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CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1053

Introduced by Assembly Member Solorio

February 27, 2009

An act to add Section 1766.2 to, to add *and repeal* Chapter 4 (commencing with Section 1400) ~~to~~ of Part 1 of Division 2 of, and to repeal Chapter 4 (commencing with Section 1300) of Part 1 of Division 2 of, the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1053, as amended, Solorio. Juveniles.

Existing law establishes the Interstate Compact on Juveniles. *The compact sets forth the agreement between the contracting states regarding the supervision of delinquent juveniles, including the procedure for the return of runaways and escapees.*

This bill would repeal the Interstate Compact on Juveniles and instead enact, *only until January 1, 2012*, the Interstate Compact for Juveniles. This compact would make the state subject to rules and regulations having the force and effect of statutory law governing the supervision or return of juvenile offenders, including status offenders, in the compacting states as developed at a future date by the Interstate Commission for Juveniles, except when a provision exceeds the constitutional limits imposed on the Legislature, or as specified. The

commission consists of commissioners appointed as specified in each compacting state. *Any state and any one of specified United States territories is eligible to become a compacting state. Each compacting state represented at any meeting of the commission is entitled to one vote.* The compact would also require the state to create a State Council for Interstate Juvenile Supervision that would exercise related duties, as specified. The bill would authorize the commission to levy and collect an annual assessment from the state and the other compacting states to cover the cost of the internal operations and activities of the commission and its staff *based upon a formula to be determined by the commission, that takes into consideration, among other things, the population of each compacting state.* The bill would also authorize the commission to impose penalties on the state, including fines, fees, and costs, for default in the performance of the state's obligations under the compact, as determined by the commission. The bill would provide that the compact administrator, *as defined, in this state* would be the ~~Chief Deputy Secretary for Juvenile Justice~~ *executive director of the Corrections Standards Authority.* The bill would require that executive director to convene an executive steering committee to review and make recommendations regarding the compact, as specified. The bill would also require the Corrections Standards Authority to present the committee's final report to the Legislature by January 1, 2011.

Because the compact took effect upon the later of July 1, 2004, or upon enactment into law by the 35th jurisdiction, as specified, and because the latter event has occurred, if this bill is enacted, the compact would be binding upon the state, except as specified.

Existing law requires the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, not less than 30 days prior to the scheduled parole consideration hearing of a ward eligible for release on parole on or after September 1, 2007, as specified, to notify the ward of the date and location of the parole consideration hearing. Existing law provides that the ward has the right to contact his or her parent or guardian to inform the parent or guardian of the date and location of the parole consideration hearing, and to inform other persons identified by the ward who are considered by the division as likely to contribute to a ward's preparation for the parole consideration hearing or the ward's postrelease success. An appropriate staff person is required, on specified occasions, to explain these rights to the ward. The committing court is required, within 15 court days of the release by the division of the ward, to convene a reentry disposition hearing

for the ward to identify those conditions of probation that are appropriate under all the circumstances of the case, including incorporating a reentry plan. The county of commitment is required to supervise the reentry of those wards. However, none of these provisions apply to a ward who was committed to the custody of the division for specified offenses, including murder, kidnapping, and certain sex offenses.

This bill would require the division to place all applicable wards, as defined, in its custody on supervised parole within the period of 120 to 90 days prior to the date of release from custody, as specified, or within the period of 120 to 90 days prior to completion of the maximum period of confinement, as specified, whichever comes first. This bill would provide that these provisions do not apply when a petition or order for further detention has been requested, as provided. This bill would also provide that a ward who has been released under these provisions shall be subject to revocation of parole for alleged violations committed during the release period.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 4 (commencing with Section 1300) of
2 Part 1 of Division 2 of the Welfare and Institutions Code is
3 repealed.

4 SEC. 2. Chapter 4 (commencing with Section 1400) is added
5 to Part 1 of Division 2 of the Welfare and Institutions Code, to
6 read:

7
8 CHAPTER 4. THE INTERSTATE COMPACT FOR JUVENILES
9

10 1400. THE INTERSTATE COMPACT FOR JUVENILES

11
12 ARTICLE I
13 PURPOSE
14

15 The compacting states to this Interstate Compact recognize that
16 each state is responsible for the proper supervision or return of
17 juveniles, delinquents, and status offenders who are on probation
18 or parole and who have absconded, escaped, or run away from
19 supervision and control and in so doing have endangered their own

1 safety and the safety of others. The compacting states also
2 recognize that each state is responsible for the safe return of
3 juveniles who have run away from home and in doing so have left
4 their state of residence. The compacting states also recognize that
5 Congress, by enacting the Crime Control Act (4 U.S.C. Sec. 112),
6 has authorized and encouraged compacts for cooperative efforts
7 and mutual assistance in the prevention of crime.

