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SFA



BILL ANALYSIS

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House Bill 4690 (as passed by the House)
Sponsor: Representative Charles LaSata
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 2-13-02

CONTENT

The bill would enact the "Interstate Compact for Adult Offender Supervision" to provide for Michigan's participation in the Interstate Commission for Adult Offender Supervision, which would manage the movement between states of adults released into the community under the jurisdiction of courts, parole authorities, or other criminal justice agencies. The bill would do the following:

- **Require that Michigan create a State Council for Interstate Adult Offender Supervision, which would appoint a commissioner to represent this State on the Interstate Commission.**
- **Provide for the organization and operation of the Interstate Commission.**
- **Grant Commission members, officers, and employees qualified immunity for a claim arising out of acts or omissions occurring within the scope of Commission activities.**
- **Identify required and allowed activities of the Interstate Commission, including the promulgation of rules that would have the force of law, and the resolution of disputes among the compacting states.**
- **Require the Commission to collect an annual assessment from each compacting state in order to finance the Commission's activities.**
- **Provide for amendment of the Compact; withdrawal, default, or termination of compacting states; judicial enforcement of the Compact; and dissolution of the Compact.**
- **Provide that the Compact would take effect when the 35 states enacted it.**
- **Specify that the Compact would supersede conflicting state law.**

Article I--Purpose

The bill specifies, "The compacting states...recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the bylaws and rules of this compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary, return offenders to the originating jurisdictions."

The compacting states also would recognize that Congress, by enacting the Federal Crime Control Act (4 USC 112), authorized and encouraged compacts for cooperative efforts and mutual assistance in crime prevention.

The bill states:

It is the purpose of this compact and the interstate commission created hereunder, through means of joint and cooperative action among the compacting states, to provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community; to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and to equitably distribute the costs benefits, and obligations of the compact among the compacting states.

In addition, the Compact would create an Interstate Commission that would establish uniform procedures to do all of the following:

- Manage the movement between states of adults placed under community supervision and released into the community under the jurisdiction of courts, parole authorities, corrections, or other criminal justice agencies that would promulgate rules to achieve the purpose of the Compact.
- Ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders would be authorized to travel or to relocate across state lines.
- Establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches, and criminal justice administrators.
- Monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct noncompliance.
- Coordinate training and education regarding regulations of interstate movement of offenders for officials involved in those activities.

The bill also states, "The compacting states recognize that there is no 'right' of any offender to live in another state and that duly accredited officers of a sending state may, at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of this compact and bylaws and rules promulgated" under it.

It would be the policy of the compacting states that activities conducted by the Interstate Commission would be the formation of public policies and, therefore, would constitute public business.

Article II--Definitions

Unless the context clearly required a different construction, the following terms would have the definitions described below.

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

"Compact administrator" would mean the individual in each compacting state appointed under the terms of the Compact and

responsible for the administration and management of the state's supervision and transfer of offenders under the Compact, rules adopted by the Interstate Commission, and policies adopted by the State Council.

"Compacting state" would mean any state that had enacted the enabling legislation for the Compact. "Commissioner" would mean the voting representative of each compacting state appointed under Article III of the Compact. "Member" would mean the commissioner of a compacting state or designee, who would have to be a person officially connected with the commissioner.

"Offender" would mean an adult placed under, or subject to, supervision as the result of committing a crime and released to the community under the jurisdiction of courts, parole authorities, corrections, or other criminal justice agencies. "Person" would mean any individual, corporation, business enterprise, or other legal entity, either public or private.

"Rules" would mean acts of the Interstate Commission, duly promulgated pursuant to Article VIII of the Compact, substantially affecting interested parties in addition to the Interstate Commission, which would have the force and effect of law in the compacting states.

"State" would mean a U.S. state, the District of Columbia, and any other territorial possession of the United States. "State council" would mean the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article III of the Compact.

