

Accompanying the first recommendation of the Department of Correction (House, No. 49). Human Services and Elderly Affairs.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty.

AN ACT PROVIDING THAT THE COMMONWEALTH OF MASSACHUSETTS MAY ENTER INTO A CONTRACT 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 The General Laws are hereby amended by inserting after chapter  
2 127 the following chapter:

3 **CHAPTER 127A**  
4 **INTERSTATE CORRECTION COMPACT**

5 The Interstate Correction Compact is hereby enacted into law  
6 and entered into this state with any other states legally joining  
7 therein in the form substantially as follows:

8 **INTERSTATE CORRECTION COMPACT**  
9 **ARTICLE I**

10 *Purpose and Policy*

11 The party states, desiring by common action to fully utilize and  
12 improve their institutional facilities and provide adequate pro-  
13 grams for the confinement, treatment and rehabilitation of various  
14 types of offenders, declare that it is the policy of each of the party  
15 states to provide such facilities and programs on a basis of coopera-  
16 tion with one another, thereby serving the best interests of such  
17 offenders and of society and affecting economics in capital expend-

18 itures and operational costs. The purpose of this compact is to  
19 provide for the mutual development and execution of such pro-  
20 grams of cooperation for the confinement, treatment and rehabili-  
21 tation of offenders with the most economical use of human mate-  
22 rial resources.

## ARTICLE II

### *Definitions*

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

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

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

33 (d) "Inmate" means a male or female offender committed,  
34 under sentence to or confined in a penal or correctional institution.

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

## ARTICLE III

### *Contracts*

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

43 1. Its duration

44 2. Payments to be made to the receiving state by the sending  
45 state for inmate maintenance, extraordinary medical and dental  
46 expenses, and any participation to or receipt by inmates of rehabili-  
47 tative or correction services, facilities, programs or treatment not  
48 reasonably included as part of normal maintenance.  
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53 4. Delivery and retaking of inmates.

54 5. Such other matters as may be necessary and appropriate to  
55 fix the obligations, responsibilities and rights of the sending and  
56 receiving states.

57 (b) The terms and provisions of this compact shall be part of any  
58 contract entered into by the authority of or pursuant thereto, and  
59 nothing in any such contract shall be inconsistent therewith.

60

#### ARTICLE IV

61

#### *Procedures and Rights*

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

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

76 (c) Inmates confined in an institution pursuant to the terms of  
77 this compact shall at all times be subject to the jurisdiction of the  
78 sending state and may at any time be removed therefrom for  
79 transfer to a prison or other institution within the sending state, for  
80 transfer to another institution in which the sending state may have  
81 a contractual or other right to confine inmates, for release on  
82 probation or parole, for discharge, or for any other purpose per-  
83 mitted by the laws of the sending state; provided that the sending  
84 state shall continue to be obligated to such payments as may be  
85 required pursuant to the terms of any contract entered into under  
86 the terms of Article III.

87 (d) Each receiving state shall provide regular reports to each  
88 sending state on the inmates of that sending state in institutions  
89 pursuant to this compact including a conduct record of each

90 inmate and certify said record to the official designated by the  
91 sending state, in order that each inmate may have official review of  
92 his or her record in determining and altering the disposition of said  
93 inmate in accordance with the law which may obtain in the send-  
94 ing state and in order that the same may be a source of information  
95 for the sending state.

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

104 (f) Any hearing or hearings to which an inmate confined pursu-  
105 ant to this compact may be entitled by laws of the sending state may  
106 be had before the appropriate authorities of the sending state, or of  
107 the receiving state if authorized by the sending state. The receiving  
108 state shall provide adequate facilities for such hearings as may be  
109 conducted by the appropriate officials of a sending state. In the  
110 event such hearing or hearings are had before officials of the  
111 receiving state, the governing law shall be that of the sending state  
112 and a record of the hearing or hearings as prescribed by the sending  
113 state shall be made. Said record together with any recommenda-  
114 tions of the hearing officials shall be transmitted forthwith to the  
115 official or officials before whom the hearing would have been made  
116 if it had taken place in the sending state. If any and all proceedings  
117 had, pursuant to the provisions of this subdivision, the officials of  
118 the receiving state shall act solely as agents of the sending state and  
119 no final determination shall be made in any matter except by the  
120 appropriate officials of the sending state.

