

House Bill 955

By: Representatives Sinkfield of the 50th, Stephenson of the 60th, Post 1, Mobley of the 58th, Anderson of the 100th, and Dooley of the 33rd, Post 3

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 39 of the Official Code of Georgia Annotated, relating to minors, so as to
2 enact The Interstate Compact for Juveniles; to provide for implementation of such compact;
3 to provide for the Georgia State Council for Interstate Juvenile Supervision; to provide for
4 a compact administrator; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 39 of the Official Code of Georgia Annotated, relating to minors, is amended by
9 striking Chapter 3, relating to the Interstate Compact of Juveniles, and inserting in its place
10 the following:

11 "CHAPTER 3.

12 39-3-1.

13 This chapter shall be known and may be cited as 'The Interstate Compact for Juveniles.'

14 39-3-2.

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

18 **ARTICLE I.**

19 **PURPOSE.**

20 The compacting states to this Interstate Compact recognize that each state is responsible for
21 the proper supervision or return of juveniles, delinquents and status offenders who are on
22 probation or parole and who have absconded, escaped or run away from supervision and
23 control and in so doing have endangered their own safety and the safety of others. The

1 compacting states also recognize that each state is responsible for the safe return of juveniles
2 who have run away from home and in doing so have left their state of residence. The
3 compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C.
4 Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and
5 mutual assistance in the prevention of crime. It is the purpose of this compact, through means
6 of joint and cooperative action among the compacting states to:

7 (A) Ensure that the adjudicated juveniles and status offenders subject to this compact are
8 provided adequate supervision and services in the receiving state as ordered by the
9 adjudicating judge or parole authority in the sending state;

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

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

14 (D) Make contracts for the cooperative institutionalization in public facilities in member
15 states for delinquent youth needing special services;

16 (E) Provide for the effective tracking and supervision of juveniles;

17 (F) Equitably allocate the costs, benefits and obligations of the compacting states;

18 (G) Establish procedures to manage the movement between states of juvenile offenders
19 released to the community under the jurisdiction of courts, juvenile departments, or any
20 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;

21 (H) Insure immediate notice to jurisdictions where defined offenders are authorized to
22 travel or to relocate across state lines;

23 (I) Establish procedures to resolve pending charges (detainers) against juvenile offenders
24 prior to transfer or release to the community under the terms of this compact;

25 (J) Establish a system of uniform data collection on information pertaining to juveniles
26 subject to this compact that allows access by authorized juvenile justice and criminal
27 justice officials, and regular reporting of Compact activities to heads of state executive,
28 judicial, and legislative branches and juvenile and criminal justice administrators;

29 (K) Monitor compliance with rules governing interstate movement of juveniles and initiate
30 interventions to address and correct noncompliance;

31 (L) Coordinate training and education regarding the regulation of interstate movement of
32 juveniles for officials involved in such activity; and

33 (M) Coordinate the implementation and operation of the compact with the Interstate
34 Compact for the Placement of Children, the Interstate Compact for Adult Offender
35 Supervision and other compacts affecting juveniles particularly in those cases where
36 concurrent or overlapping supervision issues arise. It is the policy of the compacting states
37 that the activities conducted by the Interstate Commission created herein are the formation

1 of public policies and therefore are public business. Furthermore, the compacting states
2 shall cooperate and observe their individual and collective duties and responsibilities for
3 the prompt return and acceptance of juveniles subject to the provisions of this compact. The
4 provisions of this compact shall be reasonably and liberally construed to accomplish the
5 purposes and policies of the compact.

6 ARTICLE II.

7 DEFINITIONS.

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

9 A. 'By-laws' means those by-laws established by the Interstate Commission for its
10 governance, or for directing or controlling its actions or conduct.

11 B. 'Compact Administrator' means the individual in each compacting state appointed
12 pursuant to the terms of this compact, responsible for the administration and management
13 of the state's supervision and transfer of juveniles subject to the terms of this compact, the
14 rules adopted by the Interstate Commission and policies adopted by the State Council under
15 this compact.

16 C. 'Compacting State' means any state which has enacted the enabling legislation for this
17 compact.

18 D. 'Commissioner' means the voting representative of each compacting state appointed
19 pursuant to Article III of this compact.