8 It is the purpose of this compact, through means of joint and
9 cooperative action among the compacting states to: (a) ensure that
10 the adjudicated juveniles and status offenders subject to this
11 compact are provided adequate supervision and services in the
12 receiving state as ordered by the adjudicating judge or parole
13 authority in the sending state; (b) ensure that the public safety
14 interests of the citizens, including the victims of juvenile offenders,
15 in both the sending and receiving states are adequately protected;
16 (c) return juveniles who have run away, absconded, or escaped
17 from supervision or control or have been accused of an offense to
18 the state requesting their return; (d) make contracts for the
19 cooperative institutionalization in public facilities in member states
20 for delinquent youth needing special services; (e) provide for the
21 effective tracking and supervision of juveniles; (f) equitably
22 allocate the costs, benefits, and obligations of the compacting
23 states; (g) establish procedures to manage the movement between
24 states of juvenile offenders released to the community under the
25 jurisdiction of courts, juvenile departments, or any other criminal
26 or juvenile justice agency which has jurisdiction over juvenile
27 offenders; (h) insure immediate notice to jurisdictions where
28 defined offenders are authorized to travel or to relocate across state
29 lines; (i) establish procedures to resolve pending charges (detainers)
30 against juvenile offenders prior to transfer or release to the
31 community under the terms of this compact; (j) establish a system
32 of uniform data collection on information pertaining to juveniles
33 subject to this compact that allows access by authorized juvenile
34 justice and criminal justice officials, and regular reporting of
35 compact activities to heads of state executive, judicial, and
36 legislative branches and juvenile and criminal justice
37 administrators; (k) monitor compliance with rules governing
38 interstate movement of juveniles and initiate interventions to
39 address and correct noncompliance; (l) coordinate training and
40 education regarding the regulation of interstate movement of

1 juveniles for officials involved in such activity; and (m) coordinate
2 the implementation and operation of the compact with the Interstate
3 Compact for the Placement of Children, the Interstate Compact
4 for Adult Offender Supervision, and other compacts affecting
5 juveniles particularly in those cases where concurrent or
6 overlapping supervision issues arise. It is the policy of the
7 compacting states that the activities conducted by the Interstate
8 Commission created herein are the formation of public policies
9 and therefore are public business. Furthermore, the compacting
10 states shall cooperate and observe their individual and collective
11 duties and responsibilities for the prompt return and acceptance
12 of juveniles subject to the provisions of this compact. The
13 provisions of this compact shall be reasonably and liberally
14 construed to accomplish the purposes and policies of the compact.

15
16 ARTICLE II
17 DEFINITIONS
18

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

21 (a) "Bylaws" means those bylaws established by the Interstate
22 Commission for its governance, or for directing or controlling its
23 actions or conduct.

24 (b) "Compact Administrator" means the individual in each
25 compacting state appointed pursuant to the terms of this compact,
26 responsible for the administration and management of the state's
27 supervision and transfer of juveniles subject to the terms of this
28 compact, the rules adopted by the Interstate Commission, and
29 policies adopted by the State Council for Interstate Juvenile
30 Supervision under this compact.

31 (c) "Compacting state" means any state which has enacted the
32 enabling legislation for this compact.

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

35 (e) "Court" means any court having jurisdiction over delinquent,
36 neglected, or dependent children.

37 (f) "Deputy Compact Administrator" means the individual, if
38 any, in each compacting state appointed to act on behalf of a
39 Compact Administrator pursuant to the terms of this compact
40 responsible for the administration and management of the state's

1 supervision and transfer of juveniles subject to the terms of this
2 compact, the rules adopted by the Interstate Commission and
3 policies adopted by the State Council under this compact.

4 (g) “Interstate Commission” means the Interstate Commission
5 for Juveniles created by Article III of this compact.

6 (h) “Juvenile” means any person defined as a juvenile in any
7 member state or by the rules of the Interstate Commission,
8 including:

9 (1) “Accused delinquent” means a person charged with an
10 offense that, if committed by an adult, would be a criminal offense;

11 (2) “Adjudicated delinquent” means a person found to have
12 committed an offense that, if committed by an adult, would be a
13 criminal offense;

14 (3) “Accused status offender” means a person charged with an
15 offense that would not be a criminal offense if committed by an
16 adult;

17 (4) “Adjudicated status offender” means a person found to have
18 committed an offense that would not be a criminal offense if
19 committed by an adult; and

20 (5) “Non-offender” means a person in need of supervision who
21 has not been accused or adjudicated a status offender or delinquent.

