

Title 2A.
Chapter 168.
Article 4.
Interstate Compact
for Adult Offender
Supervision
§§1-14 -
C.2A:168-26
to 2A:168-39

P.L. 2002, CHAPTER 111, *approved December 11, 2002*
Senate, No. 166 (*Second Reprint*)

1 **AN ACT** concerning probationers and parolees, supplementing Title 30
2 of the Revised Statutes and repealing various parts of the statutory
3 law.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. a. The Interstate Compact for Adult Offender Supervision is
9 hereby enacted into law and entered into with all other jurisdictions
10 legally joining therein in the form substantially as follows:

11

12 INTERSTATE COMPACT FOR ADULT OFFENDER
13 SUPERVISION

14

15 The Legislature hereby finds and declares the following:

16 The interstate compact for the supervision of Parolees and
17 Probationers was established in 1937; it is the earliest corrections
18 "compact" established among the states and has not been amended
19 since its adoption for over 62 years;

20 This compact is the only vehicle for the controlled movement of
21 adult parolees and probationers across state lines, and it currently has
22 jurisdiction over more than a quarter of a million offenders;

23 The complexities of the compact have become more difficult to
24 administer, and many jurisdictions have expanded supervision
25 expectations to include currently unregulated practices such as victim
26 input, victim notification requirements and sex offender registration;

27 After hearings, national surveys and a detailed study by a task force
28 appointed by the National Institute of Corrections, the overwhelming
29 recommendation has been to amend the document to bring about an
30 effective management capacity that addresses public safety concerns
31 and offender accountability; and

32 Upon the adoption of this Interstate Compact for Adult Offender
33 Supervision ¹by all states and territories of the United States¹, it is the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLP committee amendments adopted February 25, 2002.

² Assembly ALP committee amendments adopted September 19, 2002.

1 intention of the Legislature to repeal the previous Interstate Compact
2 for the Supervision of Parolees and Probationers ¹ [on the effective
3 date of this Compact]¹.

4 b. This act shall be known and may be cited as the "Interstate
5 Compact for Adult Offender Supervision."

6 c. Article I. Purpose. The compacting states to this Interstate
7 Compact recognize that each state is responsible for the supervision
8 of adult offenders in the community who are authorized pursuant to
9 the bylaws and rules of this compact to travel across state lines both
10 to and from each compacting state in such a manner as to track the
11 location of offenders, transfer supervision authority in an orderly and
12 efficient manner and when necessary return offenders to the
13 originating jurisdictions.

14 The compacting states also recognize that Congress, by enacting
15 the Crime Control Act, 4 U.S.C. §112 (1965), has authorized and
16 encouraged compacts for cooperative efforts and mutual assistance in
17 the prevention of crime.

18 It is the purpose of this compact and the Interstate Commission
19 created hereunder, through means of joint and cooperative action
20 among the compacting states: to provide the framework for the
21 promotion of public safety and protect the rights of victims through
22 the control and regulation of the interstate movement of offenders in
23 the community; to provide for the effective tracking, supervision and
24 rehabilitation of these offenders by the sending and receiving states;
25 and to equitably distribute the costs, benefits and obligations of the
26 compact among the compacting states.

27 In addition, this compact will: create an Interstate Commission
28 which will establish uniform procedures to manage the movement
29 between states of adults placed under community supervision and
30 released to the community under the jurisdiction of courts, paroling
31 authorities, corrections or other criminal justice agencies which will
32 promulgate rules to achieve the purpose of this compact; ensure an
33 opportunity for input and timely notice to victims and to jurisdictions
34 where defined offenders are authorized to travel or to relocate across
35 state lines; establish a system of uniform data collection, access to
36 information on active cases by authorized criminal justice officials, and
37 regular reporting of compact activities to heads of state councils, state
38 executive, judicial and legislative branches and criminal justice
39 administrators; monitor compliance with rules governing interstate
40 movement of offenders and initiate interventions to address and
41 correct non-compliance; and coordinate training and education
42 regarding regulations of interstate movement of offenders for officials
43 involved in such activity.

44 The compacting states recognize that there is no "right" of any
45 offender to live in another state and that duly accredited officers of a
46 sending state may at all times enter a receiving state and there

1 apprehend and retake any offender under supervision subject to the
2 provisions of this compact and bylaws and rules promulgated
3 hereunder.

