AN ACT

Authorizing the Commonwealth of Pennsylvania to join the
Interstate Compact for the Supervision of Adult Offenders;
providing for the form of the compact; imposing additional
powers and duties on the Governor, the Secretary of the
Commonwealth and the Compact Administrator; and making a
repeal.

Whereas, The Interstate Compact for the Supervision of
Parolees and Probationers was established in 1937 and is the
earliest corrections "compact" established among the states and
has not been amended since its adoption over 62 years ago; and
Whereas, This compact is the only vehicle for the controlled
movement of adult parolees and probationers across state lines
and it currently has jurisdiction over more than a quarter of a
million offenders; and
Whereas, The complexities of the compact have become more
difficult to administer and many jurisdictions have expanded
supervision expectations to include currently unregulated
practices such as victim input, victim notification requirements
and sex offender registration; and

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

Whereas, Upon the adoption of this Interstate Compact for Adult Offender Supervision, it is the intention of the legislature to repeal the previous Interstate Compact for the Supervision of Parolees and Probationers on the effective date of this Compact.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Interstate Compact for the Supervision of Adult Offenders Act.

Section 2. Authority to execute compact.

The Governor of Pennsylvania, on behalf of this State, is hereby authorized to execute a compact in substantially the following form with any one or more of the states of the United States and the General Assembly hereby signifies in advance its approval and ratification of such compact:

ARTICLE I

PURPOSE

The compacting states to this Interstate Compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the Bylaws and Rules of this compact to travel across state lines both to and from each compacting state in such a manner as to track the
location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdictions. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112, has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime. It is the purpose of this compact and the Interstate Commission created hereunder, through means of joint and cooperative action among the compacting states: to provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community; to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and to equitably distribute the costs, benefits and obligations of the compact among the compacting states. In addition, this compact will: create an Interstate Commission which will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies which will promulgate rules to achieve the purpose of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators; monitor compliance
with rules governing interstate movement of offenders and
initiate interventions to address and correct non-compliance;
and coordinate training and education regarding regulations of
interstate movement of offenders for officials involved in such
activity. The compacting states recognize that there is no
"right" of any offender to live in another state and that duly
accredited officers of a sending state may at all times enter a
receiving state and there apprehend and retake any offender
under supervision subject to the provisions of this compact and
Bylaws and Rules promulgated hereunder. It is the policy of the
compacting states that the activities conducted by the
Interstate Commission created herein are the formation of public
policies and are therefore public business.

ARTICLE II

DEFINITIONS

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

"Adult" means both individuals legally classified as adults
and juveniles treated as adults by court order, statute, or
operation of law.

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

"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 offenders subject to the terms of
this compact, the rules adopted by the Interstate Commission and
policies adopted by the State Council under this compact.

"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.

"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 compacting states hereby create the "Interstate Commission for Adult Offender Supervision." The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact. The Interstate Commission shall consist of Commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state. In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations; such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (nonvoting) members. The Interstate Commission may provide in its by-laws for such additional, ex-officio, non-voting members as it deems necessary. Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission. The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the
request of 27 or more compacting states, shall call additional
meetings. Public notice shall be given of all meetings and
meetings shall be open to the public.

The Interstate Commission shall establish an Executive Committee
which shall include commission officers, members and others as
shall be determined by the By-laws. The Executive Committee
shall have the power to act on behalf of the Interstate
Commission during periods when the Interstate Commission is not
in session, with the exception of rulemaking and/or amendment to
the Compact. The Executive Committee oversees the day-to-day
activities managed by the Executive Director and Interstate
Commission staff; administers enforcement and compliance with
the provisions of the compact, its by-laws and as directed by
the Interstate Commission and performs other duties as directed
by Commission or set forth in the By-laws.

ARTICLE IV

THE STATE COUNCIL

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

ARTICLE V

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

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.
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, judiciary,
and state councils of the compacting states concerning the
activities of the Interstate Commission during the preceding
Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity.

