

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5118

57th Legislature
2001 Regular Session

Passed by the Senate March 9, 2001
YEAS 48 NAYS 0

President of the Senate

Passed by the House April 5, 2001
YEAS 97 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5118** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5118

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Costa, Long, Hargrove, Fairley and Oke)

READ FIRST TIME 02/26/01.

1 AN ACT Relating to the interstate compact for adult offender
2 supervision; adding new sections to chapter 9.94A RCW; creating a new
3 section; providing an effective date; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** This act shall be known and may be cited as
6 the "interstate compact for adult offender supervision."

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A RCW
8 to read as follows:

9 The interstate compact for adult offender supervision is hereby
10 entered into and enacted into law with all jurisdictions legally
11 joining therein, in the form substantially as follows:

ARTICLE I

PURPOSE

14 (a) The compacting states to this interstate compact recognize that
15 each state is responsible for the supervision of adult offenders in the
16 community who are authorized pursuant to the bylaws and rules of this
17 compact to travel across state lines both to and from each compacting

1 state in such a manner as to track the location of offenders, transfer
2 supervision authority in an orderly and efficient manner, and, when
3 necessary, return offenders to the originating jurisdictions. The
4 compacting states also recognize that congress, by enacting the crime
5 control act, 4 U.S.C. Sec. 112 (1965), has authorized and encouraged
6 compacts for cooperative efforts and mutual assistance in the
7 prevention of crime.

8 (b) It is the purpose of this compact and the interstate commission
9 created hereunder, through means of joint and cooperative action among
10 the compacting states: To provide the framework for the promotion of
11 public safety and protect the rights of victims through the control and
12 regulation of the interstate movement of offenders in the community; to
13 provide for the effective tracking, supervision, and rehabilitation of
14 these offenders by the sending and receiving states; and to equitably
15 distribute the costs, benefits and obligations of the compact among the
16 compacting states.

17 (c) In addition, this compact will: Create an interstate
18 commission which will establish uniform procedures to manage the
19 movement between states of adults placed under community supervision
20 and released to the community under the jurisdiction of courts,
21 paroling authorities, corrections, or other criminal justice agencies
22 which will promulgate rules to achieve the purpose of this compact;
23 ensure an opportunity for input and timely notice to victims and to
24 jurisdictions where defined offenders are authorized to travel or to
25 relocate across state lines; establish a system of uniform data
26 collection, access to information on active cases by authorized
27 criminal justice officials, and regular reporting of compact activities
28 to heads of state councils, state executive, judicial, and legislative
29 branches and criminal justice administrators; monitor compliance with
30 rules governing interstate movement of offenders and initiate
31 interventions to address and correct noncompliance; and coordinate
32 training and education regarding regulations of interstate movement of
33 offenders for officials involved in such activity.

34 (d) The compacting states recognize that there is no "right" of any
35 offender to live in another state and that duly accredited officers of
36 a sending state may at all times enter a receiving state and there
37 apprehend and retake any offender under supervision subject to the
38 provisions of this compact and bylaws and rules promulgated hereunder.
39 It is the policy of the compacting states that the activities conducted

1 by the interstate commission created herein are the formation of public
2 policies and are therefore public business.

3 ARTICLE II
4 DEFINITIONS

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

7 (a) "Adult" means both individuals legally classified as adults and
8 juveniles treated as adults by court order, statute, or operation of
9 law.

10 (b) "Bylaws" means those bylaws established by the interstate
11 commission for its governance, or for directing or controlling the
12 interstate commission's actions or conduct.

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

19 (d) "Compacting state" means any state which has enacted the
20 enabling legislation for this compact.

21 (e) "Commissioner" means the voting representative of each
22 compacting state appointed pursuant to article III of this compact.

23 (f) "Interstate commission" means the interstate commission for
24 adult offender supervision established by this compact.

25 (g) "Member" means the commissioner of a compacting state or
26 designee, who shall be a person officially connected with the
27 commissioner.

28 (h) "Noncompacting state" means any state which has not enacted the
29 enabling legislation for this compact.