Article III-The Compact Commission

The compacting states would create the "Interstate Commission for Adult Offender Supervision". The Interstate Commission would be a body corporate and joint agency of the compacting states. The Interstate Commission would have all the responsibilities, powers, and duties specified in the Compact, including the power to sue and be sued, and additional powers as conferred upon it subsequently by the legislatures of the compacting states pursuant to the Compact.

The Interstate Commission would consist of commissioners selected and appointed by the

State Council for each state. In addition to the commissioners who were the voting representatives of each state, the Interstate Commission would have to include individuals who were members of interested organizations. These noncommissioner members would have to include a member of the national organizations of governors, legislators, state chief justices, attorneys general, and crime victims. All noncommissioner members would be ex officio (nonvoting) members. The Interstate Commission could provide in its bylaws for additional, ex officio, nonvoting members as it considered necessary.

Each compacting state represented at any meeting of the Interstate Commission would be entitled to one vote. A majority of the compacting states would constitute a quorum for the transaction of business, unless the Commission's bylaws required a larger quorum. The Interstate Commission would have to meet at least once each calendar year. The chairperson could call additional meetings and, upon the request of 27 or more compacting states, would have to call additional meetings.

The Interstate Commission would have to establish an executive committee that included commission officers, members, and others as determined by the bylaws. The executive committee would have the power to act on behalf of the Commission during periods when it was not in session, with the exception of rule-making and/or amendment to the Compact. The executive committee would oversee the day-to-day activities managed by the executive director and Interstate Commission staff; administer enforcement and compliance with the Compact and its bylaws, and as directed by the Interstate Commission; and perform other duties as directed by the Commission or set forth in the bylaws.

Article IV--The State Council

Each member state would have to create a State Council for Interstate Adult Offender Supervision that would be responsible for the appointment of the commissioner who would serve on the Interstate Commission from that state. Each State Council would have to appoint as its commissioner the Compact administrator from that state to serve on the Interstate Commission in a capacity pursuant

to applicable law of the member state.

While each member state could determine the membership of its own State Council, its membership would have to include at least one representative from the legislative, judicial, and executive branches of government; victims groups; and Compact administrators. Each compacting state would retain the right to determine the qualifications of the Compact administrator, who would have to be appointed by the State Council or by the Governor in consultation with the Legislature and the judiciary.

In addition to appointing its commissioner to the Interstate Commission, each State Council would have to exercise oversight and advocacy concerning its participation in Commission activities and other duties determined by the state, including development of policy concerning operations and procedures of the Compact within that state.

Article V--Powers and Duties of the Interstate Commission

The Interstate Commission would have power to do the following:

- Promulgate rules that would have the force and effect of statutory law and would be binding in the compacting states to the extent and in the manner provided in the Compact.
- Oversee, supervise, and coordinate the interstate movement of offenders, subject to the terms of the Compact and bylaws adopted and rules promulgated by the Commission.
- Enforce compliance with the Compact, Interstate Commission rules, and bylaws, using all necessary and proper means, including the use of judicial process.
- Borrow, accept, or contract for services of personnel, including members and their staffs.
- Establish and appoint committees and hire staff that it considered necessary to carry out its functions, including an executive committee as required by Article III.
- Elect or appoint officers, attorneys, employees, agents, or consultants; and establish the Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of

- personnel.
- Accept any and all donations and grants of money, equipment, supplies, materials, and services, and receive, use, and dispose of them.
 - Lease, purchase, accept donations of, or otherwise to own, hold, improve, or use any personal and/or real property.
 - Sell, mortgage, lease, exchange, or otherwise dispose of any property.
 - Establish a budget and make expenditures and levy duties as provided in Article X of the Compact.
 - Provide for dispute resolution among compacting states.
 - Perform functions that might be necessary or appropriate to achieve the purposes of the Compact.
 - Report annually to the legislatures, governors, judiciary, and State Councils of the compacting states concerning the Commission's activities during the preceding year, and any recommendations adopted by the Commission.
 - Coordinate education, training, and public awareness regarding the interstate movement of offenders for officials involved in that activity.
 - Establish uniform standards for the reporting, collecting, and exchanging of data.

