

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1317

4
5 By: Representatives Bond, D. Johnson
6 By: Senator Luker

For An Act To Be Entitled

10 AN ACT TO ADOPT A NEW INTERSTATE COMPACT FOR
11 JUVENILES; TO REPEAL THE EXISTING INTERSTATE
12 COMPACT ON JUVENILES; AND FOR OTHER PURPOSES.

Subtitle

15 AN ACT TO ADOPT A NEW INTERSTATE COMPACT
16 FOR JUVENILES AND TO REPEAL THE EXISTING
17 INTERSTATE COMPACT ON JUVENILES.

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code Title 9, Chapter 29 is amended to add an
23 additional subchapter to read as follows:

24 Subchapter 4 - Interstate Compact for Juveniles

25 9-29-401. Text of Compact.

26 The Interstate Compact for Juveniles is enacted into law and entered
27 into with all other jurisdictions legally joining in the compact in the form
28 substantially as follows:

29
30 THE INTERSTATE COMPACT FOR JUVENILES

31
32 ARTICLE I

33
34 PURPOSE



1 The compacting states to this Interstate Compact recognize that each state is
 2 responsible for the proper supervision or return of juveniles, delinquents
 3 and status offenders who are on probation or parole and who have absconded,
 4 escaped or run away from supervision and control and in so doing have
 5 endangered their own safety and the safety of others. The compacting states
 6 also recognize that each state is responsible for the safe return of
 7 juveniles who have run away from home and in doing so have left their state
 8 of residence. The compacting states also recognize that Congress, by
 9 enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized
 10 and encouraged compacts for cooperative efforts and mutual assistance in the
 11 prevention of crime.

12 It is the purpose of this compact, through means of joint and cooperative
 13 action among the compacting states to: (A) ensure that the adjudicated
 14 juveniles and status offenders subject to this compact are provided adequate
 15 supervision and services in the receiving state as ordered by the
 16 adjudicating judge or parole authority in the sending state; (B) ensure that
 17 the public safety interests of the citizens, including the victims of
 18 juvenile offenders, in both the sending and receiving states are adequately
 19 protected; (C) return juveniles who have run away, absconded or escaped from
 20 supervision or control or have been accused of an offense to the state
 21 requesting their return; (D) make contracts for the cooperative
 22 institutionalization in public facilities in member states for delinquent
 23 youth needing special services; (E) provide for the effective tracking and
 24 supervision of juveniles; (F) equitably allocate the costs, benefits and
 25 obligations of the compacting states; (G) establish procedures to manage the
 26 movement between states of juvenile offenders released to the community under
 27 the jurisdiction of courts, juvenile departments, or any other criminal or
 28 juvenile justice agency which has jurisdiction over juvenile offenders; (H)
 29 ensure immediate notice to jurisdictions where defined offenders are
 30 authorized to travel or to relocate across state lines; (I) establish
 31 procedures to resolve pending charges (detainers) against juvenile offenders
 32 prior to transfer or release to the community under the terms of this
 33 compact; (J) establish a system of uniform data collection on information
 34 pertaining to juveniles subject to this compact that allows access by
 35 authorized juvenile justice and criminal justice officials, and regular
 36 reporting of Compact activities to heads of state executive, judicial, and

1 legislative branches and juvenile and criminal justice administrators; (K)
 2 monitor compliance with rules governing interstate movement of juveniles and
 3 initiate interventions to address and correct non-compliance; (L) coordinate
 4 training and education regarding the regulation of interstate movement of
 5 juveniles for officials involved in such activity; and (M) coordinate the
 6 implementation and operation of the compact with the Interstate Compact for
 7 the Placement of Children, the Interstate Compact for Adult Offender
 8 Supervision and other compacts affecting juveniles particularly in those
 9 cases where concurrent or overlapping supervision issues arise. It is the
 10 policy of the compacting states that the activities conducted by the
 11 Interstate Commission created herein are the formation of public policies and
 12 therefore are public business. Furthermore, the compacting states shall
 13 cooperate and observe their individual and collective duties and
 14 responsibilities for the prompt return and acceptance of juveniles subject to
 15 the provisions of this compact. The provisions of this compact shall be
 16 reasonably and liberally construed to accomplish the purposes and policies of
 17 the compact.

18
 19 ARTICLE II

20
 21 DEFINITIONS

22
 23 As used in this compact, unless the context clearly requires a different
 24 construction:

25 A. "By-laws" means: those by-laws established by the Interstate Commission
 26 for its governance, or for directing or controlling its actions or conduct.

27 B. "Compact Administrator" means: the individual in each compacting state
 28 appointed pursuant to the terms of this compact, responsible for the
 29 administration and management of the state's supervision and transfer of
 30 juveniles subject to the terms of this compact, the rules adopted by the
 31 Interstate Commission and policies adopted by the State Council under this
 32 compact.

33 C. "Compacting State" means: any state which has enacted the enabling
 34 legislation for this compact.

35 D. "Commissioner" means: the voting representative of each compacting state
 36 appointed pursuant to Article III of this compact.

1 E. "Court" means: any court having jurisdiction over delinquent, neglected,
 2 or dependent children.

3 F. "Deputy Compact Administrator" means: the individual, if any, in each
 4 compacting state appointed to act on behalf of a Compact Administrator
 5 pursuant to the terms of this compact responsible for the administration and
 6 management of the state's supervision and transfer of juveniles subject to
 7 the terms of this compact, the rules adopted by the Interstate Commission and
 8 policies adopted by the State Council under this compact.

9 G. "Interstate Commission" means: the Interstate Commission for Juveniles
 10 created by Article III of this compact.

11 H. "Juvenile" means: any person defined as a juvenile in any member state or
 12 by the rules of the Interstate Commission, including:

13 (1) Accused Delinquent – a person charged with an offense that,
 14 if committed by an adult, would be a criminal offense;

15 (2) Adjudicated Delinquent – a person found to have committed an
 16 offense that, if committed by an adult, would be a criminal offense;

17 (3) Accused Status Offender – a person charged with an offense
 18 that would not be a criminal offense if committed by an adult;

19 (4) Adjudicated Status Offender - a person found to have
 20 committed an offense that would not be a criminal offense if committed by an
 21 adult; and

22 (5) Non-Offender – a person in need of supervision who has not
 23 been accused or adjudicated a status offender or delinquent.

24 I. "Non-Compacting state" means: any state which has not enacted the
 25 enabling legislation for this compact.

26 J. "Probation or Parole" means: any kind of supervision or conditional
 27 release of juveniles authorized under the laws of the compacting states.

28 K. "Rule" means: a written statement by the Interstate Commission
 29 promulgated pursuant to Article VI of this compact that is of general
 30 applicability, implements, interprets or prescribes a policy or provision of
 31 the Compact, or an organizational, procedural, or practice requirement of the
 32 Commission, and has the force and effect of statutory law in a compacting
 33 state, and includes the amendment, repeal, or suspension of an existing rule.

34 L. "State" means: a state of the United States, the District of Columbia (or
 35 its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands,
 36 Guam, American Samoa, and the Northern Marianas Islands.

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ARTICLE III

INTERSTATE COMMISSION FOR JUVENILES

A. The compacting states hereby create the “Interstate Commission for Juveniles.” The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

B. The Interstate Commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the State Council for Interstate Juvenile Supervision created hereunder. The commissioner shall be the compact administrator, deputy compact administrator or designee from that state who shall serve on the Interstate Commission in such capacity under or pursuant to the applicable law of the compacting state.

