

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  
4

*As Engrossed: S3/24/05*

# A Bill

HOUSE BILL 1317

5 By: Representatives Bond, D. Johnson  
6 By: Senator Luker  
7  
8

## 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.  
13

### Subtitle

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

### 19 DEFINITIONS

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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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3 ARTICLE III

4  
5 INTERSTATE COMMISSION FOR JUVENILES

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

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

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

34 D. Each compacting state represented at any meeting of the commission is  
35 entitled to one vote. A majority of the compacting states shall constitute a  
36 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 35<sup>th</sup> 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, no monetary award is authorized by this compact because of the  
34 immunity granted to the State of Arkansas by the Constitution of the United  
35 States and the Constitution of the State of Arkansas.

36

1 Section D. Dissolution of Compact

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

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

9  
10 ARTICLE XII

11  
12 SEVERABILITY AND CONSTRUCTION

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

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

19 C. Nothing in this compact, including the provisions of Article XI, Sections  
20 A, B, and C, shall be construed to waive the sovereign immunity of the State  
21 of Arkansas granted under the Constitution of the United States and the  
22 Constitution of the State of Arkansas.

23  
24 ARTICLE XIII

25  
26 BINDING EFFECT OF COMPACT AND OTHER LAWS

27  
28 Section A. Other Laws

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

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

34  
35 Section B. Binding Effect of the Compact

36 1. All lawful actions of the Interstate Commission, including all rules and

1 by-laws promulgated by the Interstate Commission, are binding upon the  
2 compacting states.

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

5 3. Upon the request of a party to a conflict over meaning or interpretation  
6 of Interstate Commission actions, and upon a majority vote of the compacting  
7 states, the Interstate Commission may issue advisory opinions regarding such  
8 meaning or interpretation.

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

17  
18 SECTION 2. SUNSET CLAUSE. It is hereby found and determined by the  
19 General Assembly that if this Interstate Compact for Juveniles is not  
20 approved by the requisite number of states by January 1, 2010, then this act  
21 will become void as of that same date.

22  
23 SECTION 3. When the contingency in Article X (10) of Section 1 of this  
24 act is met, Title 9, Chapter 29, Subchapter 1 is repealed.

25 ~~9-29-101. Legislative findings and policy.~~

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

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

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

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

36 ~~(1) In returning juveniles to such other states whenever their~~

1 ~~return is sought; and~~

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

5  
6 ~~9-29-102. Text of compact.~~

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

10  
11 ~~INTERSTATE COMPACT ON JUVENILES~~

12  
13 ~~ARTICLE I~~

14  
15 ~~That juveniles who are not under proper supervision and control, or who~~  
16 ~~have absconded, escaped or run away, are likely to endanger their own health,~~  
17 ~~morals, and welfare, and the health, morals and welfare of others. The~~  
18 ~~cooperation of the states party to this compact is therefore necessary to~~  
19 ~~provide for the welfare and protection of juveniles and of the public with~~  
20 ~~respect to (1) cooperative supervision of delinquent juveniles on probation~~  
21 ~~or parole; (2) the return from one state to another, of delinquent juveniles~~  
22 ~~who have escaped or absconded; (3) the return, from one (1) state to another,~~  
23 ~~of nondelinquent juveniles who have run away from home; and (4) additional~~  
24 ~~measures for the protection of juveniles and of the public, which any two (2)~~  
25 ~~or more of the party states may find desirable to undertake cooperatively. In~~  
26 ~~carrying out the provision of this compact the party states shall be guided~~  
27 ~~by the noncriminal, reformatory, and protective policies which guide their~~  
28 ~~laws concerning delinquent, neglected, or dependent juveniles generally. It~~  
29 ~~shall be the policy of the states party to this compact to cooperate and~~  
30 ~~observe their respective responsibilities for the prompt return and~~  
31 ~~acceptance of juveniles and delinquent juveniles who become subject to the~~  
32 ~~provisions of this compact. The provisions of this compact shall be~~  
33 ~~reasonably and liberally construed to accomplish the foregoing purposes.~~

34  
35 ~~ARTICLE II~~

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

5  
6 ARTICLE III

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

20  
21 ARTICLE IV

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

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

1 however, may fix a reasonable time to be allowed for the purpose of testing  
2 the legality of the proceeding.

