

2001 DRAFTING REQUEST

Bill

Received: 01/26/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Scott Walker (608) 266-9180

By/Representing: Melissa

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: Correctional System - int sanct
Correctional System - parole
Correctional System - probation
Correctional System - ext superv

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Interstate compact for the supervision of adult offenders

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P2	nelsorp1 02/26/2001	gilfokm 03/15/2001	pgreensl 03/23/2001	_____	lrb_docadmin 03/26/2001		
	nelsorp1 03/26/2001			_____			
/1	nelsorp1 05/30/2001	gilfokm 05/31/2001	pgreensl 05/31/2001	_____	lrb_docadmin 05/31/2001	lrb_docadminState 08/15/2001	

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↳ At Intro.

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	nelsorp1 03/26/2001	<i>1-5/Kmg</i> <i>31-01</i>	<i>5/31</i> <i>pg</i>	<i>[Handwritten initials]</i> <i>pg</i>			

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*KLR
KMG*

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FE Sent For:

S://SCANNED DOCS/ADULT OFFENDERS/INTERSTATEDOC



Scott Walker

Wauwatosa's Representative in the Wisconsin State Assembly

1/25/01
Bob, LPS have request

Here's the basic language for the revised Interstate Compact for the Supervision of Adult Offenders. Again, we want our previous requests to take priority over this one.

Thanks much,
Missy

P.O. Box 8953 • Madison, Wisconsin 53708-8953 • (608) 266-9180
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Printed on recycled paper with soy based ink.

INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

Legislative Briefing

**Hyatt Regency Hotel
New Orleans, Louisiana**

November 27-29, 2000



The Council of State Governments

A



The Council of State Governments

Visit CSG's Interstate Compact for Adult Offender Supervision web-site:

<http://www.statesnews.org/cip/policy/isc.htm>

or contact:

John Mountjoy - (859) 244-8256

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Kerni Humphries - (800) 995-6423, ext. 136

khumphries@bop.gov

INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS

PREAMBLE

- Whereas: The interstate compact for the supervision of Parolees and Probationers was established in 1937, it is the earliest corrections "compact" established among the states and has not been amended since its adoption over 62 years ago;
- Whereas: This compact is the only vehicle for the controlled movement of adult parolees and probationers across state lines, and it currently has jurisdiction over more than a quarter of a million offenders;
- Whereas: The complexities of the compact have become more difficult to administer, and many jurisdictions have expanded supervision expectations to include currently unregulated practices such as victim input, victim notification requirements and sex offender registration;
- Whereas: After hearings, national surveys, and a detailed study by a task force appointed by the National Institute of Corrections, the overwhelming recommendation has been to amend the document to bring about an effective management capacity that addresses public safety concerns and offender accountability;
- Whereas: Upon the adoption of this Interstate Compact for Adult Offender Supervision, it is the intention of the legislature to repeal the previous Interstate Compact for the Supervision of Parolees and Probationers on the effective date of this Compact.

Be it enacted by the General Assembly (Legislature) of the state of _____:

Short title: This Act may be cited as The Interstate Compact for Adult Offender Supervision.

**ARTICLE I
PURPOSE**

The compacting states to this Interstate Compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the Bylaws and Rules of this compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdictions. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime. It is the purpose of this compact and the Interstate Commission created hereunder, through means of joint and cooperative action among the compacting states: to provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community, to provide for the effective tracking, suspension, and rehabilitation of these offenders by the sending and receiving states; and to equitably distribute the costs, benefits and obligations of the compact among the compacting states. In addition, this compact will: create a Interstate Commission which will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, pardoning authorities, corrections or other criminal justice agencies which will promulgate rules to achieve the purpose of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators; monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct non-compliance; and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity

The compacting states recognize that there is no "right" of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and/relax any offender under supervision subject to the provisions of this compact and Bylaws and Rules promulgated hereunder. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and are therefore public business.

**ARTICLE II
DEFINITIONS**

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

- "Adult" means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.
- "By-laws" mean those by-laws established by the Interstate Commission for its governance, or for directing or controlling the Interstate Commission's actions or conduct.
- "Compact Administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of the compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.
- "Compacting state" means any state which has enacted the enabling legislation for this compact.
- "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact.
- "Interstate Commission" means the Interstate Commission for Adult Gender Supervision established by this compact.
- "Member" means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner.

- "Non Compacting state" means any state which has not enacted the enabling legislation for this compact.
- "Offender" means an adult placed under, or subject, to supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies.
- "Person" means any individual corporation, business enterprise, or other legal entity, either public or private.
- "Rules" means acts of the Interstate Commission, duly promulgated pursuant to Article VIII of this compact, substantially affecting interested parties in addition to the Interstate Commission, which shall have the force and effect of law in the compacting states.
- "State" means a state of the United States, the District of Columbia and any other territorial possessions of the United States.
- "State Council" means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article III of this compact.

ARTICLE III

THE COMPACT COMMISSION

The compacting states hereby create the "Interstate Commission for Adult Offender Supervision". The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

The Interstate Commission shall consist of Commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state. In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of

interested organizations; such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (nonvoting) members. The Interstate Commission may provide in its by-laws for such additional, ex-officio, non-voting members as it deems necessary.

Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission. The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of 27 or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

The Interstate Commission shall establish an Executive Committee which shall include commission officers, members and others as shall be determined by the By-laws. The Executive Committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact. The Executive Committee oversees the day-to-day activities managed by the Executive Director and Interstate Commission staff, administers enforcement and compliance with the provisions of the compact, its by-laws and as directed by the Interstate Commission and performs other duties as directed by Commission or set forth in the By-laws.

ARTICLE IV

THE STATE COUNCIL

Each member state shall create a State Council for Interstate Adult Offender Supervision which shall be responsible for the appointment of the commissioner who shall serve on the Interstate Commission from that state. Each state council shall appoint as its commissioner the Compact Administrator from that state to serve on the Interstate Commission in such capacity under or

pursuant to applicable law of the member state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups and compact administrators. Each compacting state retains the right to determine the qualifications of the Compact Administrator who shall be appointed by the state council or by the Governor in consultation with the Legislature and the Judiciary. In addition to appointment of its commissioner to the National Interstate Commission, each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state including but not limited to, development of policy concerning operations and procedures of the compact within that state.

