

SECOND REGULAR SESSION

# HOUSE BILL NO. 1626

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES STEVENSON (Sponsor),  
PHILLIPS AND WILSON (130) (Co-sponsors).

Read 1<sup>st</sup> time March 4, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4817L.011

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### AN ACT

To repeal sections 210.570, 210.580, 210.595, 210.600, and 210.610, RSMo, and to enact in lieu thereof two new sections relating to the interstate compact for juveniles, with a contingent effective date.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 210.570, 210.580, 210.595, 210.600, and 210.610, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be known as sections 210.570 and  
3 210.580, to read as follows:

**210.570. This interstate compact for juveniles is entered with all jurisdictions  
2 legally joining the compact in the form substantially as follows:**

#### **3 THE INTERSTATE COMPACT FOR JUVENILES**

#### **4 ARTICLE I**

#### **5 PURPOSE**

**6 The compacting states to this Interstate Compact recognize that each state is  
7 responsible for the proper supervision or return of juveniles, delinquents and status  
8 offenders who are on probation or parole and who have absconded, escaped or run away  
9 from supervision and control and in so doing have endangered their own safety and the  
10 safety of others. The compacting states also recognize that each state is responsible for the  
11 safe return of juveniles who have run away from home and in doing so have left their state  
12 of residence. The compacting states also recognize that Congress, by enacting the Crime  
13 Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for**

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

14 cooperative efforts and mutual assistance in the prevention of crime.

15       It is the purpose of this compact, through means of joint and cooperative action  
16 among the compacting states to: (A) ensure that the adjudicated juveniles and status  
17 offenders subject to this compact are provided adequate supervision and services in the  
18 receiving state as ordered by the adjudicating judge or parole authority in the sending  
19 state; (B) ensure that the public safety interests of the citizens, including the victims of  
20 juvenile offenders, in both the sending and receiving states are adequately protected; (C)  
21 return juveniles who have run away, absconded or escaped from supervision or control or  
22 have been accused of an offense to the state requesting their return; (D) make contracts for  
23 the cooperative institutionalization in public facilities in member states for delinquent  
24 youth needing special services; (E) provide for the effective tracking and supervision of  
25 juveniles; (F) equitably allocate the costs, benefits and obligations of the compacting states;  
26 (G) establish procedures to manage the movement between states of juvenile offenders  
27 released to the community under the jurisdiction of courts, juvenile departments, or any  
28 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders; (H)  
29 insure immediate notice to jurisdictions where defined offenders are authorized to travel  
30 or to relocate across state lines; (I) establish procedures to resolve pending charges  
31 (detainers) against juvenile offenders prior to transfer or release to the community under  
32 the terms of this compact; (J) establish a system of uniform data collection on information  
33 pertaining to juveniles subject to this compact that allows access by authorized juvenile  
34 justice and criminal justice officials, and regular reporting of Compact activities to heads  
35 of state executive, judicial, and legislative branches and juvenile and criminal justice  
36 administrators; (K) monitor compliance with rules governing interstate movement of  
37 juveniles and initiate interventions to address and correct non-compliance; (L) coordinate  
38 training and education regarding the regulation of interstate movement of juveniles for  
39 officials involved in such activity; and (M) coordinate the implementation and operation  
40 of the compact with the Interstate Compact for the Placement of Children, the Interstate  
41 Compact for Adult Offender Supervision and other compacts affecting juveniles  
42 particularly in those cases where concurrent or overlapping supervision issues arise. It is  
43 the policy of the compacting states that the activities conducted by the Interstate  
44 Commission created herein are the formation of public policies and therefore are public  
45 business. Furthermore, the compacting states shall cooperate and observe their individual  
46 and collective duties and responsibilities for the prompt return and acceptance of juveniles  
47 subject to the provisions of this compact. The provisions of this compact shall be  
48 reasonably and liberally construed to accomplish the purposes and policies of the compact.

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## ARTICLE II

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**DEFINITIONS**

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

**A. "By-laws" means: those by-laws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.**

**B. "Compact Administrator" means: the individual in each compacting state appointed pursuant to the terms of this compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.**

**C. "Compacting State" means: any state which has enacted the enabling legislation for this compact.**

**D. "Commissioner" means: the voting representative of each compacting state appointed pursuant to Article III of this compact.**

**E. "Court" means: any court having jurisdiction over delinquent, neglected, or dependent children.**

**F. "Deputy Compact Administrator" means: the individual, if any, in each compacting state appointed to act on behalf of a Compact Administrator pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.**

**G. "Interstate Commission" means: the Interstate Commission for Juveniles created by Article III of this compact.**

**H. "Juvenile" means: any person defined as a juvenile in any member state or by the rules of the Interstate Commission, including:**

**(1) Accused Delinquent - a person charged with an offense that, if committed by an adult, would be a criminal offense;**

**(2) Adjudicated Delinquent - a person found to have committed an offense that, if committed by an adult, would be a criminal offense;**

**(3) Accused Status Offender - a person charged with an offense that would not be a criminal offense if committed by an adult;**

**(4) Adjudicated Status Offender - a person found to have committed an offense that would not be a criminal offense if committed by an adult; and**

**(5) Non-Offender - a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.**

**I. "Non-Compacting state" means: any state which has not enacted the enabling**

86 **legislation for this compact.**

87 **J. "Probation or Parole" means: any kind of supervision or conditional release of**  
88 **juveniles authorized under the laws of the compacting states.**

89 **K. "Rule" means: a written statement by the Interstate Commission promulgated**  
90 **pursuant to Article VI of this compact that is of general applicability, implements,**  
91 **interprets or prescribes a policy or provision of the Compact, or an organizational,**  
92 **procedural, or practice requirement of the Commission, and has the force and effect of**  
93 **statutory law in a compacting state, and includes the amendment, repeal, or suspension of**  
94 **an existing rule.**

95 **L. "State" means: a state of the United States, the District of Columbia (or its**  
96 **designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American**  
97 **Samoa, and the Northern Marianas Islands.**

### 98 **ARTICLE III**

#### 99 **INTERSTATE COMMISSION FOR JUVENILES**

100 **A. The compacting states hereby create the "Interstate Commission for Juveniles."**  
101 **The commission shall be a body corporate and joint agency of the compacting states. The**  
102 **commission shall have all the responsibilities, powers and duties set forth herein, and such**  
103 **additional powers as may be conferred upon it by subsequent action of the respective**  
104 **legislatures of the compacting states in accordance with the terms of this compact.**

105 **B. The Interstate Commission shall consist of commissioners appointed by the**  
106 **appropriate appointing authority in each state pursuant to the rules and requirements of**  
107 **each compacting state and in consultation with the State Council for Interstate Juvenile**  
108 **Supervision created hereunder. The commissioner shall be the compact administrator,**  
109 **deputy compact administrator or designee from that state who shall serve on the Interstate**  
110 **Commission in such capacity under or pursuant to the applicable law of the compacting**  
111 **state.**

