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Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

Virgin Islands Code Annotated **TITLE FIVE Judicial Procedure (Subts. 1 – 4)** **Subtitle 1**
Civil Procedure (Pts. I – VI) **PART V. Evidence (Chs. 61 – 67)** **Chapter 64. Interstate**
Compact for Juveniles (§§ 701 – 713)

§ 701. Short title

This chapter may be cited as “The Interstate **Compact** for Juveniles Act”.

History

—Added Apr. 7, 2010, No. 7159, § 1, Sess. L. 2010, p. 23.

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Virgin Islands Code Annotated **TITLE FIVE Judicial Procedure (Subts. 1 – 4)** **Subtitle 1 Civil Procedure (Pts. I – VI)** **PART V. Evidence (Chs. 61 – 67)** **Chapter 64. Interstate Compact for Juveniles (§§ 701 – 713)**

§ 701a. Interstate Compact for Juveniles

The Interstate **Compact** for Juveniles is enacted into law, ratified and entered into with all other jurisdictions legally joining the **Compact** in substantially the form set forth in this chapter.

History

—Added Apr. 7, 2010, No. 7159, § 1, Sess. L. 2010, p. 23.

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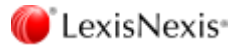
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Virgin Islands Code Annotated **TITLE FIVE Judicial Procedure (Subts. 1 – 4)** **Subtitle 1 Civil Procedure (Pts. I – VI)** **PART V. Evidence (Chs. 61 – 67)** **Chapter 64. Interstate Compact for Juveniles (§§ 701 – 713)**

§ 701b. Purpose

(a) The **compacting** states to this Interstate **Compact** recognize that each state is responsible for the proper supervision or return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The **compacting** states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The **compacting** states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C § 112, has authorized and encouraged **compacts** for cooperative efforts and mutual assistance in the prevention of crime.

(b) It is the purpose of this **Compact**, through means of joint and cooperative action among the **compacting** states to:

- (1)** ensure that the adjudicated juveniles and status offenders subject to this **Compact** are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state;
- (2)** ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected;
- (3)** return juveniles who have run away, absconded or escaped from supervision or control or have been accused of an offense to the state requesting their return;

- (4) make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services;
 - (5) provide for the effective tracking and supervision of juveniles;
 - (6) equitably allocate the costs, benefits and obligations of the **compacting** states;
 - (7) establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency that has jurisdiction over juvenile offenders;
 - (8) ensure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines;
 - (9) establish procedures to resolve pending charges, detainers, against juvenile offenders prior to transfer or release to the community under the terms of this **Compact**;
 - (10) establish a system of uniform data collection on information pertaining to juveniles subject to this **Compact** that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of **Compact** activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators;
 - (11) monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct non-compliance;
 - (12) coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; and
 - (13) coordinate the implementation and operation of the **Compact** with the Interstate **Compact** for the Placement of Children, the Interstate **Compact** for Adult Offender Supervision and other **compacts** affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise.
- (c) It is the policy of the **compacting** states that the activities conducted by the Interstate Commission established in this chapter are the formation of public policies and therefore are public business. Furthermore, the **compacting** states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this **Compact**. The provisions of this **Compact** must be reasonably and liberally construed to accomplish the purposes and policies of the **Compact**.
- (d) The remedies and procedures provided by this **Compact** are in addition to and not in substitution for any other right, remedy or procedure and shall not be in derogation of parental rights and responsibilities.

The Governor is hereby authorized to execute this **compact** on behalf of the Territory with any other State legally joining therein. Original jurisdiction is hereby vested in the Family Division of the Superior Court.

History

—Added Apr. 7, 2010, No. 7159, § 1, Sess. L. 2010, pp. 23–25.

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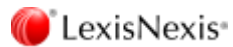
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Virgin Islands Code Annotated **TITLE FIVE Judicial Procedure (Subts. 1 – 4)** **Subtitle 1 Civil Procedure (Pts. I – VI)** **PART V. Evidence (Chs. 61 – 67)** **Chapter 64. Interstate Compact for Juveniles (§§ 701 – 713)**

§ 702. Definitions

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

- (a) "By-laws" means: those by-laws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.
- (b) "**Compact Administrator**" means: the individual in each **compacting** state appointed pursuant to the terms of this **Compact**, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this **Compact**, the rules adopted by the Interstate Commission and policies adopted by the State Council under this **Compact**.
- (c) "**Compacting State**" means: any state as defined in subsection (l) which has enacted the enabling legislation for this **Compact**.
- (d) "Commissioner" means: the voting representative of each **compacting** state appointed pursuant to section 703 of this chapter.
- (e) "Court" means: any court having jurisdiction over delinquent, neglected, or dependent children.
- (f) "Deputy **Compact Administrator**" means: the individual, if any, in each **compacting** state appointed to act on behalf of a **Compact Administrator** pursuant to the terms of this **Compact** responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this **Compact**, the rules adopted by the Interstate Commission and policies adopted by the State Council under this **Compact**.