22 (i) “Noncompacting state” means any state which has not
23 enacted the enabling legislation for this compact.

24 (j) “Probation or parole” means any kind of supervision or
25 conditional release of juveniles authorized under the laws of the
26 compacting states.

27 (k) “Rule” means a written statement by the Interstate
28 Commission promulgated pursuant to Article VI of this compact
29 that is of general applicability, implements, interprets or prescribes
30 a policy or provision of the compact, or an organizational,
31 procedural, or practice requirement of the commission, and has
32 the force and effect of statutory law in a compacting state, and
33 includes the amendment, repeal, or suspension of an existing rule.

34 (l) “State” means a state of the United States, the District of
35 Columbia (or its designee), the Commonwealth of Puerto Rico,
36 the United States Virgin Islands, Guam, American Samoa, and the
37 Northern Marianas Islands.

38 ARTICLE III

39 INTERSTATE COMMISSION FOR JUVENILES

1
2 (a) The compacting states hereby create the “Interstate
3 Commission for Juveniles.” The commission shall be a body
4 corporate and joint agency of the compacting states. The
5 commission shall have all the responsibilities, powers, and duties
6 set forth herein, and such additional powers as may be conferred
7 upon it by subsequent action of the respective legislatures of the
8 compacting states in accordance with the terms of this compact.

9 (b) The Interstate Commission shall consist of commissioners
10 appointed by the appropriate appointing authority in each state
11 pursuant to the rules and requirements of each compacting state
12 and in consultation with the State Council for Interstate Juvenile
13 Supervision created hereunder. The commissioner shall be the
14 compact administrator, deputy compact administrator, or designee
15 from that state who shall serve on the Interstate Commission in
16 such capacity under or pursuant to the applicable law of the
17 compacting state.

18 (c) In addition to the commissioners who are the voting
19 representatives of each state, the Interstate Commission shall
20 include individuals who are not commissioners, but who are
21 members of interested organizations. Such noncommissioner
22 members must include a member of the national organizations of
23 governors, legislators, state chief justices, attorneys general,
24 Interstate Compact for Adult Offender Supervision, Interstate
25 Compact for the Placement of Children, juvenile justice and
26 juvenile corrections officials, and crime victims. All
27 noncommissioner members of the Interstate Commission shall be
28 ex officio (nonvoting) members. The Interstate Commission may
29 provide in its bylaws for such additional ex officio (nonvoting)
30 members, including members of other national organizations, in
31 such numbers as shall be determined by the commission.

32 (d) Each compacting state represented at any meeting of the
33 commission is entitled to one vote. A majority of the compacting
34 states shall constitute a quorum for the transaction of business,
35 unless a larger quorum is required by the bylaws of the Interstate
36 Commission.

37 (e) The commission shall meet at least once each calendar year.
38 The chairperson may call additional meetings and, upon the request
39 of a simple majority of the compacting states, shall call additional

1 meetings. Public notice shall be given of all meetings and meetings
2 shall be open to the public.

3 (f) The Interstate Commission shall establish an executive
4 committee, which shall include commission officers, members,
5 and others as determined by the bylaws. The executive committee
6 shall have the power to act on behalf of the Interstate Commission
7 during periods when the Interstate Commission is not in session,
8 with the exception of rulemaking or amendment to the compact.
9 The executive committee shall oversee the day-to-day activities
10 of the administration of the compact managed by an executive
11 director and Interstate Commission staff, and the committee shall
12 administer enforcement and compliance with the provisions of the
13 compact, its bylaws and rules, and perform such other duties as
14 directed by the Interstate Commission or set forth in the bylaws.

15 (g) Each member of the Interstate Commission shall have the
16 right and power to cast a vote to which that compacting state is
17 entitled and to participate in the business and affairs of the
18 Interstate Commission. A member shall vote in person and shall
19 not delegate a vote to another compacting state. However, a
20 commissioner, in consultation with the state council, shall appoint
21 another authorized representative, in the absence of the
22 commissioner from that state, to cast a vote on behalf of the
23 compacting state at a specified meeting. The bylaws may provide
24 for members' participation in meetings by telephone or other means
25 of telecommunication or electronic communication.

26 (h) The Interstate Commission's bylaws shall establish
27 conditions and procedures under which the Interstate Commission
28 shall make its information and official records available to the
29 public for inspection or copying. The Interstate Commission may
30 exempt from disclosure any information or official records to the
31 extent they would adversely affect personal privacy rights or
32 proprietary interests.

33 (i) Public notice shall be given of all meetings and all meetings
34 shall be open to the public, except as set forth in the rules or as
35 otherwise provided in the compact. The Interstate Commission
36 and any of its committees may close a meeting to the public where
37 it determines by two-thirds vote that an open meeting would be
38 likely to:

39 (1) Relate solely to the Interstate Commission's internal
40 personnel practices and procedures.

