

As Introduced

**129th General Assembly
Regular Session
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S. B. No. 122

Senator Oelslager

Cosponsors: Senators Wagoner, Seitz, Tavares

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A B I L L

To amend sections 2151.312, 2151.354, and 2152.26, to 1
enact new sections 2151.56, 2151.57, 2151.58, and 2
2151.59 and to repeal sections 2151.56, 2151.57, 3
2151.58, 2151.59, 2151.60, and 2151.61 of the 4
Revised Code to ratify, enact into law, and enter 5
into as a party the Interstate Compact for 6
Juveniles; to provide for certain entities and 7
officials and assign certain responsibilities that 8
relate to that Compact; to repeal the current 9
Interstate Compact on Juveniles, and to declare an 10
emergency. 11

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

Section 1. That sections 2151.312, 2151.354, and 2152.26 be 12
amended and new sections 2151.56, 2151.57, 2151.58, and 2151.59 of 13
the Revised Code be enacted to read as follows: 14

Sec. 2151.312. (A) A child alleged to be or adjudicated an 15
unruly child may be held only in the following places: 16

(1) A certified family foster home or a home approved by the 17
court; 18

(2) A facility operated by a certified child welfare agency; 19

(3) Any other suitable place designated by the court.	20
(B)(1) Except as provided under division (C)(1) of section 2151.311 of the Revised Code, a child alleged to be or adjudicated a neglected child, an abused child, a dependent child, or an unruly child may not be held in any of the following facilities:	21 22 23 24
(a) A state correctional institution, county, multicounty, or municipal jail or workhouse, or other place in which an adult convicted of a crime, under arrest, or charged with a crime is held;	25 26 27 28
(b) A secure correctional facility.	29
(2) Except as provided under sections 2151.26 <u>2151.27</u> to 2151.61 <u>2151.59</u> of the Revised Code and division (B)(3) of this section <u>and except when a case is transferred under section 2152.12 of the Revised Code</u> , a child alleged to be or adjudicated an unruly child may not be held for more than twenty-four hours in a detention facility. A child alleged to be or adjudicated a neglected child, an abused child, or a dependent child shall not be held in a detention facility.	30 31 32 33 34 35 36 37
(3) A child who is alleged to be or adjudicated an unruly child and who is taken into custody on a Saturday, Sunday, or legal holiday, as listed in section 1.14 of the Revised Code, may be held in a detention facility until the next succeeding day that is not a Saturday, Sunday, or legal holiday.	38 39 40 41 42
Sec. 2151.354. (A) If the child is adjudicated an unruly child, the court may:	43 44
(1) Make any of the dispositions authorized under section 2151.353 of the Revised Code;	45 46
(2) Place the child on community control under any sanctions, services, and conditions that the court prescribes, as described in division (A)(4) of section 2152.19 of the Revised Code,	47 48 49

provided that, if the court imposes a period of community service 50
upon the child, the period of community service shall not exceed 51
one hundred seventy-five hours; 52

(3) Suspend the driver's license, probationary driver's 53
license, or temporary instruction permit issued to the child for a 54
period of time prescribed by the court and suspend the 55
registration of all motor vehicles registered in the name of the 56
child for a period of time prescribed by the court. A child whose 57
license or permit is so suspended is ineligible for issuance of a 58
license or permit during the period of suspension. At the end of 59
the period of suspension, the child shall not be reissued a 60
license or permit until the child has paid any applicable 61
reinstatement fee and complied with all requirements governing 62
license reinstatement. 63

(4) Commit the child to the temporary or permanent custody of 64
the court; 65

(5) Make any further disposition the court finds proper that 66
is consistent with sections 2151.312 and 2151.56 to ~~2151.61~~ 67
2151.59 of the Revised Code; 68

(6) If, after making a disposition under division (A)(1), 69
(2), or (3) of this section, the court finds upon further hearing 70
that the child is not amenable to treatment or rehabilitation 71
under that disposition, make a disposition otherwise authorized 72
under divisions (A)(1), (4), (5), and (8) of section 2152.19 of 73
the Revised Code that is consistent with sections 2151.312 and 74
2151.56 to ~~2151.61~~ 2151.59 of the Revised Code. 75

(B) If a child is adjudicated an unruly child for committing 76
any act that, if committed by an adult, would be a drug abuse 77
offense, as defined in section 2925.01 of the Revised Code, or a 78
violation of division (B) of section 2917.11 of the Revised Code, 79
in addition to imposing, in its discretion, any other order of 80

disposition authorized by this section, the court shall do both of 81
the following: 82

(1) Require the child to participate in a drug abuse or 83
alcohol abuse counseling program; 84

(2) Suspend the temporary instruction permit, probationary 85
driver's license, or driver's license issued to the child for a 86
period of time prescribed by the court. The court, in its 87
discretion, may terminate the suspension if the child attends and 88
satisfactorily completes a drug abuse or alcohol abuse education, 89
intervention, or treatment program specified by the court. During 90
the time the child is attending a program as described in this 91
division, the court shall retain the child's temporary instruction 92
permit, probationary driver's license, or driver's license, and 93
the court shall return the permit or license if it terminates the 94
suspension. 95

(C)(1) If a child is adjudicated an unruly child for being an 96
habitual truant, in addition to or in lieu of imposing any other 97
order of disposition authorized by this section, the court may do 98
any of the following: 99

(a) Order the board of education of the child's school 100
district or the governing board of the educational service center 101
in the child's school district to require the child to attend an 102
alternative school if an alternative school has been established 103
pursuant to section 3313.533 of the Revised Code in the school 104
district in which the child is entitled to attend school; 105

(b) Require the child to participate in any academic program 106
or community service program; 107

(c) Require the child to participate in a drug abuse or 108
alcohol abuse counseling program; 109

(d) Require that the child receive appropriate medical or 110
psychological treatment or counseling; 111

(e) Make any other order that the court finds proper to 112
address the child's habitual truancy, including an order requiring 113
the child to not be absent without legitimate excuse from the 114
public school the child is supposed to attend for five or more 115
consecutive days, seven or more school days in one school month, 116
or twelve or more school days in a school year and including an 117
order requiring the child to participate in a truancy prevention 118
mediation program. 119

