



2001 ASSEMBLY BILL 481

August 21, 2001 - Introduced by Representative WALKER, cosponsored by Senator JAUCH. Referred to Committee on Corrections and the Courts.

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

Analysis by the Legislative Reference Bureau

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 who is 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

ASSEMBLY BILL 481

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.

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, whose members are appointed for 4-year terms by the governor. The board appoints a person to be a member of the interstate commission. The governor also appoints a compact administrator who is responsible for the state's administration of the compact.

2. There is an interstate commission composed of a commissioner 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.

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 who is sued in a civil action related to an act or omission that occurred within the scope of the interstate commission employment, duties, or responsibilities.

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. If that is done, the rule has no effect in any of the compacting states.

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 states, 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.

ASSEMBLY BILL 481

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:

1 **SECTION 1.** 15.145 (3) of the statutes is created to read:

2 15.145 (3) INTERSTATE ADULT OFFENDER SUPERVISION BOARD. There is created an
3 interstate adult offender supervision board which is attached to the department of
4 corrections under s. 15.03. The board shall consist of 5 members appointed for 4-year
5 terms. The governor shall comply with the requirements of s. 304.16 (4) when
6 appointing members of the board. The board shall have the powers, duties, and
7 responsibilities set forth under s. 304.16.

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

9 165.76 (1) (e) Is released on parole or extended supervision or placed on
10 probation in another state before January 1, 2000, and is on parole, extended
11 supervision, or probation in this state from the other state under s. 304.13 ~~or~~ (1m),
12 304.135, or 304.16 on or after July 9, 1996, for a violation of the law of the other state
13 that the department of corrections determines, under s. 304.137 (1), is comparable
14 to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2), or 948.025.

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

16 165.76 (1) (f) Is released on parole or extended supervision or placed on
17 probation in another state on or after January 1, 2000, and is on parole, extended
18 supervision, or probation in this state from the other state under s. 304.13 ~~or~~ (1m),
19 304.135, or 304.16 for a violation of the law of the other state that the department
20 of corrections determines, under s. 304.137 (2), would constitute a felony if
21 committed by an adult in this state.

ASSEMBLY BILL 481

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

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

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

8 301.45 **(1g)** (dh) Is on parole, extended supervision, or probation in this state
9 from another state under s. 304.13 ~~or (1m), 304.135, or 304.16~~ on or after
10 December 25, 1993, for a violation, or for the solicitation, conspiracy, or attempt to
11 commit a violation, of the law of another state that is comparable to a sex offense.

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

13 301.45 **(2)** (e) 2. If the person is on parole, extended supervision, probation, or
14 other supervision from another state under s. 304.13 ~~(1m), 304.135, 304.16, or~~
15 938.988, before the person enters this state.

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

17 301.45 **(3)** (a) 1m. If the person is on parole, extended supervision, probation,
18 or other supervision from another state under s. 304.13 ~~(1m), 304.135, 304.16, or~~
19 938.988, he or she is subject to this subsection upon entering this state.

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

21 301.45 **(3)** (b) 2. The department shall notify a person who is being released
22 from prison in this state because he or she has reached the expiration date of his or
23 her sentence and who is covered under sub. (1g) of the need to comply with the
24 requirements of this section. Also, probation, extended supervision, and parole
25 agents, aftercare agents, and agencies providing supervision shall notify any client

ASSEMBLY BILL 481

1 who is covered under sub. (1g) of the need to comply with the requirements of this
2 section at the time that the client is placed on probation, extended supervision,
3 parole, supervision, or aftercare supervision or, if the client is on probation, extended
4 supervision, parole, or other supervision from another state under s. 304.13 (1m),
5 304.135, 304.16, or 938.988, when the client enters this state.

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

7 301.45 **(5m)** (a) 1. If the person is on parole, extended supervision, probation,
8 or other supervision from another state under s. 304.13 (1m), 304.135, 304.16, or
9 938.988, 15 years after discharge from that parole, extended supervision, probation,
10 or other supervision or the period of time that the person is in this state, whichever
11 is less.

