

Introduced: 1/14/76
Referred: Health, Education &
Social Services and Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 562

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act adopting the Interstate Corrections Compact
7 and repealing the Western Interstate Corrections
8 Compact."

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

10 * Section 1. AS 33 is amended by adding a new chapter to read:

11 CHAPTER 27. INTERSTATE CORRECTIONS COMPACT

12 Sec. 33.27.010. COMPACT ENACTED. The Interstate Corrections
13 Compact as contained in this section is enacted into law and entered
14 into on behalf of the State of Alaska with any other states legally
15 joining in it in a form substantially as follows:

16 INTERSTATE CORRECTIONS COMPACT

17 ARTICLE I

18 Purpose and Policy

19 The party states, desiring by common action to fully utilize and
20 improve their institutional facilities and provide adequate programs
21 for the confinement, treatment and rehabilitation of various types of
22 offenders, declare that it is the policy of each of the party states
23 to provide those facilities and programs on a basis of cooperation
24 with one another, thereby serving the best interests of the offenders
25 and of society and effecting economies in capital expenditures and
26 operational costs. The purpose of this compact is to provide for the
27 mutual development and execution of programs of cooperation for the
28 confinement, treatment and rehabilitation of offenders with the most
29 economical use of human and material resources.

1 ARTICLE II

2 Definitions

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

5 (1) "state" means a state of the United States; the United
6 States of America; a territory or possession of the United States; the
7 District of Columbia; the Commonwealth of Puerto Rico;

8 (2) "sending state" means a state party to this compact in
9 which conviction or court commitment was had;

10 (3) "receiving state" means a state party to this compact
11 to which an inmate is sent for confinement other than a state in which
12 conviction or court commitment was had;

13 (4) "inmate" means a male or female offender who is com-
14 mitted, under sentence to or confined in a penal or correctional
15 institution;

16 (5) "institution" means any penal or correctional facility,
17 including but not limited to a facility for the mentally ill or
18 mentally defective, in which inmates as defined in (d) of this article
19 may lawfully be confined.

20 ARTICLE III

21 Contracts

22 (a) Each party state may make one or more contracts with any one
23 or more of the other party states for the confinement of inmates on
24 behalf of a sending state in institutions situated within receiving
25 states. Such a contract shall provide for:

26 (1) its duration;

27 (2) payments to be made to the receiving state by the
28 sending state for inmate maintenance, extraordinary medical and dental
29 expenses, and the participation in or receipt by inmates of rehabili-

1 tative or correctional services, facilities, programs or treatment not
2 reasonably included as part of normal maintenance;

3 (3) participation in programs of inmate employment, if any;
4 the disposition or crediting of any payments received by inmates on
5 account of their employment; and the crediting of proceeds from or
6 disposal of any products resulting from their employment;

7 (4) delivery and retaking of inmates;

8 (5) other matters as may be necessary and appropriate to
9 fix the obligations, responsibilities and rights of the sending and
10 receiving states.

11 (b) The terms and provisions of this compact shall be a part of
12 a contract entered into under this compact, and nothing in such a
13 contract may be inconsistent with this compact.

14 ARTICLE IV

15 Procedures and Rights

16 (a) Whenever the duly constituted authorities in a state party
17 to this compact, which state has entered into a contract under Article
18 III, shall decide that confinement in, or transfer of an inmate to, an
19 institution within the territory of another party state is necessary
20 or desirable in order to provide adequate quarters and care or an
21 appropriate program of rehabilitation or treatment, those officials
22 may direct that the confinement be within an institution within the
23 territory of the other party state, the receiving state to act in that
24 regard solely as agent for the sending state.

25 (b) The appropriate officials of a state party to this compact
26 shall have access, at all reasonable times, to an institution in which
27 it has a contractual right to confine inmates, for the purpose of
28 inspecting the facilities of the institution and visiting those of its
29 inmates who may be confined in the institution.

