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JUDICIARY

HOUSE FILE  
BY DODERER

2489

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act establishing the interstate compact for adult criminal  
2 offender supervision and providing a contingent effective  
3 date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2489

1 Section 1. Section 422.7, subsection 12, paragraph c, Code  
2 1999, is amended to read as follows:

3 c. An individual, whether or not domiciled in this state  
4 at the time of the hiring, who is on parole or probation and  
5 to whom the interstate ~~probation-and-parole~~ compact for adult  
6 offenders under ~~section-907A-1~~ chapter 907B applies.

7 Sec. 2. Section 422.7, subsection 12A, paragraph b,  
8 unnumbered paragraph 1, Code 1999, is amended to read as  
9 follows:

10 An individual, whether or not domiciled in this state at  
11 the time of the hiring, who is on parole or probation and to  
12 whom the interstate ~~probation-and-parole~~ compact for adult  
13 offenders under ~~section-907A-1~~ chapter 907B applies.

14 Sec. 3. Section 422.35, subsection 6, paragraph c,  
15 unnumbered paragraph 1, Code Supplement 1999, is amended to  
16 read as follows:

17 An individual, whether or not domiciled in this state at  
18 the time of the hiring, who is on parole or probation and to  
19 whom the interstate ~~probation-and-parole~~ compact for adult  
20 offenders under ~~section-907A-1~~ chapter 907B applies.

21 Sec. 4. Section 422.35, subsection 6A, paragraph b,  
22 unnumbered paragraph 1, Code Supplement 1999, is amended to  
23 read as follows:

24 An individual, whether or not domiciled in this state at  
25 the time of the hiring, who is on parole or probation and to  
26 whom the interstate ~~probation-and-parole~~ compact for adult  
27 offenders under ~~section-907A-1~~ chapter 907B applies.

28 Sec. 5. NEW SECTION. 907B.1 CITATION.

29 This chapter may be cited as the "Interstate Compact for  
30 Adult Offender Supervision".

31 Sec. 6. NEW SECTION. 907B.2 INTERSTATE COMPACT FOR ADULT  
32 OFFENDER SUPERVISION.

33 The national interstate compact for adult offender  
34 supervision is enacted into law and entered into by this state  
35 with any other state or jurisdiction legally joining the

1 compact in the form substantially as follows:

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ARTICLE I

3

DEFINITIONS

4 As used in this compact, unless the context clearly  
5 requires otherwise:

6 1. ADULT. "Adult" means both individuals legally  
7 classified as adults and juveniles treated as adults by court  
8 order, statute, or operation of law.

9 2. BYLAWS. "Bylaws" means those bylaws established by the  
10 interstate commission for its governance, or for directing or  
11 controlling the interstate commission's actions or conduct.

12 3. COMPACT ADMINISTRATOR. "Compact administrator" means  
13 the individual in each compacting state appointed pursuant to  
14 the terms of this compact responsible for the administration  
15 and management of the state's supervision and transfer of  
16 offenders subject to the terms of this compact, the rules  
17 adopted by the interstate commission and policies adopted by  
18 the state council under this compact.

19 4. COMPACTING STATE. "Compacting state" means any state  
20 which has enacted the enabling legislation for this compact.

21 5. COMMISSIONER. "Commissioner" means the voting  
22 representative of each compacting state appointed pursuant to  
23 article II of this compact.

24 6. INTERSTATE COMMISSION. "Interstate commission" means  
25 the interstate commission for adult offender supervision  
26 established by this compact.

27 7. MEMBER. "Member" means the commissioner of a  
28 compacting state or designee, who shall be a person officially  
29 connected with the commissioner.

30 8. NONCOMPACTING STATE. "Noncompacting state" means any  
31 state which has not enacted the enabling legislation for this  
32 compact.

33 9. OFFENDER. "Offender" means an adult placed under, or  
34 subject, to supervision as the result of the commission of a  
35 criminal offense and released to the community under the

1 jurisdiction of courts, paroling authorities, corrections, or  
2 other criminal justice agencies.