(2) If a child is adjudicated an unruly child for being an 120
habitual truant and the court determines that the parent, 121
guardian, or other person having care of the child has failed to 122
cause the child's attendance at school in violation of section 123
3321.38 of the Revised Code, in addition to any order of 124
disposition authorized by this section, all of the following 125
apply: 126

(a) The court may require the parent, guardian, or other 127
person having care of the child to participate in any community 128
service program, preferably a community service program that 129
requires the involvement of the parent, guardian, or other person 130
having care of the child in the school attended by the child. 131

(b) The court may require the parent, guardian, or other 132
person having care of the child to participate in a truancy 133
prevention mediation program. 134

(c) The court shall warn the parent, guardian, or other 135
person having care of the child that any subsequent adjudication 136
of the child as an unruly or delinquent child for being an 137
habitual or chronic truant may result in a criminal charge against 138
the parent, guardian, or other person having care of the child for 139
a violation of division (C) of section 2919.21 or section 2919.24 140
of the Revised Code. 141

Sec. 2151.56. The "interstate compact for juveniles" is 142

hereby ratified, enacted into law, and entered into by the state 143
of Ohio as a party to the compact with any other state that has 144
legally joined in the compact as follows: 145

INTERSTATE COMPACT FOR JUVENILES 146

Article I -- Purpose 147

The compacting states to this interstate compact for 148
juveniles recognize that each state is responsible for the proper 149
supervision or return of juveniles, delinquents, and status 150
offenders who are on probation or parole and who have absconded, 151
escaped, or run away from supervision and control and in so doing 152
have endangered their own safety and the safety of others. The 153
compacting states also recognize that each state is responsible 154
for the safe return of juveniles who have run away from home and 155
in doing so have left their state of residence. The compacting 156
states also recognize that congress, by enacting the Crime Control 157
Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged 158
compacts for cooperative efforts and mutual assistance in the 159
prevention of crime. 160

It is the policy of the compacting states that the activities 161
conducted by the interstate commission for juveniles created by 162
this compact are the formation of public policies and therefore 163
are public business. Furthermore, the compacting states shall 164
cooperate and observe their individual and collective duties and 165
responsibilities for the prompt return and acceptance of juveniles 166
subject to the provisions of this compact. The provisions of this 167
compact shall be reasonably and liberally construed to accomplish 168
the purposes and policies of the compact. 169

It is the purpose of this compact, through means of joint and 170
cooperative action among the compacting states, to do all of the 171
following: 172

(A) Ensure that the adjudicated juveniles and status 173

<u>offenders subject to this compact are provided adequate</u>	174
<u>supervision and services in the receiving state as ordered by the</u>	175
<u>adjudicating judge or parole authority in the sending state;</u>	176
<u>(B) Ensure that the public safety interests of the citizens,</u>	177
<u>including the victims of juvenile offenders, in both the sending</u>	178
<u>and receiving states are adequately protected;</u>	179
<u>(C) Return juveniles who have run away, absconded, or escaped</u>	180
<u>from supervision or control or have been accused of an offense to</u>	181
<u>the state requesting their return;</u>	182
<u>(D) Make contracts for the cooperative institutionalization</u>	183
<u>in public facilities in member states for delinquent youth needing</u>	184
<u>special services;</u>	185
<u>(E) Provide for the effective tracking and supervision of</u>	186
<u>juveniles;</u>	187
<u>(F) Equitably allocate the costs, benefits, and obligations</u>	188
<u>of the compacting states;</u>	189
<u>(G) Establish procedures to manage the movement between</u>	190
<u>states of juvenile offenders released to the community under the</u>	191
<u>jurisdiction of courts, juvenile departments, or any other</u>	192
<u>criminal or juvenile justice agency that has jurisdiction over</u>	193
<u>juvenile offenders;</u>	194
<u>(H) Ensure immediate notice to jurisdictions where defined</u>	195
<u>offenders are authorized to travel or to relocate across state</u>	196
<u>lines;</u>	197
<u>(I) Establish procedures to resolve pending charges, such as</u>	198
<u>detainers, against juvenile offenders prior to transfer or release</u>	199
<u>to the community under the terms of this compact;</u>	200
<u>(J) Establish a system of uniform data collection on</u>	201
<u>information pertaining to juveniles subject to this compact that</u>	202
<u>allows access by authorized juvenile justice and criminal justice</u>	203

officials and regular reporting of compact activities to heads of 204
state executive, judicial, and legislative branches and juvenile 205
justice and criminal justice administrators; 206

(K) Monitor compliance with rules governing interstate 207
movement of juveniles and initiate interventions to address and 208
correct noncompliance; 209

(L) Coordinate training and education regarding the 210
regulation of interstate movement of juveniles for officials 211
involved in such activity; 212

(M) Coordinate the implementation and operation of this 213
compact with the interstate compact for the placement of children, 214
the interstate compact for adult offender supervision, and other 215
compacts affecting juveniles, particularly in those cases where 216
concurrent or overlapping supervision issues arise. 217

Article II -- Definitions 218

As used in this compact, unless the context clearly requires 219
a different construction: 220

(A) "Bylaws" means those bylaws established by the interstate 221
commission for its governance or for directing or controlling its 222
actions or conduct. 223

(B) "Compact administrator" means the individual in each 224
compacting state appointed pursuant to the terms of this compact 225
who is responsible for the administration and management of the 226
state's supervision and transfer of juveniles subject to the terms 227
of this compact, the rules adopted by the interstate commission 228
under this compact, and policies adopted by the state council 229
under this compact. 230

(C) "Compacting state" means any state that has enacted the 231
enabling legislation for this compact. 232

