AN ACT

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

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

Section A. Sections 210.570, 210.580, 210.595, 210.600, and 210.610, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 210.570 and 210.580, to read as follows:

210.570. This interstate compact for juveniles is entered with all jurisdictions legally joining the compact in the form substantially as follows:

THE 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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
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 the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state; (B) ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected; (C) return juveniles who have run away, absconded or escaped from supervision or control or have been accused of an offense to the state requesting their return; (D) make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services; (E) provide for the effective tracking and supervision of juveniles; (F) equitably allocate the costs, benefits and obligations of the compacting states; (G) establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency which has jurisdiction over juvenile offenders; (H) insure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; (I) establish procedures to resolve pending charges (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this compact; (J) establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of Compact activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators; (K) monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct non-compliance; (L) coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; and (M) coordinate the implementation and operation of the compact with the Interstate Compact for the Placement of Children, the Interstate Compact for Adult Offender Supervision and other compacts affecting juveniles particularly in those cases where concurrent or overlapping
supervision issues arise. It is the policy of the compacting states that
the activities conducted by the Interstate Commission created herein
are the formation of public policies and therefore are public
business. Furthermore, the compacting states shall cooperate and
observe their individual and collective duties and responsibilities for
the prompt return and acceptance of juveniles subject to the provisions
of this compact. The provisions of this compact shall be reasonably and
liberally construed to accomplish the purposes and policies of the
compact.

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 its
actions or conduct.

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

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, the rules adopted by
the Interstate Commission and policies adopted by the State Council
under this compact.

G. "Interstate Commission" means: the Interstate Commission for
Juveniles created by Article III of this compact.
H. "Juvenile" means: any person defined as a juvenile in any member state or by the rules of the Interstate Commission, including:

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

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

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

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

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

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

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

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

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

ARTICLE III

INTERSTATE COMMISSION FOR JUVENILES

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

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

C. In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners, but who are members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (non-voting) members. The Interstate Commission may provide in its bylaws for such additional ex-officio (non-voting) members, including members of other national organizations, in such numbers as shall be determined by the commission.

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

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

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

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

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

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

1. Relate solely to the Interstate Commission's internal personnel practices and procedures;
2. Disclose matters specifically exempted from disclosure by statute;
3. Disclose trade secrets or commercial or financial information which is privileged or confidential;
4. Involve accusing any person of a crime, or formally censuring any person;
5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
6. Disclose investigative records compiled for law enforcement purposes;
7. Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity;
8. Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity; or
9. Specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or other legal proceeding.

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

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

ARTICLE IV
POWERS AND DUTIES OF THE INTERSTATE COMMISSION
The commission shall have the following powers and duties:
1. To provide for dispute resolution among compacting states.
2. To promulgate rules to effect the purposes and obligations as
enumerated in this compact, which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.

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

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

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

6. To purchase and maintain insurance and bonds.

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

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

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

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

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

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

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

14. To sue and be sued.

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

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

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

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

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

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

ARTICLE V
ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Section A. Bylaws

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

a. Establishing the fiscal year of the Interstate Commission;

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

c. Provide for the establishment of committees governing any general or specific delegation of any authority or function of the Interstate Commission;

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

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

f. Providing a mechanism for concluding the operations of the Interstate Commission and the return of any surplus funds that may
exist upon the termination of the Compact after the payment and/or
reserving of all of its debts and obligations;
g. Providing "start-up" rules for initial administration of the
compact; and
h. Establishing standards and procedures for compliance and
technical assistance in carrying out the compact.

Section B. Officers and Staff
1. The Interstate Commission shall, by a majority of the
members, elect annually from among its members a chairperson and a
vice chairperson, each of whom shall have such authority and duties as
may be specified in the bylaws. The chairperson or, in the
chairperson's absence or disability, the vice-chairperson shall preside
at all meetings of the Interstate Commission. The officers so elected
shall serve without compensation or remuneration from the Interstate
Commission; provided that, subject to the availability of budgeted
funds, the officers shall be reimbursed for any ordinary and necessary
costs and expenses incurred by them in the performance of their duties
and responsibilities as officers of the Interstate Commission.
2. The Interstate Commission shall, through its executive
committee, appoint or retain an executive director for such period,
upon such terms and conditions and for such compensation as the
Interstate Commission may deem appropriate. The executive director
shall serve as secretary to the Interstate Commission, but shall not be
a Member and shall hire and supervise such other staff as may be
authorized by the Interstate Commission.

Section C. Qualified Immunity, Defense and Indemnification
1. The commission's executive director and employees shall be
immune from suit and liability, either personally or in their official
capacity, for any claim for damage to or loss of property or personal
injury or other civil liability caused or arising out of or relating to any
actual or alleged act, error, or omission that occurred, or that such
person had a reasonable basis for believing occurred within the scope
of commission employment, duties, or responsibilities; provided, that
any such person shall not be protected from suit or liability for any
damage, loss, injury, or liability caused by the intentional or willful and
wanton misconduct of any such person.
2. The liability of any commissioner, or the employee or agent of
a commissioner, acting within the scope of such person's employment
or duties for acts, errors, or omissions occurring within such person's
state may not exceed the limits of liability set forth under the
Constitution and laws of that state for state officials, employees, and
agents. Nothing in this subsection shall be construed to protect any
such person from suit or liability for any damage, loss, injury, or
liability caused by the intentional or willful and wanton misconduct of
any such person.

