the right and power to cast a vote to  
47 which that compacting state is entitled and to participate in the business and affairs of the  
48 Interstate Commission. A member shall vote in person on behalf of the state and shall not  
49 delegate a vote to another member state. However, a compacting state shall provide by law

1 for the appointment of another authorized representative to act in the absence or disability of  
2 the commissioner from that state and to cast a vote on behalf of the member state at a  
3 specified meeting. The by-laws may provide for members' participation in meetings by  
4 telephone or other means of telecommunication or electronic communication. Any vote  
5 conducted by telephone or other means of telecommunication or electronic communication  
6 shall be subject to the same quorum requirements as meetings where members are present in  
7 person.  
8

- 9 (d) The Interstate Commission shall meet at least once during each calendar year. The chair of  
10 the Interstate Commission may call additional meetings at any time and, upon the request of  
11 15 or more members, shall call additional meetings.  
12  
13 (e) Public notice shall be given of all meetings, and all meetings shall be open to the public,  
14 except as set forth in the "Government in Sunshine Act," 5 U.S.C. sec. 552b, as may be  
15 amended.  
16  
17 (f) For every meeting closed pursuant to this provision, the Interstate Commission's chief legal  
18 officer shall publicly certify that, in his or her opinion, the meeting may be closed to the  
19 public, and shall reference each relevant provision of law allowing such exemption.  
20  
21 (g) The Interstate Commission shall collect standardized data concerning the interstate  
22 movement of offenders as directed through its by-laws and rules, which shall specify the data  
23 to be collected, the means of collection, and data exchange and reporting requirements.  
24  
25

26 **ARTICLE IX**  
27 **RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**  
28

- 29 (a) The Interstate Commission shall promulgate rules in order to effectively and efficiently  
30 achieve the purposes of the compact. Rulemaking shall occur pursuant to the Federal  
31 Administrative Procedure Act, 5 U.S.C. sec. 551 et seq., and the Federal Advisory  
32 Committee Act, 5 U.S.C. App. 2, sec. 1 et seq., as may be amended.  
33  
34 (b) All rules and amendments to such rules shall become binding as of the date specified in each  
35 rule or amendment.  
36  
37 (c) If a majority of the legislatures of the compacting states rejects a rule by enactment of a  
38 statute or resolution in the same manner used to adopt the compact, then such rule shall have  
39 no further force and effect in any compacting state.  
40  
41 (d) Within twelve (12) months following the first meeting of the Interstate Commission, rules  
42 shall be proposed addressing—  
43 (1) Notice to victims and opportunity to be heard;  
44 (2) Sex offender registration and compliance;  
45 (3) Violations of terms and conditions of community release by offenders subject to this  
46 compact and return of such offenders to the sending state;  
47 (4) Uniform transfer procedures and forms;  
48 (5) Collection of restitution and fees from offenders;  
49 (6) Data collection and reporting;

- 1 (7) Level of supervision to be provided by the receiving state;  
2 (8) Mediation, arbitration and dispute resolution;  
3 (9) Transition rules for start-up administration of compact;  
4 (10) Standards and procedures for compliance and technical assistance in carrying out the  
5 compact.  
6  
7 (a) With respect to the compacting states, rules adopted under the previous compact superseded  
8 by this Act shall be null and void twelve (12) months after the first meeting of the Interstate  
9 Commission created hereunder.  
10  
11 (b) Upon determination by the Interstate Commission that an emergency exists, the Interstate  
12 Commission may promulgate an emergency rule that shall become effective immediately  
13 upon adoption, provided that the usual rulemaking procedures provided herein shall be  
14 retroactively applied to the emergency rule as soon as reasonably possible, in no event later  
15 than 90 days after the effective date of the rule.  
16  
17  
18

19 **ARTICLE X**  
20 **MONITORING, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE**  
21 **INTERSTATE COMMISSION**  
22

