# SECOND REGULAR SESSION HOUSE BILL NO. 1512

## 93RD GENERAL ASSEMBLY

## INTRODUCED BY REPRESENTATIVES STEVENSON (Sponsor), MOORE AND McGHEE (Co-sponsors).

Read 1st time January 24, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4521L.01I

## AN ACT

To repeal sections 210.570, 210.580, 210.595, 210.600, and 210.610, RSMo, and to enact in lieu thereof two new sections relating to the interstate compact for juveniles, with a contingent effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 210.570, 210.580, 210.595, 210.600, and 210.610, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 210.570 and 2 3 210.580, to read as follows: 210.570. This interstate compact for juveniles is entered with all jurisdictions 2 legally joining the compact in the form substantially as follows: 3 THE INTERSTATE COMPACT FOR JUVENILES 4 **ARTICLE I** 5 **PURPOSE** 6 The compacting states to this Interstate Compact recognize that each state is 7 responsible for the proper supervision or return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away 8 from supervision and control and in so doing have endangered their own safety and the 9 safety of others. The compacting states also recognize that each state is responsible for the 10 11 safe return of juveniles who have run away from home and in doing so have left their state 12 of residence. The compacting states also recognize that Congress, by enacting the Crime

Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for
 cooperative efforts and mutual assistance in the prevention of crime.

15 It is the purpose of this compact, through means of joint and cooperative action among the compacting states to: (A) ensure that the adjudicated juveniles and status 16 17 offenders subject to this compact are provided adequate supervision and services in the 18 receiving state as ordered by the adjudicating judge or parole authority in the sending 19 state; (B) ensure that the public safety interests of the citizens, including the victims of 20 juvenile offenders, in both the sending and receiving states are adequately protected; (C) 21 return juveniles who have run away, absconded or escaped from supervision or control or 22 have been accused of an offense to the state requesting their return; (D) make contracts for 23 the cooperative institutionalization in public facilities in member states for delinquent 24 vouth needing special services; (E) provide for the effective tracking and supervision of 25 juveniles; (F) equitably allocate the costs, benefits and obligations of the compacting states; 26 (G) establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any 27 28 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders; (H) 29 insure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; (I) establish procedures to resolve pending charges 30 31 (detainers) against juvenile offenders prior to transfer or release to the community under 32 the terms of this compact; (J) establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile 33 justice and criminal justice officials, and regular reporting of Compact activities to heads 34 of state executive, judicial, and legislative branches and juvenile and criminal justice 35 36 administrators; (K) monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct non-compliance; (L) coordinate 37 38 training and education regarding the regulation of interstate movement of juveniles for 39 officials involved in such activity; and (M) coordinate the implementation and operation of the compact with the Interstate Compact for the Placement of Children, the Interstate 40 41 Compact for Adult Offender Supervision and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise. It is 42 43 the policy of the compacting states that the activities conducted by the Interstate 44 Commission created herein are the formation of public policies and therefore are public 45 business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles 46 47 subject to the provisions of this compact. The provisions of this compact shall be 48 reasonably and liberally construed to accomplish the purposes and policies of the compact.

## ARTICLE II

## DEFINITIONS

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

A. "By-laws" means: those by-laws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.

B. "Compact Administrator" means: the individual in each compacting state appointed pursuant to the terms of this compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.

59 C. "Compacting State" means: any state which has enacted the enabling legislation 60 for this compact.

61 D. "Commissioner" means: the voting representative of each compacting state 62 appointed pursuant to Article III of this compact.

63 E. "Court" means: any court having jurisdiction over delinquent, neglected, or 64 dependent children.

F. "Deputy Compact Administrator" means: the individual, if any, in each compacting state appointed to act on behalf of a Compact Administrator pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.

G. "Interstate Commission" means: the Interstate Commission for Juveniles
created by Article III of this compact.

H. "Juvenile" means: any person defined as a juvenile in any member state or by
the rules of the Interstate Commission, including:

(1) Accused Delinquent - a person charged with an offense that, if committed by an
 adult, would be a criminal offense;

(2) Adjudicated Delinquent - a person found to have committed an offense that, if
 committed by an adult, would be a criminal offense;

(3) Accused Status Offender - a person charged with an offense that would not be
 a criminal offense if committed by an adult;

81 (4) Adjudicated Status Offender - a person found to have committed an offense that
82 would not be a criminal offense if committed by an adult; and

83 (5) Non-Offender - a person in need of supervision who has not been accused or
 84 adjudicated a status offender or delinquent.

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85 I. "Non-Compacting state" means: any state which has not enacted the enabling 86 legislation for this compact.

J. "Probation or Parole" means: any kind of supervision or conditional release of 87 juveniles authorized under the laws of the compacting states. 88

89 K. "Rule" means: a written statement by the Interstate Commission promulgated 90 pursuant to Article VI of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, 91 92 procedural, or practice requirement of the Commission, and has the force and effect of 93 statutory law in a compacting state, and includes the amendment, repeal, or suspension of 94 an existing rule.

95 L. "State" means: a state of the United States, the District of Columbia (or its 96 designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American 97 Samoa, and the Northern Marianas Islands.

