

HOUSE BILL NO. 2

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES WILLIS, Rokeberg

Introduced: 1/16/95

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act allowing courts to require certain offenders as a special condition of
2 probation to complete a boot camp program provided by the Department of
3 Corrections; making prisoners who complete the boot camp program eligible for
4 discretionary parole; providing for incarceration of certain nonviolent offenders in
5 boot camps operated by the Department of Corrections; allowing the Department
6 of Corrections to contract with a person for an alternative boot camp program;
7 creating the Boot Camp Advisory Board in the Department of Corrections; and
8 providing for an effective date."

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

10 * **Section 1.** AS 12.55.086(a) is amended to read:

11 (a) When the imposition of sentence is suspended under AS 12.55.085, the
12 court may require, as a special condition of probation,

1 (1) that the defendant serve a definite term of continuous or periodic
2 imprisonment, not to exceed the maximum term of imprisonment that could have been
3 imposed; **the** [. THE] court may recommend that the defendant serve all or part of the
4 term in a correctional restitution center;

5 (2) **if the conviction is for other than a felony violation of AS 11.41,**
6 **AS 11.46.300, 11.46.400, AS 11.56.300, 11.56.810, AS 11.61.100, 11.61.190,**
7 **11.61.195, or 11.61.240, that the defendant be imprisoned so as to successfully**
8 **complete the boot camp program provided under AS 33.30.182; the court may**
9 **require the defendant to reimburse the department for a portion of the cost of**
10 **participating in the program.**

11 * **Sec. 2.** AS 12.55.086(b) is amended to read:

12 (b) A defendant imprisoned under **(a)(1) of** this section is entitled to a
13 deduction from the term of imprisonment for good conduct under AS 33.20.010.
14 Unless otherwise specified in the order of suspension of imposition of sentence, a
15 defendant imprisoned under this section is eligible for parole if the term of
16 imprisonment exceeds one year and is eligible for any work furlough, rehabilitation
17 furlough, or similar program available to other state prisoners.

18 * **Sec. 3.** AS 33.16.090 is amended by adding a new subsection to read:

19 (f) Notwithstanding another provision of law, a prisoner who is not otherwise
20 eligible for discretionary parole who has successfully completed the boot camp
21 program under AS 33.30.182 may be granted discretionary parole.

22 * **Sec. 4.** AS 33.30 is amended by adding new sections to read:

23 ARTICLE 2A. BOOT CAMP PROGRAM.

24 Sec. 33.30.182. BOOT CAMP PROGRAM. (a) The commissioner shall
25 establish a boot camp program as a correctional facility of the state. The boot camp
26 program is an alternative correctional facility and program for prisoners who have been
27 ordered to successfully complete the program as a special condition of probation under
28 AS 12.55.086 or have been sentenced for a conviction of a less serious nature and who
29 have not previously participated in the boot camp program. Prisoners participating in
30 the boot camp program shall be housed separately from other prisoners committed to
31 the custody of the commissioner who are not participating in the program.

1 (b) The commissioner shall include in the boot camp program
2 (1) a military style intensive physical training and discipline program;
3 (2) alcohol and drug counseling, education, and treatment as an integral
4 part of the program;
5 (3) a training program emphasizing skills for reentering society;
6 (4) training in personal accountability and the work ethic; and
7 (5) other educational, counseling, and treatment programs as determined
8 by the department or as ordered by a court under AS 12.55.015.

9 (c) The commissioner shall structure the boot camp program so that a prisoner
10 entering the program may complete it in a period of time determined by the
11 commissioner but not greater than 150 days.

12 (d) A prisoner shall be removed from the boot camp program and reassigned
13 to another correctional facility if the prisoner fails to successfully complete the
14 program or otherwise fails to abide by the regulations of the program.

15 (e) The commissioner shall adopt regulations to implement AS 33.30.182 -
16 33.30.184 and otherwise administer the boot camp program.

17 (f) Notwithstanding AS 33.30.031, the department may contract with a person
18 for an alternative boot camp program under this section. An alternative boot camp
19 program must meet all of the requirements for a boot camp under this section and
20 under the regulations adopted by the commissioner. Prisoners shall be assigned to an
21 alternative boot camp program in the manner provided under AS 33.30.183.

22 (g) The commissioner shall maintain records of the program and shall annually
23 report to the legislature not later than February 1 on the program and its effectiveness.
24 The report must include, to the extent the technological capability of the department
25 allows,

26 (1) a comparison of recidivism rates between prisoners who have
27 completed the boot camp program and other prisoners not eligible for the program who
28 are committed to the custody of the commissioner;

29 (2) a comparison of costs between the boot camp program and
30 traditional incarceration programs;

31 (3) a description of the number of prisoners who have participated in,

1 completed, or failed the boot camp program.

2 Sec. 33.30.183. ELIGIBILITY FOR ASSIGNMENT TO BOOT CAMP
3 PROGRAM. (a) The commissioner may not allow a prisoner to serve time in the
4 boot camp program unless the commissioner specifically finds that the prisoner meets
5 the eligibility requirements of this section.

6 (b) To be eligible to serve time in the boot camp program, the prisoner must
7 have been

8 (1) ordered to participate in the program by the court under
9 AS 12.55.086; or

10 (2) selected by the commissioner and

11 (A) have been sentenced to a term of imprisonment of at least
12 150 days;

13 (B) not have previously participated in a boot camp program
14 under AS 33.30.182;

15 (C) not be serving a sentence for a violation of AS 11.41;
16 AS 11.46.300, 11.46.400; AS 11.56.300, 11.56.810; AS 11.61.100, 11.61.190,
17 11.61.195, or 11.61.240.

18 Sec. 33.30.184. ADVISORY BOARD. (a) The Boot Camp Program Advisory
19 Board is established in the department. The board shall review and provide advice to
20 the commissioner concerning the boot camp program. The members of the board are
21 appointed by the governor as follows:

22 (1) the commissioner or the commissioner's designee;

23 (2) the director of the division of institutions of the department;

24 (3) the director of the division of community corrections of the
25 department;

26 (4) a member of the house of representatives;

27 (5) a member of the senate;

28 (6) a superior court judge; and

29 (7) two public members.

30 (b) The public members of the board are entitled to per diem and travel
31 expenses authorized by law for boards and commissions under AS 39.20.180.

1 * **Sec. 5.** This Act takes effect July 1, 1995.