20 E. 'Court' means any court having jurisdiction over delinquent, neglected, or dependent
21 children.

22 F. 'Deputy Compact Administrator' means the individual, if any, in each compacting state
23 appointed to act on behalf of a Compact Administrator pursuant to the terms of this
24 compact responsible for the administration and management of the state's supervision and
25 transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate
26 Commission and policies adopted by the State Council under this compact.

27 G. 'Interstate Commission' means the Interstate Commission for Juveniles created by
28 Article III of this compact.

29 H. 'Juvenile' means any person defined as a juvenile in any member state or by the rules
30 of the Interstate Commission, including:

31 (1) Accused Delinquent – a person charged with an offense that, if committed by an
32 adult, would be a criminal offense;

33 (2) Adjudicated Delinquent – a person found to have committed an offense that, if
34 committed by an adult, would be a criminal offense;

1 (3) Accused Status Offender – a person charged with an offense that would not be a
2 criminal offense if committed by an adult;

3 (4) Adjudicated Status Offender - a person found to have committed an offense that
4 would not be a criminal offense if committed by an adult; and

5 (5) Non-Offender – a person in need of supervision who has not been accused or
6 adjudicated a status offender or delinquent.

7 I. 'Non-Compacting state' means any state which has not enacted the enabling legislation
8 for this compact.

9 J. 'Probation or Parole' means any kind of supervision or conditional release of juveniles
10 authorized under the laws of the compacting states.

11 K. 'Rule' means a written statement by the Interstate Commission promulgated pursuant
12 to Article VI of this compact that is of general applicability, implements, interprets or
13 prescribes a policy or provision of the Compact, or an organizational, procedural, or
14 practice requirement of the Commission, and has the force and effect of statutory law in
15 a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

16 L. 'State' means a state of the United States, the District of Columbia (or its designee), the
17 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the
18 Northern Marianas Islands.

19 ARTICLE III.

20 INTERSTATE COMMISSION FOR JUVENILES.

21 A. The compacting states hereby create the 'Interstate Commission for Juveniles.' The
22 commission shall be a body corporate and joint agency of the compacting states. The
23 commission shall have all the responsibilities, powers and duties set forth herein, and such
24 additional powers as may be conferred upon it by subsequent action of the respective
25 legislatures of the compacting states in accordance with the terms of this compact.

26 B. The Interstate Commission shall consist of commissioners appointed by the appropriate
27 appointing authority in each state pursuant to the rules and requirements of each
28 compacting state and in consultation with the State Council for Interstate Juvenile
29 Supervision created hereunder. The commissioner shall be the compact administrator,
30 deputy compact administrator or designee from that state who shall serve on the Interstate
31 Commission in such capacity under or pursuant to the applicable law of the compacting
32 state.

33 C. In addition to the commissioners who are the voting representatives of each state, the
34 Interstate Commission shall include individuals who are not commissioners, but who are
35 members of interested organizations. Such non-commissioner members must include a
36 member of the national organizations of governors, legislators, state chief justices,

1 attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact
2 for the Placement of Children, juvenile justice and juvenile corrections officials, and crime
3 victims. All non-commissioner members of the Interstate Commission shall be ex-officio
4 (non-voting) members. The Interstate Commission may provide in its by-laws for such
5 additional ex-officio (non-voting) members, including members of other national
6 organizations, in such numbers as shall be determined by the commission.

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

10 E. The commission shall meet at least once each calendar year. The chairperson may call
11 additional meetings and, upon the request of a simple majority of the compacting states,
12 shall call additional meetings. Public notice shall be given of all meetings and meetings
13 shall be open to the public.

14 F. The Interstate Commission shall establish an executive committee, which shall include
15 commission officers, members, and others as determined by the by-laws. The executive
16 committee shall have the power to act on behalf of the Interstate Commission during
17 periods when the Interstate Commission is not in session, with the exception of rulemaking
18 and/or amendment to the compact. The executive committee shall oversee the day-to-day
19 activities of the administration of the compact managed by an executive director and
20 Interstate Commission staff; administers enforcement and compliance with the provisions
21 of the compact, its by-laws and rules, and performs such other duties as directed by the
22 Interstate Commission or set forth in the by-laws.