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**INTERSTATE COMMISSION FOR JUVENILES** 

**ARTICLE III** 

100 A. The compacting states hereby create the "Interstate Commission for Juveniles." 101 The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers and duties set forth herein, and such 102 103 additional powers as may be conferred upon it by subsequent action of the respective 104 legislatures of the compacting states in accordance with the terms of this compact.

105 B. The Interstate Commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of 106 each compacting state and in consultation with the State Council for Interstate Juvenile 107 108 Supervision created hereunder. The commissioner shall be the compact administrator, deputy compact administrator or designee from that state who shall serve on the Interstate 109 110 Commission in such capacity under or pursuant to the applicable law of the compacting 111 state.

112 C. In addition to the commissioners who are the voting representatives of each 113 state, the Interstate Commission shall include individuals who are not commissioners, but 114 who are members of interested organizations. Such non-commissioner members must 115 include a member of the national organizations of governors, legislators, state chief 116 justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate 117 Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner members of the Interstate Commission shall be 118 119 ex-officio (non-voting) members. The Interstate Commission may provide in its by-laws

for such additional ex-officio (non-voting) members, including members of other national
organizations, in such numbers as shall be determined by the commission.

D. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission.

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

130 F. The Interstate Commission shall establish an executive committee, which shall 131 include commission officers, members, and others as determined by the by-laws. The 132 executive committee shall have the power to act on behalf of the Interstate Commission 133 during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the compact. The executive committee shall oversee the 134 135 day-to-day activities of the administration of the compact managed by an executive director and Interstate Commission staff; administers enforcement and compliance with 136 137 the provisions of the compact, its by-laws and rules, and performs such other duties as 138 directed by the Interstate Commission or set forth in the by-laws.

139 G. Each member of the Interstate Commission shall have the right and power to 140 cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and shall not delegate 141 a vote to another compacting state. However, a commissioner, in consultation with the 142 143 state council, shall appoint another authorized representative, in the absence of the 144 commissioner from that state, to cast a vote on behalf of the compacting state at a specified 145 meeting. The by-laws may provide for members' participation in meetings by telephone 146 or other means of telecommunication or electronic communication.

H. The Interstate Commission's by-laws shall establish conditions and procedures
under which the Interstate Commission shall make its information and official records
available to the public for inspection or copying. The Interstate Commission may exempt
from disclosure any information or official records to the extent they would adversely
affect personal privacy rights or proprietary interests.

152 I. Public notice shall be given of all meetings and all meetings shall be open to the 153 public, except as set forth in the Rules or as otherwise provided in the Compact. The 154 Interstate Commission and any of its committees may close a meeting to the public where 155 it determines by two-thirds vote that an open meeting would be likely to:

156 **1. Relate solely to the Interstate Commission's internal personnel practices and** 157 procedures;

**2.** Disclose matters specifically exempted from disclosure by statute;

159 3. Disclose trade secrets or commercial or financial information which is privileged
 160 or confidential;

161 **4.** Involve accusing any person of a crime, or formally censuring any person;

162 5. Disclose information of a personal nature where disclosure would constitute a
 163 clearly unwarranted invasion of personal privacy;

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6. Disclose investigative records compiled for law enforcement purposes;

7. Disclose information contained in or related to examination, operating or
 condition reports prepared by, or on behalf of or for the use of, the Interstate Commission
 with respect to a regulated person or entity for the purpose of regulation or supervision of
 such person or entity;

169 8. Disclose information, the premature disclosure of which would significantly
 170 endanger the stability of a regulated person or entity; or

9. Specifically relate to the Interstate Commission's issuance of a subpoena, or its
participation in a civil action or other legal proceeding.

173 J. For every meeting closed pursuant to this provision, the Interstate Commission's 174 legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be 175 closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed 176 in any meeting and shall provide a full and accurate summary of any actions taken, and 177 178 the reasons therefore, including a description of each of the views expressed on any item 179 and the record of any roll call vote (reflected in the vote of each member on the question). 180 All documents considered in connection with any action shall be identified in such minutes. 181 K. The Interstate Commission shall collect standardized data concerning the 182 interstate movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. 183 184 Such methods of data collection, exchange and reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with 185 186 the appropriate repository of records.

**ARTICLE IV** 

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The commission shall have the following powers and duties:

1. To provide for dispute resolution among compacting states.

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191 2. To promulgate rules to effect the purposes and obligations as enumerated in this 192 compact, which shall have the force and effect of statutory law and shall be binding in the 193 compacting states to the extent and in the manner provided in this compact.

194 3. To oversee, supervise and coordinate the interstate movement of juveniles subject 195 to the terms of this compact and any by-laws adopted and rules promulgated by the 196 **Interstate Commission.** 

197 4. To enforce compliance with the compact provisions, the rules promulgated by 198 the Interstate Commission, and the by-laws, using all necessary and proper means, 199 including but not limited to the use of judicial process.

200 5. To establish and maintain offices which shall be located within one or more of 201 the compacting states.

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6. To purchase and maintain insurance and bonds.

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7. To borrow, accept, hire or contract for services of personnel.

204 8. 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 205 206 required by Article III which shall have the power to act on behalf of the Interstate 207 Commission in carrying out its powers and duties hereunder.

