

SENATE BILL NO. 194—COMMITTEE ON JUDICIARY

FEBRUARY 16, 2001

Referred to Committee on Judiciary

SUMMARY—Makes changes pertaining to interstate compacts for supervision of offenders.  
(BDR 16-107)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to supervision; ratifying the Interstate Compact for Adult Offender Supervision; renouncing the Interstate Compact for the Supervision of Parolees and Probationers and repealing the provisions relating thereto; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 213 of NRS is hereby amended by adding thereto a  
2 new section to read as follows:

3 *The Interstate Compact for Adult Offender Supervision is hereby*  
4 *ratified, enacted into law and entered into with all jurisdictions legally*  
5 *joining in the Compact, in substantially the form set forth in this section:*

6  
7 **ARTICLE I. PURPOSE**  
8

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

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

20 (3) *It is the purpose of this compact and the Interstate Commission*  
21 *created hereunder, through means of joint and cooperative action among*  
22 *the compacting states to provide the framework for the promotion of*



1 *public safety and protect the rights of victims through the control and*  
2 *regulation of the interstate movement of offenders in the community, to*  
3 *provide for the effective tracking, supervision and rehabilitation of these*  
4 *offenders by the sending and receiving states, and to equitably distribute*  
5 *the costs, benefits and obligations of the compact among the compacting*  
6 *states.*

7 *(4) In addition, this compact will create an Interstate Commission*  
8 *which will establish uniform procedures to manage the movement*  
9 *between states of adults placed under community supervision and*  
10 *released to the community under the jurisdiction of courts, paroling*  
11 *authorities, corrections or other criminal justice agencies which will*  
12 *promulgate rules to achieve the purpose of this compact, ensure an*  
13 *opportunity for input and timely notice to victims and to jurisdictions*  
14 *where defined offenders are authorized to travel or to relocate across*  
15 *state lines, establish a system of uniform data collection, access to*  
16 *information on active cases by authorized criminal justice officials and*  
17 *regular reporting of compact activities to heads of state councils, state*  
18 *executive, judicial and legislative branches and criminal justice*  
19 *administrators, monitor compliance with rules governing interstate*  
20 *movement of offenders and initiate interventions to address and correct*  
21 *noncompliance, and coordinate training and education regarding*  
22 *regulation of interstate movement of offenders for officials involved in*  
23 *such activity.*

24 *(5) The compacting states recognize that there is no right of any*  
25 *offender to live in another state and that duly accredited officers of a*  
26 *sending state may at all times enter a receiving state and there apprehend*  
27 *and retake any offender under supervision subject to the provisions of*  
28 *this compact and bylaws and rules promulgated hereunder.*

29 *(6) It is the policy of the compacting states that the activities*  
30 *conducted by the Interstate Commission created herein are the formation*  
31 *of public policies and are therefore public business.*

## 32 *ARTICLE II. DEFINITIONS*

33  
34  
35 *As used in this compact, unless the context clearly requires a different*  
36 *construction:*

37 *(1) "Adult" means both individuals legally classified as adults and*  
38 *juveniles treated as adults by court order, statute or operation of law.*

39 *(2) "Bylaws" means those bylaws established by the Interstate*  
40 *Commission for its governance or for directing or controlling the*  
41 *Interstate Commission's actions or conduct.*

42 *(3) "Compact administrator" means the individual in each*  
43 *compacting state appointed pursuant to the terms of this compact*  
44 *responsible for the administration and management of the state's*  
45 *supervision and transfer of offenders subject to the terms of this*  
46 *compact, the rules adopted by the Interstate Commission and policies*  
47 *adopted by the State Council under this compact.*

48 *(4) "Compacting state" means any state which has enacted the*  
49 *enabling legislation for this compact.*



1 (5) "Commissioner" means the voting representative of each  
2 compacting state appointed pursuant to Article III of this compact.

3 (6) "Interstate Commission" means the Interstate Commission for  
4 Adult Offender Supervision established by this compact.

5 (7) "Member" means the commissioner of a compacting state or  
6 designee, who shall be a person officially connected with the  
7 commissioner.

8 (8) "Noncompacting state" means any state which has not enacted the  
9 enabling legislation for this compact.