112 **C. In addition to the commissioners who are the voting representatives of each**  
113 **state, the Interstate Commission shall include individuals who are not commissioners, but**  
114 **who are members of interested organizations. Such non-commissioner members must**  
115 **include a member of the national organizations of governors, legislators, state chief**  
116 **justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate**  
117 **Compact for the Placement of Children, juvenile justice and juvenile corrections officials,**  
118 **and crime victims. All non-commissioner members of the Interstate Commission shall be**  
119 **ex-officio (non-voting) members. The Interstate Commission may provide in its by-laws**  
120 **for such additional ex-officio (non-voting) members, including members of other national**  
121 **organizations, in such numbers as shall be determined by the commission.**

122           **D. Each compacting state represented at any meeting of the commission is entitled**  
123 **to one vote. A majority of the compacting states shall constitute a quorum for the**  
124 **transaction of business, unless a larger quorum is required by the by-laws of the Interstate**  
125 **Commission.**

126           **E. The commission shall meet at least once each calendar year. The chairperson**  
127 **may call additional meetings and, upon the request of a simple majority of the compacting**  
128 **states, shall call additional meetings. Public notice shall be given of all meetings and**  
129 **meetings shall be open to the public.**

130           **F. The Interstate Commission shall establish an executive committee, which shall**  
131 **include commission officers, members, and others as determined by the by-laws. The**  
132 **executive committee shall have the power to act on behalf of the Interstate Commission**  
133 **during periods when the Interstate Commission is not in session, with the exception of**  
134 **rulemaking and/or amendment to the compact. The executive committee shall oversee the**  
135 **day-to-day activities of the administration of the compact managed by an executive**  
136 **director and Interstate Commission staff; administers enforcement and compliance with**  
137 **the provisions of the compact, its by-laws and rules, and performs such other duties as**  
138 **directed by the Interstate Commission or set forth in the by-laws.**

139           **G. Each member of the Interstate Commission shall have the right and power to**  
140 **cast a vote to which that compacting state is entitled and to participate in the business and**  
141 **affairs of the Interstate Commission. A member shall vote in person and shall not delegate**  
142 **a vote to another compacting state. However, a commissioner, in consultation with the**  
143 **state council, shall appoint another authorized representative, in the absence of the**  
144 **commissioner from that state, to cast a vote on behalf of the compacting state at a specified**  
145 **meeting. The by-laws may provide for members' participation in meetings by telephone**  
146 **or other means of telecommunication or electronic communication.**

147           **H. The Interstate Commission's by-laws shall establish conditions and procedures**  
148 **under which the Interstate Commission shall make its information and official records**  
149 **available to the public for inspection or copying. The Interstate Commission may exempt**  
150 **from disclosure any information or official records to the extent they would adversely**  
151 **affect personal privacy rights or proprietary interests.**

152           **I. Public notice shall be given of all meetings and all meetings shall be open to the**  
153 **public, except as set forth in the Rules or as otherwise provided in the Compact. The**  
154 **Interstate Commission and any of its committees may close a meeting to the public where**  
155 **it determines by two-thirds vote that an open meeting would be likely to:**

156           **1. Relate solely to the Interstate Commission's internal personnel practices and**  
157 **procedures;**

- 158           **2. Disclose matters specifically exempted from disclosure by statute;**  
 159           **3. Disclose trade secrets or commercial or financial information which is privileged**  
 160 **or confidential;**  
 161           **4. Involve accusing any person of a crime, or formally censuring any person;**  
 162           **5. Disclose information of a personal nature where disclosure would constitute a**  
 163 **clearly unwarranted invasion of personal privacy;**  
 164           **6. Disclose investigative records compiled for law enforcement purposes;**  
 165           **7. Disclose information contained in or related to examination, operating or**  
 166 **condition reports prepared by, or on behalf of or for the use of, the Interstate Commission**  
 167 **with respect to a regulated person or entity for the purpose of regulation or supervision of**  
 168 **such person or entity;**  
 169           **8. Disclose information, the premature disclosure of which would significantly**  
 170 **endanger the stability of a regulated person or entity; or**  
 171           **9. Specifically relate to the Interstate Commission's issuance of a subpoena, or its**  
 172 **participation in a civil action or other legal proceeding.**  
 173           **J. For every meeting closed pursuant to this provision, the Interstate Commission's**  
 174 **legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be**  
 175 **closed to the public, and shall reference each relevant exemptive provision. The Interstate**  
 176 **Commission shall keep minutes which shall fully and clearly describe all matters discussed**  
 177 **in any meeting and shall provide a full and accurate summary of any actions taken, and**  
 178 **the reasons therefore, including a description of each of the views expressed on any item**  
 179 **and the record of any roll call vote (reflected in the vote of each member on the question).**  
 180 **All documents considered in connection with any action shall be identified in such minutes.**  
 181           **K. The Interstate Commission shall collect standardized data concerning the**  
 182 **interstate movement of juveniles as directed through its rules which shall specify the data**  
 183 **to be collected, the means of collection and data exchange and reporting requirements.**  
 184 **Such methods of data collection, exchange and reporting shall insofar as is reasonably**  
 185 **possible conform to up-to-date technology and coordinate its information functions with**  
 186 **the appropriate repository of records.**

#### ARTICLE IV

#### POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The commission shall have the following powers and duties:

- 189           **1. To provide for dispute resolution among compacting states.**  
 190           **2. To promulgate rules to effect the purposes and obligations as enumerated in this**  
 191 **compact, which shall have the force and effect of statutory law and shall be binding in the**  
 192 **compacting states to the extent and in the manner provided in this compact.**  
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194           **3. To oversee, supervise and coordinate the interstate movement of juveniles subject**  
195 **to the terms of this compact and any by-laws adopted and rules promulgated by the**  
196 **Interstate Commission.**

197           **4. To enforce compliance with the compact provisions, the rules promulgated by**  
198 **the Interstate Commission, and the by-laws, using all necessary and proper means,**  
199 **including but not limited to the use of judicial process.**

200           **5. To establish and maintain offices which shall be located within one or more of**  
201 **the compacting states.**

202           **6. To purchase and maintain insurance and bonds.**

203           **7. To borrow, accept, hire or contract for services of personnel.**

204           **8. To establish and appoint committees and hire staff which it deems necessary for**  
205 **the carrying out of its functions including, but not limited to, an executive committee as**  
206 **required by Article III which shall have the power to act on behalf of the Interstate**  
207 **Commission in carrying out its powers and duties hereunder.**

