

SENATE No. 2458

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act Text of amendment (93) offered by Mr. McGee to the pending Senate Ways and Means amendment (Senate, No. 4) to the House Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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Mr. McGee moved that the bill be amended by inserting after Section 62 the following new Section:-

“SECTION 62A. The General Laws are hereby amended by inserting after chapter 120 the following chapter:-

CHAPTER 120A

INTERSTATE COMPACT ON JUVENILES

11 Section 1. The compacting states to this interstate compact recognize that each state is
12 responsible for the proper supervision or return of juveniles, delinquents and status offenders
13 who are on probation or parole and who have absconded, escaped or run away from supervision
14 and control and, in so doing, have endangered their own safety and the safety of others. The
15 compacting states also recognize that each state is responsible for the safe return of juveniles
16 who have run away from home and, in so doing, have left their state of residence. The
17 compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C.
18 Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual
19 assistance in the prevention of crime

20 It is the purpose of this compact, through means of joint and cooperative action among
21 the compacting states to: (A) ensure that adjudicated juveniles and status offenders subject to this
22 compact are provided adequate supervision and services in the receiving state as ordered by the
23 adjudicating judge or parole authority in the sending state; (B) ensure that the public safety
24 interests of citizens, including the victims of juvenile offenders, in both the sending and
25 receiving states are adequately protected; (C) return juveniles who have run away, absconded or
26 escaped from supervision or control or have been accused of an offense to the state requesting
27 their return; (D) make contracts for the cooperative institutionalization in public facilities in
28 member states for delinquent youth needing special services; (E) provide for the effective
29 tracking and supervision of juveniles; (F) equitably allocate the costs, benefits and obligations of
30 the compacting states; (G) establish procedures to manage the movement between states of
31 juvenile offenders released to the community under the jurisdiction of courts, juvenile
32 departments or any other criminal or juvenile justice agency which has jurisdiction over juvenile
33 offenders; (H) insure immediate notice to jurisdictions where defined offenders are authorized to

34 travel or to relocate across state lines; (I) establish procedures to resolve pending charges against
35 juvenile offenders prior to transfer or release to the community under the terms of this compact;
36 (J) establish a system of uniform data collection on information pertaining to juveniles subject to
37 this compact that allows access by authorized juvenile justice and criminal justice officials, and
38 regular reporting of compact activities to heads of state executive, judicial and legislative
39 branches and juvenile and criminal justice administrators; (K) monitor compliance with rules
40 governing interstate movement of juveniles and initiate interventions to address and correct non-
41 compliance; (L) coordinate training and education regarding the regulation of interstate
42 movement of juveniles for officials involved in such activity; and (M) coordinate the
43 implementation and operation of the compact with the interstate compact for the placement of
44 children, the interstate compact for adult offender supervision and other compacts affecting
45 juveniles, particularly in those cases in which concurrent or overlapping supervision issues arise.
46 It is the policy of the compacting states that the activities conducted by the interstate commission
47 created herein are the formation of public policies and therefore are public business.
48 Furthermore, the compacting states shall cooperate and observe their individual and collective
49 duties and responsibilities for the prompt return and acceptance of juveniles subject to this
50 compact. The provisions of this compact shall be reasonably and liberally construed to
51 accomplish the purposes and policies of the compact.

52 Section 2. As used in sections 1 to 20, inclusive, unless the context clearly requires
53 otherwise, the following words shall have the following meanings:-

54 “By –laws”, those by-laws established by the interstate commission for its governance, or
55 for directing or controlling its actions or conduct.

56 “Compact administrator”, the individual in each compacting state responsible for the
57 administration and management of the state's supervision and transfer of juveniles subject to the
58 terms of this compact, the rules adopted by the interstate commission and policies adopted by the
59 state council under this compact.

60 “Compacting state”, any state which has enacted the enabling legislation for this
61 compact.

62 “Commissioner”, the voting representative of each compacting state appointed pursuant
63 to section 3.

64 “Court”, any court having jurisdiction over delinquent, neglected or dependent children.

65 “Deputy compact administrator”, the individual, if any, in each compacting state
66 appointed to act on behalf of a compact administrator, pursuant to the terms of this compact,
67 responsible for the administration and management of the state's supervision and transfer of
68 juveniles subject to the terms of this compact, the rules adopted by the interstate commission and
69 policies adopted by the state council under this compact.

