



LAWS OF ALASKA

1986

Source

SCS_CSHB_114(Jud)

Chapter No.

88

AN ACT

Relating to correctional facilities, and the imprisonment and rehabilitation of offenders.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 5, 1986
Actual Effective Date: September 3, 1986

AN ACT

Relating to correctional facilities, and the imprisonment
and rehabilitation of offenders.

* Section 1. AS 09.10.140 is amended to read:

Sec. 09.10.140. DISABILITIES OF MINORITY AND [,] INCOMPETENCY [AND IMPRISONMENT]. If a person entitled to bring an action mentioned in this chapter is at the time the cause of action accrues either (1) under the age of majority, or (2) incompetent by reason of mental illness, [OR (3) IMPRISONED ON A CRIMINAL CHARGE, OR IN EXECUTION UNDER SENTENCE OF A COURT FOR A TERM LESS THAN THE PERSON'S NATURAL LIFE,] the time of the disability is not a part of the time limited for the commencement of the action. The [BUT THE] period within which the action may be brought is not extended in any case longer than two years after the disability ceases.

* Sec. 2. AS 09.20.020 is amended to read:

Sec. 09.20.020. DISQUALIFICATION OF JURORS. A person is disqualified from serving [TO ACT] as a juror if the person

(1) has served as a juror in the state within one year of the time of examination for service; or

(2) has been convicted of a felony for which the person has not been unconditionally discharged. Unconditional discharge has the meaning given in AS 12.55.185 [FELONY AND THE CIVIL RIGHTS OF THE PERSON HAVE NOT BEEN RESTORED].

* Sec. 3. AS 11.56.340 is repealed and reenacted to read:

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1 Sec. 11.56.340. UNLAWFUL EVASION IN THE FIRST DEGREE. (a) A
2 person commits the crime of unlawful evasion in the first degree if,
3 while charged with or convicted of a felony,

4 (1) the person fails to return to official detention within
5 the time authorized following temporary leave granted for a specific
6 purpose or limited period, including leave granted under AS 33.30.181;
7 or

8 (2) while on furlough under AS 33.30.101 - 33.30.131 the
9 person fails to return to the place of confinement or residence within
10 the time authorized by those having direct supervision.

11 (b) Unlawful evasion in the first degree is a class A misdemean-
12 or.

13 * Sec. 4. AS 11.56.350 is repealed and reenacted to read:

14 Sec. 11.56.350. UNLAWFUL EVASION IN THE SECOND DEGREE. (a) A
15 person commits the crime of unlawful evasion in the second degree if,
16 while charged with or convicted of a misdemeanor,

17 (1) the person fails to return to official detention within
18 the time authorized following temporary leave granted for a specific
19 purpose or limited period, including leave granted under AS 33.30.181;
20 or

21 (2) while on furlough under AS 33.30.101 - 33.30.131 the
22 person fails to return to the place of confinement or residence within
23 the time authorized by those having direct supervision.

24 (b) Unlawful evasion in the second degree is a class B misde-
25 meanor.

26 * Sec. 5. AS 12.47.050(d) is repealed and reenacted to read:

27 (d) Notwithstanding a contrary provision of law, a defendant
28 receiving treatment under (b) of this section may not be released

29 (1) on furlough under AS 33.30.101 - 33.30.131, except for

treatment in a secure setting; or

(2) on parole.

* Sec. 6. AS 33.30 is amended by adding new sections to read:

ARTICLE 1. ESTABLISHMENT, CONTROL, AND MANAGEMENT.

Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall

(1) establish, maintain, operate, and control correctional facilities suitable for the custody, care, and discipline of persons charged or convicted of offenses against the state or held under authority of state law;

(2) classify prisoners;

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

(A) protect the public;

(B) maintain health;

(C) create or improve occupational skills;

(D) enhance educational qualifications;

(E) support court-ordered restitution; and

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

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

(5) provide necessary psychological or psychiatric treatment if a physician or other health care provider, exercising ordinary skill and care at the time of observation, concludes that

(A) a prisoner exhibits symptoms of a serious disease

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1 or injury that is curable or may be substantially alleviated; and

2 (B) the potential for harm to the prisoner by reason
3 of delay or denial of care is substantial.

4 Sec. 33.30.021. REGULATIONS. The commissioner shall adopt
5 regulations to implement this chapter.

6 Sec. 33.30.031. CONTRACT FOR CONFINEMENT AND CARE OF PRISONERS.

7 (a) The commissioner shall determine the availability of state cor-
8 rectional facilities suitable for the detention and confinement of
9 persons held under authority of state law. If the commissioner deter-
10 mines that suitable state correctional facilities are not available,
11 the commissioner may enter into an agreement with a public or private
12 agency to provide necessary facilities. Correctional facilities
13 provided through agreement with a public agency may be in this state
14 or in another state. Correctional facilities provided through agree-
15 ment with a private agency must be located in this state. The commis-
16 sioner may not enter into an agreement with an agency unable to pro-
17 vide a degree of custody, care, and discipline similar to that re-
18 quired by the laws of this state.

