

2001 ASSEMBLY BILL 481

1 **AN ACT** *to renumber and amend* 304.13 and 304.135; *to amend* 165.76 (1) (e),
2 165.76 (1) (f), 165.76 (2) (b) 3m., 301.45 (1g) (dh), 301.45 (2) (e) 2., 301.45 (3) (a)
3 1m., 301.45 (3) (b) 2., 301.45 (5m) (a) 1., 304.137 (1) and 304.137 (2); and *to*
4 **create** 15.145 (3), 304.13 (2m), 304.135 (1) (b), 304.16 and 801.14 (6) of the
5 statutes; **relating to:** the interstate compact for adult offender supervision.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 **SECTION 1.** 15.145 (3) of the statutes is created to read:
7 15.145 (3) INTERSTATE ADULT OFFENDER SUPERVISION BOARD. There is created an
8 interstate adult offender supervision board which is attached to the department of
9 corrections under s. 15.03. The board shall consist of 5 members appointed for 4-year
10 terms. The governor shall comply with the requirements of s. 304.16 (4) when

ASSEMBLY BILL 481**SECTION 1**

1 appointing members of the board. The board shall have the powers, duties, and
2 responsibilities set forth under s. 304.16.

3 **SECTION 2.** 165.76 (1) (e) of the statutes is amended to read:

4 165.76 **(1)** (e) Is released on parole or extended supervision or placed on
5 probation in another state before January 1, 2000, and is on parole, extended
6 supervision, or probation in this state from the other state under s. 304.13 ~~or~~ (1m),
7 304.135, or 304.16 on or after July 9, 1996, for a violation of the law of the other state
8 that the department of corrections determines, under s. 304.137 (1), is comparable
9 to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2), or 948.025.

10 **SECTION 3.** 165.76 (1) (f) of the statutes is amended to read:

11 165.76 **(1)** (f) Is released on parole or extended supervision or placed on
12 probation in another state on or after January 1, 2000, and is on parole, extended
13 supervision, or probation in this state from the other state under s. 304.13 ~~or~~ (1m),
14 304.135, or 304.16 for a violation of the law of the other state that the department
15 of corrections determines, under s. 304.137 (2), would constitute a felony if
16 committed by an adult in this state.

17 **SECTION 4.** 165.76 (2) (b) 3m. of the statutes is amended to read:

18 165.76 **(2)** (b) 3m. If the person is on parole, extended supervision, or probation
19 in this state from another state under s. 304.13 ~~or~~ (1m), 304.135, or 304.16, he or she
20 shall provide the specimen under par. (a) at the office of a county sheriff as soon as
21 practicable after entering this state, as directed by his or her probation, extended
22 supervision, and parole agent.

23 **SECTION 5.** 301.45 (1g) (dh) of the statutes is amended to read:

24 301.45 **(1g)** (dh) Is on parole, extended supervision, or probation in this state
25 from another state under s. 304.13 ~~or~~ (1m), 304.135, or 304.16 on or after

ASSEMBLY BILL 481

1 December 25, 1993, for a violation, or for the solicitation, conspiracy, or attempt to
2 commit a violation, of the law of another state that is comparable to a sex offense.

3 **SECTION 6.** 301.45 (2) (e) 2. of the statutes is amended to read:

4 301.45 (2) (e) 2. If the person is on parole, extended supervision, probation, or
5 other supervision from another state under s. 304.13 (1m), 304.135, 304.16, or
6 938.988, before the person enters this state.

7 **SECTION 7.** 301.45 (3) (a) 1m. of the statutes is amended to read:

8 301.45 (3) (a) 1m. If the person is on parole, extended supervision, probation,
9 or other supervision from another state under s. 304.13 (1m), 304.135, 304.16, or
10 938.988, he or she is subject to this subsection upon entering this state.

11 **SECTION 8.** 301.45 (3) (b) 2. of the statutes is amended to read:

12 301.45 (3) (b) 2. The department shall notify a person who is being released
13 from prison in this state because he or she has reached the expiration date of his or
14 her sentence and who is covered under sub. (1g) of the need to comply with the
15 requirements of this section. Also, probation, extended supervision, and parole
16 agents, aftercare agents, and agencies providing supervision shall notify any client
17 who is covered under sub. (1g) of the need to comply with the requirements of this
18 section at the time that the client is placed on probation, extended supervision,
19 parole, supervision, or aftercare supervision or, if the client is on probation, extended
20 supervision, parole, or other supervision from another state under s. 304.13 (1m),
21 304.135, 304.16, or 938.988, when the client enters this state.

22 **SECTION 9.** 301.45 (5m) (a) 1. of the statutes is amended to read:

23 301.45 (5m) (a) 1. If the person is on parole, extended supervision, probation,
24 or other supervision from another state under s. 304.13 (1m), 304.135, 304.16, or
25 938.988, 15 years after discharge from that parole, extended supervision, probation,

ASSEMBLY BILL 481**SECTION 9**

1 or other supervision or the period of time that the person is in this state, whichever
2 is less.