70 “Interstate commission”, the interstate commission for juveniles created by section 3.

71 “Juvenile”, any person defined as a juvenile in any member state or by the rules of the
72 interstate commission, including:(1)“Accused delinquent”, a person charged with an offense that,
73 if committed by an adult, would be a criminal offense; (2) “Adjudicated delinquent”, a person
74 found to have committed an offense that, if committed by an adult, would be a criminal
75 offense;(3)“Accused status offender”, a person charged with an offense that would not be a
76 criminal offense if committed by an adult;(4)“Adjudicated status offender”, a person found to

77 have committed an offense that would not be a criminal offense if committed by an adult;
78 and(5)“Non-offender”, a person in need of supervision who has not been accused or adjudicated
79 a status offender or a delinquent. “Non-compacting state”, any state which has not enacted
80 the enabling legislation for this compact. “Probation or parole”, any kind of supervision or
81 conditional release of juveniles authorized under the laws of the compacting states.

82 “Rule”, a written statement by the interstate commission adopted pursuant to section 4
83 that is of general applicability, implements, interprets or prescribes a policy or provision of the
84 compact, or an organizational, procedural or practice requirement of the commission, and has the
85 force and effect of statutory law in a compacting state, and includes the amendment, repeal or
86 suspension of an existing rule. “State”, a state of the United States, the District of

87 Columbia, or its designee, the Commonwealth of Puerto Rico, the United States Virgin Islands,
88 Guam, American Samoa and the Northern Marianas Islands. Section 3. (a) The
89 compacting states hereby create the interstate commission for juveniles. The commission shall be
90 a body corporate and joint agency of the compacting states. The commission shall have all the
91 responsibilities, powers and duties set forth herein, and such additional powers as may be
92 conferred upon it by subsequent action of the respective legislatures of the compacting states in
93 accordance with the terms of this compact. (b) The interstate commission shall consist of

94 commissioners appointed by the appropriate appointing authority in each state pursuant to the
95 rules and requirements of each compacting state and in consultation with the state council for
96 interstate juvenile supervision created hereunder. The commissioner shall be the compact
97 administrator, deputy compact administrator or designee from a state who shall serve on the
98 interstate commission in such capacity pursuant to the applicable law of such compacting state.

99 (c) In addition to the commissioners, who shall be the voting representatives of each

100 state, the interstate commission shall include individuals who are not commissioners, but who
101 are members of interested organizations. Such non-commissioner members shall include a
102 member of the national organizations of governors, legislators, state chief justices, attorneys
103 general, interstate compact for adult offender supervision, interstate compact for the placement
104 of children, juvenile justice and juvenile corrections officials and crime victims. All non-
105 commissioner members of the interstate commission shall be ex-officio members. The interstate
106 commission may provide in its by-laws for such additional ex-officio members, including
107 members of other national organizations, in such numbers as shall be determined by the
108 commission. (d) Each compacting state represented at any meeting of the commission shall be
109 entitled to 1 vote. A majority of the compacting states shall constitute a quorum for the
110 transaction of business, unless a larger quorum is required by the by-laws of the interstate
111 commission. (e) The commission shall meet at least once each calendar year. The chairperson
112 may call additional meetings and, upon the request of a simple majority of the compacting states,
113 shall call additional meetings. Public notice shall be given of all meetings and meetings shall be
114 open to the public. (f) The interstate commission shall establish an executive committee,
115 which shall include commission officers, members and others as determined by the by-laws. The
116 executive committee shall have the power to act on behalf of the interstate commission during
117 periods when the interstate commission is not in session, with the exception of rulemaking power
118 or power to amend the compact. The executive committee shall oversee the day-to-day activities
119 of the administration of the compact managed by an executive director and interstate commission
120 staff; administer enforcement and compliance with the compact, its by-laws and rules; and
121 perform such other duties as directed by the interstate commission or set forth in the by-laws.
122 (g) Each member of the interstate commission shall have the right and power to cast a

