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A B I L L

To amend section 5149.18, to enact sections 5149.21, 1
5149.22, and 5149.24, and to repeal section 5149.17 2
of the Revised Code to withdraw from the Interstate 3
Compact for the Supervision of Parolees and 4
Probationers, to join the Interstate Compact for 5
Adult Offender Supervision, and to enact related 6
regulations. 7

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

Section 1. That section 5149.18 be amended and sections 8
5149.21, 5149.22, and 5149.24 of the Revised Code be enacted to 9
read as follows: 10

Sec. 5149.18. For the purposes of Chapter 5149. of the 11
Revised Code, all of the following apply: 12

(A) "State, states, or States" means one or several of the 13
fifty states of the United States, Puerto Rico, the Virgin 14
Islands, and the District of Columbia. 15

(B) The term "parole" includes post-release control under 16
section 2967.28 of the Revised Code. 17

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

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

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

"INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION"

ARTICLE I

PURPOSE

The compacting states to this interstate compact recognize
that each state is responsible for the supervision of adult
offenders in the community who are authorized pursuant to the
bylaws and rules of this compact to travel across state lines both
to and from each compacting state in such a manner as to track the
location of offenders, transfer supervision authority in an
orderly and efficient manner, and when necessary return offenders
to the originating jurisdictions. The compacting states also
recognize that Congress, by enacting the "Crime Control Act," 4
U.S.C. 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 and the interstate
commission created under this compact, through means of joint and

cooperative action among the compacting states: to provide the
framework for the promotion of public safety and protect the
rights of victims through the control and regulation of the
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.

ARTICLE II

DEFINITIONS

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

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

(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.

(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.

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

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

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

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

(H) "Noncompacting state" means any state that has not 111
enacted the enabling legislation for this compact. 112

(I) "Offender" means an adult placed under, or subject, to 113
supervision as the result of the commission of a criminal offense 114
and released to the community under the jurisdiction of courts, 115
paroling authorities, corrections, or other criminal justice 116
agencies. 117

(J) "Person" means any individual, corporation, business 118
enterprise, or other legal entity, either public or private. 119

(K) "Rules" means acts of the interstate commission, duly 120
promulgated pursuant to Article VIII of this compact, 121
substantially affecting interested parties in addition to the 122
interstate commission. 123

The rules shall have the force and effect of law in the 124
compacting states. 125

(L) "State" means a state of the United States, the District 126
of Columbia, and any other territorial possessions of the United 127
States. 128

(M) "State council" means the resident members of the state 129
council for interstate adult offender supervision created by each 130
state under Article III of this compact. 131

ARTICLE III 132

THE COMPACT COMMISSION 133

The compacting states hereby create the "interstate 134
commission for adult offender supervision." The interstate 135
commission shall be a body corporate and joint agency of the 136
compacting states. The interstate commission shall have all the 137
responsibilities, powers, and duties set forth in this compact, 138
including the power to sue and be sued, and any additional powers 139
that may be conferred upon it by subsequent action of the 140
respective legislatures of the compacting states in accordance 141

with the terms of this compact.

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The interstate commission shall consist of commissioners
selected and appointed by resident members of a state council for
interstate adult offender supervision for each state.

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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. The non-commissioner members must
include a member of the national organizations of governors,
legislators, state chief justices, attorneys general, and crime
victims. All non-commissioner members of the interstate commission
shall be ex-officio (nonvoting) members. The interstate commission
may provide in its bylaws for any additional, ex-officio,
nonvoting members that it deems necessary.

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Each compacting state represented at any meeting of the
interstate commission is entitled to one 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. The interstate commission shall meet at
least once each calendar year. The chairperson may call additional
meetings and, upon the request of twenty-seven or more compacting
states, shall call additional meetings. Public notice shall be
given of all meetings, and meetings shall be open to the public.

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The interstate commission shall establish an executive
committee, which shall include commission officers, members, and
others as shall be 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 rulemaking or amendment to the
compact. The executive committee oversees the day-to-day
activities managed by the executive director and interstate

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commission staff; administers enforcement and compliance with the
provisions of the compact, its bylaws, and as directed by the
interstate commission; and performs other duties as directed by
commission or set forth in the bylaws.

