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- WHEREAS, after hearings, national surveys, and a detailed study by a task force
20 appointed by the National Institute of Corrections, the overwhelming recommendation has
21 been to amend the document to bring about an effective management capacity that
22 addresses public safety concerns and offender accountability; and
 - WHEREAS, upon the adoption of this Interstate Compact for Adult Offender Supervision,
23 it is the intention of the legislature to repeal the previous Interstate Compact for the
24 Supervision of Parolees and Probationers on the effective date of this Compact.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

27 ARTICLE 1

28 PURPOSE

29 The compacting states to this Interstate Compact recognize that each state is
30 responsible for the supervision of adult offenders in the community who are authorized
31 pursuant to the Bylaws and Rules of this compact to travel across state lines both to and from
32 each compacting state in such a manner as to track the location of offenders, transfer
33 supervision authority in an orderly and efficient manner, and when necessary return offenders
34 to the originating jurisdictions. The compacting states also recognize that Congress, by
35 enacting the Crime Control Act, 4 U. S. C. Section 112 (1965), has authorized and encouraged
36 compacts for cooperative efforts and mutual assistance in the prevention of crime. It is the
37 purpose of this compact and the Interstate Commission created hereunder, through means of
38 joint and cooperative action among the compacting states: to provide the framework for the
39 promotion of public safety and protect the rights of victims through the control and regulation
40 of the interstate movement of offenders in the community; to provide for the effective tracking,
41 supervision, and rehabilitation of these offenders by the sending and receiving states; and to
42 equitably distribute the costs, benefits and obligations of the compact among the compacting
43 states. In addition, this compact will: create an Interstate Commission which will establish
44 uniform procedures to manage the movement between states of adults placed under community
45 supervision and released to the community under the jurisdiction of courts, paroling
46 authorities, corrections or other criminal justice agencies which will promulgate rules to

47 achieve the purpose of this compact; ensure an opportunity for input and timely notice to
48 victims and to jurisdictions where defined offenders are authorized to travel or to relocate
49 across state lines; establish a system of uniform data collection, access to information on active
50 cases by authorized criminal justice officials, and regular reporting of Compact activities to
51 heads of state councils, state executive, judicial, and legislative branches and criminal justice
52 administrators; monitor compliance with rules governing interstate movement of offenders and
53 initiate interventions to address and correct non-compliance; and coordinate training and
54 education regarding regulations of interstate movement of offenders for officials involved in
55 such activity.

56 The compacting states recognize that there is no 'right' of any offender to live in
57 another state and that duly accredited officers of a sending state may at all times enter a
58 receiving state and there apprehend and retake any offender under supervision subject to the
59 provisions of this compact and Bylaws and Rules promulgated hereunder. It is the policy of
60 the compacting states that the activities conducted by the Interstate Commission created herein
61 are the formation of public policies and are therefore public business.

62 ARTICLE II

63 DEFINITIONS

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

- 65 • 'Adult' means both individuals legally classified as adults and juveniles treated as
66 adults by court order, statute, or operation of law;
- 67 • 'By-laws' mean those by-laws established by the Interstate Commission for its
68 governance, or for directing or controlling the Interstate Commission's actions or
69 conduct;
- 70 • 'Compact Administrator' means the individual in each compacting state appointed
71 pursuant to the terms of this compact responsible for the administration and
72 management of the state's supervision and transfer of offenders subject to the
73 terms of this compact, the rules adopted by the Interstate Commission and
74 policies adopted by the State Council under this compact;

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- 'Compacting State' means any state, which has enacted the enabling legislation for this compact;
- 'Commissioner' means the voting representative of each compacting state appointed pursuant to Article III of this compact;
- 'Interstate Commission' means the Interstate Commission for Adult Offender Supervision established by this compact;
- 'Member' means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner;
- 'Non Compacting State' means any state, which has not enacted the enabling legislation for this compact;
- 'Offender' means an adult placed under, or subject, to supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies;
- 'Person' means any individual, corporation, business enterprise, or other legal entity, either public or private;
- 'Rules' means acts of the Interstate Commission, duly promulgated pursuant to Article VIII of this compact, substantially affecting interested parties in addition to the Interstate Commission, which shall have the force and effect of law in the compacting states;
- 'State' means a state of the United States, the District of Columbia and any other territorial possessions of the United States; and
- 'State Council' means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article III of this compact.

