

IC 11-13-4.5-1.5 Interstate compact for juveniles

Sec. 1.5. The governor shall enter into a compact on behalf of the state with any other state in the form substantially as set forth in this section.

ARTICLE I DEFINITIONS

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

- (1) "Bylaws" mean those bylaws established by the interstate commission for its governance or for directing or controlling the interstate commission's actions or conduct.
- (2) "Compact administrator" means the individual in each compacting state appointed under the terms of this compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission, and policies adopted by the state council under this compact.
- (3) "Compacting state" means any state that has enacted the enabling legislation for this compact.
- (4) "Commissioner" means the voting representative of each compacting state appointed under Article II of this compact.
- (5) "Court" means any court having jurisdiction over a delinquent, neglected, or dependent child.
- (6) "Deputy compact administrator" means the individual, if any, in each compacting state appointed to act on behalf of a compact administrator under the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission, and policies adopted by the state council under this compact.
- (7) "Interstate commission" means the interstate commission for juveniles established by this compact.
- (8) "Juvenile" means any person defined as a juvenile in any member state or by the rules of the interstate commission, including the following terms and definitions:
 - (A) "Accused delinquent" means a person charged with an offense that if committed by an adult would be a criminal offense.
 - (B) "Adjudicated delinquent" means a person found to have committed an offense that if committed by an adult would be a criminal offense.
 - (C) "Accused status offender" means a person charged with an offense that would not be a criminal offense if committed by an adult.
 - (D) "Adjudicated status offender" means a person found to have committed an offense that would not be a criminal offense if committed by an adult.
 - (E) "Nonoffender" means a person in need of supervision who is not an accused or adjudicated status offender or delinquent.
- (9) "Noncompacting state" means any state that has not enacted the enabling legislation for this compact.
- (10) "Probation or parole" means any kind of supervision or conditional release of juveniles authorized by the laws of the compacting states.
- (11) "Rules" means a written statement by the interstate commission adopted under Article V of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate commission.
- (12) "State" means a state of the United States, the District of Columbia, or any other territorial possession of the United States.

ARTICLE II INTERSTATE COMMISSION FOR JUVENILES

- (a) The interstate commission for juveniles is established.
- (b) The interstate commission is a body corporate and joint agency of the compacting states. The interstate commission has all the responsibilities, powers, and duties set forth in this section, and additional powers as conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.
- (c) The interstate commission consists of commissioners appointed by the appropriate appointing authority in each state under the rules and requirements of each compacting state and in consultation with the state council for interstate juvenile supervision set forth in this section. The commissioner is the compact administrator, deputy compact administrator, or designee from that state who serves on the interstate commission under the law of the compacting state.

(d) In addition to the commissioners, who are the voting representatives of each state, the interstate commission includes individuals who are not commissioners but who are members of interested organizations. Noncommissioner members include a member of the national organizations of governors, legislators, state chief justices, attorneys general, interstate compact for adult offender officials, interstate compact for the placement of children officials, juvenile justice and juvenile corrections officials, and crime victims. All noncommissioner members of the interstate commission are ex officio nonvoting members. The interstate commission may provide in its bylaws for additional, ex officio, nonvoting members, including members of other national organizations.

(e) Each compacting state represented at any meeting of the interstate commission is entitled to one (1) vote. A majority of the compacting states constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

(f) The interstate commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings must be open to the public.

(g) The interstate commission shall establish an executive committee that must include interstate commission officers, members, and others as determined by the bylaws. The executive committee has authority to act on behalf of the interstate commission during periods when the interstate commission is not in session, with the exception of rulemaking or making amendments to the compact. The executive committee oversees the day to day activities managed by the executive director and interstate commission staff, administers enforcement and compliance with the provisions of the compact, its bylaws and rules, and performs other duties as directed by the interstate commission or set forth in the bylaws.