30 (i) "Offender" means an adult placed under, or subject, to
31 supervision as the result of the commission of a criminal offense and
32 released to the community under the jurisdiction of courts, paroling
33 authorities, corrections, or other criminal justice agencies.

34 (j) "Person" means any individual, corporation, business
35 enterprise, or other legal entity, either public or private.

36 (k) "Rules" means acts of the interstate commission, duly
37 promulgated pursuant to article VIII of this compact, substantially

1 affecting interested parties in addition to the interstate commission,
2 which shall have the force and effect of law in the compacting states.

3 (l) "State" means a state of the United States, the District of
4 Columbia and any other territorial possessions of the United States.

5 (m) "State council" means the resident members of the state council
6 for interstate adult offender supervision created by each state under
7 article IV of this compact.

8 (n) "Victim" means a person who has sustained emotional,
9 psychological, physical, or financial injury to person or property as
10 a result of criminal conduct against the person or a member of the
11 person's family.

12 ARTICLE III

13 THE COMPACT COMMISSION

14 (a) The compacting states hereby create the "interstate commission
15 for adult offender supervision." The interstate commission shall be a
16 body corporate and joint agency of the compacting states. The
17 interstate commission shall have all the responsibilities, powers and
18 duties set forth herein; including the power to sue and be sued, and
19 such additional powers as may be conferred upon it by subsequent action
20 of the respective legislatures of the compacting states in accordance
21 with the terms of this compact.

22 (b) The interstate commission shall consist of commissioners
23 selected and appointed by resident members of a state council for
24 interstate adult offender supervision for each state. In addition to
25 the commissioners who are the voting representatives of each state, the
26 interstate commission shall include individuals who are not
27 commissioners but who are members of interested organizations. Such
28 noncommissioner members must include a member of the national
29 organizations of governors, legislators, state chief justices,
30 attorneys general and crime victims. All noncommissioner members of
31 the interstate commission shall be ex officio, nonvoting members. The
32 interstate commission may provide in its bylaws for such additional, ex
33 officio, nonvoting members as it deems necessary.

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

1 (d) The interstate commission shall meet at least once each
2 calendar year. The chairperson may call additional meetings and, upon
3 the request of twenty-seven or more compacting states, shall call
4 additional meetings. Public notice shall be given of all meetings and
5 meetings shall be open to the public.

6 (e) The interstate commission shall establish an executive
7 committee which shall include commission officers, members and others
8 as shall be determined by the bylaws. The executive committee shall
9 have the power to act on behalf of the interstate commission during
10 periods when the interstate commission is not in session, with the
11 exception of rule making and/or amendment to the compact. The
12 executive committee oversees the day-to-day activities managed by the
13 executive director and interstate commission staff; administers
14 enforcement and compliance with the provisions of the compact, its
15 bylaws and as directed by the interstate commission and performs other
16 duties as directed by the commission or set forth in the bylaws.

17 ARTICLE IV

18 THE STATE COUNCIL

19 (a) Each member state shall create a state council for interstate
20 adult offender supervision which shall be responsible for the
21 appointment of the commissioner who shall serve on the interstate
22 commission from that state. Each state council shall appoint as its
23 commissioner the compact administrator from that state to serve on the
24 interstate commission in such capacity under or pursuant to applicable
25 law of the member state. While each member state may determine the
26 membership of its own state council, its membership must include at
27 least one representative from the legislative, judicial, and executive
28 branches of government, victims' groups, and compact administrators.

29 (b) Each compacting state retains the right to determine the
30 qualifications of the compact administrator who shall be appointed by
31 the state council or by the governor in consultation with the
32 legislature and the judiciary.

33 (c) In addition to appointment of its commissioner to the national
34 interstate commission, each state council shall exercise oversight and
35 advocacy concerning its participation in interstate commission
36 activities and other duties as may be determined by each member state
37 including, but not limited to, development of policy concerning
38 operations and procedures of the compact within that state.