123 vote to which that compacting state is entitled and to participate in the business and affairs of the
124 interstate commission. A member shall vote in person and shall not delegate a vote to another
125 compacting state. However, a commissioner, in consultation with the state council, shall appoint
126 another authorized representative, in the absence of such commissioner from that state, to cast a
127 vote on behalf of such compacting state at a specified meeting. The by-laws may provide for
128 members' participation in meetings by telephone or other means of telecommunication or
129 electronic communication. (h) The interstate commission's by-laws shall establish conditions
130 and procedures under which the interstate commission shall make its information and official
131 records available to the public for inspection or copying. The interstate commission may exempt
132 from disclosure any information or official records to the extent that they would adversely affect
133 personal privacy rights or proprietary interests. (i) Public notice shall be given of all
134 meetings and all meetings shall be open to the public, except as set forth in the rules or as
135 otherwise provided in the compact. The interstate commission and any of its committees may
136 close a meeting to the public if it determines, by two-thirds vote, that an open meeting would be
137 likely to:

138 (1) relate solely to the interstate commission's internal personnel practices and
139 procedures;

140 (2) disclose matters specifically exempted from disclosure by statute;

141 (3) disclose trade secrets or commercial or financial information which is
142 privileged or confidential;

143 (4) involve accusing any person of a crime or formally censuring any person;

144 (5) disclose information of a personal nature if disclosure would constitute a clearly

145 unwarranted invasion of personal privacy; (6) disclose investigative records
146 compiled for law enforcement purposes;

147 (7) disclose information contained in, or related to, examination, operating or
148 condition reports prepared by, or on behalf of or for the use of, the interstate commission relative
149 to a regulated person or entity for the purpose of regulation or supervision of such person or

150 entity; (8) disclose information, the premature disclosure of which would significantly
151 endanger the stability of a regulated person or entity; or (9) specifically relate to
152 the interstate commission's issuance of a subpoena, or its participation in a civil action or other
153 legal proceeding.

154 (j) For every meeting closed pursuant to this section, the interstate commission's
155 legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed
156 to the public, and shall reference each relevant exemption. The interstate commission shall keep
157 minutes which shall fully and clearly describe all matters discussed in any meeting and shall
158 provide a full and accurate summary of any actions taken, and the reasons therefore, including a
159 description of each of the views expressed on any item and the record of any roll call vote
160 reflected in the vote of each member on the question. All documents considered in connection
161 with any action shall be identified in the minutes. (k) The interstate commission shall collect

162 standardized data relative to the interstate movement of juveniles as directed through its rules
163 which shall specify the data to be collected, the means of collection and data exchange and
164 reporting requirements. Such methods of data collection, exchange and reporting shall, insofar as
165 is reasonably possible, conform to up-to-date technology and coordinate its information
166 functions with the appropriate repository of records. Section 4. The commission shall

167 have the following powers and duties:

168 (1) to provide for dispute resolution among compacting states; (2) to promulgate
169 rules to effect the purposes and obligations as enumerated in this compact, which shall have the
170 force and effect of statutory law and shall be binding in the compacting states to the extent and in
171 the manner provided in this compact;(3) to oversee, supervise and coordinate the interstate
172 movement of juveniles subject to the terms of this compact and any by-laws adopted and rules
173 adopted by the interstate commission; (4) to enforce compliance with the compact
174 provisions, the rules adopted by the interstate commission and the by-laws, using all necessary
175 and proper means including, but not limited to, the use of judicial process; (5) to establish and
176 maintain offices which shall be located within 1 or more of the compacting states; (6) to
177 purchase and maintain insurance and bonds; (7) to borrow, accept, hire or contract for
178 services of personnel; (8) to establish and appoint committees and hire staff which it deems
179 necessary for the carrying out of its functions including, but not limited to, an executive
180 committee, as required by section 3, which shall have the power to act on behalf of the interstate
181 commission in carrying out its powers and duties hereunder; (9) to elect or appoint such
182 officers, attorneys, employees, agents or consultants and to fix their compensation, define their
183 duties and determine their qualifications and to establish the interstate commission's personnel
184 policies and programs relating to, inter alia, conflicts of interest, rates of compensation and
185 qualifications of personnel; (10) to accept any and all donations and grants of money,
186 equipment, supplies, materials and services and to receive, utilize and dispose of same; (11) to
187 lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use
188 any property, real, personal or mixed; (12) to sell, convey, mortgage, pledge, lease,
189 exchange, abandon or otherwise dispose of any property, real, personal or mixed; (13) to
190 establish a budget and make expenditures and levy dues as provided in section 11;(14) to sue

191 and be sued; (15) to adopt a seal and by-laws governing the management and operation of the
192 interstate commission; (16) to perform such functions as may be necessary or appropriate
193 to achieve the purposes of this compact; (17) to report annually to the legislatures,
194 governors, judiciary, and state councils of the compacting states relative to the activities of the
195 interstate commission during the preceding year, including any recommendations that may have
196 been adopted by the interstate commission; (18) to coordinate education, training and public
197 awareness relative to the interstate movement of juveniles for officials involved in such activity;
198 and (19) to establish uniform standards of the reporting, collecting and exchanging of data.

