

ARTICLE X

Construction and Severability

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 thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, 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. **[241.30] Powers with relation to compact.** The commissioner of corrections or his designee is hereby authorized and directed to do all things necessary or incidental to the carrying out of the compact in every particular.

Sec. 4. This act shall take effect upon enactment into law, and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved May 23, 1969.

CHAPTER 596—S. F. No. 1746

An act relating to the Interstate Compact for the supervision of parolees and probationers; providing for out-of-state incarceration of parole or probation violators; amending Minnesota Statutes 1967, Section 243.16.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 243.16, is amended to read:

243.16 Interstate compact for supervision of parolees and probationers. **[Subdivision 1.]** The governor is hereby authorized and empowered to enter into compacts and agreements with other states, through their duly constituted authorities, in reference to reciprocal supervision of persons on parole or probation and for the reciprocal return of such persons to the contracting states for viola-

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

tion of the terms of their parole or probation, and for the purpose of carrying out the provisions of this section the chairman of the state adult corrections commission is designated the official administrator of the interstate compact for the state of Minnesota. [Subd. 2.] *Such compact and agreement shall be in the form substantially as follows:*

**INTERSTATE COMPACT FOR THE SUPERVISION OF
PAROLEES AND PROBATIONERS**

A COMPACT

Entered into by and among the contracting states signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."

The contracting states solemnly agree:

(1) *That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state"), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state"), while on probation or parole, if*

(a) *Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;*

(b) *Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.*

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

(2) *That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending*

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state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

(3) *That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole 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 probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.*

(4) *That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.*

(5) *That the governor of each state may designate an officer who, acting jointly with like officers of other contracting 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.*

(6) *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.*

(7) *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 parolees or probationers 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 six months' notice in writing of its intention to withdraw from the compact to the other state party hereto.*

Sec. 2. [243.16] [Subd. 3.] *If any section, sentence, subdivision or clause of this act is for any reason held invalid or to be*

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unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Sec. 3. [243.16] [Subd. 4.] Incarceration in compact institution; hearing; costs. *(a) Whenever the duly constituted judicial and administrative authorities in a sending state shall determine that incarceration of a probationer or reincarceration of a parolee is necessary or desirable, said officials may direct that the incarceration or reincarceration be in a prison or other correctional institution within the territory of the receiving state, such receiving state to act in that regard solely as agent for the sending state.*

(b) As used in this amendment, the term "receiving state" shall be construed to mean any state, other than the sending state, in which a parolee or probationer may be found, provided that said state is a party to this amendment.

(c) Every state which adopts this amendment shall designate at least one of its correctional institutions as a "Compact Institution" and shall incarcerate persons therein as provided in Section 1 hereof unless the sending and receiving state in question shall make specific contractual arrangements to the contrary. All states party to this amendment shall have access to "Compact Institutions" at all reasonable hours for the purpose of inspecting the facilities thereof and for the purpose of visiting such of said state's prisoners as may be confined in the institution.

(d) Persons confined in "Compact Institutions" 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 said "Compact Institution" for transfer to a prison or other correctional institution within the sending state, for return to probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state.

(e) All persons who may be confined in a "Compact Institution" pursuant to the provisions of this amendment shall be treated in a reasonable and humane manner. The fact of incarceration or reincarceration in a receiving state shall not deprive any person so incarcerated or reincarcerated of any rights which said person would have had if incarcerated or reincarcerated in an appropriate institution of the sending state; nor shall any agreement to submit to incarceration or reincarceration pursuant to the terms of this amendment be construed as a waiver of any rights which the prisoner would have had if he had been incarcerated or reincarcerated in any appropriate institution of the sending state, except that the hearing or hearings, if any, to which a parolee or probationer may be entitled (prior to incarceration

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tion or reincarceration) by the laws of the sending state may be had before the appropriate judicial or administrative officers of the receiving state. In this event, said judicial and administrative officers shall act as agents of the sending state after consultation with appropriate officers of the sending state.

(f) Any receiving state incurring costs or other expenses under this amendment shall be reimbursed in the amount of such costs or other expenses by the sending state unless the states concerned shall specifically otherwise agree. Any two or more states party to this amendment may enter into supplementary agreements determining a different allocation of costs as among themselves.

(g) This amendment shall take effect when ratified by any two or more states party to the compact and shall be effective as to those states which have specifically ratified this amendment. Rules and regulations necessary to effectuate the terms of this amendment may be promulgated by the appropriate officers of those states which have ratified this amendment.

Sec. 4. [243.16] [Subd. 5.] Copies of this act shall, upon its approval, be transmitted to the governor of each member state, the attorney general and the administrator of general services of the United States, and The Council of State Governments.

Approved May 23, 1969.

CHAPTER 597—S. F. No. 1747

[Not Coded]

An act relating to the village of Mendota; fee for issuance of "off sale" intoxicating liquor licenses.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Mendota, village of; liquor license.** Notwithstanding the limitation on fees contained in Minnesota Statutes, Section 340.11, Subdivision 14, the annual fee for an "off sale" license for the sale of intoxicating liquor in the village of Mendota shall be in such amount, not exceeding the sum of \$1,200, as shall be fixed by the village council.

Sec. 2. This act shall be effective upon approval by the village

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