(h) Each member of the interstate commission is entitled to cast a vote and to participate in the business and affairs of the interstate commission. A member shall vote in person and may not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

(i) The interstate commission's bylaws must establish conditions and procedures. The interstate commission shall make its information and official records available to the public for inspection or copying under the bylaws. The interstate commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

(j) Public notice shall be given of all meetings, and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and its committees may close a meeting to the public if it determines by two-thirds (2/3) vote that an open meeting would likely:

- (1) relate solely to the interstate commission's internal personnel practices and procedures;
- (2) disclose matters specifically exempted from disclosure by statute;
- (3) disclose trade secrets or commercial or financial information that is privileged or confidential;
- (4) involve accusing a person of a crime, or formally censuring a person;
- (5) disclose information of a personal nature if the disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (6) disclose investigative records compiled for law enforcement purposes;
- (7) disclose information contained in or related to the examination of, operating or condition reports prepared by, on behalf of, or for the use of, the interstate commission with respect to a regulated person or entity for the purpose of regulation or supervision of the regulated person or entity;
- (8) disclose information prematurely and significantly endanger the stability of a regulated person or entity; or
- (9) specifically relate to the interstate commission's issuance of a subpoena or its participation in a civil action or other legal proceeding.

(k) For every meeting closed under subsection (j), the interstate commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemption clause listed in subsection (j). The interstate commission shall keep minutes that describe all matters discussed in each meeting and shall provide a summary of any actions taken. The minutes must also include a description of the views expressed on any item and the record of any roll call vote indicating how each member voted in each vote. All documents considered in connection with any action must be identified in each set of minutes.

(l) The interstate commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rule that shall specify the data to be collected, the means of collection, and data exchange and

reporting requirements. The methods of data collection, exchange, and reporting shall conform to modern technology and coordinate the information functions with the appropriate repository of records.

ARTICLE III POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission has the following powers and duties:

- (1) To provide for dispute resolution among compacting states.
- (2) To adopt rules that are binding in the compacting states to the extent and in the manner provided in this compact.
- (3) To oversee, supervise, and coordinate the interstate movement of juveniles subject to the terms of this compact and any bylaws and rules adopted by the interstate commission.
- (4) To enforce compliance with compact provisions, interstate commission rules, and bylaws, using all necessary and proper means, including but not limited to the use of judicial process.
- (5) To establish and maintain offices.
- (6) To purchase and maintain insurance and bonds.
- (7) To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs.
- (8) To establish and appoint committees and hire staff it considers necessary for the carrying out of its functions, including, but not limited to, an executive committee as required by Article II of this compact that may act on behalf of the interstate commission in carrying out its powers and duties.
- (9) To elect or appoint officers, attorneys, employees, agents, or consultants, to fix their compensation, define their duties, and determine their qualifications, and to establish the interstate commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel.
- (10) To accept donations and grants of money, equipment, supplies, materials, and services and to receive, use, and dispose of them.
- (11) To lease, purchase, accept contributions or donations of, or otherwise own, hold, improve, or use any real, personal, or mixed property.
- (12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any real, personal, or mixed property.
- (13) To establish a budget and make expenditures and levy dues as provided in Article VII of this compact.
- (14) To sue and be sued.
- (15) To adopt a seal and suitable bylaws governing the management and operation of the interstate commission.
- (16) To perform functions as necessary or appropriate to achieve the purposes of this compact.
- (17) To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the interstate commission during the preceding year. Reports must include any recommendations that may have been adopted by the interstate commission.
- (18) To coordinate education, training, and public awareness for officials involved in the interstate movement of juveniles.
- (19) To establish uniform standards for the reporting, collecting, and exchanging of data.
- (20) The interstate commission must maintain its corporate books and records in accordance with the bylaws.