10 (9) "Offender" means an adult placed under, or subject to,  
11 supervision as the result of the commission of a criminal offense and  
12 released to the community under the jurisdiction of courts, paroling  
13 authorities, corrections or other criminal justice agencies.

14 (10) "Person" means any individual, corporation, business enterprise,  
15 or other legal entity, either public or private.

16 (11) "Rules" means acts of the Interstate Commission, duly  
17 promulgated pursuant to Article VII of this compact, substantially  
18 affecting interested parties in addition to the Interstate Commission,  
19 which shall have the force and effect of law in the compacting states.

20 (12) "State" means a state of the United States, the District of  
21 Columbia and any other territorial possession of the United States.

22 (13) "State Council" means the resident members of the State Council  
23 for Interstate Adult Offender Supervision created by each state under  
24 Article III of this compact.

25  
26 **ARTICLE III. THE COMPACT COMMISSION**

27  
28 (1) The compacting states hereby create the "Interstate Commission  
29 for Adult Offender Supervision." The Interstate Commission shall be a  
30 body corporate and joint agency of the compacting states. The Interstate  
31 Commission shall have all the responsibilities, powers and duties set  
32 forth herein, including the power to sue and be sued, and such additional  
33 powers as may be conferred upon it by subsequent action of the  
34 respective legislatures of the compacting states in accordance with the  
35 terms of this compact.

36 (2) The Interstate Commission shall consist of commissioners selected  
37 and appointed by resident members of a State Council for Interstate  
38 Adult Offender Supervision for each state. While each member state may  
39 determine the membership of its own State Council, its membership must  
40 include at least one representative from the legislative, judicial and  
41 executive branches of government, victims groups and compact  
42 administrators. Each State Council shall appoint as its commissioner the  
43 compact administrator from that state to serve on the Interstate  
44 Commission in such capacity under or pursuant to applicable law of the  
45 member state. Each compacting state retains the right to determine the  
46 qualifications of the compact administrator who shall be appointed by  
47 the State Council or by the governor in consultation with the legislature  
48 and the judiciary.



1 *In addition to appointment of its commissioner to the Interstate*  
2 *Commission, each State Council shall exercise oversight and advocacy*  
3 *concerning its participation in Interstate Commission activities and other*  
4 *duties as may be determined by each member state, including, but not*  
5 *limited to, development of policy concerning operations and procedures*  
6 *of the compact within that state.*

7 (3) *In addition to the commissioners who are the voting*  
8 *representatives of each state, the Interstate Commission shall include*  
9 *individuals who are not commissioners but who are members of*  
10 *interested organizations. Such noncommissioner members must include*  
11 *a member of the national organizations of governors, legislators, state*  
12 *chief justices, attorneys general and crime victims. All noncommissioner*  
13 *members of the Interstate Commission shall be ex officio, nonvoting*  
14 *members. The Interstate Commission may provide in its bylaws for such*  
15 *additional, ex officio, nonvoting members as it deems necessary.*

16 (4) *Each compacting state represented at any meeting of the Interstate*  
17 *Commission is entitled to one vote. A majority of the compacting states*  
18 *shall constitute a quorum for the transaction of business, unless a larger*  
19 *quorum is required by the bylaws of the Interstate Commission.*

20 (5) *The Interstate Commission shall meet at least once each calendar*  
21 *year. The chairperson may call additional meetings and, upon the*  
22 *request of 27 or more compacting states, shall call additional meetings.*  
23 *Public notice shall be given of all meetings, and meetings shall be open*  
24 *to the public.*

25 (6) *The Interstate Commission shall establish an executive committee*  
26 *which shall include commission officers, members and others as shall be*  
27 *determined by the bylaws. The executive committee shall have the power*  
28 *to act on behalf of the Interstate Commission during periods when the*  
29 *Interstate Commission is not in session, with the exception of rulemaking*  
30 *and/or amendment to the compact. The executive committee oversees the*  
31 *day-to-day activities managed by the executive director and Interstate*  
32 *Commission staff, administers enforcement and compliance with the*  
33 *provisions of the compact, its bylaws and as directed by the Interstate*  
34 *Commission and performs other duties as directed by the Interstate*  
35 *Commission or set forth in the bylaws.*