1 (2) Disclose matters specifically exempted from disclosure by
2 statute.

3 (3) Disclose trade secrets or commercial or financial information
4 which is privileged or confidential.

5 (4) Involve accusing any person of a crime, or formally
6 censuring any person.

7 (5) Disclose information of a personal nature where disclosure
8 would constitute a clearly unwarranted invasion of personal
9 privacy.

10 (6) Disclose investigative records compiled for law enforcement
11 purposes.

12 (7) Disclose information contained in or related to examination,
13 operating or condition reports prepared by, or on behalf of or for
14 the use of, the Interstate Commission with respect to a regulated
15 person or entity for the purpose of regulation or supervision of
16 such person or entity.

17 (8) Disclose information, the premature disclosure of which
18 would significantly endanger the stability of a regulated person or
19 entity.

20 (9) Specifically relate to the Interstate Commission's issuance
21 of a subpoena, or its participation in a civil action or other legal
22 proceeding.

23 (j) For every meeting closed pursuant to this provision, the
24 Interstate Commission's legal counsel shall publicly certify that,
25 in the legal counsel's opinion, the meeting may be closed to the
26 public, and shall reference each relevant exemptive provision. The
27 Interstate Commission shall keep minutes which shall fully and
28 clearly describe all matters discussed in any meeting and shall
29 provide a full and accurate summary of any actions taken, and the
30 reasons therefore, including a description of each of the views
31 expressed on any item and the record of any roll call vote (reflected
32 in the vote of each member on the question). All documents
33 considered in connection with any action shall be identified in
34 such minutes.

35 (k) The Interstate Commission shall collect standardized data
36 concerning the interstate movement of juveniles as directed through
37 its rules which shall specify the data to be collected, the means of
38 collection and data exchange and reporting requirements. Such
39 methods of data collection, exchange and reporting shall insofar
40 as is reasonably possible conform to up-to-date technology and

1 coordinate its information functions with the appropriate repository
2 of records.

3
4 ARTICLE IV
5 POWERS AND DUTIES OF THE INTERSTATE
6 COMMISSION
7

8 The commission shall have the following powers and duties:

9 (a) To provide for dispute resolution among compacting states.

10 (b) To promulgate rules to effect the purposes and obligations
11 as enumerated in this compact, which shall have the force and
12 effect of statutory law and shall be binding in the compacting states
13 to the extent and in the manner provided in this compact.

14 (c) To oversee, supervise, and coordinate the interstate
15 movement of juveniles subject to the terms of this compact and
16 any bylaws adopted and rules promulgated by the Interstate
17 Commission.

18 (d) To enforce compliance with the compact provisions, the
19 rules promulgated by the Interstate Commission, and the bylaws,
20 using all necessary and proper means, including but not limited to
21 the use of judicial process.

22 (e) To establish and maintain offices which shall be located
23 within one or more of the compacting states.

24 (f) To purchase and maintain insurance and bonds.

25 (g) To borrow, accept, hire, or contract for services of personnel.

26 (h) To establish and appoint committees and hire staff which it
27 deems necessary for the carrying out of its functions including,
28 but not limited to, an executive committee as required by Article
29 III which shall have the power to act on behalf of the Interstate
30 Commission in carrying out its powers and duties hereunder.

31 (i) To elect or appoint such officers, attorneys, employees,
32 agents, or consultants, and to fix their compensation, define their
33 duties and determine their qualifications, and to establish the
34 Interstate Commission's personnel policies and programs relating
35 to, inter alia, conflicts of interest, rates of compensation, and
36 qualifications of personnel.

37 (j) To accept any and all donations and grants of money,
38 equipment, supplies, materials, and services, and to receive, utilize,
39 and dispose of it.

1 (k) To lease, purchase, accept contributions or donations of, or
2 otherwise to own, hold, improve or use any property, real, personal,
3 or mixed.

4 (l) To sell, convey, mortgage, pledge, lease, exchange, abandon,
5 or otherwise dispose of any property, real, personal or mixed.

6 (m) To establish a budget and make expenditures and levy dues
7 as provided in Article VIII of this compact.

8 (n) To sue and be sued.

9 (o) To adopt a seal and bylaws governing the management and
10 operation of the Interstate Commission.

11 (p) To perform such functions as may be necessary or
12 appropriate to achieve the purposes of this compact.

13 (q) To report annually to the legislatures, governors, judiciary,
14 and state councils of the compacting states concerning the activities
15 of the Interstate Commission during the preceding year. Such
16 reports shall also include any recommendations that may have
17 been adopted by the Interstate Commission.

