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A B I L L

To amend sections 5120.10 and 5149.18, to enact 1
sections 5149.21, 5149.22, and 5149.24, and to 2
repeal section 5149.17 of the Revised Code to 3
withdraw from the Interstate Compact for the 4
Supervision of Parolees and Probationers, to join 5
the Interstate Compact for Adult Offender 6
Supervision, to enact related regulations, and to 7
provide for the approval of plans for jails, 8
workhouses, and lockups by the Division of Parole 9
and Community Services. 10

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

Section 1. That sections 5120.10 and 5149.18 be amended and 11
sections 5149.21, 5149.22, and 5149.24 of the Revised Code be 12
enacted to read as follows: 13

Sec. 5120.10. (A)(1) The director of rehabilitation and 14
correction, by rule, shall promulgate minimum standards for jails 15
in Ohio, including minimum security jails dedicated under section 16

341.34 or 753.21 of the Revised Code. Whenever the director files 17
a rule or an amendment to a rule in final form with both the 18
secretary of state and the director of the legislative service 19
commission pursuant to section 111.15 of the Revised Code, the 20
director of rehabilitation and correction promptly shall send a 21
copy of the rule or amendment, if the rule or amendment pertains 22
to minimum jail standards, by ordinary mail to the political 23
subdivisions or affiliations of political subdivisions that 24
operate jails to which the standards apply. 25

(2) The rules promulgated in accordance with division (A)(1) 26
of this section shall serve as criteria for the investigative and 27
supervisory powers and duties vested by division (D) of this 28
section in the division of parole and community services of the 29
department of rehabilitation and correction or in another division 30
of the department to which those powers and duties are assigned. 31

(B) The director may initiate an action in the court of 32
common pleas of the county in which a facility that is subject to 33
the rules promulgated under division (A)(1) of this section is 34
situated to enjoin compliance with the minimum standards for jails 35
or with the minimum standards and minimum renovation, 36
modification, and construction criteria for minimum security 37
jails. 38

(C) Upon the request of an administrator of a jail facility, 39
the chief executive of a municipal corporation, or a board of 40
county commissioners, the director of rehabilitation and 41
correction or the director's designee shall grant a variance from 42
the minimum standards for jails in Ohio for a facility that is 43
subject to one of those minimum standards when the director 44
determines that strict compliance with the minimum standards would 45
cause unusual, practical difficulties or financial hardship, that 46
existing or alternative practices meet the intent of the minimum 47
standards, and that granting a variance would not seriously affect 48

the security of the facility, the supervision of the inmates, or
the safe, healthful operation of the facility. If the director or
the director's designee denies a variance, the applicant may
appeal the denial pursuant to section 119.12 of the Revised Code.

(D) The following powers and duties shall be exercised by the
division of parole and community services unless assigned to
another division by the director:

(1) The investigation and supervision of county and municipal
jails, workhouses, minimum security jails, and other correctional
institutions and agencies;

(2) The review and approval of plans submitted to the
department of rehabilitation and correction pursuant to division
(E) of this section;

(3) The management and supervision of the adult parole
authority created by section 5149.02 of the Revised Code;

~~(3)~~(4) The review and approval of proposals for
community-based correctional facilities and programs and district
community-based correctional facilities and programs that are
submitted pursuant to division (B) of section 2301.51 of the
Revised Code;

~~(4)~~(5) The distribution of funds made available to the
division for purposes of assisting in the renovation, maintenance,
and operation of community-based correctional facilities and
programs and district community-based correctional facilities and
programs in accordance with section 5120.112 of the Revised Code;

~~(5)~~(6) The performance of the duty imposed upon the
department of rehabilitation and correction in section 5149.31 of
the Revised Code to establish and administer a program of
subsidies to eligible municipal corporations, counties, and groups
of contiguous counties for the development, implementation, and
operation of community-based corrections programs;

~~+6+~~(7) Licensing halfway houses and community residential
centers for the care and treatment of adult offenders in
accordance with section 2967.14 of the Revised Code;

~~+7+~~(8) Contracting with a public or private agency or a
department or political subdivision of the state that operates a
licensed halfway house or community residential center for the
provision of housing, supervision, and other services to parolees
and probationers in accordance with section 2967.14 of the Revised
Code.

Other powers and duties may be assigned by the director of
rehabilitation and correction to the division of parole and
community services. This section does not apply to the department
of youth services or its institutions or employees.