4 It is the policy of the compacting states that the activities conducted
5 by the Interstate Commission created herein are the formation of
6 public policies and are therefore public business.

7

8 2. Article II. Definitions.

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

11 "Adult" means a person who is 18 years of age or older or a person
12 who is under 18 years of age who either by statute or court order is
13 considered an adult.

14 "By-laws" mean those by-laws established by the Interstate
15 Commission for its governance, or for directing or controlling the
16 Interstate Commission's actions or conduct.

17 "Compact administrator" means the individual in each compacting
18 state appointed pursuant to the terms of this compact responsible for
19 the administration and management of the State's supervision and
20 transfer of offenders subject to the terms of this compact, the rules
21 adopted by the Interstate Commission and policies adopted by the
22 State Council under this compact.

23 "Compacting state" means any state which has enacted the enabling
24 legislation for this compact.

25 "Commissioner" means the voting representative of each
26 compacting state appointed pursuant to Article III of this compact.

27 "Interstate Commission" means the Interstate Commission for Adult
28 Offender Supervision established by this compact.

29 "Member" means the commissioner of a compacting state or
30 designee, who shall be a person officially connected with the
31 commissioner.

32 "Non Compacting state" means any state which has not enacted the
33 enabling legislation for this compact.

34 "Offender" means an adult placed under, or subject to, supervision
35 as the result of the commission of a criminal offense and released to
36 the community under the jurisdiction of courts, paroling authorities,
37 corrections, or other criminal justice agencies.

38 "Person" means any individual, corporation, business enterprise, or
39 other legal entity, either public or private.

40 "Rules" means acts of the Interstate Commission, duly promulgated
41 pursuant to Article VIII of this compact, substantially affecting
42 interested parties in addition to the Interstate Commission, which shall
43 have the force and effect of law in the compacting states.

44 "State" means a state of the United States, the District of Columbia
45 and any other territorial possessions of the United States.

46 "State Council" means the resident members of the State Council

1 for Interstate Adult Offender Supervision created by each state under
2 Article IV of this compact.

3

4 3. Article III. The Compact Commission.

5 a. The compacting states hereby create the "Interstate Commission
6 for Adult Offender Supervision." The Interstate Commission shall be
7 a body corporate and joint agency of the compacting states. The
8 Interstate Commission shall have all the responsibilities, powers and
9 duties set forth herein, including the power to sue and be sued, and
10 such additional powers as may be conferred upon it by subsequent
11 action of the respective legislatures of the compacting states in
12 accordance with the terms of this compact.

13 b. The Interstate Commission shall consist of Commissioners
14 selected and appointed by resident members of a State Council for
15 Interstate Adult Offender Supervision for each state. In addition to
16 the Commissioners who are the voting representatives of each state,
17 the Interstate Commission shall include individuals who are not
18 commissioners but who are members of interested organizations. Such
19 non-commissioner members shall include a member of the national
20 organizations of governors, legislators, state chief justices, attorneys
21 general and crime victims. All non-commissioner members of the
22 Interstate Commission shall be ex-officio (nonvoting) members. The
23 Interstate Commission may provide in its by-laws for such additional,
24 ex-officio, non-voting members as it deems necessary.

25 c. Each compacting state represented at any meeting of the
26 Interstate Commission is entitled to one vote. A majority of the
27 compacting states shall constitute a quorum for the transaction of
28 business, unless a larger quorum is required by the by-laws of the
29 Interstate Commission.

30 d. The Interstate Commission shall meet at least once each
31 calendar year. The chairman may call additional meetings and, upon
32 the request of 27 or more compacting states, shall call additional
33 meetings. Public notice shall be given of all meetings and meetings
34 shall be open to the public.

35 e. The Interstate Commission shall establish an Executive
36 Committee which shall include commission officers, members and
37 others as shall be determined by the by-laws. The Executive
38 Committee shall have the power to act on behalf of the Interstate
39 Commission during periods when the Interstate Commission is not in
40 session, with the exception of rulemaking or amendment to the
41 Compact. The Executive Committee shall oversee the day-to-day
42 activities managed by the Executive Director and Interstate
43 Commission staff, administer enforcement and compliance with the
44 provisions of the compact, its by-laws and as directed by the Interstate
45 Commission and perform other duties as directed by Commission or
46 set forth in the by-laws.

