

By: Haggerty

H.B. No. 1954

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 adjudicated juveniles and status offenders subject to this
2 compact are provided adequate supervision and services in the
3 receiving state as ordered by the adjudicating judge or parole
4 authority in the sending state; (B) ensure that the public safety
5 interests of the citizens, including the victims of juvenile
6 offenders, in both the sending and receiving states are adequately
7 protected; (C) return juveniles who have run away, absconded, or
8 escaped from supervision or control or have been accused of an
9 offense to the state requesting their return; (D) make contracts
10 for the cooperative institutionalization in public facilities in
11 member states for delinquent youth needing special services; (E)
12 provide for the effective tracking and supervision of juveniles;
13 (F) equitably allocate the costs, benefits, and obligations of the
14 compacting states; (G) establish procedures to manage the movement
15 between states of juvenile offenders released to the community
16 under the jurisdiction of courts, juvenile departments, or any
17 other criminal or juvenile justice agency which has jurisdiction
18 over juvenile offenders; (H) ensure immediate notice to
19 jurisdictions where defined offenders are authorized to travel or
20 to relocate across state lines; (I) establish procedures to resolve
21 pending charges (detainers) against juvenile offenders prior to
22 transfer or release to the community under the terms of this
23 compact; (J) establish a system of uniform data collection on
24 information pertaining to juveniles subject to this compact that
25 allows access by authorized juvenile justice and criminal justice
26 officials and regular reporting of compact activities to heads of
27 state executive, judicial, and legislative branches and juvenile

1 and criminal justice administrators; (K) monitor compliance with
2 rules governing interstate movement of juveniles and initiate
3 interventions to address and correct noncompliance; (L) coordinate
4 training and education regarding the regulation of interstate
5 movement of juveniles for officials involved in such activity; and
6 (M) coordinate the implementation and operation of the compact with
7 the Interstate Compact for the Placement of Children, the
8 Interstate Compact for Adult Offender Supervision and other
9 compacts affecting juveniles particularly in those cases where
10 concurrent or overlapping supervision issues arise. It is the
11 policy of the compacting states that the activities conducted by
12 the Interstate Commission created herein are the formation of
13 public policies and therefore are public business. Furthermore,
14 the compacting states shall cooperate and observe their individual
15 and collective duties and responsibilities for the prompt return
16 and acceptance of juveniles subject to the provisions of this
17 compact. The provisions of this compact shall be reasonably and
18 liberally construed to accomplish the purposes and policies of the
19 compact.

20 ARTICLE II

21 DEFINITIONS

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

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

27 B. "Compact administrator" means the individual in each

1 compacting state appointed pursuant to the terms of this compact
2 responsible for the administration and management of the state's
3 supervision and transfer of juveniles subject to the terms of this
4 compact, the rules adopted by the Interstate Commission, and
5 policies adopted by the state council under this compact.

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

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

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

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

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

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

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

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

1 criminal offense;

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

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

8 (5) Nonoffender - a person in need of supervision who
9 has not been accused or adjudicated a status offender or
10 delinquent.

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

13 J. "Probation or parole" means any kind of supervision or
14 conditional release of juveniles authorized under the laws of the
15 compacting states.

16 K. "Rule" means a written statement by the Interstate
17 Commission promulgated pursuant to Article VI of this compact that
18 is of general applicability, implements, interprets, or prescribes
19 a policy or provision of the compact, or an organizational,
20 procedural, or practice requirement of the Interstate Commission,
21 and has the force and effect of statutory law in a compacting state,
22 and includes the amendment, repeal, or suspension of an existing
23 rule.

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

1 ARTICLE III

2 INTERSTATE COMMISSION FOR JUVENILES

3 A. The compacting states hereby create the Interstate
4 Commission for Juveniles. The Interstate Commission shall be a
5 body corporate and joint agency of the compacting states. The
6 commission shall have all the responsibilities, powers, and duties
7 set forth herein, and such additional powers as may be conferred
8 upon it by subsequent action of the respective legislatures of the
9 compacting states in accordance with the terms of this compact.