ARTICLE IV

THE STATE COUNCIL

Each member state shall create a state council for interstate
adult offender supervision. The compact administrator or the
administrator's designee shall be the commissioner of the state
council to serve on the interstate commission. 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 governor. 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.

ARTICLE V

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission shall have the following powers:

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

(B) To promulgate rules that have the force and effect of
statutory law and are binding in the compacting states to the
extent and in the manner provided in this compact;

(C) To oversee, supervise, and coordinate the interstate 205
movement of offenders subject to the terms of this compact and any 206
bylaws adopted and rules promulgated by the compact commission; 207

(D) To enforce compliance with compact provisions, interstate 208
commission rules, and bylaws, using all necessary and proper 209
means, including, but not limited to, the use of judicial process; 210
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(E) To establish and maintain offices; 212

(F) To purchase and maintain insurance and bonds; 213

(G) To borrow, accept, or contract for services of personnel, 214
including, but not limited to, members and their staffs; 215
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(H) To establish and appoint committees and hire staff that 217
it considers necessary for the carrying out of its functions, 218
including, but not limited to, an executive committee as required 219
by Article III of this compact. The committees shall have the 220
power to act on behalf of the interstate commission in carrying 221
out its powers and duties under this compact. 222

(I) To elect or appoint any officers, attorneys, employees, 223
agents, or consultants, and to fix their compensation, define 224
their duties, and determine their qualifications; and to establish 225
the interstate commission's personnel policies and programs 226
relating to, among other things, conflicts of interest, rates of 227
compensation, and qualifications of personnel; 228

(J) To accept any and all donations and grants of money, 229
equipment, supplies, materials, and services, and to receive, 230
utilize, and dispose of those donations and grants; 231

(K) To lease, purchase, accept contributions or donations of, 232
or otherwise to own, hold, improve, or use any property, real, 233
personal, or mixed; 234

(L) To sell, convey, mortgage, pledge, lease, exchange, 235
abandon, or otherwise dispose of any property, real, personal, or 236
mixed; 237

(M) To establish a budget and make expenditures and levy dues 238
as provided in Article X of this compact; 239

(N) To sue and be sued; 240

(O) To provide for dispute resolution among compacting 241
states; 242

(P) To perform any functions that may be necessary or 243
appropriate to achieve the purposes of this compact; 244

(Q) To report annually to the legislatures, governors, 245
judiciary, and state councils of the compacting states concerning 246
the activities of the interstate commission during the preceding 247
year. The reports shall also include any recommendations that may 248
have been adopted by the interstate commission. 249

(R) To coordinate education, training, and public awareness 250
regarding the interstate movement of offenders for officials 251
involved in such activity; 252

(S) To establish uniform standards for the reporting, 253
collecting, and exchanging of data. 254

ARTICLE VI 255

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION 256

(A) Bylaws 257

The interstate commission shall, by a majority of the 258
members, within twelve months of the first interstate commission 259
meeting, adopt bylaws to govern its conduct as may be necessary or 260
appropriate to carry out the purposes of the compact, including, 261
but, not limited to all of the following: 262

(1) Establishing the fiscal year of the interstate 263
commission; 264

<u>(2) Establishing an executive committee and any other</u>	265
<u>committees that may be necessary;</u>	266
<u>(3) Providing reasonable standards and procedures:</u>	267
<u>(a) For the establishment of committees;</u>	268
<u>(b) Governing any general or specific delegation of any</u>	269
<u>authority or function of the interstate commission.</u>	270
<u>(4) Providing reasonable procedures for calling and</u>	271
<u>conducting meetings of the interstate commission, and ensuring</u>	272
<u>reasonable notice of each meeting;</u>	273
<u>(5) Establishing the titles and responsibilities of the</u>	274
<u>officers of the interstate commission;</u>	275
<u>(6) Providing reasonable standards and procedures for the</u>	276
<u>establishment of the personnel policies and programs of the</u>	277
<u>interstate commission. Notwithstanding any civil service or other</u>	278
<u>similar laws of any compacting state, the bylaws shall exclusively</u>	279
<u>govern the personnel policies and programs of the interstate</u>	280
<u>commission.</u>	281
<u>(7) Providing a mechanism for winding up the operations of</u>	282
<u>the interstate commission and the equitable return of any surplus</u>	283
<u>funds that may exist upon the termination of the compact after the</u>	284
<u>payment or reserving of all of its debts and obligations;</u>	285
<u>(8) Providing transition rules for "start up" administration</u>	286
<u>of the compact;</u>	287
<u>(9) Establishing standards and procedures for compliance and</u>	288
<u>technical assistance in carrying out the compact.</u>	289
<u>(B) Officers and staff</u>	290
<u>The interstate commission shall, by a majority of the</u>	291
<u>members, elect from among its members a chairperson and a vice</u>	292
<u>chairperson, each of whom shall have the authorities and duties as</u>	293

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.

