

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 HOUSE BILL NO. 497

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to work furlough rehabili-
7 tation of prisoners."

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

9 * Section 1. AS 33.30 is amended by adding a new section to
10 read:

11 Sec. 33.30.250. WORK FURLOUGH. (a) When a person is
12 convicted of a misdemeanor and sentenced to a prison facility,
13 or is imprisoned in the prison facility for nonpayment of a
14 fine, for contempt, or as a condition of probation for any
15 criminal offense, the commissioner may, if he concludes that
16 the person is a fit subject for a work furlough, direct that
17 the person be permitted to continue in his regular employment,
18 if that is compatible with the requirements of (c) of this
19 section, or may authorize the person to secure employment
20 for himself, unless the court at the time of sentencing has
21 ordered that the person not be granted work furloughs.

22 (b) If the commissioner directs that the prisoner be
23 permitted to continue in his regular employment, the commis-
24 sioner shall arrange for a continuation of the employment so
25 far as possible without interruption. If the prisoner does
26 not have regular employment, and the commissioner has author-
27 ized the prisoner to secure employment for himself, the
28 prisoner may do so, and the commissioner may assist him in
29 doing so. Any employment secured must be suitable for the

1 prisoner. The employment must be at a wage at least as high
2 as the prevailing wage for similar work in the area where
3 the work is performed and in accordance with the prevailing
4 working conditions in the area. No employment may be per-
5 mitted where there is a labor dispute in the establishment
6 in which the prisoner is, or is to be, employed.

7 (c) Whenever the prisoner is not employed and between
8 the hours or periods of employment, he shall be confined in
9 the jail unless the court directs otherwise.

10 (d) The earnings of the prisoner shall be collected by
11 the commissioner and the prisoner's employer shall transmit
12 the wages to the commissioner at the commissioner's request.
13 Earnings levied upon under a writ of attachment or execution
14 or in other lawful manner shall not be transmitted to the
15 commissioner. If the commissioner has requested transmittal
16 of earnings before the levy, the request shall have priority.
17 When an employer transmits the earnings to the commissioner,
18 he has no liability to the prisoner for the earnings. From
19 the earnings, the commissioner shall pay the prisoner's
20 board and personal expenses, both inside and outside the
21 prison facility, and shall deduct so much of the costs of
22 administration of this section as is allocable to the prison-
23 er, and, in an amount determined by the commissioner, shall
24 pay the support of the prisoner's dependents, if any. If
25 sufficient funds are available after making the foregoing
26 payments, the commissioner may, with the consent of the
27 prisoner, pay, in whole or in part, the pre-existing debts
28 of the prisoner. Any balance shall be retained by the
29 commissioner and paid to the prisoner at the time of his

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discharge.

(e) If the prisoner violates the conditions established for his conduct, custody, or employment, the commissioner may order the balance of the prisoner's sentence to be spent in actual confinement.

(f) The wilful failure of a prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement under this section, is an escape from the place of confinement and is punishable under the laws relating to escape.