

CS FOR HOUSE BILL NO. 272(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/14/98

Referred: Rules

Sponsor(s): REPRESENTATIVES GREEN, Mulder, Croft, Rokeberg, Kemplen

SENATOR Donley

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to allowing the commissioner of corrections to allow a prisoner**
2 **to serve a term of imprisonment or period of temporary commitment by electronic**
3 **monitoring; and relating to the crime of escape."**

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

5 *** Section 1.** AS 11.56.310(a) is amended to read:

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

8 (1) removes oneself from

9 (A) a correctional facility while under official detention;

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

11 (C) official detention and, during the escape [,] or at any time

12 before being restored to official detention, one possesses on or about oneself
13 a firearm; [OR]

14 (2) violates AS 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. 2.** AS 11.56.330(a) is amended to read:

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

(1) removes oneself from official detention for a misdemeanor; [OR]

(2) having been placed under actual restraint by a peace officer before arrest, removes oneself from the restraint; **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 misdemeanor.

* **Sec. 3.** AS 12.55.015(e) is amended to read:

(e) If the defendant is ordered to serve a definite term of imprisonment, the court may recommend that the defendant serve all or part of the term

(1) in a correctional restitution center;

(2) by electronic monitoring.

* **Sec. 4.** AS 33.30.061 is amended by adding a new subsection to read:

(c) The commissioner may, under AS 33.30.065, designate a prisoner to serve the prisoner's term of imprisonment or period of temporary commitment, or a part of the term or period, by electronic monitoring. A prisoner serving a term of imprisonment, or a period of temporary commitment, for a crime involving domestic violence is not eligible for electronic monitoring.

* **Sec. 5.** AS 33.30 is amended by adding a new section to read:

Sec. 33.30.065. Service of sentence by electronic monitoring. (a) If the commissioner designates a prisoner to serve the prisoner's term of imprisonment or period of temporary commitment, or a part of the term or period, by electronic

1 monitoring, the commissioner shall direct the prisoner to serve the term or period at
2 the prisoner's residence or other place selected by the commissioner. The electronic
3 monitoring shall be administered by the department and shall be designed so that any
4 attempt to remove, tamper with, or disable the monitoring equipment or to leave the
5 place selected for the service of the term or period will result in a report or notice to
6 the department.

7 (b) In determining whether to designate a prisoner to serve a term of
8 imprisonment or period of temporary commitment by electronic monitoring, the
9 commissioner shall consider

- 10 (1) safeguards to the public;
- 11 (2) the prospects for the prisoner's rehabilitation;
- 12 (3) the availability of program and facility space;
- 13 (4) the nature and circumstances of the offense for which the prisoner
14 was sentenced or for which the prisoner is serving a period of temporary commitment;
- 15 (5) the needs of the prisoner as determined by a classification
16 committee and any recommendations made by the sentencing court;
- 17 (6) the record of convictions of the prisoner, with particular emphasis
18 on crimes specified in AS 11.41 or crimes involving domestic violence;
- 19 (7) the use of drugs or alcohol by the prisoner; and
- 20 (8) other criteria considered appropriate by the commissioner.

21 (c) A decision by the commissioner to designate a prisoner to serve a term of
22 imprisonment or a period of temporary confinement, or a part of the term or period,
23 by electronic monitoring does not create a liberty interest in that status for the prisoner.
24 The prisoner may be returned to a correctional facility at the discretion of the
25 commissioner.

26 (d) The commissioner may require a prisoner designated to serve a term of
27 imprisonment or a period of temporary confinement by electronic monitoring to pay
28 all or a portion of the costs of the electronic monitoring, but only if the prisoner has
29 sufficient financial resources to pay the costs or a portion of the costs.