3 10. PERSON. "Person" means any individual, corporation,  
4 business enterprise, or other legal entity, either public or  
5 private.

6 11. RULES. "Rules" means acts of the interstate  
7 commission, duly promulgated pursuant to article VII of this  
8 compact, substantially affecting interested parties in  
9 addition to the interstate commission, which shall have the  
10 force and effect of law in the compacting states.

11 12. STATE. "State" means a state of the United States,  
12 the District of Columbia and any other territorial possessions  
13 of the United States.

14 13. STATE COUNCIL. "State council" means the resident  
15 members of the state council for interstate adult offender  
16 supervision created by each state under article III of this  
17 compact.

## 18 ARTICLE II

### 19 THE COMPACT COMMISSION

20 1. The compacting states hereby create the interstate  
21 commission for adult offender supervision. The interstate  
22 commission shall be a body corporate and joint agency of the  
23 compacting states. The interstate commission shall have all  
24 the responsibilities, powers and duties set forth herein,  
25 including the power to sue and be sued, and such additional  
26 powers as may be conferred upon it by subsequent action of the  
27 respective legislatures of the compacting states in accordance  
28 with the terms of this compact.

29 2. The interstate commission shall consist of  
30 commissioners selected and appointed by resident members of a  
31 state council for interstate adult offender supervision for  
32 each state.

33 3. In addition to the commissioners who are the voting  
34 representatives of each state, the interstate commission shall  
35 include individuals who are not commissioners but who are

1 members of interested organizations; such noncommissioner  
2 members must include a member of the national organizations of  
3 governors, legislators, state chief justices, attorneys  
4 general, and crime victims. All noncommissioner members of  
5 the interstate commission shall be ex officio members. The  
6 interstate commission may provide in its bylaws for such  
7 additional, ex officio, nonvoting members as it deems  
8 necessary.

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

14 5. The interstate commission shall meet at least once each  
15 calendar year. The chairperson may call additional meetings  
16 and, upon the request of twenty-seven or more compacting  
17 states, shall call additional meetings. Public notice shall  
18 be given of all meetings and meetings shall be open to the  
19 public.

20 6. The interstate commission shall establish an executive  
21 committee which shall include commission officers, members and  
22 others as shall be determined by the bylaws. The executive  
23 committee shall have the power to act on behalf of the  
24 interstate commission during periods when the interstate  
25 commission is not in session, with the exception of rulemaking  
26 and amendment to the compact. The executive committee  
27 oversees the day-to-day activities managed by the executive  
28 director and interstate commission staff administers  
29 enforcement and compliance with the provisions of the compact  
30 its bylaws and as directed by the interstate commission and  
31 performs other duties as directed by commission or set forth  
32 in the bylaws.

33 ARTICLE III

34 THE STATE COUNCIL

35 Each member state shall create a state council for

1 interstate adult offender supervision which shall be  
2 responsible for the appointment of the commissioner who shall  
3 serve on the interstate commission from that state. Each  
4 state council shall appoint as its commissioner the compact  
5 administrator from that state to serve on the interstate  
6 commission in such capacity under or pursuant to applicable  
7 law of the member state. While each member state may  
8 determine the membership of its own state council, its  
9 membership must include at least one representative from the  
10 legislative, judicial, and executive branches of government,  
11 victims groups and compact administrators. Each compacting  
12 state retains the right to determine the qualifications of the  
13 compact administrator who shall be appointed by the state  
14 council or by the governor in consultation with the  
15 legislature and the judiciary. In addition to appointment of  
16 its commissioner to the interstate commission, each state  
17 council shall exercise oversight and advocacy concerning its  
18 participation in interstate commission activities and other  
19 duties as may be determined by each member state including but  
20 not limited to, development of policy concerning operations  
21 and procedures of the compact within that state.

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## ARTICLE IV

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## POWERS AND DUTIES OF THE INTERSTATE COMMISSION

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The interstate commission shall have the following powers:

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1. To adopt a seal and suitable bylaws governing the

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management and operation of the interstate commission.

