

# The National Crime Prevention and Privacy Compact Act of 1998

## Compact Council Bylaws



## with AMENDMENTS

Approved by the Council on May 11, 2023

## TABLE OF CONTENTS

	<u>PAGE</u>
1.0 <u>ESTABLISHMENT OF THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT COUNCIL</u> .....	1
2.0 <u>FBI COMPACT OFFICER</u> .....	1
3.0 <u>STATE COMPACT OFFICER</u> .....	1-2
4.0 <u>MEMBERSHIP OF THE COUNCIL</u> .....	2
5.0 <u>TERM OF COUNCIL MEMBERS</u> .....	3
6.0 <u>END-OF-TERM APPOINTMENT PROCESS</u> .....	3-4
6.1 MEMBERS NOMINATED BY COMPACT OFFICERS OF ALL PARTY STATES .....	3-4
6.2 MEMBERS NOMINATED BY THE DIRECTOR OF THE FBI .....	4
6.3 MEMBERS NOMINATED BY THE CHAIRMAN OF THE COUNCIL .....	4
6.4 FBI'S ADVISORY POLICY BOARD (APB) MEMBER NOMINATED BY THE APB MEMBERSHIP .....	4
7.0 <u>COUNCIL MEMBER VACANCIES</u> .....	4-5
8.0 <u>COUNCIL OFFICERS</u> .....	5-8
8.1 DUTIES OF COUNCIL OFFICERS.....	5-6
8.2 QUALIFICATIONS OF COUNCIL CHAIRMAN AND VICE CHAIRMAN.....	6
8.3 TERM OF COUNCIL OFFICERS .....	6
8.4 ELECTIONS OF COUNCIL OFFICERS .....	6-7
8.5 COUNCIL OFFICER VACANCIES .....	7-8
9.0 <u>COUNCIL MEETINGS</u> .....	8-11
9.1 FREQUENCY AND LOCATION OF COUNCIL MEETINGS .....	8
9.2 PRESENCE OF COUNCIL OFFICERS .....	8
9.3 NOTICE OF COUNCIL MEETINGS.....	8

TABLE OF CONTENTS (Continued)

	<u>PAGE</u>
9.4 CONDUCT OF COUNCIL MEETINGS .....	8
9.5 PROXIES .....	9
9.6 ATTENDANCE AT COUNCIL MEETINGS .....	9
9.7 OPEN SESSIONS.....	9
9.8 QUORUM.....	10
9.9 VOTING .....	10
9.10 TOPIC SUGGESTION REVIEW PROCESS .....	10
9.11 AGENDA.....	10
9.12 MINUTES AND RECORDS OF THE COUNCIL .....	10-11
9.13 ADJOURNMENT OF COUNCIL MEETINGS.....	11
10.0 <u>PROMULGATION OF RULES, PROCEDURES AND STANDARDS</u> .....	11
10.1 COORDINATION WITH AFFECTED PERSONS, AGENCIES AND ORGANIZATIONS .....	11
10.2 EFFECTIVE DATE.....	11
11.0 <u>COMPENSATION</u> .....	11-12
12.0 <u>ASSISTANCE FROM THE FBI</u> .....	12
13.0 <u>COUNCIL COMMITTEES</u> .....	12
14.0 <u>FOCUSED COMMITTEES</u> .....	12-14
14.1 FOCUSED COMMITTEE OFFICERS .....	13
14.2 DUTIES OF FOCUSED COMMITTEE OFFICERS.....	13
14.3 TERM OF FOCUSED COMMITTEE OFFICERS .....	13
14.4 FOCUSED COMMITTEE MEETINGS .....	13
14.5 PROXIES FOR FOCUSED COMMITTEE MEETINGS .....	13-14

TABLE OF CONTENTS (Continued)

	<u>PAGE</u>
15.0 <u>REGIONAL COMMITTEES</u> .....	14-17
15.1 REGIONAL COMMITTEE OFFICERS .....	15
15.2 DUTIES OF REGIONAL COMMITTEE OFFICERS .....	15
15.3 TERM OF REGIONAL COMMITTEE OFFICERS.....	15
15.4 ELECTION OF REGIONAL COMMITTEE OFFICERS .....	15-16
15.5 REGIONAL COMMITTEE OFFICER VACANCIES .....	16
15.6 REGIONAL COMMITTEE MEETINGS .....	16-17
15.7 PROXIES FOR REGIONAL COMMITTEE MEETINGS.....	17
16.0 <u>DISCRIMINATION PROHIBITED</u> .....	17
17.0 <u>AMENDMENTS TO BYLAWS</u> .....	17