3 **SECTION 10.** 304.13 of the statutes is renumbered 304.13 (1m), and 304.13 (1m)
4 (a) 4., (h) (intro.) and (i), as renumbered, are amended to read:

5 304.13 **(1m)** (a) 4. A resident of the receiving state, within the meaning of this
6 ~~section~~ subsection, is one who has been an actual inhabitant of such state
7 continuously for more than one year prior to coming to the sending state and has not
8 resided within the sending state more than 6 continuous months immediately
9 preceding the commission of the offense for which that person has been convicted.

10 (h) (intro.) In this ~~section~~ subsection:

11 (i) This ~~section~~ subsection may be cited as the “Uniform Act for Out-of-State
12 Parolee Supervision”.

13 **SECTION 11.** 304.13 (2m) of the statutes is created to read:

14 304.13 **(2m)** Subsection (1m) does not apply to this state’s supervision of a
15 person who is on probation, parole, or extended supervision from another state or
16 another state’s supervision of a person who is on probation, parole, or extended
17 supervision from this state if all of the following have occurred:

18 (a) The compact authorized by s. 304.16 is in effect.

19 (b) Both this state and the other state are parties to the compact under s.
20 304.16.

21 (c) The other state has renounced the compact entered into with this state
22 under sub. (1m).

23 **SECTION 12.** 304.135 of the statutes is renumbered 304.135 (1) (a) and amended
24 to read:

ASSEMBLY BILL 481

1 304.135 (1) (a) ~~The~~ If the compact authorized under s. 304.16 is not in effect,
2 the department may permit any person convicted of an offense within this state and
3 placed on probation or released on extended supervision or parole to reside in any
4 other state not a party to the compact authorized by s. 304.13 (1m) whenever the
5 authorities of the receiving state agree to assume the duties of visitation of and
6 supervision over the probationer, person on extended supervision, or parolee,
7 governed by the same standards that prevail for its own probationers, persons on
8 extended supervision, and parolees, on the same terms as are provided in s. 304.13
9 ~~(1) and (2)~~ (1m) (a) and (b), in the case of states signatory to the compact authorized
10 by s. 304.13 (1m).

11 (2) Before permitting any probationer, person on extended supervision, or
12 parolee to leave this state under ~~this section~~ sub. (1), the department shall obtain
13 from him or her a signed agreement to return to this state upon demand of the
14 department and an irrevocable waiver of all procedure incidental to extradition. The
15 department may, in like a manner comparable to that provided in sub. (1), receive
16 for supervision probationers, persons on extended supervision, and parolees
17 convicted in ~~states not signatory~~ a state that is not a party to the compact authorized
18 by s. 304.13 (1m) or the compact authorized by s. 304.16, and shall have the same
19 custody and control of those persons as it has over probationers, persons on extended
20 supervision, and parolees of this state.

21 **SECTION 13.** 304.135 (1) (b) of the statutes is created to read:

22 304.135 (1) (b) If the compact authorized under s. 304.16 is in effect, the
23 department may permit any person convicted of an offense within this state and
24 placed on probation or released on extended supervision or parole to reside in any
25 other state that is not a party to the compact authorized by s. 304.13 (1m), or the

ASSEMBLY BILL 481**SECTION 13**

1 compact authorized under s. 304.16, whenever the authorities of the receiving state
2 agree to assume the duties of visitation of and supervision over the probationer,
3 person on extended supervision, or parolee, governed by the same standards that
4 prevail for its own probationers, persons on extended supervision, and parolees, on
5 the same terms as are provided by rules promulgated by the interstate commission,
6 as defined in s. 304.16 (2) (f), in the case of compacting states, as defined in s. 304.16
7 (2) (e).

8 **SECTION 14.** 304.137 (1) of the statutes is amended to read:

9 **304.137 (1)** PERSONS RELEASED OR PLACED ON PROBATION BEFORE JANUARY 1, 2000.
10 If the department accepts supervision of a probationer, person on extended
11 supervision, or parolee from another state under s. 304.13 ~~or (1m)~~, 304.135, or 304.16
12 and the person was placed on probation or released on parole or extended supervision
13 before January 1, 2000, the department shall determine whether the violation of law
14 for which the person is on probation, extended supervision, or parole is comparable
15 to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2), or 948.025. If the department
16 determines that a person on probation, extended supervision, or parole from another
17 state who is subject to this subsection violated a law that is comparable to a violation
18 of s. 940.225 (1) or (2), 948.02 (1) or (2), or 948.025, the department shall direct the
19 probationer, person on extended supervision, or parolee to provide a biological
20 specimen under s. 165.76.

21 **SECTION 15.** 304.137 (2) of the statutes is amended to read:

22 **304.137 (2)** PERSONS RELEASED OR PLACED ON PROBATION ON OR AFTER
23 JANUARY 1, 2000. If the department accepts supervision of a probationer, person on
24 extended supervision, or parolee from another state under s. 304.13 ~~or (1m)~~, 304.135,
25 or 304.16 and the person was placed on probation or released on parole or extended

ASSEMBLY BILL 481

1 supervision on or after January 1, 2000, the department shall determine whether
2 the violation of law for which the person is on probation, extended supervision, or
3 parole would constitute a felony if committed by an adult in this state. If the
4 department determines that a person on probation, extended supervision, or parole
5 from another state who is subject to this subsection violated a law that would
6 constitute a felony if committed by an adult in this state, the department shall direct
7 the probationer, person on extended supervision, or parolee to provide a biological
8 specimen under s. 165.76.