ARTICLE III

THE COMPACT COMMISSION

102 The compacting states hereby create the 'Interstate Commission for Adult
103 Offender Supervision'. The Interstate Commission shall be a body corporate and joint
104 agency of the compacting states. The Interstate Commission shall have all the
105 responsibilities, powers and duties set forth herein, including the power to sue and be
106 sued, and such additional powers as may be conferred upon it by subsequent action of
107 the respective legislatures of the compacting states in accordance with the terms of
108 this compact.

109 The Interstate Commission shall consist of Commissioners selected and
110 appointed by resident members of a State Council for Interstate Adult Offender
111 Supervision for each state. In addition to the Commissioners who are the voting
112 representatives of each state, the Interstate Commission shall include individuals who
113 are not commissioners but who are members of interested organizations; such non-
114 commissioner members must include a member of the national organizations of
115 governors, legislators, state chief justices, attorneys general and crime victims. All
116 non-commissioner members of the Interstate Commission shall be ex-officio (non-
117 voting) members. The Interstate Commission may provide in its by-laws for such
118 additional, ex-officio, non-voting members, as it deems necessary.

119 Each compacting state represented at any meeting of the Interstate
120 Commission is entitled to one vote. A majority of the compacting states shall
121 constitute a quorum for the transaction of business, unless a larger quorum is required
122 by the by-laws of the Interstate Commission. The Interstate Commission shall meet at
123 least once each calendar year. The chairperson may call additional meetings and, upon
124 the request of 27 or more compacting states, shall call additional meetings. Public
125 notice shall be given of all meetings and meetings shall be open to the public.

126 The Interstate Commission shall establish an Executive Committee which
127 shall include commission officers, members and others as shall be determined by the
128 By-laws. The Executive Committee shall have the power to act on behalf of the
129 Interstate Commission during periods when the Interstate Commission is not in

130 session, with the exception of rulemaking and/or amendment to the Compact. The
131 Executive Committee oversees the day-to-day activities managed by the Executive
132 Director and Interstate Commission staff; administers enforcement and compliance
133 with the provisions of the compact, its by-laws and as directed by the Interstate
134 Commission and performs other duties as directed by Commission or set forth in the
135 By-laws.

136 ARTICLE IV

137 THE STATE COUNCIL

138 Each member state shall create a State Council for Interstate Adult Offender
139 Supervision which shall be responsible for the appointment of the commissioner who
140 shall serve on the Interstate Commission from that state. Each state council shall
141 appoint as its commissioner the Compact Administrator from that state to serve on the
142 Interstate Commission in such capacity under or pursuant to applicable law of the
143 member state. While each member state may determine the membership of its own
144 state council, its membership must include at least one representative from the
145 legislative, judicial, and executive branches of government, victims groups and
146 compact administrators. Each compacting state retains the right to determine the
147 qualifications of the Compact Administrator who shall be appointed by the state
148 council or by the Governor in consultation with the Legislature and the Judiciary. In
149 addition to appointment of its commissioner to the National Interstate Commission,
150 each state council shall exercise oversight and advocacy concerning its participation
151 in Interstate Commission activities and other duties as may be determined by each
152 member state including but not limited to, development of policy concerning
153 operations and procedures of the compact within that state.

