



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB2821

Introduced 2/15/2008, by Sen. Kwame Raoul

#### SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 100/1-5	from Ch. 127, par. 1001-5
730 ILCS 5/3-2.5-20	
730 ILCS 5/3-2.5-110 new	
730 ILCS 5/3-3-11.05	
730 ILCS 5/3-3-11.1	from Ch. 38, par. 1003-3-11.1
730 ILCS 5/3-3-11.2	from Ch. 38, par. 1003-3-11.2

Creates the Interstate Compact for Juveniles Act of 2008. Provides for the adoption by Illinois of the Interstate Compact for Juveniles. Amends the Unified Code of Corrections. Establishes purposes for the Interstate Compact for Juveniles. Provides that the Department of Juvenile Justice shall administer the Interstate Compact for Juveniles, with respect to all juveniles under its jurisdiction, and shall cooperate with the Department of Human Services with regard to all non-offender juveniles subject to the Interstate Compact for Juveniles. Authorizes the Governor to enter into the Interstate Compact for Juveniles. Increases the membership on the State Council for Interstate Compacts. Effective immediately.

LRB095 19866 RLC 46265 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning juveniles.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Interstate Compact for Juveniles Act of 2008.

6 Section 5. Purposes.

7 (a) The interstate compact on juveniles was established in  
8 1955 and is the compact addressing the needs of juveniles  
9 within the juvenile justice system who move between states and  
10 has not been sufficiently updated in its more than 50-year  
11 existence.

12 (b) This compact is the only vehicle for the interstate  
13 supervision of juvenile offenders, the return of absconders and  
14 escapees, and runaways.

15 (c) The complexities of the compact have become more  
16 difficult to administer, and many jurisdictions have expanded  
17 supervision expectations to include currently unregulated  
18 practices such as victim input, victim notification  
19 requirements, and sex offender registration, and age-related  
20 issues.

21 (d) After the successful adoption 4 years ago of a new  
22 interstate compact for adult offenders, the need for an updated  
23 compact for juveniles became apparent.

1 (e) After exhaustive research and a detailed study, the  
2 Office of Juvenile Justice and Delinquency Prevention and the  
3 Council of State Governments has recommended that the following  
4 compact be adopted by each state and territory in the United  
5 States, to better address public safety, enforcement,  
6 accountability, and communications among the states.

7 (f) The National District Attorneys Association, the  
8 National Center for Mission and Exploited Children, the  
9 National Juvenile Detention Association all join with the  
10 Office of Juvenile Justice and Delinquency Prevention and the  
11 Council of State Governments to recommend the adoption of this  
12 interstate compact.

13 Section 10. Interstate Compact for Juveniles. The Governor  
14 is hereby authorized to enter into a compact on behalf of this  
15 State with any of the United States legally joining therein in  
16 the form substantially as follows:

17 THE INTERSTATE COMPACT FOR JUVENILES

18 ARTICLE I

19 PURPOSE

20 The compacting states to this Interstate Compact recognize  
21 that each state is responsible for the proper supervision or  
22 return of juveniles, delinquents and status offenders who are  
23 on probation or parole and who have absconded, escaped or run  
24 away from supervision and control and in so doing have  
25 endangered their own safety and the safety of others. The

1 compacting states also recognize that each state is responsible  
2 for the safe return of juveniles who have run away from home  
3 and in doing so have left their state of residence. The  
4 compacting states also recognize that Congress, by enacting the  
5 Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized  
6 and encouraged compacts for cooperative efforts and mutual  
7 assistance in the prevention of crime.

