



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 234
[2005 Assembly Bill 41]

Interstate Compact for Juveniles

2005 Wisconsin Act 234 codifies a new Interstate Compact for Juveniles. The new Compact will replace the current Compact, which was adopted in 1955.

Act 234 provides that each compacting state is responsible for the proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and in so doing have endangered their own safety and the safety of others. Each compacting state is also responsible for the safe return of juveniles who have run away from home and have left their state of residence.

The Act provides that the purpose of the Compact, through joint and cooperative action among the compacting states, includes all of the following:

- Ensuring that adjudicated juveniles and status offenders subject to the Compact are provided with adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state;
- Returning juveniles who have run away, absconded, or escaped from supervision or control to the state requesting their return;
- Ensuring that immediate notice is given to jurisdictions where defined offenders are authorized to travel or to relocate across state lines;
- Establishing procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of the courts, juvenile departments, or other criminal or juvenile justice agencies with jurisdiction over such offenders; and
- Establishing a system of uniform data collection of information pertaining to juveniles who are subject to the Compact that allows access by authorized juvenile and criminal justice officials.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

The Act also does all of the following:

- Creates a five-member State Board for Interstate Juvenile Supervision, attached to the Department of Corrections. The board members are appointed by the Governor and must include a Compact administrator, a deputy Compact administrator, or a designee; one representative from the legislative, judicial, and executive branches of government; and one representative of victims groups. The board must advise and oversee the state's participation in the Interstate Commission for Juveniles and may exercise other duties as provided in the Act.
- Creates an Interstate Commission for Juveniles composed of a commissioner from each of the compacting states. Each state has one vote on the Interstate Commission. The Interstate Commission is an independent body and has a variety of powers, which are enumerated in the Act.
- Provides that the executive director, employees, and representatives of the Interstate Commission are immune from liability for any damages resulting from an act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities.
- Provides that the Interstate Commission has the authority to adopt rules that are binding on the compacting states. The Compact provides a rule-making process which must be followed before a rule is promulgated, including publishing a rule in advance of the vote. A majority of the legislatures of the compacting states may reject a rule. If that is done, the rule has no effect in any of the compacting states.
- Authorizes a state to withdraw from the Compact by repealing the statute that created the Compact.
- Provides that if a compacting state fails to perform any of the state's obligations under the Compact, the Interstate Commission may impose a range of penalties on the defaulting state, as provided in the Act.
- Provides that all lawful actions of the Interstate Commission, including all rules promulgated by the Commission and agreements between the Commission and the states, are binding on the compacting states, except that, if a provision of the Compact exceeds a limit imposed by a state constitution, that provision is ineffective.

The Act creates a general purpose revenue annual appropriation to fund the annual assessment levied by the Interstate Commission, but does not appropriate amounts for this purpose during either fiscal years of the 2005-07 biennium.

Effective Date: The Act takes effect on April 13, 2006. However, the 1955 Compact will generally remain in effect until all of the following events have occurred: (1) the new Compact becomes effective; (2) both this state and the other state involved with a particular juvenile are parties to the new Compact; and (3) both this state and the other state involved with a particular juvenile have renounced the 1955 Compact.

The new Compact will become effective and binding upon its adoption by the legislatures of 35 states. According to the Council of State Governments, as of March 31, 2006, 29 states have adopted the new Compact.

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April 4, 2006

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