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

19 C. In addition to the commissioners who are the voting
20 representatives of each state, the Interstate Commission shall
21 include individuals who are not commissioners, but who are members
22 of interested organizations. Such noncommissioner members must
23 include a member of the national organizations of governors,
24 legislators, state chief justices, attorneys general, Interstate
25 Compact for Adult Offender Supervision, Interstate Compact for the
26 Placement of Children, juvenile justice and juvenile corrections
27 officials, and crime victims. All noncommissioner members of the

1 Interstate Commission shall be ex officio (nonvoting) members. The
2 Interstate Commission may provide in its bylaws for such additional
3 ex officio (nonvoting) members, including members of other national
4 organizations, in such numbers as shall be determined by the
5 commission.

6 D. Each compacting state represented at any meeting of the
7 Interstate Commission is entitled to one vote. A majority of the
8 compacting states shall constitute a quorum for the transaction of
9 business, unless a larger quorum is required by the bylaws of the
10 Interstate Commission.

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

16 F. The Interstate Commission shall establish an executive
17 committee, which shall include commission officers, members, and
18 others as determined by the bylaws. The executive committee shall
19 have the power to act on behalf of the Interstate Commission during
20 periods when the Interstate Commission is not in session, with the
21 exception of rulemaking or amendment to the compact. The executive
22 committee shall oversee the day-to-day activities of the
23 administration of the compact managed by an executive director and
24 Interstate Commission staff; administers enforcement and
25 compliance with the provisions of the compact, its bylaws and
26 rules, and performs such other duties as directed by the Interstate
27 Commission or set forth in the bylaws.

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

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

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

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

27 2. Disclose matters specifically exempted from

1 disclosure by statute;

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

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

6 5. Disclose information of a personal nature where
7 disclosure would constitute a clearly unwarranted invasion of
8 personal privacy;

9 6. Disclose investigative records compiled for law
10 enforcement purposes;

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

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

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

22 J. For every meeting closed pursuant to this provision, the
23 Interstate Commission's legal counsel shall publicly certify that,
24 in the legal counsel's opinion, the meeting may be closed to the
25 public, and shall reference each relevant exemptive provision. The
26 Interstate Commission shall keep minutes which shall fully and
27 clearly describe all matters discussed in any meeting and shall

1 provide a full and accurate summary of any actions taken, and the
2 reasons therefore, including a description of each of the views
3 expressed on any item and the record of any roll call vote
4 (reflected in the vote of each member on the question). All
5 documents considered in connection with any action shall be
6 identified in such minutes.

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

15 ARTICLE IV

16 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

17 The commission shall have the following powers and duties:

18 1. To provide for dispute resolution among compacting
19 states.

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

25 3. To oversee, supervise, and coordinate the
26 interstate movement of juveniles subject to the terms of this
27 compact and any bylaws adopted and rules promulgated by the

1 Interstate Commission.

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

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

8 6. To purchase and maintain insurance and bonds.

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

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

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

23 10. To accept any and all donations and grants of
24 money, equipment, supplies, materials, and services, and to
25 receive, utilize, and dispose of same.

26 11. To lease, purchase, accept contributions or
27 donations of, or otherwise to own, hold, improve, or use any

1 property, whether real, personal, or mixed.

2 12. To sell, convey, mortgage, pledge, lease,
3 exchange, abandon, or otherwise dispose of any property, whether
4 real, personal, or mixed.

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

7 14. To sue and be sued.

8 15. To adopt a seal and bylaws governing the
9 management and operation of the Interstate Commission.

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

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

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

20 19. To establish uniform standards of the reporting,
21 collecting, and exchanging of data.

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

24 ARTICLE V

25 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

26 Sec. A. Bylaws

27 1. The Interstate Commission shall, by a majority of

1 the members present and voting, within 12 months of the first
2 Interstate Commission meeting, adopt bylaws 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 a. Establishing the fiscal year of the Interstate
6 Commission;

7 b. Establishing an executive committee and such
8 other committees as may be necessary;

9 c. Providing for the establishment of committees
10 governing any general or specific delegation of any authority or
11 function of the Interstate Commission;

12 d. Providing reasonable procedures for calling
13 and conducting meetings of the Interstate Commission and ensuring
14 reasonable notice of each such meeting;

15 e. Establishing the titles and responsibilities
16 of the officers of the Interstate Commission;

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

21 g. Providing start-up rules for initial
22 administration of the compact; and

23 h. Establishing standards and procedures for
24 compliance and technical assistance in carrying out the compact.