208 9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and 209 210 to establish the Interstate Commission's personnel policies and programs relating to, inter 211 alia, conflicts of interest, rates of compensation, and qualifications of personnel.

- 212 10. To accept any and all donations and grants of money, equipment, supplies, 213 materials, and services, and to receive, utilize, and dispose of it.
- 214 11. To lease, purchase, accept contributions or donations of, or otherwise to own, 215 hold, improve or use any property, real, personal, or mixed.
- 216 12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise 217 dispose of any property, real, personal or mixed.

13. To establish a budget and make expenditures and levy dues as provided in 218 219 Article VIII of this compact.

- 220 14. To sue and be sued.
- 221 15. To adopt a seal and by-laws governing the management and operation of the 222 **Interstate Commission.**

223 16. To perform such functions as may be necessary or appropriate to achieve the 224 purposes of this compact.

225 17. To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the 226

preceding year. Such reports shall also include any recommendations that may have been 227 228 adopted by the Interstate Commission. 229 18. To coordinate education, training and public awareness regarding the interstate 230 movement of juveniles for officials involved in such activity. 231 **19.** To establish uniform standards of the reporting, collecting and exchanging of 232 data. 233 20. The Interstate Commission shall maintain its corporate books and records in 234 accordance with the By-laws. 235 **ARTICLE V** 236 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION 237 Section A. By-laws 238 1. The Interstate Commission shall, by a majority of the members present and 239 voting, within twelve months after the first Interstate Commission meeting, adopt by-laws 240 to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to: 241 242 a. Establishing the fiscal year of the Interstate Commission; 243 b. Establishing an executive committee and such other committees as may be 244 necessary; 245 c. Provide for the establishment of committees governing any general or specific 246 delegation of any authority or function of the Interstate Commission; 247 d. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting; 248 249 e. Establishing the titles and responsibilities of the officers of the Interstate **Commission:** 250 251 Providing a mechanism for concluding the operations of the Interstate f. 252 Commission and the return of any surplus funds that may exist upon the termination of 253 the Compact after the payment and/or reserving of all of its debts and obligations; 254 g. Providing "start-up" rules for initial administration of the compact; and 255 h. Establishing standards and procedures for compliance and technical assistance in carrying out the compact. 256 257 Section B. Officers and Staff 258 1. The Interstate Commission shall, by a majority of the members, elect annually 259 from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the by-laws. The chairperson or, in the 260 261 chairperson's absence or disability, the vice-chairperson shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or 262

remuneration from the Interstate Commission; provided that, subject to the availability
of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs
and expenses incurred by them in the performance of their duties and responsibilities as
officers of the Interstate Commission.

267 2. The Interstate Commission shall, through its executive committee, appoint or 268 retain an executive director for such period, upon such terms and conditions and for such 269 compensation as the Interstate Commission may deem appropriate. The executive director 270 shall serve as secretary to the Interstate Commission, but shall not be a Member and shall 271 hire and supervise such other staff as may be authorized by the Interstate Commission.

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Section C. Qualified Immunity, Defense and Indemnification

273 1. The Commission's executive director and employees shall be immune from suit 274 and liability, either personally or in their official capacity, for any claim for damage to or 275 loss of property or personal injury or other civil liability caused or arising out of or 276 relating to any actual or alleged act, error, or omission that occurred, or that such person 277 had a reasonable basis for believing occurred within the scope of Commission employment, 278 duties, or responsibilities; provided, that any such person shall not be protected from suit 279 or liability for any damage, loss, injury, or liability caused by the intentional or willful and 280 wanton misconduct of any such person.

281 2. The liability of any commissioner, or the employee or agent of a commissioner, 282 acting within the scope of such person's employment or duties for acts, errors, or omissions 283 occurring within such person's state may not exceed the limits of liability set forth under 284 the Constitution and laws of that state for state officials, employees, and agents. Nothing 285 in this subsection shall be construed to protect any such person from suit or liability for 286 any damage, loss, injury, or liability caused by the intentional or willful and wanton 287 misconduct of any such person.

288 3. The Interstate Commission shall defend the executive director or the employees 289 or representatives of the Interstate Commission and, subject to the approval of the 290 Attorney General of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in any civil 291 292 action seeking to impose liability arising out of any actual or alleged act, error or omission 293 that occurred within the scope of Interstate Commission employment, duties or 294 responsibilities, or that the defendant had a reasonable basis for believing occurred within 295 the scope of Interstate Commission employment, duties, or responsibilities, provided that 296 the actual or alleged act, error, or omission did not result from intentional or willful and 297 wanton misconduct on the part of such person.

