

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 am H

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND 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. It is the policy of
15 the State of Alaska not to transfer a resident inmate outside of the
16 state under this compact if that inmate's continued confinement in
17 Alaska will better facilitate rehabilitation or treatment.

18 INTERSTATE CORRECTIONS COMPACT

19 ARTICLE I

20 Purpose and Policy

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

1 confinement, treatment and rehabilitation of offenders with the most
2 economical use of human and material resources.

3 ARTICLE II

4 Definitions

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

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

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

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

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

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

22 ARTICLE III

23 Contracts

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

28 (1) its duration;

29 (2) payments to be made to the receiving state by the sending

1 state for inmate maintenance, extraordinary medical and dental expenses,
2 and the participation in or receipt by inmates of rehabilitative or
3 correctional services, facilities, programs or treatment not 13
4 reasonably included as part of normal maintenance;

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

9 (4) delivery and retaking of inmates;

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

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

16 ARTICLE IV

17 Procedures and Rights

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

27 (b) The appropriate officials of a state party to this compact
28 shall have access, at all reasonable times, to an institution in which
29 it has a contractual right to confine inmates, for the purpose of

1 inspecting the facilities of the institution and visiting those of its
2 inmates who may be confined in the institution.

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

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

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

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

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

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

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

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

27 ARTICLE V

28 Acts Not Reviewable in Receiving State: Extradition

29 (a) A decision of the sending state in respect to a matter over

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

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

21 ARTICLE VI

22 Federal Aid

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

1 appropriate official of the sending state shall be required.

2 ARTICLE VII

3 Becoming Effective

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

8 ARTICLE VIII

9 Withdrawal and Termination

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

21 ARTICLE IX

22 Other Arrangements Unaffected

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

28 ARTICLE X

29 Construction and Severability

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

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

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

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

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

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