

By: Haggerty

H.B. No. 106

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of the Interstate Compact for Juveniles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. INTERSTATE COMPACT FOR JUVENILES

SECTION 1.01. Chapter 60, Family Code, is amended by adding Section 60.010 to enact the Interstate Compact for Juveniles and to read as follows:

Sec. 60.010. INTERSTATE COMPACT FOR JUVENILES

ARTICLE I

PURPOSE

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

It is the purpose of this compact, through means of joint and cooperative action among the compacting states to: (A) ensure that

1 the juveniles who are moved under this compact to another state for
2 probation or parole supervision and services are governed in the
3 receiving state by the same standards that apply to juveniles
4 receiving such supervision and services in the receiving state; (B)
5 ensure that the public safety interests of the citizens, including
6 the victims of juvenile offenders, in both the sending and
7 receiving states are adequately protected and balanced with the
8 juvenile's and the juvenile's family's best interests and welfare
9 when an interstate movement is under consideration; (C) return
10 juveniles who have run away, absconded, or escaped from supervision
11 or control or have been accused of an offense to the state
12 requesting their return through a fair and prompt judicial review
13 process that ensures that the requisition is in order and that the
14 transport is properly supervised; (D) make provisions for contracts
15 between member states for the cooperative institutionalization in
16 public facilities in member states for delinquent youth needing
17 special services; (E) provide for the effective tracking of
18 juveniles who move interstate under the compact's provisions; (F)
19 equitably allocate the costs, benefits, and obligations of the
20 compacting states; (G) establish procedures to manage the movement
21 between states of juvenile offenders released to the community
22 under the jurisdiction of courts, juvenile departments, or any
23 other criminal or juvenile justice agency which has jurisdiction
24 over juvenile offenders, ensuring that a receiving state accepts
25 supervision of a juvenile when the juvenile's parent or other
26 person having legal custody resides or is undertaking residence
27 there; (H) ensure immediate notice to jurisdictions where defined

1 offenders are authorized to travel or to relocate across state
2 lines; (I) establish a system of uniform data collection on
3 information pertaining to juveniles who move interstate under this
4 compact that prevents public disclosure of identity and individual
5 treatment information but allows access by authorized juvenile
6 justice and criminal justice officials and regular reporting of
7 compact activities to heads of state executive, judicial, and
8 legislative branches and juvenile and criminal justice
9 administrators; (J) monitor compliance with rules governing
10 interstate movement of juveniles and initiate interventions to
11 address and correct noncompliance; (K) coordinate training and
12 education regarding the regulation of interstate movement of
13 juveniles for officials involved in such activity; and (L)
14 coordinate the implementation and operation of the compact with the
15 Interstate Compact for the Placement of Children, the Interstate
16 Compact for Adult Offender Supervision and other compacts affecting
17 juveniles particularly in those cases where concurrent or
18 overlapping supervision issues arise. It is the policy of the
19 compacting states that the activities conducted by the Interstate
20 Commission created herein are the formation of public policies and
21 therefore are public business. Furthermore, the compacting states
22 shall cooperate and observe their individual and collective duties
23 and responsibilities for the prompt return and acceptance of
24 juveniles subject to the provisions of this compact. The
25 provisions of this compact shall be reasonably and liberally
26 construed to accomplish the purposes and policies of the compact.

27 ARTICLE II

DEFINITIONS

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

A. "Bylaws" means those bylaws established by the Interstate Commission for its governance or for directing or controlling the Interstate Commission's actions or conduct.

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

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

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

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

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

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

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

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

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

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

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

15 (5) Nonoffender - a person in need of supervision who
16 has not been accused or adjudicated a status offender or
17 delinquent.

18 I. "Noncompacting state" means any state which has not
19 enacted the enabling legislation for this compact.

20 J. "Probation or parole" means any kind of supervision or
21 conditional release of juveniles authorized under the laws of the
22 compacting states.