- 23 (a) Monitoring—  
24 (1) The Interstate Commission shall monitor the interstate movement of adult offenders in the  
25 compacting states and shall monitor the interstate movement of adult offenders in non-  
26 compacting states that may significantly affect compacting states. The courts and executive  
27 agencies in each compacting state shall enforce this Compact and shall take all actions  
28 necessary and appropriate to effectuate the Compact's purposes and intent.  
29  
30 (2) In any judicial or administrative proceeding in a compacting state pertaining to the subject  
31 matter of this Compact that may affect the powers, responsibilities or actions of the Interstate  
32 Commission, the Interstate Commission shall be entitled to receive all service of process in  
33 any such proceeding and shall have standing to intervene in the proceeding for all purposes.  
34  
35 (a) Dispute Resolution—  
36 (1) The compacting states shall report to the Interstate Commission issues or activities of  
37 concern to them, and cooperate with and support the Interstate Commission in the discharge  
38 of its duties and responsibilities.  
39  
40 (2) The Interstate Commission shall attempt to resolve any disputes or other issues that are  
41 subject to the compact and that may arise among compacting states and non-compacting  
42 states.  
43  
44 (3) The Interstate Commission shall promulgate a rule providing for mediation for disputes  
45 arising among the compacting states.  
46

- 1 (a) Enforcement—The Interstate Commission, in the reasonable exercise of its discretion,  
2 shall enforce the provisions of this compact using any or all means set forth in Article  
3 XIII, sec. (b), of this compact.  
4  
5

6 **ARTICLE XI**  
7 **FINANCE**

- 8 (a) Annual Budget  
9 (1) The Interstate Commission shall pay or provide for the payment of the reasonable expenses  
10 of its establishment, organization, and ongoing activities. The executive director of the  
11 Interstate Commission shall annually propose a budget and submit such budget for the next  
12 year of operation to the Interstate Commission and to the governor or designated officer of  
13 each compacting state. The Interstate Commission may amend the executive director's  
14 proposed budget and shall adopt the annual budget, with or without amendment, prior to  
15 levying an assessment on each compacting state and adopting a rule setting forth such  
16 assessment.  
17  
18 (2) The Interstate Commission shall not incur any obligations of any kind prior to securing funds  
19 adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of  
20 the compacting states, except by and with the authority of the compacting state.  
21  
22 (a) Annual Assessment—The aggregate annual assessment amount shall be allocated based upon  
23 a formula to be determined by the Interstate Commission, taking into consideration the  
24 population of the state and the volume of interstate movement of offenders in each  
25 compacting state.  
26  
27 (b) Standards Of Accounting—The Interstate Commission shall keep accurate accounts of all  
28 receipts and disbursements. The receipts and disbursements of the Interstate Commission  
29 shall be subject to the audit and accounting procedures established under its by-laws, which  
30 shall comply with generally accepted accounting principals (GAAP) and any other  
31 pronouncements issued by the Financial Accounting Standards Board (FASB) and the  
32 Government Accounting Standards Board (GASB). All receipts and disbursements of funds  
33 handled by the Interstate Commission shall be audited yearly by a certified public accountant  
34 and the report of the audit shall be included in and become part of the annual report of the  
35 Interstate Commission.  
36  
37

38 **ARTICLE XII**  
39 **COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT**

- 40  
41 (a) Any state, as defined in Article II of this compact, is eligible to become a compacting state.  
42  
43 (b) The Compact shall become effective and binding upon legislative enactment of the compact  
44 by no less than 35 states. The initial effective date shall be the later of July 1, 2001, or upon  
45 enactment into law by the 35<sup>th</sup> state. Thereafter it shall become effective and binding, as to  
46 any other compacting state, upon enactment of the Compact into law by that state. The  
47 governors of non-member states or their designees may participate in Interstate Commission  
48 activities but may not vote prior to adoption of the compact by the non-member state.

- 1  
2 (c) Amendments to the Compact may be proposed by the Interstate Commission for enactment  
3 by the compacting states. No proposed amendment shall become effective and binding upon  
4 the Interstate Commission and the compacting states unless and until it is enacted into law  
5 by unanimous consent of the compacting states.  
6  
7

8 **ARTICLE XIII**  
9 **WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT**  
10

11 (a) Withdrawal

- 12 (1) Once effective, the compact shall continue in force and remain binding upon each and every  
13 compacting state; provided, that a compacting state may withdraw from the Compact  
14 ("withdrawing state") by enacting a statute specifically repealing the statute that enacted the  
15 compact.  
16

- 17 (2) The effective date of withdrawal is the effective date of the repeal.  
18

- 19 (3) The withdrawing state shall immediately notify the chair of the Interstate Commission in  
20 writing upon the introduction of legislation repealing this compact in the withdrawing state.  
21

- 22 (4) The Interstate Commission shall notify the other compacting states of the withdrawing  
23 state's intent to withdraw within sixty days of receipt of such notice from the withdrawing  
24 state. The withdrawing state is responsible for all assessments, obligations and liabilities  
25 incurred through the effective date of withdrawal.  
26

