

CS FOR HOUSE BILL NO. 296(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/17/12

Referred: Finance

Sponsor(s): HOUSE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to service of process on prisoners; relating to the crime of escape;
2 deleting the repeal of a provision relating to electronic monitoring as a special condition
3 of probation and parole for offenders whose offense was related to a criminal street
4 gang; amending Rule 4, Alaska Rules of Civil Procedure; and providing for an effective
5 date."

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

7 * **Section 1.** AS 09.05.050 is amended by adding a new subsection to read:

8 (c) In this section, "correctional facility" has the meaning given in
9 AS 33.30.901.

10 * **Sec. 2.** AS 11.56.310(a) is amended to read:

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

13 (1) removes oneself from

1 (A) a **secure** correctional facility while under official detention
2 **for a misdemeanor**;

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

4 (C) official detention and, during the escape or at any time
5 before being restored to official detention, one possesses on or about oneself a
6 firearm;

7 (2) violates AS 11.56.335 or 11.56.340 and, during the time of the
8 unlawful evasion or at any time before being restored to official detention, one
9 possesses on or about oneself a firearm; or

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

13 * **Sec. 3.** AS 11.56.310 is amended by adding a new subsection to read:

14 (c) In this section, "secure correctional facility" means a correctional facility
15 that

16 (1) has construction fixtures or security features that are designed to
17 restrict the ability of a person under official detention from leaving the facility without
18 lawful authority; or

19 (2) has correctional officers or other persons authorized by the
20 commissioner of corrections to prevent a person under official detention from leaving
21 without lawful authority.

22 * **Sec. 4.** Section 3, ch. 27, SLA 2007, is repealed.

23 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 **INDIRECT COURT RULE CHANGE.** AS 09.05.050, including the amendment made
26 by sec. 1 of this Act, has the effect of amending Rule 4, Alaska Rules of Civil Procedure,
27 relating to service of process on prisoners committed to the custody of the commissioner of
28 corrections.

29 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 **APPLICABILITY.** The changes made to the crime of escape in the second degree

1 under AS 11.56.310(a), as amended by sec. 2 of this Act, and the definition of "secure
2 correctional facility" in AS 11.56.310(c), added by sec. 3 of this Act, apply to offenses
3 occurring on or after the effective date of this Act.

4 * **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).