

Introduced: 1/17/77  
Referred: Health, Education &  
Social Services and Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 CS HOUSE BILL NO. 65

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST 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 (a) "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 (b) "sending state" means a state party to this compact in  
9 which conviction or court commitment was had;

10 (c) "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 (d) "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 (e) "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, 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 authorities  
22 may direct that the confinement be in 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 are  
2 at all times subject to the jurisdiction of the sending state and may  
3 at any time be removed from the institution for transfer to a prison  
4 or other institution in the sending state, for transfer to another  
5 institution in which the sending state may have a contractual or other  
6 right to confine inmates, for release on probation or parole, for  
7 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 deter-  
16 mining and altering the disposition of that inmate in accordance with  
17 the law in the sending state and in order that the record may be a  
18 source of 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.

23 (f) Any hearing to which an inmate, confined under this compact,  
24 may be entitled by the laws of the sending state may be had before the  
25 appropriate authorities of the sending state or of the receiving state  
26 if authorized by the sending state. The receiving state shall provide  
27 adequate facilities for those hearings which may be conducted by the  
28 appropriate officials of a sending state. If a hearing is had before  
29 officials of the receiving state, the governing law shall be that of

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

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

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

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

#### 26 ARTICLE V

#### 27 Acts Not Reviewable in Receiving State: Extradition

28 (a) A decision of the sending state in respect to a matter over  
29 which it retains jurisdiction under this compact is conclusive upon

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

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

## 20 ARTICLE VI

### 21 Federal Aid

22 A state party to this compact may accept federal aid for use in  
23 connection with any institution or program, the use of which is or may  
24 be affected by this compact or a contract under it and an inmate in a  
25 receiving state under this compact may participate in a federally  
26 aided program or activity for which the sending and receiving states  
27 have made contractual provision; however, if the program or activity is  
28 not part of the customary correctional regimen, the express consent of  
29 the appropriate official of the sending state shall be required.

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ARTICLE VII

Becoming Effective

When this compact has been enacted into law by any two states, it becomes effective and binding upon them. Thereafter, this compact becomes effective and binding as to any other state upon similar action by that state.

ARTICLE VIII

Withdrawal and Termination

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

ARTICLE IX

Other Arrangements Unaffected

Nothing contained in this compact may be construed to abrogate or impair any agreement or other arrangement which a party state may have with a nonparty 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.

ARTICLE X

Construction and Severability

The provisions of this compact shall be liberally construed and

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

11 Sec. 33.27.020. COMMITMENT OR TRANSFER OF INMATES UNDER COMPACT.  
12 An agency or officer of the State of Alaska having power to commit or  
13 transfer an inmate to an institution for confinement may commit or  
14 transfer the inmate to an institution within or outside the State of  
15 Alaska, if the State of Alaska has entered into a contract for the  
16 confinement of inmates in the institution under Article III of the  
17 Interstate Corrections Compact.

18 Sec. 33.27.030. ENFORCEMENT OF COMPACT. The courts, departments,  
19 agencies and officers of the State of Alaska and its subdivisions  
20 shall enforce the Interstate Corrections Compact and shall do all  
21 things appropriate to carry out its purposes and intent which may be  
22 within their respective jurisdictions but not limited to the making  
23 and submission of required reports.

24 Sec. 33.27.040. IMPLEMENTATION. The commissioner of health and  
25 social services or his designee is authorized and directed to do all  
26 things necessary or incidental to the carrying out of the Interstate  
27 Corrections Compact. However, no contract is of any force or effect  
28 until approved by the commissioner of administration.

29 \* Sec. 2. AS 33.25 is repealed.

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

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