208           **9. To elect or appoint such officers, attorneys, employees, agents, or consultants,**  
209 **and to fix their compensation, define their duties and determine their qualifications; and**  
210 **to establish the Interstate Commission's personnel policies and programs relating to, inter**  
211 **alia, conflicts of interest, rates of compensation, and qualifications of personnel.**

212           **10. To accept any and all donations and grants of money, equipment, supplies,**  
213 **materials, and services, and to receive, utilize, and dispose of it.**

214           **11. To lease, purchase, accept contributions or donations of, or otherwise to own,**  
215 **hold, improve or use any property, real, personal, or mixed.**

216           **12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**  
217 **dispose of any property, real, personal or mixed.**

218           **13. To establish a budget and make expenditures and levy dues as provided in**  
219 **Article VIII of this compact.**

220           **14. To sue and be sued.**

221           **15. To adopt a seal and by-laws governing the management and operation of the**  
222 **Interstate Commission.**

223           **16. To perform such functions as may be necessary or appropriate to achieve the**  
224 **purposes of this compact.**

225           **17. To report annually to the legislatures, governors, judiciary, and state councils**  
226 **of the compacting states concerning the activities of the Interstate Commission during the**  
227 **preceding year. Such reports shall also include any recommendations that may have been**  
228 **adopted by the Interstate Commission.**

229           **18. To coordinate education, training and public awareness regarding the interstate**

230 movement of juveniles for officials involved in such activity.

231 19. To establish uniform standards of the reporting, collecting and exchanging of  
232 data.

233 20. The Interstate Commission shall maintain its corporate books and records in  
234 accordance with the By-laws.

235 **ARTICLE V**

236 **ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION**

**Section A. By-laws**

2 1. The Interstate Commission shall, by a majority of the members present and  
3 voting, within twelve months after the first Interstate Commission meeting, adopt by-laws  
4 to govern its conduct as may be necessary or appropriate to carry out the purposes of the  
5 compact, including, but not limited to:

6 a. Establishing the fiscal year of the Interstate Commission;

7 b. Establishing an executive committee and such other committees as may be  
8 necessary;

9 c. Provide for the establishment of committees governing any general or specific  
10 delegation of any authority or function of the Interstate Commission;

11 d. Providing reasonable procedures for calling and conducting meetings of the  
12 Interstate Commission, and ensuring reasonable notice of each such meeting;

13 e. Establishing the titles and responsibilities of the officers of the Interstate  
14 Commission;

15 f. Providing a mechanism for concluding the operations of the Interstate  
16 Commission and the return of any surplus funds that may exist upon the termination of  
17 the Compact after the payment and/or reserving of all of its debts and obligations;

18 g. Providing "start-up" rules for initial administration of the compact; and

19 h. Establishing standards and procedures for compliance and technical assistance  
20 in carrying out the compact.

**Section B. Officers and Staff**

2 1. The Interstate Commission shall, by a majority of the members, elect annually  
3 from among its members a chairperson and a vice chairperson, each of whom shall have  
4 such authority and duties as may be specified in the by-laws. The chairperson or, in the  
5 chairperson's absence or disability, the vice-chairperson shall preside at all meetings of the  
6 Interstate Commission. The officers so elected shall serve without compensation or  
7 remuneration from the Interstate Commission; provided that, subject to the availability  
8 of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs  
9 and expenses incurred by them in the performance of their duties and responsibilities as



10 **officers of the Interstate Commission.**

11 **2. The Interstate Commission shall, through its executive committee, appoint or**  
12 **retain an executive director for such period, upon such terms and conditions and for such**  
13 **compensation as the Interstate Commission may deem appropriate. The executive director**  
14 **shall serve as secretary to the Interstate Commission, but shall not be a Member and shall**  
15 **hire and supervise such other staff as may be authorized by the Interstate Commission.**

**Section C. Qualified Immunity, Defense and Indemnification**

2 **1. The Commission's executive director and employees shall be immune from suit**  
3 **and liability, either personally or in their official capacity, for any claim for damage to or**  
4 **loss of property or personal injury or other civil liability caused or arising out of or**  
5 **relating to any actual or alleged act, error, or omission that occurred, or that such person**  
6 **had a reasonable basis for believing occurred within the scope of Commission employment,**  
7 **duties, or responsibilities; provided, that any such person shall not be protected from suit**  
8 **or liability for any damage, loss, injury, or liability caused by the intentional or willful and**  
9 **wanton misconduct of any such person.**

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

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

27 **4. The Interstate Commission shall indemnify and hold the commissioner of a**  
28 **compacting state, or the commissioner's representatives or employees, or the Interstate**  
29 **Commission's representatives or employees, harmless in the amount of any settlement or**  
30 **judgment obtained against such persons arising out of any actual or alleged act, error, or**

31 omission that occurred within the scope of Interstate Commission employment, duties, or  
32 responsibilities, or that such persons had a reasonable basis for believing occurred within  
33 the scope of Interstate Commission employment, duties, or responsibilities, provided that  
34 the actual or alleged act, error, or omission did not result from intentional or willful and  
35 wanton misconduct on the part of such persons.

#### 36 ARTICLE VI

#### 37 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

38 A. The Interstate Commission shall promulgate and publish rules in order to  
39 effectively and efficiently achieve the purposes of the compact.

40 B. Rulemaking shall occur pursuant to the criteria set forth in this article and the  
41 by-laws and rules adopted pursuant thereto. Such rulemaking shall substantially conform  
42 to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform  
43 Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the  
44 Interstate Commission deems appropriate consistent with due process requirements under  
45 the U.S. Constitution as now or hereafter interpreted by the U.S. Supreme Court. All rules  
46 and amendments shall become binding as of the date specified, as published with the final  
47 version of the rule as approved by the Commission.

48 C. When promulgating a rule, the Interstate Commission shall, at a minimum:

49 1. publish the proposed rule's entire text stating the reason(s) for that proposed  
50 rule;

51 2. allow and invite any and all persons to submit written data, facts, opinions and  
52 arguments, which information shall be added to the record, and be made publicly  
53 available;

54 3. provide an opportunity for an informal hearing if petitioned by ten (10) or more  
55 persons; and

56 4. promulgate a final rule and its effective date, if appropriate, based on input from  
57 state or local officials, or interested parties.

58 D. Allow, not later than sixty days after a rule is promulgated, any interested  
59 person to file a petition in the United States District Court for the District of Columbia or  
60 in the Federal District Court where the Interstate Commission's principal office is located  
61 for judicial review of such rule. If the court finds that the Interstate Commission's action  
62 is not supported by substantial evidence in the rulemaking record, the court shall hold the  
63 rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it  
64 would be considered substantial evidence under the Model State Administrative  
65 Procedures Act.

66 E. If a majority of the legislatures of the compacting states rejects a rule, those

67 states may, by enactment of a statute or resolution in the same manner used to adopt the  
68 compact, cause that such rule shall have no further force and effect in any compacting  
69 state.

