

# 9:23B-1 to 9:23B-13

## LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

**LAWS OF:** 2004 **CHAPTER:** 142

**NJSA:** 9:23B-1 to 9:23B-13 (Provides for Interstate Compact for Juveniles)

**BILL NO:** A839

**SPONSOR(S):** Greenstein and others

**DATE INTRODUCED:** Pre-filed

**ASSEMBLY:** Judiciary

**SENATE:** Law, Public Safety and Veterans' Affairs

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** June 24, 2004

**SENATE:** June 17, 2004

**DATE OF APPROVAL:** September 10, 2004

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1<sup>st</sup> reprint enacted)

[SPONSOR'S STATEMENT](#): (Begins on page 16 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

[LEGISLATIVE FISCAL NOTE:](#) [Yes](#)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

### FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or

<mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

See: "Interstate Compact for Juveniles" attached

Title 9.  
Chapter 23B. (New)  
Interstate  
Commission on  
Juveniles; Compact  
§§1-13 -  
C.9:23B-1  
to 9:23B-13

P.L. 2004, CHAPTER 142, *approved September 10, 2004*  
Assembly, No. 839 (*First Reprint*)

1 AN ACT concerning juveniles and supplementing Title 2A of the New  
2 Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. The Interstate Compact for Juveniles is hereby enacted into law  
8 and entered into with all other jurisdictions legally joining therein in  
9 the form substantially as follows:

10

11 THE INTERSTATE COMPACT FOR JUVENILES

12

13 Article I. Purpose.

14 The compacting states to this Interstate Compact recognize that  
15 each state is responsible for the proper supervision or return of  
16 juveniles, delinquents and status offenders who are on probation or  
17 parole and who have absconded, escaped or run away from  
18 supervision and control and in so doing have endangered their own  
19 safety and the safety of others. The compacting states also recognize  
20 that each state is responsible for the safe return of juveniles who have  
21 run away from home and in doing so have left their state of residence.  
22 The compacting states also recognize that Congress, by enacting the  
23 Crime Control Act, 4 <sup>1</sup>[U.S.C.A. section 112] U.S.C. s.112<sup>1</sup> (1965),  
24 has authorized and encouraged compacts for cooperative efforts and  
25 mutual assistance in the prevention of crime.

26 It is the purpose of this compact, through means of joint and  
27 cooperative action among the compacting states to:

28 a. ensure that the adjudicated juveniles and status offenders subject  
29 to this compact are provided adequate supervision and services in the  
30 receiving state as ordered by the adjudicating judge or parole authority  
31 in the sending state;

32 b. ensure that the public safety interests of the citizens, including  
33 the victims of juvenile offenders, in both the sending and receiving  
34 states are adequately protected;

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SLP committee amendments adopted May 13, 2004.

- 1 c. return juveniles who have run away, absconded or escaped from  
2 supervision or control or have been accused of an offense to the state  
3 requesting their return;
- 4 d. make contracts for the cooperative institutionalization in public  
5 facilities in member states for delinquent youth needing special  
6 services;
- 7 e. provide for the effective tracking and supervision of juveniles;
- 8 f. equitably allocate the costs, benefits and obligations of the  
9 compacting states;
- 10 g. establish procedures to manage the movement between states of  
11 juvenile offenders released to the community under the jurisdiction of  
12 courts, juvenile departments, or any other criminal or juvenile justice  
13 agency which has jurisdiction over juvenile offenders;
- 14 h. insure immediate notice to jurisdictions where defined offenders  
15 are authorized to travel or to relocate across state lines;
- 16 i. establish procedures to resolve pending charges against juvenile  
17 offenders prior to transfer or release to the community under the terms  
18 of this compact;
- 19 j. establish a system of uniform data collection on information  
20 pertaining to juveniles subject to this compact that allows access by  
21 authorized juvenile justice and criminal justice officials, and regular  
22 reporting of <sup>1</sup>[Compact] compact<sup>1</sup> activities to heads of state  
23 executive, judicial, and legislative branches and juvenile and criminal  
24 justice administrators;
- 25 k. monitor compliance with rules governing interstate movement  
26 of juveniles and initiate interventions to address and correct  
27 noncompliance;
- 28 l. coordinate training and education regarding the regulation of  
29 interstate movement of juveniles for officials involved in such activity;  
30 and
- 31 m. coordinate the implementation and operation of the compact  
32 with the Interstate Compact for the Placement of Children, the  
33 Interstate Compact for Adult Offender Supervision and other  
34 compacts affecting juveniles particularly in those cases where  
35 concurrent or overlapping supervision issues arise.

36 It is the policy of the compacting states that the activities conducted  
37 by the Interstate Commission created herein are the formation of  
38 public policies and therefore are public business. Furthermore, the  
39 compacting states shall cooperate and observe their individual and  
40 collective duties and responsibilities for the prompt return and  
41 acceptance of juveniles subject to the provisions of this compact. The  
42 provisions of this compact shall be reasonably and liberally construed  
43 to accomplish the purposes and policies of the compact.

44

45 2. Article II. Definitions.

46 As used in this compact, unless the context clearly requires a

- 1 different construction:
- 2 a. "By-laws" means those by-laws established by the Interstate  
3 Commission for its governance, or for directing or controlling its  
4 actions or conduct.
- 5 b. "Compact Administrator" means the individual in each  
6 compacting state appointed pursuant to the terms of this compact,  
7 responsible for the administration and management of the state's  
8 supervision and transfer of juveniles subject to the terms of this  
9 compact, the rules adopted by the Interstate Commission and policies  
10 adopted by the State Council under this compact.
- 11 c. "Compacting state" means any state which has enacted the  
12 enabling legislation for this compact.
- 13 d. "Commissioner" means the voting representative of each  
14 compacting state appointed pursuant to Article III of this compact.
- 15 e. "Court" means any court having jurisdiction over delinquent,  
16 neglected, or dependent children.
- 17 f. "Deputy Compact Administrator" means the individual, if any, in  
18 each compacting state appointed to act on behalf of a Compact  
19 Administrator pursuant to the terms of this compact responsible for  
20 the administration and management of the state's supervision and  
21 transfer of juveniles subject to the terms of this compact, the rules  
22 adopted by the Interstate Commission and policies adopted by the  
23 State Council under this compact.
- 24 g. "Interstate Commission" means the Interstate Commission for  
25 Juveniles created by Article III of this compact.
- 26 h. "Juvenile" means any person defined as a juvenile in any member  
27 state or by the rules of the Interstate Commission, including:
- 28 (1) Accused Delinquent – a person charged with an offense that,  
29 if committed by an adult, would be a criminal offense;
- 30 (2) Adjudicated Delinquent – a person found to have committed  
31 an offense that, if committed by an adult, would be a criminal offense;
- 32 (3) Accused Status Offender – a person charged with an offense  
33 that would not be a criminal offense if committed by an adult;
- 34 (4) Adjudicated Status Offender - a person found to have  
35 committed an offense that would not be a criminal offense if  
36 committed by an adult; and
- 37 (5) Non-Offender – a person in need of supervision who has not  
38 been accused or adjudicated a status offender or delinquent.
- 39 i "Non-Compacting state" means any state which has not enacted  
40 the enabling legislation for this compact.
- 41 j. "Probation or Parole" means any kind of supervision or  
42 conditional release of juveniles authorized under the laws of the  
43 compacting states.
- 44 k. "Rule" means a written statement by the Interstate Commission  
45 promulgated pursuant to Article VI of this compact that is of general  
46 applicability, implements, interprets or prescribes a policy or provision

1 of the <sup>1</sup>[Compact] compact<sup>1</sup>, or an organizational, procedural, or  
2 practice requirement of the Commission, and has the force and effect  
3 of statutory law in a compacting state, and includes the amendment,  
4 repeal, or suspension of an existing rule.

5 1. "State" means a state of the United States, the District of  
6 Columbia or its designee, the Commonwealth of Puerto Rico, the U.S.  
7 Virgin Islands, Guam, American Samoa, and the Northern Marianas  
8 Islands.

9  
10 3. Article III. Interstate Commission for Juveniles.

11 a. The compacting states hereby create the "Interstate Commission  
12 for Juveniles." The commission shall be a body corporate and joint  
13 agency of the compacting states. The commission shall have all the  
14 responsibilities, powers and duties set forth herein, and such additional  
15 powers as may be conferred upon it by subsequent action of the  
16 respective legislatures of the compacting states in accordance with the  
17 terms of this compact.

