

## **Chapter 34**

### **Uniform Interstate Furlough Compact**

#### **77-34-1 Citation -- Utah Interstate Furlough Compact.**

This chapter may be cited as the "Utah Interstate Furlough Compact."

Enacted by Chapter 15, 1980 General Session

#### **77-34-2 Definitions.**

As used in this compact:

- (1) "State" means a state in the United States, the United States of America, a territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;
- (2) "Sending state" means a state which is party to this compact in which conviction or commitment was had except if confinement be in another state, pursuant to the Interstate Corrections Compact, in which event the sending state shall be determined by contract between the parties of the Interstate Corrections Compact agreement;
- (3) "Receiving state" means a state which is party to this compact to which an inmate is sent for furlough;
- (4) "Institution" means a penal or correctional facility, including all those facilities normally used by adult correctional agencies for the care and custody of inmates whether or not such facilities are owned or operated by the agencies;
- (5) "Relative" means spouse, child (including stepchild, adopted child, or foster child), parents (including stepparents, adoptive parents, or foster parents), brothers, sisters, and grandparents;
- (6) "Interstate furlough" means any out-of-state leave of an inmate for a designated period in accordance with the requirements established by the appropriate officials of the sending state;
- (7) "Appropriate official" means a person designated by the sending state to grant furloughs or by the receiving state to accept or reject furloughs pursuant to this compact;
- (8) "Authorized person" means a person designated by law or appointment for purposes of escorting, transferring, or retaining a furloughed inmate;
- (9) "Medical emergency" means any illness, injury, incapacity, or condition, physical or mental, of such a nature and gravity that timely and immediate treatment of and attention to the illness is required to prevent permanent injury, substantial harm, or death, and which cannot be adequately treated or attended to, in a timely manner, by the sending state;
- (10) "Escorted interstate furlough" means the transference of an inmate in emergency situations, who does not meet the furlough requirements of the sending state to a state which is party to the compact under escort or guard of an authorized person of the sending state;
- (11) "Escapee" means an inmate who is on interstate furlough, pursuant to this compact, and fails to return at the prescribed time to the sending state or becomes a known absconder during the period of his furlough; and
- (12) "Violator" means an inmate who is on interstate furlough in the receiving state, pursuant to this compact, and fails to abide by the conditions of the furlough as established by the sending state.

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**77-34-3 Reasons for granting furlough pursuant to compact -- Period of furlough -- Escorted furloughs -- Waiver of extradition -- Termination of furlough -- Laws and regulations applicable to inmates.**

- (1) A furlough pursuant to this compact may be granted to an inmate for the following reasons:
  - (a) To visit a critically ill relative;
  - (b) To attend a funeral of a relative;
  - (c) To obtain medical services of both a physiological and psychiatric nature;
  - (d) To contact prospective employers;
  - (e) To secure a suitable residence for use upon discharge or upon parole; if in the latter event, the inmate qualifies for the Interstate Parole and Probation Compact;
  - (f) For any other reason which, in the opinion of the appropriate official of the sending state, is consistent with the rehabilitation of the inmate.
- (2) A furlough among states which are party to the compact shall be granted for a period not to exceed 15 days, including travel time; however, for emergency or other exigent circumstances and at the written request of the furlougee, an extension may be granted by the appropriate official of the sending state upon the consent of the receiving state.
- (3) For those inmates ineligible for an unescorted furlough, the sending state, in emergency situations, as defined below, may furlough those inmates under escort to a state which is party to this compact. All inmates on escorted furlough shall be under the guard and jurisdiction of an authorized person from the sending state and shall be under the continuous supervision of that person as consistent with Section 77-34-6.
  - (a) An emergency situation shall apply only to visit a critically ill relative, to attend a funeral of a relative, or if a medical emergency exists. In all such instances, the sending state shall first verify the legitimacy of the request and if verified shall request the receiving state to approve or reject the proposed furlough.
  - (b) Escorted furloughs granted for these reasons shall not exceed four days including travel time; however for emergency or other exigent circumstances and at the written request of the inmate, an extension may be granted by the appropriate official of the sending state upon the verification and consent of the appropriate official of the receiving state.
- (4) Prior to the authorization for an inmate to go beyond the limits of the state, the appropriate official shall obtain a written waiver of extradition from the inmate waiving his right to be extradited from any state to which he is furloughed or from any state where he was apprehended.
- (5) The grant of a stipulated period of furlough may be terminated by either the sending or receiving state upon written showing of cause. In some instances, the furloughed inmate shall be given reasonable opportunity to obtain the information, including written statements of witnesses and other documentation, which may be of assistance to him in subsequent disciplinary hearings by the sending state for those events or violations that caused termination of his furlough. Reasonable costs of gathering of the information shall be chargeable to the furlougee or to the sending state in the event of the furloughed inmate's inability to pay.
- (6) Inmates from the sending state, who are on interstate furlough in the receiving state, shall be subject to all the provisions of laws and regulations applicable to those on interstate furlough status within the receiving state, not inconsistent with the sentence imposed.

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**77-34-4 Duties of officials in nonemergency and emergency cases.**

- (1) In nonemergency situations, the appropriate official of the sending state shall notify the appropriate official of the receiving state in writing 30 days prior to the granting of the furlough, requesting the receiving state to investigate the circumstances of the proposed furlough plan. In these circumstances, the receiving state shall respond in writing within 10 days prior to the proposed furlough either accepting the inmate or stating the reasons for the rejection.
- (2) In emergency circumstances, as defined in Subsection 77-34-3(3)(a), the appropriate official of the sending state shall, prior to granting such furlough:
  - (a) verify the legitimacy of the request; and
  - (b) upon verification, immediately notify and secure the consent of the receiving state.

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**77-34-5 Contracts supplemental to compact authorized.**

The appropriate official of a party state may supplement but in no way abrogate the provisions of this compact through one or more contracts with any other party state for the furlough of inmates. The contracts may provide for:

- (1) Duration;
- (2) Terms and conditions of the furlough;
- (3) Report of violations and escapes by furloughees;
- (4) Costs, if any, to be incurred;
- (5) Delivery and retaining of furloughees; and
- (6) Other matters as may be necessary and appropriate to fix the jurisdictions, obligations, responsibilities, liabilities, and rights of the sending and receiving states.

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**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 furloughee 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 furloughee 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 furloughee 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 furloughee 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 furloughees. 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 furloughee's version of the act. If the grant of furlough is terminated due to the violation, the right and responsibility to retake the furloughee 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 furloughee except in instances where the receiving state shall subject the furloughee 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 furloughee 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 furloughees or, in exceptional circumstances, for unescorted furloughees when they would not have the availability of overnight lodging.

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**77-34-7 Costs and expenses.**

- (1) Costs arising out of a grant of a furlough for transportation, lodgings, meals, and other related expenses shall be the sole responsibility of the furloughee; however, in the event that the furloughee is financially unable to pay for these expenses, such costs may be assumed by the sending state.
- (2) Extraordinary costs, other than those specified in Subsection (1) arising from the grant of furlough among party states shall be the sole responsibility of the sending state. Such costs will generally be confined to emergency medical and special confinement and transportation needs.

Enacted by Chapter 15, 1980 General Session

**77-34-8 Effect of execution of compact between states -- Renunciation of compact.**

The contracting states solemnly agree:

- (1) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state; and
- (2) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to furloughees residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed

it, by sending a six-month notice in writing of its intention to withdraw from the compact to the other states party hereto.

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