

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 175(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 2/21/96

Referred: Rules

Sponsor(s): SENATORS DONLEY, Pearce, Halford

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 substantially eliminates the physical ability to commit an offense
11 similar to the offense for which the person was convicted or to commit an offense
12 in violation of AS 11.41 that is punishable as a felony, [REQUIRES THE PERSON
13 SUFFERING FROM THE CONDITION TO BE CONFINED TO BED] and the person

1 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 be
12 required of the state by the Constitution of the United States or the constitution
13 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 Act,
17 confines prisoners in cells equipped with doors that do not have bars or windows;

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

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

24 (E) cable television service in a correctional facility other than a
25 level of basic cable television service that is available as a substitute for services
26 that are broadcast to the public in the community in which a correctional facility
27 is located;

28 (2) allow a prisoner to

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

31 (B) possess a television, a compact disc player, a video cassette
32 recorder (VCR), or a computer in the prisoner's cell;

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

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

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

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

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

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

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

20 (J) smoke unless the prisoner smokes in an area that has been
21 designated under AS 18.35.320 to permit smoking.

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

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

30 * **Sec. 6.** AS 33.32.010 is amended to read:

31 Sec. 33.32.010. PURPOSE OF CHAPTER. It is the purpose of this chapter to
32 [:]

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

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

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

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

12 (b) The commissioner of corrections may

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

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

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

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

31 (5) subject to the provisions of AS 36.30 (State Procurement Code), enter
32 into joint cooperative ventures with private industry for the establishment and operation

1 of "Free Venture" industries under AS 33.32.017 [,] if the Correctional Industries
2 Commission determines at the time of inception that the "Free Venture" industry will not
3 compete with an existing private industry or labor force in the state.

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

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

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

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