8 It is the purpose of this compact, through means of joint  
9 and cooperative action among the compacting states to: (A)  
10 ensure that the adjudicated juveniles and status offenders  
11 subject to this compact are provided adequate supervision and  
12 services in the receiving state as ordered by the adjudicating  
13 judge or parole authority in the sending state; (B) ensure that  
14 the public safety interests of the citizens, including the  
15 victims of juvenile offenders, in both the sending and  
16 receiving states are adequately protected; (C) return  
17 juveniles who have run away, absconded or escaped from  
18 supervision or control or have been accused of an offense to  
19 the state requesting their return; (D) make contracts for the  
20 cooperative institutionalization in public facilities in  
21 member states for delinquent youth needing special services;  
22 (E) provide for the effective tracking and supervision of  
23 juveniles; (F) equitably allocate the costs, benefits and  
24 obligations of the compacting states; (G) establish procedures  
25 to manage the movement between states of juvenile offenders  
26 released to the community under the jurisdiction of courts,

1 juvenile departments, or any other criminal or juvenile justice  
2 agency which has jurisdiction over juvenile offenders; (H)  
3 insure immediate notice to jurisdictions where defined  
4 offenders are authorized to travel or to relocate across state  
5 lines; (I) establish procedures to resolve pending charges  
6 (detainers) against juvenile offenders prior to transfer or  
7 release to the community under the terms of this compact; (J)  
8 establish a system of uniform data collection on information  
9 pertaining to juveniles subject to this compact that allows  
10 access by authorized juvenile justice and criminal justice  
11 officials, and regular reporting of Compact activities to heads  
12 of state executive, judicial, and legislative branches and  
13 juvenile and criminal justice administrators; (K) monitor  
14 compliance with rules governing interstate movement of  
15 juveniles and initiate interventions to address and correct  
16 non-compliance; (L) coordinate training and education  
17 regarding the regulation of interstate movement of juveniles  
18 for officials involved in such activity; and (M) coordinate the  
19 implementation and operation of the compact with the Interstate  
20 Compact for the Placement of Children, the Interstate Compact  
21 for Adult Offender Supervision and other compacts affecting  
22 juveniles particularly in those cases where concurrent or  
23 overlapping supervision issues arise. It is the policy of the  
24 compacting states that the activities conducted by the  
25 Interstate Commission created herein are the formation of  
26 public policies and therefore are public business.

1 Furthermore, the compacting states shall cooperate and observe  
2 their individual and collective duties and responsibilities  
3 for the prompt return and acceptance of juveniles subject to  
4 the provisions of this compact. The provisions of this compact  
5 shall be reasonably and liberally construed to accomplish the  
6 purposes and policies of the compact.

7 ARTICLE II

8 DEFINITIONS

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

11 A. "By-laws" means: those by-laws established by the  
12 Interstate Commission for its governance, or for directing or  
13 controlling its actions or conduct.

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

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

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

26 E. "Court" means: any court having jurisdiction over

1 delinquent, neglected, or dependent children.

2 F. "Deputy Compact Administrator" means: the individual,  
3 if any, in each compacting state appointed to act on behalf of  
4 a Compact Administrator pursuant to the terms of this compact  
5 responsible for the administration and management of the  
6 state's supervision and transfer of juveniles subject to the  
7 terms of this compact, the rules adopted by the Interstate  
8 Commission and policies adopted by the State Council under this  
9 compact.

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

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

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

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

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

25 (4) Adjudicated Status Offender - a person found to  
26 have committed an offense that would not be a criminal

1 offense if committed by an adult; and

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

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

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

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

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

22 ARTICLE III

23 INTERSTATE COMMISSION FOR JUVENILES

24 A. The compacting states hereby create the "Interstate  
25 Commission for Juveniles." The commission shall be a body  
26 corporate and joint agency of the compacting states. The



1 commission shall have all the responsibilities, powers and  
2 duties set forth herein, and such additional powers as may be  
3 conferred upon it by subsequent action of the respective  
4 legislatures of the compacting states in accordance with the  
5 terms of this compact.

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

15 C. In addition to the commissioners who are the voting  
16 representatives of each state, the Interstate Commission shall  
17 include individuals who are not commissioners, but who are  
18 members of interested organizations. Such non-commissioner  
19 members must include a member of the national organizations of  
20 governors, legislators, state chief justices, attorneys  
21 general, Interstate Compact for Adult Offender Supervision,  
22 Interstate Compact for the Placement of Children, juvenile  
23 justice and juvenile corrections officials, and crime victims.  
24 All non-commissioner members of the Interstate Commission  
25 shall be ex-officio (non-voting) members. The Interstate  
26 Commission may provide in its by-laws for such additional

1 ex-officio (non-voting) members, including members of other  
2 national organizations, in such numbers as shall be determined  
3 by the commission.