ARTICLE V

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission shall have the following powers:

(a) To adopt a seal and suitable bylaws governing the management and operation of the interstate commission;

(b) To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact;

(c) To oversee, supervise and coordinate the interstate movement of offenders subject to the terms of this compact and any bylaws adopted and rules promulgated by the compact commission;

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

(e) To establish and maintain offices;

(f) To purchase and maintain insurance and bonds;

(g) To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs;

(h) To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by article III of this compact which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder;

(i) To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel;

(j) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same;

(k) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed;

(l) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(m) To establish a budget and make expenditures and levy dues as provided in article X of this compact;

- 1 (n) To sue and be sued;
- 2 (o) To provide for dispute resolution among compacting states;
- 3 (p) To perform such functions as may be necessary or appropriate to
4 achieve the purposes of this compact;
- 5 (q) To report annually to the legislatures, governors, judiciary,
6 and state councils of the compacting states concerning the activities
7 of the interstate commission during the preceding year. Such reports
8 shall also include any recommendations that may have been adopted by
9 the interstate commission;
- 10 (r) To coordinate education, training and public awareness
11 regarding the interstate movement of offenders for officials involved
12 in such activity;
- 13 (s) To establish uniform standards for the reporting, collecting,
14 and exchanging of data.

15 ARTICLE VI

16 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

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

- 22 (1) Establishing the fiscal year of the interstate commission;
- 23 (2) Establishing an executive committee and such other committees
24 as may be necessary, providing reasonable standards and procedures:
- 25 (i) For the establishment of committees, and
- 26 (ii) Governing any general or specific delegation of any authority
27 or function of the interstate commission;
- 28 (3) Providing reasonable procedures for calling and conducting
29 meetings of the interstate commission, and ensuring reasonable notice
30 of each such meeting;
- 31 (4) Establishing the titles and responsibilities of the officers of
32 the interstate commission;
- 33 (5) Providing reasonable standards and procedures for the
34 establishment of the personnel policies and programs of the interstate
35 commission. Notwithstanding any civil service or other similar laws of
36 any compacting state, the bylaws shall exclusively govern the personnel
37 policies and programs of the interstate commission;

1 (6) Providing a mechanism for winding up the operations of the
2 interstate commission and the equitable return of any surplus funds
3 that may exist upon the termination of the compact after the payment
4 and/or reserving of all of its debts and obligations;

5 (7) Providing transition rules for "start up" administration of the
6 compact;

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

9 (b) **Officers and staff.** (1) The interstate commission shall, by a
10 majority of the members, elect from among its members a chairperson and
11 a vice-chairperson, each of whom shall have such authorities and duties
12 as may be specified in the bylaws. The chairperson or, in his or her
13 absence or disability, the vice-chairperson shall preside at all
14 meetings of the interstate commission. The officers so elected shall
15 serve without compensation or remuneration from the interstate
16 commission: PROVIDED, That subject to the availability of budgeted
17 funds, the officers shall be reimbursed for any actual and necessary
18 costs and expenses incurred by them in the performance of their duties
19 and responsibilities as officers of the interstate commission.

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

27 (c) **Corporate records of the interstate commission.** The interstate
28 commission shall maintain its corporate books and records in accordance
29 with the bylaws.

30 (d) **Qualified immunity, defense and indemnification.** (1) The
31 members, officers, executive director and employees of the interstate
32 commission shall be immune from suit and liability, either personally
33 or in their official capacity, for any claim for damage to or loss of
34 property or personal injury or other civil liability caused or arising
35 out of any actual or alleged act, error or omission that occurred
36 within the scope of interstate commission employment, duties or
37 responsibilities: PROVIDED, That nothing in this subsection (d)(1)
38 shall be construed to protect any such person from suit and/or

1 liability for any damage, loss, injury or liability caused by the
2 intentional or willful and wanton misconduct of any such person.

3 (2) The interstate commission shall defend the commissioner of a
4 compacting state, or his or her representatives or employees, or the
5 interstate commission's representatives or employees in any civil
6 action seeking to impose liability, arising out of any actual or
7 alleged act, error or omission that occurred within the scope of
8 interstate commission employment, duties or responsibilities, or that
9 the defendant had a reasonable basis for believing occurred within the
10 scope of interstate commission employment, duties or responsibilities:
11 PROVIDED, That the actual or alleged act, error or omission did not
12 result from intentional wrongdoing on the part of such person.

