

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1254

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

La Costa Rickford
Operator's Signature

10/3/03
Date

P

2003 HOUSE JUDICIARY

HB 1254

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

La Costa Rickford
Operator's Signature

10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1254

House Judiciary Committee

Conference Committee

Hearing Date 1-22-03

Tape Number	Side A	Side B	Meter #
1	x		0-17

Committee Clerk Signature

Al Penrose

Minutes: 12 members present, 1 member absent (Rep. Bernstein)

Rep. Kretschmar: Called the meeting to order and introduced Chairman DeKrey to introduce HB 1254.

Chairman DeKrey: We passed the Adult Offender Compact during last session, this is the little brother to that bill. I put the same language in, it deviates from the standard compact that it is limited to the funds available for the appropriations of ND so we can keep a handle on the cost. With the sunset clause, we will take another look at it in two years.

Rick Masters, Council of State Governments: This is the counterpart to the adult compact. The tracks juveniles, monitors juveniles that wish to transfer from state to state, and the only mechanism in our country that provides for such tracking. The existing juvenile compact has been adopted by every state in the union. It was first drafted in 1955, it has not been updated comprehensively since that time; however there have been three amendments that have been proposed and adopted by some, but not states. This has created some enforcement problems, and

La Costa Rickford
Operator's Signature

10/3/03
Date

Page 2
House Judiciary Committee
Bill/Resolution Number HB 1254
Hearing Date 1-22-03

administration problems, because you have some states adopting 1 or 2 of these 3 subsequent amendments, some states have adopted all three, some states have adopted one of the amendments, but not all. That has led to the fact that, is there a viable agreement? You've got different state legislatures that have attempted to amend, or have amended the document, but other legislatures have not. There's a lack of uniformity that this bill seeks to remedy and it would codify all of the three amendments, regarding runaways, rendition and out of state confinement, and eliminate this patchwork quilt of conflicting legislation that exists among the states. This also seeks to remedy the difficulty in enforcing this agreement. Also provisions in this compact for mediation and arbitration, where there are reasonable minds that differ as to how it should be interpreted or enforced. Secondly, in regard to the rules. There are a comprehensive set of rules with the existing compact authority, and currently the existing compact is being administered by a group called the Association of Juvenile Compact Administrators, a not-for-profit group that attends meetings throughout the years to enforce the compact, and based on the difficulties they have faced with the legislation in the present form, have done a very good job, with very little resources. The compact really does not designate the Association of Juvenile Compact Administrators as a rulemaking body or as an enforcement body. This legislation would create clear lines of authority to an Interstate Commission, which would supplant this present Association, as the body which would administer the compact, enforce the compact, and would have the power to make the rules. There are rules which the Juvenile Compact currently has, and my belief is that like the Adult Compact, they would start with the existing rules and if it isn't broken, it doesn't need to be fixed; but where there are rules which need to be updated, court decisions or difficulties in enforcement or interpretation, new rules would be made, and this

Page 3

House Judiciary Committee

Bill/Resolution Number HB 1254

Hearing Date 1-22-03

group would have clear authority to do that within the confines of the rulemaking process. This legislation does make this group accountable to the legislatures of the 50 states, you have the power to veto a rule by majority vote, there is a rulemaking procedure based on the Uniform Administrative Act which requires the typical due process provisions that you would find in any of the administrative agencies within your state. This also provides tracking of offenders, and electronic monitoring system that would supplant the existing system, that would supplant the existing system. Finally, it would provide for a state council that would be a function of each state to gather together to maintain the visibility of this mechanism, which would include not only the Compact Administrator representatives from the legislative branch, judicial branch, and executive branch, which would come together in an advisory capacity, along with the victim's representative to give input into this important public policy mechanism, and hopefully provide a framework for keeping this on the radar screen of those who need to know what's happening in this area.

Rep. Delmore: When was this first established, how many states belong, and if it were well thought out, why are the number of amendments so high.

Mr. Masters: The original compact was drafted and enacted in 1955. I think the amendments were an attempt to rectify some problems that developed because there were some unanticipated problems. This is an attempt to put a governing structure in place that would have authority within the scope of the legislation you enact to make rules that would be flexible and could be changed without having to come back to the legislature, to hopefully avoid the problems that we have had with these three amendments.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Lu Costa Rickford
Operator's Signature

10/3/03
Date

Page 4
House Judiciary Committee
Bill/Resolution Number HB 1254
Hearing Date 1-22-03

Rep. Klemm: I see the effective date is either July 1, 2004 or when 35 states have adopted this, whichever comes first. It doesn't go into affect until there are 35 states? What is the status of this amongst the states now.

Mr. Masters: The drafting committee, which is made up of a wide variety of experts in the juvenile justice field, etc. culminated in a two year process which is resulting in the legislation you see before you. There are five states which have introduced bills, at least 5 or 6 more which are pending, my guess is that we will have possibly as many as 8-12 states that would adopt this first year. With the adult compact, we went from zero to 41 jurisdictions in three legislative sessions.

Rep. Klemm: Until such time as 35 states do adopt this, would we be governed by the old compact?

Mr. Masters: Yes, it would remain in effect. We want to make sure there is a broad consensus of 2/3 of the states.

Chairman DeKrey: Thank you.

Al Lick, Director, Division of Juvenile Services, DOCR: (see attached testimony) Support.

Rep. Delmore: Who are on the commission?

Mr. Lick: There are seven members on the commission.

Chairman DeKrey: Thank you. Anyone else in favor of HB 1254. Any opposition? We will close the hearing.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1254

House Judiciary Committee

Conference Committee

Hearing Date 1-27-03

Tape Number	Side A	Side B	Meter #
1		xx	40-end

Committee Clerk Signature *R. Penrose*

Minutes: Committee work was held on HB 1254.

Chairman DeKrey: What are the committee's wishes.

Rep. Delmore: Move a Do Pass on HB 1254.

Rep. Grande: Seconded.

12 YES 0 NO 1 ABSENT DO PASS

CARRIER: Rep. DeKrey

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Lu Costa Rickford
Operator's Signature

10/3/03
Date

