

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5133

58th Legislature
2003 Regular Session

Passed by the Senate April 21, 2003
YEAS 43 NAYS 0

President of the Senate

Passed by the House April 10, 2003
YEAS 85 NAYS 10

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 5133 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 5133

AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By 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)

READ FIRST TIME 02/17/03.

1 AN ACT Relating to the interstate compact for juveniles; adding new
2 sections to chapter 13.24 RCW; repealing RCW 13.24.010 and 13.24.020;
3 and providing a contingent effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.24 RCW
6 to read as follows:

EXECUTION OF THE COMPACT

8 The governor is hereby authorized and directed to execute a compact
9 on behalf of this state with any other state or states legally joining
10 therein in the form substantially as follows. No provision of this
11 compact will interfere with this state's authority to determine policy
12 regarding juvenile offenders and nonoffenders within this state.

THE INTERSTATE COMPACT FOR JUVENILES

ARTICLE I - Purpose

15 The compacting states to this interstate compact recognize that
16 each state is responsible for the proper supervision or return of
17 juveniles, delinquents, and status offenders who are on probation or

1 parole and who have absconded, escaped, or run away from supervision
2 and control and in so doing have endangered their own safety and the
3 safety of others. The compacting states also recognize that each state
4 is responsible for the safe return of juveniles who have run away from
5 home and in doing so have left their state of residence. The
6 compacting states also recognize that congress, by enacting the crime
7 control act, 4 U.S.C. Sec. 112 (1965), has authorized and encouraged
8 compacts for cooperative efforts and mutual assistance in the
9 prevention of crime.

10 It is the purpose of this compact, through means of joint and
11 cooperative action among the compacting states, to: (1) Ensure that
12 the adjudicated juveniles and status offenders subject to this compact
13 are provided adequate supervision and services in the receiving state
14 as ordered by the adjudicating judge or parole authority in the sending
15 state; (2) ensure that the public safety interests of the citizens,
16 including the victims of juvenile offenders, in both the sending and
17 receiving states are adequately protected; (3) return juveniles who
18 have run away, absconded, or escaped from supervision or control or
19 have been accused of an offense to the state requesting their return;
20 (4) make contracts for the cooperative institutionalization in public
21 facilities in member states for delinquent youth needing special
22 services; (5) provide for the effective tracking and supervision of
23 juveniles; (6) equitably allocate the costs, benefits, and obligations
24 of the compacting states; (7) establish procedures to manage the
25 movement between states of juvenile offenders released to the community
26 under the jurisdiction of courts, juvenile departments, or any other
27 criminal or juvenile justice agency that has jurisdiction over juvenile
28 offenders; (8) ensure immediate notice to jurisdictions where defined
29 offenders may travel or relocate across state lines; (9) establish
30 procedures to resolve pending charges (detainers) against juvenile
31 offenders before transfer or release to the community under the terms
32 of this compact; (10) establish a system of uniform data collection on
33 information pertaining to juveniles subject to this compact that allows
34 access by authorized juvenile justice and criminal justice officials,
35 and regular reporting of compact activities to heads of state
36 executive, judicial, and legislative branches and juvenile and criminal
37 justice administrators; (11) monitor compliance with rules governing
38 interstate movement of juveniles and initiate interventions to address

1 and correct noncompliance; (12) coordinate training and education
2 regarding the regulation of interstate movement of juveniles for
3 officials involved in such activity; and (13) coordinate the
4 implementation and operation of the compact with the interstate compact
5 for the placement of children, the interstate compact for adult
6 offender supervision, and other compacts affecting juveniles
7 particularly in those cases where concurrent or overlapping supervision
8 issues arise. It is the policy of the compacting states that the
9 activities conducted by the interstate commission created in this
10 section are the formation of public policies and therefore are public
11 business. Furthermore, the compacting states shall cooperate and
12 observe their individual and collective duties and responsibilities for
13 the prompt return and acceptance of juveniles subject to the provisions
14 of this compact. The provisions of this compact shall be reasonably
15 and liberally construed to accomplish the purposes and policies of the
16 compact.

