

As Introduced

124th General Assembly
Regular Session
2001-2002

H. B. No. 269

REPRESENTATIVES Latta, Seitz, Willamowski, Lendrum, Cirelli, Gilb,
Aslanides

A BILL

To amend section 5149.18, to enact section 5149.21, 1
and to repeal section 5149.17 of the Revised Code 2
to withdraw from the Interstate Compact for the 3
Supervision of Parolees and Probationers and to 4
join the Interstate Compact for Adult Offender 5
Supervision. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5149.18 be amended and section 7
5149.21 of the Revised Code be enacted to read as follows: 8

Sec. 5149.18. For the purposes of Chapter 5149. of the 9
Revised Code, all of the following apply: 10

(A) "State, states, or States" means one or several of the 11
fifty states of the United States, Puerto Rico, the Virgin 12
Islands, and the District of Columbia. 13

(B) The term "parole" includes post-release control under 14
section 2967.28 of the Revised Code. 15

(C) The term "probation" includes non-prison sanctions 16
imposed under sections 2929.16, 2929.17, and 2929.18 of the 17
Revised Code. 18

~~Pursuant to the consent and authorization contained in~~ 19
~~Section 111 (b) of title 4 of the United States Code as cited in~~ 20
~~section 5149.17 of the Revised Code, this state shall be a party~~ 21
~~to "Interstate Compact for the Supervision of Parolees and~~ 22
~~Probationers" with any additional jurisdiction legally joining~~ 23
~~therein when such jurisdiction has entered in said compact in~~ 24
~~accordance with its terms.~~ 25

Sec. 5149.21. The "interstate compact for adult offender 26
supervision" is hereby enacted into law and entered into with all 27
other jurisdictions legally joining in that compact in the form 28
substantially as follows: 29

"INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION 30

ARTICLE I 31

PURPOSE 32

The compacting states to this interstate compact recognize 33
that each state is responsible for the supervision of adult 34
offenders in the community who are authorized pursuant to the 35
bylaws and rules of this compact to travel across state lines both 36
to and from each compacting state in such a manner as to track the 37
location of offenders, transfer supervision authority in an 38
orderly and efficient manner, and when necessary return offenders 39
to the originating jurisdictions. The compacting states also 40
recognize that Congress, by enacting the "Crime Control Act," 4 41
U.S.C. Section 112 (1965), has authorized and encouraged compacts 42
for cooperative efforts and mutual assistance in the prevention of 43
crime. 44

It is the purpose of this compact and the interstate 45
commission created under this compact, through means of joint and 46
cooperative action among the compacting states: to provide the 47
framework for the promotion of public safety and protect the 48
rights of victims through the control and regulation of the 49

interstate movement of offenders in the community; to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and to equitably distribute the costs, benefits, and obligations of the compact among the compacting states.

In addition, this compact will: create an interstate commission that will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies that will promulgate rules to achieve the purpose of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators; monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct noncompliance; and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.

The compacting states recognize that there is no "right" of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and in that state apprehend and retake any offender under supervision subject to the provisions of this compact and bylaws and rules promulgated under this compact. It is the policy of the compacting states that the activities conducted by the interstate commission created in this compact are the formation of public policies and are therefore public business.

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ARTICLE II

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DEFINITIONS

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

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(A) "Adult" means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.

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(B) "Bylaws" means those bylaws established by the interstate commission for its governance, or for directing or controlling the interstate commission's actions or conduct.

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(C) "Compact administrator" means the individual in each compacting state who is appointed pursuant to the terms of this compact and who is responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the interstate commission, and policies adopted by the state council under this compact.

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

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

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(F) "Interstate commission" means the interstate commission for adult offender supervision established by this compact.

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(G) "Member" means the commissioner of a compacting state or designee, who is a person officially connected with the commissioner.