70 F. The existing rules governing the operation of the Interstate Compact on  
71 Juveniles superseded by this act shall be null and void twelve (12) months after the first  
72 meeting of the Interstate Commission created hereunder.

73 G. Upon determination by the Interstate Commission that a state-of-emergency  
74 exists, it may promulgate an emergency rule which shall become effective immediately  
75 upon adoption, provided that the usual rulemaking procedures provided hereunder shall  
76 be retroactively applied to said rule as soon as reasonably possible, but no later than ninety  
77 (90) days after the effective date of the emergency rule.

78 **ARTICLE VII**

79 **OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE**  
80 **INTERSTATE COMMISSION**

**Section A. Oversight**

2 1. The Interstate Commission shall oversee the administration and operations of  
3 the interstate movement of juveniles subject to this compact in the compacting states and  
4 shall monitor such activities being administered in non-compacting states which may  
5 significantly affect compacting states.

6 2. The courts and executive agencies in each compacting state shall enforce this  
7 compact and shall take all actions necessary and appropriate to effectuate the compact's  
8 purposes and intent. The provisions of this compact and the rules promulgated hereunder  
9 shall be received by all the judges, public officers, commissions, and departments of the  
10 state government as evidence of the authorized statute and administrative rules. All courts  
11 shall take judicial notice of the compact and the rules. In any judicial or administrative  
12 proceeding in a compacting state pertaining to the subject matter of this compact which  
13 may affect the powers, responsibilities or actions of the Interstate Commission, it shall be  
14 entitled to receive all service of process in any such proceeding, and shall have standing to  
15 intervene in the proceeding for all purposes.

**Section B. Dispute Resolution**

2 1. The compacting states shall report to the Interstate Commission on all issues and  
3 activities necessary for the administration of the compact as well as issues and activities  
4 pertaining to compliance with the provisions of the compact and its bylaws and rules.

5 2. The Interstate Commission shall attempt, upon the request of a compacting state,  
6 to resolve any disputes or other issues which are subject to the compact and which may  
7 arise among compacting states and between compacting and non-compacting states. The

8 commission shall promulgate a rule providing for both mediation and binding dispute  
9 resolution for disputes among the compacting states.

10 3. The Interstate Commission, in the reasonable exercise of its discretion, shall  
11 enforce the provisions and rules of this compact using any or all means set forth in Article  
12 XI of this compact.

### 13 ARTICLE VIII

#### 14 FINANCE

15 A. The Interstate Commission shall pay or provide for the payment of the  
16 reasonable expenses of its establishment, organization and ongoing activities.

17 B. The Interstate Commission shall levy on and collect an annual assessment from  
18 each compacting state to cover the cost of the internal operations and activities of the  
19 Interstate Commission and its staff which must be in a total amount sufficient to cover the  
20 Interstate Commission's annual budget as approved each year. The aggregate annual  
21 assessment amount shall be allocated based upon a formula to be determined by the  
22 Interstate Commission, taking into consideration the population of each compacting state  
23 and the volume of interstate movement of juveniles in each compacting state and shall  
24 promulgate a rule binding upon all compacting states which governs said assessment.

25 C. The Interstate Commission shall not incur any obligations of any kind prior to  
26 securing the funds adequate to meet the same; nor shall the Interstate Commission pledge  
27 the credit of any of the compacting states, except by and with the authority of the  
28 compacting state.

29 D. The Interstate Commission shall keep accurate accounts of all receipts and  
30 disbursements. The receipts and disbursements of the Interstate Commission shall be  
31 subject to the audit and accounting procedures established under its by-laws. However,  
32 all receipts and disbursements of funds handled by the Interstate Commission shall be  
33 audited yearly by a certified or licensed public accountant and the report of the audit shall  
34 be included in and become part of the annual report of the Interstate Commission.

### 35 ARTICLE IX

#### 36 THE STATE COUNCIL

37 Each member state shall create a State Council for Interstate Juvenile Supervision.  
38 While each state may determine the membership of its own state council, its membership  
39 must include at least one representative from the legislative, judicial, and executive  
40 branches of government, victims groups, and the compact administrator, deputy compact  
41 administrator or designee. Each compacting state retains the right to determine the  
42 qualifications of the compact administrator or deputy compact administrator. Each state  
43 council will advise and may exercise oversight and advocacy concerning that state's

44 participation in Interstate Commission activities and other duties as may be determined  
45 by that state, including but not limited to, development of policy concerning operations and  
46 procedures of the compact within that state.

#### 47 ARTICLE X

##### 48 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

49 A. Any state, the District of Columbia (or its designee), the Commonwealth of  
50 Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas  
51 Islands as defined in Article II of this compact is eligible to become a compacting state.

52 B. The compact shall become effective and binding upon legislative enactment of  
53 the compact into law by no less than 35 of the states. The initial effective date shall be the  
54 later of July 1, 2004 or upon enactment into law by the 35th jurisdiction. Thereafter it  
55 shall become effective and binding as to any other compacting state upon enactment of the  
56 compact into law by that state. The governors of non-member states or their designees  
57 shall be invited to participate in the activities of the Interstate Commission on a non-voting  
58 basis prior to adoption of the compact by all states and territories of the United States.

59 C. The Interstate Commission may propose amendments to the compact for  
60 enactment by the compacting states. No amendment shall become effective and binding  
61 upon the Interstate Commission and the compacting states unless and until it is enacted  
62 into law by unanimous consent of the compacting states.

#### 63 ARTICLE XI

##### 64 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

###### Section A. Withdrawal

2 1. Once effective, the compact shall continue in force and remain binding upon each  
3 and every compacting state; provided that a compacting state may withdraw from the  
4 compact by specifically repealing the statute which enacted the compact into law.

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

6 3. The withdrawing state shall immediately notify the chairperson of the Interstate  
7 Commission in writing upon the introduction of legislation repealing this compact in the  
8 withdrawing state. The Interstate Commission shall notify the other compacting states of  
9 the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

10 4. The withdrawing state is responsible for all assessments, obligations and  
11 liabilities incurred through the effective date of withdrawal, including any obligations, the  
12 performance of which extend beyond the effective date of withdrawal.

13 5. Reinstatement following withdrawal of any compacting state shall occur upon  
14 the withdrawing state reenacting the compact or upon such later date as determined by the  
15 Interstate Commission.

