

1 IN THE HOUSE

BY MR. KENDALL

2 HOUSE BILL NO. 174

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "To establish a Division of Corrections in  
7 the Office of Governor; providing for the  
8 staffing of the Division, determining their  
9 compensation and authorizing an appropria-  
10 tion for the operations thereof; providing  
11 for the operation of penal institutions,  
12 the execution of sentences imposed by state  
13 courts and authorizing the Governor to  
14 enter into contracts for the care and cus-  
15 tody of all persons sentenced to confine-  
16 ment by the courts of the State; repealing  
17 Sections 65-2-12 and 65-2-14, ACLA 1949;  
18 and providing an effective date."

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

20 Section 1. DIVISION OF CORRECTION. There is hereby estab-  
21 lished in the Office of Governor a Division of Corrections. The  
22 Governor shall employ all professional, administrative, technical,  
23 clerical and maintenance personnel necessary to carry on the  
24 operations of the Division. Personnel employed by such Division  
25 shall serve at the pleasure of the Governor and shall be compensa-  
26 ted in a manner to be determined by the Governor. Funds for the  
27 Division shall be provided by appropriation out of the general  
28 funds of the State.

1           Sec. 2. DIVISION TO OPERATE PENAL INSTITUTIONS. The  
2 Governor, through the Division of Corrections, shall operate all  
3 jails, reformatories, correctional institutions and penitentiaries  
4 in the State and the Governor is hereby authorized to make such  
5 rules and regulations as are necessary for the operation of the  
6 aforementioned correctional and penal institutions and by  
7 appropriate orders provide for the operation of the institutions  
8 under his control in a manner to insure the detention, safety  
9 and reformation of all persons committed to his custody by the  
10 orders or judgment of any court of this State.

11           Sec. 3. EXECUTION OF SENTENCE. Whenever any person is  
12 sentenced to confinement in any jail or correctional institution  
13 or to imprisonment in any penitentiary by any court in this state,  
14 the order or judgment of the court shall provide that such person  
15 shall serve such confinement at a place to be designated by the  
16 Governor, which place may be changed from time to time as the  
17 Governor may determine shall best serve the safety of the public,  
18 the discipline and detention, and the reformation of the person  
19 convicted.

20           Sec. 4. CONTRACTS WITH OTHER STATE AND FEDERAL AUTHORITIES.  
21 The Governor may enter into contracts with the authorities of any  
22 state of the United States or with the authorities of the Federal  
23 Government; such contract to provide for the reception, detention,  
24 care, maintenance, employment and reform of all persons convicted  
25 of felony in the courts of this State.

26           After the making of a contract under the provision of this  
27 Act, any person convicted of a felony in the courts of this State  
28 and sentenced to a term of imprisonment for more than one year  
29 may be conveyed by the Governor or his assistants to the

1 appropriate institution named in the contract. They shall be  
2 delivered to the authorities of said institution there to be con-  
3 fined until their respective sentences have expired or until they  
4 otherwise are discharged by law.

5 Sec. 5. GOVERNOR TO NOTIFY CLERKS OF COURT OF CONFINEMENT.

6 The Governor shall, prior to conveying any person outside the  
7 State for the purpose of imprisonment under the provisions of  
8 this Act, send a notice of transfer, disclosing the name of the  
9 prisoner and giving the name and location of the institution to  
10 which the prisoner is transferred, to the clerk of the court  
11 pursuant to whose order or judgment the prisoner was committed to  
12 the penitentiary.

13 The Governor shall keep a copy of all notices of transfers  
14 as a public record. The clerk of the court shall file with the  
15 judgment roll in the appropriate case each copy of a notice of  
16 transfer which he receives from the Governor.

17 Sec. 6. PROCUREMENT OF TRANSFERRED PRISONERS. Should the  
18 presence of any prisoner confined in an institution of another  
19 state or the federal government under Section 4 herein be required  
20 in any judicial procedure of this State, the Governor shall, upon  
21 the written order or direction of any court of competent juris-  
22 diction, or of a judge thereof, procure such prisoner, bring him  
23 to the place directed in such order and hold him in custody  
24 subject to the further order and direction of the court or of a  
25 judge thereof or until he is lawfully discharged from custody.

26 Sec. 7. REPEAL. Sections 65-2-12 and 65-2-14, ACLA 1949,  
27 are hereby repealed.

28 Sec. 8. EFFECTIVE DATE. This Act shall take effect immedi-  
29 ately upon its passage and approval or upon its becoming law  
without such approval.