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Radford
3/19/20

CS FOR HOUSE BILL NO. 307(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to state identifications and driver's licenses for persons in the custody**
2 **of the Department of Corrections; relating to the duties of the commissioner of**
3 **corrections; relating to living conditions for prisoners; and providing for an effective**
4 **date."**

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

6 * **Section 1.** AS 18.65.310 is amended by adding a new subsection to read:

7 (s) Upon request, the department shall mail a card issued under (a) of this
8 section to a Department of Corrections address provided by an applicant who is
9 serving an active term of imprisonment exceeding 120 days.

10 * **Sec. 2.** AS 28.15.101 is amended by adding a new subsection to read:

11 (e) Upon request, the department shall mail a driver's license renewed under
12 (c) of this section to a Department of Corrections address provided by a licensee who
13 is serving an active term of imprisonment exceeding 120 days.

14 * **Sec. 3.** AS 33.30.011(a) is amended to read:

1 (a) The commissioner shall

2 (1) establish, maintain, operate, and control correctional facilities
3 suitable for the custody, care, and discipline of persons charged or convicted of
4 offenses against the state or held under authority of state law; each correctional facility
5 operated by the state shall be established, maintained, operated, and controlled in a
6 manner that is consistent with AS 33.30.015;

7 (2) classify prisoners;

8 (3) for persons committed to the custody of the commissioner,
9 establish programs, including furlough programs that are reasonably calculated to

10 (A) protect the public and the victims of crimes committed by
11 prisoners;

12 (B) maintain health;

13 (C) create or improve occupational skills;

14 (D) enhance educational qualifications;

15 (E) support court-ordered restitution; and

16 (F) otherwise provide for the rehabilitation and reformation of
17 prisoners, facilitating their reintegration into society;

18 (4) provide necessary

19 (A) medical services for prisoners in correctional facilities or
20 who are committed by a court to the custody of the commissioner, including
21 examinations for communicable and infectious diseases;

22 (B) psychological or psychiatric treatment if a physician or
23 other health care provider, exercising ordinary skill and care at the time of
24 observation, concludes that

25 (i) a prisoner exhibits symptoms of a serious disease or
26 injury that is curable or may be substantially alleviated; and

27 (ii) the potential for harm to the prisoner by reason of
28 delay or denial of care is substantial; and

29 (C) assessment or screening of the risks and needs of offenders
30 who may be vulnerable to harm, exploitation, or recidivism as a result of fetal
31 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based

disorder;

(5) establish minimum standards for sex offender treatment programs offered to persons who are committed to the custody of the commissioner;

(6) provide for fingerprinting in correctional facilities in accordance with AS 12.80.060;

(7) establish a program to conduct assessments of the risks and needs of offenders sentenced to serve a term of incarceration of 90 days or more; the program must include a requirement for an assessment before a prisoner's release on parole, furlough, or electronic monitoring from a correctional facility;

(8) establish a procedure that provides for each prisoner required to serve an active term of imprisonment of 90 days or more a written case plan that

(A) takes effect and is provided to the prisoner within 90 days after sentencing;

(B) is based on the results of the assessment of the prisoner's risks and needs under (7) of this subsection;

(C) includes a requirement to follow the rules of the institution;

(D) is modified when necessary for changes in classification, housing status, medical or mental health, and resource availability;

(E) includes participation in programming that addresses the needs identified in the assessment;

(9) establish a program to begin reentry planning with each prisoner serving an active term of imprisonment of 90 days or more; reentry planning must begin at least 90 days before release on furlough or probation or parole; the reentry program must include

(A) a written reentry plan for each prisoner completed upon release on furlough or probation or parole that includes information on the prisoner's proposed

(i) residence;

(ii) employment or alternative means of support;

(iii) treatment options;

(iv) counseling services;

(v) education or job training services;

(B) any other requirements for successful transition back to the community, including electronic monitoring or furlough for the period between a scheduled parole hearing and parole eligibility;

(C) coordination with the Department of Labor and Workforce Development to provide access, after release, to job training and employment assistance; and

(D) coordination with community reentry coalitions or other providers of reentry services if available;

(10) for offenders under electronic monitoring, establish

(A) minimum standards for electronic monitoring, which may include the requirement of active, real-time monitoring using global positioning systems; and

(B) procedures for oversight and approving electronic monitoring programs and systems provided by private contractors;