1 4. Article IV. The State Council.

2 a. There is hereby established the New Jersey State Council for
3 Interstate Adult Offender Supervision which shall consist of the
4 following members:

5 (1) ²[one member] two members² of the General Assembly ², no
6 more than one of whom shall be of the same political party.² appointed
7 by the Speaker of the General Assembly;

8 (2) ²[one member] two members² of the Senate ², no more than
9 one of whom shall be of the same political party.² appointed by the
10 President of the Senate;

11 (3) ¹[A sitting judge appointed by the Chief Justice of the New
12 Jersey Supreme Court] the Administrative Director of the Courts¹;

13 (4) the Commissioner of ²[the Department of]² Corrections or his
14 designee;

15 (5) a law enforcement officer and a representative from a crime
16 victim's organization, each appointed by the Governor with the advice
17 and consent of the Senate; and

18 (6) the Chairman of the State Parole Board ²[who, in addition to
19 serving as a member of the council, shall be appointed as the compact
20 administrator by the Governor]².

21 b. ²The Governor shall appoint a compact administrator who shall
22 serve at the pleasure of the Governor. The compact administrator may
23 be a member of the State Council or a State government official with
24 appropriate background and experience.² The compact administrator
25 ²[is] shall be² the compact commissioner and presiding officer of the
26 council and shall serve as the New Jersey Commissioner to the
27 Interstate Commission.

28 c. Members of the Council shall be appointed for terms of four
29 years and the terms of their successors shall be calculated from the
30 expiration of the incumbent's term. Members shall serve until their
31 successors are appointed and have qualified.

32 d. The State Council shall meet at least twice a year.

33 e. The State Council shall develop policies concerning the
34 operation of the compact within this State. The State Council may
35 adopt rules, including rules proposed by the commission for adoption
36 by this state, to implement the compact.

37 f. The State Council shall report annually to the Legislature
38 concerning the activities of the council and the Interstate Commission.

39

40 5. Article V. Powers and Duties of the Interstate Commission.

41 The Interstate Commission shall have the following powers:

42 a. To adopt a seal and suitable by-laws governing the
43 management and operation of the Interstate Commission;

44 b. To promulgate rules which shall have the force and effect of
45 statutory law and shall be binding in the compacting states to the
46 extent and in the manner provided in this compact;

- 1 c. To oversee, supervise and coordinate the interstate movement
2 of offenders subject to the terms of this compact and any by-laws
3 adopted and rules promulgated by the compact commission;
- 4 d. To enforce compliance with compact provisions, Interstate
5 Commission rules, and by-laws, using all necessary and proper means,
6 including but not limited to, the use of judicial process;
- 7 e. To establish and maintain offices;
- 8 f. To purchase and maintain insurance and bonds;
- 9 g. To borrow, accept, or contract for services of personnel,
10 including, but not limited to, members and their staffs;
- 11 h. To establish and appoint committees and hire staff which it
12 deems necessary for the carrying out of its functions including, but not
13 limited to, an executive committee as required by Article III which
14 shall have the power to act on behalf of the Interstate Commission in
15 carrying out its powers and duties hereunder;
- 16 i. To elect or appoint such officers, attorneys, employees, agents,
17 or consultants, and to fix their compensation, define their duties and
18 determine their qualifications; and to establish the Interstate
19 Commission's personnel policies and programs relating to, among
20 other things, conflicts of interest, rates of compensation, and
21 qualifications of personnel;
- 22 j. To accept any and all donations and grants of money, equipment,
23 supplies, materials, and services, and to receive, utilize, and dispose of
24 same;
- 25 k. To lease, purchase, accept contributions or donations of, or
26 otherwise to own, hold, improve or use any property, real, personal,
27 or mixed;
- 28 l. To sell, convey, mortgage, pledge, lease, exchange, abandon, or
29 otherwise dispose of any property, real, personal or mixed;
- 30 m. To establish a budget and make expenditures and levy dues as
31 provided in Article X of this compact;
- 32 n. To sue and be sued;
- 33 o. To provide for dispute resolution among compacting states;
- 34 p. To perform such functions as may be necessary or appropriate
35 to achieve the purposes of this compact;
- 36 q. To report annually to the legislatures, governors, judiciary, and
37 state councils of the compacting states concerning the activities of the
38 Interstate Commission during the preceding year. Such reports shall
39 also include any recommendations that may have been adopted by the
40 Interstate Commission;
- 41 r. To coordinate education, training and public awareness
42 regarding the interstate movement of offenders for officials involved
43 in such activity; and
- 44 s. To establish uniform standards for the reporting, collecting, and
45 exchanging of data.