(g) "Interstate Commission" means: the Interstate Commission for Juveniles established by section 703 of this chapter.

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

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

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

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

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

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

(i) "Non-**Compacting** state" means: any state that has not enacted the enabling legislation for this **Compact**.

(j) "Probation or Parole" means: any kind of supervision or conditional release of juveniles authorized under the laws of the **compacting** states.

(k) "Rule" means: a written statement by the Interstate Commission promulgated pursuant to section 704 of this chapter which is of general applicability, implements, interprets or prescribes a policy or provision of the **Compact**, or an organizational, procedural, or practice requirement of the Commission, and has the force and effect of statutory law in a **compacting** state, and includes the amendment, repeal, or suspension of an existing rule.

(l) "State" means: a state of the United States, the District of Columbia, or its designee, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

History

—Added Apr. 7, 2010, No. 7159, § 1, Sess. L. 2010, pp. 25–27.

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Civil Procedure (Pts. I – VI) **PART V. Evidence (Chs. 61 – 67)** **Chapter 64. Interstate**
Compact for Juveniles (§§ 701 – 713)

§ 703. Interstate Commission for Juveniles

(a)

(1) The **compacting** states by this **Compact** establish the “Interstate Commission for Juveniles”.

(2) The Commission is a body corporate and joint agency of the **compacting** states.

(3) The Commission has all the responsibilities, powers and duties set forth in this **Compact**, 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**.

(b) The Interstate Commission consists of Commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each **compacting** state and in consultation with the State Council for Interstate Juvenile Supervision established under this **Compact**. The Commissioner is the **Compact** Administrator, Deputy **Compact** Administrator or designee from that state who serves on the Interstate Commission in such capacity under or pursuant to the applicable law of the **compacting** state.

(c)

(1) In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission includes 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, Interstate **Compact** for Adult Offender Supervision, Interstate **Compact** for the Placement of Children, juvenile justice and juvenile corrections

officials, and crime victims. All non-commissioner members of the Interstate Commission must be ex-officio, non-voting, members.

(2) The Interstate Commission may provide in its by-laws for such additional ex-officio, non-voting members, including members of other national organizations, in such numbers as is determined by the Commission.

(d) Each **compacting** state represented at any meeting of the Commission is entitled to one vote. A majority of the **compacting** states constitutes a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission.

(e) The Commission shall meet at least once each calendar year. The Chairperson may call additional meetings and, upon the request of a simple majority of the **compacting** states, shall call additional meetings. Public notice must be given of all meetings and meetings must be open to the public.

(f) The Interstate Commission shall establish an Executive Committee, which must include Commission officers, members, and others as 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 amendment to the **Compact**. The executive committee shall oversee the day-to-day activities of the administration of the **Compact** managed by an Executive Director and Interstate Commission staff; administers enforcement and compliance with the provisions of the **Compact**, its by-laws and rules, and performs such other duties as directed by the Interstate Commission or set forth in the by-laws.

(g) Each member of the Interstate Commission has the right and power to cast a vote to which that **compacting** state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and may not delegate a vote to another **compacting** state. However, a Commissioner, in consultation with the State Council, shall appoint another authorized representative, in the absence of the Commissioner from that state, to cast a vote on behalf of the **compacting** 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.

(h) The Interstate Commission's by-laws must 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.

(i) Public notice must be given of all meetings and all meetings must be open to the public, except as set forth in the Rules or as otherwise provided in the **Compact**. 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:

- (1) Relate solely to the Interstate Commission's internal personnel practices and procedures;
- (2) Disclose matters specifically exempted from disclosure by statute;
- (3) Disclose trade secrets or commercial or financial information which is privileged or confidential;
- (4) Involve accusing any person of a crime, or formally censuring any person;

- (5)** Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (6)** Disclose investigative records compiled for law enforcement purposes;
- (7)** 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 person or entity for the purpose of regulation or supervision of such person or entity;
- (8)** Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity; or
- (9)** Specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or other legal proceeding.

