

HOUSE No. 14

Accompanying the second recommendation of the Department of Correction
(House, No. 12). Public Welfare.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Two.

AN ACT PROVIDING THAT THE COMMONWEALTH OF MASSACHUSETTS
MAY ENTER INTO A COMPACT WITH ANY OF THE NEW ENGLAND
STATES TO PROVIDE FOR THE CONTROL, DEVELOPMENT AND
EXECUTION OF PROGRAMS OF CO-OPERATION 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 chapter may be cited as the New England
2 interstate corrections compact.

1 SECTION 2. The New England interstate corrections com-
2 pact is hereby enacted into law and entered into by this state
3 with any other of the hereinafter-mentioned states legally join-
4 ing therein in the form substantially as follows:

5 NEW ENGLAND INTERSTATE CORRECTIONS COMPACT.

6 **Article I.**

7 *Purpose and Policy.*

8 The party states, desiring by common action to fully utilize
9 and improve their institutional facilities and provide adequate
10 programs for the confinement, treatment and rehabilitation of
11 various types of offenders, declare that it is the policy of each
12 of the party states to provide such facilities and programs on

13 a basis of co-operation with one another, thereby serving the
14 best interests of such offenders and of society and effecting
15 economies in capital expenditures and operational costs. The
16 purpose of this compact is to provide for the mutual develop-
17 ment and execution of such programs of co-operation for the
18 confinement, treatment and rehabilitation of offenders with
19 the most economical use of human and material resources.

20 **Article II.**

21 *Definitions.*

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

24 (a) "State" means a state of the United States, located in
25 New England, to wit, Maine, New Hampshire, Vermont,
26 Massachusetts, Connecticut, Rhode Island.

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

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

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

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

39 **Article III.**

40 *Contracts.*

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

45 1. Its duration.

46 2. Payments to be made to the receiving state by the sending
47 state for inmate maintenance, extraordinary medical and dental
48 expenses, and any participation in or receipt by inmates of re-
49 habilitative or correctional services, facilities, programs or

50 treatment not reasonably included as part of normal main-
51 tenance.

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

56 4. Delivery and retaking of inmates.

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

60 (b) Subject to legislative approval by the states concerned
61 and prior to the construction or completion of construction of
62 any institution or addition thereto by a party state, any other
63 party state or states may contract therewith for the enlarge-
64 ment of the planned capacity of the institution or addition
65 thereto, or for the inclusion therein of particular equipment or
66 structures, and for the reservation of a specific per centum of
67 the capacity of the institution to be kept available for use by
68 inmates of the sending state or states so contracting. Any
69 sending state so contracting may, to the extent that monies
70 are legally available therefor, pay to the receiving state, a
71 reasonable sum as consideration for such enlargement of ca-
72 pacity, or provision of equipment or structures, and reserva-
73 tion of capacity. Such payment may be in a lump sum or in
74 installments as provided in the contract.

75 (c) The terms and provisions of this compact shall be a
76 part of any contract entered into by the authority of or pur-
77 suant thereto, and nothing in any such contract shall be in-
78 consistent therewith.

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Article IV.

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Procedures and Rights.

81 (a) Whenever the duly constituted authorities in a state
82 party to this compact, and which has entered into a contract
83 pursuant to article III, shall decide that confinement in, or
84 transfer of an inmate to, an institution within the territory of
85 another party state is necessary or desirable in order to pro-
86 vide adequate quarters and care of an appropriate program of
87 rehabilitation or treatment, said officials may direct that the
88 confinement be within an institution within the territory of

89 said other party state, the receiving state to act in that regard
90 solely as agent for the sending state.

91 (b) The appropriate officials of any state party to this com-
92 pact shall have access, at all reasonable times, to any institu-
93 tion in which it has a contractual right to confine inmates for
94 the purpose of inspecting the facilities thereof and visiting such
95 of its inmates as may be confined in the institution.

96 (c) Inmates confined in an institution pursuant to the terms
97 of this compact shall at all times be subject to the jurisdiction
98 of the sending state and may at any time be removed therefrom
99 for transfer to a prison or other institution within the sending
100 state, for transfer to another institution in which the sending
101 state may have a contractual or other right to confine inmates,
102 for release on probation or parole, for discharge, or for any
103 other purpose permitted by the laws of the sending state; pro-
104 vided, that the sending state shall continue to be obligated to
105 such payments as may be required pursuant to the terms of any
106 contract entered into under the terms of article III.

107 (d) Each receiving state shall provide regular reports to each
108 sending state on the inmates of that sending state in institutions
109 pursuant to this compact including a conduct record of each
110 inmate and certify said record to the official designated by the
111 sending state, in order that each inmate may have official re-
112 view of his or her record in determining and altering the dis-
113 position of said inmate in accordance with the law which may
114 obtain in the sending state and in order that the same may be
115 a source of information for the sending state.

116 (e) All inmates who may be confined in an institution pur-
117 suant to the provisions of this compact shall be treated in a
118 reasonable and humane manner and shall be treated equally
119 with such similar inmates of the receiving state as may be con-
120 fined in the same institution. The fact of confinement in a
121 receiving state shall not deprive any inmate so confined of any
122 legal rights which said inmate would have had if confined in an
123 appropriate institution of the sending state.

