

As Reported by the House Criminal Justice Committee

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Sub. H. B. No. 269

REPRESENTATIVES Latta, Seitz, Willamowski, Lendrum, Cirelli, Gilb,
Aslanides, Womer Benjamin, Hughes, DePiero, Faber

A BILL

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 18
imposed under sections 2929.16, 2929.17, and 2929.18 of the 19

Revised Code. 20

~~Pursuant to the consent and authorization contained in 21
Section 111 (b) of title 4 of the United States Code as cited in 22
section 5149.17 of the Revised Code, this state shall be a party 23
to "Interstate Compact for the Supervision of Parolees and 24
Probationers" with any additional jurisdiction legally joining 25
therein when such jurisdiction has entered in said compact in 26
accordance with its terms. 27~~

Sec. 5149.21. The "interstate compact for adult offender 28
supervision" is hereby enacted into law and entered into with all 29
other jurisdictions legally joining in that compact in the form 30
substantially as follows: 31

"INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION 32

ARTICLE I 33

PURPOSE 34

The compacting states to this interstate compact recognize 35
that each state is responsible for the supervision of adult 36
offenders in the community who are authorized pursuant to the 37
bylaws and rules of this compact to travel across state lines both 38
to and from each compacting state in such a manner as to track the 39
location of offenders, transfer supervision authority in an 40
orderly and efficient manner, and when necessary return offenders 41
to the originating jurisdictions. The compacting states also 42
recognize that Congress, by enacting the "Crime Control Act," 4
U.S.C. Section 112 (1965), has authorized and encouraged compacts 44
for cooperative efforts and mutual assistance in the prevention of 45
crime. 46

It is the purpose of this compact and the interstate 47
commission created under this compact, through means of joint and 48
cooperative action among the compacting states: to provide the 49
framework for the promotion of public safety and protect the 50

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.

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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.

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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

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policies and are therefore public business.

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ARTICLE II

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DEFINITIONS

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

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

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

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

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

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

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

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

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

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(I) "Offender" means an adult placed under, or subject, to 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. 113
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(J) "Person" means any individual, corporation, business enterprise, or other legal entity, either public or private. 118
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(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. 120
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The rules shall have the force and effect of law in the compacting states. 124
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(L) "State" means a state of the United States, the District of Columbia, and any other territorial possessions of the United States. 126
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(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. 129
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ARTICLE III 132

THE COMPACT COMMISSION 133

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. 134
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The interstate commission shall consist of commissioners 143

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
commission staff; administers enforcement and compliance with the
provisions of the compact, its bylaws, and as directed by the

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interstate commission; and performs other duties as directed by
commission or set forth in the bylaws.

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ARTICLE IV

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THE STATE COUNCIL

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Each member state shall create a state council for interstate
adult offender supervision. The 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.

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ARTICLE V

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POWERS AND DUTIES OF THE INTERSTATE COMMISSION

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The interstate commission shall have the following powers:

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

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

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(C) To oversee, supervise, and coordinate the interstate
movement of offenders subject to the terms of this compact and any

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<u>bylaws adopted and rules promulgated by the compact commission;</u>	207
<u>(D) To enforce compliance with compact provisions, interstate commission rules, and bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process;</u>	208 209 210 211
<u>(E) To establish and maintain offices;</u>	212
<u>(F) To purchase and maintain insurance and bonds;</u>	213
<u>(G) To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs;</u>	214 215 216
<u>(H) To establish and appoint committees and hire staff that it considers necessary for the carrying out of its functions, including, but not limited to, an executive committee as required by Article III of this compact. The committees shall have the power to act on behalf of the interstate commission in carrying out its powers and duties under this compact.</u>	217 218 219 220 221 222
<u>(I) To elect or appoint any officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel;</u>	223 224 225 226 227 228
<u>(J) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of those donations and grants;</u>	229 230 231
<u>(K) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;</u>	232 233 234
<u>(L) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or</u>	235 236