36  
37 **ARTICLE IV. POWERS AND DUTIES OF THE**  
38 **INTERSTATE COMMISSION**  
39

40 *The Interstate Commission shall have the following powers:*

41 (1) *To adopt a seal and suitable bylaws governing the management*  
42 *and operation of the Interstate Commission.*

43 (2) *To promulgate rules which shall have the force and effect of*  
44 *statutory law and shall be binding in the compacting states to the extent*  
45 *and in the manner provided in this compact.*

46 (3) *To oversee, supervise and coordinate the interstate movement of*  
47 *offenders subject to the terms of this compact and any bylaws adopted*  
48 *and rules promulgated by the compact commission.*



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



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1       **ARTICLE V. ORGANIZATION AND OPERATION OF THE**  
2       **INTERSTATE COMMISSION**

3  
4       **Section A. Bylaws**

5  
6       (1) *The Interstate Commission shall, by a majority of the members,*  
7       *within 12 months of the first Interstate Commission meeting, adopt*  
8       *bylaws to govern its conduct as may be necessary or appropriate to carry*  
9       *out the purposes of the compact, including, but not limited to:*

- 10       (i) *Establishing the fiscal year of the Interstate Commission.*  
11       (ii) *Establishing an executive committee and such other committees as*  
12       *may be necessary.*  
13       (iii) *Providing reasonable standards and procedures for:*  
14       (i) *The establishment of committees; and*  
15       (ii) *Governing any general or specific delegation of any authority or*  
16       *function of the Interstate Commission.*  
17       (iv) *Providing reasonable procedures for calling and conducting*  
18       *meetings of the Interstate Commission and ensuring reasonable notice of*  
19       *each such meeting.*  
20       (v) *Establishing the titles and responsibilities of the officers of the*  
21       *Interstate Commission.*  
22       (vi) *Providing reasonable standards and procedures for the*  
23       *establishment of the personnel policies and programs of the Interstate*  
24       *Commission. Notwithstanding any civil service or other similar laws of*  
25       *any compacting state, the bylaws shall exclusively govern the personnel*  
26       *policies and programs of the Interstate Commission.*  
27       (vii) *Providing a mechanism for winding up the operations of the*  
28       *Interstate Commission and the equitable return of any surplus funds that*  
29       *may exist upon the termination of the compact after the payment and/or*  
30       *reserving of all of its debts and obligations.*  
31       (viii) *Providing transition rules for “start up” administration of the*  
32       *compact.*  
33       (ix) *Establishing standards and procedures for compliance and*  
34       *technical assistance in carrying out the compact.*

35  
36       **Section B. Officers and Staff**

37  
38       (2) *The Interstate Commission shall, by a majority of the members,*  
39       *elect from among its members a chairperson and a vice chairperson,*  
40       *each of whom shall have such authority and duties as may be specified in*  
41       *the bylaws. The chairperson or, in his absence or disability, the vice*  
42       *chairperson shall preside at all meetings of the Interstate Commission.*  
43       *The officers so elected shall serve without compensation or remuneration*  
44       *from the Interstate Commission; provided that, subject to the availability*  
45       *of budgeted funds, the officers shall be reimbursed for any actual and*  
46       *necessary costs and expenses incurred by them in the performance of*  
47       *their duties and responsibilities as officers of the Interstate Commission.*

48       (3) *The Interstate Commission shall, through its executive committee,*  
49       *appoint or retain an executive director for such period, upon such terms*



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

6 *Section C. Corporate Records of the Interstate Commission*

7  
8 *(4) The Interstate Commission shall maintain its corporate books and*  
9 *records in accordance with the bylaws.*

10  
11 *Section D. Qualified Immunity, Defense and Indemnification*

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

23 *(6) The Interstate Commission shall defend the commissioner of a*  
24 *compacting state, or his or her representatives or employees, or the*  
25 *Interstate Commission's representatives or employees, in any civil action*  
26 *seeking to impose liability, arising out of any actual or alleged act, error*  
27 *or omission that occurred within the scope of Interstate Commission*  
28 *employment, duties or responsibilities, or that the defendant had a*  
29 *reasonable basis for believing occurred within the scope of Interstate*  
30 *Commission employment, duties or responsibilities; provided that the*  
31 *actual or alleged act, error or omission did not result from intentional*  
32 *wrongdoing on the part of such person.*