C. In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners, but who are members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (non-voting) members. The Interstate Commission may provide in its by-laws for such additional ex-officio (non-voting) members, including members of other national organizations, in such numbers as shall be determined by the commission.

D. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by

1 the by-laws of the Interstate Commission.

2 E. The commission shall meet at least once each calendar year. The
 3 chairperson may call additional meetings and, upon the request of a simple
 4 majority of the compacting states, shall call additional meetings. Public
 5 notice shall be given of all meetings and meetings shall be open to the
 6 public.

7 F. The Interstate Commission shall establish an executive committee, which
 8 shall include commission officers, members, and others as determined by the
 9 by-laws. The executive committee shall have the power to act on behalf of
 10 the Interstate Commission during periods when the Interstate Commission is
 11 not in session, with the exception of rulemaking and/or amendment to the
 12 compact. The executive committee shall oversee the day-to-day activities of
 13 the administration of the compact managed by an executive director and
 14 Interstate Commission staff; administers enforcement and compliance with the
 15 provisions of the compact, its by-laws and rules, and performs such other
 16 duties as directed by the Interstate Commission or set forth in the by-laws.

17 G. Each member of the Interstate Commission shall have the right and power
 18 to cast a vote to which that compacting state is entitled and to participate
 19 in the business and affairs of the Interstate Commission. A member shall
 20 vote in person and shall not delegate a vote to another compacting state.
 21 However, a commissioner, in consultation with the state council, shall
 22 appoint another authorized representative, in the absence of the commissioner
 23 from that state, to cast a vote on behalf of the compacting state at a
 24 specified meeting. The by-laws may provide for members' participation in
 25 meetings by telephone or other means of telecommunication or electronic
 26 communication.

27 H. The Interstate Commission's by-laws shall establish conditions and
 28 procedures under which the Interstate Commission shall make its information
 29 and official records available to the public for inspection or copying. The
 30 Interstate Commission may exempt from disclosure any information or official
 31 records to the extent they would adversely affect personal privacy rights or
 32 proprietary interests.

33 I. Public notice shall be given of all meetings and all meetings shall be
 34 open to the public, except as set forth in the Rules or as otherwise provided
 35 in the Compact. The Interstate Commission and any of its committees may
 36 close a meeting to the public where it determines by two-thirds vote that an

1 open meeting would be likely to:

2 1. Relate solely to the Interstate Commission's internal
 3 personnel practices and procedures;

4 2. Disclose matters specifically exempted from disclosure by
 5 statute;

6 3. Disclose trade secrets or commercial or financial information
 7 which is privileged or confidential;

8 4. Involve accusing any person of a crime, or formally censuring
 9 any person;

10 5. Disclose information of a personal nature where disclosure
 11 would constitute a clearly unwarranted invasion of personal privacy;

12 6. Disclose investigative records compiled for law enforcement
 13 purposes;

14 7. Disclose information contained in or related to examination,
 15 operating or condition reports prepared by, or on behalf of or for the use
 16 of, the Interstate Commission with respect to a regulated person or entity
 17 for the purpose of regulation or supervision of such person or entity;

18 8. Disclose information, the premature disclosure of which would
 19 significantly endanger the stability of a regulated person or entity; or

20 9. Specifically relate to the Interstate Commission's issuance
 21 of a subpoena, or its participation in a civil action or other legal
 22 proceeding.

23 J. For every meeting closed pursuant to this provision, the Interstate
 24 Commission's legal counsel shall publicly certify that, in the legal
 25 counsel's opinion, the meeting may be closed to the public, and shall
 26 reference each relevant exemptive provision. The Interstate Commission shall
 27 keep minutes which shall fully and clearly describe all matters discussed in
 28 any meeting and shall provide a full and accurate summary of any actions
 29 taken, and the reasons therefore, including a description of each of the
 30 views expressed on any item and the record of any roll call vote (reflected
 31 in the vote of each member on the question). All documents considered in
 32 connection with any action shall be identified in such minutes.

33 K. The Interstate Commission shall collect standardized data concerning the
 34 interstate movement of juveniles as directed through its rules which shall
 35 specify the data to be collected, the means of collection and data exchange
 36 and reporting requirements. Such methods of data collection, exchange and

1 reporting shall insofar as is reasonably possible conform to up-to-date
2 technology and coordinate its information functions with the appropriate
3 repository of records.

4
5 ARTICLE IV

6
7 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

8
9 The commission shall have the following powers and duties:

10 1. To provide for dispute resolution among compacting states.

11 2. To promulgate rules to effect the purposes and obligations as enumerated
12 in this compact, which shall have the force and effect of statutory law and
13 shall be binding in the compacting states to the extent and in the manner
14 provided in this compact.

15 3. To oversee, supervise and coordinate the interstate movement of juveniles
16 subject to the terms of this compact and any by-laws adopted and rules
17 promulgated by the Interstate Commission.

18 4. To enforce compliance with the compact provisions, the rules promulgated
19 by the Interstate Commission, and the by-laws, using all necessary and proper
20 means, including but not limited to the use of judicial process.

21 5. To establish and maintain offices which shall be located within one or
22 more of the compacting states.

23 6. To purchase and maintain insurance and bonds.

24 7. To borrow, accept, hire or contract for services of personnel.

25 8. To establish and appoint committees and hire staff which it deems
26 necessary for the carrying out of its functions including, but not limited
27 to, an executive committee as required by Article III which shall have the
28 power to act on behalf of the Interstate Commission in carrying out its
29 powers and duties hereunder.

30 9. To elect or appoint such officers, attorneys, employees, agents, or
31 consultants, and to fix their compensation, define their duties and determine
32 their qualifications; and to establish the Interstate Commission's personnel
33 policies and programs relating to, inter alia, conflicts of interest, rates
34 of compensation, and qualifications of personnel.

35 10. To accept any and all donations and grants of money, equipment,
36 supplies, materials, and services, and to receive, utilize, and dispose of

1 it.

2 11. To lease, purchase, accept contributions or donations of, or otherwise
3 to own, hold, improve or use any property, real, personal, or mixed.

4 12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or
5 otherwise dispose of any property, real, personal or mixed.

6 13. To establish a budget and make expenditures and levy dues as provided in
7 Article VIII of this compact.

8 14. To sue and be sued.

9 15. To adopt a seal and by-laws governing the management and operation of
10 the Interstate Commission.

11 16. To perform such functions as may be necessary or appropriate to achieve
12 the purposes of this compact.

13 17. To report annually to the legislatures, governors, judiciary, and state
14 councils of the compacting states concerning the activities of the Interstate
15 Commission during the preceding year. Such reports shall also include any
16 recommendations that may have been adopted by the Interstate Commission.

17 18. To coordinate education, training and public awareness regarding the
18 interstate movement of juveniles for officials involved in such activity.

19 19. To establish uniform standards of the reporting, collecting and
20 exchanging of data.