(D) "Commissioner" means the voting representative of each 233

<u>compacting state appointed pursuant to Article III of this</u>	234
<u>compact.</u>	235
<u>(E) "Court" means any court having jurisdiction over</u>	236
<u>delinquent, neglected, or dependent children.</u>	237
<u>(F) "Interstate commission for juveniles" or "interstate</u>	238
<u>commission" means the interstate commission for juveniles created</u>	239
<u>by Article III of this compact.</u>	240
<u>(G) "Juvenile" means any person defined as a juvenile in any</u>	241
<u>member state or by the rules of the interstate commission,</u>	242
<u>including any of the following:</u>	243
<u>(1) An "accused delinquent," which means a person charged</u>	244
<u>with a violation of a law or municipal ordinance that, if</u>	245
<u>committed by an adult, would be a criminal offense;</u>	246
<u>(2) An "adjudicated delinquent," which means a person found</u>	247
<u>to have committed a violation of a law or municipal ordinance</u>	248
<u>that, if committed by an adult, would be a criminal offense;</u>	249
<u>(3) An "accused status offender," which means a person</u>	250
<u>charged with a violation of a law or municipal ordinance that</u>	251
<u>would not be a criminal offense if committed by an adult;</u>	252
<u>(4) An "adjudicated status offender," which means a person</u>	253
<u>found to have committed a violation of a law or municipal</u>	254
<u>ordinance that would not be a criminal offense if committed by an</u>	255
<u>adult;</u>	256
<u>(5) A "nonoffender," which means a person in need of</u>	257
<u>supervision who is not an accused or adjudicated status offender</u>	258
<u>or delinquent.</u>	259
<u>(H) "Noncompacting state" means any state that has not</u>	260
<u>enacted the enabling legislation for this compact.</u>	261
<u>(I) "Probation or parole" means any kind of supervision or</u>	262
<u>conditional release of juveniles authorized under the laws of the</u>	263

compacting states. 264

(J) "Rule" means a written statement by the interstate 265
commission promulgated pursuant to Article VI of this compact that 266
is of general applicability, that implements, interprets, or 267
prescribes a policy or provision of the compact, or an 268
organizational, procedural, or practice requirement of the 269
interstate commission, and that has the force and effect of 270
statutory law in a compacting state, and includes the amendment, 271
repeal, or suspension of an existing rule. 272

(K) "State" means a state of the United States, the District 273
of Columbia or its designee, the Commonwealth of Puerto Rico, the 274
U.S. Virgin Islands, Guam, American Samoa, and the Northern 275
Marianas Islands. 276

Article III -- Interstate Commission for Juveniles 277

(A) The compacting states hereby create the "interstate 278
commission for juveniles." The commission shall be a body 279
corporate and joint agency of the compacting states. The 280
commission shall have all the responsibilities, powers, and duties 281
set forth in this compact, and any additional powers that may be 282
conferred upon it by subsequent action of the respective 283
legislatures of the compacting states in accordance with the terms 284
of this compact. 285

(B) The interstate commission shall consist of commissioners 286
appointed by the appropriate appointing authority in each state 287
pursuant to the rules and requirements of each compacting state 288
and in consultation with the state council for interstate juvenile 289
supervision created in the state in accordance with this compact. 290
The commissioners are the voting representatives of each state. 291
The commissioner for a state shall be the compact administrator or 292
designee from that state who shall serve on the interstate 293
commission in such capacity under or pursuant to the applicable 294
law of the compacting state. 295

(C) In addition to the commissioners, the interstate 296
commission also shall include individuals who are not 297
commissioners but who are members of interested organizations. The 298
noncommissioner members shall include a member of the national 299
organizations of governors, legislators, state chief justices, 300
attorneys general, interstate compact for adult offender 301
supervision, interstate compact for the placement of children, 302
juvenile justice and juvenile corrections officials, and crime 303
victims. All noncommissioner members of the interstate commission 304
shall be ex officio, nonvoting members. The interstate commission 305
may provide in its bylaws for such additional ex officio, 306
nonvoting members, including members of other national 307
organizations, in such numbers as shall be determined by the 308
commission. 309

(D) Each compacting state represented at any meeting of the 310
interstate commission is entitled to one vote. A majority of the 311
compacting states shall constitute a quorum for the transaction of 312
business, unless a larger quorum is required by the bylaws of the 313
interstate commission. 314

(E) The interstate commission shall meet at least once each 315
calendar year. The chairperson may call additional meetings and, 316
upon the request of a simple majority of the compacting states, 317
shall call additional meetings. Public notice shall be given of 318
all meetings, and all meetings, shall be open to the public. 319

(F) The interstate commission shall establish an executive 320
committee, which shall include commission officers, members, and 321
others as determined by the interstate commission's bylaws. The 322
executive committee shall have the power to act on behalf of the 323
interstate commission during periods when the interstate 324
commission is not in session, with the exception of any rulemaking 325
or amendment to the compact. The executive committee shall do all 326
of the following: 327

(1) Oversee the day-to-day activities of the administration of the compact, managed by an executive director and interstate commission staff; 328
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(2) Administer enforcement and compliance with the provisions of this compact and the interstate commission's bylaws and rules; 331
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(3) Perform any other duties as directed by the interstate commission or set forth in its bylaws. 333
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(G) Each member of the interstate commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the interstate commission. A member shall vote in person and shall not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council for interstate juvenile supervision for the state, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The interstate commission's bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication. 335
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(H) 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 the information or official records would adversely affect personal privacy rights or proprietary interests. 348
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(I) Public notice shall be given of all meetings of the interstate commission, and all of its meetings shall be open to the public, except as set forth in the commission's rules or as otherwise provided in this compact. The interstate commission and 355
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<u>any of its committees may close a meeting to the public when it</u>	359
<u>determines by two-thirds vote that an open meeting would be likely</u>	360
<u>to do any of the following:</u>	361
<u>(1) Relate solely to the interstate commission's internal</u>	362
<u>personnel practices and procedures;</u>	363
<u>(2) Disclose matters specifically exempted from disclosure by</u>	364
<u>statute;</u>	365
<u>(3) Disclose trade secrets or commercial or financial</u>	366
<u>information that is privileged or confidential;</u>	367
<u>(4) Involve accusing any person of a crime or formally</u>	368
<u>censuring any person;</u>	369
<u>(5) Disclose information of a personal nature where</u>	370
<u>disclosure would constitute a clearly unwarranted invasion of</u>	371
<u>personal privacy;</u>	372
<u>(6) Disclose investigative records compiled for law</u>	373
<u>enforcement purposes;</u>	374
<u>(7) Disclose information contained in or related to</u>	375
<u>examination, operating, or condition reports prepared by, or on</u>	376
<u>behalf of or for the use of, the interstate commission with</u>	377
<u>respect to a regulated person or entity for the purpose of</u>	378
<u>regulation or supervision of such person or entity;</u>	379
<u>(8) Disclose information, the premature disclosure of which</u>	380
<u>would significantly endanger the stability of a regulated person</u>	381
<u>or entity;</u>	382
<u>(9) Specifically relate to the interstate commission's</u>	383
<u>issuance of a subpoena or its participation in a civil action or</u>	384
<u>other legal proceeding.</u>	385
<u>(J) For every meeting closed pursuant to division (I) of this</u>	386
<u>Article of this compact, the interstate commission's legal counsel</u>	387
<u>shall publicly certify that, in the legal counsel's opinion, the</u>	388