33 *(7) The Interstate Commission shall indemnify and hold the*  
34 *commissioner of a compacting state, the appointed designee or*  
35 *employees, or the Interstate Commission's representatives or employees,*  
36 *harmless in the amount of any settlement or judgment obtained against*  
37 *such persons arising out of any actual or alleged act, error or omission*  
38 *that occurred within the scope of Interstate Commission employment,*  
39 *duties or responsibilities, or that such persons had a reasonable basis for*  
40 *believing occurred within the scope of Interstate Commission*  
41 *employment, duties or responsibilities; provided that the actual or alleged*  
42 *act, error or omission did not result from gross negligence or intentional*  
43 *wrongdoing on the part of such person.*

44  
45 *ARTICLE VI. ACTIVITIES OF THE*  
46 *INTERSTATE COMMISSION*

47  
48 *(1) The Interstate Commission shall meet and take such actions as are*  
49 *consistent with the provisions of this compact.*





1     (2) *Except as otherwise provided in this compact and unless a greater*  
2 *percentage is required by the bylaws, in order to constitute an act of the*  
3 *Interstate Commission, such act shall have been taken at a meeting of*  
4 *the Interstate Commission and shall have received an affirmative vote of*  
5 *a majority of the members present.*

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

19     (4) *The Interstate Commission shall meet at least once during each*  
20 *calendar year. The chairperson of the Interstate Commission may call*  
21 *additional meetings at any time and, upon the request of a majority of the*  
22 *members, shall call additional meetings.*

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

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

42     (a) *Relate solely to the Interstate Commission's internal personnel*  
43 *practices and procedures.*

44     (b) *Disclose matters specifically exempted from disclosure by statute.*

45     (c) *Disclose trade secrets or commercial or financial information*  
46 *which is privileged or confidential.*

47     (d) *Involve accusing any person of a crime or formally censuring any*  
48 *person.*





1 (e) Disclose information of a personal nature where disclosure would  
2 constitute a clearly unwarranted invasion of personal privacy.

3 (f) Disclose investigatory records compiled for law enforcement  
4 purposes.

5 (g) Disclose information contained in or related to examination,  
6 operating or condition reports prepared by, or on behalf of or for the use  
7 of, the Interstate Commission with respect to a regulated entity for the  
8 purpose of regulation or supervision of such entity.

9 (h) Disclose information, the premature disclosure of which would  
10 significantly endanger the life of a person or the stability of a regulated  
11 entity.

12 (i) Specifically relate to the Interstate Commission's issuance of a  
13 subpoena, or its participation in a civil action or proceeding.

14 For every meeting closed pursuant to this provision, the Interstate  
15 Commission's chief legal officer shall publicly certify that, in his or her  
16 opinion, the meeting may be closed to the public, and shall reference  
17 each relevant exemptive provision.

18 (7) The Interstate Commission shall keep minutes which shall fully  
19 and clearly describe all matters discussed in any meeting and shall  
20 provide a full and accurate summary of any actions taken, and the  
21 reasons therefor, including a description of each of the views expressed  
22 on any item and the record of any roll call vote (reflected in the vote of  
23 each member on the question). All documents considered in connection  
24 with any action shall be identified in such minutes.

25 (8) The Interstate Commission shall collect standardized data  
26 concerning the interstate movement of offenders as directed through its  
27 bylaws and rules which shall specify the data to be collected, the means  
28 of collection and data exchange and reporting requirements.

29  
30 **ARTICLE VII. RULEMAKING FUNCTIONS OF THE**  
31 **INTERSTATE COMMISSION**  
32

33 (1) The Interstate Commission shall promulgate rules in order to  
34 effectively and efficiently achieve the purposes of the compact, including  
35 transition rules governing administration of the compact during the  
36 period in which it is being considered and enacted by the states.

