

The House Committee on Judiciary Non-civil offers the following substitute to HB 50:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
2 juvenile proceedings, so as to enact The Interstate Compact for Juveniles; to provide for a
3 short title; to revise and provide for definitions; to change provisions relating to interstate
4 proceedings; to provide for implementation of said compact; to provide for powers and
5 duties, organization, operation, rule making, dispute resolution, and finances of the interstate
6 commission; to provide for the State Council for Interstate Juvenile Supervision; to provide
7 for withdrawal from the compact; to provide for a compact administrator; to amend Title 39
8 of the Official Code of Georgia Annotated, relating to minors, so as to repeal the Interstate
9 Compact on Juveniles; to amend Title 49 of the Official Code of Georgia Annotated relating
10 to social services, so as to correct cross-references; provide for related matters; to provide
11 for effective dates; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **PART I.**
14 **SECTION 1-1.**

15 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile
16 proceedings, is amended by adding a new article to read as follows:

17 "ARTICLE 7

18 15-11-220.

19 This article shall be known and may be cited as 'The Interstate Compact for Juveniles.'

1 15-11-221.

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

5 'ARTICLE I

6 Purpose.

7 The compacting states to this interstate compact recognize that each state is responsible for
8 the proper supervision or return of juveniles, delinquents, and status offenders who are on
9 probation or parole and who have absconded, escaped, or run away from supervision and
10 control and in so doing have endangered their own safety and the safety of others. The
11 compacting states also recognize that each state is responsible for the safe return of
12 juveniles who have run away from home and in doing so have left their state of residence.
13 The compacting states also recognize that Congress, by enacting the Crime Control Act,
14 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative
15 efforts and mutual assistance in the prevention of crime. It is the purpose of this compact,
16 through means of joint and cooperative action among the compacting states, to:

- 17 (1) Ensure that the adjudicated juveniles and status offenders subject to this compact are
18 provided adequate supervision and services in the receiving state as ordered by the
19 adjudicating judge or parole authority in the sending state;
- 20 (2) Ensure that the public safety interests of the citizens, including the victims of juvenile
21 offenders, in both the sending and receiving states are adequately protected;
- 22 (3) Return juveniles who have run away, absconded, or escaped from supervision or
23 control or have been accused of an offense to the state requesting their return;
- 24 (4) Make contracts for the cooperative institutionalization in public facilities in member
25 states for delinquent youth needing special services;
- 26 (5) Provide for the effective tracking and supervision of juveniles;
- 27 (6) Equitably allocate the costs, benefits, and obligations of the compacting states;
- 28 (7) Establish procedures to manage the movement between states of juvenile offenders
29 released to the community under the jurisdiction of courts, juvenile departments, or any
30 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;
- 31 (8) Ensure immediate notice to jurisdictions where defined offenders are authorized to
32 travel or to relocate across state lines;
- 33 (9) Establish procedures to resolve pending charges (detainers) against juvenile offenders
34 prior to transfer or release to the community under the terms of this compact;

1 (10) Establish a system of uniform data collection of information pertaining to juveniles
 2 subject to this compact that allows access by authorized juvenile justice and criminal
 3 justice officials and regular reporting of compact activities to heads of state executive,
 4 judicial, and legislative branches and juvenile and criminal justice administrators;

5 (11) Monitor compliance with rules governing interstate movement of juveniles and
 6 initiate interventions to address and correct noncompliance;

7 (12) Coordinate training and education regarding the regulation of interstate movement
 8 of juveniles for officials involved in such activity; and

9 (13) Coordinate the implementation and operation of the compact with the Interstate
 10 Compact for the Placement of Children, the Interstate Compact for Adult Offender
 11 Supervision, and other compacts affecting juveniles particularly in those cases where
 12 concurrent or overlapping supervision issues arise.

13 It is the policy of the compacting states that the activities conducted by the interstate
 14 commission are the formation of public policies and therefore are public business.
 15 Furthermore, the compacting states shall cooperate and observe their individual and
 16 collective duties and responsibilities for the prompt return and acceptance of juveniles
 17 subject to the provisions of this compact. The provisions of this compact shall be
 18 reasonably and liberally construed to accomplish the purposes and policies of the compact.

19 ARTICLE II

20 Definitions.

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

23 (1) "Bylaws" means those bylaws established by the interstate commission for its
 24 governance or for directing or controlling its actions or conduct.