**ARTICLE V
POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

The Interstate Commission shall have the following powers:

- To adopt a seal and suitable bylaws governing the management and operation of the Interstate Commission
- To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.
- To oversee, supervise and coordinate the interstate movement of offenders subject to the terms of this compact and any by-laws adopted and rules promulgated by the compact commission.
- To enforce compliance with compact provisions, Interstate Commission rules, and by-laws, using all necessary and proper means, including but not limited to, the use of judicial process.
- To establish and maintain offices.
- To purchase and maintain insurance and bonds
- To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs.

- To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.
- To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel.
- To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same.
- To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.
- To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.
- To establish a budget and make expenditures and levy dues as provided in Article X of this compact.
- To sue and be sued
- To provide for dispute resolution among Compacting States.
- To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.
- To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.
- To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity
- To establish uniform standards for the reporting, collecting, and exchanging of data

ARTICLE VI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Section A. By-laws

The Interstate Commission shall, by a majority of the Members, within twelve months of the first Interstate Commission meeting, adopt By-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact, including, but not limited to:

- establishing the fiscal year of the Interstate Commission;
- establishing an executive committee and such other committees as may be necessary, providing reasonable standards and procedures;
- (i) for the establishment of committees, and
- (ii) governing any general or specific delegation of any authority or function of the Interstate Commission;

providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

establishing the titles and responsibilities of the officers of the Interstate Commission; providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Interstate Commission. Notwithstanding any civil service or other similar laws of any Compacting State, the By-laws shall exclusively govern the personnel policies and programs of the Interstate Commission, and

providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations;

providing transition rules for "start up" administration of the compact,

establishing standards and procedures for compliance and technical assistance in carrying out the compact

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Section B. Officers and Staff

The Interstate Commission shall, by a majority of the Members, elect from among its Members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the By-laws. The chairperson or, in his or her absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission. The Officers so elected shall serve without compensation or remuneration from the Interstate Commission; PROVIDED THAT, subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

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

Section C. Corporate Records of the Interstate Commission

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

Section D. Qualified Immunity, Defense and Indemnification

The Members, officers, executive director and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities; PROVIDED, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person.

The Interstate Commission shall defend the Commissioner of a Compacting State, or his or her representatives or employees, or the Interstate Commission's representatives or employees, in any civil action seeking to impose liability, arising out of any actual or alleged act, error or

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omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities; PROVIDED, that the actual or alleged act, error or omission did not result from intentional wrongdoing on the part of such person.

The Interstate Commission shall indemnify and hold the Commissioner of a Compacting State, the appointed designee or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgement obtained against such persons arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided, that the actual or alleged act, error or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

ARTICLE VII

ACTIVITIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall meet and take such actions as are consistent with the provisions of this Compact.

Except as otherwise provided in this Compact and unless a greater percentage is required by the By-laws, in order to constitute an act of the Interstate Commission, such act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present.

Each Member of the Interstate Commission shall have the right and power to cast a vote to which that Compacting State is entitled and to participate in the business and affairs of the Interstate Commission. A Member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the

member state at a specified meeting. The By-laws may provide for Members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person.

The Interstate Commission shall meet at least once during each calendar year. The chairperson of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the Members, shall call additional meetings.

The Interstate Commission's By-laws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such Rules, the Interstate Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission shall promulgate Rules consistent with the principles contained in the "Government in Sunshine Act," 5 U.S.C. Section 552(b), as may be amended. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to

- relate solely to the Interstate Commission's internal personnel practices and procedures;
- disclose matters specifically exempted from disclosure by statute;
- disclose trade secrets or commercial or financial information which is privileged or confidential;
- involve accusing any person of a crime, or formally censuring any person.

- disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- disclose investigatory records compiled for law enforcement purposes;
- disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated entity for the purpose of regulation or supervision of such entity;
- disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity;
- specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or proceeding.

For every meeting closed pursuant to this provision, the Interstate Commission's chief legal officer shall publicly certify that, in his or her opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflected in the vote of each Member on the question). All documents considered in connection with any action shall be identified in such minutes.

The Interstate Commission shall collect standardized data concerning the interstate movement of offenders as directed through its By-laws and Rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements.

ARTICLE VIII
RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

The Interstate Commission shall promulgate Rules in order to effectively and efficiently achieve the purposes of the Compact including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states.

Rulemaking shall occur pursuant to the criteria set forth in this Article and the By-laws and Rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 U.S.C. section 551 et seq., and the Federal Advisory Committee Act, 5 U.S.C. app. 2, section 1 et seq., as may be amended (hereinafter "APA"). All Rules and amendments shall become binding as of the date specified in each Rule or amendment.

If a majority of the legislatures of the Compacting States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such Rule shall have no further force and effect in any Compacting State.

When promulgating a Rule, the Interstate Commission shall:

- publish the proposed Rule stating with particularity the text of the Rule which is proposed and the reason for the proposed Rule;
 - allow persons to submit written data, facts, opinions and arguments, which information shall be publicly available;
 - provide an opportunity for an informal hearing; and
 - promulgate a final Rule and its effective date, if appropriate, based on the rulemaking record.
- Not later than sixty days after a Rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such Rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence, (as defined in the APA), in the rulemaking record, the court shall hold the Rule unlawful and set it aside.
- Subjects to be addressed within 12 months after the first meeting must at a minimum include
- notice to victims and opportunity to be heard;
 - offender registration and compliance;
 - violations/returns;
 - transfer procedures and forms;
 - eligibility for transfer;
 - collection of restitution and/less from offenders.

- data collection and reporting;
- the level of supervision to be provided by the receiving state;
- transition rules governing the operation of the compact and the Interstate Commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact;
- Mediation, arbitration and dispute resolution.

The existing rules governing the operation of the previous compact superseded by this Act shall be null and void twelve (12) months after the first meeting of the Interstate Commission created hereunder.

Upon determination by the Interstate Commission that an emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule.

**ARTICLE IX
OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE
COMMISSION**

Section A. Oversight

The Interstate Commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in Non-compacting States which may significantly affect Compacting States.

The courts and executive agencies in each Compacting State shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. In any judicial or administrative proceeding in a Compacting State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

Section B. Dispute Resolution

The Compacting States shall report to the Interstate Commission on issues or activities of concern to them, and cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities.

The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the Compact and which may arise among Compacting States and Non-compacting States.

