

House Bill 885

By: Representative Jenkins of the 110th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to
2 pardons and paroles, so as to enact The Interstate Compact for Adult Offender Supervision;
3 to provide for implementation of such compact; to provide for the Georgia State Council for
4 Interstate Adult Offender Supervision; to provide for a compact administrator; to repeal the
5 "Uniform Act for Out-of-State Parolee Supervision"; to provide for related matters; to
6 provide effective dates; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to pardons and
10 paroles, is amended by adding a new Article 4 to read as follows:

11 "ARTICLE 4

12 42-9-80.

13 This article shall be known and may be cited as 'The Interstate Compact for Adult Offender
14 Supervision.'

15 42-9-81.

16 The Governor of this state is authorized and directed to execute a compact on behalf of the
17 State of Georgia with any of the United States legally joining therein in the form
18 substantially as follows:

ARTICLE I.

PURPOSE.

1
2
3 The compacting states to this Interstate Compact recognize that each state is responsible
4 for the supervision of adult offenders in the community who are authorized pursuant to
5 the By-laws and Rules of this compact to travel across state lines both to and from each
6 compacting state in such a manner as to track the location of offenders, transfer
7 supervision authority in an orderly and efficient manner, and when necessary return
8 offenders to the originating jurisdictions. The compacting states also recognize that
9 Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112(1965), has authorized
10 and encouraged compacts for cooperative efforts and mutual assistance in the prevention
11 of crime. It is the purpose of this compact and the Interstate Commission created
12 hereunder, through means of joint and cooperative action among the compacting states:
13 to provide the framework for the promotion of public safety and protect the rights of
14 victims through the control and regulation of the interstate movement of offenders in the
15 community; to provide for the effective tracking, supervision, and rehabilitation of these
16 offenders by the sending and receiving states; and to equitably distribute the costs,
17 benefits and obligations of the compact among the compacting states. In addition, this
18 compact will: create an Interstate Commission which will establish uniform procedures
19 to manage the movement between states of adults placed under community supervision
20 and released to the community under the jurisdiction of courts, paroling authorities,
21 corrections or other criminal justice agencies which will promulgate rules to achieve the
22 purpose of this compact; ensure an opportunity for input and timely notice to victims and
23 to jurisdictions where defined offenders are authorized to travel or to relocate across state
24 lines; establish a system of uniform data collection, access to information on active cases
25 by authorized criminal justice officials, and regular reporting of Compact activities to
26 heads of state councils, state executive, judicial, and legislative branches and criminal
27 justice administrators; monitor compliance with rules governing interstate movement of
28 offenders and initiate interventions to address and correct non-compliance; and
29 coordinate training and education regarding regulations of interstate movement of
30 offenders for officials involved in such activity. The compacting states recognize that
31 there is no 'right' of any offender to live in another state and that duly accredited officers
32 of a sending state may at all times enter a receiving state and there apprehend and retake
33 any offender under supervision subject to the provisions of this compact and By-laws and
34 Rules promulgated hereunder. It is the policy of the compacting states that the activities
35 conducted by the Interstate Commission created herein are the formation of public
36 policies and are therefore public business.

1 (12) 'State Council' means the resident members of the State Council for Interstate
2 Adult Offender Supervision created by each state under Article III of this compact.

3 ARTICLE III.

4 THE COMPACT COMMISSION.

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

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

14 In addition to the Commissioners who are the voting representatives of each state, the
15 Interstate Commission shall include individuals who are not commissioners but who are
16 members of interested organizations; such non-commissioner members must include a
17 member of the national organizations of governors, legislators, state chief justices,
18 attorneys general and crime victims. All non-commissioner members of the Interstate
19 Commission shall be ex-officio (nonvoting) members. The Interstate Commission may
20 provide in its by-laws for such additional, ex-officio, non-voting members as it deems
21 necessary.