37 (2) Rulemaking shall occur pursuant to the criteria set forth in this  
38 article and the bylaws and rules adopted pursuant thereto. Such  
39 rulemaking shall substantially conform to the principles of the federal  
40 Administrative Procedure Act, 5 U.S.C. Section 551 et seq., and the  
41 Federal Advisory Committee Act, 5 U.S.C. App. 2, Section 1 et seq., as  
42 may be amended (hereinafter "APA").

43 (3) All rules and amendments shall become binding as of the date  
44 specified in each rule or amendment.

45 (4) If a majority of the legislatures of the compacting states rejects a  
46 rule, by enactment of a statute or resolution in the same manner used to  
47 adopt the compact, then such rule shall have no further force and effect  
48 in any compacting state.

49 (5) When promulgating a rule, the Interstate Commission shall:



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1 (a) Publish the proposed rule stating with particularity the text of the  
2 rule which is proposed and the reason for the proposed rule.

3 (b) Allow persons to submit written data, facts, opinions and  
4 arguments, which information shall be publicly available.

5 (c) Provide an opportunity for an informal hearing.

6 (d) Promulgate a final rule and its effective date, if appropriate, based  
7 on the rulemaking record.

8 (6) Not later than 60 days after a rule is promulgated, any interested  
9 person may file a petition in the United States District Court for the  
10 District of Columbia or in the federal district court where the Interstate  
11 Commission's principal office is located for judicial review of such rule.  
12 If the court finds that the Interstate Commission's action is not supported  
13 by substantial evidence, as defined in the APA, in the rulemaking record,  
14 the court shall hold the rule unlawful and set it aside.

15 (7) Subjects to be addressed within 12 months after the first meeting  
16 must at a minimum include:

17 (a) Notice to victims and opportunity to be heard.

18 (b) Offender registration and compliance.

19 (c) Violations/returns.

20 (d) Transfer procedures and forms.

21 (e) Eligibility for transfer.

22 (f) Collection of restitution and fees from offenders.

23 (g) Data collection and reporting.

24 (h) The level of supervision to be provided by the receiving state.

25 (i) Transition rules governing the operation of the compact and the  
26 Interstate Commission during all or part of the period between the  
27 effective date of the compact and the date on which the last eligible state  
28 adopts the compact.

29 (j) Mediation, arbitration and dispute resolution.

30 (8) The existing rules governing the operation of the previous compact  
31 superseded by this act shall be null and void 12 months after the first  
32 meeting of the Interstate Commission created hereunder.

33 (9) Upon determination by the Interstate Commission that an  
34 emergency exists, it may promulgate an emergency rule which shall  
35 become effective immediately upon adoption; provided that the usual  
36 rulemaking procedures provided hereunder shall be retroactively applied  
37 to said rule as soon as reasonably possible, in no event later than 90 days  
38 after the effective date of the rule.

39  
40 **ARTICLE VIII. OVERSIGHT, ENFORCEMENT AND**  
41 **DISPUTE RESOLUTION BY THE**  
42 **INTERSTATE COMMISSION**

43  
44 **Section A. Oversight**

45  
46 (1) The Interstate Commission shall oversee the interstate movement  
47 of adult offenders in the compacting states and shall monitor such  
48 activities being administered in noncompacting states which may  
49 significantly affect compacting states.



1     (2) *The courts and executive agencies in each compacting state shall*  
2 *enforce this compact and shall take all actions necessary and appropriate*  
3 *to effectuate the compact's purposes and intent. In any judicial or*  
4 *administrative proceeding in a compacting state pertaining to the subject*  
5 *matter of this compact which may affect the powers, responsibilities or*  
6 *actions of the Interstate Commission, the Interstate Commission shall be*  
7 *entitled to receive all service of process in any such proceeding, and shall*  
8 *have standing to intervene in the proceeding for all purposes.*

9  
10                     Section B. *Dispute Resolution*

11  
12     (3) *The compacting states shall report to the Interstate Commission on*  
13 *issues or activities of concern to them, and cooperate with and support*  
14 *the Interstate Commission in the discharge of its duties and*  
15 *responsibilities.*

16     (4) *The Interstate Commission shall attempt to resolve any disputes or*  
17 *other issues which are subject to the compact and which may arise*  
18 *among compacting states and noncompacting states.*