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

24 ARTICLE VII

25 ACTIVITIES OF THE INTERSTATE COMMISSION

26 (a) The interstate commission shall meet and take such actions as
27 are consistent with the provisions of this compact.

28 (b) Except as otherwise provided in this compact and unless a
29 greater percentage is required by the bylaws, in order to constitute an
30 act of the interstate commission, such act shall have been taken at a
31 meeting of the interstate commission and shall have received an
32 affirmative vote of a majority of the members present.

33 (c) Each member of the interstate commission shall have the right
34 and power to cast a vote to which that compacting state is entitled and
35 to participate in the business and affairs of the interstate
36 commission. A member shall vote in person on behalf of the state and
37 shall not delegate a vote to another member state. However, a state
38 council shall appoint another authorized representative, in the absence

1 of the commissioner from that state, to cast a vote on behalf of the
2 member state at a specified meeting. The bylaws may provide for
3 members' participation in meetings by telephone or other means of
4 telecommunication or electronic communication. Any voting conducted by
5 telephone or other means of telecommunication or electronic
6 communication shall be subject to the same quorum requirements of
7 meetings where members are present in person.

8 (d) The interstate commission shall meet at least once during each
9 calendar year. The chairperson of the interstate commission may call
10 additional meetings at any time and, upon the request of a majority of
11 the members, shall call additional meetings.

12 (e) The interstate commission's bylaws shall establish conditions
13 and procedures under which the interstate commission shall make its
14 information and official records available to the public for inspection
15 or copying. The interstate commission may exempt from disclosure any
16 information or official records to the extent they would adversely
17 affect personal privacy rights or proprietary interests. In
18 promulgating such rules, the interstate commission may make available
19 to law enforcement agencies records and information otherwise exempt
20 from disclosure, and may enter into agreements with law enforcement
21 agencies to receive or exchange information or records subject to
22 nondisclosure and confidentiality provisions.

23 (f) Public notice shall be given of all meetings and all meetings
24 shall be open to the public, except as set forth in the rules or as
25 otherwise provided in the compact. The interstate commission shall
26 promulgate rules consistent with the principles contained in the
27 "government in sunshine act," 5 U.S.C. Sec. 552(b), as may be amended.
28 The interstate commission and any of its committees may close a meeting
29 to the public where it determines by two-thirds vote that an open
30 meeting would be likely to:

31 (1) Relate solely to the interstate commission's internal personnel
32 practices and procedures;

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

35 (3) Disclose trade secrets or commercial or financial information
36 which is privileged or confidential;

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

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

3 (6) Disclose investigatory records compiled for law enforcement
4 purposes;

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

9 (8) Disclose information, the premature disclosure of which would
10 significantly endanger the life of a person or the stability of a
11 regulated entity;

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

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

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

29 ARTICLE VIII

30 RULE MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

31 (a) The interstate commission shall promulgate rules in order to
32 effectively and efficiently achieve the purposes of the compact
33 including transition rules governing administration of the compact
34 during the period in which it is being considered and enacted by the
35 states.

36 (b) Rule making shall occur pursuant to the criteria set forth in
37 this article and the bylaws and rules adopted pursuant thereto. Such
38 rule making shall substantially conform to the principles of the

1 federal administrative procedure act, 5 U.S.C. Sec. 551 et seq., and
2 the federal advisory committee act, 5 U.S.C.S. app. 2, section 1 et
3 seq., as may be amended (hereinafter "APA"). All rules and amendments
4 shall become binding as of the date specified in each rule or
5 amendment.

6 (c) If a majority of the legislatures of the compacting states
7 rejects a rule, by enactment of a statute or resolution in the same
8 manner used to adopt the compact, then such rule shall have no further
9 force and effect in any compacting state.