18 b. The Interstate Commission shall consist of commissioners  
19 appointed by the appropriate appointing authority in each state  
20 pursuant to the rules and requirements of each compacting state and  
21 in consultation with the State Council for Interstate Juvenile  
22 Supervision created hereunder. The commissioner shall be the  
23 compact administrator, deputy compact administrator or designee from  
24 that state who shall serve on the Interstate Commission in such  
25 capacity under or pursuant to the applicable law of the compacting  
26 state.

27 c. In addition to the commissioners who are the voting  
28 representatives of each state, the Interstate Commission shall include  
29 individuals who are not commissioners, but who are members of  
30 interested organizations. Such non-commissioner members must  
31 include a member of the national organizations of governors,  
32 legislators, state chief justices, attorneys general, Interstate Compact  
33 for Adult Offender Supervision, Interstate Compact for the Placement  
34 of Children, juvenile justice and juvenile corrections officials, and  
35 crime victims. All non-commissioner members of the Interstate  
36 Commission shall be ex-officio, non-voting members. The Interstate  
37 Commission may provide in its by-laws for such additional ex-officio,  
38 non-voting, members, including members of other national  
39 organizations, in such numbers as shall be determined by the  
40 commission.

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

46 e. The commission shall meet at least once each calendar year. The

1 chairperson may call additional meetings and, upon the request of a  
2 simple majority of the compacting states, shall call additional meetings.  
3 Public notice shall be given of all meetings and meetings shall be open  
4 to the public.

5 f. The Interstate Commission shall establish an executive  
6 committee, which shall include commission officers, members, and  
7 others as determined by the by-laws. The executive committee shall  
8 have the power to act on behalf of the Interstate Commission during  
9 periods when the Interstate Commission is not in session, with the  
10 exception of rulemaking or amendment to the compact. The executive  
11 committee shall oversee the day-to-day activities of the administration  
12 of the compact managed by an executive director and Interstate  
13 Commission staff; administers enforcement and compliance with the  
14 provisions of the compact, its by-laws and rules, and performs such  
15 other duties as directed by the Interstate Commission or set forth in  
16 the by-laws.

17 g. Each member of the Interstate Commission shall have the right  
18 and power to cast a vote to which that compacting state is entitled and  
19 to participate in the business and affairs of the Interstate Commission.  
20 A member shall vote in person and shall not delegate a vote to another  
21 compacting state. However, a commissioner, in consultation with the  
22 state council, shall appoint another authorized representative, in the  
23 absence of the commissioner from that state, to cast a vote on behalf  
24 of the compacting state at a specified meeting. The by-laws may  
25 provide for members' participation in meetings by telephone or other  
26 means of telecommunication or electronic communication.

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

33 i. Public notice shall be given of all meetings and all meetings shall  
34 be open to the public, except as set forth in the Rules or as otherwise  
35 provided in the <sup>1</sup>[Compact] compact<sup>1</sup>. The Interstate Commission  
36 and any of its committees may close a meeting to the public where it  
37 determines by two-thirds vote that an open meeting would be likely to:

38 (1) Relate solely to the Interstate Commission's internal personnel  
39 practices and procedures;

40 (2) Disclose matters specifically exempted from disclosure by  
41 statute;

42 (3) Disclose trade secrets or commercial or financial information  
43 which is privileged or confidential;

44 (4) Involve accusing any person of a crime, or formally censuring  
45 any person;

46 (5) Disclose information of a personal nature where disclosure

1 would constitute a clearly unwarranted invasion of personal privacy;

2 (6) Disclose investigative records compiled for law enforcement  
3 purposes;

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

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

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

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

25 k. The Interstate Commission shall collect standardized data  
26 concerning the interstate movement of juveniles as directed through its  
27 rules which shall specify the data to be collected, the means of  
28 collection and data exchange and reporting requirements. Such  
29 methods of data collection, exchange and reporting shall insofar as is  
30 reasonably possible conform to up-to-date technology and coordinate  
31 its information functions with the appropriate repository of records.  
32

33 4. Article IV. Powers and Duties of the Interstate Commission.

34 The commission shall have the following powers and duties:

35 a. To provide for dispute resolution among compacting states.

36 b. To promulgate rules to effect the purposes and obligations as  
37 enumerated in this compact, which shall have the force and effect of  
38 statutory law and shall be binding in the compacting states to the  
39 extent and in the manner provided in this compact.

40 c. To oversee, supervise and coordinate the interstate movement  
41 of juveniles subject to the terms of this compact and any by-laws  
42 adopted and rules promulgated by the Interstate Commission.

43 d. To enforce compliance with the compact provisions, the rules  
44 promulgated by the Interstate Commission, and the by-laws, using all  
45 necessary and proper means, including but not limited to the use of  
46 judicial process.

- 1 e. To establish and maintain offices which shall be located within  
2 one or more of the compacting states.
- 3 f. To purchase and maintain insurance and bonds.
- 4 g. To borrow, accept, hire or contract for services of personnel.
- 5 h. To establish and appoint committees and hire staff which it  
6 deems necessary for the carrying out of its functions including, but not  
7 limited to, an executive committee as required by Article III which  
8 shall have the power to act on behalf of the Interstate Commission in  
9 carrying out its powers and duties hereunder.
- 10 i. To elect or appoint such officers, attorneys, employees, agents,  
11 or consultants, and to fix their compensation, define their duties and  
12 determine their qualifications; and to establish the Interstate  
13 Commission's personnel policies and programs relating to, inter alia,  
14 conflicts of interest, rates of compensation, and qualifications of  
15 personnel.
- 16 j. To accept any and all donations and grants of money, equipment,  
17 supplies, materials, and services, and to receive, utilize, and dispose of  
18 it.
- 19 k. To lease, purchase, accept contributions or donations of, or  
20 otherwise to own, hold, improve or use any property, real, personal,  
21 or mixed.
- 22 l. To sell, convey, mortgage, pledge, lease, exchange, abandon, or  
23 otherwise dispose of any property, real, personal or mixed.
- 24 m. To establish a budget and make expenditures and levy dues as  
25 provided in Article VIII of this compact.
- 26 n. To sue and be sued.
- 27 o. To adopt a seal and by-laws governing the management and  
28 operation of the Interstate Commission.
- 29 p. To perform such functions as may be necessary or appropriate  
30 to achieve the purposes of this compact.
- 31 q. To report annually to the legislatures, governors, judiciary, and  
32 state councils of the compacting states concerning the activities of the  
33 Interstate Commission during the preceding year. Such reports shall  
34 also include any recommendations that may have been adopted by the  
35 Interstate Commission.
- 36 r. To coordinate education, training and public awareness  
37 regarding the interstate movement of juveniles for officials involved in  
38 such activity.
- 39 s. To establish uniform standards of the reporting, collecting and  
40 exchanging of data.
- 41 t. The Interstate Commission shall maintain its corporate books  
42 and records in accordance with the by-laws.
- 43
- 44 5. Article V. Organization and Operation of the Interstate  
45 Commission.
- 46 a. By-laws. The Interstate Commission shall, by a majority of the

1 members present and voting, within twelve months after the first  
2 Interstate Commission meeting, adopt by-laws to govern its conduct  
3 as may be necessary or appropriate to carry out the purposes of the  
4 compact, including, but not limited to:

- 5 (1) Establishing the fiscal year of the Interstate Commission;
- 6 (2) Establishing an executive committee and such other committees  
7 as may be necessary;
- 8 (3) Provide for the establishment of committees governing any  
9 general or specific delegation of any authority or function of the  
10 Interstate Commission;
- 11 (4) Providing reasonable procedures for calling and conducting  
12 meetings of the Interstate Commission, and ensuring reasonable notice  
13 of each such meeting;
- 14 (5) Establishing the titles and responsibilities of the officers of the  
15 Interstate Commission;
- 16 (6) Providing a mechanism for concluding the operations of the  
17 Interstate Commission and the return of any surplus funds that may  
18 exist upon the termination of the <sup>1</sup>[Compact] compact <sup>1</sup> after the  
19 payment and/or reserving of all of its debts and obligations.
- 20 (7) Providing "start-up" rules for initial administration of the  
21 compact; and
- 22 (8) Establishing standards and procedures for compliance and  
23 technical assistance in carrying out the compact.

24 b. Officers and Staff.