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

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

30 The Interstate Commission shall establish an Executive Committee which shall include
31 commission officers, members and others as shall be determined by the By-laws. The
32 Executive Committee shall have the power to act on behalf of the Interstate Commission
33 during periods when the Interstate Commission is not in session, with the exception of
34 rulemaking and/or amendment to the Compact. The Executive Committee oversees the
35 day-to-day activities managed by the Executive Director and Interstate Commission staff;

1 administers enforcement and compliance with the provisions of the compact, its by-laws
2 and as directed by the Interstate Commission and performs other duties as directed by
3 Commission or set forth in the By-laws.

4 ARTICLE IV.

5 THE STATE COUNCIL.

6 Each member state shall create a State Council for Interstate Adult Offender Supervision
7 which shall be responsible for the appointment of the commissioner who shall serve on
8 the Interstate Commission from that state. Each state council shall appoint as its
9 commissioner the Compact Administrator from that state to serve on the Interstate
10 Commission in such capacity under or pursuant to applicable law of the member state.
11 While each member state may determine the membership of its own state council, its
12 membership must include at least one representative from the legislative, judicial, and
13 executive branches of government, victims groups and compact administrators. Each
14 compacting state retains the right to determine the qualifications of the Compact
15 Administrator who shall be appointed by the state council or by the Governor in
16 consultation with the Legislature and the Judiciary. In addition to appointment of its
17 commissioner to the National Interstate Commission, each state council shall exercise
18 oversight and advocacy concerning its participation in Interstate Commission activities
19 and other duties as may be determined by each member state including but not limited
20 to, development of policy concerning operations and procedures of the compact within
21 that state.

22 ARTICLE V.

23 POWERS AND DUTIES OF THE
24 INTERSTATE COMMISSION.

25 The Interstate Commission shall have the following powers:

- 26 (1) To adopt a seal and suitable by-laws governing the management and operation of
27 the Interstate Commission.
- 28 (2) To promulgate rules which shall have the force and effect of statutory law and shall
29 be binding in the compacting states to the extent and in the manner provided in this
30 compact.
- 31 (3) To oversee, supervise and coordinate the interstate movement of offenders subject
32 to the terms of this compact and any by-laws adopted and rules promulgated by the
33 compact commission.

1 (4) To enforce compliance with compact provisions, Interstate Commission rules, and
2 by-laws, using all necessary 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 personnel, including, but not limited
7 to, members and their staffs.

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

12 (9) To elect or appoint such officers, attorneys, employees, agents, or consultants, and
13 to fix their compensation, define their duties and determine their qualifications; and to
14 establish the Interstate Commission's personnel policies and programs relating to,
15 among other things, conflicts of interest, rates of compensation, and qualifications of
16 personnel.

17 (10) To accept any and all donations and grants of money, equipment, supplies,
18 materials, and services, and to receive, utilize, and dispose of same.

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

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

23 (13) To establish a budget and make expenditures and levy dues as provided in Article
24 X of this compact.

25 (14) To sue and be sued.

26 (15) To provide for dispute resolution among Compacting States.

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

29 (17) To report annually to the legislatures, governors, judiciary, and state councils of
30 the compacting states concerning the activities of the Interstate Commission during the
31 preceding year. Such reports shall also include any recommendations that may have
32 been adopted by the Interstate Commission.

33 (18) To coordinate education, training and public awareness regarding the interstate
34 movement of offenders for officials involved in such activity.