APPENDIX 1

National Crime Prevention and Privacy Compact Act of 1998

1.0 ESTABLISHMENT OF THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT COUNCIL

The National Crime Prevention and Privacy Compact Council (Council) is created pursuant to the “National Crime Prevention and Privacy Compact Act of 1998” (Compact) (Title 34, United States Code, Chapter 403, Subchapter II, Sections 40311-40316 [formerly cited as Title 42, United States Code, Chapter 140, Subchapter II, Sections 14611-14616]).

2.0 FBI COMPACT OFFICER

The Director of the FBI shall appoint an FBI Compact officer who shall:

- (A) Administer the Compact within the Department of Justice and among Federal agencies and other agencies and organizations that submit search requests to the FBI;
- (B) Ensure that Compact provisions and rules, procedures, and standards prescribed by the Council under Article VI of the Compact are complied with by the Department of Justice and the Federal agencies and other agencies and organizations; and
- (C) Regulate the use of records received by means of the Interstate Identification Index (III) system from Party States when such records are supplied by the FBI directly to other Federal agencies.

The FBI Compact officer shall facilitate the election process for Council members, the appointment of Council members with the Attorney General, and provide staff support to the Council, its officers, and its committees.

3.0 STATE COMPACT OFFICER

Each Party State shall appoint a State Compact officer who shall:

- (A) Administer the Compact within the State;
- (B) Ensure that Compact provisions and rules, procedures, and standards established by the Council under Article VI are complied with in the State; and
- (C) Regulate the in-State use of records received by means of the III system from the FBI or from other Party States.

State Compact officer appointment letters shall be addressed and sent to the Council Chairman by the appropriate state official. The Council Chairman shall notify the FBI Compact officer of the appointment. A copy of the appointment letter shall be maintained at the: Compact Council Office, FBI, CJIS Division, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306.

#### 4.0 MEMBERSHIP OF THE COUNCIL

The Council shall be composed of 15 members, each of whom shall be appointed by the Attorney General, as follows:

- (A) Nine members, each of whom shall serve a two-year term, who shall be selected from among the Compact officers of Party States based on the recommendation of the Compact officers of all Party States, except that, in the absence of the requisite number of Compact officers available to serve, the chief administrators of the criminal history record repositories of Nonparty States shall be eligible to serve on an interim basis for a one-year term.
- (B) Two at-large members, nominated by the Director of the FBI, each of whom shall serve a three-year term, of whom:
  - (1) One shall be a representative of the criminal justice agencies of the Federal Government and may not be an employee of the FBI; and
  - (2) One shall be a representative of the noncriminal justice agencies of the Federal Government.
- (C) Two at-large members, nominated by the Chairman of the Council (“Chairman”), once the Chairman is elected, each of whom shall serve a three-year term, of whom:
  - (1) One shall be a representative of State or local criminal justice agencies; and
  - (2) One shall be a representative of State or local noncriminal justice agencies.
- (D) One member, who shall serve a three-year term, and who shall simultaneously be a member of the FBI’s Advisory Policy Board (APB) on criminal justice information services, nominated by the membership of that policy board.
- (E) One member, nominated by the Director of the FBI, who shall serve a three-year term, and who shall be an employee of the FBI.

## 5.0 TERM OF COUNCIL MEMBERS

Each appointment term shall begin on October 1st. All terms shall end on September 30th at the end of one, two, or three years as appointed to fulfill the requisite term.

In the case of a vacancy that occurs before the end of a term, such vacancy shall be filled as specified in Section 7.0. There shall be no limit on the number of times a Council member may be reappointed, provided that he/she shall have been renominated as specified in Section 4.0 before each reappointment.

## 6.0 END-OF-TERM APPOINTMENT PROCESS

Prior to the end of a Council member's term, the nomination process described in Section 4.0 and in this Section shall be followed to obtain an appointment for the next term. Nominations for the new term shall be submitted to the Attorney General by August 1st.