19 (b) Unless the purpose is to involve prisoners in a program
20 established under AS 33.30.091 - 33.30.131 or 33.30.151 - 33.30.181 or
21 to confine prisoners convicted of a misdemeanor, the commissioner may
22 not enter into an agreement with a privately operated correctional
23 facility under (a) of this section.

24 (c) Notwithstanding AS 37.05.230(1)(B), an agreement with a
25 private agency to provide necessary facilities under (a) of this
26 section must be based on competitive bids.

27 (d) A person employed outside the facility while confined in a
28 privately operated correctional facility established under (a) of this
29 section is subject to the provisions of AS 33.30.131.

(e) The commissioner may enter into an agreement with the United States, another state, a municipality of this state, or another state agency, to provide a correctional facility for the custody, care, and discipline of a person held under authority of the law of that jurisdiction.

Sec. 33.30.041. LEASE OF CORRECTIONAL FACILITY TO MUNICIPALITY.

(a) If the commissioner determines that it would be in the best interest of the state, the commissioner may enter into an agreement with a municipality of the state for the lease of a state correctional facility or for the use and operation of a state correctional facility for the joint benefit of the municipality and the state.

(b) An agreement executed by the commissioner under (a) of this section must provide that

(1) the state has the right to detain or confine a prisoner held under authority of law in the correctional facility;

(2) the administrator of the correctional facility agrees to implement an order, concerning a prisoner, issued by a court of the state;

(3) the administrator of the correctional facility shall comply with the law, and regulations adopted by the commissioner, relating to the custody, care, and discipline of a prisoner detained or confined in the correctional facility; and

(4) the commissioner may inspect the correctional facility at any time to determine the conditions under which a prisoner is detained or confined.

(c) The agreement executed by the commissioner under (a) of this section may require the administrator of the correctional facility to comply with requirements that the commissioner considers necessary for the protection of the public or for the quality of care and programs

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1 for prisoners required by this chapter and regulations adopted by the
2 commissioner.

3 ARTICLE 2. COMMITMENTS, PROGRAMS, AND FURLOUGHS.

4 Sec. 33.30.051. COMMITMENT TO COMMISSIONER. A person convicted
5 of an offense against the state shall be committed to the custody of
6 the commissioner for the term of imprisonment that the court directs.

7 Sec. 33.30.061. COMMISSIONER TO DESIGNATE FACILITY. (a) The
8 commissioner shall designate the correctional facility to which a
9 prisoner is to be committed to serve a term of imprisonment or period
10 of temporary commitment. The commissioner may designate a facility
11 without regard to whether it is maintained by the state, is located
12 within the judicial district in which the prisoner was convicted, or
13 is located in the state.

14 (b) The commissioner may designate an out-of-state facility
15 under this section only if the commissioner determines that rehabili-
16 tation or treatment of the prisoner will not be substantially im-
17 paired.

18 Sec. 33.30.071. RESPONSIBILITY FOR PRISONERS PENDING COMMITMENT.

19 (a) Notwithstanding AS 33.30.011(1), the commissioner of public
20 safety shall provide for the custody, care, and discipline of prison-
21 ers pending arraignment, commitment by a court to the custody of the
22 commissioner of corrections, or admission to a state correctional
23 facility. Except as provided in (c) of this section, the responsibil-
24 ity for providing necessary medical services for prisoners remains
25 with the commissioner of corrections under AS 33.30.011(4). The
26 commissioner of corrections and the commissioner of public safety are
27 not responsible for providing custody, care, and discipline for a
28 person detained under AS 47.30.705 or AS 47.37.170, unless the person
29 is admitted into a state correctional facility.

(b) The responsibility of the commissioner of public safety under (a) of this section does not begin until a prisoner is accepted into the custody of the commissioner of public safety, or admitted into a correctional facility or other facility designed for holding prisoners, and the commissioner of public safety is notified of the acceptance or admission.

(c) Medical services for a prisoner who is unconscious or in immediate need of medical attention before admission to a correctional facility or commitment by a court to the custody of the commissioner of corrections shall be provided by the law enforcement agency having custody of the prisoner. The law enforcement agency may require the prisoner to compensate the agency for the cost of medical services provided for a preexisting medical condition not arising out of the prisoner's arrest.

