

ISSUE BRIEF

2009



SB 107: Interstate Compact for Juveniles

Overview of the issue

The Interstate Compact for Juveniles is an agreement among states that addresses the supervision, transfer and return of juvenile offenders across state boundaries.

The Oregon Youth Authority provides interstate compact services for approximately 580 youth on parole or probation and 500 runaways per biennium, including runaways from DHS placements.

The Interstate Compact for Juveniles establishes provisions to: request supervision in a state other than the state of adjudication; return youth who have absconded, escaped or run away; or allow adjudicated youth to cross state lines with permission.

The need for SB 107

The current Interstate Compact for Juveniles was adopted in 1959 to provide consistency among states. In 1999, a revised Interstate Compact for Juveniles was introduced by the Council of State Governments and the federal Office of Juvenile Justice and Delinquency Prevention. It is designed to promote public safety and improve structure, accountability and compliance among participating states.

To become effective, 35 states were required to ratify the new compact, a milestone reached in August 2008. Rulemaking will begin in December 2009. Only states that have ratified ("signatory states") may participate in rulemaking. Oregon, currently a non-ratified

state, will not be part of the rulemaking if not a signatory state by then.

In order to make the compact work best for Oregon, it is imperative to have a seat at the rulemaking table.

Effect of SB 107

SB 107, if approved, effectively ratifies and codifies the new compact, replacing the 1959 compact in ORS 417.030. The compact gives Oregon equal footing with other states, enabling it to take advantage of the compact's terms, especially changes that enhance public safety, benefit from the rights of membership and participate in the rulemaking process.

About Interstate Compacts

Interstate compacts are contracts between two or more states creating an agreement on a particular policy issue, adopting a certain standard or cooperating on regional or national matters. It is a coordination mechanism among member states.

Additionally, compacts assert states' rights as sovereign entities to act jointly and collectively, generally outside the confines of the federal legislative or regulatory process while respecting the view of Congress on the appropriateness of joint action. They effectively preempt federal interference into matters that are traditionally within the purview of the states and yet have regional or national implications.

Advantages of the Juvenile Compact

The new compact enhances public safety by including compliance requirements. Issues of enforcement and accountability among states are remedied. In creating consistency of practices among states, services to juvenile offenders will become more appropriate and enforceable.

Additionally, ratifying states will have access to legal counsel, grant assistance and a national database that features uniform reporting.

Concerns about ratifying the new compact

Because enhanced levels of accountability and structure require additional rules, documentation, program development, ongoing maintenance, and tracking and interfacing with a new database there will be additional workload for OYA's interstate compact staff.

The anticipated fiscal impact is approximately: \$22,000 for annual membership fees and \$30,000 for annual licensing and usage fees. There are also costs related to IS transitions/interfacing and staff workload.

Alternatives to legislation

To ensure Oregon, the public, and the affected youth are protected, as a non-signatory of the compact, OYA will need to establish intergovernmental agreements with individual states whenever movement, supervision or return of youth occurs. This will require the expenditure of extensive resources by the agency that will also include legal costs.

In summary

OYA supports SB 107. SB 107 implements the new Interstate Compact for Juveniles, allowing OYA, DHS and county juvenile departments to efficiently work with youth across state lines. The new compact includes a national database to track this population and better monitor and serve their needs while providing for community safety.

To implement the compact, participating states will begin a rulemaking process in 2009. To influence procedural impacts on OYA and the counties, Oregon's voice needs to be heard at the rulemaking table. ◀



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