18 (r) To coordinate education, training, and public awareness
19 regarding the interstate movement of juveniles for officials
20 involved in such activity.

21 (s) To establish uniform standards of the reporting, collecting,
22 and exchanging of data.

23 (t) The Interstate Commission shall maintain its corporate books
24 and records in accordance with the bylaws.

25
26 ARTICLE V
27 ORGANIZATION AND OPERATION OF THE INTERSTATE
28 COMMISSION
29

30 (a) Section A. Bylaws. The Interstate Commission shall, by a
31 majority of the members present and voting, within 12 months
32 after the first Interstate Commission meeting, adopt bylaws to
33 govern its conduct as may be necessary or appropriate to carry out
34 the purposes of the compact, including, but not limited to:

35 (1) Establishing the fiscal year of the Interstate Commission.

36 (2) Establishing an executive committee and such other
37 committees as may be necessary.

38 (3) Provide for the establishment of committees governing any
39 general or specific delegation of any authority or function of the
40 Interstate Commission.

1 (4) Providing reasonable procedures for calling and conducting
2 meetings of the Interstate Commission, and ensuring reasonable
3 notice of each such meeting.

4 (5) Establishing the titles and responsibilities of the officers of
5 the Interstate Commission.

6 (6) Providing a mechanism for concluding the operations of the
7 Interstate Commission and the return of any surplus funds that
8 may exist upon the termination of the compact after the payment
9 or reserving of all of its debts and obligations.

10 (7) Providing “start-up” rules for initial administration of the
11 compact.

12 (8) Establishing standards and procedures for compliance and
13 technical assistance in carrying out the compact.

14 (b) Section B. Officers and Staff

15 (1) The Interstate Commission shall, by a majority of the
16 members, elect annually from among its members a chairperson
17 and a vice chairperson, each of whom shall have such authority
18 and duties as may be specified in the bylaws. The chairperson or,
19 in the chairperson’s absence or disability, the vice-chairperson
20 shall preside at all meetings of the Interstate Commission. The
21 officers so elected shall serve without compensation or
22 remuneration from the Interstate Commission; provided that,
23 subject to the availability of budgeted funds, the officers shall be
24 reimbursed for any ordinary and necessary costs and expenses
25 incurred by them in the performance of their duties and
26 responsibilities as officers of the Interstate Commission.

27 (2) The Interstate Commission shall, through its executive
28 committee, appoint or retain an executive director for such period,
29 upon such terms and conditions and for such compensation as the
30 Interstate Commission may deem appropriate. The executive
31 director shall serve as secretary to the Interstate Commission, but
32 shall not be a member and shall hire and supervise such other staff
33 as may be authorized by the Interstate Commission.

34 (c) Section C. Qualified Immunity, Defense, and Indemnification

35 (1) The commission’s executive director and employees shall
36 be immune from suit and liability, either personally or in their
37 official capacity, for any claim for damage to or loss of property
38 or personal injury or other civil liability caused or arising out of
39 or relating to any actual or alleged act, error, or omission that
40 occurred, or that such person had a reasonable basis for believing

1 occurred within the scope of commission employment, duties, or
2 responsibilities, provided, that any such person shall not be
3 protected from suit or liability for any damage, loss, injury, or
4 liability caused by the intentional or willful and wanton misconduct
5 of any such person.

6 (2) The liability of any commissioner, or the employee or agent
7 of a commissioner, acting within the scope of such person's
8 employment or duties for acts, errors, or omissions occurring within
9 such person's state may not exceed the limits of liability set forth
10 under the United States Constitution and laws of that state for state
11 officials, employees, and agents. Nothing in this paragraph shall
12 be construed to protect any such person from suit or liability for
13 any damage, loss, injury, or liability caused by the intentional or
14 willful and wanton misconduct of any such person.

15 (3) The Interstate Commission shall defend the executive
16 director or the employees or representatives of the Interstate
17 Commission and, subject to the approval of the Attorney General
18 of the state represented by any commissioner of a compacting
19 state, shall defend such commissioner or the commissioner's
20 representatives or employees in any civil action seeking to impose
21 liability arising out of any actual or alleged act, error or omission
22 that occurred within the scope of Interstate Commission
23 employment, duties or responsibilities, or that the defendant had
24 a reasonable basis for believing occurred within the scope of
25 Interstate Commission employment, duties, or responsibilities,
26 provided that the actual or alleged act, error, or omission did not
27 result from intentional or willful and wanton misconduct on the
28 part of such person.