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2. To promulgate rules which shall have the force and

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effect of statutory law and shall be binding in the compacting

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states to the extent and in the manner provided in this

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compact.

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3. To oversee, supervise and coordinate the interstate

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movement of offenders subject to the terms of this compact and

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any bylaws adopted and rules promulgated by the interstate

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commission.

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4. To enforce compliance with compact provisions,

1 interstate commission rules, and bylaws, using all necessary  
2 and proper means, including but not limited to, the use of  
3 judicial process.

4 5. To establish and maintain offices.

5 6. To purchase and maintain insurance and bonds.

6 7. To borrow, accept, or contract for services of  
7 personnel, including, but not limited to, members and their  
8 staffs.

9 8. To establish and appoint committees and hire staff  
10 which it deems necessary for the carrying out of its functions  
11 including, but not limited to, an executive committee as  
12 required by article II which shall have the power to act on  
13 behalf of the interstate commission in carrying out its powers  
14 and duties hereunder.

15 9. To elect or appoint such officers, attorneys,  
16 employees, agents, or consultants, and to fix their  
17 compensation, define their duties and determine their  
18 qualifications; and to establish the interstate commission's  
19 personnel policies and programs relating to, among other  
20 things, conflicts of interest, rates of compensation, and  
21 qualifications of personnel.

22 10. To accept any and all donations and grants of money,  
23 equipment, supplies, materials, and services, and to receive,  
24 utilize, and dispose of same.

25 11. To lease, purchase, accept contributions or donations  
26 of, or otherwise to own, hold, improve or use any property,  
27 real, personal, or mixed.

28 12. To sell, convey, mortgage, pledge, lease, exchange,  
29 abandon, or otherwise dispose of any property, real, personal  
30 or mixed.

31 13. To establish a budget and make expenditures and levy  
32 dues as provided in article IX of this compact.

33 14. To sue and be sued.

34 15. To provide for dispute resolution among compacting  
35 states.

1 16. To perform such functions as may be necessary or  
2 appropriate to achieve the purposes of this compact.

3 17. To report annually to the legislatures, governors,  
4 judiciary, and state councils of the compacting states  
5 concerning the activities of the interstate commission during  
6 the preceding year. Such reports shall also include any  
7 recommendations that may have been adopted by the interstate  
8 commission.

9 18. To coordinate education, training and public awareness  
10 regarding the interstate movement of offenders for officials  
11 involved in such activity.

12 19. To establish uniform standards for the reporting,  
13 collecting, and exchanging of data.

14 ARTICLE V

15 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

16 1. BYLAWS. The interstate commission shall, by a majority  
17 of the members, within twelve months of the first interstate  
18 commission meeting, adopt bylaws to govern its conduct as may  
19 be necessary or appropriate to carry out the purposes of the  
20 compact, including, but not limited to:

21 a. Establishing the fiscal year of the interstate  
22 commission.

23 b. Establishing an executive committee and such other  
24 committees as may be necessary.

25 c. Providing reasonable standards and procedures:

26 (1) For the establishment of committees.

27 (2) Governing any general or specific delegation of any  
28 authority or function of the interstate commission;

29 d. Providing reasonable procedures for calling and  
30 conducting meetings of the interstate commission, and ensuring  
31 reasonable notice of each such meeting.

32 e. Establishing the titles and responsibilities of the  
33 officers of the interstate commission.

34 f. Providing reasonable standards and procedures for the  
35 establishment of the personnel policies and programs of the



1 interstate commission. Notwithstanding any civil service or  
2 other similar laws of any compacting state, the bylaws shall  
3 exclusively govern the personnel policies and programs of the  
4 interstate commission.

5 g. Providing a mechanism for winding up the operations of  
6 the interstate commission and the equitable return of any  
7 surplus funds that may exist upon the termination of the  
8 compact after the payment or reserving of all of its debts and  
9 obligations.

10 h. Providing transition rules for startup administration  
11 of the compact.

12 i. Establishing standards and procedures for compliance  
13 and technical assistance in carrying out the compact.