**Section B. Technical Assistance, Fines, Suspension, Termination and Default**

2           **1. If the Interstate Commission determines that any compacting state has at any**  
3 **time defaulted in the performance of any of its obligations or responsibilities under this**  
4 **compact, or the by-laws or duly promulgated rules, the Interstate Commission may impose**  
5 **any or all of the following penalties:**

6           **a. Remedial training and technical assistance as directed by the Interstate**  
7 **Commission;**

8           **b. Alternative Dispute Resolution;**

9           **c. Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by**  
10 **the Interstate Commission; and**

11           **d. Suspension or termination of membership in the compact, which shall be**  
12 **imposed only after all other reasonable means of securing compliance under the by-laws**  
13 **and rules have been exhausted and the Interstate Commission has therefore determined**  
14 **that the offending state is in default. Immediate notice of suspension shall be given by the**  
15 **Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of**  
16 **the state, the majority and minority leaders of the defaulting state's legislature, and the**  
17 **state council. The grounds for default include, but are not limited to, failure of a**  
18 **compacting state to perform such obligations or responsibilities imposed upon it by this**  
19 **compact, the by-laws, or duly promulgated rules and any other grounds designated in**  
20 **commission by-laws and rules. The Interstate Commission shall immediately notify the**  
21 **defaulting state in writing of the penalty imposed by the Interstate Commission and of the**  
22 **default pending a cure of the default. The commission shall stipulate the conditions and**  
23 **the time period within which the defaulting state must cure its default. If the defaulting**  
24 **state fails to cure the default within the time period specified by the commission, the**  
25 **defaulting state shall be terminated from the compact upon an affirmative vote of a**  
26 **majority of the compacting states and all rights, privileges and benefits conferred by this**  
27 **compact shall be terminated from the effective date of termination.**

28           **2. Within sixty days of the effective date of termination of a defaulting state, the**  
29 **Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the**  
30 **Majority and Minority Leaders of the defaulting state's legislature, and the state council**  
31 **of such termination.**

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

35           **4. The Interstate Commission shall not bear any costs relating to the defaulting**  
36 **state unless otherwise mutually agreed upon in writing between the Interstate Commission**

37 and the defaulting state.

38 5. Reinstatement following termination of any compacting state requires both a  
39 reenactment of the compact by the defaulting state and the approval of the Interstate  
40 Commission pursuant to the rules.

**Section C. Judicial Enforcement**

2 The Interstate Commission may, by majority vote of the members, initiate legal  
3 action in the United States District Court for the District of Columbia or, at the discretion  
4 of the Interstate Commission, in the federal district where the Interstate Commission has  
5 its offices, to enforce compliance with the provisions of the compact, its duly promulgated  
6 rules and by-laws, against any compacting state in default. In the event judicial  
7 enforcement is necessary the prevailing party shall be awarded all costs of such litigation  
8 including reasonable attorneys fees.

**Section D. Dissolution of Compact**

2 1. The compact dissolves effective upon the date of the withdrawal or default of the  
3 compacting state, which reduces membership in the compact to one compacting state.

4 2. Upon the dissolution of this compact, the compact becomes null and void and  
5 shall be of no further force or effect, and the business and affairs of the Interstate  
6 Commission shall be concluded and any surplus funds shall be distributed in accordance  
7 with the by-laws.

**ARTICLE XII**

**SEVERABILITY AND CONSTRUCTION**

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

13 B. The provisions of this compact shall be liberally construed to effectuate its  
14 purposes.

**ARTICLE XIII**

**BINDING EFFECT OF COMPACT AND OTHER LAWS**

**Section A. Other Laws**

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

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

**Section B. Binding Effect of the Compact**

2 1. All lawful actions of the Interstate Commission, including all rules and by-laws  
3 promulgated by the Interstate Commission, are binding upon the compacting states.

4           **2. All agreements between the Interstate Commission and the compacting states are**  
 5 **binding in accordance with their terms.**

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

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

          210.580. The compact shall become **effective and** binding upon the state of Missouri  
 2 [when signed by the commissioners as herein provided and by the proper authorities of any other  
 3 state entering into the compact] **upon legislative enactment of the compact into law by no less**  
 4 **than thirty-five of the states. The initial effective date shall be the later of July 1, 2004, or**  
 5 **upon enactment into law by the thirty-fifth jurisdiction. Thereafter it shall become**  
 6 **effective and binding as to any other compacting state upon enactment of the compact into**  
 7 **law by that state.**

          [210.570. Within sixty days after sections 210.570 to 210.600  
 2 become effective, the governor, by and with the advice and consent  
 3 of the senate, shall appoint three commissioners to enter into a  
 4 compact on behalf of the state of Missouri with other states. If the  
 5 senate is not in session at the time for making such appointments, the  
 6 governor shall make temporary appointments as in the case of a  
 7 vacancy. Any two of the commissioners so appointed together with  
 8 the attorney general of the state of Missouri may act to enter into the  
 9 following compact:

#### INTERSTATE COMPACT ON JUVENILES

The contracting states solemnly agree:

#### ARTICLE I

13           That juveniles who are not under proper supervision and  
 14 control, or who have absconded, escaped or run away, are likely to  
 15 endanger their own health, morals and welfare, and the health, morals  
 16 and welfare of others. The cooperation of the states party to this  
 17 compact is therefore necessary to provide for the welfare and  
 18 protection of juveniles and of the public with respect to (1)  
 19 cooperative supervision of delinquent juveniles on probation or



20 parole; (2) the return, from one state to another, of delinquent  
21 juveniles who have escaped or absconded; (3) the return, from one  
22 state to another, of nondelinquent juveniles who have run away from  
23 home; and (4) additional measures for the protection of juveniles and  
24 of the public, which any two or more of the party states may find  
25 desirable to undertake cooperatively. In carrying out the provisions  
26 of this compact the party states shall be guided by the noncriminal,  
27 reformative and protective policies which guide their laws concerning  
28 delinquent, neglected or dependent juveniles generally. It shall be the  
29 policy of the states party to this compact to cooperative and observe  
30 their respective responsibilities for the prompt return and acceptance  
31 of juveniles and delinquent juveniles who become subject to the  
32 provisions of this compact. The provisions of this compact shall be  
33 reasonably and liberally construed to accomplish the foregoing  
34 purposes.

#### 35 ARTICLE II

36 That all remedies and procedures provided by this compact  
37 shall be in addition to and not in substitution for other rights,  
38 remedies and procedures, and shall not be in derogation of parental  
39 rights and responsibilities.

#### 40 ARTICLE III

41 That, for the purposes of this compact, "delinquent juvenile"  
42 means any juvenile who has been adjudged delinquent and who, at  
43 the time the provisions of this compact are invoked, is still subject to  
44 the jurisdiction of the court that has made such adjudication or to the  
45 jurisdiction or supervision of an agency or institution pursuant to an  
46 order of such court; "probation or parole" means any kind of  
47 conditional release of juveniles authorized under the laws of the states  
48 party hereto; "court" means any court having jurisdiction over  
49 delinquent, neglected or dependent children; "state" means any state,  
50 territory or possession of the United States, the District of Columbia,  
51 and the Commonwealth of Puerto Rico; and "residence" or any  
52 variant thereof means a place at which a home or regular place of  
53 abode is maintained.