23 G. Each member of the Interstate Commission shall have the right and power to cast a vote
24 to which that compacting state is entitled and to participate in the business and affairs of
25 the Interstate Commission. A member shall vote in person and shall not delegate a vote to
26 another compacting state. However, a commissioner, in consultation with the state council,
27 shall appoint another authorized representative, in the absence of the commissioner from
28 that state, to cast a vote on behalf of the compacting state at a specified meeting. The by-
29 laws may provide for members' participation in meetings by telephone or other means of
30 telecommunication or electronic communication.

31 H. The Interstate Commission's by-laws shall establish conditions and procedures under
32 which the Interstate Commission shall make its information and official records available
33 to the public for inspection or copying. The Interstate Commission may exempt from
34 disclosure any information or official records to the extent they would adversely affect
35 personal privacy rights or proprietary interests.

36 I. Public notice shall be given of all meetings and all meetings shall be open to the public,
37 except as set forth in the Rules or as otherwise provided in the Compact. The Interstate

1 Commission and any of its committees may close a meeting to the public where it
2 determines by two-thirds vote that an open meeting would be likely to:

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

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

28 K. The Interstate Commission shall collect standardized data concerning the interstate
29 movement of juveniles as directed through its rules which shall specify the data to be
30 collected, the means of collection and data exchange and reporting requirements. Such
31 methods of data collection, exchange and reporting shall insofar as is reasonably possible
32 conform to up-to-date technology and coordinate its information functions with the
33 appropriate repository of records.

34 ARTICLE IV.

35 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.

36 The commission shall have the following powers and duties:

- 1 1. To provide for dispute resolution among compacting states.
- 2 2. To promulgate rules to effect the purposes and obligations as enumerated in this
3 compact, which shall have the force and effect of statutory law and shall be binding in the
4 compacting states to the extent and in the manner provided in this compact.
- 5 3. To oversee, supervise, and coordinate the interstate movement of juveniles subject to the
6 terms of this compact and any by-laws adopted and rules promulgated by the Interstate
7 Commission.
- 8 4. To enforce compliance with the compact provisions, the rules promulgated by the
9 Interstate Commission, and the by-laws, using all necessary and proper means, including
10 but not limited to the use of judicial process.
- 11 5. To establish and maintain offices which shall be located within one or more of the
12 compacting states.
- 13 6. To purchase and maintain insurance and bonds.
- 14 7. To borrow, accept, hire or contract for services of personnel.
- 15 8. To establish and appoint committees and hire staff which it deems necessary for the
16 carrying out of its functions including, but not limited to, an executive committee as
17 required by Article III which shall have the power to act on behalf of the Interstate
18 Commission in carrying out its powers and duties hereunder.
- 19 9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix
20 their compensation, define their duties and determine their qualifications; and to establish
21 the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts
22 of interest, rates of compensation, and qualifications of personnel.
- 23 10. To accept any and all donations and grants of money, equipment, supplies, materials,
24 and services, and to receive, utilize, and dispose of it.
- 25 11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,
26 improve or use any property, real, personal, or mixed.
- 27 12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
28 any property, real, personal or mixed.
- 29 13. To establish a budget and make expenditures and levy dues as provided in Article VIII
30 of this compact.
- 31 14. To sue and be sued.
- 32 15. To adopt a seal and by-laws governing the management and operation of the Interstate
33 Commission.
- 34 16. To perform such functions as may be necessary or appropriate to achieve the purposes
35 of this compact.
- 36 17. To report annually to the legislatures, governors, judiciary, and state councils of the
37 compacting states concerning the activities of the Interstate Commission during the

1 preceding year. Such reports shall also include any recommendations that may have been
2 adopted by the Interstate Commission.

3 18. To coordinate education, training and public awareness regarding the interstate
4 movement of juveniles for officials involved in such activity.

5 19. To establish uniform standards of the reporting, collecting and exchanging of data.

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

8 ARTICLE V.

9 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.

10 Section A. By-laws

11 1. The Interstate Commission shall, by a majority of the members present and voting,
12 within twelve months after the first Interstate Commission meeting, adopt by-laws to
13 govern its conduct as may be necessary or appropriate to carry out the purposes of the
14 compact, including, but not limited to:

15 a. Establishing the fiscal year of the Interstate Commission;

16 b. Establishing an executive committee and such other committees as may be necessary;

17 c. Provide for the establishment of committees governing any general or specific
18 delegation of any authority or function of the Interstate Commission;

19 d. Providing reasonable procedures for calling and conducting meetings of the Interstate
20 Commission, and ensuring reasonable notice of each such meeting;

21 e. Establishing the titles and responsibilities of the officers of the Interstate Commission;

22 f. Providing a mechanism for concluding the operations of the Interstate Commission and
23 the return of any surplus funds that may exist upon the termination of the Compact after
24 the payment and/or reserving of all of its debts and obligations.

