

Accompanying the eighteenth recommendation of the Executive Office of Public Safety (House, No. 183). Human Services and Elderly Affairs.

**The Commonwealth of Massachusetts**

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

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  
2 Corrections Compact.

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

1 SECTION 3. The party states, desiring by common action to  
2 fully utilize and improve their institutional facilities and provide  
3 adequate programs for the confinement, treatment and  
4 rehabilitation of various types of offenders, declare that it is the  
5 policy of each of the party states to provide such facilities and  
6 programs on a basis of cooperation with one another, thereby  
7 serving the best interests of such offenders and of society and  
8 effecting economies in capital expenditures and operational costs.  
9 The purpose of this compact is to provide for the mutual  
10 development and execution of such programs of cooperation for  
11 the confinement, treatment and rehabilitation of offenders with  
12 the most economical use of human and material resources.

1 SECTION 4. As used in this compact, unless the context  
2 clearly requires otherwise:

3 (a) "State" means a state of the United States of America; a  
4 territory or possession of the United States; the District of  
5 Columbia; the Commonwealth of Puerto Rico.

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

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

11 (d) "Inmate" means a male or female offender who is  
12 committed, under sentence to or confined in a penal or correction  
13 institution.

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

1 SECTION 5. (a) Each party state may make one or more  
2 contracts with any one or more of the other party states for the  
3 confinement of inmates on behalf of a sending state in institutions  
4 situated within receiving states. Any such contract shall provide  
5 for:

6 (1) Its duration.

7 (2) Payments to be made to the receiving state by the sending  
8 state for inmate maintenance, extraordinary medical and dental  
9 expenses, and any participation in or receipt by inmates of  
10 rehabilitative or correctional services, facilities, programs or  
11 treatment not reasonably included as part of normal maintenance.

12 (3) Participation in programs of inmate employment, if any;  
13 the disposition or crediting of any payments received by inmates  
14 on account thereof; and the crediting of proceeds from or disposal  
15 of any products resulting therefrom.

16 (4) Delivery and retaking of inmates.

17 (5) Such other matters as may be necessary and appropriate  
18 to fix the obligations, responsibilities and rights of the sending  
19 and receiving states.

20 (b) The terms and provisions of this compact shall be a part  
21 of any contract entered into by the authority of or pursuant

22 thereto, and nothing in any such contract shall be inconsistent  
23 therewith.

1 SECTION 6. (a) Whenever the duly constituted authorities in  
2 a state party to this compact, and which has entered into a contract  
3 pursuant to Article III, shall decide that confinement in, or  
4 transfer of an inmate to, an institution within the territory of  
5 another party state is necessary or desirable in order to provide  
6 adequate quarters and care of an appropriate program of  
7 rehabilitation or treatment, said officials may direct that the  
8 confinement be within an institution within the territory of said  
9 other party state, the receiving state to act in that regard solely  
10 as agent for the sending state.

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

16 (c) Inmates confined in an institution pursuant to the terms of  
17 this compact shall at all times be subject to the jurisdiction of the  
18 sending state and may at any time be removed therefrom for  
19 transfer to a prison or other institution in which the sending state  
20 may have a contractual or other right to confine inmates, for  
21 release on probation or parole, for discharge, or for any other  
22 purpose permitted by the laws of the sending state; provided that  
23 the sending state shall continue to be obligated to such payments  
24 as may be required pursuant to the terms of any contract entered  
25 into under the terms of Article III.

26 (d) Each receiving state shall provide regular reports to each  
27 sending state on the inmates of that sending state in institutions  
28 pursuant to this compact including a conduct record of each  
29 inmate and certify said record to the official designated by the  
30 sending state, in order that each inmate may have official review  
31 of his or her record in determining and altering the disposition  
32 of said inmate in accordance with the law which may obtain in  
33 the sending state and in order that the same may be a source of  
34 information for the sending state.

35 (e) All inmates who may be confined in an institution pursuant  
36 to the provisions of this compact shall be treated in a reasonable



37 and humane manner and shall be treated equally with such similar  
38 inmates of the receiving state as may be confined in the same insti-  
39 tution. The fact of confinement in a receiving state shall not  
40 deprive any inmate so confined of any legal rights which said  
41 inmate would have had if confined in an appropriate institution  
42 of the sending state.

43 (f) Any hearing or hearings to which an inmate confined  
44 pursuant to this compact may be entitled by the laws of the sending  
45 state may be had before the appropriate authorities of the sending  
46 state, or the receiving state if authorized by the sending state. The  
47 receiving state shall provide adequate facilities for such hearings  
48 as may be conducted by the appropriate officials of a sending state.  
49 In the event such hearing or hearings are had before officials of  
50 the receiving state, the governing law shall be that of the sending  
51 state and a record of the hearing or hearings as prescribed by the  
52 sending state shall be made. Said record together with any  
53 recommendations of the hearing officials shall be transmitted  
54 forthwith to the official or officials before whom the hearing  
55 would have been had if it had taken place in the sending state.  
56 In any and all proceedings had pursuant to the provisions of this  
57 subdivision, the officials of the receiving state shall act solely as  
58 agents of the sending state and no final determination shall be  
59 made in any matter except by the appropriate officials of the  
60 sending state.

