

HOUSE RESEARCH

Bill Summary

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Overview

This bill adopts a new interstate compact for the supervision of adult offenders and repeals the existing compact. The compact addresses the supervision of adult offenders who travel across state lines to reside in states other than where they were convicted. The existing compact was established in 1937 and has been adopted by all 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands. It is the oldest corrections compact in the country and has not been amended since its adoption. The compact has been criticized by observers for a number of reasons and the new compact attempts to address these criticisms.

Interstate compacts are fairly commonplace with over 200 currently in effect (including 17 in the corrections/crime control area). Essentially a compact is a contract between states to address an area of mutual concern. A compact's provisions are legally binding on party states and will prevail over competing state law (even if the law is more recent). Generally, states entering a compact must enact identical language with regard to the substantive provisions of the agreement.

1 Interstate compact for adult offender supervision. Contains the new compact language, which is codified in Minnesota Statutes, chapter 243. This section is lengthy and contains everything from the compact's purpose to its effective date. Issues addressed include, among other things: the creation, organization, operation, and powers of the interstate commission and the state councils; enforcement and dispute resolution provisions; provisions relating to financing; and withdrawal and termination provisions. Thus, the language of the compact focuses on how it will be administered. Of note, it establishes an interstate commission made up of a representative from each member state. The commission will adopt by-laws and rules that will determine how the compact will address issues involving the interstate movement of adult offenders on supervision.

Of note, the commission is required to charge and collect dues from member states and to enforce the provisions of the compact. It can impose reasonable fines, fees, and costs on defaulting member states.

The compact provides that it goes into effect when the 35th jurisdiction enacts it. As of January 29, 2002, 25 states have enacted it.

The language of this section is taken nearly verbatim from the model language developed by the Council of State Governments (CSG) and the National Institute of Corrections. As discussed, Minnesota is limited as to the changes it can make to the language of a compact. A unilateral change to a substantive provision may result in the state's not actually entering the compact. Additional language was added to CSG's original compact language at the request of the Minnesota Department of Corrections. That language appears on page 17, lines 2 to 12 and attempts to cap Minnesota's annual assessment (i.e., dues) at \$50,000. (The commission is required to levy on and collect an annual assessment from each member state to cover the cost of the internal operations and activities of it and its staff. Because the commission does not yet exist, it is not known how much Minnesota's assessment will be. It is estimated that it will be \$25,000.) It also establishes a special fund that consists of money appropriated for the purpose of meeting financial obligations imposed on the state as a result of Minnesota's participation in the compact. The provision also states that assessments levied or other financial obligations imposed under the compact is effective only to the extent that money to pay the assessment or meet the financial obligation has been appropriated and deposited in the fund. This language (which will appear only in Minnesota law and not in the other compacting states' versions of the compact) is inconsistent with other compact language. Thus, it is unclear what effect it will have (i.e., whether it will actually limit Minnesota's potential liability).

- 2 **Advisory council on interstate adult offender supervision.** Creates (as required by the compact) an advisory council on interstate adult offender supervision made up of representatives from the executive, legislative, and judicial branches of Minnesota government. Specifies the council's duties and requires an annual report.
- 3 **Interstate adult offender supervision compact administrator.** Provides that the Commissioner of Corrections or her designee shall serve as the compact administrator. Requires the administrator to assess and collect fines, fees, and costs from entities deemed responsible by the administrator for defaults under the compact (this is meant to allow the compact administrator to get reimbursement from nonstate entities for fines, etc, caused by their - rather than the state's - default).
- 4 **Application of interstate compact.** Clarifies that the new compact (section one) applies to supervision proceedings with states that have adopted it, while the existing compact applies to all other cases.
- 5 **Residing in Minnesota without permission under interstate compact; penalty.** Creates a new penalty for a person residing in Minnesota in violation of the terms or rules of the new compact. Eventually, this penalty provision will take the place of the current penalty provision (subdivision 1), which is repealed by the bill (section 7).
- 6 **Appropriation.** Appropriates an unspecified amount from the general fund to the Commissioner of Corrections for obligations arising from the state's entry into the new compact.
- 7 **Repealer.** Repeals the existing compact, the provision governing whether the old or new compact rules applies, and a related criminal provision that provides a criminal penalty for someone residing in Minnesota in violation of Minnesota's compact. The repealer is effective July 1, 2004.
- 8 **Effective date.** Provides the bill's effective dates. Of note, sections 1 to 4 and 6 are effective the day following final enactment or when the 35th state enters the compact, whichever occurs later. Section 5 is effective August 1, 2002, and applies to crimes committed on or after that date. The repealer is effective July 1, 2004.