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IN THE SENATE

BY RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

SENATE BILL NO. 38

IN THE LEGISLATURE OF THE STATE OF ALASKA
SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the incarceration of
prisoners under interstate compact."

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

Section 1. The Western Interstate Corrections Compact as
contained herein is hereby enacted into law and entered into on
behalf of the State of Alaska with any and all other states
legally joining therein in a form substantially as follows:

WESTERN INTERSTATE CORRECTIONS COMPACT

ARTICLE I

PURPOSE AND POLICY

The party states, desiring by common action to improve their
institutional facilities and provide programs of sufficiently
high quality for the confinement, treatment and rehabilitation of
various types of offenders, declare that it is the policy of each
of the party states to provide such facilities and programs on a
basis of cooperation with one another, thereby serving the best
interests of such offenders and of society. The purpose of this
compact is to provide for the development and execution of such
programs of cooperation for the confinement, treatment and rehab-
ilitation of offenders.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly requires
otherwise:

1 (a) "State" means a state of the United States, or, subject
2 to the limitation contained in Article VII, Guam.

3 (b) "Sending state" means a state party to this compact in
4 which conviction was had.

5 (c) "Receiving state" means a state party to this compact
6 to which an inmate is sent for confinement other than a state in
7 which conviction was had.

8 (d) "Inmate" means a male or female offender who is under
9 sentence to or confined in a prison or other correctional insti-
10 tution.

11 (e) "Institution" means any prison, reformatory or other
12 correctional facility (including but not limited to a facility for
13 the mentally ill or mentally defective) in which inmates may law-
14 fully be confined.

15 ARTICLE III

16 CONTRACTS

17 (a) Each party state may make one or more contracts with
18 any one or more of the other party states for the confinement of
19 inmates on behalf of a sending state in institutions situated
20 within receiving states. Any such contract shall provide for:

21 1. Its duration.

22 2. Payments to be made to the receiving state by the send-
23 ing state for inmate maintenance, extraordinary medical and dental
24 expenses, and any participation in or receipt by inmates of re-
25 habilitative or correctional services, facilities, programs or
26 treatment not reasonably included as part of normal maintenance.

27 3. Participation in programs of inmate employment, if any;
28 the disposition or crediting of any payments received by inmates
29 on account thereof; and the crediting of proceeds from or disposal

1 of any products resulting therefrom.

2 4. Delivery and retaking of inmates.

3 5. Such other matters as may be necessary and appropriate
4 to fix the obligations, responsibilities and rights of the send-
5 ing and receiving states.

6 (b) Prior to the construction or completion of construction
7 of any institution or addition thereto by a party state, any other
8 party state or states may contract therewith for the enlargement
9 of the planned capacity of the institution or addition thereto, or
10 for the inclusion therein of particular equipment or structures,
11 and for the reservation of a specific percentum of the capacity of
12 the institution to be kept available for use by inmates of the
13 sending state or states so contracting. Any sending state so
14 contracting may, to the extent that monies are legally available
15 therefor, pay to the receiving state, a reasonable sum as consid-
16 eration for such enlargement of capacity, or provision of equip-
17 ment or structures, and reservation of capacity. Such payment
18 may be in a lump sum or in installments as provided in the con-
19 tract.

20 (c) The terms and provisions of this compact shall be a part
21 of any contract entered into by the authority of or pursuant
22 thereto, and nothing in any such contract shall be inconsistent
23 therewith.

24 ARTICLE IV

25 PROCEDURES AND RIGHTS

26 (a) Whenever the duly constituted judicial or administrative
27 authorities in a state party to this compact, and which has enter-
28 ed into a contract pursuant to Article III, shall decide that
29 confinement in, or transfer of an inmate to, an institution within

1 the territory of another party state is necessary in order to pro-
2 vide adequate quarters and care or desirable in order to provide
3 an appropriate program of rehabilitation or treatment, said of-
4 ficials may direct that the confinement be within an institution
5 within the territory of said other party state, the receiving
6 state to act in that regard solely as agent for the sending state.

7 (b) The appropriate officials of any state party to this
8 compact shall have access, at all reasonable times, to any insti-
9 tution in which it has a contractual right to confine inmates for
10 the purpose of inspecting the facilities thereof and visiting such
11 of its inmates as may be confined in the institution.

12 (c) Inmates confined in an institution pursuant to the terms
13 of this compact shall at all times be subject to the jurisdiction
14 of the sending state and may at any time be removed therefrom for
15 transfer to a prison or other institution within the sending
16 state, for transfer to another institution in which the sending
17 state may have a contractual or other right to confine inmates,
18 for release on probation or parole, for discharge, or for any
19 other purpose permitted by the laws of the sending state; provided
20 that the sending state shall continue to be obligated to such
21 payments as may be required pursuant to the terms of any contract
22 entered into under the terms of Article III.

23 (d) Each receiving state shall provide regular reports to
24 each sending state on the inmates of that sending state in insti-
25 tutions pursuant to this compact including a conduct record of
26 each inmate and certify said record to the official designated by
27 the sending state, in order that each inmate may have the benefit
28 of his or her record in determining and altering the disposition
29 of said inmate in accordance with the law which may obtain in

1 the sending state and in order that the same may be a source of
2 information for the sending state.

3 (e) All inmates who may be confined in an institution pur-
4 suant to the provisions of this compact shall be treated in a
5 reasonable and humane manner and shall be cared for and treated
6 equally with such similar inmates of the receiving state as may
7 be confined in the same institution. The fact of confinement in
8 a receiving state shall not deprive any inmate so confined of any
9 legal rights which said inmate would have had if confined in an
10 appropriate institution of the sending state.