- 27 (5) Reinstatement following withdrawal of any compacting state shall occur upon the  
28 withdrawing state's reenactment of the compact.  
29

30 (a) Default

- 31 (1) If the Interstate Commission determines that any compacting state has at any time defaulted  
32 ("defaulting state") in the performance of any of its obligations or responsibilities under this  
33 compact, the by-laws, or any duly promulgated rules, the Interstate Commission may impose  
34 any or all of the following penalties:  
35

- 36 i. Require remedial training and technical assistance as directed by the Interstate  
37 Commission;  
38 ii. Assess fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the  
39 Interstate Commission.  
40 iii. Suspend membership in the compact—Suspension shall be imposed only after all other  
41 reasonable means of securing compliance under the by-laws and rules have been  
42 exhausted. Immediate notice of suspension shall be given by the Interstate Commission to  
43 the governor, the chief justice or chief judicial officer of the state, the majority and  
44 minority leaders of the defaulting state's legislature, and the State Council.  
45

- 46 (1) The Interstate Commission shall immediately notify in writing a state found to be in default  
47 of the act or acts forming the basis for such default and of the penalty imposed by the  
48 Interstate Commission on the defaulting state. The Interstate Commission shall give the  
49 defaulting state an opportunity to cure the default, shall specify the actions that must be

1 taken to cure the default, and the time period within which the defaulting state must cure its  
2 default.

3  
4 (2) The defaulting state is responsible for all assessments, obligations and liabilities incurred  
5 during the period of suspension. The Interstate Commission shall not bear any costs relating  
6 to the defaulting state unless otherwise mutually agreed upon between the Interstate  
7 Commission and the defaulting state.

8  
9 (a) Judicial Enforcement—The Interstate Commission may, by majority vote of the members,  
10 initiate legal action in the United States District Court for the District of Columbia or, at the  
11 discretion of the Interstate Commission, in the federal district where the Interstate  
12 Commission has its offices to enforce compliance with the provisions of the Compact  
13 against any compacting state in default. In the event judicial enforcement is necessary, the  
14 prevailing party shall be awarded all costs of such litigation including reasonable attorneys  
15 fees.

16  
17 (b) Dissolution of Compact—This compact dissolves effective upon the date of the withdrawal  
18 or default of the compacting state that reduces membership in the compact to one  
19 compacting state. Upon the dissolution of this compact, the compact becomes null and void  
20 and shall be of no further force or effect, and the business and affairs of the Interstate  
21 Commission shall be wound up and any surplus funds shall be distributed in accordance with  
22 the by-laws.

23  
24 **ARTICLE XIV**  
25 **SEVERABILITY AND CONSTRUCTION**

26  
27 (a) Severability—The provisions of this Compact shall be severable, and if any phrase, clause,  
28 sentence or provision is deemed unenforceable, the remaining provisions of the Compact  
29 shall be enforceable.

30  
31 (b) Construction—The provisions of this Compact shall be liberally constructed to effect its  
32 purposes.

33  
34  
35 **ARTICLE XV**  
36 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

37  
38 (a) Other Laws—Nothing herein prevents the enforcement of any other law of a compacting state  
39 that is not inconsistent with this Compact.