Article VI--Organization and Operation of the Interstate Commission

Bylaws. Within 12 months of its first meeting, and by a majority of its members, the Interstate Commission would have to adopt bylaws to govern its conduct as necessary or appropriate to carry out the purposes of the Compact. The bylaws would have to include, but would not be limited to, the following:

- Establishing the Commission's fiscal year.
- Establishing an executive committee and other necessary committees.
- Providing reasonable standards and procedures for the establishment of committees and for governing any general or specific delegation of any authority or function of the Commission.
- Providing reasonable procedures for calling and conducting Commission meetings and ensuring reasonable notice of each meeting.
- Establishing the titles and responsibilities of the Commission officers.
- Providing reasonable standards and

- procedures for the establishment of the Commission's personnel policies and programs. Notwithstanding any civil service or similar laws of a compacting state, the bylaws would exclusively govern the personnel policies and programs of the Commission.
- Providing a mechanism for winding up the Commission's operations and the equitable return of any surplus funds existing upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations.
- Providing transition rules for "start-up" administration of the Compact.
- Establishing standards and procedures for compliance and technical assistance in carrying out the Compact.

Officers and Staff. The Interstate Commission, by a majority of the members, would have to elect from its membership a chairperson and a vice chairperson, whose authorities and duties could be specified in the bylaws. The chairperson or, in his or her absence or disability, the vice chairperson, would have to preside at all Commission meetings. The officers elected would serve without compensation or remuneration from the Commission, but, subject to the availability of budgeted funds, the officers would be reimbursed for any actual and necessary costs and expenses incurred in the performance of their duties and responsibilities as Commission officers.

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

Corporate Records. The Interstate Commission would have to maintain its corporate books and records in accordance with its bylaws.

Qualified Immunity, Defense, and Indemnification. The Interstate Commission's members, officers, executive director, and employees would be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss

of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error, or omission that occurred with the scope of Commission employment, duties, and responsibilities. Nothing in this provision could be construed, however, to protect any person from suit and/or liability for any damage, loss, injury, or liability caused by that person's intentional or willful and wanton misconduct. The Commission would have to defend the commissioner of a compacting state, or his or her representatives or employees, or the Commission's representatives or employees, in any civil action seeking to impose liability, arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that the defendant had a reasonable basis to believe occurred with that scope, provided that the actual or alleged act, error, or omission did not result from intentional wrongdoing by that person.

The Interstate Commission would have to indemnify and hold harmless the commissioner of a compacting state, the appointed designee or employees, or the Commission's representatives or employees in the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person had a reasonable basis to believe occurred within that scope, provided that the act, error, or omission did not result from gross negligence or intentional wrongdoing.

Article VII--Activities of the Interstate Commission

The Interstate Commission would have to meet and take actions consistent with the Compact. Except as otherwise provided in the Compact, and unless the bylaws required a greater percentage, in order to constitute an act of the Commission, the act would have to have been taken at a Commission meeting and have received an affirmative vote of a majority of the Commission members present.

Each member would have the right and power to cast a vote to which that compacting state was entitled and to participate in the Commission's business and affairs. A member would have to vote in person on behalf of the state and could not delegate a vote to another

member state. A State Council, however, would have to appoint another authorized representative in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The bylaws could provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone or other means would be subject to the same quorum requirements of meetings at which members were present in person.