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

23
24 ARTICLE V

25
26 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

27
28
29 Section A. By-laws

30 1. The Interstate Commission shall, by a majority of the members present and
31 voting, within twelve months after the first Interstate Commission meeting,
32 adopt by-laws to govern its conduct as may be necessary or appropriate to
33 carry out the purposes of the compact, including, but not limited to:

34 a. Establishing the fiscal year of the Interstate Commission;

35 b. Establishing an executive committee and such other committees as
36 may be necessary;

1 c. Provide for the establishment of committees governing any general
2 or specific delegation of any authority or function of the Interstate
3 Commission;

4 d. Providing reasonable procedures for calling and conducting meetings
5 of the Interstate Commission, and ensuring reasonable notice of each such
6 meeting;

7 e. Establishing the titles and responsibilities of the officers of the
8 Interstate Commission;

9 f. Providing a mechanism for concluding the operations of the
10 Interstate Commission and the return of any surplus funds that may exist upon
11 the termination of the Compact after the payment and/or reserving of all of
12 its debts and obligations.

13 g. Providing "start-up" rules for initial administration of the
14 compact; and

15 h. Establishing standards and procedures for compliance and technical
16 assistance in carrying out the compact.

17
18 Section B. Officers and Staff

19 1. The Interstate Commission shall, by a majority of the members, elect
20 annually from among its members a chairperson and a vice chairperson, each of
21 whom shall have such authority and duties as may be specified in the by-laws.
22 The chairperson or, in the chairperson's absence or disability, the vice-
23 chairperson shall preside at all meetings of the Interstate Commission. The
24 officers so elected shall serve without compensation or remuneration from the
25 Interstate Commission; provided that, subject to the availability of budgeted
26 funds, the officers shall be reimbursed for any ordinary and necessary costs
27 and expenses incurred by them in the performance of their duties and
28 responsibilities as officers of the Interstate Commission.

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

35
36 Section C. Qualified Immunity, Defense and Indemnification

1 1. The Commission's executive director and employees shall be immune from
 2 suit and liability, either personally or in their official capacity, for any
 3 claim for damage to or loss of property or personal injury or other civil
 4 liability caused or arising out of or relating to any actual or alleged act,
 5 error, or omission that occurred, or that such person had a reasonable basis
 6 for believing occurred within the scope of Commission employment, duties, or
 7 responsibilities; provided, that any such person shall not be protected from
 8 suit or liability for any damage, loss, injury, or liability caused by the
 9 intentional or willful and wanton misconduct of any such person.

10 2. The liability of any commissioner, or the employee or agent of a
 11 commissioner, acting within the scope of such person's employment or duties
 12 for acts, errors, or omissions occurring within such person's state may not
 13 exceed the limits of liability set forth under the Constitution and laws of
 14 that state for state officials, employees, and agents. Nothing in this
 15 subsection shall be construed to protect any such person from suit or
 16 liability for any damage, loss, injury, or liability caused by the
 17 intentional or willful and wanton misconduct of any such person.

18 3. The Interstate Commission shall defend the executive director or the
 19 employees or representatives of the Interstate Commission and, subject to the
 20 approval of the Attorney General of the state represented by any commissioner
 21 of a compacting state, shall defend such commissioner or the commissioner's
 22 representatives or employees in any civil action seeking to impose liability
 23 arising out of any actual or alleged act, error or omission that occurred
 24 within the scope of Interstate Commission employment, duties or
 25 responsibilities, or that the defendant had a reasonable basis for believing
 26 occurred within the scope of Interstate Commission employment, duties, or
 27 responsibilities, provided that the actual or alleged act, error, or omission
 28 did not result from intentional or willful and wanton misconduct on the part
 29 of such person.

30 4. The Interstate Commission shall indemnify and hold the commissioner of a
 31 compacting state, or the commissioner's representatives or employees, or the
 32 Interstate Commission's representatives or employees, harmless in the amount
 33 of any settlement or judgment obtained against such persons arising out of
 34 any actual or alleged act, error, or omission that occurred within the scope
 35 of Interstate Commission employment, duties, or responsibilities, or that
 36 such persons had a reasonable basis for believing occurred within the scope

1 of Interstate Commission employment, duties, or responsibilities, provided
2 that the actual or alleged act, error, or omission did not result from
3 intentional or willful and wanton misconduct on the part of such persons.

4
5 ARTICLE VI

6
7 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

8
9 A. The Interstate Commission shall promulgate and publish rules in order to
10 effectively and efficiently achieve the purposes of the compact.

11 B. Rulemaking shall occur pursuant to the criteria set forth in this article
12 and the by-laws and rules adopted pursuant thereto. Such rulemaking shall
13 substantially conform to the principles of the "Model State Administrative
14 Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or
15 such other administrative procedures act, as the Interstate Commission deems
16 appropriate consistent with due process requirements under the U.S.

17 Constitution as now or hereafter interpreted by the U. S. Supreme Court. All
18 rules and amendments shall become binding as of the date specified, as
19 published with the final version of the rule as approved by the Commission.

20 C. When promulgating a rule, the Interstate Commission shall, at a minimum:

21 1. publish the proposed rule's entire text stating the reason(s)
22 for that proposed rule;

23 2. allow and invite any and all persons to submit written data,
24 facts, opinions and arguments, which information shall be added to the
25 record, and be made publicly available;

26 3. provide an opportunity for an informal hearing if petitioned
27 by ten (10) or more persons; and

28 4. promulgate a final rule and its effective date, if
29 appropriate, based on input from state or local officials, or interested
30 parties.

31 D. Allow, not later than sixty days after a rule is promulgated, any
32 interested person to file a petition in the United States District Court for
33 the District of Columbia or in the Federal District Court where the
34 Interstate Commission's principal office is located for judicial review of
35 such rule. If the court finds that the Interstate Commission's action is not
36 supported by substantial evidence in the rulemaking record, the court shall

1 hold the rule unlawful and set it aside. For purposes of this subsection,
2 evidence is substantial if it would be considered substantial evidence under
3 the Model State Administrative Procedures Act.

4 E. If a majority of the legislatures of the compacting states rejects a
5 rule, those states may, by enactment of a statute or resolution in the same
6 manner used to adopt the compact, cause that such rule shall have no further
7 force and effect in any compacting state.

8 F. The existing rules governing the operation of the Interstate Compact on
9 Juveniles superceded by this act shall be null and void twelve (12) months
10 after the first meeting of the Interstate Commission created hereunder.

11 G. Upon determination by the Interstate Commission that a state-of-emergency
12 exists, it may promulgate an emergency rule which shall become effective
13 immediately upon adoption, provided that the usual rulemaking procedures
14 provided hereunder shall be retroactively applied to said rule as soon as
15 reasonably possible, but no later than ninety (90) days after the effective
16 date of the emergency rule.

17
18 ARTICLE VII

19
20 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

21
22
23 Section A. Oversight

24 1. The Interstate Commission shall oversee the administration and operations
25 of the interstate movement of juveniles subject to this compact in the
26 compacting states and shall monitor such activities being administered in
27 non-compacting states which may significantly affect compacting states.

28 2. The courts and executive agencies in each compacting state shall enforce
29 this compact and shall take all actions necessary and appropriate to
30 effectuate the compact's purposes and intent. The provisions of this compact
31 and the rules promulgated hereunder shall be received by all the judges,
32 public officers, commissions, and departments of the state government as
33 evidence of the authorized statute and administrative rules. All courts
34 shall take judicial notice of the compact and the rules. In any judicial or
35 administrative proceeding in a compacting state pertaining to the subject
36 matter of this compact which may affect the powers, responsibilities or

1 actions of the Interstate Commission, it shall be entitled to receive all
2 service of process in any such proceeding, and shall have standing to
3 intervene in the proceeding for all purposes.