meeting may be closed to the public and shall reference each 389
relevant exemptive provision. The interstate commission shall keep 390
minutes that fully and clearly describe all matters discussed in 391
any meeting and that provide a full and accurate summary of any 392
actions taken, and the reasons for the actions, including a 393
description of each of the views expressed on any item and the 394
record of any roll call vote (reflected in the vote of each member 395
on the question). All documents considered in connection with any 396
action shall be identified in those minutes. 397

(K) The interstate commission shall collect standardized data 398
concerning the interstate movement of juveniles as directed 399
through its rules, which shall specify the data to be collected, 400
the means of collection and data exchange, and reporting 401
requirements. Such methods of data collection, exchange, and 402
reporting shall insofar as is reasonably possible conform to 403
up-to-date technology and coordinate the interstate commission's 404
information functions with the appropriate repository of records. 405

Article IV -- Powers and Duties of the Interstate Commission 406

The interstate commission shall maintain its corporate books 407
and records in accordance with its bylaws. 408

The interstate commission shall have all of the following 409
powers and duties: 410

(A) To provide for dispute resolution among compacting 411
states; 412

(B) To promulgate rules to affect the purposes and 413
obligations as enumerated in this compact, which rules shall have 414
the force and effect of statutory law and shall be binding in the 415
compacting states to the extent and in the manner provided in this 416
compact; 417

(C) To oversee, supervise, and coordinate the interstate 418
movement of juveniles, subject to the terms of this compact and 419

any bylaws adopted and rules promulgated by the interstate 420
commission; 421

(D) To enforce compliance with the provisions of this 422
compact, the rules promulgated by the interstate commission, and 423
the interstate commission's bylaws, using all necessary and proper 424
means, including but not limited to the use of judicial process; 425

(E) To establish and maintain offices, which shall be located 426
within one or more of the compacting states; 427

(F) To purchase and maintain insurance and bonds; 428

(G) To borrow, accept, hire, or contract for services of 429
personnel; 430

(H) To establish and appoint committees and hire staff that 431
it considers necessary for the carrying out of its functions, 432
including, but not limited to, an executive committee as required 433
by Article III of this compact, which executive committee shall 434
have the power to act on behalf of the interstate commission in 435
carrying out its powers and duties under this compact; 436

(I) To elect or appoint officers, attorneys, employees, 437
agents, or consultants, to fix their compensation, define their 438
duties, and determine their qualifications, and to establish the 439
interstate commission's personnel policies and programs relating 440
to, inter alia, conflicts of interest, rates of compensation, and 441
qualifications of personnel; 442

(J) To accept any and all donations and grants of money, 443
equipment, supplies, materials, and services and to receive, 444
utilize, and dispose of same; 445

(K) To lease, purchase, accept contributions or donations of, 446
or otherwise to own, hold, improve, or use any real property, 447
personal property, or mixed real and personal property; 448

(L) To sell, convey, mortgage, pledge, lease, exchange, 449

<u>abandon, or otherwise dispose of any real property, personal</u>	450
<u>property, or mixed real and personal property;</u>	451
<u>(M) To establish a budget and make expenditures and levy dues</u>	452
<u>as provided in Article VIII of this compact;</u>	453
<u>(N) To sue and be sued;</u>	454
<u>(O) To adopt a seal and bylaws governing the management and</u>	455
<u>operation of the interstate commission;</u>	456
<u>(P) To perform any functions that may be necessary or</u>	457
<u>appropriate to achieve the purposes of this compact;</u>	458
<u>(Q) To report annually to the legislatures, governors,</u>	459
<u>judiciary, and state councils for interstate juvenile supervision</u>	460
<u>of the compacting states concerning the activities of the</u>	461
<u>interstate commission during the preceding year, and with the</u>	462
<u>annual reports also including any recommendations that may have</u>	463
<u>been adopted by the interstate commission.</u>	464
<u>(R) To coordinate education, training, and public awareness</u>	465
<u>regarding the interstate movement of juveniles for officials</u>	466
<u>involved in such activity.</u>	467
<u>(S) To establish uniform standards of the reporting,</u>	468
<u>collecting and exchanging of data.</u>	469
<u>Article V -- Organization and Operation of the Interstate</u>	470
<u>Commission</u>	471
<u>Section A. Bylaws</u>	472
<u>The interstate commission, by a majority of the members</u>	473
<u>present and voting and within twelve months after the first</u>	474
<u>interstate commission meeting, shall adopt bylaws to govern its</u>	475
<u>conduct as may be necessary or appropriate to carry out the</u>	476
<u>purposes of this compact, including, but not limited to, bylaws</u>	477
<u>that do all of the following:</u>	478
<u>(1) Establish the fiscal year of the interstate commission;</u>	479

(2) Establish an executive committee and any other committees 480
that may be necessary; 481

(3) Provide for the establishment of committees governing any 482
general or specific delegation of any authority or function of the 483
interstate commission; 484

