

HOUSE BILL 1208

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Belcher, Hargrove, Jones, Beck, Winsley, Nealey, R. King and Haugen; by request of Department of Corrections.

Read first time January 23, 1991. Referred to Committee on Human Services.

1 AN ACT Relating to authorizing a compact with adjacent states
2 concerning jurisdiction over inmates while outside the state of
3 conviction; and adding a new section to chapter 72.64 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 72.64 RCW
6 to read as follows:

7 The Interstate Forest Fire Suppression Compact as set forth in this
8 section is hereby enacted into law and entered into on behalf of this
9 state with any and all other states legally joining therein in a form
10 substantially as follows:

11 INTERSTATE FOREST FIRE SUPPRESSION COMPACT

12 ARTICLE I--Purpose

ARTICLE III--Contracts

Each party state may make one or more contracts with any one or more of the other party states for the assistance of one or more fire suppression units in forest fire suppression efforts. Any such contract shall provide for matters as may be necessary and appropriate to fix the obligations, responsibilities, and rights of the sending and receiving state.

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

ARTICLE IV--Procedures and Rights

(a) Each party state shall appoint a liaison for the coordination and deployment of the fire suppression units of each party state.

(b) Whenever the duly constituted judicial or administrative authorities in a state party to this compact that has entered into a contract pursuant to this compact decides that the assistance of a fire suppression unit of a party state is required for forest fire suppression efforts, such authorities may request the assistance of one or more fire suppression units of any state party to this compact through an appointed liaison.

(c) Inmates who are members of a fire suppression unit shall at all times be subject to the jurisdiction of the sending state, and at all times shall be under the ultimate custody of corrections officers duly accredited by the sending state.

(d) The receiving state shall make adequate arrangements for the confinement of inmates who are members of a fire suppression unit of a

1 sending state in the event corrections officers duly accredited by the
2 sending state make a discretionary determination that an inmate
3 requires institutional confinement.

4 (e) Cooperative efforts shall be made by corrections officers and
5 personnel of the receiving state located at a fire camp with the
6 corrections officers and other personnel of the sending state in the
7 establishment and maintenance of fire suppression unit base camps.

8 (f) All inmates who are members of a fire suppression unit of a
9 sending state shall be cared for and treated equally with such similar
10 inmates of the receiving state.

11 (g) Further, in emergent situations a sending state shall be
12 granted authority and all the protections of this compact to cross
13 state lines with an inmate when, due to weather or road conditions, it
14 is necessary to facilitate the transport of an inmate.

15 ARTICLE V--Acts Not Reviewable In Receiving State; Extradition

16 (a) If while located within the territory of a receiving state
17 there occurs against the inmate within such state any criminal charge
18 or if the inmate is suspected of committing within such state a
19 criminal offense, the inmate shall not be returned without the consent
20 of the receiving state until discharged from prosecution or other form
21 of proceeding, imprisonment, or detention for such offense. The duly
22 accredited officers of the sending state shall be permitted to
23 transport inmates pursuant to this compact through any and all states
24 party to this compact without interference.

25 (b) An inmate member of a fire suppression unit of the sending
26 state who is deemed to have escaped by a duly accredited corrections
27 officer of a sending state shall be under the jurisdiction of both the
28 sending state and the receiving state. Nothing contained in this

1 compact shall be construed to prevent or affect the activities of
2 officers and guards of any jurisdiction directed toward the
3 apprehension and return of an escapee.

4 ARTICLE VI--Entry into Force

5 This compact shall enter into force and become effective and
6 binding upon the states so acting when it has been enacted into law by
7 any two states from among the states of Idaho, Oregon, and Washington.

8 ARTICLE VII--Withdrawal and Termination

9 This compact shall continue in force and remain binding upon a
10 party state until it has enacted a statute repealing the same and
11 providing for the sending of formal written notice of withdrawal from
12 the compact to the appropriate officials of all other party states.

13 ARTICLE VIII--Other Arrangements Unaffected

14 Nothing contained in this compact may be construed to abrogate or
15 impair any agreement that a party state may have with a nonparty state
16 for the confinement, rehabilitation, or treatment of inmates nor to
17 repeal any other laws of a party state authorizing the making of
18 cooperative institutional arrangements.

19 ARTICLE IX--Construction and Severability

20 The provisions of this compact shall be liberally construed and
21 shall be severable. If any phrase, clause, sentence, or provision of
22 this compact is declared to be contrary to the constitution of any

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