25 (2) "Commissioner" means the voting representative of each compacting state appointed
 26 pursuant to Article III of this compact.

27 (3) "Compact administrator" means the individual in each compacting state appointed
 28 pursuant to the terms of this compact and responsible for the administration and
 29 management of the state's supervision and transfer of juveniles subject to the terms of
 30 this compact, the rules adopted by the interstate commission, and policies adopted by the
 31 state council under this compact.

32 (4) "Compacting state" means any state which has enacted the enabling legislation for
 33 this compact.

34 (5) "Court" means any court having jurisdiction over delinquent, neglected, or dependent
 35 children.

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

6 (7) "Interstate commission" means the Interstate Commission for Juveniles created by
7 Article III of this compact.

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

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

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

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

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

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

20 (9) "Noncompacting state" means any state which has not enacted the enabling
21 legislation for this compact.

22 (10) "Probation or parole" means any kind of supervision or conditional release of
23 juveniles authorized under the laws of the compacting states.

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

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

ARTICLE III

Interstate Commission for Juveniles.

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

(b) The interstate commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the State Council for Interstate Juvenile Supervision created by this compact. The commissioner shall be the compact administrator, deputy compact administrator, or designee from that state who shall serve on the interstate commission in such capacity under or pursuant to the applicable law of the compacting state.

(c) In addition to the commissioners who are the voting representatives of each state, the interstate commission shall include individuals who are not commissioners, but who are members of interested organizations. Such noncommissioner members shall include a member of the Interstate Compact for Adult Offender Supervision and Interstate Compact for the Placement of Children and the national organizations of governors, legislators, state chief justices, attorneys general, juvenile justice and juvenile corrections officials, and crime victims. All noncommissioner members of the interstate commission shall be ex officio, nonvoting members. The interstate commission may provide in its bylaws for such additional ex officio members, including members of other national organizations, in such numbers as shall be determined by the interstate commission.

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

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

(f) The interstate commission shall establish an executive committee which shall include interstate commission officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the interstate commission

1 during periods when the interstate commission is not in session, with the exception of rule
2 making and amendment to this compact. The executive committee shall oversee the
3 day-to-day activities of the administration of this compact managed by an executive
4 director and interstate commission staff; administer enforcement and compliance with this
5 provisions of this compact and its bylaws and rules; and perform such other duties as
6 directed by the interstate commission or set forth in the bylaws.

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

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

20 (i) Public notice shall be given of all meetings, and all meetings shall be open to the
21 public, except as set forth in the rules or as otherwise provided in this compact. The
22 interstate commission and any of its committees may close a meeting to the public where
23 it determines by two-thirds' vote that an open meeting would be likely to:

- 24 (1) Relate solely to the interstate commission's internal personnel practices and
25 procedures;
- 26 (2) Disclose matters specifically exempted from disclosure by statute;
- 27 (3) Disclose trade secrets or commercial or financial information which is privileged or
28 confidential;
- 29 (4) Involve accusing any person of a crime or formally censuring any person;
- 30 (5) Disclose information of a personal nature where disclosure would constitute a clearly
31 unwarranted invasion of personal privacy;
- 32 (6) Disclose investigative records compiled for law enforcement purposes;
- 33 (7) Disclose information contained in or related to examination, operating, or condition
34 reports prepared by, or on behalf of or for the use of, the interstate commission with
35 respect to a regulated person or entity for the purpose of regulation or supervision of such
36 person or entity;

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

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

5 (j) For every meeting closed pursuant to paragraphs (1) through (9) of subsection (i) of this
6 article, the interstate commission's legal counsel shall publicly certify that, in the legal
7 counsel's opinion, the meeting may be closed to the public and shall reference each
8 relevant exemptive provision. The interstate commission shall keep minutes which shall
9 fully and clearly describe all matters discussed in any meeting and shall provide a full and
10 accurate summary of any actions taken, and the reasons therefor, including a description
11 of each of the views expressed on any item and the record of any roll-call vote as reflected
12 in the vote of each member on the question. All documents considered in connection with
13 any action shall be identified in such minutes.

14 (k) The interstate commission shall collect standardized data concerning the interstate
15 movement of juveniles as directed through its rules which shall specify the data to be
16 collected, the means of collection, and data exchange and reporting requirements. Such
17 methods of data collection, exchange, and reporting shall insofar as is reasonably possible
18 conform to current technology and coordinate its information functions with the
19 appropriate repository of records.