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

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

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

32  
33 ARTICLE V

34  
35 (a) That the appropriate person or authority from whose probation or  
36 parole supervision a delinquent juvenile has absconded or from whose



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

34 ~~Upon reasonable information that a person is a delinquent juvenile who~~  
35 ~~has absconded while on probation or parole, or escaped from an institution or~~  
36 ~~agency vested with his legal custody or supervision in any state party to~~

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

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

27  
28 ~~ARTICLE VI~~  
29

30 ~~That any delinquent juvenile who has absconded while on probation or~~  
31 ~~parole, or escaped from an institution or agency vested with his legal~~  
32 ~~custody or supervision in any state party to this compact, and any juvenile~~  
33 ~~who has run away from any state party to this compact, who is taken into~~  
34 ~~custody without a requisition in another state party to this compact under~~  
35 ~~the provisions of Article IV (a) or of Article V (a), may consent to his~~  
36 ~~immediate return to the state from which he absconded, escaped, or ran away.~~

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

20  
21 ~~ARTICLE VII~~

22 ~~(a) That the duly constituted judicial and administrative authorities~~  
23 ~~of a state party to this compact (herein called "sending state") may permit~~  
24 ~~any delinquent juvenile within such state, placed on probation or parole, to~~  
25 ~~reside in any other state party to this compact (herein called "receiving~~  
26 ~~state") while on probation or parole, and the receiving state shall accept~~  
27 ~~such delinquent juvenile, if the parent, guardian, or person entitled to the~~  
28 ~~legal custody of such delinquent juvenile is residing or undertakes to reside~~  
29 ~~within the receiving state. Before granting such permission, opportunity~~  
30 ~~shall be given to the receiving state to make such investigations as it deems~~  
31 ~~necessary. The authorities of the sending state shall send to the authorities~~  
32 ~~of the receiving state copies of pertinent court orders, social case studies,~~  
33 ~~and all other available information which may be of value to and assist the~~  
34 ~~receiving state in supervising a probationer or parolee under this compact. A~~  
35 ~~receiving state, in its discretion, may agree to accept supervision of a~~  
36 ~~probationer or parolee in cases where the parent, guardian, or person~~

1 ~~entitled to the legal custody of the delinquent juvenile is not a resident of~~  
2 ~~the receiving state, and if so accepted the sending state may transfer~~  
3 ~~supervision accordingly.~~

4 ~~(b) That each receiving state will assume the duties of visitation and~~  
5 ~~of supervision over any such delinquent juvenile and in the exercise of those~~  
6 ~~duties will be governed by the same standards of visitation and supervision~~  
7 ~~that prevail for its own delinquent juvenile released on probation or parole.~~

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

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

32  
33 ~~ARTICLE VIII~~  
34

35 ~~(a) That the provisions of Article IV (b), V (b), and VII (d) of this~~  
36 ~~compact shall not be construed to alter or affect any internal relationship~~

1 among the departments, agencies, and officers of and in the government of a  
2 party state, or between a party state and its subdivisions, as to the payment  
3 of costs, or responsibilities therefor.

4 (b) ~~That nothing in this compact shall be construed to prevent any~~  
5 ~~party state or subdivision thereof from asserting any right against any~~  
6 ~~person, agency, or other entity in regard to costs for which such party state~~  
7 ~~or subdivision thereof may be responsible pursuant to Articles IV (b) or VII~~  
8 ~~(d) of this compact.~~

9  
10 ARTICLE IX

11  
12 That, to every extent possible, it shall be the policy of states party  
13 to this compact that no juvenile or delinquent juvenile shall be placed or  
14 detained in any prison, jail, or lockup nor be detained or transported in  
15 association with criminal, vicious, or dissolute persons.

16  
17 ARTICLE X

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

1 ~~parent, guardian, person, or agency entitled to the legal custody of said~~  
2 ~~delinquent juvenile shall be secured prior to his being sent to another~~  
3 ~~state; and (7) make provision for such other matters and details as shall be~~  
4 ~~necessary to protect the rights and equities of such delinquent juveniles and~~  
5 ~~of the cooperating states.~~

6  
7 ARTICLE XI

8  
9 ~~That any state party to this compact may accept any and all donations,~~  
10 ~~gifts, and grants of money, equipment, and services from the federal or any~~  
11 ~~local government, or any agency thereof and from any person, firm, or~~  
12 ~~corporation, for any of the purposes and functions of this compact, and may~~  
13 ~~receive and utilize the same subject to the terms, conditions, and~~  
14 ~~regulations governing such donations, gifts, and grants.~~

