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January 28, 1981

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill to make Alaska a party to the Agreement on Detainers.

At the present time, there is no means by which a prisoner may initiate proceedings to clear a detainer placed against him from another jurisdiction, either state or federal. Such detainers prevent prison officials from developing meaningful rehabilitative plans since the prisoner's future is so uncertain. A detainer is a formal notice by which a prosecutor who has filed charges against someone imprisoned in another state can request that prison authorities in that state hold the prisoner beyond his release date so that he may stand trial. In addition, the present process by which a prosecuting official secures for trial a person already incarcerated in another jurisdiction is quite cumbersome. Enactment of this agreement would alleviate these problems and bring Alaska into step with the large number of other states and the federal government which have enacted the agreement.

The Agreement on Detainers makes the clearing of detainers possible at the instance of a prisoner. It affords him no opportunity to escape just convictions, but it does provide a way for him to test the substantiality of charges pending against him and to secure final judgment on any indictments, informations, or complaints filed in other jurisdictions. The result is to permit the prisoner to secure a greater knowledge of his own future and to make it possible for the correctional authorities to provide better plans and programs for his treatment. The agreement also provides a method by which prosecuting authorities may secure

prisoners incarcerated in other jurisdictions for trial before the expiration of their sentences. At the same time, a governor's right to refuse to make the prisoner available, on public policy grounds, is retained.

As the federal government is already a party to the agreement, the procedures provided in the agreement will be available on a federal-state as well as on an interstate level.

Sincerely,

s/J.S.H.

Jay S. Hammond
Governor

POSITION PAPER

SENATE BILL NO. 115

"An Act relating to the Agreement on Detainers; and providing for an effective date."

This law would benefit both the state and the rights of prisoners. This legislation would require that prison officials inform prisoners of detainers filed against them. A prisoner may then file a formal request for trial on the outstanding charges. The confining jurisdiction would then agree to grant temporary custody to the prosecutor for the trial. If the filing jurisdiction fails to bring the defendant to trial within 180 days after the request, the charges are dismissed with prejudice in the filing state and the detainer is no longer valid. Provision is made for extension of this period upon a showing of good cause in court with the defendant or his counsel present.

The first and most obvious benefit of this agreement to any prisoner who has an outstanding detainer filed against him would be his ability to obtain a speedy trial on the pending charge, rather than waiting until his release from the present sentence.

A second benefit to the prisoner would be his ability to make long-range plans for himself following his trial on the pending charges on his dismissal, rather than existing in a state of uncertainty while serving his present sentence.

A third benefit to the prisoner would be his eligibility for classification to medium or minimum security custody and participation in the rehabilitative programs available to such prisoners. Currently, the existence of a detainer for a prisoner tends to preclude the classification of that prisoner to minimum security custody even though he might otherwise be eligible for such classification. Classification would be based upon fact, rather than pending charges which have not been adjudicated in court.

When a detainer has been lodged, the prisoner is not considered for parole to any plan other than to face the pending charges, regardless of the positive nature of his institutional adjustment or the availability of other rehabilitative parole opportunities; and when parole is granted, it is solely conditioned upon the filing agency's exercise of its detainer.

Another benefit of the Agreement to individual prisoners, which should not be minimized, is the psychological effect of the removal of apprehension and anxiety resulting from the knowledge that pending charges must be faced upon completion of the present sentence.

A final benefit of the Agreement to prisoners is the possibility that, should pending charges be tried and the prisoner convicted, the opportunity exists that the prisoner may be sentenced to serve his new sentence concurrently with that which he is already serving.

A primary benefit of the Agreement to the Division of Adult Corrections would be the ability of the Division to make more concrete, knowledgeable and flexible rehabilitative planning for prisoners who have been able to dispose of outstanding detainers.

A second benefit of the Agreement to the Division of Adult Corrections and to the State of Alaska, although in many ways intangible is nevertheless quite real, would be the improvement in motivation and involvement in rehabilitative programs of prisoners who are able to dispose of pending charges. There is little incentive for good behavior since, in many instances, the prisoner's classification is the most stringent it will be, and there is no prospect that good behavior will result in an early return to society. Such prisoners are poorly motivated and unwilling to make an investment of time, effort and emotion in available rehabilitative programs as they see little benefit from such involvement.

A third benefit to the State of Alaska, which could result from adoption of the Agreement, is the possible reduction in the cost of inmate housing. This could result from Alaska inmates serving concurrent sentences in non-Alaska institutions following their sentencing on charges which would otherwise remain pending during their period of incarceration in Alaska facilities. Additional savings would result from Alaska inmates being housed in non-Alaskan facilities during trials on charges in other states. This could possibly be offset by the reverse situation - out-of-state prisoners being housed in Alaskan facilities during trials in Alaska.

The Department of Health and Social Services supports this legislation and recommends its enactment.

Recommended by: C. F. Campbell
Charles F. Campbell, Director
Division of Adult Corrections

Date: 2-17-81

Approved by: Helen D. Beirne
Helen D. Beirne, Commissioner

Date: 2-17-81



Official Business

Alaska State Legislature


Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Senate Judiciary Committee

FROM: Kevin K. Bruce 
Committee Aide

DATE: March 11, 1981

SUBJECT: SB 115 "AN ACT RELATING TO THE AGREEMENT ON
DETAINERS; AND ESTABLISHING AN
EFFECTIVE DATE."

I have contacted the Attorney General's office and the Public Defender's office concerning this legislation, and their responses are as follows:

Arthur Peterson, Assistant Attorney General: The Department supports the legislation and has no specific comments beyond the Governor's transmittal letter (see attached).

Dana Fabe, Acting Public Defender: The Public Defender Agency has no specific comments on the legislation; however, they support the concept and believe it makes sense for Alaska to join the interstate compact.

KKB/ods

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 115

Title Interstate Agreement on Detainers

Requested by _____ Date _____

II. FISCAL DETAIL

Department of Health and Social Services - Division of Adult Corrections

Agency Affected _____
Program Category Affected Offender Confinement, Reformation & Supervision

BRU, Program, or Subprogram(s) Affected Adult Confinement

(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 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL			6.7	7.3	8.0	8.7
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL			6.7	7.3	8.0	8.7

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND			6.7	7.3	8.0	8.7
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME			-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

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

Estimated expenditures are based on four (4) trips to other states annually for an inmate and escort.

It is assumed that inflation will be 9% per annum for each of the fiscal years following FY 1982.

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Prepared by: Roger C. Lange Date: December 30, 1982
Division/Office: Adult Corrections PH: 465-3376
Department of Health & Social Services