14 2. OFFICERS AND STAFF.

15 a. The interstate commission shall, by a majority of the  
16 members, elect from among its members a chairperson and a vice  
17 chairperson, each of whom shall have such authorities and  
18 duties as may be specified in the bylaws. The chairperson or,  
19 in the chairperson's absence or disability, the vice  
20 chairperson, shall preside at all meetings of the interstate  
21 commission. The officers so elected shall serve without  
22 compensation or remuneration from the interstate commission;  
23 provided that, subject to the availability of budgeted funds,  
24 the officers shall be reimbursed for any actual and necessary  
25 costs and expenses incurred by them in the performance of  
26 their duties and responsibilities as officers of the  
27 interstate commission.

28 b. The interstate commission shall, through its executive  
29 committee, appoint or retain an executive director for such  
30 period, upon such terms and conditions and for such  
31 compensation as the interstate commission may deem  
32 appropriate. The executive director shall serve as secretary  
33 to the interstate commission, and hire and supervise such  
34 other staff as may be authorized by the interstate commission,  
35 but shall not be a member.

1 3. CORPORATE RECORDS OF THE INTERSTATE COMMISSION. The  
2 interstate commission shall maintain its corporate books and  
3 records in accordance with the bylaws.

4 4. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION.

5 a. The members, officers, executive director and employees  
6 of the interstate commission shall be immune from suit and  
7 liability, either personally or in their official capacity,  
8 for any claim for damage to or loss of property or personal  
9 injury or other civil liability caused or arising out of any  
10 actual or alleged act, error or omission that occurred within  
11 the scope of interstate commission employment, duties or  
12 responsibilities; provided, that nothing in this paragraph  
13 shall be construed to protect any such person from suit and  
14 liability for any damage, loss, injury or liability caused by  
15 the intentional or willful and wanton misconduct of any such  
16 person.

17 b. The interstate commission shall defend the commissioner  
18 of a compacting state, or the commissioner's representatives  
19 or employees, or the interstate commission's representatives  
20 or employees, in any civil action seeking to impose liability,  
21 arising out of any actual or alleged act, error or omission  
22 that occurred within the scope of interstate commission  
23 employment, duties or responsibilities, or that the defendant  
24 had a reasonable basis for believing occurred within the scope  
25 of interstate commission employment, duties or  
26 responsibilities; provided, that the actual or alleged act,  
27 error or omission did not result from intentional wrongdoing  
28 on the part of such person.

29 c. The interstate commission shall indemnify and hold the  
30 commissioner of a compacting state, the appointed designee or  
31 employees, or the interstate commission's representatives or  
32 employees, harmless in the amount of any settlement or  
33 judgment obtained against such persons arising out of any  
34 actual or alleged act, error or omission that occurred within  
35 the scope of interstate commission employment, duties or

1 responsibilities, or that such persons had a reasonable basis  
2 for believing occurred within the scope of interstate  
3 commission employment, duties or responsibilities, provided,  
4 that the actual or alleged act, error or omission did not  
5 result from gross negligence or intentional wrongdoing on the  
6 part of such person.

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## ARTICLE VI

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## ACTIVITIES OF THE INTERSTATE COMMISSION

9 1. The interstate commission shall meet and take such  
10 actions as are consistent with the provisions of this compact.

11 2. Except as otherwise provided in this compact and unless  
12 a greater percentage is required by the bylaws, in order to  
13 constitute an act of the interstate commission, such act shall  
14 have been taken at a meeting of the interstate commission and  
15 shall have received an affirmative vote of a majority of the  
16 members present.

17 3. Each member of the interstate commission shall have the  
18 right and power to cast a vote to which that compacting state  
19 is entitled and to participate in the business and affairs of  
20 the interstate commission. A member shall vote in person on  
21 behalf of the state and shall not delegate a vote to another  
22 member state. However, a state council shall appoint another  
23 authorized representative, in the absence of the commissioner  
24 from that state, estate to cast a vote on behalf of the member  
25 state at a specified meeting. The bylaws may provide for  
26 members' participation in meetings by telephone or other means  
27 of telecommunication or electronic communication. Any voting  
28 conducted by telephone, or other means of telecommunication or  
29 electronic communication shall be subject to the same quorum  
30 requirements of meetings where members are present in person.