9 **SECTION 16.** 304.16 of the statutes is created to read:

10 **304.16 Interstate compact for adult offender supervision. (1) ARTICLE**
11 **I—PURPOSE.** (a) The compacting states to this interstate compact recognize that each
12 state is responsible for the supervision, in the community, of adult offenders who are
13 authorized under the bylaws and rules of this compact to travel across state lines to
14 and from each compacting state in such a manner as to enable each compacting state
15 to track the location of offenders, transfer supervision authority in an orderly and
16 efficient manner, and, when necessary, return offenders to their original
17 jurisdictions. The compacting states recognize also that congress, by enacting the
18 Crime Control Act, 4 USC 112, has authorized and encouraged compacts for
19 cooperative efforts and mutual assistance in the prevention of crime. It is the
20 purpose of this compact and the interstate commission created under sub. (3),
21 through means of joint and cooperative action among the compacting states, to do all
22 of the following:

23 1. Provide the framework for the promotion of public safety and protect the
24 rights of victims through the control and regulation of the interstate movement of
25 offenders in the community.

ASSEMBLY BILL 481**SECTION 16**

1 2. Provide for the effective tracking, supervision, and rehabilitation of these
2 offenders by the sending and receiving states.

3 3. Equitably distribute the costs, benefits, and obligations of the compact
4 among the compacting states.

5 (b) This compact will do all of the following:

6 1. Create an interstate commission that will establish uniform procedures to
7 manage the movement between states of adults placed under community
8 supervision and released to the community under the jurisdiction of courts, paroling
9 authorities, or corrections or other criminal justice agencies and that will
10 promulgate rules to achieve the purpose of this compact.

11 2. Ensure an opportunity for input and timely notice to victims and to
12 jurisdictions where defined offenders are authorized to travel or to relocate across
13 state lines.

14 3. Establish a system of uniform data collection, access to information on active
15 cases by authorized criminal justice officials, and regular reporting of compact
16 activities to heads of state councils or boards, state executive, judicial, and legislative
17 branches, and the attorney general.

18 4. Monitor compliance with rules governing interstate movement of offenders
19 and intervene to address and correct noncompliance.

20 5. Coordinate training and education regarding the regulation of interstate
21 movement of offenders for officials involved in such activity.

22 (c) The compacting states recognize that there is no right of any offender to live
23 in another state and that duly accredited officers of a sending state may at any time
24 enter a receiving state to apprehend and retake any offender under supervision
25 subject to the provisions of this compact and to bylaws adopted and rules

ASSEMBLY BILL 481

1 promulgated under this section. The activities conducted by the interstate
2 commission created in this section are the formation of public policies and are public
3 business.

4 **(2) ARTICLE II – DEFINITIONS.** In this section:

5 (a) “Adult” means both individuals legally classified as adults and juveniles
6 treated as adults by court order, statute, or operation of law.

7 (b) “Bylaws” means the bylaws established by the interstate commission for its
8 governance or for directing or controlling the interstate commission’s actions or
9 conduct.

10 (c) “Commissioner” means the voting representative of each compacting state
11 appointed under sub. (3).

12 (d) “Compact administrator” means the individual in each compacting state
13 appointed under the terms of this compact who is responsible for the administration
14 and management of the state’s supervision and transfer of offenders under this
15 compact, the rules adopted by the interstate commission, and policies adopted by the
16 state board under this compact.

17 (e) “Compacting state” means any state that has enacted the enabling
18 legislation for this compact.

19 (f) “Interstate commission” means the interstate commission for adult offender
20 supervision established by this compact.

21 (g) Unless the context indicates otherwise, “member” means the commissioner
22 of a compacting state or a designee of the commissioner who is employed by the
23 compacting state to assist in the administration of the compact.

24 (h) “Noncompacting state” means a state that has not enacted the enabling
25 legislation for this compact.

ASSEMBLY BILL 481**SECTION 16**

1 (i) “Offender” means an adult placed under or subject to supervision as the
2 result of the commission of a criminal offense and released to the community under
3 the jurisdiction of courts, paroling authorities, the department of corrections, or
4 other criminal justice agencies.

5 (j) “Person” means any individual, corporation, business enterprise, or other
6 legal entity, either public or private.

7 (k) Except as provided in sub. (8) (g), “rules” means acts of the interstate
8 commission, duly promulgated under sub. (8) and substantially affecting interested
9 parties in addition to the interstate commission, that shall have the force and effect
10 of law in the compacting states.

11 (L) “State” means a state of the United States, the District of Columbia, or any
12 other territorial possession of the United States.

13 (m) “State board” means the interstate adult offender supervision board
14 created under sub. (4) and s. 15.145 (3).

15 **(3) ARTICLE III – THE COMPACT COMMISSION.** (a) The compacting states hereby
16 create the interstate commission for adult offender supervision. The interstate
17 commission shall be a body corporate and a joint agency of the compacting states.

18 (b) The interstate commission has all of the responsibilities, powers, and duties
19 set forth in this section, including the power to sue and be sued, and such additional
20 powers as may be conferred upon it by subsequent action of the respective
21 legislatures of the compacting states in accordance with the terms of this compact.