19     (5) *The Interstate Commission shall enact a bylaw or promulgate a*  
20 *rule providing for both mediation and binding dispute resolution for*  
21 *disputes among the compacting states.*

22  
23                     Section C. *Enforcement*

24  
25     (6) *The Interstate Commission, in the reasonable exercise of its*  
26 *discretion, shall enforce the provisions of this compact using any or all*  
27 *means set forth in Article XI, Section B, of this compact.*

28  
29                     ARTICLE IX. *FINANCE*

30  
31     (1) *The Interstate Commission shall pay or provide for the payment of*  
32 *the reasonable expenses of its establishment, organization and ongoing*  
33 *activities.*

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

44     (3) *The Interstate Commission shall not incur any obligations of any*  
45 *kind prior to securing the funds adequate to meet the same, nor shall the*  
46 *Interstate Commission pledge the credit of any of the compacting states,*  
47 *except by and with the authority of the compacting state.*

48     (4) *The Interstate Commission shall keep accurate accounts of all*  
49 *receipts and disbursements. The receipts and disbursements of the*



1 *Interstate Commission shall be subject to the audit and accounting*  
2 *procedures established under its bylaws. However, all receipts and*  
3 *disbursements of funds handled by the Interstate Commission shall be*  
4 *audited yearly by a certified or licensed public accountant and the report*  
5 *of the audit shall be included in and become part of the annual report of*  
6 *the Interstate Commission.*

7  
8 *ARTICLE X. COMPACTING STATES, EFFECTIVE DATE*  
9 *AND AMENDMENT*

10  
11 *(1) Any state, as defined in Article II of this compact, is eligible to*  
12 *become a compacting state.*

13 *(2) The compact shall become effective and binding upon legislative*  
14 *enactment of the compact into law by no less than 35 of the states. The*  
15 *initial effective date shall be the later of July 1, 2001, or upon enactment*  
16 *into law by the 35th jurisdiction. Thereafter it shall become effective and*  
17 *binding, as to any other compacting state, upon enactment of the*  
18 *compact into law by that state. The governors of nonmember states or*  
19 *their designees will be invited to participate in Interstate Commission*  
20 *activities on a nonvoting basis prior to adoption of the compact by all*  
21 *states and territories of the United States.*

22 *(3) Amendments to the compact may be proposed by the Interstate*  
23 *Commission for enactment by the compacting states. No amendment*  
24 *shall become effective and binding upon the Interstate Commission and*  
25 *the compacting states unless and until it is enacted into law by*  
26 *unanimous consent of the compacting states.*

27  
28 *ARTICLE XI. WITHDRAWAL, DEFAULT, TERMINATION*  
29 *AND JUDICIAL ENFORCEMENT*

30  
31 *Section A. Withdrawal*

32  
33 *(1) Once effective, the compact shall continue in force and remain*  
34 *binding upon each and every compacting state; provided that a*  
35 *compacting state may withdraw from the compact ("withdrawing state")*  
36 *by enacting a statute specifically repealing the statute which enacted the*  
37 *compact into law. The effective date of withdrawal is the effective date of*  
38 *the repeal.*

39 *(2) The withdrawing state shall immediately notify the chairperson of*  
40 *the Interstate Commission in writing upon the introduction of legislation*  
41 *repealing this compact in the withdrawing state. The Interstate*  
42 *Commission shall notify the other compacting states of the withdrawing*  
43 *state's intent to withdraw within 60 days of its receipt thereof.*

44 *(3) The withdrawing state is responsible for all assessments,*  
45 *obligations and liabilities incurred through the effective date of*  
46 *withdrawal, including any obligations, the performance of which extends*  
47 *beyond the effective date of withdrawal.*



\* S B 1 9 4 \*

1       (4) Reinstatement following withdrawal of any compacting state shall  
2 occur upon the withdrawing state reenacting the compact or upon such  
3 later date as determined by the Interstate Commission.  
4

5                               Section B. Default  
6

7       (5) If the Interstate Commission determines that any compacting state  
8 has at any time defaulted (“defaulting state”) in the performance of any  
9 of its obligations or responsibilities under this compact, the bylaws or any  
10 duly promulgated rules, the Interstate Commission may impose any or all  
11 of the following penalties:

12       (a) Fines, fees and costs in such amounts as are deemed to be  
13 reasonable as fixed by the Interstate Commission.