31 4. The interstate commission shall meet at least once  
32 during each calendar year. The chairperson of the interstate  
33 commission may call additional meetings at any time and, upon  
34 the request of a majority of the members, shall call  
35 additional meetings.

1 5. The interstate commission's bylaws shall establish  
2 conditions and procedures under which the interstate  
3 commission shall make its information and official records  
4 available to the public for inspection or copying. The  
5 interstate commission may exempt from disclosure any  
6 information or official records to the extent they would  
7 adversely affect personal privacy rights or proprietary  
8 interests. In promulgating such rules, the interstate  
9 commission may make available to law enforcement agencies  
10 records and information otherwise exempt from disclosure, and  
11 may enter into agreements with law enforcement agencies to  
12 receive or exchange information or records subject to  
13 nondisclosure and confidentiality provisions.

14 6. Public notice shall be given of all meetings and all  
15 meetings shall be open to the public, except as set forth in  
16 the rules or as otherwise provided in the compact. The  
17 interstate commission shall promulgate rules consistent with  
18 the principles contained in the federal Government in Sunshine  
19 Act, 5 U.S.C. § 552(6), as may be amended. The interstate  
20 commission and any of its committees may close a meeting to  
21 the public where it determines by two-thirds vote that an open  
22 meeting would be likely to:

23 a. Relate solely to the interstate commission's internal  
24 personnel practices and procedures.

25 b. Disclose matters specifically exempted from disclosure  
26 by statute.

27 c. Disclosure trade secrets or commercial or financial  
28 information which is privileged or confidential.

29 d. Involve accusing any person of a crime, or formally  
30 censuring any person.

31 e. Disclose information of a personal nature where  
32 disclosure would constitute a clearly unwarranted invasion of  
33 personal privacy.

34 f. Disclose investigatory records compiled for law  
35 enforcement purposes.

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

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

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

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

25 8. The interstate commission shall collect standardized  
26 data concerning the interstate movement of offenders as  
27 directed through its bylaws and rules which shall specify the  
28 data to be collected, the means of collection and data  
29 exchange and reporting requirements.

30 ARTICLE VII

31 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

32 1. The interstate commission shall promulgate rules in  
33 order to effectively and efficiently achieve the purposes of  
34 the compact including transition rules governing  
35 administration of the compact during the period in which it is

1 being considered and enacted by the states.

2 2. Rulemaking shall occur pursuant to the criteria set  
3 forth in this article and the bylaws and rules adopted  
4 pursuant thereto. Such rulemaking shall substantially conform  
5 to the principles of the federal Administrative Procedure Act,  
6 5 U.S.C. § 551 et seq., and the federal Advisory Committee  
7 Act, 5 U.S.C. app. 2, § 1 et seq., as may be amended.

8 3. All rules and amendments shall become binding as of the  
9 date specified in each rule or amendment.

10 4. If a majority of the legislatures of the compacting  
11 states rejects a rule, by enactment of a statute or resolution  
12 in the same manner used to adopt the compact, then such rule  
13 shall have no further force and effect in any compacting  
14 state.

15 5. When promulgating a rule, the interstate commission  
16 shall do all of the following:

17 a. Publish the proposed rule stating with particularity  
18 the text of the rule which is proposed and the reason for the  
19 proposed rule.

20 b. Allow persons to submit written data, facts, opinions  
21 and arguments, which information shall be publicly available.

22 c. Provide an opportunity for an informal hearing.

23 d. Promulgate a final rule and its effective date, if  
24 appropriate, based on the rulemaking record.