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

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

1. establishing the fiscal year of the Interstate Commission;
2. establishing an executive committee and such other committees as may be necessary
3. providing reasonable standards and procedures:
   (i) for the establishment of committees, and
   (ii) governing any general or specific delegation of any authority or function of the Interstate Commission;
4. providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;
5. establishing the titles and responsibilities of the officers of the Interstate Commission;
6. providing reasonable standards and procedures for the establishment of the personnel policies and programs of the
Interstate Commission. Notwithstanding any civil service or
other similar laws of any Compacting State, the By-laws shall
exclusively govern the personnel policies and programs of the
Interstate Commission; and

providing a mechanism for winding up the operations of the
Interstate Commission and the equitable return of any surplus
funds that may exist upon the termination of the Compact after
the payment and/or reserving of all of its debts and
obligations;

providing transition rules for "start up" administration of the
compact;

establishing standards and procedures for compliance and
technical assistance in carrying out the compact.

Section B. Officers and Staff

The Interstate Commission shall, by a majority of the Members,
elect from among its Members a chairperson and a vice
chairperson, each of whom shall have such authorities and duties
as may be specified in the By-laws. The chairperson or, in his
or her absence or disability, the vice chairperson, shall
preside at all meetings of the Interstate Commission. The
Officers so elected shall serve without compensation or
remuneration from the Interstate Commission; PROVIDED THAT,
subject to the availability of budgeted funds, the officers
shall be reimbursed for any actual and necessary costs and
expenses incurred by them in the performance of their duties and
responsibilities as officers of the Interstate Commission.

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

Section C. Corporate Records of the Interstate Commission
The Interstate Commission shall maintain its corporate books and records in accordance with the By-laws.

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

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

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

ARTICLE VII

ACTIVITIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall meet and take such actions as are consistent with the provisions of this Compact. Except as otherwise provided in this Compact and unless a greater percentage is required by the By-laws, in order to constitute an act of the Interstate Commission, such act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present.

Each Member of the Interstate Commission shall have the right and power to cast a vote to which that Compact State is entitled and to participate in the business and affairs of the Interstate Commission. A Member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The By-laws may provide for Members'
participation in meetings by telephone or other means of
telecommunication or electronic communication. Any voting
conducted by telephone, or other means of telecommunication or
electronic communication shall be subject to the same quorum
requirements of meetings where members are present in person.
The Interstate Commission shall meet at least once during each
calendar year. The chairperson of the Interstate Commission may
call additional meetings at any time and, upon the request of a
majority of the Members, shall call additional meetings.
The Interstate Commission's By-laws shall establish conditions
and procedures under which the Interstate Commission shall make
its information and official records available to the public for
inspection or copying. The Interstate Commission may exempt from
disclosure any information or official records to the extent
they would adversely affect personal privacy rights or
proprietary interests. In promulgating such Rules, the
Interstate Commission may make available to law enforcement
agencies records and information otherwise exempt from
disclosure, and may enter into agreements with law enforcement
agencies to receive or exchange information or records subject
to nondisclosure and confidentiality provisions.
Public notice shall be given of all meetings and all meetings
shall be open to the public, except as set forth in the Rules or
as otherwise provided in the Compact. The Interstate Commission
shall promulgate Rules consistent with the principles contained
in the "Government in Sunshine Act," 5 U.S.C. Section 552(b), as
may be amended. The Interstate Commission and any of its
committees may close a meeting to the public where it determines
by two-thirds vote that an open meeting would be likely to:
relate solely to the Interstate Commission's internal
personnel practices and procedures;

disclose matters specifically exempted from disclosure by statute;

disclose trade secrets or commercial or financial information which is privileged or confidential;

involve accusing any person of a crime, or formally censuring any person;

disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

disclose investigatory records compiled for law enforcement purposes;

disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated entity for the purpose of regulation or supervision of such entity;

disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity;

specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or proceeding.

For every meeting closed pursuant to this provision, the Interstate Commission's chief legal officer shall publicly certify that, in his or her opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any
actions taken, and the reasons therefor, including a description
of each of the views expressed on any item and the record of any
rollcall vote (reflected in the vote of each Member on the
question). All documents considered in connection with any
action shall be identified in such minutes.

