

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2003

A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- INTERSTATE
COMPACT ON JUVENILES

Introduced By: Representative Steven M. Costantino

Date Introduced: June 30, 2003

Referred To: Placed on House Calendar

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 14-6 of the General Laws entitled "Interstate Compact on
2 Juveniles" is hereby repealed in its entirety.

3 CHAPTER 14-6

4 Interstate Compact on Juveniles

5 14-6-1. Execution of compact. -- The governor on behalf of the state of Rhode Island
6 and Providence Plantations is authorized to execute a compact, in substantially the following
7 form, with any state, territory or possession of the United States, the District of Columbia, and the
8 Commonwealth of Puerto Rico, and the general assembly signifies in advance its approval and
9 ratification of this compact:

10 INTERSTATE COMPACT ON JUVENILES

11 The contracting states solemnly agree:

12 ARTICLE I

13 Findings and Purposes

14 That juveniles who are not under proper supervision and control, or who have absconded,
15 escaped or run away, are likely to endanger their own health,

16 health, morals and welfare, and the health, morals and welfare of others. The cooperation
17 of the states party to this compact is therefore necessary to provide for the welfare and protection
18 of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles

1 on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have
2 escaped or absconded; (3) the return, from one state to another, of non-delinquent juveniles who
3 have run away from home; and (4) additional measures for the protection of juveniles and of the
4 public, which any two (2) or more of the party states may find desirable to undertake
5 cooperatively. In carrying out the provisions of this compact the party states shall be guided by
6 the non-criminal, reformative and protective policies which guide their laws concerning
7 delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to
8 this compact to cooperate and observe their respective responsibilities for the prompt return and
9 acceptance of juveniles and delinquent juveniles who become subject to the provisions of this
10 compact. The provisions of this compact shall be reasonably and liberally construed to
11 accomplish the purposes of Article I of this compact.

12 ARTICLE II

13 **Existing Rights and Remedies**

14 That all remedies and procedures provided by this compact shall be in addition to and not
15 in substitution for other rights, remedies and procedures, and shall not be in derogation of
16 parental rights and responsibilities.

17 ARTICLE III

18 **Definitions**

19 That, for the purposes of this compact, "delinquent juvenile" means any juvenile who has
20 been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still
21 subject to the jurisdiction of the court that has made that adjudication or to the jurisdiction or
22 supervision of an agency or institution pursuant to an order of the court; "probation or parole"
23 means any kind of conditional release of juveniles authorized under the laws of the states party to
24 the compact; "court" means any court having jurisdiction over delinquent, neglected or dependent
25 children; "state" means any state, territory or possession of the United States, the District of
26 Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant of it means a
27 place at which a home or regular place of abode is maintained.

28 ARTICLE IV

29 **Return of Runaways**

30 (a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who
31 has not been adjudged delinquent but who has run away without the consent of the parent,
32 guardian, person or agency may petition the appropriate court in the demanding state for the
33 issuance of a requisition for his or her return. The petition shall state the name and age of the
34 juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the

1 circumstances of his or her running away, his location if known at the time application is made,
2 and any other facts that may tend to show that the juvenile who has run away is endangering his
3 or her own welfare or the welfare of others and is not an emancipated minor. The petition shall be
4 verified by affidavit, shall be executed in duplicate, and shall be accompanied by two (2) certified
5 copies of the document or documents on which the petitioner's entitlement to the juvenile's
6 custody is based, such as birth certificates, letters of guardianship, or custody decrees. Any
7 further affidavits and other documents that may be deemed proper may be submitted with the
8 petition. The judge of the court to which this application is made may hold a hearing on it to
9 determine whether for the purposes of this compact the petitioner is entitled to the legal custody
10 of the juvenile, whether or not it appears that the juvenile has in fact run away without consent,
11 whether or not he is an emancipated minor, and whether or not it is in the best interest of the
12 juvenile to compel his or her return to the state. If the judge determines, either with or without a
13 hearing, that the juvenile should be returned, he or she shall present to the appropriate court or to
14 the executive authority of the state where the juvenile is alleged to be located a written requisition
15 for the return of the juvenile. The requisition shall set forth the name and age of the juvenile, the
16 determination of the court that the juvenile has run away without the consent of a parent,
17 guardian, person or agency entitled to his or her legal custody, and that it is in the best interest
18 and for the protection of the juvenile that he or she be returned. In the event that a proceeding for
19 the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the
20 court at the time when the juvenile runs away, the court may issue a requisition for the return of
21 the juvenile upon its own motion, regardless of the consent of the parent, guardian, person or
22 agency entitled to legal custody, reciting in it the nature and circumstances of the pending
23 proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the
24 judge. One copy of the requisition shall be filed with the compact administrator of the demanding
25 state, there to remain on file subject to the provisions of law governing records of such court.
26 Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court
27 or the executive authority to whom the requisition is addressed shall issue an order to any peace
28 officer or other appropriate person directing him to take into custody and detain the juvenile. The
29 detention order must substantially recite the facts necessary to the validity of its issuance under
30 this article. No juvenile detained upon the order shall be delivered over to the officer whom the
31 court demanding him or her shall have appointed to receive him or her, unless he or she shall first
32 be taken immediately before a judge of a court in the state, who shall inform him or her of the
33 demand made for his or her return, and who may appoint counsel or guardian ad litem for him or
34 her. If the judge of the court shall find that the requisition is in order, he or she shall deliver the