298 4. The Interstate Commission shall indemnify and hold the commissioner of a 299 compacting state, or the commissioner's representatives or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or 300 301 judgment obtained against such persons arising out of any actual or alleged act, error, or 302 omission that occurred within the scope of Interstate Commission employment, duties, or 303 responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that 304 305 the actual or alleged act, error, or omission did not result from intentional or willful and 306 wanton misconduct on the part of such persons. 307 **ARTICLE VI RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION** 308 309 A. The Interstate Commission shall promulgate and publish rules in order to 310 effectively and efficiently achieve the purposes of the compact. 311 B. Rulemaking shall occur pursuant to the criteria set forth in this article and the by-laws and rules adopted pursuant thereto. Such rulemaking shall substantially conform 312 to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform 313 314 Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the Interstate Commission deems appropriate consistent with due process requirements under 315 316 the U.S. Constitution as now or hereafter interpreted by the U.S. Supreme Court. All rules 317 and amendments shall become binding as of the date specified, as published with the final 318 version of the rule as approved by the Commission. 319 C. When promulgating a rule, the Interstate Commission shall, at a minimum: 320 1. publish the proposed rule's entire text stating the reason(s) for that proposed 321 rule: 322 2. allow and invite any and all persons to submit written data, facts, opinions and 323 arguments, which information shall be added to the record, and be made publicly 324 available; 325 3. provide an opportunity for an informal hearing if petitioned by ten (10) or more persons; and 326 327 4. promulgate a final rule and its effective date, if appropriate, based on input from 328 state or local officials, or interested parties. 329 D. Allow, not later than sixty days after a rule is promulgated, any interested 330 person to file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located 331 332 for judicial review of such rule. If the court finds that the Interstate Commission's action 333 is not supported by substantial evidence in the rulemaking record, the court shall hold the

rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it
would be considered substantial evidence under the Model State Administrative
Procedures Act.

E. If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.

F. The existing rules governing the operation of the Interstate Compact on Juveniles superseded by this act shall be null and void twelve (12) months after the first meeting of the Interstate Commission created hereunder.

G. Upon determination by the Interstate Commission that a state-of-emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than ninety (90) days after the effective date of the emergency rule.

**ARTICLE VII** 

**OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE** 

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## INTERSTATE COMMISSION

352 Section A. Oversight

353 **1.** The Interstate Commission shall oversee the administration and operations of 354 the interstate movement of juveniles subject to this compact in the compacting states and 355 shall monitor such activities being administered in non-compacting states which may 356 significantly affect compacting states.

357 2. The courts and executive agencies in each compacting state shall enforce this 358 compact and shall take all actions necessary and appropriate to effectuate the compact's 359 purposes and intent. The provisions of this compact and the rules promulgated hereunder 360 shall be received by all the judges, public officers, commissions, and departments of the 361 state government as evidence of the authorized statute and administrative rules. All courts 362 shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which 363 364 may affect the powers, responsibilities or actions of the Interstate Commission, it shall be 365 entitled to receive all service of process in any such proceeding, and shall have standing to 366 intervene in the proceeding for all purposes.

367 Section B. Dispute Resolution

368 1. The compacting states shall report to the Interstate Commission on all issues and 369 activities necessary for the administration of the compact as well as issues and activities 370 pertaining to compliance with the provisions of the compact and its bylaws and rules.

371 2. The Interstate Commission shall attempt, upon the request of a compacting state, 372 to resolve any disputes or other issues which are subject to the compact and which may 373 arise among compacting states and between compacting and non-compacting states. The 374 commission shall promulgate a rule providing for both mediation and binding dispute 375 resolution for disputes among the compacting states.

376 3. The Interstate Commission, in the reasonable exercise of its discretion, shall 377 enforce the provisions and rules of this compact using any or all means set forth in Article 378 XI of this compact.

- 379 **ARTICLE VIII** 380
  - **FINANCE**

381 The Interstate Commission shall pay or provide for the payment of the Α. reasonable expenses of its establishment, organization and ongoing activities. 382

383 B. The Interstate Commission shall levy on and collect an annual assessment from 384 each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the 385 386 Interstate Commission's annual budget as approved each year. The aggregate annual 387 assessment amount shall be allocated based upon a formula to be determined by the 388 Interstate Commission, taking into consideration the population of each compacting state 389 and the volume of interstate movement of juveniles in each compacting state and shall 390 promulgate a rule binding upon all compacting states which governs said assessment.

391 C. The Interstate Commission shall not incur any obligations of any kind prior to 392 securing the funds adequate to meet the same; nor shall the Interstate Commission pledge 393 the credit of any of the compacting states, except by and with the authority of the 394 compacting state.

395 D. The Interstate Commission shall keep accurate accounts of all receipts and 396 disbursements. The receipts and disbursements of the Interstate Commission shall be 397 subject to the audit and accounting procedures established under its by-laws. However, 398 all receipts and disbursements of funds handled by the Interstate Commission shall be 399 audited yearly by a certified or licensed public accountant and the report of the audit shall 400 be included in and become part of the annual report of the Interstate Commission.

- 401 **ARTICLE IX**
- 402 THE STATE COUNCIL

403 Each member state shall create a State Council for Interstate Juvenile Supervision. 404 While each state may determine the membership of its own state council, its membership 405 must include at least one representative from the legislative, judicial, and executive 406 branches of government, victims groups, and the compact administrator, deputy compact 407 administrator or designee. Each compacting state retains the right to determine the 408 qualifications of the compact administrator or deputy compact administrator. Each state 409 council will advise and may exercise oversight and advocacy concerning that state's 410 participation in Interstate Commission activities and other duties as may be determined 411 by that state, including but not limited to, development of policy concerning operations and 412 procedures of the compact within that state.