23 K. "Rule" means a written statement by the Interstate
24 Commission promulgated pursuant to Article VI of this compact that
25 is of general applicability, implements, interprets, or prescribes
26 a policy or provision of the compact, or an organizational,
27 procedural, or practice requirement of the Interstate Commission,

1 and has the force and effect of statutory law in a compacting state,
2 and includes the amendment, repeal, or suspension of an existing
3 rule.

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

8 ARTICLE III

9 INTERSTATE COMMISSION FOR JUVENILES

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

17 B. The Interstate Commission shall consist of commissioners
18 appointed by the appropriate appointing authority in each state
19 pursuant to the rules and requirements of each compacting state.
20 The commissioner shall be the compact administrator, deputy compact
21 administrator, or designee from that state who shall serve on the
22 Interstate Commission in such capacity under or pursuant to the
23 applicable law of the compacting state.

24 C. In addition to the commissioners who are the voting
25 representatives of each state, the Interstate Commission shall
26 include individuals who are not commissioners, but who are members
27 of interested organizations. Such noncommissioner members must

1 include a member of the national organizations of governors,
2 legislators, state chief justices, attorneys general, Interstate
3 Compact for Adult Offender Supervision, Interstate Compact for the
4 Placement of Children, juvenile justice and juvenile corrections
5 officials, and crime victims. All noncommissioner members of the
6 Interstate Commission shall be ex officio (nonvoting) members. The
7 Interstate Commission may provide in its bylaws for such additional
8 ex officio (nonvoting) members, including members of other national
9 organizations, in such numbers as shall be determined by the
10 commission.

11 D. Each compacting state represented at any meeting of the
12 Interstate Commission is entitled to one vote. A majority of the
13 compacting states shall constitute a quorum for the transaction of
14 business, unless a larger quorum is required by the bylaws of the
15 Interstate Commission.

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

21 F. The Interstate Commission shall establish an executive
22 committee, which shall include commission officers, members, and
23 others as determined by the bylaws. The executive committee shall
24 have the power to act on behalf of the Interstate Commission during
25 periods when the Interstate Commission is not in session, with the
26 exception of rulemaking or amendment to the compact. The executive
27 committee shall oversee the day-to-day activities of the

1 administration of the compact managed by an executive director and
2 Interstate Commission staff; administers enforcement and
3 compliance with the provisions of the compact, its bylaws and
4 rules, and performs such other duties as directed by the Interstate
5 Commission or set forth in the bylaws.

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

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

23 I. Public notice shall be given of all meetings and all
24 meetings shall be open to the public, except as set forth in the
25 rules or as otherwise provided in the compact. The Interstate
26 Commission and any of its committees may close a meeting to the
27 public when it determines by two-thirds vote that an open meeting

1 would be likely to:

2 1. Relate solely to the Interstate Commission's
3 internal personnel practices and procedures;

4 2. Disclose matters specifically exempted from
5 disclosure by statute;

6 3. Disclose trade secrets or commercial or financial
7 information which is privileged or confidential;

8 4. Involve accusing any person of a crime or formally
9 censuring any person;

10 5. Disclose information of a personal nature where
11 disclosure would constitute a clearly unwarranted invasion of
12 personal privacy;

13 6. Disclose investigative records compiled for law
14 enforcement purposes;

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

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

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

26 J. For every meeting closed pursuant to this provision, the
27 Interstate Commission's legal counsel shall publicly certify that,

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

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

19 ARTICLE IV

20 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

21 The commission shall have the following powers and duties:

22 1. To provide for dispute resolution among compacting
23 states.

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

1 compact.

2 3. To oversee, supervise, and coordinate the
3 interstate movement of juveniles subject to the terms of this
4 compact and any bylaws adopted and rules promulgated by the
5 Interstate Commission.

6 4. To enforce compliance with the compact provisions,
7 the rules promulgated by the Interstate Commission, and the bylaws,
8 using all necessary and proper means, including but not limited to
9 the use of judicial process.

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

12 6. To purchase and maintain insurance and bonds.

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

15 8. To establish and appoint committees and hire staff
16 which it deems necessary for the carrying out of its functions
17 including, but not limited to, an executive committee as required
18 by Article III of this compact, which shall have the power to act on
19 behalf of the Interstate Commission in carrying out its powers and
20 duties hereunder.