29 (4) The Interstate Commission shall indemnify and hold the
30 commissioner of a compacting state, or the commissioner's
31 representatives or employees, or the Interstate Commission's
32 representatives or employees, harmless in the amount of any
33 settlement or judgment obtained against such persons arising out
34 of any actual or alleged act, error, or omission that occurred within
35 the scope of Interstate Commission employment, duties, or
36 responsibilities, or that such persons had a reasonable basis for
37 believing occurred within the scope of Interstate Commission
38 employment, duties, or responsibilities, provided that the actual
39 or alleged act, error, or omission did not result from intentional or
40 willful and wanton misconduct on the part of such persons.

1
2 ARTICLE VI
3 RULEMAKING FUNCTIONS OF THE INTERSTATE
4 COMMISSION
5

6 (a) The Interstate Commission shall promulgate and publish
7 rules in order to effectively and efficiently achieve the purposes
8 of the compact.

9 (b) Rulemaking shall occur pursuant to the criteria set forth in
10 this article and the bylaws and rules adopted pursuant thereto. Such
11 rulemaking shall substantially conform to the principles of the
12 “Model State Administrative Procedures Act,” 1981 Act, Uniform
13 Laws Annotated, Vol. 15, p.1 (2000), or such other administrative
14 procedures act, as the Interstate Commission deems appropriate
15 consistent with the due process requirements under the United
16 States Constitution as now or hereafter interpreted by the United
17 States Supreme Court. All rules and amendments shall become
18 binding as of the date specified, as published with the final version
19 of the rule as approved by the commission.

20 (c) When promulgating a rule, the Interstate Commission shall,
21 at a minimum:

22 (1) Publish the proposed rule’s entire text stating the reason(s)
23 for that proposed rule.

24 (2) Allow and invite any and all persons to submit written data,
25 facts, opinions and arguments, which information shall be added
26 to the record, and be made publicly available.

27 (3) Provide an opportunity for an informal hearing if petitioned
28 by 10 or more persons.

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

31 (d) Allow, not later than sixty days after a rule is promulgated,
32 any interested person to file a petition in the United States District
33 Court for the District of Columbia or in the Federal District Court
34 where the Interstate Commission’s principal office is located for
35 judicial review of such rule. If the court finds that the Interstate
36 Commission’s action is not supported by substantial evidence in
37 the rulemaking record, the court shall hold the rule unlawful and
38 set it aside. For purposes of this subdivision, evidence is substantial
39 if it would be considered substantial evidence under the Model
40 State Administrative Procedures Act.

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

6 (f) The existing rules governing the operation of the Interstate
7 Compact on Juveniles superceded by this act shall be null and void
8 12 months after the first meeting of the Interstate Commission
9 created hereunder.

10 (g) Upon determination by the Interstate Commission that a
11 state of emergency exists, it may promulgate an emergency rule
12 which shall become effective immediately upon adoption, provided
13 that the usual rulemaking procedures provided hereunder shall be
14 retroactively applied to said rule as soon as reasonably possible,
15 but no later than 90 days after the effective date of the emergency
16 rule.

17
18 ARTICLE VII

19 OVERSIGHT, ENFORCEMENT, AND DISPUTE
20 RESOLUTION BY THE INTERSTATE COMMISSION
21

22 (a) Section A. Oversight

23 (1) The Interstate Commission shall oversee the administration
24 and operations of the interstate movement of juveniles subject to
25 this compact in the compacting states and shall monitor such
26 activities being administered in noncompacting states which may
27 significantly affect compacting states.

28 (2) The courts and executive agencies in each compacting state
29 shall enforce this compact and shall take all actions necessary and
30 appropriate to effectuate the compact's purposes and intent. The
31 provisions of this compact and the rules promulgated hereunder
32 shall be received by all the judges, public officers, commissions,
33 and departments of the state government as evidence of the
34 authorized statute and administrative rules. All courts shall take
35 judicial notice of the compact and the rules. In any judicial or
36 administrative proceeding in a compacting state pertaining to the
37 subject matter of this compact which may affect the powers,
38 responsibilities or actions of the Interstate Commission, it shall be
39 entitled to receive all service of process in any such proceeding,

1 and shall have standing to intervene in the proceeding for all
2 purposes.

3 (b) Section B. Dispute Resolution

4 (1) The compacting states shall report to the Interstate
5 Commission on all issues and activities necessary for the
6 administration of the compact as well as issues and activities
7 pertaining to compliance with the provisions of the compact and
8 its bylaws and rules.

9 (2) The Interstate Commission shall attempt, upon the request
10 of a compacting state, to resolve any disputes or other issues which
11 are subject to the compact and which may arise among compacting
12 states and between compacting and noncompacting states. The
13 commission shall promulgate a rule providing for both mediation
14 and binding dispute resolution for disputes among the compacting
15 states.