The Interstate Commission shall enact a By-law or promulgate a Rule providing for both mediation and binding dispute resolution for disputes among the Compacting States.

Section C. Enforcement

The Interstate Commission, in the reasonable exercise of its' discretion, shall enforce the provisions of this compact using any or all means set forth in Article XII, Section 3, of this compact.

**ARTICLE X
FINANCE**

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

The Interstate Commission shall levy on and collect an annual assessment from each Compacting State to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each Compacting State and shall promulgate a Rule binding upon all Compacting States which governs said assessment.

The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its By-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

**ARTICLE XI
COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT**

Any state, as defined in Article II of this compact, is eligible to become a Compacting State. The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than 35 of the States. The initial effective date shall be the later of July 1, 2001, or upon enactment into law by the 35th jurisdiction. Thereafter it shall become effective and binding, as to any other Compacting State, upon enactment of the Compact into law by that State. The governors of Non-member states or their designees will be invited to participate in Interstate Commission activities on a non-voting basis prior to adoption of the compact by all states and territories of the United States. Amendments to the Compact may be proposed by the Interstate Commission for enactment by the Compacting States. No amendment shall become effective and binding upon the Interstate Commission and the Compacting States unless and until it is enacted into law by unanimous consent of the Compacting States.

**ARTICLE XII
WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT**

Section A. Withdrawal

Once effective, the Compact shall continue in force and remain binding upon each and every Compacting State; PROVIDED, that a Compacting State may withdraw from the Compact ("Withdrawing State") by enacting a statute specifically repealing the statute which enacted the Compact into law.

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

The Withdrawing State shall immediately notify the Chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this Compact in the Withdrawing State.

The Interstate Commission shall notify the other Compacting States of the Withdrawing State's intent to withdraw within sixty days of its receipt thereof.

The Withdrawing State is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

Reinstatement following withdrawal of any Compacting State shall occur upon the Withdrawing State reenacting the Compact or upon such later date as determined by the Interstate Commission.

Section B. Default

If the Interstate Commission determines that any Compacting State has at any time defaulted ("Defaulting State") in the performance of any of its obligations or responsibilities under this Compact, the By-laws or any duly promulgated Rules the Interstate Commission may impose any or all of the following penalties:

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

Remedial training and technical assistance as directed by the Interstate Commission;

Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the By-laws and Rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the

Governor, the Chief Justice or Chief Judicial Officer of the state; the majority and minority leaders of the defaulting state's legislature, and the State Council.

The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission By-laws, or duly promulgated Rules. The Interstate Commission shall immediately notify the Defaulting State in writing of the penalty imposed by the Interstate Commission on the Defaulting State pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the Defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Compacting States and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension. Within sixty days of the effective date of termination of a Defaulting State, the Interstate Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer and the Majority and Minority Leaders of the Defaulting State's legislature and the state council of such termination.

The Defaulting State is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

The Interstate Commission shall not bear any costs relating to the Defaulting State unless otherwise mutually agreed upon between the Interstate Commission and the Defaulting State. Reinstatement following termination of any Compacting State requires both a reenactment of the Compact by the Defaulting State and the approval of the Interstate Commission pursuant to the Rules.

Section C. Judicial Enforcement

The Interstate Commission may, by majority vote of the Members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its offices to enforce

compliance with the provisions of the Compact, its duly promulgated Rules and By-laws, against any Compacting State in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees.

Section D. Dissolution of Compact

The Compact dissolves effective upon the date of the withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State.

Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the By-laws.

ARTICLE XIII

SEVERABILITY AND CONSTRUCTION

The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

The provisions of this Compact shall be liberally construed to effectuate its purposes.

ARTICLE XIV

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other Laws

Nothing herein prevents the enforcement of any other law of a Compacting State that is not inconsistent with this Compact.

All Compacting States' laws conflicting with this Compact are superseded to the extent of the conflict.

Section B. Binding Effect of the Compact

All lawful actions of the Interstate Commission, including all Rules and By-laws promulgated by the Interstate Commission, are binding upon the Compacting States.
All agreements between the Interstate Commission and the Compacting States are binding in accordance with their terms.

Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the Compacting States, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any Compacting State, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the Compacting State and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective.

Current State Status
2000 Legislative Sessions

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INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

Legislative Status
as of 11/13/00

State	Bill Number	Primary Sponsor	Status
Alabama			
Alaska			
Arizona			
Arkansas			
California	SB 2023	Sen. John Lewis	Signed into law, 9/24/00 (S 40-0; H 77-0)
Colorado	SB 00-191	Sen. Norma Anderson	Signed into law, 4/10/00
Connecticut	SB 553	Judiciary	Signed into law, 6/1/00 (S 36-0; H 146-3)
Delaware			
Florida			
Georgia			
Hawaii	SB 2152	Sen. Avery Chumbley	Signed into law, 6/7/00 (S 24-0; H 48-0)
Hawaii	HB 1896	Rep. Nestor Garcia	session ended
Idaho	SB 1391	Sen. Denton Darrington	Signed into law, 4/17/00 (S 29-1; H 63-0)
Illinois			
Indiana			
Iowa	HF 2489	Rep. Minnette Doderer	session ended
Kansas	HB 2939	Rep. David Adkins	session ended
Kentucky	HB 454	Rep. Bob Darron	Signed into law, 4/21/00 (S 37-0; H 93-0)
Louisiana			
Maine	LD 2612	Rep. Chris Muse	voted down on House Floor (26-111)
Maryland	HB 330	Deegate Dana Dembrow	session ended
Maryland	SB 366	Sen. Brian Frosh	session ended
Massachusetts			
Michigan			
Minnesota			
Mississippi			
Missouri	HB 1321	Rep. Randall Reiford	Signed into law, 6/27/00 (S 33-0; H 157-0)
Montana			
Nebraska			
Nevada			
New Hampshire			
New Jersey			
New Mexico			
New York			
North Carolina			
North Dakota			
Ohio			
Oklahoma	SB 1565	Sen. Brad Henry	Signed into law, 6/1/00 (S 45-0; H 92-0)
Oregon			
Pennsylvania			
Rhode Island			
South Carolina			