21 9. To elect or appoint officers, attorneys, employees,
22 agents, or consultants, and to fix their compensation, define their
23 duties, and determine their qualifications, and to establish the
24 Interstate Commission's personnel policies and programs relating
25 to, inter alia, conflicts of interest, rates of compensation, and
26 qualifications of personnel.

27 10. To accept any and all donations and grants of

1 money, equipment, supplies, materials, and services, and to
2 receive, utilize, and dispose of same.

3 11. To lease, purchase, accept contributions or
4 donations of, or otherwise to own, hold, improve, or use any
5 property, whether real, personal, or mixed.

6 12. To sell, convey, mortgage, pledge, lease,
7 exchange, abandon, or otherwise dispose of any property, whether
8 real, personal, or mixed.

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

11 14. To sue and be sued.

12 15. To adopt a seal and bylaws governing the
13 management and operation of the Interstate Commission.

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

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

21 18. To coordinate education, training, and public
22 awareness regarding the interstate movement of juveniles for
23 officials involved in such activity.

24 19. To establish uniform standards of the reporting,
25 collecting, and exchanging of data.

26 20. The Interstate Commission shall maintain its
27 corporate books and records in accordance with the bylaws.

1 ARTICLE V

2 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

3 Sec. A. Bylaws

4 1. The Interstate Commission shall, by a majority of
5 the members present and voting, within 12 months of the first
6 Interstate Commission meeting, adopt bylaws to govern its conduct
7 as may be necessary or appropriate to carry out the purposes of the
8 compact, including, but not limited to:

9 a. Establishing the fiscal year of the Interstate
10 Commission;

11 b. Establishing an executive committee and such
12 other committees as may be necessary;

13 c. Providing for the establishment of committees
14 governing any general or specific delegation of any authority or
15 function of the Interstate Commission;

16 d. Providing reasonable procedures for calling
17 and conducting meetings of the Interstate Commission and ensuring
18 reasonable notice of each such meeting;

19 e. Establishing the titles and responsibilities
20 of the officers of the Interstate Commission;

21 f. Providing a mechanism for concluding the
22 operations of the Interstate Commission and the return of any
23 surplus funds that may exist upon the termination of the compact
24 after the payment or reserving of all of its debts and obligations;

25 g. Providing start-up rules for initial
26 administration of the compact; and

27 h. Establishing standards and procedures for

1 compliance and technical assistance in carrying out the compact.

2 Sec. B. Officers and Staff

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

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

22 Sec. C. Qualified Immunity, Defense, and Indemnification

23 1. The Interstate Commission's executive director and
24 employees shall be immune from suit and liability, either
25 personally or in their official capacity, for any claim for damage
26 to or loss of property or personal injury or other civil liability
27 caused or arising out of or relating to any actual or alleged act,

1 error, or omission that occurred, or that such person had a
2 reasonable basis for believing occurred, within the scope of
3 Interstate Commission employment, duties, or responsibilities,
4 provided that any such person shall not be protected from suit or
5 liability for any damage, loss, injury, or liability caused by the
6 intentional or wilful and wanton misconduct of any such person.

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

16 3. The Interstate Commission shall defend the
17 executive director or the employees or representatives of the
18 Interstate Commission and, subject to the approval of the attorney
19 general of the state represented by any commissioner of a
20 compacting state, shall defend such commissioner or the
21 commissioner's representatives or employees in any civil action
22 seeking to impose liability arising out of any actual or alleged
23 act, error, or omission that occurred within the scope of
24 Interstate Commission employment, duties, or responsibilities, or
25 that the defendant had a reasonable basis for believing occurred
26 within the scope of Interstate Commission employment, duties, or
27 responsibilities, provided that the actual or alleged act, error,

1 or omission did not result from intentional or wilful and wanton
2 misconduct on the part of such person.

