

**SENATE BILL NO. 175**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATOR DONLEY

Introduced: 5/6/95

Referred: JUD, FIN

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to correctional institutions and their administration; providing the  
2 Department of Corrections with the authority to require prisoners to assist in  
3 paying for medical treatment; relating to the authority of a law enforcement  
4 agency to charge a prisoner for medical costs for a preexisting condition; and  
5 relating to service of criminal sentences."

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

7 \* **Section 1.** This Act may be known as the "Alaska No Frills Prison Act."

8 \* **Sec. 2.** AS 33.30.011 is amended to read:

9 Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall, **in**  
10 **a manner consistent with AS 33.30.015,**

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

- 1 (2) classify prisoners;
- 2 (3) for persons committed to the custody of the commissioner, establish
- 3 programs, including furlough programs, that are reasonably calculated to
- 4 (A) protect the public;
- 5 (B) maintain health;
- 6 (C) create or improve occupational skills;
- 7 (D) enhance educational qualifications;
- 8 (E) support court-ordered restitution; and
- 9 (F) otherwise provide for the rehabilitation and reformation of
- 10 prisoners, facilitating their reintegration into society;
- 11 (4) **subject to AS 33.30.028**, provide necessary medical services for
- 12 prisoners in correctional facilities or who are committed by a court to the custody of
- 13 the commissioner, including examinations for communicable and infectious diseases;
- 14 (5) **subject to AS 33.30.028**, provide necessary psychological or
- 15 psychiatric treatment if a physician or other health care provider, exercising ordinary
- 16 skill and care at the time of observation, concludes that
- 17 (A) a prisoner exhibits symptoms of a serious disease or injury
- 18 that is curable or may be substantially alleviated; and
- 19 (B) the potential for harm to the prisoner by reason of delay or
- 20 denial of care is substantial;
- 21 (6) establish minimum standards for sex offender treatment programs
- 22 offered to persons who are committed to the custody of the commissioner; and
- 23 (7) provide for fingerprinting in correctional facilities in accordance
- 24 with AS 12.80.060.

25 \* **Sec. 3.** AS 33.30 is amended by adding a new section to read:

26 Sec. 33.30.015. WORK REQUIREMENT AND LIVING CONDITIONS FOR

27 PRISONERS. (a) In implementing this chapter, the commissioner

28 (1) may not

29 (A) provide

30 (i) living conditions and opportunities to prisoners within

31 a correctional facility that are more luxurious than those conditions and

1 opportunities the average prisoner would have experienced if the  
2 prisoner were not incarcerated;

3 (ii) living or work quarters for a prisoner into which the  
4 view into the quarters is obstructed;

5 (iii) food exceeding in quality or quantity food that is  
6 available to enlisted personnel in the United States Army;

7 (iv) equipment or facilities for publishing or  
8 broadcasting material the content of which is not subject to prior  
9 approval by the department as consistent with keeping order in the  
10 institution and prisoner discipline;

11 (v) cable television service in a correctional facility;

12 (B) provide or allow a prisoner to

13 (i) make unmonitored telephone calls, except for calls  
14 between the prisoner and the prisoner's legal counsel or the prisoner's  
15 immediate family;

16 (ii) possess a television in the prisoner's cell;

17 (iii) view movies rated "R," "X," or "NC-17," or that do  
18 not have a rating;

19 (iv) possess pornographic material;

20 (v) receive instruction in person, or by broadcast or  
21 printed medium, in boxing, wrestling, judo, karate, or other martial art,  
22 or bodybuilding or weightlifting;

23 (vi) possess or have access to equipment for use in the  
24 activities listed in (v) of this subparagraph;

25 (vii) use or possess an electric or electronic musical  
26 instrument or practice or play another type of musical instrument for  
27 more than one hour each day, except when possession or use of the  
28 musical instrument is required as part of the prisoner's employment;

29 (viii) possess in the prisoner's cell a coffee pot, hot  
30 plate, appliance, or heating element for food preparation;

31 (ix) possess or appear in a state of dress, hygiene,

1 grooming, or appearance other, than as permitted as uniform or standard  
2 in the correctional facility;

3 (C) allow a prisoner to use a computer other than those that  
4 may be provided by the correctional facility as part of the prisoner's  
5 employment;

6 (2) shall require a prisoner to work at least 40 hours per week at a job  
7 that either offsets the expenses of incarcerating the prisoner or provides resources  
8 toward restitution of victims, payment of child support and support for dependents, or  
9 payment of fines.