22 (c) The interstate commission shall consist of commissioners selected and
23 appointed by resident members of the state board for their respective states. In
24 addition to the commissioners who are the voting representatives of each state, the
25 interstate commission shall include individuals who are not commissioners but who

ASSEMBLY BILL 481

1 are members of interested organizations. Noncommissioner members shall include
2 a member of the national organizations of governors, legislators, state chief justices,
3 attorneys general, and crime victims. All noncommissioner members of the
4 interstate commission shall be nonvoting members. The interstate commission may
5 provide in its bylaws for such additional, nonvoting members as it considers
6 necessary.

7 (d) Each compacting state represented at any meeting of the interstate
8 commission is entitled to one vote. A majority of the compacting states shall
9 constitute a quorum for the transaction of business, unless a larger quorum is
10 required by the bylaws of the interstate commission. The interstate commission
11 shall meet at least once each year. The chairperson may call additional meetings
12 and, upon the request of 27 or more compacting states, shall call additional meetings.
13 Public notice shall be given of all meetings and, except as provided in sub. (7) (f),
14 meetings shall be open to the public.

15 (e) The interstate commission shall establish an executive committee, which
16 shall include commission officers, members, and others as determined by the bylaws.
17 The executive committee shall have the power to act on behalf of the interstate
18 commission during periods when the interstate commission is not in session, with
19 the exception of rule making or amendments to the compact. The executive
20 committee oversees the day-to-day activities managed by the executive director and
21 interstate commission staff, administers enforcement and compliance with the
22 provisions of the compact, with its bylaws, and as directed by the interstate
23 commission, and performs other duties as directed by the interstate commission or
24 set forth in the bylaws.

ASSEMBLY BILL 481**SECTION 16**

1 **(4) ARTICLE IV – THE STATE BOARD.** There is created an interstate adult offender
2 supervision board under s. 15.145 (3), which shall be responsible for the appointment
3 of the commissioner who shall serve on the interstate commission from this state.
4 The state board shall appoint as its commissioner the compact administrator from
5 this state to serve on the interstate commission in such capacity under applicable law
6 of the member state. While each member state may determine the membership of
7 its own state board, its membership must include at least the state’s compact
8 administrator and one representative from the legislative, judicial, and executive
9 branches of government and victims groups. Each compacting state retains the right
10 to determine the qualifications of the compact administrator, who shall be appointed
11 by the governor in consultation with the legislature and the judiciary. In addition
12 to appointing its commissioner to the interstate commission, the state board shall
13 exercise oversight and advocacy concerning its participation in interstate
14 commission activities and other duties as may be determined by each member state,
15 including the development of policy concerning operations and procedures of the
16 compact within that state.

17 **(5) ARTICLE V – POWERS AND DUTIES OF THE INTERSTATE COMMISSION.** The
18 interstate commission shall have all of the following powers:

19 (a) To adopt a seal and suitable bylaws governing the management and
20 operation of the interstate commission.

21 (b) To promulgate rules, which shall have the force and effect of statutory law
22 and shall be binding in the compacting states to the extent and in the manner
23 provided in this compact.

ASSEMBLY BILL 481

1 (c) To oversee, supervise, and coordinate the interstate movement of offenders
2 subject to the terms of this compact and to any bylaws adopted and rules
3 promulgated by the interstate commission.

4 (d) To enforce compliance with compact provisions and interstate commission
5 rules and bylaws, using all necessary and proper means, including the use of judicial
6 process.

7 (e) To establish and maintain offices.

8 (f) To purchase and maintain insurance and bonds.

9 (g) To borrow, accept, or contract for services of personnel, including members
10 and their staffs.

11 (h) To establish and appoint committees and hire staff that it considers
12 necessary for carrying out its functions, including an executive committee as
13 required by sub. (3) (e).

14 (i) To elect or appoint officers, attorneys, employees, agents, or consultants and
15 to fix their compensation, define their duties, and determine their qualifications.

16 (j) To establish the interstate commission's personnel policies and programs
17 relating to, among other things, conflicts of interest, rates of compensation, and
18 qualifications of personnel.

19 (k) To accept, receive, utilize, and dispose of donations and grants of money,
20 equipment, supplies, materials, and services.

21 (L) To lease, purchase, or accept contributions or donations of, or otherwise
22 own, hold, improve, or use, any property, whether real, personal, or mixed.

23 (m) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
24 dispose of any property, whether real, personal, or mixed.

ASSEMBLY BILL 481**SECTION 16**

1 (n) To establish a budget and to make expenditures and levy assessments as
2 provided in sub. (10).

3 (o) To sue and be sued.

4 (p) To provide for dispute resolution among compacting states.

5 (q) To perform such functions as may be necessary or appropriate to achieve the
6 purposes of this compact.

7 (r) To report annually to the legislatures, governors, judiciary, and state
8 councils or boards of the compacting states concerning the activities of the interstate
9 commission during the preceding year. Such reports shall include also any
10 recommendations adopted by the interstate commission.

11 (s) To coordinate education, training, and public awareness regarding the
12 interstate movement of offenders for officials involved in such activity.

13 (t) To establish uniform standards for the reporting, collecting, and exchanging
14 of data.

