

77-34-6 Jurisdiction and duties of authorized persons of sending and receiving states.

- (1) As provided for by the laws, rules, and regulations of the sending state, the furlougee will at all times be subject to the jurisdiction of the appropriate officials and authorized persons of the sending state who shall retain the powers over the furlougee that they would normally exercise over the inmate were he on intrastate furlough.
- (2) The authorized person of a sending state may at all times enter a receiving state and there apprehend and retake any person on furlough. For that purpose no formalities will be required other than establishing the authority of that person and the identity of the furlougee to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of the states party hereto as to such persons. The decision of the sending state to retake a person on furlough shall be conclusive upon and not reviewable within the receiving state; provided, however, that if at the time when a state seeks to retake a furlougee there should be pending against him within the receiving state any criminal charge or should he be suspected of having committed within that state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for the offense.
- (3) The authorized person of the sending state or the receiving state acting as agent for the sending state will be permitted to transport inmates being retaken through any or all states party to this compact without interference.
- (4) The governor of each state may designate an officer who, acting jointly with like officers of other party states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.
- (5) Appropriate officials and authorized persons of the receiving state shall act solely as agents of the sending state with respect to jurisdiction over and liability for the furlougees. The jurisdiction and liability of the sending and receiving states may be subject to further contractual specifications by the sending and receiving states as may be deemed necessary.
- (6) The receiving state shall, upon a furlough violation of which it has knowledge, promptly notify the sending state. The notification should specify the nature of the violation and, if a crime has been committed, shall, whenever possible, give the official and furlougee's version of the act. If the grant of furlough is terminated due to the violation, the right and responsibility to retake the furlougee shall be that of the sending state but nothing contained herein shall prevent the receiving state from assisting the sending state toward retaking and returning the furlougee except in instances where the receiving state shall subject the furlougee to confinement for a crime allegedly committed during the furlough within its boundaries. All costs in connection therewith shall be chargeable to the sending state unless costs arise from an escape from confinement in the receiving state.
- (7) In the case of an escape to a jurisdiction other than the sending or receiving state, the right and responsibility to retake the escapee shall be that of the sending state, but nothing contained herein 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, except in instances where the receiving state shall subject the furlougee to confinement for a crime allegedly committed during furlough within its boundaries.
- (8) The receiving state shall make all necessary arrangements to secure overnight lodging in a state, county, or municipal facility for escorted furlougees or, in exceptional circumstances, for unescorted furlougees when they would not have the availability of overnight lodging.

Enacted by Chapter 15, 1980 General Session