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

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(I) "Offender" means an adult placed under, or subject, to

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supervision as the result of the commission of a criminal offense 112
and released to the community under the jurisdiction of courts, 113
paroling authorities, corrections, or other criminal justice 114
agencies. 115

(J) "Person" means any individual, corporation, business 116
enterprise, or other legal entity, either public or private. 117

(K) "Rules" means acts of the interstate commission, duly 118
promulgated pursuant to Article VIII of this compact, 119
substantially affecting interested parties in addition to the 120
interstate commission. 121

The rules shall have the force and effect of law in the 122
compacting states. 123

(L) "State" means a state of the United States, the District 124
of Columbia, and any other territorial possessions of the United 125
States. 126

(M) "State council" means the resident members of the state 127
council for interstate adult offender supervision created by each 128
state under Article III of this compact. 129

ARTICLE III 130

THE COMPACT COMMISSION 131

The compacting states hereby create the "interstate 132
commission for adult offender supervision." The interstate 133
commission shall be a body corporate and joint agency of the 134
compacting states. The interstate commission shall have all the 135
responsibilities, powers, and duties set forth in this compact, 136
including the power to sue and be sued, and any additional powers 137
that may be conferred upon it by subsequent action of the 138
respective legislatures of the compacting states in accordance 139
with the terms of this compact. 140

The interstate commission shall consist of commissioners 141
selected and appointed by resident members of a state council for 142

interstate adult offender supervision for each state. 143

In addition to the commissioners who are the voting 144
representatives of each state, the interstate commission shall 145
include individuals who are not commissioners but who are members 146
of interested organizations. The non-commissioner members must 147
include a member of the national organizations of governors, 148
legislators, state chief justices, attorneys general, and crime 149
victims. All non-commissioner members of the interstate commission 150
shall be ex-officio (nonvoting) members. The interstate commission 151
may provide in its bylaws for any additional, ex-officio, 152
nonvoting members that it deems necessary. 153

Each compacting state represented at any meeting of the 154
interstate commission is entitled to one vote. A majority of the 155
compacting states shall constitute a quorum for the transaction of 156
business, unless a larger quorum is required by the bylaws of the 157
interstate commission. The interstate commission shall meet at 158
least once each calendar year. The chairperson may call additional 159
meetings and, upon the request of twenty-seven or more compacting 160
states, shall call additional meetings. Public notice shall be 161
given of all meetings, and meetings shall be open to the public. 162

The interstate commission shall establish an executive 164
committee, which shall include commission officers, members, and 165
others as shall be determined by the bylaws. The executive 166
committee shall have the power to act on behalf of the interstate 167
commission during periods when the interstate commission is not in 168
session, with the exception of rulemaking or amendment to the 169
compact. The executive committee oversees the day-to-day 170
activities managed by the executive director and interstate 171
commission staff; administers enforcement and compliance with the 172
provisions of the compact, its bylaws, and as directed by the 173
interstate commission; and performs other duties as directed by 174

commission or set forth in the bylaws.

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ARTICLE IV

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THE STATE COUNCIL

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Each member state shall create a state council for interstate adult offender supervision. The state council shall be responsible for the appointment of the commissioner who shall serve on the interstate commission from that state. Each state council shall appoint as its commissioner the compact administrator from that state to serve on the interstate commission in that capacity under or pursuant to applicable law of the member state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and compact administrators. Each compacting state retains the right to determine the qualifications of the compact administrator who shall be appointed by the state council or by the governor in consultation with the legislature and the judiciary. In addition to appointment of its commissioner to the national interstate commission, each state council shall exercise oversight and advocacy concerning its participation in interstate commission activities and other duties as may be determined by each member state, including, but not limited to, development of policy concerning operations and procedures of the compact within that state.

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ARTICLE V

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POWERS AND DUTIES OF THE INTERSTATE COMMISSION

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The interstate commission shall have the following powers:

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(A) To adopt a seal and suitable bylaws governing the management and operation of the interstate commission;

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(B) To promulgate rules that have the force and effect of statutory law and are binding in the compacting states to the