The Interstate Commission shall collect standardized data
concerning the interstate movement of offenders as directed
through its By-laws and Rules which shall specify the data to be
collected and the means of collection and data exchange and
reporting requirements.

ARTICLE VIII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

The Interstate Commission shall promulgate Rules in order to
effectively and efficiently achieve the purposes of the Compact
including transition rules governing administration of the
compact during the period in which it is being considered and
enacted by the states;

Rulemaking shall occur pursuant to the criteria set forth in
this Article and the By-laws and Rules adopted pursuant thereto.
Such rulemaking shall substantially conform to the principles of
the "Federal Administrative Procedure Act," 5 U.S.C.S. section
551 et seq., and the Federal Advisory Committee Act, 5 U.S.C.S.
app. 2, section 1 et seq., as may be amended (hereinafter
"APA").

All Rules and amendments shall become binding as of the date
specified in each Rule or amendment.

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

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

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

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

- notice to victims and opportunity to be heard;
- offender registration and compliance;
- violations/returns;
- transfer procedures and forms;
- eligibility for transfer;
- collection of restitution and fees from offenders;
- data collection and reporting;
- the level of supervision to be provided by the receiving state;
- transition rules governing the operation of the compact and
the Interstate Commission during all or part of the period
between the effective date of the compact and the date
on which the last eligible state adopts the compact;
mediation, arbitration and dispute resolution.
The existing rules governing the operation of the previous
compact superceded by this Act shall be null and void twelve
(12) months after the first meeting of the Interstate Commission
created hereunder.
Upon determination by the Interstate Commission that an
emergency exists, it may promulgate an emergency rule which
shall become effective immediately upon adoption, provided that
the usual rulemaking procedures provided hereunder shall be
retroactively applied to said rule as soon as reasonably
possible, in no event later than 90 days after the effective
date of the rule.

ARTICLE IX
OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE
COMMISSION

Section A. Oversight
The Interstate Commission shall oversee the interstate movement
of adult offenders in the compacting states and shall monitor
such activities being administered in Non-compacting States
which may significantly affect Compacting States.
The courts and executive agencies in each Compacting State shall
enforce this Compact and shall take all actions necessary and
appropriate to effectuate the Compact's purposes and intent. In
any judicial or administrative proceeding in a Compacting State
pertaining to the subject matter of this Compact which may
affect the powers, responsibilities or actions of the Interstate
Commission, the Interstate Commission shall be entitled to
receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

Section B. Dispute Resolution

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

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

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

Section C. Enforcement

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

Section D. Extradition

The duly accredited officers of a sending state may at all times enter a receiving state, and there apprehend and retake any person on probation or parole. For that purpose, no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to OBTAIN extradition of fugitives from justice are hereby expressly waived on the part of states party hereto as to such persons. THE DECISION OF THE SENDING STATE TO RETAKE A PERSON ON PROBATION OR PAROLE SHALL BE CONCLUSIVE UPON AND NOT REVIEWABLE WITHIN THE RECEIVING STATE. If at the time when a state seeks to retake a probationer or parolee, there should be
pending against him within the receiving state any criminal charge, or he is suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense. The duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact without interference.

ARTICLE X
FINANCE

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

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

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

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

ARTICLE XI

COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

Any state, as defined in Article II of this compact, is eligible
to become a Compacting State. The Compact shall become effective
and binding upon legislative enactment of the Compact into law
by no less than 35 of the States. The initial effective date
shall be the later of July 1, 2001, or upon enactment into law
by the 35th jurisdiction. Thereafter it shall become effective
and binding, as to any other Compacting State, upon enactment of
the Compact into law by that State. The governors of Non-member
states or their designees will be invited to participate in
Interstate Commission activities on a non-voting basis prior to
adoption of the compact by all states and territories of the
United States.

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

ARTICLE XII

WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

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

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

The Withdrawing State shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this Compact in the Withdrawing State.

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

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

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

Section B. Default

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

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

Remedial training and technical assistance as directed by the
Suspension and termination of membership in the compact.