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State	Bill Number	Primary Sponsor	Status
South Dakota			
Missouri			
Ohio			
Alabama			
Montgomery	S 311	Senate Institutions	Signed into law, 4/27/00
Virginia	HB 446	Delegate Terry Kilgore	tabled until 2001 session
Virginia	SB 270	Senator Yvonne Miller	tabled until 2001 session
Virginia	SJ 86	Senator Yvonne Miller	session ended
Washington	SB 6621	Senator Jeri Costa	Signed into law, 3/30/00; special legislation
West Virginia			
Wisconsin			
Wyoming			
Amer. Samoa			
Guam			
N. Marianas Is.			
Puerto Rico			
Virgin Islands			

Washington's bill set-up a task force staffed from the Governor's office to examine the interstate Compact and make a recommendation on adoption and passage by January 1, 2001

**FOURTEEN FREQUENTLY ASKED QUESTIONS CONCERNING
THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION**

1. A probation and parole interstate compact already exists. Why should we replace it?

Answer: The existing Parole and Probation Interstate Compact was created in 1937 when only a few thousand offenders were being supervised in states other than where they were sentenced. Today that number exceeds a quarter of a million parolees and probationers. The existing compact authority and structure are seriously outdated. Evidence includes:

- Lack of knowing who moves when;
- Lack of agreement between states regarding what supervision means;
- Lack of capability to notify victims, communities and law enforcement officials of the movement of offenders; and
- Lack of any organization to identify failures to comply, resolve reasons for non-compliance, modify compliance requirements, or enforce compliance if that becomes necessary.

Some states have recently, through legislation or executive order, created their own criteria that are not consistent with requirements of the compact. The very real danger is that the existing compact will become so dysfunctional that a nationwide system for tracking and monitoring this population will not exist. The proposed Interstate Compact for Adult Offender Supervision will create the authority and structure to effectively manage the movement of adult parolees and probationers among member states.

2. We keep hearing that there are over a quarter of a million parolees and probationers in states other than where they were sentenced. How reliable is that number and is it changing?

Answer: Nobody can accurately answer this question. The lack of reliable interstate data has long been a problem. The NIC Information Center completed a survey of states at the very beginning of this project. It did not include data from compact members Puerto Rico or the Virgin Islands, which would have increased the totals slightly. This is still the most current and comprehensive interstate movement data available. Some results are reflected in the attachment titled: "Table 1. Compact Populations, June 30, 1997". The number of individual cases being supervised in other states totaled 115,362. This number does not include parolees and probationers who had been issued travel permits, figures that were impossible to gather. Travel permits are cases not officially transferred, even though the parolee or probationer has been authorized to travel to another state for a period of time. The universal opinion of compact and agency administrators consulted was that more individuals were in the travel category than in the actually supervised group. Therefore, we doubled the 115,362 and have talked about a quarter of a million offenders. There is strong reason to believe that in June 1997, the interstate compact

had involvement in something more than the quarter of a million cases where adult parolees and probationers were in states other than where they were sentenced. Nobody will even hazard a guess as to the additional number of convicted adult offenders going to other states outside knowledge of compact authorities.

In November 1999, several compact administrators were asked to provide the same type of information as reported two years earlier. Responses were received from Georgia, Massachusetts, Minnesota, the District of Columbia, Oklahoma and North Carolina. Four of the six reported increases, with an overall increase of greater than 17%. This does not represent a defensible research finding, but it does support conventional wisdom that the number of adult parolees and probationers being supervised in other states continues to increase.

3. Will this proposed revision eliminate the problems experienced under the current compact, and how will compliance by member states be assured?

Answer: Nobody can guarantee elimination of all problems experienced under the current compact. The proposed compact will have in place a staff and committee structure that will permit swift identification of potential problems and a manageable process for addressing early stages should identify and avert major conflicts.

In regard to authority, the revised compact clarifies that the member states have a contractual obligation to comply with the terms of the compact as well as the By-Laws and all rules promulgated by the Interstate Commission. Various tools are provided in the amended language (Article XII, Sec. B) providing for compliance and enforcement of the compact. These range from technical assistance, mediation and arbitration to suspension, termination, imposition of financial penalties, and legal action in federal court which will result in recovery of legal fees and costs by the prevailing party.

4. What happens if my state does not pass the compact? Will we still be able to send and receive parolees and probationers?

Answer: This question was carefully considered at the time a decision was made to propose a new compact and it presents perhaps the most difficult challenge. An interstate compact is a contract between signatory states. The purpose of the existing and proposed compacts is to manage the interstate movement of parolees and probationers. The current compact is one of a very few existing "fifty state compacts" (plus the District of Columbia, Puerto Rico, and the Virgin Islands), and the hope is that the proposed compact will likewise become law in all states and territories within a short period of time.

When a state is one of at least 35 to pass the proposed compact and it is after July 1, 2001, that state will no longer be a party to the existing compact and their "contractual relationship" with other states will be limited to others who have also passed the new compact. Unless states that have not passed the new compact take action to repeal the existing law, they will still have a legal compact relationship with other states that remain under the old compact. Hopefully that confusing situation will not last for long, and it would be surprising if states not passing the new compact would continue to function as a compact (although it would be possible and the existing/unrepealed compact would still be technically binding among the remaining states). It is also possible for a state to repeal the current compact and not pass the proposed compact, thereby not having any agreements with other states on this matter at all.

- The proposed compact includes the following language to address transition concerns:
Article IX, Sec. B: "The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the Compact and which may arise among Compacting and Non-compacting states";
- Article XI reads in part: "The governors of Non-member states or their designees will be invited to participate in Interstate Commission activities on a non-voting basis prior to adoption of the compact by all states and territories of the United States";

Regardless of the intent of the above provisions, absent an agreement between states "no rules apply". Therefore, a state that is not a party to a compact may send their probationers and parolees to other states without constraint. Likewise, all other states may send their probationers and parolees to that state without permission, rules or notice.

5. Have governors and attorneys general received information about the proposed compact, and has it been reviewed for legality?

Answer: Governors and attorneys general will be mailed briefing packets and videos in mid-November, 1999, simultaneous to the briefing for state legislators. No specific national briefings for governors or attorneys general have been scheduled, but presentations could be arranged through professional associations and staff.

Attorneys with specific interstate compact expertise were instrumental in the drafting of the proposed compact. Much of the detailed language and authority is drawn from existing compacts that have withstood legal challenge and scrutiny.