25 The Interstate Commission shall, by a majority of the members,  
26 elect annually from among its members a chairperson and a <sup>1</sup>[vice  
27 chairperson] vice-chairperson<sup>1</sup>, each of whom shall have such  
28 authority and duties as may be specified in the by-laws. The  
29 chairperson or, in the chairperson's absence or disability, the vice-  
30 chairperson shall preside at all meetings of the Interstate Commission.  
31 The officers so elected shall serve without compensation or  
32 remuneration from the Interstate Commission; provided that, subject  
33 to the availability of budgeted funds, the officers shall be reimbursed  
34 for any ordinary and necessary costs and expenses incurred by them in  
35 the performance of their duties and responsibilities as officers of the  
36 Interstate Commission.

37 The Interstate Commission shall, through its executive committee,  
38 appoint or retain an executive director for such period, upon such  
39 terms and conditions and for such compensation as the Interstate  
40 Commission may deem appropriate. The executive director shall serve  
41 as secretary to the Interstate Commission, but shall not be a Member  
42 and shall hire and supervise such other staff as may be authorized by  
43 the Interstate Commission.

44 c. Qualified Immunity, Defense and Indemnification.

45 The Commission's executive director and employees shall be  
46 immune from suit and liability, either personally or in their official

1 capacity, for any claim for damage to or loss of property or personal  
2 injury or other civil liability caused or arising out of or relating to any  
3 actual or alleged act, error, or omission that occurred, or that such  
4 person had a reasonable basis for believing occurred within the scope  
5 of Commission employment, duties, or responsibilities; provided, that  
6 any such person shall not be protected from suit or liability for any  
7 damage, loss, injury, or liability caused by the intentional or willful and  
8 wanton misconduct of any such person.

9 The liability of any commissioner, or the employee or agent of a  
10 commissioner, acting within the scope of such person's employment or  
11 duties for acts, errors, or omissions occurring within such person's  
12 state may not exceed the limits of liability set forth under the  
13 Constitution and laws of that state for state officials, employees, and  
14 agents. Nothing in this subsection shall be construed to protect any  
15 such person from suit or liability for any damage, loss, injury, or  
16 liability caused by the intentional or willful and wanton misconduct of  
17 any such person.

18 The Interstate Commission shall defend the executive director or  
19 the employees or representatives of the Interstate Commission and,  
20 subject to the approval of the Attorney General of the state  
21 represented by any commissioner of a compacting state, shall defend  
22 such commissioner or the commissioner's representatives or employees  
23 in any civil action seeking to impose liability arising out of any actual  
24 or alleged act, error or omission that occurred within the scope of  
25 Interstate Commission employment, duties or responsibilities, or that  
26 the defendant had a reasonable basis for believing occurred within the  
27 scope of Interstate Commission employment, duties, or  
28 responsibilities, provided that the actual or alleged act, error, or  
29 omission did not result from intentional or willful and wanton  
30 misconduct on the part of such person.

31 The Interstate Commission shall indemnify and hold the  
32 commissioner of a compacting state, or the commissioner's  
33 representatives or employees, or the Interstate Commission's  
34 representatives or employees, harmless in the amount of any settlement  
35 or judgment obtained against such persons arising out of any actual or  
36 alleged act, error, or omission that occurred within the scope of  
37 Interstate Commission employment, duties, or responsibilities, or that  
38 such persons had a reasonable basis for believing occurred within the  
39 scope of Interstate Commission employment, duties, or  
40 responsibilities, provided that the actual or alleged act, error, or  
41 omission did not result from intentional or willful and wanton  
42 misconduct on the part of such persons.

43

44 6. Article VI. Rulemaking Functions of the Interstate Commission.

45 a. The Interstate Commission shall promulgate and publish rules in  
46 order to effectively and efficiently achieve the purposes of the

1 compact.

2 b. Rulemaking shall occur pursuant to the criteria set forth in this  
3 article and the by-laws and rules adopted pursuant thereto. Such  
4 rulemaking shall substantially conform to the principles of the "Model  
5 State Administrative Procedures Act," 1981 Act, Uniform Laws  
6 Annotated, Vol. 15, p.1 (2000), or such other administrative  
7 procedures act, as the Interstate Commission deems appropriate  
8 consistent with due process requirements under the U.S. Constitution  
9 as now or hereafter interpreted by the U. S. Supreme Court.

10 All rules and amendments shall become binding as of the date  
11 specified, as published with the final version of the rule as approved by  
12 the Commission.

13 c. When promulgating a rule, the Interstate Commission shall, at  
14 a minimum:

15 (1) publish the proposed rule's entire text stating the reason for  
16 that proposed rule;

17 (2) allow and invite any and all persons to submit written data,  
18 facts, opinions and arguments, which information shall be added to the  
19 record, and be made publicly available;

20 (3) provide an opportunity for an informal hearing if petitioned by  
21 10 or more persons; and

22 (4) promulgate a final rule and its effective date, if appropriate,  
23 based on input from state or local officials, or interested parties.

24 d. Allow, not later than sixty days after a rule is promulgated, any  
25 interested person to file a petition in the United States District Court  
26 for the District of Columbia or in the Federal District Court where the  
27 Interstate Commission's principal office is located for judicial review  
28 of such rule. If the court finds that the Interstate Commission's action  
29 is not supported by substantial evidence in the rulemaking record, the  
30 court shall hold the rule unlawful and set it aside. For purposes of this  
31 subsection, evidence is substantial if it would be considered substantial  
32 evidence under the Model State Administrative Procedures Act.

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

37 f. The existing rules governing the operation of the Interstate  
38 Compact on Juveniles superseded by this act shall be null and void 12  
39 months after the first meeting of the Interstate Commission created  
40 hereunder.

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

1       7. Article VII. Oversight, Enforcement and Dispute Resolution by  
2 the Interstate Commission.

3       a. Oversight.

4       The Interstate Commission shall oversee the administration and  
5 operations of the interstate movement of juveniles subject to this  
6 compact in the compacting states and shall monitor such activities  
7 being administered in non-compacting states which may significantly  
8 affect compacting states.

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

22       b. Dispute Resolution.

23       The compacting states shall report to the Interstate Commission on  
24 all issues and activities necessary for the administration of the compact  
25 as well as issues and activities pertaining to compliance with the  
26 provisions of the compact and its bylaws and rules.

27       The Interstate Commission shall attempt, upon the request of a  
28 compacting state, to resolve any disputes or other issues which are  
29 subject to the compact and which may arise among compacting states  
30 and between compacting and non-compacting states. The commission  
31 shall promulgate a rule providing for both mediation and binding  
32 dispute resolution for disputes among the compacting states.

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

36  
37       8. Article VIII. Finance.

38       a. The Interstate Commission shall pay or provide for the payment  
39 of the reasonable expenses of its establishment, organization and  
40 ongoing activities.

41       b. The Interstate Commission shall levy on and collect an annual  
42 assessment from each compacting state to cover the cost of the  
43 internal operations and activities of the Interstate Commission and its  
44 staff which must be in a total amount sufficient to cover the Interstate  
45 Commission's annual budget as approved each year. The aggregate  
46 annual assessment amount shall be allocated based upon a formula to

1 be determined by the Interstate Commission, taking into consideration  
2 the population of each compacting state and the volume of interstate  
3 movement of juveniles in each compacting state and shall promulgate  
4 a rule binding upon all compacting states which governs said  
5 assessment.

6 c. The Interstate Commission shall not incur any obligations of any  
7 kind prior to securing the funds adequate to meet the same; nor shall  
8 the Interstate Commission pledge the credit of any of the compacting  
9 states, except by and with the authority of the compacting state.

10 d. The Interstate Commission shall keep accurate accounts of all  
11 receipts and disbursements. The receipts and disbursements of the  
12 Interstate Commission shall be subject to the audit and accounting  
13 procedures established under its by-laws. However, all receipts and  
14 disbursements of funds handled by the Interstate Commission shall be  
15 audited yearly by a certified or licensed public accountant and the  
16 report of the audit shall be included in and become part of the annual  
17 report of the Interstate Commission.

18 <sup>1</sup>e . (1) The Interstate Compact for Juvenile Supervision Fund is  
19 established as a special fund in the State Treasury. The fund consists  
20 of moneys appropriated for the purposes of meeting financial  
21 obligations imposed on the State of New Jersey as a result of the  
22 State's participation in this compact.

23 (2) An assessment levied or any other financial obligation imposed  
24 under this compact is effective against the State of New Jersey only to  
25 the extent that moneys to pay the assessment or meet the financial  
26 obligation have been appropriated and deposited in the fund  
27 established pursuant to paragraph (1) of this subsection.<sup>1</sup>

28  
29 9. 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  
32 of its own state council, its membership must include at least one  
33 representative from the legislative, judicial, and executive branches of  
34 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  
38 exercise oversight and advocacy concerning that state's participation  
39 in Interstate Commission activities and other duties as may be  
40 determined by that state, including but not limited to, development of  
41 policy concerning operations and procedures of the compact within  
42 that state.