15 **(6) ARTICLE VI — ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.**

16 (a) *Bylaws.* The interstate commission shall, by a majority of the members and
17 within 12 months after the first interstate commission meeting, adopt bylaws to
18 govern its conduct as may be necessary or appropriate to carry out the purposes of
19 the compact, including bylaws that do any of the following:

20 1. Establish the fiscal year of the interstate commission.

21 2. Establish an executive committee and other committees as may be necessary.

22 3. Provide reasonable standards and procedures for doing all of the following:

23 a. Establishing committees.

24 b. Governing any general or specific delegation of any authority or function of
25 the interstate commission.

ASSEMBLY BILL 481

1 4. Provide reasonable procedures for calling and conducting meetings of the
2 interstate commission and for ensuring reasonable notice of each meeting.

3 5. Establish the titles and responsibilities of the officers of the interstate
4 commission.

5 6. Provide reasonable standards and procedures for the establishment of the
6 personnel policies and programs of the interstate commission. Notwithstanding any
7 civil service or other similar laws of any compacting state, the bylaws shall
8 exclusively govern the personnel policies and programs of the interstate commission.

9 7. Provide a mechanism for winding up the operations of the interstate
10 commission and the equitable return of any surplus funds that may exist upon the
11 termination of the compact after the payment or the reserving of all of its debts and
12 obligations.

13 8. Provide for the initial administration of the compact.

14 9. Establish standards and procedures for compliance and technical assistance
15 in carrying out the compact.

16 (b) *Officers and staff.* 1. The interstate commission shall, by a majority of the
17 members, elect from among its members a chairperson and a vice chairperson, each
18 of whom shall have such authority and duties as may be specified in the bylaws. The
19 chairperson or, in his or her absence or disability, the vice chairperson shall preside
20 at all meetings of the interstate commission. The officers so elected shall serve
21 without compensation or remuneration from the interstate commission. Subject to
22 the availability of budgeted funds, the officers shall be reimbursed for any actual and
23 necessary costs and expenses incurred by them in the performance of their duties
24 and responsibilities as officers of the interstate commission.

ASSEMBLY BILL 481**SECTION 16**

1 2. The interstate commission shall, through its executive committee, appoint
2 or retain an executive director for such period, upon such terms and conditions, and
3 for such compensation as the interstate commission may consider appropriate. The
4 executive director shall serve as secretary to the interstate commission and shall hire
5 and supervise such other staff as may be authorized by the interstate commission but
6 shall not be a member.

7 (c) *Corporate records of the interstate commission.* The interstate commission
8 shall maintain its corporate books and records in accordance with the bylaws.

9 (d) *Immunity, defense, and indemnification.* 1. The voting and nonvoting
10 members, officers, executive director, and employees of the interstate commission
11 shall be immune from suit and liability, either personally or in their official capacity,
12 for any claim for damage, loss of property, personal injury, or other civil liability
13 caused or arising out of any actual or alleged act, error, or omission that occurred
14 within the scope of interstate commission employment, duties, or responsibilities.
15 Nothing in this paragraph shall be construed to protect any such person from suit
16 or liability for any damage, loss, injury, or liability caused by the intentional or willful
17 and wanton misconduct of any such person.

18 2. The interstate commission shall defend the commissioner of a compacting
19 state, his or her representatives or employees, and the interstate commission's
20 representatives or employees in any civil action seeking to impose liability and
21 arising out of any actual or alleged act, error, or omission that occurred within the
22 scope of interstate commission employment, duties, or responsibilities or that such
23 person had a reasonable basis for believing occurred within the scope of interstate
24 commission employment, duties, or responsibilities, unless the actual or alleged act,
25 error, or omission resulted from intentional wrongdoing on the part of such person.

ASSEMBLY BILL 481

1 3. The interstate commission shall indemnify and hold the commissioner of a
2 compacting state, his or her representatives or employees, and the interstate
3 commission's representatives or employees harmless in the amount of any
4 settlement or judgment obtained against such persons arising out of any actual or
5 alleged act, error, or omission that occurred within the scope of interstate
6 commission employment, duties, or responsibilities or that such person had a
7 reasonable basis for believing occurred within the scope of interstate commission
8 employment, duties, or responsibilities, unless the actual or alleged act, error, or
9 omission resulted from intentional wrongdoing on the part of such person.

10 **(7) ARTICLE VII – ACTIVITIES OF THE INTERSTATE COMMISSION.** (a) The interstate
11 commission shall meet and take such actions as are consistent with the provisions
12 of this compact.

13 (b) Except as otherwise provided in this compact and unless a greater
14 percentage is required by the bylaws, in order to constitute an act of the interstate
15 commission, such act shall have been taken at a meeting of the interstate commission
16 and shall have received an affirmative vote of a majority of the members present.

17 (c) Each member of the interstate commission shall have the right and power
18 to cast a vote to which that compacting state is entitled and to participate in the
19 business and affairs of the interstate commission. A member shall vote in person on
20 behalf of the state and shall not delegate a vote to another member state. However,
21 a state board shall appoint another authorized representative, in the absence of the
22 commissioner from that state, to cast a vote on behalf of the member state at a
23 specified meeting. The bylaws may provide for members' participation in meetings
24 by telephone or other means of telecommunication or electronic communication. Any
25 voting conducted by telephone, or by other means of telecommunication or electronic

ASSEMBLY BILL 481**SECTION 16**

1 communication, shall be subject to the same quorum requirements of meetings at
2 which members are present in person.