6. Why is it necessary to have State Councils?

Answer: State Councils address at least three significant problems:
• Interstate supervision is often unknown outside the agency or agencies where Deputy Compact Administrators work, and these individuals are often not at policy making levels within their

- organization. Consequently, in many states there is scant awareness that interstate issues are significant public concern until a horrendous crime occurs.
- Each state has one designated Compact Administrator, yet Interstate Compact compliance is not exclusively an issue for any one state agency. In many instances parole and probation supervision takes place in separate agencies within the executive branch, or in different (executive and judicial) branches and levels (state and county) of government. Extrajudicial funding and decision making may be administered elsewhere. Judges and parole boards are obligated to observe Compact rules regardless of where Compact administration is housed. An ongoing awareness of interstate supervision issues is necessary at several points within state government.
 - Interstate supervision is a public policy concern of such significance that it merits a working knowledge on the part of the required State Council membership, including victims of crime. However, the precise State Council role and membership remain for individual states to determine.

Few state governments have specifically identified how to deliberately manage and fund the controlled movement of offenders into and out of their state.

7. We understand that the National Commission will write the by-laws and regulations after the revised compact becomes operational. Isn't that expecting us to "sign up blindly" before we know the rules. Why is this necessary?

Answer: A primary value maintained throughout the drafting process is that managing the interstate movement of adult parolees and probationers sentenced in state and local courts is properly the responsibility of states, and not the federal government. The most effective way to manage the movement of offenders is through an enforceable compact between states that results from member states' ongoing participation in administrative and rule-making duties. Herein lies the "Catch 22". States, through the National Commission, cannot write the rules and regulations until the new compact exists and the initial member states are known. However, that also means that states must pass the legislation and then trust the process for Commission members to write appropriate rules during the compact's first year of existence. The alternative would be to have the drafters write all the rules without the full participation of states, and the only way they could be changed in the future would be for every state legislature to act on adopting the changes.

This new compact will create a governing structure with the capacity and authority to effectively manage rule making and compliance by member states. Rule making authority is left to representatives of those states that choose to pass the legislation. The Compact creates a process for rules to be made and enforced, and when necessary to be modified without returning to each state legislature. However, as a safeguard of states authority the drafters created a provision for a majority of state legislatures to nullify any rule passed by the National Commission.

8. What control will states have over the National Commission if we don't agree with what they are doing?

Answer: It is important to remember that the National Commission is comprised of one voting representative from each member state. A representative of the legislative branch is required to be on the State Council, and all proposed rules of the National Commission are required to be published in advance. Therefore, your state will have opportunity for input before a vote is taken, and any member state will have the opportunity to have their position heard and to vote for passage or rejection of rules, By-laws and routine business. The standard for passage is a majority of members present at a meeting, unless a greater percentage is established in the By-laws (Article VII).

These relevant provisions are also included:

- Article VIII concerning individual rules: "If a majority of the legislatures of the Compacting States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such Rule shall have no further force and effect in any Compacting State."
- Article XI concerning amending the compact itself: "Amendments to the Compact may be proposed by the Interstate Commission for enactment by the Compacting States. No amendment shall become effective and binding upon the Interstate Commission and the Compacting States unless and until it is enacted into law by unanimous consent of the Compacting States."
- Article XII: "...a Compacting State may withdraw from the Compact by enacting a statute specifically repealing the statute which enacted the Compact into law."

9. Can we change any of the language in the proposed compact, or must all states use the same precise language? Can my state pass only certain parts of the revised compact?

Answer: Generally, the compact language must be identical with regard to the substantive provisions of the agreement. Since the compact is contractual in nature, there must be a "meeting of the minds" as to the terms of the agreement in order for it to take effect. While allowances may be made for the format for introduction of the bill containing the operative language of the agreement, any material differences in language in any state statute purporting to adopt the compact could render it "void" or "voidable" as to that state.

10. How important is it to pass this legislation early rather than waiting to see what rules and by-laws are created by the National Commission?

Answer: Many of the critical decisions that will shape the new compact must be made during the first twelve months of existence (Articles V and VIII). Only member states will be permitted to vote; therefore, states joining after July 1, 2001 (or after the 35th state if later than 7/01) will

inherit the product of decisions made by those states that were initial members. Interests of individual states are best served at the table when decisions are being shaped and adopted. Additionally, there will be a challenging and time pressured transition to the time when the new compact will become operational. It is expected that preliminary transition meetings and binding decisions will not be made during this phase, much of the thinking and planning will be more relevant activity for those states that have actually passed the legislation.

11. What are some of the state specific decisions that must be made when the legislation is passed?

Answer: A separate two page attachment has been prepared to address this question. See: "Key Decisions States Must Make When Enacting the Compact".

12. Aren't we creating an expensive bureaucracy without the promise of anything better than what we already have?

Answer: Key issues for the existing compact are accountability for member states and the ability to enforce compact rules. An interstate compact that cannot assure compliance by member states has been described as a "toothless tiger". Despite remarkable efforts by those working in compact administration to hold the system together, governance issues have moved to the point that more compact authority is essential for the agreement between states to function effectively. This leads to the need for a national office to attend to administrative issues. Nothing in the drafting process requires an expansive bureaucracy, although it will create an administrative structure that will hold member states accountable for compliance. Given the degree of dissatisfaction with the current compact, many feel that a realistic question is whether the existing compact could survive if it is not replaced quickly.

13. How much will this cost my state, and what will the money go for?
Answer:

Based on a preliminary estimate contained within the fiscal note, the start-up costs to establish the National Commission will cost approximately \$1.4 million. Support for the National Commission will come from state dues as determined by a formula contained in the compact. Funding support for each State Council will be determined by individual states based on their specific needs and circumstances, (e.g. some states currently have existing mechanisms and or

councils that could absorb the duties of the proposed State Councils with some minor modifications.)

14. On an ongoing basis, where can we get current and reliable information about this proposed compact and its' current status in jurisdictions around the country?

Answer: Current documents may be found at <http://www.statestew.org/cip/policv/sc.htm>
Questions may be directed to:

Kermit Humphries, National Institute of Corrections
phone: 800/995-6423, ext. 136
e-mail: khumphries@bop.gov

- OR -

John Mountjoy, The Council of State Governments
phone: 859/244-8256
e-mail: jmountjoy@csse.org

The Compact must be passed by states with identical content. However, the way it is implemented will vary from state to state. When a state is enacting this proposed legislation at least three key state specific areas must be addressed: Finance, the Compact Administrator, and State Councils.