<u>mixed;</u>	237
<u>(M) To establish a budget and make expenditures and levy dues as provided in Article X of this compact;</u>	238 239
<u>(N) To sue and be sued;</u>	240
<u>(O) To provide for dispute resolution among compacting states;</u>	241 242
<u>(P) To perform any functions that may be necessary or appropriate to achieve the purposes of this compact;</u>	243 244
<u>(Q) To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the interstate commission during the preceding year. The reports shall also include any recommendations that may have been adopted by the interstate commission.</u>	245 246 247 248 249
<u>(R) To coordinate education, training, and public awareness regarding the interstate movement of offenders for officials involved in such activity;</u>	250 251 252
<u>(S) To establish uniform standards for the reporting, collecting, and exchanging of data.</u>	253 254
<u>ARTICLE VI</u>	255
<u>ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION</u>	256
<u>(A) Bylaws</u>	257
<u>The interstate commission shall, by a majority of the members, within twelve months of the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but, not limited to all of the following:</u>	258 259 260 261 262
<u>(1) Establishing the fiscal year of the interstate commission;</u>	263 264
<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 authority or function of the interstate commission.</u>	269 270
<u>(4) Providing reasonable procedures for calling and conducting meetings of the interstate commission, and ensuring reasonable notice of each meeting;</u>	271 272 273
<u>(5) Establishing the titles and responsibilities of the officers of the interstate commission;</u>	274 275
<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>	276 277 278 279 280 281
<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>	282 283 284 285
<u>(8) Providing transition rules for "start up" administration of the compact;</u>	286 287
<u>(9) Establishing standards and procedures for compliance and technical assistance in carrying out the compact.</u>	288 289
<u>(B) Officers and staff</u>	290
<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</u>	291 292 293 294

absence or disability, the vice chairperson, shall preside at all
meetings of the interstate commission. The officers so elected
shall serve without compensation or remuneration from the
interstate commission; provided that, subject to the availability
of budgeted funds, the officers shall be reimbursed for any actual
and necessary costs and expenses incurred by them in the
performance of their duties and responsibilities as officers of
the interstate commission.

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

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(C) Corporate records of the interstate commission

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

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(D) Qualified immunity, defense and indemnification

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The members, officers, executive director, and employees of
the interstate commission shall be immune from suit and liability,
either personally or in their official capacity, for any claim for
damage to or loss of property or personal injury or other civil
liability caused or arising out of any actual or alleged act,
error or omission that occurred within the scope of interstate
commission employment, duties, or responsibilities; provided that
nothing in this paragraph shall be construed to protect any such
person from suit or liability for any damage, loss, injury, or
liability caused by the intentional or willful and wanton
misconduct of any such person.

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Upon the request of the attorney general, the interstate

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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 357

present.

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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.

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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.

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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.

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Public notice shall be given of all meetings, and all

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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) Disclosure 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 proceeding.

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

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

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ARTICLE VIII

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RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

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Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant to this article. The rulemaking shall substantially conform to the principles of the "Federal Administrative Procedure Act," 5 U.S.C.S. section 551 et seq., and the "Federal Advisory Committee Act," 5 U.S.C.S. app. 2, section 1 et seq., as amended

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(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;

(3) Violations and returns;

<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 monitor such activities being administered in noncompacting states that may significantly affect compacting states.</u>	507 508 509 510

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.

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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.

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ARTICLE XII

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WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

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(A) Withdrawal

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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.

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

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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.

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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.

