

TITLE 38  
FORESTRY, FOREST PRODUCTS AND STUMPAGE DISTRICTS

CHAPTER 16  
INTERSTATE FOREST FIRE SUPPRESSION COMPACT

38-1601. INTERSTATE INMATE FIREFIGHTER COMPACT. The "Interstate Inmate Firefighter Compact" is hereby enacted into law and entered into by this state with any other states legally joining therein in the form substantially as follows:

INTERSTATE FOREST FIRE SUPPRESSION COMPACT

ARTICLE I--Purpose and Policy

The purpose of this compact is to provide for the development and execution of programs to facilitate the use of offenders in the forest fire suppression efforts of the party states for the ultimate protection of life, property and natural resources in the party states. The purpose of this compact is also, in emergent situations, to allow a sending state to cross state lines with an inmate when, due to weather or road conditions, it is necessary to cross state lines to facilitate the transport of an inmate.

ARTICLE II--Definitions

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

(1) "Fire suppression unit" means a group of inmates selected by the sending states, corrections personnel, and any other persons deemed necessary for the transportation, supervision, care, security and discipline of inmates to be used in forest fire suppression efforts in the receiving state.

(2) "Forest fire" means any fire burning in any land designated by a party state or federal land management agencies as forest land.

(3) "Inmate" means a male or female offender who is under sentence to or confined in a prison or other correctional institution.

(4) "Institution" means any prison, reformatory, honor camp, or other correctional facility, except facilities for people with mental illness or intellectual disabilities, in which inmates may lawfully be confined.

(5) "Receiving state" means a state party to this compact to which a fire suppression unit is traveling.

(6) "Sending state" means a state party to this compact from which a fire suppression unit is traveling.

ARTICLE III--Contracts

(1) Each party state may make one or more contracts with any one or more of the other party states for the assistance of one or more fire suppression units in forest fire suppression efforts. Any such contract shall provide, for matters as may be necessary and appropriate, to fix the obligations, responsibilities and rights of the sending and receiving state.

(2) The terms and provisions of this compact shall be part of any contract entered into by the authority of, or pursuant to, this compact. Nothing in any such contract may be inconsistent with this compact.

## ARTICLE IV--Procedures and Rights

(1) Each party state shall appoint a liaison for the coordination and deployment of the fire suppression units of each party state.

(2) Whenever the duly constituted judicial or administrative authorities in a state party to this compact, that has entered into a contract pursuant to this compact, decides that the assistance of a fire suppression unit of a party state is required for forest fire suppression efforts, such authorities may request the assistance of one or more fire suppression units of any state party to this compact through an appointed liaison.

(3) Inmates who are members of a fire suppression unit shall at all times be subject to the jurisdiction of the sending state, and at all times shall be under the ultimate custody of corrections officers duly accredited by the sending state.

(4) The receiving state shall make adequate arrangements for the confinement of inmates who are members of a fire suppression unit of a sending state in the event corrections officers duly accredited by the sending state make a discretionary determination that an inmate requires institutional confinement.

(5) Cooperative efforts shall be made by corrections officers and personnel of the receiving state, located at a fire camp, with the corrections officers and other personnel of the sending state in the establishment and maintenance of fire suppression unit base camps.

(6) All inmates who are members of a fire suppression unit of a sending state shall be cared for and treated equally with such similar inmates of the receiving state, as may be members of a fire suppression unit of the receiving state.

(7) Further, in emergent situations, a sending state shall be granted authority and all the protections of any compact under this chapter to cross state lines with an inmate when, due to weather or road conditions, it is necessary to facilitate the transport of an inmate.

## ARTICLE V--Acts Not Reviewable in Receiving State; Extradition

(1) If, while located within the territory of a receiving state, there occurs against the inmate within such state any criminal charge or if the inmate is suspected of committing, within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

(2) An inmate member of a fire suppression unit of the sending state who is deemed to have escaped by a duly accredited corrections officer of a sending state shall be under the jurisdiction of both the sending state and the receiving state. Nothing contained in any compact shall be construed to prevent or affect the activities of officers and guards of any jurisdiction directed toward the apprehension and return of an escapee.

## ARTICLE VI--Entry into Force

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by Idaho and any other state.

#### ARTICLE VII--Withdrawal and Termination

This compact shall continue in force and remain binding upon a party state until it has enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states.

#### ARTICLE VIII--Other Arrangements Unaffected

Nothing contained in this compact may be construed to abrogate or impair any agreement or other agreement that a party state may have with a nonparty state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

#### ARTICLE IX--Construction and Severability

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of such 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.

[38-1601, added 1993, ch. 80, sec. 1, p. 208; am. 2010, ch. 235, sec. 21, p. 558.]