

SENATE FILE 75

FILED JAN 25 1973

Sum. Res. 1-26-73, Pass per amendment 1-30-73

By LAMBORN, DODERER, GLENN, KENNEDY, KELLY and SCHWIEGER (Lipsky, Doyle and McCormick)

Passed Senate, Date 2-16-73 (328) Passed House, Date 2-20-73 (371)
Vote: Ayes 44 Nays 3 Vote: Ayes 94 Nays 0
Approved 3-7-73

A BILL FOR

1 An Act relating to the interstate corrections compact.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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13: S-25
14: 1 Amend Senate File 75 as follows:
15: 2 1. Page 8, by striking all of lines 32 through 35.
16: 3 2. Page 9, by striking all of lines 1 through 12.

16 Filed - *Lost 2-16-73* By HILL
17 February 1, 1973

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21: S-19
22: 1 Amend Senate File 75, page 9, by striking all of
23: 2 lines 1 through 12 and inserting in lieu thereof
24: 3 the following: "pact shall not be transferred."

24 Filed - *Lost 2-2-73* By COMMITTEE ON HUMAN RESOURCES
25 January 30, 1973

1 Section 1. NEW SECTION. This Act may be cited as the
2 "interstate corrections compact".

3 Sec. 2. NEW SECTION. The interstate corrections com-
4 pact is hereby enacted into law and entered into by this state
5 with any other states legally joining therein in the form
6 substantially as follows:

7 INTERSTATE CORRECTIONS COMPACT

8 ARTICLE I

9 Purpose and Policy

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

23 ARTICLE II

24 Definitions

25 As used in this compact, unless the context clearly requires
26 otherwise:

27 1. "State" means a state of the United States; the United
28 States of America; a territory or possession of the United
29 States; the District of Columbia; the Commonwealth of Puerto
30 Rico.

31 2. "Sending state" means a state party to this compact
32 in which conviction or court commitment was had.

33 3. "Receiving state" means a state party to this compact
34 to which an inmate is sent for confinement other than a state
35 in which conviction or court commitment was had.

1 4. "Inmate" means a male or female offender who is com-
2 mitted, under sentence to or confined in a penal or correc-
3 tional institution.

4 5. "Institution" means any penal or correctional facility,
5 including but not limited to a facility for the mentally ill
6 or mentally defective, in which inmates may lawfully be con-
7 fined.

8 ARTICLE III

9 Contracts

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

15 1. Its duration.

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

22 3. Participation in programs of inmate employment, if
23 any; the disposition or crediting of any payments received
24 by inmates on account thereof; and the crediting of proceeds
25 from or disposal of any products resulting therefrom.

26 4. Delivery and retaking of inmates.

27 5. Such other matters as may be necessary and appropriate
28 to fix the obligations, responsibilities and rights of the
29 sending and receiving states.

30 The terms and provisions of this compact shall be a part
31 of any contract entered into by the authority of or pursuant
32 thereto, and nothing in any such contract shall be inconsis-
33 tent therewith.

34 ARTICLE IV

35 Procedures and Rights

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

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

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

29 Each receiving state shall provide regular reports to each
30 sending state on the inmates of that sending state in institu-
31 tions pursuant to this compact including a conduct record
32 of each inmate and certify said record to the official
33 designated by the sending state, in order that each inmate
34 may have official review of his or her record in determining
35 and altering the disposition of said inmate in accordance

1 with the law which may obtain in the sending state and in
2 order that the same may be a source of information for the
3 sending state.

4 All inmates who may be confined in an institution pursuant
5 to the provisions of this compact shall be treated in a reason-
6 able and humane manner and shall be treated equally with such
7 similar inmates of the receiving state as may be confined
8 in the same institution. The fact of confinement in a
9 receiving state shall not deprive any inmate so confined of
10 any legal rights which said inmate would have had if confined
11 in an appropriate institution of the sending state.