1 6. Article VI. Organization and Operation of the Interstate
2 Commission.

3 a. By-laws. The Interstate Commission shall, by a majority of the
4 Members, within twelve months of the first Interstate Commission
5 meeting, adopt by-laws to govern its conduct as may be necessary or
6 appropriate to carry out the purposes of the Compact, including, but
7 not limited to:

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

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

11 (3) Providing reasonable standards and procedures for the
12 establishment of committees, and governing any general or specific
13 delegation of any authority or function of the Interstate Commission.

14 (4) Providing reasonable procedures for calling and conducting
15 meetings of the Interstate Commission, and ensuring reasonable notice
16 of each such meeting.

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

19 (6) Providing reasonable standards and procedures for the
20 establishment of the personnel policies and programs of the Interstate
21 Commission.

22 Notwithstanding any civil service or other similar laws of any
23 Compacting State, the by-laws shall exclusively govern the personnel
24 policies and programs of the Interstate Commission.

25 (7) Providing a mechanism for winding up the operations of the
26 Interstate Commission and the equitable return of any surplus funds
27 that may exist upon the termination of the Compact after the payment
28 or reserving of all of its debts and obligations.

29 (8) Providing transition rules for "start up" administration of the
30 compact.

31 (9) Establishing standards and procedures for compliance and
32 technical assistance in carrying out the compact.

33 b. Officers and Staff. The Interstate Commission shall, by a
34 majority of the members, elect from among its members a chairman
35 and a vice chairman, each of whom shall have such authorities and
36 duties as may be specified in the by-laws. The chairman, or in his
37 absence or disability, the vice chairman, shall preside at all meetings
38 of the Interstate Commission. The officers so elected shall serve
39 without compensation or remuneration from the Interstate
40 Commission; provided that, subject to the availability of budgeted
41 funds, the officers shall be reimbursed for any actual and necessary
42 costs and expenses incurred by them in the performance of their duties
43 and responsibilities as officers of the Interstate Commission.

44 The Interstate Commission shall, through its executive committee,
45 appoint or retain an executive director for such period, upon such
46 terms and conditions and for such compensation as the Interstate

1 Commission may deem appropriate. The executive director shall serve
2 as secretary to the Interstate Commission, and hire and supervise such
3 other staff as may be authorized by the Interstate Commission, but
4 shall not be a member.

5 c. Corporate Records of the Interstate Commission. The Interstate
6 Commission shall maintain its corporate books and records in
7 accordance with the by-laws.

8 d. Qualified Immunity, Defense and Indemnification. The members,
9 officers, executive director and employees of the Interstate
10 Commission shall be immune from suit and liability, either personally
11 or in their official capacity, for any claim for damage to or loss of
12 property or personal injury or other civil liability caused or arising out
13 of any actual or alleged act, error or omission that occurred within the
14 scope of Interstate Commission employment, duties or responsibilities;
15 provided, that nothing in this paragraph shall be construed to protect
16 any such person from suit or liability for any damage, loss, injury or
17 liability caused by the intentional or willful and wanton misconduct of
18 any such person.

19 The Interstate Commission shall defend the Commissioner of a
20 Compacting State, or his representatives or employees, or the
21 Interstate Commission's representatives or employees, in any civil
22 action seeking to impose liability, arising out of any actual or alleged
23 act, error or omission that occurred within the scope of Interstate
24 Commission employment, duties or responsibilities, or that the
25 defendant had a reasonable basis for believing occurred within the
26 scope of Interstate Commission employment, duties or responsibilities;
27 provided, that the actual or alleged act, error or omission did not
28 result from intentional wrongdoing on the part of such person.