Key Decisions States Must Make When Enacting the Compact Finance:

Determine the process and funding source necessary to insure timely payment of your states' annual assessment to cover costs of the internal operations and activities of the Interstate Commission (Art. sec. 2)

Among items to consider:

- During the first 12 months of existence the Commission must promulgate a Rule binding upon member states specifying an assessment formula that takes into consideration state population and its' volume of interstate movement of offenders.
- It is not possible to specify the amount of a state assessment before an operating budget is approved by the Commission and the funding formula has been established. However, an estimate of the start-up costs and operating budgets for the Commission's first three years has been completed and is part of this set of information.

Compact Administrator:

Determine qualifications of Compact Administrator..... (Art. II-C, Art. AND

1. The Governor, in consultation with the Legislature and the Judiciary; or
2. The State Council. (Art. II-C, Art. AND

- Under the existing compact, who is currently the official Compact Administrator? (Do not confuse this authority with the position of "Deputy Compact Administrator(s)" where much of the daily activity occurs.)
- Does the Compact Administrator responsibility require a full time position in your state, or should these duties be part of the responsibilities of another position?
- Where will the position be located within the state organizational structure?
- The Compact Administrator, as your states' representative on the National Commission, represents the interests of your state through his/her vote. What additional authority or responsibility, if any, will be specified for the position within your state?

Creation of State Councils:..... (Art. IV)

Among items to consider:

- Your state may have an existing function that, with minimal modification, can also fulfill the state council responsibility.
- Some states may want a "hands-on" state council that meets frequently, requires staff support and a clear organizational designation.
- Others states may fashion a state council role that requires few meetings with staff support provided by the compact administrators' office, or other pre-existing resources.

1. State Council resources and organizational location.
2. Membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and the Compact Administrator.
How are the appointments to be made in your state?
 - i. In statute?
 - ii. By Executive Order?
 - iii. Other.
 Will appointments be made for a specific term or time frame?

2. How will the state councils be required to conduct business? I.E.:
 Quorums
 Roberts Rules of Order
 State administrative regulations
 State council rules or other determinations.

4. Legislative enactment language in Article IV states: "Each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state, including, but not limited to, development of policy concerning operations and procedures of the compact within that state."
 1. Does your state wish to specify any other duties for your State Council?

INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

CASE STUDIES

All types of offenders may potentially be supervised under the Interstate Compact. Typically we discuss tragic problems caused by a very serious offender, and seldom do we become aware of problems related to those parolees or probationers who probably do not present a major public safety concern. In addition to public safety, an important reason for supervision is to insure that an offender is in the best possible situation to avoid future lawbreaking. Sometimes that situation is in a different state. Unfortunately, the current Compact does not have an administrative process or governing structure in place with authority to hold member states accountable for compliance with their mutually agreed upon rules.

There are more than quarter of a million parolees and probationers subject to the existing Compact. A large portion of that number do not encounter problems of consequence. However, consider the range and types of interstate supervision issues that arise and need to be governed effectively by rules agreed upon by member states:

- A parolee requested transfer of his parole supervision to his former state of residence. The transfer request failed to include complete case information or the proposed special conditions of parole supervision. Unbeknownst to the receiving state the offender was a member of a notorious outlaw motorcycle gang. A condition of the parole was that the offender have no contact with members of the gang. Without knowledge of that condition the receiving state accepted supervision and approved a home plan which allowed the offender to live in a house owned and frequented by gang members. The offender was stopped for a traffic offense while driving a car occupied by several other gang members. He shot and killed the state trooper making the traffic stop. The offender was eventually convicted of murder and incarcerated in the receiving state.
- A man is placed on probation for a very serious domestic assault. He possesses an extensive firearms collection, threats were made and his victim has reason to fear for her safety. At sentencing the court agrees with a proposal that the offender be placed on probation and move to a state across the country for employment purposes. A travel permit was issued and a request for supervision was made. The probationer arrived in the receiving state as directed, but when contacted by the probation officer said he wanted to move to a third state. A paperwork process began between several states and the offender went unsupervised for a number of months until the victim learned that he was again residing within a mile from her home and the firearms were still in his possession.
- A college honors student home for summer break between her junior and senior years is arrested and convicted for underage possession of alcohol. She was drinking a beer in a college nightspot. After observing the student and her family in his courtroom, the judge places the offender on probation with a condition for counseling services. As the fall semester approaches, the sending state requests a transfer of supervision to the state where

the university is located. The request is quickly denied by the receiving state because they do not supervise misdemeanants. Bolstered by the Compact rules which clearly state that misdemeanants are eligible for transfer through the Compact, the sending state requested that the receiving state reconsider its decision. That request was also denied. The sending state cannot appeal the decision as the offender is not a resident of the receiving state thereby making the decision discretionary. The judge in the sending state must therefore either terminate supervision altogether, or prevent an honors student from returning to college and graduating.

The young man who had moved with his family to the receiving state eight months earlier is arrested in the sending state while visiting his former friends. He is eventually convicted of Simple Assault and placed on 2 years probation. Since he lived with his family in the receiving state, a transfer request was processed and mailed. The receiving state rejected supervision based on the fact that the family had only lived there for less than a year. That state had passed legislation defining family in compact matters as individuals who have lived in the state for three or more years. Despite the fact that the described legislation is clearly contrary to the intent of compact rules, the receiving state refused to permit the offender to return to his home and live with his parents.

A probationer was offered meaningful employment in the receiving state while visiting his parents on a seven-day travel permit. At the expiration of the travel permit, he returned to the sending state and requested a transfer of supervision. The employer agreed to hold the job while the probationer straightened his affairs and relocated. After verifying the employment offer and the probationer's welcome to live in his parent's home, the probation officer in the sending state formally requested transfer through the compact. Reporting instructions were requested, but denied due to the lack of an emergency. At the end of the legally prescribed forty-five day time limit for investigations, the sending state requested a decision. The receiving state explained that the investigation had not yet been completed and requested an extension. Reporting instructions were again denied, due to the fact that the offense in question was of an assaultive nature. When the employer was informed of the continued delay, he withdrew the employment offer. Due to administrative delays the offender lost the opportunity for meaningful employment and stable residence with his family.