12 Any hearing or hearings to which an inmate confined pursu-
13 ant to this compact may be entitled by the laws of the sending
14 state may be had before the appropriate authorities of the
15 sending state, or of the receiving state if authorized by
16 the sending state. The receiving state shall provide adequate
17 facilities for such hearings as may be conducted by the appro-
18 priate officials of a sending state. In the event such hearing
19 or hearings are had before officials of the receiving state,
20 the governing law shall be that of the sending state and a
21 record of the hearing or hearings as prescribed by the sending
22 state shall be made. Said record together with any recommen-
23 dations of the hearing officials shall be transmitted forthwith
24 to the official or officials before whom the hearing would
25 have been had if it had taken place in the sending state.
26 In any and all proceedings had pursuant to the provisions
27 of this subdivision, the officials of the receiving state
28 shall act solely as agents of the sending state and no final
29 determination shall be made in any matter except by the
30 appropriate officials of the sending state.

31 Any inmate confined pursuant to this compact shall be
32 released within the territory of the sending state unless
33 the inmate, and the sending and receiving states, shall agree
34 upon release in some other place. The sending state shall
35 bear the cost of such return to its territory.

1 Any inmate confined pursuant to the terms of this compact
2 shall have any and all rights to participate in and derive
3 any benefits or incur or be relieved of any obligations or
4 have such obligations modified or his status changed on account
5 of any action or proceeding in which he could have participated
6 if confined in any appropriate institution of the sending
7 state located within such state.

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

14 ARTICLE V

15 Acts Not Reviewable in Receiving State: Extradition

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

30 An inmate who escapes from an institution in which he is
31 confined pursuant to this compact shall be deemed a fugitive
32 from the sending state and from the state in which the
33 institution is situated. In the case of an escape to a juris-
34 diction other than the sending or receiving state, the respon-
35 sibility for institution of extradition or rendition proceed-

1 ings shall be that of the sending state, but nothing contained
2 herein shall be construed to prevent or affect the activities
3 of officers and agencies of any jurisdiction directed toward
4 the apprehension and return of an escapee.

5 ARTICLE VI

6 Federal Aid

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

17 ARTICLE VII

18 Entry into Force

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

24 ARTICLE VIII

25 Withdrawal and Termination

26 This compact shall continue in force and remain binding
27 upon a party state until it shall have enacted a statute
28 repealing the same and providing for the sending of formal
29 written notice of withdrawal from the compact to the appro-
30 priate officials of all other party states. An actual with-
31 drawal shall not take effect until one year after the notices
32 provided in said statute have been sent. Such withdrawal
33 shall not relieve the withdrawing state from its obligations
34 assumed hereunder prior to the effective date of withdrawal.
35 Before the effective date of withdrawal, a withdrawing state

1 shall remove to its territory, at its own expense, such inmates
2 as it may have confined pursuant to the provisions of this
3 compact.

4 ARTICLE IX

5 Other Arrangements Unaffected

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

12 ARTICLE X

13 Construction and Severability

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

27 Sec. 3. NEW SECTION. The commissioner of social services
28 is authorized and directed to do all things necessary or inci-
29 dental to the carrying out of the compact in every particular
30 and he may in his discretion delegate this authority to the
31 director of the division of corrections.

32 Sec. 4. Chapter two hundred seventeen (217), Code 1973,
33 is amended by adding the following new section:

34 NEW SECTION. An inmate who objects to confinement in a
35 receiving state pursuant to the interstate corrections com-

1 pact may request a hearing before a board appointed by the
2 governor and serving at his pleasure and composed of three
3 members of the general public, one of whom shall be a former
4 inmate. Members of the board shall be paid forty dollars
5 per diem and actual and necessary expenses from appropriated
6 funds.

7 The board shall bar the transfer of the inmate to a receiv-
8 ing state when a majority of its members are of the opinion
9 that the transfer does not serve to promote the treatment,
10 rehabilitation, or best interests of the offender. The burden
11 of proof shall lie with the department of social services
12 and all decisions of the hearing board shall be final.

13 EXPLANATION

14 This bill provides that Iowa joins the interstate correc-
15 tions compact. The compact is not self-executing but autho-
16 rizes contracts for the transfer of inmates between states.
17 A hearing procedure is provided if an inmate objects to the
18 transfer.

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