

2018 Regular Session

HOUSE BILL NO. 730

BY REPRESENTATIVE TERRY LANDRY

PUBLIC SFTY/CORRECTIONS: Adopts the Interstate Corrections Compact in Louisiana

1 AN ACT

2 To amend and reenact R.S. 15:709(A), (B), (C), and (D) and to enact Part II-A of Chapter
3 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.
4 15:771 through 780, relative to confinement, treatment, and rehabilitation of
5 offenders; to provide for the adoption and ratification of the interstate corrections
6 compact; to provide for legislative intent and the purpose of the compact; to provide
7 for definitions; to authorize the state to enter into contract with other party states for
8 the confinement of inmates; to provide for the requirements of the contract; to
9 provide for the rights of the states and inmates subject to the provisions of the
10 compact; to provide for the duties of the receiving states; to provide relative to the
11 receiving state's review of actions taken by the sending state; to provide for the
12 acceptance of federal aid; to provide for effectiveness; to provide for withdrawal
13 from and termination of the compact; to provide relative to the impact of the
14 compact on other agreements or arrangements made with states that are not a part of
15 the compact; to provide for the powers of the secretary of the Department of Public
16 Safety and Corrections; and to provide for related matters.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. R.S. 15:709(A), (B), (C), and (D) are hereby amended and reenacted and
19 Part II-A of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, comprised of
20 R.S. 15:771 through 780, is hereby enacted to read as follows:

1 §709. Prisoners convicted in other states and housed in Louisiana

2 A. ~~A~~ Except as provided by Part II-A of Chapter 7 of Title 15 of the
3 Louisiana Revised Statutes of 1950, a prisoner convicted and sentenced to
4 incarceration by a court in another state shall not be housed for the commission of
5 that offense in a state correctional facility in Louisiana; however, nothing in this
6 Section shall be construed to limit the prosecution, sentencing, or incarceration of
7 any person for the commission of a criminal offense in the state of Louisiana.

8 B. ~~A~~ Except as provided in R.S. 15:774, a prisoner convicted and sentenced
9 to incarceration by a court in another state who is housed in a local jail or private
10 correctional facility in Louisiana shall not be released in this state. Any prisoner
11 housed in a local jail or private correctional facility shall be returned to an
12 appropriate correctional facility located within the state where he was convicted and
13 sentenced for release in that state.

14 C. ~~A~~ Except as provided by Part II-A of Chapter 7 of Title 15 of the
15 Louisiana Revised Statutes of 1950, a prisoner convicted and sentenced by another
16 state shall not be housed in a local jail or private correctional facility if the prisoner
17 would be classified as maximum custody by the ~~Louisiana~~ Department of Public
18 Safety and Corrections classification procedure.

19 D. ~~The~~ Except as provided by Part II-A of Chapter 7 of Title 15 of the
20 Louisiana Revised Statutes of 1950, the state where the prisoner was convicted and
21 sentenced shall be responsible for the costs associated with returning the prisoner to
22 that state.

23 * * *

24 PART II-A. INTERSTATE CORRECTIONS COMPACT

25 §771. Purpose and policy

26 The party states, desiring by common action to fully utilize and improve their
27 institutional facilities and provide adequate programs for the confinement, treatment,
28 and rehabilitation of various types of offenders, declare that it is the policy of each
29 of the party states to provide such facilities and programs on a basis of cooperation

1 with one another, thereby serving the best interests of such offenders and of society
2 and effecting economies in capital expenditures and operational costs. The purpose
3 of this compact is to provide for the mutual development and execution of such
4 programs of cooperation for the confinement, treatment, and rehabilitation of
5 offenders with the most economical use of human and material resources.

6 §772. Definitions

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

8 (1) "Inmate" means a male or female offender who is committed, under
9 sentence to or confined in a penal or correctional institution.

10 (2) "Institution" means any penal or correctional facility, including but not
11 limited to a facility for persons with a mental illness or intellectual disability, in
12 which inmates as defined in Paragraph (1) of this Section may lawfully be confined.

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

16 (4) "Sending state" means a state party to this compact in which conviction
17 or court commitment was had.

