

COUNCIL OF THE DISTRICT OF COLUMBIA

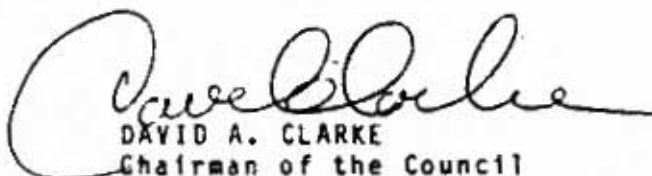
NOTICE

D.C. LAW 7-230

"Authorization to Enter an Interstate
Corrections Compact Temporary Act of 1988".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 7-542 on first and second readings, July 12, 1988, and September 27, 1988, respectively. Following the signature of the Mayor on October 13, 1988, this legislation was assigned Act No. 7-242, published in the October 28, 1988, edition of the D.C. Register, (Vol. 35 page 7736) and transmitted to Congress on January 23, 1989 for a 60-day review, in accordance with Section 602(c)(2) of the Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 7-230, effective May 10, 1989.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 60-day Congressional Review Period:

January	24,25,26,27,30,31
February	1,2,3,6,7,8,9,21,22,23,24,27,28
March	1,2,3,6,7,8,9,10,13,14,15,17,20,21,22,23
April	3,4,5,6,7,10,11,12,13,14,17,18,19,25,26,27,28
May	1,2,3,4,5,8,9

MAY 1 0 1989

CODIFICATION
New Chapter 10
of title 24
(1989 Supp.)

AN ACT

D.C. ACT 7 - 242

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCT 13 1988

To enact, on a temporary basis, legislation to enable the District of Columbia to enter an Interstate Corrections Compact.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Authorization to Enter an Interstate Corrections Compact Temporary Act of 1988".

Sec. 2. The Mayor is authorized to enter into and execute on behalf of the District of Columbia a compact with any state or states legally joining in the compact in the form substantially as follows:

New,
Section 24-1701

INTERSTATE CORRECTIONS COMPACT

The contracting states solemnly agree that:

ARTICLE I.

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 facilities and programs on a basis of cooperation with one another and with the federal government, thereby serving the best interest of offenders and 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 programs of cooperation for the confinement, treatment, and rehabilitation of offenders with the most economical use of human and material resources.

ARTICLE II.

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, or 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.

d. "Inmate" means a male or female offender who is committed or under sentence to or confined in a penal or correctional institution.

e. "Institution" means any penal or correctional facility, including but not limited to a facility for the mentally ill, in which inmates as defined in d above may lawfully be confined.

ARTICLE III.

a. Each party state may make 1 or more contracts with any 1 or more of the other party states or with the federal government for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. The contract shall provide for:

1. Its duration.

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

3. Participation in programs of inmate employment, if any; the disposition or crediting of any payment received by inmates on account of employment and the crediting of proceeds from or disposal of any products resulting from the employment.

4. Delivery and retaking of inmates.

5. Any other matters necessary to fix the obligations, responsibilities, and rights of the sending and receiving states.

b. The terms and provisions of this compact shall be part of any contract entered into by the authority of or pursuant to the compact and nothing in this contract shall be inconsistent with the compact.

ARTICLE IV.

a. Whenever the appropriate officials in a state party to this compact and which has entered into a contract pursuant to Article III, shall decide that confinement in or transfer of an inmate to an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, the appropriate officials may direct that the confinement be within an institution within the territory of the other party state, the receiving state to act in that regard solely as agent for the sending state.

b. The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities and visiting its inmates confined in the institution.

c. Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed from the receiving state for transfer to a prison or other institution within the sending state, for transfer to another institution with which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to payments required pursuant to the terms of any contract entered into under the terms of Article III.

d. Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact including a conduct record of each inmate and certify the record to the appropriate official designated by the sending state, in order that each inmate may have official review of his or her record in determining and altering the disposition of the inmate in accordance with the law which may obtain in the sending state and in order that the record may be a source of information for the sending state.

e. All inmates confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be treated equally with similar inmates of the receiving state confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which the inmate would have had if confined in an appropriate institution of the sending state.

f. Any hearing to which an inmate confined pursuant to this compact may be entitled by the law of the sending state may be conducted before the appropriate officials of the sending state, or of the receiving state if authorized by

the sending state. The receiving state shall provide adequate facilities for the hearings conducted by the appropriate officials of a sending state. In the event the hearing is conducted before appropriate officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing prescribed by the sending state shall be made. The record together with any recommendations of the hearing officials shall be immediately transmitted to the appropriate official before whom the hearing would have been conducted if it had taken place in the sending state. In all proceedings conducted pursuant to the provisions of this subsection, the appropriate officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state.