Sec. 33.30.081. TRANSPORTATION OF PRISONERS. (a) The commissioner of public safety is responsible for transporting a prisoner to and from the court having jurisdiction over the prisoner and for delivering a prisoner to a correctional facility upon temporary or final commitment by a court or upon transfer of a prisoner from one correctional facility to another either inside or outside the state.

(b) The commissioner of corrections shall make available return transportation to the place of arrest for a prisoner who is released from custody in a state correctional facility.

(c) The commissioner of public safety shall make available return transportation to the place of arrest for a prisoner who is released from custody before admission to a state correctional facility.

(d) The commissioner of corrections shall adopt regulations governing the furnishing of transportation, discharge payments, and

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1 clothing to prisoners upon release from a state correctional facilit
2 at any stage of a criminal proceeding.

3 (e) Except as provided in (f) of this section or as necessary in
4 a criminal action pending against the prisoner, a court may not order
5 the transportation of a prisoner.

6 (f) A court may order a prisoner who is a party or witness to a
7 civil action or a witness to a criminal action to appear at a place
8 other than within a correctional facility only if the court deter-
9 mines, after providing a reasonable opportunity for the commissioner
10 to comment, that the prisoner's personal appearance is essential to
11 the just disposition of the action. In making its determination, the
12 court shall consider available alternatives to the prisoner's personal
13 appearance including deposition and telephone testimony.

14 (g) Except as provided in (h) of this section, the expenses
15 associated with the transportation of a prisoner ordered under (f) of
16 this section, including the costs of travel for the prisoner and
17 escorting officers and the salary and per diem costs of the escorting
18 officers, shall be borne by the party who has requested the prisoner's
19 appearance, and shall be paid to the commissioner of public safety
20 before the prisoner is transported.

21 (h) A prisoner who is a party to a civil action is not required
22 to bear the full costs of the prisoner's own transportation under (g)
23 of this section if the court determines that the prisoner is indigent.
24 In these cases, the court may require the prisoner to bear a portion
25 of the costs, and the commissioner of public safety shall bear the re-
26 maining costs of transporting the prisoner. If an indigent prisoner
27 recovers a money judgment, the court may require the prisoner to bear
28 all or part of the expenses required under (g) of this section.

29 Sec. 33.30.091. DESIGNATION OF PROGRAMS. Except as provided in
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AS 33.30.111 and 33.30.161, the commissioner may assign a prisoner committed to the commissioner's custody to a program established under AS 33.30.011(3) considering

- (1) safeguards to the public;
- (2) the prospects for the prisoner's rehabilitation;
- (3) the availability of program and facility space;
- (4) the prospect of future judicial proceedings requiring the presence of the prisoner;
- (5) the nature and circumstances of the offense for which the prisoner was sentenced;
- (6) the needs of the prisoner as determined by a classification committee and any recommendations made by the sentencing court;
- (7) the record of convictions of the prisoner with particular emphasis on crimes specified in AS 11.41;
- (8) the use of drugs or alcohol by the prisoner;
- (9) the length of the prisoner's sentence; and
- (10) other criteria considered appropriate by the commissioner, including experimental evaluation of correctional programs that are consistent with protection of the public and reformation of the prisoner.

Sec. 33.30.101. FURLOUGHS. (a) The commissioner shall adopt regulations governing the granting of prerelease and short-duration furloughs to prisoners to

- (1) obtain counseling and treatment for alcohol or drug abuse;
- (2) secure or attend vocational training;
- (3) obtain medical or psychiatric treatment;
- (4) secure or engage in employment;

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- 1 (5) attend educational institutions;
- 2 (6) secure a residence or make other preparation for re-
- 3 lease;
- 4 (7) appear before a group whose purpose is a better under-
- 5 standing of crime or corrections; or
- 6 (8) for any other rehabilitative purpose the commissioner
- 7 determines to be in the interests of the prisoner and the public.

8 (b) If the commissioner determines with reasonable probability

9 that a prisoner can live under reduced supervision without violating

10 the law or the conditions established for the conduct of the prisoner,

11 the commissioner may grant a furlough after considering

- 12 (1) the factors in AS 33.30.091;
- 13 (2) violations, if any, by the prisoner of a condition of a
- 14 prior furlough;
- 15 (3) the history, if any, of institutional misconduct by the
- 16 prisoner; and
- 17 (4) the best interests of the prisoner and the public.

18 Sec. 33.30.111. PRERELEASE FURLOUGHS. (a) Furlough programs

19 established under AS 33.30.101 must include prerelease furloughs

20 designed to facilitate the reintegration of a prisoner into society.

21 (b) A facility that is specifically adapted to provide a resi-

22 dence outside prison, including a halfway house, group home, or other

23 placement that provides varying levels of restriction and supervision,

24 may be used for a prisoner on a prerelease furlough.

