

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/29/96

Referred: Rules

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; however, in
21 providing food that conforms to the requirement of this subparagraph, the
22 commissioner shall use Alaska farm products and fish to the greatest extent
23 practicable;

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

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

31 (2) allow a prisoner held in a state correctional facility operated by the

1 state to

2 (A) possess a compact disc player;

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

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

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

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

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

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

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

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

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

30 (d) Subject to (e) of this section, on and after January 1, 1998, the
31 commissioner may allow a prisoner who, under AS 33.30.011(2), has been classified

1 as other than maximum custody to possess a television in the prisoner's cell only if
2 the prisoner

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

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

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

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

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

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

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

23 * **Sec. 6.** AS 33.30.231(c) is amended to read:

24 (c) Notwithstanding AS 42.20.300 and 42.20.310, in order to preserve the
25 security and orderly administration of the correctional facility and to protect the public,
26 the commissioner **shall monitor or record the** [MAY AUTHORIZE THE USE OF
27 MONITORING OR RECORDING EQUIPMENT TO LISTEN TO A] telephone
28 **conversations** [CONVERSATION] of **prisoners.** **A** [A PRISONER
29 INCARCERATED FOLLOWING CONVICTION OF A CRIME, IF A] warning **shall**
30 **be** [IS] posted by **each** [THE] telephone informing **prisoners** [THE PRISONER] that
31 **calls** [A CALL] may be monitored or recorded. **The monitoring or recording may**

1 be conducted of all calls or selectively or in some other limited manner as
2 determined by the commissioner to be appropriate. A recording of a telephone call
3 made under this subsection shall be kept confidential, and access to the recording and
4 its contents is limited to persons who are acting within the scope of their official duties
5 and whose access to specific recordings has been authorized by the facility
6 superintendent. A telephone call between an attorney and a prisoner or between the
7 office of the ombudsman and a prisoner may not be monitored or recorded except
8 when authorized by a court. A person may not bring a civil action for damages for
9 the failure to monitor or record a telephone conversation or for the failure to take
10 action based upon a telephone conversation that was monitored or recorded.

11 * **Sec. 7.** AS 33.32.010 is amended to read:

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

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

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

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

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

25 (b) The commissioner of corrections may

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

30 (2) provide for prisoners to be employed in rendering services and
31 producing articles, materials, and supplies needed by a state agency, a political

1 subdivision of the state, an agency of the federal government, other states or their
2 political subdivisions, or for use by nonprofit organizations;

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

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

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

18 * **Sec. 9.** AS 33.32.015 is amended by adding a new subsection to read:

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

21 * **Sec. 10.** Section 7, ch. 53, SLA 1982, as amended by sec. 1, ch. 25, SLA 1987, by sec.
22 4, ch. 77, SLA 1991, and by sec. 10, ch. 93, SLA 1995, is amended to read:

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