17 ARTICLE II - Definitions

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

20 (1) "Bylaws" means those bylaws established by the interstate
21 commission for its governance, or for directing or controlling its
22 actions or conduct.

23 (2) "Commissioner" means the voting representative of each
24 compacting state appointed under Article III of this compact.

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

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

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

35 (6) "Deputy compact administrator" means the individual, if any, in
36 each compacting state appointed to act on behalf of a compact
37 administrator under the terms of this compact responsible for the
38 administration and management of the state's supervision and transfer

1 of juveniles subject to the terms of this compact, the rules adopted by
2 the interstate commission, and policies adopted by the state council
3 under this compact.

4 (7) "Interstate commission" means the interstate commission for
5 juveniles created by Article III of this compact.

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

8 (a) An accused delinquent, meaning a person charged with an offense
9 that, if committed by an adult, would be a criminal offense;

10 (b) An adjudicated delinquent, meaning a person found to have
11 committed an offense that, if committed by an adult, would be a
12 criminal offense;

13 (c) An accused status offender, meaning a person charged with an
14 offense that would not be a criminal offense if committed by an adult;

15 (d) An adjudicated status offender, meaning a person found to have
16 committed an offense that would not be a criminal offense if committed
17 by an adult; and

18 (e) A nonoffender, meaning a person in need of supervision who has
19 not been accused or adjudicated a status offender or delinquent.

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

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

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

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

36 ARTICLE III - Interstate Commission for Juveniles

37 (1) The compacting states hereby create the "interstate commission
38 for juveniles." The interstate commission shall be a body corporate

1 and joint agency of the compacting states. The interstate commission
2 shall have all the responsibilities, powers, and duties set forth in
3 this section, and such additional powers as may be conferred upon it by
4 subsequent action of the respective legislatures of the compacting
5 states in accordance with the terms of this compact.

6 (2) The interstate commission shall consist of commissioners
7 appointed by the appropriate appointing authority in each state under
8 the rules and requirements of each compacting state and in consultation
9 with the state council for interstate juvenile supervision. The
10 commissioner shall be the compact administrator, deputy compact
11 administrator, or designee from that state who shall serve on the
12 interstate commission in such capacity under the applicable law of the
13 compacting state.

14 (3) In addition to the commissioners who are the voting
15 representatives of each state, the interstate commission shall include
16 individuals who are not commissioners, but who are members of
17 interested organizations. Such noncommissioner members must include a
18 member of the national organizations of governors, legislators, state
19 chief justices, attorneys general, interstate compact for adult
20 offender supervision, interstate compact for the placement of children,
21 juvenile justice and juvenile corrections officials, and crime victims.
22 All noncommissioner members of the interstate commission shall be
23 nonvoting members. The interstate commission may provide in its bylaws
24 for such additional nonvoting members, including members of other
25 national organizations, in such numbers as shall be determined by the
26 commission.

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

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

37 (6) The interstate commission shall establish an executive
38 committee, which shall include commission officers, members, and others

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

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

20 (8) The interstate commission's bylaws shall establish conditions
21 and procedures under which the interstate commission shall make its
22 information and official records available to the public for inspection
23 or copying. The interstate commission may exempt from disclosure any
24 information or official records to the extent they would adversely
25 affect personal privacy rights or proprietary interests.

26 (9) Public notice shall be given of all meetings and all meetings
27 shall be open to the public, except as set forth in the rules or as
28 otherwise provided in the compact. The interstate commission and any
29 of its committees may close a meeting to the public where it determines
30 by two-thirds vote that an open meeting would be likely to:

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

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

35 (c) Disclose trade secrets or commercial or financial information
36 that is privileged or confidential;

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

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

3 (f) Disclose investigative records compiled for law enforcement
4 purposes;

5 (g) 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 person or
8 entity for the purpose of regulation or supervision of such person or
9 entity;

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

12 or

13 (i) Specifically relate to the interstate commission's issuance of
14 a subpoena, or its participation in a civil action or other legal
15 proceeding.