25 (c) The restrictions and supervision required for a prerelease

26 furlough shall provide safeguards that minimize risk to the public and

27 include, as a minimum,

- 28 (1) frequent contact with the prisoner by persons supervis-
- 29 ing the prisoner;

(2) knowledge by supervisory staff of the location of the prisoner;

(3) periodic reports by supervisory staff to the commissioner on the performance of the prisoner while on furlough; and

(4) a residential setting in which persons supervising a prisoner are obliged to immediately report to the commissioner any violation of a condition set for the prisoner's conduct.

(d) Notwithstanding AS 33.30.101(b), and other eligibility criteria established by the commissioner, that relate to risks to the public posed by the proposed furlough of a prisoner,

(1) a prisoner sentenced to a definite term of imprisonment of more than one year but less than five years is not eligible for a prerelease furlough until the prisoner has served at least one-third of the sentence; and

(2) a prisoner sentenced to a definite term of imprisonment of five years or more is not eligible for a prerelease furlough until the prisoner has served at least one-third of the sentence or is within three years of the release date, whichever is later.

(e) A prisoner may request a prerelease furlough under procedures adopted by the commissioner. If the commissioner denies a request for a prerelease furlough, the commissioner shall provide the prisoner with a written explanation of the reasons for the denial.

(f) Upon request of the victim, in the case of a prisoner convicted of a crime against a person, notice of the commissioner's intent to consider the prisoner for a prerelease furlough shall be sent to the victim. The victim may comment in writing on the intent of the commissioner to release the prisoner on prerelease furlough status. The commissioner shall consider the comments of the victim before making a final decision to release a prisoner on a prerelease

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1 furlough. If the victim requests notification, the commissioner shall
2 make every reasonable effort to notify the victim of an intent to
3 release the prisoner on a prerelease furlough. The notice must con-
4 tain the expected date of the prisoner's release, the geographic area
5 in which the prisoner will reside and other pertinent information
6 concerning the prisoner's release that may affect the victim.

7 Sec. 33.30.121. SHORT-DURATION FURLOUGHS. (a) A short-duration
8 furlough is an authorized leave of absence from a correctional facili-
9 ty for a period not to exceed 12 hours at any one time, except for

10 (1) family visitations, that may not exceed one week or
11 occur more frequently than once in each four-month period; or

12 (2) medical treatment, for which the furlough may not last
13 longer than necessary for the treatment.

14 (b) A short-duration furlough may be granted to a prisoner at
15 any time under regulations adopted by the commissioner.

16 Sec. 33.30.131. PRERELEASE OR SHORT DURATION FURLOUGH OR CORREC-
17 TIONAL RESTITUTION CENTER PLACEMENT INVOLVING EMPLOYMENT. (a) The
18 commissioner may grant a prerelease or short-duration furlough to
19 permit a prisoner to participate in suitable employment under con-
20 ditions and at wages that represent the prevailing standard for the
21 area. A prisoner may not participate in employment where an organized
22 labor dispute is in progress.

23 (b) Unless alternative arrangements are expressly approved by
24 the commissioner, when a prisoner is employed outside a correctional
25 facility as part of a prerelease or short-duration furlough program,
26 or as part of serving time in a correctional restitution center under
27 AS 33.30.151 - 33.30.181, the earnings of the prisoner shall be de-
28 livered to the commissioner. If an employer transmits the earnings to
29 the commissioner, the employer has no liability to the prisoner for

1 the earnings. The commissioner shall disburse the earnings of the
2 prisoner, in an order determined appropriate, under procedures adopted
3 by the commissioner to

4 (1) pay for the room, board, and personal expenses of the
5 prisoner in an amount or at a rate determined by the commissioner;

6 (2) pay any restitution or fine ordered by the sentencing
7 court;

8 (3) reimburse the state for an award made for violent
9 crimes compensation under AS 18.67 arising out of the criminal conduct
10 of the prisoner;

11 (4) pay a civil judgment arising out of the criminal con-
12 duct of the prisoner; and

13 (5) support the dependents of the prisoner, and to provide
14 child support payments as required by AS 09.65.132.

15 (c) After making the disbursements authorized under (b) of this
6 section, the commissioner shall retain the balance remaining in the
7 account of the prisoner and give it to the prisoner upon release. The
8 commissioner may permit the prisoner to draw upon a portion of this
9 money for other purposes that the commissioner considers appropriate.

(d) Only the earnings retained by the commissioner under (c) of
this section are subject to lien, attachment, garnishment, execution,
or other proceedings to encumber money or property.

