

SENATE BILL NO. 292

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY SENATORS FRANK, Pearce

Introduced: 2/11/94  
Referred: JUD, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to transfers of prisoners under the Interstate Corrections  
2 Compact."

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

4 \* Section 1. AS 33.36.010 is amended to read:

5 Sec. 33.36.010. COMPACT ENACTED. The Interstate Corrections Compact  
6 as contained in this section is enacted into law and entered into on behalf of the State  
7 of Alaska with any other states legally joining in it in a form substantially as follows.  
8 It is the policy of the State of Alaska not to transfer a resident inmate outside of the  
9 state under this compact unless the commissioner of corrections determines under  
10 AS 33.30.061(b) that rehabilitation or treatment of the inmate will not be  
11 substantially impaired [IF THAT INMATE'S CONTINUED CONFINEMENT IN  
12 ALASKA WILL BETTER FACILITATE REHABILITATION OR TREATMENT]:

13 INTERSTATE CORRECTIONS COMPACT

14 ARTICLE I



- 1 (1) its duration;
- 2 (2) payments to be made to the receiving state by the sending state for  
3 inmate maintenance, extraordinary medical and dental expenses, and the participation  
4 in or receipt by inmates of rehabilitative or correctional services, facilities, programs  
5 or treatment not reasonably included as part of normal maintenance;
- 6 (3) participation in programs of inmate employment, if any; the  
7 disposition or crediting of any payments received by inmates on account of their  
8 employment; and the crediting of proceeds from or disposal of any products resulting  
9 from their employment;
- 10 (4) delivery and retaking of inmates;
- 11 (5) other matters as may be necessary and appropriate to fix the  
12 obligations, responsibilities and rights of the sending and receiving states.

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

#### 16 ARTICLE IV

#### 17 PROCEDURES AND RIGHTS

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

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

29 (c) Inmates confined in an institution under this compact are at all times  
30 subject to the jurisdiction of the sending state and may at any time be removed from  
31 the institution for transfer to a prison or other institution in the sending state, for

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

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

13 (e) All inmates who may be confined in an institution under the provisions of  
14 this compact shall be treated in a reasonable and humane manner and shall be treated  
15 equally with similar inmates of the receiving state as may be confined in the same  
16 institution.

17 (f) Any hearing to which an inmate, confined under this compact, may be  
18 entitled by the laws of the sending state may be had before the appropriate authorities  
19 of the sending state or of the receiving state if authorized by the sending state. The  
20 receiving state shall provide adequate facilities for those hearings which may be  
21 conducted by the appropriate officials of a sending state. If a hearing is had before  
22 officials of the receiving state, the governing law shall be that of the sending state and  
23 a record of the hearing as prescribed by the sending state shall be made. That record  
24 together with any recommendations of the hearing officials shall be transmitted  
25 immediately to the officials before whom the hearing would have been had if it had  
26 taken place in the sending state. In a proceeding had under the provisions of this  
27 subsection, the officials of the receiving state shall act solely as agents of the sending  
28 state and no final determination may be made in any matter except by the appropriate  
29 officials of the sending state.

30 (g) An inmate confined under this compact shall be released within the  
31 territory of the sending state unless the inmate, and the sending and receiving states,

1 agree upon release in some other place. The sending state shall bear the cost of the  
2 return of an inmate to its territory.

3 (h) An inmate confined under the terms of this compact has all rights to  
4 participate in and derive any benefits or incur or be relieved of any obligations or have  
5 those obligations modified or the inmate's status changed on account of an action or  
6 proceeding in which the inmate could have participated if confined in an appropriate  
7 institution of the sending state located in that state.

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

#### 12 ARTICLE V

#### 13 ACTS NOT REVIEWABLE IN RECEIVING STATE: EXTRADITION

14 (a) A decision of the sending state in respect to a matter over which it retains  
15 jurisdiction under this compact is conclusive upon and not reviewable in the receiving  
16 state, but if at the time the sending state seeks to remove an inmate from an institution  
17 in the receiving state there is pending against the inmate in that state any criminal  
18 charge or if the inmate is formally accused of having committed in that state a  
19 criminal offense, the inmate may not be returned without the consent of the receiving  
20 state until discharged from prosecution or other form of proceeding, imprisonment or  
21 detention for the offense. The duly accredited officers of the sending state shall be  
22 permitted to transport inmates under this compact through any state party to this  
23 compact without interference.

24 (b) An inmate who escapes from an institution in which the inmate is confined  
25 under this compact is considered a fugitive from the sending state and from the state  
26 in which the institution is situated. In the case of an escape to a jurisdiction other than  
27 the sending or receiving state, the responsibility for institution of extradition or  
28 rendition proceedings is that of the sending state, but nothing contained in this compact  
29 may be construed to prevent or affect the activities of officers and agencies of any  
30 jurisdiction directed toward the apprehension and return of an escapee.

#### 31 ARTICLE VI

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FEDERAL AID

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

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