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

27 (11) The interstate commission shall collect standardized data
28 concerning the interstate movement of juveniles as directed through its
29 rules that specify the data to be collected, the means of collection
30 and data exchange, and reporting requirements. Such methods of data
31 collection, exchange, and reporting shall insofar as is reasonably
32 possible conform to current technology and coordinate its information
33 functions with the appropriate repository of records.

34 ARTICLE IV - Powers and Duties of the Interstate Commission

35 The commission has the following powers and duties:

36 (1) Provide for dispute resolution among compacting states;

37 (2) Adopt rules to effect the purposes and obligations of this

1 compact which shall have the force and effect of statutory law and
2 shall be binding in the compacting states to the extent and in the
3 manner provided in this compact;

4 (3) Oversee, supervise, and coordinate the interstate movement of
5 juveniles subject to this compact and any bylaws adopted and rules
6 adopted by the interstate commission;

7 (4) Enforce compliance with the compact provisions, the rules
8 adopted by the interstate commission, and the bylaws, using all
9 necessary and proper means, including but not limited to the use of
10 judicial process;

11 (5) Establish and maintain offices that are located within one or
12 more of the compacting states;

13 (6) Purchase and maintain insurance and bonds;

14 (7) Borrow, accept, hire, or contract for personnel services;

15 (8) Establish and appoint committees and hire staff that it deems
16 necessary to carry out its functions including, but not limited to, an
17 executive committee as required by Article III of this compact that may
18 act on behalf of the interstate commission in carrying out its powers
19 and duties;

20 (9) Elect or appoint officers, attorneys, employees, agents, or
21 consultants, and to fix their compensation, define their duties and
22 determine their qualifications, and to establish the interstate
23 commission's personnel policies and programs relating to inter alia,
24 conflicts of interest, rates of compensation, and qualifications of
25 personnel;

26 (10) Accept any and all donations and grants of money, equipment,
27 supplies, materials, and services, and to receive, use, and dispose of
28 the donations and grants;

29 (11) Lease, purchase, accept contributions or donations of, or
30 otherwise to own, hold, improve, or use any property, real, personal,
31 or mixed;

32 (12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or
33 otherwise dispose of any property, real, personal, or mixed;

34 (13) Establish a budget and make expenditures and levy dues as
35 provided in Article VIII of this compact;

36 (14) Sue and be sued;

37 (15) Adopt a seal and bylaws governing the management and operation
38 of the interstate commission;

1 (16) Perform such functions as may be necessary or appropriate to
2 achieve the purposes of this compact;

3 (17) Report annually to the legislatures, governors, judiciary, and
4 state councils of the compacting states concerning the activities of
5 the interstate commission during the preceding year. Reports shall
6 also include any recommendations adopted by the interstate commission;

7 (18) Coordinate education, training, and public awareness regarding
8 the interstate movement of juveniles for officials involved in such
9 activity;

10 (19) Establish uniform standards of the reporting, collecting, and
11 exchanging of data; and

12 (20) Maintain its corporate books and records in accordance with
13 the bylaws.