43  
44 10. Article X. Compacting States, Effective Date and Amendment.

45 a. Any state, the District of Columbia or its designee, the  
46 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam,

1 American Samoa, and the Northern Marianas Islands as defined in  
2 Article II of this compact is eligible to become a compacting state.

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

12 c. The Interstate Commission may propose amendments to the  
13 compact for enactment by the compacting states. No amendment shall  
14 become effective and binding upon the Interstate Commission and the  
15 compacting states unless and until it is enacted into law by unanimous  
16 consent of the compacting states.

17

18 11. Article XI. Withdrawal, Default, Termination and Judicial  
19 Enforcement.

20 a. Withdrawal. Once effective, the compact shall continue in force  
21 and remain binding upon each and every compacting state; provided  
22 that a compacting state may withdraw from the compact by specifically  
23 repealing the statute which enacted the compact into law.

24 The effective date of withdrawal is the effective date of the repeal.

25 The withdrawing state shall immediately notify the chairperson of  
26 the Interstate Commission in writing upon the introduction of  
27 legislation repealing this compact in the withdrawing state. The  
28 Interstate Commission shall notify the other compacting states of the  
29 withdrawing state's intent to withdraw within sixty days of its receipt  
30 thereof.

31 The withdrawing state is responsible for all assessments, obligations  
32 and liabilities incurred through the effective date of withdrawal,  
33 including any obligations, the performance of which extend beyond the  
34 effective date of withdrawal.

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

38 b. Technical Assistance, Fines, Suspension, Termination and  
39 Default.

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

45 (1) Remedial training and technical assistance as directed by the  
46 Interstate Commission;

1 (2) Alternative Dispute Resolution;

2 (3) Fines, fees, and costs in such amounts as are deemed to be  
3 reasonable as fixed by the Interstate Commission; and

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

26 Within sixty days of the effective date of termination of a defaulting  
27 state, the Commission shall notify the Governor, the Chief Justice or  
28 Chief Judicial Officer, the Majority and Minority Leaders of the  
29 defaulting state's legislature, and the state council of such termination.

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

34 The Interstate Commission shall not bear any costs relating to the  
35 defaulting state unless otherwise mutually agreed upon in writing  
36 between the Interstate Commission and the defaulting state.

37 Reinstatement following termination of any compacting state  
38 requires both a reenactment of the compact by the defaulting state and  
39 the approval of the Interstate Commission pursuant to the rules.

40 c. Judicial Enforcement. The Interstate Commission may, by  
41 majority vote of the members, initiate legal action in the United States  
42 District Court for the District of Columbia or, at the discretion of the  
43 Interstate Commission, in the federal district where the Interstate  
44 Commission has its offices, to enforce compliance with the provisions  
45 of the compact, its duly promulgated rules and by-laws, against any  
46 compacting state in default. In the event judicial enforcement is

1 necessary the prevailing party shall be awarded all costs of such  
2 litigation including reasonable attorneys fees.

3 d. Dissolution of Compact.

4 The compact dissolves effective upon the date of the withdrawal or  
5 default of the compacting state, which reduces membership in the  
6 compact to one compacting state.

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

11

12 12. Article XII. Severability and Construction.

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

16 The provisions of this compact shall be liberally construed to  
17 effectuate its purposes.

18

19 13. Article XIII. Binding Effect of Compact and Other Laws.

20 a. Other Laws.

21 Nothing herein prevents the enforcement of any other law of a  
22 compacting state that is not inconsistent with this compact.

23 All compacting states' laws other than state <sup>1</sup>[Constitutions]  
24 constitutions<sup>1</sup> and other interstate compacts conflicting with this  
25 compact are superseded to the extent of the conflict.

26 b. Binding Effect of the Compact.

27 All lawful actions of the Interstate Commission, including all rules  
28 and by-laws promulgated by the Interstate Commission, are binding  
29 upon the compacting states.

30 All agreements between the Interstate Commission and the  
31 compacting states are binding in accordance with their terms.

32 Upon the request of a party to a conflict over meaning or  
33 interpretation of Interstate Commission actions, and upon a majority  
34 vote of the compacting states, the Interstate Commission may issue  
35 advisory opinions regarding such meaning or interpretation.

36 In the event any provision of this compact exceeds the  
37 constitutional limits imposed on the legislature of any compacting  
38 state, the obligations, duties, powers or jurisdiction sought to be  
39 conferred by such provision upon the Interstate Commission shall be  
40 ineffective and such obligations, duties, powers or jurisdiction shall  
41 remain in the compacting state and shall be exercised by the agency  
42 thereof to which such obligations, duties, powers or jurisdiction are  
43 delegated by law in effect at the time this compact becomes effective.

44

45 14. This act shall take effect immediately.

- 1 \_\_\_\_\_
- 2
- 3 Provide for Interstate Compact for Juveniles.

# ASSEMBLY, No. 839

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Assemblyman PATRICK DIEGNAN, JR.**

**District 18 (Middlesex)**

**SYNOPSIS**

Provide for Interstate Compact for Juveniles.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 1/23/2004)**

1 AN ACT concerning juveniles and supplementing Title 2A of the New  
2 Jersey Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. The Interstate Compact for Juveniles is hereby enacted into law  
8 and entered into with all other jurisdictions legally joining therein in  
9 the form substantially as follows:

10

11 THE INTERSTATE COMPACT FOR JUVENILES

12

13 Article I. Purpose.

14 The compacting states to this Interstate Compact recognize that  
15 each state is responsible for the proper supervision or return of  
16 juveniles, delinquents and status offenders who are on probation or  
17 parole and who have absconded, escaped or run away from  
18 supervision and control and in so doing have endangered their own  
19 safety and the safety of others. The compacting states also recognize  
20 that each state is responsible for the safe return of juveniles who have  
21 run away from home and in doing so have left their state of residence.  
22 The compacting states also recognize that Congress, by enacting the  
23 Crime Control Act, 4 U.S.C.A. section 112 (1965), has authorized and  
24 encouraged compacts for cooperative efforts and mutual assistance in  
25 the prevention of crime.

26 It is the purpose of this compact, through means of joint and  
27 cooperative action among the compacting states to:

28 a. ensure that the adjudicated juveniles and status offenders subject  
29 to this compact are provided adequate supervision and services in the  
30 receiving state as ordered by the adjudicating judge or parole authority  
31 in the sending state;

32 b. ensure that the public safety interests of the citizens, including  
33 the victims of juvenile offenders, in both the sending and receiving  
34 states are adequately protected;

35 c. return juveniles who have run away, absconded or escaped from  
36 supervision or control or have been accused of an offense to the state  
37 requesting their return;

38 d. make contracts for the cooperative institutionalization in public  
39 facilities in member states for delinquent youth needing special  
40 services;

41 e. provide for the effective tracking and supervision of juveniles;

42 f. equitably allocate the costs, benefits and obligations of the  
43 compacting states;

44 g. establish procedures to manage the movement between states of  
45 juvenile offenders released to the community under the jurisdiction of  
46 courts, juvenile departments, or any other criminal or juvenile justice

- 1 agency which has jurisdiction over juvenile offenders;
- 2 h. insure immediate notice to jurisdictions where defined offenders
- 3 are authorized to travel or to relocate across state lines;
- 4 i. establish procedures to resolve pending charges against juvenile
- 5 offenders prior to transfer or release to the community under the terms
- 6 of this compact;
- 7 j. establish a system of uniform data collection on information
- 8 pertaining to juveniles subject to this compact that allows access by
- 9 authorized juvenile justice and criminal justice officials, and regular
- 10 reporting of Compact activities to heads of state executive, judicial,
- 11 and legislative branches and juvenile and criminal justice
- 12 administrators;
- 13 k. monitor compliance with rules governing interstate movement
- 14 of juveniles and initiate interventions to address and correct
- 15 noncompliance;
- 16 l. coordinate training and education regarding the regulation of
- 17 interstate movement of juveniles for officials involved in such activity;
- 18 and
- 19 m. coordinate the implementation and operation of the compact
- 20 with the Interstate Compact for the Placement of Children, the
- 21 Interstate Compact for Adult Offender Supervision and other
- 22 compacts affecting juveniles particularly in those cases where
- 23 concurrent or overlapping supervision issues arise.