Sec. 33.30.141. EFFECT OF VIOLATION OF FURLOUGH CONDITIONS OR
FAILURE TO RETURN. (a) If, after a hearing, a prisoner on a furlough
is found to have violated the conditions established for the prisoner's
conduct, the commissioner may immediately require the return of
the prisoner to actual confinement for a period not to exceed the
balance of the term of imprisonment or initiate disciplinary proceed-
ings authorized by regulations adopted by the commissioner or both.

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1 (b) The failure of a prisoner on a furlough to return to the
2 place of confinement or residence within the time specified by those
3 having direct supervision over the prisoner is an unlawful evasion
4 under AS 11.56.340 - 11.56.350.

5 Sec. 33.30.151. CORRECTIONAL RESTITUTION CENTERS. (a) The
6 commissioner shall establish correctional restitution centers in the
7 state. The purpose of the centers is to provide certain nonviolent
8 offenders with rehabilitation through community service and employment
9 while protecting the community through partial incarceration of the
10 offender, and to create a means to provide restitution to victims of
11 crimes.

12 (b) The commissioner shall adopt regulations setting standards
13 for the operation of the centers including

14 (1) requirements that the centers be secure and in compli-
15 ance with state and local safety laws;

16 (2) standards for disciplinary rules to be imposed on
17 prisoners confined to the centers;

18 (3) standards for the granting of emergency absence to
19 prisoners confined to the centers;

20 (4) standards for classifying prisoners to centers;

21 (5) standards for mandatory employment and participation in
22 community service programs in each center; and

23 (6) standards for periodic review of the performance of
24 prisoners confined to the centers.

25 Sec. 33.30.161. ELIGIBILITY TO SERVE TIME IN A CORRECTIONAL
26 RESTITUTION CENTER. (a) The commissioner may not allow a prisoner to
27 serve time in a correctional restitution center unless the commission-
28 er specifically finds that the prisoner meets the eligibility require-
29 ments of this section.

1 (b) To be eligible to serve time in a correctional restitution
2 center, the prisoner

3 (1) must be employable or eligible to work on community
4 service projects approved by the commissioner and agree to secure
5 employment or participate in community service projects and obey the
6 rules of the center;

7 (2) may not have been convicted of an offense, in the state
8 or another jurisdiction, involving violence or the use of force, as
9 defined in AS 11.81.900; in this section, violence or the use of force
0 includes possession of a firearm, as defined in AS 11.81.900, in the
1 commission of an offense, whether or not the firearm was actually
2 used; and

3 (3) may not have been convicted of an offense under AS 11.-
4 41.410 - 11.41.470 or an offense in the state or another jurisdiction
5 having elements substantially identical to an offense under AS 11.-
6 41.410 - 11.41.470.

7 (c) Unless the commissioner determines otherwise for good cause
8 shown, a person sentenced to less than five days who is serving time
9 in a correctional restitution center shall participate in a community
0 service project when available.

1 Sec. 33.30.171. COMMUNITY ADVISORY COMMITTEES. The commissioner
2 shall appoint a community advisory committee for each center, to
3 consist of five members of the community in which the center is locat-
4 ed. The committee shall act as a liaison between the community and
5 the department regarding community concerns with the center.

6 Sec. 33.30.181. CONFINEMENT TO THE CENTER. (a) A prisoner
7 shall be confined to the center at all times except while

8 (1) at work and traveling to and from work;

9 (2) at and traveling to and from a community service

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1 project approved by the commissioner;

2 (3) on emergency absence;

3 (4) at and traveling to and from a job interview; or

4 (5) on a furlough approved by the commissioner.

5 (b) Except for an emergency absence or furlough, a prisoner may
6 not be absent from a center under this section for more than 12 hours
7 in a 24-hour period.

8 ARTICLE 3. GENERAL PROVISIONS.

9 Sec. 33.30.191. EMPLOYMENT OF PRISON INMATES. (a) It is the
10 policy of the state that prisoners be productively employed for as
11 many hours each day as feasible, not to exceed 40 hours a week unless
12 overtime has been specifically approved by the commissioner.

13 (b) The commissioner may enter into contracts or cooperative
14 agreements with any public agency for the performance of conservation
15 projects. The commissioner may enter into a contract with an indi-
16 vidual or agency for the employment of prisoners if the work to be
17 performed will have minimal negative impact on an existing private
18 industry or labor force in the state as determined by the Correctional
19 Industries Commission under AS 33.32.015.

20 (c) The commissioner may direct a prisoner to participate in a
21 type of productive employment listed in (d)(1) and (d)(4)-(6) of this
22 section while the prisoner is confined in a correctional facility. A
23 prisoner who refuses to participate in productive employment inside a
24 correctional facility when directed under this section is subject to
25 disciplinary sanctions imposed in accordance with regulations adopted
26 by the commissioner.