14 ARTICLE V - Organization and Operation of the Interstate Commission

15 Section A. Bylaws

16 The interstate commission shall, by a majority of the members
17 present and voting, within twelve months after the first interstate
18 commission meeting, adopt bylaws to govern its conduct as may be
19 necessary or appropriate to carry out the purposes of the compact,
20 including, but not limited to:

21 (1) Establishing the fiscal year of the interstate commission;

22 (2) Establishing an executive committee and such other committees
23 as may be necessary;

24 (3) Providing for the establishment of committees governing any
25 general or specific delegation of any authority or function of the
26 interstate commission;

27 (4) Providing reasonable procedures for calling and conducting
28 meetings of the interstate commission, and ensuring reasonable notice
29 of each such meeting;

30 (5) Establishing the titles and responsibilities of the officers of
31 the interstate commission;

32 (6) Providing a mechanism for concluding the operations of the
33 interstate commission and the return of any surplus funds that may
34 exist upon the termination of the compact after the payment and/or
35 reserving of all of its debts and obligations;

36 (7) Providing "start-up" rules for initial administration of the
37 compact; and

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

3 Section B. Officers and staff

4 (1) The interstate commission shall, by a majority of the members,
5 elect annually from among its members a chair and a vice-chair, each of
6 whom has the authority and duties that are specified in the bylaws.
7 The chair or, in the chair's absence or disability, the vice-chair
8 shall preside at all meetings of the interstate commission. The
9 officers so elected shall serve without compensation or remuneration
10 from the interstate commission. However, subject to the availability
11 of budgeted funds, the officers shall be reimbursed for any ordinary
12 and necessary costs and expenses incurred by them in the performance of
13 their duties and responsibilities as officers of the interstate
14 commission.

15 (2) The interstate commission shall, through its executive
16 committee, appoint or retain an executive director for such period,
17 upon such terms and conditions, and for such compensation as the
18 interstate commission deems appropriate. The executive director shall
19 serve as secretary to the interstate commission, but shall not be a
20 member and shall hire and supervise such other staff as authorized by
21 the interstate commission.

22 Section C. Qualified immunity, defense, and indemnification

23 (1) The commission's executive director and employees are immune
24 from suit and liability, either personally or in their official
25 capacity, for any claim for damage to, loss of property, personal
26 injury, or other civil liability caused or arising out of or relating
27 to any actual or alleged act, error, or omission that occurred, or that
28 such person had a reasonable basis for believing occurred within the
29 scope of commission employment, duties, or responsibilities. However,
30 any such person is not protected from suit or liability for any damage,
31 loss, injury, or liability caused by the intentional or willful and
32 wanton misconduct of any such person.

33 (2) The liability of any commissioner, or the employee or agent of
34 a commissioner, acting within the scope of such person's employment or
35 duties for acts, errors, or omissions occurring within such person's
36 state may not exceed the limits of liability set forth under the
37 constitution and laws of that state for state officials, employees, and

1 agents. Nothing in this subsection shall be construed to protect any
2 such person from suit or liability for any damage, loss, injury, or
3 liability caused by the intentional or willful and wanton misconduct of
4 any such person.

5 (3) The interstate commission shall defend the executive director
6 or the employees or representatives of the interstate commission and,
7 subject to the approval of the attorney general of the state
8 represented by any commissioner of a compacting state, shall defend
9 such commissioner or the commissioner's representatives or employees in
10 any civil action seeking to impose liability arising out of any actual
11 or alleged act, error, or omission that occurred within the scope of
12 interstate commission employment, duties, or responsibilities, or that
13 the defendant had a reasonable basis for believing occurred within the
14 scope of interstate commission employment, duties, or responsibilities,
15 if the actual or alleged act, error, or omission did not result from
16 intentional or willful and wanton misconduct on the part of such
17 person.

18 (4) The interstate commission shall indemnify and hold the
19 commissioner of a compacting state, or the commissioner's
20 representatives or employees, or the interstate commission's
21 representatives or employees, harmless in the amount of any settlement
22 or judgment obtained against such persons arising out of any actual or
23 alleged act, error, or omission that occurred within the scope of
24 interstate commission employment, duties, or responsibilities, or that
25 such persons had a reasonable basis for believing occurred within the
26 scope of interstate commission employment, duties, or responsibilities,
27 if the actual or alleged act, error, or omission did not result from
28 intentional or willful and wanton misconduct on the part of such
29 persons.