(E) No plan for any new jail, workhouse, or lockup, and no
plan for a substantial addition or alteration to an existing jail,
workhouse, or lockup, shall be adopted unless the officials
responsible for adopting the plan have submitted the plan to the
department of rehabilitation and correction for approval, and the
department has approved the plan as provided in division (D)(2) of
this section.

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

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

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

(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~~ 110
~~Section 111 (b) of title 4 of the United States Code as cited in~~ 111
~~section 5149.17 of the Revised Code, this state shall be a party~~ 112
~~to "Interstate Compact for the Supervision of Parolees and~~ 113
~~Probationers" with any additional jurisdiction legally joining~~ 114
~~therein when such jurisdiction has entered in said compact in~~ 115
~~accordance with its terms.~~ 116

Sec. 5149.21. The "interstate compact for adult offender 117
supervision" is hereby enacted into law and entered into with all 118
other jurisdictions legally joining in that compact in the form 119
substantially as follows: 120

"INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION 121

ARTICLE I 122

PURPOSE 123

The compacting states to this interstate compact recognize 124
that each state is responsible for the supervision of adult 125
offenders in the community who are authorized pursuant to the 126
bylaws and rules of this compact to travel across state lines both 127
to and from each compacting state in such a manner as to track the 128
location of offenders, transfer supervision authority in an 129
orderly and efficient manner, and when necessary return offenders 130
to the originating jurisdictions. The compacting states also 131
recognize that Congress, by enacting the "Crime Control Act," 4 132
U.S.C. Section 112 (1965), has authorized and encouraged compacts 133
for cooperative efforts and mutual assistance in the prevention of 134
crime. 135

It is the purpose of this compact and the interstate 136
commission created under this compact, through means of joint and 137
cooperative action among the compacting states: to provide the 138
framework for the promotion of public safety and protect the 139
rights of victims through the control and regulation of the 140

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 173

DEFINITIONS 174

As used in this compact, unless the context clearly requires 175
a different construction: 176

(A) "Adult" means both individuals legally classified as 177
adults and juveniles treated as adults by court order, statute, or 178
operation of law. 179

(B) "Bylaws" means those bylaws established by the interstate 180
commission for its governance, or for directing or controlling the 181
interstate commission's actions or conduct. 182

(C) "Compact administrator" means the individual in each 183
compacting state who is appointed pursuant to the terms of this 184
compact and who is responsible for the administration and 185
management of the state's supervision and transfer of offenders 186
subject to the terms of this compact, the rules adopted by the 187
interstate commission, and policies adopted by the state council 188
under this compact. 189

(D) "Compacting state" means any state that has enacted the 190
enabling legislation for this compact. 191

(E) "Commissioner" means the voting representative of each 192
compacting state appointed pursuant to Article III of this 193
compact. 194

(F) "Interstate commission" means the interstate commission 195
for adult offender supervision established by this compact. 196

(G) "Member" means the commissioner of a compacting state or 197
designee, who is a person officially connected with the 198
commissioner. 199

(H) "Noncompacting state" means any state that has not 200
enacted the enabling legislation for this compact. 201

(I) "Offender" means an adult placed under, or subject, to 202

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

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

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

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

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

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

ARTICLE III

THE COMPACT COMMISSION

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

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.

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.

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.

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
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
movement of offenders subject to the terms of this compact and any
bylaws adopted and rules promulgated by the compact commission;

<u>(D) To enforce compliance with compact provisions, interstate</u>	297
<u>commission rules, and bylaws, using all necessary and proper</u>	298
<u>means, including, but not limited to, the use of judicial process;</u>	299
	300
<u>(E) To establish and maintain offices;</u>	301
<u>(F) To purchase and maintain insurance and bonds;</u>	302
<u>(G) To borrow, accept, or contract for services of personnel,</u>	303
<u>including, but not limited to, members and their staffs;</u>	304
	305
<u>(H) To establish and appoint committees and hire staff that</u>	306
<u>it considers necessary for the carrying out of its functions,</u>	307
<u>including, but not limited to, an executive committee as required</u>	308
<u>by Article III of this compact. The committees shall have the</u>	309
<u>power to act on behalf of the interstate commission in carrying</u>	310
<u>out its powers and duties under this compact.</u>	311
<u>(I) To elect or appoint any officers, attorneys, employees,</u>	312
<u>agents, or consultants, and to fix their compensation, define</u>	313
<u>their duties, and determine their qualifications; and to establish</u>	314
<u>the interstate commission's personnel policies and programs</u>	315
<u>relating to, among other things, conflicts of interest, rates of</u>	316
<u>compensation, and qualifications of personnel;</u>	317
<u>(J) To accept any and all donations and grants of money,</u>	318
<u>equipment, supplies, materials, and services, and to receive,</u>	319
<u>utilize, and dispose of those donations and grants;</u>	320
<u>(K) To lease, purchase, accept contributions or donations of,</u>	321
<u>or otherwise to own, hold, improve, or use any property, real,</u>	322
<u>personal, or mixed;</u>	323
<u>(L) To sell, convey, mortgage, pledge, lease, exchange,</u>	324
<u>abandon, or otherwise dispose of any property, real, personal, or</u>	325
<u>mixed;</u>	326