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

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

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

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

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

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

26           1. Relate solely to the Interstate Commission's

- 1 internal personnel practices and procedures;
- 2 2. Disclose matters specifically exempted from  
3 disclosure by statute;
- 4 3. Disclose trade secrets or commercial or financial  
5 information which is privileged or confidential;
- 6 4. Involve accusing any person of a crime, or formally  
7 censuring any person;
- 8 5. Disclose information of a personal nature where  
9 disclosure would constitute a clearly unwarranted invasion  
10 of personal privacy;
- 11 6. Disclose investigative records compiled for law  
12 enforcement purposes;
- 13 7. Disclose information contained in or related to  
14 examination, operating or condition reports prepared by,  
15 or on behalf of or for the use of, the Interstate  
16 Commission with respect to a regulated person or entity for  
17 the purpose of regulation or supervision of such person or  
18 entity;
- 19 8. Disclose information, the premature disclosure of  
20 which would significantly endanger the stability of a  
21 regulated person or entity; or
- 22 9. Specifically relate to the Interstate Commission's  
23 issuance of a subpoena, or its participation in a civil  
24 action or other legal proceeding.
- 25 J. For every meeting closed pursuant to this provision, the  
26 Interstate Commission's legal counsel shall publicly certify

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

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

#### 20 ARTICLE IV

##### 21 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

22 The commission shall have the following powers and duties:

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

25 2. To promulgate rules to effect the purposes and  
26 obligations as enumerated in this compact, which shall have the

1 force and effect of statutory law and shall be binding in the  
2 compacting states to the extent and in the manner provided in  
3 this compact.

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

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

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

14 6. To purchase and maintain insurance and bonds.

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

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

23 9. To elect or appoint such officers, attorneys, employees,  
24 agents, or consultants, and to fix their compensation, define  
25 their duties and determine their qualifications; and to  
26 establish the Interstate Commission's personnel policies and

1 programs relating to, inter alia, conflicts of interest, rates  
2 of compensation, and qualifications of personnel.

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

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

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

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

14 14. To sue and be sued.

15 15. To adopt a seal and by-laws governing the management  
16 and operation of the Interstate Commission.

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

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

25 18. To coordinate education, training and public awareness  
26 regarding the interstate movement of juveniles for officials

1 involved in such activity.

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

4 20. The Interstate Commission shall maintain its corporate  
5 books and records in accordance with the By-laws.

6 ARTICLE V

7 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

8 Section A. By-laws

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

14 a. Establishing the fiscal year of the Interstate  
15 Commission;

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

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

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

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

26 f. Providing a mechanism for concluding the operations



1 of the Interstate Commission and the return of any surplus  
2 funds that may exist upon the termination of the Compact  
3 after the payment and/or reserving of all of its debts and  
4 obligations.

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

7 h. Establishing standards and procedures for  
8 compliance and technical assistance in carrying out the  
9 compact.

10 Section B. Officers and Staff

11 1. The Interstate Commission shall, by a majority of the  
12 members, elect annually from among its members a chairperson  
13 and a vice chairperson, each of whom shall have such authority  
14 and duties as may be specified in the by-laws. The chairperson  
15 or, in the chairperson's absence or disability, the  
16 vice-chairperson shall preside at all meetings of the  
17 Interstate Commission. The officers so elected shall serve  
18 without compensation or remuneration from the Interstate  
19 Commission; provided that, subject to the availability of  
20 budgeted funds, the officers shall be reimbursed for any  
21 ordinary and necessary costs and expenses incurred by them in  
22 the performance of their duties and responsibilities as  
23 officers of the Interstate Commission.