14       (b) Remedial training and technical assistance as directed by the  
15 Interstate Commission.

16       (c) Suspension and termination of membership in the compact.  
17 Suspension shall be imposed only after all other reasonable means of  
18 securing compliance under the bylaws and rules have been exhausted.  
19 Immediate notice of suspension shall be given by the Interstate  
20 Commission to the governor, the chief justice or chief judicial officer of  
21 the state, the majority and minority leaders of the defaulting state’s  
22 legislature, and the State Council.

23       (6) The grounds for default include, but are not limited to, failure of a  
24 compacting state to perform such obligations or responsibilities imposed  
25 upon it by this compact, Interstate Commission bylaws or duly  
26 promulgated rules. The Interstate Commission shall immediately notify  
27 the defaulting state in writing of the penalty imposed by the Interstate  
28 Commission on the defaulting state pending a cure of the default. The  
29 Interstate Commission shall stipulate the conditions and the time period  
30 within which the defaulting state must cure its default. If the defaulting  
31 state fails to cure the default within the time period specified by the  
32 Interstate Commission, in addition to any other penalties imposed herein,  
33 the defaulting state may be terminated from the compact upon an  
34 affirmative vote of a majority of the compacting states and all rights,  
35 privileges and benefits conferred by this compact shall be terminated  
36 from the effective date of suspension.

37       (7) Within 60 days of the effective date of termination of a defaulting  
38 state, the Interstate Commission shall notify the governor, the chief  
39 justice or chief judicial officer and the majority and minority leaders of  
40 the defaulting state’s legislature and the State Council of such  
41 termination.

42       (8) The defaulting state is responsible for all assessments, obligations  
43 and liabilities incurred through the effective date of termination,  
44 including any obligations, the performance of which extends beyond the  
45 effective date of termination.

46       (9) The Interstate Commission shall not bear any costs relating to the  
47 defaulting state unless otherwise mutually agreed upon between the  
48 Interstate Commission and the defaulting state.



1     *(10) Reinstatement following termination of any compacting state*  
2     *requires both a reenactment of the compact by the defaulting state and*  
3     *the approval of the Interstate Commission pursuant to the rules.*

4  
5             Section C. Judicial Enforcement

6  
7     *(11) The Interstate Commission may, by majority vote of the members,*  
8     *initiate legal action in the United States District Court for the District of*  
9     *Columbia or, at the discretion of the Interstate Commission, in the*  
10    *federal district where the Interstate Commission has its offices to enforce*  
11    *compliance with the provisions of the compact, its duly promulgated*  
12    *rules and bylaws, against any compacting state in default. In the event*  
13    *judicial enforcement is necessary, the prevailing party shall be awarded*  
14    *all costs of such litigation including reasonable attorney's fees.*

15  
16            Section D. Dissolution of Compact

17  
18    *(12) The compact dissolves effective upon the date of the withdrawal*  
19    *or default of the compacting state which reduces membership in the*  
20    *compact to one compacting state. Upon the dissolution of this compact,*  
21    *the compact becomes null and void and shall be of no further force or*  
22    *effect, and the business and affairs of the Interstate Commission shall be*  
23    *wound up and any surplus funds shall be distributed in accordance with*  
24    *the bylaws.*

25  
26            ARTICLE XII. SEVERABILITY AND  
27            CONSTRUCTION

28  
29    *(1) The provisions of this compact shall be severable, and if any*  
30    *phrase, clause, sentence or provision is deemed unenforceable, the*  
31    *remaining provisions of the compact shall be enforceable.*

32    *(2) The provisions of this compact shall be liberally construed to*  
33    *effectuate its purposes.*

34  
35            ARTICLE XIII. BINDING EFFECT OF COMPACT  
36            AND OTHER LAWS

37  
38            Section A. Other Laws

39  
40    *(1) Nothing herein prevents the enforcement of any other law of a*  
41    *compacting state that is not inconsistent with this compact.*

