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SENATE BILL NO. 818

Offered January 9, 2013

Prefiled December 27, 2012

A BILL to amend the Code of Virginia by adding in Article 8 of Chapter 3 of Title 53.1 a section numbered 53.1-133.10, relating to compact for the control of prisoners receiving medical, dental, and psychiatric care outside of Virginia.

Patron—Puckett

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 8 of Chapter 3 of Title 53.1 a section numbered 53.1-133.10 as follows:

§ 53.1-133.10. Governor to execute; form of compact.

The Governor is authorized and requested to execute, on behalf of the Commonwealth, with any other state or states legally joining therein a compact that shall be in form substantially as follows:

The compacting states solemnly agree that:

ARTICLE I.

The party states, desiring by common action to efficiently utilize and provide available medical, dental, and psychiatric care for prisoners of local correctional facilities, declare that it is the policy of each of the party states to cooperate with one another to serve the best interests of the prisoners and of the state and local governments in the convenient and economical provision of these services. The purpose of this compact is to provide for the mutual recognition of the control and authority over prisoners during transport to and from medical, dental, and psychiatric facilities across state boundaries.

ARTICLE II.

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

1. "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.

2. "Sending state" means a state party to this compact in which a prisoner in need of medical, dental, or psychiatric services is incarcerated.

3. "Receiving state" means a state party to this compact in which is located a medical, dental, or psychiatric facility.

4. "Prisoner" means a male or female offender who is committed under sentence to or confined in a local correctional facility.

5. "Local correctional facility" means any penal or correctional facility or any jail, regional jail, jail farm, or other place used for the detention or incarceration of adult offenders that is owned, maintained, or operated by any political subdivision or combination of subdivisions of a state or a local government of a state.

ARTICLE III.

Each party state agrees to extend all necessary authority to law-enforcement or corrections officers from a sending state while such officers have in their custody a prisoner for the purpose of escorting the prisoner to and from a medical, dental, or psychiatric facility located in the receiving state.

ARTICLE IV.

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

ARTICLE V.

This compact shall continue in force and remain binding upon a party state until the party state has enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate official of all other party states. No actual withdrawal shall take effect until one year after the notice provided in said statute has been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder 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, such inmates as it may have confined pursuant to the provisions of this compact.

ARTICLE VI.

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

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59 *participating state or of the United States or the applicability thereof to any government, agency,*
60 *person, or circumstance is held invalid, the validity of the remainder of this compact and the*
61 *applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If*
62 *this compact is held contrary to the constitution of any state participating therein, the compact shall*
63 *remain in full force and effect as to the remaining states and in full force and effect as to the state*
64 *affected as to all severable matters.*