

Accompanying the first recommendation of the Department of Correction (House, No. 71). Social Welfare.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT PROVIDING THAT THE COMMONWEALTH OF MASSACHUSETTS MAY ENTER INTO A COMPACT WITH ANY OF THE STATES TO PROVIDE FOR THE CONTROL DEVELOPMENT AND EXECUTION OF PROGRAMS OF COOPERATION FOR THE CONFINEMENT, TREATMENT AND REHABILITATION OF OFFENDERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. This act may be cited as the Interstate Cor-
2 rections Compact.

1 SECTION 2. Interstate Corrections Compact is hereby en-
2 acted into law and entered into by this state with any other
3 states legally joining therein in the form substantially as
4 follows: -

5 INTERSTATE CORRECTIONS
6 COMPACT

7 ARTICLE I

8 PURPOSE AND POLICY

9 The party states, desiring by common action to fully utilize
10 and improve their institutional facilities and provide adequate
11 programs for the confinement, treatment and rehabilitation of
12 various types of offenders, declare that it is the policy of each of
13 the party states to provide such facilities and programs on a basis
14 of cooperation with one another, thereby serving the best inter-
15 ests of such offenders and of society and effecting econ-

16 omies in capital expenditures and operational costs. The purpose
17 of this compact is to provide for the mutual development and
18 execution of such programs of cooperation for the confinement,
19 treatment and rehabilitation of offenders with the most econo-
20 mical use of human material resources.

21 ARTICLE II

22 DEFINITIONS

23 As used in this compact, unless the context clearly requires
24 otherwise:

25 (a) "State" means a state of the United States; the United
26 States of America; a territory or possession of the United States;
27 the District of Columbia; the Commonwealth of Puerto Rico.

28 (b) "Sending state" means a state party to this compact in
29 which conviction or court commitment was had.

30 (c) "Receiving state" means a state party to this compact to
31 which an inmate is sent for confinement other than a state in
32 which conviction or court commitment was had.

33 (d) "Inmate" means a male or female offender who is com-
34 mitted, under sentence to or confined in a penal or correctional
35 institution.

36 (e) "Institution" means any penal or correctional facility,
37 including but not limited to a facility for the mentally ill or
38 mentally defective, in which inmates as defined in (d) above may
39 lawfully be confined.

40 ARTICLE III

41 CONTRACTS

42 (a) Each party state may make one or more contracts with
43 any one or more of the other party states for the confinement of
44 inmates on behalf of a sending state in institutions situated with-
45 in receiving states. Any such contract shall provide for:

46 1. Its duration.

47 2. Payments to be made to the receiving state by the sending
48 state for inmate maintenance, extraordinary medical and dental

49 expenses, and any participation in or receipt by inmates of
50 rehabilitative or correctional services, facilities, programs or
51 treatment not reasonably included as part of normal mainten-
52 ance.

53 3. Participation in programs of inmate employment, if any;
54 the disposition or crediting of any payments received by inmates
55 on account thereof; and the crediting of proceeds from or dis-
56 posal of any products resulting therefrom.

57 4. Delivery and retaking of inmates.

58 5. Such other matters as may be necessary and appropriate to
59 fix the obligations, responsibilities and rights of the sending and
60 receiving states.

61 (b) The terms and provisions of this compact shall be a part of
62 any contract entered into by the authority of or pursuant
63 thereto, and nothing in any such contract shall be inconsistent
64 therewith.

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ARTICLE IV

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PROCEDURES AND RIGHTS

67 (a) Whenever the duly constituted authorities in a state party
68 to this compact, and which has entered into a contract pursuant
69 to article III, shall decide that confinement in, or transfer of an
70 inmate to, an institution within the territory of another party
71 state is necessary or desirable in order to provide adequate
72 quarters and care or an appropriate program of rehabilitation or
73 treatment, said officials may direct that the confinement be
74 within an institution within the territory of said other party
75 state, the receiving state to act in that regard solely as agent for
76 the sending state.

77 (b) The appropriate officials of any state party to this
78 compact shall have access, at all reasonable times, to any
79 institution in which it has a contractual right to confine inmates
80 for the purpose of inspecting the facilities thereof and visiting
81 such of its inmates as may be confined in the institution.

82 (c) Inmates confined in an institution pursuant to the terms
83 of this compact shall at all times be subject to the jurisdiction of
84 the sending state and may at any time be removed therefrom for

85 transfer to a prison or other institution within the sending state,
86 for transfer to another institution in which the sending state may
87 have a contractual or other right to confine inmates, for release
88 on probation or parole, for discharge, or for any other purpose
89 permitted by the laws of the sending state; provided that the
90 sending state shall continue to be obligated to such payments as
91 may be required pursuant to the terms of any contract entered
92 into under the terms of article III.

93 (d) Each receiving state shall provide regular reports to each
94 sending state on the inmates of that sending state in institutions
95 pursuant to this compact including a conduct record of each
96 inmate and certify said record to the official designated by the
97 sending state, in order that each inmate may have official review
98 of his or her record in determining and altering the disposition of
99 said inmate in accordance with the law which may obtain in the
100 sending state and in order that the same may be a source of
101 information for the sending state.

102 (e) All inmates who may be confined in an institution
103 pursuant to the provisions of this compact shall be treated in a
104 reasonable and humane manner and shall be treated equally with
105 such similar inmates of the receiving state as may be confined in
106 the same institution. The fact of the confinement in a receiving
107 state shall not deprive any inmate so confined of any legal rights
108 which said inmate would have had if confined in an appropriate
109 institution of the sending state.