27 (d) In this section "productively employed" includes the follow-
28 ing kinds of employment:

29 (1) routine maintenance and support services essential to

1 the operation of a correctional facility;

2 (2) education, including both academic and vocational;

3 (3) industrial, agricultural, and service activities con-
4 ducted in accordance with AS 33.32;

5 (4) public conservation projects, including forest fire
6 prevention and control, forest and watershed enhancement, recreational
7 area development, construction and maintenance of trails and camp-
8 sites, fish and game enhancement, soil conservation, and forest water-
9 shed revegetation;

10 (5) renovation, repair or alteration of existing correc-
11 tional facilities as permitted by AS 44.65.050(d); and

12 (6) other work performed inside or outside of a correction-
13 al facility if the work has minimal negative impact on an existing
14 private industry or labor force in the state as determined by the
15 Correctional Industries Commission under AS 33.32.015.

16 Sec. 33.30.201. PAY OF PRISON INMATES. Each prisoner who is
17 productively employed, as defined in AS 33.30.191(d)(1) or 33.30.-
18 191(d)(3) - (6), may receive for that work compensation at a rate
19 determined by the commissioner under AS 33.32.050 if the money is
20 available from legislative appropriations. The provisions of AS 33.-
21 32.050 and AS 33.32.040(b) apply to prisoners employed in the correc-
22 tional industries program and to prisoners productively employed in
23 activities outside that program.

24 Sec. 33.30.211. TRANSMISSION OF DOCUMENTS. (a) When a prisoner
25 is admitted to a correctional facility, a copy of the commitment shall
26 be delivered with the prisoner as evidence of the authority of the
27 correctional facility to hold the prisoner.

28 (b) When a person is sentenced to a term of imprisonment, copies
29 of the pre-sentence report, sentencing report prepared under

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1 AS 12.55.025, and any other information of the probation office or of
2 the court that may affect the person's rehabilitation shall be trans-
3 mitted to the superintendent of the correctional facility in which the
4 prisoner will be confined.

5 (c) The commissioner shall adopt regulations providing for the
6 security, confidentiality, and use of documents transmitted under (b)
7 of this section.

8 Sec. 33.30.221. SUPERINTENDENT OF CORRECTIONAL FACILITY MAY
9 ADMINISTER OATHS AND ACKNOWLEDGMENTS. The superintendent of a correc-
10 tional facility or the superintendent's assistant may administer oaths
11 to and take acknowledgments from a prisoner, but may not request or
12 accept compensation from a prisoner for acts performed under this
13 section.

14 Sec. 33.30.231. TELEPHONE ACCESS AND MONITORING INSIDE CORREC-
15 TIONAL INSTITUTIONS. (a) Except as provided in (b) of this section,
16 a prisoner shall have reasonable access to a telephone.

17 (b) A prisoner who is classified maximum custody, is placed in
18 segregation as punishment for a rule infraction, or is placed in
19 segregation because the prisoner poses a threat to others or to the
20 security of a correctional facility may not have access to a telephone
21 except to communicate with an attorney, to otherwise communicate as
22 provided in AS 12.25.150, or in an emergency as determined appropriate
23 by the commissioner.

24 (c) Notwithstanding AS 42.20.300 and 42.20.310, in order to
25 preserve the security and orderly administration of the institution
26 and to protect the public, the commissioner may authorize the use of
27 monitoring or recording equipment to listen to a telephone conversa-
28 tion of a prisoner if a warning is posted by the telephone informing
29 the prisoner that a call may be monitored or recorded. A telephone

1 call between an attorney and a prisoner may not be monitored or re-
2 corded except when authorized by a court.

3 Sec. 33.30.241. EFFECT OF JUDGMENT OF CONVICTION ON CIVIL
4 RIGHTS. (a) A person who is convicted of a felony involving moral
5 turpitude as defined in AS 15.60.010 is disqualified from voting in a
6 state or municipal election until the person's unconditional dis-
7 charge.

8 (b) A person who is convicted of a felony is disqualified from
9 serving as a juror until the person's unconditional discharge.

0 (c) In this section "unconditional discharge" has the meaning
1 given in AS 12.55.185.

2 Sec. 33.30.251. DISPOSAL OF ABANDONED PERSONAL PROPERTY. (a)
3 Except as provided in (b) of this section, it is the obligation of
4 each person committed to the custody of the commissioner to provide
5 for the appropriate disposition of all of the person's property re-
6 maining at a correctional facility within 90 days of the date of the
7 person's release or transfer from the correction facility.