15  
16 ARTICLE XII

17  
18 ~~That the governor of each state party to this compact shall designate~~  
19 ~~an officer who, acting jointly with like officers of other party states,~~  
20 ~~shall promulgate rules and regulations to carry out more effectively the~~  
21 ~~terms and provisions of this compact.~~

22  
23 ARTICLE XIII

24  
25 ~~That this compact shall become operative immediately upon its execution~~  
26 ~~by any state as between it and any other state or states so executing. When~~  
27 ~~executed it shall have the full force and effect of law within such state,~~  
28 ~~the form of execution to be in accordance with the laws of the executing~~  
29 ~~state.~~

30  
31 ARTICLE XIV

32  
33 ~~That this compact shall continue in force and remain binding upon each~~  
34 ~~executing state until renounced by it. Renunciation of this compact shall be,~~  
35 ~~by the same authority which executed it, by sending six (6) months' notice in~~  
36 ~~writing of its intention to withdraw from the compact to the other states~~

1 party hereto. The duties and obligations of a renouncing state under Article  
2 VII hereof shall continue as to parolees and probationers residing therein at  
3 the time of withdrawal until retaken or finally discharged. Supplementary  
4 agreements entered into under Article X hereof shall be subject to  
5 renunciation as provided by such supplementary agreements, and shall not be  
6 subject to the six (6) months' renunciation notice of the present article.  
7

8 ARTICLE XV  
9

10 That the provisions of this compact shall be severable and if any  
11 phrase, clause, sentence, or provision of this compact is declared to be  
12 contrary to the constitution of any participating state or the United States  
13 or the applicability thereof to any government, agency, person, or  
14 circumstance is held invalid, the validity of the remainder of this compact  
15 and the applicability thereof to any government, agency, person, or  
16 circumstance shall not be affected thereby. If this compact shall be held  
17 contrary to the constitution of any state participating therein, the compact  
18 shall remain in full force and effect as to the remaining states and in full  
19 force and effect as to the state affected as to all severable matters.  
20

21 9-29-103. Compact administrator.

22 (a) Pursuant to the compact, the Governor is authorized and empowered  
23 to designate an officer who shall be the compact administrator and who,  
24 acting jointly with like officers of other party states, shall promulgate  
25 rules and regulations to carry out more effectively the terms of the compact.  
26

27 (b) The compact administrator shall serve subject to the pleasure of  
28 the Governor.

29 (c) The compact administrator is authorized, empowered, and directed  
30 to cooperate with all departments, agencies, and officers of and in the  
31 government of this state and its subdivisions in facilitating the proper  
32 administration of the compact or of any supplementary agreement or agreements  
33 entered into by this state thereunder.

34 9-29-104. Supplementary agreements.

35 (a) The compact administrator is authorized and empowered to enter  
36 into supplementary agreements with appropriate officials of other states

1 ~~pursuant to the compact.~~

2 ~~(b) In the event that the supplementary agreement shall require or~~  
3 ~~contemplate the use of any institution or facility of this state or require~~  
4 ~~or contemplate the provision of any service by this state, the supplementary~~  
5 ~~agreement shall have no force or effect until approved by the head of the~~  
6 ~~department or agency under whose jurisdiction said institution or facility is~~  
7 ~~operated or whose department or agency will be charged with the rendering of~~  
8 ~~the service.~~

9  
10 ~~9-29-105. Financial obligations.~~

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

15  
16 ~~9-29-106. Enforcement.~~

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

21  
22 ~~9-29-107. Other procedures authorized.~~

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

29  
30 ~~9-29-108. Ratification of Rendition Amendment.~~

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

35  
36 ~~RENDITION AMENDMENT~~



1  
2 All provisions and procedures to Article V and VI of the Interstate  
3 Compact on Juveniles shall be construed to apply to any juvenile charged with  
4 being a delinquent by reason of a violation of any criminal law. Any  
5 juvenile, charged with being a delinquent by reason of violating any criminal  
6 law, shall be returned to the requesting state upon a requisition to the  
7 state where the juvenile may be found. A petition in such case shall be filed  
8 in a court of competent jurisdiction in the requesting state where the  
9 violation of criminal law is alleged to have been committed. The petition may  
10 be filed regardless of whether the juvenile has left the state before or  
11 after the filing of the petition. The requisition described in Article V of  
12 the Compact shall be forwarded by the judge of the court in which the  
13 petition has been filed.  
14

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

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

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

31 (3) If the bill is vetoed by the Governor and the veto is  
32 overridden, it shall become effective on the date the last house overrides  
33 the veto.  
34

35 /s/ Bond  
36