

# **House Bill 50 Summary and Analysis<sup>1</sup>**

## Origins of House Bill 50

House Bill 50 (“HB 50”) was introduced by Representative Forster on January 11 in the Georgia 2007 General Assembly Legislative Session. The bill arises within the purview of juvenile justice reform and utilizes the Council of State Government’s guidelines as its source. It seeks to update existing law originally enacted in 1955.

## Legislative Purpose

The proposed bill, if enacted, would amend Chapter 3 of Title 39 of the Official Code of Georgia Annotated (O.C.G.A.) regarding the Interstate Compact on Juveniles (hereinafter “Compact”). States who participate in the Compact, or “party states,” agree to work together to achieve the goals of the compact. Specifically, the compact would facilitate cooperative supervision of delinquent juveniles on probation and parole and would ease the return from one state to another of delinquent children who have escaped or children who have run away. The party states “shall be guided by the non-criminal, reformative, and protective policies which guide their laws concerning delinquent, neglected, or dependent juveniles generally.” Moreover, the sponsor urges expediency in passing the bill because Georgia is positioned to become the 32<sup>nd</sup> state in subscribing to the Compact, therefore obtaining rulemaking authority by being among the first 35 compacting states.

## Summary and Explanation of the Proposed Changes

HB 50 would amend the Interstate Compact on Juveniles (found at O.C.G.A. § 39-3-10 through § 39-3-7) by designating the existing code sections as article 1 and adding a second article to be entitled ‘The Interstate Compact for Juveniles.’ The Compact would recognize the states’ responsibility in ensuring adequate supervision and care of juveniles and would establish an Interstate Commission for Juveniles to facilitate a cooperative, more uniform system of managing and controlling juvenile movement across and within state lines. The bill would tighten the process of juvenile monitoring and control in order to provide more effective care. Specifically, the bill proposes to amend O.C.G.A. § 39-3-10 in the following way:

**1) Require mutual cooperation and effective tracking between sending and receiving states regarding the movement of juveniles while maintaining both juvenile and public safety.**

- a. Article I of the Compact describes the purpose of the Compact in great detail. Sections (A) through (M) enumerate multiple purposes of the compact including ensuring that adjudicated juveniles and status offenders receive adequate supervision and services when their case is transferred between states, protecting public safety, providing effective tracking and supervision of juveniles, and coordinating training and education among compacting states.

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- b. Current law lists only four purposes for entering into the Compact: cooperative supervision, the return of delinquent juveniles who have escaped, the return of runaways, and the protection of juveniles and the public. (O.C.G.A § 39-3-2).

**2) Delineate the nature, responsibilities, and functions of the Interstate Commission while emphasizing the transparent nature of its activities.**

- a. Articles III through VI and Article IX designate the Commission's rulemaking authority, organizational structure, and other activities such as elections, meetings, and membership. The actual purpose of the Commission is to oversee and effectuate the policies of the Compact by providing for an Executive Committee, an Executive Director, various Commissioners, and local representatives in each state. It also provides for immunity, except in instances where the act possesses malicious intent. The general immunity will enable the Commission to fulfill its duties in a more effective manner.
- b. While the creation of an Interstate Commission is critical in effectuating the Compact's enumerated functions and goals, administrative ambiguity and slow communication between interstate agencies may hinder efficiency.

**3) Provide for various procedures to ensure compliance, conflict resolution, and enforcement.**

- a. Article VII discusses compliance and enforcement as pertaining directly to the Compact's sustainability. While these may be subsumed under the Commission's general responsibilities, they are sufficiently distinct to warrant separate analysis. The purpose for empowering the Commission to oversee and enforce states' compliance is to prevent the Compact's demise due to interstate disagreements. Additionally, this function will provide for swifter resolution and diffuse potential judicial intervention.
- b. Articles X and XI further clarify procedures regarding the Compact's maintenance by providing for effective dates, amendment procedures, withdrawal, default, and judicial enforcement.

**4) Designate the compacting states as the primary source of funding for the Interstate Commission.**

- a. Article VIII does the following:
  - i. It empowers the Commission to pay for the Compact's reasonable expenses. Reasonability will presumably be defined by the circumstances surrounding interstate juvenile movement and its tangential effects on the Commission's adaptive organization and structure.
  - ii. It requires the Commission to levy on and collect fees from each Compacting State.
- b. The provision correctly identifies the compacting states as the source for funding. Moreover, it establishes a formula-based method for determining fees by using each state's population figures and juvenile movement. However, there remains a risk that a state may default or delay its duty to pay due to its own internal budget deficit.