### 6.1 MEMBERS NOMINATED BY COMPACT OFFICERS OF ALL PARTY STATES

State Compact officer appointments are staggered such that expiration of terms occur on alternating years. In order to fill the requisite number of vacancies for state Compact officer appointments to the Council due to the expiration of terms, the Council Chairman shall ask each eligible state Compact officer whether he/she wants to be nominated to serve on the Council.

If this solicitation results in less candidates than vacancies to be filled, the Council Chairman shall ask the state Compact officers for nominations of chief administrators of criminal history record repositories of Nonparty States. The Council Chairman shall ask each such chief administrator of the criminal history record repository of the Nonparty State whether he/she wants to be nominated to serve on the Council.

The FBI Compact officer shall conduct an election prior to the month of July with each state Compact officer voting for the requisite number of candidates. In the case of an election that does not conclusively identify the requisite number of candidates for the vacancies that exist, the FBI Compact officer shall conduct a run-off election as necessary to resolve any tie.

The Council Chairman shall submit the nominations of the requisite number of candidates receiving the highest number of votes to the Attorney General by August 1st.

The Council Chairman and the FBI Compact officer shall retain a list of the number of votes received by the remaining candidates, identified as alternates, for use in filling state Compact officer vacancies. The list of nominees for alternates remains valid through September 30th of the following year. The list of nominees for alternates from the most recent election becomes valid on October 1st of the election year, at which time the nominees have been appointed by the Attorney General. Should vacancies occur, the Council Chairman shall follow the process for filling vacancies as specified in Section 7.0.

Along with the nominations for state Compact officer appointments due to the expiration of terms, the Council Chairman shall also forward the nominations for alternates to the Attorney General by August 1st.

6.2 MEMBERS NOMINATED BY THE DIRECTOR OF THE FBI

In those years when necessary, the Director of the FBI shall submit a nominee(s) to the Attorney General by August 1st.

6.3 MEMBERS NOMINATED BY THE CHAIRMAN OF THE COUNCIL

Before making these nominations, in those years when necessary, the Council Chairman shall request recommendations for these nominations from all members of the Council and the Compact officers of other Party States. The Council Chairman shall consider, but not necessarily nominate from the list of recommended individuals. The Council Chairman shall select two nominees. The Council Chairman shall submit the two nominees to the Attorney General by August 1st.

6.4 FBI'S ADVISORY POLICY BOARD (APB) MEMBER NOMINATED BY THE APB MEMBERSHIP

In those years when necessary, the Chairman of the APB shall provide a nominee for submission to the Attorney General by August 1st.

7.0 COUNCIL MEMBER VACANCIES

If a member vacates his/her position on the Council the procedures as described below shall be followed. All members appointed due to vacancies shall have been duly nominated as specified in Section 4.0.

(A) COMPACT OFFICER OR NONPARTY STATE MEMBER NOMINATED BY COMPACT OFFICERS OF ALL PARTY STATES

As vacancies occur, the Council Chairman shall announce the individual who received the most votes as an alternate, as specified in Section 6.1, to serve out the



term. As additional vacancies occur, the Council Chairman shall announce the individual(s) receiving the next highest votes as the alternate(s) to serve out the term(s).

Alternates elected to the Council prior to the expiration of the existing alternate list on September 30th shall be immediately removed from the list. The alternate nominee receiving the next highest number of votes shall fill the vacancy. If no available candidates remain on this list, the Council Chairman shall hold and the FBI Compact officer shall facilitate a special election to obtain this nomination(s) and possible alternates for future use.

(B) AT-LARGE MEMBER OR FBI EMPLOYEE NOMINATED BY THE DIRECTOR OF THE FBI

The Director of the FBI shall submit a nominee to the Attorney General to serve out the term.

(C) AT-LARGE MEMBER NOMINATED BY THE CHAIRMAN OF THE COUNCIL

As vacancies occur, the Council Chairman shall request recommendations for the nomination from all members of the Council and the Compact officers of other Party States. Considering the recommended individuals, the Council Chairman shall select a nominee.

(D) FBI'S APB MEMBER NOMINATED BY THE APB MEMBERSHIP

The Chairman of the APB shall provide a nominee for submission to the Attorney General to serve out the term.

8.0 COUNCIL OFFICERS

The officers of the Council shall be a Chairman and Vice Chairman.

