



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-2280/P2  
RPN&MGD:kmg:pg

*D-Note*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*Men. Act.*

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.

*insert and*

**Analysis by the Legislative Reference Bureau**

~~This is a preliminary draft. An analysis will be provided in a later version.~~  
For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

**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 <sup>5</sup>/<sub>7</sub> members appointed for 4-year

1 terms. The governor shall comply with the requirements of s. 304.16 (4) when  
2 appointing members of the board. The board shall have the powers, duties, and  
3 responsibilities set forth under s. 304.16.

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

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

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

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

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

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

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

1           301.45 (1g) (dh) Is on parole, extended supervision, or probation in this state  
2 from another state under s. 304.13 ~~or (1m), 304.135, or 304.16~~ on or after  
3 December 25, 1993, for a violation, or for the solicitation, conspiracy, or attempt to  
4 commit a violation, of the law of another state that is comparable to a sex offense.

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

6           301.45 (2) (e) 2. If the person is on parole, extended supervision, probation, or  
7 other supervision from another state under s. 304.13 (1m), 304.135, 304.16, or  
8 938.988, before the person enters this state.

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

10           301.45 (3) (a) 1m. If the person is on parole, extended supervision, probation,  
11 or other supervision from another state under s. 304.13 (1m), 304.135, 304.16, or  
12 938.988, he or she is subject to this subsection upon entering this state.

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

14           301.45 (3) (b) 2. The department shall notify a person who is being released  
15 from prison in this state because he or she has reached the expiration date of his or  
16 her sentence and who is covered under sub. (1g) of the need to comply with the  
17 requirements of this section. Also, probation, extended supervision, and parole  
18 agents, aftercare agents, and agencies providing supervision shall notify any client  
19 who is covered under sub. (1g) of the need to comply with the requirements of this  
20 section at the time that the client is placed on probation, extended supervision,  
21 parole, supervision, or aftercare supervision or, if the client is on probation, extended  
22 supervision, parole, or other supervision from another state under s. 304.13 (1m),  
23 304.135, 304.16, or 938.988, when the client enters this state.

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

**SECTION 9**

1           301.45 **(5m)** (a) 1. If the person is on parole, extended supervision, probation,  
2 or other supervision from another state under s. 304.13 (1m), 304.135, 304.16, or  
3 938.988, 15 years after discharge from that parole, extended supervision, probation,  
4 or other supervision or the period of time that the person is in this state, whichever  
5 is less.

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

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

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

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

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

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

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

22           (b) Both this state and the other state are parties to the compact under s.  
23 304.16.

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

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

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

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

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

24           304.135 (1) (b) If the compact authorized under s. 304.16 is in effect, the  
25 department may permit any person convicted of an offense within this state and

1 placed on probation or released on extended supervision or parole to reside in any  
2 other state that is not a party to the compact authorized by s. 304.13 (1m), or the  
3 compact authorized under s. 304.16, whenever the authorities of the receiving state  
4 agree to assume the duties of visitation of and supervision over the probationer,  
5 person on extended supervision, or parolee, governed by the same standards that  
6 prevail for its own probationers, persons on extended supervision, and parolees, on  
7 the same terms as are provided by rules promulgated by the interstate commission,  
8 as defined in s. 304.16 (2) (f), in the case of compacting states, as defined in s. 304.16  
9 (2) (e).

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

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

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

24 **304.137 (2) PERSONS RELEASED OR PLACED ON PROBATION ON OR AFTER**  
25 **JANUARY 1, 2000.** If the department accepts supervision of a probationer, person on

1 extended supervision, or parolee from another state under s. 304.13 ~~or (1m)~~, 304.135,  
2 or 304.16 and the person was placed on probation or released on parole or extended  
3 supervision on or after January 1, 2000, the department shall determine whether  
4 the violation of law for which the person is on probation, extended supervision, or  
5 parole would constitute a felony if committed by an adult in this state. If the  
6 department determines that a person on probation, extended supervision, or parole  
7 from another state who is subject to this subsection violated a law that would  
8 constitute a felony if committed by an adult in this state, the department shall direct  
9 the probationer, person on extended supervision, or parolee to provide a biological  
10 specimen under s. 165.76.

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

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

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

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

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

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

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

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

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

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

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



1           (c) The compacting states recognize that there is no right of any offender to live  
2 in another state and that duly accredited officers of a sending state may at any time  
3 enter a receiving state to apprehend and retake any offender under supervision  
4 subject to the provisions of this compact and to bylaws adopted and rules  
5 promulgated under this section. The activities conducted by the interstate  
6 commission created in this section are the formation of public policies and are public  
7 business.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 **(3) ARTICLE III — THE COMPACT COMMISSION.** (a) The compacting states hereby  
21 create the interstate commission for adult offender supervision. The interstate  
22 commission shall be a body corporate and a joint agency of the compacting states.