24 It is the policy of the compacting states that the activities conducted

25 by the Interstate Commission created herein are the formation of

26 public policies and therefore are public business. Furthermore, the

27 compacting states shall cooperate and observe their individual and

28 collective duties and responsibilities for the prompt return and

29 acceptance of juveniles subject to the provisions of this compact. The

30 provisions of this compact shall be reasonably and liberally construed

31 to accomplish the purposes and policies of the compact.

32

33 2. Article II. Definitions.

34 As used in this compact, unless the context clearly requires a

35 different construction:

36 a. "By-laws" means those by-laws established by the Interstate

37 Commission for its governance, or for directing or controlling its

38 actions or conduct.

39 b. "Compact Administrator" means the individual in each

40 compacting state appointed pursuant to the terms of this compact,

41 responsible for the administration and management of the state's

42 supervision and transfer of juveniles subject to the terms of this

43 compact, the rules adopted by the Interstate Commission and policies

44 adopted by the State Council under this compact.

45 c. "Compacting state" means any state which has enacted the

46 enabling legislation for this compact.

- 1 d. "Commissioner" means the voting representative of each  
2 compacting state appointed pursuant to Article III of this compact.
- 3 e. "Court" means any court having jurisdiction over delinquent,  
4 neglected, or dependent children.
- 5 f. "Deputy Compact Administrator" means the individual, if any, in  
6 each compacting state appointed to act on behalf of a Compact  
7 Administrator pursuant to the terms of this compact responsible for  
8 the administration and management of the state's supervision  
9 and transfer of juveniles subject to the terms of this compact, the rules  
10 adopted by the Interstate Commission and policies adopted by the  
11 State Council under this compact.
- 12 g. "Interstate Commission" means the Interstate Commission for  
13 Juveniles created by Article III of this compact.
- 14 h. "Juvenile" means any person defined as a juvenile in any member  
15 state or by the rules of the Interstate Commission, including:
- 16 (1) Accused Delinquent – a person charged with an offense that,  
17 if committed by an adult, would be a criminal offense;
- 18 (2) Adjudicated Delinquent – a person found to have committed  
19 an offense that, if committed by an adult, would be a criminal offense;
- 20 (3) Accused Status Offender – a person charged with an offense  
21 that would not be a criminal offense if committed by an adult;
- 22 (4) Adjudicated Status Offender - a person found to have  
23 committed an offense that would not be a criminal offense if  
24 committed by an adult; and
- 25 (5) Non-Offender – a person in need of supervision who has not  
26 been accused or adjudicated a status offender or delinquent.
- 27 i "Non-Compacting state" means any state which has not enacted  
28 the enabling legislation for this compact.
- 29 j. "Probation or Parole" means any kind of supervision or  
30 conditional release of juveniles authorized under the laws of the  
31 compacting states.
- 32 k. "Rule" means a written statement by the Interstate Commission  
33 promulgated pursuant to Article VI of this compact that is of general  
34 applicability, implements, interprets or prescribes a policy or provision  
35 of the Compact, or an organizational, procedural, or practice  
36 requirement of the Commission, and has the force and effect of  
37 statutory law in a compacting state, and includes the amendment,  
38 repeal, or suspension of an existing rule.
- 39 l. "State" means a state of the United States, the District of  
40 Columbia or its designee, the Commonwealth of Puerto Rico, the U.S.  
41 Virgin Islands, Guam, American Samoa, and the Northern Marianas  
42 Islands.
- 43
- 44 3. Article III. Interstate Commission for Juveniles.
- 45 a. The compacting states hereby create the "Interstate Commission  
46 for Juveniles." The commission shall be a body corporate and joint

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

6 b. The Interstate Commission shall consist of commissioners  
7 appointed by the appropriate appointing authority in each state  
8 pursuant to the rules and requirements of each compacting state and  
9 in consultation with the State Council for Interstate Juvenile  
10 Supervision created hereunder. The commissioner shall be the  
11 compact administrator, deputy compact administrator or designee from  
12 that state who shall serve on the Interstate Commission in such  
13 capacity under or pursuant to the applicable law of the compacting  
14 state.

15 c. In addition to the commissioners who are the voting  
16 representatives of each state, the Interstate Commission shall include  
17 individuals who are not commissioners, but who are members of  
18 interested organizations. Such non-commissioner members must  
19 include a member of the national organizations of governors,  
20 legislators, state chief justices, attorneys general, Interstate Compact  
21 for Adult Offender Supervision, Interstate Compact for the Placement  
22 of Children, juvenile justice and juvenile corrections officials, and  
23 crime victims. All non-commissioner members of the Interstate  
24 Commission shall be ex-officio, non-voting members. The Interstate  
25 Commission may provide in its by-laws for such additional ex-officio,  
26 non-voting, members, including members of other national  
27 organizations, in such numbers as shall be determined by the  
28 commission.

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

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

39 f. The Interstate Commission shall establish an executive  
40 committee, which shall include commission officers, members, and  
41 others as determined by the by-laws. The executive committee shall  
42 have the power to act on behalf of the Interstate Commission during  
43 periods when the Interstate Commission is not in session, with the  
44 exception of rulemaking or amendment to the compact. The executive  
45 committee shall oversee the day-to-day activities of the administration  
46 of the compact managed by an executive director and Interstate

1 Commission staff; administers enforcement and compliance with the  
2 provisions of the compact, its by-laws and rules, and performs such  
3 other duties as directed by the Interstate Commission or set forth in  
4 the by-laws.

5 g. Each member of the Interstate Commission shall have the right  
6 and power to cast a vote to which that compacting state is entitled and  
7 to participate in the business and affairs of the Interstate Commission.  
8 A member shall vote in person and shall not delegate a vote to another  
9 compacting state. However, a commissioner, in consultation with the  
10 state council, shall appoint another authorized representative, in the  
11 absence of the commissioner from that state, to cast a vote on behalf  
12 of the compacting state at a specified meeting. The by-laws may  
13 provide for members' participation in meetings by telephone or other  
14 means of telecommunication or electronic communication.

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

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

26 (1) Relate solely to the Interstate Commission's internal personnel  
27 practices and procedures;

28 (2) Disclose matters specifically exempted from disclosure by  
29 statute;

30 (3) Disclose trade secrets or commercial or financial information  
31 which is privileged or confidential;

32 (4) Involve accusing any person of a crime, or formally censuring  
33 any person;

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

36 (6) Disclose investigative records compiled for law enforcement  
37 purposes;

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

43 (8) Disclose information, the premature disclosure of which would  
44 significantly endanger the stability of a regulated person or entity; or

45 (9) Specifically relate to the Interstate Commission's issuance of  
46 a subpoena, or its participation in a civil action or other legal

1 proceeding.

2 j. For every meeting closed pursuant to this provision, the  
3 Interstate Commission's legal counsel shall publicly certify that, in the  
4 legal counsel's opinion, the meeting may be closed to the public, and  
5 shall reference each relevant exemptive provision. The Interstate  
6 Commission shall keep minutes which shall fully and clearly describe  
7 all matters discussed in any meeting and shall provide a full and  
8 accurate summary of any actions taken, and the reasons therefore,  
9 including a description of each of the views expressed on any item and  
10 the record of any roll call vote reflected in the vote of each member on  
11 the question. All documents considered in connection with any action  
12 shall be identified in such minutes.

13 k. The Interstate Commission shall collect standardized data  
14 concerning the interstate movement of juveniles as directed through its  
15 rules which shall specify the data to be collected, the means of  
16 collection and data exchange and reporting requirements. Such  
17 methods of data collection, exchange and reporting shall insofar as is  
18 reasonably possible conform to up-to-date technology and coordinate  
19 its information functions with the appropriate repository of records.  
20

21 4. Article IV. Powers and Duties of the Interstate Commission.  
22 The commission shall have the following powers and duties:

23 a. To provide for dispute resolution among compacting states.

24 b. To promulgate rules to effect the purposes and obligations as  
25 enumerated in this compact, which shall have the force and effect of  
26 statutory law and shall be binding in the compacting states to the  
27 extent and in the manner provided in this compact.

28 c. To oversee, supervise and coordinate the interstate movement  
29 of juveniles subject to the terms of this compact and any by-laws  
30 adopted and rules promulgated by the Interstate Commission.

31 d. To enforce compliance with the compact provisions, the rules  
32 promulgated by the Interstate Commission, and the by-laws, using all  
33 necessary and proper means, including but not limited to the use of  
34 judicial process.

35 e. To establish and maintain offices which shall be located within  
36 one or more of the compacting states.

37 f. To purchase and maintain insurance and bonds.

