

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

LEGISLATIVE HISTORY CHECKLIST

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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](#) (1st 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](#)

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FOLLOWING WERE PRINTED:

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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 ¹[U.S.C.A. section 112] U.S.C. s.112¹ (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:

¹ 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 ¹[Compact] compact¹ 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 ¹[Compact] compact¹, 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 ¹[Compact] compact¹. 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 ¹[Compact] compact ¹ 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 ¹[vice
27 chairperson] vice-chairperson¹, 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 ¹e . (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.¹

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 ¹[Constitutions]
24 constitutions¹ 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

Fiscal Impact	FY 2004	FY 2005	FY 2006
State Cost	\$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.