8 (b) The commissioner shall provide for the shipment to the
9 receiving facility of a reasonable amount of a prisoner's property, as
0 determined by the commissioner, when the prisoner is transferred from
1 one correctional facility to another.

2 (c) A prisoner's personal property that remains at a correctional
3 facility after 90 days from the date of the prisoner's release or
4 transfer is considered abandoned, and shall be delivered to the De-
5 partment of Administration for disposal under AS 44.71.010.

6 (d) The state is not liable for any loss or damage to personal
7 property properly determined to be abandoned under (c) of this sec-
8 tion.

9 Sec. 33.30.261. EXCESS MONEY AS CONTRABAND. (a) A prisoner who

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1 possesses money in an amount greater than that permitted by the com-
2 missioner is subject to disciplinary sanctions under regulations
3 adopted by the commissioner.

4 (b) Money in the possession of a prisoner in an amount greater
5 than that permitted by the commissioner is contraband. If, after a
6 hearing under regulations adopted by the commissioner, a prisoner is
7 found to have been in possession of contraband under this section, the
8 contraband shall be forfeited and deposited into the general fund.

9 Sec. 33.30.271. FORFEITURE OF PROPERTY. A conviction of a
10 person for a crime does not work a forfeiture of property, except in
11 cases where a forfeiture is expressly provided by law.

12 Sec. 33.30.281. CRIME AGAINST SENTENCED PRISONER. A person who
13 commits a crime against a sentenced prisoner is punishable as if the
14 prisoner was not sentenced and incarcerated.

15 Sec. 33.30.291. TREATIES. If a treaty in effect between the
16 United States and a foreign country provides for the transfer or
17 exchange of prisoners sentenced to serve a term of incarceration to
18 the country where they are citizens or nationals, the commissioner
19 may, on behalf of the state and subject to the terms of the treaty,
20 consent to the transfer or exchange of prisoners and take any other
21 action necessary to initiate the participation of the state in the
22 treaty.

23 Sec. 33.30.901. DEFINITIONS. In this chapter, unless the con-
24 text requires otherwise,

25 (1) "center" means a correctional restitution center;

26 (2) "commissioner" means the commissioner of the Department
27 of Corrections;

28 (3) "community service" means work on projects designed to
29 reduce or eliminate environmental damage, protect the public health,

1 or improve public services, lands, forests, parks, roads, highways,
2 facilities, or education; community service may not confer a private
3 benefit on a person except as may be incidental to the public benefit;

4 (4) "correctional facility" or "facility" means a prison,
5 jail, camp, farm, half-way house, group home, or other placement
6 designated by the commissioner for the custody, care, and discipline
7 of prisoners; a "state correctional facility" means a correctional
8 facility owned or run by the state;

9 (5) "court" means the supreme court, the court of appeals,
0 the superior court, the district or magistrate court, or a justice or
1 judge of a court;

2 (6) "crime against a person" means a crime as set out in
3 AS 11.41, except custodial interference under AS 11.41.320 and 11.41.-
4 330; or a crime against a person in this or another jurisdiction
5 having elements substantially identical to those of a crime as set out
6 in AS 11.41, except custodial interference under AS 11.41.320 and
7 11.41.330;

8 (7) "department" means the Department of Corrections;

9 (8) "furlough" means an authorized leave of absence from
0 actual confinement for a designated purpose and period of time;

1 (9) "health care provider" means

2 (A) a physician's assistant or nurse practitioner
3 licensed to practice in the state and working under the direct
4 supervision of a licensed physician or psychiatrist; or

5 (B) a mental health professional as defined in AS 47.-
6 30.915;

7 (10) "municipality" means a municipality authorized by law
8 to establish a correctional facility;

9 (11) "prisoner" means a person, other than a juvenile, held

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1 under authority of state law in official detention as defined in
2 AS 11.81.900(b);

3 (12) "temporary commitment" means detention of a person for
4 any period under authority of state law, but does not include confine-
5 ment upon conviction and judgment of a court of this state;

6 (13) "victim" has the meaning given in AS 12.55.185.