8.1 DUTIES OF COUNCIL OFFICERS

The Council Chairman shall:

- (A) Set the agenda for Council meetings and preside over these meetings;
- (B) Designate another Council member to preside over Council meetings in the absence of both the Council Chairman and Vice Chairman;

- (C) Coordinate with the FBI Compact officer on all administrative matters relating to the Council, including notification to the appropriate nominating authority(ies) concerning any vacancies on the Council that must be filled;
- (D) Establish committees of the Council, facilitate an election or appoint a Chairman and Vice Chairman of each committee, and prescribe committee membership, responsibilities, and duration;
- (E) Obtain nominations from state Compact officers for the election and appointment of candidates to the Council;
- (F) Nominate two persons to serve on the Council as at-large members; and
- (G) Represent the Council at various governmental and other functions to further the goals of the Council.

The Vice Chairman of the Council shall serve as the Chairman of the Council in the absence of the Chairman.

## 8.2 QUALIFICATIONS OF COUNCIL CHAIRMAN AND VICE CHAIRMAN

The Chairman and Vice Chairman of the Council:

- (A) shall be members of the Council; and
- (B) shall be state Compact officers, unless there is no state Compact officer on the Council who is willing to serve, in which case the Council Chairman or Vice Chairman may be an at-large member.

## 8.3 TERM OF COUNCIL OFFICERS

The term of the officers shall be two years in duration. An officer may not serve more than two terms consecutively in the same office.

## 8.4 ELECTIONS OF COUNCIL OFFICERS

Elections of the Council Chairman and Vice Chairman shall be held at the first Council meeting after September 30th in those years when elections are necessary. The FBI Compact officer shall conduct the election of the Council Chairman and the Vice Chairman.

Each member of the Council may nominate a qualified candidate for Council Chairman. The election of the Council Chairman shall be held by a secret ballot of the Council members. If only one candidate is nominated, the Council members may forgo the secret ballot with general consent. If more than one

candidate is nominated, the candidate with a simple majority vote is elected. If no candidate receives a simple majority, there shall be a run-off election involving the two candidates who received the most votes.

Each member of the Council may nominate a qualified candidate for Council Vice Chairman. The election of the Council Vice Chairman shall be held by a secret ballot of the Council members. If only one candidate is nominated, the Council members may forgo the secret ballot with general consent. If more than one candidate is nominated, the candidate with a simple majority vote is elected. If no candidate receives a simple majority, there shall be a run-off election involving the two candidates who received the most votes.

The newly elected officers shall serve a two-year term commencing immediately preceding the adjournment of the Council meeting at which they were elected. In the event of a special election due to a vacancy before the end of a term, the newly elected officer shall immediately serve the remainder of the term.

#### 8.5 COUNCIL OFFICER VACANCIES

In the event of a vacancy in the office of the Council Chairman, the Council Vice Chairman shall succeed the Council Chairman for the remainder of the term of office. The FBI Compact officer shall hold a special election for a new Council Vice Chairman at the next Council meeting. In the interim, the longest serving Council member that is a state Compact officer shall assume the role of the Council Vice Chairman until the next Council meeting. If there is no state Compact officer willing to serve, then the longest serving at-large member may fill the role of the interim Council Vice Chairman. This interim role is terminated by the election of the new Council Vice Chairman as outlined in Section 8.4.

In the case of a vacancy that occurs before the end of a term in the office of the Council Vice Chairman, the FBI Compact officer shall hold a special election at the next Council meeting for a new Council Vice Chairman. In the interim, the longest serving Council member that is a state Compact officer shall assume the role of the Council Vice Chairman until the next Council meeting. If there is no state Compact officer willing to serve, then the longest serving at-large member may fill the role of the Council Vice Chairman. This interim role is terminated by the election of the new Council Vice Chairman as outlined in Section 8.4.

If both offices become vacant, the FBI Compact officer shall call for and hold a special election for the remainder of the terms of office. In the interim, the longest serving Council member that is a state Compact officer shall assume the role of the Council Chairman and the second longest serving Council member that is a state Compact officer shall assume the role of the Council Vice Chairman.

If there are no state Compact officers willing to serve, then the longest serving at-large members may fill each role. These interim roles are terminated by the election of the new Council Chairman and Council Vice Chairman as outlined in Section 8.4.