#### 54 ARTICLE IV

55 (a) That the parent, guardian, person or agency entitled to  
56 legal custody of a juvenile who has not been adjudged delinquent but  
57 who has run away without the consent of such parent, guardian,  
58 person or agency may petition the appropriate court in the demanding  
59 state for the issuance of a requisition for his return. The petition shall  
60 state the name and age of the juvenile, the name of the petitioner and  
61 the basis of entitlement to the juvenile's custody, the circumstances  
62 of his running away, his location if known at the time application is

63 made, and such other facts as may tend to show that the juvenile who  
64 has run away is endangering his own welfare or the welfare of others  
65 and is not an emancipated minor. The petition shall be verified by  
66 affidavit, shall be executed in duplicate, and shall be accompanied by  
67 two certified copies of the document or documents on which the  
68 petitioner's entitlement to the juvenile's custody is based, such as birth  
69 certificates, letters of guardianship, or custody decrees. Such further  
70 affidavits and other documents as may be deemed proper may be  
71 submitted with such petition. The judge of the court to which this  
72 application is made may hold a hearing thereon to determine whether  
73 for the purposes of this compact the petitioner is entitled to the legal  
74 custody of the juvenile, whether or not it appears that the juvenile has  
75 in fact run away without consent, whether or not he is an emancipated  
76 minor, and whether or not it is in the best interest of the juvenile to  
77 compel his return to the state. If the judge determines, either with or  
78 without a hearing, that the juvenile should be returned, he shall  
79 present to the appropriate court or to the executive authority of the  
80 state where the juvenile is alleged to be located a written requisition  
81 for the return of such juvenile. Such requisition shall set forth the  
82 name and age of the juvenile, the determination of the court that the  
83 juvenile has run away without the consent of a parent, guardian,  
84 person or agency entitled to his legal custody, and that it is in the best  
85 interest and for the protection of such juvenile that he be returned. In  
86 the event that a proceeding for the adjudication of the juvenile as a  
87 delinquent, neglected or dependent juvenile is pending in the court at  
88 the time when such juvenile runs away, the court may issue a  
89 requisition for the return of such juvenile upon its own motion,  
90 regardless of the consent of the parent, guardian, person or agency  
91 entitled to legal custody, reciting therein the nature and circumstances  
92 of the pending proceeding. The requisition shall in every case be  
93 executed in duplicate and shall be signed by the judge. One copy of  
94 the requisition shall be filed with the compact administrator of the  
95 demanding state, there to remain on file subject to the provisions of  
96 law governing records of such court. Upon the receipt of a  
97 requisition demanding the return of a juvenile who has run away, the  
98 court or the executive authority to whom the requisition is addressed  
99 shall issue an order to any peace officer or other appropriate person  
100 directing him to take into custody and detain such juvenile. Such  
101 detention order must substantially recite the facts necessary to the  
102 validity of its issuance hereunder. No juvenile detained upon such  
103 order shall be delivered over to the officer whom the court demanding  
104 him shall have appointed to receive him, unless he shall first be taken  
105 forthwith before a judge of a court in the state, who shall inform him

106 of the demand made for his return, and who may appoint counsel or  
107 guardian ad litem for him. If the judge of such court shall find that  
108 the requisition is in order, he shall deliver such juvenile over to the  
109 officer whom the court demanding him shall have appointed to  
110 receive him. The judge, however, may fix a reasonable time to be  
111 allowed for the purpose of testing the legality of the proceeding.

112 Upon reasonable information that a person is a juvenile who  
113 has run away from another state party to this compact without the  
114 consent of a parent, guardian, person or agency entitled to his legal  
115 custody, such juvenile may be taken into custody without a  
116 requisition and brought forthwith before a judge of the appropriate  
117 court who may appoint counsel or guardian ad litem for such juvenile  
118 and who shall determine after a hearing whether sufficient cause  
119 exists to hold the person, subject to the order of the court, for his own  
120 protection and welfare, for such a time not exceeding ninety days as  
121 will enable his return to another state party to this compact pursuant  
122 to a requisition for his return from a court of that state. If, at the time  
123 when a state seeks the return of a juvenile who has run away, there is  
124 pending in the state wherein he is found any criminal charge, or any  
125 proceeding to have him adjudicated a delinquent juvenile for an act  
126 committed in such state, or if he is suspected of having committed  
127 within such state a criminal offense or an act of juvenile delinquency,  
128 he shall not be returned without the consent of such state until  
129 discharged from prosecution or other form of proceeding,  
130 imprisonment, detention or supervision for such offense or juvenile  
131 delinquency. The duly accredited officers of any state party to this  
132 compact, upon the establishment of their authority and the identity of  
133 the juvenile being returned, shall be permitted to transport such  
134 juvenile through any and all states party to this compact, without  
135 interference. Upon his return to the state from which he ran away, the  
136 juvenile shall be subject to such further proceedings as may be  
137 appropriate under the laws of that state.

138 (b) That the state to which a juvenile is returned under this  
139 Article shall be responsible for payment of the transportation costs of  
140 such return.

141 (c) That "juvenile" as used in this Article means any person  
142 who is a minor under the law of the state of residence of the parent,  
143 guardian, person or agency entitled to the legal custody of such  
144 minor.

145 ARTICLE V

146 (a) That the appropriate person or authority from whose  
147 probation or parole supervision a delinquent juvenile has absconded  
148 or from whose institutional custody he has escaped shall present to

149 the appropriate court or to the executive authority of the state where  
150 the delinquent juvenile is alleged to be located a written requisition  
151 for the return of such delinquent juvenile. Such requisition shall state  
152 the name and age of the delinquent juvenile, the particulars of his  
153 adjudication as a delinquent juvenile, the circumstances of the breach  
154 of the terms of his probation or parole or of his escape from an  
155 institution or agency vested with his legal custody or supervision, and  
156 the location of such delinquent juvenile, if known, at the time the  
157 requisition is made. The requisition shall be verified by affidavit,  
158 shall be executed in duplicate, and shall be accompanied by two  
159 certified copies of the judgment, formal adjudication, or order of  
160 commitment which subjects such delinquent juvenile to probation or  
161 parole or to the legal custody of the institution or agency concerned.  
162 Such further affidavits and other documents as may be deemed proper  
163 may be submitted with such requisition. One copy of the requisition  
164 shall be filed with the compact administrator of the demanding state,  
165 there to remain on file subject to the provisions of law governing  
166 records of the appropriate court. Upon the receipt of a requisition  
167 demanding the return of a delinquent juvenile who has absconded or  
168 escaped, the court or the executive authority to whom the requisition  
169 is addressed shall issue an order to any peace officer or other  
170 appropriate person directing him to take into custody and detain such  
171 delinquent juvenile. Such detention order must substantially recite  
172 the facts necessary to the validity of the issuance hereunder. No  
173 delinquent juvenile detained upon such order shall be delivered over  
174 to the officer whom the appropriate person or authority demanding  
175 him shall have appointed to receive him, unless he shall first be taken  
176 forthwith before a judge of an appropriate court in the state, who shall  
177 inform him of the demand made for his return and who may appoint  
178 counsel or guardian ad litem for him. If the judge of such court shall  
179 find that the requisition is in order, he shall deliver such delinquent  
180 juvenile over to the officer whom the appropriate person or authority  
181 demanding him shall have appointed to receive him. The judge,  
182 however, may fix a reasonable time to be allowed for the purpose of  
183 testing the legality of the proceeding.