(j)

(1) For every meeting closed pursuant to this provision, the Interstate Commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision.

(2)

(A) The Interstate Commission shall keep minutes that fully and clearly describe all matters discussed in any meeting and that provide a full and accurate summary of any actions taken, and the reasons for them, including a description of each of the views expressed on any item and the record of any roll call vote, reflected in the vote of each member on the question.

(B) All documents considered in connection with any action must be identified in such minutes.

(k) The Interstate Commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules, which must specify the data to be collected, the means of collection and data exchange and reporting requirements. The methods of data collection, exchange and reporting must insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.

History

—Added Apr. 7, 2010, No. 7159, § 1, Sess. L. 2010, pp. 27–30.

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§ 704. Powers and duties of the Interstate Commission

The Commission has the following powers and duties:

- (1) To provide for dispute resolution among **compacting** states;
- (2) To promulgate rules to effect the purposes and obligations as enumerated in this **Compact** which have the force of statutory law and are binding in the **compacting** states to the extent and in the manner provided in this **Compact**.
- (3) To oversee, supervise and coordinate the interstate movement of juveniles subject to the terms of this **Compact** and any by-laws adopted and rules promulgated by the Interstate Commission;
- (4) To enforce compliance with the **Compact** provisions, the rules promulgated by the Interstate Commission, and the by-laws, using all necessary and proper means, including but not limited to the use of judicial process;
- (5) To establish and maintain offices located within one or more of the **compacting** states;
- (6) To purchase and maintain insurance and bonds;
- (7) To borrow, accept, hire or contract for services of personnel;
- (8) To establish and appoint committees and hire staff which it considers necessary for the carrying out of its functions including, but not limited to, an Executive Committee as required by section 703 which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder;

(9) 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 personnel policies, conflicts of interest, rates of compensation, and qualifications of personnel;

(10) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it;

(11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed;

(12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed;

(13) To establish a budget and make expenditures and levy dues as provided in section 708 of this

Compact;

(14) To sue and be sued;

(15) To adopt a seal and by-laws governing the management and operation of the Interstate Commission;

(16) To perform such functions as may be necessary or appropriate to achieve the purposes of this

Compact;

(17) 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 year. Such reports must also include any recommendations that may have been adopted by the Interstate Commission;

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

(19) To establish uniform standards of the reporting, collecting and exchanging of data; and

(20) To maintain its corporate books and records in accordance with the by-laws.

History

—Added Apr. 7, 2010, No. 7159, § 1, Sess. L. 2010, pp. 30–32.

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Virgin Islands Code Annotated **TITLE FIVE Judicial Procedure (Subts. 1 – 4)** **Subtitle 1 Civil Procedure (Pts. I – VI)** **PART V. Evidence (Chs. 61 – 67)** **Chapter 64. Interstate Compact for Juveniles (§§ 701 – 713)**

§ 705. Organization and operation of the Interstate Commission

(a) By-laws.

(1) The Interstate Commission shall, by a majority of the members present and voting, within twelve months after 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:

(2) Establishing the fiscal year of the Interstate Commission;

(3) Establishing an Executive Committee and such other committees as may be necessary;

(4) Providing for the establishment of committees governing any general or specific delegation of any authority or function of the Interstate Commission;

(5) Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

(6) Establishing the titles and responsibilities of the officers of the Interstate Commission;

(7) Providing a mechanism for concluding the operations of the Interstate Commission and the 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;

(8) Providing “start-up” rules for initial administration of the **Compact**; and

(9) Establishing standards and procedures for compliance and technical assistance in carrying out the **Compact**.

(b) Officers and Staff.

(1) The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the by-laws. The chairperson or, in the chairperson's 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; however, subject to the availability of budgeted funds, the officers must be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

(2) 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 consider appropriate. The Executive Director shall serve as secretary to the Interstate Commission, but may not be a member and shall hire and supervise such other staff as may be authorized by the Interstate Commission.

(c) Qualified Immunity, Defense and Indemnification.