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<u>extent and in the manner provided in this compact;</u>	207
<u>(C) To oversee, supervise, and coordinate the interstate movement of offenders subject to the terms of this compact and any bylaws adopted and rules promulgated by the compact commission;</u>	208 209 210
<u>(D) 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;</u>	211 212 213 214
<u>(E) To establish and maintain offices;</u>	215
<u>(F) To purchase and maintain insurance and bonds;</u>	216
<u>(G) To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs;</u>	217 218 219
<u>(H) To establish and appoint committees and hire staff that it considers necessary for the carrying out of its functions, including, but not limited to, an executive committee as required by Article III of this compact. The committees shall have the power to act on behalf of the interstate commission in carrying out its powers and duties under this compact.</u>	220 221 222 223 224 225
<u>(I) To elect or appoint any 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, among other things, conflicts of interest, rates of compensation, and qualifications of personnel;</u>	226 227 228 229 230 231
<u>(J) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of those donations and grants;</u>	232 233 234
<u>(K) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real,</u>	235 236

<u>personal, or mixed;</u>	237
<u>(L) To sell, convey, mortgage, pledge, lease, exchange,</u>	238
<u>abandon, or otherwise dispose of any property, real, personal, or</u>	239
<u>mixed;</u>	240
<u>(M) To establish a budget and make expenditures and levy dues</u>	241
<u>as provided in Article X of this compact;</u>	242
<u>(N) To sue and be sued;</u>	243
<u>(O) To provide for dispute resolution among compacting</u>	244
<u>states;</u>	245
<u>(P) To perform any functions that may be necessary or</u>	246
<u>appropriate to achieve the purposes of this compact;</u>	247
<u>(Q) To report annually to the legislatures, governors,</u>	248
<u>judiciary, and state councils of the compacting states concerning</u>	249
<u>the activities of the interstate commission during the preceding</u>	250
<u>year. The reports shall also include any recommendations that may</u>	251
<u>have been adopted by the interstate commission.</u>	252
<u>(R) To coordinate education, training, and public awareness</u>	253
<u>regarding the interstate movement of offenders for officials</u>	254
<u>involved in such activity;</u>	255
<u>(S) To establish uniform standards for the reporting,</u>	256
<u>collecting, and exchanging of data.</u>	257
<u>ARTICLE VI</u>	258
<u>ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION</u>	259
<u>(A) Bylaws</u>	260
<u>The interstate commission shall, by a majority of the</u>	261
<u>members, within twelve months of the first interstate commission</u>	262
<u>meeting, adopt bylaws to govern its conduct as may be necessary or</u>	263
<u>appropriate to carry out the purposes of the compact, including,</u>	264
<u>but, not limited to all of the following:</u>	265

<u>(1) Establishing the fiscal year of the interstate commission;</u>	266
<u>(2) Establishing an executive committee and any other committees that may be necessary;</u>	267
<u>(3) Providing reasonable standards and procedures:</u>	268
<u>(a) For the establishment of committees;</u>	269
<u>(b) Governing any general or specific delegation of any authority or function of the interstate commission.</u>	270
<u>(4) Providing reasonable procedures for calling and conducting meetings of the interstate commission, and ensuring reasonable notice of each meeting;</u>	271
<u>(5) Establishing the titles and responsibilities of the officers of the interstate commission;</u>	272
<u>(6) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the interstate commission. Notwithstanding any civil service or other similar laws of any compacting state, the bylaws shall exclusively govern the personnel policies and programs of the interstate commission.</u>	273
<u>(7) Providing a mechanism for winding up the operations of the interstate commission and the equitable return of any surplus funds that may exist upon the termination of the compact after the payment or reserving of all of its debts and obligations;</u>	274
<u>(8) Providing transition rules for "start up" administration of the compact;</u>	275
<u>(9) Establishing standards and procedures for compliance and technical assistance in carrying out the compact.</u>	276
<u>(B) Officers and staff</u>	277
<u>The interstate commission shall, by a majority of the</u>	278

members, elect from among its members a chairperson and a vice chairperson, each of whom shall have the authorities and duties as may be specified in the bylaws. The chairperson or, in his or her 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; provided that, subject to the availability of budgeted funds, the officers shall 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.

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The interstate commission shall, through its executive committee, appoint or retain an executive director for the period, upon the terms and conditions, and for the compensation that the interstate commission considers appropriate. The executive director shall serve as secretary to the interstate commission, and hire and supervise the other staff that may be authorized by the interstate commission, but shall not be a member.

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(C) Corporate records of the interstate commission

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The interstate commission shall maintain its corporate books and records in accordance with the bylaws.