10 (b) If a prisoner is serving a sentence for a crime against a person that resulted  
11 in serious physical injury to a person other than the prisoner, in addition to the  
12 requirements of (a) of this section, the commissioner

13 (1) shall

14 (A) incarcerate those prisoners separately from other prisoners  
15 in cell blocks or facilities intended for violent offenders that are designed to  
16 emphasize punishment rather than rehabilitation;

17 (B) require those prisoners to engage in eight hours of physical  
18 labor each day instead of the 40 hours of work per week required under (a) of  
19 this section; if a prisoner is not able to perform physical labor under this  
20 subparagraph, the commissioner shall require the prisoner to perform alternate  
21 labor; if a prisoner refuses to perform the labor required by this subparagraph,  
22 the commissioner shall confine the prisoner to the prisoner's cell for at least 23  
23 hours each day;

24 (2) may not allow a prisoner to

25 (A) leave the cell blocks or facilities described in (1)(A) of this  
26 subsection, whether by furlough or another manner, unless the prisoner, while  
27 away from the cell block or facility, is at all times under physical or  
28 mechanical restraints, including handcuffs, and under the constant escort and  
29 supervision of at least one correctional officer;

30 (B) view television;

31 (C) travel outside the prison to participate in, or be a spectator

- 1 of, competitive sports;
- 2 (D) engage in sports or exercise for more than two hours a day;
- 3 (E) possess personal property
- 4 (i) exceeding 75 pounds in total weight; and
- 5 (ii) that cannot be stowed in a standard size United
- 6 States military issue duffle bag.

7 (c) In this section, "serious physical injury" has the meaning given in

8 AS 11.81.900.

9 \* **Sec. 4.** AS 33.30 is amended by adding a new section to read:

10 Sec. 33.30.028. MEDICAL CARE FOR PRISONERS. The commissioner shall

11 develop a program under which prisoners are required to reimburse the department for

12 medical, psychological, and psychiatric care the department has provided to the

13 prisoner, either by paying

14 (1) the entire cost, or a portion of the costs, of the care if the prisoner

15 has the resources, insurance coverage, or benefits; or

16 (2) a partial fee for the care that involves the prisoner in the decision

17 to seek and provide care and the responsibility for that care.

18 \* **Sec. 5.** AS 33.30.071(a) is amended to read:

19 (a) Notwithstanding AS 33.30.011(1), the commissioner of public safety shall

20 provide for the custody, care, and discipline of prisoners pending arraignment,

21 commitment by a court to the custody of the commissioner of corrections, or

22 admission to a state correctional facility. Except as provided in (c) of this section, the

23 responsibility for providing necessary medical services for prisoners remains with the

24 commissioner of corrections under AS 33.30.011(4), **subject to AS 33.30.028**. The

25 commissioner of corrections and the commissioner of public safety are not responsible

26 for providing custody, care, and discipline for a person detained under AS 47.30.705

27 or AS 47.37.170 [,] unless the person is admitted into a state correctional facility.

28 \* **Sec. 6.** AS 33.30.071(c) is amended to read:

29 (c) Medical services for a prisoner who is unconscious or in immediate need

30 of medical attention before admission to a correctional facility or commitment by a

31 court to the custody of the commissioner of corrections shall be provided by the law

1 enforcement agency having custody of the prisoner. The law enforcement agency may  
2 require the prisoner to compensate the agency for the cost of medical services provided  
3 for any [A] preexisting medical condition [NOT ARISING OUT OF THE  
4 PRISONER'S ARREST].