11 (f) Any hearing or hearings to which an inmate confined pur-
12 suant to this compact may be entitled by the laws of the sending
13 state may be had before the appropriate authorities of the sending
14 state, or of the receiving state if authorized by the sending
15 state. The receiving state shall provide adequate facilities for
16 such hearings as may be conducted by the appropriate officials of
17 a sending state. In the event such hearing or hearings are had
18 before officials of the receiving state, the governing law shall
19 be that of the sending state and a record of the hearing or hear-
20 ings as prescribed by the sending state shall be made. Said
21 record together with any recommendations of the hearing officials
22 shall be transmitted forthwith to the official or officials before
23 whom the hearing would have been had if it had taken place in the
24 sending state. In any and all proceedings had pursuant to the
25 provisions of this subdivision, the officials of the receiving
26 state shall act solely as agents of the sending state and no final
27 determination shall be made in any matter except by the appropri-
28 ate officials of the sending state. Costs of records made pursuant
29 to this subdivision shall be borne by the sending state.

1 (g) Any inmate confined pursuant to this compact shall be
2 released within the territory of the sending state unless the in-
3 mate, and the sending and receiving states, shall agree upon re-
4 lease in some other place. The sending state shall bear the cost
5 of such return to its territory.

6 (h) Any inmate confined pursuant to the terms of this com-
7 pact shall have any and all rights to participate in and derive
8 any benefits or incur or be relieved of any obligations or have
9 such obligations modified or his status changed on account of any
10 action or proceeding in which he could have participated if con-
11 fined in any appropriate institution of the sending state located
12 within such state.

13 (i) The parent, guardian, trustee, or other person or per-
14 sons entitled under the laws of the sending state to act for,
15 advise, or otherwise function with respect to any inmate shall
16 not be deprived of or restricted in his exercise of any power in
17 respect of any inmate confined pursuant to the terms of this
18 compact.

19 ARTICLE V

20 ACTS NOT REVIEWABLE IN RECEIVING STATE; EXTRADITION

21 (a) Any decision of the sending state in respect of any
22 matter over which it retains jurisdiction pursuant to this com-
23 pact shall be conclusive upon and not reviewable within the re-
24 ceiving state, but if at the time the sending state seeks to
25 remove an inmate from an institution in the receiving state there
26 is pending against the inmate within such state any criminal
27 charge or if the inmate is suspected of having committed within
28 such state a criminal offense, the inmate shall not be returned
29 without the consent of the receiving state until discharged from

1 prosecution or other form of proceeding, imprisonment or deten-
2 tion for such offense. The duly accredited officers of the
3 sending state shall be permitted to transport inmates pursuant
4 to this compact through any and all states party to this compact
5 without interference.

6 (b) An inmate who escapes from an institution in which he
7 is confined pursuant to this compact shall be deemed a fugitive
8 from the sending state and from the state in which the institu-
9 tion is situated. In the case of an escape to a jurisdiction
10 other than the sending or receiving state, the responsibility
11 for institution of extradition proceedings shall be that of the
12 sending state, but nothing contained herein shall be construed to
13 prevent or affect the activities of officers and agencies of any
14 jurisdiction directed toward the apprehension and return of an
15 escapee.

16 ARTICLE VI

17 FEDERAL AID

18 Any state party to this compact may accept federal aid for
19 use in connection with any institution or program, the use of
20 which is or may be affected by this compact or any contract pur-
21 suant hereto and any inmate in a receiving state pursuant to this
22 compact may participate in any such federally aided program or
23 activity for which the sending and receiving states have made
24 contractual provision provided that if such program or activity
25 is not part of the customary correctional regimen the express
26 consent of the appropriate official of the sending state shall be
27 required therefor.

28 ARTICLE VII

29 ENTRY INTO FORCE

1 provisions of this compact.

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ARTICLE IX

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OTHER ARRANGEMENTS UNAFFECTED

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ARTICLE X

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CONSTRUCTION AND SEVERABILITY

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Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a non-party state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Sec. 2. Any agency or officer of the State of Alaska having power to commit or transfer an inmate (as defined in Article II (d) of the Western Interstate Corrections Compact) to any institution for confinement may commit or transfer such inmate to any institution within or without the State of Alaska if the State of Alaska has entered into a contract or contracts for the confinement

1 of inmates in said institution pursuant to Article III of the
2 Western Interstate Corrections Compact.

3 Sec. 3. The courts, departments, agencies and officers of
4 the State of Alaska and its subdivisions shall enforce this
5 compact and shall do all things appropriate to the effectuation
6 of its purposes and intent which may be within their respective
7 jurisdictions including but not limited to the making and sub-
8 mission of such reports as are required by the compact.

9 Sec. 4. The Alaska Board of Parole is hereby authorized
10 and directed to hold such hearings as may be requested by any
11 other party state pursuant to Article IV (f) of the Western In-
12 terstate Corrections Compact.

13 Sec. 5. The Commissioner of Health and Welfare is hereby
14 empowered to enter into such contracts on behalf of the State of
15 Alaska as may be appropriate to implement the participation of
16 this state in the Western Interstate Corrections Compact pursuant
17 to Article III thereof. No such contract shall be of any force
18 or effect until approved by the ~~Commissioner of Administration~~.

19 Sec. 6. The provisions of this act shall be severable and
20 if any phrase, clause, sentence, or provision of this act is
21 declared to be unconstitutional or the applicability thereof to
22 any state, agency, person or circumstance is held invalid, the
23 constitutionality of this act and the applicability thereof to
24 any other state, agency, person or circumstance shall, with re-
25 spect to all severable matters, not be affected thereby. It is
26 the legislative intent that the provisions of this act be reason-
27 ably and liberally construed.

28 Sec. 7. This Act takes effect on the day after its passage
29 and approval or on the day it becomes law without such approval.