20 ARTICLE IV

21 Powers and Duties of the Interstate Commission.

22 (a) The interstate commission shall have the following powers and duties:

23 (1) To provide for dispute resolution among compacting states;

24 (2) To promulgate rules to effect the purposes and obligations as enumerated in this
25 compact which shall have the force and effect of statutory law and shall be binding on the
26 compacting states to the extent and in the manner provided in this compact;

27 (3) To oversee, supervise, and coordinate the interstate movement of juveniles subject
28 to the terms of this compact and any bylaws adopted and rules promulgated by the
29 interstate commission;

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

33 (5) To establish and maintain offices which shall be located within one or more of the
34 compacting states;

35 (6) To purchase and maintain insurance and bonds;

- 1 (7) To borrow, accept, hire, or contract for services of personnel;
- 2 (8) To establish and appoint committees and hire staff which it deems necessary for the
- 3 carrying out of its functions, including but not limited to an executive committee as
- 4 required by Article III which shall have the power to act on behalf of the interstate
- 5 commission in carrying out its powers and duties;
- 6 (9) To elect or appoint such officers, attorneys, employees, agents, or consultants and to
- 7 fix their compensation, define their duties, and determine their qualifications; and to
- 8 establish the interstate commission's personnel policies and programs relating to, inter
- 9 alia, conflicts of interest, rates of compensation, and qualifications of personnel;
- 10 (10) To accept any and all donations and grants of money, equipment, supplies,
- 11 materials, and services; and to receive, utilize, and dispose of the same;
- 12 (11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold,
- 13 improve, or use any property whether real, personal, or mixed;
- 14 (12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
- 15 of any property whether real, personal, or mixed;
- 16 (13) To establish a budget and make expenditures and levy dues as provided in Article
- 17 VIII of this compact;
- 18 (14) To sue and be sued;
- 19 (15) To adopt a seal and bylaws governing the management and operation of the
- 20 interstate commission;
- 21 (16) To perform such functions as may be necessary or appropriate to achieve the
- 22 purposes of this compact;
- 23 (17) To report annually to the legislatures, governors, judiciary, and state councils of the
- 24 compacting states concerning the activities of the interstate commission during the
- 25 preceding year; such reports shall also include any recommendations that may have been
- 26 adopted by the interstate commission;
- 27 (18) To coordinate education, training, and public awareness regarding the interstate
- 28 movement of juveniles for officials involved in such activity; and
- 29 (19) To establish uniform standards of the reporting, collecting, and exchanging of data.
- 30 (b) The interstate commission shall maintain its corporate books and records in accordance
- 31 with the bylaws.

1 compensation as the interstate commission may deem appropriate. The executive director
2 shall serve as secretary to the interstate commission, but shall not be a member, and shall
3 hire and supervise such other staff as may be authorized by the interstate commission.

4 SECTION C.

5 Qualified Immunity, Defense, and Indemnification.

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

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

21 (c) The interstate commission shall defend the executive director or the employees or
22 representatives of the interstate commission and, subject to the approval of the attorney
23 general of the state represented by any commissioner of a compacting state, shall defend
24 such commissioner or the commissioner's representatives or employees in any civil action
25 seeking to impose liability arising out of any actual or alleged act, error, or omission that
26 occurred within the scope of interstate commission employment, duties, or responsibilities,
27 or that the defendant had a reasonable basis for believing occurred within the scope of
28 interstate commission employment, duties, or responsibilities, provided that the actual or
29 alleged act, error, or omission did not result from intentional or willful and wanton
30 misconduct on the part of such person.

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

1 responsibilities, or that such persons had a reasonable basis for believing occurred within
 2 the scope of interstate commission employment, duties, or responsibilities, provided that
 3 the actual or alleged act, error, or omission did not result from intentional or willful and
 4 wanton misconduct on the part of such persons.

5 ARTICLE VI

6 Rule-making Functions of the Interstate Commission.

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

9 (b) Rule making shall occur pursuant to the criteria set forth in this article and the bylaws
 10 and rules adopted pursuant to this article. Such rule making shall substantially conform to
 11 the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform
 12 Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the
 13 interstate commission deems appropriate consistent with due process requirements under
 14 the United States Constitution as now or hereafter interpreted by the United States Supreme
 15 Court. All rules and amendments shall become binding as of the date specified, as
 16 published with the final version of the rule as approved by the interstate commission.

