

FIRST REGULAR SESSION

# SENATE BILL NO. 292

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time January 16, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1194S.011

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Section A. Sections 210.570, 210.580, 210.595, 210.600, and 210.610, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 210.570 and 210.580, to read as follows: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

17 cooperative efforts and mutual assistance in the prevention of crime.

18           It is the purpose of this compact, through means of joint and  
19 cooperative action among the compacting states to: (A) ensure that the  
20 adjudicated juveniles and status offenders subject to this compact are  
21 provided adequate supervision and services in the receiving state as  
22 ordered by the adjudicating judge or parole authority in the sending  
23 state; (B) ensure that the public safety interests of the citizens,  
24 including the victims of juvenile offenders, in both the sending and  
25 receiving states are adequately protected; (C) return juveniles who  
26 have run away, absconded or escaped from supervision or control or  
27 have been accused of an offense to the state requesting their return; (D)  
28 make contracts for the cooperative institutionalization in public  
29 facilities in member states for delinquent youth needing special  
30 services; (E) provide for the effective tracking and supervision of  
31 juveniles; (F) equitably allocate the costs, benefits and obligations of  
32 the compacting states; (G) establish procedures to manage the  
33 movement between states of juvenile offenders released to the  
34 community under the jurisdiction of courts, juvenile departments, or  
35 any other criminal or juvenile justice agency which has jurisdiction  
36 over juvenile offenders; (H) insure immediate notice to jurisdictions  
37 where defined offenders are authorized to travel or to relocate across  
38 state lines; (I) establish procedures to resolve pending charges  
39 (detainers) against juvenile offenders prior to transfer or release to the  
40 community under the terms of this compact; (J) establish a system of  
41 uniform data collection on information pertaining to juveniles subject  
42 to this compact that allows access by authorized juvenile justice and  
43 criminal justice officials, and regular reporting of Compact activities  
44 to heads of state executive, judicial, and legislative branches and  
45 juvenile and criminal justice administrators; (K) monitor compliance  
46 with rules governing interstate movement of juveniles and initiate  
47 interventions to address and correct non-compliance; (L) coordinate  
48 training and education regarding the regulation of interstate movement  
49 of juveniles for officials involved in such activity; and (M) coordinate  
50 the implementation and operation of the compact with the Interstate  
51 Compact for the Placement of Children, the Interstate Compact for  
52 Adult Offender Supervision and other compacts affecting juveniles

53 particularly in those cases where concurrent or overlapping  
54 supervision issues arise. It is the policy of the compacting states that  
55 the activities conducted by the Interstate Commission created herein  
56 are the formation of public policies and therefore are public  
57 business. Furthermore, the compacting states shall cooperate and  
58 observe their individual and collective duties and responsibilities for  
59 the prompt return and acceptance of juveniles subject to the provisions  
60 of this compact. The provisions of this compact shall be reasonably and  
61 liberally construed to accomplish the purposes and policies of the  
62 compact.

## 63 ARTICLE II

### 64 DEFINITIONS

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

67 A. "Bylaws" means: those bylaws established by the Interstate  
68 Commission for its governance, or for directing or controlling its  
69 actions or conduct.

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

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

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

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

82 F. "Deputy Compact Administrator" means: the individual, if any,  
83 in each compacting state appointed to act on behalf of a Compact  
84 Administrator pursuant to the terms of this compact responsible for the  
85 administration and management of the state's supervision and transfer  
86 of juveniles subject to the terms of this compact, the rules adopted by  
87 the Interstate Commission and policies adopted by the State Council  
88 under this compact.

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

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

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

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

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

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

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

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

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

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

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

### 120 ARTICLE III

#### 121 INTERSTATE COMMISSION FOR JUVENILES

122 A. The compacting states hereby create the "Interstate  
123 Commission for Juveniles." The commission shall be a body corporate  
124 and joint agency of the compacting states. The commission shall have

125 all the responsibilities, powers and duties set forth herein, and such  
126 additional powers as may be conferred upon it by subsequent action of  
127 the respective legislatures of the compacting states in accordance with  
128 the terms of this compact.