184 Upon reasonable information that a person is a delinquent  
185 juvenile who has absconded while on probation or parole, or escaped  
186 from an institution or agency vested with his legal custody or  
187 supervision in any state party to this compact, such person may be  
188 taken into custody in any other state party to this compact without a  
189 requisition. But in such event, he must be taken forthwith before a  
190 judge of the appropriate court, who may appoint counsel or guardian  
191 ad litem for such person and who shall determine, after a hearing,

192 whether sufficient cause exists to hold the person subject to the order  
193 of the court for such a time, not exceeding ninety days, as will enable  
194 his detention under a detention order issued on a requisition pursuant  
195 to this Article. If, at the time when a state seeks the return of a  
196 delinquent juvenile who has either absconded while on probation or  
197 parole or escaped from an institution or agency vested with his legal  
198 custody or supervision, there is pending in the state wherein he is  
199 detained any criminal charge or any proceeding to have him  
200 adjudicated a delinquent juvenile for an act committed in such state,  
201 or if he is suspected of having committed within such state a criminal  
202 offense or an act of juvenile delinquency, he shall not be returned  
203 without the consent of such state until discharged from prosecution  
204 or other form of proceeding, imprisonment, detention or supervision  
205 for such offense or juvenile delinquency. The duly accredited officers  
206 of any state party to this compact, upon the establishment of their  
207 authority and the identity of the delinquent juvenile being returned,  
208 shall be permitted to transport such delinquent juvenile through any  
209 and all states party to this compact, without interference. Upon his  
210 return to the state from which he escaped or absconded, the  
211 delinquent juvenile shall be subject to such further proceedings as  
212 may be appropriate under the laws of that state.

213 (b) That the state to which a delinquent juvenile is returned  
214 under this Article shall be responsible for payment of the  
215 transportation costs of such return.

#### 216 ARTICLE VI

217 That any delinquent juvenile who has absconded while on  
218 probation or parole, or escaped from an institution or agency vested  
219 with his legal custody or supervision in any state party to this  
220 compact, and any juvenile who has run away from any state party to  
221 this compact, who is taken into custody without a requisition in  
222 another state party to this compact under the provisions of Article  
223 IV(a) or of Article V(a), may consent to his immediate return to the  
224 state from which he absconded, escaped or ran away. Such consent  
225 shall be given by the juvenile or delinquent juvenile and his counsel  
226 or guardian ad litem if any, by executing or subscribing a writing, in  
227 the presence of a judge of the appropriate court, which states that the  
228 juvenile or delinquent juvenile and his counsel or guardian ad litem,  
229 if any, consent to his return to the demanding state. Before such  
230 consent shall be executed or subscribed, however, the judge, in the  
231 presence of counsel or guardian ad litem, if any, shall inform the  
232 juvenile or delinquent juvenile of his rights under this compact.  
233 When the consent has been duly executed, it shall be forwarded to  
234 and filed with the compact administrator of the state in which the

235 court is located and the judge shall direct the officer having the  
236 juvenile or delinquent juvenile in custody to deliver him to the duly  
237 accredited officer or officers of the state demanding his return, and  
238 shall cause to be delivered to such officer or officers a copy of the  
239 consent. The court may, however, upon the request of the state to  
240 which the juvenile or delinquent juvenile is being returned, order him  
241 to return unaccompanied to such state and shall provide him with a  
242 copy of such court order; in such event a copy of the consent shall be  
243 forwarded to the compact administrator of the state to which said  
244 juvenile or delinquent juvenile is ordered to return.

#### 245 ARTICLE VII

246 (a) That the duly constituted judicial and administrative  
247 authorities of a state party to this compact (herein called "sending  
248 state") may permit any delinquent juvenile within such state, placed  
249 on probation or parole, to reside in any other state party to this  
250 compact (herein called "receiving state") while on probation or  
251 parole, and the receiving state shall accept such delinquent juvenile,  
252 if the parent, guardian or person entitled to the legal custody of such  
253 delinquent juvenile is residing or undertakes to reside within the  
254 receiving state. Before granting such permission, opportunity shall  
255 be given to the receiving state to make such investigations as it deems  
256 necessary. The authorities of the sending state shall send to the  
257 authorities of the receiving state copies of pertinent court orders,  
258 social case studies and all other available information which may be  
259 of value to and assist the receiving state in supervising a probationer  
260 or parolee under this compact. A receiving state, in its discretion,  
261 may agree to accept supervision of a probationer or parolee in cases  
262 where the parent, guardian or person entitled to the legal custody of  
263 the delinquent juvenile is not a resident of the receiving state, and if  
264 so accepted the sending state may transfer supervision accordingly.

265 (b) That each receiving state will assume the duties of  
266 visitation and of supervision over any such delinquent juvenile and in  
267 the exercise of those duties will be governed by the same standards  
268 of visitation and supervision that prevail for its own delinquent  
269 juveniles released on probation or parole.

270 (c) That, after consultation between the appropriate  
271 authorities of the sending state and of the receiving state as to the  
272 desirability and necessity of returning such a delinquent juvenile, the  
273 duly accredited officers of a sending state may enter a receiving state  
274 and there apprehend and retake any such delinquent juvenile on  
275 probation or parole. For that purpose, no formalities will be required,  
276 other than establishing the authority of the officer and the identity of  
277 the delinquent juvenile to be retaken and returned. The decision of

278 the sending state to retake a delinquent juvenile on probation or  
 279 parole shall be conclusive upon and not reviewable within the  
 280 receiving state, but if, at the time the sending state seeks to retake a  
 281 delinquent juvenile on probation or parole, there is pending against  
 282 him within the receiving state any criminal charge or any proceeding  
 283 to have him adjudicated a delinquent juvenile for any act committed  
 284 in such state, or if he is suspected of having committed within such  
 285 state a criminal offense or an act of juvenile delinquency, he shall not  
 286 be returned without the consent of the receiving state until discharged  
 287 from prosecution or other form of proceeding, imprisonment,  
 288 detention or supervision for such offense or juvenile delinquency.  
 289 The duly accredited officers of the sending state shall be permitted to  
 290 transport delinquent juveniles being so returned through any and all  
 291 states party to this compact, without interference.