3 (d) The interstate commission shall meet at least once during each year. The
4 chairperson of the interstate commission may call additional meetings at any time
5 and, upon the request of a majority of the members, shall call additional meetings.

6 (e) The interstate commission's bylaws shall establish conditions and
7 procedures under which the interstate commission shall make its information and
8 official records available to the public for inspection or copying. The interstate
9 commission may exempt from disclosure any information or official records to the
10 extent that they would adversely affect personal privacy rights or proprietary
11 interests. In promulgating such rules, the interstate commission may make
12 available to law enforcement agencies records and information otherwise exempt
13 from disclosure and may enter into agreements with law enforcement agencies to
14 receive or exchange information or records subject to nondisclosure and
15 confidentiality provisions.

16 (f) Public notice shall be given of all meetings and all meetings shall be open
17 to the public, except as set forth in the rules or as otherwise provided in the compact.
18 The interstate commission shall promulgate rules consistent with the principles
19 contained in the Government in Sunshine Act, 5 USC 552b. The interstate
20 commission and any of its committees may close a meeting to the public if it
21 determines by two-thirds vote that an open meeting would be likely to do any of the
22 following:

23 1. Relate solely to the interstate commission's internal personnel practices and
24 procedures.

25 2. Disclose matters specifically exempted from disclosure by statute.

ASSEMBLY BILL 481

1 3. Disclose a trade secret or commercial or financial information that is
2 privileged or confidential.

3 4. Involve accusing any person of a crime or formally censuring any person.

4 5. Disclose information of a personal nature if disclosure would constitute a
5 clearly unwarranted invasion of personal privacy.

6 6. Disclose investigatory records compiled for law enforcement purposes.

7 7. Disclose information contained in or related to examination, operating, or
8 condition reports prepared by, on behalf of, or for the use of the interstate commission
9 with respect to a regulated entity for the purpose of regulation or supervision of such
10 entity.

11 8. Disclose information, the premature disclosure of which would significantly
12 endanger the life of a person or the stability of a regulated entity.

13 9. Specifically relate to the interstate commission's issuance of a subpoena or
14 its participation in a civil action or proceeding.

15 (g) For every meeting closed under par. (f), the interstate commission's chief
16 legal officer shall publicly certify that, in his or her opinion, the meeting may be
17 closed to the public and shall reference each relevant exemptive provision. The
18 interstate commission shall keep minutes that shall fully and clearly describe all
19 matters discussed in any meeting and shall provide a full and accurate summary of
20 any actions taken and the reasons therefor, including a description of each of the
21 views expressed on any item and the record of any roll call vote, reflected in the vote
22 of each member on the question. All documents considered in connection with any
23 action shall be identified in such minutes.

24 (h) The interstate commission shall collect standardized data concerning the
25 interstate movement of offenders as directed through its bylaws and rules that shall

ASSEMBLY BILL 481**SECTION 16**

1 specify the data to be collected, the means of collection, and data exchange and
2 reporting requirements.

3 **(8) ARTICLE VIII – RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION.** (a)
4 The interstate commission shall promulgate rules in order to effectively and
5 efficiently achieve the purposes of the compact, including transition rules governing
6 administration of the compact during the period after it becomes effective in which
7 it is being considered and enacted by other states.

8 (b) Rule making shall occur under the criteria set forth in this subsection and
9 the bylaws and rules adopted under this subsection. Such rule making shall
10 substantially conform to the principles of the federal Administrative Procedure Act,
11 5 USC 551 to 559, and the federal Advisory Committee Act, P.L. 92-463, reprinted
12 in 5 USC appendix. All rules and amendments shall become binding as of the date
13 specified in each rule or amendment.

14 (c) If a majority of the legislatures of the compacting states reject a rule, by
15 enactment of a statute or resolution in the same manner used to adopt the compact,
16 then such rule shall have no further force and effect in any compacting state.

17 (d) When promulgating a rule, the interstate commission shall do all of the
18 following:

19 1. Publish the proposed rule, stating with particularity the text of the rule that
20 is proposed and the reason for the proposed rule.

21 2. Allow persons to submit written data, facts, opinions, and arguments, which
22 information shall be publicly available.

23 3. Provide an opportunity for an informal hearing.

24 4. Promulgate a final rule and its effective date, if appropriate, based on the
25 rule-making record.

ASSEMBLY BILL 481

1 (e) Not later than 60 days after a rule is promulgated, any interested person
2 may file a petition in the U.S. district court for the District of Columbia or in the
3 federal district court for the district in which the interstate commission's principal
4 office is located for judicial review of such rule. If the court finds that the interstate
5 commission's action is not supported by substantial evidence, as construed under the
6 federal Administrative Procedure Act, 5 USC 551 to 559, in the rule-making record,
7 the court shall hold the rule unlawful and set it aside.

8 (f) Subjects to be addressed within 12 months after the first meeting must at
9 a minimum include all of the following:

- 10 1. Notice to victims and opportunity to be heard.
- 11 2. Offender registration and compliance.
- 12 3. Violations and returns.
- 13 4. Transfer procedures and forms.
- 14 5. Eligibility for transfer.
- 15 6. Collection of restitution and fees from offenders.
- 16 7. Data collection and reporting.
- 17 8. The level of supervision to be provided by the receiving state.
- 18 9. Transition rules governing the operation of the compact and the interstate
19 commission during all or part of the period between the effective date of the compact
20 and the date on which the last eligible state adopts the compact.
- 21 10. Mediation, arbitration, and dispute resolution.