4
5 Section B. Dispute Resolution

6 1. The compacting states shall report to the Interstate Commission on all
7 issues and activities necessary for the administration of the compact as well
8 as issues and activities pertaining to compliance with the provisions of the
9 compact and its bylaws and rules.

10 2. The Interstate Commission shall attempt, upon the request of a compacting
11 state, to resolve any disputes or other issues which are subject to the
12 compact and which may arise among compacting states and between compacting
13 and non-compacting states. The commission shall promulgate a rule providing
14 for both mediation and binding dispute resolution for disputes among the
15 compacting states.

16 3. The Interstate Commission, in the reasonable exercise of its discretion,
17 shall enforce the provisions and rules of this compact using any or all means
18 set forth in Article XI of this compact.

19
20 ARTICLE VIII

21
22 FINANCE

23
24 A. The Interstate Commission shall pay or provide for the payment of the
25 reasonable expenses of its establishment, organization and ongoing
26 activities.

27 B. The Interstate Commission shall levy on and collect an annual assessment
28 from each compacting state to cover the cost of the internal operations and
29 activities of the Interstate Commission and its staff which must be in a
30 total amount sufficient to cover the Interstate Commission's annual budget as
31 approved each year. The aggregate annual assessment amount shall be
32 allocated based upon a formula to be determined by the Interstate Commission,
33 taking into consideration the population of each compacting state and the
34 volume of interstate movement of juveniles in each compacting state and shall
35 promulgate a rule binding upon all compacting states which governs said
36 assessment.

1 C. The Interstate Commission shall not incur any obligations of any kind
2 prior to securing the funds adequate to meet the same; nor shall the
3 Interstate Commission pledge the credit of any of the compacting states,
4 except by and with the authority of the compacting state.

5 D. The Interstate Commission shall keep accurate accounts of all receipts
6 and disbursements. The receipts and disbursements of the Interstate
7 Commission shall be subject to the audit and accounting procedures
8 established under its by-laws. However, all receipts and disbursements of
9 funds handled by the Interstate Commission shall be audited yearly by a
10 certified or licensed public accountant and the report of the audit shall be
11 included in and become part of the annual report of the Interstate
12 Commission.

13
14 ARTICLE IX

15
16 THE STATE COUNCIL

17
18 A. An Arkansas State Council for Interstate Juvenile Supervision is created.
19 The state council shall consist of the following members:

20 1. One (1) nonelected representative of the legislative branch
21 of government appointed by the Chair of the Senate Interim Committee on
22 Children and Youth;

23 2. One (1) circuit court judge who, pursuant to Administrative
24 Order No. 14, is assigned to hear cases filed pursuant to the Arkansas
25 Juvenile Code, appointed by the Governor;

26 3. The Director of the Division of Youth Services or his or her
27 designee;

28 4. One (1) representative from a victim's group, appointed by
29 the Governor;

30 5. One (1) juvenile probation officer, appointed by the
31 Governor; and

32 6. The Director of the Division of Youth Services or his or her
33 designee shall be the commissioner representing Arkansas on the Interstate
34 Commission for Juveniles.

35 B. The Director of the Division of Youth Services or his or her designee
36 shall be the compact administrator for Arkansas.

1 C. The state council shall provide advice, recommendations and advocacy
2 concerning Arkansas' participation in interstate commission activities and
3 the development of policies concerning operations and procedures of the
4 compact within this state.

5
6 ARTICLE X

7
8 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

9
10 A. Any state, the District of Columbia (or its designee), the Commonwealth
11 of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the
12 Northern Marianas Islands as defined in Article II of this compact is
13 eligible to become a compacting state.

14 B. The compact shall become effective and binding upon legislative enactment
15 of the compact into law by no less than 35 of the states. The initial
16 effective date shall be the later of July 1, 2004 or upon enactment into law
17 by the 35th jurisdiction. Thereafter it shall become effective and binding as
18 to any other compacting state upon enactment of the compact into law by that
19 state. The governors of non-member states or their designees shall be
20 invited to participate in the activities of the Interstate Commission on a
21 non-voting basis prior to adoption of the compact by all states and
22 territories of the United States.

23 C. The Interstate Commission may propose amendments to the compact for
24 enactment by the compacting states. No amendment shall become effective and
25 binding upon the Interstate Commission and the compacting states unless and
26 until it is enacted into law by unanimous consent of the compacting states.

27
28 ARTICLE XI

29
30 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

31
32
33 Section A. Withdrawal

34 1. Once effective, the compact shall continue in force and remain binding
35 upon each and every compacting state; provided that a compacting state may
36 withdraw from the compact by specifically repealing the statute which enacted

1 the compact into law.

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

3 3. The withdrawing state shall immediately notify the chairperson of the
 4 Interstate Commission in writing upon the introduction of legislation
 5 repealing this compact in the withdrawing state. The Interstate Commission
 6 shall notify the other compacting states of the withdrawing state's intent to
 7 withdraw within sixty days of its receipt thereof.

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

12 5. 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
 16 Section B. Technical Assistance, Fines, Suspension, Termination and Default

17 1. If the Interstate Commission determines that any compacting state has at
 18 any time defaulted in the performance of any of its obligations or
 19 responsibilities under this compact, or the by-laws or duly promulgated
 20 rules, the Interstate Commission may impose any or all of the following
 21 penalties:

22 a. Remedial training and technical assistance as directed by the
 23 Interstate Commission;

24 b. Alternative Dispute Resolution;

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

27 d. Suspension or termination of membership in the compact, which
 28 shall be imposed only after all other reasonable means of securing compliance
 29 under the by-laws and rules have been exhausted and the Interstate Commission
 30 has therefore determined that the offending state is in default. Immediate
 31 notice of suspension shall be given by the Interstate Commission to the
 32 Governor, the Chief Justice or the Chief Judicial Officer of the state, the
 33 majority and minority leaders of the defaulting state's legislature, and the
 34 state council. The grounds for default include, but are not limited to,
 35 failure of a compacting state to perform such obligations or responsibilities
 36 imposed upon it by this compact, the by-laws, or duly promulgated rules and

1 any other grounds designated in commission by-laws and rules. The Interstate
 2 Commission shall immediately notify the defaulting state in writing of the
 3 penalty imposed by the Interstate Commission and of the default pending a
 4 cure of the default. The commission shall stipulate the conditions and the
 5 time period within which the defaulting state must cure its default. If the
 6 defaulting state fails to cure the default within the time period specified
 7 by the commission, the defaulting state shall be terminated from the compact
 8 upon an affirmative vote of a majority of the compacting states and all
 9 rights, privileges and benefits conferred by this compact shall be terminated
 10 from the effective date of termination.

11 2. Within sixty days of the effective date of termination of a defaulting
 12 state, the Commission shall notify the Governor, the Chief Justice or Chief
 13 Judicial Officer, the Majority and Minority Leaders of the defaulting state's
 14 legislature, and the state council of such termination.

15 3. The defaulting state is responsible for all assessments, obligations and
 16 liabilities incurred through the effective date of termination including any
 17 obligations, the performance of which extends beyond the effective date of
 18 termination.

19 4. The Interstate Commission shall not bear any costs relating to the
 20 defaulting state unless otherwise mutually agreed upon in writing between the
 21 Interstate Commission and the defaulting state.

22 5. Reinstatement following termination of any compacting state requires both
 23 a reenactment of the compact by the defaulting state and the approval of the
 24 Interstate Commission pursuant to the rules.