# APPENDIX

E

## COMPARISON OF MAJOR PROVISIONS

Existing law <i>Uniform Act for Out of State Probationer and Parolee Supervision (Tex. Code of Crim. Proc. art. 42.11)</i>	NIC-Sponsored Compact <i>Interstate Compact for Adult Offender Supervision</i>	Revision <i>(based on the NIC-Sponsored Compact)</i>
<p><b>Acceptance criteria</b></p> <ol style="list-style-type: none"> <li>Offender who has been an actual inhabitant of the receiving state continuously for more than one year prior to his coming to the sending state and who has not resided within the sending state more than 6 continuous months immediately preceding the commission of the offense for which supervision has been imposed; or</li> <li>Offender who has family residing continuously for one year or more within the receiving state and who can find employment in the receiving state or has a bona fide offer of admission to an accredited educational program or institution; or</li> <li>The receiving state consents to the offender's residing in that state.</li> </ol>	<p><b>Acceptance criteria</b></p> <p>No criteria are established for offenders. The Interstate Commission must establish criteria for transfer eligibility within 12 months after its first meeting.</p>	<p><b>Acceptance criteria</b></p> <p>Same criteria as in existing law.</p> <ol style="list-style-type: none"> <li>Offender who has been an actual inhabitant of the receiving state continuously for more than one year prior to his coming to the sending state and who has not resided within the sending state more than 6 continuous months immediately preceding the commission of the offense for which supervision has been imposed; or</li> <li>Offender who has family residing continuously for one year or more within the receiving state and who can find employment in the receiving state or has a bona fide offer of admission to an accredited educational program or institution; or</li> <li>The receiving state consents to the offender's residing in that state.</li> </ol>
<p><b>National association of compact administrators</b></p> <p><b>TITLE: Parole and Probation Compact Administrators Association (PPCAA)</b></p> <ul style="list-style-type: none"> <li>Organized under authority of Tex. C.C.P. art. 42.11 sec. 2, subdivision 5.</li> <li>Composed of officers designated by the governor of each state, the so-called "compact administrators."</li> </ul>	<p><b>National association of compact administrators</b></p> <p><b>TITLE: Interstate Commission</b></p> <ul style="list-style-type: none"> <li>Composed of compact administrators, who are entitled to vote; and members appointed by each of the national organizations for governors, legislators, state chief justices, attorneys general, and crime victims, who are not entitled to vote.</li> </ul>	<p><b>National association of compact administrators</b></p> <p><b>TITLE: Interstate Commission</b></p> <ul style="list-style-type: none"> <li>Composed of compact administrators, who are entitled to vote; and members appointed by each of the national organizations for governors, legislators, state chief justices, attorneys general, and crime victims, who are not entitled to vote or serve on the executive committee of the Interstate</li> </ul>

Existing law <i>Uniform Act for Out of State Probationer and Parolee Supervision (Tex. Code of Crim. Proc. art. 42.11)</i>	NIC-Sponsored Compact <i>Interstate Compact for Adult Offender Supervision</i>	Revision <i>(based on the NIC-Sponsored Compact)</i>
<ul style="list-style-type: none"> <li>The "designated officers" (compact administrators), "if and when appointed," shall promulgate rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact."</li> </ul> <p><b>Organization and operation</b></p> <ul style="list-style-type: none"> <li>PPCAA meets at least annually.</li> <li>Executive committee composed of elected officers manages day-to-day operation.</li> <li>Executive council renders advisory opinions on construction of rules and proposes rule changes.</li> </ul>	<ul style="list-style-type: none"> <li>Authorized to "oversee, supervise, and coordinate the interstate movement of offenders."</li> <li>Authorized to "promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact."</li> </ul> <p><b>Organization and operation</b></p> <ul style="list-style-type: none"> <li>To meet annually, but chair may call meetings. Meetings may also be called upon the request of 27 or more states.</li> <li>Executive committee, which may be composed of "commission officers, members, and others as shall be determined by by-laws," that "oversees day-to-day activities of the executive director" and "administers enforcement and compliance with provisions of the compact." Ex officio members, e.g., representatives of governors, legislators, victims groups, may serve on the executive committee.</li> </ul>	<p><u>Commission.</u></p> <ul style="list-style-type: none"> <li>Authorized to "oversee, supervise, and coordinate the interstate movement of offenders."</li> <li>Authorized to "promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact for the interstate movement of adult offenders subject to this compact."</li> </ul> <p><b>Organization and operation</b></p> <ul style="list-style-type: none"> <li>To meet annually, but chair may call meetings. Meetings may also be called upon the request of <u>27</u> 15 or more states.</li> <li>Executive committee, on which members and officers may serve, but ex officio members, e.g., representatives of governors, legislators, victims groups, may <u>not</u> serve, "oversees day-to-day activities of the executive director" and "administers, <u>as directed by the Interstate Commission,</u> enforcement and compliance with the provisions of the compact."</li> </ul>
<p><b>Compact administrator</b></p> <ul style="list-style-type: none"> <li>An officer who is designated by the governor of each state and is entitled the "Interstate Compact Administrator for Probation and Parole."</li> </ul>	<p><b>Compact administrator</b></p> <ul style="list-style-type: none"> <li>Qualifications to be determined by state.</li> <li>Appointed by the state Council or by the governor in consultation with the legislature and the judiciary.</li> </ul>	<p><b>Compact administrator</b></p> <ul style="list-style-type: none"> <li>Qualifications to be determined by state.</li> <li>Appointed in a manner to be determined by <u>the state</u>, e.g., by legislature, by governor or by some combination.</li> </ul>