17 (c) When promulgating a rule, the interstate commission shall, at a minimum:

18 (1) Publish the proposed rule's entire text, stating the reason or reasons for that proposed
 19 rule;

20 (2) Allow and invite any and all persons to submit written data, facts, opinions, and
 21 arguments which shall be added to the record and made publicly available;

22 (3) Provide an opportunity for an informal hearing if petitioned by ten or more persons;
 23 and

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

26 (d) The interstate commission shall allow, not later than 60 days after a rule is
 27 promulgated, any interested person to file a petition in the United States District Court for
 28 the District of Columbia or in the federal district court where the interstate commission's
 29 principal office is located for judicial review of such rule. If the court finds that the
 30 interstate commission's action is not supported by substantial evidence in the rule-making
 31 record, the court shall hold the rule unlawful and set it aside. For purposes of this
 32 subsection, evidence is substantial if it would be considered substantial evidence under the
 33 "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 this compact,
3 cause such rule to 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 superseded by this compact shall be null and void 12 months after the first meeting of the
6 interstate commission created by this compact.

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 rule-making procedures provided by this article shall be
10 retroactively applied to said rule as soon as reasonably possible, but no later than 90 days
11 after the effective date of the emergency rule.

12 ARTICLE VII

13 Oversight, Enforcement, and Dispute Resolution

14 by the Interstate Commission.

15 SECTION A.

16 Oversight.

17 (a) The interstate commission shall oversee the administration and operations of the
18 interstate movement of juveniles subject to this compact in the compacting states and shall
19 monitor such activities being administered in noncompacting states which may
20 significantly affect compacting states.

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

1 SECTION B.

2 Dispute Resolution.

3 (a) The compacting states shall report to the interstate commission on all issues and
4 activities necessary for the administration of this compact as well as issues and activities
5 pertaining to compliance with the provisions of this compact and the interstate
6 commission's bylaws and rules.

7 (b) The interstate commission shall attempt, upon the request of a compacting state, to
8 resolve any disputes or other issues which are subject to this compact and which may arise
9 among compacting states and between compacting and noncompacting states. The
10 interstate commission shall promulgate a rule providing for both mediation and binding
11 dispute resolution for disputes among the compacting states.

12 (c) The interstate commission, in the reasonable exercise of its discretion, shall enforce the
13 provisions and rules of this compact using any or all means set forth in Article XI of this
14 compact.

15 ARTICLE VIII

16 Finance.

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

19 (b) The interstate commission shall levy on and collect an annual assessment from each
20 compacting state to cover the cost of the internal operations and activities of the interstate
21 commission and its staff which must be in a total amount sufficient to cover the interstate
22 commission's annual budget as approved each year. The aggregate annual assessment
23 amount shall be allocated based upon a formula to be determined by the interstate
24 commission, taking into consideration the population of each compacting state and the
25 volume of interstate movement of juveniles in each compacting state and shall promulgate
26 a rule binding upon all compacting states which governs said assessment.

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

30 (d) The interstate commission shall keep accurate accounts of all receipts and
31 disbursements. The receipts and disbursements of the interstate commission shall be
32 subject to the audit and accounting procedures established under its bylaws. However, all
33 receipts and disbursements of funds handled by the interstate commission shall be audited

1 yearly by a certified or licensed public accountant and the report of the audit shall be
2 included in and become part of the annual report of the interstate commission.

3 ARTICLE IX

4 The State Council.

5 Each member state shall create a State Council for Interstate Juvenile Supervision. While
6 each state may determine the membership of its own state council, its membership must
7 include at least one representative from the legislative, judicial, and executive branches of
8 government, victims groups, and the compact administrator, deputy compact administrator,
9 or designee. Each compacting state retains the right to determine the qualifications of the
10 compact administrator or deputy compact administrator. Each state council shall advise
11 and may exercise oversight and advocacy concerning that state's participation in interstate
12 commission activities and other duties as may be determined by that state, including but
13 not limited to development of policy concerning operations and procedures of this compact
14 within that state.

15 ARTICLE X

16 Compacting States, Effective Date, and Amendment.

17 (a) Any state as defined in Article II of this compact is eligible to become a compacting
18 state.