25 Sec. B. Officers and Staff

26 1. The Interstate Commission shall, by a majority of
27 the members, elect annually from among its members a chairperson

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

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

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

19 1. The Interstate Commission's executive director and
20 employees shall be immune from suit and liability, either
21 personally or in their official capacity, for any claim for damage
22 to or loss of property or personal injury or other civil liability
23 caused or arising out of or relating to any actual or alleged act,
24 error, or omission that occurred, or that such person had a
25 reasonable basis for believing occurred, within the scope of
26 Interstate Commission employment, duties, or responsibilities,
27 provided that any such person shall not be protected from suit or

1 liability for any damage, loss, injury, or liability caused by the
2 intentional or wilful and wanton misconduct of any such person.

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

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

26 4. The Interstate Commission shall indemnify and hold
27 the commissioner of a compacting state, or the commissioner's

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

11 ARTICLE VI

12 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

13 A. The Interstate Commission shall promulgate and publish
14 rules in order to effectively and efficiently achieve the purposes
15 of the compact.

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

27 C. When promulgating a rule, the Interstate Commission

1 shall, at a minimum:

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

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

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

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

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

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

27 F. The existing rules governing the operation of the

1 Interstate Compact on Juveniles superceded by this Act shall be
2 null and void 12 months after the first meeting of the Interstate
3 Commission created under this compact.

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

11 ARTICLE VII

12 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

13 BY THE INTERSTATE COMMISSION

14 Sec. A. Oversight

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

20 2. The courts and executive agencies in each
21 compacting state shall enforce this compact and shall take all
22 actions necessary and appropriate to effectuate the compact's
23 purposes and intent. The provisions of this compact and the rules
24 promulgated hereunder shall be received by all the judges, public
25 officers, commissions, and departments of the state government as
26 evidence of the authorized statute and administrative rules. All
27 courts shall take judicial notice of the compact and the rules. In

1 any judicial or administrative proceeding in a compacting state
2 pertaining to the subject matter of this compact which may affect
3 the powers, responsibilities, or actions of the Interstate
4 Commission, the Interstate Commission shall be entitled to receive
5 all service of process in any such proceeding, and shall have
6 standing to intervene in the proceeding for all purposes.

7 Sec. B. Dispute Resolution

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

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

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

24 ARTICLE VIII

25 FINANCE

26 A. The Interstate Commission shall pay or provide for the
27 payment of the reasonable expenses of its establishment,

1 organization, and ongoing activities.

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

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

19 D. The Interstate Commission shall keep accurate accounts
20 of all receipts and disbursements. The receipts and disbursements
21 of the Interstate Commission shall be subject to the audit and
22 accounting procedures established under its bylaws. However, all
23 receipts and disbursements of funds handled by the Interstate
24 Commission shall be audited yearly by a certified or licensed
25 public accountant and the report of the audit shall be included in
26 and become part of the annual report of the Interstate Commission.

27 ARTICLE IX

THE STATE COUNCIL

1
2 Each member state shall create a State Council for Interstate
3 Juvenile Supervision. While each state may determine the
4 membership of its own state council, its membership must include at
5 least one representative from the legislative, judicial, and
6 executive branches of government, victims groups, and the compact
7 administrator, deputy compact administrator, or designee. Each
8 compacting state retains the right to determine the qualifications
9 of the compact administrator or deputy compact administrator. Each
10 state council will advise and may exercise oversight and advocacy
11 concerning that state's participation in Interstate Commission
12 activities and other duties as may be determined by that state,
13 including but not limited to development of policy concerning
14 operations and procedures of the compact within that state.

15 ARTICLE X

16 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

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

19 B. The compact shall become effective and binding upon
20 legislative enactment of the compact into law by no less than 35 of
21 the states. The initial effective date shall be the later of July
22 1, 2004, or upon enactment into law by the 35th jurisdiction.
23 Thereafter, the compact shall become effective and binding, as to
24 any other compacting state, upon enactment of the compact into law
25 by that state. The governors of noncompacting states or their
26 designees shall be invited to participate in Interstate Commission
27 activities on a nonvoting basis prior to adoption of the compact by

1 all states.