16 (3) The Interstate Commission, in the reasonable exercise of its
17 discretion, shall enforce the provisions and rules of this compact
18 using any or all means set forth in Article XI of this compact.

19
20 ARTICLE VIII
21 FINANCE
22

23 (a) The Interstate Commission shall pay or provide for the
24 payment of the reasonable expenses of its establishment,
25 organization, and ongoing activities.

26 (b) The Interstate Commission shall levy on and collect an
27 annual assessment from each compacting state to cover the cost
28 of the internal operations and activities of the Interstate
29 Commission and its staff which must be in a total amount sufficient
30 to cover the Interstate Commission's annual budget as approved
31 each year. The aggregate annual assessment amount shall be
32 allocated based upon a formula to be determined by the Interstate
33 Commission, taking into consideration the population of each
34 compacting state and the volume of interstate movement of
35 juveniles in each compacting state and shall promulgate a rule
36 binding upon all compacting states which governs said assessment.

37 (c) The Interstate Commission shall not incur any obligations
38 of any kind prior to securing the funds adequate to meet the same,
39 nor shall the Interstate Commission pledge the credit of any of the

1 compacting states, except by and with the authority of the
2 compacting state.

3 (d) The Interstate Commission shall keep accurate accounts of
4 all receipts and disbursements. The receipts and disbursements of
5 the Interstate Commission shall be subject to the audit and
6 accounting procedures established under its bylaws. However, all
7 receipts and disbursements of funds handled by the Interstate
8 Commission shall be audited yearly by a certified or licensed public
9 accountant and the report of the audit shall be included in and
10 become part of the annual report of the Interstate Commission.

11
12 ARTICLE IX
13 THE STATE COUNCIL
14

15 Each member state shall create a State Council for Interstate
16 Juvenile Supervision. While each state may determine the
17 membership of its own state council, its membership must include
18 at least one representative from the legislative, judicial, and
19 executive branches of government, victims groups, and the compact
20 administrator, deputy compact administrator or designee. Each
21 compacting state retains the right to determine the qualifications
22 of the compact administrator or deputy compact administrator.
23 Each state council will advise and may exercise oversight and
24 advocacy concerning that state's participation in Interstate
25 Commission activities and other duties as may be determined by
26 that state, including, but not limited to, development of policy
27 concerning operations and procedures of the compact within that
28 state.

29
30 ARTICLE X
31 COMPACTING STATES, EFFECTIVE DATE, AND
32 AMENDMENT
33

34 (a) Any state, the District of Columbia (or its designee), the
35 Commonwealth of Puerto Rico, the United States Virgin Islands,
36 Guam, American Samoa, and the Northern Marianas Islands as
37 defined in Article II of this compact is eligible to become a
38 compacting state.

39 (b) The compact shall become effective and binding upon
40 legislative enactment of the compact into law by no less than 35

1 of the states. The initial effective date shall be the later of July 1,
2 2004, or upon enactment into law by the 35th jurisdiction.
3 Thereafter it shall become effective and binding as to any other
4 compacting state upon enactment of the compact into law by that
5 state. The governors of nonmember states or their designees shall
6 be invited to participate in the activities of the Interstate
7 Commission on a nonvoting basis prior to adoption of the compact
8 by all states and territories of the United States.

9 (c) The Interstate Commission may propose amendments to the
10 compact for enactment by the compacting states. No amendment
11 shall become effective and binding upon the Interstate Commission
12 and the compacting states unless and until it is enacted into law
13 by unanimous consent of the compacting states.

14
15 ARTICLE XI
16 WITHDRAWAL, DEFAULT, TERMINATION, AND
17 JUDICIAL ENFORCEMENT
18

19 (a) Section A. Withdrawal

20 (1) Once effective, the compact shall continue in force and
21 remain binding upon each and every compacting state; provided
22 that a compacting state may withdraw from the compact by
23 specifically repealing the statute which enacted the compact into
24 law.

25 (2) The effective date of withdrawal is the effective date of the
26 repeal.

27 (3) The withdrawing state shall immediately notify the
28 chairperson of the Interstate Commission in writing upon the
29 introduction of legislation repealing this compact in the
30 withdrawing state. The Interstate Commission shall notify the other
31 compacting states of the withdrawing state's intent to withdraw
32 within sixty days of its receipt thereof.

33 (4) The withdrawing state is responsible for all assessments,
34 obligations, and liabilities incurred through the effective date of
35 withdrawal, including any obligations, the performance of which
36 extend beyond the effective date of withdrawal.

