

§9878. Rule-making functions of interstate commission--Article 8

1. Rules. The interstate commission shall promulgate rules in order to effectively and efficiently achieve the purposes of the compact, including transitional rules governing administration of the compact during the period in which it is being considered and enacted by the state.

Rulemaking must occur pursuant to the criteria set forth in this section and rules promulgated pursuant to this section. The rulemaking must substantially conform to the principles of the federal Administrative Procedure Act, 5 United States Code, Section 551 et seq. and the federal Advisory Committee Act, 5 United States Code App. 2 Section 1 et seq., as may be amended, referred to in this subchapter as the "APA."

All rules and amendments are binding on the date specified in each rule or amendment.
[PL 2003, c. 495, §1 (NEW).]

2. Rule void. If a majority of the legislatures of the compacting states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then the rule has no further effect in any compacting state.
[PL 2003, c. 495, §1 (NEW).]

3. Promulgation of rules. When promulgating a rule, the interstate commission shall:

A. Publish the proposed rule stating with particularity the text of the proposed rule and the reason for the proposed rule; [PL 2003, c. 495, §1 (NEW).]

B. Allow persons to submit written data, facts, opinions and arguments, which information must be publicly available; [PL 2003, c. 495, §1 (NEW).]

C. Provide an opportunity for an informal hearing; and [PL 2003, c. 495, §1 (NEW).]

D. Promulgate a final rule and its effective date, if appropriate, based on the rule-making record.
[PL 2003, c. 495, §1 (NEW).]

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4. Rule review. Not later than 60 days after a rule is promulgated, an interested person may file a petition in the United States District Court for the District of Columbia or in the federal district court where the interstate commission's principal office is located for judicial review of the rule. If the court finds that the interstate commission's action is not supported by substantial evidence, as defined in the APA, in the rule-making record, the court shall hold the rule unlawful and set it aside.

[PL 2003, c. 495, §1 (NEW).]

5. Subjects to be addressed. Subjects to be addressed within 12 months after the first meeting must, at a minimum, include:

A. Notice to victims and opportunity to be heard; [PL 2003, c. 495, §1 (NEW).]

B. Offender registration and compliance; [PL 2003, c. 495, §1 (NEW).]

C. Violations and returns; [PL 2003, c. 495, §1 (NEW).]

D. Transfer procedures and forms; [PL 2003, c. 495, §1 (NEW).]

E. Eligibility for transfer; [PL 2003, c. 495, §1 (NEW).]

F. Collection of restitution and fees from offenders; [PL 2003, c. 495, §1 (NEW).]

G. Data collection and reporting; [PL 2003, c. 495, §1 (NEW).]

H. The level of supervision to be provided by the receiving state; [PL 2003, c. 495, §1 (NEW).]

I. Transitional rules governing the operation of the compact and the interstate commission during all or part of the period between the effective date of the compact and the date that the last eligible state adopts the compact; and [PL 2003, c. 495, §1 (NEW).]

J. Mediation, arbitration and dispute resolution. [PL 2003, c. 495, §1 (NEW).]
[PL 2003, c. 495, §1 (NEW).]

6. Emergency rule. If the interstate commission determines that an emergency exists, it may promulgate an emergency rule that becomes effective immediately upon adoption as long as the usual rule-making procedures provided under this section are retroactively applied to the rule as soon as reasonably possible but no later than 90 days after the effective date of the rule.
[PL 2003, c. 495, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 495, §1 (NEW).

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