
**Juvenile Justice & Family Law
Committee**

HB 1148

Brief Description: Adopting the revised interstate compact for juveniles.

Sponsors: Representatives Dickerson, Delvin and O'Brien.

Brief Summary of Bill

- Adopts the new Interstate Compact for Juveniles, which would make Washington a voting member of the Interstate Commission;
- Authorizes the Interstate Commission to, among other things, adopt rules to administer the compact, 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 that must include representation from the executive, legislative, and judicial branches of government, as well as representation from victims groups.

Hearing Date: 1/30/03

Staff: Trudes 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 residing 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, as well as by the Virgin Islands, Guam and

the District of Columbia. 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 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.

Purpose of the Compact

The purposes of the compact are specified and include, among other things: (a) ensuring that adjudicated juveniles and status offenders subject to the compact are provided adequate supervision and services in the receiving state as ordered by the judge or parole authority in the sending state; (b) ensuring that the public safety interests of the citizens in both the sending and receiving states are adequately protected; (c) returning juveniles who have run away, absconded, or escaped from supervision or control to the state requesting their return; and (d) establishing procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agencies.

Creation of the Interstate Commission for Juveniles

The compacting states will create the Interstate Commission for Juveniles (IC). The IC shall have all the responsibilities, powers, and duties set forth in the compact. The IC will consist of commissioners appointed by the appropriate appointing authority in each compacting state and in consultation with the state council for interstate juvenile supervision. The commissioner of the state will serve on the IC as a 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;
- elect or appoint officers;
- establish a budget and make expenditures and levy dues;
- 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 in the activities of the IC on a nonvoting basis.

Rulemaking must be consistent with due process requirements. Specific procedures are set forth that the IC must follow when adopting rules. For example, there must be notice of the proposed rule and an opportunity for any person to submit comments. There are procedures for how states may reject a rule. The existing rules governing the interstate compact on juveniles are superceded 12 months after the first meeting of the IC.

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 and must take all actions necessary and appropriate to effectuate the compact's purposes.

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 the IC will develop by rule. The formula must take into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state. According to the Council of State Governments, which is currently supervising the introduction of the ICJ, Washington's estimated assessment would be \$22,000.

Designation of State Councils

Each member state shall create a state council for interstate juvenile supervision. Each state may determine the membership of its own council. However, the membership 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. The state council may exercise oversight and advocacy concerning that state's participation in interstate commission activities.

Default by a Compacting State

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

Effect on Other Laws

Nothing in the compact prevents the enforcement of any other state law that is consistent with the compact. 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, including provisions 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.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect on July 1, 2004 or when the interstate compact for juveniles is adopted by 35 or more states, whichever occurs later.