1 juvenile over to the officer whom the court demanding him or her shall have appointed to receive
2 him or her. The judge, however, may fix a reasonable time to be allowed for the purpose of
3 testing the legality of the proceeding. Upon reasonable information that a person is a juvenile who
4 has run away from another state party to this compact without the consent of a parent, guardian,
5 person or agency entitled to his or her legal custody, the juvenile may be taken into custody
6 without a requisition and brought immediately before a judge of the appropriate court who may
7 appoint counsel or guardian ad litem for the juvenile and who shall determine after a hearing
8 whether sufficient cause exists to hold the person, subject to the order of the court, for his or her
9 own protection and welfare, for a time not exceeding ninety (90) days that will enable his or her
10 return to another state party to this compact pursuant to a requisition for his return from a court of
11 that state. If, at the time when a state seeks the return of a juvenile who has run away, there is
12 pending in the state in which he or she is found any criminal charge, or any proceeding to have
13 him or her adjudicated a delinquent juvenile for an act committed in that state, or if he or she is
14 suspected of having committed within that state a criminal offense or an act of juvenile
15 delinquency, he or she shall not be returned without the consent of that state until discharged
16 from prosecution or other form of proceeding, imprisonment, detention or supervision for the
17 offense or juvenile delinquency. The duly accredited officers of any state party to this compact,
18 upon the establishment of their authority and the identity of the juvenile being returned, shall be
19 permitted to transport the juvenile through any and all states party to this compact without
20 interference. Upon his or her return to the state from which he or she ran away, the juvenile shall
21 be subject to any further proceedings that may be appropriate under the laws of that state. (b) That
22 the state to which a juvenile is returned under this article shall be responsible for payment of the
23 transportation costs of that return. (c) That "juvenile" as used in this article means any person
24 who is a minor under the law of the state of residence of the parent, guardian, person or agency
25 entitled to the legal custody of the minor.

26 **ARTICLE V**

27 **Return of Escapees and Absconders**

28 (a) That the appropriate person or authority from whose probation or parole supervision a
29 delinquent juvenile has absconded or from whose institutional custody he or she has escaped shall
30 present to the appropriate court or to the executive authority of the state where the delinquent
31 juvenile is alleged to be located a written requisition for the return of the delinquent juvenile. The
32 requisition shall state the name and age of the delinquent juvenile, the particulars of his or her
33 adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his or her
34 probation or parole or of his or her escape from an institution or agency vested with his or her

1 legal custody or supervision, and the location of the delinquent juvenile, if known, at the time the
2 requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate,
3 and shall be accompanied by two (2) certified copies of the judgment, formal adjudication, or
4 order of commitment which subjects the delinquent juvenile to probation or parole or to the legal
5 custody of the institution or agency concerned. Any further affidavits and other documents that
6 may be deemed proper may be submitted with the requisition. One copy of the requisition shall
7 be filed with the compact administrator of the demanding state, there to remain on file subject to
8 the provisions of law governing records of the appropriate court. Upon the receipt of a requisition
9 demanding the return of a delinquent juvenile who has absconded or escaped, the court or the
10 executive authority to whom the requisition is addressed shall issue an order to any peace officer
11 or other appropriate person directing him or her to take into custody and detain the delinquent
12 juvenile. The detention order must substantially recite the facts necessary to the validity of its
13 issuance under this article. No delinquent juvenile detained upon the order shall be delivered over
14 to the officer whom the appropriate person or authority demanding him or her shall have
15 appointed to receive him or her, unless he or she shall first be taken immediately before a judge
16 of an appropriate court in the state, who shall inform him or her of the demand made for his or
17 her return and who may appoint counsel or guardian ad litem for him or her. If the judge of the
18 court shall find that the requisition is in order, he or she shall deliver the delinquent juvenile over
19 to the officer whom the appropriate person or authority demanding him or her shall have
20 appointed to receive him or her. The judge, however, may fix a reasonable time to be allowed for
21 the purpose of testing the legality of the proceeding. Upon reasonable information that a person is
22 a delinquent juvenile who has absconded while on probation or parole, or escaped from an
23 institution or agency vested with his or her legal custody or supervision in any state party to this
24 compact, the person may be taken into custody in any other state party to this compact without a
25 requisition. But in that event, he or she must be taken immediately before a judge of the
26 appropriate court, who may appoint counsel or guardian ad litem for the person and who shall
27 determine, after a hearing, whether sufficient cause exists to hold the person subject to the order
28 of the court for a time, not exceeding ninety (90) days, as will enable his or her detention under a
29 detention order issued on a requisition pursuant to this article. If, at the time when a state seeks
30 the return of a delinquent juvenile who has either absconded while on probation or parole or
31 escaped from an institution or agency vested with his legal custody or supervision, there is
32 pending in the state in which he or she is detained any criminal charge or any proceeding to have
33 him or her adjudicated a delinquent juvenile for an act committed in the state, or if he or she is
34 suspected of having committed within the state a criminal offense or an act of juvenile

1 ~~delinquency, he or she shall not be returned without the consent of the state until discharged from~~
2 ~~prosecution or other form of proceeding, imprisonment, detention or supervision for the offense~~
3 ~~or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the~~
4 ~~establishment of their authority and the identity of the delinquent juvenile being returned, shall be~~
5 ~~permitted to transport the delinquent juvenile through any and all states party to this compact,~~
6 ~~without interference. Upon his or her return to the state from which he or she escaped or~~
7 ~~absconded, the delinquent juvenile shall be subject to any further proceedings that may be~~
8 ~~appropriate under the laws of that state.~~ (b) That the state to which a delinquent juvenile is
9 ~~returned under this article shall be responsible for payment of the transportation costs of the~~
10 ~~return.~~

11 **ARTICLE VI**

12 **Voluntary Return Procedure**

13 ~~That any delinquent juvenile who has absconded while on probation or parole, or escaped~~
14 ~~from an institution or agency vested with his or her legal custody or supervision in any state party~~
15 ~~to this compact, and any juvenile who has run away from any state party to this compact, who is~~
16 ~~taken into custody without a requisition in another state party to this compact under the~~
17 ~~provisions of article IV (a) or of article V (a), may consent to his or her immediate return to the~~
18 ~~state from which he or she absconded, escaped or ran away. Consent shall be given by the~~
19 ~~juvenile or delinquent juvenile and his or her counsel or guardian ad litem if any, by executing or~~
20 ~~subscribing a writing, in the presence of a judge of the appropriate court, which states that the~~
21 ~~juvenile or delinquent juvenile and his or her counsel or guardian ad litem, if any, consent to his~~
22 ~~or her return to the demanding state. Before the consent shall be executed or subscribed, however,~~
23 ~~the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or~~
24 ~~delinquent juvenile of his or her rights under this compact. When the consent has been duly~~
25 ~~executed, it shall be forwarded to and filed with the compact administrator of the state in which~~
26 ~~the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile~~
27 ~~in custody to deliver him or her to the duly accredited officer or officers of the state demanding~~
28 ~~his or her return, and shall cause to be delivered to that officer or officers a copy of the consent.~~