ARTICLE IV ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Part A. Bylaws

The interstate commission shall, by a majority of the members, within twelve (12) months of the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including:

- (1) establishing the fiscal year of the interstate commission;
- (2) establishing an executive committee and other committees as necessary;
- (3) providing reasonable standards and procedures:
 - (A) for the establishment of committees; and
 - (B) governing any general or specific delegation of any authority or function of the interstate commission;

- (4) providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each meeting;
- (5) establishing the titles and responsibilities of the officers of the interstate commission;
- (6) providing a mechanism for concluding the operations of the interstate commission and the return of any surplus funds that may exist upon the termination of the compact after the payment and reserving of its debts and obligations;
- (7) providing transition rules for a start-up administration of the compact; and
- (8) establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Part B. Officers and Staff

(a) The interstate commission, by a majority of the members, shall elect from among its members a chairperson and a vice chairperson, each of whom has authority and duties as specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the interstate commission. The officers elected serve without compensation or remuneration from the interstate commission. However, subject to the availability of budgeted funds, the officers are entitled to be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate commission.

(b) The interstate commission, through its executive committee, shall appoint or retain an executive director. The interstate commission may set terms and conditions for the appointment of the executive director and shall determine the appropriate compensation for the executive director. The executive director shall serve as secretary to the interstate commission and hire and supervise other staff as authorized by the interstate commission, but is not a member.

Part C. Qualified Immunity, Defense, and Indemnification

(a) The members, officers, executive director, and employees of the interstate commission are immune from suit and liability, either personally or in their official capacities, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error, or omission that occurs within the scope of interstate commission employment, duties, or responsibilities. However, this subsection may not be construed to protect any person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any person.

(b) The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of the person's employment or duties for acts, errors, or omissions occurring within the person's state may not exceed the limits of liability set forth under the constitution and law of that state for state officials, employees, and agents. This subsection may not be construed to protect any person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any the person.

(c) The interstate commission shall defend the executive director, the executive director's employees and representatives, the commissioner of a compacting state, and the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurs within the scope of interstate commission employment, duties, or responsibilities or that the defendant has a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, as long as the actual or alleged act, error, or omission did not result from intentional wrongdoing on the part of the person.

(d) The interstate commission shall indemnify and hold harmless the commissioner of a compacting state, the appointed designee or employees, and the interstate commission's representatives or employees in the amount of any settlement or judgment obtained against the person arising out of any actual or alleged act, error, or omission that occurs within the scope of interstate commission employment, duties, or responsibilities, or that the person had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of the person.

ARTICLE V RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

(a) The interstate commission shall adopt rules to effectively and efficiently achieve the purposes of the compact.

(b) Rulemaking shall occur under the criteria set forth in this article and the bylaws and rules adopted. Rulemaking must substantially conform to the principles of the Model State Administrative Procedures Act, 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000), or another administrative procedures act the interstate commission considers

to be consistent with the due process requirement of the Constitution of the United States as interpreted by the United States Supreme Court.

(c) All rules and amendments become binding as of the date specified in each rule or amendment.

(d) When adopting a rule, the interstate commission shall:

(1) publish the entire text of the proposed rule and the reason for the proposed rule;

(2) allow and invite individuals to submit written data, facts, opinions, and arguments, that shall be publicly available;

(3) provide an opportunity for an informal hearing if petitioned by ten (10) or more individuals; and

(4) adopt a final rule and its effective date, if appropriate, based on input from state and local officials or other interested parties.

(e) Not later than sixty (60) days after a rule is adopted, any interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the interstate commission's principal office is located for judicial review of the rule. If the court finds that the interstate commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would be considered substantial evidence under the Model State Administrative Procedures Act.

(f) If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause the rule to be no longer in effect in any compacting state.

(g) The rules governing the operation of the interstate compact on juveniles superseded by this act are void twelve (12) months after the first meeting of the interstate commission created by this compact.

(h) Upon determination by the interstate commission that an emergency exists, it may adopt an emergency rule that becomes effective immediately upon adoption. However, the rulemaking procedures provided under this article shall be applied retroactively to the rule as soon as reasonably possible and not later than ninety (90) days after the effective date of the rule.

ARTICLE VI OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

Part A. Oversight

(a) The interstate commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor activities being administered in noncompacting states that may significantly affect compacting states.