(4) Provide reasonable procedures for calling and conducting 485
meetings of the interstate commission and ensuring reasonable 486
notice of each such meeting; 487

(5) Establish the titles and responsibilities of the officers 488
of the interstate commission; 489

(6) Provide a mechanism for concluding the operations of the 490
interstate commission and the return of any surplus funds that may 491
exist upon the termination of this compact after the payment or 492
reserving of all of its debts and obligations, or both; 493

(7) Provide start-up rules for initial administration of this 494
compact; 495

(8) Establish standards and procedures for compliance and 496
technical assistance in carrying out this compact. 497

Section B. Officers and Staff 498

(1) The interstate commission, by a majority of the members, 499
shall elect annually from among its members a chairperson and a 500
vice chairperson, each of whom shall have such authority and 501
duties as may be specified in the interstate commission's bylaws. 502
The chairperson or, in the chairperson's absence or disability, 503
the vice chairperson shall preside at all meetings of the 504
interstate commission. The officers so elected shall serve without 505
compensation or remuneration from the interstate commission; 506
provided that, subject to the availability of budgeted funds, the 507
officers shall be reimbursed for any ordinary and necessary costs 508
and expenses incurred by them in the performance of their duties 509

and responsibilities as officers of the interstate commission. 510

(2) The interstate commission, through its executive committee, shall appoint or retain an executive director for such period, upon such terms and conditions, and for such compensation as the interstate commission considers appropriate. The executive director shall serve as secretary to the interstate commission but shall not be a member of the interstate commission. The executive director shall hire and supervise such other staff as may be authorized by the interstate commission. 511
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Section C. Qualified Immunity, Defense, and Indemnification 519

(1) Except as otherwise provided in this subsection, the interstate commission's executive director and each of its employees shall be immune from suit and liability, either personally or in the executive director's or employee's official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that the executive director or employee had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities. The executive director or an employee shall not be protected from suit or liability for any damage, loss, injury, or liability caused by the executive director's or employee's willful and wanton misconduct of any such person. 520
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(2) The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. Nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional 534
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or willful and wanton misconduct of any such person. 542

(3) Except as otherwise provided in this subsection, the 543
interstate commission shall defend the executive director or the 544
employees or representatives of the interstate commission and, 545
subject to the approval of the attorney general of the state 546
represented by any commissioner of a compacting state, shall 547
defend such commissioner or the commissioner's representatives or 548
employees in any civil action seeking to impose liability arising 549
out of any actual or alleged act, error, or omission that occurred 550
within the scope of interstate commission employment, duties, or 551
responsibilities, or that the defendant had a reasonable basis for 552
believing occurred within the scope of interstate commission 553
employment, duties, or responsibilities. The duty to defend 554
described in this division does not apply if the actual or alleged 555
act, error, or omission in question resulted from intentional or 556
willful and wanton misconduct on the part of the executive 557
director, employee, or representative of the interstate commission 558
or the commissioner of a compacting state or the commissioner's 559
representatives or employees. 560

(4) Except as otherwise provided in this subsection, the 561
interstate commission shall indemnify and hold the commissioner of 562
a compacting state, or the commissioner's representatives or 563
employees, or the interstate commission's representatives or 564
employees, harmless in the amount of any settlement or judgment 565
obtained against such persons arising out of any actual or alleged 566
act, error, or omission that occurred within the scope of 567
interstate commission employment, duties, or responsibilities, or 568
that such persons had a reasonable basis for believing occurred 569
within the scope of interstate commission employment, duties, or 570
responsibilities. The duty to indemnify and hold harmless 571
described in this division does not apply if the actual or alleged 572
act, error, or omission in question resulted from intentional or 573

willful and wanton misconduct on the part of the commissioner of a 574
compacting state or the commissioner's representatives or 575
employees or the interstate commission's representatives or 576
employees. 577

Article VI -- Rulemaking Functions of the Interstate Commission 578

(A) The interstate commission shall promulgate and publish 579
rules in order to effectively and efficiently achieve the purposes 580
of this compact. 581

(B) Rulemaking shall occur pursuant to the criteria set forth 582
in this Article and the bylaws and rules adopted pursuant thereto. 583
The rulemaking shall substantially conform to the principles of 584
the "Model State Administrative Procedures Act," 1981 Act, Uniform 585
Laws Annotated, Vol. 15, p. 1 (2000), or another administrative 586
procedures act, as the interstate commission determines 587
appropriate consistent with due process requirements under the 588
United States Constitution as now or hereafter interpreted by the 589
United States Supreme Court. All rules and amendments shall become 590
binding as of the date specified, as published with the final 591
version of the rule as approved by the interstate commission. 592

(C) When promulgating a rule, the interstate commission, at a 593
minimum, shall do all of the following: 594

(1) Publish the proposed rule's entire text stating the 595
reason or reasons for that proposed rule; 596

(2) Allow and invite any and all persons to submit written 597
data, facts, opinions, and arguments, which information shall be 598
added to the record and be made publicly available; 599

(3) Provide an opportunity for an informal hearing, if 600
petitioned by ten or more persons; 601

(4) Promulgate a final rule and its effective date, if 602
appropriate, based on input from state or local officials, or 603
interested parties. 604

(D) When the interstate commission promulgates a rule, not later than sixty days after the 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 in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this division, evidence is substantial if it would be considered substantial evidence under the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000).

(E) If a majority of the legislatures of the compacting states rejects a rule, those states, by enactment of a statute or resolution in the same manner used to adopt the compact, may cause that such rule shall have no further force and effect in any compacting state.

(F) The existing rules governing the operation of the interstate compact on juveniles that is superseded by this compact shall be null and void twelve months after the first meeting of the interstate commission created under this compact.

(G) Upon determination by the interstate commission that a state of emergency exists, it may promulgate an emergency rule. An emergency rule so promulgated shall become effective immediately upon adoption, provided that the usual rulemaking procedures specified in this Article shall be retroactively applied to the emergency rule as soon as reasonably possible, but not later than ninety days after the effective date of the emergency rule.