29 ~~The court may, however, upon the request of the state to which the juvenile or delinquent juvenile~~
30 ~~is being returned, order him or her to return unaccompanied to the state and shall provide him or~~
31 ~~her with a copy of the court order; in that event a copy of the consent shall be forwarded to the~~
32 ~~compact administrator of the state to which the juvenile or delinquent juvenile is ordered to~~
33 ~~return.~~

34 **ARTICLE VII**

1 **Cooperative Supervision of Probationers and Parolees**

2 (a) That the duly constituted judicial and administrative authorities of a state party to this
3 compact (called "sending state") may permit any delinquent juvenile within the state, placed on
4 probation or parole, to reside in any other state party to this compact (called "receiving state")
5 while on probation or parole, and the receiving state shall accept the delinquent juvenile, if the
6 parent, guardian or person entitled to the legal custody of the delinquent juvenile is residing or
7 undertakes to reside within the receiving state. Before granting permission, opportunity shall be
8 given to the receiving state to make any investigations that it deems necessary. The authorities of
9 the sending state shall send to the authorities of the receiving state copies of pertinent court
10 orders, social case studies and all other available information which may be of value to and assist
11 the receiving state in supervising a probationer or parolee under this compact. A receiving state,
12 in its discretion, may agree to accept supervision of a probationer or parolee in cases where the
13 parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident
14 of the receiving state, and if so accepted the sending state may transfer supervision accordingly.
15 (b) That each receiving state will assume the duties of visitation and of supervision over any
16 delinquent juvenile and in the exercise of those duties will be governed by the same standards of
17 visitation and supervision that prevail for its own delinquent juveniles released on probation or
18 parole. (c) That, after consultation between the appropriate authorities of the sending state and of
19 the receiving state as to the desirability and necessity of returning a delinquent juvenile, the duly
20 accredited officers of a sending state may enter a receiving state and there apprehend and retake
21 any delinquent juvenile on probation or parole. For that purpose, no formalities will be required,
22 other than establishing the authority of the officer and the identity of the delinquent juvenile to be
23 retaken and returned. The decision of the sending state to retake a delinquent juvenile on
24 probation or parole shall be conclusive upon and not reviewable within the receiving state, but if,
25 at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is
26 pending against him or her within the receiving state any criminal charge or any proceeding to
27 have him or her adjudicated a delinquent juvenile for any act committed in the state, or if he or
28 she is suspected of having committed within the state a criminal offense or an act of juvenile
29 delinquency, he or she shall not be returned without the consent of the receiving state until
30 discharged from prosecution or other form of proceeding, imprisonment, detention or supervision
31 for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be
32 permitted to transport delinquent juveniles being so returned through any and all states party to
33 this compact, without interference. (d) That the sending state shall be responsible under this
34 article for paying the costs of transporting any delinquent juvenile to the receiving state or of

1 returning any delinquent juvenile to the sending state.

2 **ARTICLE VIII—**

3 **Responsibility for Costs:**

4 (a) That the provisions of articles IV (b), V (b), and VII (d) of this compact shall not be
5 construed to alter or affect any internal relationship among the departments, agencies and officers
6 of and in the government of a party state, or between a party state and its subdivisions, as to the
7 payment of costs, or responsibilities for them. (b) That nothing in this compact shall be construed
8 to prevent any party state or subdivision from asserting any right against any person, agency or
9 other entity in regard to costs for which the party state or subdivision may be responsible pursuant
10 to articles IV (b), V (b), or VII (d) of this compact.

11 **ARTICLE IX—**

12 **Detention Practices**

13 That, to every extent possible, it shall be the policy of states party to this compact that no
14 juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be
15 detained or transported in association with criminal, vicious or dissolute persons.

16 **ARTICLE X—**

17 **Supplementary Agreements**

18 That the duly constituted administrative authorities of a state party to this compact may
19 enter into supplementary agreements with any other state or states party to this compact for the
20 cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find
21 that the agreements will improve the facilities or programs available for the care, treatment and
22 rehabilitation. The care, treatment and rehabilitation may be provided in an institution located
23 within any state entering into the supplementary agreement. Any supplementary agreements shall
24 (1) provide the rates to be paid for the care, treatment and custody of delinquent juveniles, taking
25 into consideration the character of facilities, services and subsistence furnished; (2) provide that
26 the delinquent juvenile shall be given a court hearing prior to his being sent to another state for
27 care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one
28 of its institutions shall act solely as agent for the state sending the delinquent juvenile; (4) provide
29 that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an
30 institution in another state; (5) provide for reasonable inspection of the institutions by the sending
31 state; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal
32 custody of the delinquent juvenile shall be secured prior to his being sent to another state; and (7)
33 make provision for such other matters and details as shall be necessary to protect the rights and
34 equities of such delinquent juveniles and of the co-operating states.

1 ARTICLE XI—

2 Acceptance of Federal and Other Aid

3 That any state party to this compact may accept any and all donations, gifts and grants of
4 money, equipment and services from the federal or any local government, or any agency of the
5 federal or any local government and from any person, firm or corporation, for any of the purposes
6 and functions of this compact, and may receive and utilize the same subject to the terms,
7 conditions and regulations governing donations, gifts and grants.

8 ARTICLE XII—

9 Compact Administrators

10 That the governor of each state party to this compact shall designate an officer who,
11 acting jointly with like officers of other party states, shall promulgate rules and regulations to
12 carry out more effectively the terms and provisions of this compact.

13 ARTICLE XIII—

14 Execution of Compact

15 That this compact shall become operative immediately upon its execution by any state as
16 between it and any other state or states so executing. When executed it shall have the full force
17 and effect of law within the state, the form of execution to be in accordance with the laws of the
18 executing state.

19 ARTICLE XIV—

20 Renunciation

21 That this compact shall continue in force and remain binding upon each executing state
22 until renounced by it. Renunciation of this compact shall be by the same authority which executed
23 it, by sending six (6) months' notice in writing of its intention to withdraw from the compact to
24 the other states party to it. The duties and obligations of a renouncing state under article VII of
25 this compact shall continue as to parolees and probationers residing in that state at the time of
26 withdrawal until retaken or finally discharged. Supplementary agreements entered into under
27 article X of this compact shall be subject to renunciation as provided by any supplementary
28 agreements, and shall not be subject to the six (6) months' renunciation notice of the present
29 article.