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

14 304.13 **(1m)** (a) 4. A resident of the receiving state, within the meaning of this
15 ~~section~~ subsection, is one who has been an actual inhabitant of such state
16 continuously for more than one year prior to coming to the sending state and has not
17 resided within the sending state more than 6 continuous months immediately
18 preceding the commission of the offense for which that person has been convicted.

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

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

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

23 304.13 **(2m)** Subsection (1m) does not apply to this state’s supervision of a
24 person who is on probation, parole, or extended supervision from another state or

ASSEMBLY BILL 481

1 another state's supervision of a person who is on probation, parole, or extended
2 supervision from this state if all of the following have occurred:

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

4 (b) Both this state and the other state are parties to the compact under s.
5 304.16.

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

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

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

20 (2) Before permitting any probationer, person on extended supervision, or
21 parolee to leave this state under ~~this section~~ sub. (1), the department shall obtain
22 from him or her a signed agreement to return to this state upon demand of the
23 department and an irrevocable waiver of all procedure incidental to extradition. The
24 department may, in like a manner comparable to that provided in sub. (1), receive
25 for supervision probationers, persons on extended supervision, and parolees

ASSEMBLY BILL 481

1 convicted in ~~states not signatory~~ a state that is not a party to the compact authorized
2 by s. 304.13 (1m) or the compact authorized by s. 304.16, and shall have the same
3 custody and control of those persons as it has over probationers, persons on extended
4 supervision, and parolees of this state.

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

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

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

18 304.137 (1) PERSONS RELEASED OR PLACED ON PROBATION BEFORE JANUARY 1, 2000.
19 If the department accepts supervision of a probationer, person on extended
20 supervision, or parolee from another state under s. 304.13 ~~or (1m)~~, 304.135, or 304.16
21 and the person was placed on probation or released on parole or extended supervision
22 before January 1, 2000, the department shall determine whether the violation of law
23 for which the person is on probation, extended supervision, or parole is comparable
24 to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2), or 948.025. If the department
25 determines that a person on probation, extended supervision, or parole from another

ASSEMBLY BILL 481

1 state who is subject to this subsection violated a law that is comparable to a violation
2 of s. 940.225 (1) or (2), 948.02 (1) or (2), or 948.025, the department shall direct the
3 probationer, person on extended supervision, or parolee to provide a biological
4 specimen under s. 165.76.

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

6 304.137 (2) PERSONS RELEASED OR PLACED ON PROBATION ON OR AFTER
7 JANUARY 1, 2000. If the department accepts supervision of a probationer, person on
8 extended supervision, or parolee from another state under s. 304.13 or (1m), 304.135,
9 or 304.16 and the person was placed on probation or released on parole or extended
10 supervision on or after January 1, 2000, the department shall determine whether
11 the violation of law for which the person is on probation, extended supervision, or
12 parole would constitute a felony if committed by an adult in this state. If the
13 department determines that a person on probation, extended supervision, or parole
14 from another state who is subject to this subsection violated a law that would
15 constitute a felony if committed by an adult in this state, the department shall direct
16 the probationer, person on extended supervision, or parolee to provide a biological
17 specimen under s. 165.76.

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

19 **304.16 Interstate compact for adult offender supervision. (1) ARTICLE**
20 **I—PURPOSE.** (a) The compacting states to this interstate compact recognize that each
21 state is responsible for the supervision, in the community, of adult offenders who are
22 authorized under the bylaws and rules of this compact to travel across state lines to
23 and from each compacting state in such a manner as to enable each compacting state
24 to track the location of offenders, transfer supervision authority in an orderly and
25 efficient manner, and, when necessary, return offenders to their original

ASSEMBLY BILL 481

1 jurisdictions. The compacting states recognize also that congress, by enacting the
2 Crime Control Act, 4 USC 112, has authorized and encouraged compacts for
3 cooperative efforts and mutual assistance in the prevention of crime. It is the
4 purpose of this compact and the interstate commission created under sub. (3),
5 through means of joint and cooperative action among the compacting states, to do all
6 of the following:

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

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

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

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

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

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

23 3. Establish a system of uniform data collection, access to information on active
24 cases by authorized criminal justice officials, and regular reporting of compact

ASSEMBLY BILL 481

1 activities to heads of state councils or boards, state executive, judicial, and legislative
2 branches, and the attorney general.