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

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

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

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

160 F. The Interstate Commission shall establish an executive

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

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

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

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

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

196 2. Disclose matters specifically exempted from disclosure by

197 statute;

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

200           4. Involve accusing any person of a crime, or formally censuring  
201 any person;

202           5. Disclose information of a personal nature where disclosure  
203 would constitute a clearly unwarranted invasion of personal privacy;

204           6. Disclose investigative records compiled for law enforcement  
205 purposes;

206           7. Disclose information contained in or related to examination,  
207 operating or condition reports prepared by, or on behalf of or for the  
208 use of, the Interstate Commission with respect to a regulated person or  
209 entity for the purpose of regulation or supervision of such person or  
210 entity;

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

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

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

227           K. The Interstate Commission shall collect standardized data  
228 concerning the interstate movement of juveniles as directed through its  
229 rules which shall specify the data to be collected, the means of  
230 collection and data exchange and reporting requirements. Such  
231 methods of data collection, exchange and reporting shall insofar as is  
232 reasonably possible conform to up-to-date technology and coordinate

233 its information functions with the appropriate repository of records.

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#### ARTICLE IV

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#### POWERS AND DUTIES OF THE INTERSTATE COMMISSION

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The commission shall have the following powers and duties:

237

1. To provide for dispute resolution among compacting states.

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2. To promulgate rules to effect the purposes and obligations as

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enumerated in this compact, which shall have the force and effect of

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statutory law and shall be binding in the compacting states to the

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extent and in the manner provided in this compact.

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3. To oversee, supervise and coordinate the interstate movement

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of juveniles subject to the terms of this compact and any bylaws

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adopted and rules promulgated by the Interstate Commission.

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4. To enforce compliance with the compact provisions, the rules

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promulgated by the Interstate Commission, and the bylaws, using all

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necessary and proper means, including but not limited to the use of

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judicial process.

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5. To establish and maintain offices which shall be located within

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one or more of the compacting states.

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6. To purchase and maintain insurance and bonds.

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

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8. To establish and appoint committees and hire staff which it

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deems necessary for the carrying out of its functions including, but not

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limited to, an executive committee as required by Article III which

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shall have the power to act on behalf of the Interstate Commission in

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carrying out its powers and duties hereunder.

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9. To elect or appoint such officers, attorneys, employees, agents,

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or consultants, and to fix their compensation, define their duties and

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determine their qualifications; and to establish the Interstate

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Commission's personnel policies and programs relating to, inter alia,

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conflicts of interest, rates of compensation, and qualifications of

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personnel.

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10. To accept any and all donations and grants of money,

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equipment, supplies, materials, and services, and to receive, utilize, and

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dispose of it.

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11. To lease, purchase, accept contributions or donations of, or

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otherwise to own, hold, improve or use any property, real, personal, or

269 mixed.

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

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

274 14. To sue and be sued.

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

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

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

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

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

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

## ARTICLE V

### ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

#### Section A. Bylaws

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

299 a. Establishing the fiscal year of the Interstate Commission;

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

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

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

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

310           f. Providing a mechanism for concluding the operations of the  
311 Interstate Commission and the return of any surplus funds that may  
312 exist upon the termination of the Compact after the payment and/or  
313 reserving of all of its debts and obligations;

314           g. Providing "start-up" rules for initial administration of the  
315 compact; and

316           h. Establishing standards and procedures for compliance and  
317 technical assistance in carrying out the compact.

#### 318           Section B. Officers and Staff

319           1. The Interstate Commission shall, by a majority of the  
320 members, elect annually from among its members a chairperson and a  
321 vice chairperson, each of whom shall have such authority and duties as  
322 may be specified in the bylaws. The chairperson or, in the  
323 chairperson's absence or disability, the vice-chairperson shall preside  
324 at all meetings of the Interstate Commission. The officers so elected  
325 shall serve without compensation or remuneration from the Interstate  
326 Commission; provided that, subject to the availability of budgeted  
327 funds, the officers shall be reimbursed for any ordinary and necessary  
328 costs and expenses incurred by them in the performance of their duties  
329 and responsibilities as officers of the Interstate Commission.