25
 26 Section C. Judicial Enforcement

27 The Interstate Commission may, by majority vote of the members, initiate
 28 legal action in the United States District Court for the District of Columbia
 29 or, at the discretion of the Interstate Commission, in the federal district
 30 where the Interstate Commission has its offices, to enforce compliance with
 31 the provisions of the compact, its duly promulgated rules and by-laws,
 32 against any compacting state in default. In the event judicial enforcement
 33 is necessary the prevailing party shall be awarded all costs of such
 34 litigation including reasonable attorneys fees.

35
 36 Section D. Dissolution of Compact

1 1. The compact dissolves effective upon the date of the withdrawal or
2 default of the compacting state, which reduces membership in the compact to
3 one compacting state.

4 2. Upon the dissolution of this compact, the compact becomes null and void
5 and shall be of no further force or effect, and the business and affairs of
6 the Interstate Commission shall be concluded and any surplus funds shall be
7 distributed in accordance with the by-laws.

8

9

ARTICLE XII

10

11

SEVERABILITY AND CONSTRUCTION

12

13 A. The provisions of this compact shall be severable, and if any phrase,
14 clause, sentence or provision is deemed unenforceable, the remaining
15 provisions of the compact shall be enforceable.

16 B. The provisions of this compact shall be liberally construed to effectuate
17 its purposes.

18

19

ARTICLE XIII

20

21

BINDING EFFECT OF COMPACT AND OTHER LAWS

22

23

Section A. Other Laws

24 1. Nothing herein prevents the enforcement of any other law of a compacting
25 state that is not inconsistent with this compact.

26 2. All compacting states' laws other than state Constitutions and other
27 interstate compacts conflicting with this compact are superseded to the
28 extent of the conflict.

29

30

Section B. Binding Effect of the Compact

31 1. All lawful actions of the Interstate Commission, including all rules and
32 by-laws promulgated by the Interstate Commission, are binding upon the
33 compacting states.

34 2. All agreements between the Interstate Commission and the compacting
35 states are binding in accordance with their terms.

36 3. Upon the request of a party to a conflict over meaning or interpretation

1 of Interstate Commission actions, and upon a majority vote of the compacting
 2 states, the Interstate Commission may issue advisory opinions regarding such
 3 meaning or interpretation.

4 4. In the event any provision of this compact exceeds the constitutional
 5 limits imposed on the legislature of any compacting state, the obligations,
 6 duties, powers or jurisdiction sought to be conferred by such provision upon
 7 the Interstate Commission shall be ineffective and such obligations, duties,
 8 powers or jurisdiction shall remain in the compacting state and shall be
 9 exercised by the agency thereof to which such obligations, duties, powers or
 10 jurisdiction are delegated by law in effect at the time this compact becomes
 11 effective.

12
 13 SECTION 2. SUNSET CLAUSE. It is hereby found and determined by the
 14 General Assembly that if this Interstate Compact for Juveniles is not
 15 approved by the requisite number of states by January 1, 2010, then this act
 16 will become void as of that same date.

17
 18 SECTION 3. When the contingency in Article X (10) of Section 1 of this
 19 act is met, Title 9, Chapter 29, Subchapter 1 is repealed.

20 ~~9-29-101. Legislative findings and policy.~~

21 ~~(a) It is found and declared:~~

22 ~~(1) That juveniles who are not under proper supervision and~~
 23 ~~control, or who have absconded, escaped, or run away, are likely to endanger~~
 24 ~~their own health, morals, and welfare, and the health, morals, and welfare of~~
 25 ~~others;~~

26 ~~(2) That the cooperation of this state with other states is~~
 27 ~~necessary to provide for the welfare and protection of juveniles and of the~~
 28 ~~people of this state.~~

29 ~~(b) It shall therefore be the policy of this state, in adopting the~~
 30 ~~Interstate Compact on Juveniles, to cooperate fully with other states:~~

31 ~~(1) In returning juveniles to such other states whenever their~~
 32 ~~return is sought; and~~

33 ~~(2) In accepting the return of juveniles whenever a juvenile~~
 34 ~~residing in this state is found or apprehended in another state and in taking~~
 35 ~~all measures to initiate proceedings for the return of such juveniles.~~

~~9-29-102. Text of compact.~~

~~The Governor is authorized and directed to execute a compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:~~

~~INTERSTATE COMPACT ON JUVENILES~~

~~ARTICLE I~~

~~That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals, and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one (1) state to another, of nondelinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two (2) or more of the party states may find desirable to undertake cooperatively. In carrying out the provision of this compact the party states shall be guided by the noncriminal, reformatory, and protective policies which guide their laws concerning delinquent, neglected, or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.~~

~~ARTICLE II~~

~~That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies, and procedures, and shall not be in derogation of parental rights and responsibilities.~~

1 ARTICLE III

2
 3 That, for the purposes of this compact, "delinquent juvenile" means any
 4 juvenile who has been adjudged delinquent and who, at the time the provisions
 5 of this compact are invoked, is still subject to the jurisdiction of the
 6 court that has made such adjudication or to the jurisdiction or supervision
 7 of any agency or institution pursuant to an order of such court; "probation
 8 or parole" means any kind of conditional release of juveniles authorized
 9 under the laws of the states party hereto; "court" means any court having
 10 jurisdiction over delinquent, neglected, or dependent children; "state" means
 11 any state, territory or possession of the United States, the District of
 12 Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant
 13 thereof, means a place at which a home or regular place of abode is
 14 maintained.

15
 16 ARTICLE IV

17 (a) That the parent, guardian, person, or agency entitled to legal
 18 custody of a juvenile who has not been adjudged delinquent but who has run
 19 away without the consent of such parent, guardian, person, or agency may
 20 petition the appropriate court in the demanding state for the issuance of a
 21 requisition for his return. The petition shall state the name and age of the
 22 juvenile, the name of the petitioner and the basis of entitlement to the
 23 juvenile's custody, the circumstances of his running away, his location if
 24 known at the time application is made, and such other facts as may tend to
 25 show that the juvenile who has run away is endangering his own welfare or the
 26 welfare of others and is not an emancipated minor. The petition shall be
 27 verified by affidavit, shall be executed in duplicate, and shall be
 28 accompanied by two (2) certified copies of the document or documents on which
 29 the petitioner's entitlement to the juvenile's custody is based, such as
 30 birth certificates, letters of guardianship, or custody decrees. Such further
 31 affidavits and other documents as may be deemed proper may be submitted with
 32 such petition. The judge of the court to which this application is made may
 33 hold a hearing thereon to determine whether for the purposes of this compact
 34 the petitioner is entitled to the legal custody of the juvenile, whether it
 35 appears that the juvenile has in fact run away without consent, whether he is
 36 an emancipated minor, and whether it is in the best interest of the juvenile