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

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

6 Section C. Corporate Records of the Interstate Commission

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

9 Section D. Qualified Immunity, Defense and Indemnification

10 The Members, officers, executive director and employees of the Interstate Commission
11 shall be immune from suit and liability, either personally or in their official capacity, for
12 any claim for damage to or loss of property or personal injury or other civil liability
13 caused or arising out of any actual or alleged act, error or omission that occurred within
14 the scope of Interstate Commission employment, duties or responsibilities; provided, that
15 nothing in this paragraph shall be construed to protect any such person from suit and/or
16 liability for any damage, loss, injury or liability caused by the intentional or willful and
17 wanton misconduct of any such person. The Interstate Commission shall defend the
18 Commissioner of a Compacting State, or his or her representatives or employees, or the
19 Interstate Commission's representatives or employees, in any civil action seeking to
20 impose liability, arising out of any actual or alleged act, error or omission that occurred
21 within the scope of Interstate Commission employment, duties or responsibilities, or that
22 the defendant had a reasonable basis for believing occurred within the scope of Interstate
23 Commission employment, duties or responsibilities; provided, that the actual or alleged
24 act, error or omission did not result from intentional wrongdoing on the part of such
25 person. The Interstate Commission shall indemnify and hold the Commissioner of a
26 Compacting State, the appointed designee or employees, or the Interstate Commission's
27 representatives or employees, harmless in the amount of any settlement or judgement
28 obtained against such persons arising out of any actual or alleged act, error or omission
29 that occurred within the scope of Interstate Commission employment, duties or
30 responsibilities, or that such persons had a reasonable basis for believing occurred within
31 the scope of Interstate Commission employment, duties or responsibilities, provided, that
32 the actual or alleged act, error or omission did not result from gross negligence or
33 intentional wrongdoing on the part of such person.

ARTICLE VII.

ACTIVITIES OF THE INTERSTATE COMMISSION.

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

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

Each Member of the Interstate Commission shall have the right and power to cast a vote to which that Compacting State is entitled and to participate in the business and affairs of the Interstate Commission. A Member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The By-laws may provide for Members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person.

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

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

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

- 1 (1) Relate solely to the Interstate Commission's internal personnel practices and
- 2 procedures;
- 3 (2) Disclose matters specifically exempted from disclosure by statute;
- 4 (3) Disclose trade secrets or commercial or financial information which is privileged
- 5 or confidential;
- 6 (4) Involve accusing any person of a crime, or formally censuring any person;
- 7 (5) Disclose information of a personal nature where disclosure would constitute a
- 8 clearly unwarranted invasion of personal privacy;
- 9 (6) Disclose investigatory records compiled for law enforcement purposes;
- 10 (7) Disclose information contained in or related to examination, operating or condition
- 11 reports prepared by, or on behalf of or for the use of, the Interstate Commission with
- 12 respect to a regulated entity for the purpose of regulation or supervision of such entity;
- 13 (8) Disclose information, the premature disclosure of which would significantly
- 14 endanger the life of a person or the stability of a regulated entity;
- 15 (9) Specifically relate to the Interstate Commission's issuance of a subpoena, or its
- 16 participation in a civil action or proceeding.

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

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

30 ARTICLE VIII.

31 RULEMAKING FUNCTIONS OF THE 32 INTERSTATE COMMISSION.

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

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

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

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

11 When promulgating a Rule, the Interstate Commission shall:

- 12 (1) Publish the proposed Rule stating with particularity the text of the Rule which is
13 proposed and the reason for the proposed Rule;
- 14 (2) Allow persons to submit written data, facts, opinions and arguments, which
15 information shall be publicly available;
- 16 (3) Provide an opportunity for an informal hearing; and
- 17 (4) Promulgate a final Rule and its effective date, if appropriate, based on the
18 rulemaking record.

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

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

- 27 (1) Notice to victims and opportunity to be heard;
- 28 (2) Offender registration and compliance;
- 29 (3) Violations/returns;
- 30 (4) Transfer procedures and forms;
- 31 (5) Eligibility for transfer;
- 32 (6) Collection of restitution and fees from offenders;
- 33 (7) Data collection and reporting;
- 34 (8) The level of supervision to be provided by the receiving state;
- 35 (9) Transition rules governing the operation of the compact and the Interstate
36 Commission during all or part of the period between the effective date of the compact
37 and the date on which the last eligible state adopts the compact;

1 (10) Mediation, arbitration and dispute resolution.

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

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

10 ARTICLE IX.

11 OVERSIGHT, ENFORCEMENT, AND

12 DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION.

13 Section A. Oversight

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

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

24 Section B. Dispute Resolution

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

28 The Interstate Commission shall attempt to resolve any disputes or other issues which are
29 subject to the Compact and which may arise among Compacting States and
30 Noncompacting States.