19 (b) This compact shall become effective and binding upon legislative enactment of this
20 compact into law by no less than 35 of the states. The initial effective date shall be upon
21 enactment into law by the thirty-fifth jurisdiction. Thereafter, it shall become effective and
22 binding as to any other compacting state upon enactment of this compact into law by that
23 state. The governors of noncompacting states or their designees shall be invited to
24 participate in the activities of the interstate commission on a nonvoting basis prior to
25 adoption of the compact by all states and territories of the United States.

26 (c) The interstate commission may propose amendments to this compact for enactment by
27 the compacting states. No amendment shall become effective and binding upon the
28 interstate commission and the compacting states unless and until it is enacted into law by
29 unanimous consent of the compacting states.

ARTICLE XI

Withdrawal, Default, Termination, and Judicial Enforcement.

SECTION A.

Withdrawal.

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

(b) The effective date of withdrawal is the effective date of the repeal.

(c) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

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

(e) Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state's reenacting this compact or upon such later date as determined by the interstate commission.

SECTION B.

Technical Assistance, Fines, Suspension, Termination, and Default.

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

(1) Remedial training and technical assistance as directed by the interstate commission;

(2) Alternative dispute resolution;

(3) Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the interstate commission; and

(4) Suspension or termination of membership in this compact, which shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the interstate commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the interstate commission to the governor, the chief justice or the chief judicial officer of the state; the majority and minority leaders of the defaulting state's legislature; and the state

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

13 (b) Within 60 days of the effective date of termination of a defaulting state, the interstate
14 commission shall notify the governor, the chief justice or chief judicial officer, the majority
15 and minority leaders of the defaulting state's legislature, and the state council of such
16 termination.

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

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

23 (e) Reinstatement following termination of any compacting state requires both a
24 reenactment of this compact by the defaulting state and the approval of the interstate
25 commission pursuant to the rules.

26 SECTION C.

27 Judicial Enforcement.

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

1 SECTION D.

2 Dissolution of Compact.

3 (a) This compact dissolves effective upon the date of the withdrawal or default of a
4 compacting state which reduces membership in this compact to one compacting state.

5 (b) Upon the dissolution of this compact, the compact becomes null and void and shall be
6 of no further force or effect, and the business and affairs of the interstate commission shall
7 be concluded and any surplus funds shall be distributed in accordance with the bylaws.

8 ARTICLE XII.

9 Severability and Construction.

10 (a) The provisions of this compact shall be severable, and if any phrase, clause, sentence,
11 or provision is deemed unenforceable, the remaining provisions of this compact shall be
12 enforceable.

13 (b) The provisions of this compact shall be liberally construed to effectuate its purposes.

14 ARTICLE XIII

15 Binding Effect of Compact and Other Laws.

16 SECTION A.

17 Other laws.

18 (a) Nothing in this compact prevents the enforcement of any other law of a compacting
19 state that is not inconsistent with this compact.

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

22 SECTION B.

23 Binding Effect of the Compact.

24 (a) All lawful actions of the interstate commission, including all rules and bylaws
25 promulgated by the interstate commission, are binding upon the compacting states.

26 (b) All agreements between the interstate commission and the compacting states are
27 binding in accordance with their terms.

28 (c) Upon the request of a party to a conflict over the meaning or interpretation of interstate
29 commission actions, and upon a majority vote of the compacting states, the interstate
30 commission may issue advisory opinions regarding such meaning or interpretation.

1 (d) In the event any provision of this compact exceeds the constitutional limits imposed
2 on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction
3 sought to be conferred by such provision upon the interstate commission shall be
4 ineffective; and such obligations, duties, powers, or jurisdiction shall remain in the
5 compacting state and shall be exercised by the agency of that state to which such
6 obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this
7 compact becomes effective.'

8 15-11-222.

9 Pursuant to the compact, the Governor is authorized and empowered to designate an officer
10 who shall be the compact administrator and who, acting jointly with like officers of other
11 party states, shall promulgate rules and regulations to carry out more effectively the terms
12 of the compact. The compact administrator shall serve subject to the pleasure of the
13 Governor. The compact administrator is authorized, empowered, and directed to cooperate
14 with all departments, agencies, and officers of and in the government of this state and its
15 subdivisions in facilitating the proper administration of the compact or of any
16 supplementary agreement or agreements entered into by this state under the compact.

17 15-11-223.

