

HOUSE CS FOR CS FOR SS FOR SENATE BILL NO. 175(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/1/96

Referred: Finance

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

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

29 (2) allow a prisoner held in a state correctional facility operated by the
30 state to

31 (A) possess a compact disc player;

1 (B) view movies rated "R," "X," or "NC-17," or that do not
2 have a rating unless approved by the department;

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

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

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

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

14 (G) use a computer other than those approved by the
15 correctional facility; the use may be only as part of the prisoner's employment,
16 education, or vocational training;

17 (H) smoke unless the prisoner smokes in an area that has been
18 designated under AS 18.35.320 to permit smoking.

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

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

28 (d) Subject to (e) of this section, on and after January 1, 1998, the
29 commissioner may allow a prisoner who, under AS 33.30.011(2), has been classified
30 as other than maximum custody to possess a television in the prisoner's cell only if
31 the prisoner

1 (1) either is incapable of obtaining or has attained a high school
2 diploma or general education development diploma or the equivalent;

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

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

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

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

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

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

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

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

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

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

31 (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
8 correctional 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
14 AS 33.32.070 approves, employ prisoners to provide services or products as needed
15 by private industry if the services or products have potential for contributing to the
16 economy of the state and will have minimal negative impact on an existing private
17 industry or labor force in the 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
22 an existing private industry or labor force in the state; and

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

1 4, ch. 77, SLA 1991, and by sec. 10, ch. 93, SLA 1995, is amended to read:

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