(b) The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules adopted shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact that may affect the powers, responsibilities, or actions of the interstate commission, the interstate commission is entitled to receive all service of process in any proceeding and has standing to intervene in the proceeding for all purposes.

Part B. Dispute Resolution

(a) The compacting states shall report to the interstate commission on issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with this compact and its bylaws and rules.

(b) Upon the request of a compacting state, the interstate commission shall attempt to resolve any disputes or other issues that are subject to the compact and that may arise between compacting states and noncompacting states. The interstate commission shall adopt a rule providing for mediation and binding dispute resolution for disputes among the compacting states.

(c) The interstate commission, in the reasonable exercise of its discretion, shall enforce this compact and rules of this compact as set forth in Article X of this compact.

ARTICLE VII FINANCE

(a) The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The interstate commission shall levy and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff that must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The total annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of the compacting state and the volume of interstate movement of juveniles in each compacting state, and shall adopt a rule binding upon all compacting states that governs the assessment.

(c) The interstate commission may not incur any obligation of any kind before securing the funds adequate to meet the obligation, nor may the interstate commission pledge the credit of any compacting state except by and with the authority of the compacting state.

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

ARTICLE VIII THE STATE COUNCIL

Each member state shall create a state council for interstate juvenile supervision. While each state may determine the membership of its own state council, its membership must include at least one (1) representative from the legislative, judicial, and executive branches of government and victims groups and the compact administrator, deputy compact administrator, or designee. Each compacting state retains the right to determine the qualifications of the compact administrator or deputy compact administrator. Each state council shall advise and may exercise oversight and advocacy concerning the state's participation in interstate commission activities and other duties as may be determined by that state, including, but not limited to, the development of policy concerning operations and procedures of the compact within that state.

ARTICLE IX COMPACTING STATES

(a) Any state, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands is eligible to become a compacting state.

(b) The compact becomes effective and binding upon legislative enactment of the compact into law by at least thirty-five (35) states. The initial effective date is the later of July 1, 2004, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter, the compact becomes effective and binding on any other compacting state upon enactment of the compact into law by that state. The governors of nonmember states or their designees are invited to participate in interstate commission activities on a nonvoting basis before adoption of the compact by all states and territories of the United States.

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

ARTICLE X WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

Part A. Withdrawal

(a) Once effective, the compact continues in force and remains binding upon every compacting state. A compacting state may withdraw from the compact by enacting a statute specifically repealing the statute that enacted the compact into law.

(b) The effective date of withdrawal is the effective date of the repeal.

(c) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw not later than sixty (60) days after receiving the written notice.

(d) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations the performance of which extends beyond the effective date of withdrawal.

(e) Reinstatement following withdrawal of any compacting state occurs upon the withdrawing state reenacting the compact or upon later date as determined by the interstate commission.

Part B. Technical Assistance, Fines, Suspension, Termination and Default

(a) If the interstate commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, the bylaws, or any adopted rules, the interstate commission may impose any or all of the following penalties:

(1) Remedial training and technical assistance as directed by the interstate commission.

(2) Alternative dispute resolution.

(3) Fines, fees, and costs levied upon the county responsible for the default or upon the state, if the state is responsible for the default, in amounts considered reasonable as fixed by the interstate commission.

(4) Suspension or termination of membership as described in subsection (b).

(b) Suspension or termination of membership in the compact may be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted. Immediate notice of suspension shall be given by the interstate commission to the governor, the chief justice or the chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council.

(c) The grounds for default include, but are not limited to, failure of a compacting state to perform the obligations or responsibilities imposed upon it by this compact, interstate commission bylaws, or adopted rules. The interstate commission shall immediately notify the defaulting state in writing of the penalty imposed by the interstate commission on the defaulting state pending a cure of the default. The interstate commission shall stipulate the conditions the defaulting state must meet to cure its default, and specify the time when these conditions must be met. If the defaulting state fails to cure the default within the time specified by the interstate commission, in addition to any other penalties imposed in this compact, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compacting states, and all rights, privileges, and benefits conferred by this compact are terminated from the effective date of suspension.

