

Introduced: 2/17/81
Referred: State Affairs and
Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 186

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act adopting the Interstate Corrections Compact;
7 and providing for an effective date."

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

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

10 CHAPTER 27. INTERSTATE CORRECTIONS COMPACT.

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

15 INTERSTATE CORRECTIONS COMPACT

16 ARTICLE I

17 Purpose and Policy

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

29 ARTICLE II

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Definitions

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

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

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

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

(d) "inmate" means a male or female offender who is committed, under sentence to or confined in a penal or correctional institution;

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

ARTICLE III

Contracts

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

(1) its duration;

(2) payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and the participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not

1 reasonably included as part of normal maintenance;

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

6 (4) delivery and retaking of inmates;

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

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

13 ARTICLE IV

14 Procedures and Rights

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

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

29 (c) Inmates confined in an institution under this compact are

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

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

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

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

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

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

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

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

25 ARTICLE V

26 Acts Not Reviewable in Receiving State: Extradition

27 (a) A decision of the sending state in respect to a matter over
28 which it retains jurisdiction under this compact is conclusive upon
29 and not reviewable in the receiving state, but if at the time the

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

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

19 ARTICLE VI

20 Federal Aid

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

29 ARTICLE VII

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

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

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

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

28 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
29 10.070(c).