25 6. Not later than sixty days after a rule is promulgated,  
26 any interested person may file a petition in the United States  
27 district court for the District of Columbia or in the United  
28 States district court where the interstate commission's  
29 principal office is located for judicial review of such rule.  
30 If the court finds that the interstate commission's action is  
31 not supported by substantial evidence, as defined in the  
32 federal Administrative Procedure Act, in the rulemaking  
33 record, the court shall hold the rule unlawful and set it  
34 aside.

35 7. Subjects to be addressed within twelve months after the

- 1 first meeting must at a minimum include:
- 2 a. Notice to victims and opportunity to be heard.
- 3 b. Offender registration and compliance.
- 4 c. Violations and returns.
- 5 d. Transfer procedures and forms.
- 6 e. Eligibility for transfer.
- 7 f. Collection of restitution and fees from offenders.
- 8 g. Data collection and reporting.
- 9 h. The level of supervision to be provided by the
- 10 receiving state.
- 11 i. Transition rules governing the operation of the compact
- 12 and the interstate commission during all or part of the period
- 13 between the effective date of the compact and the date on
- 14 which the last eligible state adopts the compact.
- 15 j. Mediation, arbitration and dispute resolution. The
- 16 existing rules governing the operation of the previous compact
- 17 superceded by this Act shall be null and void twelve months
- 18 after the first meeting of the interstate commission created
- 19 hereunder.
- 20 8. Upon determination by the interstate commission that an
- 21 emergency exists, it may promulgate an emergency rule which
- 22 shall become effective immediately upon adoption, provided
- 23 that the usual rulemaking procedures provided hereunder shall
- 24 be retroactively applied to said rule as soon as reasonably
- 25 possible, in no event later than ninety days after the
- 26 effective date of the rule.

27 ARTICLE VIII

28 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

29 BY THE INTERSTATE COMMISSION

- 30 1. OVERSIGHT.
- 31 a. The interstate commission shall oversee the interstate
- 32 movement of adult offenders in the compacting states and shall
- 33 monitor such activities being administered in noncompacting
- 34 states which may significantly affect compacting states.
- 35 b. The courts and executive agencies in each compacting

1 state shall enforce this compact and shall take all actions  
2 necessary and appropriate to effectuate the compact's purposes  
3 and intent. In any judicial or administrative proceeding in a  
4 compacting state pertaining to the subject matter of this  
5 compact which may affect the powers, responsibilities or  
6 actions of the interstate commission, the interstate  
7 commission shall be entitled to receive all service of process  
8 in any such proceeding, and shall have standing to intervene  
9 in the proceeding for all purposes.

10 2. DISPUTE RESOLUTION.

11 a. The compacting states shall report to the interstate  
12 commission on issues or activities of concern to them, and  
13 cooperate with and support the interstate commission in the  
14 discharge of its duties and responsibilities.

15 b. The interstate commission shall attempt to resolve any  
16 disputes or other issues which are subject to the compact and  
17 which may arise among compacting states and noncompacting  
18 states.

19 c. The interstate commission shall enact a bylaw or  
20 promulgate a rule providing for both mediation and binding  
21 dispute resolution for disputes among the compacting states.

22 3. ENFORCEMENT. The interstate commission, in the  
23 reasonable exercise of its discretion, shall enforce the  
24 provisions of this compact using any or all means set forth in  
25 article XI, subsection 2, of this compact.

26 ARTICLE IX

27 FINANCE

28 1. The interstate commission shall pay or provide for the  
29 payment of the reasonable expenses of its establishment,  
30 organization and ongoing activities.

31 2. The interstate commission shall levy on and collect an  
32 annual assessment from each compacting state to cover the cost  
33 of the internal operations and activities of the interstate  
34 commission and its staff which must be in a total amount  
35 sufficient to cover the interstate commission's annual budget



1 as approved each year. The aggregate annual assessment amount  
2 shall be allocated based upon a formula to be determined by  
3 the interstate commission, taking into consideration the  
4 population of the state and the volume of interstate movement  
5 of offenders in each compacting state and shall promulgate a  
6 rule binding upon all compacting states which governs the  
7 assessment.

