

SB

32

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 32
 Title An act adopting the Interstate Corrections Compact
 Requested by Legislative Finance Date 3/2/79

II. FISCAL DETAIL

Agency Affected The Department of Public Safety
 Program Category Affected Administration of Justice
 BRU, Program, or Subprogram(s) Affected Judicial Services

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	---	-0-	-0-			

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE 3/2/79 PREPARED BY Jos Mararant, Budget Analyst
 AGENCY Public Safety
 PHONE 465-4368
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

SB 32 Adopting the interstate corrections compact.

The bill adopts the Interstate Corrections Compact. The compact which is included in the body of the bill, is the same for every member state.

The compact will allow out-of-state placement of prisoners in sixteen states. The compact was initiated in order to allow an exchange of prisoners for the purposes of treatment, long-range release planning, and, if necessary, protection purposes.

The Health and Social Services fiscal note shows zero, however, there will be a fiscal impact for:

- (1) the cost of transporting a prisoner to the out-of-state facility and the round-trip fare and expenses for the officer accompanying the prisoner. This would be an expense incurred by the Department of Public Safety;
- (2) the cost of the state correction officer traveling to the out-of-state facility for hearing purposes, if necessary;
- (3) The cost of the state for the services provided by the receiving state.

There is no way of determining the amount of expenses which will be incurred, however, since there is no way of knowing how many inmates will be sent out-of-state on this program.

At the present time, prisoners who are incarcerated out of state are done so at Federal Facilities. The reason for introduction of SB 32, is, if all the space allocated for Alaskan prisoners in Federal prisons is used the state will have other space available. If Alaska is not a member of this compact, it can not use the space in member states.

At present the average charge for an Alaska inmate in a Federal prison is \$26.00 per day. Should the use of other state's facilities become necessary, the cost will be approximately the same.

The Division of Corrections has stated that they only intend to participate in the compact in the event that there is no room in Federal prisons for Alaskan prisoners, but do want to become part of the pact in cases that happens.

THE BILL

Section 1. Enacts into law the Interstate Corrections Compact which has been adopted by sixteen (16) states thus far.

ARTICLE I

Establishes Purpose and Policy

1. Improve and fully utilize correctional facilities, rehabilitation programs, confinement and treatment of prisoners.

2. Provides for mutual development and execution of programs of cooperation among the member states.

ARTICLE II

Definitions

ARTICLE III

Contracts

- i. Provides that each state which is a party to this compact may make one or more contracts for the confinement of prisoners stating:
 - (a) duration
 - (b) payments and amounts
 - (c) participation in various programs
 - (d) delivery and returning of inmates
 - (e) other matters necessary to both parties

ARTICLE IV

Procedures and Rights

1. Allows receiving state to act as agent for sending state
2. Allows sending state to inspect facilities.
3. Provides that inmates are subject to the jurisdiction of the sending state and may be removed from any institution or changed to any institution at the request of the sending state.
4. Provides that the receiving state shall send reports on the inmate to the sending state.
5. Provides that all inmates shall be treated equally regardless of where they are from and treated in a humane manner.
6. Provides that for any hearing regarding the inmate, the receiving state may hold the hearing if given written permission by the sending state, or, if the hearing is to be conducted by the sending state, the receiving state shall provide facilities. The governing law over the inmate shall be that of the sending state.
7. Provides that an inmate confined in another state shall be released within the territory of the sending state unless the inmate, sending and receiving state agree upon release in some other place. The sending state assumes all transportation costs.
8. A person confined in another state has all rights to participate in and derive any benefits he would have received in the sending state.
9. Persons entitled to act for the inmate in the sending state shall have the same rights in the receiving state.

ARTICLE V

Acts Not Reviewable in Receiving State: Extradition

1. Decisions made by the sending state are not reviewable in the receiving state, however, if the inmate commits a criminal offense in the receiving state, the inmate may not be returned to the sending state without consent of the receiving state.
2. In the event of escape, an inmate is considered a fugitive from the sending state and from the receiving state.

ARTICLE VI

Federal Aid

1. Allows state to accept Federal aid.

ARTICLE VII

Effective Date of Compact

1. States that this compact becomes effective and binding when enacted into law.

ARTICLE VIII

Withdrawal and Termination

1. Compact remains effective and binding until a state enact a statute repealing the compact and sends written formal notice of withdrawal to appropriate officials of all other party states.
2. Actual withdrawal does not take effect until one (1) year after notice of withdrawal has been sent.
3. Sending state must fulfill any obligations assumed under the compact prior to withdrawal and all inmates must be removed to the sending state.

ARTICLE IX

Other Arrangements Unaffected

1. This compact does not abrogate or impair any other correctional agreements a state may have.

ARTICLE X

Construction and Severability

1. Provides that provisions of the compact are liberally construed and severable, and, if any phrases, clauses, ect., are in violation of a state constitution, the applicability is invalid, but the rest of the compact applies.

Sec. 33.27.020- Allows inmate to be transferred under this compact.

Sec. 33.27.030- Provides that the courts, departments, agencies, and officers shall enforce the compact.

Sec. 33.27.040- Provides the Commissioner of Health and Social Services or designee shall implement the compact, however, no contract with any other state is of any force or effect until approved by the Commissioner of Administration.

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POSITION PAPER / Department of Health and Social Services

POSITION PAPER

SENATE BILL NO. 32

"An Act adopting the Interstate Corrections Compact; and providing for an effective date."

The Department of Health and Social Services and the Division of Corrections are in support of Senate Bill No. 32.

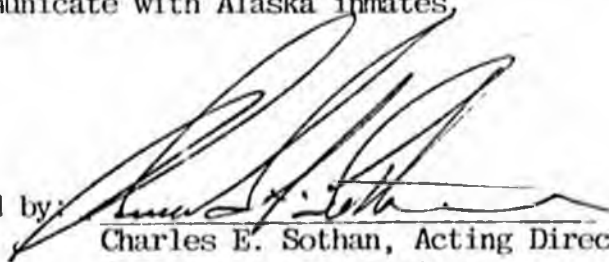
Alaska is presently a party to the Western Interstate Corrections Compact along with 11 other states. There are presently 16 member states to the Interstate Corrections Compact; 5 of those states are also parties to the Western Corrections Compact. In effect, joining the Interstate Corrections Compact would increase Alaska's out-of-state placement resources for prisoners by 50 percent; 11 additional states.

The Interstate Corrections Compact was initiated in order to allow an exchange of prisoners for the purpose of treatment and long-range release planning. Also, the Compact provides a means of placing prisoners out of state for protective purposes.

Alaska has prisoners with special needs. Membership in the Interstate Corrections Compact would expand the Division of Corrections ability to meet these special needs, and provide the most effective rehabilitation programs on an individual basis without increasing the cost of care.

Alaska would maintain jurisdiction over prisoners confined out of state. Alaska would also have the authority to inspect out-of-state facilities and to communicate with Alaska inmates.

Recommended by:


Charles E. Sothan, Acting Director
Division of Corrections

1/26/79
Date

Approved by:


Helen D. Beirne, Commissioner
Department of Health &
Social Services

2/1/79
Date

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Proposed Legislation
 Title An Act Adopting Interstate Corrections Compact
 Requested by Department of Health & Social Services Date 1/9/79

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Administration of Justice
 Budget Request Unit(s) Affected Adult Confinement

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE January 9, 1979 PREPARED BY *Leandra Halby*
 AGENCY Division of Corrections
 PHONE 465-3376
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)