25 g. Providing 'start-up' rules for initial administration of the compact; and

26 h. Establishing standards and procedures for compliance and technical assistance in
27 carrying out the compact.

28 Section B. Officers and Staff

29 1. The Interstate Commission shall, by a majority of the members, elect annually from
30 among its members a chairperson and a vice chairperson, each of whom shall have such
31 authority and duties as may be specified in the by-laws. The chairperson or, in the
32 chairperson's absence or disability, the vice-chairperson shall preside at all meetings of the
33 Interstate Commission. The officers so elected shall serve without compensation or
34 remuneration from the Interstate Commission; provided that, subject to the availability of
35 budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and

1 expenses incurred by them in the performance of their duties and responsibilities as officers
2 of the Interstate Commission.

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

8 Section C. Qualified Immunity, Defense and Indemnification

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

17 2. The liability of any commissioner, or the employee or agent of a commissioner, acting
18 within the scope of such person's employment or duties for acts, errors, or omissions
19 occurring within such person's state may not exceed the limits of liability set forth under
20 the Constitution and laws of that state for state officials, employees, and agents. Nothing
21 in this subsection shall be construed to protect any such person from suit or liability for any
22 damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct
23 of any such person.

24 3. The Interstate Commission shall defend the executive director or the employees or
25 representatives of the Interstate Commission and, subject to the approval of the Attorney
26 General of the state represented by any commissioner of a compacting state, shall defend
27 such commissioner or the commissioner's representatives or employees in any civil action
28 seeking to impose liability arising out of any actual or alleged act, error or omission that
29 occurred within the scope of Interstate Commission employment, duties or responsibilities,
30 or that the defendant had a reasonable basis for believing occurred within the scope of
31 Interstate Commission employment, duties, or responsibilities, provided that the actual or
32 alleged act, error, or omission did not result from intentional or willful and wanton
33 misconduct on the part of such person.

34 4. The Interstate Commission shall indemnify and hold the commissioner of a compacting
35 state, or the commissioner's representatives or employees, or the Interstate Commission's
36 representatives or employees, harmless in the amount of any settlement or judgment

1 obtained against such persons arising out of any actual or alleged act, error, or omission
 2 that occurred within the scope of Interstate Commission employment, duties, or
 3 responsibilities, or that such persons had a reasonable basis for believing occurred within
 4 the scope of Interstate Commission employment, duties, or responsibilities, provided that
 5 the actual or alleged act, error, or omission did not result from intentional or willful and
 6 wanton misconduct on the part of such persons.

7 ARTICLE VI.

8 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.

9 A. The Interstate Commission shall promulgate and publish rules in order to effectively and
 10 efficiently achieve the purposes of the compact.

11 B. Rulemaking shall occur pursuant to the criteria set forth in this article and the by-laws
 12 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the
 13 principles of the 'Model State Administrative Procedures Act,' 1981 Act, Uniform Laws
 14 Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the
 15 Interstate Commission deems appropriate consistent with due process requirements under
 16 the U.S. Constitution as now or hereafter interpreted by the U. S. Supreme Court. All rules
 17 and amendments shall become binding as of the date specified, as published with the final
 18 version of the rule as approved by the Commission.

19 C. When promulgating a rule, the Interstate Commission shall, at a minimum:

- 20 1. Publish the proposed rule's entire text stating the reason(s) for that proposed rule;
- 21 2. Allow and invite any and all persons to submit written data, facts, opinions and
 22 arguments, which information shall be added to the record, and be made publicly
 23 available;
- 24 3. Provide an opportunity for an informal hearing if petitioned by ten (10) or more
 25 persons; and
- 26 4. Promulgate a final rule and its effective date, if appropriate, based on input from state
 27 or local officials, or interested parties.

28 D. Allow, not later than sixty days after a rule is promulgated, any interested person to file
 29 a petition in the United States District Court for the District of Columbia or in the Federal
 30 District Court where the Interstate Commission's principal office is located for judicial
 31 review of such rule. If the court finds that the Interstate Commission's action is not
 32 supported by substantial evidence in the rulemaking record, the court shall hold the rule
 33 unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would
 34 be considered substantial evidence under the Model State Administrative Procedures Act.