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

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

ARTICLE VI
RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION
A. The Interstate Commission shall promulgate and publish rules
in order to effectively and efficiently achieve the purposes of the
B. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the Interstate Commission deems appropriate consistent with due process requirements under the U.S. Constitution as now or hereafter interpreted by the U.S. Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the commission.

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

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

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

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

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

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

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

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

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

ARTICLE VII

OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION

BY THE INTERSTATE COMMISSION

Section A. Oversight

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

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

Section B. Dispute Resolution

1. The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.
2. The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and between compacting and non-compacting states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

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

ARTICLE VIII

FINANCE

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

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

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

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

**ARTICLE IX**

**THE STATE COUNCIL**

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

**ARTICLE X**

**COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT**

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

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

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

WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

Section A. Withdrawal

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

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

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

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

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

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

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

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

   b. Alternative Dispute Resolution;

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

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

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

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

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

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

Section C. Judicial Enforcement

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

Section D. Dissolution of Compact
1. The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in the compact to one compacting state.
2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XII
SEVERABILITY AND CONSTRUCTION
A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.
B. The provisions of this compact shall be liberally construed to effectuate its purposes.

ARTICLE XIII
BINDING EFFECT OF COMPACT AND OTHER LAWS
Section A. Other Laws
1. Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.
2. All compacting states' laws other than state Constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

Section B. Binding Effect of the Compact
1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the compacting states.
2. All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.
3. Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

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

210.580. The compact shall become effective and binding upon the state of Missouri [when signed by the commissioners as herein provided and by the proper authorities of any other state entering into the compact] upon legislative enactment of the compact into law by no less than thirty-five of the states. The initial effective date shall be the later of August 28, 2006, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state.

[210.570. Within sixty days after sections 210.570 to 210.600 become effective, the governor, by and with the advice and consent of the senate, shall appoint three commissioners to enter into a compact on behalf of the state of Missouri with other states. If the senate is not in session at the time for making such appointments, the governor shall make temporary appointments as in the case of a vacancy. Any two of the commissioners so appointed together with the attorney general of the state of Missouri may act to enter into the following compact:

INTERSTATE COMPACT ON JUVENILES

The contracting states solemnly agree:

ARTICLE I

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

ARTICLE II

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

ARTICLE III

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

ARTICLE IV

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

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

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

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

ARTICLE V

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole
or of his escape from an institution or agency vested with his legal
custody or supervision, and the location of such delinquent
juvenile, if known, at the time the requisition is made. The
requisition shall be verified by affidavit, shall be executed in
duplicate, and shall be accompanied by two certified copies of the
judgment, formal adjudication, or order of commitment which
subjects such delinquent juvenile to probation or parole or to the
legal custody of the institution or agency concerned. Such further
affidavits and other documents as may be deemed proper may be
submitted with such requisition. One copy of the requisition shall
be filed with the compact administrator of the demanding state,
there to remain on file subject to the provisions of law governing
records of the appropriate court. Upon the receipt of a requisition
demanding the return of a delinquent juvenile who has absconded
or escaped, the court or the executive authority to whom the
requisition is addressed shall issue an order to any peace officer or
other appropriate person directing him to take into custody and
detain such delinquent juvenile. Such detention order must
substantially recite the facts necessary to the validity of the
issuance hereunder. No delinquent juvenile detained upon such
order shall be delivered over to the officer whom the appropriate
person or authority demanding him shall have appointed to receive
him, unless he shall first be taken forthwith before a judge of an
appropriate court in the state, who shall inform him of the demand
made for his return and who may appoint counsel or guardian ad
litem for him. If the judge of such court shall find that the
requisition is in order, he shall deliver such delinquent juvenile
over to the officer whom the appropriate person or authority
demanding him shall have appointed to receive him. The judge,
however, may fix a reasonable time to be allowed for the purpose
of testing the legality of the proceeding.

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

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

ARTICLE VI

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

ARTICLE VII

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

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

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

ARTICLE VIII

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

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

ARTICLE IX

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

ARTICLE X

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

ARTICLE XI

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

ARTICLE XII

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

ARTICLE XIII

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

ARTICLE XIV

That this compact shall continue in force and remain
binding upon each executing state until renounced by
it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present Article.

ARTICLE XV

That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

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

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

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

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

Section B. The enactment of section 210.570 of Section A of this act, the
repeal and reenactment of section 210.580 of Section A of this act, and the repeal
of sections 210.570, 210.595, 210.600, and 210.610 of Section A of this act shall
become effective August 28, 2006, or upon legislative enactment of the compact
into law by no less than thirty-five of the states, whichever later occurs.