3 4. The Interstate Commission shall indemnify and hold
4 the commissioner of a compacting state, or the commissioner's
5 representatives or employees, or the Interstate Commission's
6 representatives or employees, harmless in the amount of any
7 settlement or judgment obtained against such persons arising out of
8 any actual or alleged act, error, or omission that occurred within
9 the scope of Interstate Commission employment, duties, or
10 responsibilities, or that such persons had a reasonable basis for
11 believing occurred within the scope of Interstate Commission
12 employment, duties, or responsibilities, provided that the actual
13 or alleged act, error, or omission did not result from intentional
14 or wilful and wanton misconduct on the part of such persons.

15 ARTICLE VI

16 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

17 A. The Interstate Commission shall promulgate and publish
18 rules in order to effectively and efficiently achieve the purposes
19 of the compact.

20 B. Rulemaking shall occur pursuant to the criteria set forth
21 in this article and the bylaws and rules adopted pursuant thereto.
22 Such rulemaking shall substantially conform to the principles of
23 the "Model State Administrative Procedures Act," 1981 Act, Uniform
24 Laws Annotated, Vol. 15, p.1 (2000), or such other administrative
25 procedures act, as the Interstate Commission deems appropriate
26 consistent with due process requirements under the United States
27 Constitution as now or hereafter interpreted by the United States

1 Supreme Court. All rules and amendments shall become binding as of
2 the date specified, as published with the final version of the rule
3 as approved by the Interstate Commission.

4 C. When promulgating a rule, the Interstate Commission
5 shall, at a minimum:

6 1. Publish the proposed rule's entire text stating the
7 reason or reasons for that proposed rule;

8 2. Allow and invite persons to submit written data,
9 facts, opinions, and arguments, which information shall be added to
10 the record and be made publicly available;

11 3. Provide an opportunity for an informal hearing, if
12 petitioned by 10 or more persons; and

13 4. Promulgate a final rule and its effective date, if
14 appropriate, based on input from state or local officials, or
15 interested parties.

16 D. Allow, not later than 60 days after a rule is
17 promulgated, any interested person to file a petition in the United
18 States District Court for the District of Columbia or in the federal
19 district court where the Interstate Commission's principal office
20 is located for judicial review of the rule. If the court finds that
21 the Interstate Commission's action is not supported by substantial
22 evidence in the rulemaking record, the court shall hold the rule
23 unlawful and set it aside. For purposes of this subsection,
24 evidence is substantial if it would be considered substantial
25 evidence under the Model State Administrative Procedures Act.

26 E. If a majority of the legislatures of the compacting
27 states rejects a rule, those states may, by enactment of a statute

1 or resolution in the same manner used to adopt the compact, cause
2 that such rule shall have no further force and effect in any
3 compacting state.

4 F. The existing rules governing the operation of the
5 Interstate Compact on Juveniles superceded by this Act shall be
6 null and void 12 months after the first meeting of the Interstate
7 Commission created under this compact.

8 G. Upon determination by the Interstate Commission that an
9 emergency exists, the Interstate Commission may promulgate an
10 emergency rule which shall become effective immediately upon
11 adoption, provided that the usual rulemaking procedures provided
12 hereunder shall be retroactively applied to said rule as soon as
13 reasonably possible, but no later than 90 days after the effective
14 date of the emergency rule.

15 ARTICLE VII

16 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

17 BY THE INTERSTATE COMMISSION

18 Sec. A. Oversight

19 1. The Interstate Commission shall oversee the
20 administration and operations of the interstate movement of
21 juveniles subject to this compact in the compacting states and
22 shall monitor such activities being administered in noncompacting
23 states which may significantly affect compacting states.

24 2. The courts and executive agencies in each
25 compacting state shall enforce this compact and shall take all
26 actions necessary and appropriate to effectuate the compact's
27 purposes and intent. The provisions of this compact and the rules

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

11 Sec. B. Dispute Resolution

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

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

24 3. The Interstate Commission, in the reasonable
25 exercise of its discretion, shall enforce the provisions and rules
26 of this compact using any or all means set forth in Article X of this
27 compact.