1 to compel his return to the state. If the judge determines, either with or
2 without a hearing, that the juvenile should be returned, he shall present to
3 the appropriate court or to the executive authority of the state where the
4 juvenile is alleged to be located a written requisition for the return of
5 such juvenile. Such requisition shall set forth the name and age of the
6 juvenile, the determination of the court that the juvenile has run away
7 without the consent of a parent, guardian, person, or agency entitled to his
8 legal custody, and that it is in the best interest and for the protection of
9 such juvenile that he be returned. In the event that a proceeding for the
10 adjudication of the juvenile as a delinquent, neglected, or dependent
11 juvenile is pending in the court at the time when such juvenile runs away,
12 the court may issue a requisition for the return of such juvenile upon its
13 own motion, regardless of the consent of the parent, guardian, person, or
14 agency entitled to legal custody, reciting therein the nature and
15 circumstances of the pending proceeding. The requisition shall in every case
16 be executed in duplicate and shall be signed by the judge. One (1) copy of
17 the requisition shall be filed with the compact administrator of the
18 demanding state, there to remain on file subject to the provisions of law
19 governing records of such court. Upon the receipt of a requisition demanding
20 the return of a juvenile who has run away, the court or the executive
21 authority to whom the requisition is addressed shall issue an order to any
22 peace officer or other appropriate person directing him to take into custody
23 and detain such juvenile. Such detention order must substantially recite the
24 facts necessary to the validity of its issuance hereunder. No juvenile
25 detained upon such order shall be delivered over to the officer whom the
26 court demanding him shall have appointed to receive him, unless he shall
27 first be taken forthwith before a judge of a court in the state, who shall
28 inform him of the demand made for his return, and who may appoint counsel or
29 guardian ad litem for him. If the judge of such court shall find that the
30 requisition is in order, he shall deliver such juvenile over to the officer
31 whom the court demanding him shall have appointed to receive him. The judge,
32 however, may fix a reasonable time to be allowed for the purpose of testing
33 the legality of the proceeding.

34 Upon reasonable information that a person is a juvenile who has run
35 away from another state party to this compact without the consent of a
36 parent, guardian, person, or agency entitled to his legal custody, such

1 juvenile may be taken into custody without a requisition and brought
 2 forthwith before a judge of the appropriate court who may appoint counsel or
 3 guardian ad litem for such juvenile and who shall determine after a hearing
 4 whether sufficient cause exists to hold the person, subject to the order of
 5 the court for his own protection and welfare, for such a time not exceeding
 6 ninety (90) days as will enable his return to another state party to this
 7 compact pursuant to a requisition for his return from a court of that state.
 8 If, at the time when a state seeks the return of a juvenile who has run away,
 9 there is pending in the state wherein he is found any criminal charge, or any
 10 proceeding to have him adjudicated a delinquent juvenile for an act committed
 11 in such state, or if he is suspected of having committed within such state a
 12 eriminal offense or an act of juvenile delinquency, he shall not be returned
 13 without the consent of such state until discharged from prosecution or other
 14 form of proceeding, imprisonment, detention, or supervision for such offense
 15 or juvenile delinquency. The duly accredited officers of any state party to
 16 this compact, upon the establishment of their authority and the identity of
 17 the juvenile being returned, shall be permitted to transport such juvenile
 18 through any and all states party to this compact without interference. Upon
 19 his return to the state from which he ran away, the juvenile shall be subject
 20 to such further proceedings as may be appropriate under the laws of that
 21 state.

22 (b) That the state to which a juvenile is returned under this article
 23 shall be responsible for payment of the transportation costs of such return.

24 (c) That "juvenile" as used in this article means any person who is a
 25 minor under the law of the state of residence of the parent, guardian,
 26 person, or agency entitled to the legal custody of such minor.

27
 28 ARTICLE V

29
 30 (a) That the appropriate person or authority from whose probation or
 31 parole supervision a delinquent juvenile has absconded or from whose
 32 institutional custody he has escaped shall present to the appropriate court
 33 or to the executive authority of the state where the delinquent juvenile is
 34 alleged to be located a written requisition for the return of such delinquent
 35 juvenile. Such requisition shall state the name and age of the delinquent
 36 juvenile, the particulars of his adjudication as a delinquent juvenile, the

1 ~~circumstances of the breach of the terms of his probation or parole or of his~~
2 ~~escape from an institution or agency vested with his legal custody or~~
3 ~~supervision, and the location of such delinquent juvenile, if known, at the~~
4 ~~time the requisition is made. The requisition shall be verified by affidavit,~~
5 ~~shall be executed in duplicate, and shall be accompanied by two (2) certified~~
6 ~~copies of the judgment, formal adjudication, or order of commitment which~~
7 ~~subjects such delinquent juvenile to probation or parole or to the legal~~
8 ~~custody of the institution or agency concerned. Such further affidavits and~~
9 ~~other documents as may be deemed proper may be submitted with such~~
10 ~~requisition. One (1) copy of the requisition shall be filed with the compact~~
11 ~~administrator of the demanding state, there to remain on file subject to the~~
12 ~~provisions of law governing records of the appropriate court. Upon the~~
13 ~~receipt of a requisition demanding the return of a delinquent juvenile who~~
14 ~~has absconded or escaped, the court or the executive authority to whom the~~
15 ~~requisition is addressed shall issue an order to any peace officer or other~~
16 ~~appropriate person directing him to take into custody and detain such~~
17 ~~delinquent juvenile. Such detention order must substantially recite the facts~~
18 ~~necessary to the validity of its issuance hereunder. No delinquent juvenile~~
19 ~~detained upon such order shall be delivered over to the officer whom the~~
20 ~~appropriate person or authority demanding him shall have appointed to receive~~
21 ~~him, unless he shall first be taken forthwith before a judge of an~~
22 ~~appropriate court in the state, who shall inform him of the demand made for~~
23 ~~his return and who may appoint counsel or guardian ad litem for him. If the~~
24 ~~judge of such court shall find that the requisition is in order, he shall~~
25 ~~deliver such delinquent juvenile over to the officer whom the appropriate~~
26 ~~person or authority demanding him shall have appointed to receive him. The~~
27 ~~judge, however, may fix a reasonable time to be allowed for the purpose of~~
28 ~~testing the legality of the proceeding.~~

29 ~~Upon reasonable information that a person is a delinquent juvenile who~~
30 ~~has absconded while on probation or parole, or escaped from an institution or~~
31 ~~agency vested with his legal custody or supervision in any state party to~~
32 ~~this compact, such person may be taken into custody in any other state party~~
33 ~~to this compact without a requisition. But in such event, he must be taken~~
34 ~~forthwith before a judge of the appropriate court, who may appoint counsel or~~
35 ~~guardian ad litem for such person and who shall determine, after a hearing,~~
36 ~~whether sufficient cause exists to hold the person subject to the order of~~

1 ~~the court for such a time, not exceeding ninety (90) days, as will enable his~~
 2 ~~detention under a detention order issued on a requisition pursuant to this~~
 3 ~~article. If, at the time when a state seeks the return of a delinquent~~
 4 ~~juvenile who has either absconded while on probation or parole or escaped~~
 5 ~~from an institution or agency vested with his legal custody or supervision,~~
 6 ~~there is pending in the state wherein he is detained any criminal charge or~~
 7 ~~any proceeding to have him adjudicated a delinquent juvenile for an act~~
 8 ~~committed in such state, or if he is suspected of having committed within~~
 9 ~~such state a criminal offense or an act of juvenile delinquency, he shall not~~
 10 ~~be returned without the consent of such state until discharged from~~
 11 ~~prosecution or other form of proceeding, imprisonment, detention, or~~
 12 ~~supervision for such offense or juvenile delinquency. The duly accredited~~
 13 ~~officers of any state party to this compact, upon the establishment of their~~
 14 ~~authority and the identity of the delinquent juvenile being returned, shall~~
 15 ~~be permitted to transport such delinquent juvenile through all states party~~
 16 ~~to this compact, without interference. Upon his return to the state from~~
 17 ~~which he escaped or absconded, the delinquent juvenile shall be subject to~~
 18 ~~such further proceedings as may be appropriate under the laws of that state.~~

