

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 3/6/96

Offered: 2/21/96

Sponsor(s): SENATORS DONLEY, Pearce, Halford, Leman, Kelly, Sharp, Green, Torgerson, Miller, Taylor, Phillips

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 operated by the state shall be established, maintained, operated, and**
11 **controlled in a manner that 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 in a state correctional facility operated by the state

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 exceeds in quality or quantity food that is available
19 to enlisted personnel in the United States Army and use Alaska farm products
20 and salmon to the greatest extent practicable;

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 held in a state correctional facility operated by the
29 state to

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

32 (B) possess a compact disc player, a video cassette recorder

1 (VCR), or a computer in the prisoner's cell;

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

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

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

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

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

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

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

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

23 (b) The commissioner may determine whether the provisions of (a) of this
24 section shall apply to correctional facilities that are not operated by the state and may
25 negotiate with a provider of services for the detention and confinement of persons held
26 under authority of state law under contract or agreement whether the work requirements
27 and living conditions set out in (a) of this section shall apply to persons held under
28 authority of state law at a facility operated under contract or agreement.

29 (c) On and after January 1, 1997, the commissioner may not allow a prisoner
30 who, under AS 33.30.011(2), has been classified as maximum custody, to possess a
31 television in the prisoner's cell.

32 (d) Subject to (e) of this section, on and after January 1, 1997, the commissioner

1 may allow a prisoner who, under AS 33.30.011(2), has been classified as other than
2 maximum custody to possess a television in the prisoner's cell only if the prisoner

3 (1) has attained a high school diploma or general education development
4 diploma or the equivalent;

5 (2) is actively engaged in an educational, vocational training, or
6 employment program;

7 (3) has satisfied all restitution orders entered by the court as part of the
8 prisoner's sentence and, if applicable, is actively engaged in a treatment plan, counseling,
9 or rehabilitation program ordered by the court as part of the prisoner's sentence; and

10 (4) pays for the expense of providing the television or cable television
11 service.

12 (e) The commissioner shall use appropriate technology to screen programs
13 received by prisoners under (d) of this section.

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

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

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

23 Sec. 33.32.010. PURPOSE OF CHAPTER. It is the purpose of this chapter to
24 [:]

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

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

32 (3) operate a work program for prisoners that will be as nearly self-

1 supporting as possible by generating a sufficient amount of money from the sale of
2 products and services to pay all or most of the expenses of the program.

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

4 (b) The commissioner of corrections may

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

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

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

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

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

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

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

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

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