2 C. The Interstate Commission may propose amendments to the
3 compact for enactment by the compacting states. No amendment shall
4 become effective and binding upon the Interstate Commission and the
5 compacting states unless and until it is enacted into law by
6 unanimous consent of the compacting states.

7 ARTICLE XI

8 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

9 Sec. A. Withdrawal

10 1. Once effective, the compact shall continue in force
11 and remain binding upon each and every compacting state, provided
12 that a compacting state may withdraw from the compact by
13 specifically repealing the statute which enacted the compact into
14 law.

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

17 3. The withdrawing state shall immediately notify the
18 chairperson of the Interstate Commission in writing upon the
19 introduction of legislation repealing this compact in the
20 withdrawing state. The Interstate Commission shall notify the
21 other compacting states of the withdrawing state's intent to
22 withdraw within 60 days of its receipt thereof.

23 4. The withdrawing state is responsible for all
24 assessments, obligations, and liabilities incurred through the
25 effective date of withdrawal, including any obligations, the
26 performance of which extend beyond the effective date of
27 withdrawal.

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

5 Sec. B. Technical Assistance, Fines, Suspension,
6 Termination, and Default

7 1. If the Interstate Commission determines that any
8 compacting state has at any time defaulted in the performance of any
9 of its obligations or responsibilities under this compact, or the
10 bylaws or duly promulgated rules, the Interstate Commission may
11 impose any or all of the following penalties:

12 a. Remedial training and technical assistance as
13 directed by the Interstate Commission;

14 b. Alternative dispute resolution;

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

17 d. Suspension or termination of membership in the
18 compact, which shall be imposed only after all other reasonable
19 means of securing compliance under the bylaws and rules have been
20 exhausted and the Interstate Commission has determined that the
21 offending state is in default. Immediate notice of suspension shall
22 be given by the Interstate Commission to the governor, the chief
23 justice or the chief judicial officer of the state, the majority and
24 minority leaders of the defaulting state's legislature, and the
25 state council. The grounds for default include, but are not limited
26 to, failure of a compacting state to perform such obligations or
27 responsibilities imposed upon it by this compact, the bylaws or

1 duly promulgated rules, and any other grounds designated in
2 commission bylaws and rules. The Interstate Commission shall
3 immediately notify the defaulting state in writing of the penalty
4 imposed by the Interstate Commission and of the default pending a
5 cure of the default. The Interstate Commission shall stipulate the
6 conditions and the time period within which the defaulting state
7 must cure its default. If the defaulting state fails to cure the
8 default within the time period specified by the Interstate
9 Commission, the defaulting state shall be terminated from the
10 compact upon an affirmative vote of a majority of the compacting
11 states and all rights, privileges, and benefits conferred by this
12 compact shall be terminated from the effective date of termination.

13 2. Within 60 days of the effective date of termination
14 of a defaulting state, the Interstate Commission shall notify the
15 governor, the chief justice or chief judicial officer of the state,
16 the majority and minority leaders of the defaulting state's
17 legislature, and the state council of such termination.

18 3. The defaulting state is responsible for all
19 assessments, obligations, and liabilities incurred through the
20 effective date of termination including any obligations, the
21 performance of which extends beyond the effective date of
22 termination.

23 4. The Interstate Commission shall not bear any costs
24 relating to the defaulting state unless otherwise mutually agreed
25 upon in writing between the Interstate Commission and the
26 defaulting state.

27 5. Reinstatement following termination of any

1 compacting state requires both a reenactment of the compact by the
2 defaulting state and the approval of the Interstate Commission
3 pursuant to the rules.

4 Sec. C. Judicial Enforcement

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

14 Sec. D. Dissolution of Compact

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

18 2. Upon the dissolution of this compact, the compact
19 becomes null and void and shall be of no further force or effect,
20 and the business and affairs of the Interstate Commission shall be
21 concluded and any surplus funds shall be distributed in accordance
22 with the bylaws.

23 ARTICLE XII

24 SEVERABILITY AND CONSTRUCTION

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

1 B. The provisions of this compact shall be liberally
2 construed to effectuate its purposes.

3 ARTICLE XIII

4 BINDING EFFECT OF COMPACT AND OTHER LAWS

5 Sec. A. Other Laws

6 1. Nothing herein prevents the enforcement of any
7 other law of a compacting state that is not inconsistent with this
8 compact.