19 ~~(b) That the state to which a delinquent juvenile is returned under~~
 20 ~~this article shall be responsible for the payment of the transportation costs~~
 21 ~~of such return.~~

22
 23 ~~ARTICLE VI~~
 24

25 ~~That any delinquent juvenile who has absconded while on probation or~~
 26 ~~parole, or escaped from an institution or agency vested with his legal~~
 27 ~~custody or supervision in any state party to this compact, and any juvenile~~
 28 ~~who has run away from any state party to this compact, who is taken into~~
 29 ~~custody without a requisition in another state party to this compact under~~
 30 ~~the provisions of Article IV (a) or of Article V (a), may consent to his~~
 31 ~~immediate return to the state from which he absconded, escaped, or ran away.~~
 32 ~~Such consent shall be given by the juvenile or delinquent juvenile and his~~
 33 ~~counsel or guardian ad litem, if any, by execution of subscribing a writing,~~
 34 ~~in the presence of a judge of the appropriate court, which states that the~~
 35 ~~juvenile or delinquent juvenile and his counsel or guardian ad litem, if any,~~
 36 ~~consent to his return to the demanding state. Before such consent shall be~~

1 ~~executed or subscribed, however, the judge, in the presence of counsel or~~
 2 ~~guardian ad litem, if any, shall inform the juvenile or delinquent juvenile~~
 3 ~~of his rights under this compact. When the consent has been duly executed, it~~
 4 ~~shall be forwarded to and filed with the compact administrator of the state~~
 5 ~~in which the court is located and the judge shall direct the officer having~~
 6 ~~the juvenile or delinquent juvenile in custody to deliver him to the duly~~
 7 ~~accredited officer or officers of the state demanding his return, and shall~~
 8 ~~cause to be delivered to such officer or officers a copy of the consent. The~~
 9 ~~court may, however, upon the request of the state to which the juvenile or~~
 10 ~~delinquent juvenile is being returned, order him to return unaccompanied to~~
 11 ~~such state and shall provide him with a copy of such court order; in such~~
 12 ~~event a copy of the consent shall be forwarded to the compact administrator~~
 13 ~~of the state to which said juvenile or delinquent juvenile is ordered to~~
 14 ~~return.~~

15
 16 ~~ARTICLE VII~~

17 ~~(a) That the duly constituted judicial and administrative authorities~~
 18 ~~of a state party to this compact (herein called "sending state") may permit~~
 19 ~~any delinquent juvenile within such state, placed on probation or parole, to~~
 20 ~~reside in any other state party to this compact (herein called "receiving~~
 21 ~~state") while on probation or parole, and the receiving state shall accept~~
 22 ~~such delinquent juvenile, if the parent, guardian, or person entitled to the~~
 23 ~~legal custody of such delinquent juvenile is residing or undertakes to reside~~
 24 ~~within the receiving state. Before granting such permission, opportunity~~
 25 ~~shall be given to the receiving state to make such investigations as it deems~~
 26 ~~necessary. The authorities of the sending state shall send to the authorities~~
 27 ~~of the receiving state copies of pertinent court orders, social case studies,~~
 28 ~~and all other available information which may be of value to and assist the~~
 29 ~~receiving state in supervising a probationer or parolee under this compact. A~~
 30 ~~receiving state, in its discretion, may agree to accept supervision of a~~
 31 ~~probationer or parolee in cases where the parent, guardian, or person~~
 32 ~~entitled to the legal custody of the delinquent juvenile is not a resident of~~
 33 ~~the receiving state, and if so accepted the sending state may transfer~~
 34 ~~supervision accordingly.~~

35 ~~(b) That each receiving state will assume the duties of visitation and~~
 36 ~~of supervision over any such delinquent juvenile and in the exercise of those~~

1 ~~duties will be governed by the same standards of visitation and supervision~~
 2 ~~that prevail for its own delinquent juvenile released on probation or parole.~~

3 ~~(c) That, after consultation between the appropriate authorities of~~
 4 ~~the sending state and of the receiving state as to the desirability and~~
 5 ~~necessity of returning such a delinquent juvenile, the duly accredited~~
 6 ~~officers of a sending state may enter a receiving state and there apprehend~~
 7 ~~and retake any such delinquent juvenile on probation or parole. For that~~
 8 ~~purpose, no formalities will be required, other than establishing the~~
 9 ~~authority of the officer and the identity of the delinquent juvenile to be~~
 10 ~~retaken and returned. The decision of the sending state to retake a~~
 11 ~~delinquent juvenile on probation or parole shall be conclusive upon and not~~
 12 ~~reviewable within the receiving state, but if, at the time the sending state~~
 13 ~~seeks to retake a delinquent juvenile on probation or parole, there is~~
 14 ~~pending against him within the receiving state any criminal charge or any~~
 15 ~~proceeding to have him adjudicated a delinquent juvenile for any act~~
 16 ~~committed in such state, or if he is suspected of having committed within~~
 17 ~~such state a criminal offense or an act of juvenile delinquency, he shall not~~
 18 ~~be returned without the consent of the receiving state until discharged from~~
 19 ~~prosecution or other form of proceeding, imprisonment, detention, or~~
 20 ~~supervision for such offense or juvenile delinquency. The duly accredited~~
 21 ~~officers of the sending state shall be permitted to transport delinquent~~
 22 ~~juveniles being so returned through any and all states party to this compact,~~
 23 ~~without interference.~~

24 ~~(d) That the sending state shall be responsible under this article for~~
 25 ~~paying the costs of transporting any delinquent juvenile to the receiving~~
 26 ~~state or of returning any delinquent juvenile to the sending state.~~

27
 28 ~~ARTICLE VIII~~
 29

30 ~~(a) That the provisions of Article IV (b), V (b), and VII (d) of this~~
 31 ~~compact shall not be construed to alter or affect any internal relationship~~
 32 ~~among the departments, agencies, and officers of and in the government of a~~
 33 ~~party state, or between a party state and its subdivisions, as to the payment~~
 34 ~~of costs, or responsibilities therefor.~~

35 ~~(b) That nothing in this compact shall be construed to prevent any~~
 36 ~~party state or subdivision thereof from asserting any right against any~~

1 ~~person, agency, or other entity in regard to costs for which such party state~~
2 ~~or subdivision thereof may be responsible pursuant to Articles IV (b) or VII~~
3 ~~(d) of this compact.~~

4
5 ARTICLE IX

6
7 ~~That, to every extent possible, it shall be the policy of states party~~
8 ~~to this compact that no juvenile or delinquent juvenile shall be placed or~~
9 ~~detained in any prison, jail, or lockup nor be detained or transported in~~
10 ~~association with criminal, vicious, or dissolute persons.~~