199 The interstate commission shall maintain its corporate books and records in
200 accordance with the by-laws. Section 5. The interstate commission shall, by a majority of the
201 members present and voting, within 12 months after the first interstate commission meeting,
202 adopt by-laws to govern its conduct as may be necessary or appropriate to carry out the purposes
203 of the compact including, but not limited to:

204 (1) establishing the fiscal year of the interstate commission; (2) establishing an
205 executive committee and such other committees as may be necessary; (3) providing for the
206 establishment of committees governing any general or specific delegation of any authority or
207 function of the interstate commission; (4) providing reasonable procedures for calling
208 and conducting meetings of the interstate commission and ensuring reasonable notice of each
209 such meeting; (5) establishing the titles and responsibilities of the officers of the interstate
210 commission; (6) providing a mechanism for concluding the operations of the interstate
211 commission and the return of any surplus funds that may exist upon the termination of the
212 compact after the payment or reserving of all of its debts and obligations. (7) providing “start-

213 up” rules for initial administration of the compact; and (8) establishing standards and
214 procedures for compliance and technical assistance in carrying out the compact.

215 Section 6. (a) The interstate commission shall, by a majority of the members, elect
216 annually from among its members a chairperson and a vice chairperson, each of whom shall have
217 such authority and duties as may be specified in the by-laws. The chairperson or, in the
218 chairperson’s absence or disability, the vice-chairperson shall preside at all meetings of the
219 interstate commission. The officers so elected shall serve without compensation or remuneration
220 from the interstate commission but, subject to the availability of budgeted funds, the officers
221 shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the
222 performance of their duties and responsibilities as officers of the interstate commission. (b) The
223 interstate commission shall, through its executive committee, appoint or retain an executive
224 director for such period, upon such terms and conditions and for such compensation as the
225 interstate commission may deem appropriate. The executive director shall serve as secretary to
226 the interstate commission, but shall not be a member and shall hire and supervise such other staff
227 as may be authorized by the interstate commission. Section 7. (a) The commission’s executive
228 director and employees shall be immune from suit and liability, either personally or in their
229 official capacity, for any claim for damage to or loss of property or personal injury or other civil
230 liability caused or arising out of or relating to any actual or alleged act, error or omission that
231 occurred, or that such person had a reasonable basis for believing occurred within the scope of
232 commission employment, duties or responsibilities except that any such person shall not be
233 protected from suit or liability for any damage, loss, injury or liability caused by the intentional
234 or willful and wanton misconduct of any such person.

235 (b) The liability of any commissioner, or the employee or agent of a commissioner, acting
236 within the scope of such person's employment or duties for acts, errors or omissions occurring
237 within such person's state may not exceed the limits of liability set forth under the Constitution
238 and laws of that state for state officials, employees and agents. Nothing in this section shall be
239 construed to protect any such person from suit or liability for any damage, loss, injury or liability
240 caused by the intentional or willful and wanton misconduct of such person. (c) The
241 interstate commission shall defend the executive director or the employees or representatives of
242 the interstate commission and, subject to the approval of the attorney general of the state
243 represented by any commissioner of a compacting state, shall defend such commissioner or the
244 commissioner's representatives or employees in any civil action seeking to impose liability
245 arising out of any actual or alleged act, error or omission that occurred within the scope of
246 interstate commission employment, duties or responsibilities, or that the defendant had a
247 reasonable basis for believing occurred within the scope of interstate commission employment,
248 duties or responsibilities, unless the actual or alleged act, error or omission did not result from
249 intentional or willful and wanton misconduct on the part of such person. (d) The interstate
250 commission shall indemnify and hold the commissioner of a compacting state or the
251 commissioner's representatives or employees and the interstate commission's representatives or
252 employees harmless in the amount of any settlement or judgment obtained against such persons
253 arising out of any actual or alleged act, error or omission that occurred within the scope of
254 interstate commission employment, duties or responsibilities, or that such persons had a
255 reasonable basis for believing occurred within the scope of interstate commission employment,
256 duties or responsibilities, if the actual or alleged act, error or omission did not result from
257 intentional or willful and wanton misconduct on the part of such persons. Section 8. (a) The

