

**HOUSE BILL NO. 296**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 1/25/12

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to service of process on prisoners; relating to the crime of escape;  
2 relating to the definition of 'correctional facility'; amending Rule 4, Alaska Rules of  
3 Civil Procedure; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 09.05.050 is amended by adding a new subsection to read:

6 (c) In this section, "correctional facility" has the meaning given in  
7 AS 33.30.901.

8 \* **Sec. 2.** AS 11.56.310(a) is amended to read:

9 (a) One commits the crime of escape in the second degree if, without lawful  
10 authority, one

11 (1) removes oneself from

12 (A) a secure correctional facility while under official detention  
13 for a misdemeanor;

14 (B) official detention for a felony or for extradition; or

(C) official detention and, during the escape or at any time before being restored to official detention, one possesses on or about oneself a firearm;

(2) violates AS 11.56.335 or 11.56.340 and, during the time of the unlawful evasion or at any time before being restored to official detention, one possesses on or about oneself a firearm; or

(3) removes, tampers with, or disables the electronic monitoring equipment, or leaves one's residence or other place designated by the commissioner of corrections for the service by electronic monitoring of official detention for a felony.

\* **Sec. 3.** AS 11.56.310 is amended by adding a new subsection to read:

(c) In this section, "secure correctional facility" means a correctional facility that

(1) uses construction fixtures or other restraints designed to restrict physically the physical movements and activities of persons under official detention; or

(2) employs correctional officers or other facility staff charged with preventing persons under official detention from departing the facility without lawful authorization.

\* **Sec. 4.** AS 11.81.900(b)(9) is amended to read:

(9) "correctional facility" means a prison, jail, camp, farm, halfway house, group home, holding facility, or other placement [PREMISES, OR A PORTION OF PREMISES,] used for housing [THE CONFINEMENT OF] persons under official detention;

\* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

INDIRECT COURT RULE CHANGE. AS 09.05.050, including the amendment made by sec. 1 of this Act, has the effect of amending Rule 4, Alaska Rules of Civil Procedure, relating to service of process on prisoners committed to the custody of the commissioner of corrections.

\* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

1           APPLICABILITY. The changes made to the crime of escape in the second degree  
2   under AS 11.56.310(a), as amended by sec. 2 of this Act, the definition of "secure correctional  
3   facility" in AS 11.56.310(c), added by sec. 3 of this Act, and the definition of "correctional  
4   facility" in AS 11.81.900(b)(9), as amended by sec. 4 of this Act, apply to offenses occurring  
5   on or after the effective date of this Act.

6    \* **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).