18 (5) "State" means a state of the United States, the United States of America,
19 a territory or possession of the United States, the District of Columbia, and the
20 commonwealth of Puerto Rico.

21 §773. Contracts

22 A. Each party state may make one or more contracts with any one or more
23 of the other party states for the confinement of inmates on behalf of a sending state
24 in institutions situated within receiving states. Any such contract shall provide for
25 the following:

26 (1) The duration of the contract.

27 (2) Payments to be made to the receiving state by the sending state for
28 inmate maintenance, extraordinary medical and dental expenses, and any
29 participation in or receipt by inmates of rehabilitative or correctional services,

1 facilities, programs, or treatment not reasonably included as part of normal
2 maintenance.

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

6 (4) Delivery and retaking of inmates.

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

9 B. The terms and provisions of this compact shall be a part of any contract
10 entered into under the terms of the compact and the provisions of this Part, and
11 nothing in any such contract shall be inconsistent with the compact of the provisions
12 of this Part.

13 §774. Procedures and rights

14 A. Whenever the duly constituted authorities in a state party to this compact,
15 which has entered into a contract pursuant to R.S. 15:773, shall decide that
16 confinement in, or transfer of an inmate to, an institution within the territory of
17 another party state is necessary or desirable in order to provide adequate quarters and
18 care or an appropriate program of rehabilitation or treatment, such official may direct
19 that the confinement be within an institution within the territory of such other party
20 state, the receiving state to act in that regard solely as agent for the sending state.

21 B. The appropriate officials of any state party to this compact shall have
22 access, at all reasonable times, to any institution in which it has a contractual right
23 to confine inmates for the purpose of inspecting the facilities thereof and visiting
24 such of its inmates as may be confined in the institution.

25 C. Inmates confined in an institution pursuant to this compact shall at all
26 times be subject to the jurisdiction of the sending state and may at any time be
27 removed therefrom for transfer to a prison or other institution within the sending
28 state, for transfer to another institution in which the sending state may have a
29 contractual or other right to confine inmates, for release on probation or parole, for

1 discharge, or for any other purpose permitted by the laws of the sending state.
2 However, the sending state shall continue to be obligated to such payments as may
3 be required pursuant to the terms of any contract entered into under the terms of R.S.
4 15:773.

5 D. Each receiving state shall provide regular reports to each sending state on
6 the inmates of that sending state who are in institutions pursuant to this compact
7 including a conduct record of each inmate and shall certify such record to the official
8 designated by the sending state, in order that each inmate may have official review
9 of his record in determining and altering the disposition of the inmate in accordance
10 with the law which may obtain in the sending state and in order that the same may
11 be a source of information for the sending state.

12 E. All inmates who may be confined in an institution pursuant to this
13 compact shall be treated in a reasonable and humane manner and shall be treated
14 equally with such similar inmates of the receiving state as may be confined in the
15 same institution. The fact of confinement in a receiving state shall not deprive any
16 inmate so confined of any legal rights which the inmate would have had if confined
17 in an appropriate institution of the sending state.

18 F. Any hearing or hearings to which an inmate confined pursuant to this
19 compact may be entitled by the laws of the sending state may be had before the
20 appropriate authorities of the sending state, or of the receiving state if authorized by
21 the sending state. The receiving state shall provide adequate facilities for such
22 hearing as may be conducted by the appropriate officials of a sending state. In the
23 event such hearing or hearings are had before officials of the receiving state, the
24 governing law shall be that of the sending state and a record of the hearing or
25 hearings as prescribed by the sending state shall be made. The record together with
26 any recommendations of the hearing officials shall be transmitted forthwith to the
27 official or officials before whom the hearing would have been had if it had taken
28 place in the sending state. In any and all proceedings held pursuant to the provisions
29 of this Paragraph, the officials of the receiving state shall act solely as agents of the

1 sending state and no final determination shall be made in any matter except by the
2 appropriate officials of the sending state.

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

7 H. Any inmate confined pursuant to this compact shall have any rights and
8 all rights to participate in and derive any benefits or incur or be relieved of any
9 obligations or have such obligations modified or his status changed on account of
10 any action or proceeding in which he could have participated if confined in any
11 appropriate institution of the sending state located within such state.