330           2. The Interstate Commission shall, through its executive  
331 committee, appoint or retain an executive director for such period,  
332 upon such terms and conditions and for such compensation as the  
333 Interstate Commission may deem appropriate. The executive director  
334 shall serve as secretary to the Interstate Commission, but shall not be  
335 a Member and shall hire and supervise such other staff as may be  
336 authorized by the Interstate Commission.

#### 337           Section C. Qualified Immunity, Defense and Indemnification

338           1. The commission's executive director and employees shall be  
339 immune from suit and liability, either personally or in their official  
340 capacity, for any claim for damage to or loss of property or personal

341 injury or other civil liability caused or arising out of or relating to any  
342 actual or alleged act, error, or omission that occurred, or that such  
343 person had a reasonable basis for believing occurred within the scope  
344 of commission employment, duties, or responsibilities; provided, that  
345 any such person shall not be protected from suit or liability for any  
346 damage, loss, injury, or liability caused by the intentional or willful and  
347 wanton misconduct of any such person.

348         2. The liability of any commissioner, or the employee or agent of  
349 a commissioner, acting within the scope of such person's employment  
350 or duties for acts, errors, or omissions occurring within such person's  
351 state may not exceed the limits of liability set forth under the  
352 Constitution and laws of that state for state officials, employees, and  
353 agents. Nothing in this subsection shall be construed to protect any  
354 such person from suit or liability for any damage, loss, injury, or  
355 liability caused by the intentional or willful and wanton misconduct of  
356 any such person.

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

370         4. The Interstate Commission shall indemnify and hold the  
371 commissioner of a compacting state, or the commissioner's  
372 representatives or employees, or the Interstate Commission's  
373 representatives or employees, harmless in the amount of any settlement  
374 or judgment obtained against such persons arising out of any actual or  
375 alleged act, error, or omission that occurred within the scope of  
376 Interstate Commission employment, duties, or responsibilities, or that

377 such persons had a reasonable basis for believing occurred within the  
378 scope of Interstate Commission employment, duties, or responsibilities,  
379 provided that the actual or alleged act, error, or omission did not result  
380 from intentional or willful and wanton misconduct on the part of such  
381 persons.

## 382 ARTICLE VI

### 383 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

384 A. The Interstate Commission shall promulgate and publish rules  
385 in order to effectively and efficiently achieve the purposes of the  
386 compact.

387 B. Rulemaking shall occur pursuant to the criteria set forth in  
388 this article and the bylaws and rules adopted pursuant thereto. Such  
389 rulemaking shall substantially conform to the principles of the "Model  
390 State Administrative Procedures Act," 1981 Act, Uniform Laws  
391 Annotated, Vol. 15, p.1 (2000), or such other administrative procedures  
392 act, as the Interstate Commission deems appropriate consistent with  
393 due process requirements under the U.S. Constitution as now or  
394 hereafter interpreted by the U.S. Supreme Court. All rules and  
395 amendments shall become binding as of the date specified, as published  
396 with the final version of the rule as approved by the commission.

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

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

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

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

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

408 D. Allow, not later than sixty days after a rule is promulgated,  
409 any interested person to file a petition in the United States District  
410 Court for the District of Columbia or in the Federal District Court  
411 where the Interstate Commission's principal office is located for  
412 judicial review of such rule. If the court finds that the Interstate

413 Commission's action is not supported by substantial evidence in the  
414 rulemaking record, the court shall hold the rule unlawful and set it  
415 aside. For purposes of this subsection, evidence is substantial if it  
416 would be considered substantial evidence under the Model State  
417 Administrative Procedures Act.

