

CS FOR HOUSE BILL NO. 118(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 5/14/21

Referred: Rules

Sponsor(s): REPRESENTATIVES KREISS-TOMKINS, Claman, Snyder, Hannan, Fields, Tarr, Story, Schrage

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to state identifications and driver's licenses for persons in the custody**
2 **of the Department of Corrections; relating to the duties of the commissioner of**
3 **corrections; relating to living conditions for prisoners; and providing for an effective**
4 **date."**

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

6 *** Section 1.** AS 18.65.310 is amended by adding a new subsection to read:

7 (s) Upon request, the department shall mail a card issued under (a) of this
8 section to a Department of Corrections address provided by an applicant who is
9 serving an active term of imprisonment exceeding 120 days.

10 *** Sec. 2.** AS 28.15.101 is amended by adding a new subsection to read:

11 (e) Upon request, the department shall mail a driver's license renewed under
12 (c) of this section to a Department of Corrections address provided by a licensee who
13 is serving an active term of imprisonment exceeding 120 days.

14 *** Sec. 3.** AS 33.30.011(a) is amended to read:

1 (a) The commissioner shall

2 (1) establish, maintain, operate, and control correctional facilities
3 suitable for the custody, care, and discipline of persons charged or convicted of
4 offenses against the state or held under authority of state law; each correctional facility
5 operated by the state shall be established, maintained, operated, and controlled in a
6 manner that is consistent with AS 33.30.015;

7 (2) classify prisoners;

8 (3) for persons committed to the custody of the commissioner,
9 establish programs, including furlough programs that are reasonably calculated to

10 (A) protect the public and the victims of crimes committed by
11 prisoners;

12 (B) maintain health;

13 (C) create or improve occupational skills;

14 (D) enhance educational qualifications;

15 (E) support court-ordered restitution; and

16 (F) otherwise provide for the rehabilitation and reformation of
17 prisoners, facilitating their reintegration into society;

18 (4) provide necessary

19 (A) medical services for prisoners in correctional facilities or
20 who are committed by a court to the custody of the commissioner, including
21 examinations for communicable and infectious diseases;

22 (B) psychological or psychiatric treatment if a physician or
23 other health care provider, exercising ordinary skill and care at the time of
24 observation, concludes that

25 (i) a prisoner exhibits symptoms of a serious disease or
26 injury that is curable or may be substantially alleviated; and

27 (ii) the potential for harm to the prisoner by reason of
28 delay or denial of care is substantial; and

29 (C) assessment or screening of the risks and needs of offenders
30 who may be vulnerable to harm, exploitation, or recidivism as a result of fetal
31 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based

1 disorder;

2 (5) establish minimum standards for sex offender treatment programs
3 offered to persons who are committed to the custody of the commissioner;

4 (6) provide for fingerprinting in correctional facilities in accordance
5 with AS 12.80.060;

6 (7) establish a program to conduct assessments of the risks and needs
7 of offenders sentenced to serve a term of incarceration of 90 days or more; the
8 program must include a requirement for an assessment before a prisoner's release on
9 parole, furlough, or electronic monitoring from a correctional facility;

10 (8) establish a procedure that provides for each prisoner required to
11 serve an active term of imprisonment of 90 days or more a written case plan that

12 (A) takes effect and is provided to the prisoner within 90 days
13 after sentencing;

14 (B) is based on the results of the assessment of the prisoner's
15 risks and needs under (7) of this subsection;

16 (C) includes a requirement to follow the rules of the institution;

17 (D) is modified when necessary for changes in classification,
18 housing status, medical or mental health, and resource availability;

19 (E) includes participation in programming that addresses the
20 needs identified in the assessment;

21 (9) establish a program to begin reentry planning with each prisoner
22 serving an active term of imprisonment of 90 days or more; reentry planning must
23 begin at least 90 days before release on furlough or probation or parole; the reentry
24 program must include

25 (A) a written reentry plan for each prisoner completed upon
26 release on furlough or probation or parole that includes information on the
27 prisoner's proposed

28 (i) residence;

29 (ii) employment or alternative means of support;

30 (iii) treatment options;

31 (iv) counseling services;

1 (v) education or job training services;

2 (B) any other requirements for successful transition back to the
3 community, including electronic monitoring or furlough for the period between
4 a scheduled parole hearing and parole eligibility;

5 (C) coordination with the Department of Labor and Workforce
6 Development to provide access, after release, to job training and employment
7 assistance; and

8 (D) coordination with community reentry coalitions or other
9 providers of reentry services if available;

10 (10) for offenders under electronic monitoring, establish

11 (A) minimum standards for electronic monitoring, which may
12 include the requirement of active, real-time monitoring using global
13 positioning systems; and