7 * Sec. 7. AS 33.32.015(b) is amended to read:

8 (b) The commissioner of corrections may

9 (1) subject to the Fiscal Procedures Act (AS 37.05), use,
10 purchase, lease, equip, and maintain buildings, machinery, and other
11 equipment, and may purchase materials and enter into contracts, which
12 may be necessary for the correctional industries program;

13 (2) provide for prisoners to be employed in rendering
14 services and producing articles, materials, and supplies needed by a
15 state agency, a political subdivision of the state, an agency of the
16 federal government, other states or their political subdivisions, or
17 for use by nonprofit organizations;

18 (3) if the Correctional Industries Commission established
19 in AS 33.32.070 approves, employ prisoners to provide services or
20 products as needed by private industry if the services or products
21 have potential for contributing to the economy of the state and will
22 have minimal negative impact on an existing private industry or labor
23 force in the state;

24 (4) authorize a prisoner to engage in productive employment
25 within or outside a correctional facility or enter into a contract
26 under AS 33.30.191 for the employment of a prisoner if the Correction-
27 al Industries Commission determines that the employment will have
28 minimal negative impact on an existing private industry or labor force
29 in the state; and

1 (5) subject to the provisions of AS 37.05, enter into joint
2 cooperative ventures with private industry for the establishment and
3 operation of "Free Venture" industries under AS 33.32.017, if the
4 Correctional Industries Commission determines at the time of inception
5 that the "Free Venture" industry will not compete with an existing
6 private industry or labor force in the state.

7 * Sec. 8. AS 33.32 is amended by adding a new section to read:

8 Sec. 33.32.017. "FREE VENTURE" CORRECTIONAL INDUSTRIES. (a)
9 Upon recommendation of the Correctional Industries Commission estab-
0 lished under AS 33.32.070, the commissioner may establish "Free Ven-
1 ture" correctional industries for the sale of goods or services to the
2 public or private sector. A "Free Venture" correctional industry is a
3 correctional industry that is operated and managed in total or in part
4 by a private industry or organization within a correctional facility
5 under an agreement entered into under AS 33.32.015(b)(5).

6 (b) The commissioner shall provide security and inmate workers
7 to the private industry or organization. The commissioner may also
8 provide appropriate space and utilities to the private industry or
9 organization.

0 (c) Unless the commissioner determines otherwise, the private
1 industry or organization shall provide all machinery, tools, supplies,
2 materials, transportation, training, supervisory personnel, management
3 marketing, and insurance necessary for the operation of the "Free
4 Venture" industry.

5 (d) In exchange for the inmate workers and other services pro-
6 vided to it, the private industry or organization shall pay to the
7 commissioner a weekly payment in an amount not less than the sum of
8 the existing minimum hourly wage, established under AS 23.10.065,
9 multiplied by the total number of hours worked during that week by

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1 inmates employed in the "Free Venture" correctional industry.

2 (e) The private industry or organization shall indemnify, save
3 harmless, and defend the state, its agents, officers, and employees
4 from liability of any kind resulting from injuries or damages sus-
5 tained by a person or property as a result of the manufacture, prepa-
6 ration, or use of the goods or services of the "Free Venture" indus-
7 try.

8 * Sec. 9. AS 33.32.030 is amended by adding a new subsection to read:

9 (f) The provisions of this section do not apply to "Free Ven-
10 ture" industries established under AS 33.32.017.

11 * Sec. 10. AS 39.35.360(e) is amended to read:

12 (e) An employee of a detention facility provided by a local
13 government unit to the territorial or state government under AS 33.-
14 30.031 or former AS 33.30.060, who continues in state employment upon
15 transfer of the facility to the state, is entitled to credited service
16 for prior service with the facility if the employee remains in contin-
17 uous employment with the state until July 1, 1976. To obtain credited
18 service the employee is required to make retroactive contributions for
19 the period of service between January 1, 1961, and the effective date
20 of the transfer of the facility to the state.

21 * Sec. 11. AS 44.65.050 is amended by adding a new subsection to read:

22 (d) The Department of Corrections and the Department of Trans-
23 portation and Public Facilities may enter into agreements under this
24 chapter for the construction, renovation, repair or alteration of
25 state correctional facilities as defined in AS 33.30.301. An agree-
26 ment entered into under this subsection is limited to an estimated
27 cost of \$100,000 for each project as determined by the terms of the
28 agreement.

29 * Sec. 12. The following laws are repealed: AS 33.30.010, 33.30.020,

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1 33.30.030, 33.30.040, 33.30.050, 33.30.060, 33.30.062, 33.30.070, 33.30.-
2 080, 33.30.090, 33.30.100, 33.30.110, 33.30.120, 33.30.130, 33.30.140,
3 33.30.150, 33.30.160, 33.30.170, 33.30.180, 33.30.185, 33.30.190, 33.30.-
4 225, 33.30.227, 33.30.250, 33.30.260, 33.30.282, 33.30.283, 33.30.284,
5 33.30.286, 33.30.288, 33.30.290, 33.30.300, 33.30.310, 33.30.320, and
6 33.30.900.

7 * Sec. 13. Regulations adopted under a statute amended or repealed by
8 this Act continue in effect until amended or repealed by the commissioner
9 of corrections, except to the extent that a regulation is inconsistent or
0 in conflict with a provision of this Act.
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