258 interstate commission shall promulgate and publish rules in order to effectively and efficiently
259 achieve the purposes of the compact. (b) Rulemaking shall occur pursuant to the criteria
260 set forth in this section and the by-laws and rules adopted pursuant thereto. Such rulemaking
261 shall substantially conform to the principles of the “Model State Administrative Procedures Act,”
262 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures
263 act, as the interstate commission deems appropriate, consistent with due process requirements
264 under the United States Constitution as now or hereafter interpreted by the United States
265 Supreme Court. All rules and amendments shall become binding, as of the date specified, as
266 published with the final version of the rule as approved by the commission. (c) When
267 promulgating a rule, the interstate commission shall, at a minimum:

- 268 (1) publish the proposed rule's entire text, stating the reasons for such proposed
269 rule; (2) allow and invite any and all persons to submit written data, facts, opinions
270 and arguments, which information shall be added to the record and be made publicly available;
271 (3) provide an opportunity for an informal hearing if petitioned by 10 or more persons;
272 and
273 officials or interested parties.

274 (d) Allow, not later than 60 days after a rule is promulgated, any interested person
275 to file a petition in the United States District Court for the District of Columbia or in the Federal
276 District Court where the interstate commission’s principal office is located for judicial review of
277 such rule. If the court finds that the interstate commission’s action is not supported by
278 substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it
279 aside. For purposes of this section, evidence is substantial if it would be considered substantial

280 evidence under the Model State Administrative Procedures Act. (e) If a majority of the
281 legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or
282 resolution in the same manner used to adopt the compact, cause that such rule shall have no
283 further force and effect in any compacting state. (f) The existing rules governing the
284 operation of the interstate compact on juveniles superseded by this chapter shall be null and void
285 12 months after the first meeting of the interstate commission. (g) Upon determination by
286 the interstate commission that a state-of-emergency exists, it may promulgate an emergency rule
287 which shall become effective immediately upon adoption, but the rulemaking procedures
288 provided hereunder shall be retroactively applied to such rule as soon as reasonably possible, but
289 not later than 90 days after the effective date of the emergency rule. Section 9. (a) The
290 interstate commission shall oversee the administration and operations of the interstate movement
291 of juveniles subject to this compact in the compacting states and shall monitor such activities
292 being administered in non-compacting states which may significantly affect compacting states.

293 (b) The courts and executive agencies in each compacting state shall enforce this compact
294 and shall take all actions necessary and appropriate to effectuate the compact's purposes and
295 intent. This compact, and the rules adopted thereby, shall be received by all the judges, public
296 officers, commissions and departments of the state government as evidence of the authorized
297 statute and administrative rules. All courts shall take judicial notice of the compact and the
298 rules. In any judicial or administrative proceeding in a compacting state relative to the subject
299 matter of this compact which may affect the powers, responsibilities or actions of the interstate
300 commission, it shall be entitled to receive all service of process in any such proceeding, and shall
301 have standing to intervene in the proceeding for all purposes. Section 10. (a) The
302 compacting states shall report to the interstate commission on all issues and activities necessary