110 (f) Any hearing or hearings to which an inmate confined
111 pursuant to this compact may be entitled by the laws of the
112 sending state may be had before the appropriate authorities of
113 the sending state, or of the receiving state if authorized by the
114 sending state. The receiving state shall provide adequate facilities
115 for such hearings as may be conducted by the appropriate
116 officials of a sending state. In the event such hearing or hearings
117 are had before officials of the receiving state, the governing law
118 shall be that of the sending state and a record of the hearing or
119 hearings as prescribed by the sending state shall be made. Said
120 record together with any recommendations of the hearing
121 officials shall be transmitted forthwith to the official or officials
122 before whom the hearing would have been made if it had taken
123 place in the sending state. If any and all proceedings had

124 pursuant to the provisions of this subdivision, the officials of the
125 receiving state shall act solely as agents of the sending state and
126 no final determination shall be made in any matter except by the
127 appropriate officials of the sending state.

128 (g) Any inmate confined pursuant to this compact shall be
129 released within the territory of the sending state unless the
130 inmate, and the sending and receiving states, shall agree upon
131 release in some other place. The sending state shall bear the cost
132 of such return to its territory.

133 (h) Any inmate confined pursuant to the terms of this com-
134 pact shall have any and all rights to participate in and derive any
135 benefits or incur or be relieved of any obligations or have such
136 obligations modified or his status changed on account of any
137 action or proceeding in which he could have participated if con-
138 fined in any appropriate institution of the sending state located
139 within such state.

140 (i) The parent, guardian, trustee, or other person or persons
141 entitled under the laws of the sending state to act for, advise, or
142 otherwise function with respect to any inmate shall not be
143 deprived of or restricted in his exercise of any power in respect
144 of any inmate confined pursuant to the terms of this compact.

145 ARTICLE V

146 ACTS NOT REVIEWABLE IN RECEIVING STATE: EXTRADITION

147 (a) Any decision of the sending state in respect of any matter
148 over which it retains jurisdiction pursuant to this compact shall
149 be conclusive upon and not reviewable with the receiving state,
150 but if at the time the sending state seeks to remove an inmate
151 from an institution in the receiving state there is pending against
152 the inmate within such state any criminal charge or if the inmate
153 is formally accused of having committed within such state a
154 criminal offense, the inmate shall not be returned without the
155 consent of the receiving state until discharged from prosecution
156 or other form of proceeding, imprisonment or detention for such
157 offense. The duly accredited officers of the sending state shall be
158 permitted to transport inmates pursuant to this compact through
159 any and all states party to this compact without interference.

160 (b) An inmate who escapes from an institution in which he is
161 confined pursuant to this compact shall be deemed a fugitive
162 from the sending state and from the state in which the institution
163 is situated. In the case of an escape to a jurisdiction other than
164 the sending or receiving state, the responsibility for institution of
165 extradition or rendition proceedings shall be that of the sending
166 state, but nothing contained herein shall be construed to prevent
167 or affect the activities of officers and agencies of any jurisdiction
168 directed toward the apprehension and return of an escapee.

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ARTICLE VI

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FEDERAL AID

171 Any state party to this compact may accept federal aid for use
172 in connection with any institution or program, the use of which
173 is or may be affected by this compact or any contract pursuant
174 hereto and any inmate in a receiving state pursuant to this
175 compact may participate in any such federally aided program or
176 activity for which the sending and receiving states have made
177 contractual provision, provided that if such program or activity is
178 not part of the customary correctional regimen the express
179 consent of the appropriate official of the sending state shall be
180 required therefor.

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ARTICLE VII

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ENTRY INTO FORCE

183 This compact shall enter into force and become effective and
184 binding upon the states so acting when it has been enacted into
185 law by any two states. Thereafter, this compact shall enter into
186 force and become effective and binding as to any other of said
187 states upon similar action by such state.

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ARTICLE VIII

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WITHDRAWAL AND TERMINATION

190 This compact shall continue in a force and remain binding

191 upon a party state until it shall have enacted a statute repealing
192 the same and providing for the sending of formal written notice
193 of withdrawal from the compact to the appropriate officials of
194 all other party states. An actual withdrawal shall not take effect
195 until one year after the notices provided in said statute have been
196 sent. Such withdrawal shall not relieve the withdrawing state
197 from its obligations assumed hereunder prior to the effective date
198 of withdrawal. Before the effective date of withdrawal, a with-
199 drawing state shall remove to its territory, at its own expense,
200 such inmates as it may have confined pursuant to the provisions
201 of this compact.

202

ARTICLE IX

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OTHER ARRANGEMENTS UNAFFECTED

204 Nothing contained in this compact shall be construed to
205 abrogate or impair any agreement or other arrangement which a
206 party state may have with a non-party state for the confinement,
207 rehabilitation or treatment of inmates nor to repeal any other
208 laws of a party state authorizing the making of cooperative
209 institutional arrangements.

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ARTICLE X

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CONSTRUCTION AND SEVERABILITY

212 The provisions of this compact shall be liberally construed and
213 shall be severable. If any phrase, clause, sentence or provision of
214 this compact is declared to be contrary to the Constitution of
215 any participating state or of the United States of the applicability
216 thereof to any government, agency, person or circumstance is
217 held invalid, the validity of the remainder of this compact and
218 the applicability thereof to any government, agency, person or
219 circumstance shall not be affected thereby. If this compact shall
220 be held contrary to the Constitution of any state participating
221 therein, the compact shall remain in full force and effect as to
222 the remaining states and in full force and effect as to the state
223 affected as to all severable matters.

1 SECTION 3. The Commissioner of Correction is hereby
2 authorized and directed to do all things necessary or incidental to
3 the carrying out of the compact in every particular and he may in
4 his discretion delegate this authority to the Deputy Commis-
5 sioners of Correction.