

BY RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 319

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for out-of-state incar-
7 ceration of parolees and probationers under
8 interstate compact by granting new author-
9 ity to the Governor of Alaska to execute a
10 compact in the form of an amendment to the
11 compact already authorized by Chapter 138,
12 SLA 1957, and providing for an effective
13 date."

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

15 Section 1. The Governor of the State of Alaska is hereby
16 authorized and directed to execute a compact on behalf of the
17 State of Alaska with any of the United States legally joining
18 therein in the form of an amendment to the compact for the super-
19 vision of parolees and probationers already authorized by Chapter
20 138, SLA 1957, which amendment should be in a form substantially
21 as follows:

22 (8) Whenever the duly constituted judicial and
23 administrative authorities in a sending state shall
24 determine that incarceration of a probationer or re-
25 incarceration of a parolee is necessary or desirable, said
26 officials may direct that the incarceration or reincarcera-
27 tion be in a prison or other correctional institution within
28 the territory of the receiving state, such receiving state
29 to act in that regard solely as agent for the sending state.

1 (9) As used in this amendment, the term
2 "receiving state" shall be construed to mean any
3 state, other than the sending state, in which a
4 parolee or probationer may be found, provided that
5 said state is a party to this amendment.

6 (10) Every state which adopts this amendment
7 shall designate at least one of its correctional in-
8 stitutions as a "Compact Institution" and shall in-
9 carcerate persons therein as provided in Section 1
10 hereof unless the sending and receiving state in question
11 shall make specific contractual arrangements to the con-
12 trary. All states party to this amendment shall have
13 access to "Compact Institutions" at all reasonable
14 hours for the purpose of inspecting the facilities
15 thereof and for the purpose of visiting such of said
16 state's prisoners as may be confined in the institution.

17 (11) Persons confined in "Compact Institutions"
18 pursuant to the terms of this compact shall at all
19 times be subject to the jurisdiction of the sending
20 state and may at any time be removed from said "Compact
21 Institution" for transfer to a prison or other correc-
22 tional institution within the sending state, for return
23 to probation or parole, for discharge, or for any other
24 purpose permitted by the laws of the sending state.

25 (12) All persons who may be confined in a "Compact
26 Institution" pursuant to the provisions of this amend-
27 ment shall be treated in a reasonable and humane manner.
28 The fact of incarceration or reincarceration in a re-
29 ceiving state shall not deprive any person so incarcerated

1 or reincarcerated of any rights which said person would
2 have had if incarcerated or reincarcerated in an appro-
3 priate institution of the sending state; nor shall any
4 agreement to submit to incarceration or reincarceration
5 pursuant to the terms of this amendment be construed as
6 a waiver of any rights which the prisoner would have
7 had if he had been incarcerated or reincarcerated in
8 any appropriate institution of the sending state,
9 except that the hearing or hearings, if any, to which
10 a parolee or probationer may be entitled (prior to in-
11 carceration or reincarceration) by the laws of the
12 sending state may be had before the appropriate judicial
13 or administrative officers of the receiving state. In
14 this event, said judicial and administrative officers
15 shall act as agents of the sending state after consulta-
16 tion with appropriate officers of the sending state.

17 (13) Any receiving state incurring costs or other
18 expenses under this amendment shall be reimbursed in
19 the amount of such costs or other expenses by the send-
20 ing state unless the states concerned shall specifically
21 otherwise agree. Any two or more states party to this
22 amendment may enter into supplementary agreements de-
23 termining a different allocation of costs as among
24 themselves.

25 Section 2. If any section, sentence, subdivision, or clause
26 of this Act is for any reason held invalid or to be unconstitu-
27 tional, such decision shall not affect the validity of the remain-
28 ing portions of this Act.
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Section 3. This Act takes effect on the day after its passage or approval or on the day it becomes law without such approval.

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