37 (5) Reinstatement following withdrawal of any compacting state
38 shall occur upon the withdrawing state reenacting the compact or
39 upon such later date as determined by the Interstate Commission

(b) Section B. Technical Assistance, Fines, Suspension, Termination, and Default

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

(A) Remedial training and technical assistance as directed by the Interstate Commission.

(B) Alternative dispute resolution.

(C) Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission.

(D) Suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the Interstate Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, the bylaws, or duly promulgated rules and any other grounds designated in commission bylaws and rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission and of the default pending a cure of the default. The 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 commission, the defaulting state shall 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 termination.

(2) Within 60 days of the effective date of termination of a defaulting state, the 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 such termination.

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

5 (4) The Interstate Commission shall not bear any costs relating
6 to the defaulting state unless otherwise mutually agreed upon in
7 writing between the Interstate Commission and the defaulting state.

8 (5) Reinstatement following termination of any compacting
9 state requires both a reenactment of the compact by the defaulting
10 state and the approval of the Interstate Commission pursuant to
11 the rules.

12 (c) Section C. Judicial Enforcement

13 The Interstate Commission may, by majority vote of the
14 members, initiate legal action in the United States District Court
15 for the District of Columbia or, at the discretion of the Interstate
16 Commission, in the federal district where the Interstate
17 Commission has its offices, to enforce compliance with the
18 provisions of the compact, its duly promulgated rules, and bylaws,
19 against any compacting state in default. In the event judicial
20 enforcement is necessary the prevailing party shall be awarded all
21 costs of such litigation including reasonable attorney's fees.

22 (d) Section D. Dissolution of Compact

23 (1) The compact dissolves effective upon the date of the
24 withdrawal or default of the compacting state, which reduces
25 membership in the compact to one compacting state.

26 (2) Upon the dissolution of this compact, the compact becomes
27 null and void and shall be of no further force or effect, and the
28 business and affairs of the Interstate Commission shall be
29 concluded and any surplus funds shall be distributed in accordance
30 with the bylaws.

31
32 ARTICLE XII
33 SEVERABILITY AND CONSTRUCTION
34

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

38 (b) The provisions of this compact shall be liberally construed
39 to effectuate its purposes.
40

ARTICLE XIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

(a) Section A. Other Laws

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

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

(b) Section B. Binding Effect of the Compact

(1) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the compacting states.

(2) All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

(3) Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

(4) In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this compact becomes effective.

1401. The compact administrator shall be the ~~Chief Deputy Secretary for Juvenile Justice in the Department of Corrections and Rehabilitation~~ *executive director of the Corrections Standards Authority*.

1402. *The executive director of the Corrections Standards Authority shall convene an executive steering committee to review and make recommendations regarding the Interstate Compact for Juveniles and whether permanent membership in the compact would be the most effective and prudent means by which California can achieve the purpose set forth in Section 1400 compared to other alternatives. The Corrections Standards Authority shall*

1 *present the executive steering committee’s final report, including*
2 *recommendations for legislative action, if necessary, to the*
3 *appropriate committees of the Legislature by January 1, 2011.*
4 *The report shall be concise and may be produced and submitted*
5 *solely in electronic format.*

6 *1403. This chapter shall remain in effect only until January 1,*
7 *2012, and as of that date is repealed, unless a later enacted statute,*
8 *that is enacted before January 1, 2012, deletes or extends that*
9 *date.*

10 SEC. 3. Section 1766.2 is added to the Welfare and Institutions
11 Code, to read:

12 1766.2. (a) Except as provided in subdivision (b), all applicable
13 wards shall be placed on supervised parole within the period of
14 120 to 90 days prior to the date of release from custody from a
15 Division of Juvenile Facilities institution pursuant to the discharge
16 provisions of Section 1769, 1770, or 1771, or within the period of
17 120 to 90 days prior to completion of the maximum period of
18 confinement pursuant to Section 731, whichever comes first.

19 (b) Subdivision (a) shall not apply when a petition or order for
20 further detention of a juvenile has been requested by the Division
21 of Juvenile Facilities or the Juvenile Parole Board pursuant to
22 Section 1800.

23 (c) A ward who has been released under the provisions of
24 subdivision (a) shall be subject to revocation of parole for alleged
25 violations committed during the period of release. Any term of
26 reconfinement under these circumstances shall remain subject to
27 the limits of Section 731, 1769, 1770, or 1771, as applicable in
28 each case. Any such revocation proceedings shall be in accordance
29 with the procedures and due process protections for parolees under
30 current law.

31 (d) For the purposes of this section, “applicable ward” means
32 a person who is confined in a facility or institution operated by the
33 Division of Juvenile Facilities 120 days prior to his or her discharge
34 date under Section 1769, 1770, or 1771, or 120 days prior to
35 completion of the maximum period of confinement under Section
36 731.