

**SENATE BILL NO. 138**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY SENATOR GRAY-JACKSON

Introduced: 1/21/20

Referred: State Affairs, Judiciary

**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 necessary  
11 facilities. **The commissioner may not enter into an agreement with an agency**  
12 **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 **or private** agency for the detention and confinement of persons held

1 under 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 an agency outside the state** is necessary

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

8 **(2)** because of health [OR SECURITY] considerations involving a  
 9 particular prisoner [OR CLASS OF PRISONERS, OR BECAUSE AN EMERGENCY  
 10 OF PRISONER OVERCROWDING IS IMMINENT. THE COMMISSIONER MAY  
 11 NOT ENTER INTO AN AGREEMENT WITH AN AGENCY UNABLE TO  
 12 PROVIDE A DEGREE OF CUSTODY, CARE, AND DISCIPLINE SIMILAR TO  
 13 THAT REQUIRED BY THE LAWS OF THIS STATE].

14 \* **Sec. 2.** AS 33.30.031(c) is amended to read:

15 (c) **The commissioner may not enter into an agreement with a private**  
 16 **agency to establish, maintain, operate, control, or provide necessary facilities**  
 17 **located in this state.** Notwithstanding AS 36.30.300, an agreement with a private  
 18 agency to provide necessary facilities **outside the state** under (a) of this section must  
 19 be based on competitive bids.

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

21 (a) The commissioner shall designate the correctional facility to which a  
 22 prisoner is to be committed to serve a term of imprisonment or period of temporary  
 23 commitment. The commissioner may designate a facility without regard to whether it  
 24 is maintained by the state **or** [,] is located within the judicial district in which the  
 25 prisoner was convicted [, OR IS LOCATED IN THE STATE].

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

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

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

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

1                   **(A) would allow a prisoner to serve the prisoner's term of**  
2                   **imprisonment closer to family; or**

3                   **(B) is required because of a prisoner's health**  
4                   **considerations.**

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

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

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