

CS FOR HOUSE BILL NO. 187(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 1/29/20

Referred: Finance

Sponsor(s): REPRESENTATIVES FIELDS, Drummond, Josephson, Ortiz, Spohnholz, Hopkins, Tuck, Jackson, Claman, LeDoux, Shaw, Tarr

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to correctional facilities; relating to the authority of the commissioner**
2 **of corrections to designate the correctional facility to which a prisoner is to be**
3 **committed; and providing for an effective date."**

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

5 * **Section 1.** AS 33.30.031(a) is amended to read:

6 (a) The commissioner shall determine the availability of state correctional
7 facilities suitable for the detention and confinement of persons held under authority of
8 state law or under agreement entered into under (e) of this section. If the commissioner
9 determines that suitable state correctional facilities are not available, the commissioner
10 may enter into an agreement with a public [OR PRIVATE] agency to provide
11 necessary facilities. **The commissioner may not enter into an agreement with an**
12 **agency unable to provide a degree of custody, care, and discipline similar to that**
13 **required by the laws of this state.** Correctional facilities provided through agreement
14 with a public agency for the detention and confinement of persons held under

1 authority of state law **must** [MAY] be **located** in this state [OR IN ANOTHER
 2 STATE. CORRECTIONAL FACILITIES PROVIDED THROUGH AGREEMENT
 3 WITH A PRIVATE AGENCY MUST BE LOCATED IN THIS STATE] unless the
 4 commissioner finds in writing that [(1) THERE IS NO OTHER REASONABLE
 5 ALTERNATIVE FOR DETENTION IN THE STATE; AND (2) THE] agreement
 6 **with a public agency outside the state** is necessary

7 **(1) to locate a particular prisoner closer to family;**

8 **(2) because of health or security considerations involving a particular**
 9 **prisoner; or**

10 **(3) to reduce the cost of housing a prisoner who**

11 **(A) is not a resident of the state; or**

12 **(B) has been sentenced to a term or aggregate term of**
 13 **imprisonment of 99 years or more, and, if the prisoner is a parent, the**
 14 **prisoner**

15 **(i) does not have a child under 18 years of age**
 16 **residing in the state; or**

17 **(ii) has a child under 18 years of age residing in the**
 18 **state, but the prisoner's parental rights to the child have been**
 19 **terminated** [OR CLASS OF PRISONERS, OR BECAUSE AN
 20 EMERGENCY OF PRISONER OVERCROWDING IS IMMINENT.
 21 THE COMMISSIONER MAY NOT ENTER INTO AN
 22 AGREEMENT WITH AN AGENCY UNABLE TO PROVIDE A
 23 DEGREE OF CUSTODY, CARE, AND DISCIPLINE SIMILAR TO
 24 THAT REQUIRED BY THE LAWS OF THIS STATE].

25 * **Sec. 2.** AS 33.30.031(c) is repealed and reenacted to read:

26 (c) The commissioner may not enter into an agreement with a private agency
 27 to establish, maintain, operate, control, or provide necessary facilities located in this
 28 state or outside the state.

29 * **Sec. 3.** AS 33.30.061(a) is amended to read:

30 (a) The commissioner shall designate the correctional facility to which a
 31 prisoner is to be committed to serve a term of imprisonment or period of temporary

1 commitment. The commissioner may designate a facility without regard to whether it
 2 is maintained by the state **or** [,] is located within the judicial district in which the
 3 prisoner was convicted [, OR IS LOCATED IN THE STATE].

4 * **Sec. 4.** AS 33.30.061(b) is amended to read:

5 (b) The commissioner may designate an out-of-state facility under this section
 6 only if the commissioner determines that

7 **(1) rehabilitation or treatment of the prisoner will not be substantially**
 8 **impaired; and**

9 **(2) placement in an out-of-state facility**

10 **(A) would allow a prisoner to serve the prisoner's term of**
 11 **imprisonment closer to family;**

12 **(B) is required because of a prisoner's health or security**
 13 **considerations; or**

14 **(C) would reduce the cost of housing a prisoner who is not a**
 15 **resident of the state or has been sentenced to a term or aggregate term of**
 16 **imprisonment of 99 years or more, and, if the prisoner is a parent, the**
 17 **prisoner**

18 **(i) does not have a child under 18 years of age**
 19 **residing in the state; or**

20 **(ii) has a child under 18 years of age residing in the**
 21 **state, but the prisoner's parental rights to the child have been**
 22 **terminated.**

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

25 APPLICABILITY. AS 33.30.031(a), as amended by sec. 1 of this Act,
 26 AS 33.30.031(c), as amended by sec. 2 of this Act, AS 33.30.061(a), as amended by sec. 3 of
 27 this Act, and AS 33.30.061(b), as amended by sec. 4 of this Act, apply to contracts entered
 28 into on or after the effective date of this Act.

29 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).