24 2. The Interstate Commission shall, through its executive  
25 committee, appoint or retain an executive director for such  
26 period, upon such terms and conditions and for such

1 compensation as the Interstate Commission may deem  
2 appropriate. The executive director shall serve as secretary to  
3 the Interstate Commission, but shall not be a Member and shall  
4 hire and supervise such other staff as may be authorized by the  
5 Interstate Commission.

6 Section C. Qualified Immunity, Defense and Indemnification

7 1. The Commission's executive director and employees shall  
8 be immune from suit and liability, either personally or in  
9 their official capacity, for any claim for damage to or loss of  
10 property or personal injury or other civil liability caused or  
11 arising out of or relating to any actual or alleged act, error,  
12 or omission that occurred, or that such person had a reasonable  
13 basis for believing occurred within the scope of Commission  
14 employment, duties, or responsibilities; provided, that any  
15 such person shall not be protected from suit or liability for  
16 any damage, loss, injury, or liability caused by the  
17 intentional or willful and wanton misconduct of any such  
18 person.

19 2. The liability of any commissioner, or the employee or  
20 agent of a commissioner, acting within the scope of such  
21 person's employment or duties for acts, errors, or omissions  
22 occurring within such person's state may not exceed the limits  
23 of liability set forth under the Constitution and laws of that  
24 state for state officials, employees, and agents. Nothing in  
25 this subsection shall be construed to protect any such person  
26 from suit or liability for any damage, loss, injury, or

1 liability caused by the intentional or willful and wanton  
2 misconduct of any such person.

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

17 4. The Interstate Commission shall indemnify and hold the  
18 commissioner of a compacting state, or the commissioner's  
19 representatives or employees, or the Interstate Commission's  
20 representatives or employees, harmless in the amount of any  
21 settlement or judgment obtained against such persons arising  
22 out of any actual or alleged act, error, or omission that  
23 occurred within the scope of Interstate Commission employment,  
24 duties, or responsibilities, or that such persons had a  
25 reasonable basis for believing occurred within the scope of  
26 Interstate Commission employment, duties, or responsibilities,

1 provided that the actual or alleged act, error, or omission did  
2 not result from intentional or willful and wanton misconduct on  
3 the part of such persons.

4 ARTICLE VI

5 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

6 A. The Interstate Commission shall promulgate and publish  
7 rules in order to effectively and efficiently achieve the  
8 purposes of the compact.

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

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

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

25 2. allow and invite any and all persons to submit  
26 written data, facts, opinions and arguments, which

1 information shall be added to the record, and be made  
2 publicly available;

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

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

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

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

24 F. The existing rules governing the operation of the  
25 Interstate Compact on Juveniles superceded by this act shall be  
26 null and void twelve (12) months after the first meeting of the

1 Interstate Commission created hereunder.

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

9 ARTICLE VII

10 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE

11 INTERSTATE COMMISSION

12 Section A. Oversight

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

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

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

8 Section B. Dispute Resolution

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

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

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

25 ARTICLE VIII

26 FINANCE

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

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

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

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



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

4 ARTICLE IX

5 THE STATE COUNCIL

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

20 ARTICLE X

21 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

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

1           B. The compact shall become effective and binding upon  
2 legislative enactment of the compact into law by no less than  
3 35 of the states. The initial effective date shall be the later  
4 of July 1, 2004 or upon enactment into law by the 35th  
5 jurisdiction. Thereafter it shall become effective and binding  
6 as to any other compacting state upon enactment of the compact  
7 into law by that state. The governors of non-member states or  
8 their designees shall be invited to participate in the  
9 activities of the Interstate Commission on a non-voting basis  
10 prior to adoption of the compact by all states and territories  
11 of the United States.

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

#### 17                           ARTICLE XI

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

##### 19           Section A. Withdrawal

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

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

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

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

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

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

18           1. If the Interstate Commission determines that any  
19 compacting state has at any time defaulted in the performance  
20 of any of its obligations or responsibilities under this  
21 compact, or the by-laws or duly promulgated rules, the  
22 Interstate Commission may impose any or all of the following  
23 penalties:

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

26           b. Alternative Dispute Resolution;

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

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

1           privileges and benefits conferred by this compact shall be  
2           terminated from the effective date of termination.