121 (g) Any inmate confined pursuant to this compact shall be re-  
122 leased within the territory of the sending state unless the inmate,  
123 and the sending and receiving states, shall agree upon release in  
124 some other place. The sending state shall bear the cost of such  
125 return to its territory.

126 (h) Any inmate confined pursuant to the terms of this compact  
127 shall have any and all rights to participate in and derive any  
128 benefits or incur or be relieved of any obligations or have such  
129 obligations modified or his status changed on account of any

130 action or proceeding in which he could have participated if con-  
131 fined in any appropriate institution of the sending state located  
132 within such state.

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

#### 138 ARTICLE V

##### 139 *Acts not reviewable in receiving state: Extradition*

140 (a) Any decision of the sending state in respect of any matter  
141 over which it retains jurisdiction pursuant to this compact shall be  
142 conclusive upon and not reviewable with the receiving state, but is  
143 at the time the sending state seeks to remove an inmate from an  
144 institution in the receiving state there is pending against the inmate  
145 within such state any criminal charge or if the inmate is formally  
146 accused of having committed within such state a criminal offense,  
147 the inmate shall not be returned without the consent of the receiv-  
148 ing state until discharged from prosecution or other form of proce-  
149 ceedings, imprisonment or detention for such offenses. The duly  
150 accredited officers of the sending state shall be permitted to trans-  
151 port inmates pursuant to this compact through any and all states  
152 party to this compact without interference.

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

#### 162 ARTICLE VI

##### 163 *Federal Aid*

164 Any state party to this compact may accept federal aid for use in  
165 connection with any institution or program, the use is or may be

166 affected by this compact or any contract pursuant hereto, and any  
167 inmate in a receiving state pursuant to this compact may partici-  
168 pate in any such federally aided programs or activity for which the  
169 sending and receiving states have made contractual provision,  
170 provided that if such program or activity is not part of the custom-  
171 ary correctional regimen, the express consent of the appropriate  
172 official of the sending state shall be required therefor.

173 ARTICLE VII

174 *Entry into Force*

175 This compact shall enter into force and become effective and  
176 binding upon the states so acting when it has been enacted into law  
177 by any two states. Thereafter, this compact shall enter into force  
178 and become effective and binding as to any other of said states  
179 upon similar action by such state.

180 ARTICLE VIII

181 *Withdrawal and Termination*

182 This compact shall continue in force and remain binding upon a  
183 party state until it shall have enacted a statute repealing the same  
184 and providing for the sending of formal written notice of withdra-  
185 wal from the compact to the appropriate officials of all other party  
186 states. An actual withdrawal shall not take effect until one year  
187 after the notices provided in said statute have been sent. Such  
188 withdrawal shall not relieve the withdrawing state from its obliga-  
189 tions assumed hereunder prior to the effective date of withdrawal.  
190 Before the effective date of withdrawal, a withdrawing state shall  
191 remove to its territory, at its own expense, such inmates as it may  
192 have confined pursuant to the provisions of this compact.

193 ARTICLE IX

194 *Other Arrangements Unaffected*

195 Nothing contained in this compact shall be construed to abro-  
196 gate or impair any agreement or other arrangement which a party  
197 state may have with a non-party state for the confinement, rehabili-  
198 tation or treatment of inmates nor to repeal any other laws of a

199 party state authorizing the making of cooperative institutional  
200 arrangements.

201 ARTICLE X

202 *Construction and Severability*

203 The provisions of this compact shall be liberally construed and  
204 shall be severable. If any phrase, clause, sentence or provision of  
205 this compact is declared to be contrary to the constitution of any  
206 participating state or of the United States or the applicability  
207 thereof to any government, agency, person or circumstances is held  
208 invalid, the validity of the remainder of this compact and the  
209 applicability thereof to any government, agency, person or circum-  
210 stances shall not be affected thereby. If this compact shall be held  
211 contrary to the constitution of any state participating therein, the  
212 compact shall remain in full force and effect as to the state affected  
213 as to all severable matters.

214 3. The Commissioner of Correction is hereby authorized and  
215 directed to do all things necessary or incidental to the carrying out  
216 of the compact in every particular and he may in his discretion  
217 delegate this authority to the deputy commissioner of correction.

218 4. Nothing in this act shall be read as limiting in any way the  
219 power of the department of correction to enter into contracts  
220 pursuant to G.L. c. 124, S. 1(m) with states which are not party  
221 states.