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

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

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

## 432 ARTICLE VII

### 433 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION

#### 434 BY THE INTERSTATE COMMISSION

##### 435 Section A. Oversight

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

441 2. The courts and executive agencies in each compacting state  
442 shall enforce this compact and shall take all actions necessary and  
443 appropriate to effectuate the compact's purposes and intent. The  
444 provisions of this compact and the rules promulgated hereunder shall  
445 be received by all the judges, public officers, commissions, and  
446 departments of the state government as evidence of the authorized  
447 statute and administrative rules. All courts shall take judicial notice  
448 of the compact and the rules. In any judicial or administrative

449 proceeding in a compacting state pertaining to the subject matter of  
450 this compact which may affect the powers, responsibilities or actions  
451 of the Interstate Commission, it shall be entitled to receive all service  
452 of process in any such proceeding, and shall have standing to intervene  
453 in the proceeding for all purposes.

454 **Section B. Dispute Resolution**

455 1. The compacting states shall report to the Interstate  
456 Commission on all issues and activities necessary for the  
457 administration of the compact as well as issues and activities  
458 pertaining to compliance with the provisions of the compact and its  
459 bylaws and rules.

460 2. The Interstate Commission shall attempt, upon the request of  
461 a compacting state, to resolve any disputes or other issues which are  
462 subject to the compact and which may arise among compacting states  
463 and between compacting and non-compacting states. The commission  
464 shall promulgate a rule providing for both mediation and binding  
465 dispute resolution for disputes among the compacting states.

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

469 **ARTICLE VIII**

470 **FINANCE**

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

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

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

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

#### 498 ARTICLE IX

#### 499 THE STATE COUNCIL

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

#### 513 ARTICLE X

#### 514 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

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

519 B. The compact shall become effective and binding upon  
520 legislative enactment of the compact into law by no less than 35 of the

521 states. The initial effective date shall be the later of July 1, 2004, or  
522 upon enactment into law by the 35th jurisdiction. Thereafter, it shall  
523 become effective and binding as to any other compacting state upon  
524 enactment of the compact into law by that state. The governors of non-  
525 member states or their designees shall be invited to participate in the  
526 activities of the Interstate Commission on a non-voting basis prior to  
527 adoption of the compact by all states and territories of the United  
528 States.

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

#### 534 ARTICLE XI

#### 535 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

#### 536 Section A. Withdrawal

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

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

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

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

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

556 Section B. Technical Assistance, Fines, Suspension, Termination

**557 and Default**

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

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

565           **b. Alternative Dispute Resolution;**

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

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

590           **2. Within sixty days of the effective date of termination of a**  
591 **defaulting state, the commission shall notify the Governor, the Chief**  
592 **Justice or Chief Judicial Officer, the Majority and Minority Leaders of**

593 the defaulting state's legislature, and the state council of such  
594 termination.

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

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

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

#### 605 Section C. Judicial Enforcement

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

#### 615 Section D. Dissolution of Compact

616 1. The compact dissolves effective upon the date of the  
617 withdrawal or default of the compacting state, which reduces  
618 membership in the compact to one compacting state.

619 2. Upon the dissolution of this compact, the compact becomes  
620 null and void and shall be of no further force or effect, and the business  
621 and affairs of the Interstate Commission shall be concluded and any  
622 surplus funds shall be distributed in accordance with the bylaws.

### 623 ARTICLE XII

#### 624 SEVERABILITY AND CONSTRUCTION

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

628 B. The provisions of this compact shall be liberally construed to

629 **effectuate its purposes.**

630

### ARTICLE XIII

631

#### BINDING EFFECT OF COMPACT AND OTHER LAWS

632

##### Section A. Other Laws

633

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

635

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

638

##### Section B. Binding Effect of the Compact

639

1. **All lawful actions of the Interstate Commission, including all  
640 rules and bylaws promulgated by the Interstate Commission, are  
641 binding upon the compacting states.**