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(D) Qualified immunity, defense and indemnification

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The members, officers, executive director, and employees of the interstate commission shall be immune from suit and liability, either personally or in their official capacity, 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 occurred within the scope of interstate commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or

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liability caused by the intentional or willful and wanton 326
misconduct of any such person. 327

The interstate commission shall defend the commissioner of a 328
compacting state, or the commissioner's representatives or 329
employees, or the interstate commission's representatives or 330
employees, in any civil action seeking to impose liability, 331
arising out of any actual or alleged act, error, or omission that 332
occurred within the scope of interstate commission employment, 333
duties, or responsibilities, or that the defendant had a 334
reasonable basis for believing occurred within the scope of 335
interstate commission employment, duties, or responsibilities; 336
provided, that the actual or alleged act, error, or omission did 337
not result from intentional wrongdoing on the part of the person. 338

The interstate commission shall indemnify and hold the 339
commissioner of a compacting state, the appointed designee, or 340
employees, or the interstate commission's representatives or 341
employees, harmless in the amount of any settlement or judgment 342
obtained against such persons arising out of any actual or alleged 343
act, error, or omission that occurred within the scope of 344
interstate commission employment, duties, or responsibilities, or 345
that such persons had a reasonable basis for believing occurred 346
within the scope of interstate commission employment, duties, or 347
responsibilities, provided that the actual or alleged act, error, 348
or omission did not result from gross negligence or intentional 349
wrongdoing on the part of the person. 350

ARTICLE VII 351

ACTIVITIES OF THE INTERSTATE COMMISSION 352

(A) The interstate commission shall meet and take any actions 353
that are consistent with the provisions of this compact. 354

Except as otherwise provided in this compact and unless a 355
greater percentage is required by the bylaws, in order to 356
constitute an act of the interstate commission, the act shall have 357

been taken at a meeting of the interstate commission and shall 358
have received an affirmative vote of a majority of the members 359
present. 360

Each member of the interstate commission shall have the right 361
and power to cast a vote to which that compacting state is 362
entitled and to participate in the business and affairs of the 363
interstate commission. A member shall vote in person on behalf of 364
the state and shall not delegate a vote to another member state. 365
However, a state council shall appoint another authorized 366
representative, in the absence of the commissioner from that 367
state, to cast a vote on behalf of the member state at a specified 368
meeting. The bylaws may provide for members' participation in 369
meetings by telephone or other means of telecommunication or 370
electronic communication. Any voting conducted by telephone or 371
other means of telecommunication or electronic communication shall 372
be subject to the same quorum requirements of meetings where 373
members are present in person. 374

The interstate commission shall meet at least once during 375
each calendar year. The chairperson of the interstate commission 376
may call additional meetings at any time and, upon the request of 377
a majority of the members, shall call additional meetings. 378

The interstate commission's bylaws shall establish conditions 379
and procedures under which the interstate commission shall make 380
its information and official records available to the public for 381
inspection or copying. The interstate commission may exempt from 382
disclosure any information or official records to the extent they 383
would adversely affect personal privacy rights or proprietary 384
interests. In promulgating those rules, the interstate commission 385
may make available to law enforcement agencies records and 386
information otherwise exempt from disclosure and may enter into 387
agreements with law enforcement agencies to receive or exchange 388
information or records subject to nondisclosure and 389

confidentiality provisions. 390

Public notice shall be given of all meetings, and all 391
meetings shall be open to the public, except as set forth in the 392
rules or as otherwise provided in the compact. The interstate 393
commission shall promulgate rules consistent with the principles 394
contained in the "Government in Sunshine Act," 5 U.S.C. Section 395
552(b), as amended. The interstate commission and any of its 396
committees may close a meeting to the public if it determines by 397
two-thirds vote that an open meeting would be likely to do any of 398
the following: 399

(1) Relate solely to the interstate commission's internal 400
personnel practices and procedures; 401

(2) Disclose matters specifically exempted from disclosure by 402
statute; 403

(3) Disclosure trade secrets or commercial or financial 404
information that is privileged or confidential; 405

(4) Involve accusing any person of a crime or formally 406
censuring any person; 407

