

**SPONSOR SUBSTITUTE FOR SENATE BILL NO. 175**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATORS DONLEY, Pearce

Introduced: 1/22/96

Referred: JUD, FIN

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to correctional institutions and their administration, and to  
2 services provided to prisoners; amending the definition of 'severely medically  
3 disabled' applicable to prisoners seeking special medical parole; and amending  
4 provisions of the correctional industries program, and extending the termination  
5 date of the Correctional Industries Commission and the program."

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

7 \* **Section 1.** Sections 3 - 5 of this Act may be known as the "Alaska No Frills Prison Act."

8 \* **Sec. 2.** AS 33.16.900(10) is amended to read:

9 (10) "severely medically disabled" means that a person has a medical  
10 condition that, in the opinion of the Parole Board, significantly reduces the  
11 probability of committing an offense similar to the offense for which the person  
12 was convicted or of committing an offense in violation of AS 11.41 that is  
13 punishable as a felony, [REQUIRES THE PERSON SUFFERING FROM THE

1           CONDITION TO BE CONFINED TO BED] and the person is likely to

2                           (A) **remain subject to the medical condition** [BE CONFINED  
3           TO BED] throughout the entire period of parole; or

4                           (B) [TO] die from the **medical** condition;

5   \* **Sec. 3.** AS 33.30.011 is amended to read:

6           Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall

7                           (1) establish, maintain, operate, and control correctional facilities  
8           suitable for the custody, care, and discipline of persons charged or convicted of  
9           offenses against the state or held under authority of state law; **each correctional**  
10          **facility shall be established, maintained, operated, and controlled in a manner that**  
11          **is consistent with AS 33.30.015;**

12                           (2) classify prisoners;

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

15                           (A) protect the public;

16                           (B) maintain health;

17                           (C) create or improve occupational skills;

18                           (D) enhance educational qualifications;

19                           (E) support court-ordered restitution; and

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

22                           (4) **subject to AS 33.30.028,** provide necessary

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

26                           (B) psychological or psychiatric treatment if a physician or  
27          other health care provider, exercising ordinary skill and care at the time of  
28          observation, concludes that

29   (i) a prisoner exhibits symptoms of a serious disease or  
30          injury that is curable or may be substantially alleviated; and

31   (ii) the potential for harm to the prisoner by reason of

1 delay or denial of care is substantial;  
2 (5) establish minimum standards for sex offender treatment programs  
3 offered to persons who are committed to the custody of the commissioner; and  
4 (6) provide for fingerprinting in correctional facilities in accordance  
5 with AS 12.80.060.

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

7 Sec. 33.30.015. WORK REQUIREMENT AND LIVING CONDITIONS FOR  
8 PRISONERS. (a) In implementing this chapter, the commissioner may not

9 (1) provide

10 (A) living conditions and recreational opportunities to prisoners  
11 within a correctional facility that substantially exceed the conditions that may  
12 be required of the state by the Constitution of the United States or the  
13 constitution of the state;

14 (B) living quarters for a prisoner into which the view into the  
15 quarters is obstructed; however, the commissioner may not be required to  
16 renovate the cells of a correctional facility that, on the effective date of this  
17 Act, confines prisoners in cells equipped with doors that do not have bars or  
18 windows;

19 (C) food that substantially exceeds in quality or quantity the  
20 food that must be served as required by the Constitution of the United States  
21 or the constitution of the state;

22 (D) equipment or facilities for publishing or broadcasting  
23 material the content of which is not subject to prior approval by the department  
24 as consistent with keeping order in the institution and prisoner discipline;

25 (E) cable television service in a correctional facility;

26 (2) allow a prisoner to

27 (A) make unmonitored telephone calls, except for calls between  
28 the prisoner and the prisoner's legal counsel;

29 (B) possess a television or a computer in the prisoner's cell;

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

1 (D) possess printed material that visually depicts a person's  
2 genitals, anus, or female breast;

3 (E) receive instruction in person, or by broadcast or printed  
4 medium, or engage in boxing, wrestling, judo, karate, or other martial art, in  
5 bodybuilding or weight lifting, or in any activity that, in the commissioner's  
6 discretion, would facilitate violent behavior;

7 (F) possess or have access to free weights, to bodybuilding or  
8 weight-lifting equipment, or to other equipment for use in the activities listed  
9 in (E) of this paragraph;

10 (G) possess in the prisoner's cell a coffee pot, hot plate,  
11 appliance, or heating element for food preparation;

12 (H) possess or appear in a state of dress, hygiene, grooming, or  
13 appearance other than as permitted as uniform or standard in the correctional  
14 facility;

15 (I) use a computer other than those that may be provided by the  
16 correctional facility; the use may be only as part of the prisoner's employment  
17 or vocational training.

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

19 (c) Medical services for a prisoner who is unconscious or in immediate need  
20 of medical attention before admission to a correctional facility or commitment by a  
21 court to the custody of the commissioner of corrections shall be provided by the law  
22 enforcement agency having custody of the prisoner. The law enforcement agency may  
23 require the prisoner to compensate the agency for the cost **or for a portion of the cost**  
24 of medical services provided for **any** [A] preexisting medical condition [NOT  
25 ARISING OUT OF THE PRISONER'S ARREST].

26 \* **Sec. 6.** AS 33.32.010 is amended to read:

27 Sec. 33.32.010. PURPOSE OF CHAPTER. It is the purpose of this chapter to  
28 [:]

29 (1) develop and operate agricultural, industrial, and service enterprises  
30 employing prisoners under the jurisdiction of the commissioner of corrections;

31 (2) provide realistic work experience **and vocational training** for

1 prisoners under conditions as much like those that prevail in private industry as possible,  
2 consistent with proper penal administration, and to direct their efforts toward financial  
3 responsibility, acquiring or improving effective work habits and occupational skills, and  
4 increasing the probability of opportunities for employment after release; and

5 (3) operate a work program for prisoners that will be as nearly self-  
6 supporting as possible by generating a sufficient amount of money from the sale of  
7 products and services to pay all or most of the expenses of the program.

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

9 (b) The commissioner of corrections may

10 (1) subject to AS 36.30 (State Procurement Code), use, purchase, lease,  
11 equip, and maintain buildings, machinery, and other equipment, and may purchase  
12 materials and enter into contracts that [, WHICH] may be necessary for the correctional  
13 industries program;

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

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

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

28 (5) subject to the provisions of AS 36.30 (State Procurement Code), enter  
29 into joint cooperative ventures with private industry for the establishment and operation  
30 of "Free Venture" industries under AS 33.32.017 [,] if the Correctional Industries  
31 Commission determines at the time of inception that the "Free Venture" industry will not  
32 compete with an existing private industry or labor force in the state.

1     \* **Sec. 8.** AS 33.32.015 is amended by adding a new subsection to read:

2                   (c) This section does not require the commissioner of corrections to establish  
3                   and administer a vocational training program under the correctional industries program.

4     \* **Sec. 9.** Section 7, ch. 53, SLA 1982, as amended by sec. 1, ch. 25, SLA 1987, by sec. 4,  
5 ch. 77, SLA 1991, and by sec. 10, ch. 93, SLA 1995, is amended to read:

6                   Sec. 7. AS 33.32 is repealed July 1, 2005 [1999].