22 (g) The existing rules governing the operation of the compact authorized under
23 s. 304.13 (1m) shall be null and void with respect to adult offenders traveling between
24 compacting states 12 months after the first meeting of the interstate commission.

ASSEMBLY BILL 481**SECTION 16**

1 (h) Upon determination by the interstate commission that an emergency
2 exists, it may promulgate an emergency rule, which shall become effective
3 immediately upon adoption, provided that the usual rule-making procedures
4 provided under this subsection shall be retroactively applied to the rule as soon as
5 reasonably possible and in no event later than 90 days after the effective date of the
6 rule.

7 **(9) ARTICLE IX — OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE**
8 **INTERSTATE COMMISSION.** (a) *Oversight.* 1. The interstate commission shall oversee
9 the interstate movement of adult offenders in the compacting states and shall
10 monitor such activities being administered in noncompacting states that may
11 significantly affect compacting states.

12 2. The courts and executive agencies in each compacting state shall enforce this
13 compact and shall take all actions necessary and appropriate to effectuate the
14 compact's purposes and intent. In any judicial or administrative proceeding in a
15 compacting state pertaining to the subject matter of this compact that may affect the
16 powers, responsibilities, or actions of the interstate commission, the interstate
17 commission shall be entitled to receive all service of process in any such proceeding
18 and shall have standing to intervene in the proceeding for all purposes.

19 (b) *Dispute resolution.* 1. The compacting states shall report to the interstate
20 commission on issues or activities of concern to them and cooperate with and support
21 the interstate commission in the discharge of its duties and responsibilities.

22 2. The interstate commission shall attempt to resolve any disputes or other
23 issues that are subject to the compact or that may arise among compacting states and
24 noncompacting states.

ASSEMBLY BILL 481**SECTION 16**

1 3. The interstate commission shall enact a bylaw or promulgate a rule
2 providing for both mediation and binding dispute resolution for disputes among the
3 compacting states.

4 (c) *Enforcement.* The interstate commission, in the reasonable exercise of its
5 discretion, shall enforce the provisions of this compact using any or all means set
6 forth in sub. (12).

7 **(10) ARTICLE X – FINANCE.** (a) The interstate commission shall pay or provide
8 for the payment of the reasonable expenses of its establishment, organization, and
9 ongoing activities.

10 (b) The interstate commission shall levy on and collect an annual assessment
11 from each compacting state to cover the cost of the internal operations and activities
12 of the interstate commission and its staff, which must be in a total amount sufficient
13 to cover the interstate commission's annual budget as approved each year. The
14 aggregate annual assessment amount shall be allocated based upon a formula to be
15 determined by the interstate commission, taking into consideration the population
16 of the state and the volume of interstate movement of offenders in each compacting
17 state. The interstate commission shall promulgate a rule that is binding upon all
18 compacting states and that governs the assessment.

19 (c) The interstate commission may not incur any obligations of any kind prior
20 to securing the funds adequate to meet them, nor may the interstate commission
21 pledge the credit of any of the compacting states, except by and with the authority
22 of the compacting state.

23 (d) The interstate commission shall keep accurate accounts of all receipts and
24 disbursements. The receipts and disbursements of the interstate commission shall
25 be subject to the audit and accounting procedures established under its bylaws. All

ASSEMBLY BILL 481**SECTION 16**

1 receipts and disbursements of funds handled by the interstate commission shall be
2 audited yearly by a certified or licensed public accountant, and the report of the audit
3 shall be included in and become part of the annual report of the interstate
4 commission.

5 **(11) ARTICLE XI — COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT.** (a)
6 Any state is eligible to become a compacting state.

7 (b) The compact shall become effective and binding upon legislative enactment
8 of the compact into law by no less than 35 of the states. The initial effective date shall
9 be July 1, 2001, the effective date of this paragraph [revisor inserts date], or upon
10 enactment into law by the 35th jurisdiction, whichever is later. Thereafter it shall
11 become effective and binding, as to any other compacting state, upon enactment of
12 the compact into law by that state. The governors of nonmember states or their
13 designees will be invited to participate in interstate commission activities on a
14 nonvoting basis prior to adoption of the compact by all states.

15 (c) Amendments to the compact may be proposed by the interstate commission
16 for enactment by the compacting states. No amendment shall become effective and
17 binding upon the interstate commission and the compacting states unless and until
18 it is enacted into law by unanimous consent of the compacting states.

19 **(12) ARTICLE XII — WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL**
20 **ENFORCEMENT.** (a) *Withdrawal.* 1. Except as provided in subd. 2. and par. (b) 1. c.
21 and 3., once effective, the compact shall continue in force and remain binding upon
22 each and every compacting state.

23 2. a. A compacting state may withdraw from the compact by enacting a law
24 specifically repealing this section.

25 b. The effective date of withdrawal is the effective date of the repeal.