A receiving state refused to accept transfer of supervision of an offender whose only available home plan was with his parents. He was also employed in the receiving state, thereby making acceptance mandatory by compact rules. The receiving state based it's rejection on the absence of a psychological evaluation in the transfer material. The sending state had no such document but agreed to make a condition of supervision that the offender avail himself to evaluation at the receiving state's request. The receiving state again rejected the transfer. The sending state was therefore left with the options of accepting liability for allowing the offender to stay in the receiving state without formal transfer, or initiating a long and ineffectual grievance process through the Compact Administrators Association.

Fiscal Note

INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

Fiscal Note

In response to request for what a budget might look like, a committee examined the issue and has produced this good-faith estimate. The estimated budget for the operation of the Interstate Compact Commission is \$1,427,100. This figure was calculated based on the following assumptions:

Staff Salaries and Benefits

The staff includes an Executive Director, Deputy Director, General Counsel, Management and Information Systems Executive, Chief Financial Officer, Public Education and Media Relations Director, 2 Program Specialists and 2 Clerical Staff. Total Estimated Annual Personnel Costs are \$588,000 plus benefits estimated at 25 percent (25%) of annual salaries or \$147,000, for a total of \$735,000.

Commission Meetings and Subcommittee Meetings

The National Commission, consisting of Commissioners from all member states, which formulates the policy, rules and regulations for the implementation and enforcement of the Interstate Compact is estimated to require three (3) Commission meetings of all state Commissioners plus staff during the first year of operation to permit sufficient time to adopt the Commission's Bylaws and Rules. It is also anticipated that various Subcommittees including, but not limited to, the Executive Committee, Steering Committee and Nominating Committee consisting of seven (7) members each plus staff will meet an estimated six (6) times during the first year. The estimated travel costs for the first year, which includes transportation, lodging, meals and staff support, is \$365,000. It is estimated that elimination of transportation costs for the three (3) National Commission meetings would result in a 10 percent (10%) reduction in travel costs. Subsequent to the Commission's inaugural year, it is anticipated that the entire Commission will only meet annually.

Overhead (Rent and Utilities)

Overhead cost estimates are premised on the assumption of adequate furnished space including utilities for a ten person staff. Rent is calculated at a rate \$15.00 per square foot for finished office space and meeting rooms consisting of approximately 4,650 sq. ft. and \$7.00 per square foot for storage, mail room, copy room, etc. consisting of approximately 1,060 square feet for a total overhead cost of \$71,100.

Office Equipment and Furnishings

Estimates for computers are premised upon a fully integrated system including ten (10) desktop and five (5) laptop units equipped with software support, LAN access, Internet access, e-mail

accounts, staff technical support, software updates upgrades, and computer and application training. Copiers and furnishings (to the extent not included in Overhead) are based upon the assumption that these items will either be leased or purchased from governmental surplus if feasible. Total estimated cost for office equipment and furnishings is \$250,000.

Indirect Costs

In addition to the above mentioned costs, the Interstate Compact Commission can expect indirect costs for organizational expenses not associated with any particular project, but crucial to the functioning of the Commission as a whole. These indirect costs typically consist of accounting and bookkeeping services, human resource services, access to library and research facilities, and miscellaneous supplies and expenses. Based on the structure, location and association of the Interstate Commission with other/similar groups, the Commission can expect to pay an additional 15 percent (15%) to 27 percent (27%) of the estimated budget for annual indirect costs.

Per State Dues Allocation

The operating budget for the Interstate Compact will be allocated among the states pursuant to Article IX of the Compact. This article provides for an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Commission and its staff in an amount sufficient to cover the Commission's annual budget as approved each year. The allocation of the annual assessment amount for each state will be determined by the Commission, taking into account the population of each state, based on current U.S. Census data and the volume of interstate movement of offenders in each compacting state. Using this formula including the factors referenced here, the above budget estimate and assuming participation by a minimum of 35 and a maximum of 55 jurisdictions, the per state cost for funding the Interstate Compact is estimated to be in the range of \$25,500 to \$40,000 per state. However, because of the formula contained in the Compact, smaller states with a lower volume of movement would pay less than the average and larger states with a higher volume of movement would pay more than the average.

This cost analysis has been prepared only as an estimation based on the above assumptions with the aid of the Council of State Governments Budget Book FY 2000. The Interstate Commission created by the Compact, pursuant to Article X, will have the authority, subject to the agreement of the member states, to structure the Budget in a manner and at a funding level which it deems to be adequate to carry out the powers and duties of this Interstate Agency.

INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

FISCAL NOTE

Budget Summary	
Salary & Wages	\$735,000
Meetings (Commission & Committee's)	\$365,001
Computers, Copiers, Furniture, Etc.	\$250,000
Rent & Utilities	\$77,100
ESTIMATED BUDGET	\$1,427,101

Salaries	
Executive Director	\$100,000
Deputy Director	\$75,000
General Counsel	\$90,000
Management & Information Systems Executive	\$75,000
Chief Financial Officer	\$75,000
Public Education & Media Relations Director	\$75,000
Program Specialist x 2	\$62,000
Clerical Staff x 2	\$36,000
Subtotal	\$588,000
Benefits (25% annual salaries)	\$147,000
TOTAL SALARY & BENEFITS	\$735,000

Commission & Committee Meetings	
<i>Meetings - Commission</i>	
Staff Support	\$4,500
Supplies	\$500
Postage	\$645
Photocopy	\$500
Travel	\$47,000
Lodging Food Reception	\$30,000
Honoraria	\$7,500
Telecommunications	\$450
Occupancy	\$350
Data Processing	\$420
Printing	\$5,000
Subtotal x 3	\$275,595

Meetings - Executive Committee

Staff Support	\$3,000
Supplies	\$240
Postage	\$320
Photocopy	\$414
Travel	\$4,500
Lodging/Food/Reception	\$3,500
Honoraria	\$1,500
Telecommunications	\$350
Occupancy	\$277
Data Processing	\$300
Printing	\$500
Subtotal x 6	\$89,406
TOTAL FOR ALL MEETINGS	\$365,003