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## ARTICLE X

### COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

A. Any state, the District of Columbia (or its designee), the Commonwealth of
Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas
Islands as defined in Article II of this compact is eligible to become a compacting state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2004 or upon enactment into law by the 35th jurisdiction. Thereafter it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states and territories of the United States.

425 C. The Interstate Commission may propose amendments to the compact for 426 enactment by the compacting states. No amendment shall become effective and binding 427 upon the Interstate Commission and the compacting states unless and until it is enacted 428 into law by unanimous consent of the compacting states.

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#### ARTICLE XI

#### 430 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

431 Section A. Withdrawal

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

435 **2.** The effective date of withdrawal is the effective date of the repeal.

436 3. The withdrawing state shall immediately notify the chairperson of the Interstate
 437 Commission in writing upon the introduction of legislation repealing this compact in the

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withdrawing state. The Interstate Commission shall notify the other compacting states of
the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

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

5. Reinstatement following withdrawal of any compacting state shall occur upon
the withdrawing state reenacting the compact or upon such later date as determined by the
Interstate Commission.

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

1. If the Interstate Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the by-laws or duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:

451 a. Remedial training and technical assistance as directed by the Interstate 452 Commission;

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b. Alternative Dispute Resolution;

c. Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by
 the Interstate Commission; and

456 d. Suspension or termination of membership in the compact, which shall be 457 imposed only after all other reasonable means of securing compliance under the by-laws 458 and rules have been exhausted and the Interstate Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the 459 Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of 460 461 the state, the majority and minority leaders of the defaulting state's legislature, and the state council. The grounds for default include, but are not limited to, failure of a 462 463 compacting state to perform such obligations or responsibilities imposed upon it by this 464 compact, the by-laws, or duly promulgated rules and any other grounds designated in 465 commission by-laws and rules. The Interstate Commission shall immediately notify the 466 defaulting state in writing of the penalty imposed by the Interstate Commission and of the 467 default pending a cure of the default. The commission shall stipulate the conditions and 468 the time period within which the defaulting state must cure its default. If the defaulting 469 state fails to cure the default within the time period specified by the commission, the 470 defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this 471 472 compact shall be terminated from the effective date of termination.

473 2. Within sixty days of the effective date of termination of a defaulting state, the
474 Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the
475 Majority and Minority Leaders of the defaulting state's legislature, and the state council
476 of such termination.

477 3. The defaulting state is responsible for all assessments, obligations and liabilities 478 incurred through the effective date of termination including any obligations, the 479 performance of which extends beyond the effective date of termination.

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481 481 481 state unless otherwise mutually agreed upon in writing between the Interstate Commission
482 and the defaulting state.

483 5. Reinstatement following termination of any compacting state requires both a
484 reenactment of the compact by the defaulting state and the approval of the Interstate
485 Commission pursuant to the rules.

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Section C. Judicial Enforcement

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, to enforce compliance with the provisions of the compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees.

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Section D. Dissolution of Compact

495 1. The compact dissolves effective upon the date of the withdrawal or default of the
496 compacting state, which reduces membership in the compact to one compacting state.

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2. Upon the dissolution of this compact, the compact becomes null and void and
498 shall be of no further force or effect, and the business and affairs of the Interstate
499 Commission shall be concluded and any surplus funds shall be distributed in accordance
500 with the by-laws.

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#### SEVERABILITY AND CONSTRUCTION

ARTICLE XII

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

506 **B.** The provisions of this compact shall be liberally construed to effectuate its 507 purposes.

508 ARTICLE XIII

11.	
509	<b>BINDING EFFECT OF COMPACT AND OTHER LAWS</b>
510	Section A. Other Laws
511	1. Nothing herein prevents the enforcement of any other law of a compacting state
512	that is not inconsistent with this compact.
513	2. All compacting states' laws other than state Constitutions and other interstate
514	compacts conflicting with this compact are superseded to the extent of the conflict.
515	Section B. Binding Effect of the Compact
516	1. All lawful actions of the Interstate Commission, including all rules and by-laws
517	promulgated by the Interstate Commission, are binding upon the compacting states.
518	2. All agreements between the Interstate Commission and the compacting states are
519	binding in accordance with their terms.
520	3. Upon the request of a party to a conflict over meaning or interpretation of
521	Interstate Commission actions, and upon a majority vote of the compacting states, the
522	Interstate Commission may issue advisory opinions regarding such meaning or
523	interpretation.
524	4. In the event any provision of this compact exceeds the constitutional limits
525	imposed on the legislature of any compacting state, the obligations, duties, powers or
526	jurisdiction sought to be conferred by such provision upon the Interstate Commission shall
527	be ineffective and such obligations, duties, powers or jurisdiction shall remain in the
528	compacting state and shall be exercised by the agency thereof to which such obligations,
529	duties, powers or jurisdiction are delegated by law in effect at the time this compact
530	becomes effective.
	210.580. The compact shall become effective and binding upon the state of Missouri
2	[when signed by the commissioners as herein provided and by the proper authorities of any other
3	state entering into the compact] upon legislative enactment of the compact into law by no less
4	than thirty-five of the states. The initial effective date shall be the later of August 28, 2006,
5	or upon enactment into law by the thirty-fifth jurisdiction. Thereafter it shall become
6	effective and binding as to any other compacting state upon enactment of the compact into
7	law by that state.
	[210.570. Within sixty days after sections 210.570 to 210.600 become
2	effective, the governor, by and with the advice and consent of the senate, shall
3	appoint three commissioners to enter into a compact on behalf of the state of Missouri with other states. If the senate is not in assign at the time for making
4 5	Missouri with other states. If the senate is not in session at the time for making such appointments, the governor shall make temporary appointments as in the
5 6	case of a vacancy. Any two of the commissioners so appointed together with the
7	attorney general of the state of Missouri may act to enter into the following
8	compact:
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INTERSTATE COMPACT ON JUVENILES