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

39 h. To establish and appoint committees and hire staff which it  
40 deems necessary for the carrying out of its functions including, but not  
41 limited to, an executive committee as required by Article III which  
42 shall have the power to act on behalf of the Interstate Commission in  
43 carrying out its powers and duties hereunder.

44 i. To elect or appoint such officers, attorneys, employees, agents,  
45 or consultants, and to fix their compensation, define their duties and  
46 determine their qualifications; and to establish the Interstate

1 Commission's personnel policies and programs relating to, inter alia,  
2 conflicts of interest, rates of compensation, and qualifications of  
3 personnel.

4 j. To accept any and all donations and grants of money, equipment,  
5 supplies, materials, and services, and to receive, utilize, and dispose of  
6 it.

7 k. To lease, purchase, accept contributions or donations of, or  
8 otherwise to own, hold, improve or use any property, real, personal,  
9 or mixed.

10 l. To sell, convey, mortgage, pledge, lease, exchange, abandon, or  
11 otherwise dispose of any property, real, personal or mixed.

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

14 n. To sue and be sued.

15 o. To adopt a seal and by-laws governing the management and  
16 operation of the Interstate Commission.

17 p. To perform such functions as may be necessary or appropriate  
18 to achieve the purposes of this compact.

19 q. To report annually to the legislatures, governors, judiciary, and  
20 state councils of the compacting states concerning the activities of the  
21 Interstate Commission during the preceding year. Such reports shall  
22 also include any recommendations that may have been adopted by the  
23 Interstate Commission.

24 r. To coordinate education, training and public awareness  
25 regarding the interstate movement of juveniles for officials involved in  
26 such activity.

27 s. To establish uniform standards of the reporting, collecting and  
28 exchanging of data.

29 t. The Interstate Commission shall maintain its corporate books  
30 and records in accordance with the by-laws.

31

32 5. Article V. Organization and Operation of the Interstate  
33 Commission.

34 a. By-laws. The Interstate Commission shall, by a majority of the  
35 members present and voting, within twelve months after the first  
36 Interstate Commission meeting, adopt by-laws to govern its conduct  
37 as may be necessary or appropriate to carry out the purposes of the  
38 compact, including, but not limited to:

39 (1) Establishing the fiscal year of the Interstate Commission;

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

42 (3) Provide for the establishment of committees governing any  
43 general or specific delegation of any authority or function of the  
44 Interstate Commission;

45 (4) Providing reasonable procedures for calling and conducting  
46 meetings of the Interstate Commission, and ensuring reasonable notice

1 of each such meeting;

2 (5) Establishing the titles and responsibilities of the officers of the  
3 Interstate Commission;

4 (6) Providing a mechanism for concluding the operations of the  
5 Interstate Commission and the return of any surplus funds that may  
6 exist upon the termination of the Compact after the payment and/or  
7 reserving of all of its debts and obligations.

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

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

12 b. Officers and Staff.

13 The Interstate Commission shall, by a majority of the members,  
14 elect annually from among its members a chairperson and a vice  
15 chairperson, each of whom shall have such authority and duties as may  
16 be specified in the by-laws. The chairperson or, in the chairperson's  
17 absence or disability, the vice-chairperson shall preside at all meetings  
18 of the Interstate Commission. The officers so elected shall serve  
19 without compensation or remuneration from the Interstate  
20 Commission; provided that, subject to the availability of budgeted  
21 funds, the officers shall be reimbursed for any ordinary and necessary  
22 costs and expenses incurred by them in the performance of their duties  
23 and responsibilities as officers of the Interstate Commission.

24 The Interstate Commission shall, through its executive committee,  
25 appoint or retain an executive director for such period, upon such  
26 terms and conditions and for such compensation as the Interstate  
27 Commission may deem appropriate. The executive director shall serve  
28 as secretary to the Interstate Commission, but shall not be a Member  
29 and shall hire and supervise such other staff as may be authorized by  
30 the Interstate Commission.

31 c. Qualified Immunity, Defense and Indemnification.

32 The Commission's executive director and employees shall be  
33 immune from suit and liability, either personally or in their official  
34 capacity, for any claim for damage to or loss of property or personal  
35 injury or other civil liability caused or arising out of or relating to any  
36 actual or alleged act, error, or omission that occurred, or that such  
37 person had a reasonable basis for believing occurred within the scope  
38 of Commission employment, duties, or responsibilities; provided, that  
39 any such person shall not be protected from suit or liability for any  
40 damage, loss, injury, or liability caused by the intentional or willful and  
41 wanton misconduct of any such person.

42 The liability of any commissioner, or the employee or agent of a  
43 commissioner, acting within the scope of such person's employment or  
44 duties for acts, errors, or omissions occurring within such person's  
45 state may not exceed the limits of liability set forth under the  
46 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 The Interstate Commission shall defend the executive director or  
6 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  
10 in 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  
15 responsibilities, provided that the actual or alleged act, error, or  
16 omission did not result from intentional or willful and wanton  
17 misconduct on the part of such person.

18 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  
26 the scope of Interstate Commission employment, duties, or  
27 responsibilities, provided that the actual or alleged act, error, or  
28 omission did not result from intentional or willful and wanton  
29 misconduct on the part of such persons.

30

31 6. Article VI. Rulemaking Functions of the Interstate Commission.

32 a. The Interstate Commission shall promulgate and publish rules in  
33 order to effectively and efficiently achieve the purposes of the  
34 compact.

35 b. Rulemaking shall occur pursuant to the criteria set forth in this  
36 article and the by-laws and rules adopted pursuant thereto. Such  
37 rulemaking shall substantially conform to the principles of the "Model  
38 State Administrative Procedures Act," 1981 Act, Uniform Laws  
39 Annotated, Vol. 15, p.1 (2000), or such other administrative  
40 procedures act, as the Interstate Commission deems appropriate  
41 consistent with due process requirements under the U.S. Constitution  
42 as now or hereafter interpreted by the U. S. Supreme Court.

43 All rules and amendments shall become binding as of the date  
44 specified, as published with the final version of the rule as approved by  
45 the Commission.

46 c. When promulgating a rule, the Interstate Commission shall, at

1 a minimum:

2 (1) publish the proposed rule's entire text stating the reason for  
3 that proposed rule;

4 (2) allow and invite any and all persons to submit written data,  
5 facts, opinions and arguments, which information shall be added to the  
6 record, and be made publicly available;

7 (3) provide an opportunity for an informal hearing if petitioned by  
8 10 or more persons; and

9 (4) promulgate a final rule and its effective date, if appropriate,  
10 based on input from state or local officials, or interested parties.

11 d. Allow, not later than sixty days after a rule is promulgated, any  
12 interested person to file a petition in the United States District Court  
13 for the District of Columbia or in the Federal District Court where the  
14 Interstate Commission's principal office is located for judicial review  
15 of such rule. If the court finds that the Interstate Commission's action  
16 is not supported by substantial evidence in the rulemaking record, the  
17 court shall hold the rule unlawful and set it aside. For purposes of this  
18 subsection, evidence is substantial if it would be considered substantial  
19 evidence under the Model State Administrative Procedures Act.

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

24 f. The existing rules governing the operation of the Interstate  
25 Compact on Juveniles superseded by this act shall be null and void 12  
26 months after the first meeting of the Interstate Commission created  
27 hereunder.

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

34

35 7. Article VII. Oversight, Enforcement and Dispute Resolution by  
36 the Interstate Commission.

37 a. Oversight.

38 The Interstate Commission shall oversee the administration and  
39 operations of the interstate movement of juveniles subject to this  
40 compact in the compacting states and shall monitor such activities  
41 being administered in non-compacting states which may significantly  
42 affect compacting states.

43 The courts and executive agencies in each compacting state shall  
44 enforce this compact and shall take all actions necessary and  
45 appropriate to effectuate the compact's purposes and intent. The  
46 provisions of this compact and the rules promulgated hereunder shall

1 be received by all the judges, public officers, commissions, and  
2 departments of the state government as evidence of the authorized  
3 statute and administrative rules. All courts shall take judicial notice of  
4 the compact and the rules. In any judicial or administrative proceeding  
5 in a compacting state pertaining to the subject matter of this compact  
6 which may affect the powers, responsibilities or actions of the  
7 Interstate Commission, it shall be entitled to receive all service of  
8 process in any such proceeding, and shall have standing to intervene  
9 in the proceeding for all purposes.

10 b. Dispute Resolution.

11 The compacting states shall report to the Interstate Commission on  
12 all issues and activities necessary for the administration of the compact  
13 as well as issues and activities pertaining to compliance with the  
14 provisions of the compact and its bylaws and rules.