154 ARTICLE V

155 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

156 The Interstate Commission shall have the following powers:

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- To adopt a seal and suitable by-laws governing the management and operation of the Interstate Commission;
 - To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact;
 - To oversee, supervise and coordinate the interstate movement of offenders subject to the terms of this compact and any by-laws adopted and rules promulgated by the compact commission;
 - To enforce compliance with compact provisions, Interstate Commission rules, and by-laws, using all necessary and proper means, including but not limited to, the use of judicial process;
 - To establish and maintain offices;
 - To purchase and maintain insurance and bonds;
 - To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs;
 - To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder;
 - To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel;

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- To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same;
 - To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed;
 - To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed;
 - To establish a budget and make expenditures and levy dues as provided in Article X of this compact;
 - To sue and be sued;
 - To provide for dispute resolution among Compacting States;
 - To perform such functions as may be necessary or appropriate to achieve the purposes of this compact;
 - To report annually to the legislatures, governors, judiciaries, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission;
 - To co-ordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity; and
 - To establish uniform standards for the reporting, collecting, and exchanging of data.

ARTICLE VI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Section A. By-laws.

209 The Interstate Commission shall, by a majority of the Members, within twelve months
210 of the first Interstate Commission meeting, adopt By-laws to govern its conduct as may be
211 necessary or appropriate to carry out the purposes of the Compact, including, but not limited
212 to:

- 213 establishing the fiscal year of the Interstate Commission;
- 214 establishing an executive committee and such other committees as may be necessary;
- 215 providing reasonable standards and procedures:
 - 216 (i) for the establishment of committees; and
 - 217 (ii) governing any general or specific delegation of any authority or
 - 218 function of the Interstate Commission;
- 219 providing reasonable procedures for calling and conducting meetings of the Interstate
- 220 Commission, and ensuring reasonable notice of each such meeting;
- 221 establishing the titles and responsibilities of the officers of the Interstate Commission;
- 222 providing reasonable standards and procedures for the establishment of the personnel
- 223 policies and programs of the Interstate Commission. Notwithstanding any civil service
- 224 or other similar laws of any Compacting State, the By-laws shall exclusively govern
- 225 the personnel policies and programs of the Interstate Commission; and
- 226 providing a mechanism for winding up the operations of the Interstate Commission
- 227 and the equitable return of any surplus funds that may exist upon the termination of
- 228 the Compact after the payment and/or reserving of all of its debts and obligations;
- 229 providing transition rules for 'start-up' administration of the compact;
- 230 establishing standards and procedures for compliance and technical assistance in
- 231 carrying out the compact.

232 Section B. Officers and Staff.

233 The Interstate Commission shall, by a majority of the Members, elect from among its
234 Members a chairperson and a vice chairperson, each of whom shall have such authorities and
235 duties as may be specified in the By-laws. The chairperson or, in his or her absence or
236 disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission. The

237 Officers so elected shall serve without compensation or remuneration from the Interstate
238 Commission; PROVIDED THAT, subject to the availability of budgeted funds, the officers
239 shall be reimbursed for any actual and necessary costs and expenses incurred by them in the
240 performance of their duties and responsibilities as officers of the Interstate Commission.

241 The Interstate Commission shall, through its executive committee, appoint or retain an
242 executive director for such period, upon such terms and conditions and for such compensation
243 as the Interstate Commission may deem appropriate. The executive director shall serve as
244 secretary to the Interstate Commission, and hire and supervise such other staff as may be
245 authorized by the Interstate Commission, but shall not be a member.

246 Section C. Corporate Records of the Interstate Commission.

247 The Interstate Commission shall maintain its corporate books and records in
248 accordance with the By-laws;

249 Section D. Qualified Immunity, Defense and Indemnification.

250 The Members, officers, executive director and employees of the Interstate
251 Commission shall be immune from suit and liability, either personally or in their official
252 capacity, for any claim for damage to or loss of property or personal injury or other civil
253 liability caused or arising out of any actual or alleged act, error or omission that occurred
254 within the scope of Interstate Commission employment, duties or responsibilities;
255 PROVIDED, that nothing in this paragraph shall be construed to protect any such person from
256 suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful
257 and wanton misconduct of any such person.