Article VII -- Oversight, Enforcement, and Dispute Resolution by the Interstate Commission

A Oversight and Enforcement

(1) The interstate commission shall oversee the 637
administration and operations of the interstate movement of 638
juveniles subject to this compact in the compacting states and 639
shall monitor such activities being administered in noncompacting 640
states that may significantly affect compacting states. 641

(2) The courts and executive agencies in each compacting 642
state shall enforce this compact and shall take all actions 643
necessary and appropriate to effectuate this compact's purposes 644
and intent. The provisions of this compact and the rules 645
promulgated under it shall be received by all the judges, public 646
officers, commissions, and departments of the state government as 647
evidence of the authorized statute and administrative rules. All 648
courts shall take judicial notice of the compact and the rules. In 649
any judicial or administrative proceeding in a compacting state 650
pertaining to the subject matter of this compact that may affect 651
the powers, responsibilities, or actions of the interstate 652
commission, the interstate commission shall be entitled to receive 653
all service of process in the proceeding and shall have standing 654
to intervene in the proceeding for all purposes. 655

Section B. Dispute Resolution 656

(1) The compacting states shall report to the interstate 657
commission on all issues and activities necessary for the 658
administration of this compact and on all issues and activities 659
pertaining to compliance with the provisions of this compact and 660
the interstate commission's bylaws and rules. 661

(2) The interstate commission, upon the request of a 662
compacting state, shall attempt to resolve any disputes or other 663
issues that are subject to this compact and that may arise among 664
compacting states and between compacting and non-compacting 665
states. The interstate commission shall promulgate a rule 666
providing for both mediation and binding dispute resolution for 667
disputes among the compacting states. 668

(3) The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in Article XI of this compact. 669
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Article VIII -- Finance 673

(A) The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities. 674
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(B) 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 each compacting state and the volume of interstate movement of juveniles in each compacting state. The interstate commission shall promulgate a rule binding upon all compacting states that governs the assessment. 677
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(C) The interstate commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the obligations. The interstate commission shall not pledge the credit of any of the compacting states, except by and with the authority of the compacting state. 689
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(D) 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 694
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and become part of the annual report of the interstate commission. 701

Article IX -- The State Council 702

Each compacting state shall create a state council for 703
interstate juvenile supervision. While each compacting state may 704
determine the membership of its own state council, its membership 705
must include at least one representative from the legislative, 706
judicial, and executive branches of government, victims groups, 707
and the compact administrator or designee. Each compacting state 708
retains the right to determine the qualifications of the compact 709
administrator for the state. Each state council shall advise and 710
may exercise oversight and advocacy concerning that state's 711
participation in interstate commission activities and other duties 712
as may be determined by that state, including but not limited to, 713
development of policy concerning operations and procedures of the 714
compact within that state. 715

Article X - Compacting States, Effective Date, and Amendment 716

(A) Any state, as defined in Article II of this compact, is 717
eligible to become a compacting state. 718

(B) This compact shall become effective and binding upon 719
legislative enactment of the compact into law by no less than 720
thirty-five of the states. The initial effective date shall be the 721
later of July 1, 2004, or upon enactment into law by the 722
thirty-fifth jurisdiction. Thereafter, this compact shall become 723
effective and binding as to any other compacting state upon 724
enactment of this compact into law by that state. The governors of 725
non-compacting states or their designees shall be invited to 726
participate in the activities of the interstate commission on a 727
non-voting basis prior to adoption of this compact by all states. 728

(C) The interstate commission may propose amendments to this 729
compact for enactment by the compacting states. No amendment shall 730
become effective and binding upon the interstate commission and 731
the compacting states unless and until it is enacted into law by 732

unanimous consent of the compacting states. 733

Article XI - Withdrawal, Default, Termination, and Judicial 734

Enforcement 735

Section A. Withdrawal 736

(1) Once effective, this compact shall continue in force and 737
remain binding upon each and every compacting state, provided that 738
a compacting state may withdraw from this compact by specifically 739
repealing the statute that enacted this compact into law. 740

(2) The effective date of withdrawal of a compacting state is 741
the effective date of the state's repeal of the statute that 742
enacted this compact into law. 743

(3) A compacting state that withdraws from this compact shall 744
immediately notify the chairperson of the interstate commission in 745
writing upon the introduction of legislation repealing this 746
compact in the withdrawing state. The interstate commission shall 747
notify the other compacting states of the withdrawing state's 748
intent to withdraw within sixty days of the interstate 749
commission's receipt of the notice from the withdrawing state. 750

(4) A compacting state that withdraws from this compact is 751
responsible for all assessments, obligations, and liabilities 752
incurred through the effective date of withdrawal, including any 753
obligations, the performance of which extend beyond the effective 754
date of withdrawal. 755

(5) If a compacting state withdraws from this compact, 756
reinstatement of the withdrawing state following withdrawal shall 757
occur upon the withdrawing state reenacting this compact or upon 758
such later date as determined by the interstate commission. 759

Section B. Technical Assistance, Fines, Suspension, 760
Termination, and Default 761

(1) If the interstate commission determines that any 762

compacting state has at any time defaulted in the performance of 763
any of its obligations or responsibilities under this compact, or 764
under the interstate commission's bylaws or duly promulgated 765
rules, the interstate commission may impose one or more of the 766
following penalties: 767

(a) Remedial training and technical assistance as directed by 768
the interstate commission; 769

(b) Alternative dispute resolution; 770

(c) Fines, fees, and costs in such amounts as are deemed to 771
be reasonable as fixed by the interstate commission; 772