10 The contracting states solemnly agree:

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#### ARTICLE I

12 That juveniles who are not under proper supervision and control, or who 13 have absconded, escaped or run away, are likely to endanger their own health, 14 morals and welfare, and the health, morals and welfare of others. The 15 cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) 16 17 cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or 18 19 absconded; (3) the return, from one state to another, of nondelinquent juveniles 20 who have run away from home; and (4) additional measures for the protection of 21 juveniles and of the public, which any two or more of the party states may find 22 desirable to undertake cooperatively. In carrying out the provisions of this 23 compact the party states shall be guided by the noncriminal, reformative and protective policies which guide their laws concerning delinquent, neglected or 24 25 dependent juveniles generally. It shall be the policy of the states party to this 26 compact to cooperative and observe their respective responsibilities for the 27 prompt return and acceptance of juveniles and delinquent juveniles who become 28 subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes. 29

ARTICLE II
 That all remedies and procedures provided by this compact shall be in
 addition to and not in substitution for other rights, remedies and procedures, and
 shall not be in derogation of parental rights and responsibilities.

#### ARTICLE III

That, for the purposes of this compact, "delinquent juvenile" means any 35 juvenile who has been adjudged delinquent and who, at the time the provisions 36 37 of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or 38 39 institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states 40 41 party hereto; "court" means any court having jurisdiction over delinquent, neglected or dependent children; "state" means any state, territory or possession 42 43 of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or 44 45 regular place of abode is maintained.

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#### ARTICLE IV

(a) That the parent, guardian, person or agency entitled to legal custody
of a juvenile who has not been adjudged delinquent but who has run away
without the consent of such parent, guardian, person or agency may petition the
appropriate court in the demanding state for the issuance of a requisition for his
return. The petition shall state the name and age of the juvenile, the name of the
petitioner and the basis of entitlement to the juvenile's custody, the circumstances

53 of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is 54 endangering his own welfare or the welfare of others and is not an emancipated 55 56 minor. The petition shall be verified by affidavit, shall be executed in duplicate, 57 and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as 58 59 birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with 60 such petition. The judge of the court to which this application is made may hold 61 62 a hearing thereon to determine whether for the purposes of this compact the 63 petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an 64 emancipated minor, and whether or not it is in the best interest of the juvenile to 65 compel his return to the state. If the judge determines, either with or without a 66 hearing, that the juvenile should be returned, he shall present to the appropriate 67 68 court or to the executive authority of the state where the juvenile is alleged to be 69 located a written requisition for the return of such juvenile. Such requisition 70 shall set forth the name and age of the juvenile, the determination of the court 71 that the juvenile has run away without the consent of a parent, guardian, person 72 or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for 73 74 the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may 75 issue a requisition for the return of such juvenile upon its own motion, regardless 76 77 of the consent of the parent, guardian, person or agency entitled to legal custody, 78 reciting therein the nature and circumstances of the pending proceeding. The 79 requisition shall in every case be executed in duplicate and shall be signed by the 80 judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law 81 82 governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to 83 84 whom the requisition is addressed shall issue an order to any peace officer or 85 other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the 86 validity of its issuance hereunder. No juvenile detained upon such order shall be 87 88 delivered over to the officer whom the court demanding him shall have appointed 89 to receive him, unless he shall first be taken forthwith before a judge of a court 90 in the state, who shall inform him of the demand made for his return, and who 91 may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the 92 93 officer whom the court demanding him shall have appointed to receive him. The 94 judge, however, may fix a reasonable time to be allowed for the purpose of 95 testing the legality of the proceeding.

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96 Upon reasonable information that a person is a juvenile who has run away 97 from another state party to this compact without the consent of a parent, guardian, 98 person or agency entitled to his legal custody, such juvenile may be taken into 99 custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile 100 and who shall determine after a hearing whether sufficient cause exists to hold 101 the person, subject to the order of the court, for his own protection and welfare, 102 for such a time not exceeding ninety days as will enable his return to another state 103 party to this compact pursuant to a requisition for his return from a court of that 104 105 state. If, at the time when a state seeks the return of a juvenile who has run away, 106 there is pending in the state wherein he is found any criminal charge, or any 107 proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a 108 109 criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form 110 111 of proceeding, imprisonment, detention or supervision for such offense or 112 juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile 113 114 being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state 115 from which he ran away, the juvenile shall be subject to such further proceedings 116 as may be appropriate under the laws of that state. 117