258 The Interstate Commission shall defend the Commissioner of a Compacting State, or
259 his or her representatives or employees, or the Interstate Commission's representatives or
260 employees, in any civil action seeking to impose liability, arising out of any actual or alleged
261 act, error or omission that occurred within the scope of Interstate Commission employment,
262 duties or responsibilities, or that the defendant had a reasonable basis for believing occurred
263 within the scope of Interstate Commission employment, duties or responsibilities;

264 PROVIDED, that the actual or alleged act, error or omission did not result from intentional
265 wrongdoing on the part of such person.

266 The Interstate Commission shall indemnify and hold the Commissioner of a
267 Compacting State, the appointed designee or employees, or the Interstate Commission's
268 representatives or employees, harmless in the amount of any settlement or judgment obtained
269 against such persons arising out of any actual or alleged act, error or omission that occurred
270 within the scope of Interstate Commission employment, duties or responsibilities, or that such
271 persons had a reasonable basis for believing occurred within the scope of Interstate
272 Commission employment, duties or responsibilities, provided, that the actual or alleged act,
273 error or omission did not result from gross negligence or intentional wrongdoing on the part of
274 such person.

275 ARTICLE VII

276 ACTIVITIES OF THE INTERSTATE COMMISSION

277 The Interstate Commission shall meet and take such actions as are consistent with the
278 provisions of this Compact.

279 Except as otherwise provided in this Compact and unless a greater percentage is
280 required by the By-laws, in order to constitute an act of the Interstate Commission, such act
281 shall have been taken at a meeting of the Interstate Commission and shall have received an
282 affirmative vote of a majority of the members present.

283 Each Member of the Interstate Commission shall have the right and power to cast a
284 vote to which that Compacting State is entitled and to participate in the business and affairs of
285 the Interstate Commission. A Member shall vote in person on behalf of the state and shall not
286 delegate a vote to another member state. However, a State Council shall appoint another
287 authorized representative, in the absence of the commissioner from that state, to cast a vote on
288 behalf of the member state at a specified meeting. The By-laws may provide for Members'
289 participation in meetings by telephone or other means of telecommunication or electronic
290 communication. Any voting conducted by telephone, or other means of telecommunication or

291 electronic communication shall be subject to the same quorum requirements of meetings where
292 members are present in person.

293 The Interstate Commission shall meet at least once during each calendar year. The
294 chairperson of the Interstate Commission may call additional meetings at any time and, upon
295 the request of a majority of the Members, shall call additional meetings.

296 The Interstate Commission's By-laws shall establish conditions and procedures under
297 which the Interstate Commission shall make its information and official records available to
298 the public for inspection or copying. The Interstate Commission may exempt from disclosure
299 any information or official record to the extent they would adversely affect personal privacy
300 rights or proprietary interests. In promulgating such Rules, the Interstate Commission may
301 make available to law enforcement agencies records and information otherwise exempt from
302 disclosure, and may enter into agreements with law enforcement agencies to receive or
303 exchange information or records subject to nondisclosure and confidentiality provisions.

304 Public notice shall be given of all meetings and all meetings shall be open to the
305 public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate
306 Commission shall promulgate Rules consistent with the principles contained in the
307 'Government in Sunshine Act', 5 U. S. C. Section 552(b), as may be amended. The Interstate
308 Commission and any of its committees may close a meeting to the public where it determines
309 by two-thirds vote that an open meeting would be likely to:

- 310 • relate solely to the Interstate Commission's internal personnel practices and
311 procedures;
- 312 • disclose matters specifically exempted from disclosure by statute;
- 313 • disclosure trade secrets or commercial or financial information which is
314 privileged or confidential;
- 315 • involve accusing any person of a crime, or formally censuring any person;
- 316 • disclose information of a personal nature where disclosure would constitute a
317 clearly unwarranted invasion of personal privacy;
- 318 • disclose investigatory records compiled for law enforcement purposes;

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- disclose information contained in or related to examination, operating or
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- condition reports prepared by, or on behalf of or for the use of, the Interstate
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- Commission with respect to a regulated entity for the purpose of regulation or
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- supervision of such entity;
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- disclose information, the premature disclosure of which would significantly
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- endanger the life of a person or the stability of a regulated entity;
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- specifically relate to the Interstate Commission's issuance of a subpoena, or its
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- participation in a civil action or proceeding.

