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186

COMMITTEE REPORT
SENATE

1/19/82

FURTHER: None

Date: 2/2/82

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 136 adopting the Interstate Corrections Compact

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s) same title
- replace with CS for _____ new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Handwritten signatures]

CHAIRMAN



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 17, 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 which would make Alaska a party to the Interstate Corrections Compact.

Under current law, Alaska is a party to the Western Interstate Corrections Compact, along with eleven other states. This measure is similar to that compact; however, it allows the state a broader choice of correctional facilities nationwide in which prisoners may be incarcerated than is presently available. By joining the Interstate Corrections Compact, Alaska will be able to place offenders in an additional eleven states. It is not necessary to withdraw from the Western Interstate Corrections Compact in order to become a party to this compact.

Enactment would enable the Division of Corrections to enter into contracts with party states for incarceration of our prisoners. Thus a wider range of rehabilitative programs would be available without the increased costs attendant in establishing such programs within our own correctional facilities.

Jurisdiction over persons confined out-of-state is retained by Alaska although such persons would still be subject to the rules of the institution where confined. The state also retains the power to inspect the facilities utilized and to visit the inmates.

Sincerely,

A large, stylized handwritten signature in dark ink, appearing to read "Jay S. Hammond".

Jay S. Hammond
Governor

FISCAL NOTE

I. REQUEST

Bill/Resolution No. _____
 Title Interstate Corrections Compact
 Requested by Governor 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						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL			-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND			-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME			-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

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

It is estimated that enactment of this legislation would not result in any increase of expenditures. It will provide for an increased number of out-of-state facilities for placement of convicted offenders. Since the census of Alaskan State Correctional Centers are at maximum levels now, the Federal Bureau of Prison System must be relied upon to provide bed space. Entering into the compact would also open several other state resources, when appropriate, to Alaska.

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

Prepared by: Roger C. Lange Date: December 30, 1985
 Div: Man/Office: Adult Corrections PH: 465-3376
 Department of Health & Social Services

POSITION PAPER

SENATE BILL NO. 186

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

Basically, this law would enable the State of Alaska to engage in contracts with the 16 other party states for the placement and/or exchange of prisoners for the purpose of treatment, long-range release planning and, in some cases, for protection purposes.

Alaska is presently signatory to the Western Corrections Compact (AS 33.25.010) along with 11 other states. The two compacts are very similar; in fact, the Interstate Corrections Compact was developed in order to encompass eastern states that were interested in expanding their placement resources. By adding the Interstate Corrections Compact, Alaska would increase placement resources by 100% or 11 additional states.

Although it is true that we are expanding our correctional facilities in order to return prisoners to the state, we must realize that for two to three years more, we will have no choice but to house many of our prisoners out of state. Recent developments indicate that the Federal Bureau of Prisons is having problems in accommodating so many state prisoners and may not be able to help us indefinitely to the extent they have in the past. We think it essential for us to develop other options.

Membership in the Interstate Corrections Compact would enable us to return some prisoners to home states, rather than placing them in the Federal Bureau of Prisons and, in some cases, accept Alaska residents who have been convicted and sentenced in other states. Alaska would not be under obligation to accept prisoners from other party states as mandatory reciprocation is not required in the Compact, nor would other party states be obligated to accept Alaska inmates. In each case of interstate placement, a contract must be negotiated between the party states.

Even though we are expanding our correctional facilities, there will always be a few prisoners with special needs who would benefit from being placed in specialized facilities outside of Alaska. By being party to the Interstate Corrections Compact, we would be in a better position to place those few offenders in appropriate settings. It should be noted some prisoners request to be returned to their home states and the Compact would provide an expedient means for us to do so.

POSITION PAPER/Department of Health & Social Services

Recommended by:

C. F. Campbell

Charles F. Campbell, Director
Division of Adult Corrections

Date:

2/27/81

Approved by:

Alan O. Berman

Commissioner
Department of Health and
Social Services

Date:

2-28-81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 186
 Title Interstate Corrections Compact
 Requested by Rules Committee Date 02/17/81

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services - Division of Adult Corrections -
 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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
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400 COMMODITIES						
500 EQUIPMENT						
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700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		-0-	-0-	-0-	-0-	
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III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

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IV. DATE 02/25/81 PREPARED BY Roger C. Lange
 AGENCY Division of Adult Corrections
 PHONE 465-3376
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) M&B Approval Date 2/25/81

MEMBER STATES IN INTERSTATE CORRECTIONS COMPACTS

Western Corrections Compact States

Alaska
* Arizona
* California
* Colorado
Hawaii
Idaho
Montana
Nevada
Oregon
* Utah
Washington
* Wyoming
(Guam)

Interstate Corrections Compact States

* Arizona
* California
* Colorado
Connecticut
Florida
Georgia
Indiana
Iowa
Kansas
Kentucky
Maine
Nebraska
New Hampshire
Tennessee
* Utah
* Wyoming
(Guam)

* The asterisks indicate states which are signatory to both compacts.