Existing law <i>Uniform Act for Out of State Probationer and Parolee Supervision (Tex. Code of Crim. Proc. art. 42.11)</i>	NIC-Sponsored Compact <i>Interstate Compact for Adult Offender Supervision</i>	Revision <i>(based on the NIC-Sponsored Compact)</i>
<p><b>Statewide advisory group</b></p> <p><b>State Advisory Board</b></p> <p>Not required or recommended under existing law. However, Texas has a State Advisory Board for Interstate Compact matters. Its six members are appointed by the Executive Director of TDCJ. The Board's purpose is to ensure that all organizations dealing with offenders, e.g., parole, community corrections and supervision agencies, and judiciary, are aware of and support the Interstate Compact and its procedures for handling interstate offender movement. The Board's function is wholly advisory.</p>	<p><b>Statewide advisory group</b></p> <p><b>State Council</b></p> <ul style="list-style-type: none"> <li>• A policy making body that is responsible for appointing the state's compact administrator to the Interstate Commission, and, if the state so chooses, appointing an individual to be the compact administrator.</li> <li>• Membership must include at least one person from the legislative, judicial and executive branches of government, plus a representative of victims groups and compact administrators. The state's compact administrator must also be appointed.</li> <li>• Purpose: "Exercise oversight and advocacy concerning its participation in Interstate Commission activities and...development of policy concerning operations and procedures of the compact within that state."</li> </ul>	<p><b>Statewide advisory group</b></p> <p><b>State Council</b></p> <ul style="list-style-type: none"> <li>• A wholly advisory body whose members are appointed in the manner chosen by the state. However, members must include a representative from the legislative, judicial and executive branches of state government, a representative of a victims group, and the state's compact administrator.</li> <li>• Purpose: "<u>Provide recommendations to the compact administrator regarding activities of the state's interstate compact office, exercise advocacy concerning the state's participation in Interstate Commission activities, and perform other duties as may be determined by each member state.</u>"</li> </ul>
<p><b>Termination of state's participation in compact</b></p> <ul style="list-style-type: none"> <li>• There is no provision for terminating a state's participation in the compact. The organization of compact administrators does not have authority to level any sanctions against erring states.</li> </ul>	<p><b>Termination of state's participation in compact</b></p> <ul style="list-style-type: none"> <li>• A state may have its membership terminated by a vote of the Interstate Commission for being in default. "Defaulting state" is not a defined term, but includes, and is not limited to, "failure of a Compacting state to perform such obligations or responsibilities imposed upon it by this compact, Interstate</li> </ul>	<p><b>Termination of state's participation in compact</b></p> <ul style="list-style-type: none"> <li>• A state's participation in the compact may not be terminated. A defaulting state may only be suspended. "Defaulting state" is defined to mean "any state that: fails to pay the annual assessment levied by the Interstate Commission; refuses, following reasonable notification, to remove an</li> </ul>

<p>Existing law <i>Uniform Act for Out of State Probationer and Parolee Supervision (Tex. Code of Crim. Proc. art. 42.11)</i></p>	<p>NIC-Sponsored Compact <i>Interstate Compact for Adult Offender Supervision</i></p> <p>Commission by-laws, or duly promulgated Rules."</p>	<p>Revision <i>(based on the NIC-Sponsored Compact)</i></p> <p><u>offender from a receiving state; sends an offender to a receiving state without receiving consent from the compact administrator of the receiving state; or unreasonably refuses to accept an offender for supervision."</u></p>
<ul style="list-style-type: none"> <li>A state wishing to withdraw from the compact would have to enact legislation repealing the compact.</li> </ul>	<ul style="list-style-type: none"> <li>A state may withdraw from the compact by enacting legislation repealing the enacting legislation.</li> </ul>	<ul style="list-style-type: none"> <li>A state may withdraw from the compact by enacting legislation repealing the enacting legislation.</li> </ul>
<p><b>Financial responsibility of state</b></p> <ul style="list-style-type: none"> <li>The compact does not address methods of finance.</li> <li>The constitution of the organization of compact administrators, the PPCAA, sets dues for member states.</li> </ul>	<p><b>Financial responsibility of state</b></p> <ul style="list-style-type: none"> <li>The Interstate Commission is authorized by the compact to "levy on and collect an annual assessment from each compacting state...which must be in a total amount sufficient to cover the Interstate Commission's annual budget...."</li> <li>Annual assessment is to be based on a formula to be set by the Interstate Commission taking into consideration the population of the state and volume of interstate movement of offenders.</li> </ul>	<p><b>Financial responsibility of state</b></p> <ul style="list-style-type: none"> <li>Same as in NIC/CSG-Proposed Compact. However, the executive director of the Interstate Commission must annually propose and submit a budget for the next year's operations to the Interstate Commission and to "the governor or designated officer of each compacting state", which budget may be amended by the Interstate Commission prior to their levying an assessment on the compacting states. Audit and accounting procedures must be "based on generally accepted governmental accounting standards."</li> <li>Cost estimate is unavailable.</li> </ul>