15 The Interstate Commission shall attempt, upon the request of a  
16 compacting state, to resolve any disputes or other issues which are  
17 subject to the compact and which may arise among compacting states  
18 and between compacting and non-compacting states. The commission  
19 shall promulgate a rule providing for both mediation and binding  
20 dispute resolution for disputes among the compacting states.

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

24  
25 8. Article VIII. Finance.

26 a. The Interstate Commission shall pay or provide for the payment  
27 of the reasonable expenses of its establishment, organization and  
28 ongoing activities.

29 b. The Interstate Commission shall levy on and collect an annual  
30 assessment from each compacting state to cover the cost of the  
31 internal operations and activities of the Interstate Commission and its  
32 staff which must be in a total amount sufficient to cover the Interstate  
33 Commission's annual budget as approved each year. The aggregate  
34 annual assessment amount shall be allocated based upon a formula to  
35 be determined by the Interstate Commission, taking into consideration  
36 the population of each compacting state and the volume of interstate  
37 movement of juveniles in each compacting state and shall promulgate  
38 a rule binding upon all compacting states which governs said  
39 assessment.

40 c. The Interstate Commission shall not incur any obligations of any  
41 kind prior to securing the funds adequate to meet the same; nor shall  
42 the Interstate Commission pledge the credit of any of the compacting  
43 states, except by and with the authority of the compacting state.

44 d. The Interstate Commission shall keep accurate accounts of all  
45 receipts and disbursements. The receipts and disbursements of the  
46 Interstate Commission shall be subject to the audit and accounting

1 procedures established under its by-laws. However, all receipts and  
2 disbursements of funds handled by the Interstate Commission shall be  
3 audited yearly by a certified or licensed public accountant and the  
4 report of the audit shall be included in and become part of the annual  
5 report of the Interstate Commission.

6  
7 9. Article IX. The State Council.

8 Each member state shall create a State Council for Interstate  
9 Juvenile Supervision. While each state may determine the membership  
10 of its own state council, its membership must include at least one  
11 representative from the legislative, judicial, and executive branches of  
12 government, victims groups, and the compact administrator, deputy  
13 compact administrator or designee. Each compacting state retains the  
14 right to determine the qualifications of the compact administrator or  
15 deputy compact administrator. Each state council will advise and may  
16 exercise oversight and advocacy concerning that state's participation  
17 in Interstate Commission activities and other duties as may be  
18 determined by that state, including but not limited to, development of  
19 policy concerning operations and procedures of the compact within  
20 that state.

21  
22 10. Article X. Compacting States, Effective Date and Amendment.

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

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

36 c. The Interstate Commission may propose amendments to the  
37 compact for enactment by the compacting states. No amendment shall  
38 become effective and binding upon the Interstate Commission and the  
39 compacting states unless and until it is enacted into law by unanimous  
40 consent of the compacting states.

41  
42 11. Article XI. Withdrawal, Default, Termination and Judicial  
43 Enforcement.

44 a. Withdrawal. Once effective, the compact shall continue in force  
45 and remain binding upon each and every compacting state; provided  
46 that a compacting state may withdraw from the compact by specifically

1 repealing the statute which enacted the compact into law.

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

3 The withdrawing state shall immediately notify the chairperson of  
4 the Interstate Commission in writing upon the introduction of  
5 legislation repealing this compact in the withdrawing state. The  
6 Interstate Commission shall notify the other compacting states of the  
7 withdrawing state's intent to withdraw within sixty days of its receipt  
8 thereof.

9 The withdrawing state is responsible for all assessments, obligations  
10 and liabilities incurred through the effective date of withdrawal,  
11 including any obligations, the performance of which extend beyond the  
12 effective date of withdrawal.

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

16 b. Technical Assistance, Fines, Suspension, Termination and  
17 Default.

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

23 (1) Remedial training and technical assistance as directed by the  
24 Interstate Commission;

25 (2) Alternative Dispute Resolution;

26 (3) Fines, fees, and costs in such amounts as are deemed to be  
27 reasonable as fixed by the Interstate Commission; and

28 (4) Suspension or termination of membership in the compact,  
29 which shall be imposed only after all other reasonable means of  
30 securing compliance under the by-laws and rules have been exhausted  
31 and the Interstate Commission has therefore determined that the  
32 offending state is in default. Immediate notice of suspension shall be  
33 given by the Interstate Commission to the Governor, the Chief Justice  
34 or the Chief Judicial Officer of the state, the majority and minority  
35 leaders of the defaulting state's legislature, and the state council. The  
36 grounds for default include, but are not limited to, failure of a  
37 compacting state to perform such obligations or responsibilities  
38 imposed upon it by this compact, the by-laws, or duly promulgated  
39 rules and any other grounds designated in commission by-laws and  
40 rules. The Interstate Commission shall immediately notify the  
41 defaulting state in writing of the penalty imposed by the Interstate  
42 Commission and of the default pending a cure of the default. The  
43 commission shall stipulate the conditions and the time period within  
44 which the defaulting state must cure its default. If the defaulting state  
45 fails to cure the default within the time period specified by the  
46 commission, the defaulting state shall be terminated from the compact

1 upon an affirmative vote of a majority of the compacting states and all  
2 rights, privileges and benefits conferred by this compact shall be  
3 terminated from the effective date of termination.

4 Within sixty days of the effective date of termination of a defaulting  
5 state, the Commission shall notify the Governor, the Chief Justice or  
6 Chief Judicial Officer, the Majority and Minority Leaders of the  
7 defaulting state's legislature, and the state council of such termination.

8 The defaulting state is responsible for all assessments, obligations  
9 and liabilities incurred through the effective date of termination  
10 including any obligations, the performance of which extends beyond  
11 the effective date of termination.

12 The Interstate Commission shall not bear any costs relating to the  
13 defaulting state unless otherwise mutually agreed upon in writing  
14 between the Interstate Commission and the defaulting state.

15 Reinstatement following termination of any compacting state  
16 requires both a reenactment of the compact by the defaulting state and  
17 the approval of the Interstate Commission pursuant to the rules.

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

27 d. Dissolution of Compact.

28 The compact dissolves effective upon the date of the withdrawal or  
29 default of the compacting state, which reduces membership in the  
30 compact to one compacting state.

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

35  
36 12. Article XII. Severability and Construction.

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

40 The provisions of this compact shall be liberally construed to  
41 effectuate its purposes.

42  
43 13. Article XIII. Binding Effect of Compact and Other Laws.

44 a. Other Laws.

45 Nothing herein prevents the enforcement of any other law of a  
46 compacting state that is not inconsistent with this compact.

1 All compacting states' laws other than state Constitutions and other  
2 interstate compacts conflicting with this compact are superseded to the  
3 extent of the conflict.

4 b. Binding Effect of the Compact.

5 All lawful actions of the Interstate Commission, including all rules  
6 and by-laws promulgated by the Interstate Commission, are binding  
7 upon the compacting states.

8 All agreements between the Interstate Commission and the  
9 compacting states are binding in accordance with their terms.

10 Upon the request of a party to a conflict over meaning or  
11 interpretation of Interstate Commission actions, and upon a majority  
12 vote of the compacting states, the Interstate Commission may issue  
13 advisory opinions regarding such meaning or interpretation.

14 In the event any provision of this compact exceeds the  
15 constitutional limits imposed on the legislature of any compacting  
16 state, the obligations, duties, powers or jurisdiction sought to be  
17 conferred by such provision upon the Interstate Commission shall be  
18 ineffective and such obligations, duties, powers or jurisdiction shall  
19 remain in the compacting state and shall be exercised by the agency  
20 thereof to which such obligations, duties, powers or jurisdiction are  
21 delegated by law in effect at the time this compact becomes effective.

22  
23 14. This act shall take effect immediately.

24  
25  
26 STATEMENT

27  
28 This bill would enact the "Interstate Compact for Juveniles." This  
29 compact would provide the framework for promoting public safety,  
30 ensuring the welfare of juveniles, and protecting victims within the  
31 states through control and regulation of the interstate movement of  
32 juveniles.

33 The model Interstate Compact for Juveniles was developed by the  
34 Council of State Governments (CSG) in cooperation with the federal  
35 Office for Juvenile Justice and Delinquency Prevention (OJJDP). The  
36 compact has been introduced in 24 states. Five states have adopted  
37 the compact: Arizona, Montana, New Mexico, North Dakota and  
38 Washington. It becomes effective once it has been adopted by 35  
39 states.