(d) Within sixty (60) days of the effective date of termination of a defaulting state, the interstate commission shall notify the governor, the chief justice or the chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council of the termination.

(e) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including any obligations that extend beyond the effective date of termination.

(f) The interstate commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the interstate commission and the defaulting state.

(g) Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the interstate commission under the rules.

Part C. Judicial Enforcement

The interstate commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its offices, to enforce compliance with this compact and its adopted rules and bylaws against any compacting state in default. If judicial enforcement is necessary, the prevailing party shall be awarded all costs of the litigation including reasonable attorney's fees.

Part D. Dissolution of Compact

(a) This compact dissolves effective on the date of the withdrawal or default of the compacting state that reduces membership in the compact to one (1) compacting state.

(b) Upon this dissolution of this compact, the compact becomes void and is of no further force or effect, and the business and affairs of the interstate commission shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XI

SEVERABILITY AND CONSTRUCTION

(a) The provisions of this compact are severable, and if any phrase, clause, sentence, or provision is considered unenforceable, the remaining provisions of the compact are enforceable.

(b) The provisions of this compact shall be liberally constructed to effectuate its purposes.

ARTICLE XII
BINDING EFFECT OF COMPACT AND OTHER LAWS

Part A. Other Laws

(a) Nothing in this compact prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

(b) All compacting states' laws other than state constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

Part B. Binding Effects of the Compact

(a) All lawful actions of the interstate commission, including all rules and bylaws adopted by the interstate commission, are binding upon the compacting states.

(b) All agreements between the interstate commission and the compacting states are binding in accordance with their terms.

(c) Upon the request of a party to a conflict over meaning or interpretation of interstate commission actions, and upon a majority vote of the compacting states, the interstate commission may issue advisory opinions regarding the meaning or interpretation.

(d) Any provision of this compact that violates the Constitution of the State of Indiana is ineffective in Indiana. *As added by P.L.137-2011, SEC.1. Amended by P.L.6-2012, SEC.78.*

IC 11-13-4.5-2The state council

Sec. 2. (a) As used in this section, "council" refers to:

(1) the state council for interstate adult offender supervision described in section 1 of this chapter (Article III of the interstate compact for adult offender supervision); and

(2) the state council for interstate juvenile supervision described in section 1.5 of this chapter (Article VIII of the interstate compact for juveniles).

(b) The council consists of the following members:

(1) The commissioner of the department of correction.

(2) The chief administrative officer of the office of judicial administration or the chief administrative officer's designee.

(3) The executive director of the Indiana criminal justice institute.

(4) One (1) member of a victim's group appointed by the governor upon recommendation of the executive director of the Indiana criminal justice institute.

(5) The executive director of the Indiana sheriffs' association.

(6) The executive director of the public defender council of Indiana.

(7) The executive director of the prosecuting attorneys council of Indiana.

(8) One (1) member of the general assembly appointed by the chairman of the legislative council. The legislative member serves at the pleasure of the chairman of the legislative council.

(9) The compact administrator, if the compact administrator is not already a member of the council.

(10) The director of the department of child services.

(11) The president of the Indiana council of juvenile and family court judges.

(c) The chief administrative officer of the office of judicial administration shall serve as the chairperson of the council.

(d) The office of judicial administration shall staff the council.

(e) The council shall meet at the call of the chairperson or upon request by a majority of the members, but at least one (1) time per calendar year.

(f) The commissioner of the department of correction shall appoint sufficient deputy compact administrators to fulfill Indiana's obligations under the interstate compact for adult offender supervision with respect to out-of-state offenders who are on parole.

(g) The chief administrative officer or designee of the office of judicial administration shall appoint sufficient deputy compact administrators to fulfill Indiana's obligations under the interstate compact for adult offender supervision with respect to out-of-state offenders who are on probation.

(h) The council has the following duties:

(1) The council shall receive the recommendation of the commissioner of the department of correction and the chief administrative officer of the office of judicial administration concerning the appointment of a compact administrator.