642

2. **All agreements between the Interstate Commission and the  
643 compacting states are binding in accordance with their terms.**

644

3. **Upon the request of a party to a conflict over meaning or  
645 interpretation of Interstate Commission actions, and upon a majority  
646 vote of the compacting states, the Interstate Commission may issue  
647 advisory opinions regarding such meaning or interpretation.**

648

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

210.580. The compact shall become binding upon the state of Missouri  
2 [when signed by the commissioners as herein provided and by the proper  
3 authorities of any other state entering into the compact] **upon legislative  
4 enactment of the compact into law by no less than thirty-five of the  
5 states. The initial effective date shall be the later of August 28, 2007,  
6 or upon enactment into law by the thirty-fifth jurisdiction. Thereafter  
7 it shall become effective and binding as to any other compacting state  
8 upon enactment of the compact into law by that state.**

[210.570. Within sixty days after sections 210.570 to

2 210.600 become effective, the governor, by and with the advice and  
3 consent of the senate, shall appoint three commissioners to enter  
4 into a compact on behalf of the state of Missouri with other states.  
5 If the senate is not in session at the time for making such  
6 appointments, the governor shall make temporary appointments as  
7 in the case of a vacancy. Any two of the commissioners so  
8 appointed together with the attorney general of the state of  
9 Missouri may act to enter into the following compact:

#### 10 INTERSTATE COMPACT ON JUVENILES

11 The contracting states solemnly agree:

#### 12 ARTICLE I

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

#### 35 ARTICLE II

36 That all remedies and procedures provided by this compact

37 shall be in addition to and not in substitution for other rights,  
38 remedies and procedures, and shall not be in derogation of parental  
39 rights and responsibilities.

#### 40 ARTICLE III

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

#### 54 ARTICLE IV

55 (a) That the parent, guardian, person or agency entitled to  
56 legal custody of a juvenile who has not been adjudged delinquent  
57 but who has run away without the consent of such parent,  
58 guardian, person or agency may petition the appropriate court in  
59 the demanding state for the issuance of a requisition for his  
60 return. The petition shall state the name and age of the juvenile,  
61 the name of the petitioner and the basis of entitlement to the  
62 juvenile's custody, the circumstances of his running away, his  
63 location if known at the time application is made, and such other  
64 facts as may tend to show that the juvenile who has run away is  
65 endangering his own welfare or the welfare of others and is not an  
66 emancipated minor. The petition shall be verified by affidavit,  
67 shall be executed in duplicate, and shall be accompanied by two  
68 certified copies of the document or documents on which the  
69 petitioner's entitlement to the juvenile's custody is based, such as  
70 birth certificates, letters of guardianship, or custody decrees. Such  
71 further affidavits and other documents as may be deemed proper

72 may be submitted with such petition. The judge of the court to  
73 which this application is made may hold a hearing thereon to  
74 determine whether for the purposes of this compact the petitioner  
75 is entitled to the legal custody of the juvenile, whether or not it  
76 appears that the juvenile has in fact run away without consent,  
77 whether or not he is an emancipated minor, and whether or not it  
78 is in the best interest of the juvenile to compel his return to the  
79 state. If the judge determines, either with or without a hearing,  
80 that the juvenile should be returned, he shall present to the  
81 appropriate court or to the executive authority of the state where  
82 the juvenile is alleged to be located a written requisition for the  
83 return of such juvenile. Such requisition shall set forth the name  
84 and age of the juvenile, the determination of the court that the  
85 juvenile has run away without the consent of a parent, guardian,  
86 person or agency entitled to his legal custody, and that it is in the  
87 best interest and for the protection of such juvenile that he be  
88 returned. In the event that a proceeding for the adjudication of the  
89 juvenile as a delinquent, neglected or dependent juvenile is  
90 pending in the court at the time when such juvenile runs away, the  
91 court may issue a requisition for the return of such juvenile upon  
92 its own motion, regardless of the consent of the parent, guardian,  
93 person or agency entitled to legal custody, reciting therein the  
94 nature and circumstances of the pending proceeding. The  
95 requisition shall in every case be executed in duplicate and shall  
96 be signed by the judge. One copy of the requisition shall be filed  
97 with the compact administrator of the demanding state, there to  
98 remain on file subject to the provisions of law governing records of  
99 such court. Upon the receipt of a requisition demanding the return  
100 of a juvenile who has run away, the court or the executive  
101 authority to whom the requisition is addressed shall issue an order  
102 to any peace officer or other appropriate person directing him to  
103 take into custody and detain such juvenile. Such detention order  
104 must substantially recite the facts necessary to the validity of its  
105 issuance hereunder. No juvenile detained upon such order shall be  
106 delivered over to the officer whom the court demanding him shall