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

The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission By-laws, or duly promulgated Rules. The Interstate Commission shall immediately notify the Defaulting State in writing of the penalty imposed by the Interstate Commission on the Defaulting State pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the Defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Compacting States and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension. Within sixty days of the effective date of termination of a Defaulting State, the Interstate Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer and the Majority and Minority Leaders of the Defaulting State's legislature and the state council of such termination.
The Defaulting State is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination. The Interstate Commission shall not bear any costs relating to the Defaulting State unless otherwise mutually agreed upon between the Interstate Commission and the Defaulting State. Reinstatement following termination of any Compacting State requires both a reenactment of the Compact by the Defaulting State and the approval of the Interstate Commission pursuant to the Rules.

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

Section D. Dissolution of Compact
The Compact dissolves effective upon the date of the withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State. Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with
ARTICLE XIII

SEVERABILITY AND CONSTRUCTION

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

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

ARTICLE XIV

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other Laws

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

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

Section B. Binding Effect of the Compact

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

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

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

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

Section 3. When and how compact becomes operative.

(a) General rule.--When the Governor executes the Interstate Compact for the Supervision of Adult Offenders on behalf of this State and files a verified copy thereof with the Secretary of the Commonwealth and when the compact is ratified by one or more other states, then the compact shall become operative and effective between this State and such other state or states. The Governor is hereby authorized and directed to take such action as may be necessary to complete the exchange of official documents between this State and any other state ratifying the compact.

(b) Notice in Pennsylvania Bulletin.--The Secretary of the Commonwealth shall publish a notice in the Pennsylvania Bulletin when the conditions set forth in subsection (a) are satisfied and shall include in the notice the date on which the compact became effective and operative between this State and any other state or states in accordance with this act.

Section 4. State council and compact administrator.

(a) State Council.--Consistent with Article IV of the Interstate Compact for the Supervision of Adult Offenders, there is hereby established the State Council for Interstate Adult Offender Supervision. The council shall consist of nine members, seven of whom shall be appointed by the Governor. At least two members shall be judges of courts of record of this Commonwealth and at least one shall be a county chief probation officer, a
representative from the executive branch of government, a representative of victims groups and the Compact Administrator. The President pro tempore of the Senate and the Speaker of the House of Representatives shall each appoint a member of the General Assembly to serve as a member of the council. The term of a member of the council hereafter appointed, except to fill a vacancy, shall be for four years and until a successor has been appointed, but in no event more than 90 days beyond the expiration of the appointed term. The term of a member of the council who is appointed by virtue of serving as a member of the General Assembly, as a judge or as a county chief probation officer shall continue only as long as the individual remains in that office. A vacancy occurring in an office of a member of the council by expiration of term or for any other reason shall be filled by the appointing authority for the remainder of the term.

(b) Appointment of administrator.--The compact administrator shall be appointed by the Governor and shall serve as a member of the State Council for the Supervision of Adult Offenders and shall serve on the Interstate Commission for Adult Offender Supervision established pursuant to the Interstate Compact for the Supervision of Adult Offenders.

(c) Compensation and expenses of administrator.--The compact administrator who represents this State, as provided for in Article IV of the Interstate Compact for the Supervision of Adult Offenders, shall not be entitled to any additional compensation for his duties and responsibilities as compact administrator but shall be entitled to reimbursement for reasonable expenses actually incurred in connection with his duties and responsibilities as compact administrator in the same.
manner as for expenses incurred in connection with other duties and responsibilities of his office or employment.

Section 5. Repeals.

The following acts and parts of acts are repealed:

The act of June 25, 1937 (P.L.2086, No.415), entitled "An act providing for the making of compacts by the Commonwealth with other states for mutual helpfulness in relation to persons on probation or parole; and imposing certain powers and duties on the Governor and the Board of Pardons."

The act of July 20, 1968 (P.L.441, No.207), entitled "An act providing for the incarceration of probationers or parolees in certain other states under certain circumstances."

Section 6. Effective date.

This act shall take effect as follows:

Sections 1, 2, 3, 4 and this section shall take effect immediately.

Section 5 shall take effect on the date that the Interstate Compact for the Supervision of Adult Offenders becomes effective and operative between this State and any other state or states in accordance with section 3 of this act.