

1 IN THE SENATE

BY PHILLIPS

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SENATE BILL NO. 233

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to standards to be met by
7 local prison facilities; and providing for
8 an effective date."

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

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* Section 1. AS 33.30 is amended by adding new sections to read:

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Sec. 33.30.082. LOCAL PRISON FACILITIES TO MEET STATE

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STANDARDS. After July 1, 1966, no person may be detained in

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a local prison facility that does not meet the standards

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prescribed by the department for state prison facilities

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relating to the safekeeping, housing, care and subsistence

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of prisoners.

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Sec. 33.30.084. INSPECTIONS OF LOCAL PRISON FACILITIES.

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The department shall make an annual inspection of all local

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prison facilities to determine if they meet the standards

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prescribed by the department. The Department of Public Safety

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shall make an annual inspection of all local prison facilities

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to determine if they meet the minimum standards for the

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prevention of fire prescribed by regulation under AS 18.70.08

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and shall enforce these regulations as prescribed in AS 18.70.

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Sec. 33.30.086. SUBSTANDARD LOCAL PRISON FACILITIES.

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(a) If the department determines that a local prison facility

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is operating in violation of the standards prescribed for

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state prison facilities relating to the safekeeping, housing,

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care and subsistence of prisoners, the department shall serve

1 notice that unless the violations complained of are remedied
2 within 90 days, the local prison facility will be declared
3 unfit for the detention of persons, ordered closed and the
4 prisoners transferred to a different facility to be designated
5 by the department. If the local prison facility does not
6 remedy the violations within 90 days after notice, the de-
7 partment shall order the local prison facility closed.

8 (b) If a local prison facility is closed under (a) of
9 this section, the cost of transferring and of maintaining the
10 prisoners shall be paid by the political subdivision whose
11 local prison facility has been closed.

12 (c) A political subdivision aggrieved by an order
13 closing its prison facility may appeal the order of the
14 department to the superior court within 30 days after issu-
15 ance of the order.

16 * Sec. 2. AS 33.30.200 is amended to read:

17 Sec. 33.30.200. DEFINITIONS. In this chapter, unless
18 the context otherwise requires,

19 (1) "commissioner" means the commissioner of the
20 Department of Health and Welfare or his designee;

21 (2) "court" means the supreme court, the superior
22 court, the district magistrate court, or a justice or judge
23 of a court;

24 (3) "department" means the Department of Health
25 and Welfare;

26 (4) "political subdivision" means a borough, city,
27 town, village, or other area of local government in the state
28 permitted by law to establish prison facilities;

29 (5) "prison facility" or "facility" means a

1 building, camp, farm, place or area designated by the com-
2 missioner for detention or confinement of persons accused or
3 convicted of crime, or held under authority of law, and a
4 "state prison facility" or "state facility" includes a facil-
5 ity owned by or leased, loaned or granted to the state by the
6 United States or any political subdivision of this state.

7 (6) "prisoner" means a person detained or confined
8 for any period of time in a prison facility, whether by arrest,
9 conviction, order of court, or a person held as a witness, or
10 otherwise;

11 (7) "temporary commitment" means any detention of
12 a person under authority of law, but does not include con-
13 finement upon conviction and judgment of a court of this
14 state; [.]

15 (8) "local prison facility" means a building, camp,
16 farm, place or area used or operated by a political sub-
17 division for the detention or confinement of persons accused
18 or convicted of crime or held under authority of law.

19 * Sec. 3. AS 29.10.165 is amended to read:

20 Sec. 29.10.165. CITY JAIL. The council may provide for
21 maintenance of a city jail and provide a keeper for it, but
22 the standards for the safekeeping, housing, care and subsis-
23 tence of prisoners in the jail must meet the minimum standards
24 prescribed for state prison facilities by the Department of
25 Health and Welfare under AS 33.30.

26 * Sec. 4. The Department of Health and Welfare shall submit no
27 later than February 1, 1967, to the legislature and the governor
28 a report which lists those standards which it prescribes for the
29 safekeeping, housing, care and subsistence of prisoners in state

1 and local prison facilities; the number of local prison facilities
2 which it inspects between July 1, 1966 and January 1, 1967; the
3 number of local prison facilities ordered to be closed during that
4 period; the violations of standards found to be prevalent in local
5 prison facilities; the number of prisoners transferred from sub-
6 standard local prison facilities; and any legislative recommenda-
7 tions which the department may have for improving local prison
8 facilities.

9 * Sec. 5. This Act takes effect July 1, 1966.

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