B. Other Out-of-State Confinement Arrangements

INTRODUCTION

Through the years, groups of states have made attempts to set up legal machinery to allow officials to send individuals out of state to serve their prison sentences or, in the case of juvenile delinquents, to receive care and treatment in institutions of other states. Such arrangements are valuable for several reasons. First, an individual's prospects for rehabilitation sometimes can be improved if he can be confined in his home state instead of in a distant prison in a state where he has no relatives or friends and in which he will probably not remain after his confinement is over. Another reason for out-of-state confinement is the fact that some states lack facilities for persons who need special kinds of care such as individuals who are psychotic or mentally defective. The need for suitable places to confine women prisoners is another important factor. Some states do not have enough women prisoners to warrant construction and maintenance of an adequate state prison for women. When this is the case, states may prefer to use the facilities of nearby states so that their women prisoners will receive suitable care and receive other advantages such as job training and other special rehabilitative measures.

From the standpoint of numbers of states participating, the regional incarceration agreements, which are described below, are the most important examples of arrangements for out-of-state confinement. However, several other interstate arrangements dealing specifically with women or children also bear mentioning.

For a number of years New Hampshire and Vermont, acting under legislative authorization, participated in a cooperative agreement whereby New Hampshire's women prisoners sentenced to hard labor served their time at the Vermont Women's Reformatory. The transfers were made under an administrative agreement signed by the Vermont commissioner of institutions and the trustees of the New Hampshire State Prison. The agreement calls for payment of a per diem rate, plus certain other expenses, by New Hampshire; establishes New Hampshire's right to demand return of a prisoner or to visit the institution at any time; states that New Hampshire's prisoners will receive the same treatment and rehabilitative advantages as Vermont's prisoners; and sets forth other provisions regarding such matters as inmates' privileges.

Arrangements for women prisoners similar to the New Hampshire-Vermont agreement also have been made in the western states for a number of years. States which have participated in such arrangements at one time or another are Colorado, Nebraska, New Mexico, South Dakota, Utah, and Wyoming.

Article X of the Interstate Compact on Juveniles permits member states to enter into supplementary agreements for out-of-state institutionalization of delinquent juveniles when such institutionalization will make better programs or facilities available to the juvenile. A model agreement has been

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developed for use by states which wish to enter into such arrangements.

The Out-of-State Confinement Amendment to the Interstate Compact on Juveniles permits juvenile escapees, absconders, and parole and probation violators to be confined in the institutions of the state in which they are found or in which they are being supervised under the compact. The main purpose of the amendment is to allow juveniles to be institutionalized in the state where their family lives instead of being returned for institutionalization in a state in which they have been adjudicated delinquent but in which they have no family ties. This amendment was promulgated in 1964. See Chapter 3 for further details on the Juvenile Compact and amendment.

The Western Interstate Corrections Compact, which is described below, contains language broad enough to cover out-of-state confinement of juvenile delinquents.

THE WESTERN INTERSTATE CORRECTIONS COMPACT

In February 1958, the Western Governors' Conference established a committee to draft a compact which would permit the western states to pool their resources in order to develop certain needed institutional programs at reasonable cost. A final draft of that compact was approved by the western governors at their November 1958 meeting. It has been adopted by Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and Guam.

The provisions of the compact are similar to the New England Compact (described below). There is one major difference. The New England Compact is limited to the New England states; the western compact permits joinder by any state which is contiguous to a member state.

Despite the ratifications of this compact, it has not been used extensively. The primary reason appears to lie in the fact that the main purpose for which it was drafted—development of special regional institutional programs—is not easy to accomplish. Under such a plan, one state would have to bear most of the burden of initiative and responsibility with respect to a special program. Although the western compact is also designed to permit transfers of prisoners for purposes other than utilization of special programs, little use has been made of this aspect of the compact. This is in contrast with experience under the New England Corrections Compact. The difference possibly stems from shorter distances in New England; and the New England states felt a real need for machinery permitting transfers for reasons not particularly connected with cooperative establishment of specialized institutional facilities.