107 have appointed to receive him, unless he shall first be taken  
108 forthwith before a judge of a court in the state, who shall inform  
109 him of the demand made for his return, and who may appoint  
110 counsel or guardian ad litem for him. If the judge of such court  
111 shall find that the requisition is in order, he shall deliver such  
112 juvenile over to the officer whom the court demanding him shall  
113 have appointed to receive him. The judge, however, may fix a  
114 reasonable time to be allowed for the purpose of testing the legality  
115 of the proceeding.

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

142 appropriate under the laws of that state.

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

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

#### 150 ARTICLE V

151 (a) That the appropriate person or authority from whose  
152 probation or parole supervision a delinquent juvenile has  
153 absconded or from whose institutional custody he has escaped shall  
154 present to the appropriate court or to the executive authority of the  
155 state where the delinquent juvenile is alleged to be located a  
156 written requisition for the return of such delinquent juvenile. Such  
157 requisition shall state the name and age of the delinquent juvenile,  
158 the particulars of his adjudication as a delinquent juvenile, the  
159 circumstances of the breach of the terms of his probation or parole  
160 or of his escape from an institution or agency vested with his legal  
161 custody or supervision, and the location of such delinquent  
162 juvenile, if known, at the time the requisition is made. The  
163 requisition shall be verified by affidavit, shall be executed in  
164 duplicate, and shall be accompanied by two certified copies of the  
165 judgment, formal adjudication, or order of commitment which  
166 subjects such delinquent juvenile to probation or parole or to the  
167 legal custody of the institution or agency concerned. Such further  
168 affidavits and other documents as may be deemed proper may be  
169 submitted with such requisition. One copy of the requisition shall  
170 be filed with the compact administrator of the demanding state,  
171 there to remain on file subject to the provisions of law governing  
172 records of the appropriate court. Upon the receipt of a requisition  
173 demanding the return of a delinquent juvenile who has absconded  
174 or escaped, the court or the executive authority to whom the  
175 requisition is addressed shall issue an order to any peace officer or  
176 other appropriate person directing him to take into custody and

177 detain such delinquent juvenile. Such detention order must  
178 substantially recite the facts necessary to the validity of the  
179 issuance hereunder. No delinquent juvenile detained upon such  
180 order shall be delivered over to the officer whom the appropriate  
181 person or authority demanding him shall have appointed to receive  
182 him, unless he shall first be taken forthwith before a judge of an  
183 appropriate court in the state, who shall inform him of the demand  
184 made for his return and who may appoint counsel or guardian ad  
185 litem for him. If the judge of such court shall find that the  
186 requisition is in order, he shall deliver such delinquent juvenile  
187 over to the officer whom the appropriate person or authority  
188 demanding him shall have appointed to receive him. The judge,  
189 however, may fix a reasonable time to be allowed for the purpose  
190 of testing the legality of the proceeding.