(1) The Commission's Executive Director and employees are 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 or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; however, any such person is not be protected from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

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

(3) The Interstate Commission shall defend the Executive Director or the employees or representatives of the Interstate Commission and, subject to the approval of the Attorney General of the state represented by any Commissioner of a **compacting** state, shall defend such Commissioner or the Commissioner'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, if the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(4) The Interstate Commission shall indemnify and hold the Commissioner of a **compacting** state, or the Commissioner's representatives 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, if the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

History

—Added Apr. 7, 2010, No. 7159, § 1, Sess. L. 2010, pp. 32–34.

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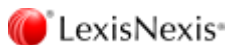
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Civil Procedure (Pts. I – VI) **PART V. Evidence (Chs. 61 – 67)** **Chapter 64. Interstate**
Compact for Juveniles (§§ 701 – 713)

§ 706. Rulemaking functions of the Interstate Commission

(a) The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the **Compact**.

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

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

- (1)** Publish the proposed rule's entire text stating the reason for that proposed rule;
- (2)** Allow and invite any and all persons to submit written data, facts, opinions and arguments, which information must be added to the record, and be made publicly available;
- (3)** Provide an opportunity for an informal hearing if petitioned by 10 or more persons; and
- (4)** Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

(d) The Interstate Commission shall allow, not later than sixty days after a rule is promulgated, any interested person to 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 in the rulemaking record, the Court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would be considered substantial evidence under the Model State Administrative Procedures Act.

(e) If a majority of the legislatures of the **compacting** states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the **Compact**, cause the rule to have no further force in any **compacting** state.

(f) The existing rules governing the operation of the Interstate **Compact** on Juveniles superseded by this Act become null 12 months after the first meeting of the Interstate Commission established under this **Compact**.

(g) Upon determination by the Interstate Commission that a state-of-emergency exists, it may promulgate an emergency rule that becomes effective immediately upon adoption, except that the usual rulemaking procedures provided under this **Compact** must be retroactively applied to such rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.

History

—Added Apr. 7, 2010, No. 7159, § 1, Sess. L. 2010, pp. 35, 36.

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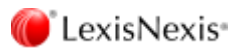
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Virgin Islands Code Annotated **TITLE FIVE Judicial Procedure (Subts. 1 – 4)** **Subtitle 1 Civil Procedure (Pts. I – VI)** **PART V. Evidence (Chs. 61 – 67)** **Chapter 64. Interstate Compact for Juveniles (§§ 701 – 713)**

§ 707. Oversight, enforcement and dispute resolution by Interstate Commission**(a)** Oversight.

(1) The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles subject to this **Compact** in the **compacting** states and shall monitor such activities being administered in non-**compacting** states which may significantly affect **compacting** states.

(2)

(A) 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. The provisions of this **Compact** and the rules promulgated under this **Compact** must be received by all the judges, public officers, commissions, and departments of the State government as evidence of the authorized statute and administrative rules.

(B) All Courts shall take judicial notice of the **Compact** and the rules. 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 Commission is entitled to receive all service of process in any such proceeding, and has standing to intervene in the proceeding for all purposes.

(b) Dispute Resolution.

(1) The **compacting** states shall report to the Interstate Commission on all issues and activities necessary for the administration of the **Compact** as well as issues and activities pertaining to compliance with the provisions of the **Compact** and its bylaws and rules.

(2) The Interstate Commission shall attempt, upon the request of a **compacting** state, to resolve any disputes or other issues that are subject to the **Compact** and which may arise among **compacting** states and between **compacting** and non-**compacting** states. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the **compacting** states.

(3) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this **Compact** using any or all means set forth in section 711 of this chapter.

History

—Added Apr. 7, 2010, No. 7159, § 1, Sess. L. 2010, pp. 36, 37.

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§ 708. Finance

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

(b) 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 must be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of each **compacting** state and the volume of interstate movement of juveniles in each **compacting** state and shall promulgate a rule binding upon all **compacting** states which governs said assessment.

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

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

History

—Added Apr. 7, 2010, No. 7159, § 1, Sess. L. 2010, pp. 37, 38.

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§ 709. The State Council

(a) Each member state shall establish a State Council for Interstate Juvenile Supervision. While each 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 the **Compact** Administrator, Deputy **Compact** Administrator or designee.

(b) Each **compacting** state retains the right to determine the qualifications of the **Compact** Administrator or Deputy Administrator. Each State Council shall advise and may exercise oversight and advocacy concerning that state's participation in Interstate Commission activities and other duties as may be determined by that state, including but not limited to, development of policy concerning operations and procedures of the **Compact** within that state.