42    *(2) All compacting states' laws conflicting with this compact are*  
43    *superseded to the extent of the conflict.*

44  
45            Section B. Binding Effect of the Compact

46  
47    *(3) All lawful actions of the Interstate Commission, including all rules*  
48    *and bylaws promulgated by the Interstate Commission, are binding upon*  
49    *the compacting states.*



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

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

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

15 **Sec. 2.** NRS 213.15103 is hereby amended to read as follows:

16 213.15103 1. If a parolee is incarcerated in a county jail for a  
17 violation of a condition of his parole or because his residential confinement  
18 is terminated pursuant to NRS 213.15198, the sheriff of that county shall  
19 notify the chief. If there are no other criminal charges pending or warrants  
20 outstanding for the parolee, the division shall take custody of the parolee  
21 within:

22 (a) Five working days after the inquiry held pursuant to NRS 213.1511  
23 is conducted.

24 (b) Five working days after receiving notice from the sheriff if the  
25 parolee was paroled by another state and is under supervision in this state  
26 pursuant to ~~NRS 213.180 to 213.210, inclusive.~~ *section 1 of this act.*

27 2. If the division fails to take custody of a parolee within the time  
28 required by subsection 1, the division shall reimburse the county in which  
29 the jail is situated, at a daily rate to be determined by the board of county  
30 commissioners for that county, for the cost of housing the parolee each day  
31 the parolee is incarcerated in the jail. If the division does not certify in  
32 writing within:

33 (a) Five working days after the inquiry held pursuant to NRS 213.1511  
34 is conducted; or

35 (b) Five working days after receiving notice from the sheriff if the  
36 parolee was paroled by another state and is under supervision in this state  
37 pursuant to ~~NRS 213.180 to 213.210, inclusive.~~ *section 1 of this act,*  
38 that continued incarceration of the parolee is necessary, the sheriff may, if  
39 there are no other criminal charges pending or warrants outstanding for the  
40 parolee, release him from custody.

41 3. The provisions of this section do not apply if the division has  
42 entered into an agreement with a county that provides otherwise.

43 **Sec. 3.** NRS 213.1517 is hereby amended to read as follows:

44 213.1517 1. Where the inquiring officer has determined that there is  
45 probable cause for a hearing by the board, the chief may, after  
46 consideration of the case and pending the next meeting of the board:

47 (a) Release the arrested parolee again upon parole;





1 (b) Order the parolee to be placed in residential confinement in  
2 accordance with the provisions of NRS 213.15193, 213.15195 and  
3 213.15198; or  
4 (c) Suspend his parole and return him to confinement.  
5 2. The chief shall take whichever action under subsection 1 he deems  
6 appropriate within:  
7 (a) Fifteen days if the prisoner was paroled by the board.  
8 (b) Thirty days if the prisoner was paroled by the authority of another  
9 state and is under supervision in this state pursuant to ~~NRS 213.180 to~~  
10 ~~213.210, inclusive.~~ *section 1 of this act.* This paragraph does not apply to  
11 a parolee who is retaken by an officer of the sending state.  
12 3. If a determination has been made that probable cause exists for the  
13 continued detention of a paroled prisoner, the board shall consider the  
14 prisoner's case within 60 days after his return to the custody of the  
15 department of prisons or his placement in residential confinement pursuant  
16 to subsection 1.  
17 **Sec. 4.** NRS 213.180, 213.185, 213.190, 213.200 and 213.210 are  
18 hereby repealed.  
19 **Sec. 5.** This act becomes effective:  
20 1. On July 1, 2001; or  
21 2. Upon enactment of the Interstate Compact for Adult Offender  
22 Supervision into law by the 35th jurisdiction,  
23 whichever is later.

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#### LEADLINES OF REPEALED SECTIONS

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**213.180** Short title.  
**213.185** "State" defined; Nevada party to compact with any  
additional jurisdictions joining therein.  
**213.190** Governor authorized to enter into compacts with states  
regarding supervision of persons on parole or probation.  
**213.200** Form of compact.  
**213.210** NRS 213.180 to 213.210, inclusive, to be construed as  
distinct from law relating to extradition of fugitives from justice.