30 ARTICLE XV—

31 Severability

32 That the provisions of this compact shall be severable and if any phrase, clause, sentence
33 or provision of this compact is declared to be contrary to the constitution of any participating state
34 or of the United States or its applicability to any government, agency, person or circumstance is

1 held invalid, the validity of the remainder of this compact and its applicability to any government,
2 agency, person or circumstance shall not be affected by it. If this compact shall be held contrary
3 to the constitution of any state participating in it, the compact shall remain in full force and effect
4 as to the remaining states and in full force and effect as to the state affected as to all severable
5 matters.

6 **14-6-2. Amendment to compact.** -- The governor is authorized and directed to execute
7 with any other state legally joining, an amendment to the compact in substantially the following
8 form:

9 (1) This amendment shall provide additional remedies, and shall be binding only as
10 among and between those party states which specifically execute the same.

11 (2) All provisions and procedures of articles V and VI of the interstate compact on
12 juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of
13 a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of
14 violating any criminal law, shall be returned to the requesting state upon a requisition to the state
15 where the juvenile may be found. A petition in the case shall be filed in a court of competent
16 jurisdiction in the requesting state where the violation of criminal law is alleged to have been
17 committed. The petition may be filed regardless of whether the juvenile has left the state before
18 or after the filing of the petition. The requisition described in article V of the compact shall be
19 forwarded by the judge of the court in which the petition has been filed.

20 **14-6-3. Ratification procedure -- Effective date.** -- When the governor shall have
21 executed the compact on behalf of this state and shall have caused a verified copy to be filed with
22 the secretary of state; and when the compact shall have been ratified by one or more of the states,
23 territories, or possessions of the United States, the District of Columbia, and/or the
24 commonwealth of Puerto Rico, then the compact shall become operative and effective as between
25 this state and those other state or states, territories or possessions of the United States, the District
26 of Columbia, and/or the commonwealth of Puerto Rico. The governor is authorized and directed
27 to take any action that may be necessary to complete the exchange of official documents as
28 between this state and any other state, territory, or possession of the United States, the District of
29 Columbia, or the commonwealth of Puerto Rico, ratifying the compact.

30 **14-6-4. Compact administrator.** -- Pursuant to the compact, the governor is authorized
31 and empowered to designate an officer who shall be the compact administrator and who, acting
32 jointly with like officers of other party states, shall promulgate rules and regulations to more
33 effectively carry out the terms of the compact. The compact administrator shall serve subject to
34 the pleasure of the governor. The compact administrator is authorized, empowered, and directed

1 to co operate with all departments, agencies, and officers of and in the government of this state
2 and its subdivisions in facilitating the proper administration of the compact or of any
3 supplementary agreement or agreements entered into by this state under it.

4 **14-6-5. Supplementary agreements.** -- The compact administrator is authorized and
5 empowered to enter into supplementary agreements with appropriate officials of other states
6 pursuant to the compact. In the event that a supplementary agreement shall require or contemplate
7 the use of any institution or facility of this state or require or contemplate the provision of any
8 service by this state, the supplementary agreement shall have no force or effect until approved by
9 the head of the department or agency under whose jurisdiction the institution or facility is
10 operated or whose department or agency will be charged with the rendering of the service.

11 **14-6-6. Financial arrangements.** -- The compact administrator, subject to the approval
12 of the director of administration, may make or arrange for any payments necessary to discharge
13 any financial obligations imposed upon this state by the compact or by any supplementary
14 agreement entered into under it.

15 **14-6-7. Federal and other aid.** -- Any and all donations, gifts, and grants of money,
16 equipment, and services from the federal or any local government, or any agency of it, and from
17 any person, firm, or corporation, for any of the purposes and functions of the compact, may be
18 accepted by and administered by the compact administrator, subject to the approval of the
19 director of administration, who may receive and utilize the aid, subject to the terms, conditions,
20 and regulations governing donations, gifts and grants.

21 **14-6-8. Fees.** -- Any judge of this state who appoints counsel or guardian ad litem
22 pursuant to the provisions of the compact may, in his or her discretion, fix a fee to be paid out of
23 funds available for disposition by the court, but no fee shall exceed the sum of fifty dollars
24 (\$50.00).

25 **14-6-9. Responsibilities of state departments, agencies, and officers.** -- The courts,
26 departments, agencies, and officers of this state and its subdivisions shall enforce the compact and
27 shall do all things appropriate to the effectuation of its purposes and intent which may be within
28 their respective jurisdictions.

29 **14-6-10. "Delinquent juvenile" defined.** -- "Delinquent juvenile," as used in section 14-
30 6-1, includes a wayward child as defined in chapter 1 of this title.

31 **14-6-11. Appropriations.** -- The general assembly shall annually appropriate, out of any
32 money in the treasury not otherwise appropriated, any sum that it may deem necessary to carry
33 out the purposes of this chapter; and the state controller is authorized and directed to draw his or
34 her orders upon the general treasurer for the payment of that sum, or so much of it as may be

1 required from time to time, upon the receipt by him or her of properly authenticated vouchers.

2 SECTION 2. Title 14 of the General Laws entitled "Delinquent and Dependent
3 Children" is hereby amended by adding thereto the following chapter:

4 CHAPTER

6.1

5 THE INTERSTATE COMPACT FOR JUVENILES

6 **14-6.1-1. Execution of compact.** – The governor on behalf of the state of Rhode Island
7 and Providence Plantations is authorized to execute a compact, in substantially the following
8 form, with state, territory or possession of the United States, the District of Columbia, and the
9 Commonwealth of Puerto Rico, and the general assembly signifies in advance its approval and
10 ratification of compact.