(M) To establish a budget and make expenditures and levy dues 327
as provided in Article X of this compact; 328

(N) To sue and be sued; 329

(O) To provide for dispute resolution among compacting 330
states; 331

(P) To perform any functions that may be necessary or 332
appropriate to achieve the purposes of this compact; 333

(Q) To report annually to the legislatures, governors, 334
judiciary, and state councils of the compacting states concerning 335
the activities of the interstate commission during the preceding 336
year. The reports shall also include any recommendations that may 337
have been adopted by the interstate commission. 338

(R) To coordinate education, training, and public awareness 339
regarding the interstate movement of offenders for officials 340
involved in such activity; 341

(S) To establish uniform standards for the reporting, 342
collecting, and exchanging of data. 343

ARTICLE VI 344

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION 345

(A) Bylaws 346

The interstate commission shall, by a majority of the 347
members, within twelve months of the first interstate commission 348
meeting, adopt bylaws to govern its conduct as may be necessary or 349
appropriate to carry out the purposes of the compact, including, 350
but, not limited to all of the following: 351

(1) Establishing the fiscal year of the interstate 352
commission; 353

(2) Establishing an executive committee and any other 354
committees that may be necessary; 355

<u>(3) Providing reasonable standards and procedures:</u>	356
<u>(a) For the establishment of committees;</u>	357
<u>(b) Governing any general or specific delegation of any authority or function of the interstate commission.</u>	358 359
<u>(4) Providing reasonable procedures for calling and conducting meetings of the interstate commission, and ensuring reasonable notice of each meeting;</u>	360 361 362
<u>(5) Establishing the titles and responsibilities of the officers of the interstate commission;</u>	363 364
<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>	365 366 367 368 369 370
<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>	371 372 373 374
<u>(8) Providing transition rules for "start up" administration of the compact;</u>	375 376
<u>(9) Establishing standards and procedures for compliance and technical assistance in carrying out the compact.</u>	377 378
<u>(B) Officers and staff</u>	379
<u>The interstate commission shall, by a majority of the 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</u>	380 381 382 383 384 385

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
commission shall assist in the defense of the commissioner of a
compacting state, or the commissioner's representatives or

employees, or the interstate commission'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 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 wrongdoing on the part of the person.

The interstate commission shall indemnify and hold the
commissioner of a compacting state, the appointed designee, or
employees, or the interstate commission's representatives or
employees, harmless in the amount of any settlement or judgment
obtained against such 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 such 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 gross negligence or intentional
wrongdoing on the part of the person.

ARTICLE VII

ACTIVITIES OF THE INTERSTATE COMMISSION

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

Except as otherwise provided in this compact and unless a
greater percentage is required by the bylaws, in order to
constitute an act of the interstate commission, the act shall have
been taken at a meeting of the interstate commission and shall
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
meetings shall be open to the public, except as set forth in the
rules or as otherwise provided in the compact. The interstate

commission shall promulgate rules consistent with the principles
contained in the "Government in Sunshine Act," 5 U.S.C. Section
552(b), as amended. The interstate commission and any of its
committees may close a meeting to the public if it determines by
two-thirds vote that an open meeting would be likely to do any of
the following:

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

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

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

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

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

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

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

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

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

(B) For every meeting closed pursuant to this provision, the 511
interstate commission's chief legal officer shall publicly certify 512
that, in the legal officer's opinion, the meeting may be closed to 513
the public, and shall reference each relevant exemptive provision. 514
The interstate commission shall keep minutes, and the minutes 515
shall fully and clearly describe all matters discussed in any 516
meeting and shall provide a full and accurate summary of any 517
actions taken, and the reasons for the actions, including a 518
description of each of the views expressed on any item and the 519
record of any roll call vote (reflected in the vote of each member 520
on the question). All documents considered in connection with any 521
action shall be identified in the minutes. 522