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

16 §775. Receiving state review of sending state acts; extradition

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

28 B. An inmate who escapes from an institution in which he is confined
29 pursuant to this compact shall be deemed a fugitive from the sending state and from

1 the state in which the institution escaped from is situated. In the case of an escape to
2 a jurisdiction other than the sending or receiving state, the responsibility for
3 institution of extradition or rendition proceedings shall be that of the sending state,
4 but nothing contained herein shall be construed to prevent or affect the activities of
5 officers and agencies of any jurisdiction directed toward the apprehension and return
6 of an escapee.

7 §776. Federal aid

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

16 §777. Effectiveness

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

21 §778. Withdrawal and termination

22 This compact shall continue in force and remain binding upon a party state
23 until it enacts a statute repealing the compact and providing for the sending of formal
24 written notice of withdrawal from the compact to the appropriate officials of all other
25 party states. An actual withdrawal shall not take effect until one year after the
26 notices provided in the statute have been sent. Such withdrawal shall not relieve the
27 withdrawing state from its obligations assumed hereunder prior to the effective date
28 of withdrawal. Before the effective date of withdrawal, a withdrawal state shall

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

3 §779. Other arrangements unaffected

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

9 §780. Construction and severability

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

19 B. The secretary of the Department of Public Safety and Corrections is
20 authorized and directed to do all things necessary or incidental to the carrying out of
21 the compact in every particular.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 730 Engrossed

2018 Regular Session

Terry Landry

Abstract: Provides for the adoption of the Interstate Corrections Compact in Louisiana.

Present law provides for the following:

- (1) A prisoner convicted and sentenced to incarceration by a court in another state shall not be housed for the commission of that offense in a state correctional facility in La.

- (2) A prisoner convicted and sentenced to incarceration by a court in another state who is housed in a local jail or private correctional facility in La. shall not be released in this state. Any prisoner housed in a local jail or private correctional facility shall be returned to an appropriate correctional facility located within the state where he was convicted and sentenced for release in that state.
- (3) A prisoner convicted and sentenced by another state shall not be housed in a local jail or private correctional facility if the prisoner would be classified as maximum custody by the Dept. of Public Safety and Corrections classification procedure.
- (4) The state where the prisoner was convicted and sentenced shall be responsible for the costs associated with returning the prisoner to that state.

Proposed law provides for the adoption of the Interstate Corrections Compact which does all of the following:

- (1) Provides that present law shall apply except as otherwise provided by proposed law.
- (2) Provides that the purpose of the compact is to provide for the mutual development and execution of programs amongst participating states for the confinement, treatment, and rehabilitation of offenders with the most economical use of human and material resources.
- (3) Defines the terms inmate, institution, receiving state, sending state, and state for purposes of proposed law.
- (4) Authorizes each party state to make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Further provides for specific requirements for each contract.
- (5) Authorizes duly constituted authorities in a state party to the compact to direct that the confinement of an inmate be within the territory of another party state when such transfer to the other party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment.
- (6) Provides for the rights of appropriate officials of any state party to the compact and the rights of inmates confined in an institution pursuant to the provisions of the compact.
- (7) Requires each receiving state to provide regular reports to each sending state on the inmates of the sending state who are in institutions of the receiving state pursuant to the compact.
- (8) Provides that any inmate confined pursuant to the 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.
- (9) Provides relative to receiving state's review of decisions and actions taken by the sending state.
- (10) Provides relative to the escape of inmates from an institution in which they are confined pursuant to the compact and provide for the institution of extradition or rendition proceedings in this regard.
- (11) Authorizes any state party to the compact to accept federal aid for use in connection with any institution or program, the use of which is or may be affected by the compact or any contract entered into pursuant to the compact.

- (12) Provides that the compact shall become effective when it has been enacted into law and provides that it shall continue in force and remain binding upon a party state until it enacts 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.
- (13) Provides that nothing in the compact shall be construed to abrogate or impair an 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.
- (14) Authorizes and directs the secretary of the Dept. of Public Safety and Corrections to do all things necessary or incidental to the carrying out of the compact.

(Amends R.S. 15:709(A), (B), (C), and (D); Adds R.S. 15:771-780)