

HOUSE BILL NO. 187

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES FIELDS, Drummond, Josephson, Ortiz, Spohnholz, Hopkins, Tuck

Introduced: 1/21/20

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to correctional facilities; relating to the authority of the commissioner**
2 **of corrections to designate the correctional facility to which a prisoner is to be**
3 **committed; and providing for an effective date."**

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

5 * **Section 1.** AS 33.30.031(a) is amended to read:

6 (a) The commissioner shall determine the availability of state correctional
7 facilities suitable for the detention and confinement of persons held under authority of
8 state law or under agreement entered into under (e) of this section. If the commissioner
9 determines that suitable state correctional facilities are not available, the commissioner
10 may enter into an agreement with a public or private agency to provide necessary
11 facilities. **The commissioner may not enter into an agreement with an agency**
12 **unable to provide a degree of custody, care, and discipline similar to that**
13 **required by the laws of this state.** Correctional facilities provided through agreement
14 with a public **or private** agency for the detention and confinement of persons held

under authority of state law **must** [MAY] be **located** in this state [OR IN ANOTHER STATE. CORRECTIONAL FACILITIES PROVIDED THROUGH AGREEMENT WITH A PRIVATE AGENCY MUST BE LOCATED IN THIS STATE] unless the commissioner finds in writing that [(1) THERE IS NO OTHER REASONABLE ALTERNATIVE FOR DETENTION IN THE STATE; AND (2) THE] agreement **with an agency outside the state** is necessary

(1) to locate a particular prisoner closer to family; or

(2) because of health [OR SECURITY] considerations involving a particular prisoner [OR CLASS OF PRISONERS, OR BECAUSE AN EMERGENCY OF PRISONER OVERCROWDING IS IMMINENT. THE COMMISSIONER MAY NOT ENTER INTO AN AGREEMENT WITH AN AGENCY UNABLE TO PROVIDE A DEGREE OF CUSTODY, CARE, AND DISCIPLINE SIMILAR TO THAT REQUIRED BY THE LAWS OF THIS STATE].

* **Sec. 2.** AS 33.30.031(c) is amended to read:

(c) **The commissioner may not enter into an agreement with a private agency to establish, maintain, operate, control, or provide necessary facilities located in this state.** Notwithstanding AS 36.30.300, an agreement with a private agency to provide necessary facilities **outside the state** under (a) of this section must be based on competitive bids.

* **Sec. 3.** AS 33.30.061(a) is amended to read:

(a) The commissioner shall designate the correctional facility to which a prisoner is to be committed to serve a term of imprisonment or period of temporary commitment. The commissioner may designate a facility without regard to whether it is maintained by the state **or** [,] is located within the judicial district in which the prisoner was convicted [, OR IS LOCATED IN THE STATE].

* **Sec. 4.** AS 33.30.061(b) is amended to read:

(b) The commissioner may designate an out-of-state facility under this section only if the commissioner determines that

(1) rehabilitation or treatment of the prisoner will not be substantially impaired; **and**

(2) placement in an out-of-state facility

1 **(A) would allow a prisoner to serve the prisoner's term of**
2 **imprisonment closer to family; or**

3 **(B) is required because of a prisoner's health**
4 **considerations.**

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

7 APPLICABILITY. AS 33.30.031(a), as amended by sec. 1 of this Act,
8 AS 33.30.031(c), as amended by sec. 2 of this Act, AS 33.30.061(a), as amended by sec. 3 of
9 this Act, and AS 33.30.061(b), as amended by sec. 4 of this Act, apply to contracts entered
10 into on or after the effective date of this Act.

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