

Original sponsor: Rules Committee by  
request of the Governor

Offered: 2/14/77  
Referred: Judiciary

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR 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 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

9 CHAPTER 27. INTERSTATE CORRECTIONS COMPACT.

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

14 INTERSTATE CORRECTIONS COMPACT

15 ARTICLE I

16 Purpose and Policy

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

28 ARTICLE II

29 Definitions



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

5 (4) delivery and retaking of inmates;

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

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

#### 12 ARTICLE IV

#### 13 Procedures and Rights

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

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

28 (c) Inmates confined in an institution under this compact are at  
29 all times subject to the jurisdiction of the sending state and may at

1 any time be removed from the institution for transfer to a prison or  
2 other institution in the sending state, for transfer to another insti-  
3 tution in which the sending state may have a contractual or other right  
4 to confine inmates, for release on probation or parole, for discharge,  
5 or for any other purpose permitted by the laws of the sending state;  
6 however, the sending state continues to be obligated to make any payments  
7 that may be required under a contract entered into under the terms of  
8 Article III of this compact.

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

17 (e) All inmates who may be confined in an institution under the  
18 provisions of this compact shall be treated in a reasonable and humane  
19 manner and shall be treated equally with similar inmates of the re-  
20 ceiving state as may be confined in the same institution.

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

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

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

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

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

#### 23 ARTICLE V

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

25 (a) A decision of the sending state in respect to a matter over  
26 which it retains jurisdiction under this compact is conclusive upon  
27 and not reviewable in the receiving state, but if at the time the  
28 sending state seeks to remove an inmate from an institution in the  
29 receiving state there is pending against the inmate in that state any

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

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

#### 17 ARTICLE VI

#### 18 Federal Aid

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

#### 27 ARTICLE VII

#### 28 Becoming Effective

29 When this compact has been enacted into law by any two states, it

1 becomes effective and binding upon them. Thereafter, this compact  
2 becomes effective and binding as to any other state upon similar action  
3 by that state.

#### 4 ARTICLE VIII

##### 5 Withdrawal and Termination

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

#### 16 ARTICLE IX

##### 17 Other Arrangements Unaffected

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

#### 23 ARTICLE X

##### 24 Construction and Severability

25 The provisions of this compact shall be liberally construed and  
26 are severable. If any phrase, clause, sentence or provision of this  
27 compact is declared to be contrary to the constitution of a participating  
28 state or of the United States, or the applicability of it to a government  
29 agency, person or circumstance is held invalid, the validity of the

1 remainder of this compact and the applicability of it to a government,  
2 agency, person or circumstance is not affected by that holding. If this  
3 compact is held contrary to the constitution of a state participating in  
4 it, the compact shall remain in full force and effect as to the remaining  
5 states and in full force and effect as to the state affected as to all  
6 severable matters.

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

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

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

25 \* Sec. 2. The commissioner of health and social services shall notify  
26 those party states of Alaska's adoption of the Interstate Corrections Compact.