1 (c) Inmates confined in an institution under this compact shall
2 at all times be subject to the jurisdiction of the sending state and
3 may at any time be removed from the institution for transfer to a
4 prison or other institution within the sending state, for transfer to
5 another institution in which the sending state may have a contractual
6 or other right to confine inmates, for release on probation or parole,
7 for discharge, or for any other purpose permitted by the laws of the
8 sending state; however, the sending state continues to be obligated to
9 make any payments that may be required under a contract entered into
10 under the terms of Article III of this compact.

11 (d) A receiving state shall provide regular reports to a sending
12 state on the inmates of that sending state in institutions under this
13 compact, including a conduct record of each inmate, and certify that
14 record to the official designated by the sending state, in order that
15 each inmate may have official review of his or her record in determining
16 and altering the disposition of that inmate in accordance with the law
17 in the sending state and in order that the record may be a source of
18 information for the sending state.

19 (e) All inmates who may be confined in an institution under the
20 provisions of this compact shall be treated in a reasonable and humane
21 manner and shall be treated equally with similar inmates of the re-
22 ceiving state as may be confined in the same institution. The fact of
23 confinement in a receiving state does not deprive an inmate so con-
24 fined of any legal rights which that inmate would have had if confined
25 in an appropriate institution of the sending state.

26 (f) Any hearing to which an inmate, confined under this compact,
27 may be entitled by the laws of the sending state may be had before the
28 appropriate authorities of the sending state or of the receiving state
29 if authorized by the sending state. The receiving state shall provide

1 adequate facilities for those hearings which may be conducted by the
2 appropriate officials of a sending state. If a hearing is had before
3 officials of the receiving state, the governing law shall be that of
4 the sending state and a record of the hearing as prescribed by the
5 sending state shall be made. That record together with any recommenda-
6 tions of the hearing officials shall be transmitted immediately to the
7 officials before whom the hearing would have been had if it had taken
8 place in the sending state. In a proceeding had under the provisions
9 of this subsection, the officials of the receiving state shall act
10 solely as agents of the sending state and no final determination may
11 be made in any matter except by the appropriate officials of the
12 sending state.

13 (g) An inmate confined under this compact shall be released
14 within the territory of the sending state unless the inmate, and the
15 sending and receiving states, agree upon release in some other place.
16 The sending state shall bear the cost of the return of an inmate to
17 its territory.

18 (h) An inmate confined under the terms of this compact shall
19 have all rights to participate in and derive any benefits or incur or
20 be relieved of any obligations or have those obligations modified or
21 his status changed on account of an action or proceeding in which he
22 could have participated if confined in an appropriate institution of
23 the sending state located within that state.

24 (i) The parent, guardian, trustee, or other person or persons
25 entitled under the laws of the sending state to act for or otherwise
26 function with respect to an inmate may not be deprived of or restricted
27 in the exercise of any power in respect to an inmate confined under
28 the terms of this compact.
29

1 Acts Not Reviewable in Receiving State: Extradition

2 (a) A decision of the sending state in respect to a matter over
3 which it retains jurisdiction under this compact shall be conclusive
4 upon and not reviewable within the receiving state, but if at the time
5 the sending state seeks to remove an inmate from an institution in the
6 receiving state there is pending against the inmate within that state
7 any criminal charge or if the inmate is formally accused of having
8 committed within that state a criminal offense, the inmate may not be
9 returned without the consent of the receiving state until discharged
10 from prosecution or other form of proceeding, imprisonment or detention
11 for the offense. The duly accredited officers of the sending state
12 shall be permitted to transport inmates under this compact through any
13 state party to this compact without interference.

14 (b) An inmate who escapes from an institution in which he is
15 confined under this compact shall be considered a fugitive from the
16 sending state and from the state in which the institution is situated.
17 In the case of an escape to a jurisdiction other than the sending or
18 receiving state, the responsibility for institution of extradition or
19 rendition proceedings shall be that of the sending state, but nothing
20 contained in this compact may be construed to prevent or affect the
21 activities of officers and agencies of any jurisdiction directed
22 toward the apprehension and return of an escapee.

