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IN THE HOUSE

BY THE JUDICIARY COMMITTEE  
BY REQUEST OF THE GOVERNOR

CS FOR HOUSE BILL NO. 319

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIRST LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the incarceration of parolees and probationers under interstate compact; amending Ch. 138, SLA 1957; and providing for an effective date."

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

Section 1. Sec. 2, Ch. 138, SLA 1957 is amended by adding the following subsections to read as follows:

(8) Whenever the duly constituted judicial and administrative authorities in a sending state shall determine that incarceration of a probationer or reincarceration of a parolee is necessary or desirable, said officials may direct that the incarceration or reincarceration be in a prison or other correctional institution within the territory of the receiving state, such receiving state to act in that regard solely as agent for the sending state.

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

(10) Every state which adopts this amendment shall designate at least one of its correctional institutions as a "Compact Institution" and shall incarcerate persons therein as provided in subsection (8) hereof unless the sending and receiving state in question shall make specific contractual

1 N arrangements to the contrary. All states party to this  
2 amendment shall have access to "Compact Institutions" at all  
3 E reasonable hours for the purpose of inspecting the facilities  
4 thereof and for the purpose of visiting such of said state's  
5 W prisoners as may be confined in the institution.

6 (11) Persons confined in "Compact Institutions" pur-  
7 suant to the terms of this compact shall at all times be  
8 subject to the jurisdiction of the sending state and may  
9 at any time be removed from said "Compact Institution" for  
10 transfer to a prison or other correctional institution with-  
11 in the sending state, for return to probation or parole,  
12 for discharge, or for any other purpose permitted by the  
13 laws of the sending state.

14 M (12) All persons who may be confined in a "Compact  
15 Institution" pursuant to the provisions of this amendment  
16 shall be treated in a reasonable and humane manner. The fact  
17 A of incarceration or reincarceration in a receiving state  
18 shall not deprive any person so incarcerated or reincar-  
19 cerated of any rights which said person would have had if  
20 T incarcerated or reincarcerated in an appropriate institution  
21 of the sending state; nor shall any agreement to submit to  
22 incarceration or reincarceration pursuant to the terms of  
23 T this amendment be construed as a waiver of any rights which  
24 the prisoner would have had if he had been incarcerated or  
25 reincarcerated in any appropriate institution of the sending  
26 E state, except that the hearing or hearings, if any, to which  
27 a parolee or probationer may be entitled (prior to incar-  
28 ceration or reincarceration) by the laws of the sending state  
29 R may be had before the appropriate judicial or administrative

1 N officers of the receiving state. In this event, said judi-  
2 E cial and administrative officers shall act as agents of the  
3 W sending state after consultation with appropriate officers  
4 of the sending state.

5 (13) Any receiving state incurring costs or other ex-  
6 M penses under this amendment shall be reimbursed in the  
7 A amount of such costs or other expenses by the sending state  
8 T unless the states concerned shall specifically otherwise  
9 T agree. Any two or more states party to this amendment may  
10 E enter into supplementary agreements determining a different  
11 R allocation of costs as among themselves.

12 Sec. 2. This Act takes effect on the day after its passage  
13 and approval or on the day it becomes law without such approval.  
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