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Mississippi Code 1972 Annotated **Title 43. Public Welfare (Chs. 1 – 61)** **Chapter 25. Interstate Compacts Relating to Juveniles (§§ 43-25-1 – 43-25-101)** **Interstate Compact for Juveniles (§ 43-25-101)**

§ 43-25-101. Purpose; definitions; **Interstate** Commission for **Juveniles** creation, powers and duties, organization, operation, rulemaking functions, enforcement, dispute resolution, and finance; State Council for **Interstate Juvenile** Supervision; **compact** effective date and amendment; withdrawal, default, termination and judicial enforcement; severability; relationship to other laws.

The Governor, on behalf of this state, may execute a **compact** in substantially the following form, and the Legislature signifies in advance its approval and ratification of the **compact**:

THE INTERSTATE COMPACT FOR JUVENILES

ARTICLE I

PURPOSE

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

It is the purpose of this **compact**, through means of joint and cooperative action among the **compacting** states to:

- (a) Ensure that the adjudicated **juveniles** and status offenders subject to this **compact** are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state;
- (b) Ensure that the public safety interests of the citizens, including the victims of **juvenile** offenders, in both the sending and receiving states are adequately protected.
- (c) Return **juveniles** who have run away, absconded or escaped from supervision or control or have been accused of an offense to the state requesting their return;
- (d) Make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services;
- (e) Provide for the effective tracking and supervision of **juveniles**;
- (f) Equitably allocate the costs, benefits and obligations of the **compacting** states;
- (g) Establish procedures to manage the movement between states of **juvenile** offenders released to the community under the jurisdiction of courts, **juvenile** departments, or any other criminal or **juvenile** justice agency that has jurisdiction over **juvenile** offenders;
- (h) Ensure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines;
- (i) Establish procedures to resolve pending charges (detainers) against **juvenile** offenders before transfer or release to the community under the terms of this **compact**.
- (j) Establish a system of uniform data collection on information pertaining to **juveniles** subject to this **compact** that allows access by authorized **juvenile** justice and criminal justice officials, and regular reporting of **compact** activities to heads of state, executive, judicial, and legislative branches and **juvenile** and criminal justice administrators;
- (k) Monitor compliance with rules governing **interstate** movement of **juveniles** and initiate interventions to address and correct noncompliance;
- (l) Coordinate training and education regarding the regulation of **interstate** movement of **juveniles** for officials involved in that activity; and
- (m) Coordinate the implementation and operation of the **compact** with the **Interstate Compact** for the Placement of Children, the **Interstate Compact** for Adult Offender Supervision and other **compacts** affecting **juveniles** particularly in those cases where concurrent or overlapping supervision issues arise. It is the policy of the **compacting** states that the activities conducted by the **Interstate** Commission created by this **compact** are the formation of public policies and therefore are public business. Furthermore, the **compacting** states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of **juveniles** subject to the provisions of this **compact**. The provisions of this **compact** shall be reasonably and liberally construed to accomplish the purposes and policies of the **compact**.

ARTICLE II

DEFINITIONS

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

(a) "Bylaws" means those bylaws established by the **Interstate** Commission for its governance, or for directing or controlling its actions or conduct.

(b) "**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**.

(c) "**Compacting** state" means any state that has enacted the enabling legislation for this **compact**.

(d) "Commissioner" means the voting representative of each **compacting** state appointed pursuant to Article III of this **compact**.

(e) "Court" means any court having jurisdiction over delinquent, neglected or dependent children.

(f) "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**.

(g) "**Interstate** Commission" means the **Interstate** Commission for **Juveniles** created by Article III of this **compact**.

(h) "**Juvenile**" means any person defined as a **juvenile** in any member state or by the rules of the **Interstate** Commission, including:

(i) Accused delinquent, which is a person charged with an offense that, if committed by an adult, would be a criminal offense;

(ii) Adjudicated delinquent, which is a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

(iii) Accused status offender, which is a person charged with an offense that would not be a criminal offense if committed by an adult;

(iv) Adjudicated status offender, which is a person found to have committed an offense that would not be a criminal offense if committed by an adult; and

(v) Nonoffender, which is a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

(i) "Noncompacting state" means any state that has not enacted the enabling legislation for this **compact**.

(j) "Probation or parole" means any kind of supervision or conditional release of **juveniles** authorized under the laws of the **compacting** states.

(k) "Rules" means a written statement by the **Interstate** Commission promulgated under Article VI 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 commission, and has the force and effect of statutory law in a **compacting** state, and includes the amendment, repeal or suspension of an existing rule.