1 E. If a majority of the legislatures of the compacting states rejects a rule, those states may,
 2 by enactment of a statute or resolution in the same manner used to adopt the compact,
 3 cause that such rule shall have no further force and effect in any compacting state.

4 F. The existing rules governing the operation of the Interstate Compact on Juveniles
 5 superceded by this act shall be null and void twelve (12) months after the first meeting of
 6 the Interstate Commission created hereunder.

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

12 ARTICLE VII.

13 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE 14 INTERSTATE COMMISSION.

15 Section A. Oversight

16 1. The Interstate Commission shall oversee the administration and operations of the
 17 interstate movement of juveniles subject to this compact in the compacting states and shall
 18 monitor such activities being administered in non-compacting states which may
 19 significantly affect compacting states.

20 2. The courts and executive agencies in each compacting state shall enforce this compact
 21 and shall take all actions necessary and appropriate to effectuate the compact's purposes
 22 and intent. The provisions of this compact and the rules promulgated hereunder shall be
 23 received by all the judges, public officers, commissions, and departments of the state
 24 government as evidence of the authorized statute and administrative rules. All courts shall
 25 take judicial notice of the compact and the rules. In any judicial or administrative
 26 proceeding in a compacting state pertaining to the subject matter of this compact which
 27 may affect the powers, responsibilities or actions of the Interstate Commission, it shall be
 28 entitled to receive all service of process in any such proceeding, and shall have standing
 29 to intervene in the proceeding for all purposes.

30 Section B. Dispute Resolution

31 1. The compacting states shall report to the Interstate Commission on all issues and
 32 activities necessary for the administration of the compact as well as issues and activities
 33 pertaining to compliance with the provisions of the compact and its bylaws and rules.

34 2. The Interstate Commission shall attempt, upon the request of a compacting state, to
 35 resolve any disputes or other issues which are subject to the compact and which may arise

1 among compacting states and between compacting and non-compacting states. The
2 commission shall promulgate a rule providing for both mediation and binding dispute
3 resolution for disputes among the compacting states.

4 3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the
5 provisions and rules of this compact using any or all means set forth in Article XI of this
6 compact.

7 ARTICLE VIII.

8 FINANCE.

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

11 B. The Interstate Commission shall levy on and collect an annual assessment from each
12 compacting state to cover the cost of the internal operations and activities of the Interstate
13 Commission and its staff which must be in a total amount sufficient to cover the Interstate
14 Commission's annual budget as approved each year. The aggregate annual assessment
15 amount shall be allocated based upon a formula to be determined by the Interstate
16 Commission, taking into consideration the population of each compacting state and the
17 volume of interstate movement of juveniles in each compacting state and shall promulgate
18 a rule binding upon all compacting states which governs said assessment.

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

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

28 ARTICLE IX.

29 THE STATE COUNCIL.

30 Each member state shall create a State Council for Interstate Juvenile Supervision. While
31 each state may determine the membership of its own state council, its membership must
32 include at least one representative from the legislative, judicial, and executive branches of
33 government, victims groups, and the compact administrator, deputy compact administrator
34 or designee. Each compacting state retains the right to determine the qualifications of the
35 compact administrator or deputy compact administrator. Each state council will advise and
36 may exercise oversight and advocacy concerning that state's participation in Interstate

1 Commission activities and other duties as may be determined by that state, including but
 2 not limited to, development of policy concerning operations and procedures of the compact
 3 within that state.

4 ARTICLE X.

5 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT.

6 A. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto
 7 Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands
 8 as defined in Article II of this compact is eligible to become a compacting state.

9 B. The compact shall become effective and binding upon legislative enactment of the
 10 compact into law by no less than 35 of the states. The initial effective date shall be the later
 11 of July 1, 2004 or upon enactment into law by the 35th jurisdiction. Thereafter it shall
 12 become effective and binding as to any other compacting state upon enactment of the
 13 compact into law by that state. The governors of non-member states or their designees shall
 14 be invited to participate in the activities of the Interstate Commission on a nonvoting basis
 15 prior to adoption of the compact by all states and territories of the United States.