29 The Interstate Commission shall indemnify and hold the
30 Commissioner of a Compacting State, the appointed designee or
31 employees, or the Interstate Commission's representatives or
32 employees, harmless in the amount of any settlement or judgment
33 obtained against such persons arising out of any actual or alleged act,
34 error or omission that occurred within the scope of Interstate
35 Commission employment, duties or responsibilities, or that such
36 persons had a reasonable basis for believing occurred within the scope
37 of Interstate Commission employment, duties or responsibilities,
38 provided, that the actual or alleged act, error or omission did not
39 result from gross negligence or intentional wrongdoing on the part of
40 such person.

41

42 7. Article VII. Activities of the Interstate Commission.

43 a. The Interstate Commission shall meet and take such actions as
44 are consistent with the provisions of this Compact.

45 b. Except as otherwise provided in this Compact and unless a
46 greater percentage is required by the By-laws, in order to constitute

1 an act of the Interstate Commission, such act shall have been taken at
2 a meeting of the Interstate Commission and shall have received an
3 affirmative vote of a majority of the members present.

4 c. Each Member of the Interstate Commission shall have the right
5 and power to cast a vote to which that Compacting State is entitled
6 and to participate in the business and affairs of the Interstate
7 Commission. A Member shall vote in person on behalf of the state and
8 shall not delegate a vote to another member state. However, a State
9 Council shall appoint another authorized representative, in the absence
10 of the commissioner from that state, to cast a vote on behalf of the
11 member state at a specified meeting. The By-laws may provide for
12 Members' participation in meetings by telephone or other means of
13 telecommunication or electronic communication. Any voting
14 conducted by telephone, or other means of telecommunication or
15 electronic communication shall be subject to the same quorum
16 requirements of meetings where members are present in person.

17 d. The Interstate Commission shall meet at least once during each
18 calendar year. The chairman of the Interstate Commission may call
19 additional meetings at any time and, upon the request of a majority of
20 the Members, shall call additional meetings.

21 e. The Interstate Commission's By-laws shall establish conditions
22 and procedures under which the Interstate Commission shall make its
23 information and official records available to the public for inspection
24 or copying. The Interstate Commission may exempt from disclosure
25 any information or official records to the extent they would adversely
26 affect personal privacy rights or proprietary interests. In promulgating
27 such Rules, the Interstate Commission may make available to law
28 enforcement agencies records and information otherwise exempt from
29 disclosure, and may enter into agreements with law enforcement
30 agencies to receive or exchange information or records subject to
31 nondisclosure and confidentiality provisions.

32 f. Public notice shall be given of all meetings and all meetings shall
33 be open to the public, except as set forth in the Rules or as otherwise
34 provided in the Compact. The Interstate Commission shall promulgate
35 Rules consistent with the principles contained in the "Government in
36 the Sunshine Act," 5 U.S.C. Section 552(b), as may be amended. The
37 Interstate Commission and any of its committees may close a meeting
38 to the public where it determines by two-thirds vote that an open
39 meeting would be likely to:

- 40 (1) relate solely to the Interstate Commission's internal personnel
41 practices and procedures;
- 42 (2) disclose matters specifically exempted from disclosure by
43 statute;
- 44 (3) disclose trade secrets or commercial or financial information
45 which is privileged or confidential;
- 46 (4) involve accusing any person of a crime, or formally censuring