191           Upon reasonable information that a person is a delinquent  
192 juvenile who has absconded while on probation or parole, or  
193 escaped from an institution or agency vested with his legal custody  
194 or supervision in any state party to this compact, such person may  
195 be taken into custody in any other state party to this compact  
196 without a requisition. But in such event, he must be taken  
197 forthwith before a judge of the appropriate court, who may appoint  
198 counsel or guardian ad litem for such person and who shall  
199 determine, after a hearing, whether sufficient cause exists to hold  
200 the person subject to the order of the court for such a time, not  
201 exceeding ninety days, as will enable his detention under a  
202 detention order issued on a requisition pursuant to this Article. If,  
203 at the time when a state seeks the return of a delinquent juvenile  
204 who has either absconded while on probation or parole or escaped  
205 from an institution or agency vested with his legal custody or  
206 supervision, there is pending in the state wherein he is detained  
207 any criminal charge or any proceeding to have him adjudicated a  
208 delinquent juvenile for an act committed in such state, or if he is  
209 suspected of having committed within such state a criminal offense  
210 or an act of juvenile delinquency, he shall not be returned without  
211 the consent of such state until discharged from prosecution or other

212 form of proceeding, imprisonment, detention or supervision for such  
213 offense or juvenile delinquency. The duly accredited officers of any  
214 state party to this compact, upon the establishment of their  
215 authority and the identity of the delinquent juvenile being  
216 returned, shall be permitted to transport such delinquent juvenile  
217 through any and all states party to this compact, without  
218 interference. Upon his return to the state from which he escaped  
219 or absconded, the delinquent juvenile shall be subject to such  
220 further proceedings as may be appropriate under the laws of that  
221 state.

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

#### 225 ARTICLE VI

226 That any delinquent juvenile who has absconded while on  
227 probation or parole, or escaped from an institution or agency vested  
228 with his legal custody or supervision in any state party to this  
229 compact, and any juvenile who has run away from any state party  
230 to this compact, who is taken into custody without a requisition in  
231 another state party to this compact under the provisions of Article  
232 IV(a) or of Article V(a), may consent to his immediate return to the  
233 state from which he absconded, escaped or ran away. Such consent  
234 shall be given by the juvenile or delinquent juvenile and his  
235 counsel or guardian ad litem if any, by executing or subscribing a  
236 writing, in the presence of a judge of the appropriate court, which  
237 states that the juvenile or delinquent juvenile and his counsel or  
238 guardian ad litem, if any, consent to his return to the demanding  
239 state. Before such consent shall be executed or subscribed,  
240 however, the judge, in the presence of counsel or guardian ad litem,  
241 if any, shall inform the juvenile or delinquent juvenile of his rights  
242 under this compact. When the consent has been duly executed, it  
243 shall be forwarded to and filed with the compact administrator of  
244 the state in which the court is located and the judge shall direct  
245 the officer having the juvenile or delinquent juvenile in custody to  
246 deliver him to the duly accredited officer or officers of the state

247 demanding his return, and shall cause to be delivered to such  
248 officer or officers a copy of the consent. The court may, however,  
249 upon the request of the state to which the juvenile or delinquent  
250 juvenile is being returned, order him to return unaccompanied to  
251 such state and shall provide him with a copy of such court order;  
252 in such event a copy of the consent shall be forwarded to the  
253 compact administrator of the state to which said juvenile or  
254 delinquent juvenile is ordered to return.

#### 255 ARTICLE VII

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

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

281 (c) That, after consultation between the appropriate

282 authorities of the sending state and of the receiving state as to the  
283 desirability and necessity of returning such a delinquent juvenile,  
284 the duly accredited officers of a sending state may enter a receiving  
285 state and there apprehend and retake any such delinquent juvenile  
286 on probation or parole. For that purpose, no formalities will be  
287 required, other than establishing the authority of the officer and  
288 the identity of the delinquent juvenile to be retaken and  
289 returned. The decision of the sending state to retake a delinquent  
290 juvenile on probation or parole shall be conclusive upon and not  
291 reviewable within the receiving state, but if, at the time the  
292 sending state seeks to retake a delinquent juvenile on probation or  
293 parole, there is pending against him within the receiving state any  
294 criminal charge or any proceeding to have him adjudicated a  
295 delinquent juvenile for any act committed in such state, or if he is  
296 suspected of having committed within such state a criminal offense  
297 or an act of juvenile delinquency, he shall not be returned without  
298 the consent of the receiving state until discharged from prosecution  
299 or other form of proceeding, imprisonment, detention or supervision  
300 for such offense or juvenile delinquency. The duly accredited  
301 officers of the sending state shall be permitted to transport  
302 delinquent juveniles being so returned through any and all states  
303 party to this compact, without interference.