THE NEW ENGLAND CORRECTIONS COMPACT

On April 13, 1959, local law enforcement agents and corrections officials from each of the New England states met in Boston to discuss cooperative programs for the confinement, treatment, and rehabilitation of offenders. An informal organization, known as the New England

Governors' Conference of State Correctional Administrators, was established to draft a compact designed to permit cooperative incarceration and make the most economical use of the New England states' human and material resources. That compact was drafted, and between 1960 and 1962 all of the New England states ratified it (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont).

Much of the New England Corrections Compact is similar to the Western Interstate Corrections Compact. The latter compact was already in existence at the time the New England Compact was drafted and was used as a model.

The New England Compact permits any member state to enter into a contract with any other member state to confine male or female offenders in each other's institutions. Contracts can have provisions for payment of costs by the sending state, but in most instances to date the New England states have arranged to "trade" prisoners and thus avoid the necessity for any financial payments. The compact does not cover Massachusetts' jail or house of corrections inmates. Acceptance of prisoners is discretionary, so any state, for its own reasons, may decline to undertake responsibility for incarcerating a prisoner of another state. When a transfer is made, the state of incarceration becomes the agent of the sending state, which retains jurisdiction over the offender.

The compact provides that persons transferred to another state must be treated in a humane manner and must be treated in the same manner as inmates of the state of incarceration. They also retain any legal rights they would have had if they had remained within the state which sentenced them. The compact also contains a provision which would permit a member state to pay a share of the cost of enlarging or constructing an institution in another party state. A percentage of the capacity could be reserved for use by the contributing state.

The compact has a number of advantages. It permits prisoners to be transferred to prisons close to home to facilitate adjustment when they are ready for parole. It makes family visits more feasible. It can be used to solve emergency problems such as sudden overcrowding, the need to break up hostile groups, or the destruction of a state's cell facilities by fire or other causes.

The six compact administrators have now created the New England Corrections Coordinating Council to serve as the administrative agency for operating under the compact.

THE (NATIONAL) INTERSTATE CORRECTIONS COMPACT

This compact was drafted in the late 1960s under the aegis of the Association of State Correctional Administrators. The compact is available for joinder by all states, the federal government, territories and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. First ratifications came in 1969, and as of 1977 the following states had become members: Arizona, Arkansas, California, Colorado,

Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Minnesota, Missouri, Nebraska, Nevada, New Jersey, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Vermont, and Virginia.

The Interstate Corrections Compact is an enabling device providing the necessary legal framework for the cooperative care, treatment, and rehabilitation of offenders sentenced to or confined in prisons or other corrections institutions. However, the extent of operations under the compact will be determined by each party state: by the acts of its officials in making contracts, and by the acts of its judges and administrators in deciding whether to place offenders in institutions in other party states or confine them in facilities which may be available within their own state. The use to be made of the compact will vary from state to state and from time to time depending on need. With the compact available and ratified, each party state is able to secure the use of additional or improved corrections facilities by appropriate cooperative action to the extent desired. In fact, enactment of the compact does not bind a state to any action until it adopts a contract with another state. Nor does the compact prevent any state from making interstate arrangements pursuant to other statutes it may have for this purpose.

This compact contains virtually all of the provisions set forth in the New England and Western Corrections Compacts. The only missing item in the national version—and it is a major one—appears in Article III, Section (b) of the two regional compacts, as follows:

Prior to the construction or completion of any institution or addition thereto by a party state, any other party state or states may contract therewith for the enlargement of the planned capacity of the institution or addition thereto, or for the inclusion therein of particular equipment or structures, and for the reservation of a specific percentum of the capacity of the institution to be kept available for use by inmates of the sending state or states so contracting. Any sending state so contracting may, to the extent that moneys are legally available therefor, pay to the receiving state a reasonable sum as consideration for such enlargement of capacity, or provision of equipment or structures, and reservation of capacity. Such payment may be in a lump sum or in installments as provided in the contract.

For further information, see the Council of State Governments 1972 *Suggested State Legislation*, volume 31, which contains the text of the compact and extensive explanatory notes.

THE INTERSTATE COMPACT ON THE MENTALLY DISORDERED OFFENDER

This compact was developed in 1965 at the direction of the Midwestern Governors' Conference. The term "mentally disordered offender" includes two subgroups: (1) persons who have committed or are charged with having committed criminal acts but who are not subject to conviction because of their mental condition, and (2) persons under sentence who become mentally ill while in prison. The other out-of-state confinement agreements described in this chapter would not cover persons in the first category, and for various