61 (g) Any inmate confined pursuant to this compact shall be  
62 released within the territory of the sending state unless the inmate,  
63 and the sending and receiving states, shall agree upon release in  
64 some other place. The sending state shall bear the cost of such  
65 return to its territory.

66 (h) Any inmate confined pursuant to the terms of this compact  
67 shall have any and all rights to participate in and derive any  
68 benefits or incur or be relieved of any obligations or have such  
69 obligations modified or his status changed on account of any  
70 action or proceeding in which he could have participated if  
71 confined in any appropriate institution of the sending state located  
72 within such state.

73 (i) The parent, guardian, trustee, or other person or persons  
74 entitled under the laws of the sending state to act for, advise, or  
75 otherwise function with respect to any inmate shall not be

76 deprived of or restricted in his exercise of any power in respect  
77 of any inmate confined pursuant to the terms of this compact.

1 SECTION 7. (a) Any decision of the sending state in respect  
2 of any matter over which it retains jurisdiction pursuant to this  
3 compact shall be conclusive upon and not reviewable within the  
4 receiving state, but if at the time the sending state seeks to remove  
5 an inmate from an institution in the receiving state there is pending  
6 against the inmate within such state any criminal charge or if the  
7 inmate is formally accused of having committed within such state  
8 a criminal offense, the inmate shall not be returned without the  
9 consent of the receiving state until discharged from prosecution  
10 or other form of proceeding, imprisonment or detention for such  
11 offense. The duly accredited officers of the sending state shall be  
12 permitted to transport inmates pursuant to this compact through  
13 any and all states party to this compact without interference.

14 (b) An inmate who escapes from an institution in which he is  
15 confined pursuant to this compact shall be deemed a fugitive from  
16 the sending state and from the state in which the institution is  
17 situated. In the case of an escape to a jurisdiction other than the  
18 sending or receiving state, the responsibility for institution of  
19 extradition or rendition proceedings shall be that of the sending  
20 state, but nothing contained herein shall be construed to prevent  
21 or affect the activities of officers and agencies of any jurisdiction  
22 directed toward the apprehension and return of an escapee.

1 SECTION 8. Any state party to this compact may accept  
2 federal aid for use in connection with any institution or program,  
3 the use of which is or may be affected by this compact or any  
4 contract pursuant hereto and any inmate in a receiving state  
5 pursuant to this compact may participate in any such federally  
6 aided program or activity for which the sending and receiving  
7 states have made contractual provision, provided that if such  
8 program or activity is not part of the customary correctional  
9 regimen, the express consent of the appropriate official of the  
10 sending state shall be required therefor.

1 SECTION 9. This compact shall enter into force and become  
2 effective and binding upon the states so acting when it has been  
3 enacted into law by any two states. Thereafter this compact shall



4 enter into force and become effective and binding as to any other  
5 of said states upon similar action by such state.

1 SECTION 10. This compact shall continue in force and remain  
2 binding upon a party state until it shall have enacted a statute  
3 repealing the same and providing for the sending of formal written  
4 notice of withdrawal from the compact to the appropriate officials  
5 of all other party states. An actual withdrawal shall not take effect  
6 until one year after the notices provided in said statute have been  
7 sent. Such withdrawal shall not relieve the withdrawing state from  
8 its obligations assumed hereunder prior to the effective date of  
9 withdrawal. Before the effective date of withdrawal, a  
10 withdrawing state shall remove to its territory, at its own expense,  
11 such inmates as it may have confined pursuant to the provisions  
12 of this compact.

1 SECTION 11. Nothing contained in this compact shall be  
2 construed to abrogate or impair any agreement or other  
3 arrangement which a party state may have with a nonparty state  
4 for the confinement, rehabilitation or treatment of inmates nor  
5 to repeal any other laws of a party state authorizing the making  
6 of cooperative institutional arrangements.

1 SECTION 12. The provisions of this compact shall be liberally  
2 construed and shall be severable. If any phrase, clause, sentence  
3 or provision of this compact is declared to be contrary to the  
4 constitution of any participating state or of the United States or  
5 the applicability thereof to any government, agency, person or  
6 circumstance is held invalid, the validity of the remainder of this  
7 compact and the applicability thereof to any government, agency,  
8 person or circumstance shall not be affected thereby. If this  
9 compact shall be held contrary to the constitution of any state  
10 participating therein, the compact shall remain in full force and  
11 effect as to the remaining states and in full force and effect as to  
12 the state affected as to all severable matters.