(b) That the state to which a juvenile is returned under this Article shall 118 be responsible for payment of the transportation costs of such return. 119

120 (c) That "juvenile" as used in this Article means any person who is a minor under the law of the state of residence of the parent, guardian, person or 122 agency entitled to the legal custody of such minor. 123

124 (a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose 125 institutional custody he has escaped shall present to the appropriate court or to 126 127 the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such 128 129 requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of 130 131 the terms of his probation or parole or of his escape from an institution or agency 132 vested with his legal custody or supervision, and the location of such delinquent 133 juvenile, if known, at the time the requisition is made. The requisition shall be 134 verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of 135 136 commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits 137 and other documents as may be deemed proper may be submitted with such 138

ARTICLE V

139 requisition. One copy of the requisition shall be filed with the compact 140 administrator of the demanding state, there to remain on file subject to the 141 provisions of law governing records of the appropriate court. Upon the receipt 142 of a requisition demanding the return of a delinquent juvenile who has absconded 143 or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person 144 145 directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of the 146 147 issuance hereunder. No delinquent juvenile detained upon such order shall be 148 delivered over to the officer whom the appropriate person or authority demanding 149 him shall have appointed to receive him, unless he shall first be taken forthwith 150 before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem 151 152 for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate 153 154 person or authority demanding him shall have appointed to receive him. The 155 judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding. 156

157 Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or 158 agency vested with his legal custody or supervision in any state party to this 159 compact, such person may be taken into custody in any other state party to this 160 compact without a requisition. But in such event, he must be taken forthwith 161 162 before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient 163 cause exists to hold the person subject to the order of the court for such a time, 164 not exceeding ninety days, as will enable his detention under a detention order 165 166 issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation 167 or parole or escaped from an institution or agency vested with his legal custody 168 or supervision, there is pending in the state wherein he is detained any criminal 169 170 charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such 171 state a criminal offense or an act of juvenile delinquency, he shall not be returned 172 without the consent of such state until discharged from prosecution or other form 173 174 of proceeding, imprisonment, detention or supervision for such offense or 175 juvenile delinquency. The duly accredited officers of any state party to this 176 compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such 177 delinquent juvenile through any and all states party to this compact, without 178 179 interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be 180 appropriate under the laws of that state. 181

(b) That the state to which a delinquent juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

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ARTICLE VI

185 That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or 186 supervision in any state party to this compact, and any juvenile who has run away 187 from any state party to this compact, who is taken into custody without a 188 189 requisition in another state party to this compact under the provisions of Article 190 IV(a) or of Article V(a), may consent to his immediate return to the state from 191 which he absconded, escaped or ran away. Such consent shall be given by the 192 juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by 193 executing or subscribing a writing, in the presence of a judge of the appropriate 194 court, which states that the juvenile or delinquent juvenile and his counsel or 195 guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence 196 197 of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent 198 juvenile of his rights under this compact. When the consent has been duly 199 executed, it shall be forwarded to and filed with the compact administrator of the 200 state in which the court is located and the judge shall direct the officer having the 201 juvenile or delinquent juvenile in custody to deliver him to the duly accredited 202 officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, 203 204 however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and 205 206 shall provide him with a copy of such court order; in such event a copy of the 207 consent shall be forwarded to the compact administrator of the state to which said 208 juvenile or delinquent juvenile is ordered to return. 209

ARTICLE VII

210 (a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any 211 delinquent juvenile within such state, placed on probation or parole, to reside in 212 213 any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, 214 215 if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before 216 217 granting such permission, opportunity shall be given to the receiving state to 218 make such investigations as it deems necessary. The authorities of the sending 219 state shall send to the authorities of the receiving state copies of pertinent court 220 orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee 221 222 under this compact. A receiving state, in its discretion, may agree to accept 223 supervision of a probationer or parolee in cases where the parent, guardian or 224 person entitled to the legal custody of the delinquent juvenile is not a resident of

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225 the receiving state, and if so accepted the sending state may transfer supervision 226 accordingly.

227 (b) That each receiving state will assume the duties of visitation and of 228 supervision over any such delinquent juvenile and in the exercise of those duties 229 will be governed by the same standards of visitation and supervision that prevail 230 for its own delinquent juveniles released on probation or parole.

231 (c) That, after consultation between the appropriate authorities of the 232 sending state and of the receiving state as to the desirability and necessity of 233 returning such a delinquent juvenile, the duly accredited officers of a sending 234 state may enter a receiving state and there apprehend and retake any such 235 delinquent juvenile on probation or parole. For that purpose, no formalities will 236 be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending 237 238 state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending 239 240 state seeks to retake a delinquent juvenile on probation or parole, there is pending 241 against him within the receiving state any criminal charge or any proceeding to 242 have him adjudicated a delinquent juvenile for any act committed in such state, 243 or if he is suspected of having committed within such state a criminal offense or 244 an act of juvenile delinquency, he shall not be returned without the consent of the 245 receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. 246 247 The duly accredited officers of the sending state shall be permitted to transport 248 delinquent juveniles being so returned through any and all states party to this 249 compact, without interference.

(d) That the sending state shall be responsible under this Article for 250 251 paying the costs of transporting any delinquent juvenile to the receiving state or 252 of returning any delinquent juvenile to the sending state.