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.

(C) Corporate records of the interstate commission

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

(D) Qualified immunity, defense and indemnification

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

Upon the request of the attorney general, the interstate 325
commission shall assist in the defense of the commissioner of a 326
compacting state, or the commissioner's representatives or 327
employees, or the interstate commission's representatives or 328
employees, in any civil action seeking to impose liability, 329
arising out of any actual or alleged act, error, or omission that 330
occurred within the scope of interstate commission employment, 331
duties, or responsibilities, or that the defendant had a 332
reasonable basis for believing occurred within the scope of 333
interstate commission employment, duties, or responsibilities; 334
provided, that the actual or alleged act, error, or omission did 335
not result from intentional wrongdoing on the part of the person. 336

The interstate commission shall indemnify and hold the 337
commissioner of a compacting state, the appointed designee, or 338
employees, or the interstate commission's representatives or 339
employees, harmless in the amount of any settlement or judgment 340
obtained against such persons arising out of any actual or alleged 341
act, error, or omission that occurred within the scope of 342
interstate commission employment, duties, or responsibilities, or 343
that such persons had a reasonable basis for believing occurred 344
within the scope of interstate commission employment, duties, or 345
responsibilities, provided that the actual or alleged act, error, 346
or omission did not result from gross negligence or intentional 347
wrongdoing on the part of the person. 348

ARTICLE VII 349

ACTIVITIES OF THE INTERSTATE COMMISSION 350

(A) The interstate commission shall meet and take any actions 351
that are consistent with the provisions of this compact. 352

Except as otherwise provided in this compact and unless a 353
greater percentage is required by the bylaws, in order to 354
constitute an act of the interstate commission, the act shall have 355
been taken at a meeting of the interstate commission and shall 356

have received an affirmative vote of a majority of the members
present.

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 on behalf of
the state and shall not delegate a vote to another member state.
However, a state council shall appoint another authorized
representative, in the absence of the commissioner from that
state, to cast a vote on behalf of the member state at a specified
meeting. The bylaws may provide for members' participation in
meetings by telephone or other means of telecommunication or
electronic communication. Any voting conducted by telephone or
other means of telecommunication or electronic communication shall
be subject to the same quorum requirements of meetings where
members are present in person.

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

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. In promulgating those rules, the interstate commission
may make available to law enforcement agencies records and
information otherwise exempt from disclosure and may enter into
agreements with law enforcement agencies to receive or exchange
information or records subject to nondisclosure and
confidentiality provisions.

Public notice shall be given of all meetings, and all 389
meetings shall be open to the public, except as set forth in the 390
rules or as otherwise provided in the compact. The interstate 391
commission shall promulgate rules consistent with the principles 392
contained in the "Government in Sunshine Act," 5 U.S.C. Section 393
552(b), as amended. The interstate commission and any of its 394
committees may close a meeting to the public if it determines by 395
two-thirds vote that an open meeting would be likely to do any of 396
the following: 397

(1) Relate solely to the interstate commission's internal 398
personnel practices and procedures; 399

(2) Disclose matters specifically exempted from disclosure by 400
statute; 401

(3) Disclose trade secrets or commercial or financial 402
information that is privileged or confidential; 403

(4) Involve accusing any person of a crime or formally 404
censuring any person; 405

(5) Disclose information of a personal nature if disclosure 406
would constitute a clearly unwarranted invasion of personal 407
privacy; 408

(6) Disclose investigatory records compiled for law 409
enforcement purposes; 410

(7) Disclose information contained in or related to 411
examination, operating, or condition reports prepared by, on 412
behalf of, or for the use of the interstate commission with 413
respect to a regulated entity for the purpose of regulation or 414
supervision of the regulated entity; 415