(d) Suspension or termination of membership in this compact, 773
provided that suspension or termination of membership shall be 774
imposed only after all other reasonable means of securing 775
compliance under the bylaws and rules have been exhausted and the 776
interstate commission has therefore determined that the offending 777
state is in default. Immediate notice of suspension shall be given 778
by the interstate commission to the governor of the defaulting 779
state, its chief justice or the chief judicial officer, the 780
majority and minority leaders of its state legislature, and the 781
state council for interstate juvenile supervision. The grounds for 782
default include, but are not limited to, failure of a compacting 783
state to perform such obligations or responsibilities imposed upon 784
it by this compact, by the interstate commission's bylaws, or by 785
its duly promulgated rules, and any other grounds designated in 786
commission bylaws and rules. The interstate commission shall 787
immediately notify the defaulting state in writing of the penalty 788
imposed by the interstate commission and of the default pending a 789
cure of the default. The interstate commission shall stipulate the 790
conditions and the time period within which the defaulting state 791
must cure its default. If the defaulting state fails to cure the 792
default within the time period specified by the interstate 793
commission, the defaulting state shall be terminated from this 794

compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination. 795
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(2) Within sixty days of the effective date of termination of a defaulting compacting state, the interstate commission shall notify the defaulting state's governor, its chief justice or chief judicial officer, the majority and minority leaders of its state legislature, and the state council for interstate juvenile supervision of the termination. 799
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(3) A defaulting compacting 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. 805
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(4) The interstate commission shall not bear any costs relating to a defaulting compacting state unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state. 810
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(5) If a defaulting compacting state is terminated, reinstatement of the defaulting state following termination requires both a reenactment of the compact by the defaulting state and the approval of the interstate commission pursuant to its rules. 814
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Section C. Judicial Enforcement 819

The interstate commission, by majority vote of the members, may initiate legal action against any compacting state to enforce compliance with the provisions of this compact, and the interstate commission's duly promulgated rules and bylaws. Any such action, if initiated, shall be initiated in the United States district court for the District of Columbia or, at the discretion of the 820
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interstate commission, in the federal district where the 826
interstate commission has its offices. In the event judicial 827
enforcement is necessary, the prevailing party shall be awarded 828
all costs of the litigation including reasonable attorney's fees. 829

D Dissolution of Compact 830

(1) This compact dissolves effective upon the date of the 831
withdrawal or default of the compacting state, which reduces 832
membership in this compact to one compacting state. 833

(2) Upon the dissolution of this compact, the compact becomes 834
null and void and shall be of no further force or effect, the 835
business and affairs of the interstate commission shall be 836
concluded, and any surplus funds shall be distributed in 837
accordance with the interstate commission's bylaws. 838

Article XII - Severability and Construction 839

(A) The provisions of this compact shall be severable, and if 840
any phrase, clause, sentence, or provision is deemed 841
unenforceable, the remaining provisions of the compact shall be 842
enforceable. 843

(B) The provisions of this compact shall be liberally 844
construed to effectuate its purposes. 845

Article XIII - Binding Effect of Compact and Other Laws 846

Section A. Other Laws 847

(1) Nothing in this compact prevents the enforcement of any 848
other law of a compacting state that is not inconsistent with this 849
compact. 850

(2) All compacting states' laws, other than state 851
constitutions and other interstate compacts, conflicting with this 852
compact are superseded to the extent of the conflict. 853

Section B. Binding Effect of the Compact 854

(1) All lawful actions of the interstate commission, 855

including all rules and bylaws promulgated by the interstate 856
commission, are binding upon the compacting states. 857

(2) All agreements between the interstate commission and the 858
compacting states are binding in accordance with their terms. 859

(3) Upon the request of a party to a conflict over the 860
meaning or interpretation of interstate commission actions, and 861
upon a majority vote of the compacting states, the interstate 862
commission may issue advisory opinions regarding that meaning or 863
interpretation. 864

(4) In the event any provision of this compact exceeds the 865
constitutional limits imposed on the legislature of any compacting 866
state, the obligations, duties, powers, or jurisdiction sought to 867
be conferred by that provision upon the interstate commission 868
shall be ineffective and such obligations, duties, powers, or 869
jurisdiction shall remain in the compacting state and shall be 870
exercised by the agency of that state to which such obligations, 871
duties, powers, or jurisdiction are delegated by law in effect at 872
the time this compact becomes effective. 873

Article XIV - Financial Reimbursement 874

The state agency responsible for administering this compact 875
shall have the legal authority to recoup fines, fees and costs 876
imposed by the interstate commission as stated in Article XI, 877
Section B, Subsection (1)(c) of this compact when the default in 878
performance is the result of a decision made by an entity outside 879
the jurisdiction of the agency administering this compact. 880

Sec. 2151.57. (A) As used in sections 2151.57 to 2151.59 of 881
the Revised Code: 882

(1) "Interstate compact for juveniles" means the interstate 883
compact for juveniles ratified, enacted into law, and entered into 884
by this state pursuant to section 2151.56 of the Revised Code. 885

(2) "Bylaws," "commissioner," "compact administrator," and "interstate commission for juveniles" have the same meanings as in section 2151.56 of the Revised Code. 886
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(B) The state council for interstate juvenile supervision is hereby established within the department of youth services. The council shall consist of the following members: 889
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(1) One member who is the compact administrator or the designee of the compact administrator; 892
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(2) One member of the house of representatives appointed by the speaker of the house of representatives; 894
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(3) One member of the senate appointed by the president of the senate; 896
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(4) One member who is a representative of the executive branch of state government, in addition to the member described in division (B)(1) of this section, appointed by the governor; 898
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(5) One member who is a representative of the judiciary, who shall be a juvenile court judge appointed by the chief justice of the supreme court; 901
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(6) One member who is a person who represents an organization that advocates for the rights of victims of crime or a delinquent act, appointed by the governor. 904
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(C) The state council for interstate juvenile supervision shall advise and may exercise oversight and advocacy concerning this state's participation in activities of the interstate commission for juveniles, shall develop policy for this state concerning operations and procedures of the interstate compact for juveniles within this state, and shall perform other duties assigned to state councils under that compact. 907
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Sec. 2151.58. (A) The governor shall appoint the director of youth services as the compact administrator for the interstate 914
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compact for juveniles. 916

(B) The governor shall appoint the compact administrator or 917
shall allow the compact administrator to appoint a designee to 918
serve as the commissioner from this state on the interstate 919
commission for juveniles. 920

