

HOUSE No. 3440

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Poirier

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the interstate corrections compact.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Elizabeth A. Poirier

14th Bristol

Shaunna L. O'Connell

3rd Bristol

HOUSE No. 3440

By Mrs. Poirier of North Attleborough, a petition (accompanied by bill, House, No. 3440) of Elizabeth A. Poirier and Shaunna L. O'Connell relative to the interstate corrections compact. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3118 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the interstate corrections compact.

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

1 Chapter 125 of the General Laws, as appearing in the 2016 Official Edition, is hereby
2 amended by adding the following new Section:-

3 SECTION 22:

4

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

7 INTERSTATE CORRECTIONS COMPACT

8 ARTICLE I

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

17 ARTICLE II

18 As used in this compact unless the context clearly requires otherwise:

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

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

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

25 (d) "Inmate" means a male or female offender who is committed, under sentence to or
26 confined in a penal or correctional institution.

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

30 ARTICLE III

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

34 (1) Its duration.

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

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

42 (4) Delivery and retaking of inmates.

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

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

48 ARTICLE IV

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

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

60 (c) Inmates confined in an institution pursuant to the terms of this compact shall at all
61 times be subject to the jurisdiction of the sending state and may at any time be removed
62 therefrom for transfer to a prison or other institution within the sending state, for transfer to
63 another institution in which the sending state may have a contractual or other right to confine
64 inmates, for release on probation or parole, for discharge, or for any other purpose permitted by
65 the laws of the sending state; provided that the sending state shall continue to be obligated to
66 such payments as may be required pursuant to the terms of any contract entered into under the
67 terms of Article III.

68

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

71 inmate and certify said record to the official designated by the sending state, in order that each
72 inmate may have official review of his or her record in determining and altering the disposition
73 of said inmate in accordance with the law which may obtain in the sending state and in order that
74 the same may be a source of information for the sending state.

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

80 (f) Any hearing or hearings to which an inmate confined pursuant to this compact may be
81 entitled by the laws of the sending state may be had before the appropriate authorities of the
82 sending state, or of the receiving state if authorized by the sending state. The receiving state shall
83 provide adequate facilities for such hearings as may be conducted by appropriate officials of a
84 sending state. In the event such hearing or hearings are had before officials of the receiving state,
85 the governing law shall be that of the sending state and a record of the hearing or hearings as
86 prescribed by the sending state shall be made. Said record together with any recommendations of
87 the hearing officials shall be transmitted forthwith to the official or officials before whom the
88 hearing would have been had if it had taken place in the sending state. In any and all proceedings
89 had pursuant to the provisions of this subdivision, the officials of the receiving state shall act
90 solely as agents of the sending state and no final determination shall be made in any matter
91 except by the appropriate officials of the sending state.

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

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

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

104 ARTICLE V

105 (a) Any decision of the sending state in respect of any matter over which it retains
106 jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the
107 receiving state, but if at the time the sending state seeks to remove an inmate from an institution
108 in the receiving state there is pending against the inmate within such state any criminal charge or
109 if the inmate is formally accused of having committed within such state a criminal offense, the
110 inmate shall not be returned without the consent of the receiving state until discharged from
111 prosecution or other form of proceeding, imprisonment or detention for such offense. The duly
112 accredited officers of the sending state shall be permitted to transport inmates pursuant to this
113 compact through any and all states party to this compact without interference.

114 (b) An inmate who escapes from an institution in which he is confined pursuant to this
115 compact shall be deemed a fugitive from the sending state and from the state in which the
116 institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving
117 state, the responsibility for institution of extradition or rendition proceedings shall be that of the
118 sending state, but nothing contained herein shall be constructed to prevent or affect the activities
119 of officers and agencies of any jurisdiction directed toward the apprehension and return of an
120 escapee.

121 ARTICLE VI

122 Any state party to this compact may accept federal aid for use in connection with any
123 institution or program, the use of which is or may be affected by this compact or any contract
124 pursuant hereto and any inmate in a receiving state pursuant to this compact may participate in
125 any such federally aided program or activity for which the sending and receiving states have
126 made contractual provision, provided that if such program or activity is not part of the customary
127 correctional regimen, the express consent of the appropriate official of the sending state shall be
128 required therefor.

129 ARTICLE VII

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

134 ARTICLE VIII

135 This compact shall continue in force and remain binding upon a party state until it shall
136 have enacted a statute repealing the same and providing for the sending of formal written notice
137 of withdrawal from the compact to the appropriate officials of all other party states. An actual
138 withdrawal shall not take effect until one year after the notices provided in said statute have been
139 sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed
140 hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a
141 withdrawing state shall remove to its territory, at its own expense, such inmates as it may have
142 confined pursuant to the provisions of this compact.

143 ARTICLE IX

144 Nothing contained in this compact shall be construed to abrogate or impair any
145 agreement or other arrangement which a party state may have with a nonparty state for the
146 confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state
147 authorizing the making of cooperative institutional arrangements.

148 ARTICLE X

149 The provisions of this compact shall be liberally construed and shall be severable. If any
150 phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution
151 of any participating state or of the United States or the applicability thereof to any government,
152 agency person or circumstance is held invalid, the validity of the remainder of this compact and
153 the applicability thereof to any government, agency, person or circumstance shall not be affected
154 thereby. If this compact shall be held contrary to the constitution of any state participating
155 therein, the compact shall remain in full force and effect as to the remaining states and in full
156 force and effect as to the state affected as to all severable matters.