ARTICLE VIII

254 (a) That the provisions of Articles IV(b), V(b) and VII(d) of this compact 255 shall not be construed to alter or affect any internal relationship among the 256 departments, agencies and officers of and in the government of a party state, or 257 between a party state and its subdivisions, as to the payment of costs, or 258 responsibilities therefor.

259 (b) That nothing in this compact shall be construed to prevent any party 260 state or subdivision thereof from asserting any right against any person, agency 261 or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV(b), V(b) or VII(d) of this compact. 262 263

ARTICLE IX

264 That, to every extent possible, it shall be the policy of states party to this 265 compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, 266 vicious or dissolute persons. 267

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#### ARTICLE X

269 That the duly constituted administrative authorities of a state party to this 270 compact may enter into supplementary agreements with any other state or states 271 party hereto for the cooperative care, treatment and rehabilitation of delinquent 272 juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such 273 274 care, treatment and rehabilitation may be provided in an institution located within 275 any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment and 276 277 custody of such delinquent juveniles, taking into consideration the character of 278 facilities, services and subsistence furnished; (2) provide that the delinquent 279 juvenile shall be given a court hearing prior to his being sent to another state for 280 care, treatment and custody; (3) provide that the state receiving such a delinquent 281 juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain 282 283 jurisdiction over delinquent juveniles sent to an institution in another state; (5) 284 provide for reasonable inspection of such institutions by the sending state; (6) 285 provide that the consent of the parent, guardian, person or agency entitled to the 286 legal custody of said delinquent juvenile shall be secured prior to his being sent 287 to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and 288 289 of the cooperating states. 290

#### ARTICLE XI

291 That any state party to this compact may accept any and all donations, 292 gifts and grants of money, equipment and services from the federal or any local 293 government, or any agency thereof and from any person, firm or corporation, for 294 any of the purposes and functions of this compact, and may receive and utilize 295 the same subject to the terms, conditions and regulations governing such 296 donations, gifts and grants.

#### ARTICLE XII

298 That the governor of each state party to this compact shall designate an 299 officer who, acting jointly with like officers of other party states, shall 300 promulgate rules and regulations to carry out more effectively the terms and provisions of this compact. 301

#### ARTICLE XIII

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

#### ARTICLE XIV

308 That this compact shall continue in force and remain binding upon each 309 executing state until renounced by it. Renunciation of this compact shall be by 310 the same authority which executed it, by sending six months' notice in writing of

its intention to withdraw from the compact to the other states party hereto. The
duties and obligations of a renouncing state under Article VII hereof shall
continue as to parolees and probationers residing therein at the time of
withdrawal until retaken or finally discharged. Supplementary agreements
entered into under Article X hereof shall be subject to renunciation as provided
by such supplementary agreements, and shall not be subject to the six months'
renunciation notice of the present Article.

318 ARTICLE XV 319 That the provisions of this compact shall be severable and if any phrase, 320 clause, sentence or provision of this compact is declared to be contrary to the 321 constitution of any participating state or of the United States or the applicability 322 thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any 323 324 government, agency, person or circumstance shall not be affected thereby. If this 325 compact shall be held contrary to the constitution of any state participating 326 therein, the compact shall remain in full force and effect as to the remaining 327 states and in full force and effect as to the state affected as to all severable 328 matters.] 329

[210.595. The term "delinquent juvenile" as used in the interstate compact on juveniles includes those persons subject to the jurisdiction of the juvenile court within the meaning of subdivisions (1) and (2) of section 211.031, RSMo.]

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[210.600. The commission shall have power to apply to the Congress of the United States for its consent and approval of the compact; but in the absence of such consent of Congress and until the same shall have been secured, the compact shall be binding upon the state of Missouri in all respects permitted by law for the signatory states without the consent of Congress to cooperate, for the purposes enumerated in the compact, and in the manner provided therein.]

[210.610. 1. This section shall provide remedies, and shall be binding only as among and between those party states which specifically adopt a similar section.

4 2. All provisions and procedures of article V and article VI of section 5 210.570 shall be construed to apply to any juvenile charged with being a 6 delinquent by reason of violating any criminal law which constitutes a felony. 7 Any juvenile charged with being a delinquent by reason of violating any criminal 8 law which constitutes a felony shall be returned to the requesting state upon a 9 requisition to the state where the juvenile may be found. A petition in such case 10 shall be filed in a court of competent jurisdiction in the requesting state where the 11 violation of criminal law is alleged to have been committed. The petition may 12 be filed regardless of whether the juvenile has left the requesting state before or

after the filing of the petition. The requisition described in article V of section
210.570 shall be forwarded by the judge of the court in which the petition has

- 15 been filed.]
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Section B. The enactment of section 210.570 of Section A of this act, the repeal and reenactment of section 210.580 of Section A of this act, and the repeal of sections 210.570,

2 reenactment of section 210.580 of Section A of this act, and the repeal of sections 210.570,
3 210.595, 210.600, and 210.610 of Section A of this act shall become effective August 28, 2006,

4 or upon legislative enactment of the compact into law by no less than thirty-five of the states,

5 whichever later occurs.

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