(2) The council shall appoint the compact administrator, who shall serve as commissioner on the interstate commission. If the compact administrator is unable to serve as commissioner at a meeting of the interstate commission, the council shall designate another person to serve in place of the compact administrator.

(3) The council shall oversee activities of the interstate commission.

(4) The council may make recommendations concerning the operation of the interstate compact within Indiana and to facilitate the implementation of the rules and bylaws adopted by the interstate commission.

(5) The council shall carry out the duties of the state council under section 1.5 of this chapter.

(i) The expenses of the council shall be paid from appropriations made to the Indiana supreme court.

(j) Each member of the council who is not a state employee is not entitled to the minimum salary per diem provided by [IC 4-10-11-2.1\(b\)](#). The member is entitled to reimbursement for traveling expenses as provided under [IC 4-13-1-4](#) and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(k) Each member of the council who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under [IC 4-13-1-4](#) and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(l) Each member of the council who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(m) A member of the council who is a member of the general assembly serves as a nonvoting member.

(n) The affirmative votes of a majority of the voting members appointed to the council are required for the committee to take action on any measure, including making a recommendation.

As added by P.L.110-2003, SEC.2. Amended by P.L.137-2011, SEC.2; P.L.161-2018, SEC.26.

IC 11-13-4.5-3Obligations under the old compact

Sec. 3. (a) The state shall continue to meet its obligations under [IC 11-13-4](#) (the interstate compact for the supervision of parolees and probationers) to those states that:

(1) continue to meet their obligations to the state of Indiana under [IC 11-13-4](#); and

(2) have not approved the interstate compact for adult supervision after this chapter becomes effective.

(b) The state shall continue to meet its obligations under [IC 31-37-23](#) (the interstate compact on juveniles) to those states that:

(1) continue to meet their obligations to the state of Indiana under [IC 31-37-23](#); and

(2) have not approved the interstate compact for juveniles after section 1.5 of this chapter becomes effective.

As added by P.L.110-2003, SEC.2. Amended by P.L.137-2011, SEC.3.

IC 11-13-4.5-4Application fee; expenditure; registration of out-of-state offenders

Sec. 4. (a) Except as provided in subsection (b), an Indiana offender or delinquent child on probation or parole who applies to be transferred out of state under the interstate compact for adult supervision or the interstate compact for juveniles shall pay an application fee of one hundred twenty-five dollars (\$125). The application fee shall be used to cover the costs of administering the interstate compact for adult offender supervision and the interstate compact for juveniles.

(b) An offender or delinquent child who has been found indigent by a trial court at the time the offender applies to be transferred out of state under the interstate compact for adult supervision or the interstate compact for juveniles may, at the court's discretion, be required to pay a lesser amount of the cost of the application fee under subsection (a).

(c) An Indiana offender or delinquent child who is on probation shall pay the application fee to the county probation department.

(d) An Indiana offender or delinquent child who is on parole shall pay the application fee to the department of correction.

(e) The application fee paid by an Indiana offender or delinquent child who is on probation shall be transferred to the county treasurer. The county treasurer shall deposit fifty percent (50%) of the money collected under this subsection into the county offender transportation fund and shall transmit the remaining fifty percent (50%) of the money collected under this subsection to the Indiana supreme court for deposit in the general fund, to be used to

cover the cost of administering the interstate compact for adult offender supervision and the interstate compact for juveniles.

(f) The chief administrative officer or designee of the office of judicial administration shall submit a proposed budget for expenditure of the money deposited in the general fund under this section to the budget agency in accordance with [IC 4-12-1](#).

(g) The application fee paid by an Indiana offender or delinquent child who is on parole shall be deposited into the general fund to be used to cover the cost of administering the interstate compact for adult offender supervision and the interstate compact for juveniles.

(h) The commissioner of the department of correction shall submit a proposed budget for expenditure of the money deposited in the general fund under this section to the budget agency in accordance with [IC 4-12-1](#).

(i) The office of judicial administration and the department of correction shall develop a process to ensure that a sex or violent offender who transfers to or out of Indiana under the compact will be registered appropriately.