(J) "State" means a state of the United States, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa and the Northern Marianas Islands.

ARTICLE III

INTERSTATE COMMISSION FOR JUVENILES

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

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

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

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

(5) The 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 shall be open to the public.

(6) The **Interstate** Commission shall establish an executive committee, which shall include commission officers, members and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the **Interstate** Commission during periods when the **Interstate** Commission is not in session, with the exception of rule making and/or amendment to the **compact**. The executive committee shall oversee the day-to-day activities of the administration of the **compact** managed by an executive director and **Interstate** Commission staff; administers enforcement and compliance with the provisions of the **compact**, its bylaws and rules and performs such other duties as directed by the **Interstate** Commission or set forth in the bylaws.

(7) Each member of the **Interstate** Commission shall have the right and power to cast a vote to which that **compacting** state is entitled and to participate in the business and affairs of the **Interstate** Commission. A member shall vote in person and shall 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.

(8) The **Interstate** Commission's bylaws shall establish conditions and procedures under which the **Interstate** Commission shall make its information and official records available to the public for inspection or copying. 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.

(9) 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 any of its committees may close a meeting to the public where it determines by two-thirds ($\frac{2}{3}$) vote that an open meeting would be likely to:

- (a) Relate solely to the **Interstate** Commission's internal personnel practice and procedures;
- (b) Disclose matters specifically exempted from disclosure by statute;
- (c) Disclose trade secrets or commercial or financial information that is privileged or confidential;
- (d) Involve accusing any person of a crime, or formally censuring any person;
- (e) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (f) Disclose investigative records compiled for law enforcement purposes;
- (g) Disclose information contained in or related to examination, operating or condition reports prepared by, or 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 person or entity;
- (h) Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity; or
- (i) Specifically relate to the **Interstate** Commission's issuance of a subpoena, or its participation in a civil action or other legal proceeding.

(10) For every meeting closed under this provision, 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 exemptive provision. The **Interstate** Commission shall keep minutes that shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in the minutes.

(11) The **Interstate** Commission shall collect standardized data concerning the **interstate** movement of **juveniles** as directed through its rules, which shall specify the data to be collected, the means of collection, data exchange and reporting requirements. Those methods of data collection, exchange and

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

ARTICLE IV

POWERS AND DUTIES OF THE **INTERSTATE** COMMISSION

The commission shall have the following powers and duties:

- (a) To provide for dispute resolution among **compacting** states.
- (b) To promulgate rules to effect the purposes and obligations as enumerated in this **compact**, which shall have the force and effect of statutory law and shall be binding in the **compacting** states to the extent and in the manner provided in this **compact**.
- (c) To oversee, supervise and coordinate the **interstate** movement of **juveniles** subject to the terms of this **compact** and any bylaws adopted and rules promulgated by the **Interstate** Commission.
- (d) To enforce compliance with the **compact** provisions, the rules promulgated by the **Interstate** Commission, and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process.
- (e) To establish and maintain offices, which shall be located within one or more of the **compacting** states.
- (f) To purchase and maintain insurance and bonds.
- (g) To borrow, accept, hire or contract for services of personnel.
- (h) To establish and appoint committees and hire staff that it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III, which shall have the power to act on behalf of the **Interstate** Commission in carrying out its powers and duties under this **compact**.
- (i) To elect or appoint officers, attorneys, employees, agents or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the **Interstate** Commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation and qualifications of personnel.
- (j) To accept any and all donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of it.
- (k) To lease, purchase, accept contributions or donations of or otherwise to own, hold, improve or use any property, real, personal or mixed.
- (l) To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed.
- (m) To establish a budget and make expenditures and levy dues as provided in Article VIII of this **compact**.
- (n) To sue and be sued.
- (o) To adopt a seal and bylaws governing the management and operation of the **Interstate** Commission.
- (p) To perform such functions as may be necessary or appropriate to achieve the purposes of this **compact**.

(q) 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. Those reports also shall include any recommendations that may have been adopted by the **Interstate** Commission.

(r) To coordinate education, training and public awareness regarding the **interstate** movement of **juveniles** for officials involved in that activity.

(s) To establish uniform standards of the reporting, collecting and exchanging of data.

(t) To maintain its corporate books and records in accordance with the bylaws.