8 3. The interstate commission shall not incur any  
9 obligations of any kind prior to securing the funds adequate  
10 to meet the same; nor shall the interstate commission pledge  
11 the credit of any of the compacting states, except by and with  
12 the authority of the compacting state.

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

22 ARTICLE X

23 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

24 1. Any state, as defined in article I of this compact, is  
25 eligible to become a compacting state.

26 2. The compact shall become effective and binding upon  
27 legislative enactment of the compact into law by no less than  
28 thirty-five of the states. The initial effective date shall  
29 be the later of July 1, 2001, or upon enactment into law by  
30 the thirty-fifth jurisdiction. Thereafter it shall become  
31 effective and binding, as to any other compacting state, upon  
32 enactment of the compact into law by that state. The  
33 governors of nonmember states or their designees will be  
34 invited to participate in interstate commission activities on  
35 a nonvoting basis prior to adoption of the compact by all

1 states and territories of the United States.

2 3. Amendments to the compact maybe proposed by the  
3 interstate commission for enactment by the compacting states.

4 No amendment shall become effective and binding upon the  
5 interstate commission and the compacting states unless and  
6 until it is enacted into law by unanimous consent of the  
7 compacting states.

8

#### ARTICLE XI

9

#### WITHDRAWAL, DEFAULT, AND TERMINATION, AND JUDICIAL

10

#### ENFORCEMENT

11

##### 1. WITHDRAWAL.

12 a. Once effective, the compact shall continue in force and  
13 retrain binding upon each and every compacting state;

14 provided, that a compacting state may withdraw from the  
15 compact by enacting a statute specifically repealing the  
16 statute which enacted the compact into law.

17 b. The effective date of withdrawal is the effective date  
18 of the repeal.

19 c. The withdrawing state shall immediately notify the  
20 chairperson of the interstate commission in writing upon the  
21 introduction of legislation repealing this compact in the  
22 withdrawing state.

23 d. The interstate commission shall notify the other  
24 compacting states of the withdrawing state's intent to  
25 withdraw within sixty days of its receipt thereof.

26 e. The withdrawing state is responsible for all  
27 assessments, obligations and liabilities incurred through the  
28 effective date of withdrawal, including any obligations, the  
29 performance of which extend beyond the effective date of  
30 withdrawal.

31 f. Reinstatement following withdrawal of any compacting  
32 state shall occur upon the withdrawing state reenacting the  
33 compact or upon such later date as determined by the  
34 interstate commission.

35 2. DEFAULT.

1 a. If the interstate commission determines that any  
2 compacting state has at any time defaulted in the performance  
3 of any of its obligations or responsibilities under this  
4 compact, the bylaws or any duly promulgated rules the  
5 interstate commission may impose any or all of the following  
6 penalties:

7 (1) Fines, fees and costs in such amounts as are deemed to  
8 be reasonable as fixed by the interstate commission.

9 (2) Remedial training and technical assistance as directed  
10 by the interstate commission.

11 (3) Suspension and termination of membership in the  
12 compact. Suspension shall be imposed only after all other  
13 reasonable means of securing compliance under the bylaws and  
14 rules have been exhausted. Immediate notice of suspension  
15 shall be given by the interstate commission to the governor,  
16 the chief justice of the state; the majority and minority  
17 leaders of the defaulting state's legislature, and the  
18 executive council. The grounds for default include, but are  
19 not limited to, failure of a compacting state to perform such  
20 obligations or responsibilities imposed upon it by this  
21 compact, interstate commission bylaws, or duly promulgated  
22 rules. The interstate commission shall immediately notify the  
23 defaulting state in writing of the penalty imposed by the  
24 interstate commission on the defaulting state pending a cure  
25 of the default. The interstate commission shall stipulate the  
26 conditions and the time period within which the defaulting  
27 state must cure its default. If the defaulting state fails to  
28 cure the default within the time period specified by the  
29 interstate commission, in addition to any other penalties  
30 imposed herein, the defaulting state may be terminated from  
31 the compact upon an affirmative vote of a majority of the  
32 compacting states and all rights, privileges and benefits  
33 conferred by this compact shall be terminated from the  
34 effective date of suspension.

