

HOUSE BILL NO. 429

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Introduced: 1/17/96

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the authority of the Department of Corrections to contract
2 for facilities for the confinement and care of prisoners; and annulling a regulation
3 of the Department of Corrections that limits the purposes for which an agreement
4 with a private agency may be entered into."

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

6 * **Section 1.** AS 33.30.031(a) is amended to read:

7 (a) The commissioner shall determine the availability of state correctional
8 facilities suitable for the detention and confinement of persons held under authority of
9 state law or under agreement entered into under (e) of this section. If the
10 commissioner determines that suitable state correctional facilities are not available, the
11 commissioner may enter into an agreement with a public or private agency to provide
12 necessary facilities, subject to the following:

13 (1) the commissioner may not enter into an agreement with a
14 public or private agency that is unable to provide a degree of custody, care, and

1 discipline to the extent required by the laws of this state, including the standards
2 of custody, care, and discipline that are required by order of a court;

3 (2) correctional [. CORRECTIONAL] facilities provided through
4 agreement with a public agency for the detention and confinement of persons held
5 under authority of state law may be in this state or in another state;

6 (3) correctional [. CORRECTIONAL] facilities provided through
7 agreement with a private agency

8 (A) must be located in this state unless the commissioner finds
9 in writing that

10 (i) [(1)] there is no other reasonable alternative for
11 detention in the state; and

12 (ii) [(2)] the agreement is necessary because of health
13 or security considerations involving a particular prisoner or class of
14 prisoners, or because an emergency of prisoner overcrowding is
15 imminent;

16 (B) may provide for the detention and confinement of all
17 persons held by the commissioner under authority of state law, whether
18 charged with or convicted of felonies or misdemeanors, without regard to
19 the custody classifications for prisoners as determined by the
20 commissioner, unless the security of the facility is inconsistent with those
21 custody classifications; and

22 (C) may not be administratively restricted or limited by the
23 commissioner to use only for prisoners involved in certain rehabilitative or
24 treatment programs authorized by law. [THE COMMISSIONER MAY
25 NOT ENTER INTO AN AGREEMENT WITH AN AGENCY UNABLE TO
26 PROVIDE A DEGREE OF CUSTODY, CARE, AND DISCIPLINE SIMILAR
27 TO THAT REQUIRED BY THE LAWS OF THIS STATE.]

28 * Sec. 2. 22 AAC 05.300(e) is annulled.