- 1 any person;
- 2 (5) disclose information of a personal nature where disclosure
3 would constitute a clearly unwarranted invasion of personal privacy;
- 4 (6) disclose investigatory records compiled for law enforcement
5 purposes;
- 6 (7) disclose information contained in or related to examination,
7 operating or condition reports prepared by, or on behalf of or for the
8 use of, the Interstate Commission with respect to a regulated entity for
9 the purpose of regulation or supervision of such entity;
- 10 (8) disclose information, the premature disclosure of which would
11 significantly endanger the life of a person or the stability of a regulated
12 entity; or
- 13 (9) specifically relate to the Interstate Commission's issuance of a
14 subpoena, or its participation in a civil action or proceeding.
- 15 g. For every meeting closed pursuant to this provision, the
16 Interstate Commission's chief legal officer shall publicly certify that,
17 in his opinion, the meeting may be closed to the public, and shall
18 reference each relevant exemptive provision.
- 19 h. The Interstate Commission shall keep minutes which shall fully
20 and clearly describe all matters discussed in any meeting and shall
21 provide a full and accurate summary of any actions taken, and the
22 reasons therefor, including a description of each of the views
23 expressed on any item and the record of any roll call vote (reflected in
24 the vote of each Member on the question). All documents considered
25 in connection with any action shall be identified in such minutes.
- 26 i. The Interstate Commission shall collect standardized data
27 concerning the interstate movement of offenders as directed through
28 its By-laws and Rules which shall specify the data to be collected, the
29 means of collection and data exchange and reporting requirements.
- 30
- 31 8. Article VIII. Rulemaking Functions of the Interstate
32 Commission.
- 33 a. The Interstate Commission shall promulgate Rules in order to
34 effectively and efficiently achieve the purposes of the Compact
35 including transition rules governing administration of the compact
36 during the period in which it is being considered and enacted by the
37 states.
- 38 b. Rulemaking shall occur pursuant to the criteria set forth in this
39 Article and the By-laws and Rules adopted pursuant thereto. Such
40 rulemaking shall substantially conform to the principles of the federal
41 Administrative Procedure Act, 5 U.S.C.A. section 551 et seq., and the
42 federal Advisory Committee Act, 5 U.S.C.A. App. 2, section 1 et seq.,
43 as may be amended (hereinafter "APA").
- 44 c. All Rules and amendments shall become binding as of the date
45 specified in each Rule or amendment.
- 46 d. If a majority of the legislatures of the Compacting States rejects

1 a Rule, by enactment of a statute or resolution in the same manner
2 used to adopt the compact, then such Rule shall have no further force
3 and effect in any Compacting State.

4 e. When promulgating a Rule, the Interstate Commission shall:
5 (1) publish the proposed Rule stating with particularity the text
6 of the Rule which is proposed and the reason for the proposed
7 Rule;
8 (2) allow persons to submit written data, facts, opinions and
9 arguments, which information shall be publicly available;
10 (3) provide an opportunity for an informal hearing; and
11 (4) promulgate a final Rule and its effective date, if
12 appropriate, based on the rulemaking record.

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

21 f. Subjects to be addressed within 12 months after the first meeting
22 must at a minimum include:
23 (1) notice to victims and opportunity to be heard;
24 (2) offender registration and compliance;
25 (3) violations/returns;
26 (4) transfer procedures and forms;
27 (5) eligibility for transfer;
28 (6) collection of restitution and fees from offenders;
29 (7) data collection and reporting;
30 (8) the level of supervision to be provided by the receiving state;
31 (9) transition rules governing the operation of the compact and
32 the Interstate Commission during all or part of the period
33 between the effective date of the compact and the date on
34 which the last eligible state adopts the compact; and
35 (10) Mediation, arbitration and dispute resolution.

36 g. The existing rules governing the operation of the previous
37 compact superseded by this act shall be null and void twelve months
38 after the first meeting of the Interstate Commission created hereunder.

39 h. Upon determination by the Interstate Commission that an
40 emergency exists, it may promulgate an emergency rule which shall
41 become effective immediately upon adoption, provided that the usual
42 rulemaking procedures provided hereunder shall be retroactively
43 applied to said rule as soon as reasonably possible, in no event later
44 than 90 days after the effective date of the rule.

45

46 9. Article IX. Oversight, Enforcement and Dispute Resolution by

1 the Interstate Commission.

2 a. Oversight. The Interstate Commission shall oversee the
3 interstate movement of adult offenders in the compacting states and
4 shall monitor such activities being administered in Non-compacting
5 States which may significantly affect Compacting States.

6 The courts and executive agencies in each Compacting State shall
7 enforce this Compact and shall take all actions necessary and
8 appropriate to effectuate the Compact's purposes and intent. In any
9 judicial or administrative proceeding in a Compacting State pertaining
10 to the subject matter of this Compact which may affect the powers,
11 responsibilities or actions of the Interstate Commission, the Interstate
12 Commission shall be entitled to receive all service of process in any
13 such proceeding, and shall have standing to intervene in the
14 proceeding for all purposes.