As added by P.L.110-2003, SEC.2. Amended by P.L.216-2007, SEC.32; P.L.137-2011, SEC.4; P.L.161-2018, SEC.27.

IC 11-13-4.5-8 County offender transportation fund

Sec. 8. (a) The fiscal body of each county shall establish a county offender transportation fund for the purpose of defraying the costs of returning to the state probationers who violate their conditions of supervision under this chapter.

(b) The fiscal body of the county shall appropriate money from the county offender transportation fund to the probation department as requested.

(c) Any money remaining in the fund at the end of the year does not revert to any other fund but continues in the county offender transportation fund.

As added by P.L.137-2011, SEC.5.

IC 11-13-5 Chapter 5. Interstate Parole and Probation Hearings

[11-13-5-1](#) Retaking or reincarceration for parole or probation violation; notification to compact administrator of sending state

[11-13-5-2](#) Person before whom hearing may be had

[11-13-5-3](#) Parolee's or probationer's rights

[11-13-5-4](#) Parolees and probationers being supervised in another state; hearing before appropriate judicial or administrative officer or agency

IC 11-13-5-1 Retaking or reincarceration for parole or probation violation; notification to compact administrator of sending state

Sec. 1. Where supervision of a parolee or probationer is being administered under [IC 11-13-4](#) or [IC 11-13-4.5](#), the appropriate judicial or administrative authorities in this state shall notify the compact administrator of the sending state whenever, in their view, consideration should be given to retaking or reincarceration for a parole or probation violation. Prior to the giving of the notification, a hearing shall be held in accordance with this chapter within a reasonable time, unless the hearing is waived by the parolee or probationer. The appropriate officer or officers of this state shall as soon as practicable, following termination of the hearing, report to the sending state, furnish a copy of the hearing record, and make recommendations regarding the disposition to be made of the parolee or the probationer by the sending state. Pending any proceeding pursuant to this section, the appropriate officers of this state may take custody of and detain the parolee or probationer involved for a period not to exceed fifteen (15) days prior to the hearing and, if it appears to the hearing officer or officers that retaking or reincarceration is likely to follow, for such reasonable period after the hearing or waiver as may be necessary to arrange for the retaking or reincarceration.

As added by Acts 1979, P.L.120, SEC.6. Amended by P.L.2-2005, SEC.44.

IC 11-13-5-2 Person before whom hearing may be had

Sec. 2. A hearing pursuant to this chapter may be before the administrator of the interstate compact for the supervision of parolees and probationers, a deputy of the administrator, or any other person authorized pursuant to the laws of this state to hear cases of alleged parole or probation violation, except that no hearing officer shall be the person making the allegation of violation.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-5-3Parolee's or probationer's rights

Sec. 3. With respect to a hearing pursuant to this chapter the parolee or probationer:

- (1) shall have reasonable notice in writing of the nature and content of the allegations to be made, including notice that its purpose is to determine whether there is probable cause to believe that he has committed a violation that may lead to a revocation of parole or probation;
- (2) shall have the right to confront and examine any persons who have made allegations against him; and
- (3) may admit, deny, or explain the violation alleged, call witnesses, and may present proof, including affidavits and other evidence, in support of his contentions.

A record of the proceedings shall be made and preserved.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-5-4Parolees and probationers being supervised in another state; hearing before appropriate judicial or administrative officer or agency

Sec. 4. In a case of alleged parole or probation violation by a person being supervised in another state pursuant to the interstate compact for the supervision of parolees and probationers, any appropriate judicial or administrative officer or agency in another state is authorized to hold a hearing on the alleged violation. Upon receipt of the record of a parole or probation violation hearing held in another state pursuant to a statute substantially similar to this statute, the record shall have the same standing and effect as though the proceeding of which it is a record was had before the appropriate officer or officers in Indiana, and any recommendations contained in or accompanying the record shall be fully considered by the appropriate officer or officers in making disposition of the matter.

As added by Acts 1979, P.L.120, SEC.6.