303 for the administration of the compact as well as issues and activities relative to compliance with
304 the compact and its by-laws and rules. (b) The interstate commission shall attempt, upon
305 the request of a compacting state, to resolve any disputes or other issues which are subject to the
306 compact and which may arise among compacting states and between compacting and non-
307 compacting states. The commission shall promulgate a rule providing for both mediation and
308 binding dispute resolution for disputes among the compacting states. (c) The interstate
309 commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of
310 this compact using any or all means set forth in section 16. Section 11. (a) The interstate
311 commission shall pay or provide for the payment of the reasonable expenses of its establishment,
312 organization and ongoing activities. (b) The interstate commission shall levy on and collect an
313 annual assessment from each compacting state to cover the cost of the internal operations and
314 activities of the interstate commission and its staff which must be in a total amount sufficient to
315 cover the interstate commission's annual budget as approved each year. The aggregate annual
316 assessment amount shall be allocated based upon a formula to be determined by the interstate
317 commission, taking into consideration the population of each compacting state and the volume of
318 interstate movement of juveniles in each compacting state and shall promulgate a rule binding
319 upon all compacting states which governs such assessment. (c) The interstate commission
320 shall not incur any obligations of any kind prior to securing the funds adequate to meet the same;
321 nor shall the interstate commission pledge the credit of any of the compacting states, except by
322 and with the authority of the compacting state. (d) The interstate commission shall keep
323 accurate accounts of all receipts and disbursements. The receipts and disbursements of the
324 interstate commission shall be subject to the audit and accounting procedures established under
325 its by-laws. However, all receipts and disbursements of funds handled by the interstate

326 commission shall be audited yearly by a certified or licensed public accountant and the report of
327 the audit shall be included in and become part of the annual report of the interstate commission.

328 Section 12. Each member state shall create a state council for interstate juvenile
329 supervision. While each state may determine the membership of its own state council, its
330 membership must include at least 1 representative from the legislative, judicial, and executive
331 branches of government, victims groups, and the compact administrator, deputy compact
332 administrator or designee. Each compacting state shall retain the right to determine the
333 qualifications of the compact administrator or deputy compact administrator. Each state council
334 shall advise and may exercise oversight and advocacy relative to such state's participation in
335 interstate commission activities and other duties as may be determined by such state including,
336 but not limited to, development of policy relative to operations and procedures of the compact
337 within such state. Section 13. (a) Any state, the District of Columbia, or its designee, the

338 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa and
339 the Northern Marianas Islands as defined in section 2 shall be eligible to become a compacting
340 state. (b) The compact shall become effective and binding upon legislative enactment of the
341 compact into law by not less than 35 of the states. The initial effective date shall be the later of
342 July 1, 2004 or upon enactment into law by the thirty-fifth jurisdiction. Thereafter, it shall
343 become effective and binding as to any other compacting state upon enactment of the compact
344 into law by such state. The governors of non-member states or their designees shall be invited to
345 participate in the activities of the interstate commission, on a non-voting basis, prior to adoption
346 of the compact by all states and territories of the United States. (c) The interstate commission
347 may propose amendments to the compact for enactment by the compacting states. No
348 amendment shall become effective and binding upon the interstate commission and the

349 compacting states unless and until it is enacted into law by unanimous consent of the compacting
350 states. Section 14. (a) Once effective, the compact shall continue in force and remain binding
351 upon each compacting state but a compacting state may withdraw from the compact by repealing
352 the statute which enacted the compact into law in such state. (b) The effective date of
353 withdrawal shall be the effective date of the repeal. (c) The withdrawing state shall immediately
354 notify the chairperson of the interstate commission, in writing, upon the introduction of
355 legislation repealing the compact in the withdrawing state. The interstate commission shall
356 notify the other compacting states of the withdrawing state's intent to withdraw within 60 days
357 of its receipt thereof.

358 (1) The withdrawing state shall be responsible for all assessments, obligations
359 and liabilities incurred through the effective date of withdrawal, including any obligations, the
360 performance of which extend beyond the effective date of withdrawal.

361 (2) Reinstatement following withdrawal of any compacting state shall occur upon the
362 withdrawing state reenacting the compact or upon such later date as determined by the interstate
363 commission.

364 Section 15. (a) If the interstate commission determines that any compacting state
365 has at any time defaulted in the performance of any of its obligations or responsibilities under
366 this compact, or the by-laws or duly adopted rules, the interstate commission may impose any or
367 all of the following penalties:

368 (1) remedial training and technical assistance as directed by the interstate
369 commission; (2) alternative dispute resolution; (3) fines, fees and costs in
370 such amounts as are deemed to be reasonable as fixed by the interstate commission; and