30 ARTICLE VI - Rule-making Functions of the Interstate Commission

31 (1) The interstate commission shall adopt and publish rules in
32 order to effectively and efficiently achieve the purposes of the
33 compact.

34 (2) Rule making shall occur pursuant to the criteria set forth in
35 this article and the bylaws and rules adopted pursuant thereto. Such
36 rule making shall substantially conform to the principles of the "model
37 state administrative procedures act," 1981 Act, Uniform Laws Annotated,
38 Vol. 15, p.1 (2000), or such other administrative procedures act, as

1 the interstate commission deems appropriate consistent with due process
2 requirements under the United States Constitution as now or hereafter
3 interpreted by the United States supreme court. All rules and
4 amendments become binding as of the date specified, as published with
5 the final version of the rule as approved by the commission.

6 (3) When adopting a rule, the interstate commission shall, at a
7 minimum:

8 (a) Publish the proposed rule's entire text stating the reason or
9 reasons for that proposed rule;

10 (b) Allow and invite any and all persons to submit written data,
11 facts, opinions, and arguments, which information shall be added to the
12 record, and be made publicly available;

13 (c) Provide an opportunity for an informal hearing if petitioned by
14 ten or more persons; and

15 (d) Adopt a final rule and its effective date, if appropriate,
16 based on input from state or local officials, or interested parties.

17 (4) The interstate commission shall allow, not later than sixty
18 days after a rule is adopted, any interested person to file a petition
19 in the United States district court for the District of Columbia or in
20 the 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 in the rule-making record, the court shall hold the rule
24 unlawful and set it aside. For purposes of this subsection, evidence
25 is substantial if it would be considered substantial evidence under the
26 model state administrative procedures act.

27 (5) If a majority of the legislatures of the compacting states
28 rejects a rule, those states may, by enactment of a statute or
29 resolution in the same manner used to adopt the compact, cause that
30 rule to have no further force and effect in any compacting state.

31 (6) The existing rules governing the operation of the interstate
32 compact on juveniles superseded by this act shall be null and void
33 twelve months after the first meeting of the interstate commission
34 created under this section.

35 (7) Upon determination by the interstate commission that a state of
36 emergency exists, it may adopt an emergency rule that becomes effective
37 immediately upon adoption. However, the usual rule-making procedures

1 shall be retroactively applied to the rule as soon as reasonably
2 possible, but no later than ninety days after the effective date of the
3 emergency rule.

4 ARTICLE VII - Oversight, Enforcement, and Dispute Resolution by the
5 Interstate Commission

6 Section A. Oversight

7 (1) The interstate commission shall oversee the administration and
8 operations of the interstate movement of juveniles subject to this
9 compact in the compacting states and shall monitor such activities
10 being administered in noncompacting states that may significantly
11 affect compacting states.

12 (2) The courts and executive agencies in each compacting state
13 shall enforce this compact and shall take all actions necessary and
14 appropriate to effectuate the compact's purposes and intent. The
15 provisions of this compact and the rules adopted under this section
16 shall be received by all the judges, public officers, commissions, and
17 departments of the state government as evidence of the authorized
18 statute and administrative rules. All courts shall take judicial
19 notice of the compact and the rules. In any judicial or administrative
20 proceeding in a compacting state pertaining to the subject matter of
21 this compact which may affect the powers, responsibilities, or actions
22 of the interstate commission, it shall be entitled to receive all
23 service of process in any such proceeding, and shall have standing to
24 intervene in the proceeding for all purposes.

25 Section B. Dispute resolution

26 (1) The compacting states shall report to the interstate commission
27 on all issues and activities necessary for the administration of the
28 compact as well as issues and activities pertaining to compliance with
29 the compact and its bylaws and rules.

