

ACT No. 440

2018 Regular Session

HOUSE BILL NO. 730

BY REPRESENTATIVE TERRY LANDRY

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 contract with other party states for the
8 confinement of inmates; to provide for the requirements of the contract; to provide
9 for the rights of the states and inmates subject to the provisions of the compact; to
10 provide for the duties of the receiving states; to provide relative to the receiving
11 state's review of actions taken by the sending state; to provide for the acceptance of
12 federal aid; to provide for effectiveness; to provide for withdrawal from and
13 termination of the compact; to provide relative to the impact of the compact on other
14 agreements or arrangements made with states that are not a part of the compact; to
15 provide for the powers of the secretary of the Department of Public Safety and
16 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:

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

22 A. ~~A~~ Except as provided by Part II-A of Chapter 7 of Title 15 of the
23 Louisiana Revised Statutes of 1950, a prisoner convicted and sentenced to
24 incarceration by a court in another state shall not be housed for the commission of

1 that offense in a state correctional facility in Louisiana; however, nothing in this
2 Section shall be construed to limit the prosecution, sentencing, or incarceration of
3 any person for the commission of a criminal offense in the state of Louisiana.

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

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

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

19 * * *

20 PART II-A. INTERSTATE CORRECTIONS COMPACT

21 §771. Purpose and policy

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

1 §772. Definitions

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

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

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

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

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

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

16 §773. Contracts

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

21 (1) The duration of the contract.

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

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

30 (4) Delivery and retaking of inmates.

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

3 B. The terms and provisions of this compact shall be a part of any contract
4 entered into under the terms of the compact and the provisions of this Part, and
5 nothing in any such contract shall be inconsistent with the compact or the provisions
6 of this Part.

7 §774. Procedures and rights

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

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

19 C. Inmates confined in an institution pursuant to this compact shall at all
20 times be subject to the jurisdiction of the sending state and may at any time be
21 removed therefrom for transfer to a prison or other institution within the sending
22 state, for transfer to another institution in which the sending state may have a
23 contractual or other right to confine inmates, for release on probation or parole, for
24 discharge, or for any other purpose permitted by the laws of the sending state.
25 However, the sending state shall continue to be obligated to such payments as may
26 be required pursuant to the terms of any contract entered into under the terms of R.S.
27 15:773.

28 D. Each receiving state shall provide regular reports to each sending state on
29 the inmates of that sending state who are in institutions pursuant to this compact
30 including a conduct record of each inmate and shall certify such record to the official

1 designated by the sending state, in order that each inmate may have official review
2 of his record in determining and altering the disposition of the inmate in accordance
3 with the law which may obtain in the sending state and in order that the same may
4 be a source of information for the sending state.

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

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

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

29 H. Any inmate confined pursuant to this compact shall have any rights and
30 all rights to participate in and derive any benefits or incur or be relieved of any

1 obligations or have such obligations modified or his status changed on account of
 2 any action or proceeding in which he could have participated if confined in any
 3 appropriate institution of the sending state located within such state.

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

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

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

20 B. An inmate who escapes from an institution in which he is confined
 21 pursuant to this compact shall be deemed a fugitive from the sending state and from
 22 the state in which the institution escaped from is situated. In the case of an escape to
 23 a jurisdiction other than the sending or receiving state, the responsibility for
 24 institution of extradition or rendition proceedings shall be that of the sending state,
 25 but nothing contained in this Section shall be construed to prevent or affect the
 26 activities of officers and agencies of any jurisdiction directed toward the
 27 apprehension and return of an escapee.

28 §776. Federal aid

29 Any state party to this compact may accept federal aid for use in connection
 30 with any institution or program, the use of which is or may be affected by this

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1 compact or any contract pursuant thereto. Any inmate in a receiving state pursuant
2 to this compact may participate in any such federally aided program or activity for
3 which the sending and receiving states have made contractual provision. However,
4 if such program or activity is not part of the customary correctional regimen, the
5 express consent of the appropriate official of the sending state shall be required
6 therefor.

7 §777. Effectiveness

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

12 §778. Withdrawal and termination

13 This compact shall continue in force and remain binding upon a party state
14 until it enacts legislation repealing the compact and providing for the sending of
15 formal written notice of withdrawal from the compact to the appropriate officials of
16 all other party states. An actual withdrawal shall not take effect until one year after
17 the notices provided in the statute have been sent. Such withdrawal shall not relieve
18 the withdrawing state from its obligations assumed hereunder prior to the effective
19 date of withdrawal. Before the effective date of withdrawal, a withdrawal state shall
20 remove to its territory, at its own expense, such inmates as it may have confined
21 pursuant to the provisions of this compact.

22 §779. Other arrangements unaffected

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

28 §780. Construction and severability

29 A. The provisions of this compact shall be liberally construed and shall be
30 severable. If any phrase, clause, sentence, or provision of this compact is declared

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____