11 The Interstate Compact for Juveniles – The contracting states solemnly agree:

12 ARTICLE I

13 PURPOSE

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

23 It is the purpose of this compact, through means of joint and cooperative action among
24 the compacting states to: (1) ensure that the adjudicated juveniles and status offenders subject to
25 this compact are provided adequate supervision and services in the receiving state as ordered by
26 the adjudicating judge or parole authority in the sending state; (2) ensure that the public safety
27 interests of the citizens, including the victims of juvenile offenders, in both the sending and
28 receiving states are adequately protected; (3) return juveniles who have run away, absconded or
29 escaped from supervision or control or have been accused of an offense to the state requesting
30 their return; (4) make contracts for the cooperative institutionalization in public facilities in
31 member states for delinquent youth needing special services; (5) provide for the effective tracking
32 and supervision of juveniles; (6) equitably allocate the costs, benefits and obligations of the
33 compacting states; (7) establish procedures to manage the movement between states of juvenile
34 offenders released to the community under the jurisdiction of courts, juvenile departments, or any

1 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders; (8) insure
2 immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate
3 across state lines; (9) establish procedures to resolve pending charges (detainers) against juvenile
4 offenders prior to transfer or release to the community under the terms of this compact; (10)
5 establish a system of uniform data collection on information pertaining to juveniles subject to this
6 compact that allows access by authorized juvenile justice and criminal justice officials, and
7 regular reporting of compact activities to heads of state executive, judicial, and legislative
8 branches and juvenile and criminal justice administrators; (11) monitor compliance with rules
9 governing interstate movement of juveniles and initiate interventions to address and correct
10 noncompliance; (12) coordinate training and education regarding the regulation of interstate
11 movement of juveniles for officials involved in such activity; and (13) coordinate the
12 implementation and operation of the compact with the interstate compact for the placement of
13 children, the interstate compact for adult offender supervision and other compacts affecting
14 juveniles particularly in those cases where concurrent or overlapping supervision issues arise. It is
15 the policy of the compacting states that the activities conducted by the interstate commission
16 created herein are the formation of public policies and therefore are public business. Furthermore,
17 the compacting states shall cooperate and observe their individual and collective duties and
18 responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this
19 compact. The provisions of this compact shall be reasonably and liberally construed to
20 accomplish the purposes and policies of the compact.

21 ARTICLE II

22 DEFINITIONS

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

24 (1) “Bylaws” means: those bylaws established by the interstate commission for its
25 governance, or for directing or controlling its actions or conduct.

26 (2) “Compact administrator” means: the individual in each compacting state appointed
27 pursuant to the terms of this compact, responsible for the administration and management of the
28 state’s supervision and transfer of juveniles subject to the terms of this compact, the rules adopted
29 by the interstate commission and policies adopted by the state council under this compact.

30 (3) “Compacting state” means: any state which has enacted the enabling legislation for
31 this compact.

32 (4) “Commissioner” means: the voting representative of each compacting state appointed
33 pursuant to Article III of this compact.

34 (5) “Court” means: any court having jurisdiction over delinquent, neglected, or dependent

1 children.

2 (6) “Deputy compact administrator” means: the individual, if any, in each compacting
3 state appointed to act on behalf of a compact administrator pursuant to the terms of this compact
4 responsible for the administration and management of the state’s supervision and transfer of
5 juveniles subject to the terms of this compact, the rules adopted by the interstate commission and
6 policies adopted by the state council under this compact.

7 (7) “Interstate commission” means: the interstate commission for juveniles created by
8 Article III of this compact.

9 (8) “Juvenile” means: any person defined as a juvenile in any member state or by the
10 rules of the interstate commission, including:

11 (a) Accused delinquent – a person charged with an offense that, if committed by an adult,
12 would be a criminal offense;

13 (b) Adjudicated delinquent – a person found to have committed an offense that, if
14 committed by an adult, would be a criminal offense;

15 (c) Accused status offender – a person charged with an offense that would not be a
16 criminal offense if committed by an adult;

17 (d) Adjudicated status offender – a person found to have committed an offense that would
18 not be a criminal offense if committed by an adult; and

19 (e) Nonoffender – a person in need of supervision who has not been accused or
20 adjudicated a status offender or delinquent.

21 (9) “Noncompacting state” means: any state which has not enacted the enabling
22 legislation for this compact.

23 (10) “Probation or parole” means: any kind of supervision or conditional release of
24 juveniles authorized under the laws of the compacting states.

25 (11) “Rule” means: a written statement by the interstate commission promulgated
26 pursuant to Article VI of this compact that is of general applicability, implements, interprets or
27 prescribes a policy or provision of the compact, or an organizational, procedural, or practice
28 requirement of the commission, and has the force and effect of statutory law in a compacting
29 state, and includes the amendment, repeal, or suspension of an existing rule.

30 (12) “State” means: a state of the United States, the District of Columbia (or its
31 designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa,
32 and the Northern Marianas Islands.

33 ARTICLE III

34 INTERSTATE COMMISSION FOR JUVENILES

1 (a) The compacting states hereby create the "Interstate commission for Juveniles." The
2 commission shall be a body corporate and joint agency of the compacting states. The commission
3 shall have all the responsibilities, powers and duties set forth herein, and such additional powers
4 as may be conferred upon it by subsequent action of the respective legislatures of the compacting
5 states in accordance with the terms of this compact.

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

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

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

24 (e) The commission shall meet at least once each calendar year. The chairperson may call
25 additional meetings and, upon the request of a simple majority of the compacting states, shall call
26 additional meetings. Public notice shall be given of all meetings and meetings shall be open to the
27 public.

28 (f) The interstate commission shall establish an executive committee, which shall include
29 commission officers, members, and others as determined by the bylaws. The executive committee
30 shall have the power to act on behalf of the interstate commission during periods when the
31 interstate commission is not in session, with the exception of rulemaking and/or amendment to
32 the compact. The executive committee shall oversee the day-to-day activities of the
33 administration of the compact managed by an executive director and interstate commission staff;
34 administers enforcement and compliance with the provisions of the compact, its bylaws and rules,

1 and performs such other duties as directed by the interstate commission or set forth in the bylaws.