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The withdrawing state is responsible for all assessments,

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obligations, and liabilities incurred through the effective date 604
of withdrawal, including any obligations, the performance of which 605
extend beyond the effective date of withdrawal. 606

Reinstatement following withdrawal of any compacting state 607
shall occur upon the withdrawing state reenacting the compact or 608
upon any later date as determined by the interstate commission. 609

(B) Default 610

(1) If the interstate commission determines that any 611
compacting state has at any time defaulted ("defaulting state") in 612
the performance of any of its obligations or responsibilities 613
under this compact, the bylaws, or any duly promulgated rules, the 614
interstate commission may impose any or all of the following 615
penalties: 616

(a) Fines, fees, and costs in any amounts that are determined 617
to be reasonable as fixed by the interstate commission; 618

(b) Remedial training and technical assistance as directed by 619
the interstate commission; 620

(c) Suspension and termination of membership in the compact. 621
Suspension shall be imposed only after all other reasonable means 622
of securing compliance under the bylaws and rules have been 623
exhausted. Immediate notice of suspension shall be given by the 624
interstate commission to the governor, the chief justice or chief 625
judicial officer of the state, the majority and minority leaders 626
of the defaulting state's legislature, and the state council. 627

(2) The grounds for default include, but are not limited to, 628
failure of a compacting state to perform the obligations or 629
responsibilities imposed upon it by this compact, interstate 630
commission bylaws, or duly promulgated rules. The interstate 631
commission shall immediately notify the defaulting state in 632
writing of the penalty imposed by the interstate commission on the 633
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defaulting state pending a cure of the default. The interstate
commission shall stipulate the conditions and the time period
within which the defaulting state must cure its default. If the
defaulting state fails to cure the default within the time period
specified by the interstate commission, in addition to any other
penalties imposed in this compact, the defaulting state may be
terminated from the compact upon an affirmative vote of a majority
of the compacting states and all rights, privileges, and benefits
conferred by this compact shall be terminated from the effective
date of suspension. Within sixty days of the effective date of
termination of a defaulting state, the interstate commission shall
notify the governor, the chief justice or chief judicial officer,
the majority and minority leaders of the defaulting state's
legislature, and the state council of the termination.

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

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The interstate commission shall not bear any costs relating
to the defaulting state unless otherwise mutually agreed upon
between the interstate commission and the defaulting state.
Reinstatement following termination of any compacting state
requires both a reenactment of the compact by the defaulting state
and the approval of the interstate commission pursuant to the
rules.

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(C) Judicial enforcement

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

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

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(D) Dissolution of compact

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

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Upon the dissolution of this compact, the compact becomes
null and void and shall be of no further force or effect, and the
business and affairs of the interstate commission shall be wound
up, and any surplus funds shall be distributed in accordance with
the bylaws.

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ARTICLE XIII

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SEVERABILITY AND CONSTRUCTION

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

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

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ARTICLE XIV

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BINDING EFFECT OF COMPACT AND OTHER LAWS

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(A) Other laws

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

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

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(B) Binding effect of the compact

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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 724
member, who shall be a member of the senate. The chief justice of 725
the supreme court shall appoint one member, who shall be a member 726
of the judiciary. The governor shall appoint three members, one of 727

whom shall be a representative of a crime victim's organization, 728
and one of whom shall be from the executive branch. The Ohio 729
council for interstate adult offender supervision is not subject 730
to section 101.84 of the Revised Code. 731

Each appointee to the state council shall be appointed in 732
consultation with the department of rehabilitation and correction 733
and shall serve at the pleasure of the appointing authority. 734

The compact administrator for this state for the interstate 735
compact for adult offender supervision, or the administrator's 736
designee shall serve as commissioner of the state council and as 737
this state's representative to the interstate commission 738
established under Article III of that compact. 739

Sec. 5149.24. (A) When a sending state places a hold warrant 740
or a detainer warrant on an offender supervised under the 741
interstate compact for adult offender supervision who is in 742
custody in this state and that warrant does not provide that the 743
offender may be released on bond pending return to the sending 744
state, no court of record in this state has authority to release 745
the offender on bond until the sending state withdraws the 746
warrant. 747

(B) A receiving state has no authority to grant a final 748
release from supervision to any offender supervised under the 749
interstate compact for adult offender supervision unless and until 750
the final release has been approved by the supervising authority 751
of the sending state. The sending state shall not unreasonably 752
withhold such a final release and shall promptly communicate the 753
release to the supervising authorities of the receiving state. 754

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