327 For every meeting closed pursuant to this provision, the Interstate Commission's

328 chief legal officer shall publicly certify that, in his or her opinion, the meeting

329 may be closed to the public, and shall reference each relevant exemptive

330 provision. The Interstate Commission shall keep minutes which shall fully and

331 clearly describe all matters discussed in any meeting and shall provide a full and

332 accurate summary of any actions taken, and the reasons therefor, including a

333 description of each of the views expressed on any item and the record of any roll-

334 call vote (reflected in the vote of each Member on the question). All documents

335 considered in connection with any action shall be identified in such minutes.

336 The Interstate Commission shall collect standardized data concerning the

337 interstate movement of offenders as directed through its By-laws and Rules

338 which shall specify the data to be collected, the means of collection and data

339 exchange and report requirements.

340 ARTICLE VIII

341 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

342 The Interstate Commission shall promulgate Rules in order to effectively and

343 efficiently achieve the purposes of the Compact including transition rules governing

344 administration of the compact during the period in which it is being considered and

345 enacted by the states;

346 Rulemaking shall occur pursuant to the criteria set forth in this Article and
347 the By-laws and Rules adopted pursuant thereto. Such rulemaking shall substantially
348 conform to the principles of the Federal Administrative Procedure Act, 5 U. S. C. S
349 Section 551 et seq., and the Federal Advisory Committee Act, 5 U. S. C. S app. 2
350 Section 1 et seq., as may be amended (hereinafter 'APA'). All Rules and amendments
351 shall become binding as of the date specified in each Rule or amendment.

352 If a majority of the legislatures of the Compacting States rejects a Rule, by
353 enactment of a statute or resolution in the same manner used to adopt the compact,
354 then such Rule shall have no further force and effect in any Compacting State.

355 When promulgating a Rule, the Interstate Commission shall:

- 356 • publish the proposed Rule stating with particularity the text of the
357 Rule which is proposed and the reason for the proposed Rule;
- 358 • allow persons to submit written data, facts, opinions and arguments,
359 which information shall be publicly available;
- 360 • provide an opportunity for an informal hearing; and
- 361 • promulgate a final Rule and its effective date, if appropriate, based
362 on the rulemaking record.

363 Not later than sixty days after a Rule is promulgated, any interested
364 person may file a petition in the United States District Court for the District
365 of Columbia or in the Federal District Court where the Interstate
366 Commission's principal office is located for judicial review of such Rule. If
367 the court finds that the Interstate Commission's action is not supported by
368 substantial evidence, (as defined in the APA), in the rulemaking record, the
369 court shall hold the Rule unlawful and set it aside.

370 Subjects to be addressed within 12 months after the first meeting
371 must at a minimum include:

- 372 • notice to victims and opportunity to be heard;
- 373 • offender registration and compliance;

- 374 • violations/returns;
- 375 • transfer procedures and forms;
- 376 • eligibility for transfer;
- 377 • collection of restitution and fees from offenders;
- 378 • data collection and reporting;
- 379 • the level of supervision to be provided by the receiving state;
- 380 • transition rules governing the operation of the Compact and the
- 381 Interstate Commission during all or part of the period between the
- 382 effective date of the Compact and the date on which the last eligible
- 383 state adopts the Compact;
- 384 • mediation, arbitration and dispute resolution.

385 The existing rules governing the operation of the previous Compact
386 superceded by this Act shall be null and void twelve (12) months after
387 the first meeting of the Interstate Commission created hereunder.

388 Upon determination by the Interstate Commission that an
389 emergency exists, it may promulgate an emergency rule which shall
390 become effective immediately upon adoption, provided that the usual
391 rulemaking procedures provided hereunder shall be retroactively applied
392 to said rule as soon as reasonably possible, in no event later than 90 days
393 after the effective date of the rule.