g. Any inmate confined pursuant to this 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. The sending state shall bear the cost of the return to its territory.

h. Any inmate confined pursuant to the terms of this compact shall have all rights to participate in and derive any benefits or incur or be relieved of any obligations or have obligations modified or a change in status on account of any action or proceeding in which he or she could have participated if confined in any appropriate institution of the sending state located within the sending state.

i. The parents, guardian, trustee, or other person entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in the exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

ARTICLE V.

a. Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within the receiving state any criminal charge or if the inmate is formally accused of having committed within the receiving state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharge from prosecution or other form of proceeding, imprisonment, or detention for the offense. The appropriate officials of the sending state shall be permitted to transport inmates

pursuant to this compact through all states party to this compact without interference.

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

ARTICLE VI.

Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any compact pursuant to this act and any inmate in a receiving state pursuant to this compact may participate in any federally-aided program or activity for which the sending and receiving states have made contractual provision, provided that if the program or activity is not part of the customary correctional regimen, the express consent of the appropriate official of the sending state shall be required for participation in the federally-aided program.

ARTICLE VII.

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

ARTICLE VIII.

This compact shall continue in effect and remain binding upon a party state until the party state enacts a statute repealing the compact and providing for the sending of formal written notice of withdrawal from the compact to the appropriate official of all other party states. An actual withdrawal shall not take effect until 1 year after the notice provided in the statute has been sent. The withdrawal shall not relieve the withdrawing state from its obligations assumed under the compact prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, all inmates of the

withdrawing state confined pursuant to the provisions of this compact.

ARTICLE IX.

Nothing contained in this compact shall be construed to abrogate or impair any 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.

ARTICLE X.

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability of the compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability of the compact to any government, agency, person, or circumstance shall not be affected by the compact. If this compact shall be held contrary to the constitution of any state participating in the compact, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

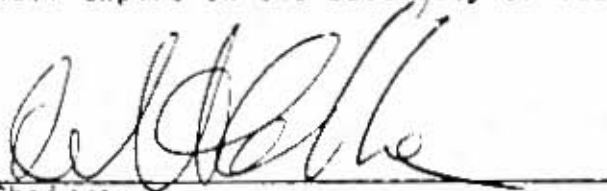
Sec. 3. The Mayor shall do all things necessary and incidental to the execution of the compact.

New, Section
24-1002

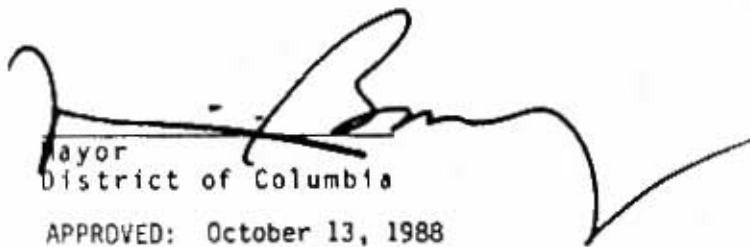
Sec. 4. (a) This act shall take effect after a 60-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(2) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(2)), and publication in the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

(b) This act shall expire on the 225th day of its having taken effect.

Note,
Sections 24-1001
& -1002



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: October 13, 1988



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Seven

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO B7-542

X Item on Consent Calendar

X ACTION & DATE Adopted First Reading, 7-12-88

X VOICE VOTE Approved

Recorded vote on request

Absent:

Thomas and Winter

ROLL CALL VOTE -- RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN CLARKE					NATHANSON					THOMAS SR				
CRAWFORD					RAY					WILSON				
ARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X -- Indicates Vote A.B. -- Absent N.V. -- Present, not voting

CERTIFICATION RECORD

Raymond Smith
Secretary to the Council

10-4-88
Date

X Item on Consent Calendar

X ACTION & DATE Adopted Final Reading, 9-27-88

X VOICE VOTE Approved

Recorded vote on request

Absent:

all present

ROLL CALL VOTE -- RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN CLARKE					NATHANSON					THOMAS, SR				
CRAWFORD					RAY					WILSON				
ARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X -- Indicates Vote A.B. -- Absent N.V. -- Present, not voting

CERTIFICATION RECORD

Raymond Smith
Secretary to the Council

10-4-88
Date

Item on Consent Calendar

ACTION & DATE

VOICE VOTE

Recorded vote on request

Absent:

ROLL CALL VOTE -- RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN CLARKE					NATHANSON					THOMAS, SR				
CRAWFORD					RAY					WILSON				
ARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X -- Indicates Vote A.B. -- Absent N.V. -- Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date

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