

CHAPTER 15 LAWS OF N. J. 1973
APPROVED 1-31-73

SENATE, No. 763

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1972

By Senators WALLWORK, GIULIANO and HAGEDORN

Referred to Committee on State Government and Federal
and Interstate Relations

AN Act providing that the State of New Jersey may enter into a compact with any of the states of the United States whereby prisoners from compact states may be transferred between such states and confined in facilities outside the state of conviction on a reciprocal basis.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Title. This chapter may be cited as the Interstate Corrections
2 Compact.

1 2. Interstate Corrections Compact. The Interstate Corrections
2 Compact is hereby enacted into law and entered into by this State
3 with any other states legally joining therein in the form substan-
4 tially as follows:

INTERSTATE CORRECTIONS COMPACT

ARTICLE I

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

ARTICLE II

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

3 a. "State" means a state of the United States; the United States
4 of America; a territory or possession of the United States; the Dis-
5 trict of 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 committed,
12 under sentence to or confined in a penal or correctional institution.

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

ARTICLE III

1 a. Each party state may make one or more contracts with any one
2 or more of the other party states, or with the Federal Government,
3 for the confinement of inmates on behalf of a sending state in insti-
4 tutions situated within receiving states. Any such contract shall
5 provide for:

6 (1) Its duration.

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

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

17 (4) Delivery and retaking of inmates.

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

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

ARTICLE IV

1 a. Whenever the duly constituted authorities in a state party to
2 this compact, and which has entered into a contract pursuant to
3 Article III, shall decide that confinement in, or transfer of an in-
4 mate to, an institution within the territory of another party state

5 is necessary or desirable in order to provide adequate quarters and
6 care or an appropriate program of rehabilitation or treatment, said
7 officials may direct that the confinement be within an institution
8 within the territory of said other party state, the receiving state to
9 act in that regard solely as agent for the sending state.

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

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

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

37 e. All inmates who may be confined in an institution pursuant to
38 the provisions of this compact shall be treated in a reasonable and
39 humane manner and shall be treated equally with such similar in-
40 mates of the receiving state as may be confined in the same insti-
41 tution. The fact of confinement in a receiving state shall not de-
42 prive any inmate so confined of any legal rights which said inmate
43 would have had if confined in an appropriate institution of the
44 sending state.

45 f. Any hearing or hearings to which an inmate confined pursuant
46 to this compact may be entitled by the laws of the sending state
47 may be had before the appropriate authorities of the sending state,
48 or of the receiving state if authorized by the sending state. The re-
49 ceiving state shall provide adequate facilities for such hearings as

50 may be conducted by the appropriate officials of a sending state.
51 In the event such hearing or hearings are had before officials of the
52 receiving state, the governing law shall be that of the sending state
53 and a record of the hearing or hearings as prescribed by the sending
54 state shall be made. Said record together with any recommenda-
55 tions of the hearing officials shall be transmitted forthwith to the
56 official or officials before whom the hearing would have been had if
57 it had taken place in the sending state. In any and all proceedings
58 had pursuant to the provisions of this subdivision, the officials of the
59 receiving state shall act solely as agents of the sending state and no
59A final determination shall be made in any matter except by the
59B appropriate officials of the sending state.

60 g. Any inmate confined pursuant to this compact shall be re-
61 leased within the territory of the sending state unless the inmate,
62 and the sending and receiving states, shall agree upon release in
63 some other place. The sending state shall bear the cost of such re-
64 turn to its territory.

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

72 i. The parents, guardian, trustee, or other person or persons en-
73 titled under the laws of the sending state to act for, advise, or other-
74 wise function with respect to any inmate shall not be deprived of
75 or restricted in his exercise of any power in respect of any inmate
76 confined pursuant to the terms of this compact.

ARTICLE V

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

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

ARTICLE VI

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

ARTICLE VII

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

ARTICLE VIII

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

ARTICLE IX

1 Nothing contained in this compact shall be construed to abrogate
 2 or impair any agreement or other arrangement which a party state
 3 may have with a nonparty state for the confinement, rehabilitation

4 or treatment of inmates nor to repeal any other laws of a party
 5 state authorizing the making of cooperative institutional arrange-
 6 ments.

ARTICLE X

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

1 3. Powers. The commissioner of the Department of Institutions
 2 and Agencies is hereby authorized and directed to do all things
 3 necessary or incidental to the carrying out of the compact in every
 4 particular and he may in his discretion delegate this authority to
 5 some other appropriate official.

1 4. This act shall take effect 90 days after enactment and all acts
 2 and parts of acts inconsistent herewith are hereby repealed.

STATEMENT

This bill would authorize New Jersey to join the Interstate Cor-
 rections Compact. This compact permits states signatory thereto to
 transfer prisoners for confinement in sister states' institutions or in
 federal institutions.

The compact arrangement will include these benefits:

1. An opportunity to confine an offender in his home state when that state is other than the one in which he was convicted.
2. Placing offenders in other states where special facilities exist for treating drug users, alcoholics, psychotics, high security risks or the mentally ill.
3. Adjustment of prison populations to avoid overcrowding.
4. More options for temporary assignment of inmates at times of crises.

The National Association of State Correctional Administrators have approved the compact which would take the place of an individual compact in New England involving six states, one in the western part of the county involving 13 states and a third in the

southcentral part of the United States involving two states. It is anticipated that all states will adopt the compact promptly. It has the approval of the State Board of Trustees of Institutions and Agencies. The Division of Correction and Parole estimates no increase in costs to the State of New Jersey if this compact is authorized.

FISCAL NOTE TO
SENATE, No. 763

STATE OF NEW JERSEY

DATED: JUNE 6, 1972

Senate Bill No. 763 would authorize New Jersey to join the Interstate Corrections Compact. This compact permits states signatory thereto to transfer prisoners for confinement in sister states, institutions or in federal institutions.

While there is no data presently available with respect to possible future use of this proposal, the Department of Institutions and Agencies estimates that enactment of this legislation would not increase overall costs to the State. It is anticipated that costs, if any, would be offset by income received from sending states on a reciprocal basis for their prisoners accepted for housing in New Jersey's correctional facilities.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.