INTERSTATE COMPACT; PROBATION, PAROLE, PREVENTION OF CRIME, AND ENFORCEMENT OF PENAL LAWS
Act 89 of 1935

AN ACT providing that the state of Michigan may enter into a compact or compacts with any of the United States for mutual helpfulness in relation to persons convicted of crime or offenses or who are or may be at large on probation or parole, and providing that the state may enter into a compact or compacts with any of the United States that will provide for cooperative effort and mutual assistance amongst them in the prevention of crime and in the enforcement of their respective penal laws and policies and to establish such agencies, joint or otherwise, as said states may deem desirable for making effective such agreements and compacts.

History: 1935, Act 89, Imd. Eff. May 27, 1935.

The People of the State of Michigan enact:

798.101 Interstate compact; probation and parole.

Sec. 1. The governor of this state is hereby authorized and directed to enter into a compact on behalf of the state of Michigan with any of the United States legally joining therein in the form substantially as follows:

A COMPACT

Entered into by and among the contracting states, signatories hereto, with the consent of Congress of the United States of America, granted by an act entitled "An act granting the consent of Congress to any 2 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's 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 1 year prior to his coming to the sending state and has not resided within the sending state for more than 6 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 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 or fugitives from justice are hereby expressly waived. 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 ratification by any state as between it and any other state or states so ratifying. When ratified, it shall have the full force and effect of law within such state; the form of ratification to be in accordance with the laws of the ratifying state.

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(7) That this compact shall continue in force and remain binding upon each ratifying 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 ratified it, by sending 6 months' notice in writing of its intention to withdraw from the compact.

History: 1935, Act 89, Imd. Eff. May 27, 1935;—CL 1948, 798.101.

Administrative rules: R 791.1101 et seq. of the Michigan Administrative Code.

798.102 Interstate compact; declaration of necessity.

Sec. 2. Whereas an emergency exists for the immediate taking effect of this act, the same shall become effective immediately upon its passage and, when the governor of this state shall sign and seal this compact or any compact with any other state, pursuant to the provisions of this act. Such compact or compacts as between the state of Michigan and such other state so signing shall have the force and effect of law immediately upon the enactment by such other state of a law giving it similar effect.

History: 1935, Act 89, Imd. Eff. May 27, 1935;—CL 1948, 798.102.

798.103 Interstate compact; prevention of crime.

Sec. 3. The governor of the state of Michigan is further authorized and empowered to enter into any other agreements or compacts with any of the United States not inconsistent with the laws of this state or of the United States, or the other agreeing states, for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of the penal laws and policies of the contracting states and to establish agencies, joint or otherwise, as may be deemed desirable for making effective such agreements and compacts. The intent and purpose of this act is to grant to the governor of the state of Michigan administrative power and authority if and when conditions of crime make it necessary to bind the state in a cooperative effort to reduce crime and to make the enforcement of the criminal laws of agreeing states more effective, all pursuant to the consent of the Congress of the United States heretofore granted.

History: 1935, Act 89, Imd. Eff. May 27, 1935;—CL 1948, 798.103.

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