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

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

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

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

#### 20           Section C. Judicial Enforcement

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

1 and by-laws, against any compacting state in default. In the  
2 event judicial enforcement is necessary the prevailing party  
3 shall be awarded all costs of such litigation including  
4 reasonable attorneys fees.

5 Section D. Dissolution of Compact

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

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

14 ARTICLE XII

15 SEVERABILITY AND CONSTRUCTION

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

20 B. The provisions of this compact shall be liberally  
21 construed to effectuate its purposes.

22 ARTICLE XIII

23 BINDING EFFECT OF COMPACT AND OTHER LAWS

24 Section A. Other Laws

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

1 compact.

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

5 Section B. Binding Effect of the Compact

6 1. All lawful actions of the Interstate Commission,  
7 including all rules and by-laws promulgated by the Interstate  
8 Commission, are binding upon the compacting states.

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

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

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

1 Section 75. The Illinois Administrative Procedure Act is  
2 amended by changing Section 1-5 as follows:

3 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

4 Sec. 1-5. Applicability.

5 (a) This Act applies to every agency as defined in this  
6 Act. Beginning January 1, 1978, in case of conflict between the  
7 provisions of this Act and the Act creating or conferring power  
8 on an agency, this Act shall control. If, however, an agency  
9 (or its predecessor in the case of an agency that has been  
10 consolidated or reorganized) has existing procedures on July 1,  
11 1977, specifically for contested cases or licensing, those  
12 existing provisions control, except that this exception  
13 respecting contested cases and licensing does not apply if the  
14 Act creating or conferring power on the agency adopts by  
15 express reference the provisions of this Act. Where the Act  
16 creating or conferring power on an agency establishes  
17 administrative procedures not covered by this Act, those  
18 procedures shall remain in effect.

19 (b) The provisions of this Act do not apply to (i)  
20 preliminary hearings, investigations, or practices where no  
21 final determinations affecting State funding are made by the  
22 State Board of Education, (ii) legal opinions issued under  
23 Section 2-3.7 of the School Code, (iii) as to State colleges  
24 and universities, their disciplinary and grievance  
25 proceedings, academic irregularity and capricious grading



1 proceedings, and admission standards and procedures, and (iv)  
2 the class specifications for positions and individual position  
3 descriptions prepared and maintained under the Personnel Code.  
4 Those class specifications shall, however, be made reasonably  
5 available to the public for inspection and copying. The  
6 provisions of this Act do not apply to hearings under Section  
7 20 of the Uniform Disposition of Unclaimed Property Act.

8 (c) Section 5-35 of this Act relating to procedures for  
9 rulemaking does not apply to the following:

10 (1) Rules adopted by the Pollution Control Board that,  
11 in accordance with Section 7.2 of the Environmental  
12 Protection Act, are identical in substance to federal  
13 regulations or amendments to those regulations  
14 implementing the following: Sections 3001, 3002, 3003,  
15 3004, 3005, and 9003 of the Solid Waste Disposal Act;  
16 Section 105 of the Comprehensive Environmental Response,  
17 Compensation, and Liability Act of 1980; Sections 307(b),  
18 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal  
19 Water Pollution Control Act; and Sections 1412(b),  
20 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking  
21 Water Act.

22 (2) Rules adopted by the Pollution Control Board that  
23 establish or amend standards for the emission of  
24 hydrocarbons and carbon monoxide from gasoline powered  
25 motor vehicles subject to inspection under ~~Section 13A-105~~  
26 ~~of the Vehicle Emissions Inspection Law and rules adopted~~

1 ~~under Section 13B-20~~ of the Vehicle Emissions Inspection  
2 Law of 2005 or its predecessor laws 1995.

3 (3) Procedural rules adopted by the Pollution Control  
4 Board governing requests for exceptions under Section 14.2  
5 of the Environmental Protection Act.

