

HOUSE BILL NO. 35

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE HIMSCHOOT

Introduced: 1/22/25

Referred: Community and Regional Affairs, State Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the use and possession of electronic devices by prisoners."**

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

3 * **Section 1.** AS 33.30.015(a) is amended to read:

4 (a) The commissioner may not

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

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

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

15 (B) equipment or facilities for publishing or broadcasting

1 material the content of which is not subject to prior approval by the department
2 as consistent with keeping order in the institution and prisoner discipline;

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

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

8 (A) possess in the prisoner's cell a

9 (i) cassette tape player or recorder, [A] video cassette
10 recorder (VCR), or telephone;

11 (ii) computer or electronic tablet unless used for a
12 purpose approved under (I) of this paragraph [A COMPUTER OR
13 MODEM OF ANY KIND];

14 (B) view movies rated "R," "X," [OR] "NC-17," or television
15 shows rated "TV-MA";

16 (C) possess printed or photographic material that

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

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

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

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

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

29 (D) receive instruction in person, or by broadcast medium, or
30 engage in boxing, wrestling, judo, karate, or other martial art or in any activity
31 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 or electronic tablet other than those approved by the correctional facility; the use of a computer or electronic tablet under this subparagraph may be approved only to facilitate the prisoner's rehabilitation or the prisoner's compliance with a reentry plan or case plan developed under AS 33.30.011, as part of the prisoner's employment, education, [OR] vocational training, access to legal reference materials, visitation, or health care, or for another purpose identified by the commissioner in regulation, and may not be used for any other purpose;

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

(4) allow a state correctional facility operated by the state to charge a fee for electronic mail or electronic visitation services.

* **Sec. 2.** AS 33.30.015 is amended by adding a new subsection to read:

(f) The commissioner may not replace in-person visitation with the use of a computer or electronic tablet. To the extent practicable, the commissioner may not replace an existing program or service provided to a prisoner for the purpose of rehabilitation with the use of a computer or electronic tablet authorized under (a)(3)(I) of this section. A computer or electronic tablet may be used only to supplement an existing program or service.

* **Sec. 3.** The uncoded law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 33.30.015(a)(4), enacted by sec. 1 of this Act, and AS 33.30.015(f), enacted by sec. 2 of this Act, apply to services used by a prisoner on or after

1 the effective date of this Act.