ASSEMBLY BILL 481

1 c. The withdrawing state shall immediately notify the chairperson of the
2 interstate commission in writing upon the introduction of legislation repealing this
3 compact in the withdrawing state. The interstate commission shall notify the other
4 compacting states of the withdrawing state's intent to withdraw within 60 days after
5 receiving the written notice.

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

9 e. Reinstatement following withdrawal of any compacting state shall occur
10 upon the withdrawing state reenacting the compact or upon such later date as
11 determined by the interstate commission.

12 (b) *Default.* 1. If the interstate commission determines that any compacting
13 state has at any time defaulted in the performance of any of its obligations or
14 responsibilities under this compact, under the bylaws, or under any duly
15 promulgated rules, the interstate commission may impose any or all of the following
16 penalties:

17 a. Forfeitures, fees, and costs in such amounts as are considered reasonable
18 and as fixed by the interstate commission.

19 b. Remedial training and technical assistance as directed by the interstate
20 commission.

21 c. Suspension or termination of membership in the compact. Suspension shall
22 be imposed only after all other reasonable means of securing compliance under the
23 bylaws and rules have been exhausted. Immediate notice of suspension shall be
24 given by the interstate commission to the governor, the chief justice of the supreme

ASSEMBLY BILL 481**SECTION 16**

1 court, the majority and minority leaders of the defaulting state's legislature, and the
2 state board.

3 2. The grounds for default include failure of a compacting state to perform
4 obligations or responsibilities imposed upon it by this compact, interstate
5 commission bylaws, or duly promulgated rules.

6 3. If it determines that a compacting state has defaulted, the interstate
7 commission shall immediately notify the defaulting state in writing of the penalty
8 imposed by the interstate commission on the defaulting state pending a cure of the
9 default. The interstate commission shall stipulate the conditions under which and
10 the time period within which the defaulting state must cure its default. If the
11 defaulting state fails to cure the default within the time period specified by the
12 interstate commission, in addition to any other penalties imposed herein, the
13 defaulting state may be terminated from the compact upon an affirmative vote of a
14 majority of the compacting states, and all rights, privileges, and benefits conferred
15 by this compact shall be terminated from the effective date of termination. Within
16 60 days after the effective date of termination of a defaulting state, the interstate
17 commission shall notify the governor, the chief justice of the supreme court, the
18 majority and minority leaders of the defaulting state's legislature, and the state
19 board of the termination.

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

ASSEMBLY BILL 481

1 5. The interstate commission shall not bear any costs relating to the defaulting
2 state unless otherwise mutually agreed upon between the interstate commission and
3 the defaulting state.

4 6. Reinstatement following termination of any compacting state requires both
5 a reenactment of the compact by the defaulting state and the approval of the
6 interstate commission under the rules.

7 (c) *Judicial enforcement.* The interstate commission may, by majority vote of
8 the members, initiate legal action in the U.S. district court for the District of
9 Columbia, or, at the discretion of the interstate commission, in the federal district
10 court for the district in which the interstate commission has its offices, to enforce
11 compliance with the provisions of the compact and duly promulgated rules and
12 bylaws against any compacting state in default. In the event judicial enforcement
13 is necessary, the prevailing party shall be awarded all costs of such litigation,
14 including reasonable attorney fees.

15 (d) *Dissolution of compact.* 1. The compact dissolves effective upon the date
16 of the withdrawal or default of the compacting state that reduces membership in the
17 compact to one compacting state.

18 2. Upon the dissolution of this compact, the compact becomes null and void and
19 shall be of no further force or effect, the business and affairs of the interstate
20 commission shall be wound up, and any surplus funds shall be distributed in
21 accordance with the bylaws.

22 **(13) ARTICLE XIII – CONSTRUCTION.** The provisions of this compact shall be
23 liberally constructed to effectuate its purposes.

ASSEMBLY BILL 481**SECTION 16**

1 **(14) ARTICLE XIV – BINDING EFFECT OF COMPACT AND OTHER LAWS.** (a) *Other*
2 *laws.* 1. Nothing in this compact prevents the enforcement of any other law of a
3 compacting state that is not inconsistent with this compact.

4 2. All compacting states' laws conflicting with this compact are superseded to
5 the extent of the conflict.

6 (b) *Binding effect of the compact.* 1. All lawful actions of the interstate
7 commission, including all rules and bylaws promulgated by the interstate
8 commission, are binding upon the compacting states.

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

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

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

22 **(15) ARTICLE XV – SHORT TITLE.** This section may be cited as the “Interstate
23 Compact for Adult Offender Supervision.”

24 **SECTION 17.** 801.14 (6) of the statutes is created to read:

ASSEMBLY BILL 481

1 801.14 (6) If an action pertaining to the subject matter of the compact
2 authorized under s. 304.16 may affect the powers, responsibilities, or actions of the
3 interstate commission, as defined in s. 304.16 (2) (f), the plaintiff shall deliver or mail
4 a copy of the complaint to the interstate commission at its last-known address.

5 **SECTION 18. Nonstatutory provisions.**

6 (1) Notwithstanding the length of terms specified for the members of the
7 interstate adult offender supervision board under section 15.145 (3) of the statutes,
8 as created by this act, 3 of the initial members shall be appointed for terms expiring
9 on May 1, 2003, and the other 4 initial members shall be appointed for terms expiring
10 on May 1, 2005.

11

(END)