(11) assist a prisoner in obtaining a valid state identification card if the prisoner does not have a valid state identification card before the prisoner's release; **if a prisoner is serving an active term of imprisonment exceeding 120 days, the commissioner shall make a good faith effort, in consultation with the commissioner of administration, to ensure the prisoner has a state identification card upon the prisoner's release;** the department shall pay the application fee for the identification card; and

(12) provide to the legislature, by electronic means, by January 10 preceding the first regular session of each legislature, a report summarizing the findings and results of the program established under (7) of this subsection; the report must include

(A) the number of prisoners who were provided with written case plans under (8) of this subsection;

(B) the number of written case plans under (8) of this subsection initiated within the preceding year; and

(C) the number of written case plans under (8) of this

subsection that were updated in the preceding year.

* **Sec. 4.** AS 33.30.015(a) is amended to read:

(a) The commissioner may not

(1) make per capita expenditures for food for prisoners in a state correctional facility operated by the state that exceed 90 percent of per capita expenditures for food that is available to enlisted personnel in the United States Army stationed in the state;

(2) provide, in a state correctional facility operated by the state,

(A) living quarters for a prisoner into which the view is obstructed; however, the commissioner is not required to renovate a facility to comply with this subparagraph if the facility is being used as a correctional facility on August 27, 1997, or if the facility was already built before being acquired by the department;

(B) equipment or facilities for publishing or broadcasting material the content of which is not subject to prior approval by the department as consistent with keeping order in the institution and prisoner discipline;

(C) cable television service other than a level of basic cable television service that is available as a substitute for services that are broadcast to the public in the community in which a correctional facility is located;

(3) allow a prisoner held in a state correctional facility operated by the state to

(A) possess in the prisoner's cell a cassette tape player or recorder, a video cassette recorder (VCR), or a [COMPUTER OR] modem of any kind;

(B) view movies rated "R," "X," or "NC-17";

(C) possess printed or photographic material that

(i) is obscene as defined by the commissioner in regulation;

(ii) could reasonably be expected to incite racial, ethnic, or religious hatred that is detrimental to the security, good order, or discipline of the institution or violence;

(iii) could reasonably be expected to aid in an escape or in the theft or destruction of property;

(iv) describes procedures for brewing alcoholic beverages or for manufacturing controlled substances, weapons, or explosives; or

(v) could reasonably be expected to facilitate criminal activity or a violation of institution rules;

(D) receive instruction in person, or by broadcast medium, or engage in boxing, wrestling, judo, karate, or other martial art or in any activity that, in the commissioner's discretion, would facilitate violent behavior;

(E) possess or have access to equipment for use in the activities listed in (D) of this paragraph;

(F) possess or have access to free weights;

(G) possess in the prisoner's cell a coffee pot, hot plate, appliance or heating element for food preparation, or more than three electrical appliances of any kind;

(H) possess or appear in a state of dress, hygiene, grooming, or appearance other than as permitted as uniform or standard in the correctional facility;

(I) use a computer other than those approved by the correctional facility; the use of a computer under this subparagraph may be approved to facilitate the prisoner's rehabilitation or the prisoner's compliance with a reentry plan or case plan developed under AS 33.30.011, including use related to [ONLY AS PART OF THE PRISONER'S] employment, education, [OR] vocational training, access to legal reference materials, visitation, or health care [AND MAY NOT BE USED FOR ANY OTHER PURPOSE];

(J) smoke or use tobacco products of any kind.

* **Sec. 5.** AS 33.30.095(b) is amended to read:

(b) The program established under (a) of this section must include

(1) instruction on

1 [(A) OBTAINING STATE IDENTIFICATION;

2 (B)] community resources available for housing, employment,
3 and treatment;

4 (2) an individualized reentry plan under AS 33.30.011(a)(9) for the
5 prisoner;

6 (3) probation and parole orientation, if appropriate; and

7 (4) a partnership with one or more nonprofit organizations to allow
8 access to a prisoner before the prisoner's discharge, release, or furlough to assist the
9 prisoner with the prisoner's application for Medicaid, social security benefits, public
10 assistance under AS 47.25, and a state identification card or driver's license and
11 provide other programs to assist the prisoner's transition into the community, promote
12 rehabilitation, and reduce recidivism.

13 * **Sec. 6.** This Act takes effect January 1, 2021.