10 (d) When promulgating a rule, the interstate commission shall:

11 (1) Publish the proposed rule stating with particularity the text
12 of the rule which is proposed and the reason for the proposed rule;

13 (2) Allow persons to submit written data, facts, opinions and
14 arguments, which information shall be publicly available;

15 (3) Provide an opportunity for an informal hearing; and

16 (4) Promulgate a final rule and its effective date, if appropriate,
17 based on the rule making record. Not later than sixty days after a
18 rule is promulgated, any interested person may file a petition in the
19 United States district court for the District of Columbia or in the
20 federal district court where the interstate commission's principal
21 office is located for judicial review of such rule. If the court finds
22 that the interstate commission's action is not supported by substantial
23 evidence, (as defined in the APA), in the rule-making record, the court
24 shall hold the rule unlawful and set it aside.

25 (e) Subjects to be addressed within twelve months after the first
26 meeting must at a minimum 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
36 interstate commission during all or part of the period between the
37 effective date of the compact and the date on which the last eligible
38 state adopts the compact;

39 (10) Mediation, arbitration and dispute resolution.

1 (f) The existing rules governing the operation of the previous
2 compact superseded by this act shall be null and void twelve months
3 after the first meeting of the interstate commission created hereunder.

4 (g) Upon determination by the interstate commission that an
5 emergency exists, it may promulgate an emergency rule which shall
6 become effective immediately upon adoption, provided that the usual
7 rule-making procedures provided hereunder shall be retroactively
8 applied to said rule as soon as reasonably possible, in no event later
9 than ninety days after the effective date of the rule.

10 ARTICLE IX

11 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE
12 INTERSTATE COMMISSION

13 (a) **Oversight.** (1) The interstate commission shall oversee the
14 interstate movement of adult offenders in the compacting states and
15 shall monitor such activities being administered in noncompacting
16 states which may significantly affect compacting states.

17 (2) The courts and executive agencies in each compacting state
18 shall enforce this compact and shall take all actions necessary and
19 appropriate to effectuate the compact's purposes and intent. In any
20 judicial or administrative proceeding in a compacting state pertaining
21 to the subject matter of this compact which may affect the powers,
22 responsibilities or actions of the interstate commission, the
23 interstate commission shall be entitled to receive all service of
24 process in any such proceeding, and shall have standing to intervene in
25 the proceeding for all purposes.

26 (b) **Dispute resolution.** (1) The compacting states shall report to
27 the interstate commission on issues or activities of concern to them,
28 and cooperate with and support the interstate commission in the
29 discharge of its duties and responsibilities.

30 (2) The interstate commission shall attempt to resolve any disputes
31 or other issues which are subject to the compact and which may arise
32 among compacting states and noncompacting states.

33 The interstate commission shall enact a bylaw or promulgate a rule
34 providing for both mediation and binding dispute resolution for
35 disputes among the compacting states.

36 (c) **Enforcement.** The interstate commission, in the reasonable
37 exercise of its discretion, shall enforce the provisions of this

1 compact using any or all means set forth in article XII (b) of this
2 compact.

3 ARTICLE X

4 FINANCE

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

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

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

23 (d) The interstate commission shall keep accurate accounts of all
24 receipts and disbursements. The receipts and disbursements of the
25 interstate commission shall be subject to the audit and accounting
26 procedures established under its bylaws. However, all receipts and
27 disbursements of funds handled by the interstate commission shall be
28 audited yearly by a certified or licensed public accountant and the
29 report of the audit shall be included in and become part of the annual
30 report of the interstate commission.

31 ARTICLE XI

32 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

33 (a) Any state, as defined in article II of this compact, is
34 eligible to become a compacting state.

35 (b) The compact shall become effective and binding upon legislative
36 enactment of the compact into law by no less than thirty-five of the
37 states. The initial effective date shall be the later of July 1, 2001,

1 or upon enactment into law by the thirty-fifth jurisdiction.
2 Thereafter it shall become effective and binding, as to any other
3 compacting state, upon enactment of the compact into law by that state.
4 The governors of nonmember states or their designees will be invited to
5 participate in interstate commission activities on a nonvoting basis
6 prior to adoption of the compact by all states and territories of the
7 United States.