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

1 Section C. Enforcement

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

5 ARTICLE X.

6 FINANCE.

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

9 The Interstate Commission shall levy on and collect an annual assessment from each
10 Compacting State to cover the cost of the internal operations and activities of the
11 Interstate Commission and its staff which must be in a total amount sufficient to cover
12 the Interstate Commission´s annual budget as approved each year. The aggregate annual
13 assessment amount shall be allocated based upon a formula to be determined by the
14 Interstate Commission, taking into consideration the population of the state and the
15 volume of interstate movement of offenders in each Compacting State and shall
16 promulgate a Rule binding upon all Compacting States which governs said assessment.
17 The Interstate Commission shall not incur any obligations of any kind prior to securing
18 the funds adequate to meet the same; nor shall the Interstate Commission pledge the
19 credit of any of the compacting states, except by and with the authority of the compacting
20 state.

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

27 ARTICLE XI.

28 COMPACTING STATES, EFFECTIVE

29 DATE AND AMENDMENT.

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

32 The Compact shall become effective and binding upon legislative enactment of the
33 Compact into law by no less than 35 of the States. The initial effective date shall be the

1 later of July 1, 2001, or upon enactment into law by the thirty-fifth jurisdiction.
2 Thereafter it shall become effective and binding, as to any other Compacting State, upon
3 enactment of the Compact into law by that State. The governors of Non-member states
4 or their designees will be invited to participate in Interstate Commission activities on a
5 non-voting basis prior to adoption of the compact by all states and territories of the
6 United States.

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

11 ARTICLE XII.

12 WITHDRAWAL, DEFAULT, TERMINATION, 13 AND JUDICIAL ENFORCEMENT

14 Section A. Withdrawal

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

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

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

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

25 The Withdrawing State is responsible for all assessments, obligations and liabilities
26 incurred through the effective date of withdrawal, including any obligations, the
27 performance of which extend beyond the effective date of withdrawal. Reinstatement
28 following withdrawal of any Compacting State shall occur upon the Withdrawing State
29 reenacting the Compact or upon such later date as determined by the Interstate
30 Commission.

31 Section B. Default

32 If the Interstate Commission determines that any Compacting State has at any time
33 defaulted ('Defaulting State') in the performance of any of its obligations or

1 responsibilities under this Compact, the By-laws or any duly promulgated Rules the
2 Interstate Commission may impose any or all of the following penalties:

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

5 (2) Remedial training and technical assistance as directed by the Interstate
6 Commission;

7 (3) Suspension and termination of membership in the compact. Suspension shall be
8 imposed only after all other reasonable means of securing compliance under the
9 By-laws and Rules have been exhausted. Immediate notice of suspension shall be given
10 by the Interstate Commission to the Governor, the Chief Justice or Chief Judicial
11 Officer of the state; the majority and minority leaders of the defaulting state's
12 legislature, and the State Council.

13 The grounds for default include, but are not limited to, failure of a Compacting State to
14 perform such obligations or responsibilities imposed upon it by this compact, Interstate
15 Commission By-laws, or duly promulgated Rules. The Interstate Commission shall
16 immediately notify the Defaulting State in writing of the penalty imposed by the
17 Interstate Commission on the Defaulting State pending a cure of the default. The
18 Interstate Commission shall stipulate the conditions and the time period within which the
19 Defaulting State must cure its default. If the Defaulting State fails to cure the default
20 within the time period specified by the Interstate Commission, in addition to any other
21 penalties imposed herein, the Defaulting State may be terminated from the Compact upon
22 an affirmative vote of a majority of the Compacting States and all rights, privileges and
23 benefits conferred by this Compact shall be terminated from the effective date of
24 suspension.

25 Within sixty days of the effective date of termination of a Defaulting State, the Interstate
26 Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer and the
27 Majority and Minority Leaders of the Defaulting State's legislature and the state council
28 of such termination.

