

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 Missing 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.