In the event the next Council meeting is canceled or other exigent circumstances prevent the special election from being held at the next Council meeting, the FBI Compact officer shall call for and hold a special election to elect an officer(s) to serve for the remainder of the term(s) of office. The special election shall be on or after the date of the meeting at which the special election was to be held. This special election may be held by telephone conference call or by other available means of communication.

Nominations and voting shall be made in the same manner as stated in Section 8.4. Serving for a partial term shall not be counted toward the two-term limit set in Section 8.3.

## 9.0 COUNCIL MEETINGS

### 9.1 FREQUENCY AND LOCATION OF COUNCIL MEETINGS

The Council shall meet at least once a year at the call of the Council Chairman. Before adjourning a Council meeting, the Council Chairman may solicit recommendations from the Council regarding the date and location for the next Council meeting. All meetings shall be held at a place reasonably accessible to the public.

### 9.2 PRESENCE OF COUNCIL OFFICERS

The Council Chairman, Vice Chairman, or Chairman's designee must be present at Council meetings.

### 9.3 NOTICE OF COUNCIL MEETINGS

A notice of each meeting of the Council shall be published in the *Federal Register* at least 30 days prior to the meeting. The notice shall include the matters to be addressed at the meeting.

### 9.4 CONDUCT OF COUNCIL MEETINGS

All meetings shall be conducted in compliance with *Robert's Rules of Order* (latest revision) except as otherwise provided in these Bylaws.

## 9.5 PROXIES

A Council member may designate a proxy for a Council meeting by notifying the Council Chairman and the FBI Compact officer in writing prior to the meeting for which the proxy will attend or during the meeting, when necessary. The proxy shall be a knowledgeable person from the same agency or at-large community as the Council member or a state Compact officer.

## 9.6 ATTENDANCE AT COUNCIL MEETINGS

Members of the Council shall attend all Council meetings or send a proxy if their attendance is not possible. If a Council member fails to attend two consecutive Council meetings, regardless of proxy representation and absent mitigating circumstances, then such Council member shall relinquish membership on the Council.

If mitigating circumstances do exist, the Council member may submit a description of the situation to the Council Chairman. The Council Chairman shall recommend whether the meeting attendance requirement should be waived. If a waiver is granted, the waiver shall only apply to the specific circumstance and shall not serve as precedent. If a waiver is not granted, notification of the loss of membership shall be made immediately by the Council Chairman to the member and appropriate procedures shall be instituted to select a replacement as specified in Section 6.0.

## 9.7 OPEN SESSIONS

Meetings of the Council shall be in open session. Meetings shall be open to the public on a first-come, first seated basis. Any member of the public may file a written statement concerning matters related to the concerns and activities of the Council by notifying the FBI's Compact officer at least 24 hours prior to the start of the session. The notification should contain the requestor's name and corporate designation, consumer affiliation, or government designation, along with a short statement describing the topic to be addressed, and the time needed for the presentation. Vendors shall not be permitted to promote products or make sales presentations while the Council meeting is in open session without the approval of the Council Chairman. The Chairman of the Council shall have the discretion whether or not to recognize a requestor, who has provided the proper notification, as a speaker at a Council meeting. Requestors shall ordinarily be allowed not more than 15 minutes to present a topic. Notifications and inquiries shall be addressed to: FBI Compact Officer, FBI, CJIS Division, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, compactoffice@fbi.gov.

9.8 QUORUM

A simple majority of the Council or any committee of the Council shall constitute a quorum of the Council or of such committee, respectively, for the conduct of business. No vote shall be taken without a quorum. A lesser number may meet to hold hearings, take testimony, or conduct any business not requiring a vote.

9.9 VOTING

Only members or their proxies in attendance at Council meetings shall be eligible to make motions and vote. Except for amendments to the Bylaws, all votes shall be decided by a simple majority of those members of the Council present.

9.10 TOPIC SUGGESTION REVIEW PROCESS

Topic suggestions for the Council meeting shall be submitted to the FBI Compact officer. The FBI Compact officer shall coordinate with the Council Chairman to review the topic suggestions and determine which topics will be included in the Council agenda. If a topic is or is not included in the agenda, or a topic is held for a future Council meeting, the FBI Compact officer shall notify the submitter of the status. Once the FBI Compact officer and the Council Chairman approve the topics for inclusion in the agenda, they shall forward the topics to the appropriate committee Chairman and Vice Chairman for review prior to finalizing the agenda. The FBI Compact officer shall maintain documentation of all submitted topics and the disposition of each.