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

12 Sec. B. Binding Effect of the Compact

13 1. All lawful actions of the Interstate Commission,
14 including all rules and bylaws promulgated by the Interstate
15 Commission, are binding upon the compacting states.

16 2. All agreements between the Interstate Commission
17 and the compacting states are binding in accordance with their
18 terms.

19 3. Upon the request of a party to a conflict over
20 meaning or interpretation of Interstate Commission actions, and
21 upon a majority vote of the compacting states, the Interstate
22 Commission may issue advisory opinions regarding such meaning or
23 interpretation.

24 4. In the event any provision of this compact exceeds
25 the constitutional limits imposed on the legislature of any
26 compacting state, the obligations, duties, powers, or jurisdiction
27 sought to be conferred by such provision upon the Interstate

1 Commission shall be ineffective and such obligations, duties,
2 powers, or jurisdiction shall remain in the compacting state and
3 shall be exercised by the agency thereof to which such obligations,
4 duties, powers, or jurisdiction are delegated by law in effect at
5 the time this compact becomes effective.

6 ARTICLE 2. CONFORMING AMENDMENTS

7 SECTION 2.01. Section 60.001, Family Code, is amended to
8 read as follows:

9 Sec. 60.001. DEFINITIONS [~~SHORT TITLE~~]. In this [~~This~~]
10 chapter:

11 (1) "Commission" means the Interstate Commission for
12 Juveniles.

13 (2) "Compact" means the Interstate Compact for
14 Juveniles.

15 (3) "Compact administrator" has the meaning assigned
16 by Article II of the compact.

17 (4) "State council" means the Texas State Council for
18 Interstate Juvenile Supervision [~~may be cited as the Uniform~~
19 ~~Interstate Compact on Juveniles~~].

20 SECTION 2.02. Section 60.005, Family Code, is amended to
21 read as follows:

22 Sec. 60.005. TEXAS STATE COUNCIL FOR INTERSTATE JUVENILE
23 SUPERVISION [~~JUVENILE COMPACT ADMINISTRATOR~~]. (a) The Texas State
24 Council for Interstate Juvenile Supervision is established.

25 (b) The state council is composed of:

26 (1) two members appointed by the governor, one of whom
27 must be a representative of an organization representing the rights

1 of victims of crime and one of whom must be the compact
2 administrator;

3 (2) one member appointed by the presiding judge of the
4 court of criminal appeals;

5 (3) one member appointed by the lieutenant governor;
6 and

7 (4) one member appointed by the speaker of the house of
8 representatives.

9 (c) Appointed members of the state council serve staggered
10 six-year terms, with the terms of either one member or two members
11 expiring July 1 of each odd-numbered year [~~Under the compact, the~~
12 ~~governor may designate an officer as the compact administrator.~~
13 ~~The administrator, acting jointly with like officers of other party~~
14 ~~states, shall adopt regulations to carry out more effectively the~~
15 ~~terms of the compact. The compact administrator serves at the~~
16 ~~pleasure of the governor. The compact administrator shall~~
17 ~~cooperate with all departments, agencies, and officers of and in~~
18 ~~the government of this state and its subdivisions in facilitating~~
19 ~~the proper administration of the compact or of a supplementary~~
20 ~~agreement entered into by this state].~~

21 SECTION 2.03. Section 60.006, Family Code, is amended to
22 read as follows:

23 Sec. 60.006. EXECUTIVE DIRECTOR; COMPACT ADMINISTRATOR
24 [SUPPLEMENTARY AGREEMENTS]. (a) The governor shall designate one
25 member of the state council as the executive director of the state
26 council, and the executive director serves in that capacity at the
27 pleasure of the governor.