292 (d) That the sending state shall be responsible under this  
 293 Article for paying the costs of transporting any delinquent juvenile to  
 294 the receiving state or of returning any delinquent juvenile to the  
 295 sending state.

296 ARTICLE VIII

297 (a) That the provisions of Articles IV(b), V(b) and VII(d) of  
 298 this compact shall not be construed to alter or affect any internal  
 299 relationship among the departments, agencies and officers of and in  
 300 the government of a party state, or between a party state and its  
 301 subdivisions, as to the payment of costs, or responsibilities therefor.

302 (b) That nothing in this compact shall be construed to prevent  
 303 any party state or subdivision thereof from asserting any right against  
 304 any person, agency or other entity in regard to costs for which such  
 305 party state or subdivision thereof may be responsible pursuant to  
 306 Articles IV(b), V(b) or VII(d) of this compact.

307 ARTICLE IX

308 That, to every extent possible, it shall be the policy of states  
 309 party to this compact that no juvenile or delinquent juvenile shall be  
 310 placed or detained in any prison, jail or lockup nor be detained or  
 311 transported in association with criminal, vicious or dissolute persons.

312 ARTICLE X

313 That the duly constituted administrative authorities of a state  
 314 party to this compact may enter into supplementary agreements with  
 315 any other state or states party hereto for the cooperative care,  
 316 treatment and rehabilitation of delinquent juveniles whenever they  
 317 shall find that such agreements will improve the facilities or programs  
 318 available for such care, treatment and rehabilitation. Such care,  
 319 treatment and rehabilitation may be provided in an institution located  
 320 within any state entering into such supplementary agreement. Such

321 supplementary agreements shall (1) provide the rates to be paid for  
322 the care, treatment and custody of such delinquent juveniles, taking  
323 into consideration the character of facilities, services and subsistence  
324 furnished; (2) provide that the delinquent juvenile shall be given a  
325 court hearing prior to his being sent to another state for care,  
326 treatment and custody; (3) provide that the state receiving such a  
327 delinquent juvenile in one of its institutions shall act solely as agent  
328 for the state sending such delinquent juvenile; (4) provide that the  
329 sending state shall at all times retain jurisdiction over delinquent  
330 juveniles sent to an institution in another state; (5) provide for  
331 reasonable inspection of such institutions by the sending state; (6)  
332 provide that the consent of the parent, guardian, person or agency  
333 entitled to the legal custody of said delinquent juvenile shall be  
334 secured prior to his being sent to another state; and (7) make  
335 provision for such other matters and details as shall be necessary to  
336 protect the rights and equities of such delinquent juveniles and of the  
337 cooperating states.

338 ARTICLE XI

339 That any state party to this compact may accept any and all  
340 donations, gifts and grants of money, equipment and services from  
341 the federal or any local government, or any agency thereof and from  
342 any person, firm or corporation, for any of the purposes and functions  
343 of this compact, and may receive and utilize the same subject to the  
344 terms, conditions and regulations governing such donations, gifts and  
345 grants.

346 ARTICLE XII

347 That the governor of each state party to this compact shall  
348 designate an officer who, acting jointly with like officers of other  
349 party states, shall promulgate rules and regulations to carry out more  
350 effectively the terms and provisions of this compact.

351 ARTICLE XIII

352 That this compact shall become operative immediately upon  
353 its execution by any state as between it and any other state or states  
354 so executing. When executed it shall have the full force and effect of  
355 law within such state, the form of execution to be in accordance with  
356 the laws of the executing state.

357 ARTICLE XIV

358 That this compact shall continue in force and remain binding  
359 upon each executing state until renounced by it. Renunciation of this  
360 compact shall be by the same authority which executed it, by sending  
361 six months' notice in writing of its intention to withdraw from the  
362 compact to the other states party hereto. The duties and obligations  
363 of a renouncing state under Article VII hereof shall continue as to



364 parolees and probationers residing therein at the time of withdrawal  
 365 until retaken or finally discharged. Supplementary agreements  
 366 entered into under Article X hereof shall be subject to renunciation as  
 367 provided by such supplementary agreements, and shall not be subject  
 368 to the six months' renunciation notice of the present Article.

369 ARTICLE XV

370 That the provisions of this compact shall be severable and if  
 371 any phrase, clause, sentence or provision of this compact is declared  
 372 to be contrary to the constitution of any participating state or of the  
 373 United States or the applicability thereof to any government, agency,  
 374 person or circumstance is held invalid, the validity of the remainder  
 375 of this compact and the applicability thereof to any government,  
 376 agency, person or circumstance shall not be affected thereby. If this  
 377 compact shall be held contrary to the constitution of any state  
 378 participating therein, the compact shall remain in full force and effect  
 379 as to the remaining states and in full force and effect as to the state  
 380 affected as to all severable matters.]

381

2 [210.595. The term "delinquent juvenile" as used in the  
 3 interstate compact on juveniles includes those persons subject to the  
 4 jurisdiction of the juvenile court within the meaning of subdivisions  
 5 (1) and (2) of section 211.031, RSMo.]

2 [210.600. The commission shall have power to apply to the  
 3 Congress of the United States for its consent and approval of the  
 4 compact; but in the absence of such consent of Congress and until the  
 5 same shall have been secured, the compact shall be binding upon the  
 6 state of Missouri in all respects permitted by law for the signatory  
 7 states without the consent of Congress to cooperate, for the purposes  
 8 enumerated in the compact, and in the manner provided therein.]

2 [210.610. 1. This section shall provide remedies, and shall  
 3 be binding only as among and between those party states which  
 4 specifically adopt a similar section.

5 2. All provisions and procedures of article V and article VI  
 6 of section 210.570 shall be construed to apply to any juvenile charged  
 7 with being a delinquent by reason of violating any criminal law which  
 8 constitutes a felony. Any juvenile charged with being a delinquent by  
 9 reason of violating any criminal law which constitutes a felony shall  
 10 be returned to the requesting state upon a requisition to the state  
 11 where the juvenile may be found. A petition in such case shall be  
 12 filed in a court of competent jurisdiction in the requesting state where  
 the violation of criminal law is alleged to have been committed. The

13           petition may be filed regardless of whether the juvenile has left the  
14           requesting state before or after the filing of the petition. The  
15           requisition described in article V of section 210.570 shall be  
16           forwarded by the judge of the court in which the petition has been  
17           filed.]

          Section B. The enactment of section 210.570 of Section A of this act, the repeal and  
2 reenactment of section 210.580 of Section A of this act, and the repeal of sections 210.570,  
3 210.595, 210.600, and 210.610 of Section A of this act shall become effective July 1, 2004, or  
4 upon legislative enactment of the compact into law by no less than thirty-five of the states,  
5 whichever later occurs.