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

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

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

19 (1) Relate solely to the interstate commission's internal personnel practice and
20 procedures;

21 (2) Disclose matters specifically exempted from disclosure by statute;

22 (3) Disclose trade secrets or commercial or financial information which is privileged or
23 confidential;

24 (4) Involve accusing any person of a crime, or formally censuring any person;

25 (5) Disclose information of a personal nature where disclosure would constitute a clearly
26 unwarranted invasion of personal privacy;

27 (6) Disclose investigative records compiled for law enforcement purposes;

28 (7) Disclose information contained in or related to examination, operating or condition
29 reports prepared by, or on behalf of or for the use of, the interstate commission with respect to a
30 regulated person or entity for the purpose of regulation or supervision of such person or entity;

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

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

1 (j) For every meeting closed pursuant to this provision, the interstate commission's legal
2 counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the
3 public, and shall reference each relevant exemptive provision. The interstate commission shall
4 keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall
5 provide a full and accurate summary of any actions taken, and the reasons therefore, including a
6 description of each of the views expressed on any item and the record of any roll call vote
7 (reflected in the vote of each member on the question). All documents considered in connection
8 with any action shall be identified in such minutes.

9 (k) The interstate commission shall collect standardized data concerning the interstate
10 movement of juveniles as directed through its rules which shall specify the data to be collected,
11 the means of collection and data exchange and reporting requirements. Such methods of data
12 collection, exchange and reporting shall insofar as is reasonably possible conform to up-to-date
13 technology and coordinate its information functions with the appropriate repository of records.

14 **ARTICLE IV**

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

16 The commission shall have the following powers and duties:

17 (1) To provide for dispute resolution among compacting states.

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

21 (3) To oversee, supervise and coordinate the interstate movement of juveniles subject to
22 the terms of this compact and any bylaws adopted and rules promulgated by the interstate
23 commission.

24 (4) To enforce compliance with the compact provisions, the rules promulgated by the
25 interstate commission, and the bylaws, using all necessary and proper means, including, but not
26 limited to, the use of judicial process.

27 (5) To establish and maintain offices which shall be located within one (1) or more of the
28 compacting states.

29 (6) To purchase and maintain insurance and bonds.

30 (7) To borrow, accept, hire or contract for services of personnel.

31 (8) To establish and appoint committees and hire staff which it deems necessary for the
32 carrying out of its functions including, but not limited to, an executive committee as required by
33 Article III which shall have the power to act on behalf of the interstate commission in carrying
34 out its powers and duties hereunder.

1 (9) To elect or appoint such officers, attorneys, employees, agents, or consultants, and to
2 fix their compensation, define their duties and determine their qualifications; and to establish the
3 interstate commission's personnel policies and programs relating to, inter alia, conflicts of
4 interest, rates of compensation, and qualifications of personnel.

5 (10) To accept any and all donations and grants of money, equipment, supplies, materials,
6 and services, and to receive, utilize, and dispose of it.

7 (11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold,
8 improve or use any property, real, personal, or mixed.

9 (12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
10 any property, real, personal or mixed.

11 (13) To establish a budget and make expenditures and levy dues as provided in Article
12 VIII of this compact.

13 (14) To sue and be sued.

14 (15) To adopt a seal and bylaws governing the management and operation of the
15 interstate commission.

16 (16) To perform such functions as may be necessary or appropriate to achieve the
17 purposes of this compact.

18 (17) To report annually to the legislatures, governors, judiciary, and state councils of the
19 compacting states concerning the activities of the interstate commission during the preceding
20 year. Such reports shall also include any recommendations that may have been adopted by the
21 interstate commission.

22 (18) To coordinate education, training and public awareness regarding the interstate
23 movement of juveniles for officials involved in such activity.

24 (19) To establish uniform standards of the reporting, collecting and exchanging of data.

25 (20) The interstate commission shall maintain its corporate books and records in
26 accordance with the bylaws.

27 ARTICLE V

28 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

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

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

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

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

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

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

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

9 (7) Providing “start-up” rules for initial administration of the compact; and

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

12 (b) Officers and staff:

13 (1) The interstate commission shall, by a majority of the members, elect annually from
14 among its members a chairperson and a vice chairperson, each of whom shall have such authority
15 and duties as may be specified in the bylaws. The chairperson or, in the chairperson’s absence or
16 disability, the vice-chairperson shall preside at all meetings of the interstate commission. The
17 officers so elected shall serve without compensation or remuneration from the interstate
18 commission; provided that, subject to the availability of budgeted funds, the officers shall be
19 reimbursed for any ordinary and necessary costs and expenses incurred by them in the
20 performance of their duties and responsibilities as officers of the interstate commission.

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

26 (c) Qualified immunity – Defense and indemnification:

27 (1) The commission’s executive director and employees shall be immune from suit and
28 liability, either personally or in their official capacity, for any claim for damage to or loss of
29 property or personal injury or other civil liability caused or arising out of or relating to any actual
30 or alleged act, error, or omission that occurred, or that such person had a reasonable basis for
31 believing occurred without the scope of commission employment, duties, or responsibilities;
32 provided, that any such person shall not be protected from suit or liability for any damage, loss,
33 injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

1 (2) The liability of any commissioner, or the employee or agent of a commissioner, acting
2 within the scope of such person's employment or duties for acts, errors, or omissions occurring
3 within such person's state may not exceed the limits of liability set forth under the constitution
4 and laws of that state for state officials, employees, and agents. Nothing in this subsection shall
5 be construed to protect any such person from suit or liability for any damage, loss, injury, or
6 liability caused by the intentional or willful and wanton misconduct of any such person.

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

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

25 ARTICLE VI

26 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

29 (b) Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws
30 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles
31 of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol.
32 15, p. 1 (2000), or such other administrative procedures act, as the interstate commission deems
33 appropriate consistent with due process requirements under the U.S. Constitution as now or
34 hereafter interpreted by the U.S. Supreme Court. All rules and amendments shall become binding

1 as of the date specified, as published with the final version of the rule as approved by the
2 Commission.

3 (c) When promulgating a rule, the interstate commission shall, at a minimum:
4 (1) publish the proposed rule's entire text stating the reason(s) for that proposed rule;
5 (2) allow and invite any and all persons to submit written data, facts, opinions and
6 arguments, which information shall be added to the record, and be made publicly available;
7 (3) provide an opportunity for an informal hearing if petitioned by ten (10) or more
8 persons; and

9 (4) promulgate a final rule and its effective date, if appropriate, based on input from state
10 or local officials, or interested parties.