(8) Disclose information, the premature disclosure of which 416
would significantly endanger the life of a person or the stability 417
of a regulated entity; 418

(9) Specifically relate to the interstate commission's 419
issuance of a subpoena or its participation in a civil action or 420
proceeding. 421

(B) For every meeting closed pursuant to this provision, the 422
interstate commission's chief legal officer shall publicly certify 423
that, in the legal officer's opinion, the meeting may be closed to 424
the public, and shall reference each relevant exemptive provision. 425
The interstate commission shall keep minutes, and the minutes 426
shall fully and clearly describe all matters discussed in any 427
meeting and shall provide a full and accurate summary of any 428
actions taken, and the reasons for the actions, including a 429
description of each of the views expressed on any item and the 430
record of any roll call vote (reflected in the vote of each member 431
on the question). All documents considered in connection with any 432
action shall be identified in the minutes. 433

The interstate commission shall collect standardized data 434
concerning the interstate movement of offenders as directed 435
through its bylaws and rules. The bylaws and rules shall specify 436
the data to be collected, the means of collection and data 437
exchange, and reporting requirements. 438

ARTICLE VIII 439

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION 440

(A) The interstate commission shall promulgate rules in order 441
to effectively and efficiently achieve the purposes of the compact 442
including transition rules governing administration of the compact 443
during the period in which it is being considered and enacted by 444
the states. 445

Rulemaking shall occur pursuant to the criteria set forth in 446
this article and the bylaws and rules adopted pursuant to this 447
article. The rulemaking shall substantially conform to the 448
principles of the "Federal Administrative Procedure Act," 5 449
U.S.C.S. section 551 et seq., and the "Federal Advisory Committee 450

Act," 5 U.S.C.S. app. 2, section 1 et seq., as amended
(hereinafter "APA"). All rules and amendments shall become binding
as of the date specified in each rule or amendment.

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

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

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

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

(3) Provide an opportunity for an informal hearing;

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

(B) Not later than sixty days after a rule is promulgated,
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, as defined in the APA, in the rulemaking
record, the court shall hold the rule unlawful and set it aside.

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

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

(2) Offender registration and compliance;

<u>(3) Violations and returns;</u>	480
<u>(4) Transfer procedures and forms;</u>	481
<u>(5) Eligibility for transfer;</u>	482
<u>(6) Collection of restitution and fees from offenders;</u>	483
<u>(7) Data collection and reporting;</u>	484
<u>(8) The level of supervision to be provided by the receiving state;</u>	485 486
<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>	487 488 489 490
<u>(10) Mediation, arbitration, and dispute resolution.</u>	491
<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>	492 493 494 495
<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>	496 497 498 499 500 501 502
<u>ARTICLE IX</u>	503
<u>OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION</u>	504 505
<u>(A) Oversight</u>	506
<u>The interstate commission shall oversee the interstate movement of adult offenders in the compacting states and shall</u>	507 508

monitor such activities being administered in noncompacting states
that may significantly affect compacting states.

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.
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 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.

(B) Dispute Resolution

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

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

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

(C) Enforcement

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

ARTICLE X

FINANCE

The interstate commission shall pay or provide for the

payment of the reasonable expenses of its establishment,
organization, and ongoing activities.

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. The annual assessment shall 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
the state and the volume of interstate movement of offenders in
each compacting state, and shall promulgate a rule that is binding
upon all compacting states and governs the assessment.

The interstate commission shall not incur any obligations of
any kind prior to securing the funds adequate to meet the
obligation, and the interstate commission shall not pledge the
credit of any of the compacting states, except by and with the
authority of the compacting state.

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 XI

COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

Any state, as defined in Article II of this compact, is
eligible to become a compacting state. The compact shall become

effective and binding upon legislative enactment of the compact
into law by no less than thirty-five of the states. The initial
effective date shall be the later of July 1, 2001, or upon
enactment into law by the thirty-fifth jurisdiction. After the
initial effective date, 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 interstate commission
activities on a nonvoting basis prior to adoption of the compact
by all states and territories of the United States.

Amendments to the compact may be proposed by the interstate
commission 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 XII

WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

(A) Withdrawal

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

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

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

days of its receipt of the notice from the withdrawing state.