16 C. The Interstate Commission may propose amendments to the compact for enactment by
 17 the compacting states. No amendment shall become effective and binding upon the
 18 Interstate Commission and the compacting states unless and until it is enacted into law by
 19 unanimous consent of the compacting states.

20 ARTICLE XI.

21 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT.

22 Section A. Withdrawal

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

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

27 3. The withdrawing state shall immediately notify the chairperson of the Interstate
 28 Commission in writing upon the introduction of legislation repealing this compact in the
 29 withdrawing state. The Interstate Commission shall notify the other compacting states of
 30 the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

31 4. The withdrawing state is responsible for all assessments, obligations and liabilities
 32 incurred through the effective date of withdrawal, including any obligations, the
 33 performance of which extend beyond the effective date of withdrawal.

1 5. Reinstatement following withdrawal of any compacting state shall occur upon the
2 withdrawing state reenacting the compact or upon such later date as determined by the
3 Interstate Commission

4 Section B. Technical Assistance, Fines, Suspension, Termination and Default

5 1. If the Interstate Commission determines that any compacting state has at any time
6 defaulted in the performance of any of its obligations or responsibilities under this
7 compact, or the by-laws or duly promulgated rules, the Interstate Commission may impose
8 any or all of the following penalties:

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

10 b. Alternative Dispute Resolution;

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

13 d. Suspension or termination of membership in the compact, which shall be imposed only
14 after all other reasonable means of securing compliance under the by-laws and rules have
15 been exhausted and the Interstate Commission has therefore determined that the
16 offending state is in default. Immediate notice of suspension shall be given by the
17 Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of
18 the state, the majority and minority leaders of the defaulting state's legislature, and the
19 state council. The grounds for default include, but are not limited to, failure of a
20 compacting state to perform such obligations or responsibilities imposed upon it by this
21 compact, the by-laws, or duly promulgated rules and any other grounds designated in
22 commission by-laws and rules. The Interstate Commission shall immediately notify the
23 defaulting state in writing of the penalty imposed by the Interstate Commission and of the
24 default pending a cure of the default. The commission shall stipulate the conditions and
25 the time period within which the defaulting state must cure its default. If the defaulting
26 state fails to cure the default within the time period specified by the commission, the
27 defaulting state shall be terminated from the compact upon an affirmative vote of a
28 majority of the compacting states and all rights, privileges and benefits conferred by this
29 compact shall be terminated from the effective date of termination.

30 2. Within sixty days of the effective date of termination of a defaulting state, the
31 Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the
32 Majority and Minority Leaders of the defaulting state's legislature, and the state council
33 of such termination.

34 3. The defaulting state is responsible for all assessments, obligations and liabilities incurred
35 through the effective date of termination including any obligations, the performance of
36 which extends beyond the effective date of termination.

1 4. The Interstate Commission shall not bear any costs relating to the defaulting state unless
2 otherwise mutually agreed upon in writing between the Interstate Commission and the
3 defaulting state.

4 5. Reinstatement following termination of any compacting state requires both a
5 reenactment of the compact by the defaulting state and the approval of the Interstate
6 Commission pursuant to the rules.

7 Section C. Judicial Enforcement

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

15 Section D. Dissolution of Compact

16 1. The compact dissolves effective upon the date of the withdrawal or default of the
17 compacting state, which reduces membership in the compact to one compacting state.

18 2. Upon the dissolution of this compact, the compact becomes null and void and shall be
19 of no further force or effect, and the business and affairs of the Interstate Commission shall
20 be concluded and any surplus funds shall be distributed in accordance with the by-laws.

21 ARTICLE XII.

22 SEVERABILITY AND CONSTRUCTION.

23 A. The provisions of this compact shall be severable, and if any phrase, clause, sentence
24 or provision is deemed unenforceable, the remaining provisions of the compact shall be
25 enforceable.

26 B. The provisions of this compact shall be liberally construed to effectuate its purposes.

27 ARTICLE XIII.

28 BINDING EFFECT OF COMPACT AND OTHER LAWS.

29 Section A. Other Laws

30 1. Nothing herein prevents the enforcement of any other law of a compacting state that is
31 not inconsistent with this compact.

32 2. All compacting states' laws other than state Constitutions and other interstate compacts
33 conflicting with this compact are superseded to the extent of the conflict.