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

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

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

14 **(2) ARTICLE II — DEFINITIONS.** In this section:

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

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

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

22 (d) “Compact administrator” means the individual in each compacting state
23 appointed under the terms of this compact who is responsible for the administration
24 and management of the state’s supervision and transfer of offenders under this

ASSEMBLY BILL 481

1 compact, the rules adopted by the interstate commission, and policies adopted by the
2 state board under this compact.

3 (e) "Compacting state" means any state that has enacted the enabling
4 legislation for this compact.

5 (f) "Interstate commission" means the interstate commission for adult offender
6 supervision established by this compact.

7 (g) Unless the context indicates otherwise, "member" means the commissioner
8 of a compacting state or a designee of the commissioner who is employed by the
9 compacting state to assist in the administration of the compact.

10 (h) "Noncompacting state" means a state that has not enacted the enabling
11 legislation for this compact.

12 (i) "Offender" means an adult placed under or subject to supervision as the
13 result of the commission of a criminal offense and released to the community under
14 the jurisdiction of courts, paroling authorities, the department of corrections, or
15 other criminal justice agencies.

16 (j) "Person" means any individual, corporation, business enterprise, or other
17 legal entity, either public or private.

18 (k) Except as provided in sub. (8) (g), "rules" means acts of the interstate
19 commission, duly promulgated under sub. (8) and substantially affecting interested
20 parties in addition to the interstate commission, that shall have the force and effect
21 of law in the compacting states.

22 (L) "State" means a state of the United States, the District of Columbia, or any
23 other territorial possession of the United States.

24 (m) "State board" means the interstate adult offender supervision board
25 created under sub. (4) and s. 15.145 (3).

ASSEMBLY BILL 481

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

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

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

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

ASSEMBLY BILL 481

1 (e) The interstate commission shall establish an executive committee, which
2 shall include commission officers, members, and others as determined by the bylaws.
3 The executive committee shall have the power to act on behalf of the interstate
4 commission during periods when the interstate commission is not in session, with
5 the exception of rule making or amendments to the compact. The executive
6 committee oversees the day-to-day activities managed by the executive director and
7 interstate commission staff, administers enforcement and compliance with the
8 provisions of the compact, with its bylaws, and as directed by the interstate
9 commission, and performs other duties as directed by the interstate commission or
10 set forth in the bylaws.

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

ASSEMBLY BILL 481

1 including the development of policy concerning operations and procedures of the
2 compact within that state.

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

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

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

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

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

16 (e) To establish and maintain offices.

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

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

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

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

ASSEMBLY BILL 481

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

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

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

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

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

12 (o) To sue and be sued.

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

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

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

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

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

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

25 (a) *Bylaws.* The interstate commission shall, by a majority of the members and

ASSEMBLY BILL 481**SECTION 16**

1 within 12 months after the first interstate commission meeting, adopt bylaws to
2 govern its conduct as may be necessary or appropriate to carry out the purposes of
3 the compact, including bylaws that do any of the following:

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

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

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

7 a. Establishing committees.

8 b. Governing any general or specific delegation of any authority or function of
9 the interstate commission.

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

12 5. Establish the titles and responsibilities of the officers of the interstate
13 commission.

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

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

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

23 9. Establish standards and procedures for compliance and technical assistance
24 in carrying out the compact.

ASSEMBLY BILL 481

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

10 2. The interstate commission shall, through its executive committee, appoint
11 or retain an executive director for such period, upon such terms and conditions, and
12 for such compensation as the interstate commission may consider appropriate. The
13 executive director shall serve as secretary to the interstate commission and shall hire
14 and supervise such other staff as may be authorized by the interstate commission but
15 shall not be a member.

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

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

ASSEMBLY BILL 481

1 or liability for any damage, loss, injury, or liability caused by the intentional or willful
2 and wanton misconduct of any such person.