(5) Disclose information of a personal nature if disclosure 408
would constitute a clearly unwarranted invasion of personal 409
privacy; 410

(6) Disclose investigatory records compiled for law 411
enforcement purposes; 412

(7) Disclose information contained in or related to 413
examination, operating, or condition reports prepared by, on 414
behalf of, or for the use of the interstate commission with 415
respect to a regulated entity for the purpose of regulation or 416
supervision of the regulated entity; 417

(8) Disclose information, the premature disclosure of which 418
would significantly endanger the life of a person or the stability 419

of a regulated entity;

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(9) Specifically relate to the interstate commission's
issuance of a subpoena or its participation in a civil action or
proceeding.

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(B) For every meeting closed pursuant to this provision, the
interstate commission's chief legal officer shall publicly certify
that, in the legal officer's opinion, the meeting may be closed to
the public, and shall reference each relevant exemptive provision.
The interstate commission shall keep minutes, and the minutes
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 for the actions, 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.

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The interstate commission shall collect standardized data
concerning the interstate movement of offenders as directed
through its bylaws and rules. The bylaws and rules shall specify
the data to be collected, the means of collection and data
exchange, and reporting requirements.

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ARTICLE VIII

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RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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(A) The interstate commission shall promulgate rules in order
to effectively and efficiently achieve the purposes of the compact
including transition rules governing administration of the compact
during the period in which it is being considered and enacted by
the states.

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Rulemaking shall occur pursuant to the criteria set forth in
this article and the bylaws and rules adopted pursuant to this
article. The rulemaking shall substantially conform to the

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principles of the "Federal Administrative Procedure Act," 5 451
U.S.C.S. section 551 et seq., and the "Federal Advisory Committee 452
Act," 5 U.S.C.S. app. 2, section 1 et seq., as amended 453
(hereinafter "APA"). All rules and amendments shall become binding 454
as of the date specified in each rule or amendment. 455

If a majority of the legislatures of the compacting states 456
rejects a rule, by enactment of a statute or resolution in the 457
same manner used to adopt the compact, then the rule shall have no 458
further force and effect in any compacting state. 459

When promulgating a rule, the interstate commission shall do 460
all of the following: 461

(1) Publish the proposed rule stating with particularity the 462
text of the rule that is proposed and the reason for the proposed 463
rule; 464

(2) Allow persons to submit written data, facts, opinions and 465
arguments, which information shall be publicly available; 466

(3) Provide an opportunity for an informal hearing; 467

(4) Promulgate a final rule and its effective date, if 468
appropriate, based on the rulemaking record. 469

(B) Not later than sixty days after a rule is promulgated, 470
any interested person may file a petition in the United States 471
district court for the District of Columbia or in the federal 472
district court where the interstate commission's principal office 473
is located for judicial review of the rule. If the court finds 474
that the interstate commission's action is not supported by 475
substantial evidence, as defined in the APA, in the rulemaking 476
record, the court shall hold the rule unlawful and set it aside. 477

Subjects to be addressed within twelve months after the first 478
meeting shall at a minimum include all of the following: 479

(1) Notice to victims and an opportunity to be heard; 480

<u>(2) Offender registration and compliance;</u>	481
<u>(3) Violations and returns;</u>	482
<u>(4) Transfer procedures and forms;</u>	483
<u>(5) Eligibility for transfer;</u>	484
<u>(6) Collection of restitution and fees from offenders;</u>	485
<u>(7) Data collection and reporting;</u>	486
<u>(8) The level of supervision to be provided by the receiving state;</u>	487 488
<u>(9) Transition rules governing the operation of the compact and the interstate commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact;</u>	489 490 491 492
<u>(10) Mediation, arbitration, and dispute resolution.</u>	493
<u>(C) The existing rules governing the operation of the previous compact superseded by this act shall be null and void twelve months after the first meeting of the interstate commission created under this compact.</u>	494 495 496 497
<u>Upon determination by the interstate commission that an emergency exists, it may promulgate an emergency rule, and the emergency rule shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided under this compact shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule.</u>	498 499 500 501 502 503 504
<u>ARTICLE IX</u>	505
<u>OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION</u>	506 507
<u>(A) Oversight</u>	508
<u>The interstate commission shall oversee the interstate</u>	509

movement of adult offenders in the compacting states and shall 510
monitor such activities being administered in noncompacting states 511
that may significantly affect compacting states. 512