304 (d) That the sending state shall be responsible under this  
305 Article for paying the costs of transporting any delinquent juvenile  
306 to the receiving state or of returning any delinquent juvenile to the  
307 sending state.

#### 308 ARTICLE VIII

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

315 (b) That nothing in this compact shall be construed to  
316 prevent any party state or subdivision thereof from asserting any

317 right against any person, agency or other entity in regard to costs  
318 for which such party state or subdivision thereof may be  
319 responsible pursuant to Articles IV(b), V(b) or VII(d) of this  
320 compact.

#### 321 ARTICLE IX

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

#### 327 ARTICLE X

328 That the duly constituted administrative authorities of a  
329 state party to this compact may enter into supplementary  
330 agreements with any other state or states party hereto for the  
331 cooperative care, treatment and rehabilitation of delinquent  
332 juveniles whenever they shall find that such agreements will  
333 improve the facilities or programs available for such care,  
334 treatment and rehabilitation. Such care, treatment and  
335 rehabilitation may be provided in an institution located within any  
336 state entering into such supplementary agreement. Such  
337 supplementary agreements shall (1) provide the rates to be paid for  
338 the care, treatment and custody of such delinquent juveniles,  
339 taking into consideration the character of facilities, services and  
340 subsistence furnished; (2) provide that the delinquent juvenile shall  
341 be given a court hearing prior to his being sent to another state for  
342 care, treatment and custody; (3) provide that the state receiving  
343 such a delinquent juvenile in one of its institutions shall act solely  
344 as agent for the state sending such delinquent juvenile; (4) provide  
345 that the sending state shall at all times retain jurisdiction over  
346 delinquent juveniles sent to an institution in another state; (5)  
347 provide for reasonable inspection of such institutions by the  
348 sending state; (6) provide that the consent of the parent, guardian,  
349 person or agency entitled to the legal custody of said delinquent  
350 juvenile shall be secured prior to his being sent to another state;  
351 and (7) make provision for such other matters and details as shall

352 be necessary to protect the rights and equities of such delinquent  
353 juveniles and of the cooperating states.

354

## ARTICLE XI

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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.

362

## ARTICLE XII

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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.

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## ARTICLE XIII

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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.

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## ARTICLE XIV

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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.

386

## ARTICLE XV

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

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

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

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

          2. All provisions and procedures of article V and article VI  
5 of section 210.570 shall be construed to apply to any juvenile  
6 charged with being a delinquent by reason of violating any criminal  
7 law which constitutes a felony. Any juvenile charged with being a  
8 delinquent by reason of violating any criminal law which  
9 constitutes a felony shall be returned to the requesting state upon  
10 a requisition to the state where the juvenile may be found. A  
11 petition in such case shall be filed in a court of competent

12 jurisdiction in the requesting state where the violation of criminal  
13 law is alleged to have been committed. The petition may be filed  
14 regardless of whether the juvenile has left the requesting state  
15 before or after the filing of the petition. The requisition described  
16 in article V of section 210.570 shall be forwarded by the judge of  
17 the court in which the petition has been filed.]

Section B. The enactment of section 210.570 of Section A of this act, the  
2 repeal and reenactment of section 210.580 of Section A of this act, and the repeal  
3 of sections 210.570, 210.595, 210.600, and 210.610 of Section A of this act shall  
4 become effective August 28, 2007, or upon legislative enactment of the compact  
5 into law by no less than thirty-five of the states, whichever later occurs.

✓

Bill

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