30 (2) The interstate commission shall attempt, upon the request of a
31 compacting state, to resolve any disputes or other issues that are
32 subject to the compact and that may arise among compacting states and
33 between compacting and noncompacting states. The commission shall
34 adopt a rule providing for both mediation and binding dispute
35 resolution for disputes among the compacting states.

36 (3) The interstate commission, in the reasonable exercise of its

1 discretion, shall enforce the provisions and rules of this compact
2 using any or all means set forth in Article XI of this compact.

3 ARTICLE VIII - Finance

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

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

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

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

29 ARTICLE IX - The State Council

30 Each member state shall create a state council for interstate
31 juvenile supervision. While each state may determine the membership of
32 its own state council, its membership must include at least one
33 representative from the legislative, judicial, and executive branches
34 of government, victims groups, and the compact administrator, deputy
35 compact administrator, or designee. Each compacting state retains the
36 right to determine the qualifications of the compact administrator or
37 deputy compact administrator. Each state council will advise and may

1 exercise oversight and advocacy concerning that state's participation
2 in interstate commission activities and other duties as may be
3 determined by that state, including but not limited to development of
4 policy concerning operations and procedures of the compact within that
5 state.

6 Pursuant to this compact, the governor shall designate an
7 individual who shall be the compact administrator and who, acting
8 jointly with like officers of other party states, shall promulgate
9 rules and regulations to carry out more effectively the terms of the
10 compact. The governor shall designate the compact administrator from
11 a list of six individuals, three of whom are recommended by the
12 Washington association of juvenile court administrators and three of
13 whom are recommended by the juvenile rehabilitation administration of
14 the department of social and health services. The administrator shall
15 serve subject to the pleasure of the governor. The administrator shall
16 cooperate with all departments, agencies, and officers of and in the
17 government of this state and its subdivisions in facilitating the
18 proper administration of the compact or of any supplementary agreement
19 or agreements entered into by this state.

20 ARTICLE X - Compacting States, Effective Date, and Amendment

21 (1) Any state, the District of Columbia or its designee, the
22 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam,
23 American Samoa, and the Northern Marianas Islands as defined in Article
24 II of this compact is eligible to become a compacting state.

25 (2) The compact shall become effective and binding upon legislative
26 enactment of the compact into law by no less than thirty-five of the
27 states. The initial effective date shall be the later of July 1, 2004,
28 or upon enactment into law by the thirty-fifth jurisdiction.
29 Thereafter, it shall become effective and binding as to any other
30 compacting state upon enactment of the compact into law by that state.
31 The governors of nonmember states or their designees shall be invited
32 to participate in the activities of the interstate commission on a
33 nonvoting basis before adoption of the compact by all states and
34 territories of the United States.

35 (3) The interstate commission may propose amendments to the compact
36 for enactment by the compacting states. No amendment shall become

1 effective and binding upon the interstate commission and the compacting
2 states unless and until it is enacted into law by unanimous consent of
3 the compacting states.

4 ARTICLE XI - Withdrawal, Default, Termination,
5 and Judicial Enforcement

6 Section A. Withdrawal

7 (1) Once effective, the compact shall continue in force and remain
8 binding upon each and every compacting state. However, a compacting
9 state may withdraw from the compact by repealing the statute that
10 enacted the compact into law.

11 (2) The effective date of withdrawal is the effective date of the
12 repeal.

13 (3) The withdrawing state shall immediately notify the chair of the
14 interstate commission in writing upon the introduction of legislation
15 repealing this compact in the withdrawing state. The interstate
16 commission shall notify the other compacting states of the withdrawing
17 state's intent to withdraw within sixty days of its receipt thereof.