35 b. Within sixty days of the effective date of termination

1 of a defaulting state, the interstate commission shall notify  
2 the governor, the chief justice, and the majority and minority  
3 leaders of the defaulting state's legislature and the  
4 executive council of such termination.

5 c. The defaulting state is responsible for all assessments,  
6 obligations and liabilities incurred through the effective  
7 date of termination including any obligations, the performance  
8 of which extends beyond the effective date of termination.

9 d. The interstate commission shall not bear any costs  
10 relating to the defaulting state unless otherwise mutually  
11 agreed upon between the interstate commission and the  
12 defaulting state.

13 e. Reinstatement following termination of any compacting  
14 state requires both a reenactment of the compact by the  
15 defaulting state and the approval of the interstate commission  
16 pursuant to the rules.

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

27 4. DISSOLUTION OF COMPACT.

28 a. The compact dissolves effective upon the date of the  
29 withdrawal or default of the compacting state which reduces  
30 membership in the compact to one compacting state.

31 b. Upon the dissolution of this compact, the compact  
32 becomes null and void and shall be of no further force or  
33 effect, and the business and affairs of the interstate  
34 commission shall be wound up and any surplus funds shall be  
35 distributed in accordance with the bylaws.

## 1 ARTICLE XII

## 2 SEVERABILITY AND CONSTRUCTION

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

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

## 9 ARTICLE XIII

## 10 BINDING EFFECT OF COMPACT AND OTHER LAWS

## 11 1. OTHER LAWS.

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

15 b. All compacting states' laws conflicting with this  
16 compact are superseded to the extent of the conflict.

## 17 2. BINDING EFFECT OF THE COMPACT.

18 a. All lawful actions of the interstate commission,  
19 including all rules and bylaws promulgated by the interstate  
20 commission, are binding upon the compacting states.

21 b. All agreements between the interstate commission and  
22 the compacting states are binding in accordance with their  
23 terms.

24 c. Upon the request of a party to a conflict over meaning  
25 or interpretation of interstate commission actions, and upon a  
26 majority vote of the compacting states, the interstate  
27 commission may issue advisory opinions regarding such meaning  
28 or interpretation.

29 d. In the event any provision of this compact exceeds the  
30 constitutional limits imposed on the legislature of any  
31 compacting state, the obligations, duties, powers or  
32 jurisdiction sought to be conferred by such provision upon the  
33 interstate commission shall be ineffective and such  
34 obligations, duties, powers or jurisdiction shall remain in  
35 the compacting state and shall be exercised by the agency

1 thereof to which such obligations, duties, powers or  
2 jurisdiction are delegated by law in effect at the time this  
3 compact becomes effective.

4 Sec. 7. Chapter 907A, Code 1999, is repealed.

5 EXPLANATION

6 This bill establishes the interstate compact for adult  
7 criminal offender supervision.

8 The bill creates an interstate commission which will  
9 establish uniform procedures to manage the movement of adult  
10 offenders between states who have been placed on probation or  
11 parole. The bill provides that the commission shall oversee  
12 the interstate movement of offenders in the compacting states  
13 and monitor activities in noncompacting states which may  
14 significantly affect the compacting state. The bill provides  
15 that each state shall establish a state council to appoint the  
16 person who will serve on the interstate commission and will  
17 develop policies and procedures related to the commission.  
18 The bill provides that the membership of each state council  
19 shall include at least one member from the judicial, executive  
20 and legislative branches of government, and a representative  
21 of a crime victim group.

22 The bill provides that the commission shall receive notice  
23 of any court proceedings which may affect the responsibilities  
24 or actions of the commission and shall have standing to  
25 intervene in such proceedings.

26 The bill provides that each compact state shall pay an  
27 annual assessment to the commission. The assessment shall be  
28 based upon the population of the state and the volume of  
29 interstate movement of offenders from the state.

30 The bill takes effect on July 1, 2001, or when 35 states  
31 have enacted the compact into law, whichever is later.

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