23 (b) The interstate commission has all of the responsibilities, powers, and duties  
24 set forth in this section, including the power to sue and be sued, and such additional

1 powers as may be conferred upon it by subsequent action of the respective  
2 legislatures of the compacting states in accordance with the terms of this compact.

3 (c) The interstate commission shall consist of commissioners selected and  
4 appointed by resident members of the state board for their respective states. In  
5 addition to the commissioners who are the voting representatives of each state, the  
6 interstate commission shall include individuals who are not commissioners but who  
7 are members of interested organizations. Noncommissioner members shall include  
8 a member of the national organizations of governors, legislators, state chief justices,  
9 attorneys general, and crime victims. All noncommissioner members of the  
10 interstate commission shall be nonvoting members. The interstate commission may  
11 provide in its bylaws for such additional, nonvoting members as it considers  
12 necessary.

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

21 (e) The interstate commission shall establish an executive committee, which  
22 shall include commission officers, members, and others as determined by the bylaws.  
23 The executive committee shall have the power to act on behalf of the interstate  
24 commission during periods when the interstate commission is not in session, with  
25 the exception of rule making or amendments to the compact. The executive

1 committee oversees the day-to-day activities managed by the executive director and  
2 interstate commission staff, administers enforcement and compliance with the  
3 provisions of the compact, with its bylaws, and as directed by the interstate  
4 commission, and performs other duties as directed by the interstate commission or  
5 set forth in the bylaws.

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

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

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

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

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

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

10          (e) To establish and maintain offices.

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

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

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

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

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

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

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

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

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

5 (o) To sue and be sued.

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

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

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

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

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

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

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

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

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

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

25 a. Establishing committees.

1           b. Governing any general or specific delegation of any authority or function of  
2 the interstate commission.

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

5           5. Establish the titles and responsibilities of the officers of the interstate  
6 commission.

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

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

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

16           9. Establish standards and procedures for compliance and technical assistance  
17 in carrying out the compact.

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

1 necessary costs and expenses incurred by them in the performance of their duties  
2 and responsibilities as officers of the interstate commission.

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

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

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

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



1 commission employment, duties, or responsibilities, unless the actual or alleged act,  
2 error, or omission resulted from intentional wrongdoing on the part of such person.

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

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

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

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

1 by telephone or other means of telecommunication or electronic communication. Any  
2 voting conducted by telephone, or by other means of telecommunication or electronic  
3 communication, shall be subject to the same quorum requirements of meetings at  
4 which members are present in person.

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

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

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

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

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

4           3. Disclose a trade secret or commercial or financial information that is  
5 privileged or confidential.

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

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

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

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

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

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

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

1 of each member on the question. All documents considered in connection with any  
2 action shall be identified in such minutes.

3 (h) The interstate commission shall collect standardized data concerning the  
4 interstate movement of offenders as directed through its bylaws and rules that shall  
5 specify the data to be collected, the means of collection, and data exchange and  
6 reporting requirements.

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

12 (b) Rule making shall occur under the criteria set forth in this subsection and  
13 the bylaws and rules adopted under this subsection. Such rule making shall  
14 substantially conform to the principles of the federal Administrative Procedure Act,  
15 5 USC 551 to 559, and the federal Advisory Committee Act, P.L. 92-463, reprinted  
16 in 5 USC appendix. All rules and amendments shall become binding as of the date  
17 specified in each rule or amendment.

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

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

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

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

3           3. Provide an opportunity for an informal hearing.

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

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

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

15           1. Notice to victims and opportunity to be heard.

16           2. Offender registration and compliance.

17           3. Violations and returns.

18           4. Transfer procedures and forms.

19           5. Eligibility for transfer.

20           6. Collection of restitution and fees from offenders.

21           7. Data collection and reporting.

22           8. The level of supervision to be provided by the receiving state.

23           9. Transition rules governing the operation of the compact and the interstate  
24 commission during all or part of the period between the effective date of the compact  
25 and the date on which the last eligible state adopts the compact.

1           10. Mediation, arbitration, and dispute resolution.

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

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

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

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

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

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

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

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

10           (10) ARTICLE X — FINANCE. (a) The interstate commission shall pay or provide  
11 for the payment of the reasonable expenses of its establishment, organization, and  
12 ongoing activities.

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

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

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

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

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

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

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

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

20           a. <sup>Forfeitures,</sup> ~~Penalty~~ fees, and costs in such amounts as are considered reasonable and as  
21 fixed by the interstate commission.

22           b. Remedial training and technical assistance as directed by the interstate  
23 commission.

24           c. Suspension or termination of membership in the compact. Suspension shall  
25 be imposed only after all other reasonable means of securing compliance under the



1 bylaws and rules have been exhausted. Immediate notice of suspension shall be  
2 given by the interstate commission to the governor, the chief justice of the supreme  
3 court, the majority and minority leaders of the defaulting state's legislature, and the  
4 state board.