371 (4) suspension or termination of membership in the compact, which shall be imposed
372 only after all other reasonable means of securing compliance under the by-laws and rules have
373 been exhausted and the interstate commission has therefore determined that the offending state is
374 in default. Immediate notice of suspension shall be given by the interstate commission to the
375 governor, the chief justice or the chief judicial officer of the state, the majority and minority
376 leaders of the defaulting state's legislature and the state council. Grounds for default include, but
377 are not limited to, failure of a compacting state to perform such obligations or responsibilities
378 imposed upon it by this compact, the by-laws or duly adopted rules and any other grounds
379 designated in interstate commission by-laws and rules. The interstate commission shall
380 immediately notify the defaulting state, in writing, of the penalty imposed by the interstate
381 commission and of the default, pending a cure of the default. The interstate commission shall
382 stipulate the conditions and the time period within which the defaulting state must cure the
383 default. If the defaulting state fails to cure the default within the time period specified by the
384 interstate commission, the defaulting state shall be terminated from the compact upon an
385 affirmative vote of a majority of the compacting states and all rights, privileges and benefits
386 conferred by this compact shall be terminated from the effective date of termination of
387 membership.

388 (b) Within 60 days of the effective date of termination of a defaulting state, the
389 commission shall notify the governor, the chief Justice or chief judicial officer, the majority and
390 minority leaders of the defaulting state's legislature and the state council of such termination.

391 (c) The defaulting state shall be responsible for all assessments, obligations and liabilities
392 incurred through the effective date of termination including any obligations, the performance of
393 which extends beyond the effective date of termination. (d) The interstate commission shall

394 not bear any costs relating to the defaulting state unless otherwise mutually agreed upon, in
395 writing, between the interstate commission and the defaulting state. (e) Reinstatement
396 following termination of any compacting state requires both a reenactment of the compact by the
397 defaulting state and the approval of the interstate commission pursuant to the rules. Section
398 16. The interstate commission may, by majority vote of the members, initiate legal action in the
399 United States District Court for the District of Columbia or, at the discretion of the interstate
400 commission, in the federal district wherein the interstate commission offices are located, to
401 enforce compliance with the compact, its duly adopted rules and by-laws, against any
402 compacting state in default. In the event judicial enforcement is necessary, the prevailing party
403 shall be awarded all costs of such litigation, including reasonable attorneys fees. Section 17.
404 (a) The compact shall dissolve effective on the date of the withdrawal or default of the
405 compacting state, which reduces membership in the compact to 1 compacting state. (b)
406 Upon the dissolution of this compact, the compact shall become null and void and shall be of no
407 further force or effect, and the business and affairs of the interstate commission shall be
408 concluded. Any surplus funds of the interstate commission shall be distributed in accordance
409 with the by-laws. Section 18. (a) The provisions of this compact shall be severable and, if
410 any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of
411 the compact shall be enforceable. (b) The provisions of this compact shall be liberally
412 construed to effectuate its purposes. Section 19. (a) Nothing in this compact shall prevent the
413 enforcement of any other law of a compacting state that is not inconsistent with this compact.
414 (b) All compacting states' laws other than state Constitutions and other interstate
415 compacts conflicting with this compact are superseded to the extent of the conflict.
416 Section 20. (a) All lawful actions of the interstate commission, including all rules and

417 by-laws adopted by the interstate commission, shall be binding upon the compacting states.

418 (b) All agreements between the interstate commission and the compacting states shall be
419 binding in accordance with their terms. (c) Upon the request of a party to a conflict over
420 meaning or interpretation of interstate commission actions, and upon a majority vote of the
421 compacting states, the interstate commission may issue advisory opinions regarding such
422 meaning or interpretation. (d) In the event any provision of this compact exceeds the
423 constitutional limits imposed on the legislature of any compacting state, the obligations, duties,
424 powers or jurisdiction sought to be conferred by such provision upon the interstate commission
425 shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the
426 compacting state and shall be exercised by the agency thereof to which such obligations, duties,
427 powers or jurisdiction are delegated by law in effect at the time this compact becomes
428 effective.”;

429 And by inserting after Section 89 the following section:-

430 “SECTION 89A. Chapter 687 of the acts of 1955 is hereby repealed.”;

431 And by inserting after Section 154 the following section:-

432 “SECTION 154A. The governor shall execute a compact, on behalf of the
433 commonwealth, with any other state or states legally joined therein in the form substantially set
434 out in section 120A of the General Laws; provided, however, that the commissioner of the
435 department of youth services shall serve as the compact administrator; and provided further, that
436 accused status offenders and non-offender juveniles shall not be detained in a secure detention
437 facility or as otherwise prohibited by the purpose and intent of applicable state or federal laws.”