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.

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.

(B) Default

(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:

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

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

(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.

(2) 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 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.

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.

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.

(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
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.

(D) Dissolution of compact

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.

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.

ARTICLE XIII

SEVERABILITY AND CONSTRUCTION

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.

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

ARTICLE XIV

BINDING EFFECT OF COMPACT AND OTHER LAWS

(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.

All compacting states' laws conflicting with this compact are 694
superseded to the extent of the conflict. 695

(B) Binding effect of the compact 696

All lawful actions of the interstate commission, including 697
all rules and bylaws promulgated by the interstate commission, are 698
binding upon the compacting states. 699

All agreements between the interstate commission and the 700
compacting states are binding in accordance with their terms. 701

Upon the request of a party to a conflict over meaning or 702
interpretation of interstate commission actions, and upon a 703
majority vote of the compacting states, the interstate commission 704
may issue advisory opinions regarding such meaning or 705
interpretation. 706

If any provision of this compact exceeds the constitutional 707
limits imposed on the legislature of any compacting state, the 708
obligations, duties, powers, or jurisdiction sought to be 709
conferred by that provision upon the interstate commission shall 710
be ineffective and the obligations, duties, powers, or 711
jurisdiction shall remain in the compacting state and shall be 712
exercised by the agency of that state to which the obligations, 713
duties, powers, or jurisdiction are delegated by law in effect at 714
the time this compact becomes effective." 715

Sec. 5149.22. There is hereby established the Ohio council 716
for interstate adult offender supervision pursuant to Article IV 717
of the interstate compact for adult offender supervision. The 718
council shall be comprised of seven members. One member shall be 719
the compact administrator for this state for the interstate 720
compact for adult offender supervision, or the administrator's 721
designee. The speaker of the house of representatives shall 722
appoint one member, who shall be a member of the house of 723

representatives. The president of the senate shall appoint one
member, who shall be a member of the senate. The chief justice of
the supreme court shall appoint one member, who shall be a member
of the judiciary. The governor shall appoint three members, one of
whom shall be a representative of a crime victim's organization,
and one of whom shall be from the executive branch. The Ohio
council for interstate adult offender supervision is not subject
to section 101.84 of the Revised Code.

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Each appointee to the state council shall be appointed in
consultation with the department of rehabilitation and correction
and shall serve at the pleasure of the appointing authority.

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The compact administrator for this state for the interstate
compact for adult offender supervision, or the administrator's
designee shall serve as commissioner of the state council and as
this state's representative to the interstate commission
established under Article III of that compact.

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Sec. 5149.24. (A) When a sending state places a hold warrant
or a detainer warrant on an offender supervised under the
interstate compact for adult offender supervision who is in
custody in this state and that warrant does not provide that the
offender may be released on bond pending return to the sending
state, no court of record in this state has authority to release
the offender on bond until the sending state withdraws the
warrant.

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(B) A receiving state has no authority to grant a final
release from supervision to any offender supervised under the
interstate compact for adult offender supervision unless and until
the final release has been approved by the supervising authority
of the sending state. The sending state shall not unreasonably
withhold such a final release and shall promptly communicate the
release to the supervising authorities of the receiving state.

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Section 2. That existing section 5149.18 and section 5149.17 755
of the Revised Code are hereby repealed. 756

Section 3. Sections 1 and 2 of this act shall take effect 757
upon the later of one hundred eighty days after the effective date 758
of this act or the effective date of the Interstate Compact for 759
the Supervision of Adult Offenders as described in Article XI of 760
the compact. 761

Section 4. By amending section 5149.18 and repealing section 762
5149.17 of the Revised Code in this act, Ohio hereby withdraws 763
from the Interstate Compact for the Supervision of Parolees and 764
Probationers. As described in division (G) of section 5149.17 of 765
the Revised Code, Ohio's duties under that compact shall continue 766
as to parolees or probationers residing in Ohio at the time of 767
withdrawal until they are retaken or finally discharged by the 768
sending state. Pursuant to division (G) of section 5149.17 of the 769
Revised Code, the governor shall immediately send notice in 770
writing of Ohio's intention to withdraw from the Interstate 771
Compact for the Supervision of Parolees and Probationers to the 772
other states that are parties to the compact. 773