

1 IN THE HOUSE

BY MR. TAYLOR

2

HOUSE BILL NO. 181

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6

For an Act entitled: "An Act providing that the Territory of

7

Alaska may enter into a compact with any

8

of the United States for mutual helpfulness

9

in relation to persons convicted of crime

10

or offenses who may be on probation or

11

parole."

12

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

13

Section 1. DEFINITION. As used in this Act the term "State"

14

means the several States and Alaska, Hawaii, the Commonwealth of

15

Puerto Rico, the Virgin Islands and the District of Columbia.

16

Sec. 2. AUTHORIZING GOVERNOR TO EXECUTE INTERSTATE COMPACT.

17

The governor of Alaska is hereby authorized and directed to

18

execute a compact on behalf of the Territory of Alaska with any

19

of the United States legally joining therein in the form sub-

20

stantially as follows:

21

A Compact

22

Entered into by and among the contracting states, signatories

23

hereto, with the consent of the Congress of the United States of

24

America, granted by an act entitled "An act granting the consent

25

of Congress to any two or more states to enter into agreements or

26

compacts for cooperative effort and mutual assistance in the pre-

27

vention of crime and for other purposes." (Public Law 970, 84th

28

Congress, Second Session)

29

The contracting states solemnly agree:

1           (1) That it shall be competent for the duly consti-  
2 tuted judicial and administrative authorities of a state party  
3 to this compact (herein called "sending state"), to permit any  
4 person convicted of an offense within such state and placed on  
5 probation or released on parole to reside in any other state  
6 party to this compact (herein called "receiving state"), while  
7 on probation or parole, if:

8           (a) Such person is in fact a resident of or has  
9 his family residing within the receiving state and can ob-  
10 tain employment there;

11           (b) Though not a resident of the receiving state  
12 and not having his family residing there, the receiving  
13 state consents to such person being sent there.

14           Before granting such permission, opportunity shall be  
15 granted to the receiving state to investigate the home and pro-  
16 spective employment of such person.

17           A resident of the receiving state, within the meaning of  
18 this section, is one who has been an actual inhabitant of such  
19 state continuously for more than one year prior to his coming to  
20 the sending state and has not resided within the sending state  
21 more than six continuous months immediately preceding the com-  
22 mission of the offense for which he has been convicted.

23           (2) That each receiving state will assume the duties  
24 of visitation of and supervision over probationers or parolees  
25 of any sending state and in the exercise of those duties will  
26 be governed by the same standards that prevail for its own pro-  
27 bationers and parolees.

28           (3) That duly accredited officers of a sending state  
29 may at all times enter a receiving state and there apprehend and

1 retake any person on probation or parole. For that purpose no  
2 formalities will be required other than establishing the authori-  
3 ty of the officer and the identity of the person to be retaken.  
4 All legal requirements to obtain extradition of fugitives from  
5 justice are hereby expressly waived on the part of states party  
6 hereto, as to such persons. The decision of the sending state to  
7 retake a person on probation or parole shall be conclusive upon  
8 and not reviewable within the receiving state; Provided, however,  
9 that if at the time when a state seeks to retake a probationer  
10 or parolee there should be pending against him within the re-  
11 ceiving state any criminal charge, or he should be suspected of  
12 having committed within such state a criminal offense, he shall  
13 not be retaken without the consent of the receiving state until  
14 discharged from prosecution or from imprisonment for such offense.

15 (4) That the duly accredited officers of the sending  
16 state will be permitted to transport prisoners being retaken  
17 through any and all states parties to this compact, without  
18 interference.

19 (5) That the Governor of each state may designate an  
20 officer who, acting jointly with like officers of other contract-  
21 ing states, if and when appointed, shall promulgate such rules  
22 and regulations as may be deemed necessary to more effectively  
23 carry out the terms of this compact.

24 (6) That this compact shall become operative immedi-  
25 ately upon its execution by any state as between it and any  
26 other state or states so executing. When executed it shall have  
27 the full force and effect of law within such state, the form of  
28 execution to be in accordance with the laws of the executing state

29 (7) That this compact shall continue in force and

1 remain binding upon each executing state until renounced by it.  
2 The duties and obligations hereunder of a renouncing state shall  
3 continue as to parolees or probationers residing therein at the  
4 time of withdrawal until retaken or finally discharged by the  
5 sending state. Renunciation of this compact shall be by the same  
6 authority which executed it, by sending six months' notice in  
7 writing of its intention to withdraw from the compact to the  
8 other state party hereto.

9       Sec. 3. SEVERABILITY. If any section, sentence, subdivi-  
10 sion or clause of this Act is for any reason held invalid or to  
11 be unconstitutional, such decision shall not effect the validity  
12 of the remaining portions of this Act.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29