40 The compact attempts to address the deficiencies and  
41 inconsistencies within the current juvenile compact system, including  
42 enforcement, administration, finances, communications, data sharing  
43 and training. It establishes an independent compact operating  
44 authority, the Interstate Commission, to administer ongoing compact  
45 activity and to address future problems and issues. The compact  
46 provides for gubernatorial appointment representations of all member

1 states on a national governing commission. The commission would  
2 meet annually to elect the compact operating authority members and  
3 to attend to general business and rule-making procedures. The  
4 compact provides for a rule-making authority and for significant  
5 sanctions to support essential compact operations. The compact also  
6 provides for a mandatory funding mechanism which would be  
7 sufficient to support essential compact operations, staffing, data  
8 collection, training and education.

9 In addition, the compact would provide for the collection of  
10 standardized information and information sharing systems and the  
11 coordination and cooperation with other interstate compacts including  
12 the Interstate Compact for Adult Offender Supervision and Interstate  
13 Compact for the Placement of Children.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 839

# STATE OF NEW JERSEY

DATED: JANUARY 26, 2004

The Assembly Judiciary Committee reports favorably Assembly Bill No. 839.

This bill would enact the "Interstate Compact for Juveniles." This compact would provide the framework for promoting public safety, ensuring the welfare of juveniles, and protecting victims within the states through control and regulation of the interstate movement of juveniles.

The model Interstate Compact for Juveniles was developed by the Council of State Governments (CSG) in cooperation with the federal Office for Juvenile Justice and Delinquency Prevention (OJJDP). The compact has been introduced in 26 states and in the commonwealth of Puerto Rico. Eleven states have adopted the compact: Arizona, Connecticut, Delaware, Louisiana, Maine, Michigan, Montana, New Mexico, North Dakota, Rhode Island and Washington. It becomes effective once it has been adopted by 35 states.

The compact attempts to address the deficiencies and inconsistencies within the current juvenile compact system, including enforcement, administration, finances, communications, data sharing and training. It establishes an independent compact operating authority, the Interstate Commission, to administer ongoing compact activity and to address future problems and issues. The compact provides for gubernatorial appointment representations of all member states on a national governing commission. The commission would meet annually to elect the compact operating authority members and to attend to general business and rule-making procedures. The compact provides for a rule-making authority and for significant sanctions to support essential compact operations. The compact also provides for a mandatory funding mechanism which would be sufficient to support essential compact operations, staffing, data collection, training and education.

In addition, the compact would provide for the collection of standardized information and information sharing systems and the coordination and cooperation with other interstate compacts including the Interstate Compact for Adult Offender Supervision and Interstate Compact for the Placement of Children.

This bill was prefiled for introduction in the 2004 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 839**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 13, 2004

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Assembly Bill No. 839.

As amended and released by the committee, this bill would enact the "Interstate Compact for Juveniles." The compact would provide the framework for promoting public safety, ensuring the welfare of juveniles, and protecting victims within the states through control and regulation of the interstate movement of juveniles.

The model Interstate Compact for Juveniles was developed by the Council of State Governments (CSG) in cooperation with the federal Office for Juvenile Justice and Delinquency Prevention (OJJDP). The compact has been introduced in 26 states and in the Commonwealth of Puerto Rico. Eleven states have adopted the compact: Arizona, Connecticut, Delaware, Louisiana, Maine, Michigan, Montana, New Mexico, North Dakota, Rhode Island and Washington. It becomes effective once it has been adopted by 35 states.

The compact attempts to address the deficiencies and inconsistencies within the current juvenile compact system, including enforcement, administration, finances, communications, data sharing and training. It establishes an independent compact operating authority, the Interstate Commission, to administer ongoing compact activity and to address future problems and issues. The compact provides for gubernatorial appointment representations of all member states on a national governing commission. The commission would meet annually to elect the compact operating authority members and to attend to general business and rule-making procedures. The compact provides for a rule-making authority and for significant sanctions to support essential compact operations. The compact also provides for a mandatory funding mechanism which would be sufficient to support essential compact operations, staffing, data collection, training and education.

In addition, the compact would provide for the collection of standardized information and information sharing systems and the

coordination and cooperation with other interstate compacts including the Interstate Compact for Adult Offender Supervision and Interstate Compact for the Placement of Children.

The committee amended the bill to establish an Interstate Compact for Juvenile Supervision Fund in the State Treasury to consist of moneys appropriated for the purposes of meeting financial obligations imposed on the State as a result of the State's participation in the compact. The committee amendments also stipulate that any assessment levied or any other financial obligation imposed under the compact is effective against the State only to the extent that moneys to pay the assessment or meet the financial obligation have been appropriated and deposited in the Interstate Compact for Juvenile Supervision Fund.

The other committee amendments are technical and correct capitalization inconsistencies.

**FISCAL NOTE**  
**ASSEMBLY, No. 839**  
**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

DATED: MARCH 19, 2004

**SUMMARY**

**Synopsis:** Provide for Interstate Compact for Juveniles  
**Type of Impact:** General Fund expenditure  
**Agencies Affected:** Juvenile Justice Commission

**Executive Estimate**

<b>Fiscal Impact</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>State Cost</b>	\$24,000	\$24,000	\$24,000

- \* The Office of Legislative Services (OLS) **concurs** with the Executive estimate and adds that even though the Interstate Commission for Juveniles has yet to be formed, the Council of State Governments has provided a "good faith" estimate of the projected cost of operating the compact and provided a summary of the anticipated dues to be paid by each state. The OLS notes that this estimate is based on the assumption that all states will join the compact.
- \* The bill would enact the Interstate Compact for Juveniles, an independent compact operating authority. This compact would provide the framework for promoting public safety, ensuring the welfare of juveniles, and protecting victims within the states through control and regulation of the interstate movement of juveniles.
- \* The bill provides that the Interstate Commission shall levy and collect an annual assessment from each participating state sufficient to cover the cost of its internal operations, activities and staff contained in its budget as approved. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of juveniles in each participating state.
- \* The Juvenile Justice Commission states that the bill would require the commission's representative to attend two meetings which included per diem rates and airfare. The cost of meeting fees and annual membership dues would also be incurred. The total annual cost would be \$24,000.

**BILL DESCRIPTION**

Assembly Bill No. 839 of 2004 would enact the "Interstate Compact for Juveniles." This compact would provide the framework for promoting public safety, ensuring the welfare of juveniles, and protecting victims within the states through control and regulation of the interstate movement of juveniles.

The model Interstate Compact for Juveniles was developed by the Council of State Governments (CSG) in cooperation with the federal Office for Juvenile Justice and Delinquency Prevention (OJJDP). The compact has been introduced in 26 states and the commonwealth of Puerto Rico. Eleven states have adopted the compact: Arizona, Connecticut, Delaware, Louisiana, Maine, Michigan, Montana, New Mexico, North Dakota, Rhode Island and Washington. It becomes effective once it has been adopted by 35 states.

The compact attempts to address the deficiencies and inconsistencies within the current juvenile compact system, including enforcement, administration, finances, communications, data sharing and training. It establishes an independent compact operating authority, the Interstate Commission, to administer ongoing compact activity and to address future problems and issues. The compact provides for gubernatorial appointment representations of all member states on a national governing commission. The commission would meet annually to elect the compact operating authority members and to attend to general business and rule-making procedures. The compact provides for a rule-making authority and for significant sanctions to support essential compact operations. The compact also provides for a mandatory funding mechanism which would be sufficient to support essential compact operations, staffing, data collection, training and education. In addition, the compact would provide for the collection of standardized information and information sharing systems and the coordination and cooperation with other interstate compacts including the Interstate Compact for Adult Offender Supervision and Interstate Compact for the Placement of Children.

The bill provides that the Interstate Commission shall levy and collect an annual assessment from each participating state sufficient to cover the cost of its internal operations, activities and staff contained in its budget as approved. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of juveniles in each participating state.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The Juvenile Justice Commission provided a fiscal estimate in a prior session that stated the bill would require the commission's representative to attend two meetings which included per diem rates and airfare. The cost of meeting fees and annual membership dues would also be incurred. The total annual cost would be \$24,000.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services (OLS) concurs with the Executive estimate and adds that even though the Interstate Commission for Juveniles has yet to be formed, the Council of State Governments has provided a "good faith" estimate of the projected cost of operating the compact and provided a summary of the anticipated dues to be paid by each state. The OLS notes that this estimate is based on the assumption that all states will join the compact.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*  
*Assistant Fiscal Analyst*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67.