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

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

21 (f) The existing rules governing the operation of the interstate compact on juveniles
22 superceded by this act shall be null and void twelve (12) months after the first meeting of the
23 interstate commission created hereunder.

24 (g) Upon determination by the interstate commission that a state-of-emergency exists, it
25 may promulgate an emergency rule which shall become effective immediately upon adoption,
26 provided that the usual rulemaking procedures provided hereunder shall be retroactively applied
27 to said rule as soon as reasonably possible, but no later than ninety (90) days after the effective
28 date of the emergency rule.

29 **ARTICLE VII**

30 **OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE**
31 **INTERSTATE COMMISSION**

32 (a) Oversight:

33 (1) The interstate commission shall oversee the administration and operations of the
34 interstate movement of juveniles subject to this compact in the compacting states and shall

1 monitor such activities being administered in noncompacting states, which may significantly
2 affect compacting states.

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

12 (b) Dispute Resolution:

13 (1) The compacting states shall report to the interstate commission on all issues and
14 activities necessary for the administration of the compact as well as issues and activities
15 pertaining to compliance with the provisions of the compact and its bylaws and rules.

16 (2) The interstate commission shall attempt, upon the request of a compacting state, to
17 resolve any disputes or other issues which are subject to the compact and which may arise among
18 compacting states and between compacting and noncompacting states. The commission shall
19 promulgate a rule providing for both mediation and binding dispute resolution for disputes among
20 the compacting states.

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

24 ARTICLE VIII

25 FINANCE

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

28 (b) The interstate commission shall levy on and collect an annual assessment from each
29 compacting state to cover the cost of the internal operations and activities of the interstate
30 commission and its staff which must be in a total amount sufficient to cover the interstate
31 commission's annual budget as approved each year. The aggregate annual assessment amount
32 shall be allocated based upon a formula to be determined by the interstate commission, taking
33 into consideration the population of each compacting state and the volume of interstate movement

1 of juveniles in each compacting state and shall promulgate a rule binding upon all compacting
2 states which governs said assessment.

3 (c) The Interstate commission shall not incur any obligations of any kind prior to securing
4 the funds adequate to meet the same; nor shall the Interstate commission pledge the credit of any
5 of the compacting states, except by and with the authority of the compacting state.

6 (d) The Interstate commission shall keep accurate accounts of all receipts and
7 disbursements. The receipts and disbursements of the Interstate commission shall be subject to
8 the audit and accounting procedures established under its bylaws. However, all receipts and
9 disbursements of funds handled by the Interstate commission shall be audited yearly by a certified
10 or licensed public accountant and the report of the audit shall be included in and become part of
11 the annual report of the Interstate commission.

12 ARTICLE IX

13 THE STATE COUNCIL

14 Each member state shall create a state council for Interstate Juvenile Supervision. While
15 each state may determine the membership of its own state council, its membership must include
16 at least one (1) representative from the legislative, judicial, and executive branches of
17 government, victims groups, and the compact administrator, deputy compact administrator or
18 designee. Each compacting state retains the right to determine the qualifications of the compact
19 administrator or deputy compact administrator. Each state council will advise and may exercise
20 oversight and advocacy concerning that state's participation in Interstate commission activities
21 and other duties as may be determined by that state, including, but not limited to, development of
22 policy concerning operations and procedures of the compact within that state.

23 ARTICLE X

24 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

25 (u) Any state, the District of Columbia (or its designee), the Commonwealth of Puerto
26 Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana's Islands as
27 defined in Article II of this compact is eligible to become a compacting state.

28 (b) The compact shall become effective and binding upon legislative enactment of the
29 compact into law by no less than thirty-five (35) of the states. The initial effective date shall be
30 the latter of July 1, 2004 or upon enactment into law by the thirty-fifth (35th) jurisdiction.
31 Thereafter it shall become effective and binding as to any other compacting state upon enactment
32 of the compact into law by that state. The governors of nonmember states or their designees shall
33 be invited to participate in the activities of the Interstate commission on a nonvoting basis prior to
34 adoption of the compact by all states and territories of the United States.

1 (c) The Interstate commission may propose amendments to the compact for enactment by
2 the compacting states. No amendment shall become effective and binding upon the Interstate
3 commission and the compacting states unless and until it is enacted into law by unanimous
4 consent of the compacting states.

5 ARTICLE XI

6 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

7 (a) Withdrawal:

8 (1) Once effective, the compact shall continue in force and remain binding upon each
9 and every compacting state; provided that a compacting state may withdraw from the compact by
10 specifically repealing the statute, which enacted the compact into law.

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

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

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

19 (5) Reinstatement following withdrawal of any compacting state shall occur upon the
20 withdrawing state reenacting the compact or upon such later date as determined by the Interstate
21 commission.

22 (b) Technical Assistance, Fines, Suspension, Termination and Default:

23 (1) If the Interstate commission determines that any compacting state has at any time
24 defaulted in the performance of any of its obligations or responsibilities under this compact, or
25 the bylaws or duly promulgated rules, the Interstate commission may impose any or all of the
26 following penalties:

27 (a) Remedial training and technical assistance as directed by the Interstate commission;

28 (b) Alternative Dispute Resolution;

29 (c) Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the
30 Interstate commission; and

31 (d) Suspension or termination of membership in the compact, which shall be imposed
32 only after all other reasonable means of securing compliance under the bylaws and rules have
33 been exhausted and the Interstate commission has therefore determined that the offending state is
34 in default. Immediate notice of suspension shall be given by the Interstate commission to the

1 Governor, the Chief Justice or the Chief Judicial Officer of the state, the majority and minority
2 leaders of the defaulting state's legislature, and the state council. The grounds for default include,
3 but are not limited to, failure of a compacting state to perform such obligations or responsibilities
4 imposed upon it by this compact, the bylaws, or duly promulgated rules and any other grounds
5 designated in commission bylaws and rules. The Interstate commission shall immediately notify
6 the defaulting state in writing of the penalty imposed by the Interstate commission and of the
7 default pending a cure of the default. The commission shall stipulate the conditions and the time
8 period within which the defaulting state must cure its default. If the defaulting state fails to cure
9 the default within the time period specified by the commission, the defaulting state shall be
10 terminated from the compact upon an affirmative vote of a majority of the compacting states and
11 all rights, privileges and benefits conferred by this compact shall be terminated from the effective
12 date of termination.