11
12 ARTICLE X

13
14 ~~That the duly constituted administrative authorities of a state party~~
15 ~~to this compact may enter into supplementary agreements with any other state~~
16 ~~or states party hereto for the cooperative care, treatment, and~~
17 ~~rehabilitation of delinquent juveniles whenever they shall find that such~~
18 ~~agreements will improve the facilities or programs available for such care,~~
19 ~~treatment, and rehabilitation. Such care, treatment, and rehabilitation may~~
20 ~~be provided in an institution located within any state entering into such~~
21 ~~supplementary agreement. Such supplementary agreements shall (1) provide the~~
22 ~~rates to be paid for the care, treatment, and custody of such delinquent~~
23 ~~juveniles, taking into consideration the character of facilities, services,~~
24 ~~and subsistence furnished; (2) provide that the delinquent juvenile shall be~~
25 ~~given a court hearing prior to his being sent to another state for care,~~
26 ~~treatment, and custody; (3) provide that the state receiving such a~~
27 ~~delinquent juvenile in one (1) of its institutions shall act solely as agent~~
28 ~~for the state sending such delinquent juvenile; (4) provide that the sending~~
29 ~~state shall at all times retain jurisdiction over delinquent juveniles sent~~
30 ~~to an institution in another state; (5) provide for reasonable inspection of~~
31 ~~such institutions by the sending state; (6) provide that the consent of the~~
32 ~~parent, guardian, person, or agency entitled to the legal custody of said~~
33 ~~delinquent juvenile shall be secured prior to his being sent to another~~
34 ~~state; and (7) make provision for such other matters and details as shall be~~
35 ~~necessary to protect the rights and equities of such delinquent juveniles and~~
36 ~~of the cooperating states.~~

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ARTICLE XI

~~That any state party to this compact may accept any and all donations, gifts, and grants of money, equipment, and services from the federal or any local government, or any agency thereof and from any person, firm, or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions, and regulations governing such donations, gifts, and grants.~~

ARTICLE XII

~~That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.~~

ARTICLE XIII

~~That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.~~

ARTICLE XIV

~~That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be, by the same authority which executed it, by sending six (6) months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be~~

1 ~~subject to the six (6) months' renunciation notice of the present article.~~

2
3 ~~ARTICLE XV~~

4
5 ~~That the provisions of this compact shall be severable and if any~~
6 ~~phrase, clause, sentence, or provision of this compact is declared to be~~
7 ~~contrary to the constitution of any participating state or the United States~~
8 ~~or the applicability thereof to any government, agency, person, or~~
9 ~~circumstance is held invalid, the validity of the remainder of this compact~~
10 ~~and the applicability thereof to any government, agency, person, or~~
11 ~~circumstance shall not be affected thereby. If this compact shall be held~~
12 ~~contrary to the constitution of any state participating therein, the compact~~
13 ~~shall remain in full force and effect as to the remaining states and in full~~
14 ~~force and effect as to the state affected as to all severable matters.~~

15
16 ~~9-29-103. Compact administrator.~~

17 ~~(a) Pursuant to the compact, the Governor is authorized and empowered~~
18 ~~to designate an officer who shall be the compact administrator and who,~~
19 ~~acting jointly with like officers of other party states, shall promulgate~~
20 ~~rules and regulations to carry out more effectively the terms of the compact.~~

21 ~~(b) The compact administrator shall serve subject to the pleasure of~~
22 ~~the Governor.~~

23 ~~(c) The compact administrator is authorized, empowered, and directed~~
24 ~~to cooperate with all departments, agencies, and officers of and in the~~
25 ~~government of this state and its subdivisions in facilitating the proper~~
26 ~~administration of the compact or of any supplementary agreement or agreements~~
27 ~~entered into by this state thereunder.~~

28
29 ~~9-29-104. Supplementary agreements.~~

30 ~~(a) The compact administrator is authorized and empowered to enter~~
31 ~~into supplementary agreements with appropriate officials of other states~~
32 ~~pursuant to the compact.~~

33 ~~(b) In the event that the supplementary agreement shall require or~~
34 ~~contemplate the use of any institution or facility of this state or require~~
35 ~~or contemplate the provision of any service by this state, the supplementary~~
36 ~~agreement shall have no force or effect until approved by the head of the~~

1 ~~department or agency under whose jurisdiction said institution or facility is~~
2 ~~operated or whose department or agency will be charged with the rendering of~~
3 ~~the service.~~

4
5 ~~9-29-105. Financial obligations.~~

6 ~~The compact administrator, subject to the approval of the Chief State~~
7 ~~Fiscal Officer, may make or arrange for any payments necessary to discharge~~
8 ~~any financial obligations imposed upon this state by the compact or by any~~
9 ~~supplementary agreement entered into thereunder.~~

10
11 ~~9-29-106. Enforcement.~~

12 ~~The courts, departments, agencies, and officers of this state and its~~
13 ~~subdivisions shall enforce this compact and shall do all things appropriate~~
14 ~~to the effectuation of its purposes and intent which may be within their~~
15 ~~respective jurisdictions.~~

16
17 ~~9-29-107. Other procedures authorized.~~

18 ~~In addition to any procedure provided in Articles IV and VI of the~~
19 ~~compact for the return of any runaway juvenile, the particular states, the~~
20 ~~juvenile or his parents, the courts, or other legal custodian involved may~~
21 ~~agree upon and adopt any other plan or procedure legally authorized under the~~
22 ~~laws of this state and other respective party states for the return of any~~
23 ~~runaway juvenile.~~

24
25 ~~9-29-108. Ratification of Rendition Amendment.~~

26 ~~The Governor is hereby authorized and directed to ratify the Rendition~~
27 ~~Amendment to the Interstate Compact on Juveniles on behalf of this state with~~
28 ~~any other state or states legally joining therein in the form substantially~~
29 ~~as follows:~~

30
31 ~~RENDITION AMENDMENT~~

32
33 ~~All provisions and procedures to Article V and VI of the Interstate~~
34 ~~Compact on Juveniles shall be construed to apply to any juvenile charged with~~
35 ~~being a delinquent by reason of a violation of any criminal law. Any~~
36 ~~juvenile, charged with being a delinquent by reason of violating any criminal~~

1 ~~law, shall be returned to the requesting state upon a requisition to the~~
 2 ~~state where the juvenile may be found. A petition in such case shall be filed~~
 3 ~~in a court of competent jurisdiction in the requesting state where the~~
 4 ~~violation of criminal law is alleged to have been committed. The petition may~~
 5 ~~be filed regardless of whether the juvenile has left the state before or~~
 6 ~~after the filing of the petition. The requisition described in Article V of~~
 7 ~~the Compact shall be forwarded by the judge of the court in which the~~
 8 ~~petition has been filed.~~

9
 10 SECTION 4. EMERGENCY CLAUSE. It is hereby found and determined by the
 11 General Assembly that it is in the best interest of the children of the State
 12 of Arkansas that a compact is in place to ensure the smooth transition of
 13 their transportation among the states; that the effectiveness of this act is
 14 immediate for the health and safety of the children of the State of Arkansas;
 15 and that in the event of an extension of the legislative session beginning in
 16 January 2005, the delay in the effective date of this act could do
 17 irreparable harm to the children of this state, as well as interfere with the
 18 proper administration and provision of essential governmental programs.
 19 Therefore, an emergency is hereby declared to exist and this bill being
 20 necessary for the best interest of the children of the State of Arkansas and
 21 other reasons shall become effective on:

22 (1) The date of its approval by the Governor;

23 (2) If the bill is neither approved nor vetoed by the Governor,
 24 it shall become effective on the expiration of the period of time during
 25 which the Governor may veto the bill; or

26 (3) If the bill is vetoed by the Governor and the veto is
 27 overridden, it shall become effective on the date the last house overrides
 28 the veto.