124 (f) Any hearing or hearings to which an inmate confined
125 pursuant to this compact may be entitled by the laws of the
126 sending state may be had before the appropriate authorities of
127 the sending state, or of the receiving state if authorized by the
128 sending state. The receiving state shall provide adequate fa-
129 cilities for such hearings as may be conducted by the appro-

130 priate officials of a sending state. In the event such hearing
131 or hearings are had before officials of the receiving state, the
132 governing law shall be that of the sending state and a record
133 of the hearing or hearings as prescribed by the sending state
134 shall be made. Said record together with any recommendations
135 of the hearing officials shall be transmitted forthwith to the offi-
136 cial or officials before whom the hearing would have been had if
137 it had taken place in the sending state. In any and all proceed-
138 ings had pursuant to the provisions of this subdivision, the
139 officials of the receiving state shall act solely as agents of the
140 sending state and no final determination shall be made in any
141 matter except by the appropriate officials of the sending state.

142 (g) Any inmate confined pursuant to this compact shall be
143 released within the territory of the sending state unless the
144 inmate, and the sending and receiving states, shall agree upon
145 release in some other place. The sending state shall bear the
146 cost of such return to its territory.

147 (h) Any inmate confined pursuant to the terms of this com-
148 pact shall have any and all rights to participate in and derive
149 any benefits or incur or be relieved of any obligations or have
150 such obligations modified or his status changed on account of
151 any action or proceeding in which he could have participated if
152 confined in any appropriate institution of the sending state
153 located within such state.

154 (i) The parent, guardian, trustee or other person or persons
155 entitled under the laws of the sending state to act for, advise or
156 otherwise function with respect to any inmate shall not be de-
157 prived of or restricted in his exercise of any power in respect of
158 any inmate confined pursuant to the terms of this compact.

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Article V.

Acts not Reviewable in Receiving State: Extradition.

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161 (a) Any decision of the sending state in respect of any mat-
162 ter over which it retains jurisdiction pursuant to this compact
163 shall be conclusive upon and not reviewable within the receiv-
164 ing state, but if at the time the sending state seeks to remove
165 an inmate from an institution in the receiving state there is
166 pending against the inmate within such state any criminal
167 charge or if the inmate is formally accused of having committed
168 within such state a criminal offense, the inmate shall not be re-

169 turned without the consent of the receiving state until dis-
170 charged from prosecution or other form of proceeding, imprison-
171 ment or detention for such offense. The duly accredited officers
172 of the sending state shall be permitted to transport inmates
173 pursuant to this compact through any and all states party to
174 this compact without interference.

175 (b) An inmate who escapes from an institution in which he
176 is confined pursuant to this compact shall be deemed a fugitive
177 from the sending state and from the state in which the institu-
178 tion is situated. In the case of an escape to a jurisdiction other
179 than the sending or receiving state, the responsibility for insti-
180 tution of extradition or rendition proceedings shall be that of
181 the sending state, but nothing contained herein shall be con-
182 strued to prevent or affect the activities of officers and agencies
183 of any jurisdiction directed toward the apprehension and return
184 of an escapee.

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Article VI.

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Federal Aid.

187 Any state party to this compact may accept federal aid for
188 use in connection with any institution or program, the use of
189 which is or may be affected by this compact or any contract
190 pursuant hereto and any inmate in a receiving state pursuant
191 to this compact may participate in any such federally aided
192 program or activity for which the sending and receiving states
193 have made contractual provision; provided, that if such pro-
194 gram or activity is not part of the customary correctional
195 regimen the express consent of the appropriate official of the
196 sending state shall be required therefor.

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Article VII.

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Entry into Force.

199 This compact shall enter into force and become effective and
200 binding upon the states so acting when it has been enacted into
201 law by any two states from among the states of New England.
202 Thereafter, this compact shall enter into force and become ef-
203 fective and binding as to any other of said states upon similar
204 action by such state.

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Article VIII.

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Withdrawal and Termination.

207 This compact shall continue in force and remain binding upon
208 a party state until it shall have enacted a statute repealing the
209 same and providing for the sending of formal written notice of
210 withdrawal from the compact to the appropriate officials of all
211 other party states. An actual withdrawal shall not take effect
212 until one year after the notices provided in said statute have
213 been sent. Such withdrawal shall not relieve the withdrawing
214 state from its obligations assumed hereunder prior to the ef-
215 fective date of withdrawal. Before the effective date of with-
216 drawal, a withdrawing state shall remove to its territory, at
217 its own expense, such inmates as it may have confined pursuant
218 to the provisions of this compact.

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Article IX.

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Other Arrangements Unaffected.

221 Nothing contained in this compact shall be construed to
222 abrogate or impair any agreement or other arrangement which
223 a party state may have with a non-party state for the confine-
224 ment, rehabilitation or treatment of inmates nor to repeal any
225 other laws of a party state authorizing the making of co-
226 operative institutional arrangements.

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Article X.

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Construction and Severability.

229 The provisions of this compact shall be liberally construed
230 and shall be severable. If any phrase, clause, sentence or pro-
231 vision of this compact is declared to be contrary to the consti-
232 tution of any participating state or of the United States or the
233 applicability thereof to any government, agency, person or cir-
234 cumstance is held invalid, the validity of the remainder of this
235 compact and the applicability thereof to any government,
236 agency, person or circumstance shall not be affected thereby.
237 If this compact shall be held contrary to the constitution of
238 any state participating therein, the compact shall remain in

239 full force and effect as to the remaining states and in full force
240 and effect as to the state affected as to all severable matters.

1 SECTION 3. The commissioner of correction is hereby author-
2 ized and directed to do all things necessary or incidental to the
3 carrying out of the compact in every particular.

1 SECTION 4. This act shall take effect upon its passage.