6 (4) The Pollution Control Board's grant, pursuant to an  
7 adjudicatory determination, of an adjusted standard for  
8 persons who can justify an adjustment consistent with  
9 subsection (a) of Section 27 of the Environmental  
10 Protection Act.

11 (5) Rules adopted by the Pollution Control Board that  
12 are identical in substance to the regulations adopted by  
13 the Office of the State Fire Marshal under clause (ii) of  
14 paragraph (b) of subsection (3) of Section 2 of the  
15 Gasoline Storage Act.

16 (d) Pay rates established under Section 8a of the Personnel  
17 Code shall be amended or repealed pursuant to the process set  
18 forth in Section 5-50 within 30 days after it becomes necessary  
19 to do so due to a conflict between the rates and the terms of a  
20 collective bargaining agreement covering the compensation of  
21 an employee subject to that Code.

22 (e) Section 10-45 of this Act shall not apply to any  
23 hearing, proceeding, or investigation conducted under Section  
24 13-515 of the Public Utilities Act.

25 (f) Article 10 of this Act does not apply to any hearing,  
26 proceeding, or investigation conducted by the State Council for

1 the State of Illinois created under Section 3-3-11.05 of the  
2 Unified Code of Corrections or by the Interstate Commission for  
3 Adult Offender Supervision created under the Interstate  
4 Compact for Adult Offender Supervision or by the Interstate  
5 Commission for Juveniles created under the Interstate Compact  
6 for Juveniles.

7 (g) This Act is subject to the provisions of Article XXI of  
8 the Public Utilities Act. To the extent that any provision of  
9 this Act conflicts with the provisions of that Article XXI, the  
10 provisions of that Article XXI control.

11 (Source: P.A. 95-9, eff. 6-30-07; 95-331, eff. 8-21-07; revised  
12 1-30-08.)

13 Section 80. The Unified Code of Corrections is amended by  
14 changing Sections 3-2.5-20, 3-3-11.05, 3-3-11.1, and 3-3-11.2  
15 and by adding Section 3-2.5-110 as follows:

16 (730 ILCS 5/3-2.5-20)

17 Sec. 3-2.5-20. General powers and duties.

18 (a) In addition to the powers, duties, and responsibilities  
19 which are otherwise provided by law or transferred to the  
20 Department as a result of this Article, the Department, as  
21 determined by the Director, shall have, but are not limited to,  
22 the following rights, powers, functions and duties:

23 (1) To accept juveniles committed to it by the courts  
24 of this State for care, custody, treatment, and

1 rehabilitation.

2 (2) To maintain and administer all State juvenile  
3 correctional institutions previously under the control of  
4 the Juvenile and Women's & Children Divisions of the  
5 Department of Corrections, and to establish and maintain  
6 institutions as needed to meet the needs of the youth  
7 committed to its care.

8 (3) To identify the need for and recommend the funding  
9 and implementation of an appropriate mix of programs and  
10 services within the juvenile justice continuum, including  
11 but not limited to prevention, nonresidential and  
12 residential commitment programs, day treatment, and  
13 conditional release programs and services, with the  
14 support of educational, vocational, alcohol, drug abuse,  
15 and mental health services where appropriate.

16 (4) To establish and provide transitional and  
17 post-release treatment programs for juveniles committed to  
18 the Department. Services shall include but are not limited  
19 to:

20 (i) family and individual counseling and treatment  
21 placement;

22 (ii) referral services to any other State or local  
23 agencies;

24 (iii) mental health services;

25 (iv) educational services;

26 (v) family counseling services; and

1 (vi) substance abuse services.

2 (5) To access vital records of juveniles for the  
3 purposes of providing necessary documentation for  
4 transitional services such as obtaining identification,  
5 educational enrollment, employment, and housing.

6 (6) To develop staffing and workload standards and  
7 coordinate staff development and training appropriate for  
8 juvenile populations.

9 (7) To develop, with the approval of the Office of the  
10 Governor and the Governor's Office of Management and  
11 Budget, annual budget requests.