Rent & Utilities	
Mail Room (460 sq. ft. @ \$7.00 per sq. ft.)	\$3,220
Copy Room (460 sq. ft. @ \$7.00 per sq. ft.)	\$3,220
Storage (175 sq. ft. @ \$7.00 per sq. ft.)	\$1,225
Computer Room (375 sq. ft. @ \$15.00 sq. ft.)	\$5,625
Conference Room (510 sq. ft. @ \$15.00 sq. ft.)	\$7,650
Executive Director (980 sq. ft. @ \$15.00 sq. ft.)	\$14,700
Deputy Director (577 sq. ft. @ \$15.00 sq. ft.)	\$8,655
Program Specialist x 2 (150 sq. ft. @ \$15.00 sq. ft.)	\$4,500
General Counsel (577 sq. ft. @ \$15.00 sq. ft.)	\$8,655
CEO (350 sq. ft. @ \$15.00 sq. ft.)	\$5,250
MIS (330 sq. ft. @ \$15.00 sq. ft.)	\$4,950
PR & Media (330 sq. ft. @ \$15.00 sq. ft.)	\$4,950
Clerical x 2 (130 sq. ft. @ \$15.00 sq. ft.)	\$3,900
TOTAL	\$77,100

Equipment	
Desktop Computers x 10	\$41,400
Laptop Computers x 5	\$48,600
Copiers & Supplies	\$100,000
Furniture & Equipment	\$60,000
TOTAL	\$250,000

Statewide Compact for Adult Offender Supervision
 State Dues Projection

State	Projected Dues Per State 1	State Dues Rate 2	Population 3	Population 3	U.S. Population 3	State Offender Transactions 4	U.S. Offender Transactions 4
American Mariana (a)	\$18,000	0.000148075	43000	274422000		32	22685
American Samoa (a)	\$18,000	0.000158075	46000	274422000		34	22685
S. Virgin Islands (a)	\$18,000	0.000333332	102000	274422000		76	22685
Guam (a)	\$18,000	0.00040527	133000	274422000		99	22685
Montenegro	\$18,000	0.00231066	561000	274422000		560	22685
Norfolk	\$18,000	0.002414686	614000	274422000		588	22685
North Dakota	\$18,000	0.0026149	638000	274422000		639	22685
Wyoming	\$18,000	0.002774059	481000	274422000		461	22685
Alaska	\$18,000	0.003293661	124000	274422000		466	22685
North Dakota	\$18,000	0.00333986	739000	274422000		996	22685
North Carolina	\$18,000	0.004105243	1189000	274422000		883	22685
Hawaii	\$18,000	0.00417615	1193000	274422000		882	22685
Illinois	\$18,000	0.00437686	880000	274422000		1213	22685
Indiana	\$18,000	0.005020237	981000	274422000		1461	22685
Rhode Island	\$18,000	0.005439506	1229000	274422000		1452	22685
Ohio	\$18,000	0.005602876	1810000	274422000		1045	22685
West Virginia	\$18,000	0.005655007	1667000	274422000		1191	22685
North Dakota	\$18,000	0.00565365	543000	274422000		2297	22685
District of Columbia	\$18,000	0.0062319	2100000	274422000		1083	22685
Illinois	\$18,000	0.00766974	1737000	274422000		2043	22685
New Mexico	\$18,000						
Alaska	\$25,000	0.0067556	286300	274422000		2024	22685
Alaska	\$25,000	0.00706619	1747000	274422000		3484	22685
Connecticut	\$25,000	0.007436859	3274500	274422000		251	22685
Mississippi	\$25,000	0.007705915	2752000	274422000		3036	22685
Mississippi	\$25,000	0.007848763	2862900	274422000		3248	22685
Puerto Rico (a)	\$25,000	0.007870952	3783000	274422000		2804	22685
Delaware	\$25,000	0.007867108	744000	274422000		5539	22685
Alabama	\$25,000	0.0078444511	4332000	274422000		2956	22685
Alabama	\$25,000	0.007898903	2538000	274422000		4571	22685
Arkansas	\$25,000	0.00795968	3282000	274422000		4000	22685
Oregon	\$25,000	0.00795984	4725000	274422000		2922	22685
Minnesota	\$25,000	0.0079418923	3936000	274422000		3743	22685
Kentucky	\$25,000	0.007930325	3835000	274422000		4056	22685
South Carolina	\$25,000	0.007932103	4665000	274422000		3555	22685
Arizona	\$25,000	0.00796797	5895000	274422000		2667	22685
Indiana	\$25,000	0.007959168	8115000	274422000		1001	22685
New Jersey	\$25,000	0.007979759	5689000	274422000		3060	22685
Washington	\$25,000	0.00796827	3971000	274422000		4792	22685
Colorado	\$25,000	0.007970649	5224000	274422000		3835	22685
Wisconsin	\$25,000	0.007957213	6147000	274422000		3222	22685
Massachusetts	\$25,000	0.0079308611	4365000	274422000		4922	22685
Louisiana	\$25,000	0.00795992	5431000	274422000		4175	22685
Tennessee	\$25,000						

Interstate Compact for Adult Offender Supervision
State Dues Projection

State	Projected Dues per State 1	State Dues Ratio 2	State Population 3	U.S. Population 1	State Offender Transactions 4	U.S. Offender Transactions 4
Maryland	\$32,000	0.020148666	5135000	274422000	5169	226657
Oklahoma	\$32,000	0.022000892	3347000	274422000	7216	226657
Missouri	\$32,000	0.025421894	5439000	274422000	7038	226657
Michigan	\$32,000	0.026897623	9617000	274422000	4102	226657
Virginia	\$32,000	0.028841803	6791000	274422000	7472	226657
Ohio	\$32,000	0.030411587	11209000	274422000	4532	226657
Pennsylvania	\$32,000	0.031114019	12001000	274422000	4196	226657
Georgia	\$39,000	0.036836337	7642000	274422000	10305	226657
North Carolina	\$39,000	0.039230523	7546000	274422000	11565	226657
Illinois	\$39,000	0.042201177	12045000	274422000	9190	226657
Florida	\$46,000	0.052763174	14816000	274422000	11609	226657
New York	\$46,000	0.068794551	16175000	274422000	16642	226657
Texas	\$46,000	0.072686086	19760000	274422000	17095	226657
California	\$46,000	0.098441583	32657000	274422000	18752	226657
TOTAL	\$1,435,000					

1 - Based on total projected operating budget.
 2 - (State Population / U.S. Population) * (State Offender Transactions / Total U.S. Offender Transactions) 2
 3 - Population data, Statistical Abstract of the United States, 119th Edition, U.S. Census Bureau, 1995.
 4 - Compact populations as of June 30, 1995; annual number of offender transactions both into and out of the state.
 (a) - Termion data is projected based on an average state offender transaction to population rate of 1:349.