9.11 AGENDA

The agenda for a Council meeting shall be set and distributed to each member at least thirty days in advance of the meeting. The Council Chairman shall be the final arbiter of all agenda items.

9.12 MINUTES AND RECORDS OF THE COUNCIL

Minutes, records, transcripts, and other documents of the Council shall be administered by the FBI. The Council shall make available for public inspection and copying at the Council office within the FBI, and shall publish in the *Federal Register*, any rules, procedures, or standards established by the Council.

The FBI shall distribute draft minutes to the Council members at least thirty days prior to the next Council meeting. The draft minutes shall be considered for approval and voted upon at the next Council meeting. The final approved

minutes of meetings shall be available to the public upon request. Minutes of Council meetings shall be kept and maintained at the: Compact Council Office, FBI, CJIS Division, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306.

#### 9.13 ADJOURNMENT OF COUNCIL MEETINGS

A meeting may be adjourned by the Council Chairman at any time with a majority vote of the Council.

### 10.0 PROMULGATION OF RULES, PROCEDURES AND STANDARDS

The Council shall promulgate rules, procedures, and standards upon a majority vote of its members at a scheduled public meeting except in cases in which the Council determines that exigent circumstances require immediate action. In those cases of exigent circumstances, the Council may approve a rule, procedure, or standard by telephone conference call or by other available means of communication, provided that such a rule, procedure, or standard shall expire unless adopted by the Council at the next scheduled public Council meeting.

#### 10.1 COORDINATION WITH AFFECTED PERSONS, AGENCIES AND ORGANIZATIONS

If the Council has reason to believe that a particular rule, procedure, or standard will have a major impact on a significant number of persons, agencies, or organizations, and that the views and concerns of such persons, agencies, or organizations have not adequately been made known to the Council, it may publish a proposed rule, procedure, or standard in the *Federal Register* with a notice that written comments may be submitted to the Council Office of the FBI during a period of at least thirty days. At its next meeting, the Council may, after due consideration of any comments received, approve the rule, procedure, or standard in final form.

#### 10.2 EFFECTIVE DATE

Final rules, procedures, or standards shall become effective thirty days after publication in the *Federal Register* unless the Council declares that a particular rule, procedure, or standard shall become effective immediately upon publication due to exigent circumstances.

### 11.0 COMPENSATION

Members of the Council (other than a member from the FBI or any at-large member who may be a Federal official or employee) shall not, by virtue of such membership, be deemed—

- (A) to be, for any purpose other than to effect the Compact, officers or employees of the United States (as defined in sections 2104 and 2105 of Title 5, United States Code); or
- (B) to become entitled by reason of Council membership to any compensation or benefit payable or made available by the Federal Government to its officers or employees.

The FBI shall reimburse members or proxies of the Council and members of Council committees (other than any at-large member who is a Federal official or employee) for approved travel and subsistence expenses for attendance at meetings from available funds. Reimbursement shall be pursuant to Title 5, United States Code, Section 5703.

#### 12.0 ASSISTANCE FROM THE FBI

The Council may request from the FBI such reports, studies, statistics, or other information or materials as the Council determines to be necessary to enable the Council to perform its duties under this Compact. The FBI, to the extent authorized by law, may provide such assistance or information upon such a request. The FBI shall provide administrative support for the Council, attend meetings, and provide assistance to the Council during meetings as requested by the Council Chairman.

#### 13.0 COUNCIL COMMITTEES

The Council Chairman may establish committees as necessary to carry out the Compact and may prescribe their membership, responsibilities, and duration. Committees may be composed of Council members, state Compact officers, and individuals who are subject matter experts but are not Council members.

Council committee meetings are closed to the public. Attendance is limited to committee members, Federal and State Government employees acting in an official capacity, and others by specific invitation of the committee Chairman or the Council Chairman. An FBI representative shall attend all committee meetings and provide reasonable assistance to the committee as requested by the committee Chairman. All Council committee meetings shall be conducted in the same manner as Council meetings. This includes the rules and procedures pertaining to attendance, participation, proxies, voting, and quorum.

