



SENATE BILL No. 794

August 31, 1993, Introduced by Senator WELBORN and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill 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:

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

4 Sec. 2. This act shall be known and may be cited as the
5 "interstate corrections compact".

6 Sec. 3. The interstate corrections compact is hereby
7 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.

1 (d) "Inmate" means a male or female offender who is
2 committed, under sentence to or confined in a penal or correc-
3 tional institution.

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

8 ARTICLE III

9 CONTRACTS

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

14 (a) Its duration.

15 (b) Payments to be made to the receiving state by the send-
16 ing state for inmate maintenance, extraordinary medical and
17 dental expenses, and any participation in or receipt by inmates
18 of rehabilitative or correctional services, facilities, programs,
19 or treatment not reasonably included as part of normal
20 maintenance.

21 (c) Participation in programs of inmate employment, if any,
22 the disposition or crediting of any payments received by inmates
23 on account thereof, and the crediting of proceeds from or dis-
24 posal of any products resulting therefrom.

25 (d) Delivery and retaking of inmates.

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

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

8 ARTICLE IV

9 PROCEDURES AND RIGHTS

10 (1) Whenever the duly constituted authorities in a state
11 which is a party to this compact, and which has entered into a
12 contract pursuant to article III, decide that confinement in, or
13 transfer of an inmate to, an institution within the territory of
14 another party state is necessary or desirable in order to provide
15 adequate quarters and care or an appropriate program of rehabili-
16 tation or treatment, the officials may direct that the confine-
17 ment be within an institution within the territory of the other
18 party state, with the receiving state to act in that regard
19 solely as agent for the sending state.

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

25 (3) Inmates confined in an institution pursuant to the terms
26 of this compact shall at all times be subject to the jurisdiction
27 of the sending state and may at any time be removed from the

1 receiving state for transfer to a prison or other institution
2 within the sending state, for transfer to another institution in
3 which the sending state may have a contractual or other right to
4 confine inmates, for release on probation or parole, for dis-
5 charge, or for any other purpose permitted by the laws of the
6 sending state, provided that the sending state continues to be
7 obligated to make payments required pursuant to the terms of any
8 contract entered into under the terms of article III.

9 (4) Each receiving state shall provide regular reports to
10 each sending state on the inmates of that sending state in insti-
11 tutions pursuant to this compact, including a conduct record of
12 each inmate, and shall certify that record to the official desig-
13 nated by the sending state, in order that each inmate may have
14 official review of his or her record in determining and altering
15 the disposition of the inmate in accordance with the law which
16 may obtain in the sending state and in order that the record may
17 be a source of information for the sending state.

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

26 (6) Any hearing or hearings to which an inmate confined
27 pursuant to this compact may be entitled by the laws of the

1 sending state may be had before the appropriate authorities of
2 the sending state, or of the receiving state if authorized by the
3 sending state. The receiving state shall provide adequate facil-
4 ities for hearings that are conducted by the appropriate offi-
5 cials of a sending state. If a hearing or hearings are had
6 before officials of the receiving state, the governing law shall
7 be that of the sending state and a record of the hearing or hear-
8 ings as prescribed by the sending state shall be made. The
9 record, together with any recommendations of the hearing offi-
10 cials, shall be transmitted promptly to the official or officials
11 before whom the hearing would have been had if it had taken place
12 in the sending state. In a proceeding had pursuant to the provi-
13 sions of this subsection, the officials of the receiving state
14 shall act solely as agents of the sending state and no final
15 determination shall be made in any matter except by the appropri-
16 ate officials of the sending state.

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

22 (8) Any inmate confined pursuant to the terms of this com-
23 pact shall have all rights to participate in and derive any bene-
24 fits or incur or be relieved of any obligations or have such
25 obligations modified or his or her status changed on account of
26 any action or proceeding in which he or she could have

1 participated if confined in any appropriate institution of the
2 sending state.

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

9 ARTICLE V

10 ACTS NOT REVIEWABLE IN RECEIVING STATE: EXTRADITION

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

25 (2) An inmate who escapes from an institution in which he or
26 she is confined pursuant to this compact shall be deemed a
27 fugitive from the sending state and from the state in which the

1 institution is situated. In the case of an escape to a
2 jurisdiction other than the sending or receiving state, the
3 responsibility for institution of extradition or rendition pro-
4 ceedings shall be that of the sending state, but nothing con-
5 tained in this compact shall be construed to prevent or affect
6 the activities of officers and agencies of any jurisdiction
7 directed toward the apprehension and return of an escapee.

8

ARTICLE VI

9

FEDERAL AID

10 Any state party to this compact may accept federal aid for
11 use in connection with any institution or program, the use of
12 which is or may be affected by this compact or any contract pur-
13 suant to this compact and any inmate in a receiving state pursu-
14 ant to this compact may participate in any such federally aided
15 program or activity for which the sending and receiving states
16 have made contractual provision, provided that if that program or
17 activity is not part of the customary correctional regimen, the
18 express consent of the appropriate official of the sending state
19 shall be required therefor.

20

ARTICLE VII

21

ENTRY INTO FORCE

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

ARTICLE VIII

WITHDRAWAL AND TERMINATION

1 This compact shall continue in force and remain binding upon
2 a party state until it has enacted a statute repealing the com-
3 pact and providing for the sending of formal written notice of
4 withdrawal from the compact to the appropriate officials of all
5 other party states. An actual withdrawal shall not take effect
6 until 1 year after the notices provided in the statute have been
7 sent. A 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 withdraw-
10 ing state shall remove to its territory, at its own expense, such
11 inmates as it may have confined pursuant to the provisions of
12 this compact.

ARTICLE IX

OTHER ARRANGEMENTS UNAFFECTED

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

ARTICLE X

CONSTRUCTION AND SEVERABILITY

24 The provisions of this compact shall be liberally construed
25 and shall be severable. If any phrase, clause, sentence, or
26 provision of this compact is declared to be contrary to the
27

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