ARTICLE V

ORGANIZATION AND OPERATION OF THE **INTERSTATE** COMMISSION

(1) **Bylaws.** The **Interstate** Commission shall, by a majority of the members present and voting, within twelve (12) months after 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, but not limited to:

(a) Establishing the fiscal year of the **Interstate** Commission;

(b) Establishing an executive committee and such other committees as may be necessary;

(c) Providing for the establishment of committees governing any general or specific delegation of any authority or function of the **Interstate** Commission;

(d) Providing reasonable procedures for calling and conducting meetings of the **Interstate** Commission, and ensuring reasonable notice of each such meeting;

(e) Establishing the titles and responsibilities of the officers of the **Interstate** Commission;

(f) 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/or reserving of all of its debts and obligations;

(g) Providing "start-up" rules for initial administration of the **compact**; and

(h) Establishing standards and procedures for compliance and technical assistance in carrying out the **compact**.

(2)

(a) **Officers and Staff.** — The **Interstate** Commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson each of whom shall have such authority and duties as may be 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 so elected shall serve without compensation or remuneration from the **Interstate** Commission; however, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary 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 shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the **Interstate** Commission may deem appropriate. The executive director shall serve as secretary to the **Interstate**

Commission, but shall not be a member and shall hire and supervise such other staff as may be authorized by the **Interstate** Commission.

(3)

(a) Qualified Immunity, Defense and Indemnification. — The commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property, personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that the person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; however, any such person shall not be protected from suit or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person.

(b) The liability of any commissioner, or the employee of an 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 laws of that state for state officials, employees and agents. Nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person.

(c) The **Interstate** Commission shall defend the executive director or the employees or representatives of the **Interstate** Commission and, subject to the approval of the attorney general of the state represented by any commissioner of a **compacting** state, shall defend the commissioner or 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 occurred 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, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of the person.

(d) The **Interstate** Commission shall indemnify and hold the commissioner of a **compacting** state, or the commissioner's representatives or employees or the **Interstate** Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against those persons arising out of any actual or alleged act, error or omission that occurred within the scope of **interstate** commission employment, duties or responsibilities, or that those persons 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 intentional or willful and wanton misconduct on the part of such persons.

ARTICLE VI

RULE-MAKING FUNCTIONS OF THE **INTERSTATE** COMMISSION

(1) The **Interstate** Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the **compact**.

(2) Rule making shall occur using the criteria set forth in this article and the bylaws and rules adopted under this article. That rule making shall substantially conform to the principles of the "Model State

Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Volume 15, page 1 (2000), or such other administrative procedures act, as the **Interstate** Commission deems appropriate consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the United States Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the commission.

(3) When promulgating a rule, the **Interstate** Commission shall, at a minimum:

- (a) Publish the proposed rule's entire text stating the reason(s) for that proposed rule;
- (b) Allow and invite any and all persons to submit written data, facts, opinions, and arguments, which information shall be added to the record, and be made publicly available;
- (c) Provide an opportunity for an informal hearing if petitioned by ten (10) or more persons; and
- (d) Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

(4) Allow not later than sixty (60) days after a rule is promulgated, any interested person to 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 rule-making 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.

(5) 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 that the rule shall have no further force and effect in any **compacting** state.

(6) The existing rules governing the operation of the **Interstate Compact on Juveniles** superceded by this act shall be null and void twelve (12) months after the first meeting of the **Interstate** Commission created under this **compact**.

(7) Upon determination by the **Interstate** Commission that a state of emergency exists, it may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rule-making procedures provided under this article retroactively applied to the rule as soon as reasonably possible, but no later than ninety (90) days after the effective date of the emergency rule.

ARTICLE VII

OVERSIGHT, ENFORCEMENT AND DISPUTES RESOLUTION BY THE **INTERSTATE** COMMISSION

(1)

(a) **Oversight.** — 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 those 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 promulgated under this **compact** 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, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

(2)

(a) Dispute Resolution. — The **compacting** states shall report to the **Interstate** Commission on all issues and activities necessary for the administration of the **compact**, as well as issues and activities pertaining to compliance with the provisions of the **compact** and its bylaws and rules.

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

(c) The **Interstate** Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this **compact** using any or all means set forth in Article XI of this **compact**.

ARTICLE VIII

FINANCE

(1) The **Interstate** Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

(2) The **Interstate** Commission shall levy on 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, which must be in a total amount sufficient to cover the **Interstate** Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the **Interstate** Commission, taking into consideration the population of each **compacting** state and the volume of **interstate** movement of **juveniles** in each **compacting** state, and shall promulgate a rule binding upon all **compacting** states which governs the assessment.

(3) The **Interstate** Commission shall not incur any obligations of any kind before securing the funds adequate to meet the same; nor shall the **Interstate** Commission pledge the credit of any of the **compacting** states, except by and with the authority of the **compacting** state.

(4) The **Interstate** Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the **Interstate** Commission shall be 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 shall be included in and become part of the annual report of the **Interstate** Commission.