14 (B) procedures for oversight and approving electronic
15 monitoring programs and systems provided by private contractors;

16 (11) **make a good faith effort, in consultation with the**
17 **commissioner of administration, to ensure** [ASSIST] a prisoner **has** [IN
18 OBTAINING] a valid state identification card **upon the prisoner's release;** if the
19 prisoner does not have a valid state identification card before the prisoner's release, [;]
20 the department shall pay the application fee for the identification card; and

21 (12) provide to the legislature, by electronic means, by January 10
22 preceding the first regular session of each legislature, a report summarizing the
23 findings and results of the program established under (7) of this subsection; the report
24 must include

25 (A) the number of prisoners who were provided with written
26 case plans under (8) of this subsection;

27 (B) the number of written case plans under (8) of this
28 subsection initiated within the preceding year; and

29 (C) the number of written case plans under (8) of this
30 subsection that were updated in the preceding year.

31 * **Sec. 4.** AS 33.30.015(a) is amended to read:

1 (a) The commissioner may not

2 (1) make per capita expenditures for food for prisoners in a state
3 correctional facility operated by the state that exceed 90 percent of per capita
4 expenditures for food that is available to enlisted personnel in the United States Army
5 stationed in the state;

6 (2) provide, in a state correctional facility operated by the state,

7 (A) living quarters for a prisoner into which the view is
8 obstructed; however, the commissioner is not required to renovate a facility to
9 comply with this subparagraph if the facility is being used as a correctional
10 facility on August 27, 1997, or if the facility was already built before being
11 acquired by the department;

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

15 (C) cable television service other than a level of basic cable
16 television service that is available as a substitute for services that are broadcast
17 to the public in the community in which a correctional facility is located;

18 (3) allow a prisoner held in a state correctional facility operated by the
19 state to

20 (A) possess in the prisoner's cell a cassette tape player or
21 recorder, a video cassette recorder (VCR), or a [COMPUTER OR] modem of
22 any kind;

23 (B) view movies rated "R," "X," or "NC-17";

24 (C) possess printed or photographic material that

25 (i) is obscene as defined by the commissioner in
26 regulation;

27 (ii) could reasonably be expected to incite racial, ethnic,
28 or religious hatred that is detrimental to the security, good order, or
29 discipline of the institution or violence;

30 (iii) could reasonably be expected to aid in an escape or
31 in the theft or destruction of property;

1 (iv) describes procedures for brewing alcoholic
 2 beverages or for manufacturing controlled substances, weapons, or
 3 explosives; or

4 (v) could reasonably be expected to facilitate criminal
 5 activity or a violation of institution rules;

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

9 (E) possess or have access to equipment for use in the activities
 10 listed in (D) of this paragraph;

11 (F) possess or have access to free weights;

12 (G) possess in the prisoner's cell a coffee pot, hot plate,
 13 appliance or heating element for food preparation, or more than three electrical
 14 appliances of any kind;

15 (H) possess or appear in a state of dress, hygiene, grooming, or
 16 appearance other than as permitted as uniform or standard in the correctional
 17 facility;

18 (I) use a computer other than those approved by the
 19 department [CORRECTIONAL FACILITY]; the use of a computer under this
 20 subparagraph may be approved to facilitate the prisoner's rehabilitation or
 21 the prisoner's compliance with a reentry plan or case plan developed
 22 under AS 33.30.011, including use related to [ONLY AS PART OF THE
 23 PRISONER'S] employment, education, [OR] vocational training, access to
 24 legal reference materials, visitation, or health care and may only [NOT] be
 25 used in a manner authorized by the department [FOR ANY OTHER
 26 PURPOSE];

27 (J) smoke or use tobacco products of any kind.

28 * **Sec. 5.** AS 33.30.095(b) is amended to read:

29 (b) The program established under (a) of this section must include

30 (1) instruction on

31 (A) obtaining state identification if one or more prisoners will

1 **not otherwise possess a valid state identification card upon release;**

2 (B) community resources available for housing, employment,
3 and treatment;

4 (2) an individualized reentry plan under AS 33.30.011(a)(9) for the
5 prisoner;

6 (3) probation and parole orientation, if appropriate; and

7 (4) a partnership with one or more nonprofit organizations to allow
8 access to a prisoner before the prisoner's discharge, release, or furlough to assist the
9 prisoner with the prisoner's application for Medicaid, social security benefits, public
10 assistance under AS 47.25, and a state identification card or driver's license and
11 provide other programs to assist the prisoner's transition into the community, promote
12 rehabilitation, and reduce recidivism.

13 * **Sec. 6.** This Act takes effect January 1, 2022.