394 ARTICLE IX

395 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE 396 COMMISSION

397 Section A. Oversight.

398 The Interstate Commission shall oversee the interstate movement of adult
399 offenders in the Compacting States and shall monitor such activities being
400 administered in Non-Compacting States which may significantly affect Compacting
401 States.

402 The courts and executive agencies in each Compacting State shall enforce
403 this Compact and shall take all actions necessary and appropriate to effectuate the
404 Compact's purposes and intent. In any judicial or administrative proceeding in a
405 Compacting State pertaining to the subject matter of this Compact which may affect
406 the powers, responsibilities or actions of the Interstate Commission, the Interstate
407 Commission shall be entitled to receive all service of process in any such proceeding,
408 and shall have standing to intervene in the proceeding for all purposes.

409 Section B. Dispute Resolution.

410 The Compacting States shall report to the Interstate Commission on issues or
411 activities of concern to them, and cooperate with and support the Interstate
412 Commission in the discharge of its duties and responsibilities.

413 The Interstate Commission shall attempt to resolve any disputes or other
414 issues which are subject to the Compact and which may arise among Compacting
415 States and Non-Compacting States.

416 The Interstate Commission shall enact a By-law or promulgate a Rule
417 providing for both mediation and binding dispute resolution for disputes among the
418 Compacting States.

419 Section C. Enforcement.

420 The Interstate Commission, in the reasonable exercise of its' discretion, shall
421 enforce the provisions of this Compact using any or all means set forth in Article XII,
422 Section B, of this Compact.

423 ARTICLE X

424 FINANCE

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

427 The Interstate Commission shall levy on and collect an annual assessment
428 from each Compacting State to cover the cost of the internal operations and activities
429 of the Interstate Commission and its staff which must be in a total amount sufficient to

430 cover the Interstate Commission's annual budget as approved each year. The
431 aggregate annual assessment amount shall be allocated based upon a formula to be
432 determined by the Interstate Commission, taking into consideration the population of
433 the state and the volume of interstate movement of offenders in each Compacting
434 State and shall promulgate a Rule binding upon all Compacting States which governs
435 said assessment.

436 The Interstate Commission shall not incur any obligations of any kind prior
437 to securing the funds adequate to meet the same; nor shall the Interstate Commission
438 pledge the credit of any of the Compacting States, except by and with the authority of
439 the Compacting State.

440 The Interstate Commission shall keep accurate accounts of all receipts and
441 disbursements. The receipts and disbursements of the Interstate Commission shall be
442 subject to the audit and accounting procedures established under its By-laws.
443 However, all receipts and disbursements of funds handled by the Interstate
444 Commission shall be audited yearly by a certified or licensed public accountant and
445 the report of the audit shall be included in and become part of the annual report of the
446 Interstate Commission.

447 ARTICLE XI

448 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

449 Any state, as defined in article II of this compact, is eligible to become a
450 Compacting State. The Compact shall become effective and binding upon legislative
451 enactment of the Compact into law by no less than 35 of the States. The initial
452 effective date shall be the later of July 1, 2001, or upon enactment into law of the
453 Compact into law by that State. The governors of Non-Member states or their
454 designees will be invited to participate in Interstate Commission activities on a non-
455 voting basis prior to adoption of the compact by all states and territories of the United
456 States.

457 Amendments to the Compact may be proposed by the Interstate Commission
458 for enactment by the Compacting States. No amendment shall become effective and
459 binding upon the Interstate Commission and the Compacting States unless and until it
460 is enacted into law by unanimous consent of the Compacting States.

461 ARTICLE XII

462 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

463 Section A. Withdrawal.

464 Once effective, the Compact shall continue in force and remain binding upon each
465 and every Compacting State; PROVIDED, that a Compacting State may withdraw from the
466 Compact ('Withdrawing State') by enacting a statute specifically repealing the statute which
467 enacted the Compact into law.

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

469 The Withdrawing State shall immediately notify the Chairperson of the Interstate
470 Commission in writing upon the introduction of legislation repealing this Compact in the
471 Withdrawing State. The Interstate Commission shall notify the other Compacting States of the
472 Withdrawing State's intent to withdraw within sixty days of its receipt thereof.