18 Funds appropriated to any department, division, or agency of this state may be expended
19 for the purpose of carrying out this article. Such department, division, or agency, in all
20 programs carried out pursuant to this article involving allocation or expenditure of funds,
21 shall be governed and controlled by Part 1 of Article 4 of Chapter 12 of Title 45, the
22 'Budget Act,' and by any appropriation acts and all other laws pertaining to the handling
23 and expenditure of state funds. Subject to this Code section, the compact administrator is
24 authorized to make or arrange to make any payments necessary to discharge any financial
25 obligations imposed upon this state by the compact or any supplementary agreement
26 entered into under the compact.

27 15-11-224.

28 The courts, departments, agencies, and officers of this state and its subdivisions shall
29 enforce the compact and shall do all things appropriate to the effectuation of its purposes
30 and intent which may be within their respective jurisdictions.

31 15-11-225.

32 In addition to any procedure provided in the compact for the return of any runaway
33 juvenile, the particular states, the juvenile or his or her parents, the courts, or other legal

1 custodian involved may agree upon and adopt any other plan or procedure legally
 2 authorized under the laws of this state and the other respective party states for the return
 3 of any such runaway juvenile.

4 15-11-226.

5 With respect to The Interstate Compact for Juveniles set out in Code Section 15-11-221:

6 (1) The Governor shall by executive order establish the initial composition, terms, and
 7 compensation of the Georgia State Council for Interstate Juvenile Supervision required
 8 by Article IX of that compact, with the Governor making the appointments to those
 9 positions; except that any appointment to a position representing the legislative branch
 10 shall be made jointly by the Speaker of the House of Representatives and the Lieutenant
 11 Governor and any appointment to a position representing the judicial branch shall be
 12 made by the Chief Justice of the Supreme Court;

13 (2) The Governor shall by executive order establish the qualifications, term, and
 14 compensation of the compact administrator required by Article III of that compact, with
 15 the state council making the appointment of the compact administrator;

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

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

22 **PART II**

23 **SECTION 2-1.**

24 Title 39 of the Official Code of Georgia Annotated, relating to minors, is amended by
 25 repealing Chapter 3, relating to the Interstate Compact on Juveniles, and designating said
 26 chapter as reserved.

27 **SECTION 2-2.**

28 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
 29 by revising paragraph (3) of subsection (a) of Code Section 49-4A-7, relating to the powers
 30 and duties of the Department of Juvenile Justice, as follows:

31 "(3) Provide casework services and care or payment of maintenance costs for children
 32 and youths who have run away from their home communities within this state or from
 33 their home communities in this state to another state or from their home communities in

1 another state to this state; pay the costs of returning such runaway children and youths
 2 to their home communities; and provide such services, care, or costs for runaway children
 3 and youths as may be required under ~~Chapter 3 of Title 39~~ Article 7 of Chapter 11 of
 4 Title 15;"

5 **SECTION 2-3.**

6 Said title is further amended by revising subparagraph (a)(3)(D) of Code Section 49-5-8,
 7 relating to the powers and duties of the Department of Human Resources, as follows:

8 "(D) Providing casework services and care or payment of maintenance costs for
 9 children and youths who have run away from their home communities within this state,
 10 or from their home communities in this state to another state, or from their home
 11 communities in another state to this state; paying the costs of returning such runaway
 12 children and youths to their home communities; and providing such services, care, or
 13 costs for runaway children and youths as may be required under ~~Chapter 3 of Title 39~~
 14 Article 7 of Chapter 11 of Title 15;"

15 **PART III**

16 **SECTION 3-1.**

17 (a) Part I of this Act shall become effective on July 1, 2007, or upon enactment by no fewer
 18 than 35 states of The Interstate Compact for Juveniles in substantially the form set out in Part
 19 I of this Act, whichever occurs last. For purposes of this subsection, the term "state" shall
 20 have the meaning provided by Part I of this Act.

21 (b) The Governor is authorized and directed to renounce the compact provided by Code
 22 Section 39-3-2 by giving six months' notice of withdrawal in accordance with Article XIV
 23 of said compact within 30 days after Part I of this Act has become effective as provided in
 24 subsection (a) of this section. In determining whether or not Part I of this Act has become
 25 effective as provided in subsection (a) of this section, the Governor is authorized to rely upon
 26 the written representation of the Council of State Governments.

27 (c) Part II of this Act shall become effective upon the effective date of the Governor's
 28 withdrawal from the compact provided by Code Section 39-3-2 in accordance with
 29 subsection (b) of this section.

30 (d) Part III shall become effective on July 1, 2007.

31 **SECTION 3-2.**

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