The interstate commission shall collect standardized data 523
concerning the interstate movement of offenders as directed 524
through its bylaws and rules. The bylaws and rules shall specify 525
the data to be collected, the means of collection and data 526
exchange, and reporting requirements. 527

ARTICLE VIII 528

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION 529

(A) The interstate commission shall promulgate rules in order 530
to effectively and efficiently achieve the purposes of the compact 531
including transition rules governing administration of the compact 532
during the period in which it is being considered and enacted by 533
the states. 534

Rulemaking shall occur pursuant to the criteria set forth in 535
this article and the bylaws and rules adopted pursuant to this 536
article. The rulemaking shall substantially conform to the 537
principles of the "Federal Administrative Procedure Act," 5 538
U.S.C.S. section 551 et seq., and the "Federal Advisory Committee 539
Act," 5 U.S.C.S. app. 2, section 1 et seq., as amended 540
(hereinafter "APA"). All rules and amendments shall become binding 541
as of the date specified in each rule or amendment. 542

If a majority of the legislatures of the compacting states 543
rejects a rule, by enactment of a statute or resolution in the 544
same manner used to adopt the compact, then the rule shall have no 545
further force and effect in any compacting state. 546

When promulgating a rule, the interstate commission shall do 547
all of the following: 548

(1) Publish the proposed rule stating with particularity the 549
text of the rule that is proposed and the reason for the proposed 550
rule; 551

(2) Allow persons to submit written data, facts, opinions and 552
arguments, which information shall be publicly available; 553

(3) Provide an opportunity for an informal hearing; 554

(4) Promulgate a final rule and its effective date, if 555
appropriate, based on the rulemaking record. 556

(B) Not later than sixty days after a rule is promulgated, 557
any interested person may file a petition in the United States 558
district court for the District of Columbia or in the federal 559
district court where the interstate commission's principal office 560
is located for judicial review of the rule. If the court finds 561
that the interstate commission's action is not supported by 562
substantial evidence, as defined in the APA, in the rulemaking 563
record, the court shall hold the rule unlawful and set it aside. 564

Subjects to be addressed within twelve months after the first 565
meeting shall at a minimum include all of the following: 566

(1) Notice to victims and an opportunity to be heard; 567

(2) Offender registration and compliance; 568

(3) Violations and returns; 569

(4) Transfer procedures and forms; 570

(5) Eligibility for transfer; 571

<u>(6) Collection of restitution and fees from offenders;</u>	572
<u>(7) Data collection and reporting;</u>	573
<u>(8) The level of supervision to be provided by the receiving state;</u>	574 575
<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>	576 577 578 579
<u>(10) Mediation, arbitration, and dispute resolution.</u>	580
<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>	581 582 583 584
<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>	585 586 587 588 589 590 591
<u>ARTICLE IX</u>	592
<u>OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION</u>	593 594
<u>(A) Oversight</u>	595
<u>The interstate commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in noncompacting states that may significantly affect compacting states.</u>	596 597 598 599
<u>The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary</u>	600 601

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 superseded to the extent of the conflict.

(B) 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.

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

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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 such meaning or interpretation.

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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 the obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be exercised by the agency of that state to which the obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this compact becomes effective."

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

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council for interstate adult offender supervision is not subject
to section 101.84 of the Revised Code.

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.

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.

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.

(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.

Section 2. That existing sections 5120.10 and 5149.18 and
section 5149.17 of the Revised Code are hereby repealed.

Section 3. Sections 1 and 2 of this act shall take effect
upon the later of one hundred eighty days after the effective date

of this act or the effective date of the Interstate Compact for 848
the Supervision of Adult Offenders as described in Article XI of 849
the compact. 850

Section 4. By amending section 5149.18 and repealing section 851
5149.17 of the Revised Code in this act, Ohio hereby withdraws 852
from the Interstate Compact for the Supervision of Parolees and 853
Probationers. As described in division (G) of section 5149.17 of 854
the Revised Code, Ohio's duties under that compact shall continue 855
as to parolees or probationers residing in Ohio at the time of 856
withdrawal until they are retaken or finally discharged by the 857
sending state. Pursuant to division (G) of section 5149.17 of the 858
Revised Code, the governor shall immediately send notice in 859
writing of Ohio's intention to withdraw from the Interstate 860
Compact for the Supervision of Parolees and Probationers to the 861
other states that are parties to the compact. 862