12 (8) To administer the Interstate Compact for  
13 Juveniles, with respect to all juveniles under its  
14 jurisdiction, and to cooperate with the Department of Human  
15 Services with regard to all non-offender juveniles subject  
16 to the Interstate Compact for Juveniles.

17 (b) The Department may employ personnel in accordance with  
18 the Personnel Code and Section 3-2.5-15 of this Code, provide  
19 facilities, contract for goods and services, and adopt rules as  
20 necessary to carry out its functions and purposes, all in  
21 accordance with applicable State and federal law.

22 (Source: P.A. 94-696, eff. 6-1-06.)

23 (730 ILCS 5/3-2.5-110 new)

24 Sec. 3-2.5-110. State Compact Administrator. A State  
25 Compact Administrator for the Interstate Compact for Juveniles

1 shall be appointed by the Governor. The Juvenile State Compact  
2 Administrator shall be a representative of the Illinois  
3 Department of Juvenile Justice and shall act as the day-to-day  
4 administrator for the Interstate Compact for Juveniles. The  
5 State Compact Administrator shall serve as the State's  
6 Commissioner to the Interstate Commission for Juveniles, as  
7 provided in Article III of the Compact. One Deputy State  
8 Compact Administrator from probation shall be appointed by the  
9 Supreme Court. A second Deputy State Compact Administrator  
10 shall be appointed by the Department of Human Services.

11 (730 ILCS 5/3-3-11.05)

12 Sec. 3-3-11.05. State Council for Interstate Compacts for  
13 the State of Illinois.

14 (a) Membership and appointing authority.

15 (1) A State Compact Administrator for the Interstate  
16 Compact for Adult Offender Supervision shall be appointed  
17 by the Governor. The Adult Offender Supervision Compact  
18 Administrator shall be a representative of the Illinois  
19 Department of Corrections and shall ~~serve as Chairperson of~~  
20 ~~the State Council, as well as~~ act as the day-to-day  
21 administrator for the Interstate Compact for Adult  
22 Offender Supervision. The State Compact Administrator  
23 shall serve as the State's Commissioner to the Interstate  
24 Commission for Adult Offenders, as provided in Article IV  
25 of the Compact. The Adult Offender Supervision Compact

1       Administrator shall serve as Chairperson of the State  
2       Council for Interstate Compacts, except that the State  
3       Compact Administrator for the Interstate Compact for  
4       Juveniles may be designated by the State Council to serve  
5       as Chairperson for the State Council when juvenile issues  
6       come before the council. ~~The State Compact Administrator~~  
7       ~~shall serve as the State's Commissioner to the Interstate~~  
8       ~~Commission as provided in Article IV of the Compact.~~

9           (2) A Deputy Compact Administrator from probation  
10       shall be appointed by the Supreme Court.

11           (3) A representative shall be appointed by the Speaker  
12       of the House of Representatives.

13           (4) A representative shall be appointed by the Minority  
14       Leader of the House of Representatives.

15           (5) A representative shall be appointed by the  
16       President of the Senate.

17           (6) A representative shall be appointed by the Minority  
18       Leader of the Senate.

19           (7) A judicial representative shall be appointed by the  
20       Supreme Court.

21           (8) A representative from a crime victims' advocacy  
22       group shall be appointed by the Governor.

23           (9) A parole representative shall be appointed by the  
24       Director of Corrections.

25           (10) A probation representative shall be appointed by  
26       the Director of the Administrative Office of the Illinois

1 Courts.

2 (11) A representative shall be appointed by the  
3 Director of Juvenile Justice.

4 (12) The Deputy Compact Administrator (Juvenile)  
5 appointed by the Secretary of Human Services.

6 (13) The State Compact Administrator of the Interstate  
7 Compact for Juveniles.

8 (14) ~~(11)~~ The persons appointed under clauses (1)  
9 through (13) ~~(10)~~ of this subsection (a) shall be voting  
10 members of the State Council. With the approval of the  
11 State Council, persons representing other organizations  
12 that may have an interest in the Compact may also be  
13 appointed to serve as non-voting members of the State  
14 Council by those interested organizations. Those  
15 organizations may include, but are not limited to, the  
16 Illinois Sheriffs' Association, the Illinois Association  
17 of Chiefs of Police, the Illinois State's Attorneys  
18 Association, and the Office of Attorney General.