13 (2) Within sixty (60) days of the effective date of termination of a defaulting state, the
14 Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the majority
15 and minority leaders of the defaulting state's legislature, and the state council of such termination.

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

19 (4) The Interstate commission shall not bear any costs relating to the defaulting state
20 unless otherwise mutually agreed upon in writing between the Interstate commission and the
21 defaulting state.

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

25 (c) Judicial Enforcement:

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

32 (d) Dissolution of Compact:

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

1 (2) Upon the dissolution of this compact, the compact becomes null and void and shall be
2 of no further force or effect, and the business and affairs of the Interstate commission shall be
3 concluded and any surplus funds shall be distributed in accordance with the bylaws.

4 **ARTICLE XII**

5 **SEVERABILITY AND CONSTRUCTION**

6 The provisions of this compact shall be severable, and if any phrase, clause, sentence or
7 provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.
8 Provided, further, that the provisions of this compact shall be liberally construed to effectuate its
9 purposes.

10 **ARTICLE XIII**

11 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

12 (a) Other Laws:

13 (1) Nothing herein prevents the enforcement of any other law of a compacting state that
14 is not inconsistent with this compact.

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

17 (b) Binding Effect of the Compact:

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

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

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

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

31 **14-6.1-2. Amendment to compact.** -- The governor is authorized and directed to execute
32 with any other state legally joining, an amendment to the compact in substantially the following
33 form:

34 (1) This amendment shall provide additional remedies, and shall be binding only as

1 among and between those party states which specifically execute the same.

2 (2) All provisions and procedures of the compact on juveniles shall be construed to
3 apply to any juvenile charged with being a delinquent by reason of a violation of any criminal
4 law. Any juvenile, charged with being a delinquent by reason of violating any criminal law, shall
5 be returned to the requesting state upon a requisition to the state where the juvenile may be found.
6 A petition in the case shall be filed in a court of competent jurisdiction in the requesting state
7 where the violation of criminal law is alleged to have been committed. The petition may be filed
8 regardless of whether the juvenile has left the state before or after the filing of the petition. The
9 requisition described in the compact shall be forwarded by the judge of the court in which the
10 petition has been filed.

11 **14-6.1-3. Ratification procedure -- Effective date.** -- When the governor shall have
12 executed the compact on behalf of this state and shall have caused a verified copy to be filed with
13 the secretary of state; and when the compact shall have been ratified by one or more of the states,
14 territories, or possessions of the United States, the District of Columbia, and/or the
15 Commonwealth of Puerto Rico, then the compact shall become operative and effective as
16 between this state and those other state or states, territories or possessions of the United States,
17 the District of Columbia, and/or the Commonwealth of Puerto Rico. The governor is authorized
18 and directed to take any action that may be necessary to complete the exchange of official
19 documents as between this state and any other state, territory, or possession of the United States,
20 the District of Columbia, or the Commonwealth of Puerto Rico, ratifying the compact.

21 **14-6.1-4. Compact administrator.** -- Pursuant to the compact, the governor is
22 authorized and empowered to designate an officer who shall be the compact administrator and
23 who, acting jointly with like officers of other party states, shall promulgate rules and regulations
24 to more effectively carry out the terms of the compact. The compact administrator shall serve
25 subject to the pleasure of the governor. The compact administrator is authorized, empowered, and
26 directed to cooperate with all departments, agencies, and officers of and in the government of this
27 state and its subdivisions in facilitating the proper administration of the compact or of any
28 supplementary agreement or agreements entered into by this state under it.

29 **14-6.1-5. Supplementary agreements.** -- The compact administrator is authorized and
30 empowered to enter into supplementary agreements with appropriate officials of other states
31 pursuant to the compact. In the event that a supplementary agreement shall require or contemplate
32 the use of any institution or facility of this state or require or contemplate the provision of any
33 service by this state, the supplementary agreement shall have no force or effect until approved by
34 the head of the department or agency under whose jurisdiction the institution or facility is

1 operated or whose department or agency will be charged with the rendering of the service.

2 **14-6.1-6. Financial arrangements.** -- The compact administrator, subject to the approval
3 of the director of administration, may make or arrange for any payments necessary to discharge
4 any financial obligations imposed upon this state by the compact or by any supplementary
5 agreement entered into under it.

6 **14-6.1-7. Federal and other aid.** -- Any and all donations, gifts, and grants of money,
7 equipment, and services from the federal or any local government, or any agency of it, and from
8 any person, firm, or corporation, for any of the purposes and functions of the compact, may be
9 accepted by and administered by the compact administrator, subject to the approval of the
10 director of administration, who may receive and utilize the aid, subject to the terms, conditions,
11 and regulations governing donations, gifts and grants.

12 **14-6.1-8. Fees.** -- Any judge of this state who appoints counsel or guardian ad litem
13 pursuant to the provisions of the compact may, in his or her discretion, fix a fee to be paid out of
14 funds available for disposition by the court, but no fee shall exceed the sum of fifty dollars
15 (\$50.00).

16 **14-6.1-9. Responsibilities of state departments, agencies, and officers.** -- The courts,
17 departments, agencies, and officers of this state and its subdivisions shall enforce the compact and
18 shall do all things appropriate to the effectuation of its purposes and intent which may be within
19 their respective jurisdictions.

20 **14-6.1-10. "Delinquent juvenile" defined.** -- "Delinquent juvenile," includes a
21 wayward child as defined in chapter 1 of this title.

22 **14-6.1-11. Appropriations.** -- The general assembly shall annually appropriate, out of
23 any money in the treasury not otherwise appropriated, any sum that it may deem necessary to
24 carry out the purposes of this chapter; and the state controller is authorized and directed to draw
25 his or her orders upon the general treasurer for the payment of that sum, or so much of it as may
26 be required from time to time, upon the receipt by him or her of properly authenticated vouchers.

27 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- INTERSTATE
COMPACT ON JUVENILES

- 1 This act would create a new interstate compact on juveniles to provide for the welfare
- 2 and protection of runaway juveniles.
- 3 This act would take effect upon passage.

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