#### 14.0 FOCUSED COMMITTEES

The Focused Committees consist of Council members, state Compact officers, and subject matter experts. The Focused Committees review policy, operational, and technical issues as they relate to the Compact and the noncriminal justice community in order to make appropriate recommendations to the Council.



#### 14.1 FOCUSED COMMITTEE OFFICERS

Each Focused Committee shall have a Chairman and a Vice Chairman. The officers shall be a state Compact officer appointed by the Council Chairman as needed.

#### 14.2 DUTIES OF FOCUSED COMMITTEE OFFICERS

The Focused Committee Chairman shall:

- (A) In coordination with the Council Chairman, set the agenda for Focused Committee meetings and preside over these meetings;
- (B) Designate another Focused Committee member to preside over the Focused Committee meeting in the absence of both the Focused Committee Chairman and Vice Chairman; and
- (C) Coordinate with the FBI Compact officer and the Council Chairman on all administrative matters relating to the Focused Committee.

The Vice Chairman of the Focused Committee shall serve as the Chairman of the Focused Committee in the absence of the Chairman.

#### 14.3 TERM OF FOCUSED COMMITTEE OFFICERS

Focused Committee officers shall have no specific term.

#### 14.4 FOCUSED COMMITTEE MEETINGS

Focused Committee meetings shall occur at the request of the Council Chairman, unless budget or other considerations make that impossible. Under exceptional circumstances, and at the discretion of the FBI Compact officer, in consultation with the Council Chairman, electronic meetings may be permitted. Electronic meetings shall operate with the same rules and procedures pertaining to attendance, participation, proxies, voting, and quorum.

#### 14.5 PROXIES FOR FOCUSED COMMITTEE MEETINGS

Due to the unique working knowledge of Council members, state Compact officers, and subject matter experts appointed to serve on Council committees, the members are expected to attend committee meetings whenever possible. If it becomes necessary to send a proxy, the committee member should ensure that the

proxy has the appropriate subject matter expertise. The following rules shall govern the selection of a proxy by a Focused Committee member who cannot attend a Focused Committee meeting:

- (1) A Council member serving on a Focused Committee must send a proxy who is (a) an individual from his/her agency or (b) a state Compact officer who does not serve on the Focused Committee.
- (2) A state Compact officer serving on a Focused Committee must send a proxy who is either (a) an individual from his/her agency or (b) another state Compact officer who does not serve on the Focused Committee.
- (3) A subject matter expert must send a proxy who has a background in the same field as that for which the member was selected for duty on the Focused Committee.

If a committee member fails to attend two consecutive committee meetings, regardless of proxy representation and absent mitigating circumstances, then such committee member shall relinquish membership on the committee. If mitigating circumstances do exist, the committee member may submit a description of the situation to the committee Chairman and the Council Chairman. The Council Chairman and the committee Chairman shall confer and jointly determine whether the meeting attendance requirement shall be waived. If a waiver is granted, the waiver shall only apply to the specific circumstance and shall not serve as precedent. If a waiver is not granted, notification of the loss of committee membership shall be made immediately by the Council Chairman and appropriate procedures shall be instituted to select a replacement.

## 15.0 REGIONAL COMMITTEES

Two Regional Committees have been established and shall consist of Council members, state Compact officers for all Party States, and chief administrators of all Nonparty States that have executed a Memorandum of Understanding (MOU) with the Council. The Regional Committees are based on geographic location.

The Regional Committees review policy, operational, and technical issues as they relate to the Compact and the noncriminal justice community in order to make recommendations to the appropriate Focused Committee and/or the Council.

### 15.1 REGIONAL COMMITTEE OFFICERS

Each Regional Committee shall have a Chairman and Vice Chairman. The Chairman and Vice Chairman shall be members of the Regional Committee and shall be state Compact officers, unless there is no state Compact officer who is willing to serve in which case the Chairman or Vice Chairman may be the chief administrator of a Nonparty MOU state.

### 15.2 DUTIES OF REGIONAL COMMITTEE OFFICERS

The Regional Committee Chairman shall:

- (A) Preside over the Regional Committee meetings;
- (B) Designate another Regional Committee member to preside over the Regional Committee meeting in the absence of both the Regional Committee Chairman and Vice Chairman; and
- (C) Coordinate with the FBI Compact officer and the Council Chairman on all administrative matters relating to the Regional Committee.