15 b. Dispute Resolution. The Compacting States shall report to the
16 Interstate Commission on issues or activities of concern to them, and
17 cooperate with and support the Interstate Commission in the discharge
18 of its duties and responsibilities.

19 The Interstate Commission shall attempt to resolve any disputes or
20 other issues which are subject to the Compact and which may arise
21 among Compacting States and Non-compacting States.

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

25 c. Enforcement. The Interstate Commission, in the reasonable
26 exercise of its discretion, shall enforce the provisions of this compact
27 using any or all means set forth in Article XII, section b., of this
28 compact.

29

30 10. Article X. Finance.

31 a. The Interstate Commission shall pay or provide for the payment
32 of the reasonable expenses of its establishment, organization and
33 ongoing activities.

34 b. The Interstate Commission shall levy on and collect an annual
35 assessment from each Compacting State to cover the cost of the
36 internal operations and activities of the Interstate Commission and its
37 staff which must be in a total amount sufficient to cover the Interstate
38 Commission's annual budget as approved each year. The aggregate
39 annual assessment amount shall be allocated based upon a formula to
40 be determined by the Interstate Commission, taking into consideration
41 the population of the state and the volume of interstate movement of
42 offenders in each Compacting State and shall promulgate a Rule
43 binding upon all Compacting States which governs said assessment.

44 c. The Interstate Commission shall not incur any obligations of any
45 kind prior to securing the funds adequate to meet the same; nor shall
46 the Interstate Commission pledge the credit of any of the compacting

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

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

10 e. (1) The Interstate compact for adult offender supervision fund
11 is established as a special fund in the State Treasury. The fund
12 consists of moneys appropriated for the purposes of meeting financial
13 obligations imposed on the State of New Jersey as a result of the
14 State's participation in this compact.

15 (2) An assessment levied or any other financial obligation imposed
16 under this compact is effective against the State of New Jersey only to
17 the extent that moneys to pay the assessment or meet the financial
18 obligation have been appropriated and deposited in the fund
19 established pursuant to paragraph (1) of this subsection.

20

21 11. Article XI. Compacting States, Effective Date and Amendment.

22 a. Any state, as defined in Article II of this compact, is eligible to
23 become a Compacting State.

24 b. The Compact shall become effective and binding upon legislative
25 enactment of the Compact into law by no less than 35 of the States.
26 The initial effective date shall be the later of July 1, 2001, or upon
27 enactment into law by the 35th jurisdiction. Thereafter it shall become
28 effective and binding, as to any other Compacting State, upon
29 enactment of the Compact into law by that State. The governors of
30 Non-member states or their designees will be invited to participate in
31 Interstate Commission activities on a non-voting basis prior to
32 adoption of the compact by all states and territories of the United
33 States.

34 c. Amendments to the Compact may be proposed by the Interstate
35 Commission for enactment by the Compacting States. No amendment
36 shall become effective and binding upon the Interstate Commission and
37 the Compacting States unless and until it is enacted into law by
38 unanimous consent of the Compacting States.

39

40 12. Article XII. Withdrawal, Default, Termination and Judicial
41 Enforcement.

42 a. Withdrawal. Once effective, the Compact shall continue in force
43 and remain binding upon each and every Compacting State; provided,
44 that a Compacting State may withdraw from the Compact
45 ("Withdrawing State") by enacting a statute specifically repealing the
46 statute which enacted the Compact into law.

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

2 The Withdrawing State shall immediately notify the Chairman of the
3 Interstate Commission in writing upon the introduction of legislation
4 repealing this Compact in the Withdrawing State.

5 The Interstate Commission shall notify the other Compacting States
6 of the Withdrawing State's intent to withdraw within sixty days of its
7 receipt thereof.

8 The Withdrawing State is responsible for all assessments,
9 obligations and liabilities incurred through the effective date of
10 withdrawal, including any obligations, the performance of which
11 extend beyond the effective date of withdrawal.