1 ARTICLE VIII

2 FINANCE

3 A. The Interstate Commission shall pay or provide for the
4 payment of the reasonable expenses of its establishment,
5 organization, and ongoing activities.

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

18 C. The Interstate Commission shall not incur any
19 obligations of any kind prior to securing the funds adequate to meet
20 the same, nor shall the Interstate Commission pledge the credit of
21 any of the compacting states, except by and with the authority of
22 the compacting state.

23 D. The Interstate Commission shall keep accurate accounts
24 of all receipts and disbursements. The receipts and disbursements
25 of the Interstate Commission shall be subject to the audit and
26 accounting procedures established under its bylaws. However, all
27 receipts and disbursements of funds handled by the Interstate

1 Commission shall be audited yearly by a certified or licensed
2 public accountant and the report of the audit shall be included in
3 and become part of the annual report of the Interstate Commission.

4 ARTICLE IX

5 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

6 A. Any state, as defined in Article II of this compact, is
7 eligible to become a compacting state.

8 B. The compact shall become effective and binding upon
9 legislative enactment of the compact into law by no less than 35 of
10 the states. The initial effective date shall be the later of July
11 1, 2004, or upon enactment into law by the 35th jurisdiction.
12 Thereafter, the compact shall become effective and binding, as to
13 any other compacting state, upon enactment of the compact into law
14 by that state. The governors of noncompacting states or their
15 designees shall be invited to participate in Interstate Commission
16 activities on a nonvoting basis prior to adoption of the compact by
17 all states.

18 C. The Interstate Commission may propose amendments to the
19 compact for enactment by the compacting states. No amendment shall
20 become effective and binding upon the Interstate Commission and the
21 compacting states unless and until it is enacted into law by
22 unanimous consent of the compacting states.

23 ARTICLE X

24 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

25 Sec. A. Withdrawal

26 1. Once effective, the compact shall continue in force
27 and remain binding upon each and every compacting state, provided

1 that a compacting state may withdraw from the compact by
2 specifically repealing the statute which enacted the compact into
3 law.

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

6 3. The withdrawing state shall immediately notify the
7 chairperson of the Interstate Commission in writing upon the
8 introduction of legislation repealing this compact in the
9 withdrawing state. The Interstate Commission shall notify the
10 other compacting states of the withdrawing state's intent to
11 withdraw within 60 days of its receipt thereof.

12 4. The withdrawing state is responsible for all
13 assessments, obligations, and liabilities incurred through the
14 effective date of withdrawal, including any obligations, the
15 performance of which extend beyond the effective date of
16 withdrawal.

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

21 Sec. B. Technical Assistance, Fines, Suspension,
22 Termination, and Default

23 1. If the Interstate Commission determines that any
24 compacting state has at any time defaulted in the performance of any
25 of its obligations or responsibilities under this compact, or the
26 bylaws or duly promulgated rules, the Interstate Commission may
27 impose any or all of the following penalties:

1 a. Remedial training and technical assistance as
2 directed by the Interstate Commission;

3 b. Alternative dispute resolution;

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

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

1 terminated from the effective date of termination.

2 2. Within 60 days of the effective date of termination
3 of a defaulting state, the Interstate Commission shall notify the
4 governor, the chief justice or chief judicial officer of the state,
5 and the majority and minority leaders of the defaulting state's
6 legislature of such termination.

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

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

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

20 Sec. C. Judicial Enforcement

21 The Interstate Commission may, by majority vote of the
22 members, initiate legal action in the United States District Court
23 for the District of Columbia or, at the discretion of the Interstate
24 Commission, in the federal district where the Interstate Commission
25 has its offices, to enforce compliance with the provisions of the
26 compact, its duly promulgated rules and bylaws, against any
27 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 attorney's fees.

3 Sec. D. Dissolution of Compact

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

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

12 ARTICLE XI

13 SEVERABILITY AND CONSTRUCTION

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

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

19 ARTICLE XII

20 BINDING EFFECT OF COMPACT AND OTHER LAWS

21 Sec. A. Other Laws

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

25 2. All compacting states' laws other than state
26 constitutions and other interstate compacts conflicting with this
27 compact are superseded to the extent of the conflict.