3 2. The interstate commission shall defend the commissioner of a compacting
4 state, his or her representatives or employees, and the interstate commission's
5 representatives or employees in any civil action seeking to impose liability and
6 arising out of any actual or alleged act, error, or omission that occurred within the
7 scope of interstate commission employment, duties, or responsibilities or that such
8 person had a reasonable basis for believing occurred within the scope of interstate
9 commission employment, duties, or responsibilities, unless the actual or alleged act,
10 error, or omission resulted from intentional wrongdoing on the part of such person.

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

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

23 (b) Except as otherwise provided in this compact and unless a greater
24 percentage is required by the bylaws, in order to constitute an act of the interstate

ASSEMBLY BILL 481

1 commission, such act shall have been taken at a meeting of the interstate commission
2 and shall have received an affirmative vote of a majority of the members present.

3 (c) Each member of the interstate commission shall have the right and power
4 to cast a vote to which that compacting state is entitled and to participate in the
5 business and affairs of the interstate commission. A member shall vote in person on
6 behalf of the state and shall not delegate a vote to another member state. However,
7 a state board shall appoint another authorized representative, in the absence of the
8 commissioner from that state, to cast a vote on behalf of the member state at a
9 specified meeting. The bylaws may provide for members' participation in meetings
10 by telephone or other means of telecommunication or electronic communication. Any
11 voting conducted by telephone, or by other means of telecommunication or electronic
12 communication, shall be subject to the same quorum requirements of meetings at
13 which members are present in person.

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

17 (e) The interstate commission's bylaws shall establish conditions and
18 procedures under which the interstate commission shall make its information and
19 official records available to the public for inspection or copying. The interstate
20 commission may exempt from disclosure any information or official records to the
21 extent that they would adversely affect personal privacy rights or proprietary
22 interests. In promulgating such rules, the interstate commission may make
23 available to law enforcement agencies records and information otherwise exempt
24 from disclosure and may enter into agreements with law enforcement agencies to

ASSEMBLY BILL 481

1 receive or exchange information or records subject to nondisclosure and
2 confidentiality provisions.

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

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

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

13 3. Disclose a trade secret or commercial or financial information that is
14 privileged or confidential.

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

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

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

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

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

ASSEMBLY BILL 481

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

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

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

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

21 (b) Rule making shall occur under the criteria set forth in this subsection and
22 the bylaws and rules adopted under this subsection. Such rule making shall
23 substantially conform to the principles of the federal Administrative Procedure Act,
24 5 USC 551 to 559, and the federal Advisory Committee Act, P.L. 92-463, reprinted

ASSEMBLY BILL 481

1 in 5 USC appendix. All rules and amendments shall become binding as of the date
2 specified in each rule or amendment.

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

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

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

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

12 3. Provide an opportunity for an informal hearing.

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

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

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

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

25 2. Offender registration and compliance.

ASSEMBLY BILL 481

- 1 3. Violations and returns.
- 2 4. Transfer procedures and forms.
- 3 5. Eligibility for transfer.
- 4 6. Collection of restitution and fees from offenders.
- 5 7. Data collection and reporting.
- 6 8. The level of supervision to be provided by the receiving state.
- 7 9. Transition rules governing the operation of the compact and the interstate
- 8 commission during all or part of the period between the effective date of the compact
- 9 and the date on which the last eligible state adopts the compact.
- 10 10. Mediation, arbitration, and dispute resolution.

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

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

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

ASSEMBLY BILL 481**SECTION 16**

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

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

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

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

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

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

23 (b) The interstate commission shall levy on and collect an annual assessment
24 from each compacting state to cover the cost of the internal operations and activities
25 of the interstate commission and its staff, which must be in a total amount sufficient

ASSEMBLY BILL 481

1 to cover the interstate commission's annual budget as approved each year. The
2 aggregate annual assessment amount shall be allocated based upon a formula to be
3 determined by the interstate commission, taking into consideration the population
4 of the state and the volume of interstate movement of offenders in each compacting
5 state. The interstate commission shall promulgate a rule that is binding upon all
6 compacting states and that governs the assessment.

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

11 (d) The interstate commission shall keep accurate accounts of all receipts and
12 disbursements. The receipts and disbursements of the interstate commission shall
13 be subject to the audit and accounting procedures established under its bylaws. All
14 receipts and disbursements of funds handled by the interstate commission shall be
15 audited yearly by a certified or licensed public accountant, and the report of the audit
16 shall be included in and become part of the annual report of the interstate
17 commission.