Sec. 2151.59. (A) The department of youth services is the 921
state agency responsible for administering the interstate compact 922
for juveniles in this state. 923

(B) The department of youth services shall pay all of the 924
following: 925

(1) The annual assessment charged to this state for 926
participating in the interstate compact for juveniles; 927

(2) All fines, fees, or costs assessed against this state by 928
the interstate commission for juveniles for any default in the 929
performance of this state's obligations or responsibilities under 930
the compact, the bylaws, or rules duly promulgated under the 931
compact. 932

Sec. 2152.26. (A) Except as provided in divisions (B) and (F) 933
of this section, a child alleged to be or adjudicated a delinquent 934
child or a juvenile traffic offender may be held only in the 935
following places: 936

(1) A certified foster home or a home approved by the court; 937

(2) A facility operated by a certified child welfare agency; 938

(3) Any other suitable place designated by the court. 939

(B) In addition to the places listed in division (A) of this 940
section, a child alleged to be or adjudicated a delinquent child 941
may be held in a detention facility for delinquent children that 942
is under the direction or supervision of the court or other public 943

authority or of a private agency and approved by the court and a 944
child adjudicated a delinquent child may be held in accordance 945
with division (F)(2) of this section in a facility of a type 946
specified in that division. Division (B) of this section does not 947
apply to a child alleged to be or adjudicated a delinquent child 948
for chronic truancy, unless the child violated a lawful court 949
order made pursuant to division (A)(6) of section 2152.19 of the 950
Revised Code. Division (B) of this section also does not apply to 951
a child alleged to be or adjudicated a delinquent child for being 952
an habitual truant who previously has been adjudicated an unruly 953
child for being an habitual truant, unless the child violated a 954
lawful court order made pursuant to division (C)(1)(e) of section 955
2151.354 of the Revised Code. 956

(C)(1) Except as provided under division (C)(1) of section 957
2151.311 of the Revised Code or division (A)(5) of section 2152.21 958
of the Revised Code, a child alleged to be or adjudicated a 959
juvenile traffic offender may not be held in any of the following 960
facilities: 961

(a) A state correctional institution, county, multicounty, or 962
municipal jail or workhouse, or other place in which an adult 963
convicted of crime, under arrest, or charged with a crime is held. 964

(b) A secure correctional facility. 965

(2) Except as provided under this section, sections 2151.56 966
to ~~2151.61~~ 2151.59, and divisions (A)(5) and (6) of section 967
2152.21 of the Revised Code, a child alleged to be or adjudicated 968
a juvenile traffic offender may not be held for more than 969
twenty-four hours in a detention facility. 970

(D) Except as provided in division (F) of this section or in 971
division (C) of section 2151.311, in division (C)(2) of section 972
5139.06 and section 5120.162, or in division (B) of section 973
5120.16 of the Revised Code, a child who is alleged to be or is 974

adjudicated a delinquent child may not be held in a state 975
correctional institution, county, multicounty, or municipal jail 976
or workhouse, or other place where an adult convicted of crime, 977
under arrest, or charged with crime is held. 978

(E) Unless the detention is pursuant to division (F) of this 979
section or division (C) of section 2151.311, division (C)(2) of 980
section 5139.06 and section 5120.162, or division (B) of section 981
5120.16 of the Revised Code, the official in charge of the 982
institution, jail, workhouse, or other facility shall inform the 983
court immediately when a child, who is or appears to be under the 984
age of eighteen years, is received at the facility, and shall 985
deliver the child to the court upon request or transfer the child 986
to a detention facility designated by the court. 987

(F)(1) If a case is transferred to another court for criminal 988
prosecution pursuant to section 2152.12 of the Revised Code, the 989
child may be transferred for detention pending the criminal 990
prosecution in a jail or other facility in accordance with the law 991
governing the detention of persons charged with crime. Any child 992
so held shall be confined in a manner that keeps the child beyond 993
the range of touch of all adult detainees. The child shall be 994
supervised at all times during the detention. 995

(2) If a person is adjudicated a delinquent child or juvenile 996
traffic offender and the court makes a disposition of the person 997
under this chapter, at any time after the person attains eighteen 998
years of age, the person may be held under that disposition in 999
places other than those specified in division (A) of this section, 1000
including, but not limited to, a county, multicounty, or municipal 1001
jail or workhouse, or other place where an adult convicted of 1002
crime, under arrest, or charged with crime is held. 1003

(3)(a) A person alleged to be a delinquent child may be held 1004
in places other than those specified in division (A) of this 1005
section, including, but not limited to, a county, multicounty, or 1006

municipal jail, if the delinquent act that the child allegedly committed would be a felony if committed by an adult, and if either of the following applies:

(i) The person attains eighteen years of age before the person is arrested or apprehended for that act.

(ii) The person is arrested or apprehended for that act before the person attains eighteen years of age, but the person attains eighteen years of age before the court orders a disposition in the case.

(b) If, pursuant to division (F)(3)(a) of this section, a person is held in a place other than a place specified in division (A) of this section, the person has the same rights to bail as an adult charged with the same offense who is confined in a jail pending trial.

Section 2. That existing sections 2151.312, 2151.354, and 2152.26 and sections 2151.56, 2151.57, 2151.58, 2151.59, 2151.60, and 2151.61 of the Revised Code are hereby repealed.

Section 3. Upon the effective date of this act, the versions of sections 2151.56, 2151.57, 2151.58, and 2151.59 of the Revised Code enacted in Section 1 of this act will replace the versions of those sections, and the versions of sections 2151.60 and 2151.61 of the Revised Code, in effect on the day immediately preceding the effective date of this act.

Section 4. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that Ohio is one of only five states that have not yet enacted the Interstate Compact for Juveniles, which in most states has replaced the Interstate Compact on Juveniles. The rule that allows Ohio to cooperate with the member states of the new compact in the

supervision of delinquent youth and the return of escapees, 1037
absconders, and runaways will expire on June 30, 2011. It is 1038
imperative that this act take effect by that date. Therefore, this 1039
act shall go into immediate effect. 1040