12 Reinstatement following withdrawal of any Compacting State shall
13 occur upon the Withdrawing State reenacting the Compact or upon
14 such later date as determined by the Interstate Commission

15 b. Default. If the Interstate Commission determines that any
16 Compacting State has at any time defaulted ("Defaulting State") in the
17 performance of any of its obligations or responsibilities under this
18 Compact, the By-laws or any duly promulgated Rules, the Interstate
19 Commission may impose any or all of the following penalties:

20 Fines, fees and costs in such amounts as are deemed to be
21 reasonable as fixed by the Interstate Commission;

22 Remedial training and technical assistance as directed by the
23 Interstate Commission; and

24 Suspension and termination of membership in the compact.

25 Suspension shall be imposed only after all other reasonable means
26 of securing compliance under the By-laws and Rules have been
27 exhausted. Immediate notice of suspension shall be given by the
28 Interstate Commission to the Governor, the Chief Justice or Chief
29 Judicial Officer of the state; the majority and minority leaders of the
30 defaulting state's legislature, and the State Council.

31 The grounds for default include, but are not limited to, failure of a
32 Compacting State to perform such obligations or responsibilities
33 imposed upon it by this compact, Interstate Commission By-laws, or
34 duly promulgated Rules. The Interstate Commission shall
35 immediately notify the Defaulting State in writing of the penalty
36 imposed by the Interstate Commission on the Defaulting State pending
37 a cure of the default. The Interstate Commission shall stipulate the
38 conditions and the time period within which the Defaulting State must
39 cure its default. If the Defaulting State fails to cure the default within
40 the time period specified by the Interstate Commission, in addition to
41 any other penalties imposed herein, the Defaulting State may be
42 terminated from the Compact upon an affirmative vote of a majority
43 of the Compacting States and all rights, privileges and benefits
44 conferred by this Compact shall be terminated from the effective date
45 of suspension.

46 Within sixty days of the effective date of termination of a

1 Defaulting State, the Interstate Commission shall notify the Governor,
2 the Chief Justice or Chief Judicial Officer and the Majority and
3 Minority Leaders of the Defaulting State's legislature and the state
4 council of such termination.

5 The Defaulting State is responsible for all assessments, obligations
6 and liabilities incurred through the effective date of termination
7 including any obligations, the performance of which extends beyond
8 the effective date of termination.

9 The Interstate Commission shall not bear any costs relating to the
10 Defaulting State unless otherwise mutually agreed upon between the
11 Interstate Commission and the Defaulting State.

12 Reinstatement following termination of any Compacting State
13 requires both a reenactment of the Compact by the Defaulting State
14 and the approval of the Interstate Commission pursuant to the Rules.

15 c. Judicial Enforcement. The Interstate Commission may, by
16 majority vote of the Members, initiate legal action in the United States
17 District Court for the District of Columbia or, at the discretion of the
18 Interstate Commission, in the Federal District where the Interstate
19 Commission has its offices to enforce compliance with the provisions
20 of the Compact, its duly promulgated Rules and By-laws, against any
21 Compacting State in default. In the event judicial enforcement is
22 necessary the prevailing party shall be awarded all costs of such
23 litigation including reasonable attorneys fees.

24 d. Dissolution of Compact. The Compact dissolves effective upon
25 the date of the withdrawal or default of the Compacting State which
26 reduces membership in the Compact to one Compacting State.

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

31

32 13. Article XIII. Severability and Construction. The provisions of
33 this Compact shall be severable, and if any phrase, clause, sentence or
34 provision is deemed unenforceable, the remaining provisions of the
35 Compact shall be enforceable.

36 The provisions of this Compact shall be liberally constructed to
37 effectuate its purposes.

38

39 14. Article XIV. Binding Effect of Compact and Other Laws.

40 a. Other Laws. Nothing herein prevents the enforcement of any
41 other law of a Compacting State that is not inconsistent with this
42 Compact.

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

45 b. Binding Effect of the Compact. All lawful actions of the
46 Interstate Commission, including all Rules and By-laws promulgated

1 by the Interstate Commission, are binding upon the Compacting
2 States.

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

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

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

17

18 ¹[15. The following are repealed:

19 N.J.S.2A:168-14 to 2A:168-17 both inclusive; and Laws of 1953,
20 c.83, ss.1 through 8 (C.2A:168-18 through C.2A:168-25).]¹

21

22 ¹[16.] 15.¹ This act shall take effect immediately.

23

24

25

26

27 Provides for the Interstate Compact for Adult Offender Supervision.