The Commission's bylaws would have to establish conditions and procedures under which the Commission would have to make its information and official records available to the public for inspection or copying. The Commission could exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating those rules, the Commission could make available to law enforcement agencies records and information otherwise exempt from disclosure, and could enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

Public notice of all meetings would have to be given, and all meetings would have to be open to the public, except as set forth in the rules or as otherwise provided in the Compact. The Interstate Commission would have to promulgate rules consistent with the principles contained in the Federal Government in Sunshine Act (5 USC 552(b)). The Commission and any of its committees could close a meeting to the public if it determined, by two-thirds vote, that an open meeting would be likely to do any of the following:

- Relate solely to the Commission's internal personnel practices and procedures.
- Disclose matters specifically exempted from disclosure by statute.
- Disclose trade secrets or commercial or financial information that was privileged or confidential.
- Involve accusing any person of a crime or formally censuring any person.
- Disclose information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy.
- Disclose investigatory records compiled for

law enforcement purposes.

- Disclose information contained in or related to examination, operating, or condition reports prepared by, or on behalf of or for the use of, the Commission with respect to a regulated entity for the purpose of regulating or supervising the entity.
- Disclose information whose the premature disclosure would significantly endanger the life of a person or the stability of a regulated entity.
- Specifically relate to the Commission's issuance of a subpoena or its participation in a civil action or proceeding.

For every meeting closed under this provision, the Commission's chief legal officer would have to certify publicly that, in his or her opinion, the meeting could be closed to the public and would have to refer to each relevant exempt provision. The Commission would have to keep minutes that fully and clearly described all matters discussed in any meeting and provide a full and accurate summary of any actions taken, and the reasons for doing so, including a description of each of the views expressed on any item and the record of any roll call vote, reflecting the vote of each member on the question. All documents considered in connection with any action would have to be identified in the minutes.

The Commission would have to collect standardized data concerning the interstate movement of offenders, as directed through its bylaws and rules, which would have to specify the data to be collected, the means of collection, and data exchange and reporting requirements.

Article VIII--Rule-Making Functions of the Interstate Commission

The Interstate Commission would have to promulgate rules in order to achieve the purposes of the Compact effectively and efficiently, including transition rules governing administration of the Compact while it was being considered and enacted by the states.

Rule-making would have to occur pursuant to criteria established in Article VIII and the bylaws and rules under it. Rule-making would have to conform substantially to the principles of the Federal Administrative Procedure Act (5 USCS Section 551 et seq.) and the Federal Advisory Committee Act (5 USCS App. 2, Section 1 et seq.). All rules and amendments would become binding as of the date specified

in each rule or amendment.

If a majority of the legislatures of the compacting states rejected a rule, by enactment of a statute or resolution, then the rule would have no further force and effect in any compacting state.

When promulgating a rule, the Commission would have to do all of the following:

- Publish the proposed rule stating with particularity the text of the rule and the reason for it.
- Allow people to submit written data, facts, opinions, and arguments, which would have to be available publicly.
- Provide an opportunity for an informal hearing.
- Promulgate a final rule and its effective date, if appropriate, based on the rule-making period.

Within 60 days after a rule was promulgated, any interested person could file a petition in the U.S. District Court for the District of Columbia, or in the Federal district court where the Interstate Commission's principal office was located, for judicial review of the rule. If the court found that the Commission's action was not supported by substantial evidence, as defined by Federal law, in the rule-making record, the court would have to hold the rule unlawful and set it aside.

Subjects to be addressed within 12 months after the first meeting, would have to include at least all of the following:

- Notice to victims and opportunity to be heard.
- Offender registration and compliance.
- Violations/returns.
- Transfer procedures and forms.
- Eligibility for transfer.
- Collection of restitution and fees from offenders.
- Data collection and reporting.
- The level of supervision to be provided by the receiving state.
- Transition rules governing the operation of the Compact and the Interstate Commission during all or part of the period between the Compact's effective date and the date on which the last eligible state adopted the Compact.
- Mediation, arbitration, and dispute resolution.

Existing rules governing the operation of the

previous Compact superseded by the bill would be null and void 12 months after the first meeting of the Interstate Commission created by the bill.