Existing law <i>Uniform Act for Out of State Probationer and Parolee Supervision (Tex. Code of Crim. Proc. art. 42.11)</i>	NIC-Sponsored Compact <i>Interstate Compact for Adult Offender Supervision</i>	Revision <i>(based on the NIC-Sponsored Compact)</i>
<ul style="list-style-type: none"> <li>The constitution was recently amended to increase annual dues to \$2,000 from \$400.</li> </ul>	<ul style="list-style-type: none"> <li>CSG/NIC's cost estimate for first year operations of the Interstate Commission is \$1.4 M. Texas' annual assessment would be \$46,000. However, the \$1.4 M estimate does not include start-up costs, e.g., leasing of offices, phone systems, computers, for which the proponents hope to receive grant funds.</li> <li>A defaulting state that is suspended, terminated or that withdraws "is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination" [or suspension or termination].</li> </ul>	<ul style="list-style-type: none"> <li>A defaulting state that is suspended "is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination during the period of suspension."</li> </ul>
<p><b>Dispute resolution</b></p> <ul style="list-style-type: none"> <li>There is no provision in existing law. However, because this would involve a dispute between states, original jurisdiction would be in the United States Supreme Court.</li> </ul>	<p><b>Dispute resolution</b></p> <ul style="list-style-type: none"> <li>The Interstate Commission may find a state in default and impose sanctions, including imposition of fines, the requiring of remedial training, suspension or termination.</li> <li>The Interstate Commission "may, by majority vote of the members, initiate legal action in the U.S. District Court for the District of Columbia, or at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices to enforce compliance...."</li> </ul>	<p><b>Dispute resolution</b></p> <ul style="list-style-type: none"> <li>The Interstate Commission may find a state in default and impose sanctions, including fines, the requiring of remedial training, or suspension. It may not impose the sanction of termination.</li> <li>Same as proposed compact.</li> </ul>

Existing law <i>Uniform Act for Out of State Probationer and Parolee Supervision (Tex. Code of Crim. Proc. art. 42.11)</i>	NIC-Sponsored Compact <i>Interstate Compact for Adult Offender Supervision</i>	Revision <i>(based on the NIC-Sponsored Compact)</i>
<p><b>Ensuring return of offender to sending state</b></p> <ul style="list-style-type: none"> <li>• "Duly accredited officers of a sending state may at all times enter a receiving state and...apprehend and retake any person on probation or parole. For that purpose no formalities will be required" and "[a]ll legal requirements to obtain extradition of fugitives from justice are hereby expressly waived...."</li> </ul>	<p><b>Ensuring return of offender to sending state</b></p> <ul style="list-style-type: none"> <li>• No provision similar to that of existing law. Return of offenders to the sending states for violations is one of the subjects that must be "addressed within 12 months after the first meeting," presumably by passage of a rule.</li> <li>• No provision waiving extradition.</li> </ul>	<p><b>Ensuring return of offender to sending state</b></p> <ul style="list-style-type: none"> <li>• "The compacting states waive all requirements of the Uniform Criminal Extradition Act that an order of extradition be obtained for offenders subject to this compact. Duly accredited officers of a sending state may at all times enter a receiving state and apprehend and retake an offender under supervision of this compact. An officer entering a state to retake an offender subject to this compact shall establish the authority of such officer to retake and the identity of the offender to be retaken with the local law enforcement agency of the jurisdiction where the offender to be retaken is located."</li> <li>• States that no right is created in an offender to reside in any state.</li> <li>• Within 12 months of the first meeting, the Interstate Commission must address "<u>Violation of terms and conditions of community release by offenders subject to this compact and return of such offenders to the sending state.</u>"</li> </ul>