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

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

25 Section B. Technical Assistance, Fines, Suspension, Termination, and
26 Default

27 (1) If the interstate commission determines that any compacting
28 state has at any time defaulted in the performance of any of its
29 obligations or responsibilities under this compact, or the bylaws or
30 adopted rules, the interstate commission may impose any or all of the
31 following penalties:

32 (a) Remedial training and technical assistance as directed by the
33 interstate commission;

34 (b) Alternative dispute resolution;

35 (c) Fines, fees, and costs in such amounts as set by the interstate
36 commission; and

1 (d) Suspension or termination of membership in the compact, which
2 shall be imposed only after all other reasonable means of securing
3 compliance under the bylaws and rules have been exhausted and the
4 interstate commission has determined that the offending state is in
5 default. Immediate notice of suspension shall be given by the
6 interstate commission to the governor, the chief justice or the chief
7 judicial officer of the state, the majority and minority leaders of the
8 defaulting state's legislature, and the state council. The grounds for
9 default include, but are not limited to, failure of a compacting state
10 to perform such obligations or responsibilities imposed upon it by this
11 compact, the bylaws, or rules and any other grounds designated in
12 commission bylaws and rules. The interstate commission shall
13 immediately notify the defaulting state in writing of the penalty
14 imposed by the interstate commission and of the default pending a cure
15 of the default. The commission shall stipulate the conditions and the
16 time period within which the defaulting state must cure its default.
17 If the defaulting state fails to cure the default within the time
18 period specified by the commission, the defaulting state shall be
19 terminated from the compact upon an affirmative vote of a majority of
20 the compacting states and all rights, privileges, and benefits
21 conferred by this compact shall be terminated from the effective date
22 of termination.

23 (2) Within sixty days of the effective date of termination of a
24 defaulting state, the interstate commission shall notify the governor,
25 the chief justice or chief judicial officer, the majority and minority
26 leaders of the defaulting state's legislature, and the state council of
27 such termination.

28 (3) The defaulting state is responsible for all assessments,
29 obligations, and liabilities incurred through the effective date of
30 termination including any obligations, the performance of which extends
31 beyond the effective date of termination.

32 (4) The interstate commission shall not bear any costs relating to
33 the defaulting state unless otherwise mutually agreed upon in writing
34 between the interstate commission and the defaulting state.

35 (5) Reinstatement following termination of any compacting state
36 requires both a reenactment of the compact by the defaulting state and
37 the approval of the interstate commission pursuant to the rules.

38 Section C. Judicial enforcement

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

10 Section D. Dissolution of compact

11 (1) The compact dissolves effective upon the date of the withdrawal
12 or default of the compacting state, which reduces membership in the
13 compact to one compacting state.

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

18 ARTICLE XII - Severability and Construction

19 (1) The provisions of this compact are severable, and if any
20 phrase, clause, sentence, or provision is deemed unenforceable, the
21 remaining provisions of the compact are enforceable.

22 (2) The provisions of this compact shall be liberally construed to
23 effectuate its purposes.

24 ARTICLE XIII - Binding Effect of Compact and Other Laws

25 Section A. Other laws

26 (1) Nothing in this section prevents the enforcement of any other
27 law of a compacting state that is consistent with this compact.

28 (2) All compacting states' laws other than state constitutions and
29 other interstate compacts conflicting with this compact are superseded
30 to the extent of the conflict.

31 Section B. Binding effect of the compact

32 (1) All lawful actions of the interstate commission, including all
33 rules and bylaws adopted by the interstate commission, are binding upon
34 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. 2.** A new section is added to chapter 13.24 RCW
16 to read as follows:

17 Pursuant to the compact created in section 1 of this act, the
18 governor is hereby authorized and empowered to designate a state
19 council as required in Article IX of the compact.

20 NEW SECTION. **Sec. 3.** The following acts or parts of acts are each
21 repealed:

- 22 (1) RCW 13.24.010 (Execution of compact) and 1955 c 284 s 1; and
23 (2) RCW 13.24.020 (Juvenile compact administrator) and 1955 c 284
24 s 2.

25 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2004, or when
26 the interstate compact for juveniles is adopted by thirty-five or more
27 states, whichever occurs later.

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