1 Section B. Binding Effect of the Compact

2 1. All lawful actions of the Interstate Commission, including all rules and by-laws
3 promulgated by the Interstate Commission, are binding upon the compacting states.

4 2. All agreements between the Interstate Commission and the compacting states are binding
5 in accordance with their terms.

6 3. Upon the request of a party to a conflict over meaning or interpretation of Interstate
7 Commission actions, and upon a majority vote of the compacting states, the Interstate
8 Commission may issue advisory opinions regarding such meaning or interpretation.

9 4. In the event any provision of this compact exceeds the constitutional limits imposed on
10 the legislature of any compacting state, the obligations, duties, powers or jurisdiction
11 sought to be conferred by such provision upon the Interstate Commission shall be
12 ineffective and such obligations, duties, powers or jurisdiction shall remain in the
13 compacting state and shall be exercised by the agency thereof to which such obligations,
14 duties, powers or jurisdiction are delegated by law in effect at the time this compact
15 becomes effective.

16 39-3-3.

17 Pursuant to the compact, the Governor is authorized and empowered to designate an officer
18 who shall be the compact administrator and who, acting jointly with like officers of other
19 party states, shall promulgate rules and regulations to carry out more effectively the terms
20 of the compact. The compact administrator shall serve subject to the pleasure of the
21 Governor. The compact administrator is authorized, empowered, and directed to cooperate
22 with all departments, agencies, and officers of and in the government of this state and its
23 subdivisions in facilitating the proper administration of the compact or of any
24 supplementary agreement or agreements entered into by this state hereunder.

25 39-3-4.

26 The compact administrator is authorized and empowered to enter into supplementary
27 agreements with appropriate officials of other states pursuant to the compact. In the event
28 that such supplementary agreement shall require or contemplate the use of any institution
29 or facility of this state or require or contemplate the provision of any service by this state,
30 said supplementary agreement shall have no force or effect until approved by the head of
31 the department or agency under whose jurisdiction said institution or facility is operated
32 or whose department or agency will be charged with the rendering of such service.

1 39-3-5.
2 Funds appropriated to any department, division, or agency of this state may be expended
3 for the purpose of carrying out this chapter. Such department, division, or agency, in all
4 programs carried out pursuant to this chapter involving allocation or expenditure of funds,
5 shall be governed and controlled by the 'Budget Act,' provided for in Part 1 of Article 4 of
6 Chapter 12 of Title 45 and by any appropriation acts and all other laws pertaining to the
7 handling and expenditure of state funds. Subject to this Code section, the compact
8 administrator is authorized to make or arrange to make any payments necessary to
9 discharge any financial obligations imposed upon this state by the compact or any
10 supplementary agreement entered into thereunder.

11 39-3-6.
12 The courts, departments, agencies, and officers of this state and its subdivisions shall
13 enforce this compact and shall do all things appropriate to the effectuation of its purposes
14 and intent which may be within their respective jurisdictions.

15 39-3-7.
16 In addition to any procedure provided in the compact for the return of any runaway
17 juvenile, the particular states, the juvenile or his or her parents, the courts, or other legal
18 custodian involved may agree upon and adopt any other plan or procedure legally
19 authorized under the laws of this state and the other respective party states for the return
20 of any such runaway juvenile.

21 39-3-8.
22 With respect to the Interstate Compact for Juveniles set out in Code Section 39-3-2:
23 (1) The Governor shall by executive order establish the initial composition, terms, and
24 compensation of the Georgia State Council for Interstate Juvenile Supervision required
25 by Article IX of that compact, with the Governor making the appointments to those
26 positions; except that any appointment to a position representing the legislative branch
27 shall be made jointly by the Speaker of the House of Representatives and the President
28 of the Senate and any appointment to a position representing the judicial branch shall be
29 made by the Chief Justice of the Supreme Court;
30 (2) The Governor shall by executive order establish the qualifications, term, and
31 compensation of the compact administrator required by Article III of that compact, with
32 the state council making the appointment of the compact administrator;
33 (3) The Governor shall by executive order provide for any other matters necessary for
34 implementation of the compact at the time that it becomes effective; and

1 (4) Except as otherwise provided for in this Code section, the Board of Juvenile Justice
2 may promulgate rules or regulations necessary to implement and administer the compact,
3 subject to the provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure
4 Act.'"

5 **SECTION 2.**

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