The courts and executive agencies in each compacting state 513
shall enforce this compact and shall take all actions necessary 514
and appropriate to effectuate the compact's purposes and intent. 515
In any judicial or administrative proceeding in a compacting state 516
pertaining to the subject matter of this compact that may affect 517
the powers, responsibilities, or actions of the interstate 518
commission, the interstate commission shall be entitled to receive 519
all service of process in any such proceeding and shall have 520
standing to intervene in the proceeding for all purposes. 521

(B) Dispute Resolution 522

The compacting states shall report to the interstate 523
commission on issues or activities of concern to them and 524
cooperate with and support the interstate commission in the 525
discharge of its duties and responsibilities. 526

The interstate commission shall attempt to resolve any 527
disputes or other issues that are subject to the compact and that 528
may arise among compacting states and noncompacting states. 529

The interstate commission shall enact a bylaw or promulgate a 530
rule providing for both mediation and binding dispute resolution 531
for disputes among the compacting states. 532

(C) Enforcement 533

The interstate commission, in the reasonable exercise of its 534
discretion, shall enforce the provisions of this compact using any 535
or all means set forth in Article XII, division B, of this 536
compact. 537

ARTICLE X 538

FINANCE 539

The interstate commission shall pay or provide for the 540
payment of the reasonable expenses of its establishment, 541
organization, and ongoing activities. 542

The interstate commission shall levy on and collect an annual 543
assessment from each compacting state to cover the cost of the 544
internal operations and activities of the interstate commission 545
and its staff. The annual assessment shall be in a total amount 546
sufficient to cover the interstate commission's annual budget as 547
approved each year. The aggregate annual assessment amount shall 548
be allocated based upon a formula to be determined by the 549
interstate commission, taking into consideration the population of 550
the state and the volume of interstate movement of offenders in 551
each compacting state, and shall promulgate a rule that is binding 552
upon all compacting states and governs the assessment. 553

The interstate commission shall not incur any obligations of 554
any kind prior to securing the funds adequate to meet the 555
obligation, and the interstate commission shall not pledge the 556
credit of any of the compacting states, except by and with the 557
authority of the compacting state. 558
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The interstate commission shall keep accurate accounts of all 560
receipts and disbursements. The receipts and disbursements of the 561
interstate commission shall be subject to the audit and accounting 562
procedures established under its bylaws. However, all receipts and 563
disbursements of funds handled by the interstate commission shall 564
be audited yearly by a certified or licensed public accountant, 565
and the report of the audit shall be included in and become part 566
of the annual report of the interstate commission. 567

ARTICLE XI 568
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COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT 570

Any state, as defined in Article II of this compact, is 571

eligible to become a compacting state. The compact shall become 572
effective and binding upon legislative enactment of the compact 573
into law by no less than thirty-five of the states. The initial 574
effective date shall be the later of July 1, 2001, or upon 575
enactment into law by the thirty-fifth jurisdiction. After the 576
initial effective date, it shall become effective and binding, as 577
to any other compacting state, upon enactment of the compact into 578
law by that state. The governors of nonmember states or their 579
designees shall be invited to participate in interstate commission 580
activities on a nonvoting basis prior to adoption of the compact 581
by all states and territories of the United States. 582

Amendments to the compact may be proposed by the interstate 583
commission for enactment by the compacting states. No amendment 584
shall become effective and binding upon the interstate commission 585
and the compacting states unless and until it is enacted into law 586
by unanimous consent of the compacting states. 587

ARTICLE XII 588

WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT 589

(A) Withdrawal 590

Once effective, the compact shall continue in force and 591
remain binding upon each and every compacting state; provided that 592
a compacting state may withdraw from the compact ("withdrawing 593
state") by enacting a statute specifically repealing the statute 594
that enacted the compact into law. 595

The effective date of withdrawal is the effective date of the 596
repeal. 597

The withdrawing state shall immediately notify the 598
chairperson of the interstate commission in writing upon the 599
introduction of legislation repealing this compact in the 600
withdrawing state. 601

The interstate commission shall notify the other compacting 602

states of the withdrawing state's intent to withdraw within sixty
days of its receipt of the notice from the withdrawing state.