1 Sec. B. Binding Effect of the Compact

2 1. All lawful actions of the Interstate Commission,
3 including all rules and bylaws promulgated by the Interstate
4 Commission, are binding upon the compacting states.

5 2. All agreements between the Interstate Commission
6 and the compacting states are binding in accordance with their
7 terms.

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

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

22 ARTICLE 2. CONFORMING AMENDMENTS

23 SECTION 2.01. Sections 60.001 and 60.009, Family Code, are
24 amended to read as follows:

25 Sec. 60.001. DEFINITIONS [~~SHORT TITLE~~]. In this [~~This~~]
26 chapter:

27 (1) "Commission" means the Interstate Commission for

1 Juveniles.

2 (2) "Compact" means the Interstate Compact for
3 Juveniles.

4 (3) "Compact administrator" has the meaning assigned
5 by Article II of the compact [~~may be cited as the Uniform Interstate~~
6 ~~Compact on Juveniles~~].

7 Sec. 60.009. ADDITIONAL PROCEDURES NOT PRECLUDED. In
8 addition to any [~~the~~] procedures developed under [~~provided in~~
9 ~~Articles IV and VI of~~] the compact for the return of a runaway
10 juvenile, the particular states, the juvenile, or his parents, the
11 courts, or other legal custodian involved may agree upon and adopt
12 any plan or procedure legally authorized under the laws of this
13 state and the other respective party states for the return of the
14 runaway juvenile.

15 SECTION 2.02. Chapter 60, Family Code, is amended by adding
16 Sections 60.011 and 60.012 to read as follows:

17 Sec. 60.011. EFFECT OF TEXAS LAWS. If the laws of this
18 state conflict with the compact, the compact controls, except that
19 in the event of a conflict between the compact and the Texas
20 Constitution, as determined by the courts of this state, the Texas
21 Constitution controls.

22 Sec. 60.012. LIABILITIES FOR CERTAIN COMMISSION AGENTS.
23 The compact administrator and each member, officer, executive
24 director, employee, or agent of the commission acting within the
25 scope of the person's employment or duties is, for the purpose of
26 acts or omissions occurring within this state, entitled to the same
27 protections under Chapter 104, Civil Practice and Remedies Code, as

1 an employee, a member of the governing board, or any other officer
2 of a state agency, institution, or department.

3 SECTION 2.03. Section 54.10(a), Family Code, is amended to
4 read as follows:

5 (a) Except as provided by Subsection (e), a hearing under
6 Section 54.03, 54.04, or 54.05, including a jury trial, a hearing
7 under Chapter 55, including a jury trial, or a hearing under
8 ~~[Article IV, Article V, and Article VI of]~~ the ~~[Uniform]~~ Interstate
9 Compact for ~~[on]~~ Juveniles (Chapter 60) may be held by a referee
10 appointed in accordance with Section 51.04(g) or a master appointed
11 under Chapter 54, Government Code, provided:

12 (1) the parties have been informed by the referee or
13 master that they are entitled to have the hearing before the
14 juvenile court judge; and

15 (2) after each party is given an opportunity to
16 object, no party objects to holding the hearing before the referee
17 or master.

18 ARTICLE 3. TRANSITION, REPEALER, AND EFFECTIVE DATE

19 SECTION 3.01. The governor shall publish notice of the
20 implementation of the Interstate Compact for Juveniles in the Texas
21 Register not later than the 30th day after the date the compact
22 becomes effective under Article IX of the compact.

23 SECTION 3.02. Sections 60.002, 60.003, and 60.004, Family
24 Code, are repealed.

25 SECTION 3.03. (a) Except as provided by Subsection (b) of
26 this section, this Act takes effect on the day on which the
27 Interstate Compact for Juveniles takes effect, which according to

1 the terms of the compact is the later of July 1, 2004, or the day on
2 which the compact is enacted into law by the 35th state, as defined
3 by the compact.

4 (b) Article 1 of this Act takes effect November 1, 2003.