1 (b) The governor shall appoint one person to be both the
2 state's compact administrator and the state's commissioner to the
3 commission. The person serves at the pleasure of the governor [~~A~~
4 ~~compact administrator may make supplementary agreements with~~
5 ~~appropriate officials of other states pursuant to the compact. If a~~
6 ~~supplementary agreement requires or contemplates the use of an~~
7 ~~institution or facility of this state or requires or contemplates~~
8 ~~the provision of a service of this state, the supplementary~~
9 ~~agreement has no force or effect until approved by the head of the~~
10 ~~department or agency under whose jurisdiction the institution is~~
11 ~~operated, or whose department or agency is charged with performing~~
12 ~~the service].~~

13 SECTION 2.04. Section 60.007, Family Code, is amended to
14 read as follows:

15 Sec. 60.007. DUTIES OF STATE COUNCIL [~~FINANCIAL~~
16 ~~ARRANGEMENTS~~]. The state council shall advise the person serving
17 as compact administrator and commissioner to the commission on the
18 state's participation in commission activities and the
19 administration of the compact [~~The compact administrator may make~~
20 ~~or arrange for the payments necessary to discharge the financial~~
21 ~~obligations imposed upon this state by the compact or by a~~
22 ~~supplementary agreement made under the compact, subject to~~
23 ~~legislative appropriations].~~

24 SECTION 2.05. Section 60.008, Family Code, is amended to
25 read as follows:

26 Sec. 60.008. LIABILITIES FOR CERTAIN COMMISSION AGENTS
27 [~~ENFORCEMENT~~]. The compact administrator and each member, officer,

1 executive director, employee, or agent of the commission acting
2 within the scope of the person's employment or duties is, for the
3 purpose of acts or omissions occurring within this state, entitled
4 to the same protections under Chapter 104, Civil Practice and
5 Remedies Code, as an employee, a member of the governing board, or
6 any other officer of a state agency, institution, or department
7 ~~[The courts, departments, agencies, and officers of this state and~~
8 ~~its subdivisions shall enforce this compact and shall do all things~~
9 ~~appropriate to effectuate its purposes and intent which are within~~
10 ~~their respective jurisdictions].~~

11 SECTION 2.06. Section 60.009, Family Code, is amended to
12 read as follows:

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

21 SECTION 2.07. Chapter 60, Family Code, is amended by adding
22 Section 60.011 to read as follows:

23 Sec. 60.011. EFFECT OF TEXAS LAWS. If the laws of this
24 state conflict with the compact, the compact controls, except that
25 in the event of a conflict between the compact and the Texas
26 Constitution, as determined by the courts of this state, the Texas
27 Constitution controls.

1 SECTION 2.08. Section 54.10(a), Family Code, is amended to
2 read as follows:

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

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

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

16 ARTICLE 3. TRANSITION, REPEALER, AND EFFECTIVE DATE

17 SECTION 3.01. (a) The governor shall publish notice of the
18 implementation of the Interstate Compact for Juveniles in the Texas
19 Register not later than the 30th day after the date the compact
20 becomes effective under Article X of the compact.

21 (b) The governor, the chief justice of the supreme court,
22 the lieutenant governor, and the speaker of the house of
23 representatives shall appoint the initial members of the Texas
24 State Council for Interstate Juvenile Supervision not later than
25 the 30th day after the date that the Interstate Compact for
26 Juveniles becomes effective under Article X of the compact.

27 SECTION 3.02. (a) In appointing the initial members of the

1 Texas State Council for Interstate Juvenile Supervision, as
2 required by Section 60.005, Family Code, as amended by this Act:

3 (1) the governor shall appoint one person to serve a
4 term expiring on the first July 1 of an odd-numbered year occurring
5 after the Interstate Compact for Juveniles becomes effective;

6 (2) the lieutenant governor and the chief justice of
7 the supreme court each shall appoint one person to serve a term
8 expiring on the second July 1 of an odd-numbered year occurring
9 after the compact becomes effective; and

10 (3) the governor and the speaker of the house of
11 representatives each shall appoint one person to serve a term
12 expiring on the third July 1 of an odd-numbered year occurring after
13 the compact becomes effective.

14 (b) After the initial appointments, members serve six-year
15 terms.

16 SECTION 3.03. Sections 60.002, 60.003, and 60.004, Family
17 Code, are repealed.

18 SECTION 3.04. (a) Except as provided by Subsection (b) of
19 this section, this Act takes effect on the day on which the
20 Interstate Compact for Juveniles takes effect, which according to
21 the terms of the compact is the later of July 1, 2004, or the day on
22 which the compact is enacted into law by the 35th state, as defined
23 by the compact.

24 (b) Article 1 of this Act takes effect September 1, 2003.