473 The Withdrawing State is responsible for all assessments, obligations and liabilities
474 incurred through the effective date of withdrawal, including any obligations, the performance
475 of which extend beyond the effective date of withdrawal.

476 Reinstatement following withdrawal of any Compacting State shall occur upon the
477 Withdrawing State re-enacting the Compact or upon such later date as determined by the
478 Interstate Commission.

479 Section B. Default.

480 If the Interstate Commission determines that any Compacting State has at any time
481 defaulted ('Defaulting State') in the performance of any of its obligations or responsibilities
482 under this Compact, the By-laws or any duly promulgated Rules the Interstate Commission
483 may impose any or all of the following penalties:

512 State. Reinstatement following termination of any Compacting State requires both a re-
513 enactment of the Compact by the Defaulting State and the approval of the Interstate
514 Commission pursuant to the Rules.

515 Section C. Judicial Enforcement.

516 The Interstate Commission may, by majority vote of the Members, initiate legal
517 action in the United States District Court for the District of Columbia or, at the discretion of
518 the Interstate Commission, in the Federal District where the Interstate Commission has its
519 offices to enforce compliance with the provisions of the Compact, its duly promulgated Rules
520 and By-laws, against any Compacting State in default. In the event judicial enforcement is
521 necessary the prevailing party shall be awarded all costs of such litigation including reasonable
522 attorneys fees.

523 Section D. Dissolution of Compact.

524 The Compact dissolves effective upon the date of the withdrawal or default of the
525 Compacting State which reduces membership in the Compact to one Compacting State.

526 Upon the dissolution of this Compact, the Compact becomes null and void and shall
527 be of no further force or effect, and the business and affairs of the Interstate Commission shall
528 be wound up and any surplus funds shall be distributed in accordance with the By-laws.

529 ARTICLE XIII

530 SEVERABILITY AND CONSTRUCTION

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

534 The provisions of this Compact shall be liberally constructed to effectuate its
535 purposes.

536 ARTICLE XIV

537 BINDING EFFECT OF COMPACT AND OTHER LAWS

538 Section A. Other Laws.

539 Nothing herein prevents the enforcement of any other law of a Compacting State that
540 is not inconsistent with this Compact.

541 All Compacting States' laws conflicting with this Compact are superseded to the
542 extent of the conflict.

543 Section B. Binding Effect of the Compact.

544 All lawful actions of the Interstate Commission, including all Rules and By-laws
545 promulgated by the Interstate Commission, are binding upon the Compacting States.

546 All agreements between the Interstate Commission and the Compacting States are
547 binding in accordance with their terms.

548 Upon the request of a party to a conflict over meaning or interpretation of Interstate
549 Commission actions, and upon a majority vote of the Compacting States, the Interstate
550 Commission may issue advisory opinions regarding such meaning or interpretation.

551 In the event any provision of this compact exceeds the constitutional limits imposed
552 on the legislature of any Compacting State, the obligations, duties, powers or jurisdiction
553 sought to be conferred by such provision upon the Interstate Commission shall be ineffective
554 and such obligations, duties, powers or jurisdiction shall remain in the Compacting State and
555 shall be exercised by the agency thereof to which such obligations, duties, powers or
556 jurisdiction are delegated by law in effect at the time this Compact becomes effective.

557 §4359 Short Title; Service Fee.

558 This subchapter may be cited as the Interstate Compact for Adult Offender
559 Supervision. Any probationee who applies under this Compact for interstate transfer into or
560 from the State of Delaware shall pay to the Department of Corrections a service fee of \$50.00
561 to defray costs under the Compact."

SYNOPSIS

This Act is the newly adopted Interstate Compact for Adult Offender Supervision, replacing a Compact adopted over 60 years ago that has become unenforceable between the states, as there is no mechanism to monitor offenders movements; inability to track sex-offenders; inability to notify victims, law enforcement and communities of movement of serious offenders, and the lack of a mechanism for non-compliance on violations of the current Compact.