ARTICLE IX

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, victims groups, and the **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 will 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, development of policy concerning operations and procedures of the **compact** within that state.

ARTICLE X

COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

(1) 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 Marianas Islands as defined in Article II of this **compact** is eligible to become a **compacting** state.

(2) The **compact** shall become effective and binding upon legislative enactment of the **compact** into law by no less than thirty-five (35) of the states. The initial effective date shall be the later of July 1, 2004, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter, it shall become effective and binding as to any other **compacting** state upon enactment of the **compact** into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the **Interstate** Commission on a nonvoting basis before adoption of the **compact** by all states and territories of the United States.

(3) The **Interstate** Commission may propose amendments to the **compact** for enactment by the **compacting** states. No amendment shall become 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 XI

WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

(1)

(a) **Withdrawal.** — Once effective, the **compact** shall continue in force and remain binding upon each and every **compacting** state; however, a **compacting** state may withdraw from the **compact** by 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 within sixty (60) days of its receipt thereof.

(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 extend beyond the effective date of withdrawal.

(e) Reinstatement following withdrawal of any **compacting** state shall occur upon the withdrawing state reenacting the **compact** or upon such later date as determined by the **Interstate** Commission.

(2)

(a) **Technical Assistance, Fines, Suspension, Termination and Default.** — 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**, or the bylaws or duly promulgated rules, the **Interstate** Commission may impose any or all of the following penalties:

(i) Remedial training and technical assistance as directed by the **Interstate** Commission;

(ii) Alternative dispute resolution;

(iii) Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the **Interstate** Commission; and

(iv) Suspension or termination of membership in the **compact**, which shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the **Interstate** Commission has therefore determined that the offending state is in default. 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. 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**, the bylaws or duly promulgated rules and any other grounds designated in commission bylaws and rules. The **Interstate** Commission shall immediately notify the defaulting state in writing of the penalty imposed by the **Interstate** Commission and of the default pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the commission, the defaulting state shall 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** shall be terminated from the effective date of termination.

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

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

(d) The **Interstate** Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the **Interstate** Commission and the defaulting state.

(e) 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 pursuant to the rules.

(3) **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 court where the **Interstate** Commission has its offices, to

enforce compliance with the provisions of the **compact**, its duly promulgated 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.

(4)

(a) Dissolution of Compact. — The **compact** dissolves effective upon the date of the withdrawal or default of the **compacting** state, which reduces membership in the **compact** to one (1) **compacting** state.

(b) Upon the dissolution of the **compact**, the **compact** becomes null and void and shall be 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 XII

SEVERABILITY AND CONSTRUCTION

(1) The provisions of this **compact** shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the **compact** shall be enforceable.

(2) The provisions of this **compact** shall be liberally construed to effectuate its purposes.

ARTICLE XIII

BINDING EFFECT OF **COMPACT** AND OTHER LAWS

(1)

(a) Other Laws. — 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.

(2)

(a) Binding Effect of the Compact. — All lawful actions of the **Interstate** Commission, including all rules and bylaws promulgated 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 that meaning or interpretation.

(d) If any provision of this **compact** exceeds the constitutional limits imposed on the legislature of any **compacting** state, the obligations, duties, powers or jurisdiction sought to be conferred by that provision upon the **Interstate** Commission shall be ineffective and those obligations, duties, powers or jurisdiction shall remain in the **compacting** state and shall be exercised by the agency thereof to which those obligations, duties, powers or jurisdiction are delegated by law in effect at the time this **compact** becomes effective.

History

Laws, 2009, ch. 366, § 1, eff from and after July 1, 2009.

▼ Annotations

Notes

Editor's Notes —

On August 26, 2008, Illinois became the 35th state to pass the **compact**.

Research References & Practice Aids

Cross References —

Interstate Compact for the Placement of Children, see §§ 43-18-1 et seq.

Youth court generally, see §§ 43-21-45 et seq.

Interstate Compact for Adult Offender Supervision, see §§ 47-7-81 et seq.

Comparable Laws from other States —

Alabama Code Annotated, §§ 44-2-10 et seq.

Arkansas Code Annotated, §§ 9-29-401 et seq.

Florida Statutes Annotated, §§ 985.801 et seq.

Louisiana Statutes Annotated, §§ 1661 et seq.

North Carolina General Statutes, §§ 7B-4000 et seq.

Tennessee Code Annotated, § 37-4-101.

Texas Family Code, §§ 60.005 et seq.

Virginia Code Annotated, §§ 16.1-323 et seq.

Mississippi Code 1972 Annotated

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