

Act No. 92
Public Acts of 1994
Approved by the Governor
April 12, 1994
Filed with the Secretary of State
April 13, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senator Welborn

ENROLLED SENATE BILL No. 794

AN ACT to allow the state of Michigan to enter into a compact with any other state of the United States for the purpose of allowing inmates who are sentenced in a state that is a party to the compact to be confined in another state that is a party to the compact

The People of the State of Michigan enact

Sec 1 The governor of this state may enter into a compact as described in this act on behalf of the state of Michigan with any of the states of the United States legally joining therein

Sec 2 This act shall be known and may be cited as the interstate corrections compact

Sec 3 The interstate corrections compact is hereby enacted into law in the form substantially as follows

ARTICLE I

PURPOSE AND POLICY

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

ARTICLE II

DEFINITIONS

As used in this compact unless the context clearly requires otherwise.

(a) State means a state of the United States the United States of America a territory or possession of the United States the District of Columbia and the Commonwealth of Puerto Rico

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

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

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

(e) Institution means any penal or correctional facility including but not limited to a facility for the mentally ill or mentally defective in which inmates as defined in subdivision (d) may lawfully be confined

ARTICLE III

CONTRACTS

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

(a) Its duration

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

(c) Participation in programs of inmate employment if any the disposition or crediting of any payments received by inmates on account thereof and the crediting of proceeds from or disposal of any products resulting therefrom

(d) Delivery and retaking of inmates

(e) Such other matters as may be necessary and appropriate to fix the obligations responsibilities and rights of the sending and receiving states

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

ARTICLE IV

PROCEDURES AND RIGHTS

(1) Whenever the duly constituted authorities in a state which is a party to this compact and which has entered into a contract pursuant to article III decide that confinement in or transfer of an inmate to an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment the officials may direct that the confinement be within an institution within the territory of the other party state with the receiving state to act in that regard solely as agent for the sending state

(2) The appropriate officials of any state party to this compact shall have access at all reasonable times to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the institution and visiting its inmates who are confined in the institution

(3) Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed from the receiving state for transfer to a prison or other institution within the sending state for transfer to another institution in which the sending state may have a contractual or other right to confine inmates for release on probation or parole for discharge or for any other purpose permitted by the laws of the sending state provided that the sending state continues to be obligated to make payments required pursuant to the terms of any contract entered into under the terms of article III

(4) Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact including a conduct record of each inmate and shall certify that record to the official designated by the sending state in order that each inmate may have official review of his or her record in determining and altering the disposition of the inmate in accordance with the law which may obtain in the sending state and in order that the record may be a source of information for the sending state

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

(6) Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for hearings that are conducted by the appropriate officials of a sending state. If a hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. The record together with any recommendations of the hearing officials shall be transmitted promptly to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In a proceeding had pursuant to the provisions of this subsection, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state.

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

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

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

ARTICLE V

ACTS NOT REVIEWABLE IN RECEIVING STATE EXTRADITION

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

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

ARTICLE VI

FEDERAL AID

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

ARTICLE VII

ENTRY INTO FORCE

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any 2 states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

ARTICLE VIII

WITHDRAWAL AND TERMINATION

This compact shall continue in force and remain binding upon a party state until it has enacted a statute repealing the compact and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until 1 year after the notices provided in the statute have been sent. A withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal a withdrawing state shall remove to its territory at its own expense such inmates as it may have confined pursuant to the provisions of this compact.

ARTICLE IX

OTHER ARRANGEMENTS UNAFFECTED

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

ARTICLE X

CONSTRUCTION AND SEVERABILITY

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

Sec. 4. This act does not impair or abrogate the rights of crime victims, including but not limited to those rights provided under the crime victim's rights act, Act No. 87 of the Public Acts of 1985, being sections 780.751 to 780.834 of the Michigan Compiled Laws.

This act is ordered to take immediate effect.

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Secretary of the Senate

Co. Clerk of the House of Representatives

Approved

Governor