The Vice Chairman of the Regional Committee shall serve as the Chairman of the Regional Committee in the absence of the Chairman.

### 15.3 TERM OF REGIONAL COMMITTEE OFFICERS

The term of the officers shall be two years in duration. An officer may not serve more than two terms consecutively in the same office.

### 15.4 ELECTION OF REGIONAL COMMITTEE OFFICERS

Elections of the Regional Committee Chairman and Vice Chairman shall normally be held at the Regional Committee meeting prior to June 30th in those years when elections are necessary. The Council Chairman shall conduct the election of the Regional Committee Chairman and Vice Chairman. If circumstances dictate, then deviation of the process may be approved by the FBI Compact officer, in consultation with the Council Chairman. As such, this election may be held by telephone conference call or by other available means of communication.

Each member of the Regional Committee may nominate a qualified candidate for Regional Committee Chairman. The election of Regional Committee Chairman shall be held by a secret ballot of the Regional Committee members. If only one candidate is nominated, the Regional Committee members may forgo the secret

ballot with general consent. If more than one candidate receives a simple majority, there shall be a run-off election involving the two candidates who received the most votes.

Each member of the Regional Committee may nominate a qualified candidate for Regional Committee Vice Chairman. The election of Regional Committee Vice Chairman shall be held by a secret ballot of the Regional Committee members. If only one candidate is nominated, the Regional Committee members may forgo the secret ballot with general consent. If more than one candidate is nominated, the candidate with a simple majority vote is elected. If no candidate receives a simple majority, there shall be a run-off election involving the two candidates who received the most votes.

The newly elected officers shall serve a two-year term commencing on June 30th. In the event of a special election due to a vacancy before the end of a term, the newly elected officer shall immediately serve the remainder of the term.

#### 15.5 REGIONAL COMMITTEE OFFICER VACANCIES

In the event of a vacancy in the office of Regional Committee Chairman, the Regional Committee Vice Chairman shall succeed the Regional Committee Chairman for the remainder of the term of office. The Council Chairman shall hold a special election for a new Regional Committee Vice Chairman at the next Regional Committee meeting as outlined in Section 15.4.

In the case of a vacancy that occurs before the end of a term in the office of Regional Committee Vice Chairman, the Council Chairman shall hold a special election at the next Regional Committee meeting for a new Regional Committee Vice Chairman as outlined in Section 15.4.

If both offices become vacant, the Council Chairman shall call for and hold a special election for the remainder of the terms of office as outlined in Section 15.4.

Nominations and voting shall be made in the same manner as stated in Section 15.4. Serving for a partial term shall not be counted toward the two-term limit set in Section 15.3.

#### 15.6 REGIONAL COMMITTEE MEETINGS

Regional Committee meetings shall occur at least twice annually, unless budget or other considerations make that impossible. Under exceptional circumstances, and at the discretion of the FBI Compact officer, in consultation with the Council

Chairman, electronic meetings may be permitted. Electronic meetings shall operate with the same rules and procedures pertaining to attendance, participation, proxies, voting, and quorum.

15.7 PROXIES FOR REGIONAL COMMITTEE MEETINGS

Regional Committee members are expected to attend committee meetings whenever possible. If it becomes necessary to send a proxy, the committee member should notify the Council Chairman and the Regional Committee Chairman in writing. A representative from the Regional Committee member's agency or another state Compact officer who is not currently a member of that committee may serve as a proxy.

16.0 DISCRIMINATION PROHIBITED

With regard to all Council and Council committee matters, there shall be no discrimination based on race, color, national origin, religion, age, sex, sexual orientation, gender identification, disability, marital status, status as a parent, genetic information, political affiliation, or any subsequently protected class.

17.0 AMENDMENTS TO BYLAWS

Proposed amendments to these Bylaws shall be sponsored by a member of the Council and shall be distributed to the members of the Council at least thirty days before the meeting at which the amendment will be considered. A two-thirds majority of the voting Council members present is required for passage of the proposed motion to amend these Bylaws. Unless an effective date is provided in the proposed amendment, the effective date of the amendment shall be at the conclusion of the meeting at which it is passed.