History

—Added Apr. 7, 2010, No. 7159, § 1, Sess. L. 2010, p. 38.

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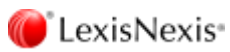
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§ 710. Compacting states, effective date and amendment

(a) Any state, the District of Columbia or its designee, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in section 702 is eligible to become a **compacting** state.

(b) The **Compact** becomes effective and binding upon legislative enactment of the **Compact** into law by no less than 35 of the states. This **Compact** becomes 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 may participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the **Compact** by all states and territories of the United States.

(c) The Interstate Commission may propose amendments to the **Compact** for enactment by the **compacting** states. No amendment may become effective and binding upon the Interstate Commission and the **compacting** states unless it is enacted into law by unanimous consent of the **compacting** states.

History

—Added Apr. 7, 2010, No. 7159, § 1, Sess. L. 2010, pp. 38, 39.

Virgin Islands Code Annotated

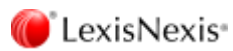
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Civil Procedure (Pts. I – VI) **PART V. Evidence (Chs. 61 – 67)** **Chapter 64. Interstate Compact for Juveniles (§§ 701 – 713)**

§ 711. Withdrawal, default, termination and judicial enforcement

(a) Withdrawal.

(1) Once effective, the **Compact** continues in force and remains binding upon each and every **compacting** state; however, a **compacting** state may withdraw from the **Compact** by specifically repealing the statute that enacted the **Compact** into law.

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

(3) 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 of the notice.

(4) 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.

(5) Reinstatement following withdrawal of any **compacting** state occurs upon the withdrawing state's reenacting the **Compact** or upon such later date as determined by the Interstate Commission.

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

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

- (A) Remedial training and technical assistance as directed by the Interstate Commission;
- (B) Alternative Dispute Resolution;
- (C) Fines, fees, and costs in such amounts as are considered to be reasonable as fixed by the Interstate Commission; and
- (D) Suspension or termination of membership in the **Compact**, which may be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted and the Interstate Commission has therefore determined that the offending state is in default.
- (i) Immediate notice of suspension must be given by the Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of the state, the majority and minority leaders of the defaulting state's legislature, and the State Council.
- (ii) The grounds for default include, but are not limited to failure of a **compacting** state to perform such obligations or responsibilities imposed upon it by this **Compact**, the by-laws, or duly promulgated rules and any other grounds designated in commission by-laws and rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission and of the default pending a cure of the default.
- (iii) The Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Commission, the defaulting state must 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** are terminated from the effective date of termination.
- (2) Within sixty days after the effective date of termination of a defaulting state, the Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the Majority and Minority Leaders of the defaulting state's legislature, and the State Council of such termination.
- (3) 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.
- (4) The Interstate Commission does not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.
- (5) 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.
- (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. If judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation including reasonable attorneys' fees.
- (d) Dissolution of **Compact**.
- (1) 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.

(2) Upon the dissolution of this **Compact**, the **Compact** becomes null; is of no further force, and the business and affairs of the Interstate Commission must be concluded and any surplus funds must be distributed in accordance with the by-laws.

History

—Added Apr. 7, 2010, No. 7159, § 1, Sess. L. 2010, pp. 39–41.

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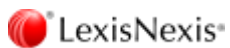
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Civil Procedure (Pts. I – VI) **PART V. Evidence (Chs. 61 – 67)** **Chapter 64. Interstate Compact for Juveniles (§§ 701 – 713)**

§ 712. Severability and construction

(a) The provisions of this **Compact** are severable, and if any phrase, clause, sentence or provision is adjudged unenforceable, the remaining provisions of the **Compact** are enforceable.

(b) The provisions of this **Compact** must be liberally construed to effectuate its purposes.

History

—Added Apr. 7, 2010, No. 7159, § 1, Sess. L. 2010, pp. 41, 42.

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§ 713. Binding effect of **Compact and other laws**

(a) Other Laws.

(1) Nothing in this **Compact** prevents the enforcement of any other law of a **compacting** state which is not inconsistent with this **Compact**.

(2) All **compacting** states' laws other than state Constitutions and other interstate **Compacts** conflicting with this **Compact** are superseded to the extent of the conflict.

(b) Binding Effect of the **Compact.**

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

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

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

(c) If 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 are ineffective and such obligations, duties, powers or jurisdiction remain in the **compacting** state and may 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.

History

—Added Apr. 7, 2010, No. 7159, § 1, Sess. L. 2010, p. 42.

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