8 (c) Amendments to the compact may be proposed by the interstate
9 commission for enactment by the compacting states. No amendment shall
10 become effective and binding upon the interstate commission and the
11 compacting states unless and until it is enacted into law by unanimous
12 consent of the compacting states.

13 ARTICLE XII

14 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

15 (a) **Withdrawal.** (1) Once effective, the compact shall continue in
16 force and remain binding upon each and every compacting state:
17 PROVIDED, That a compacting state may withdraw from the compact
18 ("withdrawing state") by enacting a statute specifically repealing the
19 statute which enacted the compact into law.

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

22 (3) The withdrawing state shall immediately notify the chairperson
23 of the interstate commission in writing upon the introduction of
24 legislation repealing this compact in the withdrawing state. The
25 interstate commission shall notify the other compacting states of the
26 withdrawing state's intent to withdraw within sixty days of its receipt
27 thereof.

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

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

35 (b) **Default.** (1) If the interstate commission determines that any
36 compacting state has at any time defaulted ("defaulting state") in the
37 performance of any of its obligations or responsibilities under this

1 compact, the bylaws or any duly promulgated rules, the interstate
2 commission may impose any or all of the following penalties:

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

5 (ii) Remedial training and technical assistance as directed by the
6 interstate commission;

7 (iii) Suspension and termination of membership in the compact.
8 Suspension shall be imposed only after all other reasonable means of
9 securing compliance under the bylaws and rules have been exhausted.
10 Immediate notice of suspension shall be given by the interstate
11 commission to the governor, the chief justice or chief judicial officer
12 of the state, the majority and minority leaders of the defaulting
13 state's legislature, and the state council.

14 (2) The grounds for default include, but are not limited to,
15 failure of a compacting state to perform such obligations or
16 responsibilities imposed upon it by this compact, interstate commission
17 bylaws, or duly promulgated rules. The interstate commission shall
18 immediately notify the defaulting state in writing of the penalty
19 imposed by the interstate commission on the defaulting state pending a
20 cure of the default. The interstate commission shall stipulate the
21 conditions and the time period within which the defaulting state must
22 cure its default. If the defaulting state fails to cure the default
23 within the time period specified by the interstate commission, in
24 addition to any other penalties imposed herein, the defaulting state
25 may be terminated from the compact upon an affirmative vote of a
26 majority of the compacting states and all rights, privileges and
27 benefits conferred by this compact shall be terminated from the
28 effective date of suspension. Within sixty days of the effective date
29 of termination of a defaulting state, the interstate commission shall
30 notify the governor, the chief justice or chief judicial officer and
31 the majority and minority leaders of the defaulting state's legislature
32 and the state council of such termination.

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

37 (4) The interstate commission shall not bear any costs relating to
38 the defaulting state unless otherwise mutually agreed upon between the
39 interstate commission and the defaulting state. Reinstatement

1 following termination of any compacting state requires both a
2 reenactment of the compact by the defaulting state and the approval of
3 the interstate commission pursuant to the rules.

4 (c) **Judicial enforcement.** The interstate commission may, by
5 majority vote of the members, initiate legal action in the United
6 States district court for the District of Columbia or, at the
7 discretion of the interstate commission, in the federal district where
8 the interstate commission has its offices to enforce compliance with
9 the provisions of the compact, its duly promulgated rules and bylaws,
10 against any compacting state in default. In the event judicial
11 enforcement is necessary the prevailing party shall be awarded all
12 costs of such litigation including reasonable attorneys' fees.

13 (d) **Dissolution of compact.** (1) The compact dissolves effective
14 upon the date of the withdrawal or default of the compacting state
15 which reduces membership in the compact to one compacting state.

16 (2) Upon the dissolution of this compact, the compact becomes null
17 and void and shall be of no further force or effect, and the business
18 and affairs of the interstate commission shall be wound up and any
19 surplus funds shall be distributed in accordance with the bylaws.

20 ARTICLE XIII

21 SEVERABILITY AND CONSTRUCTION

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

25 (b) The provisions of this compact shall be liberally constructed
26 to effectuate its purposes.