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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.

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Reinstatement following withdrawal of any compacting state
shall occur upon the withdrawing state reenacting the compact or
upon any later date as determined by the interstate commission.

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(B) Default

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

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(a) Fines, fees, and costs in any amounts that are determined
to be reasonable as fixed by the interstate commission;

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(b) Remedial training and technical assistance as directed by
the interstate commission;

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(c) Suspension and termination of membership in the compact.
Suspension shall 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 chief
judicial officer of the state, the majority and minority leaders
of the defaulting state's legislature, and the state council.

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(2) The grounds for default include, but are not limited to,
failure of a compacting state to perform the obligations or

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responsibilities imposed upon it by this compact, interstate
commission bylaws, or duly promulgated 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 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 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 shall be terminated from the effective
date of suspension. Within sixty days of the effective date of
termination of a defaulting state, the interstate commission shall
notify the governor, the chief justice or chief judicial officer,
the majority and minority leaders of the defaulting state's
legislature, and the state council of the termination.

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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.

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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.
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.

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(C) Judicial enforcement

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The interstate commission may, by majority vote of the
members, initiate legal action in the United States district court

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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
the provisions of the compact, its duly promulgated rules, and
bylaws, against any compacting state in default. In the event
judicial enforcement is necessary, the prevailing party shall be
awarded all costs of the litigation including reasonable attorneys
fees.

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(D) Dissolution of compact

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The compact dissolves effective upon the date of the
withdrawal or default of the compacting state that reduces
membership in the compact to one compacting state.

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Upon the dissolution of this 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 wound
up, and any surplus funds shall be distributed in accordance with
the bylaws.

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ARTICLE XIII

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SEVERABILITY AND CONSTRUCTION

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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.

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

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ARTICLE XIV

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BINDING EFFECT OF COMPACT AND OTHER LAWS

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(A) Other laws

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

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All compacting states' laws conflicting with this compact are 696
superseded to the extent of the conflict. 697

(B) Binding effect of the compact 698

All lawful actions of the interstate commission, including 699
all rules and bylaws promulgated by the interstate commission, are 700
binding upon the compacting states. 701

All agreements between the interstate commission and the 702
compacting states are binding in accordance with their terms. 703

Upon the request of a party to a conflict over meaning or 704
interpretation of interstate commission actions, and upon a 705
majority vote of the compacting states, the interstate commission 706
may issue advisory opinions regarding such meaning or 707
interpretation. 708

If any provision of this compact exceeds the constitutional 709
limits imposed on the legislature of any compacting state, the 710
obligations, duties, powers, or jurisdiction sought to be 711
conferred by that provision upon the interstate commission shall 712
be ineffective and the obligations, duties, powers, or 713
jurisdiction shall remain in the compacting state and shall be 714
exercised by the agency of that state to which the obligations, 715
duties, powers, or jurisdiction are delegated by law in effect at 716
the time this compact becomes effective." 717

Section 2. That existing section 5149.18 and section 5149.17 718
of the Revised Code are hereby repealed. 719

Section 3. Sections 1 and 2 of this act shall take effect 720
upon the later of one hundred eighty days after the effective date 721
of this act or the effective date of the Interstate Compact for 722
the Supervision of Adult Offenders as described in Article XI of 723
the compact. 724

Section 4. By amending section 5149.18 and repealing section 725
5149.17 of the Revised Code in this act, Ohio hereby withdraws 726
from the Interstate Compact for the Supervision of Parolees and 727
Probationers. As described in division (G) of section 5149.17 of 728
the Revised Code, Ohio's duties under that compact shall continue 729
as to parolees or probationers residing in Ohio at the time of 730
withdrawal until they are retaken or finally discharged by the 731
sending state. Pursuant to division (G) of section 5149.17 of the 732
Revised Code, the governor shall immediately send notice in 733
writing of Ohio's intention to withdraw from the Interstate 734
Compact for the Supervision of Parolees and Probationers to the 735
other states that are parties to the compact. 736