23 ARTICLE VI

24 Federal Aid

25 A state party to this compact may accept federal aid for use in
26 connection with any institution or program, the use of which is or may
27 be affected by this compact or a contract under it and an inmate in a
28 receiving state under this compact may participate in a federally aided
29 program or activity for which the sending and receiving states have

1 made contractual provision; however, if the program or activity is not
2 part of the customary correctional regimen, the express consent of the
3 appropriate official of the sending state shall be required.

4 ARTICLE VII

5 Entry into Force

6 This compact shall enter into force and become effective and
7 binding upon the states so acting when it has been enacted into law by
8 any two states. Thereafter, this compact shall enter into force and
9 become effective and binding as to any other state upon similar action
10 by that state.

11 ARTICLE VIII

12 Withdrawal and Termination

13 This compact shall continue in force and remain binding upon a
14 party state until the state enacts a statute repealing the compact and
15 providing for the sending of formal written notice of withdrawal from
16 the compact to the appropriate officials of all other party states.
17 An actual withdrawal does not take effect until one year after the
18 notices provided in the statute have been sent. A withdrawal does not
19 relieve the withdrawing state from its obligations assumed under this
20 compact before the effective date of withdrawal. Before the effective
21 date of withdrawal, a withdrawing state shall remove to its territory,
22 at its own expense, those inmates it may have confined under the
23 provisions of this compact.

24 ARTICLE IX

25 Other Arrangements Unaffected

26 Nothing contained in this compact may be construed to abrogate or
27 impair any agreement or other arrangement which a party state may
28 have with a non-party state for the confinement, rehabilitation or
29 treatment of inmates nor to repeal any other laws of a party state

1 authorizing the making of cooperative institutional arrangements.

2 ARTICLE X

3 Construction and Severability

4 The provisions of this compact shall be liberally construed and
5 shall be severable. If any phrase, clause, sentence or provision of
6 this compact is declared to be contrary to the constitution of a parti-
7 cipating state or of the United States, or the applicability of it to a
8 government, agency, person or circumstance is held invalid, the validity
9 of the remainder of this compact and the applicability of it to a
10 government, agency, person or circumstance is not affected by that
11 holding. If this compact is held contrary to the constitution of a
12 state participating in it, the compact shall remain in full force and
13 effect as to the remaining states and in full force and effect as to
14 the state affected as to all severable matters.

15 Sec. 33.27.020. COMMITMENT OR TRANSFER OF INMATES UNDER COMPACT.

16 An agency or officer of the State of Alaska having power to commit or
17 transfer an inmate to an institution for confinement may commit or
18 transfer the inmate to an institution within or outside the State of
19 Alaska, provided the State of Alaska has entered into a contract for
20 the confinement of inmates in the institution under Article III of the
21 Interstate Corrections Compact.

22 Sec. 33.27.030. ENFORCEMENT OF COMPACT. The courts, departments,

23 agencies and officers of the State of Alaska and its subdivisions
24 shall enforce the Interstate Corrections Compact and shall do all
25 things appropriate to carry out its purposes and intent which may be
26 within their respective jurisdictions but not limited to the making
27 and submission of required reports.

28 Sec. 33.27.040. IMPLEMENTATION. The commissioner of health and

29 social services or his designee is authorized and directed to do all

1 things necessary or incidental to the carrying out of the Interstate
2 Corrections Compact. However, no contract is of any force or effect
3 until approved by the commissioner of administration.

4 * Sec. 2. AS 33.25 is repealed.

5 * Sec. 3. Immediately following the enactment of this Act, the commis-
6 sioner of health and social services shall send formal written notice of
7 the withdrawal of Alaska from the Western Interstate Corrections Compact,
8 effective two years after the notices are sent, to the appropriate officials
9 of all other party states in accordance with the provisions of AS 33.25.010,
10 Art. VIII. The commissioner shall also notify those party states of
11 Alaska's adoption of the Interstate Corrections Compact.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29