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

32 The Interstate Commission shall not bear any costs relating to the Defaulting State unless
33 otherwise mutually agreed upon between the Interstate Commission and the Defaulting
34 State.

35 Reinstatement following termination of any Compacting State requires both a
36 reenactment of the Compact by the Defaulting State and the approval of the Interstate
37 Commission pursuant to the Rules.

1 Section C. Judicial Enforcement

2 The Interstate Commission may, by majority vote of the Members, initiate legal action
3 in the United States District Court for the District of Columbia or, at the discretion of the
4 Interstate Commission, in the Federal District where the Interstate Commission has its
5 offices to enforce compliance with the provisions of the Compact, its duly promulgated
6 Rules and By-laws, against any Compacting State in default. In the event judicial
7 enforcement is necessary the prevailing party shall be awarded all costs of such litigation
8 including reasonable attorneys fees.

9 Section D. Dissolution of Compact

10 The Compact dissolves effective upon the date of the withdrawal or default of the
11 Compacting State which reduces membership in the Compact to one Compacting State.
12 Upon the dissolution of this Compact, the Compact becomes null and void and shall be
13 of no further force or effect, and the business and affairs of the Interstate Commission
14 shall be wound up and any surplus funds shall be distributed in accordance with the
15 By-laws.

16 ARTICLE XIII.

17 SEVERABILITY AND CONSTRUCTION.

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

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

22 ARTICLE XIV.

23 BINDING EFFECT OF COMPACT AND OTHER LAWS.

24 Section A. Other Laws

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

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

29 Section B. Binding Effect of the Compact

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

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

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

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

13 42-9-82.

14 With respect to the Interstate Compact for Adult Offender Supervision set out in Code
15 Section 42-9-81:

16 (1) The Governor shall by executive order establish the initial composition, terms, and
17 compensation of the Georgia State Council for Interstate Adult Offender Supervision
18 required by Article IV of that compact, with the Governor making the appointments to
19 those positions; except that any appointment to a position representing the legislative
20 branch shall be made jointly by the Speaker of the House of Representatives and the
21 President of the Senate and any appointment to a position representing the judicial branch
22 shall be made by the Chief Justice of the Supreme Court;

23 (2) The Governor shall by executive order establish the qualifications, term, and
24 compensation of the compact administrator required by Article IV of that compact, with
25 the state council making the appointment of the compact administrator;

26 (3) The Governor shall by executive order provide for any other matters necessary for
27 implementation of the compact at the time that it becomes effective; and

28 (4) Except as otherwise provided for in this Code section, the board may promulgate
29 rules or regulations necessary to implement and administer the compact, subject to the
30 provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

31 **SECTION 2.**

32 Said chapter is further amended by striking and reserving Article 3 which consists of Code
33 Section 42-9-70, relating to the short title, and Code Section 42-9-71, relating to text of the
34 "Uniform Act for Out-of-State Parolee Supervision."

SECTION 3.

(a) This section and Section 4 of this Act shall become effective on July 1, 2001.

(b) Section 1 of this Act shall become effective on July 1, 2001, or upon enactment by no fewer than 35 states of the Interstate Compact for Adult Supervision in substantially the form set out in Section 1 of this Act, whichever last occurs. For purposes of this subsection, the term "state" shall have the meaning provided by Section 1 of this Act.

(c) The Governor is authorized and directed to renounce the compact provided by Code Section 42-9-71 by giving six month's notice of withdrawal in accordance with paragraph (7) of said compact within 30 days after Section 1 of this Act has become effective as provided in subsection (b) of this section. In determining whether or not Section 1 of this Act has become effective as provided in subsection (b) of this section, the Governor is authorized to rely upon the written representation of the National Institute of Corrections of the United States Department of Justice.

(d) Section 2 of this Act shall become effective upon the effective date of the Governor's withdrawal from the compact provided by Code Section 42-9-71 in accordance with subsection (c) of this section.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.