Upon determining that an emergency existed, the Commission could promulgate an emergency rule that would become effective immediately upon adoption, provided that the usual rule-making procedures would be retroactively applied to the emergency rule as soon as reasonably possible and, in no event, later than 90 days after the rule's effective date.

Article IX--Oversight, Enforcement, and Dispute Resolution

Oversight. The Interstate Commission would have to oversee the interstate movement of adult offenders in the compacting states and monitor the activities being administered in noncompacting states that could significantly affect the compacting states.

The courts and executive agencies in each compacting state would have to enforce the Compact and take actions necessary and appropriate to effectuate its purposes and intent. In any judicial or administrative proceeding in a compacting state pertaining to the Compact that could affect the powers, responsibilities, or actions of the Interstate Commission, the Commission would be entitled to receive all service of process and would have standing to intervene in the proceeding for all purposes.

Dispute Resolution. The compacting states would have to report to the Commission on issues or activities of concern to them and cooperate with and support the Commission in the discharge of its duties and responsibilities.

The Commission would have to attempt to resolve any disputes or other issues that were subject to the Compact and that could arise among compacting states and noncompacting states.

The Commission would have to enact a bylaw or promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

Enforcement. The Interstate Commission, in the reasonable exercise of its discretion, would have to enforce the provisions of the Compact using any or all means set forth in Article XII.

Article X--Finance

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

The Commission would have to levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Commission and its staff. The annual assessments would have to be in a total amount sufficient to cover the Commission's annual budget as approved each year. The aggregate annual assessment amount would have to be allocated based upon a formula to be determined by the Commission, taking into consideration the population of the state and the volume of the interstate movement of offenders in each compacting state. The Commission would have to promulgate a rule binding upon all compacting states that would govern the assessment.

The Commission could not incur any obligations of any kind before securing the funds adequate to meet those obligations, nor could it pledge the credit of any compacting state, except by and with the authority of that state.

The Commission would have to keep accurate accounts of all receipts and disbursements, which would be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements handled by the Commission, however, would have to be audited yearly by a certified or licensed public accountant, and the audit report would have to be included in the Commission's annual report.

Article XI--Compacting States, Effective Date, and Amendment

Any state would be eligible to become a compacting state. The Compact would become effective and binding upon its legislative enactment by at least 35 states. The initial effective date would be the later of July 1, 2001, or enactment by the 35th jurisdiction. After that, the Compact would become effective and binding, as to any other compacting state, upon enactment of the Compact by that state. The governors of nonmember states or their designees would be invited to participate in Interstate Commission activities on a nonvoting basis before adoption of the Compact by all U.S.

states and territories.

Amendments to the Compact could be proposed by the Interstate Commission for enactment by the compacting states. No amendment could become effective and binding upon the Commission and the compacting states unless and until it was enacted by unanimous consent of the compacting states.

Article XII--Withdrawal, Default, Termination, and Judicial Enforcement

Withdrawal. Once effective, the Compact would continue in force and remain binding upon every compacting state, but a compacting state could withdraw from the Compact by enacting a statute specifically repealing the statute that enacted the Compact. The effective date of withdrawal would be the effective date of the repeal.

A withdrawing state immediately would have to notify the chairperson of the Interstate Commission, in writing, upon the introduction of legislation repealing the Compact. Within 60 days of receiving that notification, the Commission would have to notify the other compacting states of the withdrawing state's intent to withdraw.

A withdrawing state would be responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations whose performance extended beyond the effective date of withdrawal.

Reinstatement following withdrawal of any compacting state would occur upon the withdrawing state's reenacting the Compact or upon a later date as determined by the Commission.

Default. If the Commission determined that any compacting state had at any time defaulted in the performance of any of its obligations or responsibilities under the Compact, the bylaws, or any duly promulgated rules, the Commission could impose any or all of the following penalties:

- Fines, fees, and costs in amounts considered reasonable as fixed by the Commission.
- Remedial training and technical assistance as directed by the Commission.