27 ARTICLE XIV

28 BINDING EFFECT OF COMPACT AND OTHER LAWS

29 (a) **Other laws.** (1) Nothing herein prevents the enforcement of any
30 other law of a compacting state that is not inconsistent with this
31 compact.

32 (2) All compacting states' laws conflicting with this compact are
33 superseded to the extent of the conflict.

34 (b) **Binding effect of the compact.** (1) All lawful actions of the
35 interstate commission, including all rules and bylaws promulgated by
36 the interstate commission, are binding upon the compacting states.

1 (2) All agreements between the interstate commission and the
2 compacting states are binding in accordance with their terms.

3 (3) Upon the request of a party to a conflict over meaning or
4 interpretation of interstate commission actions, and upon a majority
5 vote of the compacting states, the interstate commission may issue
6 advisory opinions regarding such meaning or interpretation.

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

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A RCW
16 to read as follows:

17 (1) The sentencing guidelines commission shall serve as the state
18 council for interstate adult offender supervision as required under
19 article IV of section 2 of this act, the interstate compact for adult
20 offender supervision. To assist the commission in performing its
21 functions as the state council, the department of corrections shall
22 provide staffing and support services. The commission may form a
23 subcommittee, including members representing the legislative, judicial,
24 and executive branches of state government, victims' groups, and the
25 secretary of corrections, to perform the functions of the state
26 council. Any such subcommittee shall include representation of both
27 houses and at least two of the four largest political caucuses in the
28 legislature.

29 (2) The commission, or a subcommittee if formed for that purpose,
30 shall:

31 (a) Review department operations and procedures under section 2 of
32 this act, and recommend policies to the compact administrator,
33 including policies to be pursued in the administrator's capacity as the
34 state's representative on the interstate commission created under
35 article III of section 2 of this act;

36 (b) Report annually to the legislature on interstate supervision
37 operations and procedures under section 2 of this act, including
38 recommendations for policy changes; and

1 (c) Not later than December 1, 2004, report to the legislature on
2 the effectiveness of its functioning as the state council under article
3 IV of section 2 of this act, and recommend any legislation it deems
4 appropriate.

5 (3) The commission, or a subcommittee if formed for that purpose,
6 shall appoint one of its members, or an employee of the department
7 designated by the secretary, to represent the state at meetings of the
8 interstate commission created under article III of section 2 of this
9 act when the compact administrator cannot attend.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.94A RCW
11 to read as follows:

12 The secretary of corrections, or an employee of the department
13 designated by the secretary, shall serve as the compact administrator
14 under article IV of section 2 of this act, the interstate compact for
15 adult offender supervision. The legislature intends that the compact
16 administrator, representing the state on the interstate commission
17 created under article III of section 2 of this act, will take an active
18 role to assure that the interstate compact operates to protect the
19 safety of the people and communities of the state.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 9.94A RCW
21 to read as follows:

22 (1) The state shall continue to meet its obligations under RCW
23 9.95.270, the interstate compact for the supervision of parolees and
24 probationers, to those states which continue to meet their obligations
25 to the state of Washington under the interstate compact for the
26 supervision of parolees and probationers, and have not approved the
27 interstate compact for adult offender supervision after the effective
28 date of this act.

29 (2) If a state withdraws from the interstate compact for adult
30 offender supervision under article XII(a) of section 2 of this act, the
31 state council for interstate adult offender supervision created by
32 section 3 of this act shall seek to negotiate an agreement with the
33 withdrawing state fulfilling the purposes of section 2 of this act,
34 subject to the approval of the legislature.

35 (3) Nothing in this act limits the secretary's authority to enter
36 into agreements with other jurisdictions for supervision of offenders.

1 NEW SECTION. **Sec. 6.** (1) This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 July 1, 2001.

5 (2) The interstate compact for adult offender supervision becomes
6 effective and binding July 1, 2001, or on the date of enactment of the
7 interstate compact for adult offender supervision by thirty-five
8 jurisdictions, whichever is later. In determining that the compact has
9 become effective and binding, the code reviser may rely on the written
10 representation of the national institute of corrections of the United
11 States department of justice.

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