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

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

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

1 (d) The interstate commission shall keep accurate accounts of all receipts and  
2 disbursements. The receipts and disbursements of the interstate commission shall  
3 be subject to the audit and accounting procedures established under its bylaws. All  
4 receipts and disbursements of funds handled by the interstate commission shall be  
5 audited yearly by a certified or licensed public accountant, and the report of the audit  
6 shall be included in and become part of the annual report of the interstate  
7 commission.

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

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

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

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

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.

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:



2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2280/lins  
RPN&MCD:kmg:pg  
1

insert anl:

Current law established a uniform interstate compact for the supervision of out-of-state parolees that includes provisions allowing persons convicted of a crime in this state and placed on probation, parole, or extended supervision to reside in another state that has entered into the uniform interstate compact. Current law allows offenders from a state that is a party to the compact to reside in this state. Under current law, the receiving state assumes the duties of visitation and supervision of the offender. Current law allows officers of the sending state to enter the receiving state, apprehend the offender, and return him or her to the sending state without obtaining extradition rights over the person. Under current law, the state where the offender is residing may not object to the retaking unless the offender has a charge pending in that state or is suspected of committing a crime in that state. Current law allows the promulgation of rules necessary to carry out the functions of the interstate compact. Current law also allows a person convicted of a crime in this state and placed on probation, parole, or extended supervision to reside in another state that is not a party to the compact. The authorities of the other state must agree to assume the duties of visitation and supervision over the person, and the person must sign an agreement to waive any extradition rights if this state decides to retake the person. *who is*

This bill creates a new interstate compact for adult offenders that becomes effective when 35 states enact the compact. Under the compact:

1. There is created a 5-member interstate adult offender supervision board, attached to the department of corrections, ~~and~~ appointed for 4-year terms by the governor. The board appoints a commissioner ~~who is~~ a member of the interstate commission. The governor also appoints a compact administrator who is responsible for the state's administration of the compact. *whose members are*

2. There is an interstate commission composed of commissioners from each of the compact states. Each compacting state has one vote on the commission. The commission supervises and oversees the interstate movement of offenders who are subject to the commission by establishing uniform procedures to manage that movement. The commission may establish offices; contract for services; hire staff; accept grants; lease, purchase, and sell property; make expenditures; levy assessments against compacting states for its operations; sue and be sued; and report annually to the compacting states. *person to be*

3. The officers and employees of the commission are immune from liability for any damages resulting from an act or omission that occurred within the scope of the interstate commission employment, duties, or responsibilities. The commission is required to defend an officer or employee sued in a civil action related to an act or omission that occurred within the scope of the interstate commission employment, duties, or responsibilities. *who is*

4. The commission may adopt rules that are binding on the compact states. A majority of the legislatures of the compacting states may reject a rule, and ~~if~~ that is done, the rule has no effect in any of the compacting states. *IF*

5. A state may withdraw from the compact by enacting a law repealing the statute that created the compact.

6. If a compact member state fails to perform any of the state's obligations under the compact, the commission may impose monetary penalties, provide remedial training to state staff, or suspend or terminate the state's membership in the compact.

7. The commission may bring legal action in federal court against a compact state to enforce compliance with the provisions of the compact, including the payment of assessments and liabilities owed under the compact.

8. All lawful actions of the interstate commission, including all rules promulgated by the commission and agreements between the commission and the state, are binding on the compact states, ~~except~~ that if a provision of the compact exceeds a limit imposed by a state constitution, that provision is ineffective.

The bill requires a person who is bringing an action that may affect the powers, responsibilities, or actions of the interstate commission to deliver or mail a copy of the complaint in that action to the interstate commission.

5

*except*

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2280/1dn  
RPN&MGD:kmg:pg  
↑

✓  
I changed the board to 5 members as requested. The draft requires the governor to appoint the compact administrator, not the secretary of ~~the department of~~ corrections ~~as requested~~ because the compact only allows the governor or the state board to make that appointment, so I used the governor. OK?

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.state.wi.us

as requested,



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2280/1dn  
RPN&MCD:kmg:pg

May 31, 2001

I changed the board to 5 members as requested. The draft requires the governor, not the secretary of the corrections as requested, to appoint the compact administrator, because the compact only allows the governor or the state board to make that appointment, so I used the governor. OK?

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: [robert.nelson@legis.state.wi.us](mailto:robert.nelson@legis.state.wi.us)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

May 31, 2001

### MEMORANDUM

To: Representative Walker

From: Robert P. Nelson, Senior Legislative Attorney

Re: LRB-2280/1 Interstate compact for the supervision of adult offenders

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY     JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-7511 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.