- Suspension and termination of membership in the Compact.

Suspension could be imposed only after all other reasonable means of securing compliance had been exhausted. The Commission would have to give immediate notice of suspension to the governor, the chief justice or chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the State Council.

The grounds for default would include, but would not be limited to, failure of a compacting state to perform obligations or responsibilities imposed upon it by the Compact, bylaws, or duly promulgated rules. The Commission immediately would have to notify the defaulting state, in writing, of the penalty imposed on it, pending a cure of the default. The Commission would have to specify the conditions and the time period within which the defaulting state would have to cure its default. If the state failed to cure the default within that time period, in addition to any other penalties imposed, the state could be terminated from the Compact upon an affirmative vote of a majority of the compacting states, and all rights, privileges, and benefits of Compact membership would be terminated from the effective date of suspension.

Within 60 days of the effective date of a defaulting state's termination, the Commission would give notice of the termination to the governor, the chief justice or chief judicial officer, and the majority and minority leaders of the defaulting state's legislature, and the State Council.

A defaulting state would be responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including any obligations whose performance extended beyond the effective date of termination.

The Interstate Commission would not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Commission and the state. Reinstatement following termination of any compacting state would require both a reenactment of the Compact by the defaulting state and the approval of the Commission pursuant to rules.

Judicial Enforcement. The Interstate

Commission could, by majority vote of its membership, initiate legal action in the U.S. District Court for the District of Columbia or, at the Commission's discretion, in the Federal district court where the Commission had its offices, to enforce compliance with the Compact, or its duly promulgated rules and bylaws, against any compacting state in default. If judicial enforcement were necessary, the prevailing party would have to be awarded all costs of litigation including reasonable attorney fees.

Dissolution of the Compact. The Compact would dissolve effective upon the date of the withdrawal or default of the compacting state that reduced membership in the Compact to one compacting state. Upon dissolution, the Compact would become null and void. The business and affairs of the Interstate Commission would have to be wound up and any surplus funds distributed in accordance with the bylaws.

Article XIII--Severability and Construction

The Compact's provisions would be severable, and if any phrase, clause, sentence, or provision were deemed unenforceable, the remaining provisions would be enforceable. The provisions of the Compact would have to be liberally construed to effectuate its purpose.

Article XV--Binding Effect of Compact and Other Laws

Other Laws. Nothing in the Compact would prevent the enforcement of any other law of a compacting state that was not inconsistent with the Compact. All compacting states' laws conflicting with the Compact would be superseded to the extent of the conflict.

Binding Effect of the Compact. All lawful actions of the Interstate Commission, including all rules and bylaws, would be binding upon the compacting states. All agreements between the Commission and the compacting states would be binding in accordance with their terms.

Upon the request of a party to a conflict over meaning or interpretation of Commission actions, and upon a majority vote of the compacting states, the Commission could issue advisory opinions regarding that meaning or interpretation. In the event that

any provision of the Compact exceeded the constitutional limits imposed on the legislature of any compacting state, the obligation, duty, power, or jurisdiction sought to be conferred by that provision upon the Commission would be ineffective and would remain in the compacting state and be exercised by the agency of that state to which the obligation, duty, power, or jurisdiction was delegated by law in effect at the time the Compact became effective.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State government.

The Council of State Governments (CSG) speculates that Michigan's annual assessment for participation in the Interstate Commission could be \$32,000. This figure is based on a draft budget and a draft dues formula created by CSG, as well as on the assumption that all of the states join the compact. The formula is weighted using the State's population and offender caseload. The CSG estimates that the dues could range by state from \$18,000 to \$46,000. Once the Commission is established, it will determine its own budget and dues formula, which may vary from those used by the CSG. All states, including Michigan, pay an annual \$2,000 to participate in the current Interstate Compact for the Supervision of Parolees and Probationers. Using the CSG estimate, joining the Interstate Commission could cost the State an additional \$30,000 per year.

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.