

HOUSE BILL REPORT

SSB 5133

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to the interstate compact for juveniles.

Brief Description: Adopting the revised interstate compact for juveniles.

Sponsors: Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Carlson, Stevens, Hargrove, McCaslin, Kline, Sheahan, Kohl-Welles, Schmidt, McAuliffe, Oke, Rossi, Regala, Esser, Deccio, Swecker, Brandland, Parlette, Zarelli and Rasmussen).

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 3/27/03, 4/3/03 [DPA].

Brief Summary of Substitute Bill
(As Amended by House Committee)

- Adopts the new Interstate Compact for Juveniles, which would make Washington a voting member of the Interstate Commission.
- Authorizes the Interstate Commission to adopt rules, establish uniform standards of reporting, collecting, and exchanging data concerning the interstate movement of juveniles, and collect an annual assessment from compacting states.
- Requires Washington to have a state council for interstate juvenile supervision.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass as amended. Signed by 6 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Eickmeyer, Hinkle and Upthegrove.

Minority Report: Do not pass. Signed by 1 member: Representative Carrell.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

Compacts are agreements, like contracts, between two or more states. Washington has compacts with other states governing a variety of interstate matters. In the 2002 session the Legislature passed the Interstate Compact for Adult Offender Supervision, which updated the adult compact that was originally adopted in 1937.

The Interstate Compact for Juveniles (ICJ) was created in 1955 after representatives from numerous professional organizations developed a uniform set of procedures for: (a) cooperative supervision of juvenile offenders living in states other than the original state of adjudication; and (b) the return of juveniles who have run away or escaped across state lines.

The ICJ was eventually adopted by all 50 states. However, since 1958, amendments to the compact have been drafted, and not all states have adopted all amendments.

Under the current ICJ, the governor of each state appoints an official to serve as the ICJ Administrator. Compact Administrators are responsible for the daily administration of the ICJ in their states. Administrators also meet with the administrators of other states to adopt rules for the operation of the ICJ.

Summary of Amended Bill:

Washington will adopt the new Interstate Compact on Juveniles (ICJ), which will take effect when the compact is adopted by 35 states, but no sooner than July 1, 2004.

Creation of the Interstate Commission

The compacting states will create the Interstate Commission for Juveniles (IC). The IC will consist of commissioners appointed by each compacting state. Each commissioner will be the voting representative for the state.

The IC has specific powers and duties, including, but not limited to the following:

- adopt rules to effect the purposes and obligations of the compact which shall have the force and effect of law and shall be binding in the compacting states;
- oversee, supervise, and coordinate the interstate movement of juveniles subject to the compact;
- enforce compliance with the compact provisions;
- establish a budget and make expenditures and levy dues; and
- establish uniform standards of reporting, collecting, and exchanging data concerning the interstate movement of juveniles.

Rulemaking Authority of the IC

The IC must, by a majority vote of the members present and within 12 months of their

first meeting, adopt bylaws to govern its conduct. Nonmember states may participate on a nonvoting basis. Procedures are established that the IC must follow when adopting rules. The existing rules governing the interstate compact are superceded 12 months after the first IC meeting.

Oversight by the IC

The IC must oversee the administration and operation of the interstate movement of juveniles subject to the compact. The courts and agencies in each compacting state must enforce the compact.

Financing the IC

The IC shall collect an annual assessment from each compacting state to cover the cost of its operations and activities. The assessment amount must be allocated between states based on a formula that takes into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state.

Designation of State Council and Compact Administrator

Each member state shall create a state council for interstate juvenile supervision. The membership of the council must include at least one representative from the legislative, judicial, and executive branches of government; victims groups; and the compact administrator, deputy compact administrator, or designee.

In Washington, the Governor designates the state council. The Governor must also select the compact administrator from a list of six individuals, with three names provided by the Juvenile Court Administrators and three names provided by the Juvenile Rehabilitation Administration of the Department of Social and Health Services.

Default by a Compacting State

If the IC determines that a compacting state has defaulted in the performance of its responsibilities under the compact, the IC may impose penalties such as remedial training, technical assistance, alternative dispute resolution, fines, fees, costs, and suspension or termination of compact membership. The IC may, by a majority vote, initiate legal action in federal district court to enforce compliance.

Effect on Other Laws

Nothing in the compact interferes with Washington's authority to determine policy regarding juveniles in this state. If there is a conflict between a state law and the compact, other than a state constitutional law, the compact supersedes to the extent of the conflict.

Other Provisions

There are numerous other provisions in the compact regarding the creation of an executive committee, dispute resolution between compacting states, liability of state commissioners, and withdrawal by a compacting state from the compact.

Amended Bill Compared to Substitute Bill:

The original bill required the Governor to appoint the compact administrator from a list of individuals provided by the Juvenile Court Administrators.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect on July 1, 2004, or when the interstate compact for juveniles is adopted by 35 or more states, whichever occurs later.

Testimony For: (With concerns) There are currently 22 states submitting the new Interstate Compact on Juveniles to their legislatures. This is good legislation, but the restrictions on the Governor's ability to appoint a compact administrator is problematic. The compact administrator represents the entire state and works on a day-to-day basis on interstate supervision issues. The Senate bill requires the Governor to appoint an administrator from a list provided by the Juvenile Court Administrators. However, historically, the administrator has been someone through state government.

Testimony Against: None.

Testified: (With concerns) Ryan Pinto, Juvenile Rehabilitation Administration; and Dick Van Wagenem, Governor's Policy Office.