19 (b) Terms of appointment.

20 (1) The Compact Administrators ~~Administrator~~ and the  
21 Deputy Compact Administrators ~~Administrator from Probation~~  
22 shall serve at the will of their respective appointing  
23 authorities.

24 (2) The crime victims' advocacy group representative  
25 and the judicial representative shall each serve an initial  
26 term of 2 years. Thereafter, they shall each serve for a



1 term of 4 years.

2 (3) The representatives appointed by the Speaker of the  
3 House of Representatives, the President of the Senate, the  
4 Minority Leader of the House of Representatives, and the  
5 Minority Leader of the Senate shall each serve for a term  
6 of 4 years. If one of these representatives shall not be  
7 able to fulfill the completion of his or her term, then  
8 another representative shall be appointed by his or her  
9 respective appointing authority for the remainder of his or  
10 her term.

11 (4) The probation representative and the parole  
12 representative shall each serve a term of 2 years.

13 (5) The time frame limiting the initial term of  
14 appointments for voting representatives listed in clauses  
15 (2) through (4) of this subsection (b) shall not begin  
16 until more than 50% of the appointments have been made by  
17 the respective appointing authorities.

18 (c) Duties and responsibilities.

19 (1) The duties and responsibilities of the State  
20 Council shall be:

21 (A) To appoint the State Compact Administrator as  
22 Illinois' Commissioner on the Interstate Commission.

23 (B) To develop by-laws for the operation of the  
24 State Council.

25 (C) To establish policies and procedures for the  
26 Interstate Compact operations in Illinois.

1 (D) To monitor and remediate Compact compliance  
2 issues in Illinois.

3 (E) To promote system training and public  
4 awareness regarding the Compact's mission and  
5 mandates.

6 (F) To meet at least twice a year and otherwise as  
7 called by the Chairperson.

8 (G) To allow for the appointment of non-voting  
9 members as deemed appropriate.

10 (H) To issue rules in accordance with Article 5 of  
11 the Illinois Administrative Procedure Act.

12 (I) To publish Interstate Commission rules.

13 (d) Funding. The State shall appropriate funds to the  
14 Department of Corrections to support the operations of the  
15 State Council and its membership dues to the Interstate  
16 Commission.

17 (e) Penalties. Procedures for assessment of penalties  
18 imposed pursuant to Article XII of the Compact shall be  
19 established by the State Council.

20 (f) Notification of ratification of Compact. The State  
21 Compact Administrator shall notify the Governor and Secretary  
22 of State when 35 States have enacted the Compact.

23 (Source: P.A. 92-571, eff. 6-26-02.)

24 (730 ILCS 5/3-3-11.1) (from Ch. 38, par. 1003-3-11.1)

25 Sec. 3-3-11.1. State defined. As used in Sections 3-3-11.05

1 through 3-3-11.3, unless the context clearly indicates  
2 otherwise, the term "State" means a state of the United States,  
3 the District of Columbia, the Commonwealth of Puerto Rico, and  
4 any other territorial possessions of the United States.  
5 (Source: P.A. 92-571, eff. 6-26-02.)

6 (730 ILCS 5/3-3-11.2) (from Ch. 38, par. 1003-3-11.2)

7 Sec. 3-3-11.2. Force and effect of compact.

8 When the Governor of this State shall sign and seal the  
9 Interstate Compact for Adult Offender Supervision, the  
10 Interstate Compact for Juveniles, ~~this compact~~ or any compact  
11 with any other State, pursuant to the provisions of this Act,  
12 such compact or compacts as between the State of Illinois and  
13 such other State so signing shall have the force and effect of  
14 law immediately upon the enactment by such other State of a law  
15 giving it similar effect.

16 (Source: P.A. 77-2097.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.