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

20 (b) The compact shall become effective and binding upon legislative enactment
21 of the compact into law by no less than 35 of the states. The initial effective date shall
22 be July 1, 2001, the effective date of this paragraph [revisor inserts date], or upon
23 enactment into law by the 35th jurisdiction, whichever is later. Thereafter it shall
24 become effective and binding, as to any other compacting state, upon enactment of
25 the compact into law by that state. The governors of nonmember states or their

ASSEMBLY BILL 481

1 designees will be invited to participate in interstate commission activities on a
2 nonvoting basis prior to adoption of the compact by all states.

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

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

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

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

14 c. The withdrawing state shall immediately notify the chairperson of the
15 interstate commission in writing upon the introduction of legislation repealing this
16 compact in the withdrawing state. The interstate commission shall notify the other
17 compacting states of the withdrawing state's intent to withdraw within 60 days after
18 receiving the written notice.

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

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

ASSEMBLY BILL 481

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

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

8 b. Remedial training and technical assistance as directed by the interstate
9 commission.

10 c. Suspension or termination of membership in the compact. Suspension shall
11 be imposed only after all other reasonable means of securing compliance under the
12 bylaws and rules have been exhausted. Immediate notice of suspension shall be
13 given by the interstate commission to the governor, the chief justice of the supreme
14 court, the majority and minority leaders of the defaulting state's legislature, and the
15 state board.

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

19 3. If it determines that a compacting state has defaulted, the interstate
20 commission shall immediately notify the defaulting state in writing of the penalty
21 imposed by the interstate commission on the defaulting state pending a cure of the
22 default. The interstate commission shall stipulate the conditions under which and
23 the time period within which the defaulting state must cure its default. If the
24 defaulting state fails to cure the default within the time period specified by the
25 interstate commission, in addition to any other penalties imposed herein, the

ASSEMBLY BILL 481

1 defaulting state may be terminated from the compact upon an affirmative vote of a
2 majority of the compacting states, and all rights, privileges, and benefits conferred
3 by this compact shall be terminated from the effective date of termination. Within
4 60 days after the effective date of termination of a defaulting state, the interstate
5 commission shall notify the governor, the chief justice of the supreme court, the
6 majority and minority leaders of the defaulting state's legislature, and the state
7 board of the termination.

8 4. The defaulting state is responsible for all assessments, obligations, and
9 liabilities incurred through the effective date of termination, including any
10 obligations the performance of which extends beyond the effective date of
11 termination.

12 5. The interstate commission shall not bear any costs relating to the defaulting
13 state unless otherwise mutually agreed upon between the interstate commission and
14 the defaulting state.

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

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

ASSEMBLY BILL 481

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

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

8 **(13) ARTICLE XIII — CONSTRUCTION.** The provisions of this compact shall be
9 liberally constructed to effectuate its purposes.

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

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

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

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

20 3. Upon the request of a party to a conflict over meaning or interpretation of
21 interstate commission actions, and upon a majority vote of the compacting states, the
22 interstate commission may issue advisory opinions regarding such meaning or
23 interpretation.

24 4. In the event that any provision of this compact exceeds the constitutional
25 limits imposed on the legislature of any compacting state, the obligations, duties,

ASSEMBLY BILL 481

1 powers, or jurisdiction sought to be conferred by such provision upon the interstate
2 commission shall be ineffective, and such obligations, duties, powers, or jurisdiction
3 shall remain in the compacting state and shall be exercised by the agency thereof to
4 which such obligations, duties, powers, or jurisdiction are delegated by law in effect
5 at the time that this compact becomes effective.

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

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

9 801.14 **(6)** If an action pertaining to the subject matter of the compact
10 authorized under s. 304.16 may affect the powers, responsibilities, or actions of the
11 interstate commission, as defined in s. 304.16 (2) (f), the plaintiff shall deliver or mail
12 a copy of the complaint to the interstate commission at its last-known address.

13 **SECTION 18. Nonstatutory provisions.**

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

19 **(END)**