



LAWS OF ALASKA

1998

Source
CSHB 272(FIN)

Chapter No.
116

AN ACT

Relating to allowing the commissioner of corrections to allow a prisoner to serve a term of imprisonment or period of temporary commitment by electronic monitoring; and relating to the crime of escape.

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

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Approved by the Governor: June 19, 1998
Actual Effective Date: September 17, 1998

AN ACT

1 Relating to allowing the commissioner of corrections to allow a prisoner to serve a term of
2 imprisonment or period of temporary commitment by electronic monitoring; and relating to
3 the crime of escape.

4

5 * Section 1. AS 11.56.310(a) is amended to read:

6 (a) One commits the crime of escape in the second degree if, without lawful
7 authority, one

8 (1) removes oneself from

9 (A) a correctional facility while under official detention;

10 (B) official detention for a felony or for extradition; or

11 (C) official detention and, during the escape [,] or at any time
12 before being restored to official detention, one possesses on or about oneself
13 a firearm; [OR]

14 (2) violates AS 11.56.340 and, during the time of the unlawful evasion

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1 [.] or at any time before being restored to official detention, one possesses on or about
2 oneself a firearm; or

3 **(3) removes, tampers with, or disables the electronic monitoring**
4 **equipment, or leaves one's residence or other place designated by the**
5 **commissioner of corrections for the service by electronic monitoring of official**
6 **detention for a felony.**

7 * **Sec. 2.** AS 11.56.330(a) is amended to read:

8 (a) One commits the crime of escape in the fourth degree if, without lawful
9 authority, one

10 (1) removes oneself from official detention for a misdemeanor; [OR]

11 (2) having been placed under actual restraint by a peace officer before
12 arrest, removes oneself from the restraint; or

13 **(3) removes, tampers with, or disables the electronic monitoring**
14 **equipment, or leaves one's residence or other place designated by the**
15 **commissioner of corrections for the service by electronic monitoring of official**
16 **detention for a misdemeanor.**

17 * **Sec. 3.** AS 12.55.015(e) is amended to read:

18 (e) If the defendant is ordered to serve a definite term of imprisonment, the
19 court may recommend that the defendant serve all or part of the term

20 **(1)** in a correctional restitution center;

21 **(2) by electronic monitoring.**

22 * **Sec. 4.** AS 33.30.061 is amended by adding a new subsection to read:

23 (c) The commissioner may, under AS 33.30.065, designate a prisoner to serve
24 the prisoner's term of imprisonment or period of temporary commitment, or a part of
25 the term or period, by electronic monitoring. A prisoner serving a term of
26 imprisonment, or a period of temporary commitment, for a crime involving domestic
27 violence is not eligible for electronic monitoring.

28 * **Sec. 5.** AS 33.30 is amended by adding a new section to read:

29 **Sec. 33.30.065. Service of sentence by electronic monitoring.** (a) If the
30 commissioner designates a prisoner to serve the prisoner's term of imprisonment or
31 period of temporary commitment, or a part of the term or period, by electronic

1 monitoring, the commissioner shall direct the prisoner to serve the term or period at
2 the prisoner's residence or other place selected by the commissioner. The electronic
3 monitoring shall be administered by the department and shall be designed so that any
4 attempt to remove, tamper with, or disable the monitoring equipment or to leave the
5 place selected for the service of the term or period will result in a report or notice to
6 the department.

7 (b) In determining whether to designate a prisoner to serve a term of
8 imprisonment or period of temporary commitment by electronic monitoring, the
9 commissioner shall consider

- 10 (1) safeguards to the public;
- 11 (2) the prospects for the prisoner's rehabilitation;
- 12 (3) the availability of program and facility space;
- 13 (4) the nature and circumstances of the offense for which the prisoner
14 was sentenced or for which the prisoner is serving a period of temporary commitment;
- 15 (5) the needs of the prisoner as determined by a classification
16 committee and any recommendations made by the sentencing court;
- 17 (6) the record of convictions of the prisoner, with particular emphasis
18 on crimes specified in AS 11.41 or crimes involving domestic violence;
- 19 (7) the use of drugs or alcohol by the prisoner; and
- 20 (8) other criteria considered appropriate by the commissioner.

21 (c) A decision by the commissioner to designate a prisoner to serve a term of
22 imprisonment or a period of temporary confinement, or a part of the term or period,
23 by electronic monitoring does not create a liberty interest in that status for the prisoner.
24 The prisoner may be returned to a correctional facility at the discretion of the
25 commissioner.

26 (d) The commissioner may require a prisoner designated to serve a term of
27 imprisonment or a period of temporary